

Mississippi is a state which overlays with the myth of a gracious past the reality of its brutal present. James Silver, professor of history at the University of Mississippi since 1936, writes in his book, "Mississippi: The Closed Society" that in times of crisis such as the present challenge to white supremacy in the state, "...the society tightly closes its ranks, becomes inflexible and stubborn, and lets no scruple, legal or ethical, stand in the way of the enforcement of the orthodoxy. 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.... Eventual disaster is predictable."

Professor Silver's words have evoked a reaction from his fellow whites which serves as a testament to his prescience.

The Council of Federated Organizations--COFO--is this summer attempting to breach the walls of the closed society. COFO is made up of CORE, SNCC, NAACP and the Southern Christian Leadership Conference. To alert the public to the conditions in which COFO must work, the organization held a hearing in Washington on June 8, just thirteen days before three workers in the Summer Project disappeared in Philadelphia, Mississippi.

The panel included Dr. Harold Taylor--a Pacifica Board member incidentally--Paul Goodman, Joseph Heller, and Murray Kempton.

On June 16, Congressman Don Edwards of California, and William Fitts Ryan of New York joined with others in inserting the text of the hearing into the Congressional Record.

The testimony of COFO workers and native Mississippians confirmed starkly the report of the Mississippi Advisory Committee of

the U.S. Civil Rights Commission: "We find that terror hangs over the Negro in Mississippi and is an expectancy for those who refuse to accept their color as a badge of inferiority."

Hartman Turnbow, a resident of Tchula, Mississippi, told the hearing panel of the events which followed his two attempts to register to vote, and, of course, the subsequent publication of his name in the newspaper, as required by Mississippi state law. Mr. Turnbow said that about two weeks after his first unsuccessful attempt (in May 1963): "...about 3 o'clock in the morning it took place. My wife and daughter...they jumped out of bed screaming and hollering that the house is on fire, it has been bombed. So I woke up...and my room was full of smoke. So I didn't run out. But they done gone. I raised the window and took my foot and kicked the screen out so the smoke could get out. Then I had a little old 22 automatic Remington sitting over in the corner. I picked it up and pushed the safety off and got it in shooting position and run out. When I run out, I met my wife and 16 year old daughter coming back to the burning house. And as I run out, I noticed the living-room was just full of flames and smoke. I noticed the back bedroom was in flames and smoke. And no sooner I got out in the open with my rifle in my hand, I saw two white men, and one of them, no sooner he saw me he shot at me. He must have been shooting an automatic, because the next day we found three 45 hulls laying there where he was standing when he shot at me. So he shot at me. I had my .22 already in position and I just commenced shooting at him right fast. So there was two of them. The first one run--the first white man made the first shot, while the second one run. When I started shooting right fast at him, he broke and run. But while me and this one was on the back were

shooting at each other, somebody on the front was shooting all in the front of the house. We got four 45 bullets off the house there and one what hit and went another way we couldn't find. But they shot in front of the house in the house five times. So about 3 or 4 minutes they all was gone. Then myself and wife and daughter went to pumping water and we put the fire out. And that is what I got for going to register."

Mr. Turnbow was then asked: "Has anyone been arrested because of the firing and shooting and burning of your house?"

Mr. Turnbow answered: "I was."

After he and his family put the fire out, they sat on the porch until day, and then went to a neighbor's where they called the Justice Department, the FBI, and the sheriff. When the sheriff arrived, after the departure of the FBI investigators: "He asked me, "How did it start?" I told him how it started and when I got to the point that two white men shot at me, and I shot back at them, and they bombed the house, he said, "You could have done it." Then when he said I could have done it, I said, "Mr. Smith, can I ask you a question?" He said, "Yes, you can ask me a question, one." I said, "Well, do you think I would set my house on fire and don't have no insurance on it?" .... He didn't say anything, he got up and walked out."

"So late that evening, about dark, Mr. Smith come back to my house and called me...He said, "I got an arson charge against you, get them up." ... "So they took me to Lexington and put me in jail"

The charges against Mr. Turnbow were eventually dropped. His trouble, however, were not over. In November, two young white men ran into the back end of his truck. Here is Mr. Turnbow's account of his attempt to receive compensation for the damage. "... I

went to the sheriff's office and I told him I wanted to file an affidavit against two white fellows for running into the back of my truck, crushing the endgate and knocking the bumpers off and wasting some of my ~~my~~ soybeans. So he told me, 'Well, I can't do it. You have to go to Tchula and do it with Mr. Kelly. It happened there and that is why you have to file your affidavit there.'

"So I got in my truck and come on back to Tchula ~~MM~~ to Mr. Kelly... So I told him I wanted to file an affidavit against two white fellows.... And he looked at me and said 'Why didn't you catch them and hold them there?' So I replied to Mr. Kelly, I said, 'It is not the custom in Mississippi for colored people to catch a white man and hold him until the highway patrol comes. Have you ever heard of that?' And he says, 'Well, it ain't no need making no affidavit. When they find them, then you come and make one.' And the highway patrol already told me he couldn't pick them up unless an affidavit was made. He said he would have to have it. So Mr. Kelly ~~MM~~ the judge at Tchula, he failed to make the charges... That is because I had been in the registration. I attempted to register and they bombed my house and shot in it, so he would not do it.

"So every little thing they can get me on they still do.",

Congressman Don Edwards of San Jose commented on Mr. Turnbow's testimony on the House floor: "That Mr. Speaker, is the testimony of Mr. Turnbow. ... The question naturally arises, Mr. Speaker, how can such ~~atrocities~~ atrocities go unpunished? Are there not federal laws which make this vicious conduct by white men in Mississippi a crime? Why are these men not arrested by a federal marshal? Or by the FBI?"

Indeed, what about the FBI?

Lewis Allen was a witness to the shooting in 1962 of Herbert Lee by E.H. Hurst of Liberty, Mississippi, a member of the Mississippi.

state legislature. At Mr. Hurst's trial, Mr. Allen testified that Mr. Lee was threatening Mr. Hurst with a piece of iron before the shooting.

Hurst was acquitted.

Lewis Allen subsequently told the FBI that Herbert Lee did not have a piece of iron in his hand when Mr. Hurst shot and killed him. Mr. Annen was killed near his home in January of this year, the night before he planned to leave the state of Mississippi for good. Mrs. Allen told the COFO hearing of the circumstances behind her husband's testimony that Mr. Lee was threatening Mr. Hurst.

Mrs. Allen said: "They called him and told him, the leaders, they call themselves the leaders in Liberty, Mississippi, which is Mr. Daniel Jones and the high sheriff,...Mr. Caston...they told him he would have to testify that Mr. Herbert Lee had a piece of iron if he expected to live in Liberty, Mississippi. They all knew he didn't have a piece." A member of the panel asked Mrs. Allen why her husband testified falsely. She replied, "He said he tried to live because he had a family to live for, but he told the court Mr. Herbert Lee had a piece of iron and he told the FBI different, that Mr. Herbert Lee didn't have a piece of iron.

"Somehow or other, it got back to Mr. Jones. He said, 'Everything that you tell the FBI has to go back to him. He said Lewis wouldn't be lying dead on the ground if he hadn't told the FBI that Mr. Herbert Lee didn't have a piece of iron, which he didn't have a piece."

Professor Silver says that in Mississippi: "every lawmaking body and every law-enforcing agency is completely in the hands of those whites who are faithful to the orthodoxy. From governor to constable, from chief justice to justice of the peace, each and

every officer of the society is dedicated to upholding and maintaining the status quo by whatever means are necessary."

An elder statesman of the orthodoxy, former Governor Ross Barnett, has said that he would vote for Goldwater if the choice were between the Arizonan and President Johnson. This serves to highlight a choice now faced by the Democratic Party with respect to Mississippi.

President Johnson can continue his attempts to maintain the loyalty of Mississippi's white supremacist Democrats by continuing to indulge their desires in dispensing federal patronage--he can continue to appoint federal judges such as Judge Cox. From the U.S. Commissioner to the local postmaster, the Johnson administration can bulwark segregation.

Politically, too, the Administration may meet the Goldwater challenge by an informal detente in the field of civil rights, by soft-pedaling the issue of racist violence.

There are some unfortunate indications that this may be the President's strategy. The weekend following the Republican Convention, Johnson spoke of the convention's defeat of the anti-extremism plank proposed by Governor Rockefeller. Of the Ku Klux Klan, among other organizations, the President said only that the end does not justify the means. Those who reject both the end and the means of the Klan are justified in a quizzical look, at the minimum.

The fact is that President Johnson could, if he chose, register almost every ~~one~~ one of Mississippi's Negroes of voting age between now and November. If it be said that some of them are not literate, it should be remembered that neither are many whites now registered. A recent decision by ~~the~~ a three-judge federal court in Louisiana indicates that the equal protection clause requires that Negroes

be registered on terms theretofore accorded to whites, or, alternatively, that the rolls be cleared and a new test administered. The fact is that Johnson could break the back of racist political power in Mississippi and concede the white supremacist vote to Goldwater. This might have the added effect of breaking down the walls of the closed society to which Professor Silver refers, and liberating many whites now terrorized into silence.

I do not expect this to happen. No man in possession of his political senses has a rational hope that it will. Not when the President requests <sup>as</sup> a budget to enforce the civil rights bill for an entire year less money than this country spends in three hours on armament.

There will be, though, a place at which the racists may be successfully challenged. Recognizing the peril of attempting actual registration, COFO workers this summer are re-registering Negroes on unofficial forms in the Freedom Democratic Party, laying the basis for a challenge to the right of the so-called official Mississippi delegation to be seated at the Democratic National Convention in Atlantic City. An alternative delegation ~~will~~ from Mississippi will be waiting in the wings, and it now appears that there will be, at the minimum, a floor fight. Unseating the racist delegation is possible.

These developments will be described in a later program. The point is that the position taken by the administration as the South realigns itself is of vital importance. The Republican Party is no longer--in the mind of the white South--the party of the Reconstruction. The South is no longer solid.

But the reaction to these increasingly clear political facts has been, this past week, more backing and filling by the Administration.

Thus, we were told federal troops ~~could~~ could not be sent to Harlem, but there was not a whisper about Mississippi.

The very lives of civil rights workers require an end to this vacillation. The future of American politics hinges on the Democratic Party's reaction to the Goldwater candidacy. Those who fight for civil rights are especially concerned because they are likely to be the victims of Johnson concessions to the right-wing of his party.

Civil rights organizations ask the President, in the words of a certain Republican politician, to give them a choice, not an echo.

----Michael Tigar

Elaine Shinbrot