

FLORIDA STATE UNIVERSITY

A CASE STUDY IN SOUTHERN JUSTICE:  
THE EMMETT TILL CASE

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To Carol, Victoria, and Charley  
in the hope that they will  
grow up in a better world

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## INTRODUCTION

On August 28, 1955, Emmett Louis Till was abducted from the home of his uncle, Mose Wright, near Money, Mississippi. A body was recovered three days later in the nearby Tallahatchie River, which divides Tallahatchie and Leflore Counties, and the body was closer to the Tallahatchie bank of the river.

A week later, the Grand Jury of Tallahatchie County indicted J. W. Milam and Roy Bryant on separate counts of murder and kidnaping. On September 19, 1955, in Sumner, Mississippi, there began a trial destined to be the most publicized kidnap-murder trial since the Bruno Hauptman case. Seventy reporters covered the trial, representing newspapers and magazines from all over the United States and from some foreign countries. Nearly every newspaper in the country gave the case and trial front-page play, as did many of those published in other countries.

Numerous books printed since 1955 have made reference to the case. One book, a Signet paperback by William Bradford Huie, contains a story entitled "Wolf Whistle," which is the only lengthy account of the case. Other than the thirty-five pages in Huie's work, no published study has attempted to analyze the complexity of reasons behind the killing of Emmett Till. No study has revealed the many effects the trial had on subsequent political and

racial situations.

"The case before us must be considered in the light of our whole experience" said Justice Holmes in Missouri v. Holland (252 U. S. 416). Following the Justice's reasoning, this thesis will point out many of the factors which played a part in the murder and the subsequent trial.

The reasoning behind the killing, the reactions of people involved in the trial, and the verdict rendered, involve the traditions and customs of the South. Among these mores, Southern feelings with respect to the relationship of sex to the caste system of segregation is perhaps the most important to this case. Developments in Mississippi up to the time of the trial are given to reveal the strength of these mores and the rationalization behind them.

The murder occurred soon after the United States Supreme Court rendered the 1955 implementing decision of the school desegregation case, and just a few days after the state's primary election. Both of these events were important and affected both the murder and the trial. The political, economic, and social conditions in both the state and the county in which the murder occurred had bearing on the case, and are of primary importance.

The consequences of the Emmett Till case were numerous, and have not been alluded to in any other study. The racial conditions in the entire country were altered by this case. It has affected both national and state legislation. Tallahatchie County and Mississippi have suffered in many ways because of the outcome of the trial.

This thesis was made more difficult because of racial tensions which existed in the County and State during the months in which the author did research in his native Mississippi, [just prior to the riots at the University of Mississippi in 1962]. Because of this strife, local Negro sentiment on the case could not have been obtained without the probability of impairing the chances of obtaining the confidence of the white people involved in the trial.

Two men who could have made this thesis more accurate and much more complete died between 1956 and 1962. District Attorney Gerald Chatham died in 1956. William Faulkner, who became very involved in the aftermath of the Till case, knew the effect of the case on both the Negroes and the whites of the state. His death in the summer of 1962 prevented the author from obtaining much valuable information.

The author now knows why Gunnar Myrdal was obtained to write The American Dilemma. Total objectivity in writing about one's own friends, relatives, and associates is impossible. But the author has tried to make this account as unbiased, accurate, and complete as is possible.

In many places, documentation seems to be lacking. This is either because the author's sources of information have asked not to be quoted, or because to attribute certain statements to them might mean damaging repercussions. In certain instances, even "Interview with X" would be revealing, for this would indicate the donor's identity in a case where only two or three persons knew of the incident

referred to.

This work is not meant to be a condemnation of nor an attack on the people of Tallahatchie County, the state of Mississippi, or the South. Nor is it written to praise them. It is written so that the people of the county and state, through a bit of objective introspection may know more of the truth concerning the case, and that they may better understand the existing situation and the sentiments of the rest of the world. Further, the thesis should serve to inform readers in other parts of the nation so that they may better understand what actually happened--and why--within the local and regional framework.

This work points up the need for corrective legislation at the national, state, and local levels. Fortunately, some of the legislation has been passed in the eight years between 1955 and 1963. It is hoped that this work may act as a stimulus for further needed laws. It is further hoped that this work might give other Southerners the courage to attempt to uncover truths about racial situations in areas of the South, for knowledge begets understanding.

President Kennedy, in a nation-wide television address during the June, 1963 integration crisis at the University of Alabama said that racial animosity must reach an ultimate solution, not on a legislative level, but in everyday personal relationships, and at the local level. The author will feel that the work involved in the writing of this thesis is more than justified if it influences the

hastening of racial harmony in Tallahatchie County or in any other section of the country.

Finally, this author hopes to be able to refute the title of Thomas Wolfe's famous work, You Can't Go Home Again!

PART I

THE SETTING

## CHAPTER I

### SEX AND SEGREGATION

Understanding the race - sex combination is essential to any study of race relations in the South. This combination is one of the chief factors in the murder of Emmett Till and the subsequent verdict in the trial of J. W. Milam and Roy Bryant on charges of murder and kidnapping.

In an attempt to explain this complexity, the author will attempt to generalize on some feelings of the South and relate particulars to the locale of the crime and trial whenever possible. "No scientifically-controlled nationwide investigations along this line have been made,"<sup>1</sup> so the author has to rely on the personal observations of several sociologists and writers, and his own experiences in the locale of the trial.<sup>2</sup>

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<sup>1</sup>Gunnar Myrdal, An American Dilemma: The Negro Problem and Modern Democracy (New York: Harper, 1944), p. 57.

<sup>2</sup>Those chiefly employed are: Myrdal's An American Dilemma, called "the most authoritative work on the American Negro"; John Dollard's Caste and Class in a Southern Town, 3rd edition (Garden City, N. Y.: Doubleday, 1957), which, according to the confirmation of census statistics and the people of the locale, was written about the town of Indianola, Miss., which is less than thirty miles from the spot where Emmett Till was murdered; and the writings of William Faulkner, Wilbur J. Cash, and David Cohn, the last of whom was dubbed by editor Ralph McGill "the best interpreter of the Mississippi Delta."

"Sex," says Myrdal, "becomes . . . the principle around which the whole structure of segregation of the Negroes . . . is organized."<sup>3</sup> The most popular theory is that the "firm determination on the part of the whites to block amalgamation and preserve 'the purity of the race'"<sup>4</sup> has led to the system of "no social equality." Senator Theodore G. Bilbo of Mississippi, who was finally refused his seat by the Senate because of his extreme racial views, expressed the fear of most Southerners: "Whenever the mingling of races on terms of social equality is permitted, then the possibility of intermarriage must be admitted."<sup>5</sup>

It must further be understood that "the ban on intermarriage is focused on white women. For them it covers both formal marriage and illicit intercourse."<sup>6</sup> Relations between white men and Negro women have occurred since Negroes were first brought to the United States. Some of the early relations involved white women, and some had the character of a legal marriage, but most of them were extra-marital.<sup>7</sup>

Following the Reconstruction period of "unrestrained promiscuity," "the Negro population gradually settled down

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<sup>3</sup>Myrdal, p. 589.

<sup>4</sup>Ibid., p. 586.

<sup>5</sup>Theodore G. Bilbo, Take Your Choice: Separation or Mongrelization (Poplarville, Miss.: Dream House Publishing Co., 1949), p. 56.

<sup>6</sup>Myrdal, p. 586.

<sup>7</sup>Ibid., pp. 124-25.

into a caste status . . . and sexual mores can be assumed to have continued along ante-bellum lines.<sup>8</sup> The results of miscegenation can be seen in studies which reveal that a vast majority of American Negroes have mixed lineage. In 1944, Myrdal found that over 70 per cent had "white blood"<sup>9</sup>; Dollard notes studies by Charles S. Johnson in 1934 which indicate only 22 per cent of the Negroes have unmixed lineage and a 1928 survey by Melville J. Herskovits which fixes the proportion of "pure Negroes" at only 17 per cent.<sup>10</sup> And the "pure Negroes" of course decrease with each generation, because intermarriage with one of the Negroes with a trace of white blood gives their children a mixed ancestry.

While miscegenation in the South is definitely on the decline, World War II brought a resurgence reminiscent of the Civil War. In towns where concentrations of military forces were located, many white servicemen were not above sleeping with Negro women. Near Grenada, Mississippi, a city bordering the county in which Till was murdered, was Camp McCain, a large prison camp. In 1955, a great many light-skinned Negroes could be found there in the nine-to-twelve-year-old age bracket.

As Dollard and Myrdal point out, the decline of miscegenation does not necessarily mean that fewer acts of

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<sup>8</sup>Ibid., p. 126.

<sup>9</sup>Ibid., p. 133.

<sup>10</sup>Dollard, p. 156.

interracial intercourse occur, and for several reasons. One is the widespread knowledge of contraceptives among Negro prostitutes and the race in general. Another is that fear of venereal disease has led white men to take special precautions.<sup>11</sup> The more stable forms of relationship - marriage and concubinage - have fallen off sharply, and these are the relationships that are most productive of offspring.<sup>12</sup>

While these relations are on the decline in the South and in the Delta, Dollard found cases of white men keeping Negro mistresses in his "Southerntown," generally presumed to be Indianola, Mississippi, in the heart of the Delta within thirty miles of the Tallahatchie County lines. Incidentally, Indianola is the birthplace of the Citizens' Councils. He reports the case of a white man who beat up Negro men who tried to date his Negro mistress, and the Negroes dared not retaliate.<sup>13</sup> Similar circumstances have happened in Tallahatchie County.

Keeping a Negro concubine in his home by a white has almost completely stopped. In eastern Tallahatchie County some years back, a rather wealthy white man kept two families. His white wife and his children lived in one half of his house, while his Negro concubine and his very light-skinned Negro children lived in the other side. Among his Negro descendants are three highly respected men in the Negro com-

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<sup>11</sup>Dollard, p. 141; Myrdal, p. 128.

<sup>12</sup>Ibid.

<sup>13</sup>Ibid., p. 139.

munity who farm land given to them by this white farmer, very near the father's "home place." The all-white descendants of the mutual ancestor often refer to the Negroes as their "cousins."<sup>14</sup>

Negro houses of prostitution still thrive in the Delta. Dollard found that the "official opinion" in his town was that only the low class whites or "rednecks" go to these places.<sup>15</sup> But refutation of Dollard's proposition that only "rednecks" patronize such places is found in some cities and towns of the Delta. In Greenwood, Mississippi, located around five miles from the Tallahatchie County line, and about ten miles from Money, Mississippi, McLemore Street is famous for its Negro brothels. Many of the upper class of the Delta have frequented these houses, especially in their teens and early twenties. A boy or man in the Delta area can be dated by whether he remembers the outstanding madam as Dee, Hanna, or Maudie.

Yet Greenwood is the town that the Associated Citizens' Councils of America now calls its national Headquarters. Here, in 1954, Circuit Judge Tom Brady delivered a now-famous speech to the local chapter of the Sons of the American Revolution in which he stated:

Since Andrew Jackson won the Battle of New Orleans, whatever laxity in the mores which permitted clandestine

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<sup>14</sup>The illustration given here is well-known in the county and is given to point up the fact that such had occurred in the vicinity. The youngest child of this Negro-white union was born around 1910.

<sup>15</sup>Dollard, p. 138.

sexual relations with the negress [sic] in the South has been taken up. The rule is now well defined and adamant for both sexes of the white race. It is taboo first last and always as never before!<sup>16</sup>

[The entire speech was printed and has become the bible of the Citizens' Councils movement.]

The Negro reaction to interracial relations between white men and Negro women varies. Dollard claims that Negro women often feel they have succeeded in lowering a white man to the level of the Negro, and now have a chance to out-do the white women who high-hat them.<sup>17</sup> (The author has heard Negro men mock whites for "payin' for what we get for nothin'!") But the Negro's reaction to a white man's propositioning or having sex with his daughter, girl friend, or wife often provokes the same reactions as one would expect a white man to show if the tables were reversed. The Negro may deeply desire vengeance, but nearly always is restrained by the caste rules, which would mean sure death to the Negro who tried it and was caught. Higher-class Negroes are especially bitter about this.<sup>18</sup>

Dollard further states that this unrequited desire for vengeance is one of the principal factors that has produced in Southern whites a "rape complex . . . around which centers quite visibly the whole caste problem. Rape in itself is an atrocious act; to a Southern man, when it is committed

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<sup>16</sup>Tom P. Brady, Black Monday (Winona, Miss.: Association of Citizens' Councils, 1954), p. 65.

<sup>17</sup>Dollard, p. 153.

<sup>18</sup>Ibid., p. 156.

by a Negro on a white woman, it is in a class by itself and justifies the severest punishment."<sup>19</sup>

Though the danger of a white woman's being raped by a Negro is actually small, there have been genuine cases of rape, and many more cases of attempted rape.<sup>20</sup> But the danger of the Negro's desire to rape white women has acquired a special place in the defense of the lynching practice.<sup>21</sup> Quite often this is used as an excuse which will be accepted by all, to cover up for a more real but face-losing reason.

TABLE 1  
CAUSES OF LYNCHINGS 1882-1954<sup>a</sup>

Cause	1882-1954	1940-1954
Homicides	1,937	5
Felonious Assault	204	2
Rape	910	0
Attempted Rape	288	6
Robbery and Theft	232	4
Insult to Whites	84	2
Other Causes	1,075	17

<sup>a</sup>Tuskegee Institute, Race Relations in the South - 1957 (Tuskegee Institute, Ala.: Department of Records and Research, Jan. 15, 1958), pp. 4-5.

The fear of amalgamation, intermarriage, or relations between Negroes and white women is reflected in the laws of many Southern states. Mississippi's laws are indicative of

<sup>19</sup>Ibid., pp. 164-65.

<sup>20</sup>Wilbur J. Cash, The Mind of the South (New York: A. Knopf, 1941), p. 117.

<sup>21</sup>Myrdal, p. 561.

the feelings of its lawmakers. In 1892, a law was passed forbidding any citizen or resident of the State of Mississippi from going out of the state to marry, if their marriage "is forbidden by the laws of Mississippi because of kinship or race," and returning to Mississippi, "to cohabit, or be guilty of one single act of intercourse."<sup>22</sup> Conviction carries a maximum fine of 500 dollars and ten years in the penitentiary. Further reinforcing the taboo, a law was passed stating:

Between persons who cannot marry because of a relationship that would make such marriage incest, or persons whose marriage is forbidden because of race, . . . who shall cohabit, or be guilty of a single act of adultery or fornication shall be punished by imprisonment of up to ten years.<sup>23</sup>

In 1921, further insurance of the preservation of racial purity was passed.

Any person, firm or corporation who shall be guilty of printing, publishing, or circulating printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or of intermarriage between whites and Negroes, shall be guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars or imprisonment not exceeding six months, or both fine and imprisonment at the discretion of the court.<sup>24</sup>

The latter law shows the connection between amalgamation and social equality in the minds of the legislators. Gunnar Myrdal gives as "the white man's theory of color caste" a thesis which follows this principle:

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<sup>22</sup> Mississippi Code Annotated, Sec. 2002.

<sup>23</sup> Ibid., Sec. 2000.

<sup>24</sup> Ibid., Sec. 2339.

1. The concern for "race purity" is basic to the whole issue; the primary and essential command is to prevent amalgamation; the whites are determined to utilize every means to this end.
2. Rejection of "social equality" is to be understood as a precaution to hinder miscegenation and particularly intermarriage.
3. The danger of miscegenation is so tremendous that the segregation and discrimination inherent in the refusal of "social equality" must be extended to nearly all spheres of life. There must be segregation and discrimination in recreation, in religious service, in education, before the law, in politics, in housing, in stores and in bread winning.<sup>25</sup>

To prevent "intermarriage" (formal marriage or illicit intercourse) legal and social sanctions are not enough, so the popular theory runs. "It is assumed that Negro men have a strong desire for intermarriage, and that white women would be open to proposals from Negro men, if they were not guarded from even meeting them on an equal plane."<sup>26</sup> Thus the whole system of segregation and discrimination is justified.

Myrdal emphasizes that "The specific taboos are characterized further by a different degree of excitement which attends their violation, and a different degree of punishment to the violator; the closer the act to sexual association, the more furious is the public reaction."<sup>27</sup>

Sex becomes . . . the principle around which the whole structure of segregation of the Negroes . . . is organized. Here we reach the real crux of the question. In cruder language, but with the same logic, the Southern man on the street responds to any plea for social

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<sup>25</sup>Myrdal, p. 58.

<sup>26</sup>Ibid., p. 587.

<sup>27</sup>Ibid., p. 589.

equality: "Would you like to have your daughter marry a Negro?"<sup>28</sup>

Thus the entire "etiquette of race relations" developed so that

adult members of the races will have as impersonal contacts as possible. . . . Those relations which, outside of the purely sexual, are the most intimate and are never tolerated between Negroes and whites in the South are those which imply erotic advances or associations, if the male partner is a Negro. Any attempts at flirtatious behavior in words or deeds will put him in danger of his life.<sup>29</sup>

Specific taboos in inter-racial relations include:

(1) dancing - it has strong erotic associations, (2) swimming together - large parts of the body are exposed, (3) eating together - the Southern meal "possesses the sanctity of an intimate social institution."<sup>30</sup>

Other taboos are not so closely associated with sex and are not so rigidly enforced. "Mr.," "Mrs.," "Miss," "Sir," or "Ma'm," is rarely used in reference to a Negro by a white. Children often learn this the hard way. The author can well remember the chastising he received for saying "Yes, Sir" to a porter aboard the first Pullman he ever rode. But the Negro must use the above titles when addressing or referring to a white. Negroes may not contradict a white man; he may not first offer to shake the white's hand, for this implies equality. He talks with his

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid., pp. 607-08.

<sup>30</sup> Ibid., p. 608.

eyes on the ground. He does not speak unless spoken to first. He uses the back door, or a side door if it is available, but never the front door. [Of course these taboos do not apply to close friends of the whites, but this is the exception to the general rule.]<sup>31</sup>

The above, while they do not directly deal with sex, imply the lack of social equality, which is considered as fundamental in the preservation of "the purity of the race."

Nowhere has this fear based on sex shown up more clearly than in the disputes surrounding the 1954 Supreme Court decision. If Southerners did not immediately see the connection, the politicians were quick to point it out.

Various Southern newspaper editors were asked by U. S. News and World Report to give their assessment of the reasons for the South's rejection of the court decree. Most saw the basic issue underlying the matter as a fear of "eventual amalgamation of the races - meaning miscegenation, intermarriage or whatever you want to call it."<sup>32</sup> Others

<sup>31</sup>It has been pointed out that these restrictions were perhaps greater in Mississippi in 1955 than in other Southern states. Of the Southern (white) newspapers of 1955 which the author checked, only the Jackson, Mississippi Clarion-Ledger referred to Negroes as "Mr." or "Mrs." Certainly progress had been made in race relations since the pre-war days of which Myrdal wrote. Yet in 1955, conformity by Negroes to the above taboos was generally demanded by whites throughout the South. Even in 1963, Negroes were boycotting all white-owned stores in some Mississippi towns because the owners and clerks refused to greet them with "Can I help you, 'Sir' or 'Ma'm'?", and refused to call them "Mr.", "Mrs.", or "Miss."

<sup>32</sup>Thomas Waring, "There's Fear of Intermarriage," U.S. News and World Report, XL (Feb. 24, 1956), 134.

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revealed their personal feelings, indicative of much of the Southern thinking:

Now the Negroes are - I think as a general proposition - generally more retarded in school than white children. And I think this is rather important - a Negro of 14 may be in the fourth grade with a white girl of 10 or 11, and the Negro is a fully developed man, sexually. I think that is one of the things - I mean there's a little fear in there.<sup>33</sup>

Dr. Robert M. MacIver, noted author and Professor Emeritus of Political Philosophy and Sociology at Columbia University, relates that his studies of the situation indicated that "the main fear is the mixed relations between the races, especially relations that might lead to sex affairs or marriage."<sup>34</sup>

After carefully examining the relation between intermarriage and "no social equality," Myrdal finds that the view held by most social scientists is actually the reverse of the truth. What the majority of white Southerners really want is to keep the Negro in a lower status, and "intermarriage is resented because it would be the supreme indication of social equality."<sup>35</sup>

Thus the bar to intermarriage is seen as the ultimate in the discriminations that keep the Negro in his "place." The field of discriminations includes justice, politics, education and public service. While upper class whites

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<sup>33</sup>C. P. Liter, "South Was Making Tremendous Progress," U. S. News and World Report, XL (Feb. 24, 1956), 135.

<sup>34</sup>Robert M. MacIver, "Main Worry: Mixed Relations," U. S. News and World Report, XLII (Sept. 19, 1958), 77.

<sup>35</sup>Myrdal, p. 591.

often help Negroes to get fair and equal justice, personal security, and even political suffrage, "the lower class whites vehemently assert that no Negro can ever attain the status of even the lowest white." To them the educated Negro, or Negro landowner or professional is "uppity" and appears "out of his place."<sup>36</sup>

If Myrdal's thesis is true, then this is one explanation of "one of the finer points of the Southern culture." This is the "idealization of the white woman in the South. This ideal image is passionately and even violently defended, and the danger of soiling it is one of the threats that brings out the fullest hostility in Southern men."<sup>37</sup> Since the epitome of social equality would be the right of "intermarriage," then the importance of the white woman is seen in proper perspective, and she is elevated to a position of greatest prominence.<sup>38</sup>

In Judge Brady's Black Monday speech, he states:

The loveliest and the purest of God's creatures, the nearest thing to an angelic being that treads this terrestrial ball is a well-bred Southern woman or her blue-eyed, golden-haired little girl.

The maintenance of peaceful and harmonious relationships, which have been conducive to the well-being of both the white and negro races of the South, has been possible because of the inviolability of Southern womanhood.<sup>39</sup>

<sup>36</sup> Ibid., pp. 596-97.

<sup>37</sup> Dollard, p. 136.

<sup>38</sup> Cash, The Mind of the South, p. 87.

<sup>39</sup> Brady, p. 45.

In August, 1961, after the University of Mississippi's coeds had won two Miss America crowns in three years, and had three state winners in the following year (Tennessee, Missouri, Mississippi) Life carried an article in which the beauty queens stated that the Ole Miss environment is "sort of a hothouse for nurturing beauty."<sup>40</sup> Here women are placed on a pedestal, as they are in most of the state of Mississippi. John Dollard aptly described the feeling of the Delta, "This ideal image is passionately and even violently defended, and the danger of soiling it is one of the threats that brings out the fullest hostility in Southern men, especially when the attacker is a Negro."<sup>41</sup>

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<sup>40</sup>"Beauty Queens to Spare," Life, LI (Aug. 25, 1961), 64.

<sup>41</sup>Dollard, p. 136.

## CHAPTER II

### THE FREESTATE OF TALLAHATCHIE

The murder of Emmett Till and the trial of his abductors took place in Mississippi. The locale is perhaps the most important single fact in this case for "Mississippi itself, as a state, is a classic representative of the Deep South. In tradition, in tribulation, in present activity, in ambition and in future possibilities, Mississippi is the Deep South."<sup>1</sup> Further, Tallahatchie County is representative of the state of Mississippi, with a diversity of opinions representing the various factions of Mississippi politics, yet with an overriding consensus that is indicative of the state and the south.

Tallahatchie County is located in the northwest section of the state, on the edge of the Mississippi Delta. Located some eighty miles south of Memphis, Tennessee, its people go there for shopping; for operas and the theater; for football games; or for a weekend at the "beginning of the Delta,"<sup>2</sup> the Peabody Hotel. Its citizens consider Memphis the capital of the Delta.

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<sup>1</sup>Hodding Carter, The South Strikes Back (Garden City, N. Y.: Doubleday, 1959), p. 20.

<sup>2</sup>David L. Cohn, Where I Was Born and Raised (Boston: Houghton Mifflin Co., 1948), p. I.

The county's 644 square miles are divided into two sections, the hills to the east and the Delta to the west. In his classic study of the South, V. O. Key, Jr. found that politics in the state "may be regarded . . . as a battle between the Delta planters and the rednecks" of the hills.<sup>3</sup> The animosity in Tallahatchie County between these groups appears stronger than in the state as a whole.

The rivalry between the Delta and hill people is magnified by the fact that Tallahatchie is one of the state's eight counties which has two county seats. The Tallahatchie River, which divides the county, floods in the spring, and in earlier times, transportation from one side to the other was impossible in this season. In 1902, an act of the legislature divided the county into two judicial districts.<sup>4</sup> Thus both Charleston and Sumner have courthouses and there are offices for all the county officials in both towns. This is the reason that the setting of the Till trial delighted so many extremist reporters; the courthouse, dilapidated and antiquated, fit their conceptions of the South. All attempts at unifying the county under one seat and erecting one modern office building have been squelched by the Deltans who somehow see this as an infringement on their well-being.

The attitude towards prohibition which Key noted as

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<sup>3</sup>V. O. Key, Jr., Southern Politics (New York: Random House, 1949), p. 230.

<sup>4</sup>Daughters of the American Revolution, A History of Tallahatchie County (Charleston, Miss.: The Mississippi Sun, 1960), p. 27.

being split exactly along the Delta-Hill line is reflected in the county. During the 1956-1960 term of office, around 100 stills were found and destroyed in the eastern, or hill section. On the west side, only one was discovered - and that was located less than a mile from the sheriff's front door!

The Delta has vast plantations of rich black cultivable land. Most of these were sharecropped or worked by Negro tenant farmers in 1955. The hill people generally have small farms, often forty, eighty, or a hundred or so acres; much of this acreage is uncultivable. There is little sharecropping here; tenancy is the exception rather than the rule.

In 1950, Tallahatchie County had a population of 30,486, a decrease of 10.8 per cent over the past decade.<sup>5</sup> The decline was evidenced by the empty tenant houses standing along any of the county's main roads. Of the 30,486 people, 19,408 or two-thirds were non-white. The median annual per capita income of the county was \$607 - sixth from the lowest in the eighty-two counties. Here, over four-fifths of the population earned less than \$2,000 annually. Educationally the county stood third from last, with the average adult having completed 5.7 years of school.<sup>6</sup> Negroes had a 3.9 year average attendance. Only Issaquena

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<sup>5</sup>U.S., Bureau of the Census, U. S. Census of Population: 1950: General Characteristics, XXIV, 21.

<sup>6</sup>Ibid.

County kept this from being the lowest in the state.

Some indications of an area's wealth and standard of living are its housing and income. From these can be gained helpful insights into the political and racial climate. Tables 2 and 3 below seem to indicate that if wealth is an influencing factor in politics, then Negroes exercise relatively little political power in Tallahatchie County. These are also an indication of how high the white power structure had allowed local Negroes to rise. In 1949, the median annual income per family was \$690. For Negro families, the amount dropped to \$462.

TABLE 2

ANNUAL INCOMES OF TALLAHATCHIE COUNTY FAMILIES IN 1949a

Amount in Dollars	All	Number of White	Families Negro
Total	6,915	1,980	4,935
Under 500	2,855	355	2,600
500 - 999	1,355	210	1,145
1,000 - 1,499	780	235	545
1,500 - 2,499	895	535	360
2,500 - 3,499	355	255	100
3,500 - 5,999	360	315	45
6,000 - 9,999	145	140	5
Over 10,000	50	45	5

<sup>a</sup>U. S., Bureau of the Census, U. S. Census of Population: 1950. General Characteristics, XXIV, 97.

TABLE 3

HOUSING IN TALLAHATCHIE COUNTY IN 1950, BY RACE<sup>a</sup>

Condition of Housing	All	White	Negro
Owned	2,061	1,491	566
Rented	5,418	1,421	3,985
With all facilities	932	860	72
With flush toilet	1,262	1,089	173
Median rent per month	\$17.52	\$43.82	\$8.21

<sup>a</sup>Compiled from U. S., Bureau of the Census, U. S. Census of Housing: 1950, XXIV, 4, 41, 46, 55.

Tallahatchie County is agrarian. Charleston, the one city, barely classified as such with a population of 2,629. The five other towns and their populations are: Enid, 94; Glendora, 178; Sumner, 550; Webb, 680; and Tutwiler, 939.<sup>7</sup> Of the total population, 76.6 per cent lived on farms.<sup>8</sup> Of the total labor force of 7,641 males, 5,823 were engaged in farming.<sup>9</sup> In 1955, there was only one factory in the county, the Howard Zink automobile seat cover factory, which employed 110 women and 45 men.<sup>10</sup>

The attitudes of the people in Tallahatchie County typify much of Mississippi. There is very much a lack of class-consciousness, one of the real virtues of the Old South.

<sup>7</sup>U. S., Bureau of the Census, U. S. Census of Population: 1950. Number of Inhabitants, XXIV, 11.

<sup>8</sup>U. S., Bureau of the Census, U. S. Census of Population: 1950. General Characteristics, XXIV, 21.

<sup>9</sup>Ibid., p. 93.

<sup>10</sup>Letter from James P. Queenan, former manager of Howard Zink factory, Charleston, Miss., Sept. 28, 1962.

But the white people can generally be grouped into two categories. "The first and largest contains the good people of Mississippi - as they are affectionately called by editorial writers, politicians and by themselves. The other group is a smaller, but in many ways more conspicuous faction called the peckerwoods."<sup>11</sup>

Here, as W. J. Cash wrote, planters, farmers, and peckerwoods alike shared in the "concept of honor, of something inviolable and precious in the ego, to be protected against stain at every cost and imposing definite standards of conduct."<sup>12</sup> Further, "Isolation . . . enhanced individualism to such a point that people became notoriously resentful of all but a minimum of law and order and consequently, extremely difficult to govern."<sup>13</sup>

This individualism carried over into politics. Almost any state or federal official in Mississippi knows the one subject on which Tallahatchie County is unified. This is its desire to run its own business, unhampered by the rest of the world. This attitude has gained it the title of the "Freestate," and by this name it is known throughout Mississippi. As one of its long-time law enforcement officers, N. Z. Troutt, so vividly put it, "It's

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<sup>11</sup>David Halberstam, "Tallahatchie County Acquits a Peckerwood," Reporter, XIV (April 19, 1956), p. 26.

<sup>12</sup>Wilbur J. Cash, The Mind of the South (New York: A. A. Knopf, 1941), p. 75.

<sup>13</sup>Henry Savage, Jr., Seeds of Time; The Background of Southern Thinking (New York: Henry Holt and Co., 1959), p. 29.

called the 'Freestate' because the people here do just about what they damn well please."

This laissez faire attitude is typical of the Delta. As journalist Ralph McGill wrote, "The Delta as a state of mind has held on, its ears closed to any story save its own, with its conviction that it has a God-given right to do as it pleases unshaken by history or events."<sup>14</sup> Tallahatchie County for decades has been ranked with Cook County, Illinois, and Shelby County, Tennessee (in E. H. Crump's hey-day), as one of the three counties in the United States which operate most independently of outside restrictions.

The federal probation and parole officer for this north Mississippi district said in 1962, "Over half of the men on probation or parole in my district are in Tallahatchie County. Man, I can't understand those people. A man does something there that people elsewhere would run him out of town for, but down there, people will stick up for him."

These attitudes have produced an atmosphere that could be loosely described as "logical positivism," that "If a condition exists in the Freestate, it must therefore be good." The status quo is almost revered, and any attempt at innovation is likely to be met with both fear and distrust. Thus a political reformer would probably be greeted with scorn or disbelief.

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<sup>14</sup>Ralph McGill, editorial, Atlanta Constitution, October 22, 1962, p. 1.

In Tallahatchie County, and in the Delta, the Old South concept of "honor" has carried over. A man is expected to defend himself and his family, and to avenge any violations of his personal code of ethics. Only in the direst of emergencies will most people summon "the law" to avenge a wrong. Regular customers, (a few families that are constantly fighting) of course, call the law almost every week, but by and large, people settle their own differences among themselves.

The politics of Tallahatchie County, as in most other Mississippi counties, revolve around the sheriff's race. In Tallahatchie County, from the "glorious redemption" in 1875 up to 1951, the Rice-Dogan clan combination held the office.<sup>15</sup> A sheriff is not allowed to succeed himself under Mississippi law, so the families alternated the job; the one out of office assumed a deputy's job. This plan is not uncommon in Mississippi, and some husband-wife teams employ this ruse to circumvent the "no succession" clause. Since the chief law enforcement officer of the county cannot succeed himself, unless there is some sort of arrangement similar to the above, the law enforcement officer is always inexperienced and quite often incompetent.<sup>16</sup>

In some sections of the Freestate of Tallahatchie, vote-buying and selling is common. When the author was eleven years old, he received one of his greatest shocks to

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<sup>15</sup>D.A.R., History, p. 27.

<sup>16</sup>These are the conclusions reached in a study made by the Mississippi Economic Council in 1952 entitled Is This

see a good friend of his, a candidate for sheriff, pull cash from his pockets and buy votes. In one rural precinct, it is generally thought that two out of three voters sell their votes; in another ward, the estimates range from one-third to one-half. At nearly every polling place, one or more men "handles the money" and usually, each candidate or faction has his "handlers" there.

In Tallahatchie County in 1950, the white voting-age population was 6,299. The Negroes over 21 numbered 9,235. In 1955, not one was registered to vote.<sup>17</sup> One of Charleston's and Tallahatchie County's most colorful citizens was Charlie Cox, whose halting speech and messy desk were as well-known as his sole campaign promise - "to keep vigilance over your registration books." As circuit clerk and registrar of voters, for twenty-eight years he "guarded the registration books." No one had to ask what he meant.

No consideration of the Freestate would be complete without a brief study of its history in the administration of justice. In the rough days when the world's largest hardwood lumber mill was in Tallahatchie County, and the "frontier spirit"<sup>18</sup> still pervaded, J. J. Breland, the dean of the defense lawyers in the Till trial, defended twenty

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Your County?: A Study of Mississippi County Government with Recommendations.

<sup>17</sup>U. S., Department of Justice, Report of the U. S. Commission on Civil Rights: 1959, p. 579.

<sup>18</sup>For further explanation of this tradition see Malcolm B. Parsons "Violence and Caste in Southern Justice," The South Atlantic Quarterly, LX (Autumn, 1961), 456-63.

Negroes in one term of criminal court (1921).<sup>19</sup> Now, except for bootlegging cases, serious criminal cases are fairly scarce; only five sentences in the period from 1957-1962 exceeded five years. There has been only one man sentenced to die in the hill half of the county since 1916. On December 13, 1933, Eugene Prince was sentenced to hang for murder.<sup>20</sup> Since that date, no person has been sentenced to death in the county.

In nearly every murder case, the plea of guilty was entered to a charge of manslaughter and the sentences usually ranged from ten to twenty years. If a case went to trial, the verdict was usually "not guilty," or "guilty," with clemency recommended.

Until 1954, the Circuit Judge was John H. Kuykendell, Sr. of Charleston. He had a very liberal concept of justice and tried to settle disputes out of court. He was especially adept at handling racial issues, and he would often tell a participant to "leave town" and wait until the situation "cooled off," rather than let him face a prejudiced jury. Kuykendall's death in 1953 and subsequent replacement by Curtis Swango of Sardis, Mississippi gave to the Seventeenth Judicial District a much more inflexible standard of justice. The new judge, however, would certainly not be quite so familiar with the intricacies of the

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<sup>19</sup> Interview with J. J. Breland, defense attorney, Sumner, Miss., Aug. 17, 1962.

<sup>20</sup> Tallahatchie County, Mississippi, First Judicial District, Circuit Court Minute Book, case 3238.

peculiar brand of justice administered in Tallahatchie County as was his predecessor.

This, then, is the setting for Emmett Till and the crisis of 1955: the Freestate of Tallahatchie - a county dedicated to white supremacy, relatively very poor, yet containing "good people" dedicated to the paternalistic sense of noblesse oblige - "good people" who want to see a man get his just deserts, but who above all will fight to defend "their own" against any outsiders. That is how the Freestate got its name.

## CHAPTER III

### BEFORE BLACK MONDAY

To understand the racial situation surrounding the Emmett Till case, a brief sketch of the history of the South, Mississippi, and the locale of the trial is given. It is by no means a definitive history, but a trace of the feelings of the Southern white toward the Negro, particularly those concerning politics.

Mississippi is distinct in many ways. Throughout its history it has been called the "leader of reaction in race relations."<sup>1</sup> Other states have imitated its policies, as shall be revealed. For this reason the Till case takes on added significance. The era of Reconstruction (1865-1875) and Redemption (1875-1890) is especially important because the pattern of society in the South changed rapidly then, and many events and reactions of that time are similar to those of 1954. During this period the disciplines and rules were set which carried over until the mid-twentieth century, and these help to explain the existing racial situation.

When Mississippi was admitted to the Union as a territory in 1718, the great portion of the population

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<sup>1</sup>C. Vann Woodward, The Strange Career of Jim Crow (New York: Oxford University Press, 1957), p. 156.

lived in and around Natchez. The thirty-five hundred slaves were outnumbered by the approximately five thousand whites.<sup>2</sup>

At no time was there any considerable opposition to slavery, either in the territory or in the state.<sup>3</sup> Free Negroes were not common in Mississippi. The greatest number ever in the state prior to emancipation was 1,335 in 1840. This number dropped to 775 in 1860, of whom one-third lived in Adams County (Natchez) alone.<sup>4</sup> Manumission was made difficult by an 1822 state law which required a special legislative act to free each Negro slave. In 1842, granting freedom to a slave was absolutely forbidden.<sup>5</sup> It is interesting to note that these free Negroes often owned slaves. As early as 1830, records noted seventeen Negro slaveholders in the state.<sup>6</sup>

At the outbreak of the Civil War Mississippi Negroes greatly outnumbered whites. In addition to the 773 free Negroes, there were 436,530 slaves. Of the 30,943 slave-owners, only around six thousand owned as many as fourteen slaves, which was the average number per owner. The vast majority of these lived in the Delta plantation counties,

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<sup>2</sup>Vernon L. Wharton, The Negro in Mississippi, 1865-1890. Vol. XXVIII of the James Sprunt Studies in History and Political Science, ed. Albert R. Newsome, et. al., (Chapel Hill: University of North Carolina, 1947), p. 10. [Author was Professor of History at Millsaps College, Jackson, Mississippi.]

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., p. 12.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid., p. 13.

where they outnumbered whites more than ten to one.<sup>7</sup>

At the end of the Civil War, the state government set about reinstating as much of the former condition of servitude as possible. In November of 1865, Governor Benjamin Humphreys signed into law the first of the group of statutes known as the "Black Code." The first, on November 22, allowed the courts to "bind out" Negro children as apprentices, without the consent of their parents; the former owner of the ex-slave child had the first preference; and severe penalties were set for "enticing away" an apprentice from his master.<sup>8</sup> Two days later, white persons were forbidden from assembling or associating with freedmen on the basis of equality, or living in adultery or fornication with them. Penalties for any of these were up to ten days in jail for the Negro and up to six months for the white. Further, Negro vagrants could be bound out to their employers who would pay their fines, and the fines would be deducted from their earnings. A one dollar tax was levied on all freedmen, and failure to pay this was prima facie evidence of vagrancy.<sup>9</sup>

On November 25, Negroes were granted certain rights by the legislature. They could sue in a court of law and own property. They could be witnesses in court if Negroes were involved, except when a Negro was being tried for a

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<sup>7</sup>Ibid.

<sup>8</sup>Ibid., p. 84.

<sup>9</sup>Ibid., p. 85.

crime against a white. Marriage between Negroes was recognized, but interracial marriage was punishable by life imprisonment.<sup>10</sup>

The fears on the part of the whites brought on by emancipation subsided after the initial impact that the free Negro made. By 1866, much of the Black Code had been repealed. Early in 1867, it became apparent that enfranchisement of the freedman could not be avoided, so the conservative leaders of Mississippi began a frantic campaign to attract Negro voters. By May of that year, "twenty-two of the papers of the state had swung into line."<sup>11</sup>

While conservatives set up bi-racial committees in many counties, the majority of the whites despised such attempts. The Vicksburg Herald spoke the sentiments of the poor whites "we had hoped to be spared the humiliation of submitting to Negro equality at the ballot-box or elsewhere."<sup>12</sup> The previous year a census conducted by the state government had showed that there had been a mass exodus and dying out of Negroes in Mississippi, so whites allowed Negroes to register, not fearing a Negro majority. When registration figures were released, 60,147 Negroes and 46,636 whites were shown as qualified voters.<sup>13</sup>

Whites were shocked by these statistics and stayed

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<sup>10</sup>Ibid., p. 96.

<sup>11</sup>Ibid., p. 142.

<sup>12</sup>Ibid., p. 145.

<sup>13</sup>Ibid., p. 146.

away from the polls in 1867, when delegates to the Constitutional Convention were chosen. [Apparently they felt that participation was futile.] When the new document, including those important clauses which allowed Negroes to vote and which vowed that the state would never again secede from the Union, was submitted to the people for ratification, it was defeated.<sup>14</sup> However, in 1869, when a clause which disfranchised all former confederates who had held a rank higher than private was deleted from the new constitution, the voters approved the amended version by an overwhelming 113,735 to 955. Mississippi then "re-entered" the Union (and was permitted to send representatives to Congress), complete with Negro voters and Negro office-holders.<sup>15</sup> From 1869 to 1875, Mississippi was ruled by a "carpet-bag" government, as were other Southern states. Mississippi placed two Negroes in the United States Senate, the only ones ever to serve: Hiram Rhodes Revel was appointed to fill Jefferson Davis's unexpired term, and in 1874, Blanche Kelso Bruce was elected to that body.<sup>16</sup> Bruce was later unanimously confirmed to the Senate as the Registrar of the United States Treasury.<sup>17</sup> When Congress convened in 1872, its youngest member was the young Negro from Mississippi, John R. Lynch, who had formerly served as

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid., p. 156.

<sup>16</sup> Ibid., pp. 159-61.

<sup>17</sup> Woodward, The Strange Case of Jim Crow, p. 39.

the Secretary of State and Speaker of the House of Representatives for the state.<sup>18</sup>

Negroes held many important positions in local and county governments. Twelve Negroes held the office of sheriff, which according to a Mississippi historian "was the most important office in the counties."<sup>19</sup> On the municipal level, the chief complaint against the freedman's participation in government grew out of their appointments as policemen. Most whites felt "Negroes ought not to be put in a position to dischargee functions which it is proper for white men to discharge."<sup>20</sup> Law enforcement implied domination - then as today. The importance of this function was similar after Redemption, when whites regained these positions.

From the inception of Reconstruction the whites had used various economic sanctions against Negroes who voted and especially those who voted Republican. In some cases doctors refused to administer to Negroes who voted Republican.<sup>21</sup> "Much more successful were the use of threats and actual violence."<sup>22</sup> In Meridian, Mississippi, in March of 1871, whites rioted and forced radical city officials out of office; many Negroes were killed. Estimates of the

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<sup>18</sup>Wharton, p. 162.

<sup>19</sup>Ibid., p. 169.

<sup>20</sup>Ibid., p. 168.

<sup>21</sup>Ibid., p. 186.

<sup>22</sup>Ibid., p. 187.

dead ranged from five<sup>23</sup> to twenty-five or thirty.<sup>24</sup> The Meridian riot was a forecast of the end of carpetbag rule in Mississippi, and was copied by whites in her towns in an attempt to regain control.

The worst riot of the Reconstruction era came in Vicksburg in December, 1874. A band of whites forced the sheriff to resign. A band of armed Negroes marched on the town, at the call of the sheriff for aid. Suddenly someone fired on the Negroes, and in the battle that followed, two whites and twenty-four Negroes were killed. At least twelve more Negroes were lynched later by mobs, and in some cases the victims were mutilated.<sup>25</sup>

Negroes had formerly held the "support or sympathy" of some newspaper editors in Mississippi, but by the summer of 1874, these same men wrote "of them in open dislike, and finally even hatred."<sup>26</sup> There were many racial conflicts in the state prior to the election of 1875. Among these were riots in Vicksburg, Clinton, Yazoo City, and Friars Point<sup>27</sup> in which many Negroes and some whites were killed. Republican rallies were forcibly broken up. As a last

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<sup>23</sup>U. S., Congress, Report of the Joint Select Committees to Inquire into the Condition of Affairs in the Late Insurrectionary States (13 vols., 1872), I, 439-440.

<sup>24</sup>Wharton, p. 188.

<sup>25</sup>Dwyn M. Mounger, "Lynching in Mississippi, 1830-1930." (Unpublished Master's Thesis, Department of History, Mississippi State University, 1961), p. 64.

<sup>26</sup>Wharton, p. 183.

<sup>27</sup>Mounger, p. 66.

resort, Governor Ames appealed to President Grant for troops to protect the polls during that August election. Grant is reported to have turned down the request because he feared the use of troops would cost the Republican party the election in Ohio, a pivotal state. U. S. Attorney-General Pierrepont said, "The Negroes must be sacrificed."<sup>28</sup>

The Democrats carried the state decisively. The newly-elected legislature impeached the Negro lieutenant-governor for taking an \$800 bribe to pardon a murderer,<sup>29</sup> and secured the resignations of Governor Ames and the Secretary of State.<sup>30</sup>

One important fact of the Reconstruction era is that it set a pattern of race relations. Lynching in Mississippi had been common since 1835, but "it was not until after the Civil War that Negroes became the chief objects of mob action."<sup>31</sup> Civil law broke down, the penitentiary had been destroyed, and people took the law into their own hands. The Ku Klux Klan and other organized groups were formed when the state ordered the militia to disband. The Klan on one occasion massacred seventy-five colored men in Grenada, and another group called Heggie's Scouts claimed to have killed 116 Negroes and thrown their bodies into the Tallahatchie River.

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<sup>28</sup>Wharton, p. 193.

<sup>29</sup>Mounger, p. 69.

<sup>30</sup>Wharton, p. 197.

<sup>31</sup>Mounger, p. 69.

A Mississippi author wrote, "Between 1865 and 1875, the practice of lynching became as firmly fixed in Mississippi society as the thick roots of enormous live oaks in her soil."<sup>32</sup> Throughout the period "there seemed to be almost universal agreement that death by lynching was to be the penalty for either rape or attempted rape."<sup>33</sup> Murder of a white by a Negro meant the same fate.

The era from 1875 to 1890 is commonly referred to as the "Redemption period" in Mississippi. In this period the Negro was not yet disfranchised. Negroes turned up at the polls after 1878, determined to vote Republican. Negroes John R. Lynch and James Hill repeatedly ran for congressional posts. "The crowning embarrassment came with the theft and publication of a letter in which Congressman Catchings suggested that it would be helpful if one or two of the witnesses in Hill's contest should 'disappear.'"<sup>34</sup>

Almost immediately after the 1875 "revolution," dissatisfied segments of the old Democratic party formed independent political factions. To win elections from the established Democratic machines, these new groups had to court the Negro vote. In the Black counties, a small ring of whites used fraud to keep the counties under their control. One state paper, the Jackson Clarion-Ledger stated that they "actually dominated the will of the white people

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<sup>32</sup>Ibid., p. 51.

<sup>33</sup>Wharton, p. 225.

<sup>34</sup>Ibid., p. 201.

through the instrumentality of the stolen Negro vote."<sup>35</sup>

The "last straw" for the whites was the fact that in 1889, the Republicans regained control of both houses of Congress for the first time since 1875, and the Lodge Force Bill was introduced. Mississippi Negroes were refused a place on a "fusion"<sup>36</sup> ticket, and nominated a complete Republican slate of nominees for the impending elections. This was the last impetus needed, and in July, 1889, the state legislature called for a constitutional convention.<sup>37</sup>

Perhaps the greatest tragedy of these two eras, much more far-reaching than lynching, was the fact that by 1890, there were only two classifications of politicians. Formerly, there were the Negrophiles, Conservatives, and those afflicted with Negrophobia. But by 1890, the middle group had almost vanished and "any candidate who took a stand was condemned. The sole issue was white supremacy."<sup>38</sup>

Negroes understood that the election of 1890 was to be a "white man's election." In only one hill county did a Negro campaign. In Jasper County, the body of F. M. B.

<sup>35</sup> Ibid., pp. 204, 207.

<sup>36</sup> "Fusion" was developed by Conservative Democrats as a means of gaining Negro assistance in defeating dissident whites: Negroes were given a specified number of positions in the government in return for their votes. This was employed at the county level in some Delta Black Counties until 1900. Woodward, Jim Crow, p. 39.

<sup>37</sup> Wharton, pp. 208, 209.

<sup>38</sup> Ibid., p. 205.

Cook was found riddled with bullets a few days after his campaign began. "When the convention assembled on August 12, 1890, it was composed of one hundred thirty-four delegates. One hundred thirty were Democrats, one a Republican, one a National Republican, one a Conservative, and one a Green-backer." The lone Republican was Isaiah T. Montgomery, Negro founder of Mound Bayou, Mississippi.<sup>39</sup>

The 1890 Mississippi Constitutional Convention is important for many reasons. The state "led the way in race policy with a 'Second Mississippi Plan,' but this time by means 'short of revolution.' Disfranchisement was accomplished by a constitutional convention." Mississippi differed from other states, too, in that she was the only state to take this step before the outbreak of the Populist revolt, which meant that Mississippi never experienced the coalition of Negroes and poor whites against the old Whigs, which occurred in other Southern states.<sup>40</sup> This constitution was still in effect in 1955, and its bearings on the Till case are evident.

Plans to disfranchise the Negro included:

1. educational and property qualifications
2. the poll tax
3. multiple votes - up to five - for property owners

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<sup>39</sup> Ibid., p. 211.

<sup>40</sup> C. Vann Woodward, Origins of the New South, vol. IX of A History of the South, ed. Wendell H. Stephenson and E. Merton Coulter. (Baton Rouge: Louisiana State University Press, 1951), p. 321.

4. the Australian ballot
5. required proof of legitimacy.<sup>41</sup>

The greater part of the Mississippi Constitution adopted in 1890 is a repetition of earlier charters. Two sections require a uniform system of free schools, and that they be segregated by races, white and colored.<sup>42</sup> Inter-marriage between the races is forbidden,<sup>43</sup> and convicts are even to be kept separate according to race.<sup>44</sup> The Constitution specifically defines a "Negro" as a person having one-eighth or more Negro blood.<sup>45</sup>

The sections attacked most violently by citizens of the state were those relating to the franchise, the basic reason that the convention had been called. Section 243 calls for a two dollar poll tax, to be levied for the common schools. Since ten to fifteen dollars a month were top wages for a plantation worker at this time, this disfranchised many people of both races. The loophole which removed the right to vote from Negroes yet gave to whites of the same status the franchise was Section 244. "Every elector shall be able to read any section of the State constitution or [my emphasis] be able to understand it when read to him, or give a reasonable interpretation thereof."

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<sup>41</sup> Wharton, p. 209.

<sup>42</sup> 1890 Constitution of the State of Mississippi, Secs. 201, 207.

<sup>43</sup> Ibid., Sec. 263.

<sup>44</sup> Ibid., Sec. 225.

<sup>45</sup> Ibid., Sec. 263.

To place justice in the hands of the whites, Section 264 required that all grand jurors or petit jurors be qualified electors. Thirty-four state newspapers denounced the sections on franchise. The Jackson Clarion-Ledger of October 10, 1890 stated: "Every state suffers more or less from corrupt practices at elections, but it was reserved for the State of Mississippi to make its very constitution the instrument and shield of fraud." The 1890 Constitution was not submitted to the people for ratification, as this was declared to be "unnecessary and inexpedient,"<sup>46</sup> but was declared by the convention to be in effect from its passage.

The effect was immediate. From an electorate having nearly a two-to-one majority of Negroes over whites in 1890, the 1892 registration totals were 68,127 whites and 8,615 Negroes. And unfriendly registrars and other whites rebuffed the Negroes until most of the eight thousand simply abandoned the effort.<sup>47</sup>

Negroes turned to the courts as their last hope. In 1890, the United States Supreme Court upheld Mississippi's right to require segregated facilities on a train running from Memphis to New Orleans,<sup>48</sup> only thirteen years after it had forbidden Louisiana to prohibit forced segregation

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<sup>46</sup> Wharton, p. 214.

<sup>47</sup> Ibid., p. 215.

<sup>48</sup> Louisville, New Orleans and Texas Railroad Co. v. Mississippi, 133 U. S. 587 (1890).

in interstate commerce by state law.<sup>49</sup> Six years later, the decision of Plessy v. Ferguson gave the states power to separate the races on interstate transportation while it was within the state.<sup>50</sup>

Two years later, in 1898, in Williams v. Mississippi, the court gave sanction to the disfranchisement of the Negro. Williams, a Negro was tried for murder in Vicksburg, Mississippi by an all-white jury. His attorneys assailed almost every section of the State Constitution which was even slightly questionable. The court stated that, while it was obvious that the sections on franchise and jurors were worded so as to make discriminatory administration possible, this did not make these sections per se unconstitutional.<sup>51</sup> The conviction was upheld, and disfranchisement spread to other Southern states.<sup>52</sup>

In general, the leaders held up above all others three justifications for disfranchisement: (1) the removal of the Negro vote, they argued, would put an end to corrupt elections that had long disgraced Southern elections; (2) the removal of the Negro as arbiter between white factions would enable the white men to divide freely again on basic issues and enjoy a vigorous political life; (3) disfranchisement would force the Negro to abandon false hopes, find his 'place,' and as a consequence race relations would improve.<sup>53</sup>

Thus in 1890, the Negro was assigned to his "place."

<sup>49</sup> Hall v. de Cuir, 95 U. S. 485 (1877).

<sup>50</sup> Plessy v. Ferguson, 163 U. S. 537 (1896).

<sup>51</sup> Williams v. Mississippi, 170 U. S. 213 (1898).

<sup>52</sup> Woodward, Jim Crow, p. 54.

<sup>53</sup> Woodward, Origins of the New South, pp. 347-48.

And it was the goal of the whites, especially those poor whites most frequently in competition with him, that he should stay there. This produced a stringent caste system, and to preserve this system intact, an allegiance to the status quo has been necessary. Gunnar Myrdal termed it "reactionary" in the literal sense of the word. It [Southern conservatism] has preserved an ideological allegiance not only to the status quo, but to the status quo ante.<sup>54</sup> W. J. Cash termed it "the savage ideal - the patriotic will to hold rigidly to the ancient pattern, to repudiate innovation and novelty in thought and behavior."<sup>55</sup>

Many Southerners object to any attempts to analyze the existing situation. As a doctor in the Deep South told Myrdal, "It is inherent in this very notion of 'mores,' that they could never be questioned or disputed or even consciously analyzed."<sup>56</sup> Segregation at all levels was necessary, and was to be employed when at all feasible.

Yet, in Mississippi and in most of the South, by 1954, there had been a constant eroding of this system. True, Plessy v. Ferguson had condoned segregation on a "separate but equal" basis. And as late as 1925, the United States Supreme Court upheld the right of the State of Mississippi to segregate students according to race, on the grounds that it was necessary "to preserve the purity and integrity

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<sup>54</sup> Gunnar Myrdal, An American Dilemma: The Negro Problem and Modern Democracy (New York: Harper, 1944), p. 441.

<sup>55</sup> Wilbur J. Cash, The Mind of the South (New York: A. A. Knopf, 1941), p. 327.

<sup>56</sup> Myrdal, p. 33.

of the white race, and prevent amalgamation, and to preserve as far as possible, the social systems of race segregation."<sup>57</sup> But in the South, changes were being made. Louisiana State University had quietly admitted Negroes to its medical and graduate schools in 1950. In Tallahatchie County, Mississippi in the early 1950's, the local Negro high school played its "big football game of the year" against rival Grenada on Stubbs field of the white high school, because the seating and lights were better. Whites and Negroes attended the game and the stands were not segregated.

Negroes and whites fished together and hunted together. Movie theaters were nearly always segregated, but, in most Mississippi theaters, sections were provided for both races. [Quite often Negroes sat in the balcony, whites on the lower floor.] Prior to 1954, in Tallahatchie County, Negroes and whites often played together through grammar and high school years. In the city of Charleston, a Negro named Popcorn occasionally played football with the whites on North Franklin Street - among whom was a boy who is now Senator James O. Eastland's administrative assistant. Youth would not segregate the "Nigras" to the extent that they could not play together.

In Southern politics also, the fifty years preceding 1954 had seen some change. As late as 1942, one authority on the South wrote, "The elementary determinant in the

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<sup>57</sup> Rice v. Gong Lum, 275 U. S. 78 (1925).

Southern pattern [of politics] is an intense Negrophobia which has scarcely abated since Reconstruction."<sup>58</sup> Seven years later V. O. Key, Jr. wrote:

On the surface at least, the beginning and the end of Mississippi politics is the Negro. He has no hand in the voting, no part in factional maneuvers, no seats in the legislature; nevertheless, he fixes the tone - so far as the outside world is concerned - of Mississippi politics.<sup>59</sup>

Politicians in the South have used the appeal to white supremacy since Reconstruction days. The "nigger baiting" that Myrdal found directed toward the lower class of whites in the South<sup>60</sup> was formed into an art in Mississippi by James K. Vardaman. In the first decade after the turn of the century, the "Great White Chief" ranted and raved and damned the "nigger." Elected to the Senate in 1912 and defeated in 1918, Vardaman "was the voice of authority for Mississippi racists" at the end of World War I. During his short tenure in the Senate, Vardaman, who was opposed to "any colored race acquiring citizenship,"<sup>61</sup> and to "making voters or jurors of Negroes, or of qualifying them to hold office,"<sup>62</sup> tried to amend the Constitution by the "repeal of the fifteenth, the modification of the

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<sup>58</sup> Marian D. Irish, "The Southern One-Party System and National Politics," Journal of Politics, IV (February, 1942), 80.

<sup>59</sup> V. O. Key, Jr., Southern Politics in State and Nation (New York: Random House, 1941), p. 229.

<sup>60</sup> Myrdal, pp. 476, 597.

<sup>61</sup> U. S., Congressional Record, 63rd Cong., 1st sess. 1913, L, Part 3, 2395.

<sup>62</sup> Ibid., 65th Cong., 1st Sess., 1917, LV, Part 6, 6064.

fourteenth amendment, and making this Government a government by white men, of white men, for all men."<sup>63</sup> This measure was necessary, said the Senator, to prevent a recurrence of Reconstruction, when the "black brute" had laid "his poisonous blighting hands upon the fairest flower in the white man's home."<sup>64</sup> After his defeat, he once again published his Vardaman's Weekly in Jackson, Mississippi. In 1919, he advocated the formation of a militia of "the bravest and best white men" to keep the "military French-woman-ruined Negro soldiers" under surveillance and to "take care of the individual who commits the crime."<sup>65</sup>

The best known of Mississippi's racists was "The Man," Theodore G. Bilbo. Elected Governor in 1915 and 1927, Senator in 1934, 1940, and 1946, Bilbo combined racism and his common-man approach to sway the poor sections of the state.<sup>66</sup> Bilbo had, among other things, proposed in the Senate on April 24, 1939 "The Greater Liberia Act." This would have had the federal government beat the expense of a "voluntary" return to Africa for American Negroes.<sup>67</sup> But upon Bilbo's death in 1947, Mississippi elected John C. Stennis, a "dignified conservative candidate, not given to

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<sup>63</sup> Ibid., 63rd Cong., 1st Sess., 1913, L, Part 5, 5097.

<sup>64</sup> Ibid.

<sup>65</sup> Mounger, p. 106.

<sup>66</sup> Key, p. 241-44.

<sup>67</sup> Theodore G. Bilbo, Take Your Choice: Separation or Mongrelization (Poplarville, Miss.: Dream House Publishing Co., 1947), appendix. Reprinted in U. S., Congressional Record, XCI, Part 4, 4400-19.

ranting on the race question,"<sup>68</sup> to fill the vacant seat. For the next seven years, Mississippi's politicians were much less rabid on the subject of race.

After viewing the Reconstruction era, it is less difficult to understand why Myrdal found that "the ballot, for the white Southerner was, and still is, a symbol of superiority."<sup>69</sup> In 1946, two surveys of the South showed only 5,000 Negro voters in Mississippi, or 0.9 per cent of the Negroes of voting age. This contrasted heavily with Georgia's 125,000 (150,000 in second survey) and Tennessee's 80,000 (or 50,000).<sup>70</sup> But by 1954, the number of Negroes registered in the state of Mississippi had jumped to 22,000 or 4.4 per cent of those of eligible age. But while the franchise had come to Negroes in some sections of the state, in others it was absent or token. In thirteen counties, no Negroes were registered. In at least twenty-six others, less than three per cent of the eligible Negroes were registered.<sup>71</sup>

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<sup>68</sup>Key, p. 253.

<sup>69</sup>Myrdal, p. 449.

<sup>70</sup>Key, p. 523.

<sup>71</sup>U. S., 1961 Commission on Civil Rights, Vol. I Voting (5 vols.), pp. 31-32.

TABLE 4

PERCENTAGE OF ELIGIBLE NEGROES VOTING  
IN MISSISSIPPI COUNTIES (OF THE  
69 WHICH REGISTERED NEGROES)<sup>a</sup>

Number of Counties	Percentage Who Vote
13	None
42	0.1 - 9.9
12	10 - 24.9
2	25 - 49.9
0	50 and over

<sup>a</sup>U. S., 1961 Commission on Civil Rights, Vol. I  
Voting (5 vols.), p. 108.

In Tallahatchie County, Mississippi, no Negroes had registered since around the turn of the century. In 1950, 54.4 per cent of its population was Negro, and 56.0 per cent of its voting-age population was Negro.<sup>72</sup> While these figures disclosed a situation that was far from perfect, the growth in the number of Negro voters in the state as a whole showed a trend toward acceptance of Negro enfranchisement.

Perhaps even greater evidence of this softening attitude toward strict adherence to white supremacy is reflected in the public reaction to a proposed constitutional amendment in 1949. The legislature sent to the people for ratification a clause requiring prospective voters to "sustain a good moral character." "The good people of Mississippi voted down the amendment" which "proponents said would keep Negroes from voting" by about a five to one

<sup>72</sup>Ibid., pp. 274-75.

majority.<sup>73</sup>

In doing so, they support the oft-quoted statement of editor Hodding Carter that the legislature is at least ten years behind the people. "This action also disconcerts those who contend that southerners blindly accept any anti-Negro proposal," stated V. O. Key, Jr.<sup>74</sup>

The importance of the ballot was discovered by Myrdal in his study. "There is indeed, no single one of the several categories of Southern Negroes' deprivations and sufferings which is unconnected with their disfranchisement."<sup>75</sup> Dollard noted that in his Mississippi town, the vote determined "whether the streets in a given part of town are paved and whether the town spends money for lighting those streets."<sup>76</sup> In Tallahatchie County, and in other counties where Negroes do not vote, disfranchisement means many things. Streets in Negro sections of town are not only not paved, they are often not even graveled. They are generally narrow and are seldom graded by the elected supervisor for their beat. There are few or no sidewalks. Street lighting is poor. Sewers and water mains are often not put into their homes. In 1950, in Tallahatchie County, of the 1,262 homes with flush toilets, only 173 were

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<sup>73</sup>Key, p. 642.

<sup>74</sup>Ibid.

<sup>75</sup>Myrdal, p. 512.

<sup>76</sup>Dollard, p. 210.

occupied by Negroes.<sup>77</sup>

Negroes living in rural areas face less discrimination, if only because there are fewer services. Their chief exclusion comes in road service, which is rendered by elected supervisors. Often a road will be graveled and well-cared for just up to the last house on the road occupied by whites, then abruptly drop off into ruts or dust. While side roads leading to whites' homes will be cared for, and especially well cared for in an election year, Negroes can rarely obtain this service. In the rainy season, this discrimination is a great hindrance in "getting to town" for food and supplies, and in "making a crop."

But by far the greatest discrimination that burdens the non-voting Negro is in the manner in which justice is meted out. In Mississippi, one must be a qualified elector to serve on either a grand jury or a petit jury.<sup>78</sup> Myrdal noted that this turned "the democratic safeguard of the jury system into a means of minority subjugation."<sup>79</sup> In addition, law enforcement officers are generally elected. Dollard found that

voting determines the treatment that the citizen may get from the courts. It may save him from being beaten if the police or county officers arrest him for any offense, since the voter always has in reserve the threat of helping to oust from office those who misuse him.<sup>80</sup>

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<sup>77</sup> U. S., 1950 Census of Housing, XXIV, 46,56.

<sup>78</sup> Mississippi Constitution of 1890, Sec. 264.

<sup>79</sup> Myrdal, p. 574.

<sup>80</sup> Dollard, p. 211.

Myrdal stated that "the Negro's most important public contact is with the policeman. He is the personification of white authority in the Negro community."<sup>81</sup>

In 1925, the Mississippi Bar Association published a pamphlet entitled Mississippi and the Mob. Responsibility for the prevalence of lynching in the state was placed on the county law officers.<sup>82</sup> In 1952, the Mississippi Economic Council stated, "the brutal fact is that county law enforcement in many Mississippi counties for all purposes is non-existent."<sup>83</sup>

Around 1954, an executive at the famed King and Anderson Ranch in Coahoma County, Mississippi [borders Tallahatchie County] was sent to Chicago to try to get some of the "hands" who had left the Ranch to return. They refused, and gave as their chief reason the brutality of the Clarksdale police and the Coahoma County deputy sheriffs. This county and city were known for their brutality all over the Delta, and represented the extreme. But police in some other counties approached them. "Beating the hell" out of Negro prisoners was not uncommon in much of Mississippi.

Perhaps almost as important as control of the police by the whites is the system of judgeships in the State of Mississippi. The Constitution calls for justice-of-the-peace courts, allotting one or two to each of the five beats

<sup>81</sup>Myrdal, p. 535.

<sup>82</sup>Mounger, p. 123.

<sup>83</sup>Mississippi Economic Council, Is This Your County?: A Study of Mississippi County Government with Recommendations, 1952.

in the counties. Chancery Judges try civil cases; Circuit Judges try most criminal cases. Probably hoping to insure a white-controlled judiciary, the members of the 1890 convention wrote into the Constitution a section which read: "No person shall be elected or appointed to office for life or during good behavior, but the term of office shall be for some specified period."<sup>84</sup> All judges, from justices of the peace to state supreme court justices, are elected by the people for terms ranging from four to eight years, depending on the office.

Since the Chicago Tribune began to keep an annual record of all known mob killings in 1882, this has become sort of a gauge for race relations. Between 1882 and the end of World War II, statistics show that Mississippians lynched 475 victims, 433 of whom were Negroes.<sup>85</sup> By 1952, the total had grown to 534 Negroes and 40 whites. Mississippi led the nation in total persons lynched and in the number of Negroes lynched, while falling below the median in the number of whites lynched. From January, 1952 to May, 1954, no persons were lynched in the United States.<sup>86</sup>

Lynching is a rather broad term, but Tuskegee Institute leaders drew up the following criteria in 1928:

1. There must be legal evidence that the person was killed.
2. The person must have met death illegally.

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<sup>84</sup>Mississippi Constitution, Sec. 20.

<sup>85</sup>Mounger, pp. 78-79.

<sup>86</sup>Tuskegee Institute, Race Relations in the South, 1957 (Tuskegee Institute, Alabama, June 15, 1958), pp. 1-3.

3. A group [three or more] must have participated in the killing.
4. The group must have acted under pretext of service to justice, race, or custom.<sup>87</sup>

Lynchings increased immediately after the end of World War I, when returning Negro soldiers, filled with new attitudes that reflected their greater degree of freedom, overstepped the traditional Jim Crow restrictions. During the first year after the war ten Negro veterans, some of them still in uniform, were lynched in five Southern states.<sup>88</sup> From 1919 to 1930, seventy-five persons were lynched in the state of Mississippi, and "all but two of the victims were Negroes."<sup>89</sup>

"Lynchings declined in number during the latter twenties," and the year 1932 was "the first in which no mob killings were recorded within its borders. The tradition of lynching, which for so long had been a tragic characteristic of Mississippi society, was slowly dying."<sup>90</sup>

The blame for lynchings in the South is laid on the "ruling classes" by historian W. J. Cash. This is accomplished by "keeping the police from stopping the affairs" or acquitting the killers. "The common whites have usually done the actual execution . . . but they have kept on doing

<sup>87</sup> Negro Year Book, 1941-46 (Tuskegee, Alabama: The Negro Year Book Publishing Co., 1947), p. 303.

<sup>88</sup> Mounger, p. 104.

<sup>89</sup> Ibid., p. 102.

<sup>90</sup> Ibid., p. 126.

it, in the last analysis, only because their betters either consented quietly or, more often, definitely approved."<sup>91</sup>

In his excellent study of lynching in Mississippi, Dwyn Mounger cites the prime influences in mob killing in that state. One of these is the influence of the newspapers. During Reconstruction, many newspapers "fanned the flames of racial prejudice." The Yazoo City Herald called for "shooting down individuals [Negroes and Republicans] on the spot if they tried to vote in 1875."<sup>92</sup> From 1890 to 1925, newspapers in the state generally refused to condemn lynchings, and often called for them. They reported the grim details of the execution of criminals and even went so far as to describe them in advance. On June 26, 1919, the Jackson Daily News carried a banner headline "JOHN HARTFIELD WILL BE LYNCHED BY ELLISVILLE MOB AT 5 O'CLOCK THIS AFTERNOON." "Local officers agreed to turn the Negro over to a 'citizens committee' an hour before he was scheduled to be burned," stated the paper. Traffic on all the roads into Ellisville was one-way, and all factories within a fifty-mile radius closed so that employees could attend the lynching.<sup>93</sup>

By 1930, most Southern daily newspapers condemned the practice, but county weeklies and dailies tended "to

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<sup>91</sup>Cash, pp. 310-11.

<sup>92</sup>Mounger, pp. 73-74.

<sup>93</sup>Ibid., pp. 116-17.

condemn lynching in general, but justified it in particular instances." By 1935, Dr. Lawrence C. Jones, respected Negro president of Piney Woods School, was able to say: "The press has taken a decided stand for law and order."<sup>94</sup>

A second prime impetus for lynchings was the attitude of Southern Congressmen. Generally, their chief contributions were statements which strengthened the conception that Negroes were

cruel, animal-like fiends who constantly sought to prey upon Caucasian women. . . . Congressman John Rankin (Miss.) [defeated in 1952] compared the criminality of colored men to the 'Sword of Damocles.' He said "it hung over the head of every white woman in the South," and no one knew just where or when it would fall.<sup>95</sup>

After 1919, Governors generally took an active stand against lynching. The outstanding exception was Governor Theodore G. Bilbo, who told the NAACP to "Go to hell" when they sent him a telegram protesting the lynching of a Negro in the state. In 1928, when the well-known "Pope of Rome" burning took place, Bilbo was nearby. "A Negro trusty at the state penitentiary at Parchman murdered a sergeant and raped his daughter. He then escaped, forcing her to accompany him. A mob pursued him for two days" and burned him when they found him. He was roasted on a spit, with applications of mud periodically placed on his chest to "make him last longer." [He was burned on the land of a Mr. Pope of nearby Rome, Mississippi, hence the name.] Bilbo was at

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<sup>94</sup>Ibid., pp. 120-21.

<sup>95</sup>Ibid., pp. 107-08.

the penitentiary when the lynching occurred, and later stopped to "see what remained of the corpse."<sup>96</sup>

The churches, ministers, civic and religious groups all failed to take a stand on most occasions, though higher church officials were more inclined to condemn lynchings. Private citizens feared to speak out because of possible recriminations by mob members.<sup>97</sup>

The final and perhaps chief, cause was the "wide-spread irresponsibility of local law enforcement officers and other officials." Local authorities at times willingly turned criminals over to be lynched. "Others expressed approval of mob killings" and rarely, if ever, would report the names of mob members whom they knew.<sup>98</sup>

But by 1952, lynchings had apparently ceased, and were considered by Tuskegee Institute to be such an outmoded standard for judging race relations that its annual Lynching Reports were changed to a more discreet Race Relations in the South. Racial harmony, if mostly superficial, was at least without its most violent disruption.

Aside from the influence of the Negro, V. O. Key, Jr. in 1947 found that "Mississippi politics may be regarded, if one tends to keep alert to the risks of oversimplification, as a battle between the planters of the delta and

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<sup>96</sup> Ibid., pp. 112-12, and conversations of author with witnesses of the event.

<sup>97</sup> Mounger, pp. 121-25.

<sup>98</sup> Ibid., pp. 113-14.

the rednecks of the hills." Deltans had by then moved out in numbers, and peckerwoods from the hills had moved down into the more fertile delta, and the effect had somewhat diminished, "but the delta planter and the redneck stride on, not as sharply defined groups, but as states of mind formed long ago."<sup>99</sup> In October of 1962, Ralph McGill wrote "the Delta as a state of mind has held on. . . ."<sup>100</sup>

Contrary to Key's assertion that the hill-Delta split was fostered by Vardaman and Bilbo, these two have been more or less entities since before the Civil War. When the Mississippi Legislature was called into session to decide on whether to remain in the Union, the slave-holding "black" counties of the Delta voted to stay in the Union, but the small-farmer (hill) counties out-voted them and Mississippi seceded.<sup>101</sup>

In 1890, the convention that wrote the Constitution divided the state into three districts: the hills of the Northeast (twenty-three counties), the hills of the Southeast and the Gulf Coast (twenty-nine counties), and the "rest (thirty counties). "The rest" includes the Delta and the then-black counties around Jackson, the capital. During Reconstruction, Negroes had flocked to the Delta, and had made population there rather dense. So, in order to prevent the control of the state by Delta planters and

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<sup>99</sup>Key, pp. 203-32.

<sup>100</sup>Atlanta Constitution, October 22, 1962. . .

<sup>101</sup>Wharton, p. 14.

Negroes, the state was divided into these districts, and each district was to receive the same number of representatives and senators in the state legislature.<sup>102</sup> Further to insure control by the hills, an electoral college was set up for election of the governor. Each county had as many votes as it had members of the house of representatives. A majority both of the electoral college and of the popular vote was necessary to elect.<sup>103</sup>

The issue of liquor has always separated the groups. The Delta votes wet, and by and large, allows liquor to be sold rather openly. The hill people vote dry "as long as they can stagger to the polls." The Deltans generally attended Ole Miss, were the "country clubbers" and were the old southern aristocracy resurrected. The hill people attended A. and M. (later called Mississippi State College), and Will Percy found among them "the sort of people that lynch Negroes, that mistake hoodlumism for wit and cunning for intelligence, that attend revivals and fight and fornicate in the bushes afterwards."<sup>104</sup>

Perhaps, aside from purely economic issues, the greatest bone of contention between the hills and the Delta has been the Negro. To the Delta, the Negro has been an economic necessity. The vast plantations could not have been worked without him. Thus, through slavery, and later under

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<sup>102</sup> Mississippi Constitution of 1890, Sec. 256.

<sup>103</sup> Ibid., Secs. 140, 141.

<sup>104</sup> Key, pp. 233-36, 240.

the paternalism of noblesse oblige, the Negro has had protection from some of the hardships of the world.<sup>105</sup> To the hill farmer, the Negro has chiefly meant competition, and this generated the idea that "rich planters regarded 'niggers' more highly than white men."<sup>106</sup>

Vardaman, Bilbo, and subsequent politicians have utilized this cleavage to gain election by attacking the rich and the Negroes. The Delta almost unanimously voted against them, the hills supported them. Among counties which were part delta and part hills, Tallahatchie County was the only one to support Bilbo regularly.<sup>107</sup>

Key found twelve to fifteen hill counties that can be "bought" by payments to local leaders.<sup>108</sup> A common method of "uying" a county is to "contribute" a sum to the campaign of one local faction or candidate. In turn the gubernatorial candidate is placed on the "approved" voting lists. Or, inversely, a candidate for local office might contribute financially to one of the candidates for Governor, as well as assure the prospective Governor of a heavy vote in the county by "endorsing" him on election day. [This gives Mississippi, in reality, a system somewhat similar to the ticket method employed in the Louisiana Democratic

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<sup>105</sup> Atlanta Constitution, October 22, 1962, p. 1.

<sup>106</sup> Key, pp. 231-32.

<sup>107</sup> Ibid., p. 249.

<sup>108</sup> Ibid., p. 251.

primary.<sup>109]</sup> By doing this, a sheriff can insure his being able to run the county without interference from the Governor on such issues as enforcement of the state's prohibition laws.

Another major determinant in Mississippi politics was the secondary theme in all political campaigns, until 1954, when it became the number one battle cry. This is what Key calls the "policy of Mississippi in the nation: resistance to external intervention," and which is fixed by the Negro's presence.<sup>110</sup> Southerners have stood together, more or less, on this point because, as a Southern political scientist wrote, "No other region in the United States has had to face the Negro problem."<sup>111</sup>

This resistance to the "outside" and the various attacks on the South by demagogues and politicians in other sections of the Nation through speeches, newspapers, and books had hardened many Southerners toward the rest of the country. Coupled with the traditional love of the South, and the old axiom that "for the defeated, the war never ends," Southerners quite commonly put the South or their state before the nation. Wrote Harry Ashmore, editor of the Little Rock (Ark.) Gazette: "To Southern children, the nation exacts certain obligations, but it is an impersonal

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<sup>109</sup> Key, Southern Politics, pp. 168-79 is a fuller explanation of this type of voting alliance.

<sup>110</sup> Ibid., p. 230.

<sup>111</sup> Marian D. Irish, "The Proletarian South," Journal of Politics, XI (August, 1940), 233.

concept; loyalty is reserved for the South."<sup>112</sup> Perhaps the often-quoted "If you play the 'Star-Spangled Banner' Southerners reverently stand at attention, but just play 'Dixie' and you'd better hold your ears!" emphasizes the point better.

As William Faulkner stated from his Oxford home, If I have to choose between the United States government and Mississippi . . . if it came to fighting, I'd fight for Mississippi against the United States even if it meant going out into the street and shooting Negroes. After all, I'm not going to shoot Mississippians!<sup>113</sup>

As May, 1954 approached, race relations in Mississippi and throughout the South were not in perfect harmony, far from it, but progress was evident. Negroes were gaining new rights, among which probably the most important was the franchise, the key to other rights. The erosion of the caste system was occurring through such decisions as Patton v. Mississippi, which held that Negroes could not systematically be excluded from jury rolls;<sup>114</sup> Smith v. Allwright, outlawing the white primary;<sup>115</sup> and various cases in which the exclusion of Negroes from the graduate and professional schools of the states was held to be

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<sup>112</sup> Harry S. Ashmore, Epitaph for Dixie (New York: W. W. Norton and Co., 1957), p. 46.

<sup>113</sup> William Faulkner, "Talk with William Faulkner," edited by Russell Warren Howe, Reporter, XIV (March 22, 1956), 19.

<sup>114</sup> Patton v. Mississippi, 332 U. S. 463 (1947).

<sup>115</sup> Smith v. Allwright, 321 U. S. 649 (1944).

unconstitutional.<sup>116</sup> But the erosion had been so gradual that there had been no snowballing of resentment and reaction in the South.

The South had weathered such attacks upon its system as Myrdal's American Dilemma, Dollard's Caste and Class in a Southern Town, and such bits of fantasy as Orion Elliot's The Mississippi Girl, which contained, among its many dia-tribes, "If a jury of good honest citizens ever convicted a white man of a crime against a Negro in Memphis [Tenn.], I never knew it and when I hear of such a conviction I will be a very surprised man."<sup>117</sup> This type of "outside inter-fERENCE" made most Southerners wave the Rebel flag a little harder and emphasize the first syllable of "Damnyankee" a little more, but their animosity was seldom taken out on local Negroes, nor did it erupt into violence. Such was the setting of the South that received the Supreme Court decision of Brown v. The School Board of Topeka, Kansas on May 17, 1954.

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<sup>116</sup> Missouri Ex. Rel. Gaines v. Canada, 305 U. S. 337 (1950); Sweatt v. Painter, 339 U. S. 537 (1950).

<sup>117</sup> Orion L. Ellicot, The Mississippi Girl (Toledo, Ohio: West Toledo Publishing Co., 1947), p. 62.

## CHAPTER IV

### BLACK MONDAY: THE EFFECTS AND REACTIONS

MAY, 1954-AUGUST, 1955

The Supreme Court decision of May 17, 1954 had been anticipated by persons cognizant of the development of rulings of the Court in the field of "equal protection of the laws." The Gaines case<sup>1</sup> in 1938, followed by the virtual abandonment of the "separate but equal" doctrine of Plessy v. Ferguson in two decisions<sup>2</sup> in 1950 set the precedent for the Court's acceptance in 1952 of five cases involving segregation in public schools below the college level.

In June, 1953, Governor Hugh White of Mississippi announced that he would call a special session of the legislature "to take up proposals to equalize white and Negro school programs. This had been delayed in the hopes [sic] that the Supreme Court would make a ruling on the issue of segregation."<sup>3</sup> However, the Court recessed that year and rendered no opinion.

In October, 1953, the Court resumed its study of the

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<sup>1</sup> Missouri Ex Rel. Gaines v. Canada, 305 U. S. 337 (1938).

<sup>2</sup> Sweatt v. Painter, 339 U. S. 629 (1950); McLaurin v. Oklahoma State Regents, 339 U. S. 637 (1950).

<sup>3</sup> The Mississippi Sun (Charleston, Miss.), June 11, 1953, p. 1.

case. Some Southern politicians prodded a build-up of panic by predicting chaos in the South if segregation was ended. Governor Herman Talmadge of Georgia said that the end of segregation would mean the end of the state's public school system.<sup>4</sup> U. S. Representative Fisk called for a much more severe reaction: he urged his native state of Texas to secede if the Court overturned segregation!<sup>5</sup>

The Mississippi legislature came into session in January, 1954. Immediately, Representative Joel Blass introduced a bill making "commingling of races in Mississippi schools" a crime. He maintained that the police powers of the state would entitle the state "to pass such a law despite a U. S. Supreme Court decision against segregation."<sup>6</sup>

In order to restrict the rising number of Negro voters, the legislature passed a constitutional amendment which changed the prerequisites for voting. In 1890, the framers had stated that a person should be able to read and write or interpret the state constitution to the satisfaction of the registrar. This permitted illiterate whites to vote while disfranchising most Negroes. Changes passed by the legislature on April 22, 1954 were

Every elector shall be able to read and write any section of the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations

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<sup>4</sup>New York Times, March 27, 1954, p. 19.

<sup>5</sup>Ibid., March 22, 1954, p. 20.

<sup>6</sup>Ibid., January 7, 1954, p. 9.

of citizenship under a constitutional form of government.

These additional qualifications imposed herein shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.<sup>7</sup>

Now Negroes who were literate could be disfranchised.

Just prior to adjournment of its regular biennial session in May, the legislature, expecting the "Court to render a decision abolishing segregation in the public schools, completely revised its present educational system." The lawmakers set up a one-year equalization plan which was to begin on July 1, 1954. Negro schools and Negro teachers' salaries were to be brought up to the level of those of whites in the state.<sup>8</sup> A twenty-five man legal advisory board, headed by Governor White, was set up by the legislature. This group was to draft ways to keep the public schools segregated regardless of any Court ruling to the contrary.<sup>9</sup>

On the same day that the advisory board was formed, the National Council of Negro Leadership, meeting in the all-Negro Delta town of Mound Bayou, revealed plans for raising one million dollars for financing court fights of Negroes who were deprived of the right to vote.<sup>10</sup>

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<sup>7</sup>Mississippi, Laws of the Regular Session of the Legislature, 1954, p. 591.

<sup>8</sup>Ibid., May 2, 1954, p. 70.

<sup>9</sup>Mississippi, Laws of the Regular Session of the Legislature, 1954, p. 585.

<sup>10</sup>The Commercial-Appeal (Memphis, Tenn.), May 2, 1954, p. 2.

On May 17, 1954, Chief Justice Earl Warren read the decision declaring that racial segregation in public schools was unconstitutional. The final decree on any specific case was delayed until Attorney Generals of all states practicing racial segregation had the opportunity to file briefs as amici curiae. The date for filing such statements was October 1, 1954.<sup>11</sup> The long-awaited decision met varied reaction in the South. The newspaper editorials pled for acceptance and calm, almost without exception. The editors of the Memphis Commercial-Appeal wrote:

The decision was rather generally accepted. . . . The main thing now is for the American people to face this thing squarely, as an accomplished fact, and work out our destiny for the general good and the greater glory of our nation.<sup>12</sup>

The Jackson, Mississippi Clarion-Ledger, the state's largest newspaper, editorialized:

. . . we can conduct ourselves in such fashion as to cause historians to record that we faced that tragedy and crisis with wisdom, courage, faith, and determination. It should not cause any panic, any violent emotional reactions, or any disturbances of normal racial relations.<sup>13</sup>

In Mississippi, only the Jackson Daily News, which was to build up its circulation and its reputation for extreme racism on the subsequent Till case, displayed a "violent emotional reaction." Reflecting the fears and hate of some of the state's lowest type of people, editor Frederick

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<sup>11</sup> Brown v. Board of Education, 347 U. S. 438 (1954).

<sup>12</sup> The Commercial-Appeal (Memphis, Tennessee), May 18, 1954, p. 6. [Hereafter referred to as Commercial-Appeal.]

<sup>13</sup> The Clarion-Ledger (Jackson, Mississippi), May 18, 1954, p. 6.

Sullens wrote:

Human blood may stain southern soil in many places because of this decision, but the dark red stains of that blood will be on the marble steps of the United States Supreme Court Building. White and Negro children in the same schools will lead to miscegenation. It means racial strife of the bitterest sort. Mississippi cannot and will not try to abide by the decision.<sup>14</sup>

Perhaps the finest editorial in the state was written by the student editor of The Mississippian, college newspaper at the University of Mississippi. It is quite ironic when viewed from the riot-torn campus eight years later.

We realize that the decision was a difficult one at which to arrive, and we hope the Supreme Court will realize that the adjustment will be much more difficult than was its decision. We know that the student body of the University of Mississippi has long been aware of the problem and its complexities, and has accepted the fact that Negroes will probably some day be admitted into the university. Though the majority of the students do not want to attend school with Negroes, we feel that they will adapt themselves to it.<sup>15</sup>

The Governors of the states affected by the decision likewise adopted attitudes of "wait and be calm." Governor White of Mississippi urged a "go slow" attitude among state officials. He urged calmness, and declared that he would call a meeting of the legal advisory board.<sup>16</sup> Governors Clement of Tennessee and Weathersby of Kentucky both said their states would comply with the ruling, and urged against "undue haste."<sup>17</sup> Clement pledged to consult leaders of both

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<sup>14</sup>Jackson (Mississippi) Daily News, May 18, 1954, p. 6.

<sup>15</sup>The Mississippian (University, Miss.), May 18, 1954, p. 2.

<sup>16</sup>Commercial-Appeal, May 18, 1954, p. 12.

<sup>17</sup>The New York Times, May 18, 1954, p. 20.

races in a study to comply with the decision.<sup>18</sup> Governor Byrnes of Virginia asked both races to "exercise restraint and preserve order."<sup>19</sup>

The one dissenter in the group was Georgia's Governor Herman Talmadge. He vowed that "there will never be mixed schools while I am Governor" and that "integration will lead to bloodshed."<sup>20</sup> His successor, Marvin Griffin, then Lieutenant Governor, was more colorful. [When I am Governor] "I will maintain segregation in the schools and the races will not be mixed, come hell or high water."

Southern Congressmen, without the responsibility held by a chief executive, and with primary races facing them within weeks, were more vehement. All of Mississippi's Congressional delegation agreed that this was an "overt usurpation of legislative powers" by the Court, and that the decision would set back education in the South, especially for Negroes.<sup>21</sup> Senator James O. Eastland stated:

The South will not abide by this legislative decision by a political court. . . . Any attempt to integrate our schools would cause great strife and turmoil. . . . We will take whatever steps necessary to retain segregation in the public schools.<sup>22</sup>

Eastland's Senate speech three days after the above news release called the decision "an attempt to put the races

<sup>18</sup> Commercial-Appeal, May 18, 1954, p. 1.

<sup>19</sup> The New York Times, May 18, 1954, p. 20.

<sup>20</sup> Ibid., p. 1.

<sup>21</sup> Commercial-Appeal, May 18, 1954, p. 12.

<sup>22</sup> Ibid.

together, physically, upon a plane of social equality."<sup>23</sup>

The Supreme Court could scarcely have timed the decision more carefully. It came at the end of a school year, allowing, at the least three months of "cooling off." It was in an election year for Congressmen and in nearly all Southern states. But there the real race was in the Democratic primary, which came so soon after the decree that it did not become a real issue in the campaigns except perhaps, to a small degree in the state of Georgia. The indefiniteness of the time set for desegregation helped to take the edge off the decree, so that most campaigns avoided the issue.

Many states began immediate steps to circumvent the integration of the schools. In Mississippi, a week after the decision, Governor Hugh White announced that he would call a meeting of Negro leaders to discuss the recent Supreme Court decision.<sup>24</sup>

Immediately sex and racial purity became chief components of the arguments of politicians and of the fears of many Southerners. The Attorney General of Georgia said the decision "even opens the doors to a constitutional attack on our laws prohibiting intermarriage of Negroes and white people."<sup>25</sup> Edwin White, a Mississippi State Senator, explained the "sentiments of the legislature:" "If Missis-

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<sup>23</sup>U. S., Congressional Record, 83rd Cong., 2d Sess., 1954, Part 6, 7251.

<sup>24</sup>Commercial-Appeal, May 25, 1954, p. 14.

<sup>25</sup>The New York Times, May 24, 1954, p. 19.

sippi had integrated schools, then in a few centuries, the races would become amalgamated."<sup>26</sup>

Letters-to-the-editors in Southern newspapers reflected this same fear on the part of many readers. Desegregation will "certainly lead up to intermarriage. . . . Education is far from being the real issue involved here."<sup>27</sup> "The NAACP has one goal: complete integration followed up by intermarriage."<sup>28</sup> Even more to the point was the excerpt, "We could have integrated schools, but separate ones for boys and girls. I believe that this would solve the problem which is utmost in the minds of most of us."<sup>29</sup>

On July 13, 1954, Mississippi's Chief Executive announced that the conference he had suggested earlier would be held in Jackson on July 30. One hundred Negro leaders, including the state NAACP president, would meet with the Governor and his legal advisory board. The meeting was finally called in the belief that 95 per cent of the state's Negroes favored segregation. If "voluntary" segregation were approved, the Governor explained, he would ask the legislature for funds to improve the Negro schools.<sup>30</sup>

When the Negroes met with the Governor, they "stunned" him by adamantly refusing to accept "voluntary" segregation.

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<sup>26</sup> Commercial-Appeal, August 8, 1954, Sec. V, p. 3.

<sup>27</sup> Ibid., June 13, 1954, Sec. V., p. 3.

<sup>28</sup> Ibid., June 20, 1954, Sec. V, p. 3.

<sup>29</sup> Ibid., August 8, 1954, Sec. V, p. 3.

<sup>30</sup> Ibid., July 14, 1954, p. 8.

They instead proffered a six-point plan calling for strict compliance with the Supreme Court decision, more and better schools for children, and "appointment of Negroes to all policy-making boards and committees in matters of human welfare."<sup>31</sup>

Governor White, in the face of this refusal, called a special session of the legislature for September 7, to approve a Constitutional Amendment - which would abolish public schools if integration were attempted. He said if the amendment did not pass, he would not call another special session during his term of office. [In Mississippi, as in many other states, only the Governor can call a special session of the legislature and only those matters specifically submitted by him may be considered.] This would leave the state without funds for the 1955 school year, for the legislature in its regular biennial session had voted funds for only one year. The members of the advisory board called- this the "legal stick" to discourage integration.<sup>32</sup>

When the legislature convened in September, the members of both houses overwhelmingly passed a Constitutional Amendment which allowed the abolition of public schools by vote of the legislature. This was to be placed on the ballot for the autumn elections, along with an amendment

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<sup>31</sup>Ibid., July 31, 1954, pp. 1, 2.

<sup>32</sup>Ibid.

passed earlier in the regular session, which changed the requirements for voting so as to allow registrars more "discretion" in determining who was qualified to vote. Essentially, Section 244 of the state constitution was to be changed from "being able to read or interpret the constitution" to "being able to read and interpret the constitution to the satisfaction of the registrar."<sup>33</sup> This was very similar to the amendment defeated at the polls by a five-to-one vote in 1949,<sup>34</sup> but proponents of the new restrictions "found hope" in the furor over the recent Supreme Court decision.<sup>35</sup>

Legislative leaders submitted the amendment concerning schools to the electorate for a December vote, with the following statement to the press: "If it was approved, the lawmakers would return early next year and enact an adequate and aggressive support and building program to provide ample facilities for the school children of Mississippi. If it is rejected, 'all signals are off,'" and the fate of the state's schools in the 1955-1956 session would be left in doubt.<sup>36</sup>

The threat of the legislature apparently was quite convincing. Two days after the passage of the bills, the two thousand Negro delegates at a leadership conference in

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<sup>33</sup> Ibid., May 30, 1954, Sec. V, p. 4.

<sup>34</sup> See p. 46, supra.

<sup>35</sup> Commercial-Appeal, May 30, 1954, Sec. V, p. 4.

<sup>36</sup> Ibid., September 25, 1954, p. 1.

Mississippi voted by a two-to-one majority to suspend action on school desegregation until 1955. Instead, the emphasis was to be shifted to Negro registration and voting.<sup>37</sup>

The Citizens' Councils - 1954

The Citizens' Councils were formally begun at a meeting on July 11, 1954, at the house of D. H. Hawkins in Indianola, Mississippi. The men met at the suggestion of Robert Patterson, a local farmer who had been incensed by the threat of "mongrelization" to which the Supreme Court's decree seemed inevitably to point.<sup>38</sup>

A week later, the group called a meeting in Indianola's city hall. About one hundred people voted to form the Indianola Citizens' Council. Patterson was elected secretary of the association. The purpose of the group was to resist integration, because as Patterson said, "We just felt like integration would destroy everything that we valued."<sup>39</sup>

The "intellectual leader" of the Council movement was Yale-educated Tom P. Brady.<sup>40</sup> His "Black Monday" speech in Greenwood, Mississippi (twenty-nine miles from Indianola)

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<sup>37</sup> Ibid., September 27, 1954, p. 1.

<sup>38</sup> Patterson had sent letters-to-editors of newspapers, and printed a letter for distribution in which he urged that the South fight to "prevent mongrelization." John B. Martin, The Deep South Says "Never" (New York: Ballantine, 1957), pp. 1-3.

<sup>39</sup> Ibid., p. 3.

<sup>40</sup> Brady may be also remembered by the reader as the man who made the nominating speech in 1960 at the Democratic National Convention when Ross Barnett was nominated for the party's candidate for President.

was made on July 23, 1954.<sup>41</sup> The speech carried the theme that amalgamation was the goal of the Negro leaders and of the Communists. To prevent this, Brady urged: (1) establishment of a "national central office" which might develop into a third party, (2) a refinement of Bilbo's "send 'em back to Africa" - that a forty-ninth state be created and that all Negroes be shipped there (voluntarily, of course),<sup>42</sup> (3) constitutional amendments which would make the offices of Attorney General and Supreme Court Justices elective, (4) the enactment of legislation by the states which would allow the states to abolish the public school system and set up private schools for whites only, and (5) "As a last resort . . . an economic boycott."<sup>43</sup>

The Councils' headquarters bound the speech in paperback form and distributed it over the South. It became the bible of the movement.

The same day that Brady made his "Black Monday" address in Greenwood, another Mississippian who was to become a "guiding light" to the Councils spoke on the floor of the United States Senate. Senator James O. Eastland, whose plantation is only seventeen miles from Indianola where the Citizens' Councils had been formed twelve days before, said:

At no time in the foreseeable future will there be a single racially integrated school in the state of Mis-

<sup>41</sup>See Brady, Black Monday, supra, pp. 6, 14.

<sup>42</sup>This is also a goal of some Negro extremists groups, such as the Black Muslims.

<sup>43</sup>Brady, Black Monday.

sissippi . . . whether desired by either race or not, it will be something the white race will not permit under any conditions.

If Negroes go to court, what will happen? The jurors will be composed of Mississippians. Is any Mississippi citizen, white or black, so stupid as to believe that such a grand jury would return an indictment? . . . or if an indictment were returned, there is no trial jury that would convict. . . .

Could the Governor of a state cited for contempt by the court if in the exercise of the state's police power he called out the National Guard and decided that in order to prevent trouble and preserve peace it was necessary to segregate the races in the school system. Of course he could not be cited for contempt. If he did not . . . he would be subject to impeachment by the legislature.<sup>44</sup>

By September, the press had begun to notice the Citizens' Councils. When the Mississippi legislature convened, legislators "stressed the peaceful nature of the councils," which they said used "persuasion, economic pressure, but no violence, to retain white supremacy." One "prominent Yazoo County planter" said, "We won't gin their [the Negroes] cotten; we won't allow them credit; and we'll move them our of their [rented] houses if necessary, to keep them in line."<sup>45</sup>

"By October 12, some thirty Councils had been organized in Mississippi, and they set up the Association of Citizens' Councils."<sup>46</sup> Later that month, the first chapter outside Mississippi was set up at Selma, Alabama. A state senator addressing another Alabama meeting said that the

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<sup>44</sup>U. S., Congress, Congressional Record, 83rd Cong., 2d Sess., 1954, C, Part 9, 11524-26.

<sup>45</sup>Commercial-Appeal, September 12, 1954, Sec. V, p. 2.

<sup>46</sup>Martin, p. 21.

goal of the NAACP "is to open the bedroom doors of our white women to the Negro man."<sup>47</sup>

The last week in October, five hundred men in Columbus, Mississippi formed the Lowndes County Council, the thirty-first county unit in the state.<sup>48</sup> The economic pressure which had been envisioned by Judge Brady as a "last resort" had by now become the foremost method of the Councils.<sup>49</sup>

By November, 1954, 110 Mississippi towns had organized Councils which had an aggregate membership of more than 25,000 members.<sup>50</sup> On November 18, the first Citizens' Council was officially chartered as a "non-profit fraternal organization," as a group in Benoit, Mississippi filed its charter application with Secretary of State Heber Ladner.<sup>51</sup>

#### The Legislature - 1955

On November 9, 1954, Mississippi voters approved the Constitutional amendment which "tightened" voting requirements, by a five-to-one majority.<sup>52</sup> On December 21, the amendment which gave the legislature the power to abolish the public school system to avoid integration received

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<sup>47</sup> Ibid.

<sup>48</sup> Commercial-Appeal, October 31, 1954, Sec. V, p. 2.

<sup>49</sup> Ibid.

<sup>50</sup> Martin, p. 25. Official statistics are not released. This was the claim of the executive secretary of the Councils.

<sup>51</sup> Commercial-Appeal, November 21, 1954, Sec. V, p. 2.

<sup>52</sup> Ibid., November 14, 1954, Sec. I, p. 10.

roughly a two-to-one majority.<sup>53</sup> [The Citizens' Councils had worked diligently in support of the amendments.]<sup>54</sup>

Having received the "assurance" that these two amendments offered, Governor Hugh White called the Mississippi legislature into special session on January 11, 1955.<sup>55</sup> The meeting was called to "equalize" the schools of both races. Fifty-nine years after Plessy v. Ferguson, the state decided to follow its mandate.

The legislature was faced with an enormous task. The following table reveals a portion of the discrepancies. The statistics are an indication that the school system was used to keep the Negro "in his place" - beneath the whites in all respects.

Statistics will not completely show the more obvious discriminations. Extra funds had been authorized to pay extra salaries for school principles and superintendents. [See over \$4025 bracket] No part of the funds went to Negroes. No new school buses went to Negroes; they were given the old buses after the whites had "worn them out." Funds for purchase of teaching materials all went to whites.<sup>56</sup>

<sup>53</sup> Ibid., Devember 22, 1955, p. 1.

<sup>54</sup> Martin, p. 21.

<sup>55</sup> Mississippi, Secretary of State, Mississippi Official and Statistical Register, 1956-60, p. 66.

<sup>56</sup> These statements are reported by astute political reporter Kenneth Toler. Commercial-Appeal, January 23, 1955, Sec. V, p. 4. This was the case in every Mississippi county with which this author is familiar.

TABLE 5

STATISTICS FOR MISSISSIPPI PUBLIC SCHOOLS  
FOR THE YEAR 1954-55, BY RACE<sup>a</sup>

	White	Negro
Enrollment	273,722	268,216
Total personnel	10,008	7,028
Number of one-teacher schools	17	706
Number of two-teacher schools	60	446
Number of three-teacher schools	70	143
Total expenditures, 1952-53 year <sup>b</sup>	\$23,536,023	\$8,616,670
Total expenditures, 1951-52 year <sup>b</sup>	\$21,764,530	\$7,414,278
Number of teachers in annual pay bracket:		
\$3625-\$3750	37	4
\$3750-\$4025	192	5
over \$4025	88	0
Transportation expenses average daily attendance	\$29.07	\$18.31

<sup>a</sup>Mississippi, Department of Education, Statistical Data, 1954-55, pp. 21, 27-29, 39, 44.

<sup>b</sup>These two sets of figures from Mississippi, Department of Education, Biennial Report and Recommendations of the State Superintendent of Public Education, 1951-52 and 1952-53. (January 1, 1954), pp. 130, 146.

While the legislature struggled to raise an additional 23 million dollars through taxation to equalize the schools, several other bills and resolutions were passed by the lawmakers. Congress was memorialized to "limit the appellate jurisdiction of the United States Supreme Court."<sup>57</sup> A resolution passed on February 22, 1955 which had the pur-

<sup>57</sup>Mississippi, Laws of the Extraordinary Session, p. 301.

pose of requiring universal conformity to the doctrine of segregation. The bill had been adopted in the form of a resolution on February 17, by the Board of Trustees of State Institutions of Higher Learning.<sup>58</sup>

Individuals who are members, or endorse the theories, of organizations dedicated to the overthrow of our way of life and the spirit and intent of the laws of the State of Mississippi should not be invited to speak at any State Supported Institution in Mississippi . . . the governing authorities of the state institutions are urged to carefully investigate and consider the background and character of persons proposed as speakers, . . . to use caution and discretion in extending invitations to speakers and to refrain from extending such invitations when the investigation discloses the probability of the proposed speaker's endorsing such alien theories.<sup>59</sup>

[It took the legislature the same amount of time on the same day to debate and pass this resolution as it spent in passing a resolution praising National Hillbilly Music Day!]

Editor Jimmy Autrey of the University of Mississippi student newspaper, The Mississippian, condemned the policy as "a grave intrusion on the constitutional guaranties of free speech and an entering wedge of thought control."<sup>60</sup> But the school administrations refused to try to buck the legislature.

On March 14, the legislature considered and passed a bill making it unlawful for a white person to attend "any school of the high school level or below wholly or partially

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<sup>58</sup> Commercial-Appeal, March 19, 1955, p. 29.

<sup>59</sup> Laws of the Extraordinary Session, 1955, p. 312.

<sup>60</sup> Reprinted in Commercial-Appeal, March 19, 1955, p. 29.

supported by funds of the State of Mississippi which is also attended by a member or members of the Negro race." Conviction brought a jail sentence of up to six months.<sup>61</sup>

The last week of the session saw a flurry of bills come up for passage. The State Attorney-General had ruled that the recently-passed constitutional amendment restricting voter registration was invalid without enacting legislation.<sup>62</sup> The new statute set up compulsory written examinations as a prerequisite to registration. Prospective voters had to read and write, interpret a section of the state constitution, and demonstrate a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.<sup>63</sup>

The Mississippi Association of Circuit Clerks (registrars) had an amendment introduced for them stating that the registrars would not have to keep records of the written examinations. In this way they could, in reality, "repeal the law" which threatened to disfranchise "thousands of persons, other than Negroes."<sup>64</sup> The amendment was defeated.

The legislature passed, on April 1, the last day of the session, an 88 million dollar appropriation to equalize Mississippi's segregated school system during the

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<sup>61</sup> Laws of the Extraordinary Session, 1955, p. 133.

<sup>62</sup> Commercial-Appeal, March 20, 1955, Sec. V, p. 4.

<sup>63</sup> Laws of the Extraordinary Session, 1955, p. 207.

<sup>64</sup> Commercial-Appeal, April 3, 1955, Sec. V, p. 2.

following biennial period. Governor White said that this program, coupled with the new voter registration requirement "will be an answer to our segregation problem for a long time."<sup>65</sup>

A Month of Waiting - April, 1955

On March 24, 1955, a group of men obtained a charter for the Jackson, Mississippi, Citizens' Council.<sup>66</sup> Jackson is the capital and only large city in the state. W. J. "Bill" Simmons was chosen as its paid full-time executive secretary.<sup>67</sup>

On April 1, the newly-elected United States Representative Charles C. Diggs of Detroit demanded that the Eisenhower administration and Congress investigate "the fast-growing anti-Negro citizens' councils of the South."<sup>68</sup>

On April 9, the first woman's auxiliary of the Citizens' Councils was formed at Brazil, Mississippi. The president was Mrs. Harvey Pennington, wife of Tallahatchie County's State Senator and president of the Brazil Citizens' Council. [Senator Pennington's brother Jim was to serve on the jury of the Till case trial five months later.] This new group brought the total number of Councils in the state to 138.<sup>69</sup>

<sup>65</sup> Ibid., April 2, 1955, p. 19.

<sup>66</sup> Ibid., March 25, 1955, p. 44.

<sup>67</sup> Martin, p. 27.

<sup>68</sup> Commercial-Appeal, April 1, 1955, p. 45.

<sup>69</sup> Ibid., April 10, 1955, Sec. V, p. 2.

On April 11, the Supreme Court began hearing arguments on the decree which was to implement the decision made nearly a year before in Brown v. Board of Education.<sup>70</sup> The hearings had been set for October, 1954, but the death of Robert Jackson during the summer recess reduced the court to eight members. Confirmation of John Marshall Harlan's nomination by the Senate was held up by Senator James Eastland, chairman of the judiciary committee. Chief Justice Warren refused to hear the case without a full court, and Harlan's nomination did not gain Senate consent until March 16, 1955.

The arguments presented to the court by both sides inflamed the already tensa South, and gave the Citizens' Councils new material and "statistics" to prove the inferiority of the Negro. The Attorney Generals of Florida, North Carolina, South Carolina, and Virginia cited statistics to the court (and press) to show a "difference in the health and moral standards of Negroes and whites."<sup>71</sup> The colorful Lindsay Almond, Jr., Virginia's Attorney General, said of the "adversaries": "They would press this crown of thorns to our head and hold this hemlock cup to our lips."<sup>72</sup>

The following day, North Carolina's Assistant Attorney General borrowing a demagogic analogy from former Congress-

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<sup>70</sup> Brown v. Board of Education, 347 U. S. 438 (1954).

<sup>71</sup> Commercial-Appeal, April 13, 1955, p. 1.

<sup>72</sup> Ibid.

man John Rankin,<sup>73</sup> said the threat of integration hung over his state "like the sword of Damocles."<sup>74</sup> On April 14, Negro attorney Thurgood Marshall closed the public arguments with a request that fanned Southern fears. He asked that the Court make all segregated school districts file desegregation plans with the Court within one year.<sup>75</sup>

The Citizens' Councils stepped up their mailing of literature. Early in the life of the Council, such violently anti-Semitic literature as Gerald L. K. Smith's The Cross and the Flag had been recommended reading. The Councils strove for respectability and by 1955 had moved to milder literature by Senator Eastland, Congressman John Bell Williams of Mississippi, and former Supreme Court Justice James F. Byrnes. But a great portion of the literature consisted of "sexy pictures of Negro men and white women drinking, dancing, or embracing,"<sup>76</sup> with exhortations against integration and mongrelization printed beneath them.

Five gubernatorial candidates announced their candidacy for the impending August Democratic primary nomination (tantamount to election). Woman newspaper editor Mary D. Cain, making her second try for the office; former Governor Fielding Wright, the most extreme racist in the

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<sup>73</sup>See supra, p. 53.

<sup>74</sup>Commercial-Appeal, April 14, 1955, p. 1.

<sup>75</sup>Ibid., April 15, 1955, p. 1.

<sup>76</sup>Martin, pp. 15, 23-24.

group; Attorney General James P. Coleman; Attorney Ross R. Barnett; and Paul B. Johnson, Jr., son of a former governor. The official speaking engagements were set to begin on May 5, 1955.<sup>77</sup>

As the state geared for a summer of campaigning, the Fourth annual Mississippi Regional Council of Negro Leadership opened at Mound Bayou, Mississippi on April 29, 1955. This all-Negro town in the heart of the Delta - less than forty miles from Indianola - bulged with 7,500 delegates from all over the state. Negro Congressman Charles C. Diggs of Michigan, addressed the meeting. The group issued a formal statement, approved by the delegates, saying that they would seek "first class citizenship" through the courts by means of attacks on state laws designed to preserve segregation, and in application of "a bold, new practical retaliation of unlimited effectiveness in the business world.<sup>78</sup>

#### The First Lynching

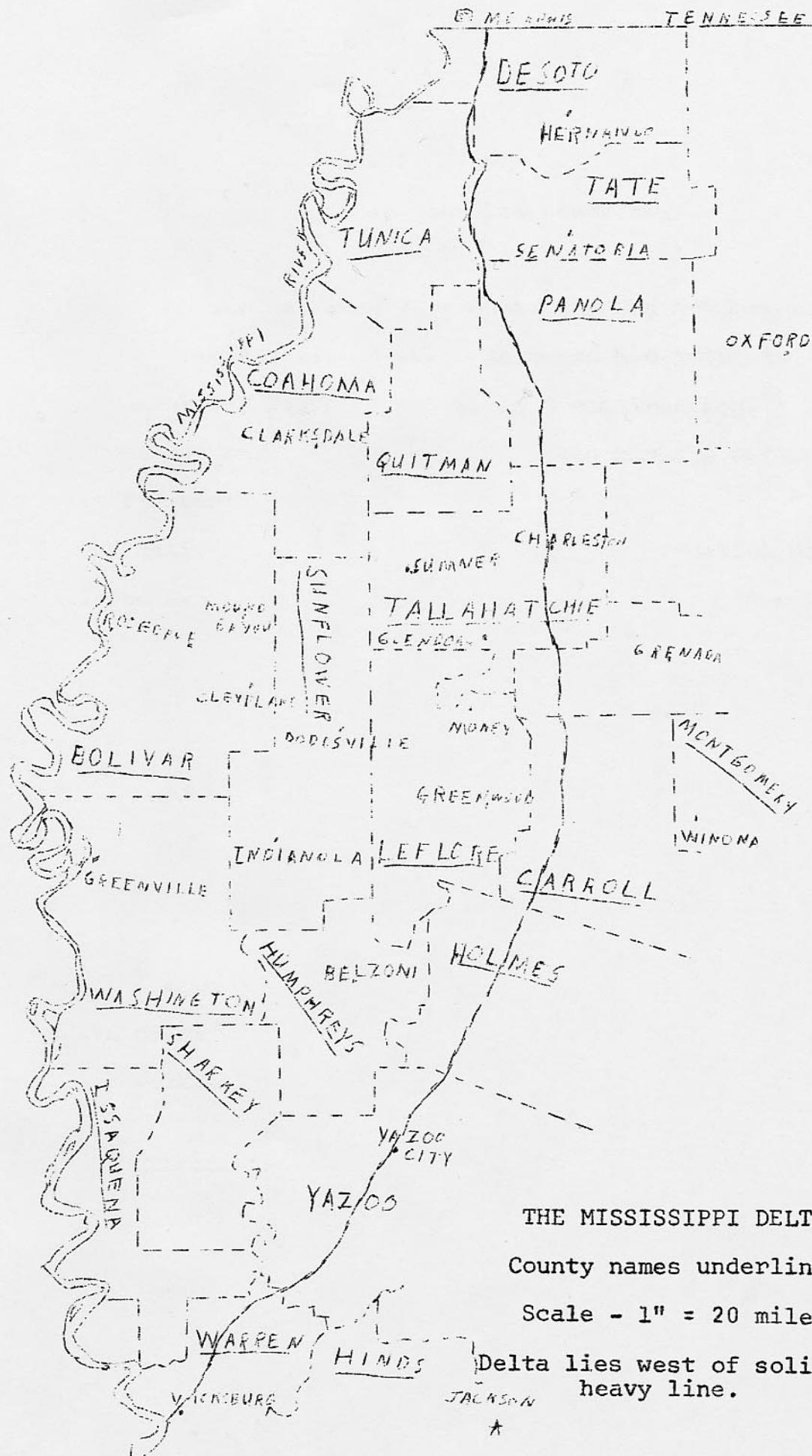
It may be coincidental that the gubernatorial campaign opened two days before the murder of Reverend Willie G. Lee in Belzoni, Mississippi. On May 7, 1955,<sup>79</sup> Rev. Lee left his home just before midnight to go to a local dry cleaners to get clothes pressed for church services

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<sup>77</sup> Commercial-Appeal, April 24, 1955, Sec. II, p. 4.

<sup>78</sup> Ibid., April 30, 1955, p. 30; May 1, 1955, Sec. V, p. 2.

<sup>79</sup> Progress and Reaction, 1955: NAACP Annual Report, 47th Year, June, 1956, p. 23.



## THE MISSISSIPPI DELTA

County names underlined.

Scale - 1" = 20 miles.

Delta lies west of solid  
heavy line.

the next day. As he drove home, a car pulled beside his and fired a double-barrelled shot gun point-blank at Lee. His car crashed into a house, and Lee never regained consciousness.<sup>80</sup>

Reverend Lee had been very active in the Humphreys County voter registration drive. No Negro had voted in this predominantly Negro county since Reconstruction,<sup>81</sup> but Negroes had begun to register in token numbers within the past few months.

The attitude of law enforcement in the situation reflected the sentiments of many whites in the area. Sheriff I. J. Shelton first said that the death was probably an accident, that the lead in his mouth was probably fillings from his teeth.<sup>82</sup> On May 18, Shelton acknowledged that Federal Bureau of Investigation reports showed six buckshot in Lee's head.<sup>83</sup> The following day, a coroner's jury ruled Lee died of hemorrhage due to a wound caused by No. 3 buckshot.<sup>84</sup> The Sheriff acknowledged that "it looked like murder." He said he had "some suspects in the death of Rev. Lee. The suspects are Negro."<sup>85</sup>

Roy Wilkins, NAACP executive secretary, Ruby Hurley,

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<sup>80</sup> Commercial-Appeal, May 22, 1955, Sec. I, p. 7.

<sup>81</sup> Ibid., May 21, 1955, p. 27.

<sup>82</sup> Ibid., May 22, 1955, Sec. I, p. 7.

<sup>83</sup> Ibid., May 19, 1955, p. 55.

<sup>84</sup> Ibid., May 20, 1955, p. 35.

<sup>85</sup> Ibid., May 19, 1955, p. 55.

NAACP Southeast Regional Secretary, and Mississippi State NAACP president A. H. McCoy called for a statewide mass meeting in Belzoni on April 22 to protest the method of law enforcement on the Lee murder. When the 400 members gathered in Belzoni that Sunday, Wilkins made a statement which showed insight that few Mississippians had utilized.

I don't believe the Citizens' Council ordered Lee killed; I don't believe that they advocate that anybody be killed. But whenever respectable white people - the minister, banker, lawyer and department store owner speak strongly of (stopping Negro advancement) "by means short of violence," the white citizen who is irresponsible is not equipped to deal with the situation. The next thing is that the irresponsible one doesn't stop short of it, and there is violence.<sup>86</sup>

Wilkins, whose parents had emigrated from Holly Springs, Mississippi, also reported that the number of Negroes who were registered to vote in Mississippi had fallen from 22,000 to 8,000 in the past few months. This was due to economic pressure by the Councils, which, according to Wilkins "talked a great deal about maintaining public school segregation," but were "primarily interested in keeping Negroes from the ballot box."<sup>87</sup>

Brown v. Board of Education -  
the Implementing Decree

The Supreme Court had promised to render a decision on the implementation of the decision reached on May 17, 1954 concerning segregation in the public schools before

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<sup>86</sup> Ibid., May 23, 1955, Sec. I, p. 1.

<sup>87</sup> Ibid., May 23, 1955, Sec. I, p. 2.

it recessed in June. Each Monday in May the decision was expected. Apparently anticipating the impending decision, Senator Eastland violently attacked the Court on the floor of the Senate on May 26. He said that the Court was Communist-inspired as was evidenced by the citation of Myrdal's The American Dilemma in the desegregation decision in 1954. He called for a Congressional investigation of the Court.<sup>88</sup>

On May 31, 1954, the Supreme Court handed down its decision calling for desegregation of all public schools "with all deliberate speed." No specific deadline was set, and federal district judges were to have original jurisdiction over the situation in their district.<sup>89</sup>

The reaction throughout the South was generally one of relief. Governor Hugh White of Mississippi said "it was more than we expected, because we thought the court would set a deadline." The United States Representatives from the Delta area [Smith and Whitten] "felt relieved." Whitten feared it would "still cause much turmoil in the South."<sup>90</sup>

The only violent reaction among political leaders came from Senator Eastland. He said the decree

calls for an immediate start for mixing the races in the schools. . . . To resist is the only answer. We must resist them in the courts, in our legislative halls, and by the ballots of our people. I know Southern people will not surrender their dual school

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<sup>88</sup> Ibid., May 26, 1955, p. 1; May 27, p. 23. The area newspaper citation is given rather than the Congressional Record citation because the former influenced many people in the area, while few if any read the speech in the Record.

<sup>89</sup> Brown v. Board of Education, 349 U. S. 294 (1955).

system and their racial heritage at the command of this crowd of racial politicians in judicial robes.<sup>91</sup>

### Integration

On June 5, 1955, Dr. A. H. McCoy, Mississippi's state NAACP president, instructed local branches of the organization to petition school boards to take "immediate steps" to comply with the recent Supreme Court decision.<sup>92</sup>

As the people of Mississippi looked beyond their borders, they saw the walls of segregation crumbling. Schools in Southeast Oklahoma's "Little Dixie,"<sup>93</sup> Tennessee's college system,<sup>94</sup> then two Arkansas schools near Mississippi's border announced integration plans for the approaching fall term.<sup>95</sup>

Conformity became a necessity. On June 9, 1955, all five gubernatorial candidates appeared before the Madison County Citizens' Council and pledged themselves to "go all out to retain segregation."<sup>96</sup> Eleven days later, Roy C. Delamotte, a Methodist minister who opposed a resolution adopted by the Mississippi Methodist Conference calling for continued segregation in the church was refused the right

<sup>91</sup> Ibid.

<sup>92</sup> Ibid., June 6, 1955, p. 23.

<sup>93</sup> Ibid., June 9, 1955, p. 53.

<sup>94</sup> Ibid., June 16, 1955, p. 1.

<sup>95</sup> Ibid., June 26, 1955, Sec. I, p. 1; July 1, 1955, p. 47.

<sup>96</sup> Ibid., June 10, 1955, p. 29.

to pastor his church.<sup>97</sup> A Negro school teacher, Dola H. Walters of Indianola, Mississippi, tried to use a white rest room while traveling and was reportedly abused by the service station attendant. For reporting the incident to the state Regional Council of Negro Leadership, she was fired from her teaching position.<sup>98</sup>

On June 25, the Mississippi State Bar Association endorsed Senator Eastland's May 26 resolution calling for an investigation of the United States Supreme Court.<sup>99</sup> On July 17, long-time Mississippi political journalist Kenneth Toler revealed that the Councils had instigated the Bar Association resolution. Further, the Councils had sent out instructions concerning voting to all the county units. It urged the leaders to

take whatever steps they think are appropriate to interest all white people in the county in carefully surveying the field of candidates for each office. Above all see that they (whites) vote on election day. . . . The socialistic onslaught of mongrelers [sic] is just beginning.<sup>100</sup>

Mississippians who had illusions of "it won't happen here" soon had their misconceptions corrected. In Vicksburg, Mississippi, 140 Negroes signed a petition circulated by the local NAACP asking the local school board for "immediate concrete steps" toward elimination of segregation

<sup>97</sup> Ibid., June 21, 1955, p. 1.

<sup>98</sup> Ibid., June 25, 1955, p. 10.

<sup>99</sup> Ibid., June 26, 1955, Sec. II, p. 7.

<sup>100</sup> Ibid., July 17, 1955, Sec. V, p. 4.

in the public schools, and presented it to County Superintendent of Education H. V. Cooper on July 18, 1955. The board consulted Attorney General Coleman and refused to consider the document on the grounds that lack of notarization made it "a communication which wholly fails to meet the requirements for a petition. . . . The incident is closed."<sup>101</sup>

Coming two weeks before the election, the incident provided an issue which was played to the fullest by the gubernatorial candidates. Each showed how "his plan" for preserving segregation was the only one which could be successful.<sup>102</sup>

The reactions to integration attempts were not confined to Mississippi. The same day in Baton Rouge, Louisiana, two Negro graduate students at Louisiana State University were shot on the campus with bird shot from a .12 gauge shotgun. A Negro employment agency dedicated to "equal jobs" for Negroes was shot up two hours later.<sup>103</sup> In Montgomery, Alabama, State Senator and head of the Alabama Citizens' Councils Sam Englehart said his legislative investigating committee had been notified by the Macon County (Tuskegee) School Board that it would fire any Negro teacher who signed a petition asking for desegregation of the public schools.<sup>104</sup>

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<sup>101</sup> Ibid., July 14, 1955, p. 1; July 20, 1955, p. 1.

<sup>102</sup> Ibid., July 19, 1955, p. 13; July 20, 1955, p. 17.

<sup>103</sup> Ibid., July 21, 1955, p. 48.

<sup>104</sup> Ibid., July 21, 1955, p. 54.

On July 21, statistics released to the press by the director of the Bureau of Vital Statistics of the State of Mississippi further increased the fear of whites. [These seemed to be timed a bit too "conveniently" in the progress of the campaign.] The population of the state had increased to 2,204,000 up 16,000 since the 1950 census. The increase in non-whites was over 300 per cent higher than that of the whites. Dr. R. N. Whitfield, director of the Buruau, said that "unless there is noticeable migration of the non-white population, it is expected to equal that of whites in several years."<sup>105</sup>

While the candidates for governor in Mississippi harped on using "the police powers of the state to prevent integration,"<sup>106</sup> forty-two Negro parents in the state's capitol signed a peittion asking an end to public school segregation. Citizens' Councils spokesmen replied with thinly veiled threats. "They have started something they will never finish." "If the NAACP thinks we have the slightest idea of surrendering our Southland to a mulatto race, the NAACP had better think again."<sup>107</sup>

The same day, July 26, Negroes filed a similar petition in Natchez, Mississippi. On August 4, a Natchez Citizens' Council was formed. A week later the Natchez

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<sup>105</sup> Ibid., July 21, 1955, p. 15.

<sup>106</sup> Ibid., July 26, 1955, p. 13.

<sup>107</sup> Ibid., July 27, 1955, p. 1.

Democrat published the names of all the petition signers and "invited readers to 'check' on them. The petition died.<sup>108</sup>

The following day, Negroes in the Delta town of Clarksdale circulated a petition calling for desegregation there.<sup>109</sup> On July 28, in Jackson, state NAACP president A. H. McCoy revealed that his life was threatened "at least a dozen times" since the local NAACP got up the petition to desegregate the local public schools and asked for police protection.<sup>110</sup>

As the first primary<sup>111</sup> campaigning reached its final week, all five candidates for governor were firmly committed to the absolute preservation of segregation in the schools. The most vehement stand was taken by former Governor Fielding Wright. The most "moderate" or least rabid was Attorney General James P. Coleman, who appealed for calm consideration of the problem.<sup>112</sup>

All candidates, however, had segregation as the primary topic in their speeches and literature. In newspaper advertisements, the word "segregation" was nearly always set in bolder type. Examples were: "Be sure to

<sup>108</sup> Martin, p. 29.

<sup>109</sup> Commercial-Appeal, July 28, 1955, p. 1.

<sup>110</sup> Lbid., July 29, 1955, p. 35.

<sup>111</sup> Mississippi has a run-off primary between the two highest candidates if no one receives a majority of the votes cast in the initial election.

<sup>112</sup> "Mississippi Militants," Time, LXVI (August 1, 1955), 14.

hear Fielding Wright's talk on SEGREGATION." "Paul Johnson will maintain SEGREGATION in the schools of Mississippi or any place else."<sup>113</sup> Johnson told a Charleston, Mississippi audience that "it would be a good idea if we could ship some of the Negroes set on integration to our integrating Northern neighbors."<sup>114</sup>

Local politics had been almost as filled with the segregation issue as had the gubernatorial races. In Tallahatchie County, Charlie Cox announced for re-election as Circuit Clerk (acts as registrar, also): "I humbly promise, if elected, to continue to maintain a constant vigilance over the registration book in our county so that our southern way of life may continue."<sup>115</sup> Not one of the Negro majority in the county was a registered voter. Roy E. Johnson, (the successful) candidate for District Attorney for the district encompassing Tallahatchie County began his formal announcement of candidacy "To the White Voters of the 17th Judicial District."<sup>116</sup>

On August 2, the people of Mississippi went to the polls. Fielding Wright, with strong Citizens' Council support, carried Tallahatchie County heavily,<sup>117</sup> but could fare no better than fourth in the state as a whole. Paul

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<sup>113</sup> Mississippi Sun (Charleston, Mississippi), July 28, 1955, pp. 2, 6.

<sup>114</sup> Ibid., July 7, 1955, p. 1.

<sup>115</sup> Mississippi Sun (Charleston, Mississippi), July 28, 1955, p. 10.

<sup>116</sup> Ibid., February 3, 1955, p. 1.

<sup>117</sup> Ibid., August 25, 1955, p. 1.

Johnson led the state, and opposed James P. Coleman in the run-off to be held in three weeks.<sup>118</sup>

Negroes voted in the first primary with little reported interference. An exception was that the all-Negro town of Mound Bayou, Mississippi was told by Bolivar County election officials that the town's votes would not be accepted.<sup>119</sup>

The Delta became more turbulent during the next few weeks. On August 6, fifty-three Negroes signed a petition requesting school desegregation in Yazoo City. The Citizens' Council bought a full page ad in the local newspaper and published the names and addresses of all the signers. Many of the Negroes who were employed by whites were fired. Wholesalers refused to sell to the Negro grocer who had signed. Some white merchants refused to accept the trade of these Negroes. Soon only two names were left on the petition.<sup>120</sup>

Six days after the Yazoo City petition, a similar document bearing 303 names was presented to school officials in Clarksdale.<sup>121</sup> This Delta city had resisted the Citizens' Councils movement, because the whites there did not want the attendant "agitation!" But the school pe-

<sup>118</sup>Commercial-Appeal, August 4, 1955, p. 1.

<sup>119</sup>Ibid., August 4, 1955, p. 2.

<sup>120</sup>Martin, pp. 29-30.

<sup>121</sup>Commercial-Appeal, August 13, 1955, p. 5.

tition "woke them up"<sup>122</sup> (in the words of Councils executive secretary Patterson) and a large council was formed at Clarksdale on August 17. The organizational meeting was attended by 1,100 people from Coahoma and neighboring Delta counties (including Tallahatchie).<sup>123</sup>

A great boost was given to the cause of racism and to the Citizens' Councils on the night of August 13. Two of the Councils' most imminent leaders spoke to a meeting of the Citizens' Councils of North Mississippi. Over 2,000 people heard Senator Eastland and Circuit Judge Tom Brady at Senatobia that night.

Brady spoke first. He said the Citizens' Council's cause was "Christian and moral" and that the South would not be "mongrelized." "We are on God's side. Racial segregation is a God-given right. . . . It is an unending battle; we are in the mouth of a cannon."<sup>124</sup>

Then Eastland, chairman of the Senate Judiciary Committee, addressed the crowd.

There is not a single reason for it [the Supreme Court ruling]. It is immoral, infamous, illegal, and . . . deserves no respect from us. . . .

They can't make us do anything. If we lose this cause it is because we want to lose it. All the powers are in the hands of the people. We are going to have to stand together and present a united front or we are going to be destroyed. . . .

I don't have to abide by it, all I have to do is remain white. They cannot force us to drink the black

<sup>122</sup>Martin, p. 30.

<sup>123</sup>Commercial-Appeal, August 18, 1955, p. 33.

<sup>124</sup>Ibid., August 14, 1955, Sec. I, p. 7.

hemlock . . .<sup>125</sup> they can't force us to be mongrelized. . . .

Eastland continued by calling "Justices Hugo Black, Felix Frankfurter, and Stephen [sic] O. Douglas 'the great enemies of the South.'" He was proud that the reduction in the number of Negro voters within the state from 40,000 to 10,000 was "due largely to the work of the Citizens' Councils."<sup>126</sup>

Five men from Hoxie, Arkansas sat on the platform and were introduced to the crowd.<sup>127</sup> The following day, 700 whites met in Hoxie,<sup>128</sup> and began the agitation that culminated in the famous court decision a year later.<sup>129</sup>

The speech seemingly had a great deal of influence in the state;<sup>130</sup> at least coming from one of the most powerful men in the state should have made it seem more credible. Meanwhile, the Council was steadily applying pressure on Negro voters and Negroes who had petitioned for integration of the public schools. As a Delta county Council member said, "More than two-thirds of our people are Negroes - if

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<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid., August 15, 1955, p. 1.

<sup>129</sup> Brewer v. Hoxie School District No. 46 238 F. 2d (8th Cir. 1956).

<sup>130</sup> Letters-to-the-editors of various Mid-South newspapers defended Eastland and his line of thinking for the next several weeks.

noon, people from all over the surrounding area "came to town." Smith was heard to exclaim in a loud voice, "No white man is big enough to run me out of Brookhaven!"<sup>133</sup> Smith was knocked to the ground, and got up fighting. "A third party" stuck a pistol in his ribs and fired. "Smith ran a few paces, fell and died on the courthouse lawn."<sup>134</sup>

The local sheriff arrested three white farmers and charged them with murder. Noah Smith, Mack Smith, and Charles Falvey were jailed and bound over to the grand jury which was to meet in September.<sup>135</sup>

#### Tension Builds

As the runoff primary election approached, racial tension was reaching a high point. Senator Eastland announced his support of Paul Johnson,<sup>136</sup> whose opponent, J. P. Coleman, had been endorsed by Senator John Stennis. Johnson spoke in Brookhaven three days after the killing of Lamar Smith, and accused Coleman of having "Northern left-wing support,"<sup>137</sup> Coleman in turn accused Johnson of "trying to wrap the cloak of the Councils around him."<sup>138</sup>

On August 19, in Vicksburg, Mississippi, a cross was burned in front of a funeral home owned by George Jeffer-

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<sup>133</sup> William Peters, The Southern Temper (Garden City, N. Y.: Doubleday, 1959), p. 51.

<sup>134</sup> Smith, H. A., p. 698.

<sup>135</sup> Commercial-Appeal, August 17, 1955, p. 1; August 18, 1955, p. 22.

<sup>136</sup> Ibid., August 16, 1955, p. 12.

<sup>137</sup> Ibid., August 17, 1955, p. 32.

<sup>138</sup> Ibid., August 18, 1955, p. 33.

son, a member of the local NAACP which had recently circulated a petition calling for desegregation of the Vicksburg public schools.<sup>139</sup>

The day after the cross-burning, NAACP field secretary Medgar Evers told the press that the Citizens' Councils had been forcing Negroes to remove their names from voting lists. The Councils printed the names of Negroes who had registered, then had them fired from their jobs if they refused to remove their names from the voting lists. Then "hard core" methods were employed. Personal visits were made to the Negroes to convince them to disfranchise themselves.<sup>140</sup> The table below shows the extent of the effectiveness of the Councils in selected Delta counties. [Some counties, of course, such as Tallahatchie, have had no Negro voters since 1900.]

When he was questioned by reporters about registration figures in Sunflower County, Circuit Clerk C. C. Campbell replied sharply, "No Negro voters. This is the home of the Citizens' Councils."<sup>141</sup>

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<sup>139</sup> Ibid., August 20, 1955, p. 21.

<sup>140</sup> Ibid., August 21, 1955, p. 7.

<sup>141</sup> Ibid.

TABLE 6

A COMPARISON OF THE NUMBER OF NEGRO VOTERS IN SELECTED DELTA COUNTIES, JANUARY, 1955 AND AUGUST, 1955<sup>a</sup>

County	County Seat	Jan. 1955	Aug. 1955
Humphreys	Belzoni	126	35
Montgomery	Winona <sup>b</sup>	26	0
Sunflower	Indianola	114	0
Yazoo	Yazoo City	125	90
	Total	391	125

<sup>a</sup>The Commercial-Appeal (Memphis, Tennessee), August 21, 1955, p. 7.

<sup>b</sup>Winona was the site of the Citizens' Councils national headquarters in 1955.

On August 23, James P. Coleman, the "moderate," defeated Paul Johnson by over 40,000 votes.<sup>142</sup> Coleman carried Tallahatchie County by a vote of 2,592 to 1,406.<sup>143</sup> Negro voting throughout the state was extremely light. "Tom J. Tubb of West Point, chairman of the Democratic State Executive Committee, had instructed county committee members to challenge Negro voters on the grounds that they were not members of the party in Mississippi."<sup>144</sup> It was reported that Negroes went unchallenged and voted in Greenville, Jackson, Meridian, Tupelo, and Corinth. In

<sup>142</sup>Ibid., August 24, 1955, p. 1.

<sup>143</sup>Mississippi Sun (Charleston, Mississippi), August 25, 1955, p. 1.

<sup>144</sup>Commercial-Appeal, August 24, 1955, p. 1.

Belzoni, no Negroes voted. In Yazoo City, they were challenged and forced to answer such questions as "What does the Democratic Party mean to you?"<sup>145</sup> The all-Negro community of Mound Bayou apparently had its votes counted in the second primary. Johnson captured all but eight of the eighty-eight votes cast.<sup>146</sup>

On August 25, thirty-five of the fifty-three Negroes who signed the petition asking for desegregation in Yazoo City were convinced to remove their names from the petition.<sup>147</sup>

The last of August was the high point of a tense summer that was filled with (1) exhortations from politicians and professional racists that SEGREGATION was essential to keep the Negro out of white bedrooms, (2) Negroes attempting to register and vote in numbers, and (3) attempts at desegregating Mississippi schools. White people were mad. This completes the setting for the Emmett Till case.

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<sup>145</sup> Pittsburg Courier, September 3, 1955, p. 4.

<sup>146</sup> Ibid., September 3, 1955, p. 1.

<sup>147</sup> Commercial-Appeal, August 26, 1955, p. 8.

PART II

THE CASE

## CHAPTER V

### THE CRIME

Emmett Louis Till was born near Chicago, Illinois on July 25, 1941. His mother had emigrated from Tallahatchie County, Mississippi and married Louis Till, a Chicago Negro who subsequently died in Europe in 1945.<sup>2</sup>

In August, 1955, Mrs. Mamie Till Bradley took a vacation from her job as a voucher examiner in the Air Force Procurement Office in Chicago. In order to "enjoy the opportunity to rest," the divorced Mrs. Bradley sent her son to Mississippi to visit his uncle, Mose Wright.<sup>3</sup>

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<sup>1</sup>The details in this chapter were obtained chiefly from interviews with the lawyers for the persons accused of killing Till, from the book Wolf Whistle by William Bradford Huie, an interview with author Huie, and the transcript of the trial.

In the fall of 1955, after the trial had ended, Huie contacted two of the lawyers who defended the men accused of killing Till. For \$3,500, J. W. Milam and Roy and Carolyn Bryant on four separate nights gave Huie their story. During the day, he checked their stories and found them to be substantially correct. The lawyers verified the accuracy and authenticity of this account to the author. Quotes are used by the permission of author Huie.

<sup>2</sup>William Bradford Huie, Wolf Whistle (New York: New American Library of World Literature, 1959), p. 19. [This is a more thoroughly detailed version of the account that appeared under the title "Shocking Story of Approved Killing in Mississippi" in Look, XX (January 24, 1956), 46-48, and Reader's Digest, LXVIII (April, 1956), 57-62.]

<sup>3</sup>Pittsburg Courier, September 17, 1955, p. 1.

Moses Wright and his wife Lillybeth lived three miles east of Money, Mississippi, on G. C. Frederick's "place." Three of their ten children were still living with them. In August, 1955, two grandsons and young Till were visiting in the home.<sup>4</sup>

#### The Incident

[The details of the incident are taken from Mrs. Carolyn Bryant's testimony at the trial of her husband. The details of what transpired outside the store before Till entered are of necessity taken from Huie's Wolf Whistle. Author Huie flew to Chicago and conferred with Till's cousins who were with him at the time. This version has been unchallenged, and must be accepted until repudiated with authority.]

On Wednesday, August 24,<sup>5</sup> a carload of eight young Negroes - seven boys and a girl - set out for a "jook" in a '46 Ford.<sup>6</sup> Since it was only 7:30 P.M., they stopped in front of Roy Bryant's store in Money. Till and the seven others got out to talk to the dozen or so Negroes who were joking and playing checkers in front of the country store which catered almost exclusively to the Negro trade.<sup>7</sup>

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<sup>4</sup>Testimony of Mose Wright, Official Transcript of State of Mississippi v. J. W. Milam and Roy Bryant, Seventeenth Judicial District of the State, September 19, 1955, pp. 5-7.

<sup>5</sup>Ibid., p. 259.

<sup>6</sup>Huie, Wolf Whistle, p. 40

<sup>7</sup>Ibid., p. 19.

In the week he had been in the Delta, Emmett "Bobo" Till had excited his Negro cousins with his "Yeah" and "Naw" to local whites. But his "most fascinating claim to distinction" was the picture of the white girl he carried in his billfold. Bobo insisted this was "his girl" back in Chicago.<sup>8</sup> That night, he once again passed the picture around and bragged about his relations with this girl. His boasts caused one Negro youth to taunt, "You talkin' mighty big, Bo. There's a pretty little white woman in there in the sto'. Since you Chicago cats know so much about white girls, let's see you go in there and get a date with her."<sup>9</sup>

Bobo now had to act or lose face. While fascinated Delta Negroes lined the store window, Till entered the front door.<sup>10</sup> Inside, alone, was pretty, twenty-one-year-old Carolyn Bryant. She was five feet, two inches tall and weighed 103 pounds. Young Till, only fourteen years old, was four inches taller and nearly sixty pounds heavier.<sup>11</sup>

Till asked Mrs. Bryant for candy, and when she extended her hand for the money, he grabbed it tightly and said, "How about a date, baby?"<sup>12</sup>

She jerked her hand away and turned and walked toward

<sup>8</sup>Ibid.

<sup>9</sup>Ibid., p. 20.

<sup>10</sup>Ibid.

<sup>11</sup>Testimony of Mrs. Roy Bryant, Official Transcript, p. 258.

<sup>12</sup>Ibid., pp. 268-69.

the living quarters at the back of the store, where her sister-in-law Juanita Milam was. Till caught her at the cash register, and put his hands on her waist to restrain her. "You needn't be afraid of me, baby. I've \_\_\_\_\_ with <sup>white women</sup> ~~woman~~ before."<sup>13</sup>

One of Till's cousins ran in and grabbed him and pulled him from the store. As he went out the door, he turned and said "Good-by". Carolyn Bryant ran out the front door to get a pistol from under the front seat of her sister-in-law's car. As she crossed the road, Till gave what sounded like a long, two-note "wolf whistle." Then the Negroes drove away.<sup>14</sup>

Mrs. Bryant told her sister-in-law about the incident. They were determined to keep it from their husbands.<sup>15</sup> Roy Bryant was then hauling shrimp from New Orleans to Brownsville, Texas;<sup>16</sup> when J. W. Milam picked his wife and Mrs. Bryant up an hour later, to take them to Glendora, they did not tell him what had happened.<sup>17</sup>

These events formed the background of the celebrated "wolf whistle" murder case.

<sup>13</sup> Ibid., pp. 269-272.

<sup>14</sup> Ibid., pp. 272-274.

<sup>15</sup> Huie, Wolf Whistle, p. 21.

<sup>16</sup> Testimony of Mrs. Roy Bryant, Official Transcript, p. 276.

<sup>17</sup> Huie, Wolf Whistle, p. 21.

The Interim

[What happened between August 24 and the kidnapping on August 28 are found solely in Wolf Whistle. The story of these events was given to author Huie by Roy and Carolyn Bryant and J. W. Milam, in the presence of their attorneys. Since neither of the defendants took the stand during the trial, and no other reporters successfully questioned the family, this has been accepted virtually without question. The lawyers, personal friends of this author, confirmed the details of the happenings below.]

At 4:00 A.M. on the morning of Friday, August 26, two days after the incident, Roy Bryant returned from Texas. He slept late and got to the store on Friday afternoon. Soon after he arrived, a "judas nigger"<sup>18</sup> told him what the "talk" was. Bryant confronted his wife with the rumors. She admitted the talk, but urged Roy to forget it.<sup>19</sup>

But once Roy knew, he felt he had to do something - at least give Till a "whipping," or else be branded a coward in the eyes of his Negro customers. Negroes who did not know he had been in Texas had begun to talk because he didn't "deal with the Chicago boy" on Thursday.<sup>20</sup>

But the Bryants had no car, thus Roy did nothing

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<sup>18</sup> Ibid., p. 42. The term was coined by Dr. T. R. M. Howard, Negro crusader who addressed Emmett Till "protest" fund-raising rallies. He called the betrayer a "Judas nigger, a two-bit nigger who wanted four bits worth of credit."

<sup>19</sup> Ibid., pp. 21,22.

<sup>20</sup> Ibid., p. 22.

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<sup>19</sup> Ibid., pp. 21,22.

<sup>20</sup> Ibid., p. 22.

on Friday or Saturday. About 10:30 Saturday night, his half-brother J. W. Milam drove up in his green '55 Chevrolet pickup. Roy took him aside and told him of the incident. "So you see, I've gotta go over there and whip the niggah," Roy concluded.<sup>21</sup>

"I'll be here early," replied J. W.<sup>22</sup>

As J. W. Milam drove home, he thought about what had transpired.<sup>23</sup> Deciding not to wait until dawn, he filled his pickup's gas tank and returned to Roy Bryant's store, some six miles away.

At 2:00 A.M. Milam reached Money and woke his half-brother. Both men took their .45 Colt automatic pistols as they set out for "Preacher" Wright's house.<sup>24</sup>

These two half-brothers were part of a tightly-knit family. Their mother bore eleven children - five "Milam children" and six "Bryant children." The family operated a chain of country stores, "as well as trucks and mechanical cotton-pickers."<sup>25</sup> The family had, according to local law-enforcement officers, rather frequently sold whiskey in their stores in violation of the state's prohibition laws.

<sup>21</sup>Ibid.

<sup>22</sup>Ibid.

<sup>23</sup>Milam's and Bryant's motives are described in Wolf Whistle. Both men told Huie what their reasoning had been.

<sup>24</sup>Huie, Wolf Whistle, p. 23.

<sup>25</sup>Ibid., p. 18.

Roy Bryant and J. W. Milam were "poor whites" or "red-necks,"<sup>26</sup> who were, by their own admission, "determined to resist the revolt of colored men against white rule."<sup>27</sup> While the two brothers were similar in this respect, they differed in many other respects.

Roy Bryant, twenty-four years old, was one of twin boys. He had married at twenty, ten months after enlisting in the Army. He and Carolyn Bryant had two sons.<sup>28</sup> Bryant was a man who would probably pass unnoticed in a crowd.

J. W. Milam was thirty-six, twelve years Bryant's senior. He stood six feet, two inches, weighed 235 pounds. He was bald on top, but had not even a trace of grey on the sides or back.<sup>29</sup> Like Bryant, he had two sons.<sup>30</sup>

Milam was especially proud of his war record. With only a ninth-grade education, he had been commissioned in battle in Europe during World War II. "He was an expert platoon leader, expert street fighter, expert in night patrol, expert with a 'grease gun,' expert with every device for close-range killing."<sup>31</sup> He won the Silver Star, the purple heart, and "numerous lesser medals."<sup>32</sup> "Of his

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Testimony of Mrs. Roy Bryant, Official Transcript, pp. 258-59.

<sup>29</sup> Huie, Wolf Whistle, pp. 22-23.

<sup>30</sup> Jackson (Mississippi) Daily News, September 20, 1955, p. 6.

<sup>31</sup> Huie, Wolf Whistle, p. 23.

<sup>32</sup> Jackson (Mississippi) Daily News, September 20, 1955, p. 6.

medals he cherishes one: combat infantryman's badge."<sup>33</sup> He killed many Germans<sup>34</sup> with his favorite weapon, the .45 Colt automatic pistol. "'Best weapon the Army's got,' he says. "Either for shootin' or sluggin'."<sup>35</sup> He can knock a turtle's head off with it from fifty paces.<sup>36</sup>

Contrary to accusations by the NAACP and some newspapers, neither "Milam [nor] his father before him had a reputation of having killed several"<sup>37</sup> Negroes. Milam had stated: "I ain't never hurt a nigger in my life . . ."<sup>38</sup>

#### The Kidnapping

[The facts pertaining to the kidnapping are taken from the testimony of Mose Wright at the trial. The conversation between Till and Milam in the bedroom was mentioned in Wright's testimony at the trial (Wright was not in the room at the time, and thus was not questioned on it), but is cited directly from Wolf Whistle.]

J. W. Milam and Roy Bryant pulled up under the cedar and persimmon trees in front of "Preacher" Wright's house around 2 A.M. Sunday morning. Milam carried a five-cell

<sup>33</sup> Huie, Wolf Whistle, p. 23.

<sup>34</sup> Since the trial, the number has risen phenomenally in local conversations. In 1962, the number varied from eighteen to "hundreds."

<sup>35</sup> Huie, Wolf Whistle, p. 23.

<sup>36</sup> Conversations with various eyewitnesses to the feat.

<sup>37</sup> Letter from Mrs. Ruby Hurley.

<sup>38</sup> This was part of the signed, witnessed, interview between author Huie and Milam in the fall of 1955. Revealed to this author in personal interview with Huie, Hartselle, Alabama, October 5, 1962.

flashlight in his left hand and his .45 in his right hand.

Roy Bryant called, "Preacher - - Preacher."<sup>42</sup>

Wright: "Who is it?" . . . .

Bryant: "This is Mr. Bryant. I want to talk to you and that boy."

Mose Wright came to the door. "Yes, Sir."

Bryant: "You got two boys here from Chicago?"

Wright: "Yes, Sir."

Bryant: "I want that boy who did the talking down at Money."

Bryant and Milam entered the front room of the six-room house. Bryant told Preacher Wright to turn on the lights. Wright replied that they were out of order. Milam walked into the room where the four boys lay sleeping in two beds. Milam shined his light in Till's face. You the niggah that did the talking down at Money?"<sup>43</sup>

Till: "Yeah."

Milam: "Don't say 'yeah' to me, niggah. I'll blow your head off. Get your clothes on."<sup>44</sup>

As Till dressed, he reached for his heavy crepe sole shoes and socks.

Milam: "Just the shoes."

<sup>42</sup>Unless otherwise noted, the account of the kidnapping is from the testimony of Mose Wright at the trial. Official Transcript, pp. 4-20.

<sup>43</sup>Huie, Wolf Whistle, p. 24; also Official Transcript, pp. 15-16.

<sup>44</sup>Huie, Wolf Whistle, p. 24.

Till: "I don't wear shoes without socks."<sup>45</sup>

Preacher and his wife begged the brothers not to take young Till. Mrs. Wright offered to pay "whatever you want to charge if you will just release him."

Milam asked Wright if he knew anybody there. Wright replied, "No, Sir. I don't know you."

Milam: "How old are you?"

Wright: "Sixty-four."

Milam: "Well, if you know any of us here tonight, then you will never live to get to be sixty-five."<sup>46</sup>

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The Murder "Story"

[Neither Milam nor Bryant took the witness stand to their subsequent trial, and the story concerning the events after the kidnaping which they told their lawyers and William Bradford Huie has not been competently challenged. The only person who could refute their story obviously cannot do so now.

It is possible that Milam deviated from the truth in slight detail in order to protect other persons who might have been involved from criminal action; these two had been acquitted and could not be tried again. However, few, if any who know J. W. Milam would expect him to solicit or accept help for this occasion.

The following account, then, is J. W. Milam's version

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<sup>45</sup>Ibid.

<sup>46</sup>Official Transcript, p. 16.

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ROUTES SUPPOSEDLY TAKEN BY  
BRYANT, MILAM, AND TILLMAN  
ON THE NIGHT OF August 28

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First trip--solid line  
Second trip--dotted line  
Arrow indicates indicate

of the murder.]

Milam and Bryant marched Till out to the pickup and made him lie down in the bed.<sup>47</sup> They had intended to take him by the "store and let Carolyn identify him. . . . But, Preacher had identified him, and the niggah didn't deny it."<sup>48</sup>

As the trio crossed the Tallahatchie River and drove west, there was no doubt as to who had taken charge. "Big" Milam was driving, while Roy "kept an eye on the niggah through the big wrap-around window" of the pickup cab. Milam "had no idea o' killing him." He "was gonna whip him, scare some sense into him, and send him back to Chicago."

Milam drove for what he termed "the scariest place in the Delta." This was a spot near Rosedale, Mississippi where the Mississippi River bends and forms a hundred-foot bluff. Milam intended to pistol-whip Till, shine the flashlight into the river and make the youth think he was going to "knock him in."

Milam drove seventy-five miles, through several Delta towns, found the levee, but couldn't find that particular bluff in the dark. He finally gave up and drove to his home in Glendora. His family was away, and the house was deserted. He drove into the back yard and stopped. They

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<sup>47</sup> It may seem ridiculous that they would let Till ride in the back while they rode in the cab. But Milam and Bryant would probably have never allowed a Negro to ride in the cab with them; he would have been "out of his place."

<sup>48</sup> The rest of this chapter comes from Wolf Whistle unless

marched Till into the tool-shed.

Milam began to pistol-whip Till. After a few licks, Till had "never even whimpered." Instead the Negro youth retorted,<sup>49</sup> "You bastards, I'm not afraid of you. I'm as good as you are. I've had white girls and my grandmother was a white woman." Till then pulled out his billfold and pointed to one of the pictures of the three white girls which were in it. "You see this? She's my girl. . . ."

As Milam related his sentiments:

What could I do? . . . He thought he was good as any white man . . . I'm no bully: I never hurt a niggah in my life. But I just decided it was time a few people got put on notice. As long as J. W. Milam lives and can do anything about it, niggahs are gonna stay in their place. Niggahs ain't gonna vote where I live. If they did they'd control the government. They'd tell me where to stand and where to sit. They ain't gonna go to school with my kids. And when a niggah even gets close to mentionin' sex with a white woman, he's tired o' livin' . . . I'm gonna kill him.

Right then Milam decided to kill him, to make an example of him - "just so everybody could know how me and my folks stand."<sup>50</sup> Milam needed a weight to throw Till in the river. He remembered that the Progressive Ginning Company, near Boyle, Mississippi, had recently installed new equipment, and that a discarded gin fan was lying on the ground.

Getting back in the truck, the three rode approximately thirty-six miles and got to the gin just after daylight. Here Milam worried for the first time. He was

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<sup>49</sup>Again, this is related by two of the three witnesses. The third (Till) is obviously unable to offer refutation, and this account must be accepted until disproven.

afraid somebody might see them and accuse them of stealing the fan!

They made Till load the fan in the truck, then they drove back to Glendora. From there they went north toward Swan Lake, crossed over the Tallahatchie River Bridge and turned down a dirt road that paralleled the river. The dirt road ran "within a few feet" of L. W. Boyce's house. It was nearly 7 A.M. and Boyce looked up from his breakfast as they passed to become the first and only eyewitness to recognize the group.

Approximately a mile from Boyce's house, Milam stopped the truck on the levee of the river. He made Till carry the fan to the riverbank, then told him to undress. Milam said, "Are you still as good as I am? . . ." Milam squeezed the .45 automatic. He tried to hit Till between the eyes, but the Negro ducked, and the bullet caught him above the right ear. Bryant and Milam wired the fan to Till's neck with barbed wire and rolled him down the bank into the river.

Milam drove back to Money, let Bryant out at his store, then drove home. He washed the blood from the truck, built a fire in his back yard and burned Till's clothes. The crepe sole shoes took three hours to burn.

This then is the "story" that Milam and Bryant told. There is of course, no way of knowing Till's version of the events of that night. The trial was much less sensational because the defendants never testified in court

and the testimony of Mrs. Bryant was ruled inadmissible and was not given to the jury. The "story" told here was not known until January, 1956, when it appeared in Look magazine.<sup>46</sup>

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<sup>46</sup>William Bradford Huie, "Shocking Story of Approved Killing in Mississippi," Look XX (January 24, 1956), 46-48.

## CHAPTER VI

### PRE-TRIAL EVENTS

AUGUST 28 - SEPTEMBER 14, 1955

When Emmett Till did not return to his uncle's home, Mose Wright contacted George Smith, the sheriff of Leflore County. Around 2 P.M. on the day of the kidnapping, the sheriff drove to Money, woke Roy Bryant, and took him into custody.<sup>1</sup> A little later, J. W. Milam was also jailed on a charge of kidnapping.<sup>2</sup>

The brothers told Sheriff Smith that they had gone to Wright's house, and had taken a "little nigger boy" to Bryant's store. When Carolyn Bryant did not identify him as the "right one," he was turned loose at the store.<sup>3</sup>

#### Discovery of the Body

On the morning of August 31, 1955, seventeen-year-old Robert Hodges was running trot lines in the Tallahatchie River and discovered a pair of knees sticking out of the water. He summoned Tallahatchie County deputy sheriff

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<sup>1</sup>Testimony of Sheriff George Smith, Official Transcript, pp. 85-86, 120-27.

<sup>2</sup>Delta Democrat-Times (Greenville, Miss.), August 30-1955, p. 1.

<sup>3</sup>Smith's testimony, Official Transcript, p. 119.

Garland Melton, and the body was pulled into a boat and carried to land.<sup>4</sup>

Mose Wright was summoned to identify the body. The corpse was badly mutilated and decomposed. The body had apparently been beaten severely around the head, and there was a hole the size of a bullet above the right ear.

The body was taken to Chester Miller's funeral home in Greenwood for preparation for burial in Money. The grave was half dug when Mrs. Bradley called and asked that her son be sent home for interment.<sup>5</sup> The badly decomposed body was sent to C. F. Nelson's funeral home in Tutwiler, Mississippi, for preparation for the interstate journey to Chicago.<sup>6</sup> [Federal law requires embalming.] The undertakers received assurances that there was to be a closed-casket funeral, and that the usual pre-funeral preparation of a corpse was not necessary.<sup>7</sup>

Intravenous embalming of the corpse, which had swollen to twice its original size, was impossible. The body was weighted and immersed in a vat of formaldehyde, and incisions were made all over the body in order to release the tissue gas and to admit the preservative.<sup>8</sup> The next morning,

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<sup>4</sup>Testimony of Robert Hodges, Official Transcript, pp. 100-110.

<sup>5</sup>Testimony of Chester Miller, undertaker, Official Transcript, pp. 74-75.

<sup>6</sup>Ibid., p. 76.

<sup>7</sup>Personal Interview with C. F. Nelson, owner of funeral home, Tutwiler, Mississippi, July 25, 1962.

<sup>8</sup>Personal Interview with Harry D. Malone, embalmer, Cleveland, Mississippi, July 28, 1962.

September 1, the body was placed in "the finest casket available," without further preparation, and put on the train for Chicago.<sup>9</sup>

#### State and Local Reaction

Discovery of the body caused a reaction throughout the state which was almost unanimously against the brothers. Within the two countees in which the crimes took place (Leflore and Tallahatchie), law enforcement officials were busy at work strengthening what seemed to be an air-tight case. Sheriff Smith of Leflore County had a confession from Bryant that the pair had kidnapped "a little nigger boy" from Mose Wright's home.<sup>10</sup> Sheriff H. C. Strider of Tallahatchie County had already located blood on the bridge over the Tallahatchie River which the two had crossed just before Till was killed.<sup>11</sup> "Officers of both counties searched the river bottomlands near Phillip, Mississippi, for evidence in the case."<sup>12</sup>

Governor Hugh White telegramed District Attorney Gerald Chatham, "urging vigorous prosecution of the case." He also wired the NAACP in New York that he "had every reason to believe that the courts will do their duty in prosecution." In a press conference, the Governor said,

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<sup>9</sup> Interview with Nelson.

<sup>10</sup> Testimony of Smith, Official Transcript, pp. 120-27.

<sup>11</sup> Delta Democrat-Times, September 6, 1955, p. 4.

<sup>12</sup> Commercial-Appeal, September 2, 1955, p. 4.

"Mississippi deplores such conduct on the part of any of its citizens and certainly cannot condone it."<sup>13</sup>

White citizens in the small community of Money and in nearby Greenwood "expressed shock over the slaying." Ben Roy, a merchant in Money, told reporters, "Nobody here, Negro or white, approves of things like that. It's too bad this had to come up at a time when there is so much talk about racial tension."<sup>14</sup>

A survey of Mississippi newspapers revealed unanimous condemnation of the crime and a demand for swift prosecution of the accused.<sup>15</sup> The Greenwood Commonwealth, in a front-page editorial stated, "The citizens of this area are determined that the guilty parties shall be punished to the full extent of the law. . . ." The Vicksburg Post said, "The ghastly and wholly unprovoked murder . . . cannot be condoned, nor should there be anything less than swift and determined prosecution of those guilty of the heinous crime." The Greenville Delta Democrat-Times asserted, "We have met no Mississippian who was other than revolted by the senseless brutality. The people who are guilty of this savage crime should be prosecuted to the fullest extent of the law." The Hattiesburg American editorialized, "Resi-

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> The following editorials were re-printed in the Commercial-Appeal, September 4, 1955, p. 1.

dents of the two counties are sorely distressed and severely shocked over the crime. The whole world is watching them to see how they will handle their responsibilities." The Clarksdale Press Register, published about twenty miles from Sumner, where the trial was to be held, said, "Those who kidnapped and murdered Till have dealt the reputation of the South and Mississippi a savage blow. It is a blow from which we can recover only by accepting this violent and insane challenge to our laws and by prosecuting vigorously the individuals responsible for this crime."

Even Robert Patterson, executive secretary of the Citizens' Councils issued the statement, "This is a very regrettable incident. One of the primary reasons for our organization is to prevent acts of violence. . . ."<sup>16</sup>

Most important of all, the local power structure in Tallahatchie County refused to support the accused men. The sheriff was firmly set to prosecute.<sup>17</sup> The most experienced and probably the most powerful law firm in the county, that of Breland and Whitten, refused to take the case for the defendants. "Judge" Breland set his price at \$5,000 - a figure he knew the brothers were unable to pay.<sup>18</sup>

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<sup>16</sup>Commercial-Appeal, September 2, 1945, p. 1.

<sup>17</sup>Personal Interview with Hamilton Caldwell, County Prosecuting Attorney, Charleston, Mississippi, August 15, 1962.

<sup>18</sup>Personal Interview with J. J. Breland, dean of defense attorneys, Sumner, Mississippi, August 15, 1962.

Meanwhile, north of the Mason-Dixon line, two statements issued by Negroes were to snowball into an avalanche of charges and counter-charges which would ultimately bring public opinion to the side of the accused. In Chicago, when Mrs. Bradley learned that her son's body had been found, she made the first of the many statements which were to be misquoted by the press. She said that she would seek legal aid to assist officers in convicting the killers of her son, and that "the State of Mississippi will have to pay for it."<sup>19</sup> Some Mississippi newspapers omitted the first part of her statement and quoted her out of context as simply saying "Mississippi is going to pay for this,"<sup>20</sup> implying that the whole state was responsible.

The same day Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, called the slaying a "lynching" and said that "it would appear that the State of Mississippi has decided to maintain white supremacy by murdering children.<sup>21</sup> The killers of the boy felt free to lynch him because there is in the entire state no restraining influence, not in the state capitol, among the daily newspapers, the clergy nor any segment of the so-called better people."<sup>22</sup>

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<sup>19</sup>Commercial-Appeal, September 1, 1955, p. 1.

<sup>20</sup>Jackson (Miss.) Daily News, September 1, 1955, p. 1.

<sup>21</sup>Commercial-Appeal, September 1, 1955, p. 1.

<sup>22</sup>Jackson Daily News, September 1, 1955, p. 1. Notorious for quoting people out of context to make the statements fit their editorial policy, the Daily News left off the first seven words of Wilkins' statement - "it would appear that the State of . . ."

Most Mississippians passed over Mrs. Bradley's remarks (as reported in the press) without comment, probably realizing that the violent death of her only son was partial justification for her statement. But the statement issued by Roy Wilkins drew bitter responses throughout the state. [Many, including Editor Hodding Carter, regard this as the beginning of a stringent campaign by the NAACP to insure the acquittal of the accused. A "not guilty" verdict, they reasoned, would aid anti-Southern propaganda immensely.]

The people attacked by Wilkins reacted. The Governor said "This is not a lynching. It is straight out murder."<sup>23</sup> Newspapers throughout Mississippi bitterly criticized the NAACP for its "blindness and injustice." The Greenwood Commonwealth wrote, "If the NAACP and other groups want justice, then let them cease throwing stones at the prosecution, judge, and jury. The people of Mississippi are no more responsible for this tragic murder and no more condone it than the people of New York."<sup>24</sup>

Even northern newspapers condemned the irresponsible statement by Wilkins. The editor of the St. Louis Post-Dispatch wrote

Mr. Wilkins is guilty of a reverse prejudice when he says 'Mississippi has decided to maintain white supremacy by murdering children.' It isn't necessary to equate this foul act with Mississippi as a whole. . . . Many Mississippians feel as strongly about the matter

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<sup>23</sup> Ibid., September 2, 1955, p. 1.

<sup>24</sup> Greenwood (Mississippi) Commonwealth, September 2, 1955, p. 1.

as does Mr. Wilkins. . . . Let's expect better than Mr. Wilkins speaks of Mississippi, for the good is there, and expecting it may draw it out.<sup>25</sup>

On Friday, September 3, a decision was made by Mrs. Bradley that vitally affected the outcome of the upcoming trial. Young Till's funeral was set for Saturday, September 4, and was to be a closed-casket affair. His mother instead ordered that the top be lifted, and that his face be uncovered. "Let the people see what they did to my boy!" sobbed Mrs. Bradley.<sup>26</sup>

Mass demonstrations were staged, and crowds estimated at between 10,000<sup>27</sup> and 50,000<sup>28</sup> thronged into the Chicago funeral home and left it "a shambles." Tables set up near the casket collected \$3,100, which was given to Mrs. Bradley.<sup>29</sup> Burial was postponed until Tuesday, September 6, and the body was to lie "in state" until then, and could be viewed by the public.

#### The Tide Reverses

Sometime during Saturday, September 3, or Sunday, September 4, the power structure of Tallahatchie County decided to "go to bat" for J. W. Milam and Roy Bryant.

<sup>25</sup> St. Louis Post-Dispatch, September 2, 1955, p. 2B.

<sup>26</sup> Jackson Daily News, September 3, 1955, p. 1.

<sup>27</sup> This number extimated by nearly all sources.

<sup>28</sup> This estimate quoted in the Jackson Daily News.

<sup>29</sup> "The Accused," Newsweek, XLVI (September 19, 1955),

In the Freestate of Tallahatchie, when the power elite decide against an "outsider," a jury decision is almost a foregone conclusion.

The first indication of the change in feeling was the announcement by Sheriff H. C. Strider, on Saturday afternoon, that he was fairly certain that the body which was found was not that of young Till, but of a "grown man." It was more decomposed than it should have been after that short stay in the water." Strider then made public a rumor which was to spread like wildfire. He said "he believed Till was still alive."<sup>30</sup>

The following day, September 4, all five of the lawyers in the town of Sumner agreed to accept the offer to serve as defense counselors.<sup>31</sup> This action had great significance to people within the county.

The dean of the battery, J. J. Breland, was a Princeton graduate who had been practicing law in Sumner since 1915, and is the county Republican Party chairman. His younger law partner "Johnny" Whitten was born in the county and had practiced law in Sumner since 1940. He was chairman of the county's Democratic Party, and, most important, attorney for the board of supervisors. The latter post is of great value to an attorney in both civil and criminal cases, because the board of supervisors also acts as jury commissioners. An astute lawyer in this position can pick his own jury.

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<sup>30</sup> Commercial-Appeal, September 4, 1955, p. 1.

<sup>31</sup> Ibid., September 5, 1955, p. 1.

A second firm represented was that of Harvey Henderson and Sidney Carlton. Henderson, at thirty-four the youngest of the group, was a lifetime resident of the county, and had practiced law for eight years. His partner came to Sumner in 1945, six years after being admitted to the bar. Carlton, in 1963, is the highly respected president of the State Bar Association.

The fifth lawyer for the defense was self-educated J. W. Kellum, who had lived in the county for thirty-five years, and practiced law for sixteen of them. Kellum had finished a narrowly unsuccessful race for District Attorney less than a week before the murder.<sup>32</sup>

The background and qualifications of these five lawyers is given so that it may be realized that these men were unaccustomed to defending men of the caliber of Bryant nad Milam and would not do so unless prompted by other motives. Breland and Whitten, who had refused the case earlier in the week, now lowered their price to \$2,000, and assumed a great portion of the burden of securing evidence for the defense.<sup>33</sup>

What factors changed the minds of these six decision-makers? The chief action which precipitated the change was the statement which Wilkins had made to the press. Just as "the state capitol" (Governor), and the daily newspapers

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<sup>32</sup>Information on all five lawyers gleaned from interview with attorney, J. W. Kellum, Sumner, Mississippi, July 25, 1962.

<sup>33</sup>Interview with Breland.

had fought back when insulted by the organization which had grown to be widely feared and hated in Mississippi during the past summer, so the "so-called better citizens" now began to retaliate. J. J. Breland said that he consented to employment only after "Mississippi began to be run down."<sup>34</sup>

Sheriff Strider is reported to have said essentially the same thing. "The last thing I wanted to do was to defend those peckerwoods. But I just had no choice about it." A highly reputable source close to Sheriff Strider during this time declared that Strider was "for the brothers all along." This was denied by the county prosecuting attorney, who noted Strider "changing horses in mid-stream."<sup>35</sup>

One factor which is certain to have influenced the Sheriff's decision was the arrival of the first few of the deluge of vulgar, threatening letters. These were addressed to the defendants, their families, and to Sheriff Strider.<sup>36</sup> Telephone calls in which people threatened to storm to Le-flore County jail and get the brothers, and which necessitated calling out the National Guard, certainly had a bearing on his decision.<sup>37</sup>

The one fact which must crop up in the mind of the investigator is that these men did not arrive at this decision by themselves. All report that "some people" pointed out

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<sup>34</sup>Ibid.

<sup>35</sup>Interview with Caldwell.

<sup>36</sup>Jackson Daily News, September 6, 1955, p. 1.

<sup>37</sup>Commercial-Appeal, September 1, 1955, p. 1.

to them that this was not a simple murder, but Mississippi and "our way of life" against the outside agitators. These same people stated that we should "let the North know that we are not going to put up with Northern Negroes 'stepping over the line.'"<sup>38</sup>

Identification of the persons who motivated these decision-makers was difficult. The first telegram which Sheriff Strider received came from a citizen of Terry, Mississippi: "I have talked to a great many people in Hinds County and none want to see these men prosecuted although our stupid editors might lead you to believe otherwise."<sup>39</sup>

The line of reasoning followed by the "influencers" follows the style of the Citizens' Councils speakers and organizers who had formed a 1,100 member council in nearby Clarksdale less than three months earlier. The contentions resembled more than vaguely those voiced by Senator Eastland and Judge Brady at the well-publicized councils meeting in Senatobia exactly three weeks previous to the acceptance of the case by the lawyers.<sup>40</sup>

It must be remembered that the Citizens' Councils in 1955 were a loosely-knit group of relatively autonomous chapters which were held together more by a mutual interest - preservation of status quo in race relations - rather than

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<sup>38</sup> Interview with Breland.

<sup>39</sup> Telegram to Strider, from Jackson, Mississippi, September 4, 1955.

<sup>40</sup> Supra, pp. 94-95.

by any discipline or set of rules. Thus any action by Councils members in influencing the outcome of the trial was not a result of orders or decisions from the state headquarters in Winona, but was part of an implicit understanding of "what had to be done."

#### The Indictment

On Monday, September 6, the grand jury of Tallahatchie County met and considered the case of the State of Mississippi v. J. W. Milam and Roy Bryant. The foreman of the grand jury was Jerry Falls,<sup>41</sup> one of the wealthiest men in the county, a Delta aristocrat steeped in the tradition of noblesse oblige.

The state was fortunate to have one of its most able and experienced prosecuters as district attorney. Gerald Chatham had practised law in the district since 1931. After serving as a state representative, county superintendent of education, and county prosecuting attorney, he was elected district attorney in 1942. He had held the office for almost fourteen consecutive years, and his experience and knowledge of the quirks of the people of the area was invaluable to the prosecution.<sup>42</sup>

Further, Chatham had announced his retirement from political life, effective when his term of office expired

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<sup>41</sup> Secret Indictment Record, 2nd Judicial District, Tallahatchie County, Mississippi, vol. III, p. 567.

<sup>42</sup> Letter to author from Mrs. Nat Troutt, relative of Chatham's, October 25, 1962.

the following September. Prosecution of a white man for killing a Negro could have no political repercussions.

The district attorney, intent on obtaining a conviction in this case, resented the NAACP statement of August 31, fearing that "constant agitation by the NAACP may keep the guilty persons from being convicted. Murder is murder whether it is black or white, and we are handling this case like all parties are white."<sup>43</sup>

The indictment was pushed by District Attorney Chatham and Sheriff Strider.<sup>44</sup> Chatham's motives were sincere; he wanted to see the guilty convicted. Strider's motives are almost impossible to assess. This author tends to believe that Strider at this time was unsure whether or not to work for a conviction, and that the dynamic Chatham temporarily swayed him. Others close to Strider say he "was for the boys [Bryant and Milam] all along."

County prosecuting attorney Hamilton Caldwell was recovering from a recent heart attack and was unable to bear much of the burden of the prosecution. He opposed asking the grand jury for an indictment because "the case was lost from the start. A jury would turn loose any man who killed a Negro over insulting a white woman."<sup>45</sup>

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<sup>43</sup> Commercial-Appeal, September 4, 1955, Sec. I, p. 2.

<sup>44</sup> County Attorney Caldwell told the author that Strider insisted on an indictment, and was sincerely working for conviction at this time. Jury Foreman Falls thought it unwise to take a stand on this.

<sup>45</sup> Interview with Caldwell.

After hearing testimony on Monday, the eighteen-man grand jury returned ten true bills on Tuesday morning. Jury chairman Falls read, "Roy Bryant and J. W. Milam did wilfully, unlawfully, feloniously, and of their malice aforethought did kill and murder Emmett Till, a human being, against the peace and dignity of the State of Mississippi."<sup>46</sup> A similar indictment was handed down on the kidnapping charge.<sup>47</sup> Under Mississippi law, conviction on either count could carry the death penalty.

Circuit Judge Curtis Swango set for the date of the trial September 19, 1955,<sup>48</sup> the latest date possible. The prosecution had requested a late date in order to gather evidence; the defense would have liked for the trial to start the next day.<sup>49</sup> When the trial date was set, Governor Hugh White authorized District Attorney Chatham to appoint additional attorneys to aid in the prosecution. The Governor also assigned two Highway Patrol inspectors to aid in the investigation.<sup>50</sup>

When Chatham requested help, Attorney-General (and Governor-elect) Coleman and Governor White sent Robert B. Smith, III, of Ripley, Mississippi. Smith was a bright and

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<sup>46</sup> Secret Indictment Record, p. 568.

<sup>47</sup> Ibid., p. 567.

<sup>48</sup> Commercial-Appeal, September 10, 1955, p. 1.

<sup>49</sup> Ibid., September 8, 1955, p. 1.

<sup>50</sup> Personal Interview with Robert B. Smith, III, Special Prosecuting Attorney, Ripley, Mississippi, August 16, 1962.

promising young lawyer who had been a special agent for the FBI for four years before enlisting in the Marines in 1944. In 1946, he returned to Ripley to practice law with his uncle, Hoke Stone,<sup>51</sup> who was one of the state's most outstanding lawyers. Fellow barristers described Smith as "brilliant."

"Outside Agitation"

During the first three weeks of September, 1955, the sentiments of the vast majority of whites in Tallahatchie County were placed fully with the cause of Milam and Bryant. These two men became the symbols of a resistance to "the outside." After interviewing most of the people connected with the case, and after having witnessed this period within the locale, the author is convinced that, in reality, most of the people were "with" Milam and Bryant from the beginning, and that their feelings were merely solidified rather than changed.

a. Unfriendly Press

Northern Negro press capitalized on the Till murder. The first Associated Press news release had quoted Maurice Wright, Till's cousin, and an eyewitness to the incident at the store, as saying, "Emmett asked for some gum and left after telling the woman 'good-by.' I told him to be careful of what he said in the store."<sup>52</sup> [Emphasis mine.]

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<sup>51</sup>Ibid.

<sup>52</sup>St. Louis Post-Dispatch, September 1, 1955, Sec. A, p. 7; others.

As the story grew from day to day, the incident became merely a "wolf-whistle."<sup>53</sup> Finally, magazines said Till was "alleged to have whistled" at a white woman.<sup>54</sup> The official NAACP version was "As a matter of fact, his only crime was the alleged 'whistling' at a woman. The 'whistling' was a defect in his speech as a result of a polio attack."<sup>55</sup>

The Negro press as well as national magazines began to build sentiment by playing up the "fact" that Emmett's father, Louis Till, had died in 1945 in the service of his country.<sup>56</sup> Publication of a picture of Till's face which was taken at his funeral even further inflamed Negroes.

This press coverage had several adverse effects. First, Negroes (and a few whites) wrote indignant letters to the defendants and law enforcement officials. Second, some Northerners felt moved to send the Negro press clippings to various whites in the county. These, coupled with what appeared to be biased coverage in national magazines, convinced many Mississippians that the upcoming trial was a battle between the North and Mississippi. Third, it provoked a reaction in the Southern press.

#### b. Friendly Press

After expressing immediate anger at the murder, much

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<sup>53</sup> Ibid., September 19, 1955, Sec. A, p. 7.

<sup>54</sup> "Chicago Boy," Nation CLXXXI (September 17, 1955), 234.

<sup>55</sup> Letter to author from Mrs. Ruby Hurley, Regional Secretary, NAACP, Southeastern Region. December 5, 1962.

of the press in Mississippi softened in its views. Immediately pursuing the human interest angle, regional newspapers ran stories on the families of the accused. "A graying, worried mother bit her lips Thursday in this community's (Sharkey, Mississippi) lone store as she talked about two of her sons who face charges in the slaying of Emeett Till, a Negro youth," said the Commercial-Appeal.<sup>57</sup> Pictures and stories on their wives and small children helped bring sentiment to their side. "He's an ideal father," Mrs. Milam said of her husband. "All the Negroes at Glendora liked him like a father."<sup>58</sup>

The war records of both men were reviewed. Milam had won a Purple Heart when seventeen pieces of shrapnel had struck him in the chest.<sup>59</sup> Friends of the brothers spoke up. "I've never heard anything against them," said Elmer Kimbell,<sup>60</sup> a Glendora cotton gin operator. "I haven't known them too long, but they've been nice to me."<sup>61</sup>

When Sheriff Strider stated, on September 4, that he felt sure the body which had been found was not Till's and that Till was still alive, local press gave great prominence to the claim.<sup>62</sup> This started rumors that the body had

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<sup>57</sup> Commercial-Appeal, September 2, 1955, p. 19; others.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Note this name. Kimbell later was to use the Milam-Bryant acquittal to propel him to kill a Negro.

<sup>61</sup> Commercial-Appeal, September 2, 1955, p. 19.

<sup>62</sup> Ibid., September 4, 1955, p. 1.

been placed there by the NAACP, and was a cadaver from nearby Friendship Clinic in Mound Bayou, Mississippi.

Dr. T. R. M. Howard, state NAACP leader, operated the clinic.<sup>63</sup>

Hodding Carter perhaps visualized the true situation when he wrote an editorial entitled "Lynching Post Facto" on September 6, 1955.

It is becoming sickeningly obvious that two groups of people are seeking an acquittal for the two men charged with kidnapping and of brutally murdering afflicted 14 year-old Emmett Till, a Negro youth accused of "wolf whistling" at a white woman.

Those two groups are the NAACP, which is seeking another excuse to apply the touch of world-scorn to Mississippi, and the friends of the two white men. Among the latter apparently can be counted Sheriff H. C. Strider.

All the macabre exhibitionism, the wild statements and hysterical overture at the Chicago funeral of the Till child seemed too well staged not to have been premeditated with the express purpose of (1) inflaming hatred and (2) trying to set off a reaction in reverse in Mississippi, where there had previously been honest indignation.

Were the promoters of these demonstrations successful, they could make prospective Mississippi jurors so angry at these blanket indictments of our white society that it would seem a confirmation to convict any member of it, no matter how anti-social he or she might be. Then the purpose would have been accomplished and Mississippi could go down in further ignominy as a snakepit where justice cannot prevail for each race alike. That would suit the NAACP fine - that is just what they have been saying all along about us - that would provide them with the best possible proof.

Working hand in hand with this devious intent, however unwittingly, are some officials who are handling the case. Upon their shoulders may rest the honor of Mississippi's courts.

Whoever heard of a Sheriff offering on the flimsiest construction of fact, the perfect piece of evidence for the defense? Without a *corpus delecti*, there can be no

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<sup>63</sup> Interview with juror. From here on, the names of the the jurors will not be given - in order to protect them. Most asked that their name not be used.

murder conviction of anyone. We would not say, for we do not know, who specifically is guilty of this murder. But we would say that the information that the body found was that of Emmett Till was accurate enough.

It is a neat twist that the same Sheriff who says that the body recovered was not that of Till, has tried to locate the murder within his county by the discovery of blood on a bridge there.

Sheriff Strider bases his supposition mainly on the fact that the body after being shot, beaten and soaked in the muddy river for several days, did not resemble a picture taken some while ago, which appeared in Jackson newspapers, and it appeared to have been in the river a longer time. This defies the fact that the body was identified by relatives, was accepted by the boy's mother. It defies also the evidence of the ring.

Had such a murder been planned to replace another body for Till's, the ring engraved 1943 L. T. (for the boy's father Louis Till) someone would have had to have been killed before the boy was abducted, the ring stolen from young Till and placed on the dead person's finger. Without the prior knowledge that Roy Bryant and his half-brother would kidnap young Till, as they admittedly did, such a conspiracy defies even the most fantastic reality.

Fortunately the officials of Leflore County are acting a bit more sensibly about the whole matter. And kidnapping is a capital offense in Mississippi just as is murder.

They are calling this a lynching in some places outside of Mississippi. Well, it wasn't. But it may well become a lynching post-facto if the courts in Mississippi are unable to accomplish justice in this matter.

And if this happens, we will deserve the criticism we get.<sup>64</sup>

#### c. Through the Mail

Northern Negroes, as well as a few whites, reacted to the Till death, the funeral, and press releases by writing vulgar, obscene letters to the defendants, their families, local law enforcement officials, lawyers, prosecutors, the

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<sup>64</sup> Delta Democrat-Times, September 6, 1955, p. 4.  
Copied by permission of the editor.

judge, and the jury. Many were from Chicago and evidently were triggered by the five day "funeral" of Till's. Most of were from semi-literate Negroes.

Many letters threatened the lives of the defendants and Sheriff Strider. These alluded to various forms of murder, from bombing to dynamite to knifing, as well as dozens of types of torture which were unprintable. One of the most vivid threats was reminiscent of the fate of poor Nicholas in Chaucer's "The Miller's Tale."<sup>65</sup>

Telephone calls awakened the sheriff every night, threatening the lives of him and his family.<sup>66</sup> Associates described him as having been "really scared."

The fears and prejudices concerning integration and "mongrelization" of those who received the letters and of those who heard of their content were strengthened because many of the letters said exactly what Till had reputedly told Milam and Bryant about interracial sex relations.

Violently anti-semitic and anti-Negro literature was sent by the American Nationalist, supporters of Gerald L. K. Smith, and many extremist groups; the material included pictures of Negro men and white women in embraces. This further played on this fear which was to help sway the jury to a verdict of acquittal.

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<sup>65</sup> Letter addressed to Roy Brynt [sic] which was signed in an obscene manner, Chicago, Illinois, dated September 6, 1955.

<sup>66</sup> Interview with former Sheriff H. C. Strider, plantation near Webb, Mississippi, August 2, 1962.

Many letters were from Northern whites who sympathized with Milam and Bryant. Some of these were extreme beyond comprehension. One wrote of the Negroes storing guns and taking over the North.<sup>67</sup> Others noted that a conviction would "mean a big victory for the NAACP and a gradual down fall [sic] of the South's segregation policy; including Mississippi's."<sup>68</sup> A Chicago white wrote that "It does my heart good to see that somewhere in this world there are those who do something about dirty rotten niggers that insult white women."<sup>69</sup> Many Southern whites were opposed to punishment for the brothers, feeling that Till "got his due."

One letter which typified the feelings of many Southerners indicated that the jury should bring in "a verdict of justifiable homicide." To convict the brothers would be to weaken or destroy the defense of every woman against insult (or worse) at the hands of the upsurging Negroes, who have become much bolder in the commission of crime since that infamous decision of the Supreme Court!!

The letter continued.

Have you read the speech of your great Senator James O. Eastland? He shows that the decision is admittedly based on considerations of psychology, sociology, and anthropology "as set out in books written by crackpots, the majority of whom turned out to be Communists or

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<sup>67</sup> Letter to Strider from "a six generation American," Detroit, Michigan, dated September 20, 1955.

<sup>68</sup> Letter to Strider from "A [sic] Indiana Resident," postmarked Cleveland, Ohio, September 21, 1955.

<sup>69</sup> Letter to Strider, unsigned, postmarked Chicago, Illinois, September 23, 1955.

Communist sympathisers [sic].<sup>70</sup>

Certainly the most inflammatory communication was an insert which was placed in books and sent to all "Box-holders" in Money, Mississippi. The books were postmarked Chicago, and police assumed that a postal worker slipped into the books the mimeographed pages which told of sexual indecencies which the writer intended to inflict upon the townspeople.<sup>71</sup>

The combination of all these factors, which were spread and exaggerated throughout the county, aroused the citizens of the Freestate so that a fair trial was impossible, and the verdict was certain. Robert Smith of Tutwiler, a very honest and religious man, expressed the true sentiments of most of the white citizens. When he was called as a prospective juror, he was queried as to whether he had a "fixed opinion." Smith replied, "Anybody in his right mind would have a fixed opinion."<sup>72</sup>

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<sup>70</sup>Letter sent to Sheriff Strider from Morehouse, Missouri, dated September 11, 1955.

<sup>71</sup>That this actually occurred was affirmed in interviews with special prosecutor Smith, Sheriff Strider, and the defense attorneys.

<sup>72</sup>Commercial-Appeal, September 20, 1955, p. 1.

## CHAPTER VII

### THE TRIAL

The trial of the State of Mississippi v. J. W. Milam and Roy Bryant was the most important in criminal cases involving the race issue since the Scottsboro cases.<sup>1</sup> There had been three killings in Mississippi in the summer of 1955 which Tuskegee Institute had classed as lynchings: Rev. George W. Lee, at Belzoni on May 13; Lamar Smith, at Brookhaven on August 13; Emmett Till on August 28.<sup>2</sup> The Tallahatchie County case was the first of these three to be tried. This placed a great burden on the state, and focused world attention on the trial.

According to Negro professor Louis E. Lomax, this was to decide whether or not the Southern Negro could still put faith in that "class of whites known to Negroes as 'good white people.' These were the respectable white people who were the pillars of the Southern community and who appeared to be the power structure of the community."<sup>3</sup>

A Negro newsman wrote, "The outcome of this case

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<sup>1</sup>Norris v. Alabama, 294 U. S. 587 (1935); others.

<sup>2</sup>Progress and Reaction, 1955: NAACP Annual Report (June, 1956), p. 9.

<sup>3</sup>Louis E. Lomax, The Negro Revolt (New York: New American Library, 1963), pp. 85-87.

will determine whether Mississippi is already dead or whether there is hope for revival and improvement."<sup>4</sup>

#### Selection of the Jury

According to Mississippi law, "every male citizen, not under 21 years, who is a qualified elector and able to read and write," and who has not been convicted of certain enumerated crimes, "is a competent juror."<sup>5</sup> Further, certain persons are exempt from jury service: doctors, lawyers, dentists, druggists, police, firemen, and anyone whose business would suffer a "serious financial loss" because of his absence.<sup>6</sup> Persons over 60 years of age, or who have served on a jury within two years may claim exemption.<sup>7</sup>

In 1955, 30,486 persons lived in Tallahatchie County. No Negroes were registered, thus none could serve as jurors. So jury service was limited to the 3,163 white males over 21 years of age. Of this number, 598 were over 60, and could claim exemption. Consequently, only 8.4 per cent of the people could be on a jury, and even this meager number was depleted by illiteracy, failure to meet rigid voter registration requirements which included two-year residence within the precinct, and exemptions for business reasons. The last group unfortunately included many of the most

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<sup>4</sup> Pittsburg Courier, editorial of September 24, 1955, p. 10.

<sup>5</sup> Mississippi Code Annotated, 1942. Sec. 1762/

<sup>6</sup> Ibid., Sec. 1764.

<sup>7</sup> Ibid., Sec. 1765.'

competent and level-headed citizens.<sup>8</sup>

Jury lists consisting of 200 to 800 names were drawn up each year by the board of supervisors in each county. By law, they are required to take the registration book for a guide, and from it select the "names of qualified persons of good intelligence, sound judgement, and fair character."<sup>9</sup> When a capital case is to be tried, either side may request a special venire. In the case of a county divided into judicial districts, as Tallahatchie County, an equal number of jurors shall be drawn from each district.<sup>10</sup>

On September 8, 1955, on the motion of the State, Circuit Judge Swango ordered a special venire of 120 men to be drawn from the jury boxes, in open court, on September 12.<sup>11</sup> The special venire gave the state a chance to get half of the jurors from the east side of the county, far from the homes of the accused. The regular venire had come entirely from west of the Tallahatchie River.

On Monday, September 19, the trial officially began. The task of selecting the jurors first fell to the state, as it does in all criminal cases. The prosecution had decided that the best chance for a conviction lay in getting jurors who did not know the brothers, and who lived in Beat 1, in the northeast corner of the county,

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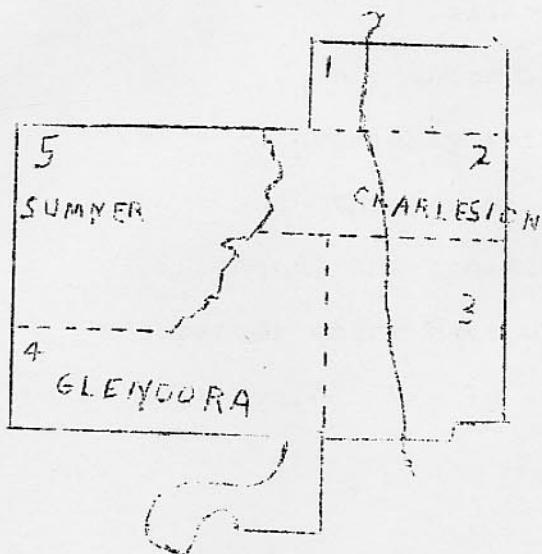
<sup>8</sup> Statistics from U. S., Bureau of the Census, Census of the United States; 1950, General Characteristics, XXIV, 71.

<sup>9</sup> Mississippi Code Annotated, 1942, Sec. 1762.

<sup>10</sup> Ibid., Sec. 1770, 1795.

<sup>11</sup> Minutes of the Circuit Court, Tallahatchie County, Mississippi, Book N, p. 511

far from the location of the crime.<sup>12</sup>



### TALLAHATCHIE COUNTY

Beat lines are broken.  
All land east of heavy  
line is hills, to  
the west is the  
Delta.

In order to obtain a jury of the above nature, the state asked the following questions on the voir dire:

Will you start out not only to give the defendants but the State of Mississippi a fair trial?

Would you be prejudiced because of race?

Do you know the accused personally?

Did you contribute to the fund for the defense, or would you have contributed if asked to? [Chiefly, funds came from the Delta side of the county.]

Did any of the defense attorneys ever represent you in a law suit?<sup>13</sup> [This would eliminate almost anybody in the Delta side of the county who had ever hired a lawyer; all of the Delta attorneys were defense attorneys in this case.]

<sup>12</sup>Personal interview with Robert B. Smith, III, Special prosecuting attorney, Ripley, Mississippi, August 16, 1962.

<sup>13</sup>Voir dire questions from The Commercial-Appeal (Memphis, Tennessee), September 20, 1955, pp. 1, 15.

The fallacy in the prosecution's reasoning is apparent to anyone who knew the situation in the county. First, except for a few close friends, people who knew Milam and Bryant disliked them and were afraid of them. When this author interviewed people who knew the brothers, they were invariably referred to as "peckerwoods," "white trash," and other terms of similar disapprobation.

Second, the prosecutors failed to note the distinct differences which have always existed between the hills and the Delta. Nearly all of Beat 1 and most of Beats 2 and 3 are in the hills. Here, most white farmers were in competition with Negroes, and did not feel the intense noblesse oblige that was common to many of the large land-owners of the Delta. The defense lawyers, all of whom lived in the county, were cognizant of this error by the state, and were happy to capitalize on it.

By 4:30 P. M. that day, after five and a half hours, the state accepted twelve jurors. Thirty men had been successfully challenged by the prosecution; the state had been forced to use eleven of its twelve preemptory challenges.<sup>14</sup> Of these twelve, the defense removed two "that they weren't sure of."<sup>15</sup> The following morning two regular jurors and an alternate were chosen, and the jury was complete.<sup>16</sup>

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<sup>14</sup> Commercial-Appeal, September 20, 1955, p. 1.

<sup>15</sup> Personal Interview with J. J. Breland, defense attorney, Sumner, Mississippi, August 15, 1962.

<sup>16</sup> Commercial-Appeal, September 21, 1955, p. 8.

In a large metropolitan area, perhaps justice can be blind to personalities. In a small community, however, the proverbial blindfold slips and often falls off. When the state accepted the original jury, the defense lawyers knew enough of the jurors personally to feel certain that the verdict would be "not guilty." Sheriff-elect Harry Dogan, reported to know more people in the county than any other man, helped the defense pick which jurors were "doubtful" and which were "safe."<sup>17</sup>

The attorneys for the accused made use of a strategem realized by few outside the legal profession. Lawyers classify people into "convicters" and "non-convicters" - that is, they realize that various jurors require different amounts of proof to vote for a verdict of guilty, "There are many people in the county who think that just because the grand jury indicts, the accused must be guilty," said attorney J. J. Breland. Since the chief line of defense was to consist of "muddying the waters" - creating doubt as to the identity of the body, the lawyers for the brothers had to get men on the jury who would require that guilt be proven "beyond a reasonable doubt."<sup>18</sup>

The jury which was finally settled upon consisted of twelve jurors and an alternate, all white men. Ten of them were farmers, one a carpenter, one an insurance salesman, and one a retired carpenter. The average age was

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<sup>17</sup> Interview with Breland.

<sup>18</sup> Ibid.

forty-five, and the median age forty-two. Ten were from the hill section of the county; four from Beat 1, five from Beat 2, three from Beat 3 [see map]. Of the three Deltans, only one was from Milam's home in Beat 4. None of the three was considered to have been endowed with paternalism toward Negroes.

Both the state and the defense took pains that the jury would consist entirely of "good people." The county and the state were determined to make a good showing before the world.

The selection of the jury was important, although most people connected with the trial felt that there were no white men in the entire county who would have voted for acquittal. The dean of the defense attorneys said, "After the jury had been chosen, any first-year law student could have won the case."<sup>19</sup>

#### The Trial

The first testimony was given on Tuesday, September 20, 1955. The state had had two weeks since the indictment to gather evidence. Sheriff Strider refused to aid the prosecution by obtaining evidence. District Attorney Chatham and special prosecutor Smith had to try to do police work, riding country roads to look for witnesses and searching "a dozen cotton gins" for the source of the fan that was used to weight Till's body. The only witnesses were those

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<sup>19</sup>Ibid.

present at the kidnapping, and those present when the body was found.

All parties concerned - the judge, prosecuting attorneys, defense attorneys, the jury, and the accused - knew that a verdict of not guilty was certain.<sup>20</sup> Chatham, Smith and Judge Swango were set to do all they could in the hopes that, by some miracle, a conviction could be obtained. Barring this phenomenon, a good showing would be made, and Mississippi could save some embarrassment.

The trial was bizarre in the above and some other respects. At no time did the five defense attorneys even ask the brothers if they were guilty. "My wife kept asking me if they did it," said one attorney, "and I didn't want to have to lie to her. I just told her I didn't know." In 1962, one of the lawyers termed the killing a "dastardly, cowardly act," and the brothers deserved punishment - if they had done it.

The trial came just at the end of the four-year term of office for the sheriff and the District Attorney. Both would be out of office in three months. The trial could not be postponed until the next session, which would have given tempers time to cool and the state more time to gather conclusive evidence, because both Chatham and Strider did not wish to pass this chore on to newly-elected officers. Too, newspapers "would have roundly denounced a postpone-

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<sup>20</sup> Interviews with all concerned.

ment."<sup>21</sup>

This was probably the most widely publicized trial of the century. Jim Kilgallen, who had covered the trials of Bruno Hauptman and Machine Gun Kelly, said that the trial of Milam and Bryant had greater press coverage than any that he had attended. More than seventy photographers, newspaper reporters, radio and television newsmen were in the courtroom for the opening of the trial. The National Broadcasting Company sent down an airplane to fly film to New York daily.<sup>22</sup>

Newspaper reporters came from New York, Chicago, Detroit, Memphis, Atlanta, Miami, New Orleans, Toledo, Pittsburg, Dallas, Washington, D. C., Ontario, London, and the Mississippi cities of Jackson, Greenville, Clarksdale, and Greenwood. The Associated Press, INS, and the United Press were represented. Nation, Life, Jet, and Ebony magazines sent newsmen and photographers. Four radio-television reporters were present.<sup>23</sup>

Mamie Bradley and Representative Charles C. Diggs (Democrat, Michigan) both made spectacular appearances on Tuesday. This inflamed an already tense crowd of spectators, but according to the jury, which was fairly insulated, these had little effect on the verdict.<sup>24</sup>

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<sup>21</sup>Interview with Smith.

<sup>22</sup>Commercial-Appeal, September 20, 1955, p. 19.

<sup>23</sup>Ibid.

<sup>24</sup>Interview with juror.

The little courtroom, which had a capacity of 200, was besieged by over 1,000 "outsiders." Most stood outside in the courthouse lawn. Local whites in the courtroom were reputedly "armed to the teeth." Negroes and whites who were not known were searched by deputies because of numerous threats the sheriff had received.<sup>25</sup>

The trial itself progressed rather smoothly. Mose Wright, Till's uncle, offered unchallenged evidence that the pair kidnapped young Till.<sup>26</sup> Negro and white undertakers testified as to the identity of the body.<sup>27</sup> Mamie Bradley testified that the body of the deceased was her son's. She also stated that her husband had died in the service in Europe, on July 2, 1945.<sup>28</sup>

On Wednesday, the state produced three "surprise witnesses." These witnesses had been discovered by Dr. T. R. M. Howard, Negro leader from Mound Bayou, Mississippi. These reported to have seen Milam and Till, along with three other Negroes and three other whites, on a plantation near Drew, Mississippi which was managed by J. W. Milam's brother Leslie. One of them, Willie Reed, heard "licks and hollering" from within a barn. The seven men and a

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<sup>25</sup>Interview with N. Z. Troutt, former deputy sheriff, Charleston, Mississippi, August 1, 1962.

<sup>26</sup>Mose Wright's testimony, Official Transcript of State of Mississippi v. J. W. Milam and Roy Bryant, Seventeenth Judicial District of the State. September 19-23, 1955.

<sup>27</sup>Testimony of Chester A. Miller and C. F. Nelson, Official Transcript, pp. 64-80, 94-100, 177-79.

<sup>28</sup>Testimony of Mamie Bradley, Official Transcript, pp. 180-87.

boy who looked like Till drove away.<sup>29</sup> [This conflicts with Milam's statement of the murder. The District Attorney did not have time to check the details for accuracy, and did not do so after the trial.]<sup>30</sup>

Two Negroes who were supposed to have been in the truck with Till were Leroy "Too Tight" Collins and Henry Lee Loggins. The third Negro was thought to be Frank Young. Both Collins and Loggins were "missing" and were sought by Leflore County authorities. Unknown to the District Attorney or special prosecutor Smith,<sup>31</sup> these Negroes were held under false identities in the Charleston jail on the orders of Sheriff Strider, prior to and during the entire trial.<sup>32</sup> This would support the theory advanced in court that Milam and Bryant did not handle the murder alone. Milam and Bryant later told their lawyers that both of the Negroes had been drunk on the Saturday night of the murder and did not come to work on the following Sunday.

At 1:55 P.M. Thursday, the state rested. They had presented what all five defense counsels admitted (later) was sufficient evidence to convict. The defense now had to throw up a "smoke screen" to cover up for the jurors

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<sup>29</sup>Testimony of Willie Reed, Official Transcript, pp. 221-235.

<sup>30</sup>Interview with prosecutor Smith.

<sup>31</sup>Ibid.

<sup>32</sup>Interview with Breland; others.

who were committed to a verdict of acquittal.

The first witness for the defense was Mrs. Roy Bryant. The judge ordered the jury to leave the room while she told of the incident at the store. Judge Swango, "bending over backward"<sup>33</sup> for the state, ruled her testimony unrelated to the murder and hence inadmissible.<sup>34</sup> This gesture was futile, of course, for every juror already knew of the occurrence.<sup>35</sup> Most of them probably had heard an exaggerated version,<sup>36</sup> and the judge's decision could have served a purpose opposite that which was intended.

After brief testimony by Mrs. J. W. Milam, the defense showed its "surprise witness." The Sheriff, H. C. Strider, testified for the defense. Strider testified that, based on his past experience, the body seemed to be in a condition which would indicate that it had been in the river from ten to fifteen days. He further testified that the race of the corpse was unidentifiable. Said Strider, "If one of my own boys was missing, I couldn't really say if it was my own son or not, or anybody else's. . . . All I could tell, it was a human being."<sup>37</sup>

Two "experts," a white physician who "viewed the

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<sup>33</sup>According to defense attorneys. Interviews with Kellum, Breland.

<sup>34</sup>Official Transcript, pp. 260-65.

<sup>35</sup>Personal Interviews with jurors.

<sup>36</sup>Ibid.

<sup>37</sup>Testimony of Sheriff H. C. Strider, Official Transcript, pp. 285-87.

body" - from a distance, because of the odor, and the embalmer who embalmed Till's body both testified that the body had been so decomposed on August 31 that it must have been dead for at least ten days previous to the discovery. H. D. Malone, the embalmer, said that the body was "bloated beyond recognition."<sup>38</sup>

Many newspapers wondered why the defense did not utilize pathologists or why the state did not refute their testimony. Attorney Breland had, in fact, consulted pathologists at both the medical schools of the University of Mississippi and the University of Arkansas. Both men told Breland that they would testify that a body which had been badly beaten would easily decompose within three days to the state Till's was in when found. Said Breland later, "I intended to get them to testify, but I sure didn't then!"<sup>39</sup>

The prosecution knew that this would be the sole meager defense offered for the accused. Why were not experts summoned? Why was the body not exhumed for an autopsy as his mother had offered? Two reasons seem imminent. The first, acknowledged by special prosecutor Smith, is that the corpus delicti had been proven, beyond a doubt.<sup>40</sup> Nearly every juror later admitted this to the author.<sup>41</sup>

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<sup>38</sup> Testimony of L. B. Otken, examining physician, and H. D. Malone, embalmer, Official Transcript, pp. 293-303, 311-320.

<sup>39</sup> Personal Interview with Breland.

<sup>40</sup> Personal Interview with Smith.

<sup>41</sup> Personal Interview with jurors.

The second reason is that the District Attorney knew that the case was lost, and he did not wish to place all the blame on the jurors, most of whom served out of a sense of obligation and with deep regret. If the "smoke screen" had been completely removed, thirteen men would have become the victims of the harassment which Sheriff Strider had faced for weeks.

The final day of the trial was devoted to short testimony by five character witnesses and the closing arguments of the attorneys. District Attorney Chatham began with stirring oratory that would have done credit to William Jennings Bryan. "They murdered that boy," said Chatham, "and to hide that dastardly, cowardly act, they tied barbed wire to his neck and to a heavy gin fan and dumped him into the river for the turtles and the fish." He said the defendants "were dripping with the blood of Emmett Till."<sup>42</sup> The defense attorneys could not look Chatham in the face as the District Attorney closed his long career in a valient but futile effort to see justice done.<sup>43</sup>

All other summations were an "anti-climax." The defense attorneys stressed that "every last Anglo-Saxon one of you has the courage to set these men free,"<sup>44</sup> and

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<sup>42</sup>Attorney's summations were not in the Official Transcript. Commercial-Appeal, September 24, 1955, p. 2.

<sup>43</sup>Interview with Breland.

<sup>44</sup>John Whitten's summary. From Dan Wakefield, "Justice in Sumner," Nation, CLXXXI (October 1, 1955), 285.

warned that the juror's "forefathers would turn over in their graves if these boys were convicted on such evidence as this."<sup>45</sup>

At 2:34 p.m., the judge discharged alternate juror Willie Havens, and the jury retired to the jury room for deliberation.

The jury had been secluded in the Delta Inn, a hotel about one hundred yards from the courthouse in Sumner, since Monday. They had not seen a newspaper, watched television, or listened to a radio. They were not allowed to discuss the case. Yet during this time it is rumored that every man was contacted by a member of the Citizens' Council to make sure he voted "the right way."<sup>46</sup> It is doubted that threats of even the mildest nature were deemed necessary or were utilized. The author did not seek to learn of what these "contacts" consisted.

The jury had only three choices. Under Mississippi law, there is no "first degree" murder, "second degree" murder, etc. Murder is punishable in that state by death or life imprisonment. Thus the jury had only three choices--capital punishment, a life sentence, or acquittal.

The jury cast three ballots.<sup>47</sup> According to one juror, all the ballots were alike--all "not guilty."<sup>48</sup> Sheriff-

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<sup>45</sup>J. W. Kellum's summary. From Dan Wakefield, "Justice in Sumner," Nation, CLXXXI (October 1, 1955), 285.

<sup>46</sup>Interviews with jurors, others.

<sup>47</sup>Commercial-Appeal, September 24, 1955, p. 1.

<sup>48</sup>Interview with juror.

elect Harry Dogan sent word to the jurors to wait a while before coming out--to make it "look good."<sup>49</sup> It was hot. The jury sent out for cokes. After one hour and eight minutes of "deliberation," the jury returned. Foreman J. A. Shaw handed the verdict to the clerk. "Not Guilty," read Clerk Charlie Cox.<sup>50</sup>

Why did the jurors vote for acquittal?<sup>51</sup> The answer may surprise many of the people involved in the case, including the prosecutors and the defense attorneys. Of the jurors polled, not a single one doubted that Milam and Bryant, or the Negroes supposedly with them, had killed Emmett Till. Only one juror seriously doubted that the body was Till's.

A second fact may astound even more people. The jurors stated that they were not affected by the publicity attendant to the trial. Only one juror admitted, "If the Northern reporters and all those outsiders hadn't interfered, it might have been different. . . . But it probably wouldn't have affected the verdict." County Attorney Hamilton Caldwell had been the most perceptive of all. The simple fact was that a Negro had insulted a white woman. Her husband would not be prosecuted for killing him.

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<sup>49</sup> Interview with defense attorney Breland.

<sup>50</sup> Official Transcript, p. 349.

<sup>51</sup> These facts gleaned from interviews with jurors.

PART III

THE EFFECTS

## CHAPTER VIII

### REACTIONS AND EFFECTS

#### The Immediate Reaction

Newspapers the world over reacted with editorials of condemnation. Both Communist and pro-American papers in Europe denounced the crime. A "typical report" was that of the front page of the non-Communist L'Aurore of Paris.

The two . . . have been acquitted. Acquitted to the enthusiastic cries of a racialist public, by a racialist jury. . . Perhaps even tomorrow these two honest citizens of Free America will go back to their usual occupations, greeted, respected and the objects of ovations, as though nothing had happened.<sup>1</sup>

Negro newspapers throughout the country protested vehemently. The Pittsburgh Courier had a half-inch black border around the front page, and the headlines read "SEPT. 23, 1955 - BLACK FRIDAY!"<sup>2</sup> Mississippi was termed "the sin-hole of American civilization." The Chicago Defender, like many other newspapers, called for an end to discrimination in voting. "Yes, the Till trial is over, but the Till case cannot be closed until Negroes

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<sup>1</sup>This was reprinted, along with others, in The Commercial-Appeal (Memphis, Tennessee), September 25, 1955, p. 7.

<sup>2</sup>The term is obviously a take-off on "Black Monday" - the Citizens' Councils designation of May 17, 1955, when the desegregation decision was rendered.

are voting in Tallahatchie and Le Flore [sic] counties and throughout the South".<sup>3</sup>

The magazines which covered the trial gave it great play in the first issues. The most notable was Life, which ran an editorial entitled "In Memoriam."

Emmett Till was a child . . . . He had only his life to lose, and many others have done that, including his soldier-father who was killed in France fighting for the American proposition that all men are equal . . . .<sup>4</sup> Sleep well, Emmett Till; you will be avenged . . . .

Life forgot to notice that Mrs. Bradley had stated that Louis Till had died July 2, 1945. The German surrender came on May 9, 1945, two months before his death. Actually, Emmett Till's father had been hanged by the United States Army for raping three Italian women and murdering the last.<sup>5</sup>

The Negro reaction ranged from demands for Congressional legislation guaranteeing the right to vote to a call for invasion and occupation of Mississippi by federal troops. Thousands of letters poured into the county addressed to the principals of the trial; nearly all were obscene or threatening or both.

Reaction within the state and county varied. The defense's "smoke screen" concerning the identification of the body at the trial convinced some people that the entire affair had been an NAACP plot.<sup>6</sup> Others, including many

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<sup>3</sup> Pittsburg Courier, October 1, 1955, p. 1.

<sup>4</sup> "In Memoriam, Emmett Till," Life, XXXIX (October 10, 1955), 48.

<sup>5</sup> Commercial-Appeal, October 16, 1955, Sec. I, p. 4.

<sup>6</sup> Numerous personal interviews.

Southern newspaper editors, held some hope that justice could be meted out on the kidnapping charge, which also carried a possible death penalty.<sup>7</sup>

To say that the response was unfavorable would have been the understatement of 1955. Some of the effects of this reaction shall be reviewed in this chapter.

### The Participants

#### a. The Defendants

Immediately after the acquittal on the charge of murder in Tallahatchie County, J. W. Milam and Roy Bryant were turned over to Leflore County authorities for trial on the charge of kidnapping. The case was open-and-shut. Bryant had confessed to Sheriff Ed Smith,<sup>8</sup> and eye witnesses were in abundance. But the Leflore County grand jury refused to indict the brothers, and on November 9, 1955, they were released from custody.<sup>9</sup>

The Milam-Bryant family owned a chain of country stores in the Mississippi Delta which catered almost exclusively to Negroes. Since Till's death, Negroes had boycotted

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<sup>7</sup> Delta-Democrat Times (Greenville, Mississippi), September 4, 1955, p. 4.

<sup>8</sup> Testimony of Sheriff Ed Smith, Official Transcript of State of Mississippi v. Roy Bryant and J. W. Milam, Seventeenth judicial district of the State, September 19-23, 1955, pp. 91-93.

<sup>9</sup> The Memphis (Tennessee) Press-Scimitar, November 10, 1955, p. 1.

stores at Glendora, Money, and Sharkey. Within fifteen months, all three stores had been closed or sold.<sup>10</sup>

In the fall of 1955, Milam and Bryant had sold their story to William Bradford Huie for \$3500.<sup>11</sup> Their version, admitting that they had murdered Till, appeared in the January 24, 1956 issue of Look magazine. The people who had "stood up for them" were now ridiculed. The jurors who had acquitted them were especially angry, as one might suspect.<sup>12</sup>

Since their stores had closed, Milam turned to farming. In all of Tallahatchie County, the county which had "swarmed to his defense," Milam was unable to rent land for the 1956 crop year. Finally, Milam "was able to rent 217.4 acres in Sunflower County, near the vast plantation owned by Senator Eastland." And at the last moment, the Bank of Webb loaned him sufficient funds to "furnish" him. John W. Whitten, one of Milam's former lawyers, was on the loan committee there.<sup>13</sup>

Bryant had trouble finding work, after his store closed. In late 1956, he went to Inverness, Mississippi and learned welding with assistance from the G. I. Bill

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<sup>10</sup> William Bradford Huie. "What's Happened to the Emmett Till Killers?", Look, XXI (January 22, 1957), 65.

<sup>11</sup> Personal interview with William Bradford Huie, Hartseile, Alabama, October 5, 1962.

<sup>12</sup> Personal interview with jurors.

<sup>13</sup> Huie, Look, pp. 65,66.

of Rights.<sup>14</sup> Bryant and his family, finding themselves not accepted in the Mississippi Delta, moved to an east Texas town in which they were still living in 1962.<sup>15</sup>

J. W. Milam found farming difficult. Many Negroes refused to work for him; he had to hire white men at higher pay.<sup>16</sup> Milam, like Bryant, experienced the fear and distrust of his fellow Mississippians.<sup>17</sup> He turned to bootlegging. The prime insult to the county came in 1960 when Milam found out about the location of a whiskey still hidden in the hills east of Charlesston, Mississippi. Milam drove his pickup to the spot, and assembled the entire still on his pickup and a trailer. He hauled them, completely uncovered and in the middle of the day, down Mississippi Highway 32, through the boulevard and Main Street of Charleston, and around the court square.<sup>18</sup> "To think of all we did for him," lamented one juror to the author, "and he goes and does something like that."<sup>19</sup>

In 1962, Milam had joined Bryant in eastern Texas and

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<sup>14</sup>Ibid., p. 65.

<sup>15</sup>Interview with acquaintances of the family.

<sup>16</sup>Huie, Look, p. 65.

<sup>17</sup>Ibid.

<sup>18</sup>Interviews with eyewitnesses, local law-enforcement officers. According to court records, Milam was not prosecuted for this offense although he was arrested.

<sup>19</sup>Interview with juror.

both families were trying to live inconspicuously.<sup>20</sup>

The sentiments of Tallahatchie County citizens toward the former residents are illustrated graphically by an incident which happened in the summer of 1961. Woods McLellan and his family were driving through a Texas town and stopped for a traffic light. The driver in the next car noted the license plate and yelled, "You're from Tallahatchie County." "That's right," said McLellan. "I'm Roy Bryant," said the Texan. The smile disappeared from McLellan's face; he stared straight ahead as he drove swiftly away from the traffic light, not looking back.

b. The Prosecutors

Gerald Chatham, the District Attorney, and Robert B. Smith, III, special prosecutor, had prosecuted Bryant and Milam so ably and so diligently that everyone, even the Negro press wrote encouragingly of their performance.<sup>21</sup> They had done their utmost to secure a conviction despite having no assistance from the sheriff or police investigators in obtaining evidence.

Chatham died one year later, on October 9, 1956, of a heart attack at the age of 50. Chatham had suffered a heart attack prior to the Till case and his relatives feel that the exertion in this trial hastened his death. It is

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<sup>20</sup> Interview with J. J. Breland, defense attorney, Sumner, Mississippi, August 15, 1962

<sup>21</sup> The Tri-State Defender (Memphis, Tennessee), October 1, 1955, p. 1.

ironic that the obituary of this man who had spent a life-time in public service [the Governor was an honorary pall-bearer at his funeral] should read, "Mr. Chatham, who handled the prosecution of the Emmett Till case last year, died after a heart attack. . . ."<sup>22</sup>

#### c. The Judge

Circuit Judge Curtis Swango, as determined as Chatham to see justice done in the Till case, won the respect of all who attended the trial. More than that, he personified the hopes of many Mississippians and others that justice might survive this debacle.<sup>23</sup> One Southern newspaperman remarked, "The South has always had its Judge Swangos. That's why we keep faith in the future."<sup>24</sup>

Far from incurring the wrath of his fellow citizens for his attitude of giving the state every possible break in the case [very unusual in a criminal case], Judge Swango won almost universal approval. He has since been re-elected to office and will probably continue to hold the judiciary post until he retires.

#### d. The Sheriff

Because Sheriff H. C. Strider had helped the defense challenge the identity of the corpus delicti, and because his name had been so widely publicized in the newspapers,

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<sup>23</sup>"Trial by Jury," Time, LXVI (October 3, 1955), 18.

<sup>24</sup>Quoted in John Lafarge, "The Emmett Till Acquittal," America, XCIV (October 8, 1955), 31.

he continued to receive threatening letters on up through 1956. Stryder's name was so well-known that one post-card mailed in Sydney, Australia to "Sheriff Strider, U.S.A." reached him in five days.<sup>25</sup>

Strider became the personification of the type of law enforcement that had caused so many Negroes to "go North." He was criticized by Mississippi newspapers<sup>26</sup> as well as national and Negro publications.<sup>27</sup> By Christmas, 1955, five Negro families had moved off Strider's delta plantation because of his actions in the trial. The culmination of these attacks came in 1957, long after the former sheriff's term of office had expired, when an attempt was made on his life. Strider was seated in his car in front of a general store in Cowart, Mississippi. He leaned forward just as the would-be assailant fired at his head. The bullet hit the metal post between the window and windshield, deflecting it.<sup>28</sup>

According to Strider, the Negro who had fired the shot had been given a new automobile by the NAACP to come down from Chicago and kill him. The gunman was identified by Negroes on Strider's plantation as a former Delta Negro

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<sup>25</sup> Interview with Strider.

<sup>26</sup> Delta Democrat-Times (Greenville, Mississippi), September 6, 1955, p. 4.

<sup>27</sup> Dan Wakefield, "Justice in Sumner," Nation, CLXXXI (October 1, 1955), 285; many others.

<sup>28</sup> Interview with Strider. This has been verified by dozens of people.

who had recently moved to Chicago. His name was known but, again according to the former sheriff, the Governor of Illinois would not extradite him back to Tallahatchie County for trial.<sup>29</sup>

This attempted murder ended Strider's law enforcement career. Strider had been considered a prime contender in the sheriff's race in the 1959 election. After announcing his candidacy, Strider withdrew from the contest. Associates say that the chief factor behind his decision was that his wife, remembering how close to death he had come, persuaded him not to run. In 1963, Strider again declined to run for the county's highest law enforcement post. Not the least of his reasons why he did so was the memory of the Emmett Till case.

#### e. The Defense Counsels

The five defense lawyers, representing three firms, all received numerous vile, threatening letters.<sup>30</sup> Because of these, at least one of the five attorneys carried a .45 pistol for years after the trial.<sup>31</sup>

Although only one of the firms involved will admit that the case increased its business, the people who

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<sup>29</sup>Interview with Strider.

<sup>30</sup>Interview with Breland. Interview with J. W. Kellum, defense counsel, Sumner, Mississippi, July 25, 1962.

<sup>31</sup>Interview with Breland.

witnessed the case in court were impressed with the performance of the men, especially Breland. One of the jurors told the author, "Before this case, I would have gone out of the county for a lawyer. Now, I'd go to Breland--he really impressed me."<sup>32</sup>

One of the attorneys, J. W. Kellum, was able to capitalize upon his connection with the case in subsequent campaigns for District Attorney. According to his opponent, Kellum emphasized that he had "defended those white boys against the accusations of Negroes."<sup>33</sup> Apparently this worked to Kellum's advantage. After having been soundly defeated by Roy Johnson in 1955 (just a few days before the murder), Kellum bounced back in 1959 to lose by only a narrow eighteen-vote margin.

#### f. The Negro Witnesses

Each of the Negro witnesses involved in the trial felt compelled to leave the state. Mose Wright was offered a life-time job in Middle Island, New York. Wright was sixty-four years old, and had always lived in the Delta. One of the saddest stories coming out of the trial showed "Uncle Mose" regretfully telling his friends goodby and leaving his home and his dog Dallas, "the best dog in seven states," to go to an alien life in the city.<sup>34</sup>

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<sup>32</sup>Interview with a juror.

<sup>33</sup>Interview with Roy E. Johnson, District Attorney, Senatobia, Mississippi, July 28, 1962.

<sup>34</sup>Chicago Defender, October 1, 1955, p. 2.

Eighteen-year-old Willie Reed and his family moved to Chicago. There he soon suffered a nervous breakdown and had to be hospitalized.<sup>35</sup> Amanda Bradley (no relation to Till's mother) was "whisked away" to Chicago and lived with friends there.<sup>36</sup>

The role of these witnesses, plus Mrs. Mamie Bradley, after September 23, is so inextricably bound to the NAACP that all further references to these people shall be made in connection with this organization.

g. The NAACP

[The NAACP and the White Citizens' Councils shall be listed as participants, even though their participation in the case was probably only indirect.]

The NAACP, through field representative Mrs. Ruby Hurley released the following statement on September 22, 1955:

The NAACP has not and is not organizing a fund-raising speaking tour for Mrs. Bradley. . . . We had no hand in the funeral arrangements in Chicago, nor have we received any monies reportedly raised at that time. . . . For this long range basic struggle we welcome and need funds but we feel that our sponsorship of a tour exploiting the brutal Till slaying would be subject to misinterpretation.<sup>37</sup>

Only one month before, on the day prior to the Till slaying, Roy Wilkins, NAACP executive secretary had pled

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<sup>35</sup> Jackson (Mississippi) Daily News, October 5, 1955, p. 1.

<sup>36</sup> Ibid., October 6, 1955, p. 1.

<sup>37</sup> St. Louis Argus, September 23, 1955, p. 13.

for money. "Dig deep into your pockets--and do it now."<sup>38</sup> And the stand taken by Mrs. Hurley did not last long. On Sunday, September 23, mass "protest rallies" were held in force in four major cities in the United States. Representative Cgarles Diggs and NAACP Field Secretary Medgar Evers spoke to 65,000 people in Detroit, collecting \$14,064.88 for NAACP coffers. Dr. T. R. M. Howard, who had secured vital witnesses for the state in the Till trial, talked before a crowd of more than 2,500 people in Baltimore and collected \$3,001.50. In New York, Roy Wilkins and Mrs. Mamie Bradley spoke to 15,000. In Till's home town of Chicago, Jet editor Simeon Booker addressed a crowd of 10,000.<sup>39</sup>

"Protest rallies" sprung up in many large towns, usually meeting on Sunday. Thousands turned out to hear Mrs. Bradley, Congressman Charles Diggs, Mose Wright, Dr. T. R. M. Howard, and Ruby Hurley. The audiences made "big contributions to the NAACP."<sup>40</sup>

Around October 20, 1955, Mrs. Bradley announced that she was "placing her crusade in the hands of the NAACP."<sup>41</sup> One of the chief reasons was that front organizations for the Communist Party were trying to line her up for speaking

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<sup>38</sup> Pittsburgh Courier, August 27, 1955, p. 1.

<sup>39</sup> Chicago Defender, October 1, 1955, pp. 1-3.

<sup>40</sup> Pittsburgh Courier, October 2, 1955, p. 10.

<sup>41</sup> Ibid., October 22, 1955, p. 1.

engagements.<sup>42</sup>

By November 19, 1955, the NAACP disclosed that over 250,000 people had heard Mrs. Bradley or Mose Wright speak. Dr. T. R. M. Howard revealed he had spoken to 30,000 people and had collected around \$30,000. The same day the organization cancelled Mrs. Bradley's speaking engagements. She had asked for \$5,000 for a speaking tour which had eleven appearances, or a fee of \$100 per engagement plus one-third of the gross receipts. The NAACP said it did not handle "commercial business," and that she should have worked "for the cause." Mose Wright replaced her on the tour.<sup>43</sup>

Thus the organization against whom the "not guilty" verdict had been aimed, profitted enormously from this decision by the jury. Considering that many organizations, groups, and wealthy people began to donate or bequeath large amounts of money to the NAACP soon after the trial, the Emmett Till case proved a great asset in the organization's history.

According to Louis E. Lomax, Negro philosophy professor, the NAACP and the NAACP Legal Defense and Education Fund parted company during 1955, as a "result of deep internal troubling, the details of which are still in the domain of 'No Comment.'"<sup>44</sup> It is suspected, but not known,

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<sup>42</sup> Ibid., October 29, 1955, p. 10.

<sup>43</sup> Chicago Defender, November 19, 1955, p. 1.

<sup>44</sup> Louis E. Lomax, The Negro Revolt (New York: New American Library, 1963), p. 12.

that this fund-raising drive contributed to the split.

h. The Citizens' Councils

According to editor Hodding Carter, the Till case "tended to coalesce the people of the Delta." Previous to the trial, there had been a division between the moderates and the extremists. After the acquittal, there were no voices of moderation,<sup>45</sup> excepting perhaps Carter's.

During the fall of 1955, the Citizens' Councils snowballed. By November, 1955, Mississippi Citizens' Councils had a membership of 65,000. Bill Simmons began to print a four-page monthly newspaper for the Councils; the first issue was dated October, 1955.<sup>46</sup>

In December, the first statewide meeting of the Mississippi Citizens' Councils was held in Jackson. Senator Eastland spoke and called for "a South-wide organization similar to the Councils, but financed by public funds to combat segregation." [sic]<sup>47</sup> By January 1, 1956, there were at least 568 local pro-segregation organizations in the South, with a membership of 208,000. The Citizens' Councils claimed 75,000 members in Mississippi, 60,000 in Georgia, 40,000 in South Carolina, 20,000 in Louisiana, and scattered membership in Alabama, Texas, Oklahoma,

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<sup>45</sup> Letter to the author from Hodding Carter, Tenants Harbor, Maine, August 15, 1962.

<sup>46</sup> John B. Martin, The Deep South Says "Never" (New York: Ballantine, 1957), p. 34.

<sup>47</sup> Ibid., p. 36.

Missouri, and Arkansas.<sup>48</sup>

The Councils were by now sending their newspaper and literature to Southern college campuses, to individuals and groups throughout the South. Even more important, they were to become a power in politics in Mississippi, Alabama, and to a lesser extent in other Southern states.

#### The Impact on Tallahatchie County

Many people in the county, including many of the people connected with the case, feel that the trial had no impact on the county. Nothing could be farther from reality.

One immediate effect of the acquittal was to seem to place a stamp of approval on the murder, and to encourage harassment of Negroes in the county. This was especially true among the impressionable young people in the county. During 1955 and 1956, a great sport among many white teenagers was to ride through "Negro town" and throw cherry bombs and firecrackers at Negro houses.

The levity with which some youth took this case can be illustrated by a song, the words of which were composed in the fall of 1955 by three boys<sup>49</sup> who were soon to be honor graduates of the county's largest high school. The song, a parody on Tennessee Ernie Ford's "Sixteen Tons," spread to several Delta towns and was supposed to have

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<sup>48</sup>Ibid., p. 37.

<sup>49</sup>Among whom was this author.

been sung over at least one Delta radio station. It had several verses and a chorus which read:

You kill sixteen jigs, and what do you git?  
 A Freestate Jury that'll always acquit;  
 Saint Peter don't call Emmett, 'cause he can't go,  
 He owes his soul to Bryant's sto'.

This attitude was not restricted to teenagers. On December 3, 1955, Elmer Kimbell<sup>50</sup> pulled into Lee McGarrh's service station in Glendora, Mississippi. He was, according to one account, driving J. W. Milam's pickup.<sup>51</sup> He asked for gas, and went to a nearby store. When Kimball returned, he argued with Negro attendant, Clinton Melton, about the amount of gas put in the tank. He told Melton "I'm going to get my gun and come back and shoot you."<sup>52</sup>

Kimbell, who had been drinking, returned a few minutes later and fired three shots, killing Melton. According to the arresting officer, Kimbell had been wounded in the shoulder when he was arrested. It was hypothesized at the trial that McGarrh had shot Kimbell when he returned to the station the second time. Then Kimball ran behind his truck, grabbed his gun, and shot Melton.<sup>53</sup>

The slaying of Melton did not involve sex. The . . .

<sup>50</sup>Supra, p.

<sup>51</sup>David Halberstam, "Tallahatchie County Acquits a Peckerwood," Reporter, XIV (April 19, 1956), 27.

<sup>52</sup>Ibid.

<sup>53</sup>Personal interview with N. Z. Troutt, former deputy sheriff, Charleston, Mississippi, June 28, 1962.

murdered man was a respected member of the local community. The Glendora Lions Club sent a resolution to regional newspapers which read:

We . . . make known our feelings and intentions with regard to the regrettable tragedy . . . which claimed the life of one of the finest members of the Negro race of this community. . . . We intend to see to it that the forces of justice and right prevail in the wake of this woeful evil. . . . We humbly confess in repentance having so lived in a community that such an evil occurrence could happen here, and we offer ourselves to be used in bringing to pass a better realization of the justice, righteousness, and peace which is the will of God for human society.<sup>54</sup>

At the subsequent trial, the Sumner courtroom was filled to capacity, largely due to the Till case. Jim McClure of Sardis, sitting in place of the ill Judge Swango, wisely banned cameras from the courtroom.<sup>55</sup> Witnesses for the defense were "the sheriff, a deputy sherrif, and a chief of police."<sup>56</sup>

According to the District Attorney, "many" members of the jury voted "guilty" on the first ballot.<sup>57</sup> After four hours of deliberation, these men gave in, and the foreman returned a verdict of "not guilty."<sup>58</sup> A local newspaperman told fellow reporters that criticism from the Till trial had hardened the people there and "convinced

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<sup>54</sup>Mississippi Sun (Charleston, Mississippi), December 8, 1955, p. 1.

<sup>55</sup>Interview with District Attorney Roy E. Johnson.

<sup>56</sup>Halberstam, p. 28.

<sup>57</sup>Interview with Johnson.

<sup>58</sup>Halberstam, p. 29.

them that they were all right and everyone else was all wrong. . . . We had forgotten . . . the fact that you can't put one value on a Negro three hundred and sixty-four days a year and then raise him up equal in court. . . ." <sup>59</sup>

Soon after this incident, the widow of Clinton Melton "lost control of her car" and drowned in a lake near Glendora. Testimony by Negroes before a Congressional Committee called this incident murder,<sup>60</sup> but this was denied by local authorities, who pointed out that two children with her at the time were rescued.

The Till trial combined with the murder of Clinton Melton caused very strained race relations in the county. Negro children and whites no longer played together. Communication between adults of the races was almost completely severed. The local Citizens' Council put pressure on local NAACP members and forced the organization underground.

No Negroes voted in Tallahatchie County. Newspapers covering the Till trial pointed this out to the entire world. When the 1957 Civil Rights Act passed through Congress, Negroes in the county complained to the Justice Department.<sup>61</sup> Investigations revealed that "at least

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<sup>59</sup> Ibid., p. 30.

<sup>60</sup> U. S., Congress, Senate, Subcommittee of the Committee on the Judiciary, Hearings, Civil Rights--1956, 84th Cong. 2d Sess., p. 552.

<sup>61</sup> U. S., Department of Justice, Report of the U. S. Commission on Civil Rights, 1959, p. 55.

since 1946," Negroes had not been allowed to pay poll taxes. On January 26, 1963, the Fifth Circuit Court of Appeals, granted an injunction against Sheriff Ellett Dogan, restraining him from prohibiting Negroes from paying their poll taxes and voting.<sup>62</sup> As of February 1, 1963, three Negroes had become the county's first eligible colored voters in decades.

The effect of the trial is also reflected in the radical decrease in population within the county during the decade 1950-1960. While Mississippi's population did not fluctuate as much as .1 per cent, Tallahatchie County experienced a 21.1 per cent decline. Notice in the table below that the 1950 population figures decline steadily as the age increases, but the 1960 statistics reveal a sharp decrease in the 20-29 age brackets among both races. This would indicate that many graduating from high school and college beginning around 1955 did not remain in the county.

As the statistics indicate, the county is losing its young people. An even greater percentage of whites are leaving the county than are Negroes. Businesses are closing. But instead of seeking innovations, the people struggle for the status quo ante, politically and otherwise. Pressure is applied to Negroes who want to vote. Thirty-one years after the Scottsboro cases, no Negroes serve on Tallahatchie

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<sup>62</sup>U. S. v. Dogan, et. al. 314 F. 2d 267 (1963).

TABLE 7

COMPARISON OF THE POPULATION OF TALLAHATCHIE COUNTY  
BY AGE AND RACE IN 1950 AND IN 1960<sup>a</sup>

Ages	Total	White		Non-white	
		1950	1960	1950	1960
All ages	30,486	24,081	11,078	8,580	19,408
Under 5	4,571	3,514	1,304	813	3,267
5 - 9	3,976	3,331	1,184	918	2,792
10 - 14	3,302	3,060	1,156	929	2,146
15 - 19	2,625	2,340	967	736	1,658
20 - 24	2,095	1,108	758	373	1,437
25 - 29	1,851	890	698	393	1,153
30 - 34	1,680	1,000	717	447	953
35 - 39	1,883	1,092	798	501	1,091
40 - 44	1,804	1,193	761	546	1,043
45 - 49	1,535	1,276	560	592	975
50 - 54	1,309	1,182	493	552	816
55 - 59	1,007	1,052	428	417	579
60 - 64	910	780	437	328	473
65 - 69	872	871	345	368	527
70 - 74	497	687	209	343	288
75 - 84	481	500	234	250	247
85 and over	88	130	29	56	59

<sup>a</sup>Calculated from U. S., Bureau of the Census, U. S. Census of Population: 1950, General Characteristics, XXIV, 71; U. S. Census of Population: 1960<sup>2</sup>, General Characteristics, XXVI, 78.

County juries.

In 1962, Negro Robert Reed robbed and murdered an elderly white man and burned the man's home with his body inside. Fearing a reversal because of exclusion of Negroes from the jury, the state offered clemency in return for a plea of guilty.<sup>63</sup> Yet officials still prefer the risk of unpunished criminals to allowing Negroes to vote and serve on juries.

#### Effect on Mississippi

In September, 1955, Mississippi was at the crossroads. The Emmett Till case was to indicate the direction that the state and its officials would head. It was to designate whether or not the law would back up the Citizens' Councils in their fight to deprive citizens of their rights. And it would indicate whether or not the "good white people" would allow "peckerwoods" to commit violence and inflict injury on Negroes, and remain unpunished.

The acquittal of Milam and Bryant, along with the deluge of criticism which followed, signalled the path that the state had chosen. The week after the Tallahatchie County trial, the grand jury in Brookhaven, Mississippi refused to indict the three men who were

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<sup>63</sup> State of Mississippi v. Reed, Minute Book of the Circuit Court, First Judicial District of Tallahatchie County, Case 3721.

accused of having shot Lamar Smith on the courthouse lawn in August. Although many people were within thirty feet of the shooting, "the jury was unable to get enough evidence," and released the trio.<sup>64</sup> No indictments were returned in the murder of Rev. George W. Lee, shot in Belzoni in May.

In October, windows were smashed in the home of Dr. A. H. McCoy, state NAACP president, in Jackson. No suspects were located.<sup>65</sup>

In Belzoni, Mississippi, grocer Gus Courts had taken over the leadership of the local NAACP chapter when Rev. Lee had been killed. He had endured economic boycott in which wholesale suppliers had stopped selling him groceries, at the urging of the Citizens' Councils. By November, the number of Negroes registered to vote in Humphreys County had been reduced to two through pressure applied by the Councils. On November 25, 1955, Courts was shot and wounded with a shotgun as he stood in his store. Although the license number of the car from which the shots had come was taken down by a bystander, no arrests were made.<sup>66</sup>

In 1962 and in 1963, the patterns of violence once again recurred. Negroes in Rosedale, Greenwood and

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<sup>64</sup>Tri-State Defender, October 1, 1955, p. 2.

<sup>65</sup>Pittsburgh Courier, October 22, 1955

<sup>66</sup>U. S., Senate, Subcommittee Hearings, Civil Rights--1956, pp. 532-34.

Jackson who have led in registration have been shot.

Medgar Evers, NAACP field secretary for Mississippi who covered the Till trial, was killed in Jackson on June 12, 1963. At the time of this writing, there have been no convictions for any of these assaults.

Mississippi has, in following this course, isolated itself from the mainstream of Southern thinking. Progress evident in other sister states has caused a contrast that is not favorable.<sup>67</sup>

The State of Mississippi placed its official sanction on the work and aims of the Citizens' Councils. The state legislature, in the session which began in January, 1956, passed laws "allowing" discrimination in all public places. Any person who enters a public place of business against the wishes of the owner or manager can be fined \$500 and imprisoned for six months.<sup>68</sup>

The legislature in 1956 created a "State Sovereignty Commission." The twelve-man group, headed by the Governor, was to "protect the sovereignty of the State of Mississippi . . . from encroachment thereon by the Federal government." It had full subpoena powers.<sup>69</sup> The Commission was granted a \$250,000 appropriation to

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<sup>67</sup> For the trend in violence in the South as a whole, see Malcolm B. Parsons, "Violence and Caste in Southern Justice," South Atlantic Quarterly, LX (Autumn, 1961), 455-68.

<sup>68</sup> Mississippi Code Annotated, 1942, Sec. 2046.5.

<sup>69</sup> Ibid., Sec. 9028.

begin with.<sup>70</sup> The Citizens' Councils were later to be granted \$5,000 per month for assisting the Commission.

The Till trial helped to force the people of Mississippi to one extreme or the other in race relations. Moderates of both races were silenced. Many daily newspapers in the state became even more radical on the race issue. The Jackson Daily News ran a series of stories on the Till case--an exclusive by a "newspaperman who dared to penetrate Chicago's South Side!" The first headline read "State Negroes Held Captives In Chicago."<sup>71</sup> Communication between the races was virtually non-existent. Said Bill Simmons, National Coordinator of the Citizens' Councils of America, "I think the so-called middle ground, the moderate position, will disappear, that it will become completely untenable."<sup>72</sup>

The Till case had at least one good effect on Mississippi. It pointed up the need for better law enforcement. Soon after the trial, the newly-elected Governor Coleman began to advocate the idea of a state police force--essentially, broadening the power of the highway patrol. But those with vested interests in the status quo began to fight the plan, and it was dropped.

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<sup>70</sup> Testimony of Governor J. P. Coleman of Mississippi, U. S., Senate Subcommittee Hearings, Civil Rights--1956, p. 758.

<sup>71</sup> Jackson Daily News, October 3, 1955, p. 1.

<sup>72</sup> New York Times, September 2, 1962, Sec. E, p. 9.

In November, 1962, a more modified plan was adopted by the people in a referendum. The constitutional amendment separated the offices of sheriff and tax collector, put the sheriff on a salary basis, and allowed the sheriff to succeed himself.<sup>73</sup> This was intended to provide much more efficient law enforcement in the state.

#### Effect on the Nation

The Till case had an extremely adverse effect throughout the nation. Mississippi became in the eyes of the nation the epitome of racism and the citadel of white supremacy. From this time on, the slightest racial incident anywhere in the state was spotlighted and magnified.

To the Negro race throughout the South and, to some extent in other parts of the country, this verdict indicated an end to the system of noblesse oblige. The faith in the white power structure waned rapidly. According to Negro Professor Louis E. Lomax, here was a chief factor in the beginning of the "Negro revolt." Negro faith in legalism declined, and the revolt officially began on December 1, 1955, with the Montgomery, Alabama bus boycott.<sup>74</sup>

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<sup>73</sup> Legislation implementing the amendment will be passed early in 1964.

<sup>74</sup> Lomax, pp. 87-93.

When Negroes lost faith in the legal solution to racial problems, many sought refuge in extremist groups. There was a "perceptible increase in the Muslim membership in 1955 and 1956." According to Professor C. Eric Lincoln:

It is entirely possible that some of the increased interest in the Muslim movement could have been derived from the lynching of Emmett Till and the fact that those responsible were not punished. It is certain that the rallies held across the country giving publicity to the murder did increase significantly the general level of hostility and resentment already present in the Negro community. It is likely that some of this hostility was canalized in the direction of Muslim recruitment. . . .

The Muslims very often use the Till case in their arguments against the white man's sense of justice. To the Muslims, Emmett Till had become a symbol of the depravity of the "white devils" and of the helplessness of the federal government to provide protection for all its citizens, or to bring whites who are guilty of crimes against Negroes, to justice.<sup>75</sup>

Negroes began to demand extremism, just as the Citizens' Councils in Mississippi fostered racism on the opposite end of the spectrum. In Charleston, South Carolina, the Palmetto Conference of the African Methodist Episcopal Church suspended eighty-year-old minister James Van Wright for saying in a press release, that "all Negroes don't want integration."<sup>76</sup> Two weeks later, the United Negro College fund juked plans to feature entertainer Josephine Baker in a benefit because "certain

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<sup>75</sup> Letter to the author from Dr. Eric Lincoln, authority on the Black Muslims, Atlanta, Georgia, October 5, 1962.

<sup>76</sup> Pittsburgh Courier, October 15, 1955, p. 17.

elements doubted her loyalty."<sup>77</sup>

The nation's image abroad was greatly impaired by the Till case. The United States had reeked with glory after the desegregation decision in May, 1954. But the acquittal of Milam and Bryant was denounced in nearly every large daily newspaper outside the United States. The State Department was believed to have compiled a file of foreign press reaction to the case.

The Till case was influential in the passage of at least one important piece of legislation. In 1957, Congress passed the first Civil Rights Act since Reconstruction. The Till murder and the subsequent acquittal were the subject of much testimony before the Senate Subcommittee on Civil Rights. Six persons came before this committee to talk on the Till case.

The Civil Rights Act of 1957 contained five parts. Part I created a six-member bi-partisan Civil Rights Commission, which had the power to subpoena witnesses. It was to investigate allegations that United States citizens were being deprived of the right to vote. Part II allowed an extra Assistant Attorney General in the Justice Department who would deal with civil rights. Part III extended the jurisdiction of federal district courts to include civil action by those deprived of civil rights, including the right to vote. Part IV prohibited

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<sup>77</sup> Ibid., October 29, 1955, p. 1.

attempts to intimidate or coerce persons voting in general or primary elections for federal officers. The Attorney General was empowered to seek injunctions when a person was about to be deprived of his right to vote, and federal district courts were given original jurisdiction over these proceedings.<sup>78</sup>

In the original bill Part V provided that criminal contempt charges could be brought for disobeying the injunction, with a fine of up to \$1,000 and a jail sentence of not more than six months. Standards were set for federal jurors, so that state laws concerning jury selection were no longer applicable.<sup>79</sup> The greatest point of contention over the Civil Rights Bill of 1957 was the clause which stated that a judge could fine or fail a person for criminal contempt without a jury trial. On the final bill, attempts to add a jury trial requirement were defeated. In floor debate, Senator Douglas of Illinois pointed out that Tallahatchie County, "where Roy Bryant and J. W. Milam were found innocent of murdering 14-year-old Till," had 19,000 Negroes, not one of whom voted, and thus, none could serve on a jury.<sup>80</sup>

Mrs. Church, Congresswoman from Illinois, Congressman

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<sup>78</sup> Congressional Quarterly Weekly Report, XV (August 9, 1957), 964.

<sup>79</sup> Ibid.

<sup>80</sup> U. S., Congress, Congressional Record, 84th Cong., 2d Sess., 1957, CII, Part 10, p. 13338.

Diggs, Congressman Whitten of Mississippi (First Cousin of defense attorney Whitten), Congressman Rivers of South Carolina, Senator Ervin of North Carolina and Senator Eastland, in addition to Douglas, discussed and debated the Till case on the floor of Congress.<sup>81</sup> The Congressional Record indicates that the Till case was a strong selling point in showing that a jury trial verdict in a race case in some Southern areas would be a farce. The bill finally passed the Senate on August 29, 1955, with an amendment to Part V stating that a person fined over \$300 or sentenced to more than forty-five days could demand a jury trial, but this was still considered a victory for civil rights forces.<sup>82</sup>

Mamie Bradley was right when she said, "My son, you have not died in vain." Now Negroes have a chance to register and vote in areas such as Tallahatchie County. The franchise means the possibility of Negro jurors, elected officials responsible to all segments of the population, paved roads and sewers in Negro districts, Negro police, and a wealth of civil rights. The 1960 Civil Rights Act has further strengthened the right to vote, and has given Negroes a giant push on the road to equality. Emmett Till had not died in vain.

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<sup>81</sup>Ibid., Part 7, pp. 8644, 8705, 9194, 9211, 9189; Part 8, p. 10998; Part 10, pp. 13182, 13338.

<sup>82</sup>Ibid., Part 12, pp. 16112, 16478.

## **APPENDIX**

## APPENDIX

### RECOMMENDATIONS

The Emmett Till case was an obvious miscarriage of justice. To help prevent similar recurrences, and to try to alleviate some conditions which the case helped bring on, certain legislation is recommended.

The Till case is just one illustration that the denial of the right to vote indirectly deprives a person of many of his other civil rights. Jury service is reserved for qualified electors. Legislators, law enforcement officers, judges, and prosecuting attorneys are elected in Mississippi and in most states. They are responsible only to the franchised.

The 1957 and 1960 Civil Rights Acts went a long way toward rectification of the deprived of the right to vote. This study indicates that the full enfranchisement of Negroes will prevent justice being aborted in the same manner as was done in the Till case. Legislation at the national and state levels which would supplement the existing civil rights laws in helping bring the franchise to Negroes in the South and in Mississippi is suggested.

Legislation is also recommended which could improve the administration of justice in Mississippi. Inefficient

investigation and lack of co-operation between county and state officials reveals conditions that are far from perfect. Other studies [e.g., a Mississippi Economic Council study of county government, in 1952] correlate with this finding.

The last three suggestions for state legislation attempt to help rectify situations which arose in Mississippi in 1955 and 1956, and to which the Till case contributed.

#### National Legislation

1. A federal anti-lynching law similar to those introduced in recent years by Senator Humphreys and others [e.g., Senate Bill No. 1733, 82nd Congress, 1st Session, 1951] is needed. Not only would such a statute bear on the murderer, but law enforcement officials could be prosecuted for hindering justice.

No lynching bill has reached the floor of the Senate since 1922. It is ironic that the Senator who is most dedicated to preventing Negroes from obtaining the right to vote has life-and-death powers over this legislation.

2. The right to vote is the key to all other rights. Legislation under the fifteenth amendment--or a Constitutional amendment if necessary--should set up one standard set of requirements for voting throughout the country. Legislation short of this permits discretionary selection of eligible voters, and allows racial discriminations.

3. If [2] is impractical or could not pass Congress, then the federal government should appropriate funds for schools, either public or special, to give a course which would prepare interested persons of all races to pass rigid state tests for voter registration.

State Legislation--Mississippi

1. The poll tax should be abolished.
2. Less arbitrary voter registration prerequisites should be devised.
3. Residence requirements for voter registration should be reduced to a maximum of one year in the state and six months in the county (not voting precinct).
4. Registrar of voters should not be an elective office. This should be an appointive position under civil service, which would remove the pressure currently placed on Circuit Clerks by dissident whites who object to Negro voting. In Tallahatchie County, the Circuit Clerk feared political repercussions because he registered three of the county's 15,501 Negroes.
5. A less arbitrary system of selecting names for the jury list should be devised. Using the voter registration book as a guide, the jury commissioners could utilize a system of "random numbers" to fill the jury lists.
6. The elective position of sheriff should be abolished, and a state police force should be set up. These jobs should be under civil service, with specific qualifications

and training required for the officers.

7. Barring the abolition of the office of sheriff, the offices of sheriff and tax collector should be separated by the 1964 legislature. The sheriff should be paid a salary, instead of utilizing the old fee system. The sheriff should be permitted to succeed himself.

8. Again, barring abolition of the office of sheriff, a Mississippi Sheriff's Association Bureau should be established. This agency should employ a pathologist, ballistics experts, etc. who would be called in by sheriffs when a case suggests the need for experts in a certain field. This is superior to the present arrangement, for sheriffs now hesitate to call in state investigators for fear of appearing unable to handle the situation. Employees of the Bureau would work under the local sheriff, and this would be much more diplomatic.

9. The State Sovereignty Commission should be abolished. The purpose of the group is open defiance of the supreme law of the land. This would be a positive step, and an indication that the state intended to remove its head from the sand and face the reality of the situation.

10. The Governor should set up a bi-racial advisory commission to assist him and to point out needed legislation. This is not dissimilar to the approach taken by Governor White in 1954. Communication between the races must be restored, and doing this on the official level seems to be the preferred course.

11. The "screening" of proposed speakers in the state colleges and universities should be eliminated. The youth of the state should be exposed to all sides of the race issue, and allowed to select truth from the "market-place of ideas."

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Vicksburg (Mississippi) Post-Herald.

#### Personal Interviews

Hamilton Caldwell, Tallahatchie County Prosecuting Attorney, Charleston, Mississippi, July 18, 1962.

Hodding Carter, III, Associate Editor, Delta Democrat-Times, Greenville, Mississippi, July 26, 1962.

Defense Lawyers:

J. J. Breland, Sumner, Mississippi, August 15, 1962.  
J. W. Kellum, Sumner, Mississippi, July 25, 1962.  
John W. Whitten, Sumner, Mississippi, August 15, 1962.

William Bradford Huie, author, Hartselle, Alabama, October 5, 1962.

Roy E. Johnson, current District Attorney, Senatobia, Mississippi, July 28, 1962.

Jurors: [Not all jurors alive were interviewed. To protect those who gave information, no special reference is made to personal interviews.]

James A. Shaw, Jr., Foreman	L. L. Price
George Holland	Travis Thomas
Bishop Matthews	James Toole
Davis Newton	Ray Tribble
Jim Pennington	Willie Havens, alternate

Harry D. Malone, embalmer, Cleveland, Mississippi, July 28, 1962.

C. H. "Chick" Nelson, undertaker, Tutwiler, Mississippi, July 25, 1962.

Robert B. Smith, III, special Prosecuting Attorney, Ripley, Mississippi, August 16, 1962.

H. Clarence Strider, former Sheriff of Tallahatchie County, plantation near Webb, Mississippi, August 2, 1962.

N. Z. Troutt, former Chief of Police, Charleston, Mississippi, and special deputy. July 1, 1962.

#### Correspondence

Letter to author from Hodding Carter, Pulitzer Prize-winning editor and author, Tenant's Harbor, Maine, August 15, 1962.

Letter to author from Jerry Falls, grand jury foreman, Webb, Mississippi, October 10, 1962.

Letter to author from Mrs. Ruby Hurley, NAACP executive secretary for Southeastern United States, Atlanta, Georgia, December 5, 1962.

Letter to author from Dr. Eric Lincoln, authority on the Black Muslims, Atlanta, Georgia, October 5, 1962.

Letter to author from Mrs. Nat Troutt, Senatobia, Mississippi, October 25, 1962.

Collections of letters and telegrams concerning the case addressed to the following:

Roy Bryant, defendant

Mrs. Roy Bryant, wife of defendant  
Mr. Chief of Justice, Sumner, Mississippi  
Court House, Sumner, Mississippi  
Jury of Emmett Till Case  
J. W. Kellum, defense attorney  
H. D. Malone, embalmer  
J. W. Milam, defendant  
James O'Day, court reporter  
People of Tallahatchie County  
Police Department, Sumner, Mississippi  
The Segregated Negro Reporters, Sumner, Mississippi  
George W. Smith, Sheriff of Leflore County  
H. C. Strider, Sheriff of Tallahatchie County  
Curtis M. Swango, Jr., Circuit Judge  
N. Z. Troutt, Chief of Police, Charleston, Mississippi  
John W. Whitten, defense attorney

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