

YAPPING DOGS: JOE T. PATTERSON AND THE LIMITS OF MASSIVE RESISTANCE

by

ROBERT E. LUCKETT, JR.

(Under the Direction of Robert A. Pratt)

ABSTRACT

This dissertation focuses on Joe T. Patterson, Attorney General of the State of Mississippi from 1956 until his death in office in 1969. As a prominent white politician in the Deep South, he was an outspoken segregationist. At the same time, he was a “man of the law.” As Attorney General, Patterson defended the legal implementations of Jim Crow in the state, but he also had to enforce federal law, as interpreted by the Fifth Circuit Court of Appeals and the Supreme Court. Those interpretations undermined segregation and black disfranchisement during Patterson’s four terms in office, which forced him to both defend and attack the foundations of Jim Crow. For his efforts, Patterson reaped criticism from each side of the civil rights movement. To the most adamant racists like Mississippi’s Governor, Ross Barnett, he was a traitor—a “Kennedy liberal” and the man responsible for James Meredith’s successful integration of the University of Mississippi. In fact, Patterson opposed Meredith’s admission with the full force of his office, but, once all legal barriers had been removed, he played a key, albeit unwanted, role in getting Meredith safely to Oxford. For those sympathetic to the civil rights movement, Patterson was a daunting foe. His ability to claim Barnett as a political enemy and his law-and-order record allowed him leeway in the eyes of the national media and the federal government, which made his brand of segregation quite effective. While Patterson claimed to enforce the letter of federal law, he forestalled its spirit through his dedication to a type of “color-blind” politics that explicitly ignored race as a determining factor but implicitly was all about the maintenance of white power. Difficult to define and undermine, his ideas were at the forefront of a burgeoning conservative movement throughout the nation. Rejecting racial demagogues and violence, the white voters of the state turned to Patterson in order to better forestall the encroachments of the civil rights movement.

INDEX WORDS: Joe T. Patterson, Civil Rights Movement, Segregation, Disfranchisement, Ross Barnett, Paul Johnson, James P. Coleman, John McLaurin, Mississippi, *Brown v. Board of Education*, Citizens' Council, Sovereignty Commission, Erle Johnston, Robert Kennedy, John Kennedy, Burke Marshall, James Meredith, University of Mississippi, Voting Rights Act, Civil Rights Act, Mississippi Freedom Democratic Party, Clyde Kennard

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ROBERT E. LUCKETT, JR.

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ROBERT E. LUCKETT, JR.

Major Professor: Robert A. Pratt

Committee: James C. Cobb
Edward Larson
Derrick Alridge

Electronic Version Approved:

Maureen Grasso
Dean of the Graduate School
The University of Georgia
May 2009

DEDICATION

This dissertation is dedicated to my father, Robert E. Luckett, who believed in the value of education and in its power to help people achieve their dreams.

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It's hard to know where to begin when it comes to acknowledging those people who made it possible for me to get where I am today. The journey that has brought me to this point was unforeseeable when I left Mississippi for Yale in 1995. Little did I know at the time, but I was entering a world, where I would learn to think for myself, which thankfully led me away from law school. My experiences over six years in New Haven changed me for the better, and the people I lived and learned with there informed the person I became.

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Introduction

The Mississippian's Dilemma¹

In the wake of James Meredith's integration in 1962, riots erupted on the University of Mississippi (Ole Miss) campus. Many white Mississippians held that institution in reverence as a symbol of their status, constructed upon white supremacy, and Meredith's entrance threatened their deep-seated notions of white privilege, prompting an expression of fear and outrage that led to a violent clash with federal marshals and the deaths of two people. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People (NAACP), blasted the state for its history of racist violence and lack of official intervention at Ole Miss. "We call Mississippi our worst state....It is not representative of America....Our task is as much to bring Mississippi whites into the 20th century as it is to secure justice for the Negro."²

Laced with the bitterness and frustration of an exhausted activist, Wilkins' words represent a theme repeated by participants in and historians of the civil rights movement: Mississippi's exceptionalism as a locale for racial hatred and the depth of its commitment to opposing the quest for racial equality. The notion of Mississippi's singular racist extremism has held consistent sway over conceptions of the civil rights movement in the state for good reason, but it has also obscured more complex trends in the white community.

As Mississippi's Attorney General from 1956 to 1969, Joe T. Patterson was the official legal defender of Jim Crow in the state. He was inaugurated for his first term two months before

¹ This chapter has been partly adapted from a paper, "*Yapping Dogs*": *Joe T. Patterson and the Mississippian's Dilemma*, presented at the American Historical Association meeting in 2007.

² "Mississippi 'Worst,' Says NAACP." *New York Herald Tribune*, October 4, 1962, "General Correspondence 1962" folder, Wilkins Papers, box 6.

the launching of the Sovereignty Commission, whose purpose—“to protect the sovereignty of...Mississippi ...from encroachment thereon by the federal government”³—rehashed a century-old states’ rights mantra couched in the rhetoric of massive resistance. Despite the dubious legal foundations of that cause, Patterson supported the organization’s mission from the start and served as an ex-officio leader on its board for the rest of his life.

Patterson would also be a card-carrying member of the segregationist watchdog group, the Citizens’ Council, and, in his own words, had “spent many hours and driven many miles...advocating the basic principles for which the Citizens’ Councils were originally organized.”⁴ These two groups were the brainchildren of elite, powerful “bitter-enders” who flexed a lot of segregationist muscle, and, because of Patterson’s role in them, few people ever doubted his Jim Crow credentials. That is until September 1962.

That fall, Patterson stepped out of his historical mold when he defied a circle of white powerbrokers, where he had been entrenched but never comfortable, and he did so at the height of the biggest crisis for Mississippi’s racist order. From the time that Meredith filed his application for admission to Ole Miss in January 1961, Patterson had been on the front line of the state’s defense. Yet, when the Supreme Court decreed that Meredith must enter the university, Patterson faced a dilemma that would confront all white Mississippians at some point: how to maintain their elevated position in southern society without resorting to the violence or intimidation of diehard resistance.

When the Governor and his cronies came up with a secret plan that went back on guarantees made to the Kennedy Justice Department about Meredith’s safe passage through campus and would see him arrested instead, Patterson chose to desert their ranks. His phone call

³ Yasuhiro Katagiri. *The Mississippi State Sovereignty Commission: Civil Rights and States’ Rights*. Jackson: University Press of Mississippi, 2001, p.6.

⁴ Joe T. Patterson to J.B. Collier, May 2, 1961, Patterson Papers.

to the U.S. Assistant Attorney General, Burke Marshall, revealed the surreptitious arrangement and guaranteed that Meredith would be escorted onto the Ole Miss campus by federal marshals. In the process, Patterson undermined the cause of those whites who shouted “never” and who had believed him to be one of their own. It was the pinnacle of a conflict amongst southern segregationists that would reshape the region’s political landscape.

Patterson did not have some kind of racial egalitarian epiphany. Instead, he and others sought pragmatic answers to the Mississippians’ dilemma and took on the massive resistance establishment, not in the name of civil rights but to offer a more durable version of white power. Why he did what he did, what the repercussions were, and how his story fits in the historiography of the civil rights movement are all at the heart of this dissertation.

Without a doubt, massive resistance played a critical role in the South after the Supreme Court’s *Brown v. Board of Education* decision, but many historians have highlighted that fact to the point where, as a term, “massive resistance” has become too sweeping. If anything, it deserves a more precise definition of its tenets and lifespan, which have seen wide scholarly discrepancies. Massive resistance is frequently envisioned as something that was born in response to *Brown*. Rather, its roots were in Redemption, and it had its heyday in the half-century leading up to *Brown*. From this perspective, it was the all-or-nothing defense of white supremacy and defiance of African-American progress beginning in the 1890s. As Leon Litwack maintains, “the white South responded with massive resistance” to black advancement during Radical Reconstruction and predicated its opposition upon intimidation and violence that would lead to segregation and disfranchisement.⁵

⁵ Leon Litwack. *Trouble in Mind: Black Southerners in the Age of Jim Crow*. New York: Knopf, 1998, p.xiii.

While it may have been most notably expressed by southern politicians, white racist extremism did not have a top-down history nor did it reside exclusively in the South. It was an expression of popular white beliefs throughout the country. The resurgence of the Klan in the early twentieth century exemplifies that fact, and its popularity in places like Indiana contradicts views of southern exceptionalism. In the same way, new political strategies bent on solidifying white supremacy arose across the nation as the civil rights movement expanded beyond the confines of the South.

Likewise, the downfall of massive resistance did not come to the people from their leaders. Elected officials like Patterson expressed a broad dissatisfaction with massive resistance and its ability to maintain white prerogatives. Soon after the Meredith crisis, the relatively liberal *Delta Democrat Times* applauded a “Growing Disenchantment with Council” in the state, and editor-in-chief Hodding Carter III hoped that Patterson would be able to reduce the group “down to the scope of a yapping dog.”⁶ Many others had already turned against the Citizens’ Council and their ilk by 1962.

In the early 1960s, massive resistance as an opposition strategy stood on its last legs because the people who dedicated themselves to its methods became more susceptible, though still dangerous, targets for the civil rights movement. With the diehards, it was clear who the bad guys were, but, when segregationists deserted massive resistance, they became much harder to deal with. Thus, Laurie Pritchett thwarted civil rights efforts in Albany, Georgia, by studying Ghandian nonviolence and employing non-brutal tactics in dealing with the movement, whereas Bull Connor in Birmingham was much less effective in the long run with his fire hoses and

⁶ *The Birmingham News*, October 21, 1962, Patterson Papers; *Delta Democrat Times*, October 25, 1962, Patterson Papers.

police dogs.⁷ Massive resistance did rear its ugly head in response to *Brown* for one last fight, but it resurrected itself briefly in comparison to the much longer scope of its history before 1954.

The power and longevity of massive resistance varied from place to place, but Patterson's career reveals that its decline, in terms of how and when the majority of white Mississippians embraced it, began with Meredith, much earlier than most scholars have suggested. As Paul Hendrickson has noted in his story of the lives and legacies of seven white sheriffs photographed as they prepared for action at Ole Miss in 1962, "after Oxford, massive resistance was mostly finished in Mississippi."⁸ Light on analysis, Hendrickson's tale, nonetheless, reveals the nuances of white attempts to maintain a failing, racist social system.

Those scholars like Frank Parker, who describes the rise of "an official, state-sponsored program of massive resistance" after the Voting Rights Act of 1965, or Mary DeLorse Coleman, who does not see the impetus behind massive resistance wane until the mid-1970s, miss deeper meanings in the resistance that they find.⁹ As historians Jacquelyn Dowd Hall and Charles Eagles have noted, there is a pressing need for a more telling analysis of southern whites and their quite effective and varied strategies for opposing the movement. More specifically, Clive Webb has pushed for "further study of the fraught relationship between moderate and radical segregationists" in order to reframe the picture "of a monolithic massive resistance movement."¹⁰ This account of Patterson's life and career does just that.

⁷ Robert E. Lockett, Jr. "Charles Sherrod and Martin Luther King Jr.: Mass Action and Nonviolence in Albany" in *The Human Tradition in the Civil Rights Movement*, ed. Susan M. Glisson, pp.181-195. New York: Rowman and Littlefield, 2006.

⁸ Paul Hendrickson. *Sons of Mississippi: A Story of Race and Its Legacy*. New York: Alfred A. Knopf, 2003, p.173.

⁹ Frank R. Parker. *Black Votes Count: Political Empowerment in Mississippi after 1965*. Chapel Hill: The University of North Carolina Press, 1990, p.2; Mary DeLorse Coleman. *Legislators, Law and Public Policy: Political Change in Mississippi and the South*. Westport, Connecticut: Greenwood Press, 1993, p.10.

¹⁰ Jacquelyn Dowd Hall. "Mobilizing Memory: Boarding Our Views of the Civil Rights Movement." *Chronicle of Higher Education*. July 27, 2001, Volume 47, Issue 46, pp.B7-B11, (from EBSCOhost) pp.1-5; and Charles W. Eagles. "Toward New Histories of the Civil Rights Era." *The Journal of Southern History* 66, no. 4 (2000): 815-

Committed to the cause of segregation, Patterson was a pragmatist who saw little good in attempting to thwart the dictates of the federal government. He was determined to craft a new brand of Jim Crow politics that would hold up under the scrutiny of the American public and the federal government. That position meant that he was destined to butt heads with more “militant segregationists” who saw any willingness to bend in the fight against the civil rights movement as an inexcusable weakness, and it foreshadowed a career torn by the constant struggle between Patterson’s legal convictions and his segregationist bias.¹¹

Political scientist Earl Black used the term “militant or strong segregationists” in reference to political candidates who made white supremacy and the total defiance of black advancement the hallmark of their campaigns. In a framework that concealed many nuances of southern politics, Black claimed that “moderate segregationists” like Patterson, who supported Jim Crow but not the outright violation of federal law, posed the only opposition, though limited, to “militants” for years in the South. In Black’s mind, that did not change until the federal government intervened with the Voting Rights Act of 1965 and “nonsegregationists” came to the fore.

By focusing only on southern gubernatorial campaigns, Black obscured the dynamics between statewide elected officials, and his top-down version of the civil rights movement, where the federal government was the only protagonist able to produce substantive change in the South, is debatable. Instead, more recent historians have shown how civil rights activists and “local people” were primarily responsible for what social changes did occur. Built upon the studies of V.O. Key, Black’s work also underestimated the power that “moderates” by his

848; Clive Webb. “Introduction” in *Massive Resistance: Southern Opposition to the Second Reconstruction*, ed. Clive Webb, pp.3-20. New York: Oxford University Press, 2005, p.15.

¹¹ Earl Black. *Southern Governors and Civil Rights: Racial Segregation as a Campaign Issue in the Second Reconstruction*. Cambridge: Harvard University Press, 1976, pp.vii-viii.

definition came to possess relatively early in the modern civil rights movement. White southerners saw that politicians like Patterson shared with “militants” the common goal of maintaining Jim Crow, but, thanks to the growing efficacy of their tactics, “moderates” were winning over ever increasing numbers of average white voters.¹² Black’s framework hides the diversity and subtlety of white political choices at the time, but he hit on something important: an expanding, bitter disagreement that segregationists recognized amongst themselves over how best to keep their old prerogatives.

Whites all over the country were developing more insidious, “color-blind” brands of racism that were more suitable to maintaining white supremacy than all-or-nothing opposition to the civil rights movement. Although a sizeable number of stalwarts, who were more than capable of making their presence felt, would cling to it, massive resistance lost its viability in Mississippi after 1962. Men like Patterson, who recognized the vulnerability of a doctrine rooted in total defiance, were no less dedicated to white power even as they moved away from the intimidation and violence of extreme resistance. Their efforts comprised what historian Joseph Crespino has called “strategic accommodation” of the movement—a tactic that has long been part of the historiography of the Upper South but just recently recognized as a significant factor in the region’s deeper environs such as Mississippi.¹³

Historian William Chafe wrote that Upper-South account in his classic book, *Civilities and Civil Rights*. For Chafe, white political and economic leaders in Greensboro, North Carolina, developed more subtle and efficient opposition to the movement than massive

¹² Black, *Southern Governors*, pp.13-15, 24-25, 339; V.O. Key, Jr. *Southern Politics in State and Nation*. Knoxville: The University of Tennessee Press, 1984, pp.3-11; John Dittmer. *Local People: The Struggle for Civil Rights in Mississippi*. Chicago: University of Illinois Press, 1994.

¹³ Joseph Crespino. *In Search of Another Country: Mississippi and the Conservative Counterrevolution*. Princeton: Princeton University Press, 2007, pp.4, 9, 11; Joseph Crespino. “Strategic Accommodation: Civil Rights Opponents in Mississippi and Their Impact on American Racial Politics, 1953-1972.” Thesis PhD –Stanford University, 2002.

resistance in the 1960s. Much like Laurie Pritchett in Albany, they were smart enough not to engage the tactics or the rhetoric of massive resistance, which they recognized fueled media attention, federal government intervention, further activism, and broader social change. Rather, these white leaders “sought to contain and diffuse” black progress by crafting an aura of civility that in fact succeeded in keeping most of the vestiges of white supremacy.¹⁴

It was a savvy brand of white conservative politics in a city and state known for relative racial progressivism, but the Deep South, particularly Mississippi, stood outside Chafe’s critique. After all, any participant in the movement and most historians could testify that Mississippi was different and more openly dedicated to massive resistance, but the same brand of sophisticated white leaders who resided in Greensboro lived in Jackson too. In his contribution to the collection of essays in *Manners and Southern History*, Joseph Crespino levels just such a critique at Chafe. For Crespino, Chafe not only missed the potential for “civility” in deeper southern environs, but he “failed to appreciate the potential for white violence, even in relatively progressive Greensboro.”¹⁵ Not without its problems, Chafe’s argument can still help explain the evolution of white segregationist politics in Mississippi.

Applied to Patterson, Chafe’s analysis reveals that white Mississippi and some of its racist ways were not so exceptional after all; but, because of prominent white vigilantism, a more complicated account of Mississippi history has struggled to come to the fore. The violence and brutality aimed at the civil rights movement in the state have overshadowed a more nuanced history. If anything, a broader account would provide a fuller appreciation for the magnitude of

¹⁴ William Henry Chafe. *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom*. New York: Oxford University Press, 1980, p.viii.

¹⁵ Joseph Crespino. “Civilities and Civil Rights in Mississippi” in *Manners and Southern History*, ed. Ted Ownby, pp.114-136. Jackson: University Press of Mississippi, 2007, p.117.

the struggle that the movement faced—a significant contribution in and of itself to the historiography.

The work of W.J. Cash was essential in laying the early footing for the typical view of a white South devoted to the maintenance of its social, political, and economic power. Cash's *Mind of the South*, written in 1941, outlined the continuity of southern history from the antebellum era to the present. During that time, whites rejected innovation and all things different in the name of a “savage ideal” centered on racial superiority.¹⁶ It was a powerful thesis that gripped many imaginations, but some historians like C. Vann Woodward took aim at it.

In a review of *The Mind of the South*, although he did not doubt the persistent racism of southern whites, Woodward rejected Cash's vision of continuity from Old to New South, and he mapped out that theory in *The Strange Career of Jim Crow* and *The Origins of the New South*. Woodward argued for the discontinuity of southern history based on the fact that Jim Crow had been an invention of racist white Redeemers, who began building a “new” South at the end of Reconstruction in the name of bourgeois interests.¹⁷ Woodward's thesis had a huge impact on the trajectory of southern history, but, despite its focus on discontinuity, it did not dispel notions of a monolithic white Mississippi and offered little hope that social and racial changes were on the way.

In what has become known as the “Woodward-Key Synthesis,” V.O. Key, in his 1949 tome, *Southern Politics in State and Nation*, agreed that the history of the South was one of

¹⁶ W.J. Cash. *The Mind of the South*. New York: Random House, 1991, p.319.

¹⁷ C. Vann Woodward. “Book Review.” *The Mind of the South* by W.J. Cash in *The Journal of Southern History*, Vol. 7, No.3 (August, 1941), pp.400-401; C. Vann Woodward. *Origins of the New South, 1877-1913*. Baton Rouge: Louisiana State University Press, 1971; C. Vann Woodward. *The Strange Career of Jim Crow*. New York: Oxford University Press, 2002. For a cogent discussion of Woodward and Cash, see James Cobb's *Away Down South*. James C. Cobb. *Away Down South: A History of Southern Identity*. New York: Oxford University, Press, 2005.

discontinuity. Like Woodward, Key believed Jim Crow was an invention of Redeemers at the start of the twentieth century, but he hoped that the revolutionary changes wrought by the New Deal and World War II would usher in social transformations in the South.¹⁸ In many ways, the War did bring revolutionary transformations, thanks to the displacement of blacks brought on by the widespread advent of farm mechanization, but, without work, African Americans saw little change in their economic, social, and political status vis-à-vis white Mississippians. And, while Patterson came to offer something different from massive resistance, he worked to maintain white power through all legal means.

Raised in Calhoun County in the northeast part of the state, Patterson was from the hill country of Mississippi. His socially-constructed status as an entitled, white man did not depend on the economic exploitation of African Americans; his father was a judge, and they lived on the town square. In some ways, even as he dedicated himself to the preservation of segregation and black disfranchisement, this independence freed him from a more strident commitment to Jim Crow, such as that espoused by his two biggest antagonists, who walked in lockstep with massive resistance. Yet, Ross Barnett and John McLaurin were not Delta planters. One of the most virulent racists in the state's history, Barnett was from Leake County in the middle of the state; and McLaurin, who was one of Barnett's representatives at Ole Miss during the riots, was a lawyer and state senator from Rankin County, a few miles south of Jackson.¹⁹ Strands of racism with varying tactics for preserving Jim Crow moved across geographical and socio-economic lines in the state, making such distinctions inadequate and adding to a discontinuity in southern

¹⁸ V.O. Key and Alexander Heard. *Southern Politics in State and Nation*. New ed. Knoxville: University of Tennessee Press, 1984, pp.8-9.

¹⁹ "Biographical Data: Joe T. Patterson Attorney General." MAGO, "Biographical Data-Joe T. Patterson" folder, *Correspondence-Subject, 1931-1980*, Box 7516, MDAH; John D'Emilio. *The Civil Rights Struggle: Leaders in Profile*. New York: Facts on File, Inc., 1979, p.29; Wilson Minor, "Governor Barnett Had 'Secret' Weapon to Stop Meredith." *The Times-Picayune*, October 1, 2, 3, 1972, p.14, "Barnett, Ross 1963-1978" folder, Minor Papers, Box 1. These three articles appear in the Minor papers in one 17-page document, which is the page number referred to here.

history that has not been sufficiently described. Instead of a more complete picture of the complexity of racist intransigence in the South, events like the rise of the Citizens' Council as well as the Meredith crisis fueled an even more dogged dedication to the dominant historiographical conception of white Mississippians as being one and the same since the days of slavery.

A professor at Ole Miss who would become one of James Meredith's confidants, James Silver advanced that trend when he offered an acerbic examination of the state's racial climate during his presidential address at the 1963 meeting of the Southern Historical Association and in his future book *Mississippi: The Closed Society*. Comparing Governor Barnett to John Jones Pettus, who had led the state 100 years earlier, Silver paints a picture of continuity in the segregationist order, where "the voice of reason is stilled and the moderate either goes along or is eliminated. Those in control during such times of crisis are certain to be extremists whose decisions are determined by their conformity to the orthodoxy."²⁰ While it contained much truth, the proximity of the Meredith crisis and his subsequent departure for the friendlier confines of the University of Notre Dame colored Silver's message. The trauma inflicted upon black Mississippians and civil rights activists cannot be denied nor can the extremism of many white southerners. Still, Silver bolstered a paradigm that allowed more historians to write off all segregationists as one and the same.

In *The Rise of Massive Resistance* in 1969, Numan Bartley found negligible difference in the methods, motives, and results of segregationists and rejected the idea that "strategic accommodation" was something new. Bartley claimed that "the acceptance of token desegregation was a conservative reaction in defense of southern continuity and represented no

²⁰ Letter, James Silver to Hodding Carter, March 20, 1962, "Hodding Carter: Correspondence: 1962: S. (January - June)" folder, Carter Papers, Box 22, MSU; James W. Silver. *Mississippi: The Closed Society*. New York: Harcourt, Brace & World, Inc., 1966, p.6.

real break with the past.”²¹ He lamented that there was no viable alternative in the South to massive resistance, only the same racist conservatism that had always ruled.

To a certain extent, there was continuity in the spirit of those two segregationist tactics, but Bartley misses major differences between massive resistance and the acceptance of “token desegregation.” The philosophy of massive resistance rejected any tokenism; it was line-in-the-sand defense of Jim Crow. On a more tangible level, some adherents to massive resistance were willing to resort to violence in order to maintain their way of life—something that was anathema to most people. The white Mississippians who found themselves on either side of those divides saw a distinction and engaged each other in bitter debate over them. In the end, hard-core segregationists lost to a strategy that was new and more effective in preserving white power. Despite that fact, many others have shared Bartley’s characterizations.

The historiographical norm lasted well into the twenty-first century. Charles Payne and John Dittmer, two of the most prominent historians of the Mississippi movement, detail the gripping, outright brutality that confronted African Americans and prompted them into action. In Payne’s *I’ve Got the Light of Freedom*, he celebrates “ordinary people” and reveals the complexities of their opposition to the “long tradition of systematic racial terrorism” in a state where 539 lynchings occurred between Reconstruction and the 1960s.²² His well-received attempt to complicate the African-American freedom struggle neglects, though, a more incisive critique of white resistance outside “terrorism.” Similarly, Dittmer’s *Local People* is an almost encyclopedic account of the perseverance of grassroots activists without much analysis of the challenges or challengers they faced.

²¹ Numan V. Bartley. *The Rise of Massive Resistance: Race and Politics in the South During the 1950’s*. Baton Rouge: Louisiana State University Press, 1969, pp.342-343.

²² Charles M. Payne. *I’ve Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle*. Berkeley: University of California Press, 1995, pp. 2, 7.

Dittmer's exhaustive research leads him to deduce that, when it came to the revolutionary forces bearing down on them, "white Mississippians had developed a siege mentality so pervasive it encompassed virtually every citizen and institution."²³ But, Dittmer's emphasis on the depth and intensity of that mentality masks other developments in the white population, and he is not alone. In words taken from James Silver, historian Michael Klarman has gone so far as to claim that "southern society was closed, but Mississippi verged on totalitarianism." For Klarman, massive resistance came to an end only because it was clear that segregation could be maintained without it.²⁴ But, massive resistance was dying long before that point.

The tendency to write off white Mississippi has been heightened by a desire to rightly canonize civil rights heroes for their sacrifices and by the memories of activists and historians who lived through that era. Those factors have led to explanatory models of the movement as a simple confrontation of "good versus evil." Those models have done a disservice to the enormity of the project that activists encountered. Clayborne Carson recognizes as much in his foreword to David Chappell's *Inside Agitators*, pointing out that all "southern whites were not monolithic and intransigent."²⁵ It was never that easy.

Some writers have complicated the story by beginning to examine specific white southern politicians and the evolution of their beliefs. Most have focused on southern governors and congressmen who could be labeled progressive in relation to their more demagogic counterparts. Dennis Mitchell's *Mississippi Liberal* examines the career of Congressman Frank Smith who would become an independent-minded liberal. Numan Bartley saw Smith as one of just four such men who came from a political culture that usually muted their development in the South,

²³ Dittmer, *Local People*, p.58.

²⁴ Michael J. Klarman. "Why Massive Resistance?" in *Massive Resistance: Southern Opposition to the Second Reconstruction*, ed. Clive Webb, pp.21-38. New York: Oxford University Press, 2005, pp.27, 29.

²⁵ Clayborne Carson. "Foreword" in David L. Chappell. *Inside Agitators: White Southerners in the Civil Rights Movement*, pp.xi-xiv. Baltimore: Johns Hopkins University Press, 1994, pp.xii, xiv.

and, in the “Foreword” to *Mississippi Liberal*, William Winter describes Smith as a man who took principled stands against “the cacophony of rage that was thundering across the Delta cotton fields” in the wake of *Brown*.²⁶ Smith would lose his congressional seat due to his liberalism, but his life was a unique one and does not reveal much about the deeper political and social tendencies of the white South that Patterson came to represent.

In a biography of Governor James Folsom in Alabama, Carl Grafton and Anne Permaloff portray a man in the 1950s who worked for the rights of African Americans, poor whites, and women due to his belief that “all people are equal before the law.” Many saw Folsom as a buffoon whose charisma carried him to the governor’s mansion, but Grafton and Permaloff see a “Populist liberal” who stood in opposition to black-belt politics in Alabama along the lines of that described by Key. In the end though, the authors declare that his “measurable impact was minimal”²⁷—a conclusion that leaves little insight into the impact and beliefs of men like Patterson, who was no Populist liberal.

One of the most respected biographies of a southern governor during the civil rights movement is Dan Carter’s *The Politics of Rage*. Carter’s top-down history of George Wallace emphasizes his role as “the alchemist of the new social conservatism” that arose in the 1970s. Wallace was “the personification of white southerners’ obsession with foolhardy defiance and ultimate defeat” and became their “champion.” Expanding notions of Deep South exceptionalism, Carter argues that *Brown* and the Citizens’ Council in Mississippi unleashed an “angry revolt of white southerners” who dedicated themselves to massive resistance and

²⁶ Dennis J. Mitchell. *Mississippi Liberal: A Biography of Frank E. Smith*. Jackson: University Press of Mississippi for the Mississippi Historical Society, 2001, p.246; William F. Winter. “Foreword” in *Mississippi Liberal: A Biography of Frank E. Smith* by Dennis J. Mitchell, pp.ix-xi. Jackson: University Press of Mississippi for the Mississippi Historical Society, 2001, p.ix.

²⁷ Carl Grafton and Anne Permaloff. *Big Mules and Branchheads: James E. Folsom and Political Power in Alabama*. Athens: University of Georgia Press, 1985, pp.xii, 109, 263.

“silenced the voice of moderate whites.”²⁸ As a consummate politician, Wallace capitalized on that “politics of rage” throughout his career, straying at times in rhetoric but never in deed.

Carter does see that the biggest threat to Wallace and massive resistance was not the infamous “outside agitator” but “homegrown dissenters,” who Carter claims “had begun to question the public institutions of racial segregation.”²⁹ Carter’s analysis, though, dismisses this threat as a vocal but relatively insignificant minority, and he rejects the possibility that Wallace’s evolution as a politician marked some deeper change in the doctrine of massive resistance. In so doing, Carter overlooks the threat that the likes of Patterson posed to the hard-line Wallace contingent as well as other meanings in Wallace’s evolution.

One book examines the career of a southern attorney general during the civil rights movement but falls in line with some of Carter’s analysis. John Hayman explores the life of Richmond Flowers who served one term as Alabama’s chief legal officer during George Wallace’s first administration in the mid-1960s. Flowers began his career as a traditional segregationist, but, once confronted by Wallace’s politics, he decided to defend “the Constitution and the law.” In 1966 he ran for governor courting the black vote and came in a distant second to Lurleen Wallace. Described by Hayman as a “moderate progressive,” Flowers believed in the law more than Jim Crow, and that stance cost him his political career.³⁰

As Hayman sees it, “Alabama suffered a fundamental failure of leadership” and reaped a “bitter harvest” because of that failure. Lamenting the deposal of Flowers and other more progressive politicians, Hayman believes the civil rights era could have been “less disruptive...if

²⁸ Dan T. Carter. *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics*. New York: Simon and Schuster, 1995, p.12, 43, 82.

²⁹ Carter, *The Politics of Rage*, pp.109, 239.

³⁰ John Hayman, *Bitter Harvest: Richmond Flowers and the Civil Rights Revolution*. Montgomery, Ala.: Black Belt, 1996, pp.10, 19, 280-289.

leadership had been more insightful and prudent.”³¹ Although true, Hayman’s conclusion is comparable to Carter’s in that it ignores the existence of leaders like Patterson whose careers thrived on being “less disruptive” but every bit as committed to white hegemony. Even though they may have been equally committed to the law, Patterson was never as “progressive” as Flowers.

A few efforts have been made to diversify the story of massive resistance and the white South beyond the lives and careers of specific politicians. Two years after Bartley’s *The Rise of Massive Resistance*, Neil McMillen published his seminal account, *The Citizens’ Council*—the most comprehensive work of that notorious organization. McMillen notes that Mississippi was the “Mother of the Movement” and that the Citizens’ Council would “become the mouthpiece of southern defiance,” but he does not accept Mississippi’s exceptionalism. With nearly 250,000 members, the Council was a diverse, decentralized group that shared a “growing identification with a broad conservative movement.” McMillen goes on to describe the collapse of massive resistance in Mississippi from 1962 to 1966. While the Citizens’ Council showed “no hint of reconciliation,” McMillen points out that “the state’s moderate voices achieved, in the aftermath of the Ole Miss crisis, a degree of saliency unknown for nearly a decade.”³² Despite cogent analysis, McMillen’s work does not scrutinize where this new-found “moderation” came from or what characterized it.

A more recent study, Yasuhiro Katagiri’s *The Mississippi State Sovereignty Commission* more fully explores the growing political moderation of segregationists in what many saw as the publicly-funded sister organization to the Citizens’ Council. Little did most people know but some of those public, Sovereignty Commission funds were also being funneled to the Council to

³¹ Hayman, *Bitter Harvest*, p.315.

³² Neil R. McMillen. *The Citizens' Council: Organized Resistance to the Second Reconstruction, 1954-64*. Urbana: University of Illinois Press, 1994, pp.11, 15, 159, 191, 297, 346.

pay for its propagandistic news program, the *Forum Films*. Sharing money and members, the Commission and the Council did have a close relationship for many years, but, as Katagiri points out, tensions quickly rose between the two over several issues—primarily their competing visions over how best to preserve Jim Crow.

From the construction of a desegregated, federally-run VA hospital in Jackson to the curtailing of funds for the *Forum Films*, members of the Sovereignty Commission often butted heads with Council leaders. Specifically, Katagiri shows that Joe Patterson was at the heart of many of those disagreements and would even resign his membership from the Council after it refused to endorse him during his bid for reelection in 1963. An ever-increasing number of white leaders in Mississippi, Patterson included, tried “to make the state’s white citizenry realize the importance of a nonviolent accommodation to the reality of the 1960s”—a reality that witnessed civil rights activists quickly advancing on the ranks of massive resisters.³³ That effort meant that they would be forced to square off with those more dedicated to the cause of massive resistance even as the Commission remained a more potent foe of the civil rights movement than Katagiri gives it credit for.

In *God’s Long Summer*, Charles Marsh further addresses that moderation and directly confronts the arguments in Dittmer, Silver, and Parker. For Marsh, “what should be added to [these] accounts is the sensibility of the larger mass of white people shielded from intrusion and dissent....Their outlook on life took a form different from that of extremist zealots.”³⁴ Marsh does not make excuses for the extremists, but he demonstrates that the majority of white Mississippians came to reject massive resistance. A comprehensive explanation of what did

³³ Katagiri, *The Mississippi State Sovereignty Commission*, pp.xiv, 25-26, 74.

³⁴ Charles Marsh. *God's Long Summer: Stories of Faith and Civil Rights*. Princeton: Princeton University Press, 1997, p.87.

constitute the “sensibilities” of the white masses is still missing, and Patterson’s career suggests that it did not consist of merely benevolent moderation.

Jonathan Bass forwards a comparable argument to Marsh in his *Blessed are the Peacemakers*. For the eight white religious leaders in Birmingham who criticized Martin Luther King, Jr., for not promoting a more gradualist approach to the civil rights movement and who in return found themselves subject to King’s “blistering critique,” the reality of life in the South marked them as “vulnerable to criticism from all sides of the civil rights issue.”³⁵ As white community leaders who espoused a gradual accommodation to the movement, they were labeled “Communists” from the far right and cowards from the left.

These ministers did share “a common sense of purpose as moral and spiritual leaders of the community” and, thereby, provided some ground for white southerners to accept limited black advancement. Patterson was not of the same moderate-to-liberal mold as the ministers in Birmingham; he would have likely been one of their biggest critics, but he does broaden perceptions of the civil-rights-era white South in a related way. As Bass sees it, “moderates” have been “written out of history and deemed irrelevant” but deserve a place at the historiographical table.³⁶ While the definition of a “moderate” is debatable, those whites who existed outside the dichotomy of good-versus-evil civil rights history are the subject of this dissertation.

Matthew Lassiter and Andrew Lewis collected a series of essays about the roles of “moderates” and massive resistance during the school desegregation crisis in Virginia. In their introduction to *The Moderates Dilemma*, Lassiter and Lewis admit that massive resistance at the outset dominated white Virginians’ responses to the *Brown* decision and led to the temporary

³⁵ S. Jonathan Bass. *Blessed are the Peacemakers: Martin Luther King, Jr., Eight White Religious Leaders, and the “Letter from Birmingham Jail.”* Baton Rouge: Louisiana State University Press, 2001, p.1, 5.

³⁶ Bass, *Blessed are the Peacemakers*, pp.5, 224.

closing of some of Virginia's public schools, but the ascendancy of that response was short-lived. White moderates "who doubted the wisdom of such a confrontational path....eventually mounted a formidable challenge to massive resistance policies." Like Patterson, they opposed integration but saw the futility of defying a Supreme Court order and found that the social value of maintaining their public schools outweighed the value of segregation. That did not mean that they embraced broader social change, and Lassiter and Lewis recognize that fact. "The inherent limitations of the moderate philosophy"³⁷ were at best a partial victory for the civil rights movement and at worst a staging ground for what would become a more sinister brand of racist conservatism.

Lassiter recognizes as much in his later book, *The Silent Majority*. Like Chafe, Lassiter sees "the triumph of racial moderation over massive resistance" thanks to the work of white business conservatives and other leaders. These voices rejected hard-line segregationists in the name of Sunbelt economic development, but their "philosophy of gradualism and negotiated progress" with the civil rights movement purposely maintained a "persistent structural inequality," particularly in terms of residential segregation.³⁸ The main problem with his analysis, however, is that it pits an urban and growing suburban white South against its rural counterparts.

For Lassiter, the impetus for massive resistance came from the countryside, and its foil rose from southern metropolitan areas, where "suburban strategies" would reshape national politics from the ground up and push the country towards conservatism. He insists that this national conservative shift did not originate in "the Deep South and the Black Belt" but from

³⁷ Matthew D. Lassiter, and Andrew B. Lewis, eds. *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia*. Charlottesville: University Press of Virginia, 1998, pp.1, 20.

³⁸ Matthew D. Lassiter. *The Silent Majority: Suburban Politics in the Sunbelt South*. Princeton: Princeton University Press, 2006, pp.3, 12.

places like Charlotte and Atlanta.³⁹ In this way, Lassiter rejects southern exceptionalism but at the same time nearly echoes Key's framework that maintains the existence of exceptionalism within the South. For Lassiter, black-belt whites were the ones clinging to massive resistance, but, instead of hill-country folk, suburban whites offered a politics of racial moderation that in fact continued to be heavily tinged with white supremacy.

Deep South states like Mississippi with one major metropolitan area in Jackson and little-to-no suburbanization in the 1960s are left out of Lassiter's analysis except as the home of a dying program of massive resistance. Lassiter does see the end of massive resistance by the mid-1960s as a major touchstone and rejects Bartley's assertion that "token desegregation" was little more than the racist norm. The rise of racial moderation was more than just a "tactical disagreement;" it marked a serious departure from the white demagogic politics of the past half-century.⁴⁰ Yet, his insistence that that brand of moderation was necessarily urban and suburban in origin misses the lessons of Patterson's story, which indicate that the same type of racial moderates and their *color-blind* brand of racist politics could also hail from Calhoun County, Mississippi.

Kevin Kruse forwards a similar argument in his *White Flight*. Like Lassiter, Kruse rejects southern exceptionalism and relates a story of an evolving white South, where a brand of conservatism developed that would be adopted by the rest of the country. That evolution revolved around the migration of whites from southern cities to suburbia—a move that proved to be "the most successful segregationist response to the moral demands of the civil rights movement," allowing "the politics of massive resistance...to thrive for decades after its supposed death." For Kruse, "white flight" was not a top-down political phenomenon but a grassroots one

³⁹ Lassiter, *The Silent Majority*, pp.6-7.

⁴⁰ Lassiter, *The Silent Majority*, p.40.

that demonstrated the “flexibility and continuity of white resistance” as well as the “links between massive resistance and modern conservatism.” In suburbia, southern white people created an effective political strategy that focused their rhetoric on securing their rights and not on denying the rights of others.⁴¹

Kruse’s conception of the roots of modern conservatism is compelling in many ways, but, like Lassiter’s work, it has some flaws. Again in the vein of V.O. Key, his analysis rests on a rural-urban divide, where “rural racism” and the “Rule of the Rustics” are pitted against “Atlanta and the Politics of Progress.”⁴² Although the “Rustics” could live in Atlanta, they clashed with the more urbane advocates of *color-blind* moderation. This view leaves little possibility for people to cross those geo-political lines and plays on deep-seated assumptions that rural equals backward. Mark Schultz’s argument in *The Rural Face of White Supremacy* attacks this historiographical problem. His study of rural Hancock County, Georgia, rejects regional generalizations and shows that there was no monolithic South in terms of race relations before World War II. For him, the image of a solid segregated South was an urban one, and white southern leaders who invoked the fundamental, eternal nature of segregation in the name of massive resistance were doing so as politicians and not historians.⁴³

In the non-urban South, the “highly personal nature of the postbellum southern economy” allowed for more “diverse experiences” for whites and blacks. White supremacy was the primary hegemonic social force, but there were vast differences in how it played out. Thus, issues of “white flight” that Kruse describes would exist in places like Jackson, but many other forces behind the rise of modern conservatism were at play in the state and region outside the

⁴¹ Kevin Kruse. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton: Princeton University Press, 2005, pp.8, 9.

⁴² Kruse, *White Flight*, pp.20, 25.

⁴³ Mark Schultz. *The Rural Face of White Supremacy: Beyond Jim Crow*. Urbana: University of Illinois Press, 2005, pp.1-4, 72.

few metropolitan areas. The fact that 60% of voters would return Joe Patterson to office in the 1963 election⁴⁴—a year before the Civil Rights Act and two years before the Voting Rights Act—indicates that many folks untouched by white flight supported a candidate who embraced Kruse’s vision of conservatism.

Kruse does share some ground with Schultz and argues convincingly that the white South was not as “immobile nor as monolithic” as historians have commonly conceived it to be, but at the same time he envisions new southern conservatism as massive resistance by another name.⁴⁵ He nearly repeats Bartley’s argument of continuity in the racist white South, even as he explicitly distances himself from Bartley’s work. Where he sees Bartley as celebrating the death of massive resistance as an ultimate victory for the civil rights movement, Kruse wants to say that massive resistance never died: it just evolved.⁴⁶ But, Kruse’s own conclusions indicate that what developed in the South, thanks in part to white flight, was something different and new. This debate is more than semantics. Massive resistance did die, and a more invasive brand of white racist conservatism rose to take its place and expanded on a national scale. If massive resistance had remained as the main political force in the white South, the triumphs of the civil rights movement may have been significantly more manifest.

Applauding the works of Kruse and Lassiter, Jason Sokol delves even further into the lives of average white southerners from 1945 to 1975. In *There Goes My Everything*, Sokol argues that the white South has been misjudged and oversimplified by historians and activists alike. By revealing the “sheer diversity and complexity of experience,” he proves that most whites were not extremists but instead wanted to maintain their social prerogatives based on race

⁴⁴ Schultz, *The Rural Face*, pp.13-14, 66-67; *Mississippi Blue Book: 1960-1964*, p.427.

⁴⁵ Kruse, *White Flight*, p.132.

⁴⁶ Kruse, *White Flight*, pp.6-7.

while also rejecting hard-line resistance.⁴⁷ They in no way fit into an exceptional, monolithic mold.

Still, Sokol falls into the same trap as Kruse and Lassiter when he claims that “in general, big cities began to look ahead as rural areas clutched old customs.” For Sokol, the advances of the civil rights movement, especially as embodied in the Civil Rights Act and the Voting Rights Act, met with more controversy outside southern cities—an argument that maintains the rural-urban dichotomy and equally oversimplifies the white South. He also makes no argument about the viability of massive resistance although he attempts to complicate the story of whites during the movement. In the end, while his thorough research is at times enlightening, Sokol vaguely concludes that civil rights activism “produced staggering change even as it met with sobering continuity.”⁴⁸ If that is the case, then Sokol leaves the movement and resistance to it in a seemingly zero-sum game.

In his history of public school integration in Mississippi, *The Hardest Deal of All*, Charles Bolton rejects Mississippi’s exceptionalism but maintains, as does Kevin Kruse, that massive resistance persisted in the state long after its actual demise. As he points out, public schools were “the most treasured part of the segregationist world for whites,” and many whites throughout the country saw school integration as the most important battleground for the survival of white prerogatives. Problems of race and public education were “not unique to the Magnolia State,”⁴⁹ and the battles over busing in places like Boston in the 1970s prove that point.

⁴⁷ Jason Sokol. *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945-1975*. New York: Alfred A. Knopf, 2006, pp.4, 9, 13, 14.

⁴⁸ Sokol, *There Goes My Everything*, pp.44, 204; Sokol, *There Goes My Everything*, p.309.

⁴⁹ Charles Bolton. *The Hardest Deal of All: The Battle over School Integration in Mississippi, 1870-1980*. Jackson: University Press of Mississippi, 2005, pp.xvi, xx.

At the same time, Bolton does not challenge notions of Mississippi's exceptional commitment to white resistance. Although he points to the Ole Miss crisis and federal intervention there as an essential break in the ranks of segregationists, he concludes that massive resistance not only survived but thrived well into the 1970s. Though not peculiar to Mississippi, he claims that the development of "freedom of choice" plans, where students could choose to attend any school in their district, was little more than a minor concession to blacks and the federal government. "In actual operation, freedom of choice was just another effective manifestation of massive resistance." Not only that but, "as school desegregation finally began in Mississippi, massive resistance to the *Brown* mandate remained alive and well in the state."⁵⁰ Obviously, racism survived in Mississippi, but the strategies for maintaining an elevated status for whites did much more than adapt to changing circumstances.

Freedom of choice was not the same brand of massive resistance that the Citizens' Council had been advertising for over a decade, and its opposition to Patterson and his methods reveals as much. While his racist intentions may have been thinly veiled, Patterson defended freedom of choice as a legitimate legal remedy to *Brown*. In so doing, he framed the debate in terms more appealing to non-southern whites and more satisfying to both the white masses in Mississippi and the federal government than massive resistance proved to be.

Therein lays the difference between Patterson's principles and massive resistance: Patterson espoused a brand of social politics fundamentally different in methods and ultimate effect than that of the Ross Barnett camp. Having tied themselves to the sinking ship that was massive resistance, Barnett and his friends were either too stubborn or too afraid to change even as they were clearly floundering. After all, line-in-the-sand defiance meant that acquiescence to

⁵⁰ Bolton, *The Hardest Deal*, pp.95, 140, 117.

any aspect of the civil rights movement was not possible. The reality that freedom of choice preserved white power does not mean that it was the same thing as massive resistance.

Jeff Roche makes this distinction clear in his study of the school desegregation crisis in Georgia, *Restructured Resistance*. When a federal court ordered the desegregation of public schools in Atlanta, Georgians faced a serious problem. Thanks to the general hysteria, resulting popularity of massive resistance, and relative silence of more moderate voices after the *Brown* decision, the Georgia General Assembly passed a 1954 statute that mandated the privatization of education in the state if any desegregation were to be forced at some future point by the court. When that point came in 1959, it turned out that most folks, white and black, preferred to keep public schools and abandon massive resistance.⁵¹

The court did give the state time to write a new law and stave off the extinction of public education. With that reprieve, Governor Ernest Vandiver, who became a relative moderate after being elected on a staunch segregationist platform, appointed John Sibley to head the Georgia General Assembly Committee on Schools. A powerful pro-business banker and lawyer, Sibley conducted hearings across the state in 1960. As Roche argues, the plan was not so much to solicit the opinions of Georgia voters but to convince them that massive resistance had to end, particularly in the name of economic development. The result was that “massive resistance, always only a political movement, faded quickly,” and public education was saved. But, the “restructured resistance” that replaced it did not mark a triumph of white moderation or of the civil rights movement. Instead, “a deliberate new form of defiance” was born, “rooted in

⁵¹ Jeff Roche. *Restructured Resistance: The Sibley Commission and the Politics of Desegregation in Georgia*. Athens: University of Georgia Press, 1998, p.xiv.

contemporary practicality and corporate pragmatism.”⁵² It was a new brand of segregationist politics that Joe Patterson would have recognized and applauded.

Explicitly rejecting a monolithic white South and recognizing the early vulnerability of massive resistance, Roche reinforces notions of an urban-rural division as well as the existence of exceptionalism within the region. Roche rightly points out that support for massive resistance was stronger in black-belt, rural counties, where whites were more threatened by any increase in black power: “the higher the black population, the stronger the segregationist and resistance sentiment.”⁵³ To recognize that fact is one thing, but this familiar argument too often obscures both the voices for “practical segregation” in rural areas and the cries for massive resistance from urban ones.

Roche also contends that the overthrow of massive resistance in Georgia was easier “than would be the case in other southern states, especially Alabama and Mississippi, whose strong Citizens’ Council presence forced showdowns with the federal government.”⁵⁴ Most civil rights activists like Julian Bond, who witnessed first-hand the Georgia’s commitment to segregation when the state legislature refused to seat him in his duly-elected position, would not argue that massive resistance was somehow softer and more vulnerable in Georgia than elsewhere. The works of Kruse and Lassiter have effectively shown that images of Atlanta as a “city too busy to hate” simply miss the reality of race relations there.

From the 1946 mass lynching outside Monroe and the erection of Peyton’s Wall in Atlanta to the riots on the University of Georgia campus in the wake of its integration, the state has proven that it deserves no free pass in terms of its history of race relations. Roche does not argue that the Sibley Commission was committed to some progressive ideal, but, like Chafe, his

⁵² Roche, *Restructured Resistance*, pp.xv-xvii, 195.

⁵³ *Ibid*, p.97.

⁵⁴ *Ibid*, p.99.

contention that Georgia was not as bad as Alabama or Mississippi lets the state off the hook too easily and misses the potential for a common political movement amongst segregationists less dedicated to massive resistance throughout the South.

In his book, *In Search of Another Country*, Joseph Crespino finds a historiographical balance between rejecting Mississippi's exceptionalism and recognizing the demise of massive resistance. For Crespino, there is a fundamental problem with the theory of an exceptional Mississippi. "If Mississippi was a closed society in the 1960s, then America, by implication, was an open one." In this sense, the civil rights movement brought the state into line morally with the rest of the nation. It is a convenient trope that ignores the racism of "nonsouthern white Americans" and their anti-democratic impulses, and Mississippi becomes the national scapegoat. Crespino does not deny the fact that the state had "the most militantly reactionary segregationist movement," but he recognizes that scholars have overlooked more complex developments in white conservative ideology because the story of extremism is a much easier one to describe and to explain.⁵⁵

Those scholars have also missed a more complex history because of the success of self-described "practical segregationists" in opposing massive resistance and keeping racial problems out of the eyes of the media, federal government, and the general public. Crespino illustrates the perverse motives of white Mississippians who engaged in "strategic accommodation" of the civil rights movement. If they were to retain any power at all, they would have to abandon the type of unconcealed racism espoused by the Citizens' Council and acquiesce to some demands of the movement. With the help of the state's white press, "the emotional, overtly racist politics of massive resistance...gradually gave way—even in Mississippi—to more subtle, color-blind

⁵⁵ Crespino, *In Search*, p.9, 19.

political language” that would appeal to and be adopted by a growing national conservative movement.⁵⁶

In this analysis, previous arguments about a “Southern Strategy” that brought racist rednecks into the conservative, Republican fold are turned on their heads. Instead, the conservatism of the 1970s and 1980s, as seen in the arguments of Lassiter and Kruse, emanated from the grassroots level in the South.⁵⁷ Crespino proves that white Mississippi was never monolithic, and he calls for more investigation into the diversity of the white experience in the state in order to reveal a more complete understanding of the civil rights movement. No politician was better at manipulating the calculated accommodation that Crespino describes than Patterson.

Civil rights movement historiography has left a lot of room for Patterson’s story. He represented a viable political alternative to massive resistance at a time when many historians have claimed that such options were negligible at best, and he expressed a political and social ideology that in time would not be so exceptional. This alternative framing of the historiography does not mean that Patterson advocated the advancement of the civil rights movement or even stopped resisting it. To the contrary, he continued to fight for Jim Crow and against civil rights activism for the rest of his life.

Patterson’s opposition to massive resistance was born out of the kind of “strategic accommodation” described by Crespino and out of grappling with a dilemma common to white Mississippians. Ultimately, Patterson saw his position as the best option for maintaining Mississippi’s bigoted social order, and most other white Mississippians ultimately came to agree with him. Together, they forged a new version of resistance to the civil rights movement that did

⁵⁶ Crespino, *In Search*, p.4, 9, 19, 30.

⁵⁷ *Ibid*, pp.8-9.

not include the systematic threat of violence or absolute rejection of federal court orders. In addition to turning hardliners into not much more than “yapping dogs,” it was an intransigent brand of racist politics that in many ways would never be defeated.

Chapter 1

The Road to Attorney General

Born in Eupora, Mississippi, on July 10, 1907, Joe Turner Patterson grew up with two sisters and two brothers—Tom, Nancy, Doug, and Harpole—in the state’s northern “hills,” where his family on both sides went back several generations. In fact, Joe’s great-grandfather, William Tryon Patterson, had moved to the Calhoun County area from North Carolina in the mid-19th Century.¹ Joe’s mother, Mae Vivian Harpole, was one of ten children raised in a fairly well-to-do family in Eupora. Her parents, affectionately known as “Pappy” and “Granny,” ran a general merchant store, and they took pains to spoil their grandchildren. During summer visits, the girls could expect new shoes and dresses from Pappy’s trips to the markets in St. Louis. Never lifting a finger for chores, Granny was the “queen” of the household.²

An accomplished pianist, Mae Vivian attended for some time the Mississippi State College for Women (MSCW) in Columbus (now Mississippi University for Women)—the first state-sponsored women’s college in the nation.³ Tenacious and happy to be the center of attention, she loved young people and cared about everyone around her. After her son Joe was elected the state’s Attorney General and against his wishes, Mae Vivian kept working at a children’s home, playing piano at chapel, taking teenaged boys on field trips, and preparing

¹ Letter, Joe T. Patterson to Lena M. Vaughan, December 11, 1962. “Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

² *Biographical—Joe T. Patterson, Attorney General*. “Biographical Data—Joe T. Patterson” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Nancy Yarbrough, interviewed by author, October 30, 2003, Cleveland, Mississippi.

³ Mississippi University for Women. *MUW History*. <http://www.muw.edu/misc/history.htm>.

meals. One day, she took it upon herself to successfully lobby the management of the home to provide social security benefits for its workers.⁴

Married at the age of eighteen, Mae Vivian spent most of her life as a “beautiful stay-at-home mom.” Each of her children was born five years apart until the youngest, Harpole, came two years after Doug. Mae Vivian taught them all to be independent but to love one another unconditionally. Always vivacious, she was once asked at a meeting with Joe when he was Attorney General if she was his sister. Later in life, she moved in with her daughter Nancy and helped to raise Nancy’s daughter. Nancy never learned to do any housekeeping because of Mae Vivian, who would know more about her granddaughter’s “boyfriends and girlfriends” than Nancy did. When her granddaughter got married, Mae Vivian attended the wedding at 97-years-old and was “frisky” even then. Still, she would be “the disciplinarian” of the family although she was five years younger than her husband, Albert Thomas “Abb” Patterson.⁵

Abb had been born in the Calhoun County seat of Pittsboro, just north of Eupora, but his dad—“Father Patterson” as he was known by his grandchildren—would soon move the family to Calhoun City, only five miles away, and into a two-story house on the town square that he had built. An “old, staunch southern gentleman [who]....ruled the roost,” Father Patterson would serve as mayor of Calhoun City for twelve years.⁶ There, the Patterson family established deep roots.

In many ways, Abb and Mae Vivian were opposites. Serious, calm, and proper, Abb complemented his wife’s more lively nature. He made sure that his children dressed appropriately, lived comfortably, and were considerate to everyone they met, and he rarely refused to give them anything they asked for, much less needed. Never raising his voice to his

⁴ Yarbrough interview.

⁵ Yarbrough interview; Doug Haynes, interviewed by author, October 30, 2003, Clarksdale, Mississippi.

⁶ Yarbrough interview; Patterson Subject File.

children, he preferred to passively prod them: “I’d rather you wouldn’t do that.”⁷ In tandem with his natural austerity, it was quite an effective tactic.

As “a country lawyer in the hills,” Abb started his practice and began raising his family in Mae Vivian’s hometown of Eupora. He never took the time to learn how to drive, so he depended on his wife to take him to court and anywhere else he needed to go on business.⁸ Thanks to his family responsibilities, Abb got a draft deferment during World War I and soon thereafter moved his wife and children back to Calhoun City. Their family house was “a great big white-framed home. It had a hospitality porch across the front that was eventually screened in with big ceiling fans, and it was just a gathering place for the whole north end of town.” At about two o’clock each afternoon, everyone took a nap and then got together for coffee and conversation.⁹

The economy of Calhoun City revolved around stores and service stations. If you did not work in town, then you practiced subsistence farming to support your family and planted a small patch of cotton to make some extra money. This was not the Mississippi Delta with its huge cotton plantations. Without any farmland, Abb spent his entire career providing legal advice for the small town, accepting chickens, collard greens, tomatoes, or other homemade goods and produce for his services.¹⁰

After he opened his law office in Calhoun City, Abb was elected the county’s district attorney—a position he would hold until 1952—as well as chancery court judge, and served a territory that stretched nearly to Tennessee. From watching Abb, Joe would be “not only

⁷ Yarbrough interview.

⁸ Haynes interview; Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi.

⁹ Haynes interview.

¹⁰ Bill Patterson interview; Haynes interview.

educationally but practically schooled in how government worked, how it ought to work.”¹¹

They were lessons that Joe implemented in his own life and career as he climbed Mississippi’s political ranks and faced the task of propping up Jim Crow while it started to fall around him.

On retainer with the Illinois Central Railroad—perhaps due to some success he had had in suing the railroads—Abb had enough money to pay the bills. That fact alone made him and his family “hill country aristocracy” in relation to the rest of the community. “We didn’t have whole lots of money, but we had a home. We had happiness. We lived in a Christian home, and it was the way we were reared....We had about as much as anybody else because in a little, small town no one had a large amount of money, but we got along just fine.”¹² It was a more than comfortable life.

Named after J.T. Dunn, a fourth district circuit court judge, Joe was the oldest, and he idolized his father with whom he developed a close relationship. Not one to engage in political mudslinging or gossip, Abb never said “a critical remark about anybody.” Like his dad, Joe was “very calm, not a flustered type of person....As a boy, he was very popular, very considerate, and everybody loved him.” They loved him so much in Calhoun County that, after his last election as Attorney General, the community held a Joe Patterson Day, and Mae Vivian hosted an open house. No matter what, he was always “truthful” and never involved in “scandal” even as his opponents attacked him. People could “say anything in the world about him,” and Joe, reflecting his father’s example, would let it slide.¹³

Like his dad, Joe had a special place in his heart for Calhoun County and its people, and he was always willing to go an extra mile, at least for its white residents. Well into his second

¹¹ Yarbrough interview; Bill Patterson interview.

¹² Bill Patterson interview; Yarbrough interview.

¹³ Patterson Subject File; *Clarion-Ledger/Jackson Daily News*, August 14, 1955; Yarbrough interview; Haynes interview.

term as Attorney General, Joe received a letter from James Pierson, an attorney asking for help with his client, Gerald T. Harrell. Arrested on two counts of simple burglary in Louisiana, Harrell had received a harsh sentence of two nine-year concurrent terms in the state penitentiary at Angola. The parole board was inclined to reduce his sentence from nine to six years and give him parole in February 1963, but Governor Jimmie Davis refused, based on a judge's recommendation. Pierson wrote to Joe Patterson and asked him to petition the Louisiana governor.¹⁴

Patterson agreed to the request and pushed Governor Davis to accept the commutation. It turned out that Harrell's family was from Calhoun City, and he was the first member of the family to be accused of any crime. Harrell's grandfather had even been the county superintendent of education and taught in the public schools. Patterson further informed the governor that Harrell's cousins were "outstanding young businessmen in Mississippi." On October, 30, 1962, Patterson wrote back to the governor and thanked him for approving the commutation. Not long after, Patterson received a letter directly from Harrell, who promised that he would not let his family down again and asked that his parole be moved out of Baton Rouge so that he could get a job in Mississippi. Patterson was happy to relocate Harrell's parole back to his home state.¹⁵

On another occasion, Patterson wrote to U.S. Congressman Thomas Abernethy on behalf of George Lacy Vanlandingham of Calhoun City. Vanlandingham asked for Patterson's help in

¹⁴ Letter, James F. Pierson, Jr., to Joe T. Patterson, October 9, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

¹⁵ Letter, Joe T. Patterson to James Davis, October 22, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to James Davis, October 30, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Gerald T. Harrell to Joe T. Patterson, October 31, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to Gerald T. Harrell, November 2, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

getting an appointment as a rural letter carrier once the current mailman retired. George had been a substitute carrier for the previous ten years, and his dad, G.M. Vanlandingham, owned a dry goods and grocery store in Calhoun City¹⁶—much like Joe’s own grandfather had in Eupora. In a different letter, Patterson wrote to Abernethy about the postmaster position in Houlika, Mississippi, and recommended James W. Chrestman for the job. Chrestman was not only from Calhoun County but was married to the daughter of Gus Burt, Abb’s double first cousin.¹⁷

Another time, Joe helped out an old friend who got a speeding ticket while driving to the hospital with her daughter, who was having a baby. Joe’s response was as personal as the request: “It is difficult for me to believe that you are now a grandmother, especially in view of the fact that I am still disposed to look upon you as a little girl.” He was happy to help with the ticket and wrote directly to the judge handling the case.¹⁸ Joe had a hard time saying no, and, while there is no evidence that he did the same for his black constituents, he often performed favors like these for his white ones. As Attorney General, Patterson could not possibly have had the time or ability to see all of them to fruition, but he often did what he could.

Patterson was sorry to report to the widow of his second cousin that he could not help her grandson get out of a drunk driving arrest, although the young man was helping to support his seven family members in a case of severe hardship.¹⁹ Patterson also never found the time to

¹⁶ Letter, Joe T. Patterson to Thomas G. Abernethy, September 6, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

¹⁷ Letter, Joe T. Patterson to Thomas G. Abernethy, May 11, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

¹⁸ Letter, Anna C. Robinson to Joe T. Patterson, May 16, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to Anna C. Robinson, May 18, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to William R. Ford, May 18, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

¹⁹ Letter, Mrs. Jess Patterson to Joe T. Patterson, May 1, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to T.B. Birdsong, May 4, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to Mrs. Jess

respond to Hulet Hobson who asked first about getting money for repairs to his fence damaged by a fallen tree and then added, “You knew Aunt Lillie was having trouble which they think is incurable?”²⁰ It was a type of personalized correspondence that Patterson frequently received.

Joe may have been approachable, but he was quite serious as well. According to his sister Doug, “Joe was born a little old man,” particularly in contrast with her brother Tom, who on the other hand was wilder as a child: “a little Indian.” Joe never left “the house unless he was dressed very, very appropriately....but we were reared that way. My daddy always told us, ‘Girls....stay dressed to be presentable, so, if anybody knocks at the door, you will be presentable.’” Her dad did not even want the girls to wear shorts; he insisted that they always have their skirts on.²¹

Reflecting on her dad, Joe’s sister pointed out that Abb “loved his boys, but he thought his girls should be shielded, taken very good care of, so that was the way we were reared: old southern style.” In addition to reinforcing Victorian-era gender norms, that “old southern style” included having a domestic servant: “a black in your backyard...at our beck and call. We wanted a dress pressed in the afternoon to wear to town; if she was out in the backyard, we would call her, and she’d come press our dress.” They even “had a house in the backyard” where the maid lived. “We never did have any trouble finding anybody because my daddy said we respected whoever was working. They had feelings.” If anyone said anything with the slightest racist undertones to the maid or other local blacks, then Abb would correct them—another habit Joe acquired. At Christmas, Abb invited the maid into the house to participate in the festivities, especially with the “Christmas tree....The girl that was working for us came to the Christmas

Patterson, May 17, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

²⁰ Letter, Hulet Hobson to Joe T. Patterson, May 11, 1962. “Attorney General Joe T. Patterson’s Correspondence 1962” folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

²¹ Haynes interview; Yarbrough interview.

tree.”²² It was a type of benevolent paternalism that maintained clearly demarcated lines of power and propriety when it came to race relations.

That paternalism extended to the families of both white and black soldiers during World War II. Specifically, Abb would help black women get their fair share of war-time allotments. When asked if he charged for that help, he replied: “‘I don’t charge anybody....Anybody’s got a loved one in the service I don’t charge them anything.’ And, he had some whites that he had to take care of too. That was the type of person my daddy was.” After helping one family who had a sick child, Abb allowed the father to listen to election returns in his office, but Abb had to encourage his own children to “be real nice” to the man. For some unknown reason, he had begun to spread false rumors about Abb’s supposed alcohol and drug abuse, but Abb did not allow those accusations to be an excuse to mistreat him.²³

Another one of the children’s first lessons about right and wrong came when Abb defended a young man who had been stationed at Ole Miss during World War II and stayed in Oxford after the war. Mired in unexpected debt, he stole equipment from the business school and got caught, but Abb stood up for him. He told the judge to go easy on him and not ruin his life; the judge agreed and sent him back home with his family. Abb did not want to see someone’s life wrecked over one mistake.²⁴ It is not clear why Abb went to such lengths, but it did establish his standing in the community and set strong examples for his children. At the same time that he extended a cordial hand to those less fortunate, he set his entire family apart from and notably above that community.

The Pattersons attended the Calhoun City First Baptist Church, where Abb was the Sunday school teacher for older men. He was such a good Sunday school teacher and his lessons

²² Yarbrough interview.

²³ *Ibid.*

²⁴ Haynes interview.

were so well prepared that the younger boys would go to his class to listen to him instead of their own. Some of that had to do with his natural skills as an orator. “He could charm an audience out of the clear blue sky, no preparations whatsoever.” At a meeting in Oxford with Joe, he was once asked to give an impromptu speech. Afterwards, a professor requested a copy, but Abb had to tell him that he just made it up as he went.²⁵

Joe would grow up to be just as respected as his dad and as well-versed in the “tradition of the southern orators” with a distinctive, slow drawl, rooted in his Mississippi lineage. With a receding hairline, high “Patterson forehead,” sunken eyes, square chin, and skinny frame, he was not an imposing figure, but he commanded the same type of respect as his father. He was also “a funny guy. He could tell really funny stories about growing up in...a small-town Mississippi life. He could deliver a punch line just wonderfully in a joke....He enjoyed life a lot.”²⁶ It is little wonder that he could captivate his audiences, whether at a political rally or at his desk surrounded by assistants.

Yet, Patterson was not an animated speaker in the mold of southern preachers and political demagogues. He neither flailed his arms and legs nor screamed racial epithets. Instead, his calmness lent an unmistakable sincerity to his demeanor and gave his words a unique sense of conviction. An unassuming man, he did not avoid the spotlight, but he did not seek it either. He would do the best he knew how to do, but he “was not a person who called attention to himself.” There would never be a state park, lake, or government building named for him. He only had his reputation as “a strong and a very sane voice” in a time of great upheaval. “Courage

²⁵ Yarbrough interview.

²⁶ Delos H. Burks, interviewed by author, October 24, 2002, Picayune, Mississippi; Haynes interview; Bill Patterson interview.

is not always a loud thing. Courage can be a quiet thing.”²⁷ That was how the people who knew him characterized him. He did his job in a consistent, low-key, and dedicated manner that was marked by an unflagging commitment to the law as well as an intense internal struggle over how to best maintain Jim Crow as it was legally crumbling.

As a boy, Joe had shown a keen interest in learning. He memorized poetry in his free time and kept a collection of verses about life and death. Few people were surprised when Joe graduated from high school at the age of seventeen since he was “so mature” and “smart.” He had been educated at a time of rote learning and “the ‘Great Book’ method of education,” which included the memorization and recitation of poetry and the classics like Shakespeare: “You don’t just read it; you learn it. You internalize it.” Joe would pass his love of literature, especially poetry, down to his own children.²⁸

In 1965, Patterson testified before a U.S. Senate sub-committee looking into the implementation of the then proposed Voting Rights Act. When asked how the 1964 Civil Rights Act had affected the Deep South, he referred to the U.S. Justice Department and Attorney General Robert F. Kennedy in less than flattering tones with quotes from Shakespeare’s *Julius Caesar*. Never a fan of Robert Kennedy, Patterson added the verses off the top of his head; they were not a part of his original planned testimony. It was all “part of that classical training. He could quote poetry, English Romantic poetry, sitting at a dinner table.”²⁹ In nearly all of his public speeches, he made it a point to quote from scripture, poetry, or song.

After attending Mississippi A&M (now Mississippi State University), a short trip away in Starkville, Joe transferred to Mississippi College in Jackson for about a year and half. Finally,

²⁷ Yarbrough interview; James P. Coleman, interviewed by Orley B. Caudill, February 6, 1982, Hattiesburg, Mississippi, MOHP, Vol. 203, p.285; Bill Patterson interview.

²⁸ Untitled, undated collection of poetry, Patterson Papers; Yarbrough interview; Bill Patterson interview.

²⁹ Bill Patterson interview.

he came home and worked for a short period in his cousin's drug store and then at the Grenada Bank in Calhoun City. Not satisfied, he left on the train less than a year later to attend Cumberland University Law School in Lebanon, Tennessee (now Samford University in Birmingham, Alabama). By 1929, Joe had an L.L.B. from Cumberland, and, while he enjoyed his time there, meeting "many fine fellows" in the Lambda Chi Alpha fraternity,³⁰ he was set to return to Calhoun City. After being admitted to the Mississippi Bar in the same year that he graduated, he came home and created what in most people's minds was a long-awaited law partnership with his father.

Joe and Abb's business relationship, as opposed to their personal one, was a bit rocky from the start. They shared an upstairs office in a warehouse north of the square in Calhoun City, where Abb had established a regular clientele. In fact, everyone in Calhoun County knew Joe's dad, and most just called him "Uncle Abb" because he had lived there his whole life. They also knew that he would do their legal work for free if they called him Uncle Abb, and many people showed up at their house on Sunday mornings to do business on the front porch. Once Joe was back in Calhoun City working with his dad, people would walk right past Joe. They knew that he was going to bill them, so they went straight to Abb. One day, Joe got fed up with it and told his father that he was not going to watch those people pass him by in order to get free legal services from Abb, and "that's when he made up his mind he was not going to stay in Calhoun City."³¹ His way out would be politics.

³⁰ Patterson Subject File; Haynes interview; Bill Patterson interview; *Biographical*, box 7516, MDAH; Letter, E.J. Nunn to Joe T. Patterson, June 12, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe T. Patterson to E.J. Nunn, June 22, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

³¹ Yarbrough interview.

Less than a year after returning to Calhoun City, Joe was elected city attorney as a Democrat. Of course, the entire family had been traditional southern Democrats. Abb had served as chairman of the Democratic Executive Committee for Calhoun County, and Joe made an equally lifelong commitment to the Party, taking stands against the “Dixiecrat” movement of Strom Thurmond in 1948 and against the “Eisencrat” movement of southern Democrats voting for Dwight Eisenhower in 1952.³²

After a short stint as city attorney, Joe decided to run for a seat in the Mississippi House of Representatives in order to gain a little more name recognition, and, to his surprise, he defeated the incumbent and was elected at the age of twenty-six—one of the youngest state legislators—for the first of two stints in that office. Although he now spent a lot of his time in Jackson, Joe remained close to his dad. He came home as often as possible to talk to him. “He and daddy would get off, and we knew: ‘no one go near.’ We’d just let them get off and have their talk....Don’t bother them. Leave them alone, and we did.”³³ Joe’s political prospects were high, but Abb helped to keep him grounded. Thanks to Abb’s example, Joe knew he had a responsibility to his family—one that continued to reinforce traditional gender norms but was completely normal in the Patterson household.

Despite being a young man, Joe took it upon himself to be “very protective” of his younger siblings, particularly the girls: his sisters, Nancy and Doug, were more than ten years his junior. Both women saw Joe as “more of a father figure” than a brother, and, since their dad was always around, it seemed as if they had two fathers. Five years younger than Nancy, Doug got to spend a lot more time with Joe while he was in Calhoun City. After all, Nancy had left for Blue

³² Patterson Subject File; *Clarion Ledger*, October 2, 1952, Patterson Subject File.

³³ *Biographical*, box 7516, MDAH; Bill Patterson interview; Yarbrough interview.

Mountain College, which Abb had picked out for her, in order to prepare for a teaching career.³⁴ Still, Joe made certain that both his younger sisters were well cared for.

After college, Nancy came home to Calhoun City in order to take some time off. The point was to have a little fun, and she frequently went with her friends on day trips to Memphis. When she began her teaching career, she moved two hours away to Silver City, Mississippi, but few people were surprised that she quickly came back closer to home: first to Bruce, ten miles away, and then back into her parents' house, living and teaching in Calhoun City. After Joe's election as Attorney General, he invited her fourth-grade class down to the state capitol to have their pictures taken in the governor's chair. Throughout all that time, she never had to worry about any expenses; her father and Joe would always give her money because they "believed in girls' having money in their pocket." Eventually, Nancy would leave the "hills" with her husband "Red" for the Delta town of Cleveland, but her heart always remained in Calhoun City.³⁵

Since Abb made sure that Nancy was taken care of, Joe insisted that he be allowed to help support Doug, and, despite their big age difference, Joe and Doug had "the greatest brother-sister relationship." When he served in the state legislature, Joe would take her to meetings at the Edwards Hotel in Jackson, where she waited for him on a big leather couch as proud as she could be. Some of her "happiest memories" were dancing with Joe, who took her at Christmastime to public ballroom dances in small-town gymnasiums "when my nose just about hit his belly button."³⁶ By the time Doug got to college at her mother's alma mater, MSCW, Joe was paying all of her bills.

³⁴ Yarbrough interview.

³⁵ Yarbrough interview.

³⁶ Haynes interview.

During Doug's junior year of college, Joe took her to the bank to set her up on his personal account. Although she wanted an allowance rather than being able to write checks on his account, Joe insisted. He did not want to ever forget to pay her allowance, and, since Doug was involved in so many things like social clubs, there was no way for him to predict when she might need money. Therefore, he gave her access to his personal account, but he would also buy her nice clothes to wear and send them to her on occasion. For a trip to Northwestern University in Chicago to see her best friend from Tupelo perform a senior piano recital, Joe gave her the money to go and bought her wool skirts and matching sweaters. Using his position on the state college board while in the legislature as a convenient excuse, Joe came to visit Doug at MSCW as often as possible and even accompanied her to the senior prom. Apparently, Joe was a great dancer.³⁷

Although committed to his family, Joe was ambitious and anxious to get out of Calhoun City. Four years after being elected to the state House of Representatives, he took a job as chief legislative assistant in 1936 for U.S. Senator Pat Harrison, who introduced him to politics on a national scale. Harrison was a fairly typical Mississippi politician at the time. Openly racist, Harrison opposed federal anti-lynching laws. What little evidence there is suggests that Joe avowed the same racist principles as his boss while in D.C.³⁸

Life in the nation's capital appealed to Joe, but Abb did not like the idea of his son being corrupted by the wheeling and dealing of national politics. "Daddy always hated Washington....My Daddy said that Washington had been the ruination of more good men that left home with the best of intentions. And, they get up there, and they think they're the

³⁷ Haynes interview.

³⁸ Lawrence Kestenbaum. "Byron Patton Harrison." August 25, 2002: n. pag. *The Political Graveyard*. October 13, 2002. <http://politicalgraveyard.com/bio/harrison.html>; *Mississippi Blue Book: 1960-1964*, p.27; *Clarion-Ledger/Jackson Daily News*, October 3, 1954, Patterson Subject File.

‘Untouchables.’ And, they take too many liberties and get into too much stuff. They get by with it, and Daddy just couldn’t stand it.”³⁹ Abb’s disapproval probably had a lot to do with convincing Joe to leave D.C. a few short years later.

For the time being, however, Joe was happy. He liked the pace and the people he met. One friend he made there was James P. (J.P.) Coleman—a future Attorney General and Governor of Mississippi. They had both grown up in the “hills,” where Coleman was raised on a red-dirt farm, two counties away in the town of Ackerman. Seven years younger, Coleman had worked his way through Ole Miss and would eventually get an LLB in law as had Joe. At the time, Coleman was working in the office of U.S. Representative Aaron Ford, another Mississippi Democrat, as his secretary. He and Joe had a lot in common, and, recognizing that neither made enough money to make it on their own, they decided to share an apartment and split costs.⁴⁰ During their youthful years in Washington, D.C., they cemented their friendship as well as their shared ideology.

Together, J.P. Coleman and Joe Patterson created a partnership that served them well. Ultimately rejecting hard-line resistance as a failed segregationist strategy, they both came to espouse and helped to craft the *color-blind* politics that maintained white power long after the angry voices of diehard racists had faded away. As described by Matthew Lassiter, this rhetorically race-neutral brand of politics had explicitly racist results and was born from “the triumph of racial moderation over massive resistance.” Kevin Kruse forwards a comparable argument in his work on “white flight” in which he forcefully argues that, “ultimately, the mass migration of whites from cities to the suburbs proved to be the most successful segregationist response to the moral demands of the civil rights movement and the legal authority of the

³⁹ Haynes interview.

⁴⁰ John D’Emilio. *The Civil Rights Struggle: Leaders in Profile*. New York: Facts on File, Inc., 1979, p.43; Coleman interview, MOHP, Vol. 203, pp.129-130; Bill Patterson interview.

courts.”⁴¹ Although convincing in many ways, what Lassiter and Kruse in part miss is that these strategies came not just from the growing suburban South but also from places like Calhoun City and Ackerman, Mississippi. Coleman and Patterson acted on the same assumptions that Lassiter’s southern suburbanites did—something that Mark Schultz has similarly argued in his study of Hancock County, Georgia.

Written off as monolithic—even by historians who claim to reject notions of a singular white South—rural areas and their people are frequently lumped together. Yet, their stories are incredibly complex, and race relations there are marked by “personal intimacy, personal violence, and ritual displays of deference.” For Schultz, that leads to a varying display of racial attitudes based on individual relationships and allows for some “interracial intimacy and black assertiveness.” In his mind, the view of a “Solid South” is an urban/suburban one, and we need to better understand the people who come from the rural South to fill out our historical conceptions of the region.⁴² Outsiders to the urban South, Patterson and Coleman occupied the center of political debate in Mississippi in the 1950s and 1960s.

After four years, Joe was ready, though, to leave Washington, D.C., and return home. He soon rejoined his father’s law practice and promptly won back his seat in the state legislature in 1940, but his time there would be cut short. With the advent of World War II, Joe waived his draft deferment as an elected official in order to enter the Army Air Corps in 1942. During the war, all three brothers—Joe, Tom, and Harpole—were in the military at the same time and left

⁴¹ Matthew D. Lassiter. *The Silent Majority: Suburban Politics in the Sunbelt South*. Princeton: Princeton University Press, 2006, pp.1, 3; Kevin Kruse. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton: Princeton University Press, 2005, pp.6, 8.

⁴² Mark Schultz. *The Rural Face of White Supremacy: Beyond Jim Crow*. Urbana: University of Illinois Press, 2005, pp.1, 5, 7, 72.

their close-knit family in constant worry. Aware of his family's angst, Joe "was very thoughtful" and wrote frequent letters home.⁴³

Although his years in D.C. seemed to make him worldly in comparison to others in Calhoun City, Joe had a lot of the small-town boy in him when he left for the War. Reporting to Camp Shelby for duty, near Hattiesburg, Mississippi, he arrived dressed as nicely as he always was, but, after checking in and getting his service uniform, someone stole his dress clothes. Joe assumed that someone had accidentally picked them up, but he never got them back. In his first letter home, he wanted to know if his clothes had shown up in the mail, hoping that someone may have returned them. He was sorely disappointed when he found out they were not there and had obviously been stolen.⁴⁴

After his enlistment and basic training, Joe spent his time in service stationed as a Master Sergeant—a non-commissioned officer—at the Army Air Corps base in Coolidge, Arizona. He had qualified for a field commission, but his dental exam at his physical kept him from going abroad. Nonetheless, his commanding officer in Coolidge treated him like a commissioned officer and allowed him to live in the bachelor officers' quarters.⁴⁵

While in Arizona, Joe met Margaret Steadman. A Detroit, Michigan native, Margaret grew up in St. Joe, Missouri, and then Montrose, Colorado, where her father was a Congregationalist minister. Towards the end of World War II, Margaret graduated from college and moved to Coolidge. She was a young school teacher and worked with migrant farm children under a surplus army tent when she was introduced to Joe, who was immediately smitten. After

⁴³ *Biographical*, Box 7516, MDAH; *Clarion-Ledger*, April 22, 1969, Patterson Subject File; Bill Patterson interview; Yarbrough interview.

⁴⁴ Yarbrough interview.

⁴⁵ Bill Patterson interview.

dating for a short period, Joe and Margaret married and prepared to move back to Mississippi after his discharge in 1945.⁴⁶

For two years, the couple lived in Calhoun City with Joe's parents in that "big, old rambling house still standing" a block from the town square. Joe rejoined his father's law practice, and his new wife served as his legal secretary. Abb continued to accept "country hams and chickens and whatever else" for his services while Joe insisted on proper payment. He "just wasn't going to do that," but he was happy to be near his "very close-knit family" again. Doug was in her first year out of college and teaching in Okolona, Mississippi, when Joe got home from the war, and he frequently took his mom and dad to visit her for supper after school in Okolona.⁴⁷

Despite being happy to be home, Joe's aspirations remained high; living in his parents' house with a young wife and working for produce were not acceptable to him. Margaret did try to rein in his ambitions a bit and never grew accustomed to being in the public eye. After some years as Attorney General, Joe would be repeatedly asked to run for governor, but he turned down those offers in large part because Margaret "objected so" to raising a family in such limelight. Joe also believed "that people, many people, looked for a different kind of person as governor and attorney general." He felt that most people wanted "a more kind of outgoing, extroverted, charismatic leader as a governor, but...a more scholarly person...as the attorney general"—a description that certainly fit Joe Patterson.⁴⁸ No matter what the people may have expected from their elected officials, Joe was ready to return to public service, and, before long, he was back in office.

⁴⁶ Bill Patterson interview.

⁴⁷ Bill Patterson interview; Haynes interview.

⁴⁸ Yarbrough interview; Joe S. Patterson interview.

On December 1, 1947, Patterson was appointed Assistant Attorney General of Mississippi by Greek L. Rice, who served as the state's top lawyer from 1932 to 1952. Thus, Joe and Margaret prepared to relocate to Jackson. Without much money, they rented the basement apartment of a home in the historic Belhaven neighborhood, near the state capitol building. When their first son, Joe Steadman Patterson, was born in 1949, they bought a house. Thanks to his veteran's benefits, Joe was able to secure their brand new home on Meadowbridge Drive at a discounted price, and they moved into the comfortable white, middle-class Broadmoor subdivision.⁴⁹

When Greek Rice left office in 1952, Joe Patterson was reappointed as an Assistant Attorney General by his old friend from his D.C. days, J.P. Coleman, who had been elected to the state's highest legal post. Patterson became Coleman's chief assistant, doing criminal appellate work. Since leaving his job for Representative Ford, Coleman had spent most of his years in Mississippi politics. Serving as a district attorney and circuit court judge from 1939 to 1950, Coleman had worked his way up the state's political ladder in the Democratic Party. Having been elected Attorney General, he attended the Democratic National Convention as a committeeman for the state in 1952, and, along with Patterson, he convinced Mississippi's delegation not to bolt from their party for what seemed to many to be the ideologically friendlier confines of the Eisenhower and Republican camp.⁵⁰ After the failed Dixiecrat revolt of 1948, many white southerners still saw the national Democratic Party and its civil rights platform as a threat, and, since the days of Herbert Hoover's "lily-white strategy," Republicans had been actively courting the segregationist vote.

⁴⁹ *Biographical*, Box 7516, MDAH; *Clarion-Ledger*, April 22, 1969, Patterson Subject File; Bill Patterson interview.

⁵⁰ Bill Patterson interview; D'Emilio, *The Civil Rights Struggle*, p.43.

When J.P. Coleman decided to run for governor in 1955, Patterson supported his decision and campaigned for his former boss, and, with Coleman's blessing, Patterson decided to run for Attorney General himself. At the same time, Patterson's family was expanding. His second son, Bill, was born on April 14, 1955, after his statewide campaign had already begun. Since Joe was on the road much of the time, when he did come home, Bill would "look at him as if he was an absolute stranger," but there was no denying the family resemblance.⁵¹

Trying to raise two small children alone was hard for Margaret, so Bill's sister Doug moved to Jackson for a short time to stay with the young family in order to help. Part of the reason for his absence was that Joe was "a perfectionist." As Attorney General, he often made sure to "check over everything before it went out" even if that meant returning to the office at night and staying late. He also spent many Saturday and Sunday afternoons at work. There were some strains in having a father who could not be around very much. Gone most of Bill's childhood, Joe was "not your Little League coach type father," especially once the civil rights movement hit full stride. Bill saw it as being raised by a type of "grandfather" in the "benign" way grandparents can be; he characterized his dad as just "a very gentle and a very sweet man."⁵² Bill spent his entire childhood knowing his dad as Attorney General, but he was proud and knew the importance of the office.

When Joe could, he took what time he had to be with his children. Bill often went to the capitol with him on weekends, and, while Joe worked, Bill slid across the freshly waxed floors in his Sunday school shoes. The janitor, who did not know who Bill was, caught him once, but, when Joe came out of his office, the capitol caretaker was surprised and tried to apologize. He

⁵¹ Bill Patterson interview.

⁵² Haynes interview; Yarbrough interview; Bill Patterson interview.

was simply “afraid [Bill]...wasn’t supposed to be in here.” But, Joe insisted on apologizing to the janitor and guaranteed that Bill would not do it again.⁵³

Time permitting, Joe also tried to drive Bill to school after he started kindergarten in 1960. The family had one car: a two-toned, pink and white Oldsmobile. On days when Margaret needed the car, either someone on Joe’s staff would take him to work or she would drop him off. Some evenings the entire family would pick Joe up for a picnic and swimming at the Jackson zoo, where Livingston Lake had a big pier in the middle with diving boards that you could swim out to.⁵⁴

The family spent what quality time they could with one another and traveled together whenever possible. On many occasions, they drove up the Natchez Trace to visit family in Eupora and Calhoun City. Bill also got to tag along one time to Chicago for an attorneys general’s convention, and Joe made sure to take him to the Chicago zoo. When Margaret’s parents retired to Redlands, California, thirty miles from Los Angeles, Bill and Joe Steadman went with their mother to visit. After his reelection bid in 1959, Joe actually drove to California to pick up his family, and they drove back through the southwest down two-lane roads. Joe Steadman even had the chance to travel with his father on the campaign trail after he graduated high school in 1967 and watched Joe thoroughly trounce Louis Fondren from the Gulf Coast.⁵⁵ Despite being a busy man, Joe made time for his family and, as had Abb, made sure that they had everything they wanted.

When Joe Steadman wanted to attend the Virginia Military Institute (VMI), his father asked Senator John Stennis to support his “request for appointment to the Military Academy.” However, after Joe Steadman got there, he hated it. “Frankly, I am not surprised that his three

⁵³ Bill Patterson interview.

⁵⁴ *Ibid.*

⁵⁵ *Ibid*; Joe S. Patterson, interviewed by author, November 9, 2002, Decatur, Georgia.

months at Virginia Military Institute have convinced him that he does not care to put in four years training to be a professional soldier. As you know, VMI has the reputation of being equal to West Point.” Nonetheless, his dad would not let him quit and come home. “Joe said, ‘There’s not a quitting bone in my body, and you’re going to stay there until Christmas. You’re not going to just walk off and throw away a whole semester for nothing. You’re not going to do that.’ So, they made him stay until Christmas.” Joe Steadman did transfer to Mississippi State, but, after Joe died unexpectedly in 1969, he wanted to quit altogether in order to come home and take care of his little brother. The family would not let that happen either.⁵⁶

Joe Patterson tried to take the time to teach his children the same basic morals Abb had passed on to him. Once, Bill had a flat tire on his bicycle and left it out, and one of his friends took it for a ride around the block. Bill was upset and told his dad that somebody had stolen it. Joe asked how he knew it was stolen, and Bill said that someone else had told him. As Joe explained it, Bill could not know that it was stolen unless he saw it happen. Otherwise, what Bill claimed had happened was just “hear-say,” and he should not go accusing people unless he was positive they were guilty.⁵⁷

Bill described the lessons he learned from his father as “doing the right thing. It’s playing by the rules. It’s not losing your head when somebody else is losing theirs in the middle of a tough trial or a tough situation in life. This is somebody who dealt with massive pressures in an unusually graceful way.” Joe tried his best not to bring his problems home, but it was not entirely possible. “You can’t keep anything like that out of your personal life totally....coming out of a world that you’ve known that’s totally changing forever before your eyes.... And, so...he

⁵⁶ Letter, Joe T. Patterson to John C. Stennis, November 16, 1967. Folder 3, Stennis Papers, Box 2, MSU; Haynes interview.

⁵⁷ Bill Patterson interview.

did a good job...trying to let his family be as normal as possible in a time when you couldn't let that happen totally.” He further taught Bill that

actions speak louder than words....You can say anything, but it's what you do that really makes a difference. That's the true mettle of a person...the little things: how you treat people, how you practice law, what you do when nobody else is around and nobody knows you're doing it....It doesn't make any difference who sees it; it's the right thing to do....When it's all said and done, your Maker is going to know what you did and whether you did it right, whether you tried to do it the right way and whether you did it with a smile.⁵⁸

Although difficult to reconcile with a belief in segregation, it was the fundamental difference between what Joe felt was right and wrong. Along with most white southerners, Joe saw little contradiction between the two since segregation in his mind was right.

Thus, Joe made sure to pass down to his children the same social values with all their gender and racial implications that his parents had instilled in him. One of Bill's best friends was a girl who had lived across the street since they were both two-years-old; Bill would even later be in her wedding. After a childhood fight with her, Bill was so upset that he wanted to hit her. Soon after, Joe found out what was going on, and he told Bill in no uncertain terms that you never hit girls for any reason.⁵⁹ Like Abb would have told Joe, women were meant to be protected by men—an ideology that played upon old gender norms and left women little room to take care of themselves.

In addition, Joe taught his children the same rules of racial etiquette that he learned from Abb. Bill and Joe Steadman understood that racial epithets were not appropriate and “never heard the ‘n-word’ in [their] house.” As during Joe's childhood, the family kept a black maid in Jackson. On Friday nights, Bill often went with Joe to take her home. The trips were a special

⁵⁸ Bill Patterson interview.

⁵⁹ *Ibid.*

highlight for Bill since they usually stopped to get ice cream on the way back.⁶⁰ In isolation, these moments may have been insignificant, but, taken as a whole, they repeated the benevolent paternalism that Joe saw portrayed in race relations growing up in Calhoun City.

At the capitol building, an older black gentleman had been the long-time groundskeeper. One Saturday afternoon, Joe stopped to speak with him. The old man told Joe about “marital problems” he had been having and the divorce he was going through. Joe took the time to remove his jacket, fold it in his lap, and sit on the steps of the capitol to talk to him. Joe “took that kind of time with people regardless of the stances that he took on civil rights issues. He just had a remarkable amount of just common decency to him.”⁶¹ It must have been a tender moment marked by a lot of “common decency,” but, at the same time, there must have been little question about the dynamics of racial power in that situation.

In a similar story, Bill went with Joe to the local Trustmark Bank in north Jackson on one occasion. As they walked in, a black maid wearing a white uniform came up. “She was far enough behind us that Daddy could have walked in and let the door swing to, and nobody would have thought two quips about it.” Rather, Joe waited and held the door for her. When she thanked him, his reply was “yes, ma’am.” Even at Bill’s young age, he realized that he did not see many white men holding doors for black women at that time. When Bill asked his dad about it, Joe told him, “The little things that you do for people are really important because you don’t know what that one thing might be...the one thing that makes the person’s day go better.”⁶² The overt lessons about how to treat other people were clear, but the lessons about race were subtler.

At the same time as Joe was willing to drive his maid home on a Friday night or talk about personal problems with an elderly black man or hold a door open longer than necessary for

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*

another woman, he stood above those people. They were no threat to him, and he was working diligently to maintain a social system predicated on their subjugation. What differentiated him and the likes of J.P. Coleman from other segregationists and blowhards was that “common decency,” which often seemed to evaporate in Mississippi, but that decency did not mean that Patterson and Coleman were any less dedicated to white hegemony.

If anything, some small sense of fair play helped the likes of Patterson and Coleman in their cause and translated directly into their politics and ideology. It was an attitude of being willing to bend but not break in the maintenance of Jim Crow. The acceptance of some black advancement, like the showing of some respect, made their racist cause more effective in that it became more palatable to the rest of the nation, the media, and the federal government. It is easy to show respect to someone you believe is inferior to you when you are clearly entrenched in a position of power above that person. Patterson would never be as cordial to civil rights activists.

After the Supreme Court’s landmark *Brown v. Board* decision in 1954, Patterson’s platform in the 1955 election, as well as Coleman’s, necessarily revolved around a defense of segregation. As Charles Bolton points out in his work on desegregation in Mississippi, schools were “the most treasured part of the segregated world for whites” and, therefore, the most important battleground in the fight over Jim Crow. A few short weeks after *Brown* was handed down, Coleman took the time to issue an eight-page rebuttal on local television as Mississippi’s Attorney General. In the statement, Coleman blamed the court for a bad decision that overturned much legislative as well as judicial history and relied “upon the opinions of nine psychological and sociological publications as authority.”⁶³ Coleman did think that the decision held some hope for the white South’s cause.

⁶³ Charles Bolton. *The Hardest Deal of All: The Battle over School Integration in Mississippi, 1870-1980*. Jackson: University Press of Mississippi, 2005, pp.xvi-xvii; J.P. Coleman. “*Meeting the School Crisis*,” *An Address by*

Coleman argued that segregation could be maintained without abolishing public schools in the state and noted that the Supreme Court “did not undertake to say how or when that separate education can be in fact abolished.” He suggested that the decision left plenty of room for gerrymandering “normal district boundaries. This is the answer to a sizeable portion of the problem.” In closing, he intoned: “We did not ask for this school crisis. It has been forced upon us. We will not shrink from the challenge. Our public school system and separate education for the races will be preserved.” In many ways, it was language that Coleman had to use and to a large extent did believe in, but his relationship with more outspoken segregationists was “never more than cool.” Although he “could resort with ease to the argot of race-baiting,” he was a self-described “practical segregationist” who was “not only a shrewder politician but a far shrewder segregationist than” the racist demagogues Mississippi was famous for.⁶⁴

Considering the political atmosphere in the state at the time, driven by the meteoric rise in power of the Citizens’ Council after *Brown*, Patterson and Coleman had a limited ability initially to maintain their seeming moderation and decency, and they would be forced to the right.⁶⁵ In substance, though, it was not a move that changed much for either of them. Both Patterson and Coleman had been steeped in a racial atmosphere that was marked by superficial cordiality and deep-seated angst, as white people fought for the first half of the 20th Century to keep their elevated, artificial status in society. Like Coleman, Patterson was every bit as dedicated to preserving white power in the South as the most committed segregationist, but he

Attorney General J.P. Coleman of Mississippi (Delivered over the facilities of TV Station WLBT, Jackson, Mississippi, Tuesday, June 1, 1954. “Segregation” folder, Abernethy Papers, box 273, Ole Miss, pp.1, 3.

⁶⁴ Coleman, “Meeting the School Crisis,” Abernethy Papers, box 273, Ole Miss, pp.4, 6, 8; Neil R. McMillen. *The Citizens’ Council: Organized Resistance to the Second Reconstruction, 1954-64*. Urbana: University of Illinois Press, 1994, pp.322, 325, 326.

⁶⁵ D’Emilio, *The Civil Rights Struggle*, p.43.

saw a different means to accomplish the same goal. Nevertheless, he shared common assumptions about the civil rights movement with that more extreme element.

More than a rhetorical flourish meant to discredit the movement, Patterson really believed it to be communist-infiltrated. He may have been a man of the law “who played by the rules,” but he was suspicious about links between communists and activists. On the way home from taking Margaret’s mother to catch a train in New Orleans back out to Los Angeles, the family passed “a picture of Martin Luther King or somebody in what looked like a classroom setting and underneath would be this logo saying: ‘So-and-so at the Communist training one day.’” Although Margaret was skeptical, Joe made the point: “Well, I’m not so sure that that’s totally false.”⁶⁶ His public speeches and private communications while Attorney General indicate that he did believe that the civil rights movement was controlled by supposedly sinister forces, and the lesson for his children was more insidious than teaching them to show common courtesy to another person.

Patterson recognized the political situation of the day and the fact that he had little choice but to work with the likes of the Citizens’ Council—a relationship that came to be tenuous but at the outset was quite warm. When the founder of the Citizens’ Council, Robert “Tut” Patterson—who was not related—wrote to say that he enjoyed a speech Joe had given in Itta Bena, he added, “On behalf of the State Association, I would like to thank you for all you have done and are doing on behalf of states rights and racial integrity here in the South. Our Southland and our Nation need more men of vision and courage such as you.” Joe promptly responded, thanked him for the kind words, and mentioned that he would be heading up later that week to speak in Eupora on behalf of the segregationist organization again. “I think the possibilities of the Citizens’ Councils are unlimited, and as long as we pursue the course that we have set about to

⁶⁶ Bill Patterson interview.

pursue, the service that the Councils may render to the State is inestimable.”⁶⁷ Thanks in no small part to these outward stances, along with J.P. Coleman as governor, Joe Patterson ascended to the Attorney General’s seat at the age of fifty.

Soon, Patterson came to be highly respected as Attorney General. “I’m not bragging on him because he’s my brother, but I am telling you I have never heard anybody say one critical remark about him.” That may have had to do with the fact that, as his sister, Nancy was never around people who would be critical of him, but his sincerity and work ethic did win fans.

“After he was elected the first time and people as a whole saw and heard about him and the type of person he was, I think it just carried over the next year and the next year because that was the way he was,” and that was the way Abb had been.⁶⁸

Like his dad, Patterson “made a record for himself because he was so honest, and he...never turned down anybody, just like his daddy.” He also did not “take it for granted” that he would get elected, and he would “get out and work hard” in each of his four campaigns. He knew that “people don’t like being taken for granted. They don’t like to think that someone just expects their vote.” Careful not to endorse candidates for other offices in the state, Patterson made sure he did not get painted into too tight of a political corner because he was going to have to work with the person who got voted in. “He didn’t want to antagonize anybody either, but he said, ‘I’ll simply have to work with whoever gets elected.’”⁶⁹ It was a strategy that did not make him many close friends, but it did earn the sincere respect of most people.

Patterson was serious about his job and the law. On a business trip in Washington, D.C., with a young assistant, Patterson refused to stay a couple of extra days and enjoy the city;

⁶⁷ Letter, Robert Patterson to Joe T. Patterson, June 8, 1956. “Subject Files: Citizens’ Council 2 of 2” folder, MAGO, Subject Files, 1924-1979, Box 7574, MDAH; Letter, Joe T. Patterson to Robert Patterson, June 12, 1956. “Subject Files: Citizens’ Council 2 of 2” folder, MAGO, Subject Files, 1924-1979, Box 7574, MDAH.

⁶⁸ Yarbrough interview.

⁶⁹ Yarbrough interview; Joe S. Patterson interview.

instead, he made them get on the plane and come right back home. He even served on an investigative committee looking into inappropriate expenses by Sovereignty Commission agents. His handwritten notes on the audit revealed “excessive meals” and “hotel bills absent,” totaling less than \$1,500.⁷⁰ He was always thrifty when he travelled.

Patterson often went to New York City to sign bonds for the state. When he got there, friends would ask him to go to various shows with them, but Patterson would simply say, “I’m not seeing any show tonight. I’m going to be on a six o’clock plane heading back to Jackson, Mississippi.” His friends would push him: “Oh, you’re up here. You might as well go on,” but he consistently replied: “Not at the expense of my state. We need every dollar we can keep at home. We need to keep it there.”⁷¹ It was a belief that later led to conflict with Citizens’ Council leaders over whether the state should funnel them money as a private organization.

Patterson saw his job as Attorney General as limited; it was a conservative vision of his powers. When asked by the chairman of the Judiciary Committee in the state House of Representatives about the constitutionality of a legislative process, Patterson gave him a simple response: “I have never thought that it was within the province of this office to pass judgment upon legislative procedure by way of opinion....[That is] a question solely for the determination of the Legislature.” His basic assumption was that the legislature would not pass an act that was unconstitutional, and the state Supreme Court had already determined that, as long as legislation was “duly passed as prescribed by the state constitution, all such acts are duly authenticated.”⁷² If legislative procedure was beyond the province of the Mississippi Supreme Court, then it was

⁷⁰ Yarbrough interview; Joe Patterson. Handwritten notes. “Attorney General Correspondence: Joe T. Patterson State Sovereignty Commission 1956” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁷¹ Haynes interview.

⁷² Letter, Joe T. Patterson to Thompson McClellan, March 15, 1966. “Administration of A.F. Sumner: Correspondence 1966” folder, MAGO, Correspondence—General, 1851-1983, box 7639, MDAH.

beyond the powers vested in the state's top lawyer, and Patterson refused to give an opinion even in an innocuous case that expanded those powers.

In another case, Patterson refused to use his office to defend the sheriff and deputy sheriff of Holmes County in a private assault and battery lawsuit against them. Instead, they had to hire a private attorney since Patterson was not authorized by the state legislature to participate in such suits. "This office, of course, is always ready to aid any official of Mississippi in suits brought against that official, particularly in the Federal courts....All suits which are brought seeking an injunction against the enforcement of State laws, or suit brought against State agencies such as the Highway Patrol, are defended by the Attorney General." Although he and his staff would have been "happy to confer with any private attorney," the state could not represent them in this case.⁷³

Patterson's explanation to the president of the board of supervisors in Holmes County repeated that answer: "If this were a suit seeking an injunction against the enforcement of some State statute, or a suit involving the administrative or law enforcement duties of the Sheriff, the situation would be quite different," but "there are certain limitations connected with our representation of county officials."⁷⁴ Such decisions from Patterson's office were commonplace and reflected his hands-off philosophy. He wanted a limited amount of government intrusion in people's lives, and, in that regard, any federal support for the civil rights movement provoked his scorn and suspicion.

⁷³ Letter, Joe T. Patterson to Andrew P. Smith, June 22, 1965. "Correspondence: Circuit Clerks 1965" folder, MAGO, Correspondence—Subject 1931-1980, box 7514, MDAH.

⁷⁴ Letter, Joe T. Patterson to L.C. Johnson, June 22, 1965. "Correspondence: Circuit Clerks 1965" folder, MAGO, Correspondence—Subject 1931-1980, box 7514, MDAH.

Patterson did think the law was the final authority: “It’s not what one man says or another man says....the system and the laws themselves are bigger than we are, and it’s what controls how this country runs.” Patterson

definitely felt he had been elected to defend the laws of the State of Mississippi, and, if those included desegregation, then that’s what he defended. But, when the court decisions went against him, he again was a man of the law and set about to implement those decisions....He was able to find a way to maintain personal principle while doing that which he was elected to do and did it...with some dignity and grace according to those who knew him.⁷⁵

His dedication to the law pushed him to eventually oppose hard-line white resistance because he insisted that he would only defend Jim Crow through legal means; in the face of federal perseverance, the logical outcome of such resistance was extra-legal action.

Due to that stance, Patterson made early enemies in the segregationist camp, but he won over more white allies in the South who recognized that a policy of accommodation could do more to advance the cause of Jim Crow as the civil rights movement took flight. Joseph Crespino has aptly termed the position: “strategic accommodation.” White southerners like Patterson recasted the debate away from an effort to preserve white supremacy at all costs and, instead, utilized “color-blind” language to claim that they were only looking to protect their own freedom. Thus, Patterson concocted an argument that appealed rhetorically to the rest of the nation, kept federal government interference to a minimum, and put himself “in a position to contribute to a broad conservative countermovement.”⁷⁶ If anything, Patterson saw his actual power grow in the face of mounting criticism from hardliners.

His sister, Doug, described the differences between Patterson and those more strictly dedicated to the segregationist cause in terms reminiscent of V.O. Key, making a distinction

⁷⁵ Bill Patterson interview.

⁷⁶ Joseph Crespino. *In Search of Another Country: Mississippi and the Conservative Counterrevolution*. Princeton: Princeton University Press, 2007, p.4.

between “hill” and Delta people. Key argued for a relatively monolithic Mississippi, where “everyone is agreed on the Negro”—a sinister agreement amongst whites that represented “the darker political strains that run throughout the South.” His main caveat was a line that he drew between the “Delta planters and the rednecks.” For Key, these “rednecks” were hill-country folks who were not as dependent upon black labor for their strength. Since they did not have to appease blacks in any way, these “rednecks” could express a more potent racism. As for whites in the Delta, due to their need for black workers, they had to be more solicitous in their race relations.⁷⁷ Key’s description oversimplified the relationships between white people in the state and discounted the possibility that there could be political overlap in their geographical backgrounds, but his work held some truth for those people who themselves recognized and commented on similar distinctions.

Doug Patterson claimed that “hill people, of which I am, and Delta people are so different.” She did not go into much detail about those divisions, but the primary distinction in her eyes seemed to be based on demographics. Doug claimed that whites in the Delta were scared of what would happen once integration started since the population was by far majority black, and she also repeated traditional white assumptions about race in the South. Doug remarked that the public schools had gone down hill since they became mostly African-American, implicitly blaming black people for those conditions.⁷⁸ Nevertheless, there was something going on as diehard segregationists, whether from the Delta or not, began to see Patterson as a threat.

In regards to Patterson’s position, “what you’re seeing is, during the late ‘50s and into the early ‘60s, a kind of an evolution of thought, a shifting, and I think...there’s another

⁷⁷ V. O. Key and Alexander Heard. *Southern Politics in State and Nation*. New ed. Knoxville: University of Tennessee Press, 1984, pp.229-230.

⁷⁸ Haynes interview.

alternative....I don't know that you're seeing a shifting in his thought about things like segregation, but I think you're seeing a shifting in his thought about certain people in the state of Mississippi." His own son, Joe Steadman, had "no doubt" that his dad believed in segregation. He was "a fine man who was flat wrong on that issue...but what you're seeing is a shifting in his attitude towards certain people in the state, and what you may also be seeing...is a hardening of the two camps."⁷⁹ He was a staunch defender of segregation, but Patterson saw weakness in the positions of those who refused to give up any ground for their cause.

Over time, Patterson would grow more vocal about his distaste for the Citizens' Council and its ilk. Despite the fact that the historical evidence has betrayed his early allegiances, Patterson's own children did not know that he had ever been a member of the organization. "This is a guy who was not a member of the Citizens' Council," Bill claimed. "No, Dad wasn't. If he had been a member at one time, he certainly wasn't then....I had a very clear feeling that he did not care for these guys....He was not a Citizens' Council type guy." When revealed, Joe Steadman found it "fascinating" that he had been in the Council because he too had known that his dad was not a fan. "I would be very surprised. I would find that hard to believe."⁸⁰ Later in life, Patterson tried not to advertise that he had been a member of the organization: he kept his last Citizens' Council membership card from 1962, along with some personal papers, stuck upside down and under another document in the back of a folder simply called "The Citizens' Council."

Patterson was not the only one who was becoming uncomfortable with the position of the Citizens' Council. Neil McMillen's classic study of the Council suggests that the State Sovereignty Commission, born from the same massive resistance impulse in the wake of *Brown*,

⁷⁹ Joe S. Patterson interview.

⁸⁰ John Dittmer. *Local People: The Struggle for Civil Rights in Mississippi*. Chicago: University of Illinois Press, 1994, p.218; Bill Patterson interview; Joe S. Patterson interview.

would distance itself from its old ally. McMillen convincingly argues that this move began statewide amongst whites after James Meredith's integration of Ole Miss in 1962. For McMillen, "the state's moderate voices achieved, in the aftermath of the Ole Miss crisis, a degree of saliency unknown for nearly a decade."⁸¹ Yasuhiro Katagiri agrees in his book on the Sovereignty Commission.

Reflecting the attitudes of most white Mississippians, the Commission may have been "determined to resist any meaningful change in the state's racial status quo," but, by the mid-1960s, the political landscape had evolved in conjunction with the drastic advances of the civil rights movement. With that in mind, the organization worked to make whites in the state recognize that, if they were to maintain any significant power in relation to blacks, they must accept some "nonviolent accommodation" of the civil rights movement.⁸² That story repeated itself throughout the South and not just in Mississippi.

Jeff Roche shows how the Sibley Commission in Georgia tried to break the hold of strict segregationists on public policy. Massive resistance legislation had pushed the state into a corner, and it faced having to close its public schools by law rather than integrate. The "restructured resistance" that the Sibley Commission promulgated was "a deliberate new form of defiance" that argued for the acceptance of some token integration—a plan that in the end succeeded in keeping most schools in Georgia segregated. Although Roche claims that this effort went more smoothly in Georgia than in the rest of the Deep South,⁸³ the acceptance of tokenism as a segregationist policy translated into Patterson's increasing strength and into a more effective protection of white prerogatives in Mississippi.

⁸¹ McMillen, *The Citizens' Council*, pp.346-347.

⁸² Yasuhiro Katagiri. *The Mississippi State Sovereignty Commission: Civil Rights and States' Rights*. Jackson: University Press of Mississippi, 2001, pp.xii, 175.

⁸³ Jeff Roche. *Restructured Resistance: The Sibley Commission and the Politics of Desegregation in Georgia*. Athens: University of Georgia Press, 1998, pp.xi, xvii, 99.

Patterson's stance did potentially put his family in harm's way, but he never betrayed any sense of foreboding or danger to his loved ones. Some of that had to do with his personality; he "was a guy who saw the best in people....even the worst of us." In that sense, his own wife "almost felt he was naïve" in his attitudes about some people, especially those who had proven themselves willing to resort to violence in order to defend white supremacy. Patterson did carry a gun with him, though, "not because he was afraid of any black people. He was very concerned about Klan threats made against him when he turned his attentions to implementation of court decisions." Without a doubt, white extremist groups like the Klan would have thought that some of his actions reflected "his subjugation to the federal government," but Patterson was a "man of the law" and acted on his belief that there was "no man above the law" despite the potential repercussions.⁸⁴ Although he never faced violent retribution himself, Patterson understood it was a possibility, while downplaying it to his family.

As his son Joe Steadman Patterson saw it, even if white middle- and upper-class "moderates" weren't "exposed to real violence" by extremists, Patterson and his supporters "certainly would have been ostracized, and they certainly would have been shut out of a lot of opportunities....Someone may not have burned a cross in their yard, but again they would have been ostracized....in terms of politics, business, education, things of that sort." They had to "balance doing what they think is right with the practical concerns." For Patterson, that meant standing his ground while faced with an onslaught of criticism from a staunch, popular segregationist organization like the Citizens' Council, which Pete Daniel distinguished from the

⁸⁴ Bill Patterson interview.

Klan only in its “bed sheet-free veneer of respectability.”⁸⁵ In the end Patterson’s power remained strong while the Council saw its fortunes sink.

With his deeply philosophical nature, Patterson may have had a “sense of destiny.” He likely “regarded himself as this person standing out there alone trying to get it done and do it in the right way.” Passed down from Abb, his sense of right and wrong in the name of gender, racial, and social propriety was a part of his nature. Although a child when his dad died, Bill remains “sure he understood what he was doing, and I’m sure he understood that it was not exactly commonplace to do it the way he was doing it—the way that he had worked it out in his own head and in his own heart as to how you go about doing that. But, I really wonder...the extent that he fully maybe understood the import of his role.”⁸⁶ Knowing something about his personality indicates that Patterson recognized the importance of the moment but would have understated the importance of his own position.

Through it all, Patterson kept a “sense of grace under pressure. It is that sense of not being that or saying that which was simply politically expedient. It is doing what you know is the right thing to do.” As Bill put it:

What neither you nor I can appreciate fully is all of that rhetoric at that time and just this avalanche of feeling...about what was going on and changing the way of life. Yet, here’s a guy, pretty much by himself with his staff who’s arguing the cases, trying the lawsuits, losing every one of them, one by one, and then having to turn right around and make sure that there is legal implementation of court rulings and did it while everyone else was still, I guess, chafing at the bit.⁸⁷

His willingness to stand his ground and accept losses also allowed him in the end to be better able to save face than those who were unwilling to make any concessions. In turn, Patterson’s

⁸⁵ Joe S. Patterson interview; Pete Daniel. *Lost Revolutions: The South in the 1950s*. Chapel Hill: University of North Carolina Press, 2000, p.197.

⁸⁶ Bill Patterson interview.

⁸⁷ Bill Patterson interview.

staying power forced civil rights activists and the federal government to accommodate his own position and helped him to maintain many of the vestiges of Jim Crow.

Speaking of his standing in segregationist circles, Bill wondered whether his dad “fully understood how he stood in relationship to these other people.” Patterson “ended up with a fine reputation because of...maintaining that balance in his life...‘Okay, this is what we’re doing. All of this emotion is erupting around us, but I am going to try these lawsuits. And, I am going to deal with them the way you deal with legal results in a case,’ which nobody was doing.”

Patterson stood his ground while people like Governor Ross Barnett stood at an Ole Miss football game and essentially told the white crowd, worried about the potential integration of their revered institution: “Here we are, and we ain’t ever going to do this”⁸⁸ It was an awkward position for Patterson, but he persevered and managed to craft a new, more potent version of segregation.

At the dawn of the most contemptuous era in Mississippi politics since Reconstruction, Patterson found himself thrown into the fire early. Despite being philosophically and politically aligned at the outset of his career with segregationist watchdogs like the Sovereignty Commission and the Citizens’ Council, Patterson increasingly opposed them over legal issues. At the same time he was beginning four consecutive terms as Mississippi’s Attorney General. While segregation collapsed over the next decade, Patterson had to reconcile his long-held belief in the righteousness of the Jim Crow South with his duty and determination to enforce the law. As he crafted a strategy to deal with that dilemma, he found a growing number of converts to his side. In his study of the diverse responses to a changing southern world, Jason Sokol shows that

⁸⁸ *Ibid.*

most whites were against both the civil rights movement and massive resistance.⁸⁹ Until people like Patterson expressed an alternative vision, there were just limited options available to show their disapproval with either side of the movement.

In this sense, Patterson's story shows that "the struggle for white domination" in the South evolved and responded to the growing success of the civil rights movement, and the movement in turn "molded the articulation of white supremacy and suggested strategies of resistance to it." As Jane Dailey, Glenda Gilmore, and Bryant Simon would suggest, a study of Joe Patterson clarifies our understanding of how white supremacy operated and changed over time.⁹⁰ There was never a static defense of white power, and the complexity of segregationist responses increased the staying power of Jim Crow.

Convinced that the Civil War had determined that the nation's sovereignty superseded that of the states, Patterson rejected notions of interposition and believed in the validity of both federal and state law. During the tumultuous years of the modern civil rights movement, he was convinced that the federal government frequently acted beyond its purview, but, ultimately, he thought that the states were subject to the dictates of the federal government. The problem was how he, as Attorney General, could uphold segregation in the face of mounting federal decisions and national public opinion that declared "separate-but-equal" unconstitutional and inhumane. He would be forced to deal with that problem early and often in his career as Attorney General, particularly with the integration of the federally-run Veterans Affairs (V.A.) hospital in Jackson. This was the "Mississippian's dilemma" that confronted all white southerners who wanted to maintain law and order as well as segregation. Patterson never perfected the juggling act, but, as

⁸⁹ Jason Sokol. *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945-1975*. New York: Alfred A. Knopf, 2006, p.4.

⁹⁰ Jane Dailey, Glenda Gilmore, and Bryant Simon. "Introduction" in *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights*, eds. Jane Dailey, Glenda Gilmore, and Bryant Simon, pp.3-6. Princeton: Princeton University Press, 2000, pp.3, 5.

much if not more so than anyone else, he succeeded in preserving the lion's share of white power.

Chapter 2

Brown and the Sovereignty Commission

When the U.S. Supreme Court handed down its *Brown v. Board of Education* decision, segregationists throughout the South announced a call to arms. In Mississippi, a circuit court judge, Tom P. Brady, branded the day “Black Monday,” denouncing a decision that he was obliged to uphold and upbraiding a court he answered to. Simultaneously, in the small Mississippi Delta town of Indianola, Robert “Tut” Patterson formed the first Citizens’ Council—a private, middle- to upper-class group destined to lead the struggle to maintain segregation.¹ In order to aid the Council’s efforts to hold back the steady triumphs of the civil rights movement, the state of Mississippi created its own segregationist group to join the cause for Jim Crow.

On March 29, 1956—two years after “Black Monday”—and with a biennium of \$250,000, the Mississippi legislature created the State Sovereignty Commission, whose purpose was “to protect the sovereignty of...Mississippi...from encroachment thereon by the federal government.”² Along with investigating civil rights activities, the Commission engaged in a propaganda campaign that was designed to obscure the reality of race relations in the state. Its agents like Hal DeCell downplayed racial tensions and highlighted the progress made by African Americans while under the duress of Jim Crow. DeCell himself traveled to the National Editorial Association to distribute a pamphlet entitled “Don’t Stone Her Until You See Her Side,” encouraging people not to rush to judgment about Mississippi. At the behest of the

¹ Neil R. McMillen. *The Citizens’ Council: Organized Resistance to the Second Reconstruction*. Chicago: University of Illinois Press, 1994, pp.16-25.

² Yasuhiro Katagiri. *The Mississippi State Sovereignty Commission: Civil Rights and States’ Rights*. Jackson: University Press of Mississippi, 2001, p.6.

Citizens' Council, the Commission propagated such messages to various television and radio programs throughout the country.³

The Sovereignty Commission proved to be an important, state-mandated ally in the cause to maintain white power, and the Citizens' Council welcomed the state agency into the segregationist fold. Writing to Ney Gore, who had been named the first executive director of the Commission, Tut Patterson remarked on the large number of members they had in common and encouraged Gore to call on him any time in the effort "to maintain states rights and racial integrity." In turn, Gore affirmed that the Council's support would "be invaluable to us" and established an "informal coalition" with deep pockets and racist motives.⁴

Inaugurated for his first term as Mississippi's Attorney General just two months before the launching of the Sovereignty Commission, Joe Patterson (no relation to Tut) had to officially defend the state's Jim Crow laws. A card-carrying member of the Citizens' Council and an *ex officio* officer of the Sovereignty Commission for most of his career, Joe Patterson had impeccable segregationist credentials, while some prominent segregationists claimed official affiliation with neither group. Mississippi's U.S. Senators, John Stennis and James Eastland, both declined to join the Council.

In a letter to prominent Council leader W.J. Simmons, Stennis apologized and said that both he and Eastland had decided that it was better for the segregationist cause if they did not officially join the Council "but at the same time...support them, advise with them and undertake to represent their full purposes." Although they sympathized with the Council's cause, they thought they could fight for Jim Crow on a national level more effectively if their enemies could

³ Ney Gore. *A Report on the Actions of the Sov. Commission from June 1, 1956 to the Present*. "Civil Rights Material" folder, Abernethy Papers, Box 273, Ole Miss, pp.1.

⁴ SCRID # 99-40-0-152-1-1-1: Letter, Robert B. Patterson to Ney M. Gore, Jr., June 15, 1956, MDAH; SCRID # 99-40-0-151-1-1-1: Letter, Ney M. Gore, Jr., to Robert B. Patterson, June 19, 1956, MDAH; SCRID # 99-13-0-4-3-1-1: SC, *Minutes*, June 20, 1956, MDAH.

not point to membership in the Council as evidence of their bias. Disappointed that the Senators refused to join, Simmons put in one last plug by pointing out “that a number of Senators and Congressmen and other prominent officials are active directors of the NAACP.”⁵ For his part, Joe Patterson worked with both the Council and the Sovereignty Commission, and he defended them and their officers in their mission.

At a meeting of the Meridian Citizens’ Council, Patterson intoned: “The Citizens Councils of Mississippi are not a race-hatred organization. The best friends the Mississippi Negro has ever had will be found among Citizens’ Council membership.” Going on to condemn the Supreme Court and the NAACP in one breath, he claimed that the *Brown* decision was the product “of Left-winged, self-styled sociologists and psychologists” while “the record of the NAACP shows it to be a hate-mongering, radical organization” endorsed by the Communist Party.⁶

During that speech in Meridian and in defense of segregated schools and efforts to equalize black education, Patterson showed how the state had spent more than \$15 million on black schools alone between 1955 and 1956. He then went on to condemn a civil rights bill before Congress, which he testified against in Washington, D.C. Patterson worried that the law would give the U.S. Attorney General “unprecedented power to harass and brow-beat the people of the South at will,” and he proclaimed:

I do not think that our forefathers who made such great sacrifices to lay the foundation of the State of Mississippi as you and I know it today lived and died in ignorance of the Christian way of life, and I resent any group or individual telling me that their way of life was Un-Christian. I know that the people of Mississippi prefer the Christianity of our forefathers, their way of life, their philosophy of government, their ideals and principles of democracy rather than that of so-called

⁵ Letter, John Stennis to W.J. Simmons, January 24, 1956. Folder 6, Stennis Papers, Box 7, MSU, p.1; Letter, W.J. Simmons to John Stennis, January 30, 1956. Folder 6, Stennis Papers, Box 7, MSU.

⁶ Joe Patterson. *Extracts from Speech of Joe T. Patterson before Meridian Citizens Council*. Undated. “Subject Files: Citizens’ Council 1 of 2” folder, MAGO, Subject Files, 1924-1979, Box 7574, MDAH, pp.1-4.

self-styled liberals, Leftwingers, starry-eyed psychologists and sociologists and others who have decided that the American way of life is all wrong.⁷

It was the type of speech that the Citizens' Council crowd would have met with great approval and that Patterson repeated often throughout his career.

Patterson's relationship with Ney Gore and the Sovereignty Commission was equally strong from the start, considering that the Attorney General defended Gore's legal right to accept the Commission post to begin with. When questions were raised about Gore's holding two separate offices at the same time, Patterson saw no conflict. Gore also served in the state legislature, and some were concerned that that fact might open the door for a legal challenge of the Commission's work since it was against the law to hold two public offices simultaneously. In Patterson's mind, Gore could accept the \$7,200 salary as the organization's director because it was a job and not an elected office. Soon after, Gore thanked Patterson for his support: "I want to assure you that I shall do everything within my power to show, not only you, but also everyone in the State, that your confidence in me was not misplaced." Gore then invited him to stop by any time at the Commission's new offices opened in the state capitol.⁸

Despite his close relationship with segregationist watchdogs, Patterson was a straight-laced man of the law, which made for an awkward situation at times. Philosophically and politically aligned with the Sovereignty Commission and the Citizens' Council, he stood increasingly in opposition to their strategies, especially outdated notions of interposition and nullification that attempted to deny the authority of the federal government over state power. It was a difficult position for him to stand by. Even the Mississippi State Bar Association formed a

⁷ Patterson, *Extracts from Speech*, Undated. MAGO, Box 7574, MDAH, pp.5-7.

⁸ Letter, Kelly Hammond to Joe Patterson, May 17, 1956. "Attorney General Correspondence: Joe T. Patterson State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Joe Patterson to Kelly Hammond, June 6, 1956. "Attorney General Correspondence: Joe T. Patterson State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Ney Gore to Joe Patterson, May 22, 1956. "Attorney General Correspondence: Joe T. Patterson State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

“Committee on Maintenance of Constitutional Rights of the States and of Individuals” to study and renounce the Supreme Court’s *Brown* decision.⁹ Sensitive to legal arguments, Patterson felt defiance of federal statutes and orders weakened segregationist claims since it depended on breaking the law in the name of the white southern way of life. At the same time he was beginning four consecutive terms as Mississippi’s Attorney General.

Along with his good friend, J.P. Coleman, who had just been inaugurated the state’s Governor, Patterson began mapping a path that steered between the forces of stringent segregation and acquiescence to federal dictates. He took some of his cues directly from Coleman, whose platform as Governor reflected those same efforts to find some middle ground to stand on. Trying to answer concerns that hard-line resistance would force public schools in the state to close rather than desegregate, Coleman promised: “As in all times past, I will be a TRUE FRIEND to ALL our educational efforts. There will be no necessity to abolish the public schools, nor will there be any mixing of the races in any of the state-operated educational institutions....This is no task for the amateur or the hothead [original emphasis].” He also saw no room for separatist politics:

I am a Democrat. I shall take no foolishness from any National Level politicians who are enemies of the South. At the same time, I most certainly shall do nothing to give aid or comfort to the Republican party which has proven in so many ways that it, too, continues to be unfriendly to the South. I shall not spend my time trying to remedy what is wrong with the United States; I think the chief duty of a Governor is to try to correct what is wrong in his own state. That is true state’s rights.¹⁰

Shared by Patterson, Coleman’s message tried to pave that middle road at the 1956 Democratic National Convention in Chicago.

⁹ *Report of Committee on Maintenance of Constitutional Rights of the States and of Individuals, Mississippi State Bar 1955-1956*. “Attorney General’s Correspondence: Miss. State Bar Code Study Committee 1958” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

¹⁰ J.P. Coleman. *A Program of Progress: The J.P. Coleman Platform for Governor*. “Coleman, J.P. (1/2) 1950-1959” folder, Minor Papers, Box 2, MSU, pp.2, 3.

Standing up for arguments they had made in 1948 and 1952, Coleman and Patterson went to the 1956 Convention as Delegates-at-Large, intending to keep the Mississippi delegation loyal to the Democratic Party's nominee for president. Those concerns prompted national leaders to seek help from the Governor in particular. Trying to win the vice-presidential nomination, John F. Kennedy wrote to Coleman after reading newspaper reports from Mississippi that whites in the state did not like Kennedy's candidacy because of his supposed "anti-Southern attitude." Kennedy hoped to correct that perception. Affirming the fact that, in representing Massachusetts, he would occasionally have to take certain stands that would put him in conflict with white interests in Mississippi, Kennedy nonetheless assured Coleman that that was to be expected and that he had nothing but the utmost respect for all of the South and its representatives. "I have no doubt that we will differ on many issues from time to time, but this will not affect my high esteem for your ability or my gratitude for your kindness to me in Chicago."¹¹ When Kennedy looked to gain the presidential nomination for the next election, he travelled to Mississippi to convince voters there that he had their best interests at heart.

By 1957, Kennedy already looked like the frontrunner for the Democratic presidential nomination, and he came to Jackson to give a speech to the Young Democrats of Mississippi. Not long after the events at Little Rock Central High School, where President Eisenhower had sent federal troops to enforce a court order to integrate, a lot of people in the crowd were wondering what Kennedy had to say, and the chair of the Republican Party in the state had directly challenged him to state his position on the desegregation of public schools. During his speech, Kennedy said he did not agree with everyone in the South or in Boston for that matter in regards to its racial traditions, but the one thing he did support was the Supreme Court as the law

¹¹ Letter, John F. Kennedy to J.P. Coleman, November 1, 1956. "Civil Rights 11-1-56 – 8-30-57" folder, Sorensen Papers, Box 9, JFKL, pp.1, 2.

of the land. He believed that law and order must be preserved and that the *Brown* decision must be respected.¹²

Kennedy could not have expected much of a positive response at that moment, but he then turned the tables on the state's GOP chair and demanded to know "'where he stands on Eisenhower and Nixon.'" That did it. The crowd burst into applause and cheered the senator to the rafters." After that point, Kennedy won over some important Mississippi endorsements, including Joe Patterson, who would travel with the nominee on campaign stops throughout the state, and Governor Coleman, who would say afterwards, "'I think he is our best presidential prospect for 1960.'" ¹³ It was a trip meant to keep southern Democrats loyal to the national party, and it seemed to work. He had the support of men like Coleman and Patterson, both of whom were segregationists who would regret that decision and later try to distance themselves from the Kennedy family.

In 1956, other Democratic Party leaders were not so sure they should trust Mississippi's Democrats. Joseph Rauh, who would head the Mississippi Freedom Democratic Party's legal efforts to unseat the state's regular delegation at the 1964 Convention in Atlantic City, wanted to see what he called the "True Democratic Party of Mississippi" seated at the 1956 Convention. Rauh claimed that the "True Democrats" had "certified...a list of legally-elected delegates and alternates to the 1956 Democratic National Convention" who promised to support the Party's national candidates. Rauh further argued that the Party "is morally, politically and legally bound to seat this True Democratic delegation in their contest with the Eastland-Sillers group chosen by the so-called Mississippi Democratic Party." In Rauh's mind, the Eastland-Sillers contingent—referring to U.S. Senator James Eastland and Speaker of the State House of Representatives

¹² *Providence Journal*. "Senator Kennedy Turns the Tables in Jackson, Miss." November 2, 1957. "Civil Rights 9-10-57 – 3-24-58" folder, Sorensen Papers, Box 9, JFKL.

¹³ *Providence Journal*, "Senator Kennedy," November 2, 1957, Sorensen Papers, Box 9, JFKL.

Walter Sillers—consisted of right-wing conservatives who more than likely were going to bolt from the Democratic Party.¹⁴

Rauh described twelve individuals as leaders of that Eastland-Sillers group, including “Joseph Patterson: 1956 marks first participation in national political scene; leader of movement to recess 1956 State Convention.” As Rauh argued, Patterson called for an abbreviated state convention so that Mississippi’s delegation would not commit itself to the Party’s nominee. Instead, Patterson wanted to go to Chicago, see what would happen, and then reconvene to decide whether or not to support the national ticket. To prove his point, Rauh quoted Patterson from a Jackson newspaper: “I feel certain that we are not going to be satisfied with the deal handed us in Chicago....The South can expect little consideration at the hands of left-wingers who are out to crucify Mississippi.” It was all part of what Rauh called a “conspiracy to violate the Constitution of the United States,” especially through the continued denial of political access to African Americans.¹⁵

Rauh’s efforts ultimately failed, and the original delegation from Mississippi would be seated. He may have also misinterpreted Patterson’s position. Although Patterson had a strong relationship with both Eastland and Sillers, he never campaigned to leave the national Democratic Party but, rather, encouraged the opposite. He may not have had much faith in national leaders in regards to their racial politics, but he understood that his best chance to maintain Jim Crow at all was to walk a tight rope between them and the forces of hardcore segregation at home. Once again, Patterson looked to Governor Coleman for an example.

In his 1956 inaugural address, Coleman referenced Reconstruction and linked current problems to those of the late 19th Century. “So I say to you, the Members of this joint assembly,

¹⁴ Memorandum, Joseph Rauh, *The Case for Seating the True Democrats of Mississippi*. “Democratic Party, Democratic National Convention 1956, 1955-1956” folder, Rauh Papers, Box 29, LOC, p.1.

¹⁵ Memorandum, Rauh, *The Case*, Rauh Papers, Box 29, LOC, pp.5, 6, 8; *Clarion-Ledger*, July 17, 1956.

that probably more than at any other time since 1876, the people need you; they realize they need you.” One of his most important goals was to increase spending on public education in an effort to equalize black and white schools, where he noted that, in 1954, white teachers made \$2,447 and black teachers just \$1,184.¹⁶ Equalizing teacher pay was not his ultimate goal, but, by making the first legitimate state effort to provide a separate-but-*equal* education for blacks, Coleman hoped to avoid enforcement of the Supreme Court’s *Brown* decision.

As Coleman envisioned it, the problem was not segregation itself as the Court had declared it to be in *Brown*. In fact, he argued that segregation had been proven through “the experience of ninety years...to be for the welfare of all concerned.” Addressing the entire nation, Coleman vowed to stand by his campaign pledge to keep public schools open and to defy any integration, confident that in four years segregation would still be healthy in Mississippi for his successor. In the wake of Emmett Till’s brutal murder and his killers’ acquittals, Coleman also assured the nation “that during the next four years the full weight of the government will unfailingly be used to the end that Mississippi will be a State of law and not of violence [original emphasis]....The white people of Mississippi are not a race of negro killers.” Although he was dedicated to segregation and emphasized the existence of *de facto* segregation in the north, he tried to assuage the concerns of black Mississippians by promising to address their “problems which deserve the assistance of the state government.”¹⁷ True to at least part of his pledge, public school segregation was indeed intact, as it was for virtually the entire South, when Coleman left office in 1960.

On another topic of great concern to the staunchest advocates for Jim Crow, the state legislature requested that the newly-elected governor speak about the antiquated philosophy of

¹⁶ J.P. Coleman. *Inaugural Address of Governor J.P. Coleman, Tuesday, January 17, 1956*. “Coleman 1956-1957” folder 8, Toler Papers, Box 1, MSU, pp.2, 8.

¹⁷ Coleman, *Inaugural Address*, Toler Papers, Box 1, MSU, pp.11, 13, 14.

nullification. Coleman agreed and turned to his friend and historian, James Silver, for assistance. Revealing his feelings on the matter, Coleman told him: “I do not want to put excess labor upon you, but if you can help me again lay this ghost [to rest], now almost a hundred years after its final death, I shall be deeply grateful.” Silver responded the next day and said he would be happy to help.¹⁸

Coleman’s uneasiness with interposition—again something that Patterson acutely felt as well—was not as surprising as his relationship with Silver, who became famous after the Meredith Crisis at Ole Miss in 1962 for his support of the school’s first black student. In 1956, Silver was already on the Sovereignty Commission’s radar for some racially progressive remarks he had made at a speech in Jackson, Tennessee. The state’s Board of Trustees of Institutions of Higher Learning had resolved earlier in the year “to confer with the State Sovereignty Commission for the purpose of informing them that this Board will be glad to cooperate in any way possible with the new Commission.”¹⁹ That apparently included funneling them information about the Ole Miss historian, but that fact did not dissuade Coleman from looking to Silver for analysis on a topic that was quite controversial—analysis that no doubt stood in stark contrast to what many state legislators wanted to hear.

Less than a year into his first term, Coleman asked Silver again for assistance with a speech the Governor was set to give before the Mississippi Historical Society on “The Origins of the Constitution of 1890.” Silver’s next-day response expressed a desire to help in any way possible. He was just glad that someone in the Governor’s position would give such a

¹⁸ Letter, J.P. Coleman to James Silver, December 19, 1955. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss; Letter, James Silver to J.P. Coleman, December 20, 1955. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss.

¹⁹ Minutes, Board of Trustees of Institutions of Higher Learning, May 17, 1956. “Board of Trustees v. Silver 1964 related correspondence, misc.” folder 4, Silver Papers, Box 20, Ole Miss; Minutes, Board of Trustees of Institutions of Higher Learning, October 18, 1956. “Board of Trustees v. Silver 1964 related correspondence, misc.” folder 4, Silver Papers, Box 20, Ole Miss.

professional paper and had already talked to Charlotte Capers, director of the Mississippi Department of Archives and History, about the speech. They were putting materials together for Coleman to look over.²⁰

When Silver wrote back a week later, he informed the Governor that “it was corruption among the whites, dangling for Negro votes, from 1875 to 1890 that was the basic cause of the calling of the convention.” As Silver saw it, when a farmer’s movement came about and the one-party system was threatened by the Populists, then the black vote became important, and the constitutional convention of 1890 was meant to suppress that vote.²¹ While that view of Reconstruction history is generally accepted today, it would have been much more controversial in Mississippi in 1956.

Less than a year later, Coleman defended the state before a national audience. While at the National Conference of Governors, Coleman was invited to appear on NBC’s *Meet the Press* in a roundtable interview. On the show, Coleman defended the Citizens’ Council and segregation, and he “vowed that no person alive in Mississippi today will live long enough to see the state’s schools integrated.” When the interviewer, Lawrence Spivak, noted that only 7,000 blacks voted in the last election even though there were nearly one million black voters in the state, Coleman avoided the issue and stated blankly that “I think that the great majority of them are not yet ready to vote.” Somewhat taken aback, Spivak then pushed the Governor on the difference between the Ku Klux Klan and the Citizens’ Council. Coleman emphasized that he was not a member of the Klan, so he could not speak to its intentions, and that, to his knowledge,

²⁰ Letter, J.P. Coleman to James Silver, December 10, 1956. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss; Letter, James Silver to J.P. Coleman, December 11, 1956. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss.

²¹ Letter, James Silver to J.P. Coleman, December 18, 1956. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss.

there was no Klan in Mississippi—an assertion that few people even in Mississippi would have seen as credible.²² Other members of the panel quickly turned on the Governor.

Asked directly if he belonged to the Citizens' Council, Coleman answered, "I am not a member of the Citizens' Council, and I have never been a member of the Citizens' Council, but that does not mean I disapprove of the objectives of the association." When Coleman asserted that there had not been any racial violence in Mississippi, Richard Wilson of the Cowles Publications asked him about the murder of Emmett Till, but Coleman dismissed the Till case since he was not the Governor then. Wilson pointed out that he was the Attorney General, which Coleman could not deny.

I was and arranged for the special prosecution of those defendants. Now it's an interesting thing, of course, to see that there are those in the country who would like to make a second John Brown out of Emmett Till. The facts remain, however, that I believe the people of America as a whole, are fair minded enough not to convict people by association when they knew nothing about anything that may have happened or that was going to happen or had nothing to do with it.

Coleman then referred to the confessions that Till's murderers gave to *Look* magazine as "hearsay testimony."²³

Finally, Spivak pressed Coleman on *Brown* and whether the state intended to enforce the Supreme Court's decision. The Governor was quick to respond that "technically" the state had not violated any court orders as of yet because no blacks had tried to desegregate any school in Mississippi. Thus, there had not been an opportunity to see what the state's official response would be when confronted with the reality of public school desegregation. At best avoiding the issue and once again referring to what he saw as the evils of Reconstruction, Coleman blamed

²² *Jackson Daily News*. "JP Lauds Citizens Council, Wins Video Bout for State: 'No Child Today Will Ever Face Integration.'" June 24, 1957. "Coleman 1956-1957" folder 8, Toler Papers, Box 1, MSU.

²³ *Jackson Daily News*, "JP Lauds Citizens' Council," Toler Papers, Box 1, MSU.

the entire situation on forces other than the racism of the state's white population.²⁴ These were not easy questions, and the strategies for getting around them, even through some circuitous logic, would have to be invented by the likes of J.P. Coleman and Joe Patterson.

Patterson faced nearly identical dilemmas as Attorney General, and his allegiances would be tested early in his first term. Nearly a decade after the armed services had desegregated, the American government saw fit to integrate the institutions that cared for its veterans—a federal action that contradicted the segregationist directives of the Sovereignty Commission and Citizens' Council.²⁵ When the federal government ordered the V.A. hospital in Jackson to be integrated, Mississippi's newly minted Attorney General found himself at the center of a major controversy.

Not long after the federal decision was announced, a prominent Jackson businessman and segregationist, Ellis Wright, wrote to Patterson. Wright was the president of the Jackson Citizens' Council and owned the Wright and Ferguson Funeral Home in town. Deeply bothered by the V.A. integration, he not only wrote to Patterson but sent a letter to every member of the Sovereignty Commission:

It seems to us that for our own government to take advantage of a War Veteran's disabled or dependent condition and compel him or her to submit to the most intimate sort of racial integration is unfair and un-American in the extreme....no Mississippian ought to be forced to submit to racial integration on Mississippi soil...all of us should work together just as hard to accomplish our objectives as the NAACP worked to accomplish theirs.²⁶

Wright did not want any excuses but insisted that the state jump into action to defend the rights of its white veterans.

²⁴ *Ibid.*

²⁵ Morris J. MacGregor, Jr. "Integration of the Armed Forces: 1940–1965." May 2, 2001: n. pag. November 10, 2003. <http://www.army.mil/cmh-pg/books/integration/IAF-FM.htm>.

²⁶ Letter, Ellis Wright to Joe Patterson, August 1, 1956. "Attorney General's Correspondence: Joe T. Patterson Subcommittee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

Yet, Patterson was not sure that there was much room for the state to step into the matter. While he agreed on many points, Patterson wrote back to Wright and pointed out that the V.A. “as you know, is exclusively a Federal owned and operated institution; therefore, the State has no legal authority to exercise any jurisdiction thereof.” Patterson did say that he planned to meet with the Sovereignty Commission to discuss their options, but he was not convinced that there was much to be done.²⁷ Still, other Commission members did take up the cause.

Prompted by Wright’s letter, Earl Evans—the president pro tempore of the Mississippi State Senate and a Sovereignty Commission member—wrote to Ney Gore and suggested several ways the Commission could protect white veterans. First, he proposed an investigation to inspect the orders to integrate the hospital and to determine how it was actually run, which would include interviewing released patients in order to evaluate the psychological repercussions of whites’ sharing a hospital with blacks. He also wanted the Commission to look into how much money it would cost to run a state-sponsored segregated hospital for its veterans. With that information, he thought they could create “a course of action” to deal with all potential scenarios. “If we fail to take aggressive action in this matter we are not only displaying a serious inconsistency in our girth [sic] to maintain segregation but we are actually violating a portion of the intent of the Legislature in creating the State Sovereignty Commission.”²⁸ In Evans’ mind, it would be against state law for the Commission to stand idly by.

Intrigued by Evans’ suggestions, Gore thought he would ask the opinion of two other people before sending them to the entire Commission. “It seems to me that if the Sovereignty

²⁷ Letter, Joe Patterson to Ellis Wright, August 11, 1956. “Attorney General’s Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

²⁸ Letter, Earl Evans to Ney Gore, August 2, 1956. “Attorney General’s Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

Commission takes any action it should be with extreme caution and care, so that the Commission's position can be so firmly established that it will be completely unassailable." With that said, Gore sent Evans' proposal to W.S. Henley, a member of the Commission's steering committee, and to Joe Patterson.²⁹

Sitting at his desk on August 8, 1956, Patterson penned his reply to Gore and echoed the sentiment he shared with Wright. In a move that probably surprised many members of the Commission, Patterson declared that the state had no legal means of averting the hospital's desegregation. Patterson agreed with Evans' goals, but he saw problems when it came to the V.A. and any investigation of it. "We are met at the very threshold of this matter with the fact that the VA Hospital is strictly a Federal institution, and, therefore, we, as a State agency, have no authority to conduct an investigation of this institution." Although Patterson thought it would be okay to interview former patients, the notion that the state could operate a segregated hospital for veterans was not feasible.³⁰ In fact, he knew that it would be all but impossible.

As he told Gore, the primary problem was that, in order for disabled veterans to receive federal assistance, they had to report on a regular basis for check-ups at a sanctioned V.A. hospital. Otherwise, their money would be cut off. "I mention these various factors to be considered on account of my personal knowledge of the administration of the VA, having worked with the VA immediately after my discharge from the service." Patterson did hope that

²⁹ Letter, Ney Gore to Earl Evans, August 3, 1956. "Attorney General's Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Ney Gore to Joe Patterson, August 3, 1956. "Attorney General's Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

³⁰ SCRID # 2-77-0-11-1-1-1: Letter, Joe Patterson to Ney Gore, August 8, 1956, MDAH; Letter, Joe Patterson to Ney Gore, August 8, 1956. "Attorney General's Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

the Sovereignty Commission could meet as soon as possible to further discuss the matter, but, in this case, he saw few options for the state to thwart the federal government's intent.³¹

Gore reported Patterson's opinion to Evans and the rest of the Sovereignty Commission. Although the Attorney General had advised them not to hold a formal investigation of the V.A., Governor Coleman appointed a subcommittee to look further into the matter on behalf of the Commission. The group included three members: Patterson as chair, Evans, and state representative William H. Johnson of Newton County. If an investigation was going to move forward, Patterson suggested at least talking to "the State Commanders and State Adjutants of the American Legion, the VFW [Veterans of Foreign Wars], and the DAV [Disabled American Veterans], together with the Commanders of the Jackson posts of these organizations" to get their opinions on the situation. Patterson also thought it was a good idea to include Robert Morrow, the state's Treasurer, to discuss whether funding a segregated V.A. was even realistic.³² In Patterson's mind, these people could show beyond the shadow of a doubt that resisting the federal government in this situation was a dead end, and, for his efforts, Patterson garnered some support but reaped a lot of intense criticism.

Not surprisingly, the Citizens' Council voiced its disapproval and issued a press release about the integration of the V.A. hospital. In it, the Council decried the plight of R.G. Beckwith, a white veteran whose wife had to share a ward with blacks. Although the manager of the hospital in Jackson, A.W. Woolford, claimed that she was near African-American patients but could not see them from her bed, the Council did not find that situation acceptable and pointed

³¹ SCRID # 2-77-0-11-1-1-1: Letter, Patterson to Gore, August 8, 1956, MDAH; Letter, Patterson to Gore, August 8, 1956, Box 7516, MDAH.

³² Letter, Ney Gore to Earl Evans, October 3, 1956. "Attorney General's Correspondence: Joe T. Patterson Subcommittee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Joe Patterson, *Attorney General Sub-committee Report*, May 8, 1957. "Attorney General's Correspondence: Sovereignty Commission 1957-1960" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

out that, at this point in time, only the barbershops remained segregated. Woolford tried to displace the blame. “Integration of patients is a federal policy. I’m on the federal payroll to carry out federal orders, and I’ll carry out those orders or get off the federal payroll.” And, the Citizens’ Council did see a clear culprit in the federal government. While the integration of V.A. hospitals supposedly began in 1946, a gentleman’s agreement in D.C. had maintained the racial norms of the South until President Dwight Eisenhower issued the desegregation order in 1953.³³ The Council was always quick to point out what it saw as the abuse of federal authority.

On May 16, 1957, the executive committee of the Association of Citizens’ Councils of Mississippi adopted a formal resolution opposing the integration of the V.A. hospitals. The declaration accused the federal government of seeking “to humiliate our helpless war veterans with a deliberate racial integration of wards in all Veterans Administration hospitals,” and it surmised that “the humiliation of integration” would result in permanent psychological damage for these veterans. The leaders of the Mississippi Council pleaded with the federal government to allow states to control the operation of V.A. hospitals, and, if that did not happen, they asked Congress to pass legislation granting that power to the states.³⁴

Most southern legislators were sympathetic to the Council’s plea. U.S. Representative Thomas Abernethy, who grew up in Joe Patterson’s birthplace of Eupora and represented Mississippi’s first congressional district, responded directly to the Council’s resolution, which had been sent to him. In complete agreement, he noted that southern delegates to Congress had been trying for some time to get such legislation passed; they just did not have the votes to do so, and President Eisenhower simply ignored their pleas. Abernethy pledged, however, to continue

³³ Press Release, *JACKSON VA HOSPITAL INTEGRATION*, August 9, 1956. “Citizens Council 1950-1957” folder 6, Toler Papers, Box 1, MSU.

³⁴ Executive Committee of the Association of Citizens’ Councils of Mississippi, “A Resolution,” May 16, 1957. “Assn. of Citizens’ Councils of Miss.—Civil Rights” folder, Abernethy Papers, Box 246, Ole Miss.

the fight against “the present horrible conditions existing not only in our hospitals but in many of the schools of the country.”³⁵ Close friends with Patterson, Abernethy expressed a sentiment that the Attorney General shared and echoed the notion that this was a bad situation with few good answers for white Mississippians, who often responded with scorn.

When Patterson asked T.K. Stapleton’s opinion about an integrated hospital, the department service officer of the V.A. freely shared his concerns. Stapleton declared: “In the first place, the great majority of the combat veterans are white men, and it was because of the combat veterans’ service that all the hospitals are built.”³⁶ He of course ignored the thousands of black veterans who had served in battle during both world wars as well as those who were not on the front lines only because the racist practices of the armed services relegated them to subservient positions. Stapleton also overlooked the fact that people need not face combat to need medical attention, but he expressed a feeling that many other white Mississippians sympathized with.

After Patterson gave an address at Greenville High School on the topic, Lloyd Kilpatrick wrote to the Attorney General and expressed his deepest displeasure. He called Patterson a traitor who secretly wanted to see desegregation come to pass and accused him of doing “exactly what you told us that we must not do. That is, sacrifice our principle for the Federal Dollar.” Patterson pointed out that most veterans and the organizations that represented them shared his opinion, and he added: “I respectfully disagree with any statement to the effect that I, or any

³⁵ Letter, Thomas Abernethy to “Friends”/Association of Citizens’ Councils of Mississippi, May 28, 1957. “Assn. of Citizens’ Councils of Miss.—Civil Rights” folder, Abernethy Papers, Box 246, Ole Miss.

³⁶ Letter, T.K. Stapleton to Joe Patterson, May 13, 1957. “Attorney General’s Correspondence: Sovereignty Commission 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Joe Patterson to T.K. Stapleton, May 14, 1957. “Attorney General’s Correspondence: Sovereignty Commission 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

other member of the Sovereignty Commission, endorse or approve an integrated hospital.”³⁷

While they may not have liked the planned integration of the V.A., most veterans’ groups could not see many other options.

D.R. Patterson (no relation to the Attorney General) served as the state commander of the D.A.V. and thanked Patterson for all he was doing, but he was concerned about the long-term effects of the V.A. proposal. “The integration of patients may be and we honestly believe it is, working against the best available mental attitude of all our veterans, which does not help in the recovery of a patient.” Yet, D.R. Patterson did not see any way around it. There was a need for a new V.A. hospital, and they had to do the best they could. He did hope to have “a study of the recuperative powers of a patient when he is subjected to a mental disturbance,” but, in his mind, “we still maintain that this [an integrated V.A.] is our only possible solution to insure the best medical care for all veterans.”³⁸ It may have been a lukewarm acceptance of the realities of the situation, but it did indicate a willingness to do the best with what D.R. Patterson saw as adverse circumstances.

Some of the strongest support came from other veterans’ organizations that had been trying to bring a new V.A. to Mississippi for years. The American Legion Post in Indianola—the birthplace of the Citizens’ Council—passed a resolution in support of building an integrated hospital in Jackson. “We continue our historic stand in favor of disabled veterans by urging the location in Mississippi of a new veteran’s hospital, and we do so without retreating from our

³⁷ Letter, Lloyd Kilpatrick to Joe Patterson, May 11, 1957. “Attorney General’s Correspondence: Sovereignty Commission 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Joe Patterson to Lloyd Kilpatrick, May 14, 1957. “Attorney General’s Correspondence: Sovereignty Commission 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

³⁸ Letter, D.R. Patterson to Joe Patterson, May 14, 1957. “Attorney General’s Correspondence: Sovereignty Commission 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

historic and well known position that there should be segregation of the races.”³⁹ In their eyes, an integrated hospital was not incompatible with their dedication to Jim Crow.

In all, the subcommittee heard testimony from the members of twelve veterans’ groups. “All of these gentlemen stated to the sub-committee that they and their organizations definitely wanted a Veterans’ hospital erected in Mississippi. Of course, none of these representatives of Mississippi veterans advocated or wants an integrated hospital.” Yet, those groups realized that all veterans must go to a V.A. to claim their benefits, and, if there was not one in Mississippi, then they would have to leave the state to find one. “This matter boils down to only one question, and that is, whether the Mississippi veteran is to have a hospital in the State of Mississippi to which he can go, or whether the Mississippi veteran is to be compelled to go outside the State of Mississippi to any Veterans’ hospital that the Veterans’ Administration might direct him to report to.” Patterson felt that the answer was easy: under such circumstances, all veterans preferred a V.A. within the state.⁴⁰

Furthermore, Patterson attacked those naysayers who did not want to budge one inch on the issue, and he declared that, if anyone

would condemn the Sovereignty Commission for following the request and recommendation of the representatives and spokesmen for every Veterans’ organization in Mississippi...let them say so—as for myself, I concur in and follow the recommendation of the Mississippi Veterans’ organizations, and in doing so I know that I am not condoning, embracing or knuckling under to any form of integration.⁴¹

³⁹ *Resolution—Indianola Post No.2, The American Legion of Mississippi*, May 24, 1957. “Attorney General’s Correspondence: Sovereignty Commission 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁴⁰ Patterson, *Attorney General Sub-committee Report*, May 8, 1957, Box 7516, MDAH.

⁴¹ *Ibid.*

His point was obvious. The acceptance of a limited amount of integration could be in the best interests of white Mississippians and did not mean that they supported any kind of substantive changes to the racial status quo.

In the end, the Sovereignty Commission did side with the various veterans' groups, and Hugh Clayton, a member of the Commission, entered a motion of support into the organization's minutes. Though it only did so after careful deliberations with the state's veterans, the Commission approved the building of the new V.A. hospital in Jackson despite the fact that it would be integrated.⁴² The same veterans who testified before the subcommittee expressed their gratitude for having been heard.

Jack Pace, the state commander of the American Legion, issued a news release and commended Governor Coleman and the Sovereignty Commission for its position on opening a new V.A. hospital. Pace also wrote directly to Patterson to express his thanks. "I regret all the publicity was not favorable pertaining to this hospital program, but such is life in a Democratic country, and a Democratic country this must remain."⁴³ Likewise, Sidney Russell, the state commander of the VFW, wrote to Governor Coleman and copied his letter to Patterson. Russell and Pace had attended the subcommittee hearings and opposed Evans' suggestion that the state build its own segregated V.A. "Being thoroughly analyzed it was decided by the members of the veterans organizations represented and members of your Sovereignty Commission that this would not be feasible." Russell congratulated the Commission for helping to bring about the

⁴² *Motion Made by Hon. Hugh Clayton at Meeting of the State Sovereignty Commission*, May 7, 1957. "Attorney General's Correspondence: Sovereignty Commission 1957-1960" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁴³ Press Release, Public Relations Division, The American Legion, Department of Mississippi, May 9, 1957. "Attorney General's Correspondence: Sovereignty Commission 1957-1960" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Jack Pace to Joe Patterson, May 14, 1957. "Attorney General's Correspondence: Sovereignty Commission 1957-1960" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

new hospital.⁴⁴ Yet, there were some high profile leaders in the state who were not as pleased with the Commission's decision.

In response to Senator John Stennis about the amount of press on the V.A. integration, Patterson stood his ground:

Of course, I realize that the Veterans Administration hospital is strictly a federally-owned and operated institution, and no state agency would have authority to investigate any of its operations. I would like to have a copy of the executive order or regulation of the Veterans Administration directing intergration (sic) in Veterans Hospital facilities.

Patterson hoped to meet with Stennis to talk further about the matter as soon as the Senator returned to Mississippi, which Stennis agreed to, and they looked to set up a special meeting that fall. Stennis wrote: "In the meantime, I shall try to obtain the Executive Directive on this subject for you. This is a problem about which I am concerned and I recently discussed the situation at the Jackson Hospital with the Deputy Administrator of the Veterans Administration, Mr. John S. Patterson [no relation to the Attorney General]. I look forward to our discussion."⁴⁵ With the likes of Stennis committed to the issue, there was no easy way out for Patterson, but he consistently backed his original position.

An early moment of controversy in Patterson's career, the integration of the V.A. Hospital did not go unnoticed by the general public or by those hard-line Jim Crow advocates, but, at other times, Patterson worked hand-in-hand with more committed segregationists. When the U.S. Congress was debating the Civil Rights Act of 1957—the first proposed civil rights legislation since Reconstruction—Mississippi's Congressional delegation went directly to

⁴⁴ Letter, Sidney Russell to James P. Coleman, May 14, 1957. "Attorney General's Correspondence: Sovereignty Commission 1957-1960" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁴⁵ Letter, Joe Patterson to John Stennis, September 13, 1956. "Attorney General's Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, John Stennis to Joe Patterson, September 17, 1956. "Attorney General's Correspondence: Joe T. Patterson Sub-Committee-State Sovereignty Commission 1956" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

Patterson for help. In a letter to Governor Coleman and Patterson, the state's representatives had called for full hearings in the House Judiciary Committee—a move opposed by the bill's supporters—since they did not have the tool of filibuster in the U.S. House. The Congressmen wanted Patterson and Coleman to write to Speaker of the House Sam Rayburn and Judiciary Committee Chairman Emanuel Celler in order to request “an opportunity to appear in opposition to this iniquitous proposal.”⁴⁶ Patterson and Coleman were happy to oblige.

Coleman sent a two-page Western Union telegram to both Rayburn and Celler to ask “that reasonable opportunity be given to all governors and other interested state officials who may be willing to appear before the Committee with reference to these proposals. I will appear at any time fixed by the Committee.” William Colmer, Mississippi's sixth district representative, informed Coleman that his telegrams must have worked because four days of hearings were scheduled to start on February 4 and would probably go even longer. Colmer pledged his support to fight “the ‘civil wrongs’ bill,” and he enclosed testimony from hearings the year before so that Coleman could “answer some of the slanderous charges made against Mississippi.”⁴⁷ Coleman and Patterson both prepared to go to D.C.

In fact, Patterson had already testified before the Senate Judiciary Committee the year before and had been commended for remarks there, but he held out little hope that his comments would do any good. “Frankly, it seems to me that the radicals, who are sponsoring the so-called Civil Rights Bills, are destined to see their program enacted into law at this session of the Congress. They seem to enjoy the unusual position of having the leaders of both the majority

⁴⁶ Letter, Thomas G. Abernethy, Jamie L. Whitten, Frank E. Smith, John Bell Williams, Arthur Winstead, William M. Colmer to J.P. Coleman and Joe Patterson, January 18, 1957. “Civil Rights 1957” folder, Abernethy Papers, Box 246, Ole Miss, p.1.

⁴⁷ Telegram, J.P. Coleman to Sam Rayburn and Emanuel Celler, January 21, 1957. “Civil Rights 1957” folder, Abernethy Papers, Box 246, Ole Miss, pp.1-2; Letter, William Colmer to J.P. Coleman, January 29, 1957. “Civil Rights 1957” folder, Abernethy Papers, Box 246, Ole Miss.

and minority parties on their side.” He did believe, though, that, even if the bill passed through Congress, no one could blame the Mississippi delegation for not fighting hard enough.⁴⁸

In return, Representative Thomas Abernethy thanked Patterson for being “a great help to our cause.” Despite the fact that the supporters of the civil rights bill had the votes to pass it, Abernethy told the Attorney General that “you have a standing invitation to make our office your headquarters any time you come this way.”⁴⁹ Patterson accepted that offer when he returned to testify before Congress in regards to another civil rights bill in 1959.

During that testimony, Patterson continued to rail against the forces of civil rights. Remarking that he had appeared before this same House Judiciary Committee in 1957, he opened by trying to establish a conciliatory tone:

I come not in a spirit of resentment, not in a spirit of vindictiveness, and not in a spirit of defiance, but as a citizen and public official of the State of Mississippi who is interested in the problems that the pending bills propose to correct, as well as the problems that the enactment of the pending Civil Rights bills are destined to bring about.

After the Civil Rights Act of 1957, Patterson had hoped that its results would have shown the people who supported it that their goals could not be accomplished through written laws, and he was surprised that their conclusion was that the 1957 legislation “was not dictatorial enough and not harsh enough to accomplish the desired results.” Patterson was particularly concerned about the repercussions of the new bill in terms of public schools, elections, and employment through government contracts.⁵⁰

⁴⁸ Letter, Joe Patterson to Thomas Abernethy, June 28, 1956. “Segregation” folder, Abernethy Papers, Box 273, Ole Miss; Letter, Thomas Abernethy to Joe Patterson, July 2, 1956. “Segregation” folder, Abernethy Papers, Box 273, Ole Miss; Letter, Joe Patterson to Thomas Abernethy, February 11, 1957. “Civil Rights 1957” folder, Abernethy Papers, Box 246, Ole Miss.

⁴⁹ Letter, Thomas Abernethy to Joe Patterson, February 14, 1957. “Civil Rights 1957” folder, Abernethy Papers, Box 246, Ole Miss.

⁵⁰ Joe Patterson. *Statement of Joe T. Patterson, Attorney General, State of Mississippi, on Pending Civil Rights Bills, Before the Sub-committee of the House of Representatives, Committee on the Judiciary*. “Statement of Joe T. Patterson Before Civil Rights Subcommittee—1959” folder, Abernethy Papers, Box 247, Ole Miss, pp.1, 2.

Patterson opposed these bills because they gave the federal government power that he felt was reserved to the states. Wary of the amount of authority vested in the Secretary of Health, Education and Welfare (HEW), Patterson raised concerns that President Eisenhower would be able to direct his Cabinet to engage in “propaganda and brainwashing” and that Title 1 of House Resolution 4457 “would simply center out for special punishment any person who opposes or threatens to oppose compliance with a court order directing integration of a public school.”⁵¹ It was more than a little ironic that he supported the same ability to disseminate information by the Sovereignty Commission, but the Attorney General continued to lambast the proposed legislation and remained true to the rhetoric of states’ rights.

In regards to Title 2 of HR 4457, Patterson doubted the efficacy of federal laws aimed at the destruction of churches and schools by racial terrorists. As he saw it, such laws

are not necessary for the people of Mississippi. The statute laws of our state clearly show that the State of Mississippi, and its people, sometime ago recognized the heinousness of such crimes and enacted ample laws to deal therewith....There has been no bombing of schoolhouses or churches in Mississippi. We have had in the past few years two or three Negro schoolhouses to burn at night. Much time and money has been spent in an effort to apprehend the arsonists and all indications are that at least one of such burnings was at the hands of members of the Negro race. In another instance, all indications are that the fire was caused by defective wiring.

At the same time as he ignored the fact that Mississippi had not enforced those laws through the convictions of those guilty, he maintained that the only bombings in the state had been over labor disputes such as the 1955 Southern Bell Telephone Company strike and that worker strife in the North had been much more violent.⁵²

Harkening to references Coleman made in his inaugural address, Patterson intoned: “We have only to look back to the dark days of Reconstruction to see what Federal domination of

⁵¹ Patterson, *Statement*, Abernethy Papers, Box 247, Ole Miss, pp.5, 6.

⁵² *Ibid*, pp.7, 8, 15.

elections within the state can result in....The result was the election of incompetents and misfits to public office, and in some instances outright racketeers.” With that logic, he voiced his opposition to various federal programs, including the President’s Commission on Civil Rights. “The Commission has wholly failed to accomplish anything in any state in which it has tried to function.” He also disliked the power given to the Fair Employment Practices Commission (FEPC) because “I still think that an individual, a business or an industry, has the constitutional right to determine who it will hire or fire.”⁵³ His states’ rights-infused racism was hardly concealed as he continued his rant before Congress.

On the heels of the Little Rock Central High School crisis, Patterson praised Governor Faubus of Arkansas who “simply tried to do that which he felt he was obligated to do as the Governor, to preserve law and order and keep down violence....The fact still remains that the only acts of violence committed in Little Rock were by armed forces of the United States upon citizens of the City of Little Rock.” Patterson avoided the fact that federal troops did not make up any part of the white mob outside Central High but instead blamed the media for misleading people around the country and abroad about what was happening in America in regards to the civil right movement.⁵⁴ In that spirit, he attempted to justify the status of race relations in Mississippi.

Patterson pointed to the initiative to equalize white and black public schools in the state and revealed that Mississippi had spent \$150 million on black schools since 1954. “The dual system of education in Mississippi is working to the complete satisfaction of both races. There is no strife, confusion or dissatisfaction among the races in the State of Mississippi.” As he put it,

⁵³ *Ibid*, pp.9-11.

⁵⁴ *Ibid*, pp.14-15.

the real problem, other than the media, was with “outside agitators,” who came into the state intent on disrupting otherwise peaceful race relations.⁵⁵

With questionable logic, Patterson argued that black Mississippians “are going to know that their unfortunate plight is not the handiwork of the [white] people of Mississippi....They are going to know that radical organizations, particularly the NAACP, and those who call themselves liberals both in and out of the American Congress are solely responsible for their unfortunate condition.” These “radical organizations” used young people to further their causes in the same way that “Adolph Hitler exploited the youth of Germany to further his ambitions, and we see the men of the Kremlin using the youth of their land as well as other lands under their ruthless domination in an effort to further their sinister designs and purposes.”⁵⁶ In the vein of much segregationist logic, Patterson’s comments were founded upon baseless assumptions, but, for the rest of his career, he would maintain that there was an indelible connection between the civil rights movement and communism.

In conclusion, Patterson pushed Congress “to return to the political philosophy of a Thomas Jefferson and an Abraham Lincoln.” Although he did not attempt to define what that philosophy would be, he insisted that the current legislation before Congress would not be “‘Civil Rights Bills’” but that “they will prove to be ‘Civil Strife Bills.’” If successful, the advocates for these laws would be remembered by history,

as those who started this country on a backward march that ultimately led to the destruction of a great democratic Republican form of government composed of sovereign states with all rights vested in those states that were conferred upon the Federal Government, and substitute therefore a strong-armed dictatorial central government with no regard whatsoever for the rights of a sovereign state.⁵⁷

⁵⁵ *Ibid*, pp.17-20

⁵⁶ *Ibid*, pp.20-22.

⁵⁷ *Ibid*, pp.22-23.

Of course his predictions were proven wrong, but Patterson pulled few punches when it came to standing up for the way of life that he believed in. The problem would come when the federal government began enforcing decisions that Patterson disagreed with but felt obliged to uphold.

In the meantime, Patterson drew closer in his relationship with the Sovereignty Commission. When Ney Gore decided to step down as executive director, the organization looked for a new chief officer, and Patterson played an important role in that decision. Before long, applications began coming in for the post, and Patterson received a letter from Maurice L. Malone, a member of the State House of Representatives from Lucedale in George County. Malone hoped to be considered for the job and said that he was willing to resign his position in the state legislature.⁵⁸

At a special meeting of the Sovereignty Commission, Malone was unanimously hired as the new director with a salary of \$7,200 per year starting on October 1, 1958. During the same meeting, Speaker of the House Walter Sillers moved that Patterson be named vice-chairman of the Commission—another move that was unanimously approved and that meant the Attorney General would serve as chair when the Governor was absent. Soon after, Patterson wrote back to congratulate Malone and to establish a working relationship like the one he had had with Gore. “If you should be in Jackson before assuming your duties as Director, I would appreciate your coming by the office as I have a number of things that I would like to talk over with you.”⁵⁹ Patterson held his position as vice-chairman of the Sovereignty Commission for most of his career and used it whenever possible to further the cause of white power. Yet, tensions

⁵⁸ Letter, Maurice Malone to Joe Patterson, September 3, 1958. “Attorney General’s Correspondence: Sovereignty Commission, 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁵⁹ Minutes. *Special Meeting of the State Sovereignty Commission*. September 10, 1958. “Attorney General’s Correspondence: Sovereignty Commission, 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Joe Patterson to Maurice Malone, September 23, 1958. “Attorney General’s Correspondence: Sovereignty Commission, 1957-1960” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

continued to test his loyalties. Subsequent events inaugurated a decade of miscommunication, frustration, and antagonism between himself and the most outspoken advocates of Jim Crow in Mississippi.

Not long after his refusal to intervene in the desegregation of the V.A. hospitals, Patterson issued a memorandum that warned Zack VanLandingham, a former FBI agent and Sovereignty Commission operative, against arresting a black passenger at the front of an interstate bus. In Mississippi, it was still illegal for African Americans to ride at the front of a segregated bus, but the Supreme Court had ruled that interstate travel was different and outlawed segregation therein. Predating the Freedom Rides by three years, Patterson declared that “a State Highway Patrolman would subject himself to a civil rights case and possible damages in a suit in Federal Court” if he pursued such an arrest.⁶⁰ Although Patterson did not support the efforts to integrate buses, he understood the ramifications of interposing state authority over a federal jurisdiction and rejected the notion that the state had any chance to win such a confrontation.

That distrust was only heightened when Governor Coleman shot down an effort to pump public money into the Council through the Sovereignty Commission because he opposed using state funds for a private organization. “Sponsors predicted it would pass despite a blistering condemnation by Gov. J.P. Coleman, who had charged some members were afraid to vote against it because it bears a segregation tag....Coleman said he was opposed to the bill...because it ‘was started as a raw grab for political power.’” Not paying any attention the bill’s racist implications, John Satterfield—president of the Mississippi State Bar Association and future president of the American Bar Association—believed it would pass challenges of constitutionality since “‘it makes use of public funds for a public purpose.’” At the end of the

⁶⁰ SCRID # 99-14-0-11-1-1-1: SC, *Special Meeting of State Sovereignty Commission*, September 10, 1958, MDAH; SCR ID # 99-41-0-11-1-1-1: Joe T. Patterson, *Memorandum*, February 17, 1967, MDAH; SCRID # 2-20-1-4-1-1-1: Zack J. VanLandingham, *Memorandum*, November 24, 1958, MDAH.

day, the Citizens' Council was not funded by the Sovereignty Commission during the Coleman administration, which got railed by Council leaders who claimed the Commission had failed at its job.⁶¹ Not long into Ross Barnett's term as Governor, however, the Commission began allocating money for Council efforts, and Joe Patterson took up official opposition to such funding, deepening the chasm between himself and the organization he had advocated for from its inception.

Another event proved to be much more damaging to Patterson. Governor Coleman had requested that the Sovereignty Commission look into the efforts of Medgar Evers, the NAACP field secretary in Jackson, who would later be assassinated by Byron de la Beckwith.

VanLandingham, one of the Commission's investigators, had learned through an informant that Medgar Evers was going

to attempt to break the "segregation ice" in Mississippi in the late summer or early fall of 1959. According to the informant, Evers said he is waiting until Roy Wilkins, Executive Director of the NAACP from New York, comes to Jackson on or about May 17, 1959, to speak at an NAACP meeting. At this time, according to Evers, plans will be made, with the help of Wilkins, to enter a segregation suit in Jackson, Mississippi.

The informant first heard of this at an NAACP meeting in Clarksdale and reported that Allen Perkins, a NAACP leader from Chicago, said that the NAACP meant to bring suit in Hinds County, where Jackson sat as the state capital and which happened to have the most African Americans registered to vote.⁶²

Throughout his time on the Sovereignty Commission, Patterson supported its ability to "engage in public relations, particularly the gathering and dissemination of information"—a

⁶¹ John Herbers. "'Blistered' Council Fund Up for Vote." April 17, 1958. "WCC—J.P. Coleman" folder 16, Cox Papers, Box 1-A, MSU.

⁶² Dittmer, *Local People*, pp.165-166; Letter, Zack VanLandingham to J.P. Coleman, April 13, 1959. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960" folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

seeming euphemism for misinformation—as well as its ability to conduct “wire interception and eavesdropping.” In an opinion to a later director of the Commission, Erle Johnston, Patterson advised Johnston to leave out a report on its secret investigative arm to the Mississippi Crime Commission.⁶³ Not surprisingly, Patterson had no problem with an “investigation” of Evers, but he decided to intervene when clear legal boundaries began to be crossed.

Wilkins was scheduled to speak on the fifth anniversary of the *Brown* decision at the black Masonic Temple in Jackson, and Patterson decided to join VanLandingham in order to observe Wilkins’ speech. While at the Masonic Temple, Patterson learned that a warrant had been issued for Wilkins’ and Evers’ arrests after being demanded by Citizens’ Council leaders. When Patterson discovered that the Jackson district attorney had decided to pursue the arrests after further pressure from a white supremacist newspaper editor, Elmore Greaves, the Attorney General began to worry about a legal and media disaster. As a Citizens’ Council member, Patterson did not approve of Wilkins’ message or his visit to Jackson, and he must have sympathized with the Council’s efforts. Despite those facts, he knew that Wilkins had not broken any laws and that his arrest would mean a level of intense national scrutiny that would create more harm than good for the segregationist cause. After a few phone calls, Patterson reached Governor Coleman and persuaded him to call off the arrests—an action that caused a significant rift with the Citizens’ Council.⁶⁴

Public criticism of these types of feats by Patterson and Coleman was often harsh, but the Attorney General did gain some support going into the election of 1959. In an editorial in the *State Times*, an “alternative, but not radical” newspaper that was “funded by prominent business

⁶³ SCRID # 99-41-0-11-1-1-1: Joe T. Patterson, *Memorandum*, February 17, 1967, MDAH; SCRID # 99-107-0-9-1-1-1: Letter, Erle Johnston, Jr., to Marshall Bennett, January 9, 1968, MDAH.

⁶⁴ Maryanne Vollers. *Ghosts of Mississippi: The Murder of Medgar Evers, the Trials of Byron de la Beckwith, and the Haunting of the New South*. Boston: Little, Brown and Company, 1995, pp.74-77.

people from late 1954 to early 1961,” Robert Webb praised Patterson and VanLandingham “for their wisdom in persuading deputies against acting on a citizen warrant” for Wilkins’ and Evers’ arrests. Webb went on to criticize extremists who were responsible for Mississippi’s “unparalleled reputation for hate” and pushed for the reelection of cooler heads such as Patterson.⁶⁵ In spite of that endorsement, Patterson faced some significant opposition in his bid for reelection.

At the outset, Tom Brady, the infamous author of “Black Monday,” tossed his name into the Attorney General’s race. Brady’s popularity in the state still ran high, but for some unknown reason he pulled out before his campaign could gain real momentum.⁶⁶ Although unhappy with Patterson at the moment, the Citizens’ Council had no other viable candidate to support. Patterson’s reputation had taken a hit over the Masonic Temple matter, but many white Mississippians agreed with Robert Webb’s appraisal and knew that Patterson’s record in the courtroom fighting integration remained strong. Some segregationist groups would eventually go so far as to take partial credit for the outcome of the Wilkins’ situation once it became clear that it was not a political liability.

The Sovereignty Commission specifically justified the action. In a report to the state legislature that VanLandingham first asked Patterson to look over, the Commission’s agent noted “the State Sovereignty Commission took an active stand in preventing the arrest of Roy Wilkins...when he came to Mississippi on May 17, 1959, to speak to the NAACP....This arrest was prevented in order to forestall bad publicity and further attempts to smear and discredit the

⁶⁵ Susan Weill. *In a Madhouse’s Din: Civil Rights Coverage by Mississippi’s Daily Press, 1948-1968*. Westport, Connecticut: Praeger Publishers, 2002, p.11; SCRID # 2-5-2-65-1-1-1: Robert Webb, *State Times*, May 21, 1959, MDAH.

⁶⁶ *Jackson Daily News*, February 18, 1959, Patterson Papers.

State of Mississippi on the part of the northern and eastern press.”⁶⁷ At the same time, VanLandingham’s report bragged about its efforts at maintaining Jim Crow.

In particular, the first part of the report detailed an extensive “Index Card and Filing System” kept by the Sovereignty Commission, including over 5,000 cards in more than 500 files

broken down into different categories such as individual agitators, organizations advocating integration, attempted school integration, civil rights—voting, civil rights—violence, subversion, racial crimes and other racial incidents in each county, laws passed by each state on integration-segregation issues, court decisions in each state relating to racial problems, informants, office administration, personnel, speeches, miscellaneous.

Furthermore, the report recommended a more powerful executive director, responsible for the work of all employees, as well as an extended biennial budget of \$350,000 for broader efforts—“a small expenditure for maintaining successful segregation in the State of Mississippi.” The Commission had actually returned money to the state legislature during each of its first few years in existence, a fact that bolstered VanLandingham’s argument that “the State Sovereignty Commission is not indiscriminately spending money appropriated for its use” but would actually use its funding wisely.⁶⁸ And, the Commission and Patterson did continue to effectively stall the efforts of civil rights activists in Mississippi.

In 1958, Patterson prevented the first of several initial efforts to desegregate the state’s public colleges when he stopped the Reverend Clennon King from integrating the graduate school at Ole Miss. A bit of a wild card and self-professed disciple of Booker T. Washington and George Washington Carver, King taught as a professor of history at historically-black Alcorn College outside Lorman, Mississippi. He vocally rebuked the NAACP for having “done

⁶⁷ Memorandum, Zack VanLandingham to Joe Patterson, December 1, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960,” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; *Report to the Mississippi State Legislature on Activities of the State Sovereignty Commission*. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.7.

⁶⁸ *Report to the Mississippi State Legislature*, MAGO, Box 7516, MDAH, pp.1, 2, 10, 12.

more harm to the long-range interests of the American Negro than good” and linked the organization, as did segregationists like Patterson, to the Communist Party. King alleged that, if you disagreed with NAACP leaders at all, then they would work to assassinate your character and that Roy Wilkins himself had asked King to resign from the organization. The preacher blamed these problems on the “propaganda” of a “Talented Tenth” first espoused by W.E.B. DuBois as well as the group’s resulting history of upper-class black and white leadership.⁶⁹

Futhermore, King bordered on being an apologist for the white South and its tradition of racial discrimination. “My own impression is that the deep South is fundamentally embarrassed by its falsified anti-Negro reputation and has been ready for some time to give up *forced* segregation [original emphasis].” When he acted on that assumption, however, and applied to graduate school at Ole Miss, King was arrested. Instead of spending time in jail, he was “committed to the State Mental Hospital [but later] was ruled sane.” After his release, Joe Patterson refused to pursue prosecution but condemned King’s efforts as a publicity stunt.⁷⁰ Not long after, however, the state’s schools of higher education faced another desegregation challenge.

In 1959, Patterson found himself again in the middle of efforts to prevent the integration of one of the state’s colleges. Through his post on the Sovereignty Commission, he was central to stopping Clyde Kennard from integrating Mississippi Southern College (now the University of Southern Mississippi) as a transfer student from the University of Chicago. Because of his education, Kennard would be a much more serious candidate for entry to Mississippi Southern than King had been, and, in a series of twisted events that involved a prolonged investigation by

⁶⁹ Clennon King. “I Speak As a Southern Negro.” *American Mercury*. January, 1958. Folder 12, Race Relations Collection, Box 2, Ole Miss.

⁷⁰ King, “I Speak,” *American Mercury*, January, 1958, Race Relations Collection, Box 2, Ole Miss; SCRID # 1-28-0-45-1-1-1: Greenwood *Morning Star*, June 19, 1958, MDAH; SCRID # 1-28-0-33-1-1-1: James P. Coleman and Joe T. Patterson, *Joint Statement*, MDAH.

the Sovereignty Commission, Kennard would meet a much crueler fate than King did. For Patterson on the other hand, the King and Kennard cases were victories that he received a lot of credit for.

From Mississippi's public schools to its beaches, the Attorney General had fought to keep white prerogatives intact, and, for the most part, he had succeeded. More than likely because of those efforts, he would run unopposed in his first reelection bid in 1959.⁷¹ For the time being, Patterson and the Citizens' Council returned to a working, yet uncertain, relationship that would be fraught in the future with conflicting visions of what it would take to maintain Jim Crow in Mississippi. Those disagreements would not take long to resurface during Patterson's second term in office, but his attention at least initially going into the election and afterwards would be on Clyde Kennard.

⁷¹ SCRID # 5-4-0-111-1-1-1: Jackson *Clarion-Ledger*, September 10, 1960, MDAH; *Jackson Daily News*, February 18, 1959, Patterson Papers; *Mississippi Blue Book: 1960-1964*.

Chapter 3

Clyde Kennard and an Expanding Movement

When the Sovereignty Commission heard of Clyde Kennard's plan to integrate Mississippi Southern College, it launched into action, and Joe Patterson stepped up to defend the state university in Hattiesburg. The fact that Kennard was a legitimate candidate for admission made him a serious threat, and, combined with continuing pressure from the Citizens' Council for more proactive efforts on behalf of Jim Crow, the state agency and the Attorney General needed a clear, public victory to solidify their standing in the segregationist realm. The Commission's first order of business was to assign its lead agent, Zack VanLandingham, to investigate the situation and report his findings to Patterson and Governor Coleman.

With the help of a former FBI agent in North Carolina, VanLandingham learned that Kennard, living near Hattiesburg, had been a veteran stationed at Fort Bragg from 1950 to 1952 and that he had attended Fayetteville State Teachers College during that time. VanLandingham could not find any dirt on him though: there was nothing in his credit bureau report, and he had no criminal record. He even tried to get into Kennard's bank account at Citizens National Bank through the State Banking Department after the president of the bank refused to give him access. "The records of this account may reflect the source of some of Kennard's money and also to

whom he has been paying out money,” but, otherwise, there was “no derogatory information available” about him.¹

Born in 1927, Kennard wanted to enroll at Mississippi Southern for the spring term of 1959. He had unsuccessfully tried twice before in the past three years to transfer to the public university with his college credits from Fayetteville State and the University of Chicago, where he attended from 1953 to 1955 but failed to graduate because his “grades were below average.” The official reason Kennard had been denied admission to Mississippi Southern, though, was his inability to come up with the requisite five letters of recommendation from alumni, who at that time would have been all white—an impossible task for any potential black student.²

According to VanLandingham’s report to the Governor and Attorney General, “plans” had been put in place “whereby Governor J.P. Coleman would confer with Kennard in an effort to get him to refrain from his attempts to enter M.S.C. [Mississippi Southern College]. Committee believes Kennard mainly desires attention and recognition from established authority.” As his time spent at the University of Chicago proved, Kennard was a “well-educated negro and intelligent,” which made him a credible threat that the Sovereignty Commission and Joe Patterson took seriously.³

Due to Kennard’s clean background, the Commission tried to smear his reputation, and VanLandingham began that process by linking Kennard to the NAACP. In his report, VanLandingham included a letter that Kennard sent to the *Hattiesburg American* on December, 6, 1958. Kennard wrote that

¹ Memorandum, Zack VanLandingham to J.P. Coleman, December 18, 1958. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-2, 37.

² Report, Zack VanLandingham, “Clyde Kennard, aka Clyde Kenard, Clyde Kinnard, Clyde Smith,” December 17, 1958. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4. MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.4-5, 8.

³ Report, VanLandingham, “Clyde Kennard,” December 17, 1958, MAGO, Box 7516, MDAH, pp.28, 33.

somehow I feel a great sympathy for the people who truly believe that the interest of both the White and Negro people would be served best by a system of complete or partial segregation. Although I am an integrationist by choice, I am a segregationist by nature, and I think most Negroes are. We prefer to be alone, but experience has taught us that if we are ever to attain the goal of first class citizenship, we must do it through a closer association with the dominant (White) group.

Kennard went on to say that he, thus, supported the NAACP's call for constitutional rights for African Americans. "What we request is only that in all things competitive, merit be used as a measuring stick rather than race."⁴ In the realm of Jim Crow Mississippi, Kennard's words were revolutionary.

The only proof that Kennard had any relationship with the NAACP, other than some sympathetic comments, was from the hearsay testimony of local whites. E.P. Arnold owned farmland next to Kennard's property and operated the A&R Feed Mill in Hattiesburg, where Kennard bought his chicken feed—a relationship that would destroy Kennard in the end. Along with his mill partner Robert Rawls, Arnold told VanLandingham that the NAACP was giving money to Kennard because he was a prominent leader in the organization. White witnesses identified Kennard and Vernon Dahmer, who would later be murdered by Klansmen, as leaders in the local NAACP.⁵ Other whites in the area readily offered information as well as their services to the Commission.

An attorney and former leader in the Hattiesburg Citizens' Council, Dudley Conner did not know Kennard personally, but he did read his letter in the Hattiesburg newspaper. In regards to Vernon Dahmer, Conner told VanLandingham that he was "one of the most dangerous negroes in the Eatonville community." Conner claimed that Dahmer "hated all white men because he could not cross the color line, although he is almost white" and that Conner himself

⁴ *Ibid*, pp.21-22.

⁵ *Ibid*, pp. 23-25.

had broken up an attempt to start a local NAACP chapter several years before when he ran a black man from Brooklyn out of the area and told him never to return. “Conner further stated that if the State Sovereignty Commission wanted Kennard out of the community and out of the State just to let him know and he would see that this was taken care of. He claimed that no violence and no publicity would take place. He indicated that it would be handled by bringing economic pressure on the negroes.”⁶ The Commission did not take him up on his offer. Rather, VanLandingham told Patterson and Coleman that he felt the best option was to turn to local blacks who knew Kennard in hopes that they would help to keep him out of Mississippi Southern.

At the end of the report, VanLandingham presented his “ATTEMPTED SOLUTION [original emphasis],” whereby he hoped Kennard could be talked out of his plans by a black preacher and a group of black school principals: “R. W. Woullard, a negro preacher...N.R. Burger, Principal of Royal Street School, C.E. Roy, Principal of W.H. Jones School, [and] A.B.S. Todd, Principal of the negro school at Palmer’s Crossing.” The group agreed to form a committee, talk to Kennard, and report back to VanLandingham with the results of their meeting. Woullard did tell VanLandingham that he did not want to be the chair of the committee since he had kicked Kennard, Dahmer, and a few others out of his church for organizing on behalf of the NAACP, but otherwise the group promised to do what it could to help. From his initial contact with them, VanLandingham surmised that part of Kennard’s mission might be the establishment of a black junior college in the area since each of the black principals independently mentioned the need for one. The Commission investigator promised to visit those black community leaders again in order to find out how their meeting with Kennard went.⁷

⁶ *Ibid*, p.32.

⁷ *Ibid*, pp.34-35.

Not about to stop with those efforts, Coleman, Patterson, and the Commission went directly to the presidents of both Mississippi Southern and Mississippi Vocational College in Itta Bena (now Mississippi Valley State University). President W.D. McCain of Mississippi Southern had already tried to convince Kennard to enroll at another school, but Kennard had refused. President J.H. White of Mississippi Vocational College, who did not believe that the NAACP was supporting Kennard, had successfully talked him out of trying to integrate Mississippi Southern before. White

made the suggestion that Dr. McCain get Kennard and bring him to Jackson, Mississippi, in his car to the office of Dr. E.R. Jobe, Chairman of the Board of Trustees of Higher Learning, and, while Kennard is there, Governor Coleman will drop in as if by accident at the meeting, and talk to Kennard, showing him that he is taking the wrong course and the ill will, tensions and the like he will engender between the races should he continue his efforts to enter Mississippi Southern; also the fact that he would have on his shoulders the responsibility of causing possibly Mississippi Southern College to close and maybe other educational institutions by his actions.

Of course, that logic ignored the fact that segregationists through their own actions would be responsible for closing schools in Mississippi if Kennard was admitted, but VanLandingham reported that Governor Coleman was at least considering White's suggestion.⁸

With the help of the Sovereignty Commission, Mississippi Southern was able to delay long enough to prevent Kennard's admission for the spring term of 1959, but soon the Commission learned that Kennard had asked for his application to be reconsidered for the upcoming fall semester. On August 28, 1959, VanLandingham met with E.R. Jobe and other members of the Board of Trustees of Institutions of Higher Learning to talk about the situation and come up with potential solutions, and he reported the group's recommendations to Joe Patterson and the Commission. Jobe favored two options for keeping Kennard out: either declare a new rule that transfer students had to have all As from their previous college with

⁸ *Ibid*, pp.35-37.

exceptions made for athletes and a few other groups or claim that Kennard's grades at the University of Chicago simply were not good enough. "They had also considered stating that all the dormitories were full and their registration had reached the point where they could handle no more students and therefore close out registration."⁹ None of those solutions appealed to the members of the Commission, and Patterson saw that evading the spirit of the law through lies and new admissions standards was not sound legal footing to stand on.

In the meantime, Dr. McCain was getting nervous at Mississippi Southern, especially after Kennard requested a catalogue and an application. McCain sent the catalogue but "was stalling a few days before sending the application, his purpose being that Kennard would then not have sufficient time to get all of his papers together and file a completed application by [the deadline of] September 15, 1959." McCain had learned some good news for the segregationist cause: the University of Chicago was not going to reaccept Kennard because his grades were too low, which gave Southern a similar opening. "Dr. McCain does not in any way want to use the fact that Kennard does not have 5 references who were alumni of Mississippi Southern as a means of keeping him out since this has apparently been declared unconstitutional by the United States Supreme Court in a Georgia decision."¹⁰ Once again, the legal ramifications of the problem were playing a significant role, but McCain soon found an additional solution.

At a meeting with Governor Coleman and VanLandingham, McCain revealed that the application and medical examination Kennard submitted in September were the same as the ones from December 1958. Since his new application required a new physical, "it would, therefore,

⁹ Memorandum, Zack VanLandingham to James P. Coleman, August 27, 1959. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960" folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Memorandum, Zack VanLandingham to Director, State Sovereignty Commission, August 28, 1959. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960" folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

¹⁰ Memorandum, Zack VanLandingham to Director, State Sovereignty Commission, September 3, 1959. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960" folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1, 2.

appear that Kennard had practiced a fraud in submitting this medical examination.”

VanLandingham was going to look into the matter further, but the Governor was ecstatic about the turn of events and suggested disseminating that development through the press. He did not want it “alleged that the Coleman Administration was handling matters behind closed doors and in secrecy rather than informing the public,” and he hoped a subsequent outburst of public opinion would convince Kennard to stop. The Governor recognized that Jim Crow would be better served without resorting to the tactics of diehard resistance, but he did not have many options left. Some white leaders were ready to go as far as “to get at Kennard through his mother.”¹¹ Neither the Governor nor Joe Patterson wanted to take those kinds of measures, but they also could see that Kennard was not prepared to go away so easily.

In a private meeting, McCain explained to Kennard that tensions and problems would arise because of his efforts. If it were integrated, Governor Coleman would be forced to close Mississippi Southern by state law—something he had pledged in his inaugural address never to do. Kennard refused to back down and told the Southern president that, although it had not helped him up to that point, the NAACP was ready to step into the affair if he filed a lawsuit. When Governor Coleman heard over the radio that Kennard planned to go ahead and register for classes at Southern on September 15, he was not pleased and ordered VanLandingham to return to Hattiesburg.¹²

VanLandingham confirmed that Kennard, now with the assistance of the NAACP, meant to move forward, but he continued to believe that it was all just a publicity stunt despite the fact

¹¹ Memorandum, Zack VanLandingham to Director, State Sovereignty Commission, September 9, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-3.

¹² Memorandum, VanLandingham to Director, September 9, 1959, MAGO, Box 7516, MDAH, p.1; Memorandum, Zack VanLandingham to Director, State Sovereignty Commission, September 14, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.1.

that Governor Coleman took it seriously. With the advice of Patterson and others, the Governor pledged that there would be “sufficient State Police present on registration day to handle this matter” and that he was “ready to meet Kennard in court.” The Governor then asked President McCain to tell Kennard that he should not show up to register since his application was not sufficient. If Kennard wanted more information than that, “it would be well to tell him that he has filed a fraudulent medical certificate in changing the date of the doctor’s examination.” Coleman also wanted the fraud charges to be part of the public record as soon as possible since Kennard could technically resubmit an application in the spring with the adequate documents and it would be too late to do anything.¹³

Looking to shore up the charges of medical fraud, VanLandingham went with former FBI agent and director of security for Mississippi Southern, John Reiter, to interview Dr. Charles W. Smith who had given Kennard the initial exam. Smith was nervous, rightfully so with the Sovereignty Commission in his office, and, while he admitted examining Kennard in December 1958, he claimed that he had not seen him since that time.¹⁴ Smith’s willingness to testify to that fact shored up the charges of fraud, but Governor Coleman directed VanLandingham to investigate other proposed avenues to keep Kennard out of Mississippi Southern. Coleman, Patterson, and the more “moderate” voices of Jim Crow wanted to be ahead of any potential problems.

VanLandingham sought out numerous people, both black and white, to interview on behalf of the Commission. He met with a black principal, W. R. Burger, who thought that colleges in Mississippi would one day be integrated but that Kennard simply picked a bad time.

¹³ Memorandum, VanLandingham to Director, September 14, 1959, MAGO, Box 7516, MDAH, pp.1, 2.

¹⁴ Memorandum, Zack VanLandingham to J.P. Coleman, September 14, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.1.

More importantly in Burger's mind, he did not want his association with the Sovereignty Commission to get out because he was afraid of being labeled an "Uncle Tom." Jimmy Bodaman, the local mail carrier, owned a farm and employed Kennard's mother, Leona Smith. Although he was happy to talk to her about Kennard's application, he told VanLandingham that "Leona Smith is a very stubborn type of negro woman and he doubts whether or not she would listen to him. It was Bodaman's opinion that it might be well to let Kennard get his head 'skinned up' to a certain extent and it would do him a lot of good."¹⁵ That was not a promising option for the Commission.

VanLandingham even talked to a rabbi in Hattiesburg, Charles Mantinband, who had tried to talk Kennard out of his effort but thought that Kennard "fancies himself as a crusader" who would never give up. A funeral home owner, Albert Hulett, promised to try to get some of his black employees to influence Kennard to withdraw his application under the threat of losing their jobs, and other efforts were already under way to get to Kennard through economic measures. His insurance company, Southern Farm Bureau, had revoked his car insurance when it found out about his application, fearing "that some foul play might take place," and the Forrest County Co-operative had an outstanding lawsuit against Kennard for \$4,300. The legal action was premised on three grounds: 1. Kennard had an exclusive account with the co-operative but was selling some of his eggs on the side. 2. Kennard had not settled an outstanding balance for some equipment, and 3. he had "an open farm account." The lawsuit did not appear to be going anywhere, however, since the co-operative had sold Kennard's hens when he refused to give it a second deed of trust to his farm.¹⁶ But, all of those discussions were a prelude to the final, cruel series of events that kept Kennard out of Mississippi Southern for good.

¹⁵ Memorandum, VanLandingham to Coleman, September 14, 1959, MAGO, Box 7516, MDAH, pp.1-3.

¹⁶ *Ibid*, pp.4-6.

On September 14, 1959, Governor Coleman ordered President McCain to draft a letter to Kennard stating three reasons for the rejection of his application: 1. He had been denied readmission to the University of Chicago due to poor grades. 2. He had not provided a transcript from the University of Chicago, and 3. he forged his medical certificate. The Governor then instructed McCain to have Kennard arrested for trespassing if he walked onto the Southern campus attempting to register, but McCain arranged for Kennard to come to his office on September 15 to speak with him and VanLandingham one last time. At that meeting, Kennard refused to withdraw his application and denied having a fraudulent medical exam, even though the date had clearly been forged. Not only that but Kennard claimed that the University of Chicago had readmitted him, which was true. Despite those statements and the presence of radio and newspaper reporters who had appeared in Hattiesburg that day to cover the story, VanLandingham and McCain were not moved.¹⁷

Without a satisfactory conclusion for either side, the meeting was over, and the Director of Admissions, Aubrey Lucas, gave Kennard the rejection letter, which laid out the three areas of concern “indicative of a lack of good moral character.” They then ushered him through a side door of McCain’s office so that the press could not reach him. That did not prevent intervention in the matter from the local sheriff’s office. VanLandingham reported to the Governor that “approximately 15 to 20 minutes after Kennard had left Dr. McCain’s office, Mr. Cleveland, one of the Public Relations men of Dr. McCain, came into the office and advised that he had just

¹⁷ Memorandum, Zack VanLandingham to J.P. Coleman, September 21, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, MDAH, Box 7516, pp.1-2; John Dittmer. *Local People: The Struggle for Civil Rights in Mississippi*. Chicago: University of Illinois Press, 1994, p.453n.

heard from a reporter that Kennard had been arrested by two Constables and was at that time in the county jail.”¹⁸ No one on the Sovereignty Commission was amused by the turn of events.

VanLandingham immediately called Constable Lee Daniels who said that he and another constable had spotted Kennard that morning “driving at an excessive rate of speed and recklessly.” At the time, they unsuccessfully pursued Kennard but claimed they found his car on the Mississippi Southern campus later in the day with whiskey in it. When Kennard came back from his meeting with McCain, they arrested him for the possession of illegal liquor and reckless driving. The Sovereignty Commission investigator called the Governor and said that “it appeared to be a frame-up with the planting of the evidence in Kennard’s car,” but VanLandingham made it clear that neither he nor the state police had anything to do with the situation.¹⁹ He recognized that the arrest would put Coleman, Patterson, and other white officials in an awkward position.

When VanLandingham went by the sheriff’s office, the press was already there and had taken up locations at the courthouse and county jail as well. He decided not to stop because he did not want to get publicly involved, but he did talk to a deputy sheriff, who alleged that they did not plan the arrest. VanLandingham rejected that argument and told him that it was all a bad deal: no one would believe that Kennard’s convenient arrest was not in some way connected to his application. Trying to prevent charges from being filed, the Commission’s investigator went straight to District Attorney Daniel Dabbs, who was not surprised that Constable Daniels was involved. Dabbs told VanLandingham that Daniels was the type of person who would do something like that, and Dabbs confessed that Daniels had called him on the morning of

¹⁸ Letter, Aubrey Lucas to Clyde Kennard, September 14, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, MDAH, Box 7516; Memorandum, VanLandingham to Coleman, September 21, 1959, MAGO, Box 7516, MDAH, p.3.

¹⁹ Memorandum, VanLandingham to Coleman, September 21, 1959, MAGO, Box 7516, MDAH, p.3.

September 15 about arresting Kennard. At that time, Dabbs told Daniels that he did not want to know anything about it, but Dabbs thought the best thing the deputy sheriff could do was to take Kennard in front of a justice of the peace for a hearing as soon as possible, so that the news of his arrest would not become public.²⁰ When he learned that Daniels had indeed taken Kennard into court, VanLandingham was stuck in a tough position.

After he talked to the Justice of the Peace, T.C. Hobby, VanLandingham realized that things were worse than they appeared for the segregationist cause. Kennard had refused to enter a plea; he just wanted a lawyer, so Hobby sent him to jail until he could make his \$600 bond. In next to no time, Kennard came up with the money and went to Jackson to meet with Medgar Evers, field secretary of the NAACP in Mississippi, who issued a statement saying that his organization was happy to defend Kennard.²¹ VanLandingham needed to get to the bottom of a brewing mess before things got worse, so he turned to the sheriff, Ford Vance, and Dabbs for help.

Vance and Dabbs did not believe that Daniels had been acting alone when he arrested Kennard but “that someone out at Mississippi Southern College, such as John Reiter, was behind having the constables arrest Kennard.” VanLandingham knew Reiter well, since Southern’s head of security had traveled with him to interview people in the area who knew Kennard, and the Commission investigator remembered a conversation they had had. Reiter had admitted talking to people in December 1958 about “possible plans to prevent Kennard’s going through with his attempt. One of the plans was to put dynamite to the starter of Kennard’s Mercury. Another plan was to have some liquor planted in Kennard’s car, and then he would be arrested.” After the meeting with Kennard, Lucas, and McCain on September 15, VanLandingham also

²⁰ *Ibid*, p.4.

²¹ *Ibid*, pp.4-5; Dittmer, *Local People*, p.80.

recalled seeing Reiter, who was ecstatic.²² Not wasting any time, VanLandingham went to see Southern's security director.

During their visit, Reiter told VanLandingham a version of events that would have been recognizable to Clennon King, who had been institutionalized at the state mental hospital after trying to integrate the graduate school at Ole Miss. "Reiter claimed that Kennard had been arrested on a lunacy warrant and said that the constable had shown him the warrant prior to Kennard's arrest. He claimed to have no knowledge of Kennard's arrest on a reckless driving, illegal possession of whiskey charge." With conflicting evidence, VanLandingham could not stop Kennard's prosecution, and he went back to President McCain to clarify the situation. McCain had heard different reports about what had happened. He did say that Southern's security guards saw Kennard lock his car when he got out for their meeting that morning, which meant that the constables could not have searched his car while he was inside. There was little doubt that Kennard had been framed, but things were still "up in the air" when the case went to trial.²³

Thanks in large part to the efforts of his NAACP defense team, Kennard successfully defended himself against the charges, but the Sovereignty Commission and Attorney General's office must have been pleased with that outcome as well. They knew that a conviction in the matter would have brought more unflattering attention to the status of Jim Crow, and now they could still claim that Kennard's integration efforts had been thwarted for the time being. Those white leaders also knew that they had not seen the last of Clyde Kennard, who vowed to continue his efforts to enroll at Mississippi Southern.²⁴ His initial court victory, though, did not signal the dawning of an enlightened day in the state's segregationist ranks; Kennard continued to face

²² Memorandum, VanLandingham to Coleman, September 21, 1959, MAGO, Box 7516, MDAH, pp.4-5.

²³ *Ibid*, pp.5-6.

²⁴ Dittmer, *Local People*, p.80.

significant obstacles. The election of Ross Barnett as Governor saw one last gasp by the forces of strict white resistance, and Barnett's cohorts would show no mercy on the likes of Kennard.

One year later, Kennard was back in the news, attempting to enter Mississippi Southern. Once again, he would find himself framed for a crime he did not commit, but this time it would be for conspiring to steal five bags of chicken feed. The NAACP and Medgar Evers returned to his defense, and, since it was going to be a costly case, state leaders of the NAACP started to raise money for Kennard's cause. Nevertheless, in 1961, he was convicted and sentenced to the maximum seven years in prison. Evers decried the verdict and found himself sentenced to thirty days in jail for contempt of court. With two high-profile cases to defend, the NAACP promised to appeal both verdicts.²⁵

Eventually, the Mississippi Supreme Court overturned Evers' conviction for contempt, but Kennard was not so lucky. In an appeal to the U.S. Supreme Court, the NAACP lost its bid to free Kennard who would do hard labor at the infamous Parchman Penitentiary.²⁶ Of course, the incidents surrounding Kennard's arrest for stealing chicken feed were suspicious and reeked of another setup. When Kennard initially applied to Southern, VanLandingham had visited the owners of the feed mill on behalf of the Sovereignty Commission. At the time, the investigator had hoped to put pressure on Kennard to withdraw his application, and now that same feed mill was behind a scheme to send Kennard to prison.

The centerpiece of the state's case was the shaky testimony of a black teenager, Johnny Lee Roberts, who had actually stolen the twenty-five dollars worth of feed and hid it at Kennard's farm. The nineteen-year-old claimed that Kennard had been the mastermind behind

²⁵ Gene Wirth. "NAACP Backs U.S. Suit, Integration at Ole Miss: State Group is Raising Funds for Mixing Effort." *Clarion-Ledger*. March 19, 1961. "Ole Miss Integration—James Meredith February 7 – May 15, 1961" folder, Marshall Papers, Box 20, JFKL; Letter, John Melchior and Aaron Henry to Pastor and Members, February 14, 1961. "Ole Miss Integration—James Meredith February 7 – May 15, 1961" folder, Marshall Papers, Box 20, JFKL.

²⁶ Dittmer, *Local People*, pp.80-82.

the whole thing, but, on the witness stand, he frequently contradicted his own story but made it through thanks to help from the prosecutor. Roberts never went to prison and was immediately rehired by the person the feed was stolen from. Yet, there was no direct evidence that Kennard had been framed or that the Commission had been involved in Kennard's arrest, and he went to work in the penitentiary's fields.²⁷

While at Parchman, Kennard became very ill, but his jailers refused him treatment for months. Eventually, his illness was so severe they had no choice but to seek medical attention for him, and he was promptly diagnosed with a malignant form of cancer. The prison's board recommended him for parole, but the Barnett administration refused to set him free and sent him back to work at the penitentiary. Fearing bad press if Kennard died in prison, Barnett finally agreed to his release in 1963, just weeks before his death on the 4th of July.²⁸ It was a tragic end to a heroic life, but his efforts were a prelude to those of James Meredith, who would begin his attempt to enter Ole Miss while Kennard was at Parchman.

For their part, hard-line segregationists banded together as the 1960s approached, and other voices like those of Patterson and Coleman were nearly submerged in an avalanche of white outrage. In the end, the diehards would see their cause on its last legs, and it would be up to the proponents of "strategic accommodation" of the civil rights movement to erect a new power structure that solidified white hegemony as it seemingly crumbled in the eyes of white supremacists.²⁹ Through it all, Patterson actively fought to shore up his position in relation to the Ross Barnett camp of demagoguery and defiance but at the same time maintain what vestiges of Jim Crow could be saved.

²⁷ *Ibid*, pp.80-82.

²⁸ Dittmer, *Local People*, pp.82-83.

²⁹ Joseph Crespino. *In Search of Another Country: Mississippi and the Conservative Counterrevolution*. Princeton: Princeton University Press, 2007, pp.4, 9, 11; Joseph Crespino. "Strategic Accommodation: Civil Rights Opponents in Mississippi and Their Impact on American Racial Politics, 1953-1972." Thesis PhD –Stanford University, 2002.

Patterson's task was made more difficult as whites in the state, threatened by the advancing civil rights movement, flocked to support those like Barnett who shouted "never" the loudest. Even the Mississippi Bar Association passed a 1958 resolution that condemned the Supreme Court for its decision in *Brown*: "We believe that if the Court is permitted to continue its headstrong frontal assault on institutions which have endured well for more than a century and a half, its wrongfully assumed and improperly used powers will inevitably impair the national unity of the American people in a troubled time when disunity is a luxury we can ill afford." The Bar Association then pushed for legislation that would limit judicial power and pledged to unite with other state bars to fight the abuse of activist judges.³⁰ In reality, Patterson was sympathetic to the sentiment of his fellow members of the Mississippi Bar, and on occasion he utilized the rhetoric of resistance as well as anyone. Ultimately, he shared the primary goal of protecting Jim Crow and white power, but his strategy for doing so evolved over time and moved away from notions that the fight against the civil rights movement could be an unconditional victory in the name of white hegemony.

Patterson did fight the movement at every step and actively built a support network throughout the region. A brief look at the files from the Mississippi Attorney General's Office shows broad correspondence with other attorneys general on a vast array of cases. From obscure legal issues like champerty—the unlawful participation in a lawsuit that one has no vested interest in but has been promised remuneration if won—and barratry—the unlawful encouragement of lawsuits—to issues of atomic energy and the fight against civil rights litigation, Joe Patterson and his assistants corresponded with the chief legal counsels of Louisiana, Alabama, South Carolina, Virginia, Georgia, Texas, and elsewhere to strengthen their

³⁰ Mississippi Bar Association. *Report of the Committee on Maintenance of the Constitutional Rights of the States and of Individuals*. "Attorney General's Correspondence: Miss. State Bar Code Study Committee 1958" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1, 4, 5.

position.³¹ For obvious reasons, the maintenance of segregation and black disfranchisement sparked much of the conversation.

At the outset of 1959, the Fifth Circuit Court of Appeals set off a temporary moment of panic in Patterson's office with its ruling in *Goldsby v. Harpole*. Robert Lee Goldsby, a black man, had been convicted and sentenced to death for the 1954 murder of a white woman in Carroll County, Mississippi. The woman was killed by Goldsby's stray gunfire after her husband, Bryant Nelms, attacked him with a rubber mallet in the parking lot of the Nelms' family restaurant, but Goldsby appealed his conviction based on the fact that African Americans had been intentionally prohibited from the grand jury that had indicted him in the first place. On January 16, 1959, the Fifth Circuit held that "Goldsby's constitutional rights were denied by virtue of the systematic exclusion of Negroes from juries in Carroll County, Mississippi, despite the fact that the record does not reveal that there were any Negroes qualified for jury service in that county."³² The case was then remanded for retrial in state court.

Patterson turned to his fellow attorneys general throughout the South for assistance in the *Goldsby* case. "Because of the probable far-reaching effect of this decision if it is permitted to stand," Patterson sent a copy of the "Petition for Rehearing and Supporting Brief" to each of

³¹ Letter, Jerry Coe to John Price, March 13, 1959. "Attorney General's Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Mitchell Wendell to Jack Gremillion, May 11, 1964. "Correspondence: Association of Attorneys General National 1964" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, John Price to Georgia State Law Department, May 8, 1959. "Attorney General's Correspondence: Atty. General of Georgia Correspondence (And Segregation Material from Georgia) 1959" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, John Price to W.M. Rainach, March 9, 1959. "Attorney General's Correspondence: Atty. General of Louisiana Correspondence (And Segregation Materials from Louisiana) 1959" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, A.S. Harrison to John Price, July 8, 1959. "Attorney General's Correspondence: Atty. General of Virginia Correspondence (And Segregation Materials from Virginia) 1959" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

³² "Negro Defendants and Southern Lawyers: Review in Federal Habeas Corpus of Systematic Exclusion of Negroes from Juries." *The Yale Law Journal*, Vol. 72, No.3 (Jan., 1963), pp.559-573. <http://www.jstor.org.proxy-remote.galib.uga.edu:2048/stable/794568>, p.561; SCRID # 11-4-2-2-1-1-1. Bob Pittman. "Argues 'Intruded' in Goldsby Case." *Jackson Daily News*, September 13, 1960; Letter, Joe Patterson to MacDonald Gallion, March 10, 1959. "Attorney General's Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

them and asked for any thoughts they might have. The Attorney General of Georgia, Eugene Cook, pledged his support in the matter: “It goes without saying that I am extremely disturbed and concerned....This case again demonstrates the untenable trend of Appellate and Supreme Court decisions obviously designed to totally destroy state sovereignty.” The Attorney General of Virginia, A.S. Harrison, echoed that sentiment: “We shall read this with a great deal of interest, for it does involve questions of considerable moment.”³³ It was a serious legal matter.

When the Fifth Circuit denied Patterson’s petition for a rehearing, he prepared to appeal the case to the U.S. Supreme Court. Again in an effort to reach out to the various attorneys general, Patterson thanked them for “the fine cooperation of your office with this office in sending us copies of pleadings and briefs in civil rights and segregation matters, and we are pleased to take this opportunity to reciprocate.” The Supreme Court, however, upheld the Fifth Circuit’s decision and remanded the case for retrial in Mississippi.³⁴ Goldsby had won an important but short-lived victory.

Upon the retrial and over the furious objection of Goldsby’s legal counsel, the family of the victim hired Governor-elect Ross Barnett to assist the state, as was allowed per state law. With Barnett’s help, the prosecution won another conviction, and Goldsby was once again sentenced to die by a jury that included one African American. This time, the defense lost its appeal, and, on May 31, 1961, Goldsby was executed while Bryant Nelms watched in the

³³ Letter, Joe Patterson to Albertis Harrison, March 10, 1959. “Attorney General’s Correspondence: Atty. General of Virginia Correspondence (And Segregation Materials from Virginia) 1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Eugene Cook to John Price, March 19, 1959. “Attorney General’s Correspondence: Atty. General of Georgia Correspondence (And Segregation Material from Georgia) 1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, A.S. Harrison to Joe Patterson, March 12, 1959. “Attorney General’s Correspondence: Atty. General of Virginia Correspondence (And Segregation Materials from Virginia) 1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

³⁴ Letter, Joe Patterson to Eugene Cook, March 26, 1959. “Attorney General’s Correspondence: Atty. General of Georgia Correspondence (And Segregation Material from Georgia) 1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Joe Patterson to A.S. Harrison, June 19, 1959. “Attorney General’s Correspondence: Atty. General of Virginia Correspondence (And Segregation Materials from Virginia) 1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; “Negro Defendants and Southern Lawyers,” *The Yale Law Journal*, Vol. 72, No.3 (Jan., 1963), p.562.

audience.³⁵ In the end, the side of Jim Crow came away relatively unscathed. As long as there was a token effort to include blacks on juries in Mississippi, then court proceedings could move forward. It did not take much to see that such a decision meant that those blacks chosen for jury duty would face immense pressure to go along with their white peers.

When the state of Alabama faced a lawsuit by the U.S. Justice Department against the Macon County Board of Registrars, Joe Patterson was quick to offer his assistance in that matter. The lawsuit had been filed against Grady Rogers and E.P. Livingston, both of whom had served on the Board and “persisted in acts and practices in violation of [their] constitutional obligation” to register people to vote regardless of color. “Said Defendants, while discharging the duties of their offices, were and are acting under color of law of the State of Alabama. In the course of their official duties, said defendants have discriminated against qualified Negro citizens on account of the race or color.” In 1958, Macon County claimed 3,100 whites who were eligible to vote, and 3,016 were registered or 97%. On the other hand, 14,000 blacks were eligible, but only 1,110 were registered or 8%. Racial discrimination was undeniable. The federal government not only asked the courts to declare acts such as those committed by the defendants unconstitutional but sought an injunction to prevent further discrimination.³⁶

The State of Alabama and its Justice Department, led by Attorney General MacDonald Gallion, believed they were innocent bystanders in a case of “judicial monstrosity” perpetrated by U.S. Attorney General William Rogers (no relation to the Alabama registrar). After all, Livingston and Grady Rogers had resigned their positions, and the third registrar in Macon

³⁵ “Negro Defendants and Southern Lawyers,” *The Yale Law Journal*, Vol. 72, No.3 (Jan., 1963), p.562; Howard Smead. *Blood Justice: The Lynching of Mack Charles Parker*. New York: Oxford University Press, 1986, p.22; SCRID # 11-4-2-14-1-1-1. “Dies on Ninth Death Date: Goldby’s Execution Came Only After Long Court Fight.” *Jackson Daily News*, May 31, 1961.

³⁶ *United States of America, Plaintiff v. The Board of Registrars of Macon County, Alabama: Grady Rogers, E. P. Livingston, Registrars, Defendants. No. 479-E. Complaint*. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1, 2, 3.

County had died. As Gallion saw it, the state had nothing to do with their transgressions, but the federal government sought “to restrain future members or successors in office from certain alleged practices [original emphasis]. Any suggestions or observations, no matter how elementary or general, will be welcome. What pleadings, theories of defense, and authorities would you use? We need all the help we can get.”³⁷ The federal government wanted to intervene in the disfranchisement of blacks in Alabama—a direct threat to all white elected officials.

Forwarding all the information they had to Joe Patterson, the staff members of the Alabama Attorney General’s office were “anxious to exchange ideas and cooperate with the Mississippi officials in every way, particularly your office. We would appreciate being kept advised of all Civil Rights and race developments, such as Civil Rights proceedings, school cases, voting cases, etc.”³⁸ Gallion and his assistants recognized that the state of Mississippi was in an identical position and were looking beyond this one case to future issues bound to arise. Patterson had enjoyed success in fighting civil rights litigation up to that point in his career, and Gallion hoped to capitalize on a mutually beneficial partnership.

Of course, Joe Patterson was happy to help. “Thus far we have been fortunate in this State to have had only one voting suit, and that case was defended [successfully] by this office.” In *Darby v. Daniel*, the Circuit Clerk and Registrar of Jefferson Davis County, James Daniel, had been sued on similar grounds as the pending case in Alabama. Daniel and the state of Mississippi won that decision in front a three-member U.S. district court, and it was not appealed

³⁷ Letter, MacDonald Gallion to John Price, February 12, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, p.3; Letter, MacDonald Gallion to John Price, February 16, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

³⁸ Letter, Gallion to Price, February 12, 1959, MAGO, Box 7514, MDAH, p.3.

before the deadline for doing so expired. Patterson had three copies of all pertinent documents sent to the Alabama Attorney General and promised

in any future cases which may be filed in this State, we shall be glad to mail to you immediately copies of all pleadings and briefs filed....We are also appreciative of the efforts which have been made in the past and which will no doubt continue to be made by you as Attorney General in the fight to preserve segregation. For we realize full well that not only will your successes inure to the benefit of your State but will also benefit the State of Mississippi and other Southern States as well.³⁹

Patterson knew that white fortunes in Mississippi were inextricably tied to those in Alabama.

The matter became particularly crucial when the U.S. Attorney General added the state of Alabama “as a party defendant.” Gallion returned to Patterson for help, knowing that this was “a very serious development....for if the Government can enjoin the State of Alabama from acts of racial discrimination and if the injunction extends to all of the State’s officials, servants, agents or employees, the last vestige of state sovereignty will have disappeared.”⁴⁰ That “sovereignty” meant the freedom to keep Jim Crow and white power intact.

Patterson sympathized with Gallion’s position: “I agree that it would be a deplorable state of affairs if the Government is successful in making the State of Alabama a party defendant to this injunction suit.” Although Patterson had not had the time to review the entire case, he did offer one suggestion. Patterson thought it could be argued that the federal district court did not have jurisdiction in the case since Article 3, Section 2, Clause 2 of the U.S. Constitution provided

³⁹ Letter, Joe Patterson to MacDonald Gallion, February 16, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.2-3; Letter, Joe Patterson to Nicholas Hare, February 26, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

⁴⁰ Letter, MacDonald Gallion to John Price, February 26, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

the Supreme Court with “original jurisdiction in any case wherein a state is a party.”⁴¹ It was not much, but it was a start. Gallion soon moved to dismiss all the charges on a number of grounds.

There were two primary reasons for dismissal that Gallion pointed to. First, he argued that an action under the Civil Rights Act of 1957 had to be against an individual and not a state. In that sense, neither Alabama nor the Macon County Board of Registrars was a legally suable entity; Livingston and Rogers had acted on their own accord. Second, they had both resigned their positions before the lawsuit was filed. Thus, they could not be served with the appropriate documents, and they could not produce evidence from the Board’s files since they no longer had access to them. In its rebuttal, the U.S. Justice Department addressed sixteen areas for its opposition to dismissal. Notably, the state of Alabama was suable since “the doctrine of state immunity from suit does not apply to an action brought by the United States.” Similarly, Rogers and Livingston were proper defendants. Although they had resigned, both had to remain in office until their successors were appointed, which had not happened yet. “It bears reiterating that this office of necessity must be continually operative in order to afford the right of citizens of Alabama including those residing in Macon County to vote.”⁴² Rogers and Livingston had resigned to avoid a lawsuit by the federal government, but they had kept their power as registrars.

On March 6, 1959, Judge Frank Johnson in U.S. District Court rendered his decision and agreed with the state of Alabama on all counts. Johnson first dismissed the charges against

⁴¹ Letter, Joe Patterson to Nicholas Hare, March 3, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1, 2.

⁴² *United States of America, Plaintiff v. The Board of Registrars of Macon County, Alabama: Grady Rogers, E. P. Livingston, Registrars, Defendants. No. 479-E. Trial Brief of Attorney General for Defendants: Statement of the Case.* “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1-4, 7-9; *United States of America, Plaintiff v. The State of Alabama, et al., Defendants. No. 479-E. Memorandum in Opposition to Motion to Dismiss.* “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1-3, 6.

Rogers and Livingston. “If, as they contend, their resignations were effective in all respects, they cannot now be sued in their capacity as registrars of Macon County, Alabama.” Johnson also agreed that only “individual persons” could be held liable under the 1957 Civil Rights Act and that “the Board is not a ‘person.’” Finally, Johnson decreed that the state of Alabama should be dismissed as a defendant because all cases against a state must be decided by the U.S. Supreme Court, as Joe Patterson had suggested.⁴³ While fleeting, it was a major initial victory for the forces of Jim Crow.

Gallion was more than “happy to advise” Patterson that Judge Johnson had ruled in the state’s favor and had ordered “the temporary injunction dissolved and motion to produce denied....Please let us express our sincere appreciation for your interest and help.” Patterson offered his hearty congratulations:

I have read and studied said opinion with much interest and I am convinced that your office did a remarkable service for not only your state but the whole South in your presentation of this case to the Court. I hope that the United States Supreme Court will “see the light” as has the District Judge in this instance. We appreciate very much your fine spirit of cooperation, and when and as this office shall have materials which we believe would be of interest to you, you may be assured that we will mail copies of same to you.⁴⁴

Even Patterson’s assistants wrote to the Alabama Attorney General to express their appreciation. John Price told Nicholas Hare, an assistant to Gallion, that “needless to say, I am convinced that [Johnson’s] conclusion in this matter is sound, and you and the other members of the Attorney General’s staff who have worked on this matter are to be congratulated upon winning this fine

⁴³ *United States of America, Plaintiff v. State of Alabama; The Board of Registrars of Macon County, Alabama: Grady Rogers, E. P. Livingston, Registrars, Defendants. No. 479-E. Memorandum Opinion.* “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1, 4, 8, 10.

⁴⁴ Letter, MacDonald Gallion to Joe Patterson, March 6, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Joe Patterson to Nicholas Hare, March 13, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

victory.” And, Price offered Gallion “sincere congratulations to you and your staff for this splendid victory.”⁴⁵ It was a moment that all segregationists could celebrate.

Despite that fact, Patterson, Gallion, and their assistants recognized that their hard-won battle was relatively insignificant in the scheme of things. They faced mounting legal challenges from every possible angle, and the civil rights movement did not confine itself to the courts. It also sought social victories on a turf that the attorneys general had little control over, while the growing chorus of hard-core segregationists called for extra-legal solutions to those problems. Yet, Patterson recognized that if segregationists were to take the law into their own hands, they would open themselves to increasing scrutiny from the federal government, the press, and the American public. The case of Horace Germany illustrated that dilemma.

Horace Germany came to the attention of the Sovereignty Commission when it received a tip from Citizens’ Council leader Robert “Tut” Patterson in 1959 that Germany was “holding interracial meetings in his county.” Tut Patterson thought that “this might be easily checked by the Sovereignty Commission, since they have trained men for this job.” Zack VanLandingham wrote back to say that the Commission was aware of Germany and that investigator L.C. Hicks had looked into the matter a couple of years earlier. VanLandingham promised to revisit that investigation as soon as possible.⁴⁶ Before that could happen, Germany asked for an audience with Joe Patterson and the Commission.

Germany was a Church of God minister who, VanLandingham observed, “gives the appearance of being a farmer, however, he appeared to be very intelligent and was never at a loss for words.” He had been sent by the Board of Church Extension and Home Missions “to

⁴⁵ Letter, John Price to Nicholas Hare, March 6, 1959. “Attorney General’s Correspondence: Atty. Gen. of Alabama—Correspondence 1958-1959” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, John Price to MacDonald Gallion, March 6, 1959.

⁴⁶ SCRID # 1-32-0-2-1-1-1. Letter, Robert Patterson to W.H. Johnson, January 23, 1959, MDAH; SCRID # 1-32-0-3-1-1-1. Letter, Zack VanLandingham to W.H. Johnson, January 29, 1959, MDAH.

Mississippi in 1952 for the purpose of reorganizing and rehabilitating the churches of the Church of God, not only in Mississippi, but in surrounding states.” With the help of J.W. Stewart, the pastor for the Collinsville Church of God, Germany established a school to train black ministers for an area where there were eight preachers, mostly illiterate, for thirty-four black churches. The Bay Ridge Christian Vocation School was meant to be a trade and bible school for blacks six miles west of Union, Mississippi. “The training center is planned as a four-year ministerial training program with a faculty of Southern ministers and leaders who are acquainted with the need and problems of the South.” When whites in the area became aware of the school, they did not like what they saw and paid a visit to Germany and Stewart, who in turn asked for help from the Sovereignty Commission.⁴⁷

In their meeting with Patterson and VanLandingham, Germany and Stewart presented an article from *The Meridian Star*, which detailed the purposes of the new school, and they declared that they had “no aim toward an integration program of students.” According to Stewart, who was the secretary-treasurer of the new school, “the total emphasis is aimed directly toward underprivileged Negro youth who are needed so badly as leaders in the church.” Stewart argued that, while segregation needed to be maintained, there was a greater need for equality in parochial and public schools. Other than the Church of God, the school was not affiliated with any organization, and Germany denied ties with the NAACP. “He said that he is not trying to integrate nor does he believe in the integration of the races in Mississippi;” he wanted to train black preachers to work in the state—a project for which he had been preparing for six years.

⁴⁷ Memorandum, Zack VanLandingham to Joe Patterson, February 5, 1959. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 3 of 4, MAGO, Correspondence—Subject, 1931-1980, MDAH, Box 7516, pp.1-3.

“He claims that he preaches against creating tensions and strife, and that he preaches self-control to the Negroes.”⁴⁸ The local Citizens’ Council was skeptical.

Germany told Patterson and VanLandingham that Council leaders had come to his home and accused him of being in cahoots with the NAACP. That group included Bob Tillman who worked for the Public Service Commission and two others. During the Council members’ visit, Germany asked to be able to speak to white churches in Union to explain what he was doing, and his visitors agreed. In Germany’s accounting, he received a lot of support after those sermons: “He thought everything had been ironed out, and he had the good will of the community.” On January 17, 1959, Germany held an organizational meeting with forty-six people from six southern states to finish plans for the school. Patterned after the Piney Woods School south of Jackson—an all-black boarding school—the idea was that the students would go to school for half a day and then work on the farm the other half of the day. The group then drew up a Charter of Incorporation: “It was to be a non-share, non-profit organization, strictly for religious purposes, the purpose being to train leaders for service in the Church and to furnish a means of self-help employment for underprivileged children. Further purpose was to promote an educational program and to promote the evangelistic program of the Church of God.”⁴⁹ It did not seem to be a controversial plan.

But, white community objections resurfaced after the organizational meeting, and the area Citizens’ Council called for a public hearing, where Germany was refused the opportunity to give his side of the story. That night a five-member committee from the Citizens’ Council including Bob Tillman and Germany’s third cousin, Monroe Germany, came back to Germany’s house. The group “told him that they had no personal animosity toward him nor any objection

⁴⁸ Memorandum, VanLandingham to Patterson, February 5, 1959, MAGO, Box 7516, MDAH, pp.2-4.

⁴⁹ *Ibid*, pp.4-5.

toward him personally, but that they were not going to permit him to build a Negro school in the community, and they gave him 10 days to arrive at a decision and notify them of the decision.”

They informed him that he could stay in Union and keep doing church work with blacks but had to stop building his school. “Germany stated that about 15 minutes before this committee called upon him, a car filled with men came by his home, and someone got out and apparently tried to set his house on fire.” He had also received phone threats against himself and his property.⁵⁰

Nonetheless, Germany and Stewart planned to stay put and open their school and turned to Attorney General Patterson for help.

The two men particularly wanted to meet with Patterson to find out if their charter of incorporation would be approved and what their legal rights were to build their school.

Attorney General Patterson declined to give them an off-hand opinion and stated that the matter would have to be studied with reference to their charter....They also wanted the state to protect them in their efforts to force the people at Union, Mississippi, to let them go ahead with their plans. The Attorney General told them that he was without jurisdiction to go into Neshoba County to act as a guard for them or to tell the people what they should or should not do.

Patterson “did not propose to go into Neshoba County to tell anyone that they had to listen to Germany.”⁵¹ Concerned about a situation that had developed into serious racial strife, the Attorney General thought the best solution was for Germany and Stewart to postpone their plans. White concerns in Union were not going to dissipate over night.

Patterson tried “to reason with Rev. Germany and Stewart that their action, however sincere and laudable and whatever right they may have in going ahead with their plans, still the same would incite and increase tensions between the races which they had claimed they were trying to avoid.” Germany and Stewart agreed to take his proposal into consideration, and they

⁵⁰ *Ibid*, p.6.

⁵¹ *Ibid*, pp.6-7.

were thankful for the opportunity to talk with him and VanLandingham.⁵² Yet, they were going to move forward with the Bay Ridge Christian Vocation School in spite of future difficulties that were undoubtedly going to arise.

By the fall of 1959, the school was nearly ready to be opened, and Germany looked for all the help he could get. The Director of Rural Development for the National Council of Churches, A.E. Cox, expressed interest in Bay Ridge's mission. Cox had met Louis Meyer, who was the secretary of the Department of Evangelism for the Church of God, at the national Town and Country Convocation in Louisville, Kentucky. Meyer and Cox hit it off, and Cox asked if he could meet with Germany and visit the campus. Cox had worked in Mississippi since the 1930s and had faced many similar experiences and problems "in the field of Cooperatives and Credit Unions." Germany soon invited Cox to speak at the school and sent him directions to the campus.⁵³ Unfortunately, the National Council of Churches had a long, established reputation amongst segregationists as an "outside agitator" in the field of civil rights; such friendships did not help Germany's cause in Mississippi.

When white community members protested Germany's efforts in the summer of 1960, the Sovereignty Commission returned to Union to continue the investigation begun by VanLandingham. Investigator A.L. Hopkins noted that Germany was originally from the Neshoba and Newton County areas and had a lot of relatives around there. With that base of support, which included a stint as pastor of the Bluff Springs Church of God four miles away, Germany had begun his black Christian college, but Hopkins' investigation revealed that no one in Germany's community, including his family, wanted him to proceed with the school. When

⁵² *Ibid*, p.7.

⁵³ Letter, Louis Meyer to Horace Germany, October 26, 1959. "Rev. Horace Germany" folder, Cox Papers, Box 1-A, MSU; Letter, Horace Germany to A.E. Cox, November 21, 1959. "Rev. Horace Germany" folder, Cox Papers, Box 1-A, MSU.

he took a few black students to church with him, he was warned never to do so again.⁵⁴ Hopkins turned to white leaders to inquire about the status of the situation.

The County Attorney, Rex Gordon, “did not think it advisable for a State Investigator to contact Rev. Germany in person regarding his attempt to organize this college as he felt that Germany would most likely use this to his advantage in his fund raising campaigns in the North.” Misgivings in the white community were running high, and Gordon and the District Attorney, Roy Noble Lee, had faced a lot of criticism for not doing more to slow down Germany’s plans. Gordon and Lee wanted their own meeting with Attorney General Patterson after the Sovereignty Commission investigation was complete to find out if there were legal means to stop Germany.⁵⁵ They were at a loss for what to do.

The Attorney General and Sovereignty Commission investigator leant willing ears, and Gordon and Lee laid out their suspicions. “Mr. Gordon feels that Rev. Germany is interested in this project only from a financial standpoint, and not from a true sense of trying to help the Negroes.” Gordon further claimed that black employees on the farm did not receive any special treatment, but black teachers, visitors, and students from out of state “are reported to sleep in his home and eat at the same table with he [sic] and his family.”⁵⁶ In the minds of Gordon and Lee, such actions threatened the stability of the white community.

Hopkins then went to the Sheriff of Neshoba County, E.G. Barnett—later tried but not convicted for the kidnapping and murder of James Chaney, Michael Schwerner, and Andrew Goodman—and Citizens’ Council member, J.S. Henry, to gather more information for his

⁵⁴ Report, A.L. Hopkins, *Investigation of NAACP Activities in Newton and Neshoba Counties, Principally Regarding the Bay Ridge Christian College, Reverend J.H. Germany and Reverend J.W. Stewart, White Instructors at this School*, July 15, 1960. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-2.

⁵⁵ Report, Hopkins, *Investigation*, July 15, 1960, MAGO, Box 7516, MDAH, p.2.

⁵⁶ *Ibid*, p.2.

investigation. It was not hard for Hopkins to convince Barnett to cooperate and gather the license plate numbers of visitors to Germany's farm in order to prove that he was working with civil rights activists. For his part, Henry had been trying for a year to stop Germany and had been part of the committee that went to tell him that his school was not wanted in Union. When Germany persisted, though, "someone, and it was believed to be teenagers from Union, burned a cross or built a fire on Rev. Germany's lawn." Germany backed down for a few months but started up again. In Henry's opinion, that made him "the most dangerous man in the State of Mississippi from a standpoint of race agitation and subversion." Henry and others claimed that, if Germany was not legally stopped, there was a good chance of bloodshed.⁵⁷ Although the accusations about Germany's intentions may have been overblown, the potential for violence was real. Patterson and the Commission needed to find a way to prevent that from happening, not to protect Germany and his family but to preserve an image of Mississippi as a segregated yet peaceful place.

Rumors had it that, when Patterson refused to provide protection for Germany's family—including his wife, one married daughter, a 16-year-old son, and two teenaged girls—Germany sought assistance from the U.S. Justice Department during a trip to Washington, D.C., but was similarly denied. Everyone recognized that it was a dangerous situation, but no one wanted to act on Germany's behalf. Hopkins was not necessarily helping matters. With the type of contradictory logic common to segregationists, Hopkins reported that Germany's children did not like what their father was doing but were forced to go along with it. On the other hand, "Germany's son and the two younger girls can be observed almost every afternoon playing basketball in Germany's front yard with the Negro students in this school."⁵⁸ If that were true,

⁵⁷ *Ibid*, p.3.

⁵⁸ *Ibid*, pp.3-4.

then the children's discomfort with the situation must have been well hidden. Bent on proving that Germany was subversive, Hopkins tried to show from every angle that the most reasonable conclusion was for Germany to withdraw his plans. At the same time, the Sovereignty Commission investigator fueled passions that only heightened the tension.

After talking to the Union Chief of Police, George Smith, Hopkins learned that blacks going to Germany's school were supposedly not from Mississippi but were from out of state, again promulgating the notion of "outside agitators." Smith also provided a list of names, both black and white, who were reported either to live with Germany or were associated with him. The company he was keeping was a cause for concern amongst segregationists. From their perspective, Germany's efforts to expand his land holdings and, thus, his school meant nothing less than impending doom for the white way of life. Hopkins tried to assure them that the Sovereignty Commission would "ascertain what could be done in order to correct the situation as it now stands in Newton and Neshoba Counties." He promised that he and Attorney General Patterson would contact them about official routes of action and that, if needed, they would return for further investigations.⁵⁹ Although he was trying to placate white fears, the presence of the Sovereignty Commission signaled that this was a legitimate threat to white supremacy.

There can be little wonder that local whites soon took the matter into their own hands. Just days before Hopkins reported on his "extensive work" in Newton and Neshoba Counties to Patterson and the Sovereignty Commission, a mob of more than 200 members marched on Germany's farm. Germany told the crowd that the school was not going to be integrated and that his students would not be allowed to participate in the civil rights movement, but that did not satisfy everyone. A few days later, Germany was attacked by five drunken whites but escaped serious injury. Looking into the affair, a grand jury in Newton County investigated the

⁵⁹ *Ibid*, pp.4-5.

disturbance but did not see fit “to set out their findings in the open report. Results of their investigation were given to county officials.”⁶⁰ Still, Germany persisted in his plans.

Local papers reported that Germany, to their astonishment, was a white man from Mississippi who was going to build his school even though “more than 1,000 white citizens” protested its opening. His cousin, Monroe Germany, went so far as to read a resolution “from the back of a truck...and was adopted by a show of hands.” Horace Germany told the reporter that he had asked for help from the sheriff’s office and from state officials but had gotten nowhere with them. In fact, Germany was confident that the Citizens’ Council had worked with “Atty. Gen. Joe Patterson” to have the college disbanded and stop “the school from being chartered.” Popular opinion was not behind Germany’s efforts, and it was common knowledge that the Sovereignty Commission had sent an investigator to the area. Another Church of God minister, Robert Judy, stated that the school should be stopped because of the threat of violence.⁶¹ The story was making region-wide news.

Known for his civil rights reporting, Bill Minor of the Jackson *Clarion-Ledger* looked into the Sovereignty Commission’s investigation of Bay Ridge and its founder. The Commission’s Director, Albert Jones, claimed that Germany was getting “‘cheap labor’ on his dairy farm in return for certain ‘school credits’ which would not be honored at any other Negro junior college or senior college in Mississippi.” Jones alleged that Germany forced his students

⁶⁰ Minutes, Mississippi State Sovereignty Commission, August 18, 1960. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.1; “Negro Tells of Attack by Whites,” *Commercial-Appeal*, August 20, 1960. “Rev. Horace Germany” folder, Cox Papers, Box 1-A, MSU; “Newton Grand Jury Mum on Negro College Fuss,” *State Times*, August 18, 1960. “Rev. Horace Germany” folder, Cox Papers, Box 1-A, MSU.

⁶¹ “Negro College Still Planned,” *Commercial-Appeal*, August 22, 1960. “Rev. Horace Germany” folder, Cox Papers, Box 1-A, MSU; “Council Blamed by College Head: Educator Says Citizens’ Group is Behind Move to Disband School,” *United Press International*, August 18, 1960. “Rev. Horace Germany” folder, Cox Papers, Box 1-A, MSU.

to work five hours a day during the school year and ten to twelve during the summer.⁶² That was apparently unacceptable by segregationist standards unless it was black sharecroppers working cotton in the Delta. Then, there was no limit to the number of hours a black person should work. Nonetheless, the unaccredited school faced an uphill challenge if it was going to survive.

Attorney General Patterson clarified matters for Minor: “The fact Bay Ridge is a ‘Private Negro College’ had nothing to do with his recommendation to Governor Ross Barnett that an application for a non-profit charter be denied.” Patterson pointed to eight historically black colleges in Mississippi. “The state government encourages such institutions” if they operated under the “qualifications of a non-profit corporation.” The Attorney General asserted that the integrated faculty had nothing to do with the charter’s denial either.

“Private schools choose their own faculties....At Tougaloo Negro College just north of Jackson and at the Piney Woods school in Rankin County there has been an integrated faculty for twenty years.” He said, however, that the Bay Ridge situation indicates that Germany is making a profit off of free student labor for his own personal gain in producing milk and other farm products. “We cannot issue a non-profit charter to an institution which seems to be set up under a plan to benefit one man. This would be our attitude whether the school is for white students or Negro students.” Lack of a charter, he said, means that the school will be considered as a “normal, private business for tax purposes” without the exemptions which are available under the non-profit setup.⁶³

While there was no indication that his black students felt exploited, Germany was not going to find any sympathetic quarter with the state’s white leaders, and action by local whites finally doomed Bay Ridge.

On August 26, 1960, the *Memphis Press-Scimitar* reported that another white mob of about twenty appeared at the school and attacked Germany, who recognized a few Citizens’ Council members in the group. Germany and four black men had just returned with building

⁶² Bill Minor, untitled article, August 26, 1960. “Sovereignty Commission, 1960-1977” folder, Minor Papers, Box 13, MSU, p.1.

⁶³ Minor, untitled article, August 26, 1960, Minor Papers, Box 13, MSU, pp.2-3.

materials for the new school. The black men were chased off, and the materials were dumped out of his truck. Once more, Germany survived without major injury but was shaken up, but not everyone in the white community condoned the attack. A few suggested that those guilty should be punished. The editor of the *Lexington Advertiser*, Hazel Brannon Smith, called for Germany's attackers to be prosecuted. Smith often took unpopular stands on race relations, and her readers knew she never shied away from controversy. In her opinion, members of the mob were dragging down all of Mississippi, and she used Christianity to condemn them. After all, Germany was trying to create a school to train black ministers.⁶⁴ Still, Smith's words could not convince Germany to stay in Mississippi, and the assault served its purpose. Germany and Bay Ridge would move.

As secretary of the school, Stewart told the press that the Bay Ridge Christian College "will be abandoned." In light of the past year's events, he could not see how it would be possible to continue under such adverse conditions, and he and Germany planned to depart the area. Although they needed little convincing, Germany's daughter, Ruth Hollifield, later claimed that Joe Patterson had visited the family one last time to tell them to leave the state or know that they would be killed. Heeding that advice, Germany took his family and his school to Kendleton, Texas, where it operates today.⁶⁵ In the end, Patterson and local whites got the result they were looking for.

Hollifield's testimony is the only evidence that Patterson paid that final visit to the Germany family. If true, Hollifield and her family likely saw it as a direct threat from the

⁶⁴ "'Beaten' Says College Head: Says White Mob Attacked Him," *Memphis Press-Scimitar*, August 26, 1960. "Rev. Horace Germany" folder, Cox Papers, Box 1-A, MSU; Hazel Brannon Smith, "Mob Rule in Mississippi?: Attackers of Germany Should Be Prosecuted," *Lexington Advertiser*, September 1, 1960. "Rev. Horace Germany" folder, Cox Papers, Box 1-A, MSU.

⁶⁵ "Germany Giving Up School, Aide Says," *Clarion-Ledger*, August 28, 1960. "Rev. Horace Germany" folder, Cox Papers, Box 1-A, MSU; History Channel. *History Undercover: Mississippi State Secrets*. 2004.

Attorney General. At best the state of Mississippi was not going to offer them any protection, and at worst it planned to be complicit in their murder. Either way, Germany's decision to take his family to Texas was a logical one: it was the best way to keep them safe. Yet, there may be another explanation for Patterson's visit that night. Although his motives would have been hardly laudable, he might have been trying to save them rather than threaten their lives.

Patterson recognized that a situation was developing that would hurt the Jim Crow cause. The murder of the family of a man trying to train black ministers would have fueled the chorus of voices from the civil rights movement. The state had been lucky that the violence already perpetrated against Germany had not led to a backlash greater than just a Hazel Brannon Smith editorial, and Germany was lucky to still be alive. Germany's efforts had been a threat to whites whether or not he was explicitly training activists. Although often conservative arbiters, especially in relation to the youth movement about to be launched by the sit-ins, black churches and ministers provided a base of support for civil rights that even the most ignorant redneck could recognize. Germany and his family were in a dire situation.

The Attorney General did not want to see Bay Ridge open its doors any more than the most committed segregationist, but he could not condone violence against them either. It had nothing to do with the fact that he wanted to protect the Germanys, and it had less to do with the fact that, as the state's chief legal officer, it was his job to prosecute their attackers. Instead, it had to do with Patterson's increasing recognition that the best way to combat civil rights was to silence it. After all, the movement made its biggest gains when it could capitalize on press coverage, which in turn captured the attention of the federal government and the American people. For Patterson, it was a *color-blind* strategy that was explicitly about preserving the peace but implicitly about protecting white power.

On that front, Patterson's efforts became more complicated with the inauguration of Ross Barnett as Governor in 1960. The youngest son of a Confederate veteran, Barnett was from Standing Pine, Mississippi, about 100 miles due south of Patterson's hometown of Calhoun City.⁶⁶ Barnett was not a Delta planter, which may have been why he appealed to the masses of white Mississippians. He was elected on the back of their fears over the growing efficacy of the civil rights movement, and he defended white supremacy with as much ardor as anyone. Not too surprisingly, he and Patterson had a rocky relationship from the start, butting heads over everything from the Governor's constitutional powers to the proper role of the Sovereignty Commission. It would be the Meredith crisis in 1962, however, that would signal the beginning of the end of Barnett's brand of racist demagoguery and the rise of Patterson's more effective version of *color-blind* politics in Mississippi.

⁶⁶ John D'Emilio. *The Civil Rights Struggle: Leaders in Profile*. New York: Facts on File, Inc., 1979, p.29.

Chapter 4

Ross Barnett and the Hardliners

When Ross Barnett was elected Governor without opposition in 1959, there were no secrets where his loyalties lay. Touting his economic and segregationist credentials, an eight-page campaign brochure proclaimed that Barnett would provide “Dynamic Leadership: To Keep Segregation and Improve Our Standard of Living.” Confident of victory, the brochure ordained him, “Ross Barnett, Mississippi’s Next Governor: ‘Roll with Ross...He’s his own boss!’” The front cover even pictured the future Governor with a halo around his head.¹ The symbolism was clear: the Lord had sent Barnett to help white Mississippians maintain segregation, black disfranchisement, and white power.

Known for its relative racial progressivism, the *Delta Democrat Times* and its editor, Hodding Carter, noted discouragingly that, because of his close connection to Governor Barnett, W.J. Simmons of the Citizens’ Council “seemed to be the Governor in fact if not in title.” The last of many race-baiting demagogues to be elected Governor, Barnett drew a sharp contrast with what political scientist Earl Black termed the more “moderate segregationists” like James P. Coleman and Joe Patterson, who opposed the new Governor’s virulent brand of politics.² Barnett’s association with Attorney General Patterson was business-like from the start, but

¹ *Dynamic Leadership: To Keep Segregation and Improve Our Standard of Living*. “Ross Barnett” folder, Toler Papers, Box 1, MSU, p.1

² *Delta Democrat Times*, October 15, 1962, Patterson Papers; Earl Black. *Southern Governors and Civil Rights: Racial Segregation as a Campaign Issue in the Second Reconstruction*. Cambridge: Harvard University Press, 1976, p.60.

events over the next four years strained that relationship to the breaking point, particularly when it came to Barnett's chumminess with Council leaders.

In 1960, at the outset of the Barnett administration, the Sovereignty Commission increased its public relations campaign, which was meant to sell the rest of the country on the supposed equity that existed under the state's Jim Crow regime. One of the initial tasks was to hire Erle Johnston as the public relations director, who by 1961 had already put together a major press campaign and had travelled as far as Rockville Centre, New York, to spread the segregationist message. Some Commission leaders like Earl Evans and Patterson, who had always been budget conscious, worried about the vast use of state money.³ Nonetheless, they went along with these early plans but balked after they learned about the excessive spending on a thirty-minute propaganda film entitled *The Message from Mississippi*.

The Commission paid nearly \$30,000 to produce the film for audiences throughout the country, an astronomical sum in the eyes of the Attorney General, but, in a letter to Patterson, Barnett made the case that another \$15,000 needed to be made available as soon as possible for brochures and other direct mail for television stations to ask for free air time, considering those stations planned their broadcasts far in advance. If the Commission wanted the film to make it to television at all, Barnett argued that they had to stage a publicity drive, and Erle Johnston agreed. At the very least, Johnston thought \$11,000—to be doled out on a monthly basis—should be kept in the budget because the film was a public service.⁴ Patterson and other members of the

³ Letter, Erle Evans to Erle Johnston, January 2, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Erle Johnston to Earl Evans, January 10, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁴ Letter, Ross Barnett to Joe Patterson, December 21, 1960. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Erle Johnston to Earl Evans, January 10, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box

Commission, though, were skeptical about the project and the potential squandering of state funds.

In a seven-page report, a special committee of the Sovereignty Commission led by Patterson researched payments for the film. Mistakenly referring to it as “*The Mississippi Story*,” the committee found that the Commission had been overcharged by the production company in the first place, and now the company was demanding \$700 for each copy it made although it had agreed to \$150 per copy. Patterson and the other members of the special committee—Earl Evans, Wilburn Hooker, and Tom Watkins—were angry about the runaway spending and declared that the Commission should not commit another cent to the venture. Despite that opposition, the film made it through production, and it would be seen in forty-three cities, including London and Washington D.C., and twenty-seven states from Oregon to New Hampshire, a remarkably wide viewing audience.⁵ Patterson did not disagree with the message of the film but felt that such money could be better used for the segregationist cause. One such effort that Patterson supported was the use of paid, black informants, who reported to the Commission about civil rights activities in their communities.

In the summer of 1961, white leaders in Mississippi were doing their best to prepare for the arrival of the Freedom Riders. Albert Jones, director of the Sovereignty Commission, wrote to Governor Barnett, Joe Patterson, Tom Watkins, Earl Evans, and other segregationist leaders to tell them that he had secured the services of two informants inside the NAACP and that they had submitted their first, handwritten reports. Neither of the informants was named at that time. Although they would be indentified later, both had infiltrated high levels of the civil rights

7516, MDAH; Yasuhiro Katagiri. *The Mississippi State Sovereignty Commission: Civil Rights and States' Rights*. Jackson: University Press of Mississippi, 2001, pp.82-84.

⁵ *Report of Special Committee on Cost of Film “The Mississippi Story,”* April 27, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1, 7; Katagiri, *The Mississippi State Sovereignty Commission*, p.84.

movement.⁶ They did not have much substance to report, but their willingness to assist white officials, dedicated to perpetuating the second-class status of blacks, portended an ominous future for the Freedom Riders.

One of the informants reported his findings from a meeting of CORE, SCLC, SNCC, NAACP, and other civil rights leaders at the Masonic Temple in Jackson on June 27, 1961. When he arrived, he did not want to write down license plate numbers since he was afraid of drawing attention to himself, but he did notice that city police were getting tag information. Although he had been able to get inside the building, he could not access the room where the Freedom Rides were being discussed; the only people allowed in were participants and high-level strategists. All those present at the meeting had been sworn to secrecy, but the black informant had learned that there were plans “to seek entrance in the white schools.”⁷ It was not ground-breaking information, but his proximity to the inner-workings of the movement must have pleased his segregationist employers.

The other informant had been to the Mississippi Gulf Coast for the weekend and reported on a variety of plans by blacks in Biloxi—from the attempt to desegregate beaches through “wade-ins” and schools by lawsuit to the mixed support for the Freedom Rides, the rise of a more active NAACP, and a potential civil rights “March on Washington.” To offset those activities, the mole proposed that the Governor set up a group to be called the “Mississippi Negro Civic Agency,” establish a position for a full-time black investigator for the Sovereignty Commission, and give more money to the *Jackson Advocate*, a black newspaper that supported a

⁶ Letter, Albert Jones to Ross Barnett, June 29, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁷ Report, “Special 6/30/61,” in letter, Albert Jones to Ross Barnett, June 29, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.1.

conservative stance on civil rights. While the Commission would give over \$3,000 to Percy Greene as the founder of the *Jackson Advocate* and it would continue to fund individual black investigators on a piece-meal basis, one last suggestion by its informant struck a chord: send an articulate black Mississippian to speak in front of national audiences.⁸ What Albert Jones did not reveal to the other Commission members was that he and Erle Johnston had been preparing this informant, Joe Albright, for just such a job, but for the time being they continued to use his secret services within the movement.

On July 5, 1961, Albert Jones again wrote to Governor Barnett, Attorney General Patterson, and other members of the Commission about further espionage within the civil rights movement, including more information on the organizational meeting held at the Masonic Temple about the Freedom Rides. This time, Jones named the informant: Joe Albright, supposedly a distant cousin of Martin Luther King, Jr. Albright had attended the meeting in Jackson and said that plans were in place not only to support the Freedom Rides but to also increase sit-ins, led by Diane Nash, a young Nashville civil rights leader. Significantly, Albright reported that King was also at the meeting, but his attendance did not seem to unify the group. “This investigator has discovered that despite all the ‘brotherly love’ evidenced publicly by the leaders, there is an increasing rivalry and jealousy growing between them. This is especially true as it relates to CORE and King’s group, SCLC.” In particular, CORE felt that King and the SCLC had joined the Freedom Rides at the tail end for the publicity and had not contributed much in reality to the effort. Hoping to capitalize on that dissent and repeating his sentiments

⁸ Report, untitled, in letter, Albert Jones to Ross Barnett, June 29, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-3, 5-7; Attachment, “Grants Given Beginning July 1, 1960 through June 30, 1962” in Letter, Albert Jones to Joe Patterson, August 24, 1962. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

after his trip to Biloxi, Albright suggested “that the successful roadblock lies in the establishment of a counter organization of, for, and by Negroes who are diametrically opposed to this outside-of-state harassment.”⁹ Although the Commission did not move on his suggestions, the information that he provided made him a significant asset.

By the next week, Albright had more to divulge. Over the previous month, the investigator had learned that Mississippi was going to be singled out for desegregation efforts, which had been confirmed at another recent gathering at the Masonic Temple in Jackson. On July 6, Mississippi’s NAACP field secretary, Medgar Evers, and Martin Luther King addressed “an overflow crowd,” and Evers declared that

there would be accelerated action throughout the State in the staging of demonstrations, such as sit-ins, wade-ins and all other types of “ins.” He further proclaimed that the guns of the “integrationists” would be trained upon public parks and recreational facilities. King made one of the most startling, arbitrary and unequivocal public statements of his career when he said that Negroes must and should be prepared to make any sacrifice whatsoever to destroy segregation in all its forms, even if it involved the sacrifice of their lives, if necessary. His remarks were greeted with sustained applause.

Albright further noted that the “Jackson Non-Violence Committee” had been established at that meeting to serve the civil rights cause, supported by the newly-allied King and Evers, and the Commission’s spy pushed again for a conservative, black organization to offset the new group.¹⁰ It was a proposition that did not register with the Commission.

Two weeks later, Albright reported back to the Commission and commented that a few key arrests in Jackson, especially those of James Bevel and Bernard Lafayette, had somewhat

⁹ Letter, Albert Jones to Ross Barnett, July 5, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Report, Joe Albright to Sovereignty Commission, undated. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-4.

¹⁰ Report, Joe Albright to Sovereignty Commission, July 11, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-5.

stalled the movement there. However, Jackson leaders were determined to increase their activities since they had to “exist and thrive upon violence [sic] incidents...and they will intensify their efforts to provoke them.” Albright also mentioned the gulf coast wade-ins that he had previously warned the Commission about and repeated the claim that civil rights activists in Mississippi were determined to be the leaders of the movement there and were wary of Martin Luther King. He then resubmitted his suggestions, which he noted had been developed in close conjunction with Albert Jones: 1. Hire a full-time black investigator. 2. Give more official support to existing black groups trying to maintain the status quo. 3. Fund a new black organization to do just that, and 4. “Give support to the *JACKSON ADVOCATE* [original emphasis], the voice of reason among Negroes.”¹¹ Albright’s reports were invaluable insider information, but soon he would be elevated to a higher-profile position within the state agency.

Over the next several months, Albright continued to work secretly inside the movement for the Commission, but, when he published a pamphlet under his own name that was aimed at the Freedom Rides and entitled *Don’t Try to ‘Save’ Me, Please!*, his services found a new home. Albert Jones sent Attorney General Patterson a copy of the pamphlet, in which Albright asserted that he did not need the help of the Freedom Riders, that he could take care of himself, and that he had no plan to ever leave Mississippi, the state he loved. It was the type of publicity from a black Mississippian that Jones felt the Commission could capitalize on and told Patterson that Albright planned to write more diatribes of the same nature.¹² The problem was that Albright

¹¹ Report, Joe Albright to Sovereignty Commission, July 19, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-5.

¹² Letter, Albert Jones to Ross Barnett, July 19, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Albert Jones to Ross Barnett, July 28, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Report, Joe Albright to Sovereignty Commission, undated, in Letter, Albert Jones to Ross Barnett, July 28, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1960” folder 4 of 4,

could no longer be an effective informant: black civil rights leaders now knew where his sympathies lay, but it would only be a short time before the Commission found a another use for Albright on the national stage.

In the Spring of 1961, Governor Barnett and the Sovereignty Commission had fielded requests for someone to speak about Jim Crow in front of the Columbia College Political Assembly, an undergraduate organization at Columbia University in New York City. The segregationist side was quick to jump at the opportunity to spread its propaganda and suggested that the Commission's head of public relations, Erle Johnston, would be a good fit for the job. The Columbia College Political Assembly prepared for Johnston's visit early in the Fall term of 1961, but, at the last second, Johnston had to rescind his plans to be there. In his place, he suggested that Joe Albright be allowed to speak before the Ivy League group.¹³ The results of Albright's trip surprised all involved.

After hammering out the details of Albright's visit over the following weeks, the Commission's African-American liaison delivered his address. Regurgitating a four-page pamphlet that he had published and entitled *I Am Proud to Be a Negro*, Albright stated his belief in the old Booker T. Washington line of helping yourself first before you look for help from God and others. "So, brother, be ye white, black, brown, yellow, or somebody from outer space with six horns and spackled eyes...if you are seeking the respect of, and the acceptance by, any other person or group you first show some unequivocal respect for yourself." He then proceeded to

MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Albert Jones to Joe Patterson, September 14, 1961. "Civil Rights Citizens Council 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH; Joe Albright, *Don't Try to 'Save' Me, Please!*, 1961. "Civil Rights Citizens Council 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH.

¹³ Letter, Andrew Glassberg to Ross Barnett, March 30, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Erle Johnston to Andrew Glassberg, September 13, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

defend the word “*segregation*....We are all segregationists, for example, in our choices of our friends, our religion, our fraternities, our daily associates, our habitation, and our mode of life....When the hour ever comes that such ‘segregation’ choices are by one device or another denied us, then the boom will really have been lowered on personal freedom.” The rest of his speech expounded on why he was proud to be black and live in the Jim Crow South.¹⁴ His words had an immediate impact on the crowd in New York.

On October 19, the Political Assembly’s Andrew Glassberg wrote to Erle Johnston and thanked him for his efforts to bring Albright to Columbia. Glassberg said that they enjoyed having Albright, who, along with the film *The Message from Mississippi*, was “interesting and enlightening.” In fact, the event was so popular that the Political Assembly was having a recording made available through the campus radio station, WKCR.¹⁵ Glassberg did not indicate that the responses on campus to Albright had created such a stir that it made national headlines.

The *New York Times* picked up on the story the day after the 61-year-old Albright’s speech. The article laid out Albright’s primary point: race relations were not perfect in Mississippi, but they also were not any worse than they were in the North. The article was significant for its national forum, but it did not spend much time on what it reported as the “hostile” reaction of the audience. On the other hand, the student newspaper, the *Columbia Spectator*, made it obvious that tempers had overflowed during the speech. In particular, William Gardner, a black graduate student in the English department, accused Albright of

¹⁴ Joe Albright, *I Am Proud to Be a Negro*. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1, 2.

¹⁵ Letter, Andrew Glassberg to Erle Johnston, September 15, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Andrew Glassberg to Erle Johnston, October 2, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Andrew Glassberg to Erle Johnston, October 19, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

duplicitous intentions. Gardner assumed that a black southerner would only give such an address if he had been threatened with violence or if he was a paid pawn for segregationists. Of course, Albright denied those allegations and lied when he claimed that he had volunteered.¹⁶ Jones, Johnston, and the Commission were not overjoyed, especially after they got wind from their own inside source at Albright's speech.

A few days after the Columbia address, Naomi Scrivner—the Commission's Director of Research—wrote to Aubrey Bell, an attorney in Greenwood, Mississippi, and copied her letter to Joe Patterson and a few others. Apparently, Scrivner had played some role in getting Joe Albright to speak for the Commission in New York when she sent a copy of Albright's pamphlet to the Citizens' Council and Robert "Tut" Patterson, who thought it would be a great idea to have Albright go to Columbia. After she learned that the Commission had agreed to send the black Mississippian, she took it upon herself to write to J.W. Smith, the Circuit Clerk in Coahoma County who had a son at Columbia. Scrivner asked Smith to have his son Ward go to the speech, so that the Commission could have a "first hand report." She had gotten into some trouble because she talked publicly about the Albright situation, but she "had no intention of doing anything contrary to the will of the commission and am very sorry for having mentioned this to anyone. You will please keep the letters confidential since my relative is always in politics."¹⁷ Nonetheless, she sent Bell and the others, including the Attorney General, a copy of what Ward Smith had to say.

¹⁶ "Negro Supports Mississippi Laws: Columbia Audience Hostile to Speaker from South," *New York Times*, October 19, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission, 1959-1960," folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Everett Jacobs, "Negro Defends Racial Bars: Says Law Must Be Obeyed," *Columbia Spectator*, October 19, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission, 1959-1960," folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

¹⁷ Letter, Naomi Scrivner to Aubrey Bell, October 31, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-2.

To start out with, Smith claimed that newspaper accounts had not gotten it exactly right when they said Albright met a hostile crowd at Columbia. Instead, the crowd was “scornful but polite enough for him to have his say.” Yet, Smith did not think it had been a good idea to send him in the beginning. In Smith’s eyes, the audience mostly ridiculed him and had little respect for what he had to say. To complicate matters, Albright had not been sophisticated enough to handle the questions that he fielded, and the film that had been shown did not help either. It was held in just as much contempt, and the push for States’ Rights came across as disingenuous, especially in the end when Governor Barnett made a plea for more investment in the state’s industrial sector, which the crowd “even interpreted as a sly hint that you should come to Mississippi because the labor market is plentiful!” Smith left the address “pessimistic” about the whole enterprise.¹⁸ It was not the type of report that the Commission hoped to hear, considering a high profile address at an Ivy League school could have potentially legitimized their cause for a national audience.

After having read Smith’s words and Scrivner’s letters before the rest of the Commission saw them, Aubrey Bell immediately wrote to Albert Jones about Albright’s address, but Jones did not have a good answer and asked Erle Johnston, as the publicity director, to reply. In his letter to Bell, Johnston indicated that Governor Barnett had at first opposed the trip, but “it was Senator John McLaurin who convinced the Governor that we would be overlooking a tremendous opportunity to have a member of the colored race speak to northerners on the progress of both races under segregation.”¹⁹ McLaurin was a hard-line segregationist, Council

¹⁸ Letter, Ward Smith to Naomi Scrivner, October 23, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-2.

¹⁹ Letter, Erle Johnston to Aubrey Bell, October 20, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.1.

member, close friend of Tut Patterson, advisor to the Governor, and future adversary for Joe Patterson in the 1963 Attorney General's race. At that time, McLaurin was an easy and willing target to throw under the bus for the Governor.

In clarification of his own support for the visit, Johnston said that he mostly liked the fact that it was going to be an integrated audience. For some unknown reason, Johnston would not have supported Albright's speaking to an all-white crowd even though they put Albright up in an all-black hotel. The Commission's public relations guru felt that being booed by blacks in attendance may have in fact helped their cause since any African-American student at Columbia could easily be labeled a radical. For Johnston, the real success of the trip was evident in the significant amount of space that the *New York Times* allotted to Albright's trip. "I have had many people already who have told me this has been one of the best things we have done to help off-set the propaganda that Negroes in Mississippi are mistreated and denied the privilege of good education." Johnston remarked that even Tut Patterson and the Council had approved, but in the end it was the Governor's decision to make it all happen. For Johnston, it was worth the effort. "We have shaken up the NAACP, who can no longer claim that they have the sympathetic support of Mississippi Negroes. The case rests."²⁰ Any good advertising agent would have been proud of the spin that Johnston had put on Albright's trip, but he had a tougher audience to sell it to: Joe Patterson and the officers of the Sovereignty Commission.

Still defending the decision to send Albright, Johnston copied all of the members of the Commission on his letter to Bell and sent them Albright's pamphlet, *I Am Proud to Be a Negro*. In a note directly to Patterson, Johnston stuck to his guns and pointed out that the best way for the Commission to accomplish its goals was to show that black Mississippians liked their situation and status. "Instead of asking our audience to take our word for this attitude among

²⁰ Letter, Johnston to Bell, October 20, 1961, MAGO, Box 7516, MDAH, pp.1-2.

Mississippi Negroes, we are in a position to prove it.”²¹ For Patterson, he could not have been thrilled by the use of state money on such a trip, but there was not much he could do about it. He did support the Commission’s propaganda arm to the extent that it helped to maintain *de jure* Jim Crow. When those financial efforts left the public realm and started to benefit private entities, Patterson raised some questions. It would be efforts to funnel money to the Citizens’ Council that garnered the most controversy as well as Patterson’s deepest suspicion.

At its meeting on June 23, 1960, the Commission took up the issue of publicity and its attack on the civil rights movement. “After considerable discussion,” it appropriated \$20,000 to the Citizens’ Council and its *Forum* films. Produced by Dick Morpew, the *Citizens’ Council Forum* was founded in 1955 as a series of fifteen-minute weekly news segments that focused on the perceived threats of integration and Communism. The Commission decided that the *Forum*’s radio and television shows were its best bet for positive press since the Council had already established a large audience—a group that would otherwise cost the Commission much more to reach. After its initial appropriation, the Commission underwrote the *Forum*’s costs with a \$5,500 monthly allowance. By February 1961, the Commission had given \$60,000 for the films.²² It was not an amount to sneeze at.

The Commission’s goal was to promulgate its pro-Jim Crow, States’ Rights agenda and, thus, ordered that the money given to the Council “be expended exclusively for the purpose of advancing the cause and position of the State of Mississippi.” At the initial appropriation meeting, support for the effort was nearly unanimous: “all members present voting ‘Aye’; absent

²¹ Letter, Erle Johnston to Joe Patterson, October 25, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 2 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

²² *Citizens’ Council Forum Films Index*, MDAH; Neil R. McMillen. *The Citizens’ Council: Organized Resistance to the Second Reconstruction, 1954-64*. Urbana: University of Illinois Press, 1994, pp.337-338; Minutes, Mississippi State Sovereignty Commission, June 16, 1960. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.2.

and not voting were Lt. Gov. Paul Johnson and Atty. Gen. Joe T. Patterson.”²³ The Commission’s minutes did not note where Patterson and Johnson were, but, for the Attorney General, he likely did not want to go on record as voting against the Citizens’ Council. However, he soon began a campaign to stop Commission funding of the *Forum*. It was a stance that generated a lot of controversy, but Patterson did have some support.

As far-fetched as it may have been, some people worried that, if the Sovereignty Commission could fund the *Citizens’ Council Forum*, it could also funnel money to the NAACP, and the *Delta Democrat Times* warned about the “dangers in tax support for a private pressure group.” Of course, the most logical argument against public dollars going to a segregationist organization was that “roughly half of Mississippi’s ‘public’ are colored citizens.” The Pastor of St. Paul’s Back Bay Evangelical Reformed Church in Biloxi, Richard Ellerbrake, raised that concern with the Commission’s director, Albert Jones, and condemned the Commission’s appropriations as “a flagrant violation of the democratic principle that public funds are to be used only for that which is in the best interest of the public.” As for black Mississippians, Ellerbrake claimed that “I doubt that they approve such an expenditure, nor do many intelligent white citizens, who see in it only the continued foment of discord and group hatreds upon the people of Mississippi.”²⁴ In that vein, some sought legal action to end the funding.

William Higgs, an attorney in Jackson recognized for his “liberal” leanings, filed suit to stop the Commission’s payments to the Council in 1961. The lawsuit made an immediate press splash. The *Clarion-Ledger* reported, falsely, that the NAACP was behind Higgs’ action, which

²³ Mississippi State Sovereignty Commission, *Grants to the Citizens’ Council Forum*, undated. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Minutes, Mississippi State Sovereignty Commission, June 16, 1960, MAGO, Box 7516, MDAH, p.2.

²⁴ *Delta Democrat Times*, October 25, 1962, Patterson Papers; Letter, Richard Ellerbrake to Albert Jones, July 8, 1960. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 4 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

was “the first time that the NAACP has been linked directly to that particular litigation.” The reporter, Gene Wirth, pointed to a letter written in part by Aaron Henry and sent to black churches that stated in no uncertain terms that the NAACP was “seeking to destroy the Sovereignty Commission.” With an illogical leap, Wirth linked that letter to Higgs’ lawsuit since they appeared at roughly the same time. Wirth went on to note that “the suit, now pending in Federal court, was filed early this year in the name of Jackson Attorney William Higgs, Jackson Negro grocer Robert L.T. Smith, Jr., and two white labor union leaders. The labor men later successfully petitioned the court to have their names withdrawn from the suit.”²⁵ While he sympathized with the civil rights organization, Higgs fervently denied any ties to the NAACP.

In a letter to Harris Wofford, an old friend and special assistant to President John F. Kennedy, Higgs wanted the White House and Justice Department to know that he might sue the *Clarion-Ledger* and *Jackson Daily News* for libel. Higgs denied the validity of the story that had appeared. “It goes without saying that the newspapers through their staff writer completely misconstrued and misinterpreted the NAACP’s letter. The charges appearing in the article are false.” Not to be deterred, the *Clarion-Ledger* reported in the next day’s edition that Higgs had decried Aaron Henry’s letter as “malicious and libelous” as opposed to the paper’s actions. In the story, Higgs declared that his suit had been filed by private citizens against the Sovereignty Commission and had no affiliation with the NAACP. In an attempt at further obfuscation, the article did correctly report that Higgs was considering legal action against the Mississippi Publishers Corporation, the parent company of the *Daily News* and *Clarion-Ledger*, rather than

²⁵ Gene Wirth. “NAACP Backs U.S. Suit, Integration at Ole Miss: State Group is Raising Funds for Mixing Effort.” *Clarion-Ledger*. March 19, 1961. “Ole Miss Integration—James Meredith February 7 – May 15, 1961” folder, Marshall Papers, Box 20, JFKL; Letter, Aaron Henry and John Melchior to Pastor and Members, February 14, 1961. “Ole Miss Integration—James Meredith February 7 – May 15, 1961” folder, Marshall Papers, Box 20, JFKL.

the NAACP.²⁶ Whether or not Higgs sued those newspapers, Joe Patterson's office was taking the legal threat against the Sovereignty Commission seriously.

Patterson assigned Assistant Attorney General Dugas Shands to the case and ordered him to work with a private Jackson law firm: Satterfield, Shell, Williams and Buford. In conjunction with Shands and the Attorney General's office, Dan Shell prepared a motion to dismiss the case but had questions about the timing of the grants and a change in the official Sovereignty Commission minutes. Referencing the case as "*Higgs v. Citizens' Council*," Shell asked for more information on the date that the Sovereignty Commission's grants to the Council began and why Patterson had made a motion to change the minutes. The new version of the Commission's agenda now read: "the monies so granted were to be used generally for the protection of the sovereignty of the State of Mississippi."²⁷ Patterson seemed to be inserting some wiggle room in defense of the Commission's payments.

The original minutes had stated that the money should "be expended exclusively for the purpose of advancing the cause and position of the State of Mississippi."²⁸ In the new minutes, the word "generally" could be more broadly defined than "exclusively" and, thus, subject to less judicial review. Similarly, "the protection of the sovereignty" of the state was much different than "advancing the cause and position of the State." It was in every state's interest to protect its "sovereignty," but it was nearly impossible to define a single "cause and position" of any state. In the Commission's view, that clearly meant "the [white, segregationist] cause and position,"

²⁶ Letter, William Higgs to Harris Wofford, March 21, 1961. "Ole Miss Integration—James Meredith February 7 – May 15, 1961" folder, Marshall Papers, Box 20, JFKL; "NAACP Letter Libels Him, Says Lawyer Higgs." *Clarion-Ledger*. March 20, 1961. "Ole Miss Integration—James Meredith February 7 – May 15, 1961" folder, Marshall Papers, Box 20, JFKL.

²⁷ Letter, Dan Shell to Dugas Shands, May 17, 1961. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

²⁸ Minutes, Mississippi State Sovereignty Commission, June 16, 1960, MAGO, Box 7516, MDAH, p.2.

which also would have been suspect in a federal courtroom. Patterson recognized such deficiencies and sought to insert more easily defensible, *color-blind* language.

In the end, Higgs' motion to stop state funding of the *Forum* films would be denied after he failed to appear in federal court on the day of the trial. He offered no explanation for his absence, but, faced with outright threats and intimidation, Higgs left the state after being disbarred for participating in James Meredith's case to integrate the University of Mississippi in 1962.²⁹ To the surprise of most white Mississippians, Patterson took up Higgs' cause against Commission funding of the Citizens' Council, if for completely different reasons. Patterson did not think it was prudent for public dollars to go to a private organization.

Although the Attorney General declared that he had "spent many hours and driven many miles...advocating the basic principles for which the Citizens' Councils were originally organized," he opposed the appropriation of Sovereignty Commission funds to the *Forum* partly because of the same concerns published in the *Delta Democrat Times*: if state money could go to the Council, it could also be funneled to the NAACP. Patterson was not backing down from his segregationist views, but, in his own words, he felt "that all funds available to the Sovereignty Commission might be needed in defending the State of Mississippi against numerous threatened lawsuits."³⁰ His opposition to the funding of the *Citizens' Council Forum* was pragmatic.

When the *Clarion-Ledger* and *Daily News* made Patterson's position public in April 1961, it created a significant backlash. The papers reported that Patterson proposed to discontinue funding of the *Forum* so that the money could be used directly by the state. "The motion failed to receive a second and was not debated. The Citizens' Council has received

²⁹ McMillen, *The Citizens' Council*, p.339; SCRID # 7-0-3-103-1-1-1. "Judge Blocks Attempt to Get Council Data: Rules After Higgs Fails to Appear in U.S. Court," April 27, 1961, MDAH.

³⁰ Letter, Joe T. Patterson to J.B. Collier, May 2, 1961, Patterson Papers.

\$64,500 from the Commission since last June and is receiving \$4,500 per month now.”

Patterson had successfully argued to reduce the funding and, ever the lawyer, convinced the Commission not to include a paper record of the payments in its minutes.³¹ In turn, the Attorney General’s opposition fueled an inquiry by some members of the state legislature, who were also uncomfortable with state money going to the Council.

State Representative Karl Wiesenburg began the investigation into the Sovereignty Commission’s financial connections to the Council. According to newspaper reports, Commission Director Albert Jones claimed that Wiesenburg was the first representative “to make such an inspection.” That inspection revealed that, along with the \$64,500 that had already been given to the Council, another \$13,500 was to be appropriated by June 30, 1961. As for the Commission’s minutes, Jones told Wiesenburg that “the Commission felt it best, as a matter of policy, not to show such monthly grants.” Not only that but, in an effort to further cover its tracks, “the Citizens’ Council has not furnished the Commission with any itemized account of how the state money was spent.”³² Even the staunchest of segregationists wondered how public money could be so brazenly distributed.

Wiesenburg’s investigation did not stop there and implicated other elected officials in the effort to appropriate funds to the private segregationist watchdog. Speaker of the Mississippi State House, Walter Sillers, was supposed to report on the Council’s activities with the money, but his report did not enumerate anything other than vaguely stating that the funds were spent on the *Forum*. Disappointed, Wiesenburg noted that such record keeping did “not give the Sovereignty Commission credit for financial participation.” If the Commission did not receive

³¹ Bob Pittman. “Patterson Recommends Payments Be Stopped.” *Jackson Daily News*. April 25, 1961. “Miss. Sovereignty Commission” folder 63-C, Cox Papers, Box 1-B, MSU.

³² “Representative Probes Records of Commission: Legislator Says Aid to Citizens’ Council Amounts to \$64,500.” *The Chronicle Star—The Moss Point Advertiser*. April 21, 1961.

its due, Wiesenburg felt there was no good reason to keep pumping money to the Council and echoed Patterson's sentiment "that such payments to the Citizens' Council [should] be discontinued so as to devote state funds to the state's own program."³³ Not surprisingly, the position laid out by Patterson and Wiesenburg agitated white, racist extremists in Mississippi who expressed their disgust. The Attorney General responded to them in kind.

When Tom Estes, a concerned citizen, wrote Patterson that he should resign as the Attorney General after his stand against *Forum* funding, Patterson shot back that he would not "be dictated to, or intimidated, by any individual or group." John Sartain, another correspondent, simply asked: "Are you a paid member of the NAACP? Or are you just a damn fool?" To which, Patterson tersely reemphasized that he had long been a member of the Citizens' Council and had contributed countless hours to the segregationist cause, "all at my own expense." It was an emotional issue for many whites whose identities and positions in society were tied to Jim Crow, but the Attorney General was not deterred in his stand and sent similar responses to those concerned whites who took the time to write.³⁴ Some of the attacks went beyond the absurd.

An employee of Western Union, S.B. Rushing, informed Patterson that one angry Mississippian went so far as to send a fake telegram to various news sources. The telegram congratulated the Attorney General on his "stand against the fascist Citizens' Council" and was signed by Edward Harrison, an Episcopal priest; Wallis Schutt, a Mississippi Civil Rights Advisory Committee member; and Hodding Carter of the *Delta Democrat Times*.³⁵ The fraudulent letter fooled no one, but it got its message across: in the eyes of right-wing racists,

³³ "Representative Probes Record," *The Chronicle Star—The Moss Point Advertiser*, April 21, 1961.

³⁴ Letter, Tom Estes to Joe T. Patterson, May 17, 1961, Patterson Papers; Letter, Joe T. Patterson to Tom Estes, May 19, 1961, Patterson Papers; Letter, John Sartain to Joe T. Patterson, April 28, 1961, Patterson Papers; Letter, Joe T. Patterson to John Sartain, May 3, 1961, Patterson Papers; Letter, Joe T. Patterson to Tom Mobley, May 3, 1961, Patterson Papers; Letter, Joe T. Patterson to Herbert R. Morgan, April 28, 1961, Patterson Papers.

³⁵ Letter, S.B. Rushing to Joe T. Patterson, May 11, 1961, Patterson Papers; Letter, Edward Harrison, Wallis Schutt, and Hodding Carter to Joe T. Patterson, April 26, 1961, Patterson Papers.

Patterson's efforts mimicked those of civil rights advocates. While those attacks were easily dismissed, other responses to the Attorney General's position had to be taken more seriously.

When U.S. Senator James Eastland entered the mix, he wrote to Governor Barnett and stated his support for continued Sovereignty Commission funding of the *Forum*. Such letters could not be taken lightly, but Patterson stood by his views, slowly cutting back funds for the *Forum*. In October 1962, the Attorney General won a bid to reduce the monthly stipend to the Council down to \$2,000. In that endeavor, Patterson found an unlikely friend: Commission Director Albert Jones, who wrote to the Attorney General about the proposed budget for July 1, 1962 to June 30, 1963. Jones worried that, in July 1962 alone, the Commission spent \$9,926.12, which included funding of the *Forum* films and put the Commission beyond its budget. Instead of the proposed \$102,000 in expenditures, the state organization would be closer to \$120,000 for the year. The Director felt "that it is imperative that some action be taken by the Commission at the next meeting regarding the budget in order that we will not spend beyond our quarterly allotments [original emphasis]." ³⁶ In a series of attachments to his letter, Jones made it clear that continued appropriations to the *Forum* were untenable.

Over the previous two years, the Council had received \$112,000 from the Commission, a number that dwarfed all other grants by more than \$100,000. In terms of overall Commission expenses, the Council's allotment was also out of proportion. In July 1962, the Council got its \$4,500 grant, while the Commission spent just \$1,812.71 on administrative costs; \$2,196.26 for its investigative branch; \$255.08 on office expenses; and \$1,162.07 for other aspects of public relations. Those costs left no money to be spent in July on "Education and Information" or on the "Speaker's Bureau." For Patterson, it was a case of private fleecing of state dollars, and,

³⁶ Letter, James O. Eastland to Ross R. Barnett, May 24, 1961, Patterson Papers; Letter, Albert Jones to Joe Patterson, August 24, 1962. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

although the Attorney General reduced the funding, he was not able to cut it off until 1965.

Ultimately, the Sovereignty Commission contributed \$193,500 to the Council's coffers.³⁷

Together, the state and private organizations would put Patterson in other tough, legal situations.

In the Spring of 1961, it was the case of an Ole Miss student, Billy Barton.

Barton, an Ole Miss senior, had been nominated to be the editor of the *Daily Mississippian*, the school's newspaper. Citizens' Council leader William J. Simmons reported to the Sovereignty Commission that Barton was possibly part of a radical conspiracy to invade southern campuses. Along with allegedly participating in several sit-ins in Atlanta, Barton had been working for the *Atlanta Journal* under the auspices of its editor, Ralph McGill, which in Simmons' opinion meant "that Barton is well regarded in left-wing circles as a promising young man, and has been selected for advanced training." More damningly for Mississippi's segregationists, Barton also "has the strong support of Dr. James Silver along with several other faculty members whose names are not known at the present time."³⁸ Silver would develop a reputation amongst the Jim Crow elite as one of the most dangerous academics in the state after the Meredith crisis and his 1963 presidential address at the Southern Historical Association, entitled *Mississippi: The Closed Society*. Needless to say, Simmons' accusations carried significant weight.

Barton did not wait to have his name cleared but filed suit for libel, slander, and \$250,000 in damages. The lawsuit named Governor Barnett, Simmons, the Citizens' Council, Albert Jones

³⁷ Attachment, "Grants Given Beginning July 1, 1960 through June 30, 1962" in Letter, Albert Jones to Joe Patterson, August 24, 1962. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Attachment, "Proposed Budget: Expenditures for July, 1962" in Letter, Albert Jones to Joe Patterson, August 24, 1962. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; McMillen, *The Citizens' Council*, pp.337-338.

³⁸ Letter, W.J. Simmons to Director State Sovereignty Commission, August 16, 1960. "Attorney General's Correspondence: Sovereignty Commission 1957-1960" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

as Director of the Sovereignty Commission, W.A. Lufburrow as the Executive Secretary of the States' Rights Council of Georgia, and others as defendants. Describing the relationship between the Council and the Commission as "collusion," Barton's attorneys pointed to the Commission's funding of the *Forum* films as well as letters about Barton by and to Jones as the head of the Commission. It all added up to what Barton's legal team described as "Gestapo tactics."³⁹ Since the Governor and a state agency were named litigants, the Attorney General's office launched into action, but most involved could see that this was a no-win situation for the segregationist line.

Simmons, Barnett, and Jones backed off the accusations that had surfaced in their correspondence, and they each refused to comment on outlandish reports that Barton had been planted at Ole Miss by the NAACP. Three days later, a 22-year-old State Representative, Phillip Bryant, claimed that Governor Barnett had told him that Barton might be a member of the NAACP and that such a person should not be editor of the Ole Miss newspaper. When Bryant asked what proof there was, the Governor declined to reveal his sources at that time. From Lafayette County, where the county seat was Oxford, Bryant called for the Sovereignty Commission to be curbed due to the Barton incident as well as to the growing assumption throughout the country that the public agency was nothing more than a "state secret police." Like Joe Patterson, Bryant did not want state money going to such causes, especially if it was funneled to the Citizens' Council, but he still wanted to keep the Commission because he felt it

³⁹ "Smear Claimed by Student," *Commercial-Appeal*, March 11, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU; *In the United States Court for the Western Division of the Northern District of Mississippi: Billy Clyde Barton v. Ross R. Barnett et al.* "WCC: Billy Barton—Univ. of Miss." folder 12, Cox Papers, Box 1-A, MSU; Larry Speakes, "Editor Candidate at Ole Miss Denies Being 'Planted' by NAACP," *Commercial-Appeal*, March 11, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU.

served a purpose. Instead, he wanted legislation to spell out its specific duties.⁴⁰ Bryant, Patterson, and a few other white politicians in Mississippi could see that the Commission's connection to the Council did not help its cause. Unfortunately for them, the Barton story was just beginning.

Forced to comment on the growing public relations nightmare, Governor Barnett assured his critics that Barton would have the chance to defend himself against the Councils' accusations that he had fought on behalf of integration. When asked about the implication that the Sovereignty Commission had made those charges public, Barnett suggested that reporters talk to Joe Patterson, but the Attorney General wanted nothing to do with the press' investigation into the case and denied having any knowledge about the specific facts. Barton was not deterred by such public comments and claimed that he had evidence that Barnett and Albert Jones were responsible for creating "false rumors" about his supposed membership in the NAACP and participation in sit-ins. Barton would not accept an apology for their actions and referred specifically to William Simmons' letter to Barnett that characterized the 20-year-old Ole Miss senior as "extremely dangerous."⁴¹ Barton refused to back down from his \$200,000 lawsuit, and he had some important support from the press.

Several local and national news sources published editorials and stories that condemned the Sovereignty Commission. *Time Magazine* ran an account of the Barton case that it entitled "Thought Control"—a reference to what it saw as the Commission's ultimate purpose. *Time* described Albert Jones as "bumbling" and pointed out that Barton's only connection to the

⁴⁰ Speakes, "Editor Candidate," *Commercial-Appeal*, March 11, 1961, Cox Papers, Box 1-A, MSU; "Bryant Asks Drastic Curb on Sovereignty Commission," *Commercial-Appeal*, March 14, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU.

⁴¹ "Barnett Assures Barton Chance to Defend Self," *Clarion-Ledger*, March 15, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU; Dave Maddux, "Barnett, Student's Report in Conflict: Barton Says He Has 'Evidence,'" *State Times*, March 16, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU; "Student Editor Is Unsatisfied: Officials of Mississippi Didn't Clear Him, Barton Says," *Commercial-Appeal*, March 17, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU.

NAACP was when he covered a sit-in as a reporter during the summer he worked for the *Atlanta Journal*. Similarly, in a story picked up by several newspapers throughout the state, Oliver Emmerich of the McComb *Enterprise Journal* called for a full hearing on the Barton affair and compared the Sovereignty Commission's tactics to those of a "police state," where as he titled it "The Concept of Freedom Is Now Tested." In his description, the entire mess was nothing more than "witch hunting," and, after Barton passed a lie detector test trying to clear his name, it was all the more embarrassing for the state.⁴² Emmerich was not the only member of the state's press to be unimpressed with the Commission.

Never to be outdone, Hazel Brannon Smith of the *Lexington Advertiser* echoed Emmerich's request for an investigation but went much further in demanding that the Commission be abolished. Noted for her outspoken ways—she had called for Horace Germany's attackers to be prosecuted—Smith's suggestion was scoffed at by segregationist leaders, but she was well respected in many corners. Hodding Carter described her important voice "in a shadowed state....Nowhere outside of the South would Hazel Brannon Smith be labeled a radical or even a liberal in her racial views. If she must be categorized, then call her a moderate; a church-going, humanity-loving newspaperwoman who takes seriously her responsibilities toward her fellow men."⁴³ Not known for its moderation when it came to Jim Crow, the *Jackson Daily News* added its two cents to the mix.

In an editorial on "The Case of Billy Barton," the *Daily News* hoped to convince folks to move on from the Barton scandal. While it excused most of the state's actions, the newspaper

⁴² "Thought Control," *Time Magazine*, April 28, 1961, <http://www.time.com/time/magazine/article/0,9171,897728-1,00.html>; Oliver Emmerich, "The Concept of Freedom Is Now Tested in Mississippi," *State Times*, March 16, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU, p.6A.

⁴³ SCRID # 7-0-3-129-1-1-1: Hazel Brannon Smith, "Through Hazel Eyes," *Lexington Advertiser*, March 16, 1961, MDAH; "Holmes Editor Asks for Body's Abolishment," *Jackson Daily News*, March 17, 1961. "Billy Barton—University of MS" folder, Cox Papers, Box 1-A, MSU; Hodding Carter, "Continuation of Article by Hodding Carter," *St. Louis Post-Dispatch*, November 26, 1961. "Material Screened and Opened 8-29-80 EWI, HIG, WWM" folder, Marshall Papers, Box 19, JFKL.

did admit that the Sovereignty Commission had “bungled badly,” but, “judging by the noise and dust, one would have thought the Ole Miss student had been tarred and feathered and was being burned at the stake. What started off as a latrine rumor likely from the third post at a dormitory grew, like Topsy, into a national incident.” The paper took fellow segregationists at their word and claimed that the Commission’s and Governor Barnett’s statements made it clear that they were not involved. Instead, the *Daily News* chided Barton, who as a budding newspaperman ought to be “tough enough to take it” in terms of libel and slander. The editorial did not stop there and tried to shore up its cause.

Nothing short of total destruction will satisfy the howling mob now that the Sovereignty Commission and Citizens’ Council have pulled a boo-boo. As things are going in Mississippi at present without some kind of machinery to halt the mix-mad, prize-seeking, do-gooding Mau Mau fans we all might as well close shop and change the name from “Mississippi” to “Katanga Province” and crown Lumumba’s widow as queen....Now let’s all get off the emotional gag in the Barton, Barnett-Sovereignty-Council dime novel and go fishing.⁴⁴

Clearly, the newspaper was not interested in issuing a *mea culpa* on behalf of the Jim Crow side, but its half-hearted admission that something had gone wrong was a break in the traditional segregationist ranks.

In the end, a Hinds County Circuit Court judge dismissed Barton’s initial case because it “was not properly drawn.” After he lost the election for editor of the *Daily Mississippian*, he tried to redraw the suit for \$250,000 in 1962, fearing he would have significant problems finding a job in the state once he graduated, but those subsequent efforts went nowhere.⁴⁵ On the legal side of things, Joe Patterson and the Attorney General’s office dodged a bullet. They had faced a

⁴⁴ “The Case of Billy Barton,” *Jackson Daily News*, March 17, 1961. “Billy Barton—University of MS” folder, Cox Papers, Box 1-A, MSU.

⁴⁵ “Barnett Is Target of \$250,000 Suit,” *Commercial-Appeal*, December 16, 1962. “Billy Barton—University of MS” folder, Cox Papers, Box 1-A, MSU; “Ole Miss Student Sues Barnett for \$200,000: Libel, Slander Suit is Filed as Result of a Campus Election,” *Memphis Press-Scimitar*, May 24, 1962. “Billy Barton—University of MS” folder, Cox Papers, Box 1-A, MSU.

thankless task with a case that they were likely to lose but got off the hook due to a technicality found by the circuit court judge. It all still led to Patterson's weakened standing in segregationist circles. After the Barton affair and his efforts to curb the financial relationship between the Commission and the Council, Patterson agreed to appear on the *Forum* with Dick Morpew. It was an effort to repair some of the public damage done to his image with his constituency, and the Council used the news segment to continue to push for more money.

Shortly after the controversy over the Citizens' Council funding, Patterson went on the show with the Attorney General of Alabama, MacDonald Gallion, to curry some lost political favor with more conservative voters. Addressing the Freedom Rides that had captured America's attention, Patterson attacked the civil rights activists as "agitating riders," whom he claimed were being trained in Cuba and funded by the Soviet Union. Not surprisingly, he refused to respond to Medgar Evers and Aaron Henry, the President of the Mississippi NAACP, when they pleaded for the Attorney General to guarantee the Freedom Riders' protection while they were in the state. Only a few years earlier Patterson had emphasized that a person could not be arrested for attempting to integrate interstate buses and had prevented Evers' arrest.⁴⁶ Now, he distanced himself, at least rhetorically, from his previous position.

Patterson further took the time during his appearance on the *Forum* to deride the Justice Department for defending the civil rights movement and pointed a finger at U.S. Attorney General Robert Kennedy, for whom Patterson would have a running aversion. In addition to his comments on the *Forum*, Patterson released a prepared statement to the press in 1961 that the *Clarion-Ledger* entitled "Patterson Swings at Robert Kennedy." The *Forum* episode was

⁴⁶ *Citizens' Council Forum Films*, 1961, Reel #131, MDAH; Letter, Aaron Henry and Medgar Evers to Joe T. Patterson, May 23, 1961, Patterson Papers; SCRID # 2-20-1-4-1-1-1: Zack J. VanLandingham, *Memorandum*, November 24, 1958, MDAH; Maryanne Vollers. *Ghosts of Mississippi: The Murder of Medgar Evers, the Trials of Byron de la Beckwith, and the Haunting of the New South*. Boston: Little, Brown and Company, 1995, pp.74-77.

supremely popular, appearing in forty-two states, and the soundtrack was broadcast on more than 400 radio stations—key points in the Citizens’ Council push for continued funding.⁴⁷

Part of a monthly report by the Council to the Commission on various civil rights developments, William Simmons wrote about “the so-called ‘freedom rider’ invasion of Mississippi” in July 1961. Simmons reported on the Council’s efforts to disseminate the “true facts” to the rest of the country through the *Forum* films and pointed out that these included “an interview with Attorney General Joe T. Patterson, who explains the state’s position and reveals the criminal backgrounds of the ‘riders.’”⁴⁸ In August, Simmons again detailed how the *Forum* had been busy distributing stories and interviews to television and radio stations about the Freedom Rides. He emphasized the expenses that the Citizen’s Council incurred in producing these and proudly reported that the *Forum* could now be seen on the CBS affiliate, WJTV, in Jackson at 10:45 on Sunday nights after the 10:30 news—a prized time slot.⁴⁹

In 1961, the Council was in a position of power that other segregationists were forced to respect even if they, like Patterson, were suspect of the Council’s tactics. There were some whites in Mississippi, however, who actually hoped that the federal government would step in to protect civil rights activists as they tried to desegregate interstate bus travel in the South. Hodding Carter sent a telegram to Robert Kennedy and asked that federal troops be stationed in bus terminals throughout the region “with authority to retaliate in kind against any good Kluxer

⁴⁷ SCRID # 2-143-0-19-1-1-1. “Patterson Swings at Robert Kennedy.” *Clarion-Ledger/Jackson Daily News*, October 11, 1961, MDAH; SCRID # 7-4-0-23-1-1-1. Letter, W.J. Simmons to the Mississippi State Sovereignty Commission, July 1, 1961, MDAH.

⁴⁸ Letter, William Simmons to the Mississippi State Sovereignty Commission, June 1, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, William Simmons to the Mississippi State Sovereignty Commission, July 1, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁴⁹ Letter, William Simmons to the Mississippi State Sovereignty Commission, August 1, 1961. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

or other yellow bellied trash who are violating our nation's laws and common decency. Ninety per cent of the South [sic] editors will back you up in every way.”⁵⁰ Patterson had a different perspective from that of the newspaper editor. While Carter may have had more beneficent reasons to ask for protection of the Freedom Riders, Patterson hoped to convince them not to come at all, and he held his ground in discussions with Assistant U.S. Attorney General for Civil Rights Burke Marshall.

Prompted by the real threat of violence and by potential damage to the Jim Crow image, the Attorney General had been talking with the Kennedy Justice Department behind the scenes about the dilemma that the Freedom Riders posed to both the state of Mississippi and the federal government. In May 1961, two days after Hodding Carter's letter, Marshall called Patterson concerning the safety of the civil rights activists as they entered Mississippi. Marshall was particularly worried after the violence that had been visited upon them in Alabama had not deterred them from going on to Jackson as well as New Orleans. Local officials in Alabama had done nothing to protect them or to maintain law and order, and Marshall was actively trying to prevent that from happening again. He had already talked to Tom Watkins, who at the time was acting as “a spokesman” for the Mayor of Jackson.⁵¹ True to his segregationist colors, Patterson expressed his disdain for the Freedom Riders and for the Justice Department; he felt they were in cahoots.

The Attorney General's initial reaction was to ask why the Freedom Riders were coming to Mississippi in the first place. “What healthy good reason do they have doing that?” Of course, the Freedom Riders were not acting on accord of their “health,” but, for his own selfish,

⁵⁰ Letter, Hodding Carter to Robert Kennedy, May 20, 1961. “Civil Rights—Miscellaneous” folder, Schlesinger Papers, Box W-56, JFKL.

⁵¹ Telephone Conversation, Burke Marshall and Joe Patterson, May 22, 1961. “Civil Rights—Mississippi” folder, Schlesinger Papers, Box W-56, JFKL, p.1

segregationist reasons, Patterson did not want to see anyone hurt and felt the best way to prevent that from happening was to keep the Freedom Riders out of Mississippi altogether. If the Justice Department was truly concerned about their safety, then they would work to talk them out of their plans, but Marshall was quick to point out that what Patterson or Robert Kennedy wanted did not matter.⁵² Like all Americans, the Riders had to be allowed peaceable and desegregated interstate travel.

While Patterson decried the young activists as “14 wild-eyed fanatics,” Marshall responded that they had a right to purchase bus tickets and ride across the country like anyone else, which Patterson could not deny. “They certainly do. But if they want to get off the bus and make trouble they will have to suffer the consequences.” Quick to soften that thinly veiled threat, Patterson doubted that there would be trouble at all if they did not make any “fanfare” about their goals. When Marshall asked the Attorney General to be realistic, Patterson rebuked him. “In order to be frank with you, it is inconceivable to me that the U.S. government will throw its prestige behind 12 radicals and demoralize a state of 2 million people. It is inconceivable that we have reached this point in America.” Wanting to stay on topic, Marshall asked about police protection in Mississippi, but Patterson was not going to be painted into a corner. He told Marshall that he assumed their conversation was being recorded and would be passed on to Robert Kennedy. Therefore, he would not make any commitment that could be replayed to the press. Marshall claimed that he would simply report their conversation to the U.S. Attorney General.⁵³ Patterson was not going to be anyone’s scapegoat.

Mississippi’s Attorney General played up the law and order that presided over the state in contrast to the defiance of state laws by Freedom Riders and informed Marshall that “I wouldn’t

⁵² Telephone Conversation, Marshall and Patterson, May 22, 1961, Schlesinger Papers, Box W-56, JFKL, p.1.

⁵³ *Ibid*, pp.1-2.

advise the Governor of this state to let 12 wide-eyed radicals in here to have them spit in the faces of the people of Mississippi.” Patterson said that, if they came and went, no one would notice but, “if they think they are going to get off the bus and swagger around the cafes and bus stations with police protection, we will not do it.” Engaged in the rhetoric of the Cold War, he further accused them of “Communist conduct” and pledged that he would not waste state protection on them when they have “no business in Mississippi.” Despite Marshall’s pleading and the fact that media coverage in Alabama had given violent bigots plenty of advance warning, Patterson refused to acknowledge that the Freedom Riders would even be noticed in Mississippi.⁵⁴ On the other hand, he could not completely delude himself.

At the end of their conversation, Patterson relented a bit and, in a reference to unwanted federal intervention, claimed that Mississippi would “attempt to preserve law and order, and we will do it if we are permitted to do it.” Otherwise, Patterson would not allow state and local police to accompany the bus. Although he knew that Marshall was trying to do his job, Patterson revealed his contempt: “I appreciate your call, sir, but at the same time they are taking advantage that the Federal Government will throw its whole power behind them and let them travel around the country.” Marshall remarked that the federal agents would not be involved at all if officials in Alabama and Mississippi would do their jobs and preserve the peace. With the same logic that characterized most segregationists, Patterson blamed the victims for what happened to them in Alabama since they were “getting off the bus in those places and creating riots....I know that these radicals created the situation.”⁵⁵ As the call dragged on, Marshall was not prepared to relent.

⁵⁴ *Ibid*, pp.2-3.

⁵⁵ *Ibid*, p.4.

Marshall insisted that everyone, whether they were communist or not, had a right to ride on a bus and that the states must be responsible for upholding that right, but Patterson had already spoken to the Governor on the topic. “I will just be candid about it. I would not advise the Governor of this state to provide police protection to protect trouble makers in this state....When they come in to create a riot, why should they be protected?” Patterson rolled on down the line of faulty logic and pointed out that he would not be allowed to go to the North and make trouble. Marshall marveled at such thinking and remarked on the difference between being subject to jail for violation of a law versus being left at the mercy of a mob. Patterson’s only response was to say that he would do what he could to prevent violence but that did not mean “a royal escort.” Not expecting secret service-like protection, Marshall had only wanted to know what the state’s position was and thanked the Attorney General for his time. Patterson concluded by laying out that position explicitly: “First, we hope they do not come. Next, if they do come that they come out of the state as soon as they can and we will see that they get out of the state. I appreciate your call—I have tried to be absolutely frank.”⁵⁶ There was no denying Patterson’s honesty, but the conversation left both sides no closer to a satisfactory conclusion.

Throughout his career, Joe Patterson never backed down from his views on the Freedom Riders and all other civil rights activists. He saw them all as one and the same: “outside agitators” looking to stir up trouble, where, in his mind, there had been none previously. During his career as Attorney General, his rhetoric remained constant on the topic and matched his actions to thwart the advancement of civil rights. At every opportunity, he decried the efforts of civil rights leaders and often received stout praise for those public stances. He gave one such speech on the Freedom Rides and the sit-in movement at the Tennessee-Mississippi Sheriff and Peace Officers Association meeting in 1962. Beyond rhetoric, Patterson told the gathering of

⁵⁶ *Ibid*, pp.5-6.

law enforcement officials that civil rights activists were little more than petty crooks and should be treated as such. One member of the audience thanked him for that: “The general public is being misled by the propaganda put out by majority of the newspapers and other news media.”⁵⁷ While Patterson engaged a common demagogic discourse, he recognized a serious threat posed to white power by the civil rights movement and sought concrete ways to prevent its advancement. At times, there was little he could really do, and he was the first to recognize that fact.

The Freedom Riders did come through Mississippi but without the same outright violence that accompanied them in Alabama. That was due in large part to a deal that Robert Kennedy struck with Senator James Eastland, who agreed to the safe passage of the Riders to Jackson in exchange for the non-enforcement of desegregation in interstate travel. Once in Jackson, the activists were, thus, subject to arrest for defying the state’s segregation laws and were sent to the infamous Parchman Penitentiary in the summer of 1961.⁵⁸ In spite of that, change was at hand, and, while it was mostly thanks to the efforts of activists, it also came at least partly through the courts—Patterson’s own turf.

In the case *Bailey v. Patterson*, Sam Bailey sued the state and specifically Attorney General Patterson over the continued enforcement of segregation on interstate buses. A longtime NAACP operative, Bailey convinced the Justice Department to join the case as a friend of the court and to question the legality of the statutes. As its *amicus curiae* brief noted, the Justice Department was “not concerned with the wisdom or utility of the so-called Freedom Rides in

⁵⁷ Letter, John Johnson to Joe Patterson, August 23, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to John Johnson, August 25, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

⁵⁸ John Dittmer. *Local People: The Struggle for Civil Rights in Mississippi*. Chicago: University of Illinois Press, 1994, pp.92-97.

general, nor with the merits of any individual arrests....The United States is concerned when federal civil rights and liberties are violated on a massive scale and a continuing basis.” Federal officials referenced a litany of cases that had overturned similar laws and argued that “there can be no serious argument today that the Fourteenth Amendment sanctions state-required racial segregation. With respect to transportation, and all facilities constituting integral parts of transportation, such segregation has been specifically outlawed by a great body of decisional law.”⁵⁹ Patterson and his assistants found themselves once again embroiled in litigation that had limited prospects for the segregationist side.

To help with the *Bailey* lawsuit as well as a new case filed to desegregate the University of Mississippi, *Meredith v. Fair*, Patterson enlisted another private law firm in Jackson. Charles Clark of Cox, Dunn, and Clark was guaranteed a minimum of \$10,000 for his appointment as a Special Assistant Attorney General to work along with Assistant Attorneys General Dugas Shands and Ed Cates. When Clark asked if he would be additionally remunerated if those cases were appealed, he emphasized to Patterson that “like any lawyer, my time is my only stock in trade.” Despite that fact, Clark wanted to be clear that he was not going anywhere and would stay on board until a satisfactory conclusion had been reached. “It would never be my intention, either now or at any time in the future, to ever leave these matters in such a position as would cause your office any inconvenience or hardship.”⁶⁰ Whatever the financial implications, Clark was committed to fighting on behalf of segregationist law.

⁵⁹ Dittmer, *Local People*, pp.161, 211; *Bailey v. Patterson, Brief for the United States as Amicus Curiae, in the United States District Court for the Southern District of Mississippi, Jackson Division*, July 1961. “Transportation 109” folder, SJ Barrett Papers, Box 2, NARA, pp.1-3, 5.

⁶⁰ Letter, Joe Patterson to Charles Clark, September 9, 1961. “Correspondence: Charles Clark Special Assistant Attorney General 1961-1962” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Charles Clark to Joe Patterson, September 9, 1961. “Correspondence: Charles Clark Special Assistant Attorney General 1961-1962” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Charles Clark to Joe Patterson, September 14, 1961. “Correspondence: Charles Clark Special Assistant Attorney General 1961-1962” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

The Attorney General assured Clark that he would be paid for all of his work. “I am assuming that regardless of the outcome of the Bailey case that an appeal will be attempted to the United States Supreme Court, and that the same holds true in the Meredith case, that an effort will be made to appeal to the Circuit Court of Appeals.”⁶¹ With that kind of money involved as well as the implications for Jim Crow embedded in these cases, Patterson was not going to leave any stone unturned, and, not surprisingly, he won a partial victory in the initial *Bailey* hearing in federal court. His assumption, though, that it would be appealed proved correct.

After the U.S. District Court for the Southern District of Mississippi “abstained” from making a decision in the case, Bailey and the other litigants appealed to the Supreme Court, “seeking injunctions to enforce their constitutional rights to nonsegregated service in interstate and intrastate transportation. They alleged that such rights had been denied them under color of state statutes, municipal ordinances, and state custom and usage.” In a straightforward decision on February 26, 1962, the high court ruled that “as passengers using the segregated transportation facilities, they have standing to enforce their rights to nonsegregated treatment....We have settled beyond question that no State may require racial segregation of interstate or intrastate transportation facilities.”⁶² With those words, bus service in the state of Mississippi was desegregated, and the Kennedy Justice Department and Burke Marshall swung into action to make sure that decision was enforced.

The day after the Supreme Court handed down *Bailey*, Marshall reported to Robert Kennedy that the Justice Department had taken the opportunity to sue the city of Jackson to force it to stop segregation in bus and train terminals. “This is the only city in which there is a

⁶¹ Letter, Joe Patterson to Charles Clark, September 13, 1961. “Correspondence: Charles Clark Special Assistant Attorney General 1961-1962” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

⁶² *Bailey v. Patterson*, 369 U.S. 31 (1962). <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=369&invol=31&friend=nytimes>.

continuing official policy of racial segregation by means of signs continuing racial designations.” For Marshall, one of the high points of the *Bailey* decision was the Court’s ruling “that state laws requiring racial segregation in transportation facilities are so patently unconstitutional that they can be enjoined by a single federal judge, and do not require the convening of 3-judge courts.” That meant litigation like *United States v. City of Jackson* and *United States v. City of McComb* could be ruled upon quickly and summarily enforced.⁶³ It was an important victory, but, in relation to other cases on the horizon, the issue of segregation in travel had a relatively small impact.

White people could choose not to take public transportation if they were offended by riding with African Americans. In fact, the lack of better developed public transportation systems in southern cities reflected the reality that segregationists did not want to dump money into projects that would benefit white and black people—a story that historian Kevin Kruse has detailed in his book, *White Flight: Atlanta and the Making of Modern Conservatism*.⁶⁴ But, the most troubling issue for segregationists was in the field of public education. White and black children needed schools, and the real threat that they might have to go to school together was more than diehard segregationists could stand because it promised to undermine the foundation of Jim Crow: the notion that blacks were unequal to whites. In that light, it was the other case that arose at the same time as *Bailey*, which proved to be the most important judicial decision for all Mississippians since *Brown*, and Patterson recognized as much. *Meredith v. Fair* would be the lawsuit that spelled the beginning of the end for white, line-in-the-sand defiance in the state.

⁶³ Memorandum, Burke Marshall to Robert Kennedy, February 27, 1962. “Monday & Wednesday Reports Dec 1961-March 1962” folder, Marshall Papers, Box 16, JFKL, p.1; *Transportation Cases Affected by the Ruling in Bailey v. Patterson*, undated. “Transportation 109” folder, SJ Barrett Papers, Box 2, NARA, pp.3, 5.

⁶⁴ Kevin Kruse. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton: Princeton University Press, 2005.

Patterson faced a significant dilemma. He believed in segregation, and he knew that his political livelihood depended on his ability to convince voters that he would defend Jim Crow at all costs. On the other hand, he could not defend a system of human subjugation that was legally suspect. It was his job to defend both federal and state law, and he was dedicated to that task even if he did not admire the Kennedy Justice Department. If he did not prove his commitment to segregation, though, he would soon be out of a job. It was a fine balance that required him to rethink a social system that was the foundation for all he knew. Although he brazenly flaunted his segregationist leanings, the days of Patterson's affiliation with the Citizens' Council cause were numbered.

During his last appearance on the *Citizens' Council Forum* in 1962, Patterson spoke with Dick Morpew about the increasing scrutiny from the civil rights movement and the Justice Department over voter registration in Mississippi. The fact was that most poor people, predominantly black, were disenfranchised in the state, and federal investigators had been sent by President Kennedy to Mississippi in order to aid the registration of these voters. Remarking on the presence of federal investigators at Circuit Clerks' offices throughout the state, Patterson joked that "they want to go in there and take a photograph of just about everything except the clerk himself." He did emphasize that both state and local officials should "carry out the duties of their office...according to the laws of the State of Mississippi until such laws have been declared unconstitutional and struck down."⁶⁵ It was a message that some Citizens' Council members and many white Mississippians could not accept because of its implications. For those people, they appreciated Patterson's defense of Mississippi's current laws, but they could not agree to abide by a Supreme Court decision if it struck down any part of Jim Crow. They

⁶⁵ *Citizens' Council Forum Films*, 1962, Reel #93, MDAH.

remained ardent in their resistance. A test for both sides was just around the corner as James Meredith attempted to integrate the University of Mississippi.

Chapter 5

The Federal Government and the Meredith Crisis

Thanks to federal agents, who scoured circuit clerk offices around the state in 1961 and 1962, the Kennedy Justice Department used evidence that it found to take legal action to uphold the right to vote for African Americans. Filed against six counties in Mississippi as well as the state's Election Commissioners, the lawsuit sought to end racist voter registration practices that violated Article 1 of the Constitution as well as the 14th, 15th, and 17th Amendments. Thanks to the fact that he was Mississippi's Attorney General and a member of the state's election board, Joe Patterson was a named litigant and found himself thrust once again into the segregationist spotlight.¹ He did not revel in his newfound celebrity, but he worked tirelessly to maintain the legal tradition of Jim Crow.

In a letter to his friend and past Commander-in-Chief of the Sons of Confederate Veterans, William Beard, the Attorney General expressed his frustration with the entire matter. Patterson described the Justice Department's action as "shocking" and claimed that through "judicial fiat" the federal government wanted to exempt blacks from voting qualifications that applied to whites. "Of course, such would appear to be an absurdity were it not for the fact that the Court of Appeals and the U.S. Supreme Court almost invariably uphold the Department of

¹ *The United States of America, Plaintiff, v. The State of Mississippi; the Mississippi State Board of Election Commissioners; Ross R. Barnett, Joe T. Patterson, and Heber A. Ladner, As Members of the Mississippi State Board of Election Commissioners; Ottis N. Clayton, Circuit Court Clerk and Registrar Marshall County, Mississippi, Defendants.* "Civil Actions Complaints US v Mississippi Election Commissioners" folder, Marshall Papers, Box 20, JFKL, pp.1, 10.

Justice in whatever they may request.”² Although he derided federal intentions—a theme for Patterson—he took the threat seriously and advised the state’s circuit clerks to do so as well.

In addition to an appearance on the *Citizens’ Council Forum*, encouraging voting registrars to do their jobs according to state law, Patterson wrote to each election official in every county to warn them that the Justice Department was sending inspectors to review all voter registration records. Patterson advised the circuit clerks and registrars that they could do one of two things: either give all records to federal agents or turn them down, which was in their right and would force Robert Kennedy to seek an injunction to gain access to the files. Either way, Patterson was ready to support them in their decision, but he emphasized that legal defiance would most likely hinder the Justice Department’s efforts since a court order would have specific instructions on what could be viewed and when. While those orders would have to be followed explicitly, they might leave room for state election officials to withhold certain information.³ Such a result would be a small but meaningful victory for the forces of black disfranchisement.

To clarify the matter, Attorney General Patterson invited the President of the Mississippi Circuit Clerks’ Association, G.W. Turbeville, to his office. Turbeville and other voting registrars met with Assistant Attorney General Rubel Griffin to find out more about their options, and later they gained an audience with Governor Ross Barnett. Grateful for Patterson’s assistance, Turbeville came away with the realization that Circuit Clerks were going to deserve a pay raise with what was about to be heaped on them—an assertion that Patterson heartily agreed with.⁴ In fact, Patterson and his staff had been working overtime themselves on the issue for two years.

² Letter, Joe Patterson to William Beard, September 6, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

³ Letter, Joe Patterson to the Circuit Clerks and Registrars of the Counties of Mississippi, June 25, 1962. “Re: Circuit Clerks and Registrars 1962” folder, MAGO, Subject Files, 1924-1979, Box 7574, MDAH, pp.1-2.

⁴ Letter, G.W. Turbeville to Joe Patterson, August 23, 1962. “Re: Circuit Clerks and Registrars 1962” folder, MAGO, Subject Files, 1924-1979, Box 7574, MDAH; Letter, Joe Patterson to G.W. Turbeville, August 25, 1962. “Re: Circuit Clerks and Registrars 1962” folder, MAGO, Subject Files, 1924-1979, Box 7574, MDAH.

As early as May 1960, the Justice Department had considered bringing suit against the state for voting discrimination. Cases had been drawn against Mississippi and Alabama that “would have been a major attack upon both State constitutional and State statutory provisions,” but the decision was made to hold off on those lawsuits due to the expense and the length of time it would take to prosecute them.⁵ With the advancing civil rights movement, though, the occasion appeared ripe for the federal government to make a move, and Assistant U.S. Attorney General Burke Marshall went to Joe Patterson about the developing situation.

In the summer of 1961, Marshall and Patterson were in talks concerning the Freedom Rides when they began an extensive correspondence that included letters and phone conversations on the topic of voting rights for African Americans in Mississippi. Marshall wrote to the state’s Attorney General about initial federal lawsuits, the first of which took on registrars in Forrest County, where “there are approximately 25 Negroes registered out of a voting age Negro population of approximately 7,500 persons. It is our information that over 50 percent of the about 22,500 white citizens of voting age are registered.” Furthermore, in Jefferson Davis County, only 120 blacks out of 3,200 eligible voters were registered, but,

prior to 1956, by way of contrast, over 25 percent of eligible Negroes were registered. A new registration was required in February 1956, and it is our information, based upon an investigation of a number of Negroes who have attempted unsuccessfully to register, that Negroes have been denied the right to re-register by both arbitrary refusals to register them and by the use of discriminatory standards in the application of the Mississippi constitutional interpretation provision.

Marshall appreciated Patterson’s willingness to discuss the problems but wanted to work out a way that blacks would be allowed to vote and that federal registrars could be kept out of

⁵ Memorandum, Philip Marcus to Robert Kennedy, January 25, 1961. “Civil Action Complaints Philip Marcus Materials 6-30-60—1-25-61” folder, Marshall Papers, Box 20, JFKL, pp.1, 2.

Mississippi.⁶ The fact that a statewide elected official was communicating with the Kennedy Justice Department was an important break with the proponents of hard-line resistance, but that did not mean that it would be easy for Marshall and Patterson to find common ground.

Although he listened to Marshall's complaints and agreed that litigation and federal intervention should be avoided if at all possible, Patterson refused to recognize that discrimination was occurring and argued that Mississippi law prohibited such inequity in voter registration. That assertion was naïve at best and implausible at worst, and Marshall recognized as much. He insisted that the only way Patterson could prove that equal access to the voting rolls existed in Mississippi was to give the Justice Department full access to registration files throughout the state, but Patterson was not going to give in so easily.⁷

Instead, the Attorney General told Marshall that he did not understand why the Justice Department would not produce the names of people being used as federal witnesses in the case against Mississippi. Patterson could answer federal accusations if Marshall revealed who was allegedly discriminated against. Otherwise, Patterson asserted that "I can see no way to avoid litigation" since in his eyes "the attitude of the registrar in said county is fair, right, reasonable and lawful."⁸ There was also no way that Marshall was about to reveal the identities of his witnesses. He trusted Patterson, but, if those names got out, the equivalent of a bounty would be placed on their heads.

⁶ Letter, Burke Marshall to Joe Patterson, May 13, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH, p.1; Letter, Burke Marshall to Joe Patterson, June 16, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH, p.3.

⁷ Letter, Joe Patterson to Burke Marshall, June 16, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH, p.1; Letter, Burke Marshall to Joe Patterson, June 20, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH, p.2.

⁸ Letter, Joe Patterson to Burke Marshall, July 7, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH, pp.1-3.

Over the next several weeks, this kind of tit-for-tat went on between Marshall and Patterson in regards to voting irregularities in counties throughout the state. Patterson released a statement about Robert Kennedy and the lawsuits in Forrest and Quitman Counties, which spelled out his position: he could not answer accusations of discrimination unless he knew who the plaintiffs were. In what would not be the last time, Patterson rebuked Kennedy for not recognizing the laws of his state and creating such a stir at the height of the Cold War. He added: "I will never be guilty of advising public officials of Mississippi to voluntarily place their heads upon the chopping block. These suits have been filed by the United States Attorney General to gratify the demands of the NAACP." But, Marshall continued to request more information, and Patterson responded by asking Marshall to give over the names of each person involved and what the charges were.⁹ Going nowhere by 1962, the Justice Department initiated its lawsuits against the state and the various counties.

Patterson proved to be a determined adversary and continued to fight the litigation every step of the way. As the case meandered through the court system, Marshall and Patterson remained in communication about the situation in Mississippi, and Marshall regularly reported on those dealings to Robert Kennedy. From the maintenance of the white primary in Claiborne County to other irregularities in Oktibbeha and Copiah Counties, Marshall pushed Patterson to make voting accessible to all Mississippians. For his part, Patterson promised that the registrars would allow all people to vote who were registered, regardless of race. Somewhat exasperated,

⁹ Press release, Joe Patterson, July 8, 1961. "Patterson, Joe T. 1960-1967" folder, Minor Papers, Box 11, MSU; Letter, Burke Marshall to Joe Patterson, July 10, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH; Letter, Joe Patterson to Burke Marshall, July 25, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH; Letter, Joe Patterson to Burke Marshall, July 26, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH; Letter, Burke Marshall to Joe Patterson, August 1, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH; Letter, Joe Patterson to Burke Marshall, September 6, 1961. "Civil Rights Hearings: Department of Justice 1961" folder, MAGO, Subject Files, 1924-1979, Box 7575, MDAH.

Marshall conceded that he would take his word for it but advised that seeing would be believing.¹⁰ Of course, even if Patterson truly wanted to do so, he could not guarantee the right to vote for thousands of African Americans in the state who had been disfranchised all of their lives.

Tangible access to the voting rolls for blacks did not come until the Voting Rights Act of 1965, which was also the year that the case of *U.S. v. Mississippi* finally appeared before the Supreme Court. On March 8, 1965, the Court issued its verdict, and Justice Hugo Black delivered the unanimous opinion “against the State of Mississippi, the three members of the Mississippi State Board of Election Commissioners, and six county Registrars of Voters.” The case reached the high court on appeal after two U.S. District Court judges, Ben Cameron and Harold Cox, in Mississippi had agreed to dismiss all charges “that the defendants and their agents had engaged and, unless restrained, would continue to engage in acts and practices hampering and destroying the right of Negro citizens of Mississippi to vote.” Cox and Cameron both made names for themselves during the Meredith affair, and Cox in particular had been on the radar of civil rights proponents for a while. At the time of Cox’s appointment to a federal judgeship, Roy Wilkins of the NAACP took the time to write to John Kennedy and let him know that “for 986,000 negro Mississippians Judge Cox will be another strand in their barbed wire fence, another cross over their weary shoulders and another rock in the road up which their

¹⁰ Memorandum, Burke Marshall to Robert Kennedy, April 30, 1962. “Monday & Wednesday Reports April—June 1962” folder, Marshall Papers, Box 16, JFKL, p.2; Memorandum, Burke Marshall to Robert Kennedy, May 29, 1962. “Monday & Wednesday Reports April—June 1962” folder, Marshall Papers, Box 16, JFKL, p.3; Memorandum, John Doar to Robert Kennedy, December 4, 1962. “Monday & Wednesday Reports September 1962—January 1963” folder, Marshall Papers, Box 16, JFKL, pp.1-2.

young people must struggle.”¹¹ Wilkins rarely minced words, and there were few people outside the Deep South who believed the state had reformed its racist ways.

Justice Black detailed why all the reasons for dismissal had been wrong and concluded that “we have no doubt whatsoever that it was error to dismiss the complaint without a trial.” The Supreme Court reversed the decision and remanded the case for trial. “The allegations of this complaint were too serious, the right to vote in this country is too precious, and the necessity of settling grievances peacefully in the courts is too important, for this complaint to have been dismissed.”¹² It was not a total victory for the Justice Department. The state had enacted new laws, built on the *color-blind* principles advocated by Joe Patterson, to thwart the intent of the Voting Rights Act. Nevertheless, it was a significant step in the right direction, and the working relationship that had developed during those years between Patterson and Marshall would play a significant role in the Meredith crisis of 1962.

James Meredith first inquired about possible admission to the University of Mississippi (Ole Miss) before the Spring term of 1961. In a letter to Robert Ellis, the school’s registrar, Meredith requested an application, a catalogue, and other pertinent information but did not mention that he was black. He was pleasantly surprised when he received them along with the generic but polite form letter sent to all prospective students. Meredith promptly wrote back to Ellis to say thanks, but his chances of attending Ole Miss took a sharp detour when he made a significant revelation: “I sincerely hope that your attitude toward me as a potential member of your student body reflects the attitude of the school, and that it will not change upon learning that I am not a White applicant.” Meredith recognized that he would have to suffer the brunt of the

¹¹ *United States v. Mississippi*, 380 U.S. 128 (1965). “Freedom Democratic Party Challenge United States Appellant vs. Mississippi Et Al 1965” folder, Griffin Papers, Box 78, MSU, p.1; Letter, Roy Wilkins to John F. Kennedy, June 22, 1961. “Civil Rights—Judgeships” folder, Schlesinger Papers, Box W-56, JFKL.

¹² *United States v. Mississippi*, Griffin Papers, Box 78, MSU, pp.2-4, 14, and 15.

consequences for his application, but he hoped to receive fair consideration in spite of the fact that he could not provide the required six references from Ole Miss alumni—a policy that had been instituted in November 1954 in the aftermath of *Brown*—since he was black and they were all white. He did promise to provide letters from black Mississippians who could testify to his “moral character.” Otherwise his application was complete, and he looked forward to enrolling at the start of the term on February 6, 1961.¹³ He must have known that there was not much chance of that happening.

On February 4, two days before the new semester began, Ellis sent Meredith a telegram: his application had been turned down because it had been received after the January 25 deadline. Ellis said nothing about Meredith’s race, but he fooled no one. While Meredith responded politely and asked what needed to be added to his application, which he hoped would be reconsidered for Summer school, he also approached the federal government and the NAACP for help in the matter.¹⁴ He soon found himself embroiled in the most important legal case against the segregationist regime in Mississippi since *Brown*.

With an apologetic tone, Meredith informed the Justice Department about his plans to enter Ole Miss—delayed but not yet denied—and asked for its help.

It is with much regret that I present this information to you concerning myself. Whenever I attempt to reason logically about this matter, it grieves me deeply to realize that an individual especially an American, the citizen of a free democratic nation, has to clamor with such procedures in order to try to gain just a small amount of his civil and human rights, and even after suffering the embarrassments

¹³ Letter, James Meredith to Registrar, undated. “Ole Miss Integration—James Meredith February 7—May 15, 1961” folder, Marshall Papers, Box 20, JFKL; Letter, Robert Ellis to James Meredith, January 26, 1961. “Ole Miss Integration—James Meredith February 7—May 15, 1961” folder, Marshall Papers, Box 20, JFKL; Report, *The Board of Trustees of State Institutions of Higher Learning and the Meredith Case*, undated. “Meredith, James—University of Mississippi (2/3) 1963-1967” folder, Minor Papers, Box 9, MSU, p.1; Letter, James Meredith to Robert Ellis, January 31, 1961. “Ole Miss Integration—James Meredith February 7—May 15, 1961” folder, Marshall Papers, Box 20, JFKL.

¹⁴ Telegram, Robert Ellis to James Meredith, February 4, 1961. “Ole Miss Integration—James Meredith February 7—May 15, 1961” folder, Marshall Papers, Box 20, JFKL; Letter, James Meredith to Robert Ellis, February 20, 1961. “Ole Miss Integration—James Meredith February 7—May 15, 1961” folder, Marshall Papers, Box 20, JFKL.

and personal humiliation of this procedures (sic), there still seems little hope of success. To be in an oppressed situation is not in itself very difficult, but to be in it and realize its unfairness, and then to have one's conscious compel him to try to correct the situation is indeed antagonizing and often miserable.

Meredith knew that he could not expect any sympathy from state officials, who had pledged to resist black advancement and had declared no intention to enforce federal court decisions. Thus, he needed the federal government's help to ensure black Mississippians a fair chance in society and prove to them that they "have cause not to fear as they fear today."¹⁵ Meredith did not end his plea there.

In his mind, Meredith argued, "teaching and preaching" were the sole professions that black Mississippians had a shot at. On the other hand, whites in the state recognized that their control of access to higher education was a major source of their power. Because of that fact, Clyde Kennard was spending a seven-year prison sentence on trumped up charges. Nonetheless and due in part to his nine years in the Air Force, Meredith believed that "in my country an individual has the opportunity to grow and develop according to his ability and ingenuity, and is not restricted from progress solely on the basis of Race." He simply wanted the federal government to enforce the law. "In view of the above (incomplete) information I simply ask that the federal agencies use the power and prestige of their positions to insure the full rights of citizenship for our people."¹⁶ Although he did not see immediate results, he would force the Kennedy Administration to uphold the law.

Due to a report from the FBI that came the day before Meredith wrote his letter, the Justice Department was aware of his attempt to desegregate Ole Miss. The FBI had opened a file on Meredith, a student at the historically-black Jackson State College at the time, when it learned

¹⁵ Letter, James Meredith to the Justice Department, February 7, 1961. "Ole Miss Integration—James Meredith February 7—May 15, 1961" folder, Marshall Papers, Box 20, JFKL, p.1.

¹⁶ Letter, Meredith to the Justice Department, February 7, 1961, Marshall Papers, Box 20, JFKL, pp.1-2.

of his application to the state's all-white flagship school in January 1961. The FBI's initial account noted that Meredith planned to sue if he were not admitted and was soon followed by a second report after a fallacious story was leaked to the New Orleans *Times-Picayune* that Meredith had "accidentally" been admitted. Not only that but the paper revealed five other African Americans had supposedly applied to Ole Miss; three were rejected, and two were being considered despite the fact that no lawsuits had been filed to force desegregation.¹⁷ The reporter did not reveal the source of that information, probably because it was not based on any evidence.

If that were not enough, the story further enflamed tensions when it claimed that highway patrolmen had increased their presence in Oxford to make sure that no school in Mississippi desegregated. "Lending credence to the reports were decisions by Gov. Ross Barnett, Chancellor J.D. Williams and other officials against discussing the reason the patrolmen were on the campus. Atty. Gen. Joe Patterson and several highway patrol investigators were reported out of town, but their offices declined to say where they were." In order to bolster that point, the article detailed the cases of Clennon King and Clyde Kennard. In 1958, King,

a Negro minister and college professor....was whisked off the campus by highway patrolmen, hidden in a jail in Jackson and later sent to the state mental hospital for tests. He was released as sane and later left the state....There have been no integration attempts at the University since, although Negro chicken farmer Clyde Kennard tried to enter Mississippi Southern college at Hattiesburg. He is in jail on charges of burglary of chicken feed from a Hattiesburg store.¹⁸

Leaving it at that, the article gave the impression that Meredith was destined to a similar fate even if he had been admitted in error.

¹⁷ Report, Federal Bureau of Investigations, *James Meredith Jackson, Mississippi*, February 6, 1961. "Ole Miss Integration—James Meredith February 7–May 15, 1961" folder, Marshall Papers, Box 20, JFKL; Report, Federal Bureau of Investigations, *James Meredith Jackson, Mississippi*, February 12, 1961. "Ole Miss Integration—James Meredith February 7–May 15, 1961" folder, Marshall Papers, Box 20, JFKL; "State Lawmen Guard Ole Miss: Negro Petition Accidentally Accepted, Rumor." *Times-Picayune*, February 7, 1961. "Ole Miss Integration—James Meredith February 7–May 15, 1961" folder, Marshall Papers, Box 20, JFKL.

¹⁸ "State Lawmen Guard Ole Miss," *Times-Picayune*, February 7, 1961, Marshall Papers, Box 20, JFKL.

There were some voices of reason at the *Times-Picayune*. In particular, the paper's Mississippi correspondent, Bill Minor, wrote his own editorial that questioned what impact Meredith's enrollment at Ole Miss would have if successful. Minor remarked that the state's colleges were not segregated by law but by administrative practice. Only public elementary and secondary schools operated under *de jure* segregation. The Board of Trustees of Institutions of Higher Learning held power over colleges and universities independent from the state and the Governor. "Consequently, it would be beyond the power of the governor to close the University of Mississippi if a Negro were admitted for enrollment at the institution." The state legislature could abolish any state school, but that was unlikely. The Board had already adopted policies directed at maintaining segregation, particularly the requirement that applicants get five letters of recommendation from alumni, which had been quite effective. Finally, Minor asserted that Meredith might sue over his case but that observers believed the Board, because of its independence, was better suited to fight him than lower-level schools entangled in state laws.¹⁹ Overall, Minor argued, it meant that not much would change in the Jim Crow world of higher education.

Minor's article was so sensible that the FBI based most of its second report on it and reasoned that Meredith's legal chances were mixed:

Application returned to student. Bd. of Trustees require applications to be accompanied by five recommendations from alumni—a move to thwart admission of Negroes to white colleges. Mississippi has no law or constitutional provision providing for colleges and universities to be segregated; they are segregated solely by administrative procedure. Seg. laws apply only to public schools. Colleges and universities have immunity from the governor and the Legislature. *Times-Picayune*, N.O., La., 2/12/61.²⁰

¹⁹ Bill Minor. "EYES ON MISSISSIPPI: Negro's Enrollment Try Brings Up Questions." *Times-Picayune*. February 12, 1961. "Ole Miss Integration—James Meredith February 7—May 15, 1961" folder, Marshall Papers, Box 20, JFKL.

²⁰ Report, FBI, *James Meredith*, February 12, 1961, Marshall Papers, Box 20, JFKL.

Whatever his odds, Meredith prepared his lawsuit to desegregate Ole Miss with the help of the NAACP.

Before long, Ole Miss administrators revealed that they were not going to back down from segregationist policy but loosely masked their intentions with *color-blind* language. Denying Meredith's attempt to get in for the Summer semester, Ellis told Meredith that, not only did he lack the required letters of recommendation from alumni but he could not be admitted as a transfer student since Jackson State College was not accredited by the Southern Association of Colleges and Schools—a fact that would be rectified within the next year. On June 8, 1961, the NAACP's Legal Defense and Educational Fund team of R. Jess Brown, Constance Baker Motley, and Thurgood Marshall responded by filing a “Motion for Temporary Restraining Order and Preliminary Injunction” on Meredith's behalf. The initial complaint claimed that Meredith had been denied because of his race, contrary to the dictates of the 14th Amendment. They sought his admission for the 1961 Summer term and drew the complaint against Charles Fair, President of the Board of Trustees. After a hefty amount of obfuscation and delay, that initial motion would be denied on December 12, 1961—a ruling that would be confirmed by the Court of Appeals nearly a year later—but a hearing on the entire matter was ordered to begin immediately.²¹ The Meredith saga was just starting.

When *Meredith v. Fair* made it to trial in late January, Attorney General Patterson led the team of state lawyers in the fight to maintain segregation at Ole Miss. The defendants' position was that Meredith had been denied admission on four grounds, irrespective of race: his lack of

²¹ Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, pp.2-4; *James Howard Meredith, on behalf of himself and others similarly situated, Plaintiff. v. Charles Dickson Fair, President of the Board of Trustees of State Institutions of Higher Learning, Mississippi, Louisville, Mississippi Et Al., Defendants*. “Ole Miss Integration—James Meredith July 25, 1959—January 25, 1961 & Undated” folder, Marshall Papers, Box 20, JFKL, p.1; Burke Marshall, chronology of events in the Meredith case, untitled, undated. “Chronologies May 31, 1961–Oct 19, 1962” folder, Marshall Papers, Box 19, JFKL, p.1.

the required letters of recommendation; University policy in regards to transfer students from colleges not belonging to regional accrediting associations; the school's rules about transfer of credits from such colleges; and evidence, which included Meredith's service record and a charge of illegal voter registration, that indicated he was a bad character risk and a potential troublemaker on the campus. The last point was the primary argument and revolved on a "moral turpitude" clause in the school's admissions standards.²² In that sense, they claimed that Meredith had been denied by the registrar due to a failure in his character rather than his race.

The Tupelo *Daily Journal* made it all too clear in its headline: "Ole Miss Registrar Says Meredith Apparent Trouble Maker, Psychotic." In reality, Meredith was a "trouble maker" in the sense that he sought to undermine a fundamental part of the Jim Crow power structure, but it would be an issue, particularly a false charge of voter fraud, that came up repeatedly as opponents tried every route available to keep Meredith out. Of course, the tired, old question of states' rights was not far from Patterson's mind either. In a letter to a constituent, Patterson made his feelings on the topic clear: "I do not think the federal government has any right or authority whatsoever to attempt to supervise the administration of state owned colleges, high schools, or grade schools."²³ Whether that would float in court remained to be seen.

On February 3, 1962, U.S. District Court Judge Sidney Mize ruled that Meredith had not proven his case. In his eyes, the plaintiff had presented no evidence that Ole Miss had an admissions policy predicated on the segregation of the races and that denied admission to African Americans. That ruling would only be the first in a legal process that eventually totaled more than 1,300 transcribed pages. On the same day as Judge Mize's decision, Meredith

²² Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.4.

²³ "Final Arguments Today: Ole Miss Registrar Says Meredith Apparent Trouble Maker, Psychotic." *Daily Journal*, January 27, 1962. "Newspaper Clippings 3-61-10-62" folder, Lord Papers, Box 9, JFKL; Letter, Joe Patterson to M.C. May, January 29, 1962. "Attorney General Joe T. Patterson's Correspondence, 1962" folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

appealed to the Fifth Circuit, where another request for a preliminary injunction was denied but the case was moved directly to trial. Nonetheless, feeling vindicated, the Board of Trustees of State Institutions of Higher Learning reviewed the entire case, and “by unanimous vote the Board approved the actions of Registrar Robert B. Ellis in denying Meredith’s application.” Furthermore and in light of Meredith’s appeal, the Board ordered Ellis and Chancellor John D. Williams to deny any future attempts by Meredith to get in.²⁴ Once the case left the district court in Mississippi, however, the segregationist side recognized that its chances were dim.

After a February speaking engagement at the Attorney General’s Conference for District Attorneys in New Orleans, Patterson received praise from an attendee for his words berating the federal government for “treating Mississippi and the other Southern States as if we had not been admitted to the union and not entitled to any part of the Constitution’s protection.” The D.A. writing to Patterson expressed a concern shared by the Attorney General: the Fifth Circuit’s justices represented what Senator James Eastland had called “an era of judicial tyranny” and would attempt “to impress the Justice Department in Washington” with their ruling in the *Meredith v. Fair* case.²⁵ Despite those concerns, Patterson prepared to defend Ole Miss as the case dragged out over the following four months.

The three-member circuit court that heard the arguments was made up of Judges John Minor Wisdom, John R. Brown, and Dozier DeVane. Wisdom and Brown were justices who sat on the Fifth Circuit, which made them suspect in the eyes of many segregationists. On the other hand, DeVane was a district court judge from Florida, whom Patterson and his staff felt would be

²⁴ Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.1; Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.5.

²⁵ Letter, P.P. Lindholm to Joe Patterson, February 17, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to P.P. Lindholm, February 19, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 1 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

more sympathetic to the Jim Crow cause, but the case took an unexpected turn as it was winding up in early June. Fearing the worst, lackeys for the cause of white supremacy arranged to take Meredith into custody for the criminal act of voter registration fraud in Hinds County, where the state capital of Jackson was the county seat. In his report to Robert Kennedy, Burke Marshall noted that Meredith was arrested “on charges of giving fraudulent information on a voting application form. The charges involve a dispute which occurred at the trial as to whether Meredith was a resident of Hinds County or Attala County, Mississippi.” Transparent as it was, Marshall observed that the arrest had everything to do with the pending appeal and that he was looking into “whether any federal action is possible to protect Meredith.”²⁶ Again, the question of Meredith’s morality became central to the *color-blind* argument of segregationists.

In a story for the *Times-Picayune*, Bill Minor reported that Meredith had bought “three small farms” in Attala County with money he saved while in the Air Force, but he had “been charged under an old state statute by county prosecuting attorney Paul Alexander with falsely giving his residence in order to register to vote in Hinds County.” The Fifth Circuit was not fooled and quickly enjoined any criminal prosecution of Meredith. The appeals court “held as ‘frivolous’ the charge made by the state’s attorneys...[and] said confusion about Meredith’s testimony on his voter registration was caused by the questioning of Asst. Atty. Gen. Dugas Shands, by referring to a poll tax exemption certificate which Meredith had because of his recent release from the armed services.” Minor went on:

The Court referred to the answer of “Yes, Sir” which Meredith gave to a question by Shands asking him if when he gave Hinds County as his residence “you knew it was untrue.” Its examination of the record, the Court said, made it “evident that Meredith made no admissions of any false statements; the ‘Yes Sirs’ simply

²⁶ Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.5; Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.1; Memorandum, Burke Marshall to Robert Kennedy, June 11, 1962. “Monday & Wednesday Reports April-June 1962” folder, Marshall Papers, Box 16, JFKL, p.3.

indicated Meredith was attentive and following the question.”...The Judges also pointed out that J.R. McLeod, the Deputy Circuit Clerk who registered Meredith testified that Meredith “was properly registered and was ‘qualified to vote’ in Hinds County.”²⁷

Two weeks later, the three-member panel issued its verdict in *Meredith v. Fair*.

On June 25, the Fifth Circuit reversed Judge Mize’s decision and granted Meredith’s original request for an injunction that would allow him to attend Ole Miss as its first African-American student. The vote was two to one and split along the expected lines: Minor and Wisdom voting for the plaintiff with DeVane dissenting. While he supported the Supreme Court, DeVane did not think that his reasoning contradicted the *Brown* decision and, “in his dissent, concurred generally with the majority decision save on one point concerning whether Meredith, if admitted to the University, would be a troublemaker. Justice DeVane held that the District Judge was justified in denying relief on this ground.” He further reasoned that the Court did not “have a right to ignore what the effect of this decision could be upon the citizens of Mississippi and I feel that it is the duty of our Courts to avoid where we can incidents such as the Little Rock case.”²⁸ Such considerations were at the forefront of what remained of the segregationist defense.

When Meredith won his case to integrate Ole Miss, he had hoped that the ruling would open the way for his enrollment in summer school for 1962, but those hopes were soon dashed as Judge Wisdom denied his attorneys’ motion for an immediate injunction on July 9.²⁹ To top that off, Governor Barnett, with full support from the Citizens’ Council, promised to keep Meredith

²⁷ Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.1; Telegram, “Meredith,” Bill Minor to *Times-Picayune*, July 1962. “Meredith, James—University of Mississippi (1/3) 1962” folder, Minor Papers, Box 9, MSU, pp.2-3.

²⁸ Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, pp.5-6; Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.2; Dissenting opinion, Dozier Devane, *James H. Meredith, on behalf of himself and others similarly situated, Appellant, versus Charles Dickson Fair, President of the Board of Trustees of the State Institutions of Higher Learning, Et. Al., Appellees*, July 10, 1962. “Meredith, James—University of Mississippi (1/3) 1962” folder, Minor Papers, Box 9, MSU, pp.2-3.

²⁹ Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.2.

out whatever the costs. The Governor's thinly veiled threats smacked of interposition, and it would be Patterson, as Attorney General, who would have to defend the Governor as part of his legal, though thankless, duties. Still, Patterson attacked that effort with the same commitment he exuded in all of his official capacities. Despite their growing differences over tactics, Patterson was every bit as committed as Barnett to keeping Meredith out of Ole Miss.

Immediately, Patterson declared that "the State would 'follow through with every legal recourse we have' in seeking a reversal of the 2 to 1 decision" by the Fifth Circuit. According to another Bill Minor article, "Patterson said this means 'in all probability we will appeal the case to the United States Supreme Court.' The first step, however, he pointed out, is to seek a rehearing by the Fifth Circuit Court of Appeals." But, Patterson later "declined to file a petition for rehearing" after his evaluation of the situation evolved: there was no reason to expect a different verdict from the Fifth Circuit, nor the Supreme Court. The good news for Patterson was that the high court was out of session and not set to return until September, which provided more time to delay and possibly stop Meredith's admission.³⁰ That cause was soon to receive a significant boost.

On July 18, U.S. District Court Judge Ben Cameron, who would later play a central role in the voter registration case *U.S. v. Mississippi*, agreed to issue a stay of the Fifth Circuit's verdict for "30 days so the state can perfect an appeal to the United States Supreme Court. Patterson said the state would prepare and file its appeal to the Supreme Court within that time." Cameron had never tried to hide his feelings on the matter. In 1961, he divulged to Ole Miss Chancellor John D. Williams that "this increasing disposition to place the running of our schools in alien hands poses, to my way of thinking, one of the most serious problems with which this

³⁰ Telegram, "Meredith," Bill Minor to *Times-Picayune*, July 1962. "Meredith, James—University of Mississippi (1/3) 1962" folder, Minor Papers, Box 9, MSU, p.1.

country is called upon to deal in the years ahead.” And, Williams agreed: “I am most thankful, as are many citizens of our nation, that we have in the judiciary men of your ability and point of view. You help to maintain some balance and stability in our nation.”³¹ Unforeseen, Cameron’s order was a small boost to the cause of maintaining *de jure* segregation while respecting federal law—a dilemma that confronted white Mississippians.

There was one problem with Ben Cameron’s initial stay of the appeals court injunction: he did not tell Meredith or the members of the Fifth Circuit about it. It was only revealed when District Court Judge Harold Cox made “an accidental inquiry” about the timing of Meredith’s admission after he was ordered to issue Meredith’s request for an injunction. On July 27, the day after they learned about Cameron’s move, the members of the Fifth Circuit vacated his stay and issued a new mandate, but Cameron was not intimidated and stayed that order three more times without notice to anyone. Each time, Cameron’s order was vacated and the District Court was told to issue the injunction. After the last stay by Cameron, Meredith’s attorneys from the NAACP had had enough, and Constance Baker Motley asked the Supreme Court and Justice Hugo Black to step in.³² Meredith was no closer to getting into Ole Miss.

Just three days after the NAACP request, Patterson filed his own “Opposition to Motion” with the Supreme Court; he was prepared to do everything in his power to keep Jim Crow higher education intact in Mississippi. Praise for his efforts came from whites throughout the region. J.O. Emmerich, publisher of the McComb *Enterprise-Journal* who was known for his relatively

³¹ Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.2; Bill Minor, “Meredith,” *Times-Picayune*, July 19, 1962. “Meredith, James—University of Mississippi (1/3) 1962” folder, Minor Papers, Box 9, MSU; Letter, Ben Cameron to John D. Williams, August 7, 1961. “Correspondence, 7-9/61” folder 5, Williams Papers, Box 6, Ole Miss; Letter, John D. Williams to Ben Cameron, August 17, 1961. “Correspondence, 7-9/61” folder 5, Williams Papers, Box 6, Ole Miss.

³² Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, pp.2-3; “Night Lead Meredith,” *Associated Press*, August 6, 1962. “Meredith, James—University of Mississippi (1/3) 1962” folder, Minor Papers, Box 9, MSU.

moderate stance on race, commended him for his efforts: “You are doing an excellent job by the people of Mississippi.” And, he published an editorial that made those feelings known.

Joe Patterson, attorney general, and his staff, have been working night and day in their effort to handle the voluminous matters which have stemmed from the racial disputes which have been handled through the courts. It should be pointed out that Attorney General Patterson has consistently handled himself with dignity in all of these disputes....He has avoided making inflammatory public statements and has trudged along with patience and persistence to do the job, his duty as he has interpreted it.³³

While Patterson appreciated such high praise, he knew that many whites in Mississippi and the rest of the South would be hard pressed to accept anything less than total victory in the case, and they wrote to him in droves.

Sammy Johnstan, a 15-year-old high school student from Weaver, Alabama, asked the Attorney General to reject any court orders to integrate Ole Miss. Johnstan recognized the potential trickle-down effects if Meredith succeeded and believed that the rest of the South was “depending on you to keep us segregated.” Joe Guyton was from Blue Mountain, Mississippi, where Patterson’s sister had gone to college, and thanked the Attorney General for his efforts in appealing the Fifth Circuit’s ruling. Guyton was so committed to keeping Meredith, whom he saw as nothing more than a “rabble-rouser,” out of Ole Miss that he was willing to donate money to the cause. Patterson appreciated that offer but replied that the state legislature had appropriated enough money for him to do his job.³⁴ Others saw more insidious threats to white power in the Meredith case.

³³ Letter, J.O. Emmerich to Joe Patterson, September 4, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; *Enterprise-Journal*, September 4, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to J.O. Emmerich, September 6, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

³⁴ Letter, Sammy Johnstan to Joe Patterson, June 26, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Guyton to Joe Patterson, July 7, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to Joe Guyton, July 10, 1962.

William Bullock invoked a higher power in the Jim Crow cause: “May it be Gods [sic] will that through efforts of men like you and Ben Cameron that you may be able to keep the ‘dark stain’ from ever defacing the brightness of Ole Miss or any other of her institutions.” Ann Sullivan remarked that Patterson had a great responsibility to defend white people and worried that the fundamental flaw as she saw it with the 14th Amendment was that it sought “to raise the level of negroes by mixed marriages.” Patterson took the time to respond to that blatantly racist argument and confided:

Our big problem is that we have so many people in high places in our government especially sitting on the U.S. Supreme Court, who will not reason on the race question. As to the Fourteenth Amendment, although its adoption was wholly contrary to the manner prescribed by the Constitution, I do not expect to ever see the U.S. Supreme Court surrender its favorite weapon...that it uses so freely in usurping the rights of the states.³⁵

It was a message that Patterson stood by and repeated to anyone who would listen.

At the 1962 Tennessee-Mississippi Sheriff and Peace Officers Association meeting in Memphis, where he addressed the Meredith situation along with the Freedom Rides and the sit-in movement, Patterson received praise for similar remarks. One constituent, C.S. Rankin, wrote to say that “I have just read with a great deal of pride the talk MY [original emphasis] Attorney General made....May I say congratulations. You expressed my feelings exactly and I am glad we have public officials like you.” Even the founder of the Citizen’s Council, Robert “Tut” Patterson, added his “congratulations to you for the wonderful speech you made to the Peace Officers Association. The effect of your speech will be far-reaching and all Southerners are

“Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

³⁵ Letter, William Bullock to Joe Patterson, September 2, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Ann Sullivan to Joe Patterson, August 29, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to Ann Sullivan, September 7, 1962. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

indebted to you for it.” The Attorney General thanked the Council’s most celebrated leader and, despite their differences, noted that they had “a long hard fight in front of us, and I know of no better way to meet the issues than head-on in an honest straight-forward manner.”³⁶ A long-time member of the Council, Patterson would soon leave the segregationist group due to acrimony over the Meredith crisis, but for the time being they were on the same page.

In his opinion on Ben Cameron’s actions, Supreme Court Justice Hugo Black recognized that it was an issue of the utmost importance and refused to rush his decision. Instead, he asked the Solicitor General to “file a memorandum on power of Judge Cameron to issue stays and power of Justice Black to set them aside.” Until then, the federal government had not been involved in the case, but, on August 31, the Justice Department filed an *amicus curiae* brief with the Supreme Court and issued its expected opinion “that Judge Cameron’s stays were unauthorized and that Justice Black had the power to set them aside.”³⁷ Few people were under the illusion that Hugo Black felt any differently.

Uncharacteristically emotional about the Justice Department’s brief, Patterson rejected its position and retorted that, in relation to Judge Cameron, Robert Kennedy was like “a jackass braying at a great American eagle.” Patterson had never admired the U.S. Attorney General. According to his son, while he held President John Kennedy in high esteem, Patterson did not like the fact that Robert Kennedy had been on Roy Cohn’s staff during the McCarthy hearings. Cohn had been chief legal counsel to the House Un-American Activities Committee, and the Mississippi Attorney General “didn’t see how someone could...go from being in the vanguard of

³⁶ Letter, E.A. Carter to Joe Patterson, undated. “Attorney General Joe T. Patterson’s Correspondence, 1962” folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, C.S. Rankin to Joe Patterson, August 22, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Robert Patterson to Joe Patterson, August 23, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to Robert Patterson, August 25, 1962. “Re: Joe T. Patterson—Personal, 1962-1963” folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

³⁷ Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.3.

denying Americans' their rights to suddenly ten years later being in the vanguard of saying he was going to guarantee them to certain groups."³⁸ While that observation by his son might be somewhat rose-colored, the point was that Patterson and Robert Kennedy were not simpatico. Yet, his "jackass" comment raised a few eyebrows as well as commendations for his candor.

A former member of the Mississippi House of Representatives, Tom Gibson, reveled in the moment. "It was with a great deal of pleasure that I learned you had said the moron attorney general we have, Kennedy, reminded you of a jackass. I am sorry the press did not bring it to the fore more." In a letter to his old friend, T.N. Gore, Patterson let loose with a rare occasion of racist ire over the matter. Patterson apologized for not being able to visit Gore in the hospital, but "as you know the U.S. Attorney General and his 'niggers' are keeping me pretty well stretched out at this time."³⁹ His frustration emanated from the fact that only the slightest hope of keeping Meredith out was left, but he engaged the task of defending the state's last legal barriers to his enrollment with vigor even as he expected the worst when Hugo Black handed down his opinion.

Just days before Black delivered his ruling, the Board of Trustees of Institutions of Higher Learning saw the writing on the wall and withdrew all power over the Meredith case from Ole Miss officials. Instead, in a move allowed by the Mississippi Constitution, the Board took direct responsibility for Meredith's application in hopes that, due to its centralized power, it might be better suited to mount a last-second effort to thwart the integration.⁴⁰ In effect, the members of the Board were grasping at straws.

³⁸ *Jackson Daily News*, September 2, 1962, quoted in Russell H. Barrett. *Integration at Ole Miss*. Chicago: Quadrangle Books, 1965, p.90; Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi.

³⁹ Letter, Tom Gibson to Joe Patterson, September 6, 1962. "Attorney General Joe T. Patterson's Correspondence, 1962" folder 2 of 2, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH; Letter, Joe Patterson to T.N. Gore, September 6, 1962. "Re: Joe T. Patterson—Personal, 1962-1963" folder, MAGO, Correspondence—General, 1851-1983, Box 7500, MDAH.

⁴⁰ Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.7.

Similarly, the Sovereignty Commission's Director of Research, Naomi Scrivner, searching for ways to turn the case around, issued a three-page report about a treatise

on the invasion of Mississippi, entitled, "Revolution in Mississippi," by Tom Hayden, Southern Field Secretary of Students for a Democratic Society, and published by that organization....It reveals a definite connection between the United States Attorney General and the Administration, and the Communist and Communist front activities in Mississippi.

Scrivner highlighted what she saw as significant parts of Hayden's logic: "The Kennedy Administration made clear that it believed and was willing to support the idea that the vote, not the lunch counter, must be the focus of the integration movement. The Administration's judgment was probably colored by the fact that the Democratic Party must gain the support of Southern Negroes to enhance political possibilities in 1962 and 1964 [original emphasis]." Scrivner concluded that "the people of this nation have a right to be told the meaning of this close collaboration between the United States Attorney General and Communist agents." She hoped that Robert Kennedy would "be brought before the proper committee for investigation of conduct detrimental to the security of this nation....Surely there can be no legal grounds on which the Attorney General can use American taxpayers funds to promote the subversive work of these foreign agents against their Country."⁴¹ Obviously, Scrivner and Patterson shared some harsh feelings for Robert Kennedy, but such ranting did little to slow the impending integration of Ole Miss.

On September 10, 1962, Hugo Black vacated Judge Cameron's stays and enjoined any further efforts either to prevent Meredith from attending Ole Miss or to block "the enforcement of the order of the Fifth Circuit." Black was acting on the behalf of the entire Supreme Court, which unanimously supported his decision, and, on October 1, the Court officially declined to

⁴¹ Letter, Naomi Scrivner to Mississippi State Sovereignty Commission, September 6, 1962. "Attorney General's Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962" folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-3.

review the Fifth Circuit's earlier verdict, meaning "no further appeal was possible." In turn, Judge Sidney Mize enjoined all defendants from any further interference in the case and, on September 13, issued a final order for Meredith to be enrolled, which led to a Justice Department announcement that U.S. marshals were ready to bring Meredith to the Ole Miss campus. But, those orders provoked little surprise from the segregationist camp. On what would be a rare occasion, Governor Barnett refused to comment, as did "Attorney General Joe Patterson.... 'I'll have to read it first,' he said."⁴² It would not take long, though, for the flood gates of segregationist opinion to open wide.

In an attempt to temper his earlier "jackass" comments, Patterson issued a statement that was no less vitriolic in reality.

The hand of the Department of Justice has been apparent since the beginning of this suit, although it was not definitely shown until two weeks ago when Mr. Kennedy entered the suit before Justice Hugo Black. It is a sad commentary in American history when the United States Attorney General ceases to be the Attorney General of all of the United States and permits his office to become general counsel for the NAACP, Martin Luther King and other radical agitators and trouble makers.⁴³

Patterson made his feelings on the matter apparent, but he would be taken aback by the assault on federal authority that Governor Barnett issued during a television address.

On the night of September 13, Barnett told a live television audience across the state that, based on the doctrine of interposition and the 10th Amendment, he ordered all state officials to

⁴² Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, pp.3-4; Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, pp.6-7; Arthur Schlesinger. *Mississippi Chronology*. "Mississippi Situation 5-20-61—9-30-62" folder, Schlesinger Papers, Box WH-15, JFKL, p.1; *James Howard Meredith, On Behalf of Himself and Others Similarly Situated v. Charles Dickson Fair, President of the Board of Trustees of the State Institutions of Higher Learning, ET AL No.3130 ORDER GRANTING PERMANENT INJUNCTION*. "College Board—James Meredith 1954-1972" folder, Minor Papers, Box 2, MSU, pp.1-3; "Black Orders UM Admit Meredith: Sets Aside Stay of Judge Cameron," *Jackson Daily News*, September 10, 1962. "Meredith, James—University of Mississippi (1/3) 1962" folder, Minor Papers, Box 9, MSU; "Ross Not Surprised Withholds Comment," *Jackson Daily News*, September 10, 1962. "Meredith, James—University of Mississippi (1/3) 1962" folder, Minor Papers, Box 9, MSU.

⁴³ Press Release, Joe Patterson, September 19, 1962. "Meredith, James—University of Mississippi (1/3) 1962" folder, Minor Papers, Box 9, MSU.

work to keep Meredith out. “I speak to you now in the moment of our greatest crisis since the War between the States....an ambitious Federal Government, employing naked and arbitrary power, has decided to deny us the right of self-determination in the conduct of the affairs of our sovereign State.” Not only was the federal government to blame but so were “professional agitators, an unfriendly liberal press and other troublemakers.” Yet, as he saw it, the fault lay squarely on the Kennedys’ shoulders for at least tacitly supporting the efforts of those people. “The day of expediency is past. We must either submit to the unlawful dictates of the Federal Government or stand up like men and tell them ‘NEVER!’ The day of reckoning has been delayed as long as possible. It is now upon us. This is the day—and this is the hour [original emphasis].”⁴⁴ But, Barnett did not stop there.

Convinced that the majority of Mississippians would never follow these dictates, “I repeat to you tonight—NO SCHOOL WILL BE INTEGRATED IN MISSISSIPPI WHILE I AM YOUR GOVERNOR [original emphasis].” He then called on all state officials to resist through all “legal and constitutional means....I say to you that there is no sacrifice which I will shrink from making to preserve the racial integrity of our people and institutions.” He took another step and asked that all public officials be willing to go to jail or resign in the face of a tyranny that he likened to “genocide.” Specifically citing the doctrine of interposition, the Governor issued an official proclamation, which stated that public schools were and would be controlled by the states and that he would be willing to accept any and all federal contempt charges made against state officials enforcing his proclamation.⁴⁵ Those whites desperate to hold on to Jim Crow and their institutionalized, racist power celebrated Barnett’s words.

⁴⁴ Ross Barnett, *A Statewide Address on Television and Radio to the People of Mississippi*, September 13, 1962. “Barnett, Ross & Erle Johnston, 1961-1966” folder, Emmerich Papers, Box 4, MSU, pp.1-2.

⁴⁵ Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.8; Barnett, *A Statewide Address*, September 13, 1962, Emmerich Papers, Box 4, MSU, pp.3-7.

It may have been a suspect move on the Governor's part, especially since it was in direct contradiction to the Fifth Circuit's and Supreme Court's orders, but it did buy him some time. That was in large part due to whites in the state like Chancery Court Judge L.B. Porter, who, "on September 19...issued an injunction prohibiting University officials, members of the Board of Trustees, and various Federal officials from taking any action to admit Meredith to the University." Porter's order had little effect because no one believed he had any authority that superseded that of the Fifth Circuit or the Supreme Court, but, as Bill Minor would later put it, "Mississippians knew 'Ole Ross' had a plan. The federal government would be stopped in its tracks, black James Meredith would be thwarted and Ole Miss would remain all-white." The state's leading newspaper, the *Clarion-Ledger*, lionized Barnett for his words: "The humble plowboy from Standing Pine, fearless in his refusal to yield principle to compromise, stands assuredly today on the blazing pages of American history awaiting a challenger to his order to resist."⁴⁶ There were people like Minor who recognized the potential for tragedy.

The *Times-Picayune* reporter detected that Barnett's "'secret' plan was nothing more than the dusty old states' rights theory of interposition, the doctrine born of the John C. Calhoun era....It was the beginning of Barnett's 18 days of resistance to federal authority, a resistance which in the end would meet with failure, riot and bloodshed." Along with the business community, more moderate voices like Minor's would be the ones whom the Justice Department

⁴⁶ Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.8; Bill Minor, "Governor Barnett Had 'Secret' Weapon to Stop Meredith," *Times-Picayune*, October 1, 2, 3, 1972. "Barnett, Ross 1963-1978" folder, Minor Papers, Box 1, MSU, p.1; Gene Wirth. "Humble Plow Boy Grown Up: Place Assured in History for Fearless Ross Barnett." *Clarion-Ledger*, September 15, 1962. "Newspaper Clippings 3-61—10-62" folder, Lord Papers, Box 9, JFKL.

reached out to, as it kept a close eye on Barnett's shenanigans and toiled behind the scenes to pull off Meredith's integration.⁴⁷

Arthur Schlesinger put forward initial arguments within the Kennedy Administration on how to deal with Barnett and his highly flawed talk of interposition. In 1833, Schlesinger pointed out, the Mississippi Legislature considered and rejected through statute "the interposition theory on which Governor Barnett bases his present action....[which] should convince even Mississippians that Barnett's theory has no historical validity." Schlesinger also had another, more fundamental reason that Barnett's plan was bunk: for the last figures available from 1958, Mississippi had paid \$385 million in federal taxes but had received \$668 million in aid. In what would later become a program of economic pressure known as "Stick It to Mississippi," Schlesinger suggested contacting business people in the state who recognized that federal dollars as well as social stability was in their interest.⁴⁸ Not wasting any time, the Justice Department sought out influential voices in the business world to make that happen.

Burke Marshall turned to *The Wall Street Journal* for a "survey of business opinion" about the crisis, and the Department of Commerce created a list of companies in Mississippi that would be the most effected by the loss of federal money. Specific Justice Department officials, including Robert Kennedy, were then assigned companies to contact, "opening lines of persuasion to individual members of the Board of Trustees." The companies included Pepsi, Armour Packing, Kraft, and Ready-Mix Concrete among others, and Kennedy also contacted the Department of Health, Education, and Welfare about grants distributed within the state.⁴⁹

⁴⁷ Minor, "Governor Barnett," *Times-Picayune*, October 1, 2, 3, 1972, Minor Papers, Box 1, MSU, p.1; Report, *Portions of Speech by Governor Ross R. Barnett, Mississippi*, September 13, 1962. "Newsclippings 1962 Sept. & Oct." folder, Marshall Papers, Box 20, JFKL, pp.1-3.

⁴⁸ Memorandum, Arthur Schlesinger to Robert Kennedy, September 27, 1962. "September 24, 1962—September 29, 1962" folder, Schlesinger Papers, Box WH-59, JFKL, pp.1-3.

⁴⁹ Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, pp.4-5.

Obviously, the Justice Department believed that the moderation of the moneyed elite would sway the day, and, if that did not work, the state's desperate poverty and need for outside assistance would force white leaders to cave.

On the other hand, the Justice Department did not focus its efforts solely on economic persuasion. Instead, it reached out to those people in Mississippi who were sympathetic to Meredith's plight or who at least recognized that they had little choice but to comply with the dictates of the federal government. Members of the press like Bill Minor were one logical source of support, and those newspapers known for their relative moderation received phone calls from Burke Marshall and others in the Kennedy administration. John Siegenthaller at the Memphis *Commercial-Appeal* and Hodding Carter at the *Delta Democrat Times* both were asked for their support and their opinions during the crisis, as was Ira Harkey at the *Pascagoula Chronicle*.⁵⁰

On the day after Barnett called on the doctrine of interposition, Harkey "published the state's first editorial expression of disapproval." He continued to print a series of articles in the same vein in spite of the criticism heaped on him, which included a not so subtle "nighttime pistol shot" through an office window. The titles of his articles spoke volumes to Harkey's position: "Governor Reaches Point of No Return" and "Scapegoats Run in Short Supply," in which Harkey ridiculed bigots for blaming everyone else for what happened at Ole Miss. In another one critical of Barnett's role during the crisis, he wrote: "In a madhouse's din, Mississippi waits. God help Mississippi."⁵¹ Harkey was not alone in that criticism, and a few whites in Mississippi proposed that Meredith and all African Americans deserved equal access to social opportunity.

⁵⁰ Ibid, pp.3-4.

⁵¹ Ira Harkey. ...*Dedicated to the Proposition...*: Editorials from *The Chronicle Pascagoula, Mississippi*. "Newsclippings 1963" folder, Marshall Papers, Box 20, JFKL, pp.ii, 1, 2.

Because of those positions, religious leaders like Reverend Duncan Gray and certain professors at Ole Miss were on the Justice Department's list to call for help. Russell Barrett and James Silver were both faculty members who believed in Meredith's cause. Barrett was a political science professor and later wrote a book about the desegregation of the university. He contacted Marshall during the summer of 1962 about Meredith's plans to enroll.

It should be realized that university officials on the campus have almost nothing to say about the policies to be followed on these matters, which are determined by the Board of Trustees of the Institutions of Higher Learning and by the State Attorney-General. The university officials are on a tightrope between the officials just referred to and their own educational responsibilities....University officials are afraid to appear "willing" to see Mr. Meredith enrolled, since this would be used as an argument that the University is pro-integration.

Barrett along with other university faculty and staff hoped Justice Department officials would be on hand when Meredith did finally come to campus. "There is considerable fear that violence may be attempted and that state and local law enforcing officers may not be all that is required, and there is some doubt as to whether their main interest would be in protecting Mr. Meredith."⁵² That observation proved to be prescient, but James Silver above all others at Ole Miss voiced his belief in Meredith's cause.

Silver had had a topsy-turvy relationship with segregationists long before Meredith's arrival. For some time, he had been close friends with the former Attorney General and Governor of Mississippi, James P. Coleman, who had been Patterson's longtime friend and likewise had his own complicated association with hard-liners. Before the 1956 session, the state legislature asked the newly-elected governor to speak on the philosophy of interposition, and Coleman turned to Silver, who was happy to help. The Governor confided that, "if you can help me again lay this ghost [to rest], now almost a hundred years after its final death, I shall be

⁵² Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.4; Letter, Russell Barrett to Burke Marshall, July 9, 1962. "Correspondence 1962" folder 6, Barrett Papers, Box 1, Ole Miss.

deeply grateful.”⁵³ Given his speech on interposition six years later, Barnett must not have consulted Coleman or Silver.

After Silver offered comments not in line with the segregationist camp at an October 1956 speech in Jackson, Tennessee, he caught the attention of the Sovereignty Commission. In a letter to Joe Patterson, H.B. Abernethy asked for a full accounting of Silver’s actions. Not mincing words, Abernethy, who was the brother of U.S. Congressman Thomas Abernethy, pointed out that

James W. Silver HEADS the history department at the University, he does not only teach there, but HEADS the department. WHO HIRES MONKEYS LIKE HIM [original emphasis]? And we pay our tax money to have his “tripe” taught to our children. What can we expect of our children and grand-children if we continue to allow these misplaced “monkeys” to teach in our schools? Someone is responsible for the employment of such people, and I for one think that some investigation should be made of the people who do the employing.

Patterson agreed and had “been awaiting an opportunity to discuss this matter with the Governor. In the language of former Governor Bilbo, I think that anyone connected with a state institution who makes remarks like this about the state ‘should have hell fired out of him on the spot.’”⁵⁴ Indeed, a Sovereignty Commission investigation was underway with noteworthy assistance.

From the start, the Board of Trustees of Institutions of Higher Learning had promised “to confer with the State Sovereignty Commission...[and] to cooperate in any way possible with the new Commission.” In that vein, the Board proffered all available information it had about the Ole Miss historian to the state agency. In the end, not much came of the investigation, but, as Silver told his friend, Hodding Carter, he was forced to explain himself to the Ole Miss

⁵³ Letter, J.P. Coleman to James Silver, December 19, 1955. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss; Letter, James Silver to J.P. Coleman, December 20, 1955. “Correspondence w/ J.P. Coleman” folder 12, Silver Papers, Box 23, Ole Miss.

⁵⁴ Letter, H.B. Abernethy to Joe Patterson, November 9, 1956. “Attorney General Correspondence: Joe T. Patterson State Sovereignty Commission 1956” folder, MAGO, Box 7516, MDAH; Letter, Joe Patterson to H.B. Abernethy, November 13, 1956. “Attorney General Correspondence: Joe T. Patterson State Sovereignty Commission 1956” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

Chancellor, John D. Williams, who respected the historian despite the fact that Silver did not make his job easy.⁵⁵ Silver was not finished though and continued to make himself a nuisance to Jim Crow advocates.

By befriending Billy Barton at Ole Miss during the student's controversial campaign to become editor of the school newspaper, Silver alienated most within the Barnett administration, and he pleaded with Governor Coleman to run again for office early in 1962. Mississippi law at the time prohibited back-to-back terms in state-wide positions, so Coleman had not been able to run for reelection, but he could try for another term in 1964. Silver saw it as Coleman's "duty" to reenter public life because he was "the one possible ray of hope in a very dismal situation" in Mississippi. Silver pledged his support "in every way possible except openly, for obvious reasons," and declared that he would leave Ole Miss and the state if Coleman did not run or was not elected.⁵⁶ Before the events at Ole Miss that fall, Silver knew that he would be a political liability for Coleman, but he could not have foreseen that his promise to leave the state would become a reality as the Meredith crisis loomed. Without that foresight, he prepared remarks for his presidential address at the 1963 Southern Historical Association meeting in Asheville, North Carolina.

Already planning a diatribe against Jim Crow and the "Closed Society" that it produced, the tone and content of Silver's speech took a sharper turn as the Meredith affair unfolded. Looking for advice from Hodding Carter, Silver revealed that he was going to compare Governor Barnett to John Jones Pettus, who had led the state one-hundred years earlier. In Silver's view,

⁵⁵ Minutes, Board of Trustees of Institutions of Higher Learning, May 17, 1956. "Board of Trustees v. Silver 1964 related correspondence, misc." folder 4, Silver Papers, Box 20, Ole Miss; Minutes, Board of Trustees of Institutions of Higher Learning, October 18, 1956. "Board of Trustees v. Silver 1964 related correspondence, misc." folder 4, Silver Papers, Box 20, Ole Miss; Letter, James Silver to Hodding Carter, October 29, 1956. "Hodding Carter: Correspondence: 1956: S. (April-December)" folder, Carter Papers, Box 15, MSU.

⁵⁶ Letter, James Silver to J.P. Coleman, January 2, 1962. Folder 12, Silver Papers, Box 23, Ole Miss.

they were almost identical and stood as bookends for a period of Mississippi history from 1860 to 1960 that had seen little to no social progress. “But the paper will be bigger than this...[It] will include attempts to control education, speakers coming into the state, vigilante (citizens’ council) action, etc.” Carter approved of Silver’s planned attack on the likes of the Council and noted that Barnett had once derided him by mocking: “Hodding Carter is a moderate by his own admission.”⁵⁷ For those segregationists who were not willing to budge on the issues surrounding black civil rights, any concessions showed intolerable weakness, but Silver’s disparaging remarks were unforgiveable.

Not long after his speech at the Southern, Silver was forced out of Ole Miss, and, in the summer of 1964, he took an unpaid leave of absence to teach at Notre Dame. His proactive efforts to help Meredith get into the school and stay there had as much as anything to do with his reluctant departure, and the Justice Department’s obvious connection to Silver made it that much more difficult for it to negotiate with a skeptical segregationist camp. After all, Burke Marshall would write a positive review for Silver’s book, *Mississippi: The Closed Society*.⁵⁸ Despite that fact, behind the scenes, Robert Kennedy reached out to the Governor, Attorney General Patterson, and the upper-echelons of the state’s segregationist machine to try to broker an amicable deal.

The day after Barnett’s speech on interposition, the U.S. Attorney General himself called the Governor, concerned about what might transpire when Meredith arrived on campus to register for classes on September 20. When Barnett returned his call, Kennedy emphasized that

⁵⁷ Letter, James Silver to Hodding Carter, March 20, 1962. “Hodding Carter: Correspondence: 1962: S. (January - June)” folder, Carter Papers, Box 22, MSU; Letter, Hodding Carter to James Silver, April 4, 1962. “Hodding Carter: Correspondence: 1962: S. (January - June)” folder, Carter Papers, Box 22, MSU.

⁵⁸ Memorandum, John D. Williams to James Silver, June 19, 1964. “*Board of Trustees v. Silver* 1964 Related Correspondence, Misc.” folder 4, Silver Papers, Box 20, Ole Miss; Burke Marshall. “Book Review.” *Georgetown Law Journal*. Vol. 53, No. 1, Fall, 1964, pp.262-265. “‘*Mississippi: The Closed Society*’ Fall 1964 *Georgetown University Law School*” folder, Marshall Papers, Box 13, JFKL.

a few U.S. marshals would accompany Meredith to ensure his safety, but the Attorney General wanted Barnett to guarantee his protection. Although the Governor was committed to rejecting Meredith, he promised “that there will be no violence. The people do not want to get involved in violence, strife, and I have urged them not to do so and I do not anticipate any trouble.” Thanks to Barnett’s clear stance on the matter, Kennedy conceded that, “of course, he will be refused when he tries to register” but Meredith would be there nonetheless. Kennedy then tried to impress upon the Governor: “We will take it to the Court. In my judgment then the Court will order the register [sic] then we will have to litigate. That will be the procedure.” The Governor was not dissuaded and divulged some of his strategy for delaying Meredith’s entry, which he believed “will take about a year.”⁵⁹ Such an extended timeline for court intervention was unlikely since the Supreme Court and the Fifth Circuit had stated their positions, but Barnett was not to be underestimated.

Over the next several days, Barnett and Robert Kennedy spoke regularly to plan Meredith’s arrival. It was a carefully choreographed dance that the people of Mississippi were unaware of. Barnett and Kennedy were both trying to save face, but Kennedy made the mistake of taking the Governor at his word that Meredith would receive “safe passage” while he was in Oxford. There were signs from the beginning that Barnett had duplicitous intentions. First, Barnett tried to convince Kennedy that Meredith should register in Jackson when the Board of Trustees met rather than in Oxford, where all other students were preparing for classes. Barnett claimed that the Board would be more likely to admit him that way and that there would be less potential for trouble, but Kennedy left that decision up to Meredith, who wanted to register like any other student and did not want to be singled out any more than he had to be. With that news,

⁵⁹ September 15, 1962, 2:15 p.m. Ross Barnett and Robert Kennedy. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL, pp.1-2.

Barnett shifted tones and insisted that his registration be delayed until Monday, September 24, in Jackson.

We insist that he come then....They're going to have such a gang up there at Ole Miss and a lot of them might resent it. General, some men here insist that he come to the Jackson State office building on the 10th floor where the Trustees meet. The registrar is here and he'll miss the whole crowd and it would be so much better for everybody. Frankly I think if you don't agree with me there is nothing—he'll just have to come up there.⁶⁰

It was a warning that caught Kennedy's attention but did not change his opinion.

By the time Burke Marshall called the Governor on Kennedy's behalf on the night of September 18, there had been little progress, and Barnett took the opportunity to test another strategy. He argued that the Board of Trustees was an independent body, and, because of that fact, "Meredith, the Negro man" must come to Jackson to register since the Board had ordered him to do so. Marshall insisted that Meredith wanted to register in Oxford and held up court orders that prohibited any interference by state or university officials, but, as the Governor asserted, Registrar Ellis was not in Oxford but in Jackson. "The trustees control Ellis, the registrar, and I have no control over the trustees....That's a constitutional board. It is a board of 13 men and they have entered this order and I don't know of any way it can be changed." If Meredith came to Jackson, Marshall asked whether he would be registered there, but Barnett backed off earlier assurances and said that the Board had not voted on it at that point.⁶¹ While Marshall pondered the options, the Governor's ambiguity was just beginning to unfold.

To add more pressure to the Board of Trustees, the state legislature, which would rear its ugly head many times over the next few days, passed a resolution of support for Barnett and his

⁶⁰ September 17, 1962, 7:00 p.m. Ross Barnett and Robert Kennedy. Telephone Recordings. "Telephone Transcripts General and September 15-20, 1962, 42pp." folder, Marshall Papers, Box 20, JFKL, pp.1-2; September 18, 1962, 12:30 p.m. Ross Barnett and Robert Kennedy. Telephone Recordings. "Telephone Transcripts General and September 15-20, 1962, 42pp." folder, Marshall Papers, Box 20, JFKL, pp.1-2.

⁶¹ September 18, 1962, 6:05 p.m. Ross Barnett and Burke Marshall. Telephone Recordings. "Telephone Transcripts General and September 15-20, 1962, 42pp." folder, Marshall Papers, Box 20, JFKL, pp.1-2.

stance on interposition. With renewed confidence, Barnett cautioned Robert Kennedy that Meredith should not go to Oxford to attempt to register. “It will be in violation of the orders of the Board. These people are very peaceful. This thing is serious to the people in the South and all over the world....It has the whole nation upset. We have telegrams from California to Maine. You would be surprised at the sentiment on this thing. He’s been notified where to come.”⁶² It was an ominous sign, but, later that day, the Governor seemed to back down when he had Attorney General Patterson work on a deal to bring Meredith to Oxford and not to Jackson in order to register.

The Governor turned negotiations over to Patterson and instructed him to broker a new agreement, but, in the meantime and unbeknownst to the Attorney General, Barnett quietly went into conference with his closest confidants—mostly Citizens’ Council operatives—in order to figure out a new way to proceed. After all other legal options had been exhausted, Patterson was disappointed but prepared to admit Meredith to Ole Miss under the assumption that he had no choice but to uphold the dictates of the Supreme Court. Working once again with Burke Marshall and unaware of the Governor’s plans, Patterson began to make some headway in his conversations with his old adversary in the Justice Department.

In a cordial conversation with Marshall, Patterson joked that he had not talked with the Assistant U.S. Attorney General in a long time. “I haven’t been out of the state much. You won’t let me.” To which, Marshall retorted: “You could say that we are keeping each other busy.” They did have serious business to take care of, and Marshall let Patterson know that he was on an open speaker with other high-ranking Justice Department officials, including Nicholas Katzenbach and James McShane. They wanted to arrange Meredith’s arrival on campus the next

⁶² Schlesinger, *Mississippi Chronology*, Schlesinger Papers, Box WH-15, JFKL, p.1; September 19, 1962, 1:30 p.m. Ross Barnett and Robert Kennedy. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL, pp.1-2.

day with Patterson and Mississippi's Public Safety Commissioner, T.B. Birdsong, who was also on the line.⁶³ Both sides hoped to maintain the peace and find some manner of shared interests.

Marshall understood that Meredith was going to be denied admission at that time and hesitantly agreed to terms that gave Mississippi law enforcement complete jurisdiction over the Oxford campus. He only required that Meredith be given "safe passage" while he travelled from Memphis to Oxford and back, and Patterson assured Marshall that Meredith would be protected during his time in the state. In addition, McShane, as the head of the U.S. Marshal Service, and one or two deputies were set to accompany Meredith. Still nervous, Marshall asked, "Gen. Patterson, about how many men will Col. Birdsong have?" Indulging the question, Patterson mollified Robert Kennedy's assistant: "Let's put it this way, Mr. Marshall. He will have all that are necessary." Relieved, Marshall thanked Patterson and commented that he was "as always, very cooperative and direct." Somewhat settled to the satisfaction of both sides, Patterson gave Marshall his home phone number in case anything came up.⁶⁴ The next twenty-four hours would see plenty arise.

When Patterson informed the Governor of the arrangements, there was a hitch. Two of Patterson's Assistant Attorneys General, Ed Cates and Dugas Shands, were assigned to the Meredith case and were renowned racists. Together, they and Barnett's closest advisor, Tom Watkins, helped the Governor devise a secret plan to call a special session of the Mississippi legislature the night before Meredith was set to come to Oxford. At 1:00 a.m. on September 20, the Governor signed Senate Bill Number 1501. The new law declared that anyone who had "a criminal charge of moral turpitude pending against him or her" was ineligible to attend the

⁶³ September 19, 1962, 4:00 p.m. Burke Marshall and Joe Patterson. Telephone Recordings. "Telephone Transcripts General and September 15-20, 1962, 42pp." folder, Marshall Papers, Box 20, JFKL, pp.1-2.

⁶⁴ September 19, 1962, 4:00 p.m., Marshall and Patterson, Telephone Recordings, Marshall Papers, Box 20, JFKL, pp.2-6; Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.6.

state's colleges or universities and anyone "knowingly enrolling a person so disqualified, or aiding or abetting such an enrollment, would be guilty of a misdemeanor and subject to a fine not exceeding \$300, or imprisonment for one year in the county jail, or both." The legislation was suspiciously well-timed since on that very day Meredith was convicted of fraudulent voter registration *in absentia*, charged up to \$500 plus court costs, and sentenced to one year in prison.⁶⁵ Those acts flaunted the Court of Appeals' order, prohibiting Meredith's prosecution, but Barnett always loved high drama. Instead of simply denying him admission to the University when he arrived on campus, the Governor meant to arrest Meredith and have legal cause to reject his application.

After the Governor signed the law, he went to confer with the Board of Trustees and Patterson in a late-night meeting. There the Board planned to turn over its power to Barnett after it issued an order that Meredith come to Jackson for registration. The Board could then be cleared of legal wrongdoing since the Governor would be solely responsible for denying Meredith's entrance when he got to Oxford.⁶⁶ No one at the meeting, Patterson included, had any idea about the Governor's plan to force the federal government to take a stand against an act of interposition.

Once the Governor arrived, the Board voted to give its power over higher education in the state to Barnett. Soon after, the Governor informed the closed-meeting about the change in

⁶⁵ Joe Patterson, *Opening Speech in Campaign for Re-Election to the Office of Attorney General*, pp.21-23, Patterson Papers; Bill Minor. "Faulkner's Characters Couldn't Top These." *Clarion-Ledger*, May 2, 1984, in Bill Minor. *Eyes on Mississippi: A Fifty-Year Chronicle of Change*. Jackson: J. Prichard Morris Books, 2001, p.25; James Meredith, interviewed by author, December 10, 2003, Jackson, Mississippi; "Senate Bill, No. 1501." *Laws of the State of Mississippi: General Legislation, Appropriations, Concurrent Resolutions, Local and Private Laws*. First Extraordinary Session of the Mississippi Legislature, September 20, 1962, pp.14-15; Barrett, *Integration at Ole Miss*, pp.96-104; Bill Minor. "Joe Patterson: A Quiet Hero of the Ole Miss Crisis." *Times-Picayune*, April 27, 1969, in Minor, *Eyes on Mississippi*, p.284; Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, pp.9-10; Schlesinger, *Mississippi Chronology*, Schlesinger Papers, Box WH-15, JFKL, p.2.

⁶⁶ Schlesinger, *Mississippi Chronology*, Schlesinger Papers, Box WH-15, JFKL, p.2; Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, p.9.

plans. Upon learning the news, the Board was all too happy to have released its authority, although it soon regretted the temporary solution when the Southern Association of Colleges and Schools (SACS) threatened to deny the accreditation of the state's colleges due to the "unwarranted procedures and political interference of the State of Mississippi."⁶⁷ Ultimately, SACS took no action, but Patterson was not about to stand idly by.

Appalled and amazed at the Governor's cunning, the Attorney General did not want to be a pawn in such a plot. One of Patterson's assistants, Bill Allain—a future Attorney General and Governor—called his next step the "greatest act of political courage" that he ever saw: Patterson informed the Governor that, in order to keep the University of Mississippi segregated, he was "willing to make any personal sacrifice...[except for] my personal and professional integrity." With that declaration, the Attorney General left the meeting and headed home. He would wait until morning to call Burke Marshall.⁶⁸ The Attorney General rejected Barnett's last gasp and was about to leave the Governor and his cohort scrambling.

When Patterson reached Marshall the next day, the state Attorney General was on edge. Patterson apologized profusely and insisted that he had nothing to do with the overnight reversal in plans. "I had no control. I will not be able to assure you of the things I thought I could yesterday when I spoke with you. I regret it with all my heart, and I want you to know that it is a thing over which I had no control at all. The only thing I could do was frankly to call you and let you know what the situation was." Furthermore, Patterson noted that

there is a warrant out for his arrest that I didn't know existed yesterday when I spoke with you. There may be an attempt to arrest him by local officials. I told

⁶⁷ Barrett, *Integration at Ole Miss*, pp.96, 105-108; Letter, Henry King to Mississippi Board of Trustees of Institutions of Higher Learning, September 28, 1962, Patterson Papers.

⁶⁸ Bill Allain, interviewed by author, October 1, 2002, Jackson, Mississippi; Patterson, *Opening Speech*, p.24, Patterson Papers; Barrett, *Integration at Ole Miss*, p.117; Minor, "Joe Patterson," *Times-Picayune*, April 27, 1969, in Minor, *Eyes on Mississippi*, pp.284-285; Walter Lord. *The Past that Would not Die*. London: Hamish Hamilton, 1965, p.154; Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.6.

you yesterday that he would have peaceable entry into Mississippi and to Oxford. I told you that I would be able to get him back to Memphis. I can't assure you of that this morning. I regret it with all my heart. All I can do is call you and tell that that is the situation.

There was little Patterson could do. A county sheriff or deputy sheriff could arrest Meredith, and Patterson would not be able to stop them since "in Mississippi the Attorney General doesn't have the direct control over local officers as they do in most states. Local prosecutors are autonomous." Marshall was shocked but knew that he had to trust Patterson—he obviously could not accept Barnett's word. Luckily, the Justice Department got the news in time to stop Meredith from leaving Memphis and entering Mississippi, and, over the course of that day, members of the Kennedy administration and Joe Patterson would talk eight times.⁶⁹ It was a marriage of necessity that did little to smooth over Patterson's feelings toward Robert Kennedy but did jeopardize his standing in the segregationist hierarchy.

Immediately, Marshall warned Robert Kennedy about Barnett's duplicity and contacted U.S. District Court Judge Sidney Mize, who again "enjoined the prosecution or arrest of Meredith." Mize's order was followed that day by another injunction from Judge Harold Cox and from the Fifth Circuit Court of Appeals. In addition, Marshall called Tom Watkins to tell him that he knew about the Governor's plan and to caution Watkins that the Governor stood perilously close to violating the existing injunction prohibiting any interference with Meredith's enrollment at Ole Miss. With an improbable assertion at best, Watkins claimed that he had not been part of the conversation or decision making within the Governor's office and thought arresting Meredith was a bad idea. Watkins did believe, though, that he could talk the Governor out of the change in plans, and, in fact, Watkins called back later to say that he had spoken with

⁶⁹ September 20, 1962, 9:50 a.m. Burke Marshall and Joe Patterson. Telephone Recordings. "Telephone Transcripts General and September 15-20, 1962, 42pp." folder, Marshall Papers, Box 20, JFKL, pp.1-2; Memorandum, Burke Marshall to Leon Jaworski, January 9, 1963. "Telephone Transcripts General and September 15-20, 1962, 42pp." folder, Marshall Papers, Box 20, JFKL.

Barnett and that no attempt to arrest Meredith would be made. Nonetheless, the wheels had been set in motion, and, by late afternoon, the FBI “reported...that their agent had just learned from the sheriff in Oxford that the sheriff was going to arrest Meredith.”⁷⁰ At that point, Robert Kennedy himself was on the phone with Joe Patterson.

Kennedy told Patterson about the additional injunctions and, with Marshall on the line, informed him that “we intend to proceed in view of that order to bring Meredith on down....I suppose that one problem we should discuss, General, is the question of what would happen in the event some sheriff or someone won’t obey the order and would arrest him.” Quietly listening, Patterson agreed to the terms being laid out but did eventually bring Tom Watkins into the conversation. Watkins asserted that Barnett had rescinded the order to arrest Meredith, and Patterson pledged that he would “advise any law officers of the state to obey those orders to refrain from arresting Meredith.” All well and good, Marshall and Kennedy wanted to lay out a specific plan to get Meredith to Oxford. Anxious himself about the Governor’s shenanigans, Patterson wavered: “To be frank with you, I don’t want to make any commitment to you or the Attorney General of the U.S. that I can’t follow through 100 percent.”⁷¹ There was good reason to worry, but, over the next several hours, Patterson assured Meredith’s safety in Oxford.

As the day wore on, Patterson remained in contact with Kennedy, Marshall, and other members of the Justice Department. Despite his disdain for Robert Kennedy, in a lighter moment, he openly hoped that “maybe some day I will have an opportunity to talk to you in detail about this.” Those instants were few and far between as they hammered out the specifics of Meredith’s arrival. Ultimately, both sides agreed to the original plan of “safe passage” that

⁷⁰ Barrett, *Integration at Ole Miss*, pp.105-108; September 20, 1962. Burke Marshall and Tom Watkins. “Summary.” Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL.

⁷¹ September 20, 1962, 12:30 p.m. Robert Kennedy, Burke Marshall, and Joe Patterson. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL, pp.1-2.

would, nevertheless, see Meredith denied by the Governor that night. Regardless of his efforts, Patterson reminded Marshall and Kennedy that “here in Mississippi the Attorney General does not have direct control over law enforcement officers and all I can do is advise them, so I am not in that position. Otherwise I would direct.” It was a tense moment, and, on a number of occasions, Patterson tried to back out. At one time, he told Kennedy that it would be best if Meredith stayed in Memphis, but Patterson eventually stood by his word, which the U.S. Attorney General lauded: “I really appreciate your help. It will make a helluva [sic] difference.”⁷² In reality, Patterson could not predict or control the actions of a white populace stirred into a tizzy by its Governor.

When Patterson learned about the FBI report that the Oxford sheriff was making arrangements for Meredith’s arrest despite the injunctions, his response was simple: “Oh my gosh.” All Patterson knew was that Watkins, as the Governor’s “chief assistant,” had assured him otherwise, but Patterson understood that anything was possible. Robert Kennedy pointed out that there would be a big problem if there was a federal court order preventing Meredith’s arrest and local officers still tried to detain him in the presence of federal marshals.⁷³ Finally, Kennedy got Barnett himself on the phone, who tried to pass the buck.

Kennedy told Governor Barnett that they had been working on the problem of Meredith’s potential arrest and that Judge Mize and Judge Cox had both issued additional injunctions. Under the assumption that everything had been agreed upon, Kennedy waited for Barnett, who responded: “Well, now, here, I understand that Attorney General Patterson had

⁷² September 20, 1962, 1:50 p.m. Robert Kennedy and Joe Patterson. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL; September 20, 1962, 3:15 p.m. Robert Kennedy and Joe Patterson. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL, pp.1-2.

⁷³ September 20, 1962, 4:40 p.m. Robert Kennedy and Joe Patterson. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL, p.1.

agreed that if he did present himself he would not be arrested. We are going to abide by that.” Barnett did say that he had asked the Oxford sheriff not to arrest Meredith and that he had agreed. “Everything will be peaceful. There won’t be any violence here.” Skeptical, since only forty-five minutes earlier they had been told Meredith would be arrested, Kennedy accepted the Governor’s assurances that things would go smoothly.⁷⁴ Of course, he did not rely on those promises and went back to Patterson to finalize the plans.

Kennedy talked once more with the state Attorney General about his conversation with Barnett. As Kennedy noted, the Governor had laid the responsibility for Meredith’s “safe passage” at Patterson’s feet. Patterson accepted that duty but did not take it lightly, and he set matters straight with Kennedy: “I talked to [Barnett] and told him that I thought he should notify the sheriffs they should make no effort in that direction and he told me that he would. I told him if Meredith appeared at the registrar’s office and was denied registration and went back to Memphis there would be no trouble.” Kennedy and Patterson may not have been friends, but, through this crisis, they had developed a functional rapport that Kennedy expressed his thanks for repeatedly.⁷⁵ Without the help of Patterson, who had derided Kennedy as a “jackass,” the outcome of the Meredith case would have likely been quite different.

In the end, Patterson’s “courage” did force Barnett to call off Meredith’s arrest and once again agree to “safe passage.” Ken Fairly was one of six Hinds County Sheriff’s Deputies originally assigned to protect Governor Barnett during the crisis at Ole Miss. He would also be one of the officers asked to carry out the Governor’s arrest warrant for Meredith. Fairly

⁷⁴ September 20, 1962, 4:53 p.m. Ross Barnett and Robert Kennedy. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL.

⁷⁵ September 20, 1962, 5:10 p.m. Robert Kennedy and Joe Patterson. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL; September 20, 1962, 8:28 p.m. Robert Kennedy and Joe Patterson. Telephone Recordings. “Telephone Transcripts General and September 15-20, 1962, 42pp.” folder, Marshall Papers, Box 20, JFKL.

witnessed Barnett, angry and disappointed after Patterson's discussions with the Justice Department, board a plane for Oxford in order to carry out the original plan. Barnett was set to deny Meredith's registration, but, as was apparent to Fairly, he was agitated by what had transpired.⁷⁶ Tragedy was still set to befall the Ole Miss campus, but, in the meantime, Patterson had helped to avert a miscarriage of justice that garnered him no allies with diehard segregationists.

Later that night of September 20, Meredith arrived on campus, accompanied by federal marshals. Named registrar by the Board of Trustees, Barnett made his famous "stand in the schoolhouse door" and personally rejected Meredith's application by written proclamation. Barnett anointed himself with the "police powers of the State of Mississippi in order to secure the people of the State of Mississippi and for the protection of all citizens of the State of Mississippi, and all others who may be within the confines of the State of Mississippi. Therefore, you, James H. Meredith, are hereby refused admission as a student to the University of Mississippi." The order also laid out the grounds on which Meredith was rejected, namely that he "would lead to a breach of the peace and be contrary to the administrative procedures and regulations of the University of Mississippi and the laws of the State of Mississippi. Take due notice thereof and govern yourself accordingly."⁷⁷ Barnett's words were plain and simple.

The Governor's action led the Justice Department to initiate contempt of court procedures against Chancellor John D. Williams, Dean Arthur B. Lewis of the Liberal Arts College, Registrar Robert B. Ellis, the thirteen members of the Board of Trustees, and Governor Barnett. Eventually, the charges would be dropped against all of the defendants except Barnett, whom

⁷⁶ Ken Fairly, interviewed by Reid Derr, July 7, 1993, Hattiesburg, Mississippi, MOHP, pp.6-11.

⁷⁷ Proclamation, Ross Barnett, September 20, 1962. Folder 3, Meredith Papers, Box 2, Ole Miss, pp.1-2.

Patterson would be forced to defend as part of his duty as Attorney General.⁷⁸ The Justice Department had made a significant counterpoint to Barnett's obstruction, and few doubted that Meredith was bound to walk through the gates of Ole Miss.

After the tumultuous events of September 20, the Governor delayed the inevitable two more times and rejected Meredith's enrollment on September 25, immediately after the Board of Trustees issued a statement that it would abide by court orders that Ole Miss be integrated. Of course, the Fifth Circuit had twisted the Board's arm on that one since the previous day it had ruled that the Trustees had exhibited a "willful refusal" to follow its orders, could be held in contempt, and must immediately admit Meredith. Undaunted, Barnett stood in Meredith's way again on September 26, this time through his proxy, Lieutenant Governor Paul Johnson, who then joined Barnett in contempt. In direct negotiations now with President John Kennedy and Attorney General Robert Kennedy, Barnett complained that the Fifth Circuit and the U.S. District Court had ignored the new state legislation, which made it Barnett's "duty" to arrest Meredith and deny him admission to the University.⁷⁹ The President and his brother remained adamant, and Meredith arrived in Oxford for good ten days after the Governor's botched plan.

The "maintenance of law and order" on campus had been the President's primary concern, but word had spread over the weekend in Oxford that Meredith would be registered on Sunday, September 30. Not surprisingly, the Governor waffled on his pledge to maintain the peace and indicated his inability to control a crowd that had grown to mob-like proportions.

⁷⁸ Schlesinger, *Mississippi Chronology*, Schlesinger Papers, Box WH-15, JFKL, p.2; Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.7; Report, *The Board of Trustees and the Meredith Case*, undated, Minor Papers, Box 9, MSU, pp.11-12.

⁷⁹ Statement, Board of Trustees of Institutions of Higher Learning, State of Mississippi, September 25, 1962. "College Board—James Meredith 1954-1972" folder, Minor Papers, Box 2, MSU; Marshall, chronology, untitled, undated, Marshall Papers, Box 19, JFKL, p.7; Barrett, *Integration at Ole Miss*, pp.113-115; General Legislative Investigative Committee to the Mississippi State Legislature, *A Report Concerning the Occupation of the Campus of the University of Mississippi, September 30, 1962, by the Department of Justice of the United States*, p.40, Patterson Papers; September 29, 1962, 2:30 p.m. Ross Barnett and John Kennedy. Telephone Recordings. "Telephone Transcripts September 28-October 5, 1962" folder, Marshall Papers, Box 20, JFKL, p.2.

Escorted by 500 armed U.S. marshals with 12,000 federalized troops standing by, Meredith integrated the University that day, but riots, which left two men dead, could not be avoided as bigots laid siege to the campus.⁸⁰ Many whites in the state, Patterson included, blamed the federal government for what transpired that night, but Governor Barnett had been the true culprit.

A staunch defender of Meredith's right to an education at Ole Miss, James Silver witnessed the events and provided written testimony to the Justice Department about what he observed—a definite taboo in white southern society. Silver detailed specific instances of violence and knew that “many who were present that night are willing to testify to their accuracy.” Most importantly, Silver emphasized that the riots took place “before the firing of tear gas by the marshals [original emphasis].” Thus, federal troops were justified in their use of force in reaction to the violence perpetrated by both Ole Miss students and outsiders that night—a version of events that stood in stark contrast to the picture of federal aggression painted by white officials in the state. Similarly, Russell Barrett reinforced Silver's words with his own statement that commented on the lack of local and state law enforcement. He saw one police officer over the course of the night, but there were “no highway patrolmen in sight.”⁸¹ The violence during the night has played a prominent role in histories and popular memory of the integration of Ole Miss, and most people understand that Barnett's actions stood at the heart of what transpired. But, it has nearly been forgotten that Meredith's entire cause would have been doomed a week and a half earlier if it had not been for the behind-the-scenes efforts of a segregationist: Joe Patterson.

⁸⁰ General Legislative Investigative Committee, *A Report Concerning the Occupation*, Patterson Papers, p.40.

⁸¹ James Silver, *Statement by James W. Silver Regarding the Events at the University of Mississippi, Sept. 30, 1962*, October 31, 1962. “Statements by Barrett RE: Enrollment of James Meredith & Subsequent Riots, Oct. 1962” folder 6, Barrett Papers, Box 3, Ole Miss, pp.1-2; Russell Barrett, *Statement of Russell H. Barrett Regarding the Events at the University of Mississippi, September 30, 1962*, October 31, 1962. “Statements by Barrett RE: Enrollment of James Meredith & Subsequent Riots, Oct. 1962” folder 6, Barrett Papers, Box 3, Ole Miss, pp.2-3.

After the chaos, the “small band of zealots” who had taken “resistance...beyond the law” in Oxford searched for a scapegoat, and their eyes fell upon Patterson. Blaming him for Meredith’s successful registration, some extremists moved to impeach the Attorney General even though he was actively defending the contempt cases of the Governor and Lieutenant Governor and had filed suit against the Justice Department to remove federal troops from the Ole Miss campus. “Bitter-enders” would have to wait for the upcoming election in 1963 to attempt to unseat the Attorney General, and the Citizens’ Council upon the advice of Governor Barnett handpicked a young state senator from Rankin County—a conservative suburb of Jackson—as their candidate. John McLaurin came from a respected family, was a member of the Sovereignty Commission, and had been present in Oxford for the riots as “an official representative of the Governor.”⁸² Fresh off the Meredith saga, Patterson found himself locked in the toughest political fight of his career.

⁸² Barrett, *Integration at Ole Miss*, pp.11-12, 129; Minor, “Joe Patterson,” *Times-Picayune*, April 27, 1969, in Minor, *Eyes on Mississippi*, p.285.

Chapter 6

The Election of 1963

Two months after the Meredith crisis, Walter Lord interviewed Joe Patterson for a book that he had begun writing on the integration of Ole Miss. Lord described Patterson as “old, a little lantern-jawed like Woodrow Wilson” and commented on his glasses and “thin grey hair.” There was little doubt that the Meredith crisis as well as the burden of running the Mississippi Attorney General’s office at the height of the civil rights movement had aged Patterson. It had also informed his office décor, which was “comfortable” with a “tan rug, tan leather chairs” and a “marble mantel with mosaic trim,” where two books sat: “the U.S. Civil Rights Case Report of 1961, and (significantly) the two-volume *Mississippi and the Confederacy*.”¹ As the year 1962 drew to a close, Patterson was caught in a precarious situation: he had to balance his duties as the state’s chief legal officer and subsequent commitment to both state and federal law with his allegiance to Jim Crow and the flood of recent criticism over his role in the downfall of a segregated, white Ole Miss.

Over the course of Walter Lord’s interview, Patterson tried to set the record straight and lashed out on the topic of James Meredith. He took particular aim at the judicial and executive branches of the federal government. The Attorney General asserted that the University had the “right to refuse a ‘trouble-maker or crusader’” and argued a full hearing before the Supreme Court was not too much to ask. In his mind Justice Black “definitely short-changed the state”

¹ Joe T. Patterson, interviewed by Walter Lord, December 6, 1962, Jackson, Mississippi. “Statements I-P” folder, Lord Papers, Box 6, JFKL, p.1.

when he “cavalierly” revoked Judge Mize’s decision and ordered Meredith’s admission through the “informal manner” of polling the rest of the Court. Patterson had “never heard of a single judge vacating a stay this way,” particularly when it came to an issue that was “just too damn important.” Patterson felt that a full trial before the Supreme Court would not have taken that much time, but, by bypassing the full legal process, Black’s order “set the stage for violence.” The Attorney General also blamed the Kennedy Justice Department for moving “too fast both in using marshals and in using troops. No need on earth for all those soldiers. A couple of companies of Marines could have restored order easily.”² Of course, the presence of any federal troops would not have gone over too well amongst most white Southerners, but he ignored that fact.

Patterson accepted no part of the culpability for what went down, but at the time his own words surely incited some of the harsh feelings that fueled the riots on campus, such as his heartfelt description of Robert Kennedy as a “jackass.” Instead, Patterson proclaimed his innocence. His office had nothing to do with the Board of Trustees’ decision to turn their power over to Governor Barnett on September 20, and its decision to do so did not come from the Governor either as opposed to some press reports. In a surprise move, Patterson took up for Barnett and argued that the Governor never planned to close Ole Miss. The Attorney General did separate himself somewhat, pointing out that Barnett’s use of “police power” to deny Meredith “was his own decision,” which Patterson and his office “had nothing to do with.” And, that went the same for Lieutenant Governor Paul Johnson’s actions the next day.³ Patterson insisted, though, that the real culprit was the federal government drunk on its own power.

² Patterson interview, Lord Papers, Box 6, JFKL, pp.1-2.

³ *Jackson Daily News*, September 2, 1962, quoted in Russell H. Barrett. *Integration at Ole Miss*. Chicago: Quadrangle Books, 1965, p.90; Patterson interview, Lord Papers, Box 6, JFKL, p.2.

Most of all, the Attorney General wondered why the federal government insisted on using the same tactics that it had used “again and again” to heft desegregation of higher education onto the South despite the fact that they were bound to face “exactly the same results.” In his mind, the Justice Department was “building a case....laying the basis for future use of force. You knock on the door several times before breaking in. All of it an old legal device.” Finally, in a less than candid moment, Patterson asserted that when Meredith registered “suddenly” on that Sunday, he had been “completely surprised. Had no idea anything was planned for this day. Had been working nearby in his office, got home to learn that M [Meredith] was being brought on the campus. First he knew of it.”⁴ Of course, Patterson was not going to admit to a Northerner that he had been a part of the behind-the-scenes negotiations to bring Meredith to Oxford from the beginning and had even played a central role in undermining Barnett’s efforts to keep him out for good. Rather, Patterson’s mindset was to clear his name, especially as he readied for the campaign trail.

Shortly after the Meredith crisis, Patterson returned to Ole Miss to address the Law School at a time when federal troops still occupied the campus. More to the point, it was a time “when you as students...along with the people of Mississippi, are living through the most trying days and hours that this University and our people have ever experienced.” Clarifying his motivations for being there, he claimed that he did not want to use Ole Miss and its law students “as a political sounding board seeking to further my own personal and political welfare or the political welfare of any other,” despite that it was the outset of the political season and his tone sounded like a campaign speech. Nevertheless, he attempted to head off his detractors and

⁴ Patterson interview, Lord Papers, Box 6, JFKL, p.2.

declared that anyone who would use the Meredith crisis for personal gain was not worthy of political office in Mississippi.⁵ Instead, Patterson cast his goals as much more magnanimous.

Ultimately, the Attorney General desired nothing more than to return Ole Miss to its original purpose: “the educating of young men and women.” And, he refuted charges in the press that Ole Miss students “are responsible in any way whatsoever for the disrupting incidents” of the Meredith crisis. He accused the press of misrepresenting the truth and charged outsiders as well as anyone who invited outsiders to Oxford with provoking the crisis—an allusion to the antics of Governor Barnett. “I do not believe that the students now attending the gateway to the new frontier, Harvard, could have, or would have, done half as well under the same trying conditions.” He then laid out the history of the Meredith case and repeated his accusations that the Supreme Court deserved much of the fault for not allowing “the State of Mississippi [to] have its day in Court before the highest Court of our land, although the opinions of the Judges below stood equally divided on the merits of the suit.” But, the Meredith case was settled, and it was time to “look to the future.”⁶ Before he did that, however, Patterson took another stab at his old adversaries in the executive branch of the federal government.

Characteristic of most of his public comments about the Kennedys, Patterson ranted about their responsibility for what had happened.

Now that the President of the United States and the United States Attorney General have so clearly, unmistakably [sic], and “forcibly” demonstrated their desire and determination to see that Court orders are enforced and obeyed with “deliberate speed,” although the case at hand was not based upon any law enacted by the Congress or the State Legislature...let us hope that the President and the United States Attorney General will read the case of *Communist Party of the United States v. Subversive Activities Control Board*, decided June 5, 1961...and will demonstrate to the people of America the same determination to enforce the orders of the Court.

⁵ Address, Joe Patterson, University of Mississippi Law School, October 16, 1962. “Meredith, James—University of Mississippi (1/3) 1962” folder, Minor Papers, Box 9, MSU, p.1.

⁶ Address, Patterson, University of Mississippi Law School, October 16, 1962, Minor Papers, Box 9, MSU, pp.2-5.

If that case were to be upheld in a similar fashion, he felt that the President had to be willing to call out troops to put down Communism.⁷ Not about to endorse the President for reelection, Patterson held his most contemptuous remarks for Robert Kennedy.

Patterson described the U.S. Attorney General's "arrogant vindictiveness" and took Kennedy to task for an interview that appeared in the Memphis *Commercial Appeal* on October 9, 1962, in which Kennedy was quoted as saying "progress has been made in Mississippi." Not only that, but, in the same article, Kennedy said that "one of the troubles is that the University of Mississippi officials are weak men." Patterson responded: "I pridefully [sic] admit that the officials of this University, and its student body have not seen fit to adopt the philosophy of law, government and education now being advanced by the disciples of the 'new frontier;' but such is no evidence of 'weakness.'" He then launched a direct assault on Robert Kennedy: "I say to him, as the Attorney General of Mississippi, that he is not going to brow-beat and intimidate the officials of this University, its students, nor the Attorney General of Mississippi, regardless of the power of his office and that of the President."⁸ He was not afraid of Robert or John Kennedy.

When he turned his attention to the occupation of the Ole Miss campus, Patterson worried about a nation, where 30,000 troops were called in to deal with the crisis. "If the United States Army has reached such a low state of efficiency and effectiveness that it needs this number to cope with the situation we had here, then God pity the security of this Nation." He did admit that it required force to deal with what happened but asked the audience a rhetorical question: "Isn't it a pity that the President and his advisors in the State Department were not willing to use one-half the armed force and determination to put that bearded beatnik of Cuba,

⁷ *Ibid*, pp.5-6.

⁸ *Ibid*, pp.6-9.

Castro, in his place, than the President and his brother used in putting one man into the University of Mississippi?” Through it all, Patterson suggested, in what would become his common refrain, that the presence of one black undergraduate did not mean that Ole Miss had been integrated since students could associate with whomever they chose.⁹ In that sense, Meredith’s presence was a nuisance but no great threat to white power—a logic that appealed to most white Mississippians.

With his closing remarks, Patterson pledged that the state would not use the same tactics as the U.S. government in defending its traditions and quoted “a great southern statesman”—the late-19th Century Atlanta journalist and New South proponent, Henry Grady—when he declared that Mississippi would not resort to “the cowardly menace of mask or shotgun; but the peaceful majesty of intelligence and responsibility, massed and unified for the protection of its shores and the preservation of its liberty.” In a nod to his fondness for verse, he then recited “A Nation’s Prayer”:

God give us men, a time like this demands,
Strong minds, Great hearts, true faith,
And ready hands;
Men whom the lust of office does not kill,
Men whom the spoils of office cannot buy,
Men who possess opinions and a will,
Men who have honor and will not lie;
Men who stand before a demagogue and scorn
His treacherous flatteries without winking;
Tall men, sun crowned, who live above the fog
In public duty and in private thinking.

Proud of Ole Miss, its football team, and its Miss Americas, Patterson ended, saying, “so let us not lose faith; on the other hand let us renew our faith; first, faith in an all powerful, just and merciful God; faith in our fellow man, and faith in ourselves; faith that right will eventually

⁹ *Ibid*, pp.9-12.

triumph over might; with such faith we cannot fail.”¹⁰ Somewhat over the top, his speech stirred the audience and caught the attention of both his friends and foes.

Two days later, the Board of Trustees of Institutions of Higher Learning passed a resolution that commended Patterson. In particular, it noted that he made

available to this Board not only his talented services and counsel but the services of any member of his staff who might assist this Board; and WHEREAS, a prolonged period of litigation followed and this Board was ably represented throughout by the Honorable Joe T. Patterson, who at all times conducted himself in the highest tradition of the American Bar, handled all matters with consummate skill of a true artisan of legal learning and at all times during this period of litigation the Honorable Joe T. Patterson stood steadfast in the face of overwhelming opposition in his determination to preserve the integrity of this Board and the traditions of the South.¹¹

Many people, however, from both sides of the civil rights movement did not join in the Board’s praise of Patterson but held him in scorn.

The Kennedy administration for one was not amused, and, in a short memorandum to Robert Kennedy, an unnamed assistant described the speech by Patterson as “moderate for Mississippi, though not a speech we would like much.” The memo noted Patterson’s criticism of the President, the U.S. Attorney General, and the Supreme Court for misinterpreting law,” but it also remarked on the fact that Patterson had called for “non-violence and law and order.” But, Patterson’s remarks about the reality of Ole Miss’ integration were the most disturbing, especially his suggestion that “students should feel free to associate with anyone or not as they saw fit.” In the end the memo commented on the four ovations he received for his comments.¹²

While the Kennedy administration recognized that it had met a much savvier foe than Ross

¹⁰ *Ibid*, pp.12-14.

¹¹ Resolution, Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, October 18, 1962. “Ole Miss, Meredith 1962” folder 51, Toler Papers, Box 2, MSU, p.1.

¹² Memorandum, unnamed to Robert Kennedy, October 17, 1962. “Civil Rights—Mississippi 10-11-1962—10-31-1962” folder, Attorney General’s Correspondence, Box 11, JFKL.

Barnett, hard-line segregationists began to realize the same thing, and Patterson continued to distance himself from the resistance of the Citizens' Council.

Patterson's most important salvo in his ever-growing feud with the Council came that same month when he succeeded in reducing Sovereignty Commission funding of the Council's *Forum* films from \$4,500 to \$2,000. There could hardly have been a more auspicious time: it was the height of the Meredith crisis. But, others shared Patterson's disdain. Soon thereafter, the *Delta Democrat Times* reported a "Growing Disenchantment with Council" throughout the state, which that newspaper applauded, and editor-in-chief Hodding Carter, who later described Ross Barnett as a "buffoon who had brought us down to our knees," hoped that the Council would "dwindle down to the scope of a yapping dog." Patterson concurred with Carter and made his final break with the organization by not renewing his membership in 1963. Although he received a new membership card, he never responded to a reminder that he had not paid his dues.¹³ Patterson believed in Jim Crow and publicly pointed to his segregationist roots, but, privately, he split with the Council.

Other newspaper editors sympathized with Patterson and echoed Carter's sentiments. In an undated editorial, J.O. Emmerich of the McComb *Enterprise Journal* condemned Ross Barnett and his actions at Ole Miss. While he and other Mississippians hated to see federal troops in Oxford, "not the first one thought Mississippi handled the difficulty wisely. Did they blame President Kennedy for using troops? Not one. They felt that he had no choice in the face of Governor Barnett's resistance." Hazel Brannon Smith of the *Lexington Advertiser* excoriated Barnett and the Citizens' Council for their roles in the riots at Ole Miss. Not surprised by what

¹³ *The Birmingham News*, October 21, 1962, Patterson Papers; *Delta Democrat Times*, October 25, 1962, Patterson Papers; Hodding Carter, interviewed by Jack Bass, April 1, 1974, Greenville, Mississippi, SOHP; Letter, Louis Hollis to Joe Patterson, January 1, 1963, Patterson Papers.

happened, she argued that the students of Ole Miss were products of their environment, and, ever since the *Brown* decision, they had learned nothing but defiance of the federal government.

So while the responsibility for making the decision to defy the orders of the Federal Court must be borne alone by Governor Ross Barnett, since his was the power by virtue of his office, we know that all of us had a hand in it to some degree....Mississippi today is being ruled by a dictatorship of the professional leaders of the Citizens' Council in Jackson working through Governor Barnett—and anyone who gets in their way they try to destroy.¹⁴

Smith's newspaper reported that others across the state felt similarly.

The economic pressure applied by the Kennedy administration on the business elite in Mississippi during the Meredith standoff had some of its desired effect. Soon after the crisis, a front-page article in the *Lexington Advertiser* read: "Mississippi's top leaders in business, professions and finance are being mobilized to make a 'sane approach' to Governor Ross Barnett in the handling of Mississippi's racial problems." The story reported on a meeting at the King Edward Hotel in Jackson, where 127 leaders from all over the state sought "to gain a moderate approach and 'the ear' of the Governor in his movements in the conflict." The group rejected the efficacy of a mass meeting held by the Citizens' Council, which "'may have stirred up citizens unnecessarily in view of court orders.'" Instead, those leaders, made up of the "state's best known and most responsible citizens," expressed a desire "'to stand up and express themselves as being against violence and for law and order and constitutional government.'" The group called for the arrest and prosecution of those involved in inciting the riots on campus, but its primary message was one that Patterson must have applauded: "'Mississippians are a part of the

¹⁴ J.O. Emmerich. "Where Is That 'Outside' Support?" *Enterprise Journal*, undated. "Newsclippings 1962 Nov. & Dec" folder, Marshall Papers, Box 20, JFKL; Hazel Brannon Smith. "Through Hazel Eyes," *Lexington Advertiser*, October 18, 1962. "Newsclippings 1962 Sept. & Oct" folder, Marshall Papers, Box 20, JFKL.

United States of America, and we must obey the laws of the United States of America.’”¹⁵ There was no room to defy the federal government.

That same day, Hazel Brannon Smith ran another editorial decrying Barnett and his Citizens’ Council friends and blamed the Governor for the riots.

No infant now living will ever see the day when the stain is completely removed from the name of our once proud state....This tragic and altogether unnecessary situation was brought about by one thing and one thing only—the fateful decision of Gov. Ross Barnett to defy, rather than obey, a federal court order to admit Negro James Meredith as a student at the University of Mississippi, a tax-supported state institution of higher learning....Governor Barnett cannot evade that responsibility—including the bloodshed.

To bolster her cause, Smith reprinted editorials from newspapers across the country that condemned Barnett, including those from *The National Observer*, *The Denver Post*, *St. Petersburg (FL) Times*, *The Birmingham (Ala) Post-Herald*, *The Chicago American*, *New York Times*, *Baltimore Sun*, *The Omaha World-Herald*, and *The Wall Street Journal*.¹⁶ Patterson knew that he was in for a stiff political showdown, but, as Smith’s words illustrated, he had some reason to feel confident in his position.

Yet, the endorsement of Hazel Brannon Smith did not mean much in the scheme of things. Few believed that she represented the majority of white Mississippians. In an introduction to Arthur Schlesinger before Smith travelled to Washington, D.C., James Silver reported that the editor “has been putting up for twenty-five years the most amazing fight in the state for liberalism, decency, etc.” Silver asserted that she was more knowledgeable on the topic of Mississippi bigots than anyone else in the state and referenced the fact that the Citizens’ Council had started a rival paper in Lexington to try to put her out of business; it remained to be

¹⁵ “Top Leadership in State Plans ‘Sane Approach’ Toward Racial Problems.” *Lexington Advertiser*, October 4, 1962. “Ole Miss, Meredith 1962” folder 51, Toler Papers, Box 2, MSU, p.1.

¹⁶ Hazel Brannon Smith. “Decision to Defy: Governor Barnett Is Responsible.” *Lexington Advertiser*, October 4, 1962. “Ole Miss, Meredith 1962” folder 51, Toler Papers, Box 2, MSU.

seen which would survive. He hoped that Schlesinger would encourage her to continue the fight in Mississippi and not leave since no one could replace her.¹⁷ That type of praise was not worth much in Jim Crow circles, but Patterson could also see that the Meredith crisis had at least somewhat divided the diehard Jim Crow camp.

In December 1962, the Memphis *Commercial-Appeal* published an article about efforts within the state's white leadership to reduce the power and influence of the Citizens' Council, notably that of W.J. Simmons, on Barnett. "No liberals—or even moderates—are involved. Most of the anti-Simmons element are pro-Barnett men from a Mississippi political standpoint. They are solidly behind the Governor in his struggle with the Federal Government, but they feel the cause has received setbacks through some of the advice given him." In an interview some years later, Lieutenant Governor Johnson threw some of those advisors under the bus himself. He aimed right at Council leaders who intentionally agitated white southerners and "were encouraging these people to come" to Oxford to express their anger. Johnson claimed that he had never been "a principal advisor" but specifically named Simmons and John McLaurin—a well-known State Senator from Rankin County, Sovereignty Commission member, and liaison for the Governor in Oxford during the riots. In Johnson's mind, Barnett had "too many advisors and too many people who had something to gain and very little to lose."¹⁸ The *Commercial-Appeal* story offered an argument much along the same lines.

During those tumultuous September and October days in Oxford, the *Commercial-Appeal* reported, "Governor Barnett was constantly with inner circle advisers. At times, the Governor's

¹⁷ Letter, James Silver to Arthur Schlesinger, March 23, 1963. "Correspondence—1963 (Unclassifiable)" folder 8, Silver Papers, Box 7, Ole Miss.

¹⁸ William Street. "Conflict Over Council Chief Swirls Around Ross Barnett: Quiet Campaign Aims at Ending Influence Exerted on Mississippi Governor by 'Billy' Simmons." *Commercial-Appeal*, December 7, 1962. "Newspaper Clippings 11-62—6-63" folder, Lord Papers, Box 9, JFKL; Paul B. Johnson, interviewed by T.H. Baker, September 8, 1970, Hattiesburg, Mississippi, LBJL. Civil Rights During the Johnson Administration, Part 3, Oral Histories, reel 2 of 3, microfilm 1:3047, pp.11-12.

own office staff wasn't sure what was in the wind. Atty. Gen. Joe Patterson, who had pledged to fight the Meredith case through every legal avenue, had difficulty seeing the Governor alone." One sure sign of the Council's and Simmons' fall from grace, the article pointed out, was the Sovereignty Commission vote to reduce funding for the *Forum* on October 18.¹⁹ Although such news must have been heartening, Patterson knew that Barnett and the Citizens' Council maintained close ties as well as significant amounts of influence across the state, and they did not have to look far to find someone to run against the incumbent Attorney General.

The Governor's confidant, John McLaurin, had kept a high profile since the events at Ole Miss. Shortly after the riots, he held a speaking engagement with the New Orleans Citizens' Council, and, while he never mentioned Patterson by name, he took pains to deride the Kennedys. McLaurin compared the President and his brother to tyrants like Hitler, Mussolini, and Stalin and announced that the Kennedys' actions at Ole Miss might prove to be their undoing. "It demonstrates the police-state tendencies to which they will resort, which we have all suspected in the past. This might be the act which will remove them from office—let's pray that it will, for the sake of free government, our families and friends,' McLaurin said." An eyewitness to the violence, McLaurin argued that the Mississippi Highway Patrol had things in hand at Ole Miss until the head of the U.S. Marshal Service, James McShane, ordered his charges, who had been out of harm's way, to fire "tear gas into the backs of patrolmen and student-demonstrators." To the shock of McLaurin's listeners, he "said that at one point in the rioting the marshals 'went into various dormitories and shot gas to get the students to come out

¹⁹ Street, "Conflict Over Council," *Commercial-Appeal*, December 7, 1962, Lord Papers, Box 9, JFKL.

and fight” and forced “half-dressed” girls out of dorm rooms.²⁰ It was all a lie, but it made for good theater and managed to get McLaurin’s name plastered throughout the press.

The State Senator was not done though. The day after his talk in New Orleans, Joe Patterson received a letter from Albert Jones, the Director of the Sovereignty Commission. Jones wrote to tell Patterson that the Commission had bought one million post cards to send to President Kennedy, thanks to a request by McLaurin, and he included a copy of the post card, which had been distributed all over the South. The cards were addressed to the President at the White House and read: “Please take notice that I respectfully resent the unnatural warfare being waged against the sovereign State of Mississippi and urge that you give more serious attention to facing up to the Communist menace and our Cuban problem.”²¹ In an audacious publicity stunt, McLaurin had set the stage for his candidacy in the Mississippi Attorney General’s race.

On February 6, 1963, McLaurin announced his decision to run against Patterson for Attorney General. An article in the *Commercial-Appeal* included pictures of both men and described McLaurin’s background, including his efforts to sway Mississippi’s Democratic delegates to vote for someone other than John Kennedy for President. “Senator McLaurin, 36-year-old former mayor of Brandon, managed the 1960 campaign of the unpledged presidential electors. He is chairman of the Senate Oil and Gas Committee, and a great-grandson of the late Anselm J. McLaurin, who served as governor and United States senator.” The article advertised the premonition of “political observers [who] believe the Patterson-McLaurin battle could turn into one of the most heated statewide contests in the Democratic primary. Mr. Patterson, an ardent segregationist, has become the political target of a few Citizens’ Council leaders although

²⁰ “McLaurin Gives Version of Ole Miss Riot Story.” *Clarion-Ledger*, October 10, 1962. “Newspaper Clippings 3-61—10-62” folder, Lord Papers, Box 9, JFKL.

²¹ Letter, Albert Jones to Joe Patterson, October 11, 1962. “Attorney General’s Correspondence: Joe T. Patterson Sovereignty Commission 1959-1962” folder 1 of 4, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

he is a member of the Council himself.” After Patterson had actually won a fight with the federal government by getting an injunction to stop the construction of permanent housing for troops in Oxford, the *Commercial-Appeal* recognized that it would be difficult to cast the sitting Attorney General as anything other than being completely committed to the cause of Jim Crow.²² Yet, that is exactly what McLaurin and his supporters hoped to accomplish.

From the start of the campaign, the Citizens’ Council and McLaurin attempted to link Patterson to the Kennedy administration despite Patterson’s own clear distaste for those in charge of the federal government. Nonetheless, McLaurin attacked Patterson as a Kennedy liberal responsible for Meredith’s integration of the University of Mississippi. McLaurin browbeat the state with his campaign motto: “Elect a **Strong** Attorney General [original emphasis].” In February, he sent a letter to every member of the Mississippi Bar Association that excoriated Patterson on his record, specifically in regards to the events in Oxford. McLaurin questioned why federal troops were allowed to occupy the campus “without action by the incumbent of the office.” Likewise, the Citizens’ Council, in a newsletter entitled *Aspect*, announced that Mississippians needed to go to the polls on Election Day and defeat “those who would sell us out to the Kennedys....Pay particular attention to the statewide officials.”²³ The *Aspect* newsletter did not name Patterson outright, but its target was all too obvious.

The Citizens’ Council took blind shots at unnamed enemies in order to stir up animosity amongst white southerners in general, but this frequent Council tactic was also meant to apply pressure on specific individuals, like Patterson. Another editorial in a Council publication, entitled *The Citizen*, asked rhetorically in its title, “Won’t They Ever Learn?” The point was to

²² “McLaurin Will Oppose Patterson.” *Commercial-Appeal*, February 7, 1963. “Newspaper Clippings 11-62—6-63” folder, Lord Papers, Box 9, JFKL.

²³ Campaign flyer, *Vote for John C. McLaurin for Attorney General*, Patterson Papers; Letter, John C. McLaurin to H.G. Mitchell, February 27, 1963, Patterson Papers; Citizens’ Council, *ASPECT*, August, 1963, Patterson Papers.

lambast supposed white “‘moderates,’ who have never resisted integration in the first place, [but] now merely encourage the NAACP and other race mixers to redouble their efforts.” In the editorial, an unidentified segregationist argued that “a ‘moderate’ is for segregation, but he’s chicken [original emphasis].” A separate article in the same issue of *The Citizen* further defined “a Moderate” by comparing one to “Pontius Pilate.” The idea was that segregationists and the cause of Jim Crow in Mississippi were Christ-like, and their persecution by the federal government led to their crucifixion. In this scenario, Pontius Pilate was a “moderate” who stood by and allowed Jesus to die.²⁴ The rhetoric was sharply pointed and played into the hands of those who wanted to see a more stringent segregationist, like McLaurin, serve as the state’s Attorney General.

McLaurin found another opportunity to fortify his dossier for the Attorney General’s race when Judge Harold Cox of the U.S. District Court for the Southern District of Mississippi—no friend of the civil rights movement—forwarded to the Justice Department a letter he had sent to McLaurin. Cox wrote to the State Senator about a federal inquiry into J.K. Bradshaw, the circuit clerk and registrar of Rankin County, where McLaurin was from. Cox acknowledged that registrars across the state were tired and offended by “an intrusion into their office by the United States Attorney General who usually precedes his visit with a political barrage of propaganda for voter consumption among negroes particularly in the North.” Cox did admit that the registrars’ feelings of ownership over those documents were false. Instead, they were public officials preparing public documents, which meant that the federal government had not invaded their private space and that Robert Kennedy had the right to inspect them at any time even if there was nothing wrong with them. Thus, Cox sustained the Justice Department’s request to look into the

²⁴ “Won’t They Ever Learn.” *The Citizen: Official Journal of the Citizens’ Councils of America*, January 1963. “Segregationist Material 3” folder, Lord Papers, Box 6, JFKL, p.2; “A Moderate.” *The Citizen: Official Journal of the Citizens’ Councils of America*, January 1963. “Segregationist Material 3” folder, Lord Papers, Box 6, JFKL, p.4.

files.²⁵ McLaurin must have been disappointed, but, from a political standpoint, he was in the thick of the segregationist battle.

When Robert Kennedy read Cox's letter to McLaurin, he was also disappointed but for much different reasons, and he took the time to write back to Cox. In his letter, Kennedy asserted that there was no basis for Cox's comment about his "political barrage of propaganda....During my term of office we have not, in even one case, issued any sort of a release or statement respecting the time or place of an inspection, or concerning the county affected." Kennedy had tried in each of the pending sixty-one cases in six states to obtain records on a voluntary basis without legal action. "I regret as much as anyone in Rankin County the fact that it was not successful there." Two months later, Burke Marshall reported to Kennedy about a complaint filed by three blacks who had tried to register to vote in Rankin County but were chased out of the Registrar's office by the Sheriff, who then severely beat one of them. Although the Sheriff denied the claims, the charges seemed plausible, especially in a county "represented by Senator McLaurin who was one of the two state senators at Oxford on the night of the riot with proclamations from the Governor. He is now running for Attorney General of the state against Joe Patterson."²⁶ In an election season, McLaurin had positioned himself to advertise that he was fighting the Kennedys.

With that in the back of his mind, Patterson had his work cut out for him, but the duties of his office were destined to be no less strenuous than the duties of his campaign. William Street of the *Commercial-Appeal* reported that three top priorities faced the Attorney General: the first being the charges of criminal contempt brought against Barnett and Lieutenant Governor

²⁵ Letter, Harold Cox to John McLaurin, February 14, 1963. "Civil Rights Attorney Legislation" folder, Schlesinger Papers, Box W-55, JFKL, pp.1-2.

²⁶ Letter, Robert Kennedy to Harold Cox, March 2, 1963. "Civil Rights Attorney Legislation" folder, Schlesinger Papers, Box W-55, JFKL; Memorandum, Burke Marshall to Robert Kennedy, May 1, 1963. "Attorney General April-June 1963" folder, Marshall Papers, Box 8, JFKL.

Paul Johnson before the Fifth Circuit Court of Appeals and the other two having to do with the Board of Trustees of Institutions of Higher Learning.²⁷ Although Barnett and Johnson had their own private lawyers, Patterson's job required that he lead the defense of those statewide elected officials as well as the state agency.

As for the Board, it wanted "Mr. Patterson to look into the possibility of dissolving a Federal injunction which prohibits the Board and university officials from interfering with the admission and continued attendance of Negro James H. Meredith at the university." That effort centered on comments made by Meredith "which indicated his attendance at Ole Miss has aims other than education." The Board hoped to find grounds whereby Meredith could be expelled from the school—a cause that Patterson and Barnett sympathized with. "Word has been relayed privately to board members from the Governor's office that Governor Barnett understands their position and agrees with it. One member said it would be helpful if the Governor would take that stand publicly."²⁸ Without a doubt, Patterson hoped Barnett would keep his comments to himself. The Attorney General needed all the help he could get in the contempt case before the Fifth Circuit, but he was no fan of James Meredith either.

When Meredith offered controversial comments on the assassination of the NAACP's Mississippi field secretary, Medgar Evers, Patterson informed the Chairman of the Board of Trustees, Thomas Tubb, "that the authorities at the University would be justified in taking disciplinary action, including expulsion of Meredith, if such conduct and statements on the part of Meredith would bring about the expulsion of any other student." If so, such an action would not violate the court order enjoining any interference in Meredith's attendance at Ole Miss. As

²⁷ William Street. "Three Top-Priority Projects Facing Mississippi Official: Patterson Must Prepare Defense for Barnett, Johnson—Handle Meredith Matters for College Board." *Commercial-Appeal*, December 24, 1962. "Newspaper Clippings 11-62—6-63" folder, Lord Papers, Box 9, JFKL.

²⁸ Street, "Three Top-Priority Projects," *Commercial-Appeal*, December 24, 1962, Lord Papers, Box 9, JFKL.

Patterson reported, that order simply said “he was to be admitted and permitted to remain in continued attendance ‘under the same terms and conditions as other students are admitted and permitted to attend the University.’” In that sense, Meredith had to abide by the same rules and punishments as all other Ole Miss students. If Ole Miss administrators found Meredith guilty on such grounds and punished him accordingly, Patterson promised to “assume full responsibility for so advising the authorities at the University.”²⁹ Although Meredith was not disciplined for his comments, the Attorney General had about as much compassion for him as he did Robert Kennedy.

After Meredith went to the Ole Miss housing director to request an apartment on campus for the last few weeks of school, he got less than a warm reception. Dormitory living was difficult for the school’s first black student, so he turned to Patterson for help. In what might have been a reference to his negotiations for Meredith’s “safe passage” with the Justice Department, Patterson informed him that “‘I have already given you enough favors and I will not give you any more.’” At that point, Meredith called the U.S. Marshal Service, “upset. He started cursing and said that he does not know whether he can stay for the last 19 days of school.”³⁰ Patterson was not about to offer any assistance to Meredith, but there was little he could do legally to have him expelled. His hands were tied in the matter, so he turned his attention to other pressing civil rights efforts like the one to garner wider access to the voting rolls for blacks in the 1963 statewide elections.

For those elections, the NAACP had attempted to get Aaron Henry, a black pharmacist from Clarksdale, onto the ballot as a candidate for Governor, but Patterson rejected that effort.

²⁹ Letter, Joe Patterson to Thomas Tubb, August 14, 1963. “College Board—James Meredith 1954-1972” folder, Minor Papers, Box 2, MSU, pp.1-2.

³⁰ Memorandum, John Cameron to “Oxford File,” May 3, 1963. “Memoranda and Notes January 1963-May 1964 and Undated” folder, Marshall Papers, Box 19, JFKL.

Amongst the myriad of duties as Attorney General, Patterson sat on the State Board of Election Commissioners. In a letter to a constituent who had inquired about the NAACP's attempt, Patterson asserted that there were two legitimate candidates for governor, Democrat Paul Johnson and Republican Rubel Phillips. Henry had not satisfied either of the ways to qualify: by a party primary or by a petition with 1,000 signatures. Even if voters were inclined to write in Henry's name, "there is no provision under the statute laws of Mississippi for a so-called 'write-in' candidate for office, and in the event Dr. Henry's name should be written in on the ballot, such votes would not be counted." To clarify matters, Patterson emphasized, "Dr. Henry is not a candidate for Governor in any way, shape, form or fashion and will not be considered as such by the State Board of Election Commissioners, nor by the writer as Attorney General, and is not entitled to any of the privileges of a duly chosen candidate for state office." When a Jackson news agency approached Patterson with the same question about Henry's candidacy, he offered the same response.³¹ Of course, Henry had been denied access to Democratic Party primary due to his race, but Patterson could mask that reality by rejecting his qualifications to run in the first place. The task of defending Barnett and Johnson would be much more difficult, but Patterson dedicated himself to getting them out of their contempt charges.

At the height of the controversy, Barnett faced jail and a fine of "\$10,000 a day unless he purges himself of contempt." The Court laid out the specifics for his compliance: "He must stop resistance to the court's orders directing admittance of Negro James H. Meredith to the University of Mississippi. He must maintain law and order in and around the university and co-operate with officers to bring about the admission of Meredith." Through it all, Barnett never

³¹ Letter, Joe Patterson to W. Calvin Wells, October 17, 1963. "Correspondence: Elections—General 1963" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Joe Patterson to W. R. Newman, October 21, 1963. "Correspondence: Elections—General 1963" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

indicated any intention to follow those order; he did not even bother to show up for his first court appearance. To make matters worse for Patterson and Barnett's defense team, the state legislature voted "to protect the assets of Gov. Ross R. Barnett and Lieut. Gov. Paul B. Johnson."³² Thus, if Patterson failed, the burden of those stiff monetary sanctions would fall upon the state. It would take several years before the case would be settled.

Patterson also headed the nine-member legal team that sought "to protect the constitutional rights of students at the University of Mississippi, which he charged have been violated 'by the invasion and occupation of the campus by federal troops.'" Only a week after Medgar Evers' assassination, Patterson sent an angry telegram to Robert Kennedy:

YOU COULD RENDER A GREAT SERVICE TO OUR COUNTRY BY WITHDRAWING THE AID AND PROTECTION OF YOUR POWERFUL OFFICE HERETOFORE AFFORDED PROFESSIONAL AGITATORS AND LAW VIOLATORS, ADVISING THEM THAT YOU WILL NO LONGER SEEK TO PROTECT THEM IN THEIR DELIBERATE EFFORTS TO CREATE CHAOS AND DISORDER. THE CIVIL RIGHTS PROPOSALS MADE TO THE CONGRESS TODAY BY THE PRESIDENT WILL NOT ALLEVIATE THE DEPLORABLE CONDITIONS NOW PREVAILING IN MANY CITIES OF OUR COUNTRY, IN FACT THE ENACTMENT OF SUCH PROPOSALS FOLLOWED BY UNRESTRAINED USE, AND MORE THAN LIKELY ABUSE, BY THE PRESIDENT AND U.S. ATTORNEY GENERAL WILL INEVITABLY RESULT IN CHAOS AND VIOLENCE [original emphasis].³³

More than anything, Patterson wanted Kennedy to stop protecting Meredith and order federal troops to leave the Ole Miss campus.

³² "Court Slaps Barnett; Fine is \$10,000 Daily If Defiance Continues: Tuesday Is Limit: Governor Is Held Guilty of Civil Contempt—Arrest Is Faced." *Commercial-Appeal*, September 29, 1962. "Ole Miss, Meredith 1962" folder 51, Toler Papers, Box 2, MSU, p.1; Hedrick Smith. "Gov. Barnett, In Contempt, Faces Arrest and Fine of \$10,000 a Day Unless He Obeys U.S. by Tuesday: 8 Judges Convict But 3 Oppose Penalty—Mississippi Chief Doesn't Appear." *New York Times*, September 29, 1962. "Newspaper Clippings 3-61—10-62" folder, Lord Papers, Box 9, JFKL; "Legislature Votes to Protect Assets of Barnett and Johnson." *New York Times*, September 28, 1962. "Newspaper Clippings 3-61—10-62" folder, Lord Papers, Box 9, JFKL.

³³ Telegram, Kenneth Toler to *Commercial-Appeal*, October 13, 1962. "Ole Miss, Meredith 1962" folder 51, Toler Papers, Box 2, MSU; Telegram, Joe Patterson to Robert Kennedy, June 19, 1963. "Correspondence: Civil Rights 1963" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

Several attorneys offered their services for free to help remove those forces from Oxford, and the Attorney General utilized his relationship with the state's U.S. Senators, John Stennis and James Eastland. After Patterson thwarted efforts to construct permanent barracks for federal troops in Oxford, Stennis offered his congratulations. "You really stopped them in their tracks and the injunction which you obtained prevented the contractor from proceeding, in spite of the determination of the Army and the Justice Department....I think you rendered great service to the people of Mississippi by taking timely and effective action."³⁴ Patterson knew, however, that he had won a minor victory and sought the elimination of all federal troops.

On February 18, 1963, Patterson wrote to Stennis again to thank him for all that he had done in opposing the construction of the barracks. "I was delighted to know that you were able to persuade the Army to abandon the entire project, and I sincerely hope that we will be able to persuade the President and the Army to remove military troops from Oxford and vicinity entirely in the near future." In terms of the conditions in Oxford, Patterson lamented that "the dormitory in which Meredith stays is guarded by soldiers in battle dress in the same manner that you would expect to see if guarded in the event the President of the United States was staying there under war time conditions." And, those troops stayed there when "Meredith was in Memphis enjoying his usual weekend press conference." With typical scorn for the Kennedys, Patterson concluded that "the President may not care, but he has let one cunning Negro win for him the everlasting ill will of the people of Mississippi, and at the same time Meredith has won for himself national and international publicity, which I firmly believe was his purpose from the very beginning." Ten days later, Stennis convinced the Secretary of Defense, Robert McNamara, to remove troops from the National Guard Armory at Oxford, but federal soldiers would stay in Oxford in one

³⁴ Memorandum, John Stennis to W.E. Cresswell, February 12, 1963. Folder 35, Stennis Papers, Box 6, MSU; Letter, John Stennis to Joe Patterson, February 8, 1963. Folder 35, Stennis Papers, Box 6, MSU.

form or another until Meredith graduated that Spring.³⁵ While Stennis may have officially brokered the deal, Patterson deserved a lot of the credit, and he would eventually have to call on Stennis to inject his reelection campaign with some political capital.

In the meantime, Patterson had other concerns to deal with, including more problems at Ole Miss, where “six students and a non-student” faced prosecution for their roles in the riot.

Their

names...have been turned over...by university officials following formal filing of the accusations by the federal Justice Department. University officials indicated that whatever action is taken will be by the state’s chief legal official. Attorney General Patterson pointed out that his department does not have jurisdiction....His office will not take any action in the matter. He explained that his department does not initiate prosecution which he said “is left to the local levels—the district prosecuting attorneys.”³⁶

Patterson did not want the responsibility of sending any Ole Miss students to jail, especially with the next election looming, but that was only one part of his burden. He also had to struggle with those forces within the state wholly dedicated to maintaining white supremacy.

In the *Commercial-Appeal*, William Street revealed incendiary plans by some “small group of extremists,” who meant to thwart the Board of Trustees and Meredith. It included four planks: the “closing of Ole Miss until Meredith departed and dismissal of Dr. Williams as chancellor. Removal of members of the college board. Legislative ‘censure’ of Attorney General Patterson.” Street did not name names, but the notion that Patterson should be censured must have come from someone with access to the closed-door meetings that had been held during the Meredith crisis. Nevertheless, Street declared that each of those efforts faced looming odds. In particular, “the Patterson project was dropped because the Attorney General was obviously prepared to defend himself and because the group could think of no legitimate grounds

³⁵ Letter, Joe Patterson to John Stennis, February 18, 1963. Folder 35, Stennis Papers, Box 6, MSU; Letter, John Stennis to Joe Patterson, February 28, 1963. Folder 35, Stennis Papers, Box 6, MSU.

³⁶ Telegram, Toler to *Commercial-Appeal*, October 13, 1962, Toler Papers, Box 2, MSU.

on which to initiate such a move. Mr. Patterson had pledged to fight the Meredith case through every legal avenue, and had devoted full-time efforts to that cause.”³⁷ His segregationist credentials spoke for themselves, but his adversaries forced the Attorney General to go on the offensive.

Patterson announced his official intention to run for reelection at the end of March 1963. His decision to do so was not a surprise. After all, he was knee-deep in litigation, and the civil rights movement was at its height. He was not about to leave the responsibilities of his office up to anyone else, and he believed that the two Governors he had worked for would vouch for him, although most people in the state, including his own son, knew that McLaurin had been handpicked by Barnett and the Citizens’ Council to run against him. Patterson avoided that issue and emphasized his integrity—a point that was nothing short of a stab at his opponent. “I have not sought to use the high office of Attorney General as a sounding board for personal and political aggrandizement. Neither have I sought to use this office as a springboard to higher political office.”³⁸ Two months would pass before Patterson hit the campaign trail full-time, but his efforts on behalf of white power in the state spoke volumes to the voters. His work as Attorney General was his best campaign tool, and he knew it.

When Patterson delivered a winding speech to launch his bid for reelection in his hometown of Calhoun City on May 11, 1963, he began by emphasizing his job:

I am not unmindful of the fact that it has been my privilege to be Attorney General of our great State during some of the most trying times that our state has experienced since the dark days of Reconstruction....In the midst of such trials and tribulations I have tried to conduct the affairs of the office of Attorney General with dignity, with courage and with determination, with only one thought in mind, that being to properly and conscientiously represent the State of Mississippi and

³⁷ Street, “Three Top-Priority Projects,” *Commercial-Appeal*, December 24, 1962, Lord Papers, Box 9, JFKL.

³⁸ Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi, p.10; Address, Joe Patterson, *To the People of the State of Mississippi*, March 26, 1963. “Patterson, Joe T. 1960-1967” folder, Minor Papers, Box 11, MSU.

its people in a manner that would inure to their best interest. This I have done without regard to personal and political consequences, this I make no apologies to anyone for so doing, this I shall continue to do for the next four years.

Patterson then turned his attention to McLaurin and his smear campaign, and he promised to never engage in such tactics. Actually, Patterson did not think that anyone was worthy of public office who tried to gain from “the tragic events that have occurred in our State during the past year, with a wanton and reckless disregard for the welfare of the people of our State and its institutions.” In his most direct attack, Patterson berated his “opponent in this campaign who up to the present time has not seen fit to base his candidacy for the high office of Attorney General upon his record, his merits and qualifications for the office.”³⁹ Patterson was just getting geared up.

With his sights set on McLaurin and his supporters, the Attorney General assured his hometown crowd that “I am not the hand-picked candidate of a little well-organized, self-anointed group who have set out in a determined effort to destroy any and all who dare oppose or disagree with them, and take over the government of the State of Mississippi for personal and political exploitation.” In a nod to the evermore contentious gubernatorial race, which pitted his old friend James P. Coleman with Paul Johnson, the Attorney General added assurances “that I am not seeking to ride the coattail of any candidate for Governor, past, present or future.” In that race, both sides had turned to dirty politics. One advertisement saw the Johnson faction run a picture of a bed, labeled “Jack Kennedy Slept Here.” The point was that Coleman had allowed then Senator John F. Kennedy to stay at the Governor’s Mansion in 1956 and that in 1960 he supported him for President. “Yes, remember, J.P. Coleman would turn Mississippi over to the

³⁹ Address, Joe Patterson, *Opening Speech in Campaign for Re-Election to the Office of Attorney General*, May 11, 1963. “Patterson, Joe T. 1960-1967” folder, Minor Papers, Box 11, MSU, pp.2-4.

Kennedys—lock, stock and barrel. Make sure that Kennedy never sleeps here again...nor J.P. Coleman, either.”⁴⁰ Coleman was not going to let that slide by without comment.

Coleman’s team jumped straight into the mire and ran its own full-page ad with a picture of Johnson shaking hands with James McShane. “This actual photograph shows what really happened between Paul Johnson and U.S. Marshal James McShane at Ole Miss.” Less than honest in its depiction of an innocent handshake, the caption read: “When the fist came down, the hand went out, and Meredith went in! Elect a man you can trust. J.P. Coleman. The man for Mississippi.”⁴¹ Although Patterson did not enter that fray specifically, he did offer his well-known thoughts about the Kennedys during his opening campaign stop in Calhoun City.

Patterson rejected McLaurin’s attempts to link him to the Kennedy administration and repeated his oft-cited disdain for the federal government. “My opponent seems to have adopted two mythical opponents for the duration of this campaign: United States Attorney General Bobby Kennedy, and the Kennedy brothers’ number one ward at the University of Mississippi, James Meredith.” Everyone knew that Patterson disliked the Kennedys, but he reemphasized that he had fought with all his might “the Department of Justice, the NAACP, the American Civil Liberties Union, CORE and any and all others...seeking to impose their will upon us in violation of our laws, and further seeking to destroy all laws on our Statute books that are not to their liking.”⁴² He was not about to let up. Instead, he led the crowd through an examination of his record as Attorney General.

⁴⁰ Address, Patterson, *Opening Speech*, May 11, 1963, Minor Papers, Box 11, MSU, pp.4-5; Hinds County Campaign Committee for Paul Johnson. “Jack Kennedy Slept Here.” *Clarion-Ledger*, July 1, 1963. “Civil Rights Miscellaneous, 1961-1963” folder, Attorney General’s Correspondence Personal, 1961-1964, Box 11, JFKL.

⁴¹ James P. Coleman State Campaign. “Let’s Tell the Whole Truth, Paul.” *Clarion-Ledger*, August 17, 1963. “Civil Rights—Mississippi 1-1963—8-1963” folder, Attorney General’s Correspondence, Box 11, JFKL.

⁴² Address, Patterson, *Opening Speech*, May 11, 1963, Minor Papers, Box 11, MSU, pp.5-6.

In regards to federal civil rights litigation, Patterson named each lawsuit “filed against the circuit clerks of twenty-four counties, seeking authority for the Department of Justice to inspect the voter records of those counties.” He pointed out that there had been three school desegregation suits, including the Meredith ordeal. In addition there were seven other civil rights lawsuits out there still, and none of those included the case waiting for review from the U.S. Supreme Court, *U.S. v. Barnett and Johnson*. In all, Patterson had “twenty-four suits tried, twenty-seven suits pending.” Of these, only one had been lost, and that was the Meredith case. Yet, the Attorney General was not about to relent on that point either: “I do not concede for one moment that the University of Mississippi is now an integrated institution. On the other hand, I contend that the most segregated, isolated and ostracized Negro student in America is simply attending classes where he is not wanted under the powerful and protective arm of the United States Government.”⁴³ Patterson was willing to put his record up against that of any other Attorney General in the country, much less in the South with its undue burden of civil rights litigation.

As Patterson saw it, McLaurin hoped that the voting public in Mississippi would forget the record. In reality, McLaurin’s only campaign pledge was to be a more proactive Attorney General for the state, but on that account Patterson noted that “we successfully enjoined CORE and its operations in the city of McComb and we successfully enjoined the construction of Army barracks on lands belonging to the University of Mississippi in the city of Oxford. We intend to file other suits at the proper time.” Prodding the crowd, Patterson added that “the fact that we have an inexperienced and irresponsible Attorney General of the United States filing lawsuits every day is no reason why we should have one doing the same thing in the State of

⁴³ *Ibid*, pp.10-14.

Mississippi.”⁴⁴ With his record laid out, Patterson answered accusations that he favored the Kennedys and integration.

In particular, the McLaurin campaign highlighted a whistle-stop train trip that Patterson had taken with Vice-President Lyndon Baines Johnson from Hattiesburg to Picayune in 1960, but Patterson remarked that Senators John Stennis and James Eastland had also been on that trip. No one questioned their segregationist credentials, and the Attorney General commended the jobs they were doing in Washington, D.C. “My opponent may insinuate that I was endorsing integration when I rode Senator Johnson’s train...but frankly I never have thought, and will never think, that I am in the company of integrationists when I am with Senator Eastland and Senator Stennis.”⁴⁵ No one was about to dispute that argument, but Patterson had more ammunition where that was concerned.

Before Patterson took to the campaign trail in Calhoun City, he had already asked Senator Stennis to help him reject “the charge now being directed at me, that I have made no effort to try to bring about removal of the troops from the National Guard Armory” in Oxford. Patterson and Stennis had worked closely on accomplishing that task, but that did not prevent McLaurin from lobbing unfounded complaints against him in the election. Admittedly, Patterson could not do much about the issue in the courts because it would eventually make it to the Fifth Circuit, which, as he saw it, did the bidding of the President and the U.S. Attorney General.⁴⁶ But, behind the scenes, Patterson had played a central role in helping Stennis convince Secretary of Defense McNamara to back down. Now, Patterson wanted to publicize letters between himself and Stennis that revealed the truth.

⁴⁴ *Ibid*, pp.14-16.

⁴⁵ *Ibid*, pp.18-20.

⁴⁶ Letter, Joe Patterson to John Stennis, March 7 1963. Folder 35, Stennis Papers, Box 6, MSU.

Not one to be painted into a political corner, Stennis had his assistant, W.E. Cresswell, talk to Patterson about his request to use the Senator's letters in order to disprove McLaurin's claims. In a memorandum, Cresswell reported that

Senator Stennis believes that the better approach would be for Joe to mention his full cooperation with all members of the Mississippi delegation regarding efforts to stop the construction of the barracks at Ole Miss. If someone questions this cooperation, Joe could refer to any letters he had from Senator Stennis, or other members of the delegation, if they approve. In other words, Joe is not to use these letters as an initial proposition, or in any campaign literature, etc.

Cresswell closed by saying that, when he talked to Patterson, the Attorney General agreed with this proposal and "implied that this is what he had in mind."⁴⁷ It was not exactly what Patterson had hoped for, but it was a solid talking point during his campaign.

At that first stop in Calhoun City, Patterson abandoned his previous reluctance and unabashedly addressed the Meredith crisis and his role in it, including the phone call to Burke Marshall. Patterson indicated that McLaurin had been urged by "his campaign managers and speech writers...to insinuate that I was interested in bringing about Meredith's admission to the University, by charging that I called Bobby Kennedy and thereby caused the Department of Justice to obtain an injunction against Meredith's arrest." But, the Attorney General insisted that that was crazy and that his record showed he had been fighting Meredith for nearly two years. "Now let's get the record straight as to what actually happened with reference to Meredith's first attempt to register at the University of Mississippi."⁴⁸ He then laid out his version of events.

In precise detail, Patterson told the audience in Calhoun City about his entire role in Meredith's enrollment at Ole Miss. When Governor Barnett first told the Attorney General about arrangements being made with the Justice Department to bring Meredith to Oxford for registration on campus, Barnett asked if Patterson had any ideas of what to do. At that time,

⁴⁷ Memorandum, W.E. Cresswell to unnamed, May 2, 1963. Folder 35, Stennis Papers, Box 6, MSU.

⁴⁸ Address, Patterson, *Opening Speech*, May 11, 1963, Minor Papers, Box 11, MSU, pp.20-21.

Patterson suggested “that we should attempt to get the Department of Justice to agree to let the State of Mississippi have complete charge of Meredith’s going to the University and leaving the University.” Otherwise, Patterson foresaw Meredith’s arriving at Ole Miss with “a large number of U.S. Marshals.” Allegedly, Barnett liked the idea and asked him to work out the details.⁴⁹

The next morning, Patterson spoke with Burke Marshall to spell out plans, and Marshall agreed to have a limited number of federal agents accompany Meredith. “He made only one request of the State of Mississippi, and that was that the State assure Meredith and the marshals accompanying him that they would have safe passage to the University of Mississippi....This I agreed that the State would do.” In return for safe passage, the Justice Department accepted terms that would deny Meredith “registration and admission to the University” on that day.

After Patterson reported back, Barnett signed off on the deal,

and I thought I had done a pretty good days work, however, that night, which was Wednesday night, in a meeting at which I was present, the Governor stated that Meredith was going to be arrested and put in jail upon his arrival in Batesville the following day. I advised the Governor that I thought that he knew that I was willing to make any personal sacrifice that I possibly could make in an effort to keep Meredith from entering the University of Mississippi, but that I would not sacrifice my personal and professional integrity.

Before the Attorney General left that meeting, he advised the Governor that he was going to tell Burke Marshall that their original agreement was not going to “be fulfilled, and that upon doing that I will have discharged my responsibility in the matter.” And, Patterson did just that on the following morning.⁵⁰

Going on with his story to the crowd in Calhoun City, Patterson recounted how, soon after his conversation with Marshall, “a mutual friend” told him that Barnett ultimately agreed to the original plan, which the Attorney General then informed Marshall about. In the end,

⁴⁹ *Ibid*, pp.21-22.

⁵⁰ *Ibid*, pp.22-25.

the matter did go off according to plan. Meredith went to the University. The Governor in the presence of the Registrar of the University, denied Meredith admission to the University, Meredith immediately left the University; Colonel Birdsong and his men escorted them a safe distance from the University and Meredith returned to Memphis. The Governor was highly commended by the press and by the public for handling the matter in such a well-timed and coordinated manner, and while the Governor was being commended for the matter being so-welled [sic] handled, I was being condemned and misrepresented.

Patterson agreed with McLaurin's campaign slogan that the state required "a strong and courageous Attorney General," but he claimed to have been just that and felt that "the State also needs a responsible Attorney General."⁵¹ He could not have drawn a clearer distinction between himself and the forces behind John McLaurin.

Patterson made it a point of pride that he had defied "a little band of would-be ruthless dictators....I have no apologies to make to my opponent and to that little group who are backing him." In addition, the Attorney General refused to apologize "for not joining hands with them in seeking to promote all-out riot and bloodshed on the campus...by encouraging the people of Mississippi to pick up their rifles, shotguns and slingshots and go to fight it out with the armed forces of the United States." He asked for help from his friends in Calhoun City and pledged to work closely with all other elected state officials. "I shall not attempt to make an issue out of segregation and racial problems, for the reason that we are all for segregation as we have known it and practiced it in Mississippi for more than one hundred years. Therefore, a question that we are all in accord and agreement on cannot be an issue."⁵² The speech brought him much needed press and popular acclaim.

The *Commercial-Appeal* in particular picked up the story and reported on the verbal sparring among Patterson, McLaurin, and Barnett. The paper noted that nearly 600 people

⁵¹ *Ibid*, pp.26-27.

⁵² Joe Patterson, quoted in *Commercial Appeal*, May 12, 1963; Address, Patterson, *Opening Speech*, May 11, 1963, Minor Papers, Box 11, MSU, pp.28, 30-31.

attended Patterson's speech in Calhoun City, where the Attorney General responded to McLaurin's assertions that the state needed to "file more lawsuits," and the Memphis paper reported how Patterson laid out the details of what had taken place to provoke his "'midnight call' to Washington" during the Meredith crisis. Bill Minor wrote his own column on the speech for the New Orleans *Times-Picayune* and commented that the Attorney General had "fired the opening gun in his campaign for reelection." As for the Governor, Barnett would not comment on the speech but did say "I don't have time to fool with these petty political things."⁵³ Loaded with momentum, Patterson controlled the early race, and correspondence poured into the Attorney General's office in support.

In one letter, Ross Lawhon was glad that Patterson had set the record straight about the Meredith crisis because, until then, Lawhon had been prepared to vote for McLaurin. Encouraged by that and other letters, Patterson made a significant alliance with an old friend. The new Director of the Sovereignty Commission, Erle Johnston, owed his promotion to Patterson, who had defended the move for Johnston against critics, including McLaurin. Johnston looked to return the favor. An experienced speech writer, he polished some of Patterson's prose and talked to the Attorney General about producing a staff photo for publicity shots. The pair appeared to be a strong team, and Johnston remarked on their relationship in his memoir, *Mississippi's Defiant Years*. As a critic noted, Johnston had to be "well versed in propaganda and misinformation" to work for the Sovereignty Commission, which made him

⁵³ Edward P. Moore. "Patterson Hits 'Despotic' Foes: Attorney General Charges Ruthless Dictator Band Seeks His Defeat." *Commercial-Appeal*, May 12, 1963. "Newspaper Clippings 11-62—6-63" folder, Lord Papers, Box 9, JFKL; "Patterson Cites Barnett Breach: He Says Governor Intended to Violate Agreement Arrest Meredith." *Commercial-Appeal*, May 12, 1963. "Newspaper Clippings 11-62—6-63" folder, Lord Papers, Box 9, JFKL; Telegram, Bill Minor to *Times-Picayune*, undated. "Patterson, Joe T. 1960-1967" folder, Minor Papers, Box 11, MSU; "Statement Called 'Petty Politics': Barnett Declines Comment on Patterson Address." *Commercial-Appeal*, May 13, 1963. "Newspaper Clippings 11-62—6-63" folder, Lord Papers, Box 9, JFKL.

especially well-suited to be a political consultant.⁵⁴ But, the course of the campaign was about to change in a negative way for the Attorney General after Johnston delivered a high school graduation address.

In “The Practical Way to Maintain a Separate School System in Mississippi,” a speech at his high school alma mater in Grenada, Johnston claimed the only means to maintain segregation in public schools was to provide equal, quality facilities for both races. Otherwise, the current line-in-the-sand tactics of extremists would provoke federal action like those at Oxford and bring an immediate end to segregation, which would cause social chaos. Over night, the Sovereignty Commission Director became a controversial figure. He was not advocating integration but the type of “strategic accommodation” and “color-blind” politics that Patterson embraced.⁵⁵ Despite his segregationist intentions, however, Johnston’s help became more of a hindrance for the Attorney General.

Johnston’s speech opened the door for the Citizens’ Council and W.J. Simmons to label the Sovereignty Commission Director an integrationist, knowing that he and Patterson were allies. The Attorney General may have sympathized with Johnston’s “practical segregation side,” but he could not afford to touch such a political hot button and avoided taking a stand on the speech.⁵⁶ Patterson’s opponents would make the most of the moment and continued to

⁵⁴ Letter, Ross Lawhon to Joe T. Patterson, May 15, 1963, Patterson Papers; SCRID # 7-0-7-123-1-1-1. Letter, Erle Johnston to Joe T. Patterson, July 12, 1963, MDAH; Erle Johnston. *Mississippi’s Defiant Years, 1953-1993: An Interpretive Documentary with Personal Experiences*. Forest, Mississippi: Lake Harbor Publishers, 1990, pp.227-228; W. Lance Conn. “Book Review.” *Mississippi’s Defiant Years, 1953-1993: An Interpretive Documentary with Personal Experiences*, by Erle Johnston. Forest, Mississippi: Lake Harbor Publishers, 1990, in *The Journal of Mississippi History*. Volume 53, No. 2, May, 1991, pp.141-143.

⁵⁵ Erle Johnston, *The Practical Way to Maintain a Separate School System in Mississippi*, May 25, 1962, Patterson Papers; Joseph Crespino. “Strategic Accommodation: Civil Rights Opponents in Mississippi and Their Impact on American Racial Politics, 1953-1972.” Thesis PhD–Stanford University, 2002, p.iv.

⁵⁶ Letter, Erle Johnston to John Lake, June 15, 1962, Patterson Papers; SCRID # 7-0-5-137-1-1-1. Letter, Albert Jones to Joe Patterson, July 20, 1962, MDAH.

emphasize that his efforts at the University of Mississippi were the acts of a liberal integrationist, even if that was far from the truth.

After the backlash from Johnston's speech, Patterson answered McLaurin's February letter to the members of the Mississippi Bar and generated another wave of encouragement from around the state. The Attorney General pointed to his own credentials in the fight against "the Department of Justice, the NAACP and others," as well as to his experience "in litigation from the county level to the Mississippi and United States Supreme Courts." In contrast to the Citizens' Council and McLaurin, Patterson had "tried to conduct the affairs of this office with dignity...in keeping with the high standard of legal ethics and integrity." And, he derided McLaurin for his "campaign of abuse and misrepresentation."⁵⁷ In all, his letter echoed his dual and often competing commitments to the rule of law and to segregation.

Not to be outdone, on June 17, McLaurin shot back with a press release that criticized Patterson for not putting up a tougher fight against Cleve McDowell—a black student who had been admitted to the University of Mississippi Law School. McLaurin pined that "we can never win with the defeatist attitude." Soon after, Patterson's campaign began to lag. His role in the integration of Ole Miss became a liability, and he chose to try to avoid the issue altogether. In a questionable campaign decision, Patterson edited out his explanation of the crisis from his speeches.⁵⁸ McLaurin's crusade was gaining steam.

In Patterson's last speech of the race in Hattiesburg, he again attacked McLaurin for being aligned with the proponents of extreme resistance, but he also stressed a relative non-issue. In an effort to discredit his opponent, the Attorney General chided McLaurin for his failure to

⁵⁷ Letter, Lawrence W. Rabb to Joe Patterson, June 19, 1963, Patterson Papers; Letter, G.F. Dabbs, Jr., to Joe Patterson, June 19, 1963, Patterson Papers; Letter, Joe T. Patterson to unknown Mississippi Bar member, June 14, 1963, Patterson Papers.

⁵⁸ *Jackson Daily News*, June 17, 1963, Patterson Papers; Speech, Joe Patterson. Undated. Patterson Papers; Speech, Joe Patterson, August, 3, 1963, Patterson Papers.

officially approve his campaign ads as required by Mississippi law. The crowd could not have been particularly moved. Moreover, Patterson declared that McLaurin's claim that he had made a "midnight call to Attorney General Robert Kennedy or one of his assistants on any matter is a deliberate, willful, malicious falsehood.... [and that] truthful and honorable witnesses...know this scurrilous charge to be untrue."⁵⁹ Of course, "midnight call" implied that Patterson had done something behind the backs of those involved in the Meredith situation, which he never did, but his contention that he had not called an Assistant Attorney General "on any matter" was untrue. Patterson's image as a segregationist was tarnished, and, fearful that the election might be lost, he tried to repair the damage.

The biggest personal blow came to Patterson on the next day, August 4, when a long list of attorneys took out a half-page ad in the Jackson *Clarion-Ledger/Jackson Daily News* endorsing McLaurin.⁶⁰ Until then, Patterson was confident that his fellow lawyers in Mississippi would be his strongest support. They alone understood the workload that the Attorney General's office was saddled with and appreciated Patterson's dedication to the law. In a move that caught the Attorney General off guard and sincerely disappointed him, part of his core constituency turned against him.

In spite of this betrayal, Patterson's campaign was not void of support. The press for the most part rallied to his cause, and papers across the state endorsed the incumbent. Ever conscious of Mississippi's image, the state's newspaper editors were wary of another militant segregationist ascending to power in state government. Patterson was the logical choice for those people who hoped to maintain some of Mississippi's integrity and hold back the heavy

⁵⁹ Speech, Joe Patterson, August, 3, 1963, Patterson Papers; Press release, Joe Patterson, August 3, 1963, Patterson Papers.

⁶⁰ *Jackson Daily New*, August 4, 1963, Patterson Papers; Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi.

hand of the federal government. The Tupelo *Daily Journal* remarked that McLaurin's chief qualification for the job seemed to be that he was backed by the Citizens' Council, which was no longer enough for most people.⁶¹ As election day neared, no one knew whether Mississippi's voters agreed with the *Daily Journal* or with the state's attorneys.

Election night eventually came. McLaurin garnered 191,976 votes, a strong showing against a two-term incumbent, but Patterson prevailed with 267,692 votes. Winning 58% of the ballots, Patterson had taken 68 of the 82 counties in the state. The electorate recognized that Patterson was a dedicated segregationist and had the most experience as well as the best chance of maintaining Jim Crow. After all, during the campaign, Patterson went about the business of Attorney General and defended the traditions of the state. On July 8, at the height of the election season, Patterson had traveled to Washington, D.C., in order to speak in front of the United States Senate Commerce Committee about the right of private businesses to be segregated.⁶² His clear segregationist message had overshadowed his opponent's mudslinging, but Patterson's victory had a deeper meaning.

Many of the people who wrote to express their support of the Attorney General during the election hoped, like Everett Cook, that "you will continue to serve the people in an honest and progressive manner." Others, like Gerald Adams, observed that "McLaurin is a typical 'rabal rouser' [sic] and it would be an awful thing for him to be Attorney General at a time like the present."⁶³ For Adams, McLaurin would have brought more shame to the state and would have represented a base interest found in a minority of Mississippians who cared more about

⁶¹ *Daily Journal*, August 5, 1963, Patterson Papers.

⁶² State of Mississippi. *First Democratic Primary Returns*, August 6, 1963. "Correspondence: Elections—General 1963" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; *Mississippi Blue Book: 1960-1964*, p.427; Speech, Joe Patterson, July 8, 1963, Patterson Papers.

⁶³ Letter, Everett E. Cook to Joe Patterson, June 13, 1963, Patterson Papers; Letter, Gerald Adams to Joe Patterson, February 13, 1963, Patterson Papers.

racial superiority than progress. Cook's concern with "progressivism" and Adam's distaste for "rabble rousers" indicate a desire for a type of respectability that has not often been associated with white Mississippians during the civil rights movement. That respectability helped maintain white social and economic power, but it opened the doors for some important change.

Only the people who were the most passionate about the election would take the time to write, and Patterson won by wide enough of a margin for there to be more at play than race and class issues. Some of it had to do with Patterson's advantage as an incumbent, but McLaurin had a large measure of name recognition and had at his disposal the deep coffers of the Citizens' Council—the most powerful private organization in the state. Patterson's old friend, James P. Coleman, did not fare nearly as well against Paul Johnson, the Council's candidate for Governor. In that race, Coleman won 156,296 votes, but Johnson beat him by more than 25,000 votes with a total of 182,540. Although Johnson did not win the primary outright—there would have to be a runoff—everyone recognized that he was going to get the Democratic nomination for Governor. As the *New York Times* lamented, Coleman was the more moderate voice of reason and peace, whereas Johnson had become "a spokesman for extreme segregationists who is a strident antagonist of President Kennedy" and who had the backing of the Citizens' Council, Governor Barnett, and Senator Eastland.⁶⁴ Patterson's reelection over McLaurin represented something more than just the incumbency advantage; it had deeper historical significance.

In 1963, the vast majority of African Americans in the state were disenfranchised, and the Voting Rights Act was another two years away. The voters who sent Patterson back into office were average white Mississippians. These voters were intelligent enough to realize that their

⁶⁴ State of Mississippi. *First Democratic Primary Returns*, August 6, 1963. "Correspondence: Elections—General 1963" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Joseph A. Loftus. "Racial Extremist Tops Field in Mississippi Primary Voting." *New York Times*, August 8, 1963. "Newspaper Clippings 7-63—5-64" folder, Lord Papers, Box 9, JFKL.

status relative to African Americans was best served by more moderate voices like Patterson, even if most of them may not have expressed their reasoning behind voting for him that way. As the racially progressive journalist Bill Minor saw it, Patterson was “not a flashy, headline grabbing attorney general,” but his win marked an important victory over the demagogues of Jim Crow and indicated that a majority of voting, white Mississippians realized that violent defiance of the civil rights movement was a dead end, which gave some people throughout the country hope. In its coverage of the statewide elections, the *New York Times* noted that “a slim chance for moderation emerged in the contest for Attorney General. Joe T. Patterson, the incumbent, won renomination without a run-off by defeating John C. McLaurin. Although both are segregationists, Mr. McLaurin demanded more militancy.”⁶⁵ It may have been faint praise, but it was significant.

Patterson emerged from the chaos of the Meredith crisis and the trials of a bitter campaign to offer a more malleable version of white power than the more strident advocates of Jim Crow. As his sister, Doug Haynes, would later detail, white voters in Mississippi reelected Patterson over McLaurin by such a large margin due in part to his “decency and honesty and integrity” but also due to the fact that they recognized that the Council was not going to “last long. It was just a means to an end to try and keep putting off integration, and I think everybody knew it was going to end.” In her mind, the failure of the Council was that it was too “demanding” and never willing to budge or try any other tactics.⁶⁶ On the other hand, Patterson was prepared to do what was necessary to maintain white prerogatives. He knew that, in order to do so, segregationists would have to flinch in the face of a federal government determined to see

⁶⁵ Minor, “Joe Patterson,” *Times-Picayune*, April 27, 1969, in Minor, *Eyes on Mississippi*, p.283; Bill Minor, interviewed by author, October 24, 2002, Jackson, Mississippi; Loftus, “Racial Extremist,” *New York Times*, August 8, 1963, Lord Papers, Box 9, JFKL.

⁶⁶ Doug Haynes, interviewed by author, October 30, 2003, Clarksdale, Mississippi.

its authority upheld, but, as he was quick to point out in the Meredith affair, one chink in the armor of Jim Crow did not mean that the entire system was defenseless. Over the next six years, Patterson stood at the forefront of a conservative political effort in the state to erect *color-blind* obstacles in the path of the ever-advancing civil rights movement. He would be highly effective.

Chapter 7

A New Brand of Jim Crow

When Joe Patterson won a third term in office in 1963, the civil rights movement was far from being over, and long days remained for Mississippi's Attorney General. To come were the political challenges of the Mississippi Freedom Democratic Party; the Freedom Summer voter registration efforts; the murders of Andrew Goodman, Michael Schwerner, and James Chaney; the Civil Rights Act of 1964; the Voting Rights Act of 1965; and countless other events. Over those years, Patterson refused to renounce his segregationist beliefs and took tough stands against the movement. Yet, he also shaped a burgeoning brand of conservatism in the South, which rejected the explicit racism that had characterized so much of the region's history but was predicated, nonetheless, on the implicit subjugation of African Americans to white power. In Mississippi, Joe Patterson stood at the forefront of that supposedly *color-blind* political machine.

No sign illustrated the shift in politics away from the days of Ross Barnett's virulent demagoguery better than Paul Johnson's inaugural address as Governor of Mississippi. Johnson had been Barnett's close ally and had been anointed his successor when he joined Barnett in contempt of a Fifth Circuit Court order for his actions in delaying James Meredith's admission to Ole Miss. When he addressed Mississippians at his inauguration on January 21, 1964, Governor Johnson shocked most people for his tone of moderation. At the outset, he ignored racial issues and spoke about the advancement of the state in economics, technology, science and research. The subject of race did not come up until the end, and Johnson couched it in terms of the

economy. "I would point out to you that the Mississippi economy is not divisible by political party or faction, or even by race, color or creed. As of this hour, Paul Johnson is working for everybody with every resource at his command."¹ More than a few people in the audience must have been surprised by that admission, but Johnson did not stop there.

Without referencing the civil rights movement, the new Governor asserted in his inaugural address

that you and I are part of this world, whether we like it or not; what happens in it, through no fault of ours, affects us. Too, we are Americans as well as Mississippians. As a practical matter, we are at this moment "in the mainstream of national life." National politics have direct bearing on our economy, on our political freedom, on our daily living, whether we like it or not.

Term limits in place at that time meant that Johnson did not have to worry about running again, so his motivations were elsewhere when he declared that

hate, or prejudice, or ignorance will not lead Mississippi while I sit in the governor's chair. I will oppose with every fiber of my being, and with every resource at my command, any man, any faction, any party, or any authority which I feel is morally wrong or constitutionally in error...and I will stand accountable for my action; but, if I must fight, it will not be a rear-guard defense of yesterday...it will be for our share of tomorrow.²

In some ways, Johnson set the stage so that he would not have to face the same kind of stand off with the federal government as Barnett, who had professed defiance from the start of his candidacy.

In that sense, Barnett had no choice but to make his public stand at Ole Miss, while at the same time he was working behind the scenes to reach a compromise that no one in Mississippi could know about. Johnson was trying to avoid that situation by saying up front to the people of Mississippi that they were a part of the United States and had to obey its laws. He was in no way

¹ Paul Johnson. *Inaugural Address*. January 21, 1964. "1964" folder, Eastland Papers, Personal and Political: Politics, Box 3, Ole Miss, pp.1-2, 7.

² Johnson, *Inaugural Address*, January 21, 1964, Eastland Papers, Box 3, Ole Miss, p.7.

advocating the advancement of civil rights, and, although his speech marked progress, he remained committed to the cause of Jim Crow, much like Patterson. On the other hand, Johnson joined the Attorney General, who must have been as shocked as anyone by the Governor's words, in an attempt to refashion racist values so that they were more palatable to the larger American public.

Johnson made national headlines with his speech. The *New York Times* noted that, while Judge Tom Brady—famous for his *Black Monday* treatise on the purported evils of the *Brown* decision—administered the oath of office, the Governor turned a new page in Mississippi political history. After the segregationist rhetoric that marred his campaign against James P. Coleman, Johnson would “pledge to strengthen Mississippi's ties with the rest of the nation and to shun ignorance, prejudice and hate.”³ Stunned as the northern press was, the stories that surfaced in the South were noteworthy.

As the journalist Bill Minor put it in an article for the New Orleans *Times-Picayune*, reprinted by papers throughout the region, “quite a few Mississippians, and probably a good part of the nation, must have been surprised over the moderate tone of Gov. Paul B. Johnson's inaugural address, which in essence was a ‘rejoin the union’ speech.” According to Minor, Johnson was attempting to start over after an emotional gubernatorial campaign against Coleman in the primary and against the Republican Rubel Phillips in the general election. He was also trying to get out of Ross Barnett's shadow. “His words, ‘We are Americans as well as Mississippians,’ may seem just a simple statement to outsiders but the fact that he had to remind Mississippians of this holds more than passing significance here. As some observers said afterwards, ‘If Johnson had made that statement last summer, he would have been run off the

³ Claude Sitton. “New Mississippi Governor Gives Anti-Hatred Vow at Inaugural.” *New York Times*, January 22, 1964. “Newspaper Clippings 7-63—5-64” folder, Lord Papers, Box 9, JFKL.

stump.’” In particular, he would have lost the support of the Citizens’ Council, which had not written the Johnson inaugural the way it had dictated most of Barnett’s speeches.⁴

Minor commented further on the fact that Johnson had not supported leaving the national Democratic Party in 1964, even though George Wallace and Leander Perez were there for his speech, both of whom advocated a separatist political movement for the white South. But, Minor pointed out,

Johnson had something for the bitter-enders in his speech when he said that he would oppose with every resource “any man, any faction, any party, or any authority which I feel is morally wrong or constitutionally in error.” But he immediately followed this with a phrase which cast doubt on what he meant. He said if he did fight, “it will not be a rear-guard defense of yesterday...It will be for our share of tomorrow.”

It was an intentionally ambiguous statement, but Minor conceded that “the Paul Johnson who stands before the people now may be somewhat a different man than the one who campaigned last summer largely on the anti-Kennedy passions in Mississippi. The death of John F. Kennedy may have had something to do with that.”⁵ Without a doubt, Johnson was sensitive to the emotions surrounding the President’s assassination, and, as a consummate politician whose father had also been Governor, he recognized that the national political waters were ready to ravage a hard-line Jim Crow agenda. Johnson and the likes of Joe Patterson had their hands full with 1964 looming before them.

At the outset of that year, the most pressing concern for white leaders in Mississippi was House Resolution 7152, which had begun to wind its way through the U.S. Congress. What would become known as the Civil Rights Act of 1964 was the most sweeping legislation on behalf of universal equality since the three Reconstruction-era amendments to the Constitution.

⁴ Bill Minor. “Inaugural Speech Sounds Moderate.” *Times-Picayune*, reprinted *Enterprise Journal*, January 28, 1964. “Johnson, Paul B. Jr. 1947-1964” folder, Minor Papers, Box 7, MSU.

⁵ Minor, “Inaugural Speech,” *Enterprise Journal*, January 28, 1964, Minor Papers, Box 7, MSU.

When the bill passed the House of Representatives, many whites in the South were alarmed, and one of Patterson's Assistant Attorneys General, Dugas Shands, took the opportunity to write to one of the state's Congressmen, Thomas Abernethy, who had fought the legislation from the beginning.⁶

Renowned for his bigotry, Shands praised Abernethy. "Every Mississippian and every right-thinking American should be proud of you." He then asked for fifteen copies of the Civil Rights Act to assist Patterson's office "in defending against warped so-called Legislative history asserted by the Department of Justice and the negroes." Shands repeated that tone when he later asked Abernethy for twenty copies of proposed amendments to the legislation and referred to U.S. Attorney General Robert Kennedy as "little Bobby Blue....In view of the fact that Bobby says that they are aimed principally at Mississippi and Alabama makes it more imperative that we have an ample supply of these documents....The people of Mississippi, the entire South and the Nation are grateful to you for your valued efforts in the fight against this invidious legislation." In both instances, Abernethy was happy to oblige. "I appreciate your comment with regard to the effort we made in the House against this horrible bill. The fact that so many of the Southern Members did not join us in this fight was terribly discouraging." Yet, Abernethy was happy to have seen how hard the Mississippi delegation had fought it and held out hope that it would not get out of the Senate.⁷ Of course, the Civil Rights Act would eventually be passed, but it was just one of a series of historic events that marked 1964 as a year of sweeping challenges to Jim Crow.

⁶ Letter, Dugas Shands to Thomas Abernethy, February 28, 1964. "Civil Rights (1964) Judiciary Correspondence Only" folder, Abernethy Papers, Box 311, Ole Miss, p.1.

⁷ Letter, Shands to Abernethy, February 28, 1964, Abernethy Papers, Box 311, Ole Miss, pp.1-2; Letter, Dugas Shands to Thomas Abernethy, May 27, 1964. "Civil Rights (1964) Judiciary Correspondence Only" folder, Abernethy Papers, Box 311, Ole Miss, pp.1-2; Letter, Thomas Abernethy to Dugas Shands, March 2, 1964. "Civil Rights (1964) Judiciary Correspondence Only" folder, Abernethy Papers, Box 311, Ole Miss; Letter, Clair Stevens to Dugas Shands, June 1, 1964. "Civil Rights (1964) Judiciary Correspondence Only" folder, Abernethy Papers, Box 311, Ole Miss.

In particular, Mississippi witnessed the coordinated efforts of civil rights organizations coalesce into Freedom Summer, an expansive attempt to bring African Americans in the state access to the voting rolls and adequate educational opportunities. The Justice Department and Burke Marshall recognized the potential for chaos and contacted Joe Patterson in order to head off some problems. Despite Patterson's misgivings, Marshall claimed that the Attorney General "was responsive to the law enforcement problem."⁸ Enforcing the law was one thing; interpreting it was another, and Marshall approached Patterson about that touchy subject as well.

At that time, the major concern for Marshall was a plan to put a series of African-American candidates on the ballot, specifically a black woman who was running for Congress in the state's Second District. Marshall did not know the woman then, but, by the end of the summer, Fannie Lou Hamer would be one of the most recognizable spokespersons for civil rights. Hamer and her supporters had planned a rally at Sardis Lake near Lafayette County—the home of Ole Miss—and had distributed flyers around the area to advertise it. In his conversation with Patterson, Marshall emphasized that the lake sat on federal land since it was created by a Corps of Engineers project, but the state ran it "so it is under state control." While the facilities were segregated, the group was going to meet there anyhow, and Marshall wanted Patterson to know so that the violence in Biloxi, which accompanied the attempt to desegregate its beaches, would not happen again. Of course, Patterson disapproved of the group's agenda, but Marshall insisted: "Well, that is General, you and I may disagree over what they should do, but I think the responsibility and jurisdiction for law enforcement in the area is clear." As in the past, the Justice Department hoped to maintain the peace, and Marshall referred to Supreme Court

⁸ April 24, 1964, 3:05 p.m. Burke Marshall and Joe Patterson. Telephone Recordings. "Attorney General February—April 1964" folder, Marshall Papers, Box 8, JFKL, p.1; Memorandum, Burke Marshall to Robert Kennedy, April 27, 1964. "Attorney General February—April 1964" folder, Marshall Papers, Box 8, JFKL.

decisions that said such federal land must be desegregated.⁹ Patterson did not know it at the time, but he was about to engage one of the toughest political challenges of his career as Hamer would take her case to the Democratic National Convention and eventually to the halls of Congress.

Hamer's efforts and those of Freedom Summer participants received a huge boost when the Civil Rights Act was signed into law in early July by President Lyndon Johnson. Nine days later, J. Edgar Hoover visited Jackson to open the largest FBI office in the country, but he disappointed activists who thought that the presence of the federal agency meant brighter days for civil rights in the state. In his address at the grand opening, Hoover "declared flatly Friday his organization 'most certainly does not and will not give protection to civil rights workers' in Mississippi this summer." To emphasize that point, Hoover met informally with Mayor Allen Thompson, the Jackson Chief of Police, Governor Johnson, and Joe Patterson. President Johnson chose such an auspicious moment to send Hoover to Mississippi in order to smooth things over with whites in the state who distrusted the federal government but loved the FBI chief.¹⁰ At least that was the outward appearance.

When Hoover returned to D.C., he wrote an eight-page memorandum about his visit for Walter Jenkins, Special Assistant to the President. Part of his agenda, Hoover noted, was to provide Governor Johnson advice on dealing with the Ku Klux Klan as well as the names of Klan members in Mississippi. The Governor responded by asking the FBI to train as many as five state highway patrolmen to help avoid future racial violence, which Hoover agreed to do

⁹ April 24, 1964, 3:05 p.m., Marshall and Patterson, Telephone Recordings, Marshall Papers, Box 8, JFKL, pp.1-2.

¹⁰ Jerry DeLaughter. "FBI Director Tells Plans For Our State: No Protection Planned for CR Workers Here." *Clarion-Ledger*, July 11, 1964. "Human Rights—Equality of the Races: States cont." folder, Civil Rights During the Johnson Administration, Part 1, White House Central Files, Box 26, reel 7 of 15, microfilm 1:3047, p.74, LBJL; Jerry O'Leary. "Popular Hoover Eases Mississippi Tension." *Evening Star*, July 11, 1964. "Human Rights—Equality of the Races: States cont." folder, Civil Rights During the Johnson Administration, Part 1, White House Central Files, Box 26, reel 7 of 15, microfilm 1:3047, p.74, LBJL.

with the upcoming class of agents. “Governor Johnson was most outspoken in deploring the violence which had occurred in his state. He emphasized that as long as he sat in the Governor’s chair, ignorance, hatred and prejudice would not take over in his state.”¹¹ Johnson’s message to Hoover repeated the themes of his inaugural address and shared a similar goal: the acknowledgement of federal authority and the rejection of hard-line resistance to civil rights in order to lessen federal interference in the affairs of the state.

After meeting with Johnson, Hoover went to see Patterson, who introduced his staff and immediate family.

During our conference, Attorney General Patterson and I discussed the necessity for strong cooperation in law enforcement. He advised of his view that compliance with the law of the land is essential, even though full compliance may be disagreeable in some local quarters. The Attorney General promised that the facilities of his office would be used to the fullest in maintaining law and order.

Hoover also noted in his report to Jenkins that he gave some of the leaders he had met with a chance to speak at the unveiling of the new office, including Governor Johnson and the Attorney General. “The theme of their remarks, as widely reported by the news media, was that compliance with the new civil rights law is essential regardless of the ill feeling toward this legislation among some elements of their state. Violence was condemned, and lawlessness was deplored as characterizing backwardness and ignorance.”¹² Hoover seemed impressed by the people he met in Jackson.

Finally, the head of the FBI mentioned a meeting that did not make the newspapers. He took about thirty minutes to speak with Charles Evers, brother of slain civil rights activist Medgar Evers, about the violence in the state, threats to Evers’ life, and his inability to meet with

¹¹ Memorandum, J. Edgar Hoover to Walter Jenkins, July 13, 1964. “Human Rights—Equality of the Races: States cont.” folder, Civil Rights During the Johnson Administration, Part 1, White House Central Files, Box 26, reel 7 of 15, microfilm 1:3047, p.74, LBJL, pp.1-2.

¹² Memorandum, Hoover to Jenkins, July 13, 1964, Civil Rights, Part 1, Box 26, LBJL, pp.3-4.

Governor Johnson or Mayor Thompson. An attempt to appease a visible member of the civil rights community, Hoover's time with Evers went unnoticed and left the stickier issues of enforcing the new Civil Rights Act up in the air.¹³ For the FBI director, talking to white leaders about the maintenance of law and order was easy, but actively bringing about social change through the law was a different matter, as was obvious from his unwillingness to protect civil rights participants.

Patterson and Governor Johnson could not have been happier with Hoover's visit, but they continued to face dilemmas on how to deal with Freedom Summer, especially after the bodies of three civil rights workers were recovered near Philadelphia, Mississippi. James Chaney, Michael Schwerner, and Andrew Goodman had disappeared just weeks before Hoover visited the state. While everyone knew to expect the worst, their gruesome murders shocked both whites and blacks. According to Patterson's son, the Attorney General, who had been in the hospital for gall bladder surgery, was "distraught...certainly in control, but extremely, extremely upset" by what had happened and worried about further Klan violence. Historian John Dittmer has argued that "the killings were decisive in persuading the state's white elite that continued violent resistance to federal law would lead to political anarchy and economic devastation."¹⁴ In fact, white leaders in the state had recognized that total defiance was a losing cause several years earlier, but these deaths had a momentous impact nonetheless.

Governor Johnson later told an interviewer that his administration had expected something like that to happen due to the resurgence of the Klan but they did not have any idea when or where. Yet, due to "infiltration in the Klan," Johnson claimed that he had known the perpetrators and that they had not wanted to kill the three men.

¹³ *Ibid*, pp.5, 7.

¹⁴ John Dittmer. *Local People: The Struggle for Civil Rights in Mississippi*. Chicago: University of Illinois Press, 1994, pp.247-248, 282; Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi.

Actually, one thing that is not known to the people anywhere in this country is that these klansmen—of course I knew them very well; most of them had supported me when I ran for governor...—did not actually intend to kill these people....What they were going to do, they were going to hang these three persons up in a big cotton sack and leave them hanging in the tree for about a day or a day and a half, then come out there at night and turn them loose. They thought that they'd more or less scare them off. While they were talking this Negro, the Negro boy from over at Meridian, he seemed to be the ringleader of the three....He was acting kind of smart aleck and talking pretty big, and one of the klansmen walked up behind him and hit him over the head with a trace chain that you use, you know, plowing and that sort of thing....The chain came across his head and hit him just above the bridge of the nose and killed him as dead as a nit. After this boy had been killed, then is when they determined, "Well, we've got to dispose of the other two."¹⁵

In that recollection, Johnson blamed the victim and cast doubt on whether anyone would ever be punished for the crime, and there were plenty of whites in the state who agreed with that logic but who also laid much of the blame at the feet of the federal government.

Never one to fawn over the actions of the Justice Department, Joe Patterson issued a press release condemning the actions of the then Acting U.S. Attorney General, Nicholas Katzenbach, in prosecuting the murders. Patterson specifically accused Katzenbach of attempting "to try a pending lawsuit in the press" after he read news reports that quoted Katzenbach about the likely fates of the killers: "The F.B.I. knows who they are but they will never be brought to trial because no Neshoba County, Mississippi, jury would convict them."¹⁶ The state's Attorney General wanted to correct that notion.

Patterson claimed that Circuit Court Judge O.H. Barnett of Neshoba County had asked the Justice Department to present its evidence on the case to a grand jury but it refused to do so because it was appearing that day in front of a federal grand jury in Biloxi. From Katzenbach's other comments, however, Patterson assumed that he would make available all evidence to the

¹⁵ Paul B. Johnson, interviewed by T.H. Baker, September 8, 1970, Hattiesburg, Mississippi, LBJL. Civil Rights During the Johnson Administration, Part 3, Oral Histories, reel 2 of 3, microfilm 1:3047, pp.29-33.

¹⁶ Press Release, Joe Patterson, November 9, 1964. "Correspondence: U.S. Attorney General (Nicholas deB. Katzenbach) 1966" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7517, MDAH, p.1.

next grand jury in Neshoba County. According to a letter that Patterson released from Katzenbach,

the Department of Justice “desires to give the fullest possible cooperation to state and local law enforcement officials,” and [he] went further to say—“The Department is not yet in a position to release such information as it has developed in its investigation of the circumstances surrounding these deaths.” Mr. Katzenbach concluded his letter by stating—“I can only offer you my assurance that the Department will fully cooperate with state and local officials on this matter as soon as it can do so consistently with its federal obligations.”

Patterson believed that the Justice Department ought to hand over its evidence and give the Neshoba County grand jury a chance “instead of taking to the newspapers from his Washington office and indicting and convicting the people of Neshoba County without benefit of trial.” From a historical perspective, it was not a far leap for Katzenbach to think that there was little chance for the murderers of Goodman, Schwerner, and Chaney to face justice, and those few men who eventually went to prison at the time did so under the auspices of federal civil rights violations. That is until Edgar Ray Killen was convicted of their murders on June 21, 2005, and sentenced to sixty years in prison.¹⁷ But, for Patterson, what he claimed as the negligence and disregard for state law exhibited by the Justice Department was nothing new, and he used it to push Mississippi’s legal interests in regards to the civil rights movement.

In the same press release where he took issue with Katzenbach’s handling of the Goodman, Schwerner, Chaney case, Patterson came to the defense of his old friend, U.S. District Court Judge Harold Cox, who had made a name for himself during the Meredith crisis. Cox stirred up his own legal troubles when he openly bashed “the leaders of mass racial demonstrations,” particularly the Congress of Racial Equality (CORE), during a trial on discrimination in voter registration. Cox’s comments made the newswire after “he expressed

¹⁷ Press Release, Patterson, November 9, 1964, MAGO, Box 7517, MDAH, pp.1-2; Shaila Dewan. “Ex-Klansman Guilty of Manslaughter in 1964 Deaths.” *New York Times*, June 22, 2005.

agreement with Mississippi Atty. Gen. Joe Patterson, who said, ‘this is just another deliberately planned and created unsatisfactory condition...provoked to predicate a complaint in this court.’ Patterson said, ‘agitation by outsiders is at the bottom of this whole thing.’” During the trial, Cox declared that “it appears that these people went into a church and were whipped into a frenzy by a leather-lunged preacher....Then they gathered in the streets like a massive dark cloud stretching for blocks....They shouldn’t have been surprised when the registrar couldn’t serve all of them right away.” Cox went on to assert that, when waiting, the “‘undoubtedly qualified should be placed at the front of the line. Put the less intelligent ones to the rear so they won’t slow up the process for everyone.’” After those less than sympathetic comments, Cox upheld the right of registrars in Mississippi to resist Justice Department efforts to bring about voting equality, but Katzenbach appealed that ruling to the Fifth Circuit.¹⁸

The appeals court ruled in favor of the Justice Department, and soon Cox was forced to oversee the registration of black voters. That decision did not temper Patterson’s feelings, who complained again about quotes from Katzenbach. This time the U.S. Attorney General’s comments appeared in a *Time Magazine* article on November 6, 1964. Patterson declared that Katzenbach wrongly described Judge Cox and two other district judges from the South and indicated that Katzenbach’s argument with them was that “these new district judges do not see fit to jump through the hoop when the U.S. Attorney General cracks his whip. I will not comment further on this case out of deference to the Fifth Circuit Court of Appeals, before whom this case is now pending.”¹⁹ Over many years, Patterson had developed an adversarial relationship with the Justice Department, but one of his stiffest legal challenges soon arose from a civil rights

¹⁸ Bill Simpson. “Race Agitators Lashed in U.S. Court Hearing: Cox Firmly Opposes Vote Discrimination.” *Clarion-Ledger*, March 8, 1964. “College Board—James Meredith 1954-1972” folder, Minor Papers, Box 2, MSU; Dittmer, *Local People*, pp.180, 223.

¹⁹ Press Release, Patterson, November 9, 1964, MAGO, Box 7517, MDAH, p.3; Dittmer, *Local People*, pp.180, 223.

organization: the Mississippi Freedom Democratic Party (MFDP). It would also be one of his biggest victories in the name of white prerogatives in the state.

As part of Freedom Summer, the MFDP prepared to challenge the seating of the state's all-white delegation to the 1964 Democratic National Convention in Atlantic City. The group took its challenge all the way to the credentials committee where a series of civil rights proponents and MFDP members testified how the regular state Democratic Party had systematically disfranchised blacks since Reconstruction—a seemingly indisputable fact. Most famously, Fannie Lou Hamer described for a national television audience how she had been beaten in Winona for her efforts. Although President Johnson attempted to preempt her remarks, the networks would re-air them during prime time. Nevertheless, the MFDP's efforts at the Convention would be defeated, thanks in no small part to the testimony of Joe Patterson and one of his Assistant Attorneys General, Rubel Griffin.²⁰

Griffin began with remarks on his relationship with Patterson, “a true loyal Democrat, who I know has campaigned for the nominees of this Convention through the last three elections.” Griffin asserted that he was a loyal Democrat as well and talked about his own impoverished childhood on a cotton farm. He was a New Deal Democrat because of what he saw Franklin Roosevelt do for his family and others during the Great Depression. In defense of those whites whom Joseph Rauh described as “traditional Democrats,” Griffin described a law passed in 1950 that did not allow any group to take the name of an already established political

²⁰ Chana Kai Lee. *For Freedom's Sake: The Life of Fannie Lou Hamer*. Urbana: University of Illinois Press, 1999, pp.85-102.

party—a statute upheld by the U.S. Supreme Court.²¹ It was a legal, *color-blind* argument advocated by Griffin and Patterson during their testimony.

As far as the rule of law went, Griffin claimed that the MFDP had not submitted any of the information that a political party must provide: “the names of your Executive Committeemen, the Chairman and Secretary thereof, and...who all your people are, your Presidential electors, your State Executive Committee, and what have you.” Instead, the MFDP filed its petition with Mississippi’s Secretary of State, Heber Ladner, before it

even formed a party yet...In all deference to them, ladies and gentlemen, I beseech you to look at this. Now, this thing [the MFDP] was formed for one purpose according to its own contents; it is not formed for the purpose of having another political party in the State of Mississippi. It is formed for a purpose of having a group to represent the State of Mississippi with a National Democratic Party and for no other purpose.

And, that was against the law in his mind since only a duly constituted organization could represent a political party and because there was already an officially recognized Democratic Party in the state. With a personal attack, Griffin then cast doubt on the veracity of Hamer’s story and described it as “pitiful.” In Griffin’s opinion, she was simply trying to legitimize her Congressional campaign against Jamie Whitten, in which she had received hardly more than 600 votes to Whitten’s 35,000.²² That argument ignored the type of discrimination that kept thousands of African Americans away from the polls and that the MFDP was fighting, but, for the Democratic National Convention’s Credentials Committee, Griffin’s argument was at least partly persuasive.

By the time Patterson took the stand, he had little left to say but did testify to the loyalty of the regular Mississippi Democratic Party and referenced Paul Johnson’s promise not to

²¹ Testimony, Rubel Griffin, August 22, 1964. *Partial Proceedings of the Democratic National Convention 1964, Credentials Committee, Atlantic City, New Jersey*. “Democratic Party, Democratic National Convention, 1964, Proceedings of 1964” folder, Rauh Papers, Box 29, LOC, pp.79-84.

²² Testimony, Rubel Griffin, August 22, 1964, *Partial Proceedings*, Rauh Papers, Box 29, LOC, pp.84-87.

support the Republican Barry Goldwater or anyone other than the Democrat's national ticket. He also took the time to refute an allegation by Congressman Robert Kastenmeier of Wisconsin that Patterson was a "member of Governor Paul Johnson's cabinet." Rather, Patterson noted, "the Attorney General of the State of Mississippi is elected, just like the Governor, and we don't always vote for the Governor that gets elected, either." A reference to his conflict with Johnson over the Meredith crisis, Patterson left it to be assumed that he voted in the 1963 gubernatorial election for his friend, James P. Coleman. With that said, the Attorney General added that that statement did not mean he was "disassociating myself from Governor Johnson, none whatsoever."²³ Despite Patterson's attempt to present a united front on MFDP matters, Governor Johnson turned his back on the promises of his inaugural address and linked himself once again to the forces of uncompromising white resistance.

In a statewide televised address three days after the MFDP's hearing, Governor Johnson distanced himself from the national party although he credited it for essentially saving the South after Reconstruction. "As of tonight, my friends, I say to you that we have now paid that debt in full." Recognizing that Mississippi had never voted Republican but always Democratic, Johnson derided that "self-appointed group which pompously calls itself the 'Mississippi Freedom Democratic Party,' together with certain outside left-wing ethnic, religious and other organizations [that] have undertaken to malign and abuse the people of Mississippi and have charged that in the past we have been unfaithful or traitors to the national Democratic Party."²⁴ Despite the state's electoral history, Governor Johnson was prepared to ask the state's voters to support someone other than Lyndon Johnson for President.

²³ Testimony, Joe Patterson, August 22, 1964. *Partial Proceedings of the Democratic National Convention 1964, Credentials Committee, Atlantic City, New Jersey*. "Democratic Party, Democratic National Convention, 1964, Proceedings of 1964" folder, Rauh Papers, Box 29, LOC, pp.109-110.

²⁴ Address, Paul B. Johnson, August 25, 1964. "Johnson, Paul B. Jr. 1947-1964" folder, Minor Papers, Box 7, MSU, p.1.

Reminiscent of Ross Barnett's racist style, the Governor asserted that Mississippi would not be "a haven for the maladjusted unproductive flotsam of Europe and Africa and the communistic hordes of the world who seek to overrun and then to destroy us." He belittled the 1964 Civil Rights Act and made no apologies for the state's dedication to segregation.

An underground assault is being waged against us by the welfare-staters, the Beatniks, the Communist-front agitators, the ethnic and socio-religious groups of the country which, with the aid of an uninformed northern press, have done everything in their power to malign the fine people in Mississippi by producing a dishonest, distorted and completely erroneous mental image of our great state and of our citizens.

Without a trace of irony in his voice, he described Reconstruction as an event that was the "most tragic and most brutal ever heaped on an enslaved people by a merciless conqueror." Confronted with a second Reconstruction, he asked the state's electorate to support Goldwater for President, which it would ultimately do. Before the Voting Rights Act brought masses of black voters to the polls, Goldwater carried all of the state's electoral votes.²⁵ Johnson's emotional plea had its intended effect, but it did not sway Patterson who remained loyal to the Democratic Party throughout his career and had a larger problem to deal with in terms of the MFDP.

Although it did not accomplish its goal at the Democratic National Convention, the MFDP was not about to relent with its outstanding challenge to Mississippi's all-white Congressional delegation. With a slate of people who ran and lost in the general election, the MFDP claimed that illegal discrimination explained why those candidates fared so poorly, and it could point to the Freedom Election that it had held during the summer to show how black voters might have swayed the results if they had been allowed to exercise their constitutional rights. The MFDP took that challenge directly to the U.S. House of Representatives.

²⁵ Address, Johnson, August 25, 1964, Minor Papers, Box 7, MSU, pp.1-4; George Tindall and David Shi. *America: A Narrative History*. Seventh Edition. Volume Two. New York: Norton, 2007, p.1248.

In her official “intention to contest” the election results in the Second Congressional District of Mississippi, Fannie Lou Hamer accused Jamie Whitten of being “purportedly nominated by the ‘regular’ Democratic Party of Mississippi from which Negroes are and have been regularly and systematically excluded by illegal and unconstitutional registration and election procedures, and by intimidation, harassment, economic reprisal, property damage, terrorization, and violence.” To supplement that argument, Hamer’s attorneys—and those of the other MFDP contestants—submitted the severe fluctuation in numbers of registered black and white voters over the previous seventy years. In 1890, white voters totaled 118,870 in the state, while blacks represented a significant majority with 189,884 registered voters. By 1961, the number of white voters had climbed to 500,000, while black numbers had dropped precipitously to 23,801. The MFDP showed how that massive shift was due to specific acts of intimidation. Along with the other MFDP candidates, Hamer sought to rectify that past and asked to be seated in Congress immediately as the only democratically elected officials from the state.²⁶ The U.S. House of Representatives prepared to have a full hearing on those charges.

Obviously, Hamer and the MFDP meant business. They even travelled to Washington, D.C., before the hearings to meet with supporters as well as various governmental agencies, including the Departments of Justice; the Post Office; Agriculture; Labor; Defense; Health, Education, and Welfare; the FBI; and the Public Housing Administration. Of course, Joe Patterson headed the state’s defense team and did not take the MFDP lightly. In a speech to the Natchez Kiwanis Club, he reminded white constituents that “Mississippi is a law abiding state and will continue to be a law abiding state even though some of the laws maybe distasteful to some of its citizens....Mississippians have the alternative of abiding by the laws in their own

²⁶ Notice of Intention to Contest Election Pursuant to Title 2 U.S.C. Sec. 201, Fannie Lou Hamer to Jamie Whitten, undated. “Mississippi Freedom Democratic Party, 1964-68” folder 13, King Papers, Box 2, Ole Miss, pp.1, 7-9.

way through their own officials or through enforcement by strangers.”²⁷ Patterson knew that renewed talk of defying federal authority was fruitless. Instead, the Attorney General prepared as usual to defend the state’s congressional delegation through all the legal means available to him.

In search of possible avenues for the defense, Patterson asked the state’s Congressmen to assist in his research and appointed James P. Coleman to serve as additional counsel. Along with B.B. McClendon, who had been hired by the lone Republican Congressman from the state, Prentiss Walker, the three-member defense team scoured records for all manner of arguments. William Colmer, who represented Mississippi’s Fifth District, had his secretary, Waller Batson, send the Attorney General a “memo on the laws readmitting the Southern States to representation in Congress” after Reconstruction. Batson was looking into whether those laws were “ever repealed or officially nullified” and whether “all of the Southern States [had] changed their Constitutions with reference to the qualifications for voting since 1870.” Batson commented that Mississippi was one of ten states readmitted with the condition ““that the constitution of Mississippi shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized.””²⁸ And, that was the salient point—whether state law had disfranchised thousands of black Mississippians—in what was going to be a pitched battle.

In search of a possible legal loophole, Batson included another page with his memo entitled “Some Pertinent Precedents on House Contests.” Most significantly, in contested

²⁷ *MFDP Schedule for Citizens of Mississippi Interested in Visiting Government Agencies*, undated. “Mississippi Freedom Democratic Party, 1964-68” folder 13, King Papers, Box 2, Ole Miss, pp.1-2; “Patterson Says, State Must Abide or Be Forced To.” *Jackson Daily News*, December 11, 1964. “Mississippi—Image” folder 11, Cox Papers, Box 4-A, MSU.

²⁸ Letter, Waller Batson to Joe Patterson, December 18, 1964. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU; Memorandum, Waller Batson to Joe Patterson, December 18, 1964. *Memo on Laws Readmitting Southern States to Representation in Congress*. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU.

Congressional elections, “Cannon’s Precedents” held that the Supreme Court and not Congress should be deciding such matters, and, in another entitled “Hinds’ Precedents,” the U.S. House of Representatives was obliged to admit a member who presented the appropriate credentials from a Congressional district “and whose qualifications are unquestioned.”²⁹ Both were arguments that Patterson pressed, but the Hinds’ Precedent posed a particular problem since the MFDP definitely questioned the qualifications of the Mississippi delegation.

In December 1964, Colmer wrote to Coleman and grasped for means to see the charges dismissed. In particular, he felt that he had not been legally served with the papers from the MFDP challenge; they had simply been left for him to find. As far as he knew the rest of the delegation had been similarly notified of the MFDP contest. Nevertheless, he and his fellow Representatives from the state were planning to meet at his office on Tuesday, December 29, “to decide upon our strategy for personally contacting the proper Congressional people.” Coleman and Patterson immediately made reservations for the Congressional Hotel in Washington, D.C., for December 28.³⁰ By New Year’s Eve, they had an official statement ready to refute all of the charges.

Thomas Abernethy, who represented the state’s First District, which included the Attorney General’s hometown, issued his seven-page response to the accusations by the MFDP candidate running against him, Augusta Wheadon. Signed by Abernethy, Patterson, and Coleman, it laid out in bullet point why the MFDP challenge should be dismissed:

1. Wheadon did not give an address where in turn she could be served with papers.

²⁹ Memorandum, Waller Batson to Joe Patterson, December 18, 1964. *Some Pertinent Precedents on House Contests*. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU.

³⁰ Letter, William Colmer to James P. Coleman, December 18, 1964. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU; Letter, Charles Griffin to James P. Coleman, December 23, 1964. “Freedom Democratic Party Challenge Mississippi Election Contest 1964-65” folder 1 of 3, Griffin Papers, Box 78, MSU.

2. Notice of the contest was not properly served on Abernethy. It was just dropped off.
3. Wheadon was not a candidate for Congress in any of the elections and, thus, “by its own terms, your purported contest is not a contest [original emphasis].”
4. There were no allegations of “fraud or deceit” in the actual elections.
5. The contest did not claim that Wheadon won the majority of votes and should be elected to office.
6. Any further pursuit of this contest would be a waste of time and money for the U.S. House of Representatives.
7. According to Cannon’s Precedents, the proper place for such a challenge was in the Supreme Court, which in fact was already hearing a related case in *U.S. v. Mississippi*.³¹

And, some of those charges were factually correct, but they missed the spirit of the MFDP challenge. After all, Wheadon did not have grounds to charge fraud during the election and had not been an official candidate because she had not been allowed on the ballot.

Each member of the state’s delegation used Abernethy’s response nearly verbatim. Repeating the primary themes, John Bell Williams added his own take on the argument that Mississippi’s voting laws were in violation of the Reconstruction-era agreement between Congress and the state. Under the “Compromise of 1870,” African Americans had to be given equal and free access to the voting rolls, and in return the state would be readmitted to the Union, officially ending Reconstruction and federal occupation. But, Williams claimed that that deal had been long held “null and void.” More to the point, he rejected the argument that he personally had had anything to do with discriminating against blacks. In reality, Williams argued, there was not any proof that such discrimination existed in the first place.³² With their cases laid out, as implausible as they might have been, Mississippi’s Representatives prepared for the opening session of the 89th U.S. Congress.

³¹ *In the Matter of the Purported Contest of the Election of Thomas G. Abernethy from the First District of Mississippi Answer of Thomas G. Abernethy to Augusta Wheadon, Address Unknown*. December 31, 1964. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss, pp.1-2.

³² *In the matter of the Purported Contest of the Election of John Bell Williams from the Third District of Mississippi Answer of John Bell Williams to Evelyn Nelson, Allen Levi Johnson, and Mildred C. Cosey, Whose Addresses Are Not Stated in Their Purported Notice of Contest*. December 31, 1964. “Freedom Democratic Party Challenge Mississippi Election Contest 1964-65” folder 1 of 3, Griffin Papers, Box 78, MSU, pp.5-6.

On January 3, 1965, members of Congress were welcomed to the Capitol by nearly 600 black Mississippians who had traveled to support the MFDP challenge, and, when Speaker of the House John McCormack began the roll call, William Fitts Ryan of New York rose to protest the seating of Thomas Abernethy. More than sixty U.S. Representatives joined Ryan in that dissent and forced McCormack to ask all of the Mississippi delegation to wait to be seated until after the rest of Congress had been sworn in. Once that took place, Carl Albert of Oklahoma moved that the MFDP challenge be recognized as legitimate but that William Colmer, John Bell Williams, Prentiss Walker, Jamie Whitten, and Thomas Abernethy all be seated until a full hearing could be conducted. That resolution passed the House by a vote of 276 to 149.³³ The state's all-white delegation had been seated for the time being, but it faced a legitimate threat with the Committee on House Administration prepared to hear the MFDP's accusations.

Happy with the job Patterson, Coleman, and McClendon had done, Mississippi's Congressmen prepared themselves for the next several months of depositions. In a note to John Bell Williams a few days later, Patterson expressed his pleasure to have been able to help, "however I deeply regret the occasion for my being in Washington." The Attorney General was astonished by what had taken place. "To me, the fact that more than one-third of the membership of the House of Representatives would vote to deny the State of Mississippi representation on the floor of the House of Congress presents a cause for deep concern on the part of every Mississippian." He thought that the entire delegation was doing a great job even though most folks back home did not realize it, but he was not about to sit on his laurels and wait for the MFDP's next move.³⁴ He was proactively looking for ways to counter the challenge.

³³ Robert E. Luckett, Jr. "Annie Devine: A Mother in and of the Civil Rights Movement." *Journal of Mississippi History* 70, no. 3 (Fall, 2008): 265-288, pp.273-276.

³⁴ Letter, John Bell Williams to Joe Patterson, January 6, 1965. "Freedom Democratic Party Challenge Mississippi Election Contest 1964-65" folder 1 of 3, Griffin Papers, Box 78, MSU; Letter, Joe Patterson to John Bell Williams,

In a letter and memorandum to his defense team and to the rest of the delegation, Colmer felt that they ought to propose a motion to dismiss all charges based on the “Kirwan resolution.” In January 1941, Locke Miller in the Nineteenth Congressional District of Ohio challenged the seating of Michael J. Kirwan, but Miller had his challenge rejected because he had not been a candidate against Kirwan in the general election but only in the Democratic primary. In that case, the House found that Miller was not “a person competent to bring a contest for a seat in the House.” Patterson agreed that “Kirwan” undermined any notion that the MFDP had a legitimate cause. “Personally, I think that just as soon as the Committee on House Administration has been appointed and organized we should proceed with a Motion to Dismiss whenever you Members of Congress think the time is ripe for such Motion.”³⁵ With that in mind, the state’s Congressmen launched a full-scale public assault on the MFDP.

In January, each member of the delegation sent letters to his constituents. John Bell Williams addressed his as “Dear Friend” and spoke about the hundreds of depositions that the MFDP planned to take, including subpoenas of Patterson, Coleman, McClendon, and each Representative. Williams praised the delegation’s lawyers and, in a nod to concerns expressed by hard-line segregationists, argued that those three men had been chosen to represent the state’s Representatives because they were “familiar with the Federal statutes,” not out of “partisan, factional or political considerations or motivations.” More to the point of the MFDP challenge, Williams emphasized that “it is extremely important that no incidents occur at the deposition

January 12, 1965. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU.

³⁵ Letter, William Colmer to Joe Patterson, January 12, 1965. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU; Memorandum, William Colmer to Joe Patterson, undated. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU, pp.1-2; Letter, Joe Patterson to William Colmer, January 21, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss.

sessions and I hope that can be impressed on all citizens.”³⁶ The state’s white leaders knew that there was a real chance of violence in the state, which Thomas Abernethy speculated would be welcome by the MFDP.

Abernethy vented to Coleman and Patterson about an article in the Memphis *Commercial-Appeal* that reported twenty-six unnamed members of the House had asked Attorney General Katzenbach to protect the volunteer lawyers working for the MFDP challenge in Mississippi. Led by William Ryan who had been the first to object to the seating of Abernethy, the group pointed to the murders of Goodman, Schwerner, and Chaney the previous summer and requested that the U.S. Marshal Service and the FBI look after the workers. Abernethy suggested to Patterson that the MFDP wanted an “incident” like Goodman, Schwerner, and Chaney because of the publicity and the money it would raise. “It was stated in a COFO meeting in Mississippi that, unless they had an incident, they would have to create one in order to refurbish their depleted bank account. How true this is, I don’t know. On the other hand, it has come from a very good source.”³⁷ Abernethy did not name that source, probably because it was little more than rampant speculation.

Abernethy was less frank in a letter to “the lawyers and legislators of our District.” There, he noted that the Mississippi delegation had been seated but that the contest was under investigation. Patterson, Coleman, and McClendon had been notified about testimony hearings throughout the state and were prepared to defend “the laws of the State of Mississippi, beginning

³⁶ Letter, John Bell Williams to “Friend,” January 27, 1965. “Freedom Democratic Party Challenge Correspondence 1964-65” folder, Griffin Papers, Box 78, MSU; *Writ of Subpoena*, House of Representatives Congress of the United States to Joe Patterson, January 15, 1965. “Freedom Democratic Party Challenge Depositions 1965” folder 1 of 4, Griffin Papers, Box 78, MSU, pp.1-3; Memorandum, Thomas Abernethy to unnamed. January 18, 1965. “Freedom Democratic Party Challenge Mississippi Election Contest 1964-65” folder 1 of 3, Griffin Papers, Box 78, MSU.

³⁷ Letter, Thomas Abernethy to James P. Coleman, January 27, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss; “Protection Is Sought: Congress Is Asked to Send Agents to Mississippi.” *Commercial-Appeal*, January 23, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss.

with 1890, [which] are charged to have been written for the purpose of disenfranchising the Negro. Since we had no opponents in the general election, evidence on these matters should not be pertinent.” Abernethy asked for patience, since the depositions, along with time for rebuttal from both sides, were going to take the better part of the next several months. He apologized for the photocopied form letter but thanked the Mississippi Bar Association for all of its help.³⁸ The state’s delegation sought to capitalize on all of its powerful connections, even those supposedly working for the public good, both black and white.

In a letter to the state’s Representatives as well as the defense team and “All Commissioners and Officers of the Mississippi State Bar,” the President of that organization, Earl Thomas, revealed the seriousness with which the white elite in the state were taking the challenge. As he saw it, the MFDP sought to undermine “the very integrity and efficacy of Mississippi’s election procedures and the election of the entire Mississippi Congressional delegation.” Through his capacity as President, each member of the Bar Association “was alerted to, and was shocked at, the gravity of the question at hand” and had been asked to be ready to serve the delegation. If Patterson and his staff got too busy, other members of the Bar had agreed to take their cases and help with depositions. Along the lines of Abernethy’s concerns, Thomas encouraged people to avoid any confrontation with the MFDP for fear of more media presence. “All of us realize that the very life of Mississippi is at stake, and all of us want both of you and Bill, Tom, John Bell and Prentiss and your respective counsel to know that we want to aid, and will aid, in any manner thus requested, not only for our State but also for our

³⁸ Letter, Thomas Abernethy to “Friend,” undated. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss.

valued and long-standing friends.”³⁹ That offer represented a significant amount of support that would be hard for the MFDP to match.

In an effort to push its cause nationally, the MFDP sent form letters to other Congressmen to ask for support in the challenge and pointed out that only 6.6% of eligible black voters were registered in the state. More significantly, the MFDP referenced the murders of Goodman, Schwerner, and Chaney who had been working for voter rights. “We know that officials of Mississippi are implicated in this heinous crime.”⁴⁰ For some, that was one step too far, and Congressman Chester Mize of Kansas forwarded that letter, signed by Augusta Wheadon, to Abernethy, who revealed some of his true feelings to his colleague in the House.

When Abernethy responded to Mize, he blind-copied his letter to Patterson as well as Coleman:

We never heard of Augusta Wheadon until the so-called contest was filed and prosecuted by their attorneys, some of whom have definitely been card-carrying communists, others connected with numerous communist front organizations who have consistently opposed the UnAmerican Activities Committee, another who actively pressed for clemency for Ethel and Julius Rosenberg, the convicted atom bomb spies....After much searching we found Wheadon to be a resident of Columbus, Mississippi; she has long been a registered voter and has had no trouble either registering or voting. Neither she nor anyone else, white or black, filed as a candidate against me, or even attempted to file.

While he admitted that Mississippi had its problems like all places, Abernethy added that it had the lowest crime rate in the nation per the Department of Justice’s statistics. In terms of the Goodman, Schwerner, and Chaney murders, Abernethy attempted to debunk Wheadon’s argument and proposed that

voting, as she says, had nothing to do with it. They were in the little town of Philadelphia for other reasons. I think you would agree that if three

³⁹ Letter, Earl Thomas to Jamie Whitten and James P. Coleman, January 22, 1965. “Freedom Democratic Party Challenge Mississippi Election Contest 1964-65” folder 1 of 3, Griffin Papers, Box 78, MSU, pp.1-2.

⁴⁰ Letter, Augusta Wheadon to Chester Mize, February 13, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss.

Mississippians invaded Harlem for the purpose of “redoing” the Harlemites they would not make it through the first block. I do not say this to justify what happened. Not at all. I am only making a comparison of how some human beings act and their kind can be found in every state.

Thankful for a copy of Wheadon’s letter, Abernethy concluded by doubting that she had composed it.⁴¹ He and the rest of the delegation resorted to similar public and private denunciations of the MFDP throughout the entire contest.

By springtime, the Congressional hearings on the challenge were several months away, and the delegation continued its public onslaught to discredit the MFDP. On March 4, 1965, Abernethy issued a statement. “Contrary to the views of many, the effort to unseat Mississippi’s Delegation in the U.S. House of Representatives was instituted in all seriousness,” and he emphasized that “the contest has been vigorously pressed by an effectively organized group of radicals and political bandits. Money is of no consequence. They have it to burn and the source is unknown.” Furthermore, he suggested that the blacks who travelled to D.C. had their entire way paid for and that many were not even from Mississippi.⁴² As was common for segregationists, Abernethy engaged rumor and innuendo to attack his opponents, which in turn indicated his misinterpretation of the popular nature of the challenge amongst blacks in the state.

On the other hand, Abernethy claimed that the delegation was dealing with a shoe-string budget. While the group had hired Coleman to serve as its “Chief Counsel” along with Patterson, who was pressed into service by the obligations of his office, it only had one staff member for its headquarters in Jackson during the three weeks that depositions were being taken. He also indicated that McClendon’s full support as the attorney for the Mississippi Republican Party showed that “political lines were completely dropped....This, indeed, signified that the

⁴¹ Letter, Thomas Abernethy to Chester Mize, February 18, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss, pp.1-2.

⁴² Press Release, Thomas Abernethy, March 4, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss, p.1.

political ranks had ‘done’ been closed.” Although he portrayed a united front at least amongst whites in the state, Abernethy argued that the MFDP “contest bears every mark of having originated in New York, or New Jersey, or California or some other way-off place, and not among the people of our State, colored or white.” And, he pledged to keep fighting.⁴³ In addition to Abernethy’s rhetorical flourishes, Patterson, Coleman, and McClendon had developed a stout defense.

One of the cruxes in that defense was the assertion that the MFDP had improperly deposed many of the subpoenaed witnesses. After being served with the MFDP’s intent to depose another forty-eight people in late March, Patterson, McClendon, and Coleman claimed that, according to the guidelines established by the House of Representatives, the right to take depositions officially ended on February 13, 1965. Because of that reason, the defense team said that it would not participate “and at the proper time shall move to strike this and other unauthorized and immaterial matter from the record.”⁴⁴ In terms of the MFDP’s case, it was a crucial point. Without overwhelming testimony, it was unlikely that the MFDP would unseat the Mississippi delegation.

By April, the matter had not been clarified when Mississippi Assistant Attorney General Rubel Griffin wrote to John Bell Williams’ administrative assistant. Griffin wanted to let Williams know that some of the presiding officers over the depositions had not been given transcripts of that testimony, “as provided by statute. It is my thought that these so-called contestants, who feel at liberty to ignore whatever laws might work to their disadvantage, may be selecting what transcripts they want and ignoring others, or possibly trying to file them without proper certification.” Williams’ assistant, Charles Griffin (no relation to Rubel) thanked him for

⁴³ Press Release, Abernethy, March 4, 1965, Abernethy Papers, Box 260, Ole Miss, pp.1-2.

⁴⁴ Press Release, Joe Patterson, James P. Coleman, B.B. McClendon, March 29, 1965. “Freedom Democratic Party Challenge Depositions” folder 4 of 4, Griffin Papers, Box 78, MSU.

that information and said that he had “been wondering whether certification had been sought of our presiding officers.” He then noted “that the testimony is to be presented to the Clerk of the House on April 28. Quite naturally, they are going to have a church rally prior to that date in an effort to whoop up local interest which might come to the attention of Members of Congress.” Charles Griffin suggested simply that the Mississippi delegation let the Clerk of the House know that the MFDP had “not complied with the law....However, it might be well to wait until they have presented their testimony to the Clerk and then we would have a basis for contending that they admit that they are not competent and legal contestants.”⁴⁵ Rubel Griffin was intrigued and looked further into the strategy.

After he spoke with several of the presiding officers throughout the state, the Assistant Attorney General confided in Williams’ aide that “in each instance there has been no contact made by the so-called contestants with these people, therefore, it definitely appears that they intend to file these transcripts without the benefit of such certification.” Rubel Griffin insisted that their motives for doing so were “obvious. The statute provides that the transcripts be forwarded by the presiding officers to the Clerk of the House of Representatives and with the transcripts being filed singularly in this fashion, there would be no chance for this group to ‘whoop it up.’ Apparently, the propaganda is worth more to them than compliance with the statute.” With that information, Patterson, Coleman, and McClendon each independently concluded that there should not be anything made of this fact

prior to the filing. It was their thinking, and I agree, that we should not attempt to meet them on their grounds, but allow them to go ahead and put themselves in a position of completely ignoring the statute and then maybe we will have a chance to strike the entire transcript from the record and they would have nothing upon which to base their case. At least, we can make the argument that this group had

⁴⁵ Letter, Rubel Griffin to Charles Griffin, April 19, 1965. “Freedom Democratic Party Challenge Depositions” folder 4 of 4, Griffin Papers, Box 78, MSU, pp.1-2; Letter, Charles Griffin to Rubel Griffin, April 20, 1965. “Freedom Democratic Party Challenge Depositions” folder 4 of 4, Griffin Papers, Box 78, MSU, pp.1-2.

no more respect for an Act of Congress than they do of a solemn statute of the State of Mississippi.

Nevertheless, Rubel Griffin noted, there were some places where the depositions and testimony were legally certified and would be admissible.⁴⁶ Those depositions were a potential problem, but, if the delegation could undermine the lion's share of the MFDP's case, then it could likely convince the rest of Congress to seat the state's all-white Representatives.

While Spring turned into Summer, Patterson honed his arguments against the MFDP challenge and kept a close eye on its actions across the state. By August, the case had not made it to the floor of the U.S. House of Representatives. Concerned about increased MFDP visibility, Patterson sent Abernethy a series of articles that had appeared in "the *Jackson Daily News*, *Clarion-Ledger*, *Commercial-Appeal* and *Times-Picayune*, carrying news accounts of the most recent activities of the so-called Freedom Democratic Party in Mississippi." The front page of the *Jackson Daily News* had one story entitled "Ignore Draft Call, FDP Tells Negroes: Women Told, Keep Sons Out of Service."⁴⁷ For Patterson, such actions proved that the MFDP was nothing more than a communist front and should be extirpated.

The Attorney General doubted that anyone in the federal government from the President to members of Congress would continue to support "this group of anarchists who are advocating open rebellion in the Armed Forces at this critical hour." He claimed that MFDP leaders and Martin Luther King, Jr., himself "frankly admit that they have been advocating such for some time." That evidence led Patterson to believe that he had found an opportunity to thwart the Congressional challenge "if this latest move on the part of the FDP has the effect that it should

⁴⁶ Letter, Rubel Griffin to Charles Griffin, April 22, 1965. "Freedom Democratic Party Challenge Depositions" folder 4 of 4, Griffin Papers, Box 78, MSU, pp.1-2.

⁴⁷ Letter, Joe Patterson to Thomas Abernethy, August 2, 1965. "Mississippi Freedom Democratic Party Draft Dodge 1965" folder, Abernethy Papers, Box 272, Ole Miss, p.1; James Bonney. "Ignore Draft Call, FDP Tells Negroes: Women Told, Keep Sons Out of Service." *Jackson Daily News*, July 30, 1965. "Mississippi Freedom Democratic Party Draft Dodge 1965" folder, Abernethy Papers, Box 272, Ole Miss.

have.” He wanted to enter a motion to dismiss before Coleman began his new duties as a member of the Fifth Circuit Court of Appeals.⁴⁸

Up in arms, Coleman had already written an angry letter to Abernethy about the articles in the press concerning the MFDP. “This is enough to justify an immediate investigation by the Committee on Un-American Activities,” and he felt that it should be more than enough to dismiss the Congressional challenge. “This is an insult to the President of the United States in his efforts to defeat the Communists in Vietnam. It is an insult to the people of Mississippi who support all out efforts against the Communists in whatever arena. I feel that the Delegation should get together and take advantage of this terrible thing immediately.”⁴⁹ Abernethy agreed and responded to Patterson and Coleman on the same day.

With information on his recent efforts, Abernethy reported that he had “made a statement on the floor of the House today about the recommendation of the Freedom Democratic Party that negroes refuse to respond to Selective Service Orders.” But, after “the negro, [MFDP leader Lawrence] Guyot, had a statement in this morning’s *Washington Post* disclaiming any responsibility on the part of the Freedom Democratic Party,” Abernethy was less than enthusiastic about any possible effect his remarks before Congress might have on the contest. The civil rights movement was getting too much positive press. “This is a terrible thing, but I venture to say nothing will come of it. It illustrates how far the administrators and legislators of this government will go in defending those who now happen to be of a preferred color—black!”

⁴⁸ Letter, Patterson to Abernethy, August 2, 1965, Abernethy Papers, Box 272, Ole Miss, pp.1-2.

⁴⁹ Letter, James P. Coleman to Thomas Abernethy, July 31, 1965. “Mississippi Freedom Democratic Party Draft Dodge 1965” folder, Abernethy Papers, Box 272, Ole Miss.

He pointed a sharp finger in that diatribe at Attorney General Katzenbach.⁵⁰ But, Patterson was not about to back off his attack.

Two days later, Patterson sent Abernethy “photocopies of pages 3 and 4 of the ‘Mississippi Freedom Democratic Party News Letter’ of date of July 28” and attached a brief section from the newsletter called “THE WAR ON VIETNAM [original emphasis],” which highlighted five reasons African Americans should not go to war. The gist of the MFDP argument was that black folks should not fight other people of color in the name of white hegemony. Thankful for the additional information, Abernethy remained unconvinced about the efficacy of pushing that case against the MFDP. “As you know, the Department of Justice has completely wiggled out. They have taken the position that they will not have a ‘prosecutable’ case unless it can be proven that certain individuals were influenced by the FDP News Letter to avoid their draft calls. I think this is rather absurd but considering the source I am not surprised.” Nevertheless, the matter left Abernethy in disbelief “that this administration would allow the conduct of the leaders of the MFDP to go unpunished. I know, of course, they are coddling these people because they are Negroes. But even then I do not see how they could put their love for the Negro vote completely above the security of this nation.”⁵¹ Ultimately, the issue of the draft was left off the state’s official defense.

In the end, Patterson and Coleman submitted a more than thirty-page “Brief of Contestees” to the House of Representatives on behalf of the Democrats in the state delegation “with a separate statement of facts as to each district.” The Brief began by recognizing that, in

⁵⁰ Letter, Thomas Abernethy to James P. Coleman, August 3, 1965. “Mississippi Freedom Democratic Party Draft Dodge 1965” folder, Abernethy Papers, Box 272, Ole Miss; Letter, Thomas Abernethy to Joe Patterson, August 3, 1965. “Mississippi Freedom Democratic Party Draft Dodge 1965” folder, Abernethy Papers, Box 272, Ole Miss.

⁵¹ Letter, Joe Patterson to Thomas Abernethy, August 5, 1965. “Mississippi Freedom Democratic Party Draft Dodge 1965” folder, Abernethy Papers, Box 272, Ole Miss; Mississippi Freedom Democratic Party. “The War on Vietnam.” *Newsletter*. July 28, 1965. “Mississippi Freedom Democratic Party Draft Dodge 1965” folder, Abernethy Papers, Box 272, Ole Miss, pp.4-5; Letter, Thomas Abernethy to Joe Patterson, August 9, 1965. “Mississippi Freedom Democratic Party Draft Dodge 1965” folder, Abernethy Papers, Box 272, Ole Miss.

December 1964, the challenge had been filed by Mississippi residents who had not been actual candidates “in the General Election.” As the defense team saw it, the “Freedom Elections” held by the MFDP “had no statutory authority or sanction whatsoever.” Thus, Patterson and Coleman set out to show why “THE PURPORTED CONTESTANTS HAD ABSOLUTELY NO STANDING WHATEVER TO BRING A CONTEST. [original emphasis]”⁵² They then spelled out several points upon which they felt the contest should be thrown out.

First, they looked to several past precedents, including “Kirwan,” where challengers were denied seats in Congress because they had not been candidates in the general elections for one reason or another. The MFDP admitted, according to Patterson and Coleman, that its candidates had not been on the ballot, but the civil rights group argued that that was because “Mississippi constitutional and statutory provisions on the elective franchise are unconstitutional and void and thus the 1964 general election was void.” But, in the second major point made by the defense, the only basis that the MFDP had for that claim was the lawsuit pending in federal court: “‘the big voter suit,’” as Patterson’s office had come to refer to it. “To this we can only respond that *United States v. Mississippi* has not yet been decided on the merits. It is pending litigation only. The House of Representatives would hardly wish to establish the precedent of accepting contentions in an undecided lawsuit as being adjudicated facts.”⁵³ For good reason, Patterson and Coleman disregarded both the likelihood of their losing *U.S. v. Mississippi* and the reality that, whatever its verdict, blacks in the state had been denied the right to vote since before the turn of the century.

⁵² *Brief of Contestees*, filed by Joe T. Patterson and James P. Coleman in the House of Representatives of the United States 89th Congress. “Freedom Democratic Party Challenge Hearings 1964-65” folder 1 of 3, Griffin Papers, Box 78, MSU, pp.1, 4, 9.

⁵³ *Brief of Contestees*, Griffin Papers, Box 78, MSU, pp.9-10, 14, 19, 21; Letter, Bill Allain to Charles Griffin, June 8, 1965. “Assistant Attorney General’s Correspondence (Bill Allain): Official Correspondence 1969-1970” folder, MAGO, Assistant Attorney General Files 1967-1975, Box 7628, MDAH.

Next, they rejected insinuations that Mississippi had violated the agreement that brought an end to Reconstruction. “The contention of the purported contestants that the sitting members should be excluded because they were elected in violation of the ‘Compact of 1870’ is wholly without foundation.” Looking again at other precedents, Patterson and Coleman provided evidence that the House had denied complaints in the past “grounded on an alleged violation of the Act of Readmission to the Union.” Then, the defense argued, without any hint of insincerity, that “the ‘massive disfranchisement of Negro citizens of Mississippi’ claimed by the purported contestants is a contention only and not an adjudicated fact.”⁵⁴ Of course, they referred to the MFDP as “purported contestants” because they denied the legitimacy of the challenge in the first place, but there were few people who actually believed that black disfranchisement in the state was merely a “contention,” whether “adjudicated” or not.

In terms of the depositions and testimony presented by the MFDP, Patterson and Coleman pleaded for the members of Congress to reject the challenge “because the overwhelming majority of this testimony is based on hearsay, personal opinions and conclusions of the witnesses, and like assertions, which nowhere meet the requirements of probative value where so serious a matter is involved as the seats of four Members of Congress, duly elected and duly certified to this House.” An examination of the actual numbers involved in the Freedom Election, which lasted four days, “reveals that a very small percentage of the adult population participated,” and it was impossible to know “how many...were actually entitled to register and to vote.”⁵⁵ In all, Patterson and Coleman denied each assertion made by the MFDP and urged that the all-white Mississippi delegation be seated.

⁵⁴ *Brief of Contestees*, Griffin Papers, Box 78, MSU, pp.24-25, 28.

⁵⁵ *Ibid*, pp.30-31.

The U.S. House of Representatives finally heard the MFDP challenge in September 1965. Fannie Lou Hamer, Annie Devine, and Victoria Gray—all MFDP contestants—testified before Congress that they had been denied access to the ballot because of their race. Their presence on the House floor made them the first black women to be there, even as visitors, and the first black Mississippians since Reconstruction. This time, nearly 40% of Congressmen voted in support of the MFDP cause, but it was not enough. Without an openly racist appeal, Patterson saw Mississippi’s all-white delegation seated.⁵⁶ That significant victory had been made possible in large part to the then recently passed Voting Rights Act of 1965, which, many members of Congress believed, had rectified the inequities described by the MFDP. For Patterson, though, the Voting Rights Act was just as dangerous, and he vocally opposed it with the same *color-blind* logic that marked his ever-developing political bent.

When President Johnson proposed the Voting Rights Act in the Spring of 1965, most observers recognized that it would pass through Congress without much problem. In turn, white southern leaders began to contemplate ways that its intent might be undermined. In Mississippi, a major effort in that regard took place in the state legislature after Governor Johnson called a special session to enact constitutional amendments to change the state’s voting laws. On the face of it, white leaders could point to the special session as a good-faith attempt to comply with the federal voting legislation, and Patterson supported those changes to the state constitution. In actuality though, they were meant to keep federal observers out of the state.⁵⁷

At “the annual convention of the Mississippi Circuit Clerks’ Association in session at the Robert E. Lee Club,” Patterson “explained that failure to reach conformity between this state’s constitution and federal voting rights laws sure of passage, will invite federal registrars.” In

⁵⁶ Luckett, “Annie Devine,” *Journal of Mississippi History*, p.280.

⁵⁷ Dittmer, *Local People*, p.344.

reference to *U.S. v. Mississippi*, Patterson predicted that the state would lose that case striking at the state's voting laws if the amendments were not passed, and such a development "would 'open the door to a sweeping' takeover of state and local elections by the federal government." The Attorney General did caution that the amendments could not guarantee the absence of federal oversight of state elections, but he observed that the Justice Department did not want to be involved if it all possible.⁵⁸ Patterson then turned his aim on the Congressional challenge.

With a swing at the MFDP, Patterson added that "when the legislature was here, the Freedom Democratic Party was marching against the legislature, claiming it sought to keep the Negro from voting....Now, they come up and say they are for the constitutional amendments they formerly violently opposed....I'm sure the good people of Mississippi will not be fooled by this gimmick." No matter what happened, though, Patterson predicted that the state would obey federal laws even if it did not like them. "The question is whether the people of this state want our own circuit clerks to register the voters or federal registrars." The penalty for not following federal voting guidelines was \$5,000 in maximum fines and up to five years in jail, but, Patterson acknowledged, "when the people approve the constitutional amendments next month, they will also approve a clause in the state constitution that gives the Legislature the right to revise qualifications to vote when and if the time becomes practicable."⁵⁹ For Patterson, the state constitutional amendments made sense from a strategic point of view, but he travelled anyhow to Washington, D.C., in order to lobby against the Voting Rights Act.

Patterson and Mississippi's Secretary of State, Heber Ladner, testified before a Senate sub-committee on the ill effects they believed the Voting Rights Act would have on the state.

⁵⁸ Charles M. Hills. "Patterson Sees Danger of U.S. Voting Control: Okay of Amendments Only Way Out, He Says." *Clarion-Ledger*, July 31, 1965. "Mississippi Freedom Democratic Party Draft Dodge 1965" folder, Abernethy Papers, Box 272, Ole Miss, p.1.

⁵⁹ Hills, "Patterson Sees Danger," *Clarion-Ledger*, July 31, 1965, Abernethy Papers, Box 272, Ole Miss, pp.1, 8.

While there, they met with U.S. Senator John Stennis, who liked the Attorney General's idea that the constitutionality of the Voting Rights Act could be challenged. In particular, Patterson proposed using literacy tests as a litmus, which were arguably administered without regard to race and left out "completely the sweeping language of the 15th Amendment." On board for any help he could provide, Stennis had his assistant, W.E. Cresswell, talk again to Patterson about growing federal interference in the affairs of Mississippi's registrars. Specifically, the U.S. Civil Service Commission in Atlanta, led by Crawford Phillips, had compiled names of those found qualified for the franchise under the Voting Rights Act and sent them to city and county officials, so that they would be added to the voting rolls.⁶⁰ Patterson responded swiftly to that incursion and had Stennis' full support.

By September 1965, Patterson had already filed *Bills of Injunction* against various county registrars and city clerks to prevent them from putting those names on the rolls. He had won his case in Leflore and Jones Counties as well as the city of Prentiss but was waiting for decisions in Jefferson Davis and Madison Counties. Emphatic in his discussion with Cresswell and in his correspondence with Stennis, Patterson insisted that he was not trying to enjoin federal action; instead, he sought to stop local officials from enrolling people to vote who were in violation of state law.⁶¹ The Attorney General avoided an outright confrontation with the federal government by dealing in *color-blind* politics. After all, his job was to uphold state laws until such time as those statutes were overturned, but he had to contend with the Justice Department, which would not passively watch the Attorney General evade the intent of the Voting Rights Act.

⁶⁰ Bill Patterson, interview; Letter, John Stennis to Joe Patterson, August 30, 1965. Folder 30, Stennis Papers, Box 5, MSU; Letter, Crawford Phillips to James W. Daniels, August 31, 1965. Folder 30, Stennis Papers, Box 5, MSU; Letter, Crawford Phillips to Emma Lou Berry, August 31, 1965. Folder 30, Stennis Papers, Box 5, MSU.

⁶¹ *Bill for Injunction, The State of Mississippi, Ex Rel Joe T. Patterson, Attorney General, Complainant vs. James W. Daniel, Circuit Clerk and Registrar of Voters of Jefferson Davis County, Mississippi; Emma Lou Berry, City Clerk and Registrar of Voters of Prentiss, Mississippi, Defendants.* September 1965. Folder 30, Stennis Papers, Box 5, MSU, pp.1-5; Letter, Joe Patterson to John Stennis, September 10, 1965. Folder 30, Stennis Papers, Box 5, MSU.

While Patterson considered enjoining “the Circuit Clerk of Humphreys County, along with the Town Clerks of the municipalities of Humphreys County,” the Katzenbach Justice Department added Patterson and the four Circuit Clerks already affected by the state injunction as defendants in *U.S. v. Mississippi*. It was an effective shot across Patterson’s bow. “In view of this suit, I do not feel that I could, with propriety, seek further injunctions against registrars and Town Clerks until the pending suit has been finally disposed of.” Yet, he did not give in completely. Although he admitted that registrars might be subject to penalty if they did not register the folks that federal agents demanded, Patterson advised them that it would be legal to at least wait to do so until the pending litigation had been decided. Then, if the courts ordered them to abide by the Civil Rights Commission’s orders, the Clerks had no choice but to add those names on its lists. Even then in Patterson’s opinion, the state’s registrars, if forced to register voters, should denote those people with “FR” next to their names for “federal registrar.” With that done, “the Circuit Clerk and the Town Clerks will be able to know immediately the names of those persons who were registered by the Federal registrars.”⁶² Patterson did not indicate what could be done with that information, but at the very least it left room for them to be easily withdrawn from the voting rolls if they crossed real or imagined legal lines. Despite the efficacy of the Civil Rights Act and the Voting Rights Act, Patterson had many weapons left at his disposal.

Patterson continued as well to use information networks like those of the Sovereignty Commission to watch the movements of activists. After the MFDP challenge was over, white leaders in the state kept tabs on the organization and shared any information they had with each other. Through Commission agents, the Attorney General and other white state officials

⁶² Letter, Joe Patterson to Pat Bridges, November 24, 1965. “Assistant Attorney General’s Correspondence (Bill Allain): Official Correspondence 1969-1970” folder, MAGO, Assistant Attorney General Files 1967-1975, Box 7628, MDAH, pp.1-2.

received MFDP newsletters and internal memorandums, and the Commission used that information to compile a “Key List” of MFDP members and offices in every congressional district in Mississippi. That list included four pages of more than one hundred names, addresses, and phone numbers. Appreciative of the state organization’s assistance, Abernethy acknowledged that “this will be helpful and enable me to keep a better eye on their activities.”⁶³ Surveillance by the Sovereignty Commission was nothing new, and, as an ex-officio member, Patterson frequently used its resources.

The Attorney General forwarded to Abernethy another MFDP report, gathered by the Commission, about Congressman Joe Resnick of New York, “which I thought you would enjoy reading.” Written by MFDP leader’s Annie Devine and Unita Blackwell, the memo mentioned that Resnick, a Democrat who sat on the House Agriculture Committee, voted to support the Congressional challenge and had been invited by the MFDP to speak at a meeting. There, Resnick disputed the results of elections that had been held for the board of the Agricultural Stabilization and Conservation Service, an organization that oversaw loans to poor farmers, saying “he had found so much discrimination that he was going to recommend that the elections be voided.” Abernethy was not surprised and commented to Patterson that Resnick “is really something. He is a professional ‘zionist’ worse sort. Need I say more!”⁶⁴ Abernethy’s anti-Semitism was common amongst segregationists, who did not confine their prejudices to race,

⁶³ Mississippi State Sovereignty Commission. *Mississippi Freedom Democratic Party Key List, January 5, 1966*. “Freedom Democratic Party” folder, Abernethy Papers, Box 272, Ole Miss, pp.1-4; Letter, Thomas Abernethy to Mississippi State Sovereignty Commission, January 20, 1966. “Freedom Democratic Party” folder, Abernethy Papers, Box 272, Ole Miss.

⁶⁴ Letter, Joe Patterson to Thomas Abernethy, December 15, 1965. “Freedom Democratic Party” folder, Abernethy Papers, Box 272, Ole Miss; Memorandum, Unita Blackwell and Annie Devine, undated. *Congressman Resnick’s Visit to Mississippi*. “Freedom Democratic Party” folder, Abernethy Papers, Box 272, Ole Miss; Letter, Thomas Abernethy to Joe Patterson, December 16, 1965. “Freedom Democratic Party” folder, Abernethy Papers, Box 272, Ole Miss.

but, at least publicly, most had learned to hold those views in check. Whites who carried on a hard-line mantra were threats to the cause of *color-blind* politics.

At the same time as he attempted to undermine the civil rights movement, Patterson used the Sovereignty Commission to continue his fight against the Citizens' Council, especially public funding of the private group. During the middle of the MFDP Congressional challenge, the Attorney General persuaded the Commission to end payments to the *Citizens' Council Forum*. Patterson even convinced Governor Johnson, as the chairman of the Budget Commission and the Sovereignty Commission, to go along with that controversial endeavor. The Memphis *Commercial-Appeal* reported that \$195,000 had been given to the Council since 1960, but quoted the Governor as stating "that further donations without a detailed accounting of the funds called for in a 1964 law would be considered 'illegal expenditures.'" Thus, Johnson stopped the flow of "funds in January until the *Forum* submits a list—by name and call letters—of the stations airing the programs advocating states' rights and constitutional government."⁶⁵ It was a major blow to what had been the largest private Jim Crow advocacy group.

In response, the Council reported the number of stations that broadcasted the *Forum* but would not name them. Council leader William Simmons argued that the reason "the call letters of the stations and their locations were not given was 'we have learned that the publication of such list would include no useful purpose....It would guide the hands of those organizations and individuals who favor integration by making it easy for them to put pressure on stations to drop our programs.'" Erle Johnston, the Director of the Sovereignty Commission and former advisor

⁶⁵ Neil R. McMillen. *The Citizen' Council: Organized Resistance to the Second Reconstruction, 1954-64*. Urbana: University of Illinois Press, 1994, pp.337-338; Kenneth Toler. "In Mississippi—Ex-Officio Chairman in the Middle." *Commercial-Appeal*, April 4, 1965; James Saggus. *Clarion-Ledger*, January 23, 1965. "Miss. Sovereignty Commission" folder 63-E, Cox Papers, Box 1-B, MSU; *Clarion-Ledger*, January 26, 1965. "Miss. Sovereignty Commission" folder 63-E, Cox Papers, Box 1-B, MSU; *Commercial-Appeal*, January 23, 1965. "Miss. Sovereignty Commission" folder 63-E, Cox Papers, Box 1-B, MSU.

to Patterson's 1963 campaign, went to the Attorney General to find out "if the enumeration of the total number of stations by states meets the detailed information called for in the 1964 Legislative Disclosure Act." But, Patterson was savvy enough not to offer a direct response. As the *Commercial-Appeal* article put it, the Attorney General "who resigned from the parent Citizens' Council after its professional leadership reportedly sought his defeat in 1963, side-stepped the issue."⁶⁶ He did so by handing down a ruling that complicated matters for the Governor.

Patterson argued that, because Johnson had not finished filling the appointed positions to the Sovereignty Commission that were about to expire in January from the Barnett Administration, "no further donations can be made until the new commission makes a decision. The Attorney General ruled that former Governor Barnett's appointees left office with him last January." Not only had Johnson failed to make his three appointments despite the fact that Lieutenant Governor Carroll Gartin and House Speaker Walter Sillers had made theirs, he had not called a meeting of the Sovereignty Commission since he took office. Patterson declared that it would be up to the new Commission members to decide "whether the accounting made by President William J. Simmons of the *Forum*, an independent agency of the Citizens' Council, is satisfactory."⁶⁷ The Attorney General had long established his opinion on Commission funding of the *Forum*, but he showed his usual penchant for politics by remaining above the fray. Patterson used such tactics to much success in counteracting the efforts of both hard-line segregationists and the civil rights movement. In particular, the lagging fortunes of the Council made it possible for some whites in the South to tout how far the region had come although that did not necessarily equate to black advancement.

⁶⁶ Toler, "In Mississippi," *Commercial-Appeal*, April 4, 1965.

⁶⁷ *Ibid.*

On April 4, 1965, Jules Loh happily memorialized in the *Commercial-Appeal* the death of what he saw as unnecessary white intransigence.

A soft breath of change is moving quietly across Mississippi. Voices which once cried “never” to the Negro’s demand for equal rights are now saying “slowly.” Voices which once whispered “slowly” are now daring to say it aloud. Voices once too cowed to speak at all are now being heard. Why? Economics, the chief force behind the Negro’s historic place of servitude in deep Dixie, perhaps is the main reason behind the current trend toward moderation.

Industrial progress, federal dollars, and the need for an educated workforce were all major factors, Loh reported, in pushing Mississippi away from extreme defiance. “The plain fact is that roughly one-third of the operating budget of Mississippi comes from Federal sources. This year 150 million dollars in Federal aid will flow into the state treasury and be spent by agencies of the state for state purposes. Should this Niagara be cut off for lack of compliance with the Civil Rights Act, it could cripple the state.”⁶⁸ Money was a central factor in changing racial attitudes, but Loh saw something else going on as well.

In Loh’s mind, the rise of leaders like Patterson to a prominence above the old brand of demagogues was due to the fact “that much of the population is simply fed up with the tactic of resistance. Said a Hattiesburg merchant: ‘It’s brought us nothing but trouble since 1961—that’s when the first freedom rides started. A lot of us are ready to try something else....adjustment—whatever you want to call it.’” Under a picture of a Citizens’ Council sign with its logo of the American and Confederate flags as well as its motto of “States Rights, Racial Integrity,” a simple caption that accompanied Loh’s article read “Losing prestige.” Loh quoted one council member, who said that he had “‘been thinking about this thing, and it seems like the times we’ve had the most trouble were the same times that the Citizens’ Council was most active. I’m sorry now I had anything to do with the Council. I used to think it was the answer to our problems. Now I

⁶⁸ Jules Loh. “Mississippi Slowly Walks Rough Path of Change.” *Commercial-Appeal*, April 4, 1965.

see it has only contributed to them.” In regards to the roots of white resistance, Loh claimed that “the strident voices calling for a return to the old ‘Southern way of life’ are diminishing in Mississippi.”⁶⁹ There were plenty of advocates of stringent white supremacy remaining, but they were becoming targets of derision, especially from the likes of Patterson, who saw that their demise made it easier to offset the advances of the civil rights movement.

When a twenty-six page report by Alabama Attorney General Richmond Flowers on the Ku Klux Klan in that state surfaced in 1965, it made a press splash across the country. Flowers claimed that some of the men in the Klan were respectable but that they were “a very small minority.” He found the average education of Klansmen to be the fifth grade, an important weakness. More significantly for Alabama’s chief legal officer, he argued that the Klan “is founded on the worst instincts of mankind. At its best, it is intolerant and bigoted. At its worst, it is a foul pollution in the body politic. It is a cancerous growth that will not be cured until the hand of every decent man is raised against it and the whole power of the law is marshaled to stamp it out.” Furthermore, Flowers distanced himself from those virulently racist leaders like George Wallace who had offered “absolutely no support” for his investigation.⁷⁰ Patterson shared those feelings but not because of a growing respect for racial egalitarianism; in his mind, those who touted die-hard resistance and those who fought for civil rights were not that different.

Hazel Brannon Smith, editor of the *Lexington Advertiser*, remarked on a prediction by Patterson that the Klan in Mississippi would continue to expand despite efforts by the federal government to infiltrate and undercut it. Although the Attorney General asserted that he did not approve of the Klan, he linked its existence to that of civil rights workers. “Although Mr. Joe did not mean it, we are certain, it sounded as though one offset or justified the other.” In order to

⁶⁹ Loh, “Mississippi Slowly Walks,” *Commercial-Appeal*, April 4, 1965.

⁷⁰ Richmond Flowers. *Preliminary Results of Investigation: Alabama KKK*. October 18, 1965. Folder 3, KKK Papers, Box 1, Ole Miss, pp.1, 25-26.

set the record straight, Smith pointed out that activists came to the state in the first place to fight racism and racist groups like the Klan. “We can blame our troubles on civil rights workers and the Federal government all we like. But most of it we brought on ourselves—and we should be big enough to admit it.”⁷¹ Patterson would have disagreed with Smith’s assessment, and he likely did intend for his comments to indicate that the prominence of the Klan was inherently related to the prominence of the civil rights movement. In the context of the Cold War after all, Patterson, like most segregationists, believed that the movement and a supposed communist menace were intertwined by their common “subversive” intentions.

At the 59th Annual Meeting of the National Association of Attorneys General in the summer of 1965, Patterson proposed a resolution, which did not directly mention racial turmoil but called upon Congress to enact a constitutional amendment that would outlaw the Communist Party in the United States. In his mind, “the Supreme Court of the United States” had made such a move necessary by rendering “virtually impossible any effective legislation by the Congress of the United States or state legislatures in an effort to control the activities of the Communist Party, U.S.A. and similar subversive groups.”⁷² For Patterson, “subversive” could be broadly defined to include any organization that advocated for a change in the existing social structure. From his own public and private comments over the years, he left no doubt that he lumped the civil rights movement and its diverse proponents into that context. On a *color-blind* level, he mentioned nothing about race but utilized a language of fear embedded in the conscience of Americans across the country

⁷¹ Hazel Brannon Smith. “Through Hazel Eyes.” *Lexington Advertiser*, October 23, 1965. “Editorials & Articles, 1962-1966” folder, Smith Papers, Box 1, MSU.

⁷² Joe Patterson. “Subversive Activities.” *Resolution*. Annual Meeting, National Association of Attorneys General, June 25-30, 1965. “Correspondence: National Association Attorneys General 1965” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

From that vantage point, Patterson made the most of his remaining years in office, as he continued to have a full plate in front of him as Attorney General. With *U.S. v. Mississippi* coming to a close, Patterson faced a federal government increasingly uninterested in waiting for the state and the South as a region to come into compliance with the Civil Rights Act, the Voting Rights Act, and notably the *Brown* decision, enforcement of which had been languishing for more than a decade. Simultaneously, however, Patterson had on his side a nation grown weary of the turmoil engendered by the civil rights movement, especially as activists began to leave the South and publicize racial inequities throughout the country. In that atmosphere, the *color-blind* message of Patterson and others like him found a receptive audience. That reality did not bode well for the proponents of civil rights.

Chapter 8

The End of a Segregationist's Career

As early as the Meredith crisis in 1962, the Justice Department turned to economic measures in an attempt to force the state of Mississippi to comply with the dictates of the federal government. The Kennedy administration referred to that program internally as “Stick It to Mississippi,” while some white leaders in the state, like Congressman Thomas Abernethy, called it “the ‘kick Mississippi’ campaign that has been going on for quite some time and apparently will continue as long as it makes news around the country.” From Defense Department and NASA spending to Labor Department and Health, Education, and Welfare (HEW) allotments, Mississippi depended on hundreds of millions of dollars in federal aid in order to operate.¹ The tactic of withholding that money or at least the threat of doing so, which continued unabated during the Lyndon Johnson years, was one of the federal government’s most effective weapons.

Some members of the White House staff did disagree with those efforts. In a memorandum on the U.S. Civil Rights Commission’s suggestion that federal money be withheld from Mississippi until it “demonstrates its compliance with the Constitution and laws of the U.S.,” Lee White told President Kennedy that he felt “this would be a great abuse of Executive

¹ *Department of Defense Procurement in Mississippi (Contracts Over \$10,000)*. “Stick It to Mississippi, Defense Department Procurement” folder, Marshall Papers, Box 20, JFKL, pp.1-3; Memorandum, Kermit Gordon to Robert Kennedy, June 25, 1963. “Stick It to Mississippi, Federal Contracts, General” folder, Marshall Papers, Box 20, JFKL; *Federal Funds in Mississippi, 1964*. “Stick It to Mississippi, Federal Contracts, General” folder, Marshall Papers, Box 20, JFKL, pp.1-6; *National Aeronautics and Space Administration Projects in Mississippi*. “Stick It to Mississippi, Federal Contracts, General” folder, Marshall Papers, Box 20, JFKL, pp.1-5; Memorandum, Kermit Gordon to Robert Kennedy, June 27, 1963. “Stick It to Mississippi, Housing Contracts & Construction Assistance” folder, Marshall Papers, Box 20, JFKL; Letter, Thomas Abernethy to Robert Patterson, January 25, 1965. “Election Contest, January-February 1965” folder, Abernethy Papers, Box 260, Ole Miss.

authority” and would punish both white and black people in need. White was Assistant Special Counsel to the President and worked extensively on civil rights. Norbert Schlei, an Assistant U.S. Attorney General in the Office of General Counsel, echoed White’s sentiment: “The President’s powers in this area are quite limited and...any attempt to implement the Commission’s recommendations would, in addition to legal problems, present very serious issues of fairness and appropriateness.”² On the other hand, as the year 1966 unfolded, the federal government flexed new muscle with the Civil Rights Act and the Voting Rights Act in its pocket, and President Johnson as well as U.S. Attorney General Nicholas Katzenbach showed no reluctance to use economic intimidation in order to force Mississippi’s recalcitrant white leaders like Joe Patterson into action. But, now, federal agents faced a savvier and more effective brand of *color-blind* political leadership in the state that would neither simply back down nor provide reason for intervention by the U.S. government. No area was more contested in this regard than public education.

For more than a decade, the South had managed to evade the dictates of *Brown*, but, by the Spring of 1966, the U.S. Commissioner of Education, Harold Howe, was determined to use the Civil Rights Act in order to enforce desegregation of public schools. Under the auspices of HEW, Howe informed school districts across the state of Mississippi that, if they did not comply with *Brown* and Title VI of the Civil Rights Act, prohibiting racial discrimination in programs receiving federal aid, then those funds would be cut off. In the Columbia Municipal Separate School District, the lawyer for the Board of Trustees wrote to Joe Patterson for his advice:

² *Interim Report of the United States Commission on Civil Rights*. April 16, 1963. “Civil Rights—Mississippi 1964 & Undated” folder, Attorney General’s Correspondence, Box 11, JFKL, p.3; Memorandum, Lee White to John Kennedy, April 10, 1963. “Civil Rights JFK and Admin.” folder, Schlesinger Papers, Box W-56, JFKL, pp.1, 3; Memorandum, Norbert Schlei to John Kennedy, undated. “Civil Rights—Mississippi 1964 & Undated” folder, Attorney General’s Correspondence, Box 11, JFKL, pp.2-3.

As you are no doubt aware, the H.E.W. is threatening to cut off Federal funds from any school whose governing authorities fail to sign assurance of compliance Form HEW-441-B. This is true even though the Board I represent previously agreed to a Freedom of Choice type plan of desegregation which was accepted by the H.E.W. authorities, and said plan is now in operation and being carried out as per agreement.

The Board's attorney was considering a lawsuit against HEW to enjoin it from acting on its threat and hoped Patterson as Attorney General would lead such a suit.³ Patterson sympathized with that cause since, early on, he had been a leading advocate for "Freedom of Choice" desegregation plans.

Under "Freedom of Choice," students could choose to attend any school within their district. It was the perfect example of a *color-blind* strategy to maintain white power: it appealed to a common American value of "freedom" without mentioning race at all. Underlying "Freedom of Choice," however, was the reality that few if any black parents were going to be the first to "choose" to send their children to a previously all-white school. As Patterson argued after Meredith entered Ole Miss, those schools that saw token desegregation could claim compliance with federal dictates without acceding to the spirit of those orders. A handful of black students did not make a school desegregated.

When HEW announced its intention to enforce Title VI, Patterson as a member of the State Board of Education sat on the frontlines, charged with drafting a response, which became "Freedom of Choice." In February 1965, J.M. Tubb, State Superintendent of Public Schools; Heber Ladner, Secretary of State; and Patterson issued a memorandum stating that public schools in Mississippi were in full compliance with HEW's regulations and Title VI. "The State Agency will make no distinction on the ground of race, color, or national origin in providing to individuals of local schools...any service, financial aid, or other benefit under any program or

³ Letter, Vernon Broom to Joe Patterson, April 7, 1966. "Correspondence: State Board of Education 1966- 1967" folder," MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1-2.

programs covered by this Agreement.” Instead, all parents could exercise their “Freedom of Choice.”⁴ Yet, the federal government did not take long to see through those intentions and sought to undermine them with specific guidelines for public school desegregation.

In a press release, Patterson lambasted the new orders by HEW, which “show the government more interested in desegregation than education and could wreck the Mississippi school system.” The Attorney General

said the guidelines “require that all systems of enrollment, transfers, transportation, faculty selection and even school activities must be submitted to and approved by the Commissioner of Education. The weapon to be used in enforcing this dictatorial edict is first withholding of all federal funds to a school that does not agree to fully comply; and, the second weapon will be a suit against that school by the United States Department of Justice....I am convinced that this highest government official in education and his powerful department are primarily interested in desegregation and integration, and secondarily in education.”

He further remarked, if desegregation under Title VI is ““put into full force and effect, that the public school system of the state of Mississippi stands on the threshold of disaster, if not complete destruction.””⁵ An overstatement, Patterson was not done with his rhetorical flourish.

In search of some ground, imagined or not, to attack the new HEW guidelines, Patterson declared that they were ““the product of political pressures from the White House acting in response to the demands of the radical racial groups in this country.”” With a swing at both the federal government and the civil rights movement, he

warned that “when ruthless politicians...take the multiplied millions of dollars provided for education and seek to use it as a weapon over the heads of the public schools of this nation, and seek to use the public school system of this country as a weapon of political expediency to further their political philosophy and

⁴ Memorandum, J.M. Tubb, Heber Ladner, and Joe Patterson to Department of Health, Education, and Welfare, February 1965. “Correspondence: State Board of Education 1966-1967” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.2, 5.

⁵ “Patterson Blasts Mixing Guidelines: Says Orders Could Ruin School System.” *Jackson Daily News*, April 18, 1966.

sociological ideas, then the public school system, as we have known it, ceases to accomplish its sole and only mission, the education of the youth of our country.”

Patterson believed that the federal government had spent too much time taking into account the argument of civil rights proponents ““instead of responsible public officials and educators.””⁶

White leaders in the state had hardly acted in a “responsible” manner when it came to the rights of black Mississippians, but he continued his assault on federal intentions.

The state Attorney General took the time to lob a potshot at Kenneth Dean, the Executive Director of the Mississippi Council on Human Relations, who had recently given an address in favor of desegregation. According to Patterson, Dean’s

speech “would have done credit to any agitator speaking on a street corner in Harlem or in Watts, advocating another Harlem or Watts riot. I never saw or heard of this gentleman before... But I do know that the Kenneth Deans and his ilk are doing more to fan the flames of hatred, sow the seeds of discord and widen the breach between the white and colored population of our state than any other group I know of.”⁷

If anything, Patterson was guilty of hypocrisy. Always measured, his words were meant to provoke a public outcry in Mississippi against HEW and curb its attempt at desegregation. Ross Barnett would have been proud of that effort, but, behind the scenes, Patterson hoped to erect the few legal obstacles that he had left at his disposal.

A few days after his comments, the Attorney General wrote back to the counsel for the Columbia School District and told him that he had contemplated enjoining HEW from cutting off funds. The problem was that the U.S. Department of Justice had already filed a suit against the Carroll County Board of Education to force them to comply with HEW. A part of that suit, Patterson hoped it “will determine whether or not a school board is going to be compelled to comply with the revised directives of the HEW.” Additionally, other suits were going to the

⁶ “Patterson Blasts Mixing,” *Jackson Daily News*, April 18, 1966.

⁷ *Ibid.*

Fifth Circuit Court of Appeals from Louisiana and Alabama that would have some impact on schools in Mississippi.⁸ Therefore, Patterson's advice to him was to wait and see, but HEW and the Commissioner of Education swiftly made their feelings on the matter known.

In a letter to the Superintendent of the Columbia school system, Lloyd Henderson from the Equal Education Opportunities office worried about the district's lack of compliance with HEW's orders, and, a few days later, Commissioner Howe himself wrote to the Superintendent. Concerned that he had not received plans from the district to desegregate, which had been due on May 6, 1966, Howe informed him that there can be "no more approval of applications for Federal financial assistance for your school system." After calling the Superintendent, Howe's office was told "that your district does not intend to file the assurance of compliance. My staff indicated that from the nature of your conversation with them, further efforts to achieve voluntary compliance would not be productive." Thus, Howe felt that he was left with no choice but to turn the matter over to the General Counsel for HEW and pursue enforcement in court. In response, the Superintendent left things in Joe Patterson's hands.⁹ The Attorney General had little recourse other than to attempt to block HEW's actions in court and seek assistance from Mississippi's white leaders in Congress.

Senator John Stennis was one of Patterson's biggest allies in that regard. In October 1966, Stennis' administrative assistant, W.E. Cresswell, had written to Patterson about the federal government's withholding of funds from Mississippi for "the sale of timber on National Forest lands." Stennis was so concerned about it that he addressed the issue on the news

⁸ Letter, Joe Patterson to Vernon Broom, April 21, 1966. "Correspondence: State Board of Education 1966- 1967" folder," MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1, 2.

⁹ Letter, Lloyd Henderson to B.F. Duncan, May 26, 1966. "Correspondence: State Board of Education 1966- 1967" folder," MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH; Letter, Harold Howe to B.F. Duncan, June 3, 1966. "Correspondence: State Board of Education 1966- 1967" folder," MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH, pp.1-2; Letter, Vernon Broom to Joe Patterson, June 10, 1966. "Correspondence: State Board of Education 1966- 1967" folder," MAGO, Correspondence—Subject, 1931-1980, Box 7514, MDAH.

program *Face the Nation* and described it “as one of the ridiculous steps the Federal government has taken against our state.” But, under pressure from and in conjunction with HEW, the Department of Agriculture was serious about that threat. It had already asked the West Jasper Consolidated School District for an “Admissions as to Facts” in order to determine whether or not it should discontinue funds to Jasper County for the school board’s refusal to abide by desegregation orders. For Stennis and Patterson, the answer to the problem was congressional hearings that could undermine some of HEW’s power.¹⁰ Convincing the rest of Congress was more of a problem.

In a letter to North Carolina Senator Sam Ervin, which Stennis copied to Georgia Senator Richard Russell, he mentioned that HEW threatened to discontinue aid to hospitals as well as schools and derided the fact that its guidelines required “an affirmative pattern of actual integration” rather than simply attempts to end discrimination. “Thus, they go far beyond the legislative authority of the Civil Rights Act of 1964. This is the most glaring illustration of the abuse of power and the abuse of authority both as to schools and the hospitals that I have ever seen. It is enforced through the cruel method of withholding funds that are appropriated for education.”¹¹ Stennis’ letter did not have its intended effect; Ervin refused to hold Senate hearings. Nonetheless, the state did get hearings but only in front of the federal Hearing Examiner for HEW, Horace Robbins. Set to be held in Jackson from February to March 1967, the hearings were unlikely to help the segregationist cause.

¹⁰ Letter, W.E. Cresswell to Joe Patterson, October 11, 1966. Folder 35, Stennis Papers, Box 5, MSU; Department of Agriculture. “Request for Admissions as to Facts.” *In the matter of West Jasper Consolidated School District, Mississippi and Jasper County Board of Education, Mississippi, and Treasury Department, State of Mississippi and Board of Supervisors, Jasper County, Mississippi*. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-6.

¹¹ Letter, John Stennis to Sam Ervin, October 24, 1966. Folder 3, Stennis Papers, Box 2, MSU.

Patterson had his hands full. Eight school districts were involved in the desegregation litigation awaiting trial before the Hearing Examiner. In April 1967, he filed his brief for the defense with HEW but admitted in a letter to Stennis that he did not “expect a favorable decision at the hands of the Examiner, the Commissioner of Education or the Secretary of HEW; however, I hope we will be able to be heard before the appropriate committee of Congress, which, in my opinion, is the only authority that can place a curb on the U.S. Office of Education.”¹² It was a long shot to think that Congress would take up the cause, and, with that in mind, Patterson put the full force of his office behind defending his case in HEW’s court.

In his brief for the defense, Patterson began by noting that HEW got its authority from Title VI of the 1964 Civil Rights Act. That law “simply provides—‘No person in the United States shall, on the ground of race, color, or National origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.’” As Patterson remarked, every federal agency had the right to enforce that law and withhold funding as long as that decision is “‘approved by the President,’” but, in this case, the President had not approved the Office of Education guidelines for school desegregation. Yet, they still “have the same effect as rules, regulation, orders and law all bundled up in one neat package called ‘Guidelines.’”¹³ Patterson then made the case personal.

His own experience working for Senator Pat Harrison in Washington, D.C., led Patterson to assert that

with all deference to the men of learning in the Office of Education of the Health, Education and Welfare Department, I believe I am safe in saying that never has a department taken a four-line section of law...and enlarged and expanded its simple

¹² Letter, Joe Patterson to John Stennis, April 4, 1967. Folder 2, Stennis Papers, Box 2, MSU.

¹³ Joe Patterson. *Reply of Respondents in Reply to Brief of General Counsel*. April 3, 1967. Folder 2, Stennis Papers, Box 2, MSU, pp.1-3.

provisions to the extent that has been done by the United States Office of Education by the simple expedient of regulations and guidelines.

The Attorney General further alleged that the charges levied against the various school boards in Mississippi were without proof. Instead, he asserted, all eight school districts used “freedom of choice...without restraint or intimidation.” Rather than finding evidence of a violation of the Civil Rights Act, HEW and the Office of Education had only found that “each of the schools herein involved has not been desegregated or integrated” enough to achieve “racial balance.” In Patterson’s mind, families had voluntarily sent their children to single-race schools but had the option to do otherwise.¹⁴ The Attorney General disregarded the argument that black families were not likely to send their children to white-only schools due to the certain intimidation, if not outright violence, that they would face.

Not looking to make friends at HEW, Patterson referenced recent court decisions that the federal government relied on to enforce desegregation and described them as “a complete answer to the prayer of the U.S. Office of Education and the U.S. Department of Justice.” With those precedents in place, any other options for desegregation proposed by southern states, Patterson argued, “will be ignored unless the Health, Education and Welfare Department and the United States Department of Justice should at some future date find itself compelled, either by the American Congress or the United States Supreme Court to do otherwise.” Rigid in its interpretation of the law, HEW also forced its decrees on a select part of the country. In particular, Patterson declared that HEW’s rules were “only being applied to a few states in the deep South, therefore, a majority of the States of the Union are being spared the insurmountable difficulties in attempting to abide by the regulations and guidelines.”¹⁵ The Attorney General did not believe that any one at HEW was willing to compromise on a topic that, as he saw it,

¹⁴ Patterson, *Reply of Respondents*, April 3, 1967, Stennis Papers, Box 2, MSU, pp.3-6.

¹⁵ *Ibid*, pp.7, 13.

threatened the very fabric of southern society. For good reason, access to quality, segregated education was a pillar of white hegemony.

Rather than apply the rules equally across the country, the U.S. Office of Education, Patterson asserted, had a vendetta against the South and wanted

integration of the student body and faculty...speeded up, even though the school authorities had to resort to compulsory means to bring such about. We respectfully submit that no court decision, from *Brown v. Board of Education* to date, except the recent decision of the Fifth Circuit, nor the Civil Rights Act of 1964, require such to be done; in fact, the Civil Rights Act of 1964 specifically prohibits such to be done.

HEW was so arrogant in the appropriation of its power, as Patterson saw it, that it tossed a “veiled threat” at Robbins, the Hearing Examiner: no matter what he decided the Commissioner of Education, with his own authority, was going to withhold federal funds from schools districts in the state.¹⁶ HEW was determined to punish Mississippi for what Patterson described as imagined but not actual discrimination.

To bolster that point, the Attorney General noted that the General Counsel of HEW, Laurence Davis, in his brief thought the school boards themselves were biased because they were all white, which meant that there must be “discrimination, intimidation and general violation of the Civil Rights Act of 1964.” In a less than honest accounting, Patterson asserted that all-white school boards usually acted in the best interest of children, black and white, since the members of the boards were elected by the people in those districts. HEW’s lead lawyer, the Attorney General recalled, hailed from a state where Native Americans had been sent packing by “the white man,” who then “conceded to him only the right to be a ward of the United States Government under the terms and conditions laid down to him by a paternalistic, as well as

¹⁶ *Ibid*, pp.17-21.

inefficient, Federal bureaucracy.”¹⁷ In that light, if anyone was due recourse from HEW, Native Americans should be at the top of the list. Of course, that argument obscured the “paternalistic” and “inefficient” social system in the South that checked the rights of African Americans.

Patterson further denounced the brief by HEW’s attorney and linked it to one of his favorite rhetorical targets, the civil rights movement.

We would expect such remarks to be made by a Martin Luther King or a Stokely Carmichael in addressing a group of their demonstrators just before kicking off a riotous and tumultuous march, but we are surprised to see such come from a lawyer in a responsible position in his zeal to see school children deprived of that which they are rightly entitled to, simply because the trustees of their schools and their parents have not embraced a sociological ideal adhered to by the attorney for the General Counsel, as well as the United States Commissioner of Education.

The Attorney General did not want to see “over six hundred thousand students” punished for their parents’ allegiance to Jim Crow. Yet, he knew that he was not likely to win his case in front of Robbins and pushed one last time for the final decision to withhold funds “to be heard further before such House and Senate Committees” that controlled that money.¹⁸ It was a passionate, in-depth brief, but whether it would move HEW and Robbins remained to be seen.

At least Stennis was pleased by Patterson’s efforts and told the Attorney General that he was still trying to convince Senator Ervin to hold hearings but without success. “I have opposed these guidelines and all they stand for every step of the way....Let me assure you of my deep and continued interest in some relief from these arbitrary and harsh guidelines which, in my opinion, are illegal and far beyond the authority of the Commissioner of Education.” As far as Patterson’s argument about the dictates of the Civil Rights Act, Stennis informed him it “does provide that before funds are withheld, that the final decision of the Commissioner of Education will be filed with the appropriate Congressional Committees. However, the Committees have

¹⁷ *Ibid*, pp.22-23.

¹⁸ *Ibid*, pp.24-25.

taken the attitude that this is merely a filing for information only, and that they have no jurisdiction as such to review the decision itself.”¹⁹ Things looked bleak when Robbins announced his verdict.

In a letter to each member of Mississippi’s Congressional delegation, Patterson attached a copy of the initial decision of the Hearing Examiner, issued on May 2, 1967. Robbins had determined that the school districts continued to be segregated in the state despite “Freedom of Choice” and that HEW had the authority to withhold federal funds. “Of course, the decision of the Examiner comes as no surprise,” and Patterson expressed his frustrations:

Frankly, in my opinion, these hearings...do not rise to the dignity of being called a farce for the reason that the whole matter has been predetermined by the United States Commissioner of Education before the hearings are held...and, of course, in the event a hearing examiner should hold in favor of the school district, the Commissioner of Education and Secretary of HEW would simply exercise their authority to review and reverse the opinion of the hearing examiner.

The last hope left for Patterson was either in the halls of Congress, which would have to usurp the authority of HEW, or in front of “a court of competent jurisdiction,” but he doubted whether those options would be viable since the Justice Department wielded so much weight and would not allow it to happen.²⁰ Nonetheless, Patterson trudged forward in an attempt to erect some kind of legal obstacles to the Hearing Examiner’s decision.

His first effort in that regard was to file a “Request for Review of Decision of Hearing Examiner.” As a member of the State Board of Education and, thus, the attorney for the school districts in question, Patterson had the right to ask for a review from the Commissioner of Education and the Secretary of HEW. He knew that they would not overturn the Hearing Examiner’s decision, but it would at least buy him some time. Patterson then forwarded that

¹⁹ Letter, John Stennis to Joe Patterson, April 20, 1967. Folder 2, Stennis Papers, Box 2, MSU

²⁰ Horace Robbins. *Initial Decision of Hearing Examiner*. May 2, 1967. Folder 2, Stennis Papers, Box 2, MSU, pp.4-5; Letter, Joe Patterson to Jamie Whitten, May 4, 1967. Folder 2, Stennis Papers, Box 2, MSU, pp.1-2.

request for review to Stennis, who was happy to see the Attorney General using all legal means available to him, but the Senator knew that that effort was a dead end.²¹ He was still trying to convince his fellow Congressmen to hold hearings with some headway.

A few weeks later, Congress called for those hearings, and Commissioner Howe testified about his efforts to desegregate public schools through HEW. Representative Jamie Whitten forwarded Howe's testimony to Patterson, and the Attorney General was astounded. "I cannot conceive of Mr. Howe going before the committees and taking the position that he and his representative in Mississippi, Dr. Henderson, are not seeking to complete a desired percentage of faculty and student body integration irrespective of the fact that practically every school is operating under a free and unrestrained freedom of choice." While he was in Oakland, Mississippi, to make a commencement address, Patterson had spoken with the Superintendent there, who informed him that the U.S. Office of Education demanded he hire at least two black faculty for the Oakland School and two white faculty for the Walker School while "there must be at least twenty to thirty percent student integration." If the district did not abide by those orders, the Commissioner of Education had asked HEW and the Department of Agriculture to cut off federal funds. "I understand that these same representatives of the U.S. Office of Education are now checking into the colleges with reference to the awarding of athletic scholarships."²² Patterson felt like such measures on the part of the federal government were absurd and indicated that the White House as well as HEW was in bed with the civil rights movement.

The Attorney General decried the "irreparable damage being done some of the finest schools in our State....It is heart breaking to see what the invasion of Martin Luther King and

²¹ Letter, Joe Patterson to John Stennis, May 15, 1967. Folder 3, Stennis Papers, Box 2, MSU; Letter, John Stennis to Joe Patterson, May 22, 1967. Folder 3, Stennis Papers, Box 2, MSU.

²² Letter, Joe Patterson to Jamie Whitten, May 22, 1967. "Patterson, Joe T. 1960-1967" folder, Minor Papers, Box 11, MSU, pp.1-2; See same, Letter, Joe Patterson to Jamie Whitten, May 22, 1967. Folder 3, Stennis Papers, Box 2, MSU, pp.1-2.

Stokely Carmichael, with the protective arm of the United States Department of Justice draped over their shoulders, has left in its wake.” According to Patterson, movement leaders had conspired with HEW to lay out specific plans for desegregation, and, as he understood it,

King’s representatives in Grenada, and I presume in other selected places, are going to demand that teachers no longer be contracted with to teach in a particular school, but that the contracts be to teach in the school system with assignment to be made to a particular school at the beginning of a school year. As you know, it has been the practice in Mississippi to contract with teachers to teach in a specified school throughout the years. I think it is responsible to presume that the U.S. Office of Education and the Department of Justice will support these people in their demands.

Patterson maintained that the decision to cut off federal funds had to come from the courts or Congress, not from HEW. “Unless the power so ruthlessly being exercised by the HEW, through the U.S. Office of Education, is taken from this Department, I fear we are going to see some of the finest schools in our State virtually wrecked, and of course, the innocent victims will be the school children.”²³ Patterson was never clear about how schools would be “wrecked,” but the federal government and integration were the culprits in his mind.

Stennis, who had received a copy of Patterson’s letter to Whitten, described the Attorney General’s reasoning as “splendid,” but the Senator told Patterson that he should not blame Howe or the Office of Education. “The real fault lies at the White House, because that’s where the general orders come from in this most atrocious abuse and usurpation of power that I have ever known about in all of my public life.” Buttressed by harsh feelings, Stennis liked a plan proposed by Patterson that would add a line in the Appropriations Act for HEW saying that all decisions to cut off federal funding to states be determined in the courts. Stennis admitted, though, that they did not have the votes in Congress to make it happen. In his way of thinking, the only remaining way to make a difference was to enforce standards uniformly throughout the

²³ Letter, Patterson to Whitten, May 22, 1967, Minor Papers, Box 11, MSU, pp.2-3.

country so that “those outside the South really become concerned and interested.”²⁴ Patterson agreed with Stennis, but neither of them was optimistic that they could make that happen.

At the same time as all of this was going on, Patterson found himself in the middle of another reelection campaign, and, once again, the Citizens’ Council ran their own candidate, Louis Fondren. Patterson’s teenaged son, Joe Steadman Patterson, accompanied his father that Summer and Fall on the campaign trail and saw that his dad felt confident that he would win but did not want to take it for granted. Looking back on the election years later, his son remembered Fondren as a caricature of hard-line segregationists if not an outright “clone” of John McLaurin, but Fondren did not have “the statewide recognition or money” of McLaurin. But, Fondren played up his ties to the Citizens’ Council and sent campaign letters on Council stationery to ask members for support.²⁵ Although the Council continued to wield considerable power, especially through its system of schools that allowed white parents who could afford it a segregated education for their children, the group was not what it had once been, and its endorsement did not have the same appeal as it had in the past for white voters in the state.

Even then, the electorate could see that Patterson had safeguarded the cause of white power. After all, he indirectly defended the Citizens’ Council in court when Mildred Coffey sued the state to end tuition grants to private segregationist academies. Created as a means of thwarting *Brown*, those grants allowed white students to leave the public schools and be able to afford the tuition at academies like the ones the Council had established. Patterson’s primary argument for the defense in *Coffey v. State Educational Finance Commission* was that Mississippi had the right to educate its children as it saw fit. “The method by which it does so is

²⁴ Letter, John Stennis to Joe Patterson, May 26, 1967. Folder 3, Stennis Papers, Box 2, MSU, pp.1-2.

²⁵ Joe S. Patterson, interviewed by author, November 9, 2002, Decatur, Georgia.

also generally conceded to be solely for the determination of the state.”²⁶ It was a familiar states’ rights argument, but, in using it, Patterson never rejected the validity of *Brown*.

The Attorney General contended “that *Brown* did not hold that the Constitution of the United States requires that white children attend school with Negro children, or Negro children attend school with white children.” Rather, it “Invalidated the Power of a State to Limit or Restrict Admissions to or the Use of Public Facilities, Educational or Otherwise, Solely on the Basis of Race, But It Did Not Invalidate Any Other Power of a State or Any Constitutional Right of a Citizen of the United States [original emphasis].”²⁷ In those terms, the state was doing nothing wrong through its tuition grant program, and Patterson argued that most white Mississippians wanted to comply with *Brown*.

In his “Brief on Behalf of Defendants” in *Coffey*, the Attorney General then laid out a history of how the state had supposedly come to repent and reject defiance of federal authority. He began by acknowledging that the state constitution adopted in 1890 contained provisions for segregated schools that contradicted the dictates of *Brown* and that whites in the state were so unhappy with the *Brown* decision that their leaders enacted

a series of statutes which can be likened to the “massive resistance” program of the Virginia General Assembly. But just as Virginia had to abandon its program of “massive resistance,” so, too, did Mississippi, years prior to the adoption of our tuition grant statutes, have to abandon its resistance to *Brown*. By 1964, every intelligent person in Mississippi knew that the public schools of the state had to be desegregated, that there was no escape from what was then an inexorable fact of life. After the James Meredith affair, even the most ardent segregationist had to admit that there was no way of circumventing the school desegregation orders of the federal courts. What we have just said is a matter of common knowledge here in Mississippi. Proof of it lies in the fact that not since the James Meredith affair has the authority of the state or any of its subdivisions been used in opposition to desegregation efforts....The fact of the matter is just what we have said: long

²⁶ Joe Patterson. “Brief on Behalf of Defendants, Added Defendant, and Defendants-Intervenors.” *Mildred Coffey, et al., v. State Educational Finance Commission, et al.* June 30, 1967. MDAH, p.36.

²⁷ Patterson, “Brief on Behalf of Defendants,” *Coffey v. State*, June 30, 1967, MDAH, pp.37, 67.

prior to the passage of its tuition grant statutes, Mississippi had ceased all efforts to circumvent the holding in *Brown*.²⁸

Patterson was being less than honest about the state's abandonment of defiance; his very job was to defy through legal means the total collapse of Jim Crow.

Mildred Coffey's lawsuit was further proof that whites continued to defy *Brown* and to search for ways to maintain segregated schools, and, in 1969, the federal court in Mississippi's Southern District ruled in her favor, outlawing tuition grants because of their ultimate purpose: the maintenance of a segregated school system.²⁹ Patterson was correct, however, to assert that the reactionary brand of virulent segregationists, which stood at the fore of Mississippi politics in the wake of *Brown*, was no longer a viable option. As they entered into the 1967 statewide elections, Mississippi's white voters recognized as much and knew that their fortunes would be better off tied to a more sophisticated, *color-blind* political structure.

In the most bizarre twist of that election of 1967, James Meredith issued a statement to endorse Patterson, not that the Attorney General had sought his blessing. Nevertheless, he had to counter with a press release to set matters straight.

James Meredith's endorsement of my candidacy for re-election is, of course, ridiculous. I have considered James Meredith a psychopathic egotist, suffering from a severe case of delusions of grandeur, since my first confrontation with him in a courtroom several years ago. I have faith in the intelligence and good judgment of the people of Mississippi, and I am confident that the statements and antics of this publicity seeker will have no effect whatsoever on the outcome of my candidacy for re-election.

And, he was correct. In the end, Patterson annihilated the Council candidate in his fourth election with 466,308 votes to Fondren's 163,111.³⁰ Despite growing numbers of setbacks at the

²⁸ *Ibid.*, pp.76-77.

²⁹ *Coffey v. State Educational Finance Commission*, 296 F.Supp. 1389 (1969).

³⁰ Press release, Joe Patterson, July 24, 1967. "Meredith, James—University of Mississippi (2/3) 1963-1967" folder, Minor Papers, Box 9, MSU; *Mississippi Blue Book: 1968-1972*, p.451; Letter, Louis Fondren to June Murphree, June 5, 1967, Patterson Papers.

hands of the civil rights movement and the federal government, Patterson had a clear record of defending white prerogatives to the best of his ability and of crafting a brand of politics more resistant to activist advances. White leaders in the state and the white electorate respected him for that reason.

Not long after the election, Patterson was back at work fighting HEW and its attempt to withhold federal dollars from the state. When he learned that HEW was opening an office in Atlanta to oversee compliance with Title VI of the Civil Rights Act, he went to Stennis again for advice. Patterson noted that HEW's expansion came on the heels of a Fifth Circuit Court of Appeals' decision in a case against Jefferson County, Alabama, wherein the Court accepted HEW's guidelines as law. However, no other circuit court had taken that step, so the rest of the country was governed by different rules, particularly since the Supreme Court refused to review the Fifth Circuit's decision. Piggybacking on the suggestion Stennis had made several months earlier, Patterson was "confident that if you and your colleagues could bring about a demand that the HEW enforce their guidelines uniformly throughout the Nation a different attitude on the part of HEW would immediately follow."³¹ Of course, Stennis agreed with that sentiment.

Impressed by Patterson's opinion, Stennis had his assistant, W.E. Cresswell, talk directly with the Attorney General about specific policies and was determined to "see if this matter can be exposed and something done." There was an expanding body of evidence to show that the actions HEW was taking in the South had not been applied consistently across the country. Again in response to Stennis, Patterson enclosed decisions from the Eighth Circuit—*Clark, et al., v. The Board of Education of the Little Rock School District*—and from the Sixth Circuit on schools in Cincinnati and Jackson, Tennessee. None of those decisions adopted the Fifth

³¹ Letter, Joe Patterson to John Stennis, November 16, 1967. Folder 3, Stennis Papers, Box 2, MSU, p.1.

Circuit's and HEW's standards for desegregation.³² Yet, HEW continued to attack segregation in Mississippi's schools with unabated fervor in 1968.

On March 12, a lawyer in Hattiesburg, M.M. Roberts, wrote to Patterson about the Runnelstown and Beaumont Public Schools in Perry County. Roberts revealed that funds from HEW had been cut for the school district after the Secretary of Agriculture Orville Freeman decided to withhold funds from taxes on federal lands there. "These two areas are virtually destructive for the ongoing of the public schools in the county. It is one of those damnable things which can arise from a totalitarian government but it exists nevertheless." The Attorney General immediately went to Stennis for help and told the Senator that HEW had asked the Department of Agriculture "to cut off funds due Perry County in lieu of taxes on the large amount of lands owned by the Government in Perry County." It was a major problem since the federal government owned about a third of the land in the county and half of the money taxed on that went to public schools while the other half went to public roads.³³ Stennis was more than aware of what the Department of Agriculture had been doing as cases across the state came to his attention.

The Senator informed Patterson that he had heard about the Perry County case as well as a similar situation in Stone County. According to Stennis, the Department of Agriculture had found "some obscure language in the debates on the Civil Rights Act" to justify the withholding of funds, and he did not think that they would change their minds unless forced to do so by court order. The only other thing to do, Stennis suggested, would be to appropriate all of the tax money from federal lands to public roads and make up the money for public schools through new

³² Letter, John Stennis to Joe Patterson, November 24, 1967. Folder 3, Stennis Papers, Box 2, MSU; Letter, Joe Patterson to John Stennis, November 29, 1967. Folder 3, Stennis Papers, Box 2, MSU.

³³ Letter, M.M. Roberts to Joe Patterson, March 12, 1968. Folder 35, Stennis Papers, Box 5, MSU, pp.1-2; Letter, Joe Patterson to John Stennis, March 14, 1968. Folder 35, Stennis Papers, Box 5, MSU, pp.1-2.

state taxes. While that “may be impractical,” he felt it would at least keep the issue of desegregation off the table.³⁴ Public officials throughout Mississippi were trying to come up with ways to deal with the threatened withdrawal of federal dollars from their school districts.

John Ethridge, head of the Information and Advisory Office for the state’s Department of Education, wrote to Stennis a few days later to tell him about efforts by HEW and its Office for Civil Rights in Alcorn and Itawamba Counties. In those school districts, the boards of education were “voluntarily eliminating the ‘dual structure of the schools’ by closing the formerly all-Negro schools and assigning the Negro students to the formerly all-white schools. In addition, these school districts are offering opportunities for employment to Negro teachers who might be displaced because of closing of the Negro schools.” But, because of residential patterns, some of those schools remained all-white. While HEW was not pleased with that situation, it agreed to the plans as long as those counties at the very least insured that the faculties had some black teachers. Ethridge hoped Stennis would try to

convince the Secretary of Health, Education, and Welfare and his “underlings” that closing the Negro schools and offering job opportunities to Negro faculty members should be sufficient to eliminate the “dual structure of the schools.” Our school systems do not plan to “bus” students from one part of the county to another part in order just to desegregate schools. If we eliminate the Negro schools, we feel that the children should go to the schools of nearest proximity to residences.

And, Stennis agreed but was at a loss for what to do about HEW’s actions.³⁵ The entire concern was for white school children and not for meeting the spirit of the 1964 Civil Rights Act.

At the same time, Joe Patterson was in communication with Robert McFarland, an attorney in Bay Springs, “regarding the withholding of funds allocated to Jasper County, Mississippi under the Weeks Law,” which authorized the Department of Agriculture to acquire

³⁴ Letter, John Stennis to Joe Patterson, April 12, 1968. Folder 35, Stennis Papers, Box 5, MSU.

³⁵ Letter, John Ethridge to John Stennis, April 18, 1968. Folder 4, Stennis Papers, Box 2, MSU, p.1; Letter, John Stennis to John Ethridge, May 2, 1968. Folder 4, Stennis Papers, Box 2, MSU.

lands and maintain them as national forests. Denied a request for a full trial by another Hearing Examiner for HEW, the school district had “30 days from the date of this Order to submit its recommended ‘Recommended Findings and Proposed Decision’ and brief in support thereof.” It was McFarland’s opinion, though, and “the thought of our school authorities that the right of the Department of Agriculture to withhold these funds from the schools should be tested.” He then asked Patterson to be the lead attorney in a case that he planned to file on behalf of the school district, especially since the state was implicated in the lawsuit.³⁶ The Attorney General was more than happy to join that cause.

Patterson prepared two different “Recommended Findings and Proposed Decision” and submitting them to the Hearing Examiner. The first declared that the money the Department of Agriculture wanted to withhold was “not Federal financial assistance within the meaning of the Civil Rights Act of 1964” and, thus, must be released. The second suggested that there were significant doubts as to whether or not the funds were subject to the Civil Rights Act, so, they should be awarded to the state. The point raised by Patterson and his staff was that these funds were not direct federal financial assistance to public schools but came from tax money from “the sale of timber cut from lands of the United States.”³⁷ Patterson was under no illusion that the case might go his way, but he went through all of the legal motions anyhow.

³⁶ Letter, Robert McFarland to Joe Patterson, April 25, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.1; Will Rogers. *Order*. April 22, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.2.

³⁷ Letter, Joe Patterson to Eugene Meyer, May 20, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Joe Patterson. *Recommended Findings and Proposed Decision*. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-2; Joe Patterson. *Alternative Recommended Findings and Proposed Decision*. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-2; Joe Patterson. *Brief of Respondents to Order of the Hearing Officer*. April 22, 1968. Folder 35, Stennis Papers, Box 5, MSU, pp.1-2.

Recorded as the “counsel for respondents,” Patterson did not have to wait long for the Hearing Examiner’s decision. Hardly a week after Patterson filed his “proposed decision,” the recommended findings were released. Noting that the Secretary of Agriculture had issued an order to correct violations of the Civil Rights Act on September 16, 1966, the Hearing Examiner ruled that the West Jasper Consolidated School District had “failed to comply with Title VI of the Civil Rights Act” and had not shown to the Department of Agriculture or to HEW that it ever intended to abide by “a final order of a court of the United States for desegregation of its school system.” Thus, the Secretary of Agriculture had the appropriate jurisdiction and power to withhold federal dollars. The matter was not completely settled, though, since Patterson had another opportunity to file “any exceptions” and ask for oral arguments.³⁸ The Attorney General saw those options through as well, but he realized his chances were dimming.

Although not surprised he had lost the case before HEW, it was a setback, but it was not nearly as damaging as a decision handed down by the Supreme Court at nearly the same time. On May 27, 1968, the Court delivered its verdict in *Green v. County School Board of New Kent County*, and, in that decree, it struck at the most popular plan for maintaining segregated public schools: “Freedom of Choice.” The lawsuit had been filed in Virginia in 1965, but its ramifications were sweeping. The majority opinion, written by Justice William Brennan, charged school districts “with the affirmative duty to...convert to a unitary system in which racial discrimination would be eliminated root and branch.” The Court did not declare “Freedom of Choice” unconstitutional per se, but assignment plans like it that were supposed to be “racially

³⁸ Letter, Eugene Meyer to Joe Patterson, May 31, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Will Rogers. *Recommended Findings and Proposed Decision*. May 28, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1, 2, 4, 5, 7.

neutral” but did not result in the tangible desegregation of public schools were not enough to be declared in compliance with the dictates of *Brown*.³⁹ That decision opened the doors for the Justice Department to step push for more concrete steps toward desegregation in the South.

In the wake of *Green*, Patterson and Assistant Attorney General Martin McLendon had to lay out their “exceptions” to the Hearing Examiner’s ruling and think of ways to bolster “Freedom of Choice.” Their position continued to hinge on whether “these funds are Federal financial assistance,” and, asking for oral arguments, they reasserted their belief that the Secretary of Agriculture should not have the authority to withhold that money. But, Patterson also went back to Stennis for assistance as well as to Representative Jamie Whitten and sent them all the rulings that had been handed down in the case. The Attorney General was particularly concerned about HEW’s attempt to bring other federal departments into the act of withholding funds from Mississippi schools. For his part, Stennis was willing to keep up the fight and do everything within his power to help, but his options were limited, especially with the Supreme Court’s new stance. Whitten, who did not have the same kind of power Stennis wielded, promised to look into it.⁴⁰ There was not much either of them could do.

³⁹ *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968); Davison Douglas. *Reading, Writing, and Race: The Desegregation of the Charlotte Schools*. Chapel Hill: University of North Carolina Press, 1995, pp.128-130; Charles Bolton. *The Hardest Deal of All: The Battle over School Integration in Mississippi, 1870-1980*. Jackson: University Press of Mississippi, 2005, p.126.

⁴⁰ Letter, Joe Patterson to Eugene Meyer, June 26, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Joe Patterson. *Exceptions of Respondents*. Undated. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-3; Letter, Joe Patterson to John Stennis, May 28, 1968. Folder 35, Stennis Papers, Box 5, MSU; Letter, Joe Patterson to John Stennis, June 6, 1968. Folder 35, Stennis Papers, Box 5, MSU; Letter, John Stennis to Joe Patterson, June 20, 1968. Folder 35, Stennis Papers, Box 5, MSU; Letter, Joe Patterson to Jamie Whitten, June 6, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Jamie Whitten to Joe Patterson, June 6, 1968. “Attorney General’s Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

Whitten did write an angry letter to Edward Shulman, the General Counsel for the Department of Agriculture, and expressed his intense displeasure at hearing that the funds for Jasper County schools were going to be withdrawn. He asked Shulman to take action to make sure that that money would go through despite the Hearing Examiner's orders, but his impassioned plea did not have much impact. In receipt of Patterson's "exceptions" and request for oral arguments, the Department of Agriculture was in no hurry and waited until the first of the year to respond. Robert McFarland, the attorney for the Jasper schools, sent Patterson's office the final decision and order from the Secretary of Agriculture, who "has denied our position in the United States Forestry funds and has also denied us the privilege of oral argument." McFarland wanted to talk with Patterson about whether or not they should sue the Department of Agriculture in federal court to force the funds to be paid.⁴¹ More and more, Patterson recognized that the courts, unfriendly at best to his position, had to be his final resort.

Taking one last stab at reaching a compromise, Patterson pleaded his case with U.S. Attorney General Ramsey Clark to see if Title VI of the Civil Rights Act actually applied in the matter. Patterson had never had a practical relationship with the Justice Department, and no one was surprised when Clark affirmed the right of HEW and the Department of Agriculture to withhold their money. Soon after Clark's opinion was handed down, A.W. Greeley, Associate Chief of the Forest Service, wrote to the Superintendent of Education for Jasper County, A.F. Hollingsworth. At that point, Greeley noted that, if the school district showed tangible signs of desegregation, then he could recommend that the Secretary of Agriculture's order be rescinded,

⁴¹ Letter, Jamie Whitten to Edward Shulman, June 19, 1968. "Attorney General's Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Eugene Meyer to Joe Patterson, June 28, 1968. "Attorney General's Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Robert McFarland to Martin McLendon, January 23, 1969. "Attorney General's Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

but, otherwise, the only thing that would change how matters stood was if there was a reversal on appeal in federal court, which was unlikely. But, Patterson himself responded to Greeley and asked for a copy of the Attorney General's opinion, so he could prepare for that day in court.⁴² Since 1956, Patterson had been the chief legal defender of the traditions of Jim Crow in Mississippi. He did not know it at the time, but his defense of segregated education in the state would be one of his last causes.

In February 1969, a state Assistant Attorney General, Bill Allain, sent a two-page letter to every member of the Mississippi congressional delegation about a pending federal lawsuit, *U.S. v. Hinds County Board of Education*. Emboldened by *Green*, the Justice Department hoped to desegregate twenty-five school districts in the state. Along with enclosing the *Trial Brief of Defendants*, Allain remarked that the case made by the state

reflects an entirely new and different approach in this type of litigation. You will notice...that the Hinds County School District proved by expert testimony that segregation of the races is a natural and human result, and in fact, rather than being detrimental to good quality education is in fact advantageous. We believe that the position taken by the said school district in the enclosed Brief is a sound and legal position supported by not only reason but by the law. It is our firm conviction that the position taken by the Hinds County Board of Education is the only position that can and will save good quality education for both races not only in Hinds County but in school districts all over the United States.⁴³

The state argued that segregation by law had been eliminated in its public schools, but it recognized that a de facto segregation had arisen in its place, which not only was constitutional but was the natural and preferred state of things.

⁴² Letter, A.W. Greeley to A.F. Hollingsworth, February 4, 1969. "Attorney General's Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH; Letter, Joe Patterson to A.W. Greeley, February 21, 1969. "Attorney General's Correspondence: West Jackson Consolidated School District vs. Dept. of Agriculture, Docket No. Cr: 6 (F.S.) 1967-1969" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH.

⁴³ Bolton, *The Hardest Deal*, p.128; Letter, Bill Allain to John Stennis, February 7, 1969. "Assistant Attorney General's Correspondence (Bill Allain): Official Correspondence 1969-1970" folder, MAGO, Assistant Attorney General Files 1967-1975, Box 7628, MDAH, p.1.

Allain included a supporting *Clarion-Ledger* article—well-known for its segregationist bias—that revealed “renowned educators are now coming around to the position which has been and is being taken by the Hinds County Board of Education.” As Allain saw it, such evidence was “proof that the school district is not attempting to shirk its constitutional duty to operate a unitary non-racial school district but is presently operating a unitary non-racial school district which is best suited for the differences which exist in the learning pattern of the two races.” Allain hoped to be removing “the operation of said school districts out of the hands of the Courts and placing it back in the hands of the individual school boards where it belongs.”⁴⁴ And, every member of the state’s congressional delegation agreed with that sentiment.

Stennis was one of the first to praise Allain “for the approach taken. Unfortunately, all too often the matter of quality education gets lost or relegated to the rear, and our schools and students suffer the consequences.” Second-term Representative Sonny Montgomery echoed that feeling: “We have been trying to use the connections we have toward bringing about a practical handling of this over-all school problem.” Thankful that Patterson’s office had found such an argument, he hoped “that the courts will grant our schools relief from their present destructive coercive mandates.” Charles Griffin, who had won a special election to fill John Bell Williams’ seat when he resigned in order to be Governor, told Allain that the brief “was both highly reasoned and valid....While we continue to have some discouraging setbacks, it is my hope that the Federal Judiciary will eventually be influenced by the type of inexorable and common sense reasoning expressed by our attorneys in this instance.” Likewise, William Colmer wanted “to commend those who are involved in presenting this unique approach to a difficult situation

⁴⁴ Letter, Allain to Stennis, February 7, 1969, MAGO, Box 7628, MDAH, pp.1-2.

which has been forced upon us.”⁴⁵ Those emotions were reinforced by a new sense of optimism that stemmed from the inauguration of a more conservative President, Richard Nixon.

Already active in fighting this case on the federal level, Representative Whitten congratulated Allain on a job well done and commented on a national atmosphere that was more conducive to the segregationist cause.

A change in public attitude, I believe, is our greatest hope to restore some sense both to the Department of Education and to the courts. This matter of forced integration is not working; it is destroying our schools, and anyone with a grain of grey matter can easily see that everyone in sight is stretching the law to bring about a preconceived desired racial mix.

With that in mind, he had taken the issue to President Nixon, but the jury was still out on how conducive the new administration would be towards reconciling with the South. Some openly questioned whether Nixon, who employed a “Southern Strategy” during the election, would seek to repay the debt he owed the region for winning. “Yesterday, I had a Republican Member of Congress to say that they were distributing microscopes to the Republican Members of Congress ‘to help them try to find some difference between this Administration and the last.’”⁴⁶ Yet, segregationists had good reason to hope, and Stennis reached out to Nixon as well.

In a March letter to the President, Stennis asked him to “personally intervene and take steps to protect our public schools and colleges from the harsh and unreasonable demands of the Department of Health, Education, and Welfare.” Appreciative of Nixon’s words and new

⁴⁵ Letter, John Stennis to Bill Allain, February 18, 1969. Folder 6, Stennis Papers, Box 2, MSU; Letter, Gillespie V. Montgomery to Bill Allain, February 28, 1969. “Assistant Attorney General’s Correspondence (Bill Allain): Official Correspondence 1969-1970” folder, MAGO, Assistant Attorney General Files, 1967-1975, Box 7628, MDAH; Letter, Charles Griffin to Bill Allain, February 18, 1969. “Assistant Attorney General’s Correspondence (Bill Allain): Official Correspondence 1969-1970” folder, MAGO, Assistant Attorney General Files, 1967-1975, Box 7628, MDAH; Letter, William Colmer to Bill Allain, February 13, 1969. “Assistant Attorney General’s Correspondence (Bill Allain): Official Correspondence 1969-1970” folder, MAGO, Assistant Attorney General Files, 1967-1975, Box 7628, MDAH.

⁴⁶ Letter, Jamie Whitten to Bill Allain, February 20, 1969. “Assistant Attorney General’s Correspondence (Bill Allain): Official Correspondence 1969-1970” folder, MAGO, Assistant Attorney General Files, 1967-1975, Box 7628, MDAH, pp.1-2; Matthew D. Lassiter. *The Silent Majority: Suburban Politics in the Sunbelt South*. Princeton: Princeton University Press, 2006, pp.241-243.

approach, Stennis wondered why the same people were leading HEW from the LBJ administration and applying the same old standards. “Unfortunately, these officials seem to have little or no interest in the education of our children, or the preservation of our schools. Their apparent sole consideration is total and immediate integration, even if the schools are totally destroyed in the process.” Stennis reminded Nixon that his election that past November was an indication that the American people—wary from the anti-war and civil rights movements—wanted a change, especially on this topic. In the end, the Senator asked for a “moratorium on further action in this field by the Department of Health, Education and Welfare until your administration can review the matter fully.”⁴⁷ And, Stennis soon saw results.

Patterson and the state won their first hearing before the three-member federal district court in Mississippi, which denied the Justice Department’s attempt to enforce immediate desegregation. Led by the infamous Harold Cox, the district court’s decision, though, was certain to be appealed to the Fifth Circuit, where Patterson faced a less hospitable audience, and the Nixon administration gave no hint that it would come around in time to offer its support before the appeals court.⁴⁸ For the Attorney General, it did not really matter; he did not live to see the appeal to fruition.

On the night of April 19, 1969, Patterson ate a late bowl of cereal, said good night to his son Bill, and went to bed. Work had taken its “toll” on the Attorney General, and, a few hours later, his wife woke up to her husband’s irregular breathing. When she was not able to rouse him, she called an ambulance, but it was too late to do much. He had had a massive stroke. A cigarette and then pipe and cigar smoker, Patterson suffered from emphysema, but his stroke turned out to be related to another unique health problem: hypotension. Two days later, taken

⁴⁷ Letter, John Stennis to Richard Nixon, March 12, 1969. Folder 6, Stennis Papers, Box 2, MSU, pp.1-2.

⁴⁸ *United States v. Hinds County School Board* 417 F.2d 852 (1969); Bolton, *The Hardest Deal*, pp.128-129.

off life support, Joe Patterson passed away in his hospital bed at the age of sixty-one.⁴⁹ A man who toiled for more than a decade in one of the highest profile and most demanding public offices in the state died from complications due to low blood pressure.

Flags in the state were flown at half mast, and sympathy cards poured in from all over the country. Patterson's old friend, Representative Thomas Abernethy, wrote to Margaret Patterson. "The news this morning left us shocked and deeply grieved. Deepest sympathy." The Southern Attorney General's Conference, which Patterson "had hoped to attend," adopted a resolution of remorse, and many expressed similar sentiments. His sister, Doug, later remarked on the socio-economic diversity of the crowd that gathered at the Wright and Ferguson funeral home in Jackson. A line crept out the door and around the building, including everyone from "the cleanup crew for the capitol" to "the Governor." Flowers flooded the room, and one floral arrangement came in the shape of the seal of the State of Mississippi. And, the funeral itself on a sunny Spring day in Calhoun City was no different: television crews and news reporters from around the state marveled at the size of the crowd.⁵⁰ He was an honored man, whom the majority of white Mississippians admired for all he had done in their names, but he left a lot in the lap of his successor, A.F. Sumner.

Appointed by the Governor, the new Attorney General received his own fair share of sympathy cards from well-wishers. Representative Abernethy acknowledged that "it really hurt me about my good friend, Joe Patterson, passing on. While Joe was a few years younger, he and I were both born in Eupora, his mother being reared there. Joe and his entire family had been

⁴⁹ Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi.

⁵⁰ James P. Coleman, interviewed by Orley B. Caudill, February 6, 1982, Hattiesburg, Mississippi, MOHP, p.285; *Jackson Daily News*, April 23, 1969, Patterson Subject File; Sympathy cards, Patterson Papers; Letter, Thomas Abernethy to Margaret Patterson, April 22, 1969. "P General" folder, Abernethy Papers, Box 195, Ole Miss; Letter, Herbert Wiltsee to Margaret Patterson, April 29, 1969. "Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969" folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Doug Haynes, interviewed by author, October 30, 2003, Clarksdale, Mississippi; Bill Patterson interview.

friends of mine since childhood. I will miss him terribly. I think he would be proud and happy to know that you are now occupying his chair.” Senator Stennis sent his congratulations, and Representative Sonny Montgomery admitted that he was happy to see Sumner appointed to the new post but somewhat sad to see him leave his old job with John Bell Williams. “I am a little selfish in that I knew I always had someone I could call on in the Governor’s office. I sincerely appreciate the job you did in the Governor’s office.” For Congressman Jamie Whitten, he hoped that Sumner knew “how very pleased we are that you were selected to succeed our late friend, Joe Patterson. They just couldn’t have made a better choice.” Chancellor Porter Fortune of Ole Miss offered his best wishes and assistance as did businessmen like J.W. Latham, the CEO of the Consolidated American Life Insurance Company in Jackson. They all recognized that Sumner had big shoes to fill and remembered Patterson as “beloved.”⁵¹ Others were more to the point about the job to be done.

Attorney General Jack Gremillion of Louisiana read in the newspaper that Sumner had been “appointed by Governor Williams...to succeed my dear, good friend the late beloved Joe T. Patterson.” Gremillion held a hand out to Sumner to offer his help in the same way Patterson had reached out to Attorneys General across the region in order to work with them on causes of similar concern. He hoped Sumner would continue that tradition. Former state Treasurer and future Governor, William Winter, warned the new Attorney General that “this is a large and

⁵¹ Letter, Thomas Abernethy to A.F. Sumner, April 29, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, John Stennis to A.F. Sumner, April 29, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, Gillespie V. Montgomery to A.F. Sumner, April 28, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, Jamie Whitten to A.F. Sumner, May 5, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, Porter Fortune to A.F. Sumner, April 25, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, J.W. Latham to A.F. Sumner, April 24, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH.

challenging responsibility, but I know it is one in the carrying out of which you will derive a great deal of satisfaction” The state Representative from Clarksdale, Kenneth Williams, put it more clearly: “In these difficult times, especially insofar as education is concerned, the people need a strong, able, and aggressive attorney general. I know that you will not fail them.”⁵² Sumner stood on the precipice of major legal changes in the state, especially with *U.S. v. Hinds County Board of Education* on the verge of being decided.

To Sumner’s relief, the Nixon administration came around in time to fulfill its end of the Southern Strategy bargain. The pressures from Stennis, Patterson, and others finally materialized, and the new Secretary of HEW, Robert Finch, offered revised and less stringent guidelines for the desegregation of schools in the South. But, it was too late. On the day those orders were put into effect, July 3, 1969, the Fifth Circuit Court of Appeals ordered the desegregation by September of the twenty-five school districts in question. The ruling pointed out that “not only has there been no cross-over of white students to Negro schools, but only a small fraction of Negro students have enrolled in the white schools” through “Freedom of Choice” plans.⁵³ The state, led by Sumner, prepared to appeal to the Supreme Court.

In search of more support from the new Presidential administration, the Mississippi Legislature drafted a resolution that rejected the Fifth Circuit’s verdict and asked Nixon and U.S. Attorney General John Mitchell to intervene.

The implementation of the opinion of said court will result in the destruction of peace and harmony in the several communities involved....A school cannot be

⁵² Letter, Jack Gremillion to A.F. Sumner, April 25, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, William Winter to A.F. Sumner, April 25, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH; Letter, Kenneth Williams to A.F. Sumner, April 28, 1969. “Administration of A.F. Sumner: Correspondence January 13, 1969-April 30, 1969” folder, MAGO, Correspondence—General, 1851-1983, Box 7639, MDAH.

⁵³ *United States v. Hinds County Board of Education*, 423 F.2d 1264 (5th Cir. 1969). “Correspondence: Schools-Misc. Correspondence and Opinions-1969” folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, p.10; Bolton, *The Hardest Deal*, pp.129-130.

meaningfully operated in the midst of dissatisfaction of the patrons, disfavor of the public at large, revulsion of the students at being forced to attend a school not of their choice. Learning is a process that requires a favorable and pleasing environment and education will be irretrievably shattered and the public school systems wrecked....The people of this state are loyal to the United States of America, in spite of the recent abuses by those temporarily in charge of the government thereof, and are law abiding and have been taught for generations to hold respect for the constituted authorities of the state and nation, including both federal and state courts.

With that in mind, the state would abide by the wishes of the federal government, but the Legislature asked for help in resurrecting the respect of the white South for its national leaders.⁵⁴ Nixon responded to that plea and put efforts in motion to blunt the decision of the Fifth Circuit.

Changing the federal government's position, Secretary Finch and new leadership in the Nixon Justice Department successfully lobbied the Fifth Circuit to push the date for desegregation in Mississippi back to December 1969, but the NAACP stepped in to appeal that decision to the Supreme Court on behalf of Beatrice Alexander and her children, who attended school in Holmes County. Because the federal government was now partnered with the defense, the case name was changed to *Alexander v. Holmes County Board of Education*. On September 5, 1969, the high court, not pleased by the shenanigans of the federal government or by the Fifth Circuit's change of heart, handed down an explicit ruling.

For a great many years Mississippi has had in effect what is called a dual system of public schools, one system for white students only and one system for Negro students only....There is no longer any excuse for permitting the "all deliberate speed" phrase to delay the time when Negro children and white children will sit together and learn together in the same public schools.... There are no longer any justiciable issues in the question of making effective not only promptly but at once—*now*—orders sufficient to vindicate the rights of any pupil in the United

⁵⁴ Mississippi Legislature. *A Resolution Petitioning the President and the Attorney-General of the United States to Review the Matter of the Decision of the United States Court of Appeals (5th Circuit), the Adverse Effect Thereof on the Operation of the Public Schools of the 5th Circuit, and the Detriment Thereof to the Peace and General Welfare of the People Affected Thereby*. July 9, 1969. "Correspondence: Schools-Misc. Correspondence and Opinions-1969" folder, MAGO, Correspondence—Subject, 1931-1980, Box 7516, MDAH, pp.1-3.

States who is effectively excluded from a public school on account of his race or color.⁵⁵

The timing of the decision made it too late to enforce immediate desegregation for the fall semester of 1969, but it made no room for delay after that point. Fifteen years after *Brown*, the court ordered segregated public education in Mississippi to come to an end.

Historian Paul Gaston has argued that “social change may come about even when led by people who act more out of necessity and unsympathetic commitment than out of conviction.”⁵⁶ The idea is that advocates of Jim Crow who backed away from total defiance opened the door for the civil rights movement to make broader gains than it otherwise would have. In a way, that was true for Joe Patterson, who did not sympathize with the movement and actively fought it every step of his career as Attorney General. He was torn between his segregationist beliefs and his commitment to the law—a dilemma that faced white Mississippian’s. In due course, he chose the law and, thereby, played an unwitting but significant role in some social change in Mississippi. After all, if it had not been for his actions in the Fall of 1962, James Meredith may not have broken down Ole Miss’ segregated doors.

On the other hand, Patterson’s willingness to accept some advancement for African Americans did not mark a fading commitment to white supremacy. Instead, it was a strategic decision, intended to keep the combined forces of the movement, the federal government, the press, and worldwide scorn at bay. Patterson knew that, by offering a minimum amount of accommodation to the demands of civil rights activists, he could broker an agreement that kept many of the vestiges of white power in tact, including segregated public schools. It was an

⁵⁵ *Alexander v. Holmes County Board of Education*, 396 U.S. 1218 (1969); Bolton, *The Hardest Deal*, p.134; Lassiter, *The Silent Majority*, p.243.

⁵⁶ Paul M. Gaston. “Foreword by Way of Memoir” in *The Moderates Dilemma: Massive Resistance to School Desegregation in Virginia*, eds. Matthew D. Lassiter and Andrew B. Lewis, pp.ix-xii. Charlottesville: University Press of Virginia, 1998, p.xii.

overwhelmingly effective strategy of *color-blind* politics that did not just emerge from the suburbs of the South's metropolises but found popular support amongst whites who lived nowhere near the ranks of the region's middle-class and elite.

Instead, its effectiveness can be marked by its appeal to most white southerners, who were savvy enough to understand that their status in relation to black people depended upon an ability to negotiate with the powerful forces standing behind the demand for civil rights for all and to mold a new message that appeased those forces as much as possible. Joe Patterson wielded this version of conservative Jim Crow politics and contributed volumes to its potency. In many ways it would never be defeated, despite court orders, and can be seen in the words as well as the actions of many southern whites, who are so absorbed by its *color-blind* appeal that they believe their efforts to maintain power today have nothing to do with race.

Conclusion

Massive Adjustment

Joe Patterson's youngest son, Bill, was only fourteen when his dad died, but he has vibrant memories of his father and the respect he garnered as a prominent political figure in Mississippi during the civil rights movement. From Bill's perspective, his dad was a consummate gentleman, whose paternalism towards black people was sincere and whose distaste for Ross Barnett and the Citizens' Council was palpable, although he did not realize Joe had once been a Council member himself. Bill Patterson noted that his father thought Barnett's "rhetoric was inflammatory to a degree of being dangerous" and that they stopped talking to each other during their overlapping years in office. They had to communicate through a mediator.¹ At a young age, Bill Patterson recognized the differences between his father and the hard-line contingent that opposed him. Bill's opinion was rose-colored for obvious reasons, and he missed the significance of how his dad went about his job. Still, after all those years, he described Joe Patterson's tangible discomfort with those more wholly committed to Jim Crow. Other members of the Patterson family were no different.

Bill's older brother, Joe Steadman Patterson, was twenty-years-old when his dad suffered his fatal stroke and had spent a summer two years earlier on the campaign trail with him. Joe Steadman had a clearer picture of what was happening politically as the 1960s dawned in Mississippi. In his view, his dad represented, "during the late '50s and into the early '60s, kind of an evolution of thought, a shifting. And, I think...there's another alternative....I don't know

¹ Bill Patterson, interviewed by author, October 1, 2002, Jackson, Mississippi.

that you're seeing a shifting in his thought about things like segregation, but I think you're seeing a shifting in his thought about certain people in the State of Mississippi." In particular, Joe Steadman, who believed that his father was "flat wrong on that issue" of civil rights, knew that there was "a hardening of the two camps"—one more moderate in its approach than the other. By the time the 1963 election rolled around, those whites in the state who were tired of the extremist camp made their voices heard by voting for Patterson over John McLaurin.² Not deluded about his father's white supremacist intentions, Joe Steadman Patterson recognized that people respected him and voted for him because he was good at his job and represented something other than McLaurin and the Citizens' Council.

Similarly, Patterson's sisters had no illusions that their brother was a proponent of civil rights, but, more like Bill, they emphasized his inherent good nature and paternalistic attitude towards black people. Yet, they also remarked on what distinguished their brother from the rest of the massive resistance establishment. As Nancy Yarbrough, his younger sister by ten years, put it, "after he was elected the first time and people as a whole saw and heard about him and the type of person he was, I think it just carried over the next year and the next year because that was the way he was." Her opinion was that Joe had "made a record for himself," which clearly distinguished him from his opposition. Although she avoided specific questions on race and his relationship with hard-core segregationists, she implied that Joe Patterson represented a better element in Mississippi and did far more for the advancement of the social system that had persisted since the days of Redemption.³ Doug Haynes, Patterson's youngest sister, was more to the point.

² Joe S. Patterson, interviewed by author, November 9, 2002, Decatur, Georgia.

³ Nancy Yarbrough, interviewed by author, October 30, 2003, Cleveland, Mississippi.

Like her sister and nephew, Haynes believed that her brother's popularity as Attorney General had a lot to do with his sincerity and his dedication to his job, but she described other major factors at play. Although she blamed the federal government for forcing many civil rights issues on white Mississippians, she saw Ross Barnett as "a blowhard," who, during the Meredith crisis, would tell Patterson one thing "when he had his little henchmen sitting somewhere else that he was telling something else." She knew that her brother had been an active Council member but had withdrawn his membership after the Meredith crisis. As she put it, "the Citizens' Council didn't last long. It was just a means to an end to try and keep putting off integration, and I think everybody knew it was going to end." Far too "demanding" in her view, the Council rejected any accommodation of the civil rights movement even when it was apparent that total defiance was a dead end.⁴ More than family bias, the distinctions raised by his closest kin underline what made Patterson effective and popular in the job he did as Mississippi's Attorney General.

Over the course of his life and career, Patterson never shied from his belief in Jim Crow. He was a segregationist, who did everything he could as Attorney General of the State of Mississippi to maintain white power. His job was not easy. With the expansion of the civil rights movement, the encroachment of the federal government, and the rise of world-wide scrutiny and scorn, a tidal wave of racial change bore down on Mississippi by the 1960s. The attitudes of hard-line bigots did little to evolve and meet that challenge. Instead, the likes of the Citizens' Council demanded that a line be drawn, whereby white Mississippians would never back down from their racist values. Early in his tenure as Attorney General, Patterson recognized that such a plan was destined to fail, and, in its place, he helped to craft a *color-blind* strategy to offset rising black advancement.

⁴ Doug Haynes, interviewed by author, October 30, 2003, Clarksdale, Mississippi.

Given Patterson's lifelong commitment to segregation and white supremacy, the term *color-blind* may not accurately reflect his social and political agenda, but it does highlight the strategic difference between him and his more vocal white critics who seemed oblivious to the changing political landscape. The idea was that, by avoiding explicit discussions of race, the maintenance of law and order, coupled with token acquiescence to some demands of the civil rights movement, would do more to prop up Jim Crow than would outright defiance. In Mississippi, the lessons of Ole Miss and James Meredith's 1962 integration had made an indelible impact on whites: interposition led to a confrontation with the federal government that resulted in riots on the campus of the state's flagship institution and in the deaths of two people. Mississippi was never going to win that type of battle. With that in mind, most whites in the state saw that their status in relation to African Americans was better served in the hands of Joe Patterson, who did not stop fighting the movement but, when no legal options were left, chose to accept the minimum amount of change demanded by the federal government.

Even then, the Attorney General did not cave to the pressures of a social revolution in the South, as his die-hard, white opponents made him out to be doing. Patterson did not fear the slippery-slope of tokenism the way the Citizens' Council did. As he put it in regards to Meredith, "I do not concede for one moment that the University of Mississippi is now an integrated institution. On the other hand, I contend that the most segregated, isolated and ostracized Negro student in America is simply attending classes where he is not wanted under the powerful and protective arm of the United States Government."⁵ And, he took that attitude into all of his endeavors on behalf of white Mississippians. He could bend but not break in the

⁵ Address, Joe Patterson, *Opening Speech in Campaign for Re-Election to the Office of Attorney General*, May 11, 1963. "Patterson, Joe T. 1960-1967" folder, Minor Papers, Box 11, MSU, p.14.

face of his duty to implement the dictates of the Supreme Court, and he could continue his fight against those orders by finding technical loopholes and other legal avenues to defy their intent.

In that sense, Patterson staked a claim to law and order as being the reasonable response to civil rights activism. He deplored the racist violence that at times reached epidemic-like proportions even when committed by a minority of the population. He encouraged all state officials to follow the law, and, although he may have found them distasteful, he implemented federal orders that he had no ability to reject. Particularly after the Meredith crisis, white Mississippians by and large came to appreciate that brand of segregation because they were savvy enough to realize that it was more effective than the other option of total resistance. After all, thanks in large part to the Attorney General's endorsement of "Freedom of Choice," segregated public schools in the state stood for two more years after his death in 1969. In nearly every aspect, Patterson's brand of legal obfuscation muted the impact of the civil rights movement.

Generally, whites in the state were more self-interested than committed to law and order. Thus, their support for Patterson was pragmatic: he represented the best chance for safe-guarding white supremacy. In any case, their desire for *order* outweighed any respect for the *law*. Like Patterson, most whites rejected the violence that they saw but blamed it on supposed "outside agitators," who had stirred otherwise peaceful black Mississippians into a tizzy, and on a federal government that showed no respect for state law or custom. If it had been up to the majority of whites, they no doubt would have chosen to ignore federal laws that concerned race relations and only obey state Jim Crow statutes. Yet, Patterson knew that that was not a realistic option.

White southerners could not pick and choose which federal laws they wanted to recognize, especially with the amount of federal dollars that flowed into Dixie. The Kennedy

administration was aware of as much when it launched its “Stick It to Mississippi” campaign, predicated on the threat of withdrawing federal funds if the state did not accept civil rights orders handed down by the Justice Department. Money for everything from education to healthcare was at stake. No better example was Patterson’s insistence that the Veterans Affairs (V.A.) hospital in Jackson, desperately called for, had to be desegregated since it was solely a federal institution. There was no room for segregationists to quibble over the matter, and every major veterans’ group in the state agreed with the Attorney General. Despite how much they disliked the notion of white patients’ having to share medical facilities with black people, the need for a V.A. hospital in Mississippi outweighed a commitment to Jim Crow.

Through his example as well as the results he achieved in the name of white power, Patterson played a major role in convincing white Mississippians that their best interests lay in the exercise of *color-blind* politics. Of course, that recognition may not have been openly stated or even consciously realized, but whites were smart enough to know that there was a difference between what Patterson espoused in terms of tactics and what the Citizens’ Council advocated. It would have been nearly impossible not to see the difference. When John McLaurin decided to run against Patterson in the 1963 campaign, he had the deep pockets and resources of the Council at his disposal, and, along with significant name recognition and the endorsement of Ross Barnett, he used those tools to paint a vivid picture of Patterson as someone who was an integrationist and Kennedy-liberal at heart. The full-page ads attesting to that fact in newspapers across the state could hardly have been ignored, and the public divorce the Attorney General had with the Council seemingly would have augmented his status as a race traitor in the eyes of hard-liners.

After the election results came in, though, Patterson had retained his seat in a relative landslide, having won the popular vote in sixty-eight of the eighty-two counties in the state. Two years before the Voting Rights Act, the electorate in Mississippi at the time was overwhelmingly white but sent a man back to office whom the largest private segregationist organization in the country had cast as an enemy on the scale of James Meredith and the Kennedys. White voters had various reasons for doing so, not the least of which was Patterson's incumbency, but they must have believed too that his style of segregation could better preserve Jim Crow. In spite of losing the Meredith case, the Attorney General had a clear record of legal defiance that had kept the desegregation of public schools and black enfranchisement at bay. On the other hand, utter resistance had resulted in the unnecessary deaths of two men and the federal occupation of Oxford, but it ultimately had the same outcome: Meredith's integration of Ole Miss.

The Citizens' Council and other diehard segregationists refused to ever recognize the efficacy of Patterson's position for a number of reasons. First, the Council had cast its die at its inception. Its entire mission was to defy the Supreme Court and particularly the *Brown* decision at all costs. With a line already drawn in the sand, the Council and the strong personalities behind its power—Robert “Tut” Patterson, William Simmons, Dick Morphew—could not back down from their clearly stated position without admitting defeat and losing face. As they had put it, any concessions made to the civil rights movement were tantamount to surrender and could not be tolerated. Thus, the Council opened and continued to operate its own academies when it appeared that desegregation was eventually coming to public schools in Mississippi even though the majority of whites wanted a public education and remained there.

The Council and its ilk also could not endorse the *color-blind* tactics of Patterson for personal reasons. In particular, the Council felt betrayed by the Attorney General. For years, he

had fought to curb and eventually eradicated public dollars being funneled to the Council through the Sovereignty Commission. While he sympathized with the message of the Council's *Forum* films and even appeared multiple times on the segregationist news broadcast, he did not condone using state money for a private organization and successfully argued, without a hint of insincerity, that, if the Commission could pump money into the Council, it could just as easily start to fund the NAACP. In reality, the Attorney General saw that such a use of state funds opened the door for a legal attack from the civil rights community, and he believed that the Commission needed that money for its own purposes.

In addition, the Council had built up personal animosity for Patterson after the Meredith crisis. His refusal to rejoin the organization in 1963 was a well-known fact, and that public rejection made it impossible for the Council to approach Patterson's position. But, he had his own reasons for withdrawing his membership in the segregationist watchdog group. The Attorney General blamed the Council, because of its undue influence on Governor Barnett, for what happened at Ole Miss. When the Council's leaders turned on Patterson for what he had done by calling Burke Marshall in the Justice Department and avoiding the legal and public relations disaster that would have accompanied Meredith's arrest, the Attorney General had little choice but to leave the group that he had worked for on his own accord. Until then, Patterson had seen no contradiction in his opposition to public funds going to the private group and in his support for that group with his own personal time and money. After the events surrounding the Meredith crisis and the election of 1963, however, he could no longer support an organization that opposed his candidacy and that he believed was doing more harm than good for the Jim Crow cause.

In the end, Patterson cast himself and was perceived by white Mississippians as a departure from the hard-line racist element. His was a strategy that differed less in goals than in tactics but was far more successful in maintaining white hegemony. For African Americans in the state, there was not much difference between the Attorney General and his vocal, white opposition. In the eyes of black people, Patterson's job was to defend the legal side of white supremacy, and they could see that he was exceedingly good at it. James Meredith's endorsement during the 1967 election notwithstanding, black Mississippians knew that Patterson was no friend of civil rights but was a foe whose only significant difference from other white bigots was that he was never a physical threat to their personal safety. That fact was small recompense.

There was a difference, though, between Patterson and hard-core segregationists that went beyond the disputes by white leaders over strategy, and whites in general saw that distinction. Obviously, the Attorney General and the likes of the Citizens' Council disagreed over how to best protect white prerogatives, but they also varied in their success. In the long run, Patterson proved to be more effective in what historian Joe Crespino has called "strategic accommodation" of the civil rights movement. Through the token acceptance of limited black progress, he succeeded in keeping many of the traditional vestiges of white supremacy intact as it appeared in the American South.⁶ Through their choices at the polls, whites in Mississippi revealed that they preferred Patterson's strategy, but, if he had not had adequate results, they no doubt would have chosen another candidate for Attorney General.

In a 1965 Memphis *Commercial-Appeal* article, James Loh reported that the Citizens' Council was facing the loss of "prestige" as civil rights victories mounted. A former Council

⁶ Joseph Crespino. *In Search of Another Country: Mississippi and the Conservative Counterrevolution*. Princeton: Princeton University Press, 2007, pp.4, 9, 11; Joseph Crespino. "Strategic Accommodation: Civil Rights Opponents in Mississippi and Their Impact on American Racial Politics, 1953-1972." Thesis PhD –Stanford University, 2002.

member even said he had “‘been thinking about this thing, and it seems like the times we’ve had the most trouble were the same times that the Citizens’ Council was most active. I’m sorry now I had anything to do with the Council. I used to think it was the answer to our problems. Now I see it has only contributed to them.” Loh also noted that “the strident voices calling for a return to the old ‘Southern way of life’ are diminishing in Mississippi...[and] that much of the population is simply fed up with the tactic of resistance. Said a Hattiesburg merchant: ‘It’s brought us nothing but trouble since 1961—that’s when the first freedom rides started. A lot of us are ready to try something else....adjustment—whatever you want to call it.’”⁷ That was exactly what Joe Patterson offered white Mississippians: not the same tired brand of massive resistance that stood on its last legs but a massive adjustment in segregationist policy, which operated efficiently on that *color-blind* level and promised a long life for white hegemony. While he died mired in the uncertainty of what his efforts would bring, Patterson left a legacy that would continue to be built upon for years to come.

⁷ Jules Loh. “Mississippi Slowly Walks Rough Path of Change.” *Commercial-Appeal*, April 4, 1965.

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SJ Barrett Papers	Papers of St. John Barrett, NARA.
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Cox Papers	Papers of A.E. Cox, MSU.
CRCI	Civil Rights Commemoration Initiative
CRCI Papers	Papers of the Civil Rights Commemoration Initiative, Ole Miss.
Eastland Papers.	Papers of James O. Eastland. Ole Miss.
Emmerich Papers	Papers of John Oliver Emmerich, Sr., MSU.
Griffin Papers	Papers of Charles H. Griffin, MSU.
JFKL	John F. Kennedy Library.
King Papers	Papers of Ed King, Ole Miss.
LBJL	Lyndon Baines Johnson Library.
LOC	Library of Congress
Lord Papers	Papers of Walter Lord, JFKL.
MAGO	Mississippi Attorney-General's Office.
Marshall Papers	Papers of Burke Marshall, JFKL.
MDAH	Mississippi Department of Archives and History.
Meredith Papers	Papers of James Meredith, Ole Miss.
Minor Papers	Papers of Wilson Minor, MSU.

<i>Mississippi Blue Book</i>	Secretary of State. <i>Mississippi: Official and Statistical Register</i> .
MOHP	Mississippi Oral History Program, USM.
MSU	Mississippi State University.
NARA	National Archives and Records Administration.
Norman Papers	Papers of David Norman, NARA.
Ole Miss	University of Mississippi.
Patterson Papers	Papers of Joe T. Patterson in the possession of the author, thanks to the generosity of the Patterson family.
Patterson Subject File	Subject File of Joseph T. Patterson, MDAH.
Rauh Papers	Papers of Joseph L. Rauh, LOC.
Schlesinger Papers	Papers of Arthur M. Schlesinger, Jr., JFKL.
SCRID #	Mississippi State Sovereignty Commission Records Identification Number.
Silver Papers	Papers of James W. Silver, Ole Miss.
Smith Papers	Papers of Hazel Brannon Smith, MSU.
SOHP	Southern Oral History Project, UNC-Chapel Hill.
Sorensen Papers	Papers of Theodore C. Sorensen, JFKL.
Stennis Papers	Papers of John C. Stennis, MSU.
Toler Papers	Papers of Kenneth Toler, MSU.
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