

PART V

Appendix

INCLUDING: (1) a case history of violence and illegal acts in the State of Georgia committed from 1940 through 1950 with the specific purpose of preventing Negroes from voting; (2) a study which, with some variation, is typical of other Southern states, revealing how the charge of "rape" was transformed into a state instrument for the oppression of the Negro people in the State of Louisiana; (3) a study of monopoly control of the South; and (4) a calendar of Congressional action showing its consistent refusal to act for the protection or welfare of the Negro people; (5) a selected bibliography.

Document A

DOCUMENT A was prepared as an offer of proof in the trial of the United States of America v. William L. Patterson, executive secretary of the Civil Rights Congress. It will be recalled that Mr. Patterson was cited for contempt of Congress after Representative Henderson Lanham of Georgia, acting chairman of a Congressional committee investigating lobbying, had called him "a black son of a bitch" and had attempted to assault him.

Although the purpose of the document was to show that Congressman Lanham had been illegally elected under the Fourteenth Amendment, it is also a social document of unusual worth, revealing how state officials combine with the Ku Klux Klan, and use the Klan as a quasi-official arm of government, to prevent the Negro people from exercising their Constitutional right to vote.

It is valuable, too, in that it reveals methods and techniques in widespread use in other states throughout the South.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

The United States of America }
v. } Criminal No. 177-50
William L. Patterson }

OFFER OF PROOF ON FOURTEENTH AMENDMENT POINT

THE WITNESS, Stetson Kennedy, would testify as to the facts showing the unconstitutional denial or abridgment of the right of a substantial number of citizens of Georgia to vote in the Congressional elections in that State during the period 1940 to 1950. These facts are as follows:

1. During this entire period from 1940 to 1948 no one was allowed to vote in Georgia who had not registered.
2. *Election of 1940:* The United States Census Bureau's records show that in 1940 the total number of citizens in Georgia above the age of 21

and thus eligible under Section 2 of the Fourteenth Amendment to the Constitution to vote in Congressional elections was 1,768,969.

Official returns of the 1940 election in Georgia as reported by the Secretary of State of Georgia was 312,539 votes. In other words, only 17 percent of the total population of Georgia above the age of 21 years succeeded in actually casting a ballot in 1940.

3. *Election of 1948*: Census Bureau records reveal that in 1948 the population of Georgia above the age of 21 years was 1,968,519.

In the election of that year, a total of 365,356 votes were cast, according to the records of the Secretary of State of Georgia. This was 18 percent of the total population above the age of 21.

4. *Negro Population and Vote*: According to Census Bureau records, every third person in Georgia during the period 1940 to 1948 was a Negro. But, according to the same source, in 1948 82 percent of the white population above the age of 21 years was registered, and only 18 percent of the Negro population above the age of 21 years had been registered. The percentages for 1940 were considerably lower because of the existence at that time of the State's polltax law, and the inviolate status of the white primary.

These figures and percentages indicate that an overwhelming majority of the Negro citizens of Georgia above the age of 21 did not exercise the right to vote in Congressional elections.

The witness, if permitted to testify, would establish that the failure to exercise the franchise by Negroes as aforesaid was due to a denial and abridgment of their right to do so and that there were three chief causes for this denial or abridgment: First, direct action by officials of the State of Georgia; second, official action by the Democratic Party of the State of Georgia, acting as an instrument of that State; and, third, the notorious action of private organizations and corporate powers acting with the actual or implied sanction of the State of Georgia. He would testify that:

5. As to the first cause, official action by the State of Georgia has resulted in the denial or abridgment of the right of citizens above the age of 21 to vote in Congressional elections in that State in the decade from 1940 to 1950 by means of the following:

- (a) Polltax legislation;
- (b) Intentional refusal on the part of the election registrars to register qualified Negro citizens;
- (c) The purging by officials of Georgia of the names of qualified Negro voters from the registration rolls in Georgia;
- (d) The enactment of legislation in Georgia abolishing all registration lists and requiring the re-registration of citizens previously qualified to vote, and giving virtually unlimited discretionary powers to registrars to deny the voting right of any citizen.

6. That the rules, regulations and primaries of the Democratic Party in the State of Georgia constitute an integral part of the election machinery of the State and that Party has acted as an agent of the State in the conduct of primary elections for Congressional candidates in that State; that by rules and regulations of that Party in effect during the period 1940 through 1946,

Negroes were prohibited from voting in the Democratic primaries; and that, since there was no Republican Congressional primary held in the State of Georgia during said period, there was no participation by Negro citizens above the age of 21 in the Congressional primaries held in Georgia during this period.

7. That private and corporate organizations such as the Ku Klux Klan, Inc. and the Columbians, Inc. had the official approval and assistance of the public officials of the State of Georgia during the decade 1940 to 1950 and with the sanction of said State engaged in terroristic activities which created such fear and intimidation among qualified Negro citizens of the State of Georgia, as well as election registrars of said State, as to prevent and preclude any effective registration and voting on the part of large portions of the Negro citizens of that State in the Congressional elections in Georgia in the decade 1940 to 1950.

8. That the following chronological compendium itemizing overt threats, cross-burnings, masked parades, floggings, lynchings, purges, and other acts of discrimination and violence against the Negro people of Georgia, were committed during the period 1943 through 1948 with the intent and/or effect of preventing eligible Negro inhabitants of Georgia from exercising their right to vote in Congressional elections; that many of the incidents itemized were personally investigated by the witness for the Georgia Department of Law; and that many others (sources indicated) were widely published throughout the State in the daily and weekly press, and thus by virtue of such publication served as a deterrent to voting by Negroes, not only in the locale where each such act took place, but throughout the State:

PORTERDALE, *December 10, 1943*. "Christian Democracy and White Supremacy are the greatest things which should emerge from this terrible catastrophe," ex-governor Eugene Talmadge said with reference to World War II. Talmadge was speaking as guest of honor at the annual klonklave of the Porterdale klavern of the Ku Klux Klan, held in Porter Memorial Auditorium owned by the Bibb Manufacturing Company (textile chain). Among those present were James A. Colescott, Imperial Wizard of the KKK; Dr. Samuel Green, Grand Dragon of the Georgia Klan; Harold S. Gates, Exalted Cyclops of the Porterdale Klan; George Hamilton, Treasurer of the State of Georgia; Pat Campbell, member of the state legislature from Newton County; Zach Cravey, fish and game commissioner under Talmadge's administration; and Johnny Goodwin, formerly Talmadge's highway patrol chief, personal bodyguard, and then leader of the Vigilantes, Inc. Event given statewide publicity by *Atlanta Constitution*, December 18, 1943.

ATLANTA, *January 31, 1944*. "We the People" granted corporate charter by State of Georgia. Attorney for incorporators, Vester Ownby, longtime Exalted Cyclops of Atlanta Klan Klavern 207. Members bound by oath to uphold "white supremacy." Notice of founding published in Talmadge's *Statesman*. Also given statewide publicity by the *Atlanta Journal* and *Atlanta Constitution*, February 1, 1944.

ATLANTA, *May 5, 1944*. "Fact Finders, Inc." given charter by State of Georgia. Group berated Klan for "disbanding at a time when most needed," and attacked ministers who wanted to "give a break to the Negro and Jew." *Atlanta Constitution*, May 6, 1944.

- ATLANTA, 1946. With the tacit consent of Imperial Wizard James A. Colescott, who was then in retirement in Miami, Grand Dragon Samuel Green undertook the postwar reorganization of the Klan, using all of its patented and copyrighted regalia, ritual, and effects. Among the latter is a 32-page edict titled "Negro Suffrage—Its False Theory," which says in part: "The legal equality of the Negro, as established by the Fifteenth Amendment, creates a condition which cannot endure forever. The complete answer to the argument against a change in the Constitution is that it will certainly take place some day, and that the sooner the whole issue is settled the better for all concerned. The best that can possibly be said for Negro suffrage is that it was a mistaken application of a perverted idealism which has *so far* done little serious harm because it is not practiced in the sections where it would be effective. . . . The Declaration of Independence states clearly what are mankind's 'inalienable rights.' It lists them as 'life, liberty, and the pursuit of happiness.' It does *not* list votes for unfit persons or races as an inalienable right—or any other kind! Clear and frank recognition that racial discrimination is an American national principle is necessary as a preliminary to seeing through the fog which surrounds the negro question."
- CONYERS, 1946. The Commoner Party, founded in 1945 by James Shipp, a Klansman, distributed widely throughout Georgia its 64-page *Program*, including a section as follows: "*A Double Standard Voting Franchise*. The Commoner Party demands repeal of the 15th Amendment to the Federal Constitution and the reduction of the Negro race to citizenship without the right of franchise. The 15th Amendment was a war spite measure, and the Commoner Party demands that the following be substituted for it: 'The right to vote and to hold office shall be limited to white people who are citizens of the United States of America, and to other racial individuals who can qualify under the franchise standard fixed by the Constitution and Acts of Congress.'" The Commoners would then have Congress empower the states to set up franchise courts, where all Negroes, as well as any whites who might be challenged "by a public official designated for that purpose," would be required to pass stringent tests.
- GAINESVILLE, *January 28, 1946*. Klansmen from all over Georgia staged a masked parade and burned three crosses in the Negro section. City fire chief served as coordinator. Report to Georgia Bureau of Investigation (GBI).
- ATLANTA Klavern No. 297, *February 2, 1946*. Exalted Cyclops Sam Roper announced he had written Roy Harris, speaker of the Georgia legislature, congratulating him for having defeated a constitutional amendment which would have permitted Governor Ellis Arnall to run for a second term. Harris replied that he was "100 percent for what the Klan believed in," Roper reported. Report to GBI.
- ATLANTA Klavern No. 297, *February 14, 1946*. Floggings and lynchings recommended as solution to "n—r problem"; all Klansmen urged to carry weapons while engaged in Klan demonstrations. Report to GBI.
- ATLANTA Klavern No. 297, *March 7, 1946*. Exalted Cyclops Roper said all-out Klan support would be given campaign of Eugene Talmadge for governor. It was said that Talmadge had promised Roper to re-appoint him to his former job as head of the state highway patrol. Report to GBI.
- ATLANTA Klavern No. 297, *April 1, 1946*. Cyclops Roper reported that he had conferred with gubernatorial candidate Eugene Talmadge on ways and means of keeping Georgia Negroes from voting, and that Talmadge had

replied by writing the word "Pistols" on a scrap of paper. Roper indicated that Talmadge had promised to give the Klan a "free hand" in any race rioting that might develop while he was governor. It was announced that "Brother Klansman Judge Luke Arnold would speak at Klavern 297 on the second Thursday in May, on a plan to keep Negroes from voting. Roper reported listening in on a conversation between Grand Dragon Samuel Green and house speaker Roy Harris in Augusta, in which Harris invited Klan leaders to discuss with him the prospect of getting the legislature to convene itself to adopt a white primary law, and other means of keeping Negroes from voting. Report to GBI.

ATLANTA Klavern No. 1, *April 8, 1946*. Grand Dragon Green reported that Talmadge had promised if elected to sweep out of office everyone who did not believe in "white supremacy and 100 percent Americanism." The CIO's Operation Dixie was attacked as "purely political," and "for the n—r and the Jew." "The KKK is declaring war on the CIO—we're going to nip their Operation Dixie in the bud," Green said. Applications for 98 new memberships and 37 reinstatements were attributed to Klan interest in the Talmadge campaign. Report to GBI.

ATLANTA Klavern No. 1, *April 15, 1946*. A poem "White Georgia Thanks God for the Klan" was read from Talmadge's *Statesman*. Klansmen in Augusta to be urged to support Roy Harris' Cracker Party, which, like Talmadge, is pledged to repeal all primary laws in hope of perpetuating the white primary. Klansmen also urged to support Marvin Griffin for lieutenant governor, as a "100-percent white man who doesn't want any n—r votes cast for him." Press reports read quoting then Adjutant-general Griffin as saying, with reference to U.S. Supreme Court decision against white primaries, "There is a remedy, and we should be courageous enough to follow the example set by our forefathers." Report to GBI.

ATLANTA Klavern No. 297, *April 18, 1946*. Cyclops Roper read what was purported to be a letter from Talmadge calling upon all Klansmen in the state to get out and work for him "to save Georgia and white supremacy." Report to GBI.

ATLANTA, *April 22, 1946*. A mimeographed call went out to all Klansmen urging them to attend a mass demonstration at Stone Mountain on May 9, saying in part: "America is calling every white Man who has red blood, into the fight. WHITE SUPREMACY is threatened on every hand. YOU CANNOT FAIL." Report to GBI.

ATLANTA Klavern No. 1, *April 29, 1946*. Dragon Green warned that "n—r, Jews, unionists, and Communists" were united against Talmadge, and that the Klan would have to work hard to insure his victory in the coming July 17 primary. Efforts to defeat Senator Bilbo in Mississippi with Negro votes would be met "with all the strength the Klan has," Dragon Green said. Report to GBI.

STONE MOUNTAIN, *May 9, 1946*. Some 1,000 Klansmen in a robed ceremony inducted 300 new members from all over Georgia. This was the Klan's first major postwar crossburning demonstration. Associated Press, May 9, 1946.

ATLANTA Klavern No. 1, *June 3, 1946*. Attendance up to 250 as a result of Stone Mountain demonstration. Dragon Green read press stories quoting Talmadge as saying he wanted "all white Georgians to be for Talmadge—whether Ku Klux, Catholics, or Jews." Green swore that if Talmadge

were elected "no n—r will vote in a Georgia white primary again." Report to GBI.

ATLANTA Klavern No. 1, *June 10, 1946*. Dragon Green explained that a resolution adopted the previous week by a regional convention of the AFL condemning a "secret, three-letter hate group," was not aimed at the KKK as reported by the press, but was directed against the CIO's PAC. This explanation had been obtained by Hoke Gewinner, chairman of the Klan's own Committee to Investigate UnAmerican Activities, who received the explanation from an official at the AFL's southern Headquarters. Report to GBI.

SWAINSBORO, *July 11, 1946*. In a statewide radio address, Talmadge said, "Wise Negroes will stay away from the white folk's ballot boxes on July 17. We are the true friends of the Negroes, always have been, and always will be as long as they stay in the definite place we have provided for them." Associated Press, *July 11, 1946*.

EATONVILLE, *July 11, 1946*. W. S. Hooten, chairman of the board of registrars, announced that 20 per cent of Putnam County's Negro registrants had been purged "on grounds of incompetence due to lack of education, intelligence, or character." The purge procedure which then swept across Georgia consisted of pro-Talmadge registrars serving thousands of Negro registrants with sheriff's summonses to appear (during working hours) to "show cause" why they should not be dropped for "illiteracy, criminal record, bad character," etc. All who failed to appear were automatically purged. *Atlanta Constitution*, *July 12, 1946*.

ELLAVILLE. Fifty percent of the county's Negro registrants were purged. When some registrars resigned, new ones were appointed by Superior Court Judge W. H. Harper, and the purge continued. *Atlanta Constitution*, *July 12, 1946*.

GAINESVILLE. Twenty-five percent of the Negro registrants were challenged by attorney Frank B. Stow. *Atlanta Constitution*, *July 12, 1946*.

ATLANTA. During June, 1946, eighty-one Negro registrants were challenged by attorney Ike Wingrow (who in 1940 had represented the East Point Klan floggers in their clemency hearing before Talmadge). *Atlanta Constitution*.

BAXLEY. During June, 1946, in a hearing involving 400 challenged Negro registrants, the four white complainants were asked to be more specific whereupon they amended their charge to claim that the Negroes "had not taken the proper oath." When the Negroes' attorney asked for a postponement to review this new charge, he was granted five hours. When he rejected this offer, the board ordered all the Negroes purged. *Atlanta Constitution*.

COLQUITT COUNTY. During June, 1946, when C. E. McLendon, chairman of the board of registrars, objected to the purging of 800 Negroes, a group of spectators petitioned Superior Court Judge C. H. Dukes to fire McLendon. Judge Dukes did so, "in order to expedite the hearings." *Atlanta Constitution*.

SPALDING COUNTY. During early July, 1946, after 180 Negroes had been purged, further purging was postponed when C. R. Fossett, who had made the challenges, admitted he had done so solely on the basis of the Negroes' handwriting. *Atlanta Constitution*.

LAMAR COUNTY. Early in July, 1946, one hundred Negroes purged, 150

- more challenged. *Atlanta Constitution*.
- MOULTRIE. Early in July, 1946, two hundred and ninety-four Negroes were challenged, but Registrar Bert Clark resigned after the fourth Negro had been called up; and the chairman adjourned the hearing because "There seems to be a difference of opinion as to what constitutes a person qualified to vote." *Atlanta Constitution*.
- APPLING COUNTY. On July 10, 1946, a week before the primary, U.S. District Judge Frank H. Scarlett issued an order halting further purging in Atkinson, Ben Hill, Pierce, and Coffee Counties, and ordered the reinstatement of 800 Negroes who had been purged in Appling County. The National Association for the Advancement of Colored People had charged that more than 20,000 Negro registrants had been challenged in the state-wide purge, and had demanded that the U.S. Department of Justice take action. However, the Department decided to maintain a "hands off" policy. (Georgians were keenly aware that Senator Theodore Bilbo in a radio address at Jackson, Mississippi, on June 22 had called upon "every red-blooded American in Mississippi to resort to any means at their command" to prevent Negroes from voting and that he had been re-elected overwhelmingly.) *Atlanta Constitution*.
- CEDARTOWN, July 10, 1946. Four hundred and ninety-nine Negro registrants were challenged. *Atlanta Constitution*.
- COCHRAN, July 12, 1946. In a radio address Talmadge charged that U.S. District Attorneys were intimidating white people, and said, "Maybe it would not be inappropriate to warn some of these fellows to be careful. . . ." He repeated his warning to Negroes to stay away from the polls, "for neither the U.S. Attorneys nor Jimmy Carmichael (his opponent) will have a corporal guard to back them up." *Associated Press*, July 12, 1946.
- FITZGERALD, July 16, 1946. Notices were tacked on the doors of Negro churches reading "The first n——r who votes in Georgia will be a dead n——r!" *Atlanta Constitution*, July 17, 1946.
- GREENVILLE, July 16, 1946. A fiery cross was burned (election eve). *Atlanta Constitution*, July 17, 1946.
- LULA, July 16, 1946. A fiery cross was burned. *Atlanta Constitution*, July 17, 1946.
- LULA, July 17, 1946. No Negroes voted, nor came to town to meet the mail train as was their custom. *Atlanta Constitution*, July 18, 1946.
- MANCHESTER, July 17, 1946. A state senator picketed the polls with a shotgun as a warning to Negroes not to vote. *Atlanta Constitution*, July 18, 1946.
- GEORGIA, July 17, 1946. In many cities Negroes, and Negroes only, were arrested early on election day, on charges of carrying "dummy ballots" and other alleged infringements of election laws. Stories of these arrests appeared in afternoon papers across the state, and served as an effective deterrent to Negro voting. *Atlanta Constitution*, July 18, 1946.
- GEORGIA, July 17, 1946. Talmadge elected governor; pledges to preserve white primary by following lead of South Carolina, which abolished all statutory references to primaries in the hope of circumventing Supreme Court ruling that primaries had become instrumentalities of government. *Atlanta Constitution*, July 18, 1946.
- ATLANTA, August 8, 1946. Columbians, Inc. granted corporate charter by State of Georgia. Attorney for incorporators Vester Ownby, founder of

We the People, Inc., former Cyclops of Klan Klavern 207. James L. Shipp, founder of Commoner Party and American Gentile Army, Columbian No. 5. Ira Jett, Columbian No. 6, a member of KKK's Klavaliar Klub flog squad. Hoke Gewinner, Columbian No. 9 and chief recruiter, chairman KKK's UnAmerican Kommittee. *Atlanta Journal*, August 9, 1946.

ATLANTA, August 26, 1946. Hoke Gewinner, speaking from sound truck Columbian street meeting in front of Exposition Cotton Mills, called for organization on a block and precinct basis to "combat n——r bloc voting," and said: "There are just two ways to fight these things—with ballots and with bullets. We are going to try ballots first." Report to GBI.

ATLANTA, October 3, 1946. Homer Loomis, Columbian leader, at a public meeting held in Klan Klavern No. 1 at 198½ Whitehall Street, said: "Nowadays we hear a lot of talk about 'Let's give the n——r political equality, but not social equality.' But don't you know that, given political equality, one-third of the Georgia legislature would be black?" (Columbians a brownshirt terrorist band which, in addition to discouraging Negro voting, established armed patrols to maintain racial residential zoning. Their blackjacking of Negroes and dynamiting of Negro homes was widely publicized throughout Georgia.) Columbian public meetings were also held in the Dallas courthouse, arrangements being made by state legislator R. E. L. Whitworth, holder of Columbian card No. 5109; and at the Fairburn courthouse.) Report to GBI.

ATLANTA, October 8, 1946. West End Cooperative Corporation issued a charter by State of Georgia. Founded by Joseph M. Wallace, chairman of the KKK's Housing Kommittee and member of Klavern 297. According to reports made by Wallace to the Klan, WECC designed to serve as front for terrorizing Negroes who sought to establish homes in "white" neighborhoods; the Klan's Housing Kommittee to be called on for direct action when necessary. WECC published weekly *West End Facts*, containing such statements as the following: "Southern Whites occupying that super position assigned them by the Creator are justifiably hostile to any race that attempts to drag them down to its own level! Therefore let the Negro be wise in leaving the ballot in the hands of a dominant sympathetic race! since he is far better off as a political eunuch in the house of his friends, than a voter rampant in the halls of his enemies!" Similar sentiments voiced at WECC mass meetings. Report to GBI.

ATLANTA, November 18, 1946. Herman Talmadge was featured speaker at a birthday party given by the Klan for Dragon Green in the city auditorium. Klan guards triple-checked all guests, who numbered 1,500. Talmadge was introduced as "the son of an illustrious father, who has the courage of his convictions and is ready to fight for the preservation of our American traditions against Communists, foreign agitators, Negroes, Catholics, and Jews." Talmadge said he was "glad of the opportunity to speak to organizations like this," which he said are "destined to save America for Americans." He went on to say: "Your organization through its power and influence was of tremendous assistance in electing my father. My father and I were among the first to point out the dangers of Negro voting, particularly since they are easily controlled by a shrewder race." Talmadge eulogized Dragon Green as a "splendid American of spotless character." Green spoke and concluded: "I believe in the Ku Klux Klan, and will

- fight for it and white supremacy with the last drop of my blood." Report to GBI.
- ATLANTA, *December 20, 1946*. Eugene Talmadge died, 21 days before he was to have been inaugurated governor. *Associated Press*, December 20, 1946.
- ATLANTA Klavern No. 1, *January 6, 1947*. Klan support was pledged to make Talmadge governor in his father's stead as "the only hope for white supremacy in Georgia." A petition to this effect was launched with about 100 signatures from Klavern No. 1, to be circulated among all Klansmen in Georgia. Report to GBI.
- ATLANTA, *January 12, 1947*. The Georgia legislature, dominated by pro-Talmadge forces, refused to swear in lieutenant governor M. E. Thompson as Talmadge's successor. Instead, it became clear that the legislature would name Talmadge's son Herman, who had received 697 write-in votes in the general election (as the result of a last-minute drive inspired by his father's illness) as governor. To strengthen the hand of the Talmadge forces, the Klan sent out a statewide call for Klansmen to come to Atlanta and pack the galleries. Klan stickers (see Exhibit Q) appeared on the Capitol walls and the office of Governor Ellis Arnall. *Associated Press*, January 12, 1947.
- ATLANTA, *January 15, 1947*. In a 2 A.M. vote, the legislature named Herman Talmadge governor of Georgia, after hearing legislators such as Jewel Crowe say on the assembly floor, "We are not going to turn Georgia over to n—rs, Rosenwalds, and Wallaces." *Atlanta Constitution*, January 16, 1947.
- ATLANTA, *January 16, 1947*. Marvin Griffin, unsuccessful Klan-backed candidate for lieutenant governor, was named adjutant by Talmadge, and proceeded under cover of darkness to replace the lock on the governor's office. Arnall, locked out, declared that Talmadge's claim was based "purely on inheritance, but Georgia is not a monarchy." Arnall insisted that he would continue to serve as governor until Thompson was sworn in to replace him. To this Talmadge in a statewide broadcast said: "There's a n—r named Father Divine in New York City who thinks he's God, but that don't make him God." *Atlanta Constitution*, January 17, 1947.
- ATLANTA, *March 19, 1947*. Georgia's supreme court ruled Talmadge out, and Thompson in. Leaving the governor's office with Bible in hand, Talmadge said, "This case will be taken to the court of last resort, the people of Georgia." *Atlanta Constitution*, March 20, 1947.
- ATLANTA Klavern No. 1, *March 24, 1947*. Dragon Green ordered all Klansmen to begin campaigning for Talmadge for governor in the 1948 election. The Klansmen were ordered to "appeal even to Catholics and Jews on the basis of white supremacy, but don't let them know you're a Klansman, because they know we are sworn against them." Report to GBI.
- MILLEDGEVILLE, *April 10, 1947*. Klan chartered with 147 members, headed by Reverend Bomer as Exalted Cyclops. Report to GBI.
- HANCOCK COUNTY, *May 5, 1947*. A Klansman named Phillips from this county, speaking in Atlanta Klavern No. 1, said Negroes constituted a majority in his county, and consequently he was organizing the Klan there as the only means of keeping them disfranchised. Report to GBI.
- McRAE, *August 21, 1947*. George Mobley, white, was beaten after attending an anti-Talmadge political rally here in Talmadge's home town. Asked

- why he didn't swear out warrants, Mobley replied, "After all, I haven't any court to go to, nor do I have a sheriff to go to." *Atlanta Constitution*, August 22, 1947.
- MACON, *November 17, 1947*. Police chief Ben Watkins assured Dragon Green, in response to a Klan demand, that a Progressive Party rally scheduled for Macon would be segregated by law officers. *Atlanta Constitution*, November 18, 1947.
- GAINESVILLE, *November 29, 1947*. Statewide klavalkade staged with robes and cross-burning at Chicopee Mill Village. Report to GBI.
- ATLANTA, *December 7, 1947*. Inflammatory Klan posters appeared, called for defeat of Mayor Hartsfield for having employed Negro police, and urging election of "decent men who are not afraid of pressure from the Chamber of Commerce, the CIO, Georgia Academy of Social Sciences, Jewish Community Council, and Communist groups." *Atlanta Journal*, December 8, 1947.
- DOUGLAS, *January 1, 1948*. The *Atlanta Constitution* prominently reported the fact that of the 10,500 Coffee County citizens qualified to vote in the following day's primary, only 175 were Negroes (Exhibit E).
- ATLANTA Klavern No. 1, *January 5, 1948*. "The No. 1 job of all Georgia Klansmen in '48 is the election of Herman Talmadge as governor," Dragon Green said. To this end, he promised a "hot year," with "something doing almost every night." He called for the total "Kluxing" of Georgia through the establishment of at least one KKK Klavern in each of the state's 159 counties by the time of the September 8th primary. Report to GBI.
- ATLANTA Klavern No. 1, *February 2, 1948*. Dragon Green ordered all Klansmen to conduct house to house canvasses for Talmadge, saying, "The Klan is doing a good job that way for Ed Crump in Tennessee." Report to GBI.
- LAKEVIEW, *February 3, 1948*. Cross burned before home of high school coach Walter Bowland. "I'm afraid of the Ku Klux, and would advise you to do whatever they tell you," the sheriff said. Bowland was fired by the county school board, and forced to leave town. *Associated Press*, February 3, 1948.
- SWAINSBORO, *February 4, 1948*. Cross burned on courthouse lawn, and 189 robed Kluxers staged parade. Governor M. E. Thompson, asked to halt the demonstration, replied, "I know of no law for stopping a peaceable assembly." The mayor claimed the Klansmen were non-residents; actually the Swainsboro klavern was chartered March 24, 1947, with 126 charter members. *Associated Press*, February 4, 1948.
- SAVANNAH, *February 14, 1948*. A Federal grand jury refused to indict two Dodge County registrars charged with purging 1,300 Negroes from the voting list (Exhibit E).
- CORDON, *March 1, 1948*. Klansmen burned cross on courthouse lawn on eve of primary. *Atlanta Constitution*, March 2, 1948.
- WRIGHTSVILLE, *March 2, 1948*. Three hundred robed Klansmen paraded around Johnson County square, burned cross on courthouse lawn on election eve. Said Dragon Green: "Whenever the Negro takes his place at the side of white men through the force of Federal bayonets, blood will flow in the streets of the South." There were 5,200 whites registered in the county, and 400 Negroes, out of a total Negro population of 4,500 (Exhibit U). No Negroes voted the next day. (Two weeks earlier the Johnson

- County Democratic Committee adopted an oath requiring all voters to pledge allegiance to segregation laws; but the oath was dropped following the adverse decision by Federal Judge Waites Waring in South Carolina.) *Atlanta Constitution*, March 3, 1948.
- COLUMBUS, March 12, 1948. Klan staged robed klavalkades to Pine Mountain cross-burning ceremony. *Atlanta Constitution*, March 15, 1948. (Exhibit W.)
- JACKSON, March 22, 1948. Newspapers reported that the Klan planned a demonstration on eve of Butts County primary.
- JEFFERSONVILLE, March 20, 1948. Crosses burned on courthouse lawn on Saturday and Sunday nights before Jefferson County primary Monday. Small coffins labeled "KKK" also placed on Negroes' doorsteps. Only 150 Negroes voted. (Exhibit U.) *Atlanta Constitution*, March 21, 1948.
- CONERS, March 23, 1948. Four crosses burned on eve of Rockdale County primary. One cross bore placard reading, "This cross burned with county fuel oil." Of the 3,600 registrants in county, only 240 were Negroes. (Exhibit T.) *Atlanta Constitution*, March 24, 1948.
- LAWRENCEVILLE, March 23, 1948. Cross burned on eve of Gwinnett County primary. Of 12,000 registrants, only 800 were Negroes, *Atlanta Constitution*, March 24, 1948.
- COLUMBUS, April 8, 1948. KKK "white supremacy" propaganda leaflets dropped from airplane over Negro neighborhoods on eve of primary. Report to GBI.
- AUGUSTA, April 13, 1948. In a robed ceremony conducted in municipal park building from which public was barred, Klan inducted 100 new members. *Atlanta Constitution*, April 14, 1948.
- ATLANTA, April 15, 1948. Joe Berry, 23-year old white war veteran, was flogged by Klan's "Black Raiders." Investigation revealed the Raiders had also flogged L. J. Martin, white carpenter of Atlanta, and Mary and Limon Gates, Negroes, of South Georgia. *Atlanta Journal*, April 16, 1948.
- LAURENS COUNTY, May 20, 1948. Eight Negro citizens—including four college graduates, three ministers, and a school teacher—sued for \$440,000 damages for having been purged from the voting list. Named as defendants were Superior Court Judge Earl Camp; State Legislator Herschel Lovett; two candidates for the Georgia Senate; and members of the board of registrars and county commission. Since November, 1,800 Negroes, representing 75 percent of the county's Negro registrants, had been purged. (Exhibit D.) *Atlanta Constitution*, May 29, 1948.
- MONTGOMERY COUNTY, May 27, 1948. Scorched bits of paper were mailed to Negroes the day before election, reading: "U beter stay at work tomorro—kkk." Report to GBI.
- ATLANTA Klavern No. 1, June 7, 1948. Klectoken initiation fee reduced from \$10 to \$5 to facilitate Klan-building for political purposes. Mass demonstration announced for Stone Mountain July 23, reported 100,000 announcements sent out. Dragon Green reported \$25,000 set aside for re-printing *Ideals of the Ku Klux Klan*, which says in part: "This is a White Man's organization, exalting the Caucasian Race and teaching the doctrine of White Supremacy. . . . This is a Gentile organization, and as such has as its mission the interpretation of the highest ideals of the White, Gentile peoples. . . . Our forefathers founded this as a Protestant country and . . . our purpose is to reestablish and maintain it as such. . . . This

Republic was established by White Men. It was established for White Men. Every effort to wrest from White Men the management of its affairs in order to transfer it to the control of blacks or any other color, or to permit them to share in its control, is an invasion of our sacred constitutional prerogatives and a violation of divinely established laws. One of the sad facts in American political life is the readiness of so many politicians to sell their noble white birthright for a mess of black pottage. They would betray their race in order to win a few black votes. We would not rob the colored population of their rights, but we demand that they respect the rights of the White Race in whose country they are permitted to reside. When it comes to the point that they cannot and will not respect those rights, they must be reminded that this is a White Man's country, so that they will seek for themselves a country more agreeable to their tastes and aspirations." Report to GBI.

ATLANTA, Klavern No. 1, *June 14, 1948*. Dragon Green announced that the goal of at least one klavern in each of Georgia's 159 counties before the September 8 primary had already been reached. Report to GBI.

MACON, *June 14, 1948*. Cross burned in front of home of Dr. D. W. Walton, Negro supporter of Progressive Party. *Atlanta Constitution*, June 15, 1948.

HAPEVILLE, *June 18, 1948*. Cross burned in front of, and shotgun fired over, a private home. *Atlanta Constitution*, June 19, 1948.

COLUMBUS, *June 28, 1948*. Corporate charter granted "Original Southern Klans, Inc." by State of Georgia, through Secretary of State Ben Fortson and Judge T. Hicks Fort. The latter, who keynotes Talmadge conventions of the Georgia Democratic Party, said he could "find no evidence of illegal intent." The newly-incorporated Klan opened an office in Columbus with a neon sign, and at a public demonstration and crossburning said it was "dedicated to the defense of Protestant Americanism, white supremacy, and the prevention of political dominance of any inferior minority group." (Exhibit F.)

MACON, *June 30, 1948*. Cross burned in front of home of Larkin Marshall, Negro Progressive Party candidate for the U.S. Senate. *Atlanta Constitution*, July 1, 1948.

STONE MOUNTAIN, *July 23, 1948*. Three thousand robed Klansmen, convening in cars from all over Georgia and 14 other states, inducted 700 new members under a 30-foot fiery cross. Talmadge stickers on majority of Georgia cars. Dragon Green extolled Talmadge as "the only man in the gubernatorial race who believes 100 percent in white supremacy." The Dragon said again that blood would flow in the streets if Federal civil rights laws are enacted. *Atlanta Journal*, July 24, 1948.

COLUMBIA, S. C., *August 9, 1948*. On the eve of the Democratic primary, the Klan burned fiery crosses in front of a Negro church where a meeting was in progress on the mechanics of voting. *Pittsburgh Courier*, August 11, 1948.

ROSSVILLE, *August 21, 1948*. A crowd of 7,000 turned out to see a Klan demonstration featuring robed horses. "No law that will ever be drafted will make us accept the Negroes as our equals," Dragon Green said. "If it is tried, the grandsons of Klan members who routed the carpetbaggers in 1860 will do the same job over again." *Associated Press*, August 21, 1948.

SANDERSVILLE, *September 1, 1948*. Dragon Green told a gathering of several thousand Klansmen that "The Klan is only interested in preserving

- white supremacy, which is based on the fact that the white man is a natural-born leader." *Associated Press*, September 1, 1948.
- TALLAHASSEE, Fla., *September 1, 1948*. A central Florida Klan Klavalklade touched off twelve crosses in twelve Negro communities. *Associated Press*, September 1, 1948.
- GRIFFIN, *September 6, 1948*. Two days before election, 558 Negroes purged from voting list. *Atlanta Constitution*, September 7, 1948.
- PERRY, *September 7, 1948*. Crosses burned on election eve. *Atlanta Constitution*, September 8, 1948.
- BULLOCK COUNTY, *September 7, 1948*. Miniature coffins labelled "KKK" appeared on Negroes' doorsteps. *Atlanta Constitution*, September 8, 1948.
- VALDOSTA, *September 7, 1948*. Two crosses burned in Negro sections; "KKK" coffins placed on Negro doorsteps. *Atlanta Constitution*, September 8, 1948.
- AUGUSTA, *September 8, 1948*. Election officials handling Negro voting at segregated booths slowed voting to less than one per fifteen minutes by asking all manner of questions. (Exhibit X.) *Atlanta Constitution*, September 9, 1948.
- ATLANTA, *September 8, 1948*. Here and elsewhere in state, Negroes arrested early on election day for carrying "dummy ballots" and other alleged infringements, the arrests and news stories in afternoon papers deterring many Negro voters. *Atlanta Journal*, September 8, 1948.
- ATLANTA, *September 8, 1948*. Herman Talmadge elected governor. "The people of Georgia have spoken in no uncertain terms of what they think of the so-called civil rights program," he said. Dragon Green one of first to congratulate Talmadge at campaign headquarters. *Associated Press*, September 8, 1948.
- MOUNT VERNON, *September 9, 1948*. Isaiah Nixon, Negro, shot down in his home for having voted in the Democratic primary. *Associated Press*, September 8, 1948.
- ATLANTA Klavern No. 1, *October 25, 1948*. Dragon Green said: "At last the Klan has a friend in the governor's chair. We're sitting on top of the world and nothing can stop us. Herman has assured me of his cooperation at all times, and has promised to go all the way down the road to protect the Klan. If you ever need anything from him, be sure to make it known that you are a friend of Sam Green's." Green went on to say that "The Dixiecrats are the only ones who are for white supremacy and against social equality—the same principles the Klan has always fought for." He said he was ordering all Klansmen in the U.S. to work for and vote for Dixiecrat nominee Strom Thurmond in the November 2 election. Report to GBI.
- LEESBURG, Fla., *October 28, 1948*. The Klan distributed propaganda leaflets warning that it would stage a klavalklade through eight surrounding towns on election eve. *Associated Press*, October 28, 1948.
- ATLANTA Klavern No. 1, *November 1, 1948*. Cliff Vittur, chief "Ass-Tearer" (sic) of the KKK's Klavaliel Klub flog squad, reported on the demonstration at Vidalia October 28. He said the Klansmen, numbering 300 from all parts of Georgia, were met at the city limits by Toombs County Sheriff R. E. Gray, the police chief and assistant chief, who escorted the parade into town. These three officials, as well as all Vidalia officials except the mayor, were Klansmen, Vittur said. The Klan would either convert the mayor, or defeat him in the next election, he added. At

the demonstration, Dragon Green broadcast over a south Georgia radio network. Acting Cyclops Ransom urged all Klansmen to turn out the following day (election) and "work for Thurmond as they had for Talmadge." Nine automobiles were pledged from Klavern 1 to carry Thurmond voters to the polls. Report to GBI.

TUSKEGEE, Ala., *November 1, 1948*. The Klan touched off fiery crosses in front of the courthouse, and at the highway leading to Tuskegee Institute. *Associated Press*, November 1, 1948.

NASHVILLE, Tenn., *November 1, 1948*. Many Negroes received threats through the U.S. mails, warning them not to vote. *Associated Press*, November 1, 1948.

MT. DORA, Fla., *November 3, 1948*. The promised Klan klavalklade touched off election eve crosses in Negro districts from Mt. Dora to Miami. *Associated Press*, November 3, 1948.

LYONS, *November 20, 1948*. Robert Mallard, leader in the movement to increase Negro voting, ambushed by robed band and shot while driving from church to his home in Toombs County. *Associated Press*, November 28, 1948.

ATLANTA Klavern No. 1, *November 29, 1948*. Atlanta policeman "Itchy Trigger Finger" Nash, recipient of a Klan award for killing 13 Negroes, declared that Governor Talmadge, who took office two weeks ago, had given the Georgia Bureau of Investigation orders "not to believe everything the n—rs tell them" about the killing of Robert Mallard. A couple of days ago Dragon Green released to the press signed statements which had been forwarded to him by the Kleagle of Vidalia, in which Sheriff Gray (he who allegedly as a Klansman gave escort to the Klan parade less than a month before the murder of Mallard), Sergeant J. W. Robertson of the GBI, and Police Chief T. L. Graham of Lyons all expressed the "belief" that "the KKK had no part in killing this mean Negro." The *Atlanta Journal* suggested that the murder had been committed by Negroes disguised as Klansmen, and went on to say, "Mallard was an uppity Northern Negro, of bad character and habits, who had no business around here." (Mallard was a substantial dealer in mortician's supplies, married to a school teacher.) Report to GBI.

ATLANTA, Klavern No. 1, *December 6, 1948*. Dragon Green boasted that the GBI had given the KKK a "clean bill of health" in the Mallard case. He said Klansmen throughout U.S. were being invited to Macon demonstration December 10. Pistol bullets were raffled at \$1.00 each, the proceeds going to a Klan relief fund; the bullets were then presented to policeman Nash, with the comment, "He knows what to do with them." Report to GBI.

MACON, *December 10, 1948*. Several thousand masked Klansmen demonstrated in the city auditorium, and afterwards burned two fiery crosses. Mercer College students were prohibited by Police Chief Ben Watkins from distributing anti-Klan pamphlets under a local ordinance banning literature distribution which creates a "fire hazard"; at the same time, Klansmen were permitted to distribute Klan propaganda and application blanks. *Associated Press*, December 10, 1948.

ATLANTA, *December 4, 1948*. All seven Klaverns in the city participated in a masked parade led by Fulton County road patrolmen as a motorcycle escort. *Atlanta Constitution*, December 5, 1948.

ATLANTA Klavern No. 1, *December 13, 1948*. Dragon Green ordered all Klansmen "not to take the law into their own hands" without first consulting him. He said he was available at "any hour of the day or night" to "discuss anything that needs to be straightened out." Report to GBI.

ATLANTA, *December 18, 1948*. In an *Associated Press* dispatch published throughout Georgia under the heading: "GEORGIA MAPS PLAN TO BAR MOST NEGROES FROM POLLS" it was said: "A 'white supremacy' program designed to keep 80 percent of Georgia's Negroes from the ballot box had been advanced today by Gov. Talmadge and his legislative leaders. House speaker Fred Hand, who will guide the measure in the legislature which convenes in January, outlined the proposal at an informal conference of lawmakers. . . . The plan would start out by wiping all the present voters' registration lists off the books. A new statewide registration would follow with emphasis on strict 'educational qualification' for voting. The program, Hand explained, would be similar to Alabama's Boswell amendment, which requires prospective voters to 'read and explain' the constitution to the satisfaction of registrars. Talmadge was not present at the conference but the program fitted in with his campaign assertion that 'if we can't have an all-white primary in Georgia, then we want one just as white as we can get it.' Hand said the Georgia plan would 'hold water'—be constitutional. It is necessary, he continued, because 46 Georgia counties have more Negroes than white persons." *Atlanta Constitution*, December 19, 1948.

ATLANTA, *February 11, 1949*. The Georgia senate passed a bill similar to one already passed by the house, wiping out the 1,200,000 names on Georgia's voting lists. According to the *AP*, February 11, 1949, the measure gave "certain discretionary powers to boards of county registrars in determining an applicant's right to the ballot." Besides requiring applicants to be able to read and write the state and national constitutions "intelligibly or legibly," the bill provided a list of 30 questions, 10 of which must be answered correctly by anyone failing the constitution test. "Gov. Talmadge has said over and over again that the re-registration bill is aimed at ending bloc voting by Negroes," the *AP* reported.

9. Attached hereto as Exhibit "Map A" is a map of the State of Georgia on which is indicated the geographic location of all of the acts set forth in Paragraph 8 hereof. The said map will be authenticated by the witness and offered into evidence, if permitted. The acts are symbolized in each case by the designation "X." Wherever said act is overtly and directly involved with an election, the symbol "X" is accompanied by the letter "E."

10. Attached hereto as Exhibits A through Z are photostatic copies of intimidatory propaganda releases, threats sent through the United States mails, news stories, and other documentary materials having the intent and/or effect of deterring the great majority of the Negro citizens of Georgia from voting in the Congressional and other elections; which documents would be duly authenticated and offered as exhibits in connection with the testimony of this witness, if permitted.

11. That Mr. Henderson Lanham, first elected to Congress in 1946 as well as all of the other alleged Representatives in Congress from the State of Georgia, was elected as such as a direct result of the illegal actions which are mentioned above, and that therefore the re-election of the said Henderson

Lanham in 1948 constituted a violation by the State of Georgia of Section 2 of the Fourteenth Amendment to the Constitution of the United States.

Respectfully submitted,

GEORGE W. CROCKETT, JR.

VITO MARCANTONIO

RALPH E. POWE

Attorneys for the Defendant

Document B

THIS STUDY by Dr. Johnson, prepared from the prison records of the State of Louisiana, gives the history in one state of one of the most sinister of American institutions—the use of the charge of “rape” for the political and economic oppression of the Negro people. Dr. Johnson reveals how the death sentence for “rape” is reserved virtually exclusively for the Negro people as well as giving the political genesis of that fact.

IS THE PUNISHMENT OF RAPE EQUALLY ADMINISTERED TO NEGROES AND WHITES IN THE STATE OF LOUISIANA?*

A Study by DR. OAKLEY C. JOHNSON, 3564 Virgil Blvd., New Orleans 22, La.

For convenience, this Study is presented under five headings as follows:

Exhibit I. Statistical: “The official figures of executions in Louisiana for rape from 1900 to 1950; and some data from old prison records (1866 to 1899) at the Louisiana State Penitentiary, Angola, La., for comparison. The *question* posed.

Exhibit II. Legal: Territorial and state laws; pre-Civil War laws; the Black Code; later statutes.

Exhibit III. The Constitutions of Louisiana, territorial, pre-Civil War, Reconstruction, post-Reconstruction.

Exhibit IV. The Social Background in this State with respect to segregation of races, lynching, police brutality.

Exhibit V. The Special Category implicitly reserved for white rapists. Reply to the question posed in Exhibit I.

* Prepared for Attorney Louis Berry, and for Attorneys Alvin B. Jones and Leroy White, in cooperation with the Louisiana Civil Rights Congress. Occasion for this Study was the case of Paul Washington, Jefferson Parish, La., 24-year-old World War II veteran, sentenced to die in the electric for alleged rape committed March 15, 1948. He was arrested shortly after his discharge from the Army after 21 months overseas, and has been confined in the death cell of the Jefferson Parish jail in Gretna, La., since that time. Washington maintains his innocence. . . . Not only did Paul Washington fight in World War II, but his five brothers also—every one of them!—served in the armed forces. . . . His wife, Velma, and his 3-year-old daughter, Ella Mae (born two week after he was jailed), staunchly defend him. . . . Velma Washington's brother Leonard was lynched in 1941.

EXHIBIT I: *Crime Statistics*

ACCORDING to the census of 1940, the population of Louisiana was 2,363,880, including 849,303 Negroes, the latter constituting 35.9 percent of the total.¹

While we cannot draw from population statistics exact mathematical conclusions about the extent of crime in any section of the population, we are nevertheless justified in assuming that, by and large, the proportion of crime among whites and Negroes, and the corresponding punishments, would roughly correspond to their proportion of the population. This would be modified by the relative social conditions of the two groups, and perhaps other factors; but if Negroes constitute 35.9 percent of the population, they would commit a not too disproportionate share of the crimes perpetrated, and would receive a not too disproportionate share of the punishments therefor.

In the attached list of persons punished for rape in this state for the years 1900 to 1950, inclusive—a full half-century—there have been, according to the records in the office of the Secretary of State at Baton Rouge, exactly 39 executions for rape (hanging up to 1941; electrocution thereafter). Of those put to death, all but two have been Negro. One white man, who confessed to the rape of a 17-year-old white girl who had been crippled from birth, was a railroad worker, Thomas Brady, not a native of Louisiana, and was hanged in 1906; the other white man was a foreigner, Lazar Mehogrivic, hanged in 1907 for the rape of a white woman. *Since 1907, a period of 43 years, not one white rapist has been put to death, though 29 Negroes have been.*

Of the convicted rapists sentenced to death whose sentence was commuted to life imprisonment, two white men—one-half of all the white rapists sentenced to death—had their death sentences commuted to life imprisonment. It is very difficult to secure commutation for a Negro convicted of rape. The 17-year-old Negro boy, Lewis Young, in the parish of St. John the Baptist, was hanged October 11, 1907, regardless of his youth. Furthermore, the punishment for "aggravated rape" is meted out no matter how suppositious the charge; Sam Wright, a Negro, was hanged in 1900 for "Breaking and entering in the night time, and with a dangerous weapon, and assault with intent to commit rape"; and Bob Burton, also a Negro, was hanged in 1905 for "Breaking and entering dwelling house in night time with intent to commit rape." Similarly with George Steward (1907), Tobe Stevens (1908), Emanuel Johnson (1909), Henry Slaughter (1914), Jimmie Johnson (1929).

In addition to the number of Negroes officially put to death by the State of Louisiana, there were three others put to death in this state by the United States Government, during World War II, in 1942: Corporal John Walter Bordenave, 29; Private Lawrence Mitchell, 18; and Private Richard Philip Adams, 25. They are added to the total in the attached list because their punishment took place on Louisiana soil and by means of the state's portable electric chair, loaned for the purpose. These three *make a total of 40 Negroes put to death for rape in this state since 1900, as compared to 2 white men.*

The question is: *Can we find an explanation for this surprising difference by studying the legal, constitutional, and social history of this state?*

1) The 1950 census gives Louisiana a total population of 2,683,516, but there is no breakdown into racial categories. That is why the 1940 census figures are used here. There is no reason to suppose that the percentages in the recent census would differ materially from the 1940 census.

ADDENDUM: Following the table of executions for rape during 1900-1950 is a selection of old rape records from the period 1866-1899 of the Louisiana State Penitentiary at Angola, La. The following facts are clear from an examination of these old records:

1) From Civil War days until the consolidation of white political control, punishment for rape was imprisonment only, never death; pardoning was frequent; and a differentiation was made between "rape" and "intent to rape."

2) Race differences were noted for the purpose of description, but had not yet hardened into *caste* differences. 3) After the solidification of white rule politically, the setting up of the death penalty for rape gave opportunity to return to virtual implied re-enactment of the Black Code with its differentiation between punishment for whites and punishment for Negroes.

WHITES CONVICTED OF RAPE AND SENTENCED TO DEATH

(From recorded death warrants in the office of the Secretary of State at Baton Rouge)

<i>Name</i>	<i>Parish</i>	<i>Date Set for Execution</i>	<i>Commuted</i>
James Hebert alias Frederick Hebert	Cameron	9/11/1903 (Not Hanged)	10/27/1903 Life Imprisonment
Thomas Brady alias Thomas C. Braden	Rapides	Hanged 12/7/1906	
Lazar Mehogrivic alias George Norris	Orleans	Hanged 8/9/1907	
William Braxton	Beauregard	6/14/1918 (Not Hanged)	Life Imprisonment 6/14/1918

TOTAL NUMBER OF WHITES EXECUTED: 2; COMMUTED: 2

NEGROES CONVICTED OF RAPE AND SENTENCED TO DEATH

(From recorded death warrants in the office of the Secretary of State in Baton Rouge)

<i>Name</i>	<i>Parish</i>	<i>Date Set for Execution</i>	<i>Commuted</i>
Sam Wright Will Farmer	Jefferson Caddo	Hanged 2/9/1900 Hanged 9/7/1900 (After one reprieve)	
Moses D. Lewis Amos Holmes alias Oliver Holmes	Orleans Iberia	Hanged 9/23/1904 Hanged 7/7/1905	
William Young Bob Burton	Richland Lincoln	Hanged 5/11/1906 Hanged 8/4/1905	

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Name	Parish	Date Set for Execution	Commutd
Ed Williams	Ascension	Hanged 2/2/1906	
George Steward alias Montgomery	St. Tammany	Hanged 7/19/1907	
Lewis Young	St. John the Baptist	Hanged 10/11/1907	
Tobe Stevens	Calcasieu	Hanged 4/24/1908	
Charles Madison	Calcasieu	Hanged 3/5/1909	
Squire Hawkins	Rapides	10/15/1909 (Not Hanged)	11/9/1909 Life Imprisonment
Emanuel Johnson	Vermilion	Hanged 10/8/1909	
Bud Davis	Ouachita	Hanged 12/17/1909	
Henry Slaughter	Allen	Hanged 10/2/1914 (After one reprieve)	
George Cotton	Calcasieu	Hanged 11/6/1914	
Summa Levine	Avoyelles	Hanged 12/17/1915	
Peter Bouy	Vermilion	Hanged 11/2/1917	
Preston Miles	West Feliciana	Hanged 6/28/1918	
Lucius Brown	Terrebonne	Hanged 8/8/1919	
Arthur Williams	Rapides	12/24/1920 (Not Hanged)	10/26/1920 Life Imprisonment
Laodis Lincoln	Vermilion	Hanged 2/25/1921	
Gus Bracy	Vernon	Hanged 4/22/1921	
Willie Johnson alias Willie Kelly	Orleans	Hanged 8/6/1926	
Jimmie Johnson	Natchitoches	Hanged 7/26/1929	
Edward McKay	Orleans	Hanged 10/4/1929	
William Irwin Virgeto	Orleans	Hanged 10/4/1929	
Henry Wilson	Richland	Hanged 1/3/1930	
John Henry Lee alias Buddy Lee	Catahoula	Hanged 1/19/1932	
Jim Edwards	Jefferson Davis	1/29/1932 (Not Hanged)	1/21/1932 Imprisonment Hospital for Criminal Insane
Levi Hicks	Caddo	Hanged 10/19/1934	
Dave Johnson	Orleans	Hanged 3/31/1939	
Willie Larkin	East Baton Rouge	Electrocuted 9/9/1942	
William Hamilton	East Baton Rouge	Electrocuted 12/3/1942	
Anthony Wilson	Madison	Electrocuted 3/6/1944	
William Ayers	Winn	Electrocuted 6/28/1946	
Jesse Perkins	East Baton Rouge	Electrocuted 7/18/1947	
Edward Spriggs, Jr.	Iberville	Electrocuted 6/25/1948	
L. C. Loyd	Tangipahoa	To have been electrocuted 3/11/1949 (Found dead in cell, a supposed suicide)	
Edward Sanford	East Baton Rouge	Electrocuted 12/1/1950	

TOTAL NUMBER OF NEGROES EXECUTED: 37; COMMUTED: 3

Corporal John Walter Bordenave, 29	New Orleans, La.	Electrocuted 10/30/1942 (At U.S. Army camp)
Private Richard Philip Adams, 25	Columbus, Ohio	Electrocuted 10/30/1942 (At U.S. Army camp)
Private Lawrence Mitchell, 18	Baldwin, Mich.	Electrocuted 10/30/1942 (At U.S. Army camp)

**TOTAL NUMBER OF NEGROES EXECUTED IN LOUISIANA
DURING 1900-1950 FOR ALLEGED RAPE: 40**

SUPPLEMENT FROM OLD ANGOLA PRISON RECORDS:

Notes from the "Register of Convicts Received" from Feb. 13, 1866, to Dec. 29, 1889, listing 9,073 Convicts

Following are only a selection of typical rape cases, taken first from 1866-7, then 1876, then from 1885, and finally from 1889 (omitting the intervening years). The crime is either "rape" (not labeled in this list) or "Assault with intent to commit rape." Note difference in punishment between the two.

<i>Name</i>	<i>Description</i>	<i>Date Sentenced and Punishment</i>	<i>Pardon</i>
Jesse Wiley	Black	11/9/1866—Life	5/5/1873
Edward Hague	Black	12/10/1866—2 yrs. ("Assault with intent")	
Theodore Coppersmith	Fair	7/22/1867—Life	4/25/1871
Thomas May	Fair	7/22/1867—Life	7/25/1871
Adolph Withman	Fair	7/22/1867—Life	7/25/1871
Henry Graham	Black	1/29/1868—Life	3/8/1884
Henry Clay	"Grieffe"	3/9/1868—Life	3/8/1878
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Nicholas Anderson	Mulatto	6/2/1876—2 yrs. ("Assault with intent")	
Owen Scott	Black	6/4/1876—Life	
Paul Charles	"Dk. Mulatto"	6/16/1876—2 yrs. ("Assault with intent")	
William Alonzo	Black	6/20/1876—2 yrs. ("Assault with intent")	
John Jones alias Jack Jones	Black	4/30/1885—Life	6/19/1891
Henry Williams	Black	5/5/1885—1 year ("Assault with intent")	
Julien Moses	Black	6/19/1885—6 months ("Assault with intent")	
John Baptiste	Black	6/19/1885—Life	
Young McIver	Black	8/14/1885—10 yrs.	2/25/1893
<hr/>			
William Josephine	Black	3/15/1889—6 yrs., 1 mo. ("Assault with intent")	2/15/1891
Charles Alexander	"Dk. Griff"	4/13/1889—Life	9/30/1899
Frank Reed	Mulatto	10/20/1889—2 yrs. ("Assault with intent")	
Henry Stokes	Fair	11/2/1889—2 yrs. ("Assault with intent")	
Pat Scott	"Dk. Griff"	10/20/1889—2 yrs. ("Assault with intent")	
Henry Miller	Black	12/14/1889—1 yr. ("Assault with intent")	
William Johnson	Black	12/14/1889—2 yrs. ("Assault with intent")	

EXHIBIT II: *Legal History*

THE PRESENT statutes defining and providing for the punishment of rape have a long legal history. On the surface, they provide uniform punishment for aggravated rape; simple rape; and "carnal knowledge of a juvenile" who is more than 12 and less than 17. But there was a code for the punishment of Negro slaves which was different from that for the punishment of whites; today the careful classification of "rape" as "aggravated" for Negro offenders

and "simple"—or merely "carnal knowledge"—for white offenders provides the mechanism for carrying on what was formerly explicitly provided by law, namely, the inflicting of severer penalties on black men than on white. Verbally, the laws have changed; but the old *practice* of differential punishments, *having become well established* for more than a century, now continues under the disguise of verbal equality.

Louisiana as a colony was at various times under *French and Spanish domination, and these colonial regimes have left legal imprints on the law of this state*. Louisiana was discovered first by the Spanish in 1541 but settled by the French around 1682, and Negro slaves were imported on or before 1719. By 1724, Louisiana had its Black Code, set up by Governor Jean Baptiste le Moyne de Bienville. Louisiana became a territory of the United States in 1805 and a state in 1812, but it *kept* its Black Code.

In *Orleans Laws, 1804-05*, and the *Acts of Louisiana, 1806-07* (Louisiana State Law Library), we have the "Acts passed at the First Session of the Legislative Council of the Territory of Orleans," which provide for the punishment of rape: "every person . . . duly convicted of any manner of rape" shall suffer "imprisonment at hard labor for life," and any accessory to this crime shall "suffer the same kind of punishment" as the "principal offender." (pp. 416-454, Chapter 50, An Act for the Punishment of Crimes and Misdemeanors.) Section 33 provides that procedure be "according to and in conformity with the *common law of England*." (My emphasis.—o.c.j.) But Section 47 of this same Act (p. 450) specifically states "That nothing herein before contained shall be construed to extend to any slave or slaves, but that every slave accused of any crime shall be punished according to the *laws of Spain* for regulating her colonies." (My emphasis.—o.c.j.)

The *Acts of Louisiana, 1806-07*, Chapter 33, p. 150, contain what is called the "Black Code, An Act Prescribing the rules and conduct to be observed with respect to Negroes and other Slaves of this Territory." Section 18 of this Act declared "That the *condition of a slave being merely a passive one*, his subordination to his master and to all who represent him is not susceptible of any modification or restriction." The slave "owes to his master, and to all his family, a respect without bounds, and an absolute obedience."

The Laws of Spain used in Louisiana Colony were translated and codified in Lislet and Carleton's *Partidas*, Vol. I and Vol. II, 1820 (Louisiana State Law Library), and contain that portion of La Siete Partidas "considered as having the force of law in Louisiana." In Title 2, Law 8, p. 30, we learn that "a slave cannot legally appear in court, as he has no control over himself, but is under the domination of his master, who is above him." The master "may chastise him by words or blows." In Title 21, Law 6, p. 584, we learn that the master ought not to kill a slave or "cause him to perish by hunger, unless he has found him with his wife, or daughter, or had committed some other similar offense; for them he *may kill the slave*." (My emphasis—o.c.j.)

After Louisiana became a state, the provision is put into Article 7, Section 4, of the first state constitution² that "All laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the Legislature." The Black Code was not repealed, but remained "in full effect." On March 9, 1827, for example, in the *Acts of*

2) The state constitution of that time is given in *Acts of Louisiana, 1828-30*, Louisiana

Louisiana, 1825-27 (Louisiana State Law Library), we find an Act is passed "to amend the thirty-eighth article of the Black Code."

It is particularly notable that Section 40 of the Black Code (*Acts of Louisiana*, 1806-07, page 188) states: "That free people of color ought never to insult or strike white people, nor pressure to conceive themselves equal to the white; but on the contrary that they ought to yield to them in every occasion, and never speak or answer to them but with respect, under the penalty of imprisonment according to the nature of the offense." This has the very plain meaning that even free Negroes were subject to the Black Code and that they constituted a type of inhabitant midway between Negro slaves and free whites. It is worth noting today, in the 20th century, that the entire Negro people in Louisiana are "free people of color," and, in the view of those who inherit the Black Code state of mind, are to be punished in a different way if convicted of crime.

Following the Civil War, as shown in *Acts of Louisiana*, 1869-70, pp. 49-51 (Louisiana State Law Library), a new statute provided that rape and other crimes should be punished by imprisonment "at hard labor not exceeding two years nor less than six months, and fined not exceeding two thousand dollars nor less than \$500, at the discretion of the court." It was under such a rather liberal statute, and later ones, that the sentences were meted out to the inmates of Angola penitentiary in the examples given previously from the years 1866 to 1889.

When political domination was "restored" to whites after the Rutherford B. Hayes election in 1876, the Black Code was quietly put back into operation in all but name. As the editor of the *Louisiana Almanac and Fact Book*, 1949-1950, puts it, "Fortunately for the whites and home rule, the Federal troops did not come to the aid of the Radicals as they had before. A sort of bargain between the forces of presidential candidate Hayes (who needed the Louisiana electoral vote, to defeat his opponent Tilden) and the state's conservatives," resulted in Hayes backing the white supremacist politicians in Louisiana. "Reconstruction was over," continues the *Louisiana Almanac and Fact Book*. ". . . A strong court system was also provided to prevent a repetition of the disregard for law which characterized the previous decade," that is, to prevent the disregard for the Black Code which was thenceforth to be the unwritten constitution of Louisiana courts of justice.

The way Louisiana Law became twisted to suit the descendants of slaveholders is very interesting. Jefferson Davis, head of the Confederacy, found New Orleans a congenial place to settle in after his rebellion was defeated; he lived here until his death in 1889, and doubtless was happy that white political rule was set up before his passing. It was a former Confederate general, Francis Tillou Nicholls, who became governor of Louisiana in 1876 when President Hayes made the "sort of bargain" spoken of above. Thomas J. Semmes, a New Orleans lawyer who before the Civil War was an Attorney General of Louisiana, and who—according to Dr. Mitchell Franklin³ was the theorist of Secessionism, settled down after the Civil War to practice law in New Orleans in his own white supremacist way, and eventually became president of the American Bar Association. And Judge John A. Campbell who, while on the U.S. Supreme Court before the Civil War concurred in the Dred Scott decision, devoted himself after the War as a New Orleans lawyer and

3) Dr. Mitchell Franklin is professor of constitutional law at Tulane University.

jurist, to partially successful efforts to nullify the 14th Amendment.

The career of Alabama-born Judge Campbell is traced in Dr. Mitchell Franklin's article, "The Foundations and Meaning of the Slaughterhouse Cases."⁴ Campbell left his U.S. Supreme Court job to support the seceding slave-holding Confederacy, and, like Jefferson Davis, found after the Civil War that New Orleans was a congenial place to live. As the article states, "The task of John A. Campbell . . . was to overcome the defeat suffered by the Southern slaveholders in the Civil War." Campbell attempted "to overcome the 14th Amendment by veering it about to the advantage of the defeated South." Dr. Franklin points out, in discussing the legal controversy over the Slaughterhouse monopoly: "At the very moment Campbell was contending in the Louisiana courts that the 14th Amendment had the broadest possible meaning and hence protected the rights of the anti-monopolists of pursuing their calling, he was also defending the right of a New Orleans theater to segregate Negro opera-goers, despite a statute of Louisiana which then forbade that form of racial discrimination."

Dr. Franklin points out that the 14th Amendment, which he describes as the "sleeping giant" of the United States Constitution, was in effect put to sleep by the legal trickeries of such ex-Confederate pro-Slavery jurists as Judge Campbell, who not only led Louisiana Law in the direction of separate but unequal justice for the Negro but also inspired to a great extent federal coyness in enforcement of the 14th Amendment.

EXHIBIT III: *Constitutional History*

LOUISIANA has had nine different constitutions in its history, and what they contain—and what they leave out—explains in part the continued existence of the Black Code as Louisiana's underground constitution.

Huey P. Long, Louisiana's cleverest demagogue, published the texts of all nine of Louisiana's constitutions, so arranged that the reader can compare them article by article, in his *Compilation of the Constitutions of the State of Louisiana*, 1930. Particularly interesting are the first constitution, that of 1812; the fifth constitution, adopted in 1868, which was the first and last state constitution to contain the full Bill of Rights; the sixth constitution, adopted in 1879 under the leadership of the Ku Klux Klan forces who deleted the most vital parts of the Bill of Rights; and the latest constitution, that of 1921, which is a polished version of the original KKK constitution.

Huey P. Long knew the meaning of the various constitutions. "The Bill of Rights first found its way into the Constitution of Louisiana after the Civil War," he wrote, in his introduction, "in the Constitution of 1868. It was after human slavery had been abolished that the Louisiana Constitution contained certain lines of the Declaration of Independence, reading: 'All men are created free and equal, have certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.'"

Long continued: "But when the white Southern manhood gained the upper hand in the control of the State's affairs, and convoked the Constitutional

⁴ *Tulane Law Review*, October and December, 1943 (Vol. XVIII, Nos. 1 and 2). Quotes are from the December, 1943 issue, pp. 227, 299, 237, 245.

Convention of 1879, the lines of Jefferson, in the Bill of Rights, were changed for words otherwise considered more appropriate and certain for the causes and purposes intended and desired." It is perfectly clear what "purposes" were "intended and desired."

The 1868 Constitution provided, in Article 13, that public conveyances, and places of business and public resort, "shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color." This article was taken out of later Louisiana constitutions.

The 1868 Constitution also provided that all children of the state should be admitted to the public schools or institutions of learning "without distinction of race, color, or previous conditions." It added: "There shall be no separate schools or institutions of learning, established exclusively for any race by the State of Louisiana."

In place of this we now have, in the 1921 Constitution, Article 12, a provision that "Separate free public schools shall be maintained for the education of white and colored children between the ages of six and eighteen years."

Among the "purposes . . . intended and desired" by the 1879 Constitution was that of neutralizing and reducing the Negro vote and depriving Negroes of any share in the government. The constitution of 1898 carried the plan further by introducing the "Grandfather Clause" which for a couple of generations destroyed every Negro citizen's right to vote, or to hold office.

But most effective of all was the tight control of the courts of justice put into the hands of anti-democratic white reactionaries. This was the Black Code, wearing a cloak of invisibility but as powerful as it ever was in pre-Emancipation days.

The chronology of the march of white supremacy and unequal justice may be indicated as follows: In 1876 the unholy alliance of President Hayes and Southern white reactionaries was consummated; immediately began the consolidation of white political power, culminating in the 1879 constitution which in effect nullified the Bill of Rights and the 13th and 14th Amendments; in 1892, the statute providing death was a punishment for "aggravated rape" (i.e., in practice, of white women and Negro men) went into effect; in 1894, inter-marriage between Negroes and whites was prohibited by statute; in 1898 the "grandfather clause" was put into the Constitution; in 1921 segregation in education, already in effect, was put into the Constitution; in 1942, "miscegenation" was defined so as to emphasize the 1894 statute on intermarriage and further facilitate differential punishment for rape.

It is contended here that this development is incompatible with federal constitutional and legal provisions for equal justice; that it is a violation of these provisions; and that persons affected by this violation suffer denial of constitutional and legal rights.

EXHIBIT IV: *Social History*

IT WAS in 1867 that the Knights of the White Camelia, an organization to enforce white supremacy, was formed at Franklin, Louisiana, and in 1874 that a similar organization, the White League, was formed at Opelousas, Louisiana. These groups had virtual private armies which fought the Reconstruction government forces and—with the backing of President Hayes—defeated the government and set up a "white man's" rule in the state, which

exists to this day. The cornerstone of white supremacy is segregation of the races.

Segregation: Since the end of the Reconstruction period and the adoption of the KKK-sponsored Constitution of 1879, segregation of the white and black race has been the *law* in this state, enforced by constitutional provision, legislative statute, and local regulation, requiring separate schools, separate restaurants, separate toilets and drinking fountains in public buildings, separate seating in trains and buses. In addition, marriage and even co-habitation of Negroes and whites is forbidden by statute.

This separation has made easy the almost complete denial of the vote and of public office to the entire Negro people in this state, 35.9 percent of the population. The virtual denial of the vote and of public office carries with it the virtual denial of the right to sit on juries, and hence the virtual denial to a Negro defendant of the right of trial by a jury of his peers. It is a serious question whether *any* trial of a Negro for crime in the prevailing milieu of this state could be considered a fair trial.

Lynching: No people can be held down undemocratically through use of democratic political forms except through terroristic tactics, and this is the reason d'être for lynching. Louisiana members of Congress have steadily opposed anti-lynching legislation. In Louisiana 335 recorded lynchings of Negroes took place between 1882 and 1948, a period of 66 years; a quarter of these lynchings were due to allegations of rape. It is a serious question whether *any* trial of a Negro for crime by a state which has permitted 335 lynchings of Negroes in 66 years can be considered fair. It is apparent that the 335 Louisiana extra-legal killings of Negroes and the 40 Louisiana legal executions for "rape" are both parts of a system of Black Code justice quite out of keeping with the Federal Constitution and Federal civil rights.

Police Brutality: A natural result of segregation and of white supremacy is police brutality exercised primarily against Negroes, particularly those arrested and charged with crime. Negro newspapers have spoken out against police brutality time and time again.

In its issue of June 19, 1926, the *Louisiana Weekly* editorialized under the title of "Bullies in Uniform": "Two New Orleans policemen arrest Negro woman in her home, drag her half-dressed from bed, beat her to pulp and throw her in jail without medical attention." In the issue of December 7, 1929, under the title, "Police Brutality," the same paper said editorially: "Time after time the *Louisiana Weekly* has called the attention of the authorities to the fact that patrolmen oftentimes use Negro suspects and prisoners with utter contempt, treating them worse than one would a stray mongrel dog. Beat them like they were something inanimate." Ten years later, February 11, 1939, under the heading, "No Excuse for Police Brutality," the same paper declared: "Once again in New Orleans Negroes and those of human hearts belonging to other races are caught in a dragnet of fear at the animal-like savagery with which Negroes so unfortunate as to be caught in the toils of the law or the long arm of policemen, are being treated. Almost daily, stories of horrible examples of what physical brutality the sworn protectors of the law wreak upon hapless, helpless individuals are brought before the public which, however skeptical, cannot refute the evidence as offered by men's bruised and scarred bodies."

And in the current period, May 13, 1950, right after the election of the Mayor and city officials of New Orleans, the *Louisiana Weekly* warned edi-

torially: "The members of the Commission should know that Negroes will expect them to be concerned about their welfare during the next four years as they were about the votes in January. . . . Should know that Negroes are alarmed and displeased at the readiness of local police to use their clubs and their pistols, frequently without provocation. . . . Negroes do not expect this coroner to find citizens to have died from 'natural causes' where undertakers and private physicians find such persons have been shot through the head or the back." And the paper adds, ironically, in another editorial two months later in a comment on "Those Police Investigations" (July 29, 1950): "If there is anything that is a greater farce than the police department's investigation of its police, we would like to know . . ."

In a sharply worded editorial August 12, 1950, the *Louisiana Weekly* indicates the connection between police brutality and Black Code mentality by saying: "Last week we published an excerpt from a letter written over the signature of Criminal Sheriff Grosch. In this letter Mr. Grosch advises his readers that: 'I recently chartered the John J. Grosch Democratic Organization, a political and civil organization. The organization is organized principally to further the cause of white supremacy.'"

The Negro press is right in seeing a connection between segregation and white supremacy on the one hand, and police brutality on the other, and right to see a connection between both and those rape trials in which the death sentence is reserved for Negroes.

As implied in the May 13, 1950, editorial quoted above, police in this state carry brutality to the point of killing at the slightest provocation, and sometimes with no provocation at all. Attention is called to the shooting of Roy Cyril Brooks by Patrolman Alvin Bladsacker in Gretna on February 27, 1948; the killing, before his father's eyes, of the young veteran, Chrispin Charles, in New Orleans, July 4, 1949, by New Orleans policemen Sahuc and Landry; the beating to death of war veteran Eugene Jones by West Bank police in the early morning of Saturday, November 5, 1949, as the man lay handcuffed in a Gretna jail cell; the shooting to death of Eugene Johnson, 24, on So. Rampart St., New Orleans, December 27, 1948, by Officer David Mark of the New Orleans police force; and the shooting and severe wounding by Deputy Sheriff Anthony J. Licciardi, St. Bernard Parish, of U.S. Army Pvt. Matthew Peterson, Jr., as he lay in bed in Meraux, La., on March 9, 1951.

These examples are taken from New Orleans and vicinity, and New Orleans is without doubt the most enlightened and most nearly democratic place in the state. When one goes to those many parishes where not one single Negro dares register to vote, he will find still worse conditions.

It is a serious question whether *any* trial of a Negro for crime can be considered fair when those who make the arrests, collect the evidence, and keep suspects confined are guilty of so much brutality in the exercise of their routine duties.

EXHIBIT V: *Special Category for White Rapists*

VERY INTERESTING are the comparative facts about the punishment of *Negroes* accused of rape and of *white rapists*, particularly white rapists of Negro women or Negro girls.

John E. Rousseau in the *Pittsburgh Courier* (Louisiana Edition) of March 19, 1951, presents a comparative study of two contemporary rape cases, one

in which a Negro rapes a white girl baby-sitter 12 years of age, and another in which a white man rapes a Negro baby-sitter 12 years of age. The Negro, Walter Bentley, 28, of 2013 Marigay St., New Orleans, was found guilty on February 19, 1951, of "aggravated rape" (Article 42), and has been sentenced to death in the electric chair. The white man, Steve Cangelosi, 36, of 228 Brooklyn St., in Jefferson Parish, who pleaded guilty, was sentenced October 27, 1949, for "carnal knowledge of a minor" (Article 80) to one year in the Parish prison.

In opening his article on these two typical cases, Mr. Rousseau asks: "Is Article 42 of the Louisiana Criminal Code designed to protect all females in this state, or does it protect only those females who are members of the white race?" The answer lies not only in the obvious practice of the courts, but in the concealed Black Code which is designed to follow up the segregation of Negroes from whites with the dealing out to Negroes a separate kind of justice.

The Bentley-Cangelosi contrast is not an isolated example, but it is an unusually public one. There are scores of other more or less hidden instances that, with effort, could be brought to light.

Statutes on intermarriage have further emphasized the survival of slave regulations. In 1825, under slavery, not only was marriage between free persons and slaves forbidden, but also marriage "between free white persons and free persons of color" (Art. 95, Civil Code, 1825). This provision was repealed during Reconstruction, but in 1894, with the revival of white man's rule, a statute (Act 54 of 1894, amending Art. 94, Revised Civil Code, 1870) forbade marriage "between white persons and persons of color." In 1942 (No. 43, Art. 79), this rule was strengthened by defining "miscegenation" as "marriage or habitual co-habitation, with knowledge of their difference in race, between a person of the Caucasian or white race and a person of the colored or Negro race." (Dart's Louisiana Code of Criminal Law and Procedure, 740-79.) The 1942 statute thus illegalizes interracial "co-habitation" (common law marriage) as well as formal marriage, that is, it makes any kind of sex relationship between whites and Negroes—with emphasis on white women and Negro men—a *criminal offense*.

This limitation of marriage provided a new gimmick for carrying out the original White League plan of Black Code justice. It meant that, while a sex relation of a white man with a white woman could be either voluntary or at the worst simple rape, and of a white man with a Negro woman "probably" voluntary but sometimes simple rape, a sex relation of a Negro man with a white woman had no legal standing at all; it *must* be, in practice and in logic, *aggravated rape*. The gimmick thus provided a concealed legal foundation for the Special Category of White Rapists, virtually guaranteeing that in practice a white rapist would not receive the death penalty.

The hidden Black Code is the theoretical basis for an unequal administration of justice in Louisiana. The explanation of a ratio of 40 death sentences for rape by 35.9 percent of the population, during a half-century, to 2 death sentences for that crime by the remaining 64.1 percent, lies in the Black Code mentality of Louisiana courts and government.

The former legal differentiation between punishment of white criminals and punishment of Negro criminals, which existed in pre-Civil War days, established a *practice* of unequal justice; this *practice* was re-established and continued with the setting up of post-Reconstruction "white man's rule"; the

practice of unequal administration of the criminal statutes, particularly that providing for the punishment of rape, backed and protected as it is by the segregation and political subjugation of the Negro people in this state, and facilitated by legal and constitutional ambiguities, still continues in all state and local courts.

Document C

"THE MASTERS of the Government of the United States are the combined capitalists and manufacturers of the United States," President Woodrow Wilson declared in 1913. "A more nearly perfect mechanism for making the poor poorer and the rich richer could scarcely be devised," the Temporary National Economic Committee declared in describing American monopoly.

Both observations are apropos of monopoly in the South. It dominates the state governments there more nakedly than elsewhere. And it has made the Southern people poorer than those of any other section of the nation, while making itself the richest aggregate of capital the world has seen. The monopoly listed below owes much of its favored position and gargantuan profits to the segregation, oppression and genocidal terror it foments as a source of economic and political control.

SOME DATA ON MONOPOLY CONTROL IN THE SOUTH

Morgan:

The huge steel plants of the Tennessee Coal, Iron and Railroad Company in Birmingham, Ensley, Bessemer, and Fairfield, Ala., its captive iron ore mines in Alabama and its 362,432 acres of captive coal veins in Alabama and Tennessee, since 1907 have belonged to the Morgan-launched and Morgan-interest dominated U.S. Steel Corporation. So do the Virginia Bridge Company plants at Roanoke, Birmingham, and Memphis; the Universal Atlas Cement Company plants at Waco, Texas, and Leeds, Ala.; and since 1943, the American Republics Corporations plants at Port Arthur and Beaumont, Texas. U.S. Steel also has a plant at New Orleans.

Morgan interests likewise control the Commonwealth and Southern Co., leading southern utility company, the American Telephone and Telegraph Co. (Bell System), and the Southern Railway Co.

Cleveland Financiers:

Republic Steel, a Cleveland-controlled company, has plants and captive mines in the Birmingham area and Gadsden.

du Ponts:

The E. I. Du Pont de Nemours & Co. has rayon, nylon, plastic, explosive and chemical plants throughout the South—at Belle, Meadowbrook, Nemours, Weirton, W. Va.; Wurland, Ky.; Waynesboro, Martinsville, and Richmond, Va.; Old Hickory, Tenn.; Birmingham, Ala.; Bartlesville, Okla.; Houston, Stanton and Orange, Texas. Also under Du Pont control are the General

Motors Corp. plants at Memphis and Atlanta, its saw mills in Louisiana and Tennessee, and its timber tracts in Louisiana and Arkansas. Du Pont also controls the United States Rubber Co. plants at Hogansville, Ga., Winnsboro, S. C., Shelbyville, Tenn., and Scottsville, Va.

Chemicals:

The chemical industry of the South is almost entirely in the hands of large northern corporations—du Pont, Allied Chemical and Dye, Union Carbide and Carbon, Celanese Corporation of America, the American Viscose Corporation, largest rayon-producing corporation. Dow Chemical Co. has tremendous plants near Houston and has bought four government-owned plants in the area. Monsanto Chemical Co. is also expanding in the South. The American Bemberg Corporation, North American Rayon, and the American Enka Corporation, with plants entirely in the South, are subsidiaries of the Algemeene Kuntzijde Unie N.V., a Netherlands concern.

Rockefellers & Oil:

One of the South's greatest natural resources is petroleum. This has fallen almost entirely into the hands of great monopolies, principally the Rockefellers.

The Humble Oil and Refining Co., operating mainly in Texas but also in Louisiana and New Mexico, and the Carter Oil Co., producing largely in Oklahoma, are subsidiaries of the Rockefeller-controlled Standard Oil Co. of New Jersey and constitute the entire producing facilities of that company, the largest petroleum company in America. They hold in fee and under lease some 20,000,000 acres in the United States, mainly in the South. The Interstate Oil Pipe Line Co. and the Plantation Pipe Line Co. are also subsidiaries of Standard Oil (N.J.).

Standard Oil Co. of California, also a Rockefeller company, has under lease 613,903 acres in Texas, 246,346 acres in Mississippi, 217,656 acres in Louisiana, 733,899 acres in Georgia, and 207,062 acres in Alabama, and additional acreage in other southern states, although this company operates at the present time almost entirely in California and has actual southern oil wells in operation only in Texas, Louisiana, and Mississippi. The rest of its acreage is for further use.

Rockefeller interests also control the Socony-Vacuum Oil Co., Inc., which holds about eleven million acres of land in the United States, about seven million acres in the South. Of its 10,621 oil and gas wells operating in the United States, 5,708 at the end of 1945 were in Texas, 1,758 in Oklahoma, 278 in Louisiana and 20 in Mississippi.

The Coronado Corporation, owning and operating oil properties in Texas, Louisiana, and Alabama, is owned by the Stanolind Oil and Gas Company which is owned by another Rockefeller company, the Standard Oil Co. of Indiana. Standard Oil (Ind.) has producing or prospective acreage in Arkansas, Georgia, Florida, Kentucky, Mississippi, and Alabama though its chief producing properties at present are in Kansas, Oklahoma, Texas, New Mexico, Wyoming, and Louisiana. The Mexican Petroleum Corporation of Georgia with a refinery at Savannah, and the Pan-American Refining Corporation with refineries at Texas City, Texas, and Destrehan, La., are other subsidiaries of Standard Oil (Indiana).

Another Rockefeller company, Atlantic Refining Company, owns oil rights on 3,665,000 acres in the U.S., much of it in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Texas, and Mississippi. A smaller Rockefeller-controlled company, the Ohio Oil Company, has oil and gas lands or leases on production in Kentucky, Arkansas, Louisiana, Oklahoma, and Texas.

Joining hands with Rockefeller interests in joint exploitation of oil resources in the Near East is the Texas Company, fifth largest American oil corporation, which operates mainly at present in Texas, but also has extensive operations in Oklahoma and Louisiana. It has more than 10 million acres of oil producing or potential producing land owned in fee or under lease in the United States, mainly in the South.

Mellon:

Gulf Oil Corporation with millions of acres under lease in the South is a Mellon concern. Mellon also controls the Koppers Co., with many southern plants and the Virginian Railway Company.

Shell Union Oil Corporation, which is controlled by the great Royal Dutch petroleum company, holds in fee or under lease 365,743 acres in Louisiana, 122,292 acres in Oklahoma, and 907,593 acres in Texas.

These companies and a few others not quite so large are rapidly acquiring control of all the potential oilfields in the South. Thus the Socony Vacuum Oil Company holds under lease 1,678,976 acres of land in Florida where in 1946 it had not tried to drill a single well; and in Mississippi nearly 800,000 acres only 800 of which were "proven."

Pulp & Paper:

Another great industry of the South is the manufacture of pulp and paper from wood supplied by the South's forests. This industry is one of the less concentrated of America's industries so far as ownership is concerned. But the world's largest paper company, the International Paper Company, with assets amounting to over 250 million dollars, has huge plants in Mobile, Ala.; Camden, Arkansas; Panama City, Florida; Moss Point, Mississippi; Georgetown, South Carolina; and three plants in Louisiana. It owns one and a half million acres of timberland in the South. It exercises enormous power over the press through ownership and sales.

The Union Bag and Paper Company, world's largest producer of paper bags, also controlled by northern capital, has its principal plant at Savannah, where, prior to its current expansion, it produced each eight-hour day nine hundred and sixty tons of Kraft pulp, 500 tons of Kraft paper, 400 tons of Kraft boards and 14,500,000 paper bags. This company owns in fee or holds under long term lease 468,269 acres of woodlands in Georgia, South Carolina, and Florida.

Also Wall Street-controlled is the West Virginia Pulp and Paper Company, which between 1923 and 1943 bought 345,800 acres of timberlands in North and South Carolina and has huge plants at Covington, Va., and Charleston, S. C. plant which started operations in 1937. The lease runs for fifty years with an option to renew for another fifty years.

The Container Corp. of America, third largest paper producer in this country, has plants at Forth Worth, Texas and Fernandina, Florida. It also controls the Sefton Fibre Can Company with a plant at New Orleans.

The Brunswick Pulp and Paper Company which began operation at Brunswick, Georgia, in 1938 is jointly owned by two northern corporations, the Scott Paper Co., of toilet-tissue fame, and the Mead Corp. The Mead Corporation has plants of its own at Lynchburg and Radford, Virginia; Nashville, Knoxville, Harriman, Kingsport and Newport, Tenn.; and Sylva, N. C.

The Champion Paper and Fibre Company, a fifty million dollar northern corporation, has mills at Houston, Texas; Canton, N. C.; and Sandersville, Ga. It owns about 75,000 acres of timberland and holds a contract for preferential right to purchase another million and a half acres in Texas.

Rubber:

Rubber is a relative newcomer to the South; Goodyear Tire & Rubber Co. which accounts for about one-third of all rubber sales and is controlled by the Cleveland group of financiers, has a tire and rubber plant with nearly 3,000 employees at Gadsden, Ala., and tire cord plants at Cedartown, Cartersville, and Rockmart, Ga., and Decatur, Ala. At the end of 1947 it was still operating a government-owned war plant at Houston, Texas.

Firestone, which is a family-controlled northern corporation depending on a Ford connection for its market, prior to the war got 30 percent of its production from its Memphis plant. It also has plants at Gastonia, N. C., and Bennettsville, S. C., and at the end of 1947 was still operating government-owned synthetic rubber plants at Lake Charles, La., and Port Neches, Texas.

The B. F. Goodrich Company has large plants in Alabama, Georgia, Tennessee, Kentucky, and Oklahoma.

The U.S. Rubber Company has three mills in Georgia and other plants in South Carolina, North Carolina, Virginia and Tennessee.

Tobacco:

The South's industries most closely allied to agriculture, such as the fertilizer plants and the tobacco plants, the cotton oil mills and the cotton compresses, are dominated by giant corporations.

Prices paid to southern farmers for the tobacco crop are pretty much determined by the big tobacco companies whose giant southern plants supply the nation with cigarettes. In 1934, according to the Agricultural Income Inquiry of the Federal Trade Commission published in 1938 (Part 1, *Principal Farm Products*), Liggett & Myers, the American Tobacco Company, and R. J. Reynolds, makers of Chesterfield, Lucky Strike, and Camel cigarettes respectively, bought nearly half the United States tobacco crop, and nearly 70 per cent of the crop sold for use in this country. The six leading companies bought 58 percent of the total crop and more than 87 percent of the crop sold domestically.

Cotton:

The compressing and warehousing of cotton is dominated by another giant \$160,000,000 corporation, Anderson, Clayton & Company, largest merchandiser of cotton in the world with buying organizations in the United States, Brazil, Mexico, Argentina, Peru, Paraguay and Egypt. In 1933, this company bought 10 percent of the American cotton crop. It employs about 6,000 men and women in this country and 6,500 abroad. Its subsidiaries include chains

of cotton compress plants and warehouses located in Georgia, Texas, Louisiana, Alabama, North Carolina, Tennessee, Arizona and California. It also operates cotton oil mills and cotton gins in Texas, Oklahoma, New Mexico, Arizona, and California. The stock of this company is handled through J. P. Morgan and Co., and the Morgan-interest controlled bank, the Guaranty Trust Co. of New York.

Second largest cotton factor in the South is the family of South Carolina's Senator Maybank.

Meat Packing & Oil:

Swift & Company, the great meat packer, with sales that led the nation in 1946, has some 40 cotton seed oil plants and refineries in the South, 12 fertilizer plants, 11 packing plants, nine dairy and poultry plants and eight ice-cream processing plants. These are only its principal southern properties.

Armour & Co., which in 1946 led the nation's meat-packing industry in profits, has large packing plants at Atlanta, Ga.; Birmingham, Ala.; Fort Worth, Texas; Lexington, Ky.; Memphis, Tenn.; Oklahoma City, Tifton, Ga.; and a rendering plant at Fort Worth, Texas. It has fertilizer works at Albany, Atlanta, and Columbus, Ga.; Greensboro, N. C.; Houston, Texas; Jacksonville, Fla.; Nashville, Tenn.; Navassa, N. C.; New Orleans, La.; Augusta, Ga.; Birmingham, Ala.; Columbia, S. C.; Montgomery, Ala.; Norfolk, Va. It also operates cotton seed oil plants. Wilson & Company, third largest meat packer, has plants at Oklahoma City and Columbus, Ga., and a cottonseed oil and compound lard refinery at Chattanooga.

The Cudahy Packing Company, last of the Big Four, has plants at Albany, Ga., Leedwood, near Memphis, Tenn., and Victoria, Texas.

The Buckeye Cotton Oil Co. with plants in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and Tennessee is owned by the soap monarch, Procter and Gamble, which also has soap and glycerine plants at Macon, Ga., Dallas, Texas, and Portsmouth, Va. During the war it operated three government munitions plants in the South.

These companies together with the Wesson Oil and Snowdrift Co., owners of 69 cottonseed crushing mills and 100 cotton ginneries, seven peanut shelling plants, seven shortening plants, 28 fertilizer plants, and miscellaneous other plants labelled under various names, operate together to control the price of cottonseed paid to the farmer and play an important part in credit extended to the cotton grower. Wesson Oil and Snowdrift Company owns the Southern Cotton Oil Company, the Refuge Cotton Oil Company, the International Vegetable Oil Co., and many others.

Textiles:

While southern textiles remains one of the least concentrated of American industries, the ten largest corporations owning in 1948 probably not more than about a fifth of the spindles and possibly a fourth of the looms, it should be noted that much of the southern textile industry is owned by northern corporations or is under northern control.

The southern textile industry was originally native but northern companies moved in increasingly after 1910. By 1931 at least 6 percent of the spindles and 3.7 percent of the looms were northern owned; in South Carolina 13

percent of the spindles and 10 percent of the looms; in Georgia 20 percent of the spindles and 14.4 percent of the looms; in Alabama 36 percent of the spindles and 37 percent of the looms. Nearly half the silk looms and a quarter of the silk spindles in the South were northern-owned.¹

There are indications that the depression years served to increase the degree of northern ownership considerably. The later war years and first two post-war years, however, saw a veritable revolution in southern textiles, with whole chains of mills passing into northern ownership and merging with northern capital, as well as a general integration of the industry. Between a fourth and a fifth of the productive capacity of the textile industry were involved in such changes of hands during these years. One leading newcomer to the south was the war-born Textron, Inc., a Rhode Island Company, which owns the Manville-Jenckes Company and Textron Southern, Incorporated, organized in 1946 to take over the Gossett mills in North and South Carolina. Another was J. P. Stevens & Co. of New York, the leading cotton commission merchants during the recent war. In August 1946 they merged nine textile companies in the Carolinas and a producing subsidiary in Massachusetts.

[Sources for the above information are as follows: For interest group control and some other information: *Economic Concentration and World War II*. (Report of the Smaller War Plants Corporation to the Special Committee to Study Problems of American Small Business, U.S. Senate, 79th Congress, 2nd Session, Report No. 6; U.S. Government Printing Office, Washington, 1946.)

For individual company data: Moody's Manual of Investments, American and Foreign, Industrial Securities, Moody's Investors Service, New York, 1945, 1946, 1947 and 1948, and *The Wall Street Journal*.

For textile industry, some material was secured from the *Journal of Commerce*, the *Textile World*, the *Manufacturers Record*, Standard and Poor's *Industry Surveys*, and Davison's *Textile Blue Book*, 1940.]

Document D

CONGRESS, by its consistent refusal to act for the protection or welfare of the 15,000,000 American citizens who are Negroes, incites Genocide against them. Its conduct clearly shows that it believes Negro Americans should be without the protection of the law and the Constitution. This partial calendar reveals something of the tone, temper, and maneuvers of Congress toward the Negro people from January 16, 1950 to September 21, 1950.

SEN. WILLIAM LANGER (R., N.D.) attacked an anti-lynching rider which had been appended to an anti-poll tax bill, and called for a Congressional investigation of "so-called Negro leaders" who call upon Congress to enact civil rights laws.

January 18. Senator Langer, who two days earlier had attacked all civil rights legislation, attached an anti-lynching and an anti-poll tax rider to a bill

1) See Ben F. Lemert, *The Cotton Textile Industry of the Southern Appalachian Piedmont*, p. 155, University of North Carolina Press, Chapel Hill, 1933.

to permit the coloring of oleomargarine, in a maneuver intended to alienate Southern support for the bill and thus ensure its defeat.

January 20. Dr. H. M. Griffith, lobbyist for the National Economic Council, testified at a committee hearing against the anti-lynching bill, S. 1726.

January 24. Sen. Scott Lucas (D., Ill.) introduced an amendment to the FEPC bill which would prevent it from going into effect until the various state legislatures had resolved that discrimination in employment existed within the state, and had set up a state FEPC agency to work with the national FEPC.

February 1. Anti-lynching bill S. 91 was scheduled for consideration, but upon the motion of Sen. Lucas (D., Ill.) it was passed over.

February 9. Harry S. Barger of the National Economic Council testified before the Senaté Subcommittee on Foreign Relations against ratification of the Genocide Convention.

February 10. Rep. Rankin spoke of what he called a "disgusting report of a little Yiddish woman lawyer here by the name of Ruth Weygand" for having filed a brief with the U.S. Supreme Court against dining car segregation in the Henderson case. "Mr. Speaker, one of the greatest fakers the world ever knew is Albert Einstein, who should have been deported for his communistic activities years ago," Rankin also said.

February 14. Rep. Rankin, in an attack aimed at "Orientals" among others, by which he apparently referred to Jewish persons, said, "Do not forget that these alleged racial minorities have from 50 to 100 times as many of their own groups on the Federal payroll in Washington as they are numerically entitled to, while our white American servicemen who fought the Nation's battles in time of war, and must now support its institutions in time of peace, are driven from the Federal payroll."

February 14. Sen. John C. Stennis (D., Miss.) and Sen. James O. Eastland (D., Miss.) introduced the statement made by Louisiana district attorney Leander H. Perez before the Senate Foreign Relations Committee in opposition to ratification of the Genocide Convention.

February 15. Rep. Clare Hoffman (R., Mich.) declared that advocates of FEPC legislation want "special privileges, special administration which will not only give equality to them, but special privileges . . . as the Gentleman from Mississippi, Mr. Rankin once said . . . the group that needs protection in this country are the white taxpaying Gentiles."

February 16. Rep. Louis B. Heller (D., N.Y.) pointed out that the U.S. Army is not making due progress against racial discrimination in its ranks, and that the gap between principles and practices "is all too apparent to the rest of the world."

February 23. Despite protests of Negro organizations that such a measure would prove worse than none, the House passed, 240 to 177, a "voluntary" FEPC bill, H.R. 4453 which would rely upon moral suasion alone.

March 3. Rep. James B. Hare (D., S.C.) charged that if the Presidential order calling for the elimination of racial discrimination in the armed forces is carried out and not rescinded it will cause "an untold amount of dissension and insurrection among the ranks of our fighting men."

March 13. Rep. Hare in a speech against civil rights legislation declared that racial prejudice cannot be regulated by law.

April 14. Sen. Clyde R. Hoey (D., N.C.) read to the Senate an editorial from the April 12 issue of the *Christian Science Monitor* entitled "Separate

but Equal" which said in part: "To throw out segregation bodily within states that still desire it would run all the dangers we have listed where law presses custom too fast and hard. To demand equality as the price for separateness, on the other hand, promises steady and peaceful progress."

April 19. FEPC legislation was scheduled for consideration by the Senate, but was passed over at the request of Sen. Allen J. Ellender (D., La.) speaking for Sen. Olin D. Johnston (D., S.C.).

An amendment to the 1950 District of Columbia appropriations bill, which would have denied funds to any agency practicing racial or religious discrimination, was offered by Rep. Vito Marcantonio (ALP, N.Y.), but was defeated 67 to 21.

April 20. An editorial was inserted in the *Congressional Record* from the April 19 *Washington Times Herald*, entitled "Truth on Civil Rights," and charging that the Democrats had done nothing to secure passage of the civil rights program.

May 3. The House Committee on the District of Columbia voted unanimously to report favorably H.R. 5968, which would take public swimming pools in the District of Columbia out of the jurisdiction of the U.S. Department of Interior, and place them under the control of the District Commissioners. (The Interior Department had inaugurated a policy of nonsegregation, whereas it was the policy of the Commissioners to segregate the races.)

May 10. Rep. Jacob Javits (R., N.Y.) and Rep. Marcantonio introduced amendments to H.R. 7786, the 1950 General Appropriations Bill, which would have denied funds to any Governmental agency practicing racial, religious, or national discrimination; but the amendments were defeated.

May 8, 9, 10, 12, 15, 16. Southern Senators conducted filibuster against motion to take up consideration of FEPC bill, S. 1728.

Sen. Forrest C. Donnell (R., Mo.) introduced a petition for a rehearing filed by the Attorney General of California objecting to a ruling by the California Supreme Court invalidating that state's Alien Land Act as being repugnant to the United Nations Charter.

May 18. Rep. Rankin charged that FEPC legislation was "being fostered and pressed by alien-minded minorities that have for their purpose the amalgamation of the races and the destruction of the white man's civilization, and wiping Christianity from the face of the earth."

May 19. A motion to limit debate on FEPC, which requires 64 votes for passage, was defeated in the Senate by a vote of 52 to 32.

Three Senators attacked the ruling of California court invalidating that state's Alien Land Act as being repugnant to the United Nations Charter.

May 23. An amendment offered by Rep. Adam Clayton Powell (D., N.Y.) to deny funds to Government agencies in the District of Columbia which discriminate was voted down.

May 24. An amendment to H.R. 6826 to extend the Selective Service Act, which would prohibit discrimination in the armed forces, was offered by Reps. Powell and Javits, but was voted down.

May 25. Subcommittee on Foreign Relations heard Gerald L. K. Smith testify favor of amending the United Nations Charter to drastically curtail powers of the organization.

Rep. Rankin spoke against FEPC, introduced a letter "from my good friend, Hon. George W. Armstrong, of Natchez, Mississippi" (Armstrong an oil and cotton multimillionaire, who offered \$50,000,000 to Jefferson

- Military College in Mississippi if it would pledge to bar Negroes and Jews and teach white supremacy.)
- June 6.** Rep. Ed Gossett (D., Tex.) attacked the Supreme Court for its rulings in the Sweatt, McLaurin, and Henderson cases (which ordered opening white state colleges to Negroes where equal separate facilities are not provided, and an end to segregation in dining cars). "If Solicitor General Perlman has his way, America will eventually be communized," Gossett said. Rep. Hoffman (R. Mich.) and Rep. Ben H. Guill (R., Tex.) endorsed Gossett's views. Guill charged that the Supreme Court was waging war upon the South.
- June 7.** Rep. Rankin charged that the Supreme Court's decisions on civil rights have done more to harm Negroes than anything since the Civil War which abolished slavery.
- June 8.** The Senate Armed Services Committee adopted an amendment to H.R. 6826 extending the Selective Service Act. Offered by Sen. Richard Russell, (D., Ga.), the amendment would enable servicemen to decide whether they wished to serve in segregated or unsegregated units.
- June 12.** Rep. Rankin attacked the Anti-Defamation League of B'nai B'rith for having condemned racial segregation in District of Columbia swimming pools. "That gang has been run out of every civilized country on earth except this one, and they are headed for the same treatment here," Rankin said.
- June 21.** Twenty-nine Senators voted in favor of the bill which would permit draftees to serve in segregated units of the armed forces if they preferred; 42 Senators voted against the measure.
- June 22.** Sen. James O. Eastland (D., Miss.) said that the South has no apologies to make for racial segregation, and is determined to maintain it. He introduced S. J. Res. 189, which would provide Federal funds for a study to determine what it would cost to provide "separate but equal" educational facilities for the two races. His resolution was referred to the Committee on Labor and Public Welfare.
An amendment to the Selective Service Act which would punish any act of violence against servicemen because of race, color, national origin, ancestry, rank, or religion was offered by Sen. Hubert H. Humphrey (D., Minn.) but was defeated.
- June 27.** Sen. William E. Jenner (R., Ind.) introduced a series of editorials from the *New Orleans States* opposing ratification of the Genocide Convention of the United Nations.
- July 12.** Motion to limit debate on FEPC defeated 55 to 33. Twenty-two Democrats and 33 Republicans voted to limit debate, and 27 Democrats and 6 Republicans voted against limiting debate.
- July 17.** Rep. Gossett (D., Tex.) called for abolition of Presidential elector system to reduce power of "bloc voting" (which he attributed to Negroes, Jews, etc.).
- August 11.** Rep. Henderson Lanham (D., Ga.) denied that he had called William L. Patterson, head of the Civil Rights Congress, a "n—r." Rep. Lanham went on to say that segregation is best for both races.
- August 28.** Rep. Rankin attacked the United Nations and called for abolition.
- August 29.** Rep. Rankin again attacked the United Nations as a "Tov. Babel," and for trying to dictate to the U.S. what to do in Korea.

- September 5. Rep. Sam Hobbs (D., Ala.) spoke in behalf of H. J. 538 to repeal the 14th Amendment of the Constitution which purports to guarantee civil and political rights to Negroes and all persons equally.
- September 7. Sen. Clyde R. Hoey (D., N.C.) called upon the Senate not to ratify the Genocide Convention, on the ground that it would impair civil rights.
- September 8. A speech entitled "Government by Treaty" delivered by the publisher of the *New Orleans States* was inserted in the *Congressional Record*, opposing ratification of the Genocide Convention.
- September 13. On motion of Sen. Russell and others, the Senate passed over FEPC bills which were scheduled to come up (S. 1728 and H.R. 4453). Also passed over was S. 2595, a bill to create a Human Rights Commission for the District of Columbia.
- September 14. Rep. Rankin, in debate on the Internal Security Act, proposed concentration camps and deportation for "disloyal minorities."
- September 21. Rep. James C. Davis (D., Ga.) charged that the "real aim of Negroes and agitators is not equal educational opportunities, but social equality."

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