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This is the story of my two weeks as a civil rights lawyer in Mississippi in July 1964.

I think the logical place to begin is to discuss what caused me to volunteer for the Lawyers' Civil Rights Program.

In the Spring of 1964 I received a letter signed by Father Drinan, Dean of the Boston College Law School, on behalf of the Lawyers Constitutional Defense Committee. The letterhead bore the names of representatives of various organizations, namely the N.A.A.C.P., American Jewish Committee, American Jewish Congress, National Council of Churches, American Civil Liberties Union and CORE. I belonged to three of the organizations, the N.A.A.C.P., American Jewish Committee and American Civil Liberties Union, and had done some legal work or served on a legal committee for the latter two and my name must have been obtained from their lists. The letter inquired whether any persons in my firm would be interested in rendering civil rights legal services for several weeks during the Summer of 1964. I called Father Drinan in Boston and explained to him that I was 49 years old and a corporate lawyer, not a trial lawyer, and I asked him if he thought I could be of use to the committee. He said that he was certain that I could.

My decision to go to Mississippi was not a hasty one. The newspapers had had many articles on the plans to have college students work in the South during the summer on voter

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registration and many articles on the violent and bitter reaction of the Southerners. Though I had a deep interest throughout my life on the subject of civil liberties and the problems of freedom of speech, I had never taken an active part in the civil rights movement or in any of the problems of oppression of racial minorities. I decided, however, that the time had come to take an active part and do more than make small financial contributions to civil rights organizations. My wife knew that she had many anxious days ahead but realized the importance of my decision to me and did not seek to dissuade me. Most of my friends strongly approved of my decision to go to Mississippi. A few greeted the news of my plans with silence and one told me I was "nuts".

My introduction to the Lawyers' Constitutional Defense Committee, called L.C.D.C., came on a week-end in early June when I and about 150 other lawyers and law students attended a two-day briefing session at Columbia Law School. The all-day sessions were devoted primarily to a discussion of constitutional law and Mississippi procedures. We learned that there were four Negro lawyers in Mississippi, three of whom handled all of the civil rights cases in the state and whom we would work with. No white Mississippi lawyer takes civil rights cases.

At the Columbia meeting I was told that I would be assigned to Jackson, Mississippi and that we would probably stay at Negro homes. I expressed concern that this might create violence. It was ironic that on the one occasion in Mississippi when my safety was threatened, I moved out of a motel into a Negro home where I felt safer.

I decided to arrange a meeting of the other three lawyers who would be going down to Jackson at the same time as I, and we met in my office in the early part of July.

Our group was composed of George Constantikes from Westport, Connecticut, Alan Richenaker from Patterson, New Jersey and Ellis Bert of the Corporation Counsel's office in New York, all of them men in about their mid 30's. The most interesting thing to note about the four of us and in fact about most of the civil rights lawyers whom I met in Mississippi was that we had not been active in civil rights work at any time in our lives. All of us were interested in civil rights and followed the newspaper reports and perhaps contributed to the N.A.A.C.P. or other civil rights organizations but we had not handled civil rights cases or taken an active part in any civil rights programs. Something at this particular time had impelled us to take an active part in the legal aspects of the civil rights movement in the summer of 1964. If, however, we had not received a letter asking for volunteers, ~~understandably~~ most of us would never have taken an active part in the movement.

We arrived in Jackson, Mississippi by plane on the evening of Thursday, July 16th. It was decided that we would stay at the Sun-N-Sand Motel, a new and attractive motel in Jackson, since there were no rooms immediately available in the homes of Negro residents. The L.C.D.C. office in Jackson was on the second floor in the heart of the Negro business community, equipped with a library, air conditioning and a secretary. On Thursday night we met with the four lawyers who were completing their two-week tour of duty in Jackson and were briefed on the various pending matters.

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Though I mention only a few by name, there were always a number of lawyers at the L.C.D.C. office. In addition to the four of us who came down together, there were four other L.C.D.C. lawyers who were there for part or all of our stay. In addition, there was a lawyer from the N.A.A.C.P. staff who served as office manager (actually three lawyers rotated in this position during my stay), and there were four law students who worked with us. At the same time, there was another group of lawyers with whom we worked closely but who were under the auspices of what was known as the President's Committee and whose efforts were primarily devoted to establishing relationship with local bar associations. Down the block, the Lawyers Guild had an office, their lawyers working separately from ours but on similar matters.

Though the L.C.D.C. lawyers lacked familiarity with Mississippi procedures, they were a capable group of well-trained lawyers. We were not pressed for time and thus could devote to any matter a carefulness of preparation not otherwise to be found in the practice of law in Mississippi. Generally our non-admission to the Mississippi bar was no handicap, for only a small part of the lawyers' work is spent in the courtroom, and where cases came to trial in a state court, only in rare instances were objections raised to the out-of-state lawyer. The L.C.D.C. lawyers were a calm, level-headed group. One, however, was so worrisome he even thought he saw a "redneck" keeping an eye on him when he checked in for the Mississippi flight at the terminal in New York.

For the first two days my assignment consisted mainly of preparing a form of bail bond and appeal bond.

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On Sunday, July 19th, I received my first real assignment. I was sent over to the City Jail to interview and arrange bail for a civil rights worker who had been picked up the evening before on a charge of drunkenness. I went to the jail with Anne Cooper, a female lawyer about 30 years of age, a Harvard Law School graduate, employed by a well-known Boston law firm. Anne was one of the few among us who had in the past been active in civil rights work. After interviewing the prisoner I learned that he could be released on \$15.00 bail, and rather than spending lengthy time arranging to obtain the funds, I advanced the \$15.00 out of my own pocket. I was subsequently repaid but learned to my surprise that it is unlawful for a lawyer to advance bail for a client. Thus, my first act as a lawyer in Mississippi may have been an illegal one though there is some doubt as to its legality since I received no fee for the services to my "client".

The difference between my general approach toward civil rights problems and Anne Cooper's became apparent in the few moments when we arranged for bail. She had a few sharp and critical words to say to the police sergeant about their booking procedures. I saw no purpose in getting involved in such a discussion. On several other occasions Anne and I disagreed as to how to deal with the local police or district attorney.

Our difference in attitudes epitomized the difference between the moderate approach and the militant approach. The L.C.D.C. lawyers, as a whole, generally sought to work things

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out with the governmental authorities. The college students and their leaders, on the other hand, viewed each white Mississippian as the enemy, and each police officer and governmental official as the arm of the enemy. (Anne Cooper was the one lawyer who adopted the militant viewpoint).

There were, of course, many situations where the two viewpoints merged. The lawyers recognized many situations where compromises could not be accepted, where maintenance of principles would not permit the easy solution to be adopted. At the same time the college workers and their leaders soon came to learn that every misdemeanor and small fine could not be fought to the highest court. By and large the relationship between the two groups was excellent. The lawyers were there to perform legal services and the civil rights workers looked to the lawyers, respected them and relied upon them. But there were occasions where the moderate and militant viewpoints clashed.

As to whether to contest my first case or to forfeit the \$15.00 bail, the decision was left to the N.A.A.C.P. since the person involved was a member of that organization, and they decided to forfeit the bail.

Rather than remain in the Jackson office, I requested the officer manager to send me on the next assignment to a town outside of Jackson. A call came in that Sunday from Laurel, Mississippi, a city of about 30,000, located about two hours drive from Jackson. Anne Cooper and I were assigned to go to Laurel.

Since the civil rights workers were the backbone of the entire Mississippi movement, it is worthwhile to pause for a

moment to describe the composition of that group. In each large city in Mississippi and in many of the smaller ones, there was what is known as a COFO (Council of Federated Organizations) unit composed primarily of college boys and girls who have volunteered to spend the Summer in Mississippi to work on voter registration, freedom schools and membership in the Freedom Democratic Party in Mississippi.

A COFO unit in each city might have as few as a dozen or as many as 50 people in the unit, depending on the city. In addition to the college boys and girls in COFO, there was a group of professional civil rights workers. They were mostly young Negroes, who had spent months or perhaps the previous year or two on civil rights projects, participating in demonstrations, sit-ins and the like. Most of these professionals belonged to SNCC (Student Non-Violent Coordinating Committee). They were the key members and leaders of each COFO unit. Many of the college boys and girls had a political viewpoint that would fall within the broad range of the liberal Democratic tradition. The professional civil rights employees, the SNCC group, on the other hand, were far more radical in their approach. Their key leaders were Negroes who had a complete distrust of all Southern whites and many even view the liberal Northern whites with some skepticism. They had no use for the older, less aggressive leaders of the N.A.A.C.P., whom they talked of as Uncle Toms. Their radicalism was reflected in their civil rights activities where they participated in sit-ins, stall-ins and mass demonstrations, and some expressed radical political views as well. They were willing to risk their lives in the cause of civil rights and most of them had been jailed and beaten. They were fearless and would use any methods other than physical violence in order to gain equality for the Negro.

But as far as numbers were concerned, the bulk of the Mississippi project was composed of the college boys and girls, the idealists who courageously were willing to risk their own safety for two months service in the civil rights movement.

Though the lawyers were predominantly Jewish and from the New York area, the college group was completely diversified in race, religion and geographic origin. I worked closely with a number of the college boys and girls. They were bright, attractive and devoted to their work and I enjoyed working with them and admired them.

Just as important as the COFO workers were the Negro residents, the small numbers of them in each city in Mississippi who offered their homes to the COFO workers to live in and meet in, who participated in the civil rights program and persuaded their neighbors to do so. These residents live under the constant threats of physical violence and loss of jobs, with the knowledge that they will remain there after the COFO workers have gone back to their colleges.

One observation that occurred to me was that in the Mississippi project our usual strata of legal society had been put aside. The man in charge of our legal office was a young lawyer, one year out of law school, far more knowledgeable than I in civil rights problems, but quite inexperienced in the practice of law. He was the one who decided what cases should be tried, he assigned the lawyers to cases and he participated in all decisions of legal policy. I could not help thinking that if we had met the month before or a month later in New York, our roles would

be completely reversed and he would be treating me as the elderly experienced attorney and I would be treating him as the neophyte.

Another aspect of our life in Mississippi that struck me was the similarity to Army living. We were a group unto ourselves. Though we had daily contact with the residents of Mississippi, both Negro and white, basically we lived as a unit and we worked as a unit. Age made no difference; lawyers of all ages worked on a par. The informality of our relationships and even our concern for our personal safety,- we reported where we were going each time we left Jackson and phoned in when we arrived at our destination,- emphasized the similarity to Army living.

On Monday morning, July 20th, Anne Cooper and I left for Laurel, Mississippi. We used one of the Hertz cars that L.C.D.C. rented for the Summer. On arriving in Jackson, our group had reported to the F.B.I. and to the local police. When I now advised the F.B.I. that I was leaving for Laurel they suggested that I report to the F.B.I. office in Laurel upon my arrival there. I also informed the local police in Jackson of my departure for Laurel. This shocked Anne Cooper who distrusted the F.B.I. and expected the local police to harrass us rather than protect us en route.

The week that I was to spend in Laurel turned out to be the most rewarding time of my trip to Mississippi. I worked closely with the COFO group, attending each evening's session when they planned the next day's activities. I got to know them well and to like them immensely. I was able to help them with their legal problems so that they were as sad as I when I returned to Jackson at the end of the week.

When Anne Cooper and I arrived at Laurel we checked in at the Town House Motel, an attractive new motel on the edge of town. We had decided to go to a motel rather than live with a Negro family until we had an opportunity to observe life in Laurel. We then drove to the Negro home where the COFO group was making its headquarters and we met most of the COFO workers. There were about fourteen in the group, about half of them were Negro and half were white, about half were boys and half were girls. Leading the group were two Negroes, a boy and a girl, both in their early 20's. The girl, Gwen Robinson, was the head of the group, but I soon observed that the boy, Jimmy Garrett, was the active leader in most of the decisions that were made by the group. Gwen had attended a Southern Negro college until last June, but had been discharged for participating in a student movement against the administration. She planned to stay out of college for one year and then go to Antioch. At first I underrated her but I soon learned that she had a rare ability to handle people and to reach the Negro residents in the community. Jimmy Garrett had a slight build and a tremendous amount of drive, imagination and leadership. He had attended the University of Southern California where he had been active in political and civil rights movements. There was no doubt that for the next few years of his life he would devote all his time and efforts to the civil rights movement. The remainder of the group, all college boys and girls and one young teacher, came mostly from the far West and Midwest and there were two Negro boys from Hattiesburg, Mississippi. A Unitarian Minister from Concord, Massachusetts, Reverend Arthur Gellis, was with the group for several weeks, and he and I generally had dinner together. None of the COFO boys or girls would eat in a restaurant in town for they would not go to a place where both Negroes and whites were not accepted.

When Anne Cooper and I arrived at the Negro home where the COFO unit was meeting, the COFO boys and girls told us that they had just suffered a severe setback. They had been using a basement in a nearby Negro church for their freedom school and their office. They had just been advised by the Trustees of the church that they must move out, and they had no other place to go. ~~It~~ It so happened that at that very moment the Trustees of the church were meeting with their Minister, so Anne Cooper and I took this opportunity to go to the church and to attend the meeting of the Trustees, a group of a dozen Negroes, most of them quite elderly. We asked the Trustees if we could speak to them and they permitted us to do so, though their Minister, an aged Negro, was reluctant to let us speak at all. Both Anne and I talked at some length and we used every argument at our disposal. When we ~~was~~ finished the Minister stated that the question had already been decided ~~upon~~ by the Board of Trustees and there was no purpose in re-opening it. One member of the Board spoke briefly and indicated some willingness to reconsider the question. Anne and I thereupon made a further plea, this time ignoring the Minister and directing our efforts toward the Board of Trustees. When we were finished the Minister again said that the matter had been decided and the subject was closed. The members of Board sat there silently. It was clear that church bombings in other towns had had an effect on the timorous old Minister and his Board of Trustees, which we could not overcome.

Promptly the next morning the COFO unit set about seeking to find a new place to meet and located a one room

dillapidated shack. They made an arrangement with the Negro owner to use the shack for their headquarters and paid \$8.00 for three weeks rental. The COFO unit moved in that morning with paint brushes and brooms and proceeded to spend the day fixing the place up. Late that afternoon the landlord came to the shack; he handed back the \$8.00 and said that he would give them one hour to get out of the place. There was no doubt that he was badly frightened. The COFO group quickly decided not to insist on their rights, for their purpose was to inspire the confidence of the Negro community, and they left the premises.

During our first day at Laurel, I attended to one or two minor legal matters for the COFO group and I got to work on the Marcia Moore case. Marcia was one of the college girls in the COFO unit. She was a white girl from Fort Dodge, Iowa, age 21, and entering her senior year at Carlton College. Marcia was bright and charming and she had the wonderful refreshing look of the All-American Girl.

On Sunday evening, July 5th, four of the COFO group had been returning by car from church services. In the car were Marcia Moore, a white boy who was driving the car, a Negro boy and a Negro girl. As they pulled up in front of the home that they were using as their meeting place, a police car pulled in behind them and another police car pulled up in front of them. All four of the occupants were told to get out of the car. The two Negroes were sent home. The white boy was asked to submit his identification. Marcia Moore was also asked

to show means of identification. She thought her purse was in the car but when she looked for it, it wasn't there. She realized at that point that her purse was in the home where she was staying a few doors away, but she decided that the police might not know which home she was staying at. She therefore decided not to go into the house to get her purse. She was asked if she had any money on her and replied that she had 50¢ in her pocket.

The policeman told her to come to the police station; she asked him if she was under arrest and he replied that he could put her under arrest if she wished but he suggested that she come to the police station and she decided to do so. When she got to the police station she was advised that she was charged with vagrancy.

She was brought into a room where she was questioned at great length by Charles Pickering, the County Attorney. He urged her to return to her home in Iowa. He said that he was going to call her father to ask him to make her return home.

Marcia was then permitted to make one telephone call. Her standing instructions were that if arrested she should call the COFO unit. She decided, however, that the COFO unit knew that she had been arrested, so she used her one telephone call to phone her father collect in Fort Dodge, Iowa to tell him that when Mr. Pickering called he should tell Mr. Pickering that Marcia was over 21 and if she wished to stay in Mississippi the decision was hers. Marcia was then brought to the jail across the street from the police station and placed in jail overnight.

At no time did she lose her composure and, in fact, when they brought her in to be fingerprinted, she questioned their right to fingerprint her for a misdemeanor. This compelled the police officials to have a quick conference among themselves after which the police chief advised her that a statute had recently been passed which permitted fingerprinting for misdemeanors. Marcia told me that she heard a few days later on the radio that a Bill permitting such fingerprinting had been signed by the Governor that day and therefore was not in effect at the time that she was fingerprinted.

After spending the night in jail, Marcia was brought back to police court on Monday morning for trial. Before the trial she was interviewed at some length by reporters and by an elderly man who turned out to be the Mayor. He asked her whether she had any means of support and she stated to him that she received a weekly allowance of \$15.00 from her parents. The case then proceeded to trial which was handled by the City Attorney, Raymond Schwartzfager, Jr., and at the suggestion of the Mayor, Marcia pleaded not guilty. The policeman was the only witness and he testified as to the events at the time of her arrest. She was then asked if she wished to testify and she requested a lawyer. The judge stated that since she had not asked for a lawyer at the commencement of the trial it was too late to do so at this time, though she had not been advised of her right to counsel. She then said she did not wish to testify. She was found guilty and given a suspended sentence of 10 days in prison.

A reading of the Mississippi statute defining vagrancy clearly shows that Marcia Moore fits none of the various definitions of a vagrant. The one under which she could possibly fall has the essential element of lack of visible means of support and the only evidence was the policeman's testimony that she had only 50¢ on her, which is certainly insufficient to warrant a finding of vagrancy.

After I met Marcia Moore, I decided to talk to Charles Pickering, the County Attorney. I went to his office and we talked at some length. (Only a small part of our conversation dealt with Marcia Moore.) Charles Pickering is a man of about 30 and a most important person in the City of Laurel, Mississippi. The police and sheriff's offices make no decision without consulting ~~with~~ Mr. Pickering. His two law partners are the Lieutenant Governor of the State and the President of the local Bar Association, and it is apparent that Mr. Pickering has a bright political future. I talked to him on two other occasions and he treated me at all times with politeness. Though our viewpoints differed we had a reasonable working relationship, (and this was true of the other Mississippi lawyers with whom I dealt.)

Charles Pickering expressed the "intelligent" Mississippi viewpoint. He strongly opposed the civil rights movement but did not condone Southern white terrorism. He began by telling me that the college boys and girls should return to their homes and should not stay in Mississippi. He said that they created a very bad impression by living in the

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Negro community. He stated that there was sexual promiscuity among the Negroes and many children born out of wedlock and though there may be some improper sexual activity on the part of members of the white community, they were at least more discreet in their behavior.

He thought the civil rights workers in Mississippi were harming the progress of the Negro. He thought that the South should be left to work out its own problems and given time to comply with the Civil Rights Bill. He thought that the presence of the Northern college students created antagonism in the white community which would result in an overall setback in the civil rights movement.

At various points in the discussion I expressed disagreement with his views and I stated in conclusion that I was confident that a few years hence he would realize that a major step in the achievement of Negro rights had been made in Mississippi because of the activities of the civil rights group.

Charles Pickering had clearly been surprised at the composition of the COFO group and particularly Marcia Moore. He had expected to find slovenly and unkempt characters. He had expected the boys to have beards. Instead, the one girl whom he had met and talked to was a most disarming young college girl and the others that he had subsequently seen around town were clean and attractive-looking. He admitted to me that the college boys and girls in the civil rights unit in Laurel were not what he expected.

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Marcia Moore was Pickering's, and in fact Laurel's, first encounter with a white, Northern civil rights worker. She was not what they anticipated when they planned to arrest one of the group. I am sure they would have liked to drop the charges and send her home, but to save face for the police, they proceeded with the case and found her guilty.

I prepared the appeal papers, filed the appeal bond, and then went to see the City Attorney, Mr. Schwartzfager, to persuade him to dismiss the case. Under Mississippi procedure, even though there had been a trial in the police court, the proceedings could nevertheless be dismissed at the stage of an appeal to the County Court. Mr. Schwartzfager was friendly, talked with me at length, and readily admitted that Marcia Moore was not a vagrant. He said that he would recommend the dismissal of the charges. In view of the fact that the court was not then in session and that he might not be in office when the court reconvened in two weeks, he said that he would recommend to his successor that the charges be dropped and he felt confident that his recommendation would be followed.

After two days at Laurel, Anne Cooper decided that she wished to return to Jackson so I drove her back to Jackson and asked for a new partner to accompany me to Laurel. It was the practice of our group to travel at all times in pairs. By this time I felt quite secure about my personal safety, having walked frequently through white and Negro sections of Jackson and having covered all of Laurel and never felt the slightest threat of danger. We had all become quite casual about safety

precautions despite my earnest resolutions before coming to Mississippi. I had no hesitation about driving any place in the state and had even taken one needless exploratory trip on some back country roads. Though mixed cars of whites and Negroes sometimes led to violence or arrest in Mississippi, on several occasions I had given Negro COFO boys a ride without incident. I returned to Laurel, confident and secure, with a girl attending Harvard Law School, named Dodie Datz.

I had an interesting corroboration of Mr. Pickering's statement that the white's are discreet in their sexual activities: when Anne Cooper and I had checked in at the motel as Mr. Herz and Miss Cooper, the desk clerk asked us if we wished to have connecting rooms. When I replied that we did not, he said that he would lock the door between our two rooms.

When I returned to Laurel, I had another matter to attend to and that was the case of Lester McKenny. Lester was a Negro in his mid 20's who had been in Mississippi two years before and had integrated the bus terminal in Laurel. He had walked into the white section of the terminal and when told to move on by the police officer, he had done so, but when he stepped outside he was arrested. He was tried and convicted and sentenced to four months in jail and a fine of \$200.00. Lester was released on bond and remained in Laurel for the summer, winning the affection and respect of many in the Negro community and the dislike of the local police. At the end of that summer he had returned to Tennessee to continue his college studies. Unfortunately, his appeal was not perfected in time

and therefore the unfulfilled sentence and the unpaid fine remained outstanding.

When Lester returned to Mississippi in the summer of 1964, he was promptly picked up by the police to serve the balance of his sentence. He was now in the process of serving his sentence, and a deal had been arranged in Jackson whereby Lester's sentence would be reduced to one month and his fine reduced to \$100.00 on the condition that he leave Jones County, that being the county in which Laurel was located.

It was my job to confirm the terms of the deal with Mr. Pickering and to obtain Lester's approval. Mr. Pickering tried to persuade me to change the terms of the deal so that Lester would agree to leave the State of Mississippi and not just Jones County, but I refused to vary the original terms.

I then went to the prison and talked to Lester at great length. Of course from the standpoint of the reduction of the sentence and fine, Lester had everything to gain and nothing to lose. Though he was unhappy about leaving Jones County where he was known in the Negro community, remaining in jail for four months would accomplish nothing. But the idea of making a deal with the law enforcement officers troubled him. I told him he could have 24 hours to think it over. He asked me to phone several people to get their views, naming two or three of the leaders of SNCC. I was unable to reach the persons that he named but I had a lengthy conference with Gwen Robinson and Jimmy Garrett, who were active in SNCC, and

they agreed that Lester should accept the deal. The following day I went back to see Lester and I talked to him at great length. He wanted to chat with me and he delayed advising me of his conclusion. He asked me about my family and we discussed his plans to go to Howard Law School. Finally when it was time to leave he told me that he would accept the deal and I so advised Pickering.

One of the decisions I had to make in Laurel concerned a problem that we L.C.D.C. lawyers had differed about among ourselves, namely, the scope of our duties in Mississippi. Clearly, when a civil rights worker or a resident participating in the civil rights activities was arrested it was our job to provide legal counsel. But should we go beyond that and protect any Negroes whose rights as citizens were abused? For example, in Laurel I was asked to confer with the family of a Negro boy arrested for drunkenness for whom excessive bail had been fixed. The boy was not involved in any civil rights activity. I declined to confer with the family.

One of the other L.C.D.C. lawyers was sent to Ruleville to investigate charges that Negro women, while at the hospital in childbirth, had been sterilized without their knowledge. I considered this beyond our proper scope, but some of the other lawyers disagreed.

On about my third day in Laurel things suddenly took a turn for the better with the COFO group. They had started working in another sector of the Negro community and received

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a warm response from many of the residents whom they spoke to in that sector. They attributed the warm reception to the fact that Lester McKenny had two years before spent a great deal of time working in that area. The COFO group thereupon decided to hold a rally in a public park located in that neighborhood. The rally was scheduled for 5 P.M. on Thursday evening and I went to the park to observe the rally but soon found myself an active participant.

The rally started with the COFO group sitting in a circle singing freedom songs. The Negro residents slowly began to gather until there were about 150 of them standing back at the edges of the group and listening. It was here that Gwen Robinson showed her great ability to reach the people. In virtually no time at all she had them moving in closer until they were seated around the COFO workers and joining in the freedom songs. I sat down to join the group. Gwen asked each of the COFO workers to stand up and tell the residents why they had come to Mississippi. Then she turned to me and asked me if I would say a few words and I could not refuse. I spoke to the group for a few minutes on the failure of the Southern courts to grant justice to the Negroes. They sang some more freedom songs and this time all 150 joined in, and finally, standing around in a big circle clasping hands with arms crossed, everyone sang We Shall Overcome.

I remained at the park with the COFO workers for a while after the rally and a number of the residents came up to talk to me and shook my hand and thanked me for coming to

Mississippi. It was interesting to note that those who attended the rally covered all age groups, some youngsters, quite a number of teenagers, and adults of all ages, including a few that appeared to be well over 70.

At about that time I noted a change in emphasis in the COFO movement. Instructions came down from headquarters to concentrate on the Freedom Democratic Party driver rather than voter registration. From my vantage point of observation, I could see the reason for the change. Voter registration was a slow and tedious process. It involved constant frustrations and the statistical results were discouraging. Enlisting the residents in the Freedom Democratic Party, however, required only obtaining the name, address and age and the signature of the resident.

Though its legal effect was clearly nil (it did not even contain the statement that the signer subscribed to the principles of the Freedom Democratic Party), the mere signing of a paper by the local Negro committed him to become a part of the civil rights movement. At the same time, it gave the civil rights workers a sense of accomplishment.

When we returned from the rally to the home that the COFO unit used for its meeting place, we found two members of the Department of Justice, Civil Rights Division, waiting for us. They interviewed the COFO workers at some length inquiring particularly as to incidents of violence or harrassment that had occurred since the Civil Rights Division had obtained its last report from the Laurel unit a few weeks earlier.

The following day five of the COFO workers and I had lunch at the home of a Negro woman who had attended the rally the previous evening and had extended an invitation to us. She was an attractive, poised and intelligent woman in her mid-30's. Her husband, who was out of town, was a successful builder. Their home was well-constructed and well-equipped and the lunch was most enjoyable.

The following day all of the COFO workers and I received an invitation to have lunch at another Negro home in the same area. This home was exactly the opposite of the one that I had dined at the previous day. The house was a dilapidated two-room shack owned by an elderly lady who had called upon the combined resources of her three sons and daughters-in-law to provide us with a nice chicken dinner.

The hospitality of the Negro residents in this area was reflected in their response to the registration drive. Working in another area the previous week, the COFO group had obtained no voter registrations, but on moving into this area within two days they had secured promises of registration from 15 persons. There had been no white resistance to Negro registration in Laurel and the failure of many qualified Negroes to register was due solely to apathy. In fact, even two such well-educated people as the builder and his wife, whose home I had lunched at the previous day, had never registered but she promised that they would do so immediately.

The next day I was joined in Laurel by two other lawyers working out of the New Orleans office, George Hinkley, a lawyer from Long Island, and Jack Brian, a lawyer from

Philadelphia, Pennsylvania. That evening there occurred the one serious incident that I encountered during my entire stay in Mississippi.

Dodie Datz was, at that time, staying at the home of a Negro family and I was staying at the Town House Motel. George Hinkley and Jack Brian checked into the Town House Motel, their room being at the opposite end of the motel from mine.

That evening, after attending a discussion session of the COFO group, Jack and George and I went to dinner at a restaurant located right next to our motel. The restaurant accomodated about 50 people, approximately 20 at the counter and about 30 at tables. I had eaten breakfast there on several occasions.

We sat down at a table and ordered dinner and started talking quietly among ourselves. A man seated at a table directly behind us and in fact with his chair almost back to back with Jack's leaned over to our table and asked Jack if he was one of those civil rights fellows. Jack replied that he was a lawyer. The man then stated that he was a doctor and he punctuated this remark by severely jabbing Jack in the ribs with his elbow. He then launched into a diatribe in a loud voice, stating that he recognized us as civil rights workers, that we didn't belong in Mississippi and we should go back to where we came from. He said he ought to call the police and they ought to throw us out of Mississippi. He kept up a loud and steady stream of invective, while his wife, who was seated with him at the table, tried to hush him up but he refused to be hushed. Jack, George and I tried to ignore his remarks but could not ignore the fact that all eyes in the restaurant were focused on us.

After a few moments the man got up, left the table and went over to a phone booth at the opposite side of the restaurant where we could see him make a phone call. He then returned to his table and continued his diatribe. After a little while he left his table again, went to the phone booth and made another phone call. He then returned to his table, paid the check and headed for the door. On his way out he stopped and talked to several people in the restaurant and then left.

Jack, George and I held a quick consultation and I suggested that we call the F.B.I. I had reported to the F.B.I. upon my arrival in Laurel and had met the agent in charge whose name was Lee - Robert E. Lee. He was the regular F.B.I. agent stationed in Laurel and his staff had been supplemented for the summer by five additional F.B.I. men. Mr. Lee had given me his night number so I called him and described the situation to him. He told me that he was unable to furnish protection and suggested that I call the Laurel police, adding that he intended to do so as well.

I promptly called the local police and at about that time a number of things happened. First, two policemen walked in and sat at the counter. I had noticed at breakfast that several policemen had dropped in for a cup of coffee. I reported to the police officer on the phone that two policemen had arrived and he suggested that I discuss the incident with them, though he had not sent them. At about the same time the short order cook who worked behind the counter and whom I had

seen on duty at breakfast that morning returned to the restaurant. But instead of going behind the counter he walked around the phone booth trying to overhear my conversation. He was a well-built athletic-looking man with tattoo marks up and down his arm.

I went over to the two policemen who were seated at the counter. At this point the counterman went behind the counter, came over to where the policemen were seated, leaned over the counter and listened intently to every word that I said to them. I told the policemen that I had called the F.B.I. and called the police desk and that the officer on duty had suggested that I speak to them. At that point the counterman moved rapidly out of the door and into his car which was parked directly in front of the door instead of in the restaurant's parking lot. We could see him plainly from our places at the counter. He had no sooner entered his car when two men came up to him while he was seated there. One of them was a rather large well-built fellow; the other weighed about 250 pounds, looked like a professional wrestler and wore a black T-shirt which showed his muscles to their best advantage. The three of them held a brief conference at the car. The counterman then drove off and the other two came into the restaurant.

Jack, George and I held a quick conference of our own and decided that while the policemen were seated looking out the window it was the time for us to head for our motel. We therefore walked out of the door and rapidly covered the short distance to Jack and George's motel room where I spent the night behind the locked door of their room. We were not disturbed for the rest of ~~the evening~~ the evening.

When I first met Jack and George it was apparent that they were at opposite poles emotionally. Jack was calm and imperturbable. George, on the other hand, was the nervous type and from the first moment that he arrived in Laurel he viewed every situation as a potential crisis. Our food consumption at dinner that evening best portrayed our three reactions: Jack ate his entire meal; I ate half my meal and George didn't take a single bite. Nevertheless, when we got to our motel room that evening, it was Jack, the imperturbable one, who suggested that each of us call his wife for the sake of our morale.

The next morning I moved into the home of an elderly Negro lady. It was a clean, middle-class home and I occupied the lady's bedroom while she slept in the living room. Jack and George moved to a motel at the opposite end of the city from the Town House Motel.

When I bid farewell to the COFO group, I received the highest compliment from Jimmy Garrett: he said to the group that I had done a "real swingin' job".

I returned to Jackson and learned that Alan Richenaker had achieved a rare accomplishment - an acquittal upon trial of two Negro COFO workers. Alan was a competent lawyer, who combined careful preparation with good judgment. The two boys had been distributing leaflets and had dropped into a cafe for a Coke. While seated in the cafe drinking their Cokes, two policemen came in and arrested them. The charge was drunkenness. Two of our lawyers, George Constantikes and Dick Debevoise, had visited the boys in prison two hours after their arrest, and it

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was quite apparent that the boys were not drunk and, in fact, they had not been drinking. Alan Richenaker was assigned to try the case. On the trial, the arresting policeman was anxious to emphasize the fact that the two Negroes who now appeared in court looking neat and well-dressed did not appear the same on the day they were arrested. He therefore volunteered the information that they looked so different that he could not be sure they were the same persons. He repeated this statement under questioning from Alan Richenaker on cross-examination. When the prosecution had rested, Alan moved to dismiss the charges on the grounds that the defendants had not been identified. The Judge withheld decision and directed Alan to proceed with the case, but at the close of the trial the Judge granted the motion to dismiss.

Upon my return to Jackson I was given two problems in corporate law which the Jackson office had held until my return since some of the L.C.D.C. lawyers knew I was a specialist in the corporate field. One of the problems related to forming a corporate organization for COFO. The other and more interesting problem had to do with a group that wanted to organize a Negro community center in Greenville, Mississippi. After I had spent some time studying the Mississippi corporate law, I proceeded with another lawyer to Greenville, about 125 miles northwest of Jackson. There I met with an interesting group at the office of a Negro dentist. The group consisted of three representatives of the Greenville COFO, two white Ministers who were assisting in the civil rights movement, about six Negro men who were prominent citizens of the Negro community in Greenville and Charles Askew, the key man in the group, a Negro architect from Philadelphia, Pennsylvania who had drawn the plans for the

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community center. I explained at length the advantages and disadvantages of the types of corporate organizations available to them. I was impressed, from the questions that were asked, with the fact that they had fully grasped my presentation though some of the legal aspects were quite involved. I was equally impressed with their determination to raise the funds and to proceed with the construction of the community center.

During my remaining days in Jackson, I attended to a few legal odds and ends, met a few white residents of Jackson, including a local accountant who openly supported the civil rights movement, and Bishop Guarini of the Catholic Church to whom I had an introduction. During that week I stayed at the home of a Negro family. The family consisted of a widow about 60 and her two daughters, ages 17 and 20. The widow was a fearless crusader for civil rights and both of her daughters had been arrested for picketing in civil rights demonstrations. She was not intimidated by the fact that a white man had inquired of one of her neighbors as to whether she was housing civil rights workers.

Before I left Jackson I briefed my successors for the ensuing two weeks on pending matters.

Looking back over my two weeks in the South, there is one thing that impressed me above all and that was the courage of the college boys and girls who participated in the civil rights movement in Mississippi and their great devotion

to the fulfillment of their ideals. I was equally impressed with their level-headedness and judgment. They were not immature teenagers looking for excitement, but were calm and intelligent young people seeking to further the cause of civil rights in Mississippi.

I was equally impressed with those Negro residents of Mississippi who took civil rights workers into their homes, participated in the integration of restaurants and lunch counters or permitted their children to do so and worked in other ways in support of the civil rights movement despite threats of violence and loss of employment.

There are a few incidental observations that I would like to make about my trip to Mississippi. First, it was the consensus of the lawyers that not only does Mississippi take great pride in the beauty of its women, but Mississippi women do appear to be very good looking. Three of us made a study of this subject while standing on a street corner in Jackson one afternoon and concluded that Mississippi women look attractive because they carry themselves as if they were beautiful. It is interesting to note that whereas the halls of most state capitols are lined with portraits of their foremost politicians, the two places of prominence in the Jackson capitol are occupied by two Miss Americas who came from Mississippi.

I was again impressed, as I had been when stationed in the South over 20 years ago, with the great preoccupation of the white Southerner with racial problems. This is a topic of conversation that they are certain to discuss with a person

as soon as they learn he is a Northerner, and it fills their newspapers, radio and T.V. news programs. The newspapers and other media present only the segregationist viewpoint and they reveled in the Harlem race riots. I was, of course, asked whether I shouldn't really be back in New York where those race riots were taking place instead of participating in civil rights work in Mississippi. I was surprised to find that the same question was, on a few occasions, asked of me by Northerners after I returned home. I had to explain that I had no sympathy with the riots in Harlem nor with acts of mob violence any place, but the Harlem riots had nothing to do with the civil rights movement, there was nothing I could do to prevent them and there was an important job that I could do as a lawyer in the civil rights movement in Mississippi, the one having no relation to the other.

One question that was asked of me when I returned to New York was whether or not there was justice in Mississippi. When civil rights workers who are living in Negro homes are arrested for vagrancy, civil rights workers who distribute leaflets are arrested for drunkenness, and Negroes and whites who travel together in a car are arrested for traffic violations, it is clear that there is no justice in Mississippi. The lack of justice is equally apparent in the failure to apprehend and convict those who are guilty of violent attacks on Negroes, ~~and~~ ~~xxxxxxrightsxxworkers~~.

I saw no evidence of police brutality in Mississippi. I think that the national attention focused on Mississippi in

June for the murder of Schwerner, Goodman and Chaney, whose bodies were still missing when I was in Mississippi, had a salutary effect on the law enforcement officials in Mississippi. Their official acts against civil rights workers were limited to harassing arrests, though some were undoubtedly secretly active in vigilante terrorism and brutality.

There were numerous beatings of civil rights workers throughout July and August in Mississippi. No COFO worker could ever be sure that he would not suddenly encounter an eruption of violence, evoked, perhaps, by traveling in a mixed group of Negroes and whites or even by just being identified as a civil rights worker. All he could do would be to minimize the occasions that would create such violence at the same time as he continued in the performance of his civil rights tasks.

I was asked whether I found any white persons in Mississippi who were sympathetic to the civil rights movement. I met three. One worked quietly on civil rights matters and had assisted the N.A.A.C.P. behind the scenes in various cases. One was a resident of Mississippi who had moved down there from Chicago about 20 years before and frankly and openly stated his views. He believed that Negroes were being deprived of their rights and that drastic changes were required, though he had some reservations about the methods being used in the civil rights movement. The third man I met was most secretive about his support of the civil rights movement. He came from an old-line Mississippi family and his father was an active supporter of the Klu Klux Klan. He closed the doors when he talked to me

and told me that none of his friends or relatives knew of his views. But he assured me, and I have no question of his integrity, that he fully supported the aims and purposes of the civil rights movement.

I have been asked whether I thought anything has been accomplished by the civil rights movement in Mississippi in the summer of 1964 and my answer is a definite yes. Of course, the large number of Negroes who were illiterate did not learn to read and write in a single summer, and the number of Negro voters who registered during the summer was small. But important progress has been made in two short months. A vital first step has been taken. In the Negro community, with the shining example of the courage of the civil rights workers, more and more Mississippi Negroes are shaking off their apathy and their fears and asserting their rights as citizens. In the white community, though they still shudder when they see a white and a Negro walk down the street together, or travel in a car together, each time that this occurs there is one degree more of acceptance than there had been before. Community leaders have spoken out in support of integration of schools, restaurants and public places in compliance with law, and vigilante tactics no longer have the silent approval of the community. I am confident that if Mississippi had been left on its own, the steps that have been taken under the force of the civil rights movement would not have been taken for many years to come.

JOHN W. HERZ