

Notes From Mississippi

By Jerry DeMuth

Racism dies hard.

Hattiesburg had been a fairly calm city in southeast Mississippi since early last summer when a rabbi from Cleveland, Ohio, was beaten bloody on the public streets. Then last December 28, police beat a civil rights volunteer from Berkeley, Joseph Schwartz.

Two cops had stopped him for an alleged traffic violation. "Are you one of them who think white and Negra should mix?" one cop asked. When Schwartz didn't answer, the cop beat him.

But most of the new violence has focused around one segregated cafe, Lea's. Despite all the glowing reports about compliance with the 1964 Civil Rights Act's public accomodations section, there are many places in even medium size cities which have yet to comply.

Negro and integrated groups had gone to Lea's Cafe a number of times, each time without being served. When they went on January 20, police, armed with tear gas, entered the cafe. After the police had distributed gas masks to the four whites seated inside, the Negroes quickly left.

Refused Service Again

A group returned the next day. Again they were refused service. A customer tossed coffee in one girl's face and a car sideswiped her when she went outside. That night three SNCC workers and a National Council of Churches minister, all white, were beaten at a public White Citizens' Council meeting they were attending in the Forrest County courthouse.

On January 23, 15 Negroes returned to Lea's Cafe and again were not served. While waiting, a white customer slugged three members of the group, knocking one of the three off his stool. The group

left and the man ran outside. He kicked one of the group and then slugged the SNCC project director, Sandy Leigh, who was just leaving the post office next door. Later, a Negro busboy who worked at the cafe went inside and was beaten by a white man. The cafe's Negro employees then quit.

Two days later, the white man charged with these beatings, M. W. Hamilton, was tried. As he left City Hall after his trial, he and two companions beat four SNCC workers on the steps of the city hall. One of the worker's clothes were torn and another had his glasses broken.

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On January 14, thirty Negroes went
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Requiem Mass To Be Offered For Mussolini

Members of the extreme right wing Italian Social Movement made plans this month for another requiem mass for former dictator Benito Mussolini. The mass will be held on April 29, the 20th anniversary of his death at the hands of Italian partisans.

Last year, a similar mass was held at the Church of St. Mary Sopra Minerva in Rome.

The Independent, March 1965

...manity be engulfed in an ever denser cloud of tobacco fumes.

Today school children smoke on their way to and from school. Why not, when school authorities tolerate their unhealthy and illegal habit-forming activity right in the school halls and yards?

If there is ever a place where smoking should not be allowed it is in hospitals and yet visitors stomping into sickrooms usually fill the aseptic air with dense tobacco fumes—even in the delicate areas where serious respiratory cases are located! Some doctors have given up warning patients to stop smoking as they have found out it was of no use.

Particularly noxious to the all too sensitive nostrils of the non-smoker are conditions at congested and badly ventilated public places such as many stores, restaurants, theaters, doctors waiting rooms, elevators, busses and small offices of any kind.

Smokers are notoriously a self-centered lot. Rarely if ever do they inquire whether their hosts or immediates mind if they light a cigarette, a request that can hardly be denied even if it goes against one's wishes.

Does a lady smoke on the street? The time has long past when only the prostitutes smoked in public—now mothers dangle cigarettes from their lips while they

make changes that threaten their property and entrenched privileges, and that consequently, force will be necessary to win meaningful change.

Police Conduct

The conduct of the NY police and courts in the next few years will be crucial in determining how widely such counsel is heeded, and perhaps how widely it deserves to be heeded.

If the police and the courts administer "justice" as they did in our case they will prove incapable of protecting the people of New York from the violence which will erupt inevitably and increasingly if peaceful protest is squelched. They will be able to punish, perhaps—but they will be powerless to prevent.

Good decisions by appellate courts are no substitute for good decisions by lower courts. Comparatively few defendants have the resources for appeals. But besides correcting specific injustices, decisions by appellate courts play a part in shaping future lower court decisions, and therein lies a good part of their value.

Because my sentence was suspended, conviction did not cause me much suffering or inconvenience. But I hope to win a reversal on appeal, partly for myself—better a clean record than not; partly out of anger and indignation that the police should resort to such tactics and that the courts should treat their testimony with such undeserved respect; and partly out of determination to at least try to make it harder for both police and courts to engage in similar malpractice in the future.

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to the county courthouse in Laurel to take the voter registration test. As they lined-up in the hallway inside, the heat was turned off, chairs were removed, and the floor was mopped. When one woman complained about these conditions, the deputy sheriff arrested her, dragging her out of the courthouse by her leg. Then, with her arm twisted behind her back, the deputy sheriff pushed her down the street and to the jail.

The Test

After one Negro took the test, the registrar left. He had "to attend a funeral," he explained. The next day, the Negroes returned and eight were permitted to take the test which few Negroes are permitted to pass. Thirty days after taking it, and after their names have been printed in the local paper according to state law, they must return to the courthouse to find out whether they passed or failed.

One of the recurring problems civil rights workers face in the South is difficulties with the phone companies and the operators. Operators frequently are hostile and uncooperative; calls often are not put through.

Late last December when six persons were arrested in Laurel after seeking service at the Travel Inn coffee shop, the SNCC project director there attempted to make phone calls to the parents of those arrested, informing them of what had happened. But it was two hours before she could get one call through. The phone used wasn't a SNCC office phone. The Laurel office had never had a phone. The phone company had continually refused to put one in.

When seven Negroes were elected to Agricultural Stabilization Committees in elections last December, despite violence and intimidation directed against those who pushed Negro participation, it was a significant sign of progress. (See *The Independent*, Issue #150.) But the intimidation has continued, directed at the Negroes who won in the election.

In Holmes County, Lanier Smith was elected chairman and two other Negroes were elected as alternates. Within a week after the election, the rent on his land was doubled and the owner demanded that he pay it all at once, instead of in installments. Fortunately Smith was able to pay.

He wasn't so lucky with his truck. He owed money on the truck and went to his creditors to discuss payments. He met with no success. The truck was repossessed.

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Mississippi

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A number of Mississippi Negroes visited Washington in early January to support the challenge of the seating of the five Mississippi representatives. Intimidation began against a number of them as soon as they returned home. In Holly Springs, a woman was forced to vacate her house. In Jackson, a man was fired from his job as a truck driver for a national company. Others in Natchez and Hattiesburg lost jobs.

The basis of the challenge is that because of denial of the right to vote to 42 percent of the voting-age population, the five were not legally elected. The challenge has sought to show that Mississippi officially excludes Negroes from voting.

This is also the charge in a Justice Department suit, *U.S. v. Mississippi*, which was heard before the U.S. Supreme Court in late January. A Justice Department victory has been expected in the case, which would also be a victory for the challenge, which referred to the case in its documents, because it would declare Mississippi's voting laws unconstitutional.

Justice Harlan, Stewart, White, Black and Goldberg, had indicated they were

ready to rule on the constitutionality of the state's voting laws. But during arguments before the Supreme Court, Solicitor General Archibald Cox, who was arguing for the U.S., unexpectedly told the judges he was not "pressing" for immediate relief. Instead he asked that the Supreme Court remand the case to a three-judge U.S. District Court for trial.

The Three Judge Court

The three-judge court would include two Mississippi justices and would certainly rule against the government. The case would then have to be appealed to the Supreme Court for a second time, delaying a decision for another two years.

It would also again delay the beginning of justice for Mississippi Negroes for another two years and would weaken the case for the unseating of the five Mississippi representatives.

One of the five, John Bell Williams, was stripped of some of his committee seniority because of his support of Barry Goldwater. But this was done without the approval of President Johnson. Johnson seems to support the representatives in retaining their seats.

For forty days beginning in late January, lawyers for the Freedom Democratic Party gathered depositions for the challenge of the seating of the five representatives from Mississippi. These depositions have given a vivid and frightening picture of the extent of racism in Mississippi and the extent to which white officials and citizens go in denying the right to vote to Negroes.

In Holly Springs, a Negro bus driver explained that he did not have his contract renewed after he became a registered voter. A window was smashed in the home of another man. A man and wife, each with an eighth grade education, told how they had attempted to register 14 times in two years, each time "failing" the test.

In Natchez, the registrar, A. B. Davis, admitted to being a member of the White Citizens' Council and supporting its doctrine of white supremacy. Negroes were deterred from registering through intimidation, he said. When asked the meaning of certain words in the state constitution which voter applicants must interpret, he said he did not know what the words meant.

In Clarksdale, two Negroes told of how their names were stricken from the voter registration books by the Commissioners of the State Board of Elections. No explanation was given them.

In Cleveland, five Negroes told of losing their jobs when their employers found out about their civil rights work and a Negro woman with a high school education told of failing the registration test five times in the last seven months.

In Magnolia, Negro residents from Pike County told of two killings. One, a Negro active in the vote drive, was killed by a state senator. A woman told of a man who burned to death in his home after he tried to register. A man told of how when he and a friend went to the courthouse to attempt to register, they were shot at. He hadn't tried to register since then. His companion was shotrunned to death two years later.

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In Indianola, a woman, who was evicted from her job and home on a plantation, told of how the plantation owner—also constable in the Ruleville police force—told Negroes on his plantation, "If any of you go down to that courthouse to register, I will shoot you down like a rabbit." And lawyers showed a completed application to the county registrar who, after examining it, said he wouldn't pass the applicant. But the application, filled out by a white woman, had already been passed by him.

In Batesville, a Negro farmer told of repeated bombings of his house while SNCC workers were staying there. Another man who attempted to register told how his 12-year-old daughter was beaten and a cross was burned in front of his house. The local registrar said he had closed one of the two county registration offices when a decision favorable to the Justice Department was handed down in a vote suit against the county and against himself.

In Liberty, lawyers produced copies of voter registration tests and showed them to the registrar for his comments. He refused to comment. One of them was marked "passed." Where an interpretation of a section of the state constitution was asked for, there appeared the words: "This section means what it says." (sic)

In Tallahatchie County a man told of how he went to the sheriff to press charges against a white store owner who had beaten his two brothers. "Those two brothers

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The Freedom Democratic Party county chairman told of how the sheriff entered an NAACP meeting without a warrant and confiscated their record book containing the names of all the members. Wit-

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In Tallahatchie County a man told of how he went to the sheriff to press charges against a white store owner who had beaten his two brothers. "Those two niggers ought to be dead," the sheriff told him. And lawyers brought out that the registrar wouldn't enter in the books the names of Negroes who he told had passed.

In Laurel, a Negro man told of being

