

Mississippi 1967, Small Steps Forward

By Jacob Tanzer

The NAPWR

July 1967. A sunny Sunday afternoon in a Jackson, Mississippi, city park. Hot, but not too muggy. Fifty or sixty people, mostly families, talking, laughing, playing with the kids and feeding from a table weighted with hotdogs, coleslaw, potato salad, co-cola and beer, under a banner which proclaimed NATIONAL ASSOCIATION FOR THE PRESERVATION OF THE WHITE RACE. I had arrived in Jackson the night before, seen the ad in the paper and thought this might be an interesting way to begin my visit. Uncertain whether they would consider me a suitable candidate for advancement, I lingered at the edge of the gathering, watching the festivities, but not participating in them.

A middle-aged man, sweating a bit in his straw hat and open collared, short-sleeved white shirt with damp underarms approached a microphone centered in the shade of a small awning. He hushed the crowd and welcomed them. He thanked them vigorously for their defense of white supremacy and the South's Cherished Way of Life from attack by "Nigras" and their liberal Northern dupes. This was a rousing warm-up before introducing their featured speaker.

Byron De La Beckwith came to the mike with a formal smile, arms in the air. An ordinary looking fellow also in short-sleeved white shirt, but with a black necktie, he was welcomed with enthusiastic applause, loud whoops and fervid cheers. Beckwith's sole distinction in an otherwise unremarkable life was that he had, one night three years before, shooting from a dark spot where he could not be seen, assassinated Medgar Evers, the black president of the Mississippi NAACP, on his doorstep. Charged in 1964 with murder, his luster grew as two hung juries released him. Beckwith's speech was a litany of the emotional, hate-filled clichés of bigotry. "Niggers" were such an inferior race of such limited intelligence that whites had a Christian duty to take care of them, keep them in their place, not waste money trying to educate an uneducable race and to resist, by force if need be, the "guvmint," Northern "mixers," Communists and other outsiders who tried to interfere with everything Mississippians knew was right and good. He finished to ecstatic cheers. Then, as a basket was passed around for contributions to the cause, he slowly walked away through an adoring, still cheering crowd, shaking hands and kissing babies held forward by their ecstatic mothers.

This scene of staggering ignorance and hatred began my month in Mississippi as a volunteer civil rights lawyer. Over many years, memory fades, names and details become obscure, but some of the stories remain in the mind. So it is with Byron de La Beckwith and other events I witnessed in the Mississippi of that era. Times have changed, though some of that life remains, and there are things which should be

remembered from generation to generation. It's time to write down what I still remember. I want you to remember, too.

The Lawyers Committee

I came to Jackson in July 1967 as a volunteer with the Lawyers' Committee for Civil Rights Under Law. I had been to Neshoba County and Biloxi in 1964 for the U.S. Department of Justice, but that's another story which I've told elsewhere. After I left the Department and returned home as a Deputy D.A., I remained moved by the wrongfulness of racial injustice in America and particularly the plight of the black folks like those I had worked with in Mississippi. My sense of moral commitment was only intensified by my experience there. I wanted to be part of that history.

In 1963, President John Kennedy, his civil rights bill stymied by intransigent Southern committee chairmen in the Senate, called a group of America's most distinguished lawyers to the White House. He reminded them of the moral duty of the nation's legal profession to remedy injustice where they see it, particularly in the Jim Crow South, and asked them to find a way to help the black citizens of America. In response, they formed the Lawyers Committee for Civil Rights Under Law which, in 1965, opened an office in Jackson.

The goal of the committee was to represent civil rights clients whom Mississippi lawyers found it awkward, distasteful or even dangerous, to represent. Its office employed a cadre of three dedicated young lawyers who were assisted by more experienced volunteer lawyers from other states who came to work in Mississippi, usually for a month or on a special case. Our friend Cliff Carlsen was the first from Oregon. When he returned, he spoke of his experiences and actively recruited others to volunteer. The Lawyers Committee gave me a way to return to the fray. My boss, District Attorney George Van Hoomissen, gave me leave and I signed up to go to Mississippi.

July's cohort of volunteers drifted into the Committee's apartment throughout the day of the NAPWR picnic. We four were a mixed bunch. Bartle Bull II, a Wall Street lawyer from Cadwallader Wickersham and Taft showed up. He said he was the firm liberal, the only firm liberal, useful in recruiting new graduates of Harvard and Yale. I grew to love working with Bartle.¹ There was also Allan Tuttle, an experienced litigator from another Wall Street firm.² Happily for us, he came with his wife, Joan, also a lawyer, but she was not a volunteer. She wanted a vacation from law practice so she could do what she really enjoyed, cooking. For us. A fine dinner most every evening including at least one Southern dish with every meal. We were all happy beneficiaries of her enthusiasm.

¹ Bartle, son of a British MP, was among the London children evacuated to America during the Blitz. He was later the publisher of the Village Voice and author of several books of travel and adventure fiction. Newsweek magazine referred to him as a Manhattan "boulevardier."

² Later, as Deputy Solicitor General, Alan argued numerous government cases in the US Supreme Court. The last I heard, he and Joan had retired to Provence.

Our fourth volunteer, Mrs. Boretsky,³ was different. I don't think I ever knew her first name. Between Allan, Bartle and me, we had hundreds of cases under our belts and we came because our experience might be useful in aid of the great social movement of Southern blacks. Mrs. Boretsky was different. She was a Legal Aid lawyer from Baltimore who came because her office seldom assigned her to litigation and she wanted to get courtroom experience. Though short of experience, she was long on opinions. It is enough to say that we did not get on well.

The Mississippi Bar had passed a resolution authorizing bar members of other states to represent persons who were unable to obtain local representation. Thus, Mississippi lawyers, short of the Atticus Finch ethic, relieved themselves of their locally odious ethical duty to represent unpopular clients and causes. Nevertheless, we usually checked ahead with whatever judge we were to appear before to be certain of our reception. I remember calling one justice of the peace. He replied very politely, but authoritatively that he regretted that he could not allow it. It was his practice, he explained patiently, not to allow mentally ill attorneys to represent clients before him and I could only have come a great distance to represent some "nigger's" rights if I was mentally ill, so he couldn't in good conscience allow me to represent accused persons in his court. I was glad I called first. We found a local black lawyer to go in my place. Nevertheless, I must say to the credit of Mississippi's judges and lawyers that I was generally treated with professional correctness, often professional courtesy, although several expressed puzzlement that a prosecutor would voluntarily represent black people.

Judge Cox

Judge Harold Cox, Judge of the United States District Court for the Northern District of Mississippi, was another matter indeed. Cox had been a law school roommate of Senator William Eastland who had become chairman of the Senate Judiciary Committee. Both were dedicated Establishment segregationists. Chairman Eastland had held up every one of President Kennedy's nominations for the federal bench and vowed to continue holding them up, until Kennedy nominated Cox to the federal bench. After a year or so of unconfirmed appointments, Kennedy reluctantly nominated Cox and broke up Eastland's logjam. Cox did not disappoint. Shortly before my arrival, for example, in open court he called some black Mississippi attorneys appearing before him "monkeys."

My first assignment was before Judge Cox for the arraignment of Virgil Jones charged with draft evasion. The Committee staff accepted the defense because Jones, a black active in civil rights, believed that he had been called out of order to get him out of town. The prosecutor was U.S. Attorney Bob Hauberg. I had worked, albeit in a very formal way, with Bob in 1964 when I was in Mississippi for the government on the Schwerner, Chaney, Goodman murder case. By 1967, he and Sid Lezak of Oregon were the longest serving U.S. Attorneys in America. Sid achieved that status because he was so respected in the community; Hauberg stayed in office because in the era of *Brown v. Board of Education*, no suitable lawyer in Mississippi wanted the job. I approached Bob

³ Some names, particularly those of clients, are imaginary, usually because they have escaped memory.

with my hand extended, said it was nice to see him again. He said ‘how do you do’ and turned away.

After Jones pleaded not guilty, Judge Cox set the jury trial for ten days hence. Alarmed, I told the judge that ten days was insufficient time to investigate and prepare a felony defense, and I moved for a later trial date. Motion denied.

So I tried to prepare. Mississippi was primarily a state of rural counties. In most counties there was not a movie theater and often not a place for a stranger to eat or even to buy food for lunch. But in every county there was a county courthouse, usually on a public square of dry grass surrounded by shops and centered on a statue of a Confederate soldier, bayonet fixed, atop a war memorial. As often as not, the courthouse had a porch with chairs or benches and a few old-timers sitting in the sparse shade watching what few events disturbed the peace in and around the square. Investigating Jones’s case, I felt their narrowed eyes on me even as I cruised around the square to park. They stayed on me as I walked to the courthouse, up the stairs and finally through the door. Once inside, I found the local selective service office, introduced myself to the nervous lady behind the desk and asked for the relevant documents. There were none, she told me; they had been given to the U.S. Attorney. Could I please speak to the person who administered the selection process. No, they were instructed by the U.S. Attorney not to discuss the matter except to say that everything was done proper. I left the same way I had come as the same curious eyes followed me to the car. Anti-climax. It took a few days to get the file from the government, but it told me nothing. Before I had time to track down my client’s suspicions, it was time for trial.

On trial day, I went to court. The venire, a panel of perhaps twenty potential jurors, was assembled in the back of the room. Bob Hauberg was at the other table, but there was no sign of recognition, let alone professional cordiality. My client was brought to my side and unchained in view of the venire. As Judge Cox entered, the two bailiffs shouted in unison, “STAND UP! STAND UP!” in a manner rather like my sergeants in basic training. Then, “SIT DOWN! SIT DOWN!” After the clerk announced the case, the judge asked, as he must, “Is the government ready?” Hauberg answered “yes.” Judge Cox then asked me, “Is the defense ready?” “No,” I answered. “Ten days has not been sufficient time in which to fully investigate the case. Therefore I respectfully renew my motion for a continuance.” Cox looked up at me, straight in the eye, paused, and said in a grave voice, slowly and precisely, “Mr. . . .” He looked down at his file, and continued, “Tanzer, in this court, lawyers who renew motions which have already been ruled upon, do not long remain at liberty!” I said, still looking back at him, “Your honor, I have a motion for the court in camera [i.e. not before the jury] at the first opportunity.” At the recess, the judge asked counsel into chambers. “Mr., eh, Tanzer, your motion.” “Yes, your honor. I move for a mistrial. Threatening defense counsel in the presence of the venire with imprisonment for contempt was improper and prejudicial.” Cox stared at me a moment. “Denied.” We then went to trial. There was no more drama, but, surprisingly Cox treated me with total professional respect and courtesy. No such luck for Virgil Jones, though. He was found guilty and promptly sentenced to ten years

which was, incidentally, the customary sentence for that offense at that time in Oregon and elsewhere.

Parchman

Parchman was reputedly the most terrible state penitentiary in America. The Lawyers Committee routinely sent one of the volunteers there to interview inmates and prepare petitions for federal post-conviction relief. They are almost never allowed, but they are the final hope for imprisoned convicts. The cadre sent Mrs. Boretsky. After a few visits, the cadre got a message from several prisoners: please, please could you send someone else?

Hattiesburg

Hattiesburg was known as a tough town. One evening a young white man who had probably had too much to drink, drove his pick-up into the black quarter. He came on some young black men chatting on a corner and he started taunting them provocatively. The blacks backed off. Getting no reaction, he drove off. Later, he returned and tried to pick a fight with Andy Meacham, one of the blacks. He swung at Meacham. It was a mistake because Meacham apparently didn't play by Mississippi rules. Meacham took the punch and then he decked the white man. In those days, blacks just didn't do that in Mississippi. The next day, the white fellow, apparently freshly sober and more rational, went to the police and swore out a criminal complaint for assault and battery against Meacham. Meacham considered this and swore out a criminal complaint for assault and battery against the white man.

Under Mississippi law, if a prosecutor declined to prosecute a case, the victim could retain private counsel to do so. The city attorney was prosecuting Meacham; he couldn't prosecute his own alleged victim on behalf of Meacham. So the NAACP called the Lawyers Committee which sent me to defend Meacham and to prosecute the white man. No problem, this was the ordinary stuff of the police court in Portland. But Mississippi is not Portland. After Meacham told me the facts, I pondered the issue: how do you defend a black man who hits a white man in the heart of Klan country? How do you get a white judge in Jim Crow Mississippi to find a black man who hits a white man, even in self-defense, not guilty? After much rumination, I told my new client that I wanted the black side of the segregated courtroom packed full with black spectators for the trial. They were to be there only to observe and not to make a sound. When I arrived the next day for trial, I saw that my client had handled it just right. It was an ordinary Southern courtroom, high windows down the side, fans circling slowly overhead, except that every seat and every bit of standing room in the left half of the spectator area was full of wide-eyed black folks there to see the trial. In the right half, near the door, three or four old white court-watchers and snoozers were sparsely scattered around.

The judge entered through the door behind the bench, paused to take in the scene in front of him, and sat down. After a silent moment, "counsel, please approach the bench." When the prosecutor and a stranger, me, came up, he whispered, "counsel, what the hell is going on here." I explained the situation. The judge said, "counsel, I'm

going to hear the next case. Why don't you two step into the hall and figure out how we're going to handle this." Which we did.

In the hall we started what in Portland would be a very ordinary piece of criminal case negotiation. The city attorney said, "I'll tell you what: if your guy will plead guilty, I'll recommend probation." I said, "I accept, but only on the condition that your guy also plead guilty and on behalf of the city I'll also recommend probation." That didn't work, so I explained what my people would testify. We danced around each other verbally for a while, but it was clear that he did not look forward to going back in that courtroom, half packed with the NAACP, and try that case. Finally I suggested that perhaps the judge would be happiest if we mutually dismissed both cases. He reluctantly agreed.

Back in the courtroom, the judge asked the status of the case. I informed him that we had agreed to voluntary dismissal with prejudice of both cases, the city attorney confirmed this, and the judge gave a little smile of relief as he dismissed both cases with prejudice. I signaled the spectators that they could leave now and they quietly did so.

Meacham and I walked back to NAACP headquarters on the second floor of an old storefront in the colored quarter. We could hear the celebration from a block away. News traveled fast. When we got there, the music was loud, the alcohol was flowing, the spectators from the courtroom and everybody else were dancing, and they cheered when Meacham walked in. It was the first time in memory that a black person had won a case against a white person. This would have been an ordinary matter, small potatoes, in Portland, but in the Mississippi of that era, every small step forward had thrilling impact.

Hattiesburg Redux

Meanwhile, the black leaders of Hattiesburg had decided to conduct a boycott of downtown businesses in Hattiesburg seeking employment and equal service in the stores. One evening, they had a rally in a local church. Bartle and I happened to be passing through and we decided to drop by. We walked in as one of the preachers was whipping up enthusiasm. He saw us standing against the back wall, two white faces in a sea of blacks, and then he asked passionately, pointing at us, "And how can we lose when we've got such great lawyers on our side?" Frankly, I could think of a whole lot of ways they could lose, but Bartle and I stiffened, backed up against the wall, and smiled confidently.

The rally ended with everybody joining hands, arms crossed over chests, and singing the anthem of the movement:

We shall overcome,

We shall overcome,

There is something special, something moving in the sound of massed voices singing from their hearts, in their church. And it was so that evening with the sound of

commitment resonating so warmly, so richly down from the cathedral ceiling of that church, echoing through the rafters, that you just had to believe.

Deep in our hearts,

We do believe

We shall overcome someday.

The next day, they staged a peaceful demonstration march on the public sidewalks of downtown Hattiesburg with signs and freedom songs. If arrested and charged, they were to submit peacefully. No arrested person was to make bail. Everybody was to plead not guilty. Their strategy, straight from Dr. King in Montgomery, was to overwhelm the system. It was expected that they would lose at trial in Municipal Court and the hope was that the city fathers would find it too expensive to try all the cases on appeal to the Superior Court.

The demonstrators were not disappointed. There were 26 arrests for blocking the sidewalk, disturbing the peace, not following a lawful order of a police officer and the like. I was assigned to defend them. As each case was called, a cop, checking his notes, testified that the defendant was blocking the sidewalk, wouldn't leave when ordered to leave, and was disturbing the peace generally. In Portland, that would have been a pretty easy case to defend by cross-examining the officer: Didn't she leave room for you or anyone else to walk around her on the sidewalk you say she was blocking? Does singing on a sidewalk constitute disturbing the peace in Hattiesburg? Is an order to people not to walk together on a public sidewalk a lawful order? What law would that be? Objections sustained.

The result? I lost 26 cases in one afternoon, my all-time record. No small victories that day, but I was told that the city fathers and the black leadership later came to terms. I didn't overcome that day in court, but ultimately my courageous clients did.

The Levee

Bartle and I decided to spend a Sunday driving down the Delta along the river. We drove first to Oxford, but there was not much going on at Old Miss during summer vacation. Then we drove east to the Delta. It was lunchtime and we saw no place to eat, so we took a bridge across the river to West Helena, Arkansas. I think it was the bridge in the opening scene of *In the Heat of the Night* where the sheriff, Rod Steiger, chased down a suspect and casually arrested him just before he got to the Arkansas line. In West Helena, we came upon The Colored And Mexican Tavern where chitlins (stuffed hog intestines, a local favorite since slave days) were sizzling in an open pan in the window. Resisting temptation, we ultimately found a general store back on the Mississippi side where we picked up snacks.

To see the river, we drove down the east side of it, but we didn't see much water. Instead, we saw the levee, a massive, high, earthen berm which ran over a hundred miles along the curves of the meandering Mississippi, between the highway and the

river. We turned into a park-like swamp, deserted except for a plump old, black grandma passing the hot day with her happy little granddaughter fishing with a rustic poles. She was very friendly and offered us a few catfish, but, not having anything we could do with them, we gratefully declined. Then back to the road.

The Delta, heart of the blues, was just dusty road and small towns on a hot mid-day Saturday. Not far from the swamp, we came to a typical town and checked our whereabouts with a pedestrian. He asked what we were doing in that area and we told him in vague terms. He said he was an executive with the Delta Pine & Land Company which, among other things owned and operated the largest cotton plantation in America, and we were in the middle of it. After a bit of chit-chat, he asked if we would like to drop by his home nearby for some refreshing lemonade. Being very hot and thirsty, we happily accepted. He hopped in the car and we went a short way to his modest home where we were greeted most hospitably by his wife. She brought delicious lemonade and insisted that we try her sponge cake, which was also very good.

They were both curious and polite about two lawyers, one from New York and the other from Oregon, there to do civil rights work, but the husband seemed politely skeptical of do-gooders coming to Mississippi. Our hostess, however, let us know that she was a volunteer with the local 4Cs program (Community Coordinated Child Care, one of LBJ's Great Society programs). There had been a well-publicized political fight in Mississippi as to whether the state or the NAACP would operate the Mississippi 4Cs program which was resolved by having two programs, one operated by each. She, a white woman, wanted us to know that she was a volunteer in the NAACP program. Then came an exchange between them with signs of the changing times woven into it. The husband said good-naturedly that it was just a big boondoggle, spending federal money educating kids who were never going anywhere. The wife responded sharply and with conviction, "if you saw those kids, you wouldn't say that! They're bright. They have imagination and potential. They love learning. All they need is encouragement and decent teaching and they will really make something of themselves!" "Sure," said the husband. On that note, we offered our thanks for their hospitality and moved on.

An hour or so later, we turned off the road—I forget why--into a field with awnings and tables and a good number of black people with a few whites mingling in. It was a training meeting of the Delta Ministry, a group of idealistic white clerics. They explained to us that they were operating a small training program to organize sharecroppers and cotton pickers into a union so they could achieve better working conditions and higher pay. They explained how exploited farm workers would benefit from unity. We smiled our encouragement, but we knew that cotton agriculture was decreasing substantially every year as Asian and African cotton came on the market, polyester and other synthetics were increasingly popular, and newly-developed cotton-picking machines were about to render hand-picking obsolete. These were not the conditions for successful unionization. King Cotton was dying.

These few hours gave food for thought. LBJ's innovative program, 4Cs, involved itself in the community at large, and prepared children to learn for whatever the future may bring. The private initiative by socially conscious idealists was modeled on what

had worked in the 1930's and '40's in growing American industry. 4Cs was not only helping black people succeed, but it was changing some white attitudes. The Delta Ministry aimed to engage in an unequal, unrealistic power struggle in a declining market. 4Cs looked forward in its strategy; the Delta Ministry looked back.

We approached Natchez at twilight. The road was lined with tall, spindly trees enmeshed in hanging Spanish moss. Every here and there we passed magnificent plantation houses for plantations that no longer existed. It seemed like fantasy. As dark fell, we headed inland to return to Jackson. We had not seen what we came to see, but we learned much.

Local Cuisine

It was Joan's idea, a party for the permanent cadre and she would cook dinner. At breakfast on the morning of the party, an increasingly noxious aroma came from the oven. We asked Joan what she was cooking. She said it was the local dish for the meal. She opened the oven, pulled out the baking dish, proudly showed us this disgusting looking pile of what resembled brown tripe, and announced "hog maw." We continued eating, but nobody knew quite what to say to Joan, she seemed so pleased with herself. Mrs. Boretsky broke the silence. She rose from the table, rinsed her dishes and, as she opened the door, she announced that she was sorry, but she had another engagement for the evening and would be unable to join us for dinner. With that, she left for the office. As soon as she closed the door, Joan broke out a big smile, took the hog maw from the oven and threw it in the garbage. Then she opened the refrigerator, took out a nice Mississippi ham, and said, "I think we should have this instead." That evening, the staff and the four of us had a splendid time as we ate an excellent ham dinner.

Natchez

My court appearance was rescheduled one day and I had no other commitments. So, Martha, one of the permanent staff attorneys, invited me to come along with her to Natchez where she had an interesting hearing. So, I was on the road to Natchez again. For something to do, I read the file as Martha drove. We talked about the case a bit.

Her client, a middle-aged black man, was walking along a downtown Natchez sidewalk when he was confronted by a policeman asking questions. He tried to answer, but the officer, thinking him uppity, started verbally abusing him and when he protested, roughed him up and arrested him for disturbing the peace. At the station, he was jailed and beaten up, but released the next day without a charge.

The Lawyers Committee could have sued the policeman and the City of Natchez for false imprisonment and assault and battery, but for a black man suing a white policeman, that remedy was not realistic in southernmost Mississippi before a white jury. Some inventive lawyer with the committee filed a complaint for misbehavior against the arresting police officer with the Natchez Civil Service Commission.

That afternoon, entering another spacious Southern courtroom, overhead fans stirring the warm air, we were courteously greeted with extended hand by the officer's

lawyer, Mr. Eichelberger, a tall, dignified man with a shock of white hair, who welcomed us to Natchez. All I had known about Mr. Eichelberger was that he was both Jewish and chairman of the Natchez White Citizens Council. The White Citizens Councils, founded originally throughout the state to resist *Brown v. Board of Education*, were regarded by some as the middle class defenders of the Southern Way of Life and by others as the white collar Klan.

Three Commissioners took their seats at the bench and we began. After opening statements by Mr. Eichelberger and by Martha, he called the officer. He testified that our client had caused some disturbance on a downtown street. When the officer approached, our client refused to settle down. The officer then placed him under arrest for disturbing the peace. The client refused to submit, protesting that he had done nothing wrong. The officer admittedly used some angry language and forcibly handcuffed our man. At the station, he was booked and put into a cell without any use of force. The chairman said to Martha, "you may cross-examine."

Martha, who was pretty new as a lawyer, sat silently for an awkward moment. Then, as if reaching a decision, she suddenly swept the file counsel table toward me and, in a complete surprise to me, urgently whispered, "You do it!" So I had a case that day after all.

I cross-examined the officer, particularly about the angry language. He denied using the word "nigger." Of all the things a lawyer does, I love cross-exam, but frankly, I didn't make much of a dent in his testimony. I then called our client who told a different story of name-calling and unnecessary force. Mr. Eichelberger and I made brief final arguments and the hearing ended. We left for Jackson to await the decision which was promised within the week. We did not have high hopes.

Martha had arranged to pick up Charles Evers, the late Medgar's younger brother, to give him a ride to Jackson. Charles was a charming fellow, garrulous and full of high spirits and good humor. It was dark as we approached Jackson. Charles mentioned that there were a couple of lively "Negro roadhouses" just ahead. As we approached one, he told Martha to pull into the parking lot. I remember his exact words: "We gunna do us some integratin'." And we did. It was a great place with lots of booze, loud music, lively dancing and good cheer. After an hour or so, we took Charles home and went home ourselves.

Within the week, we got the commission's decision. They wrote that we had not proved use of improper force or of the disrespectful term "nigger." However the officer admitted to calling our client "horse" which, I learned from the opinion, was used in the area as a disrespectful synonym for "nigger." Such a showing of disrespect for a citizen was not proper conduct for an officer of the law. Therefore the complaint was sustained and the officer was sanctioned by imposition of a three week suspension without pay. There was no appeal.

I suspect that upon the officer's return to duty, he received enough overtime to make up his lost salary, but that was not the point. In an unprecedented decision, the commission had established the principle, at least in Natchez, that even its black citizens

were entitled to respect and courtesy from their public servants. The black community was thrilled at the result. Again, in the Mississippi of that day, every small victory had great effect.

Change

Under the Jim Crow Mississippi that I saw in 1964, the white public historically tolerated lynchings, murderous policing and rampaging Klans as necessary to preserve their way of life. They, their government, their newspapers, looked the other way. The common wisdom was that such cruelty was a necessary evil.

In 1967, police and Klansmen charged with violating the rights of Schwerner, Chaney and Goodman by murdering them, the case I worked in 1964, were scheduled to go to trial in September. There was a lot of buzz in the air. They could never have been convicted in the atmosphere that existed in 1964; now, in 1967, the lawyers and judges I interacted with around the state talked about the real possibility that they could actually be convicted. The common wisdom had been transformed to “violence is bad for Mississippi.” It was not so much an issue of morality; rather it was more an issue of the public image of Mississippi. The Establishment realized that Mississippi had gotten a bad name. Business was reluctant to invest in Mississippi. The sit-ins, Selma, racial murder in Neshoba County, and more were on national television, day after day. Whatever the fundamental reason, the Establishment attitude had changed.

As it happened, shortly after I returned home, seven of the defendants were convicted by unanimous vote of an integrated jury and were sentenced to prison by that very icon of the Mississippi Establishment, Judge Harold Cox. Change was in the air.

One day, I had lunch at the Sheraton Hotel just outside of Jackson. At the next table, were four professional looking men. Three whites and one black eating lunch together in a public restaurant. The public accommodations clause of the Civil Rights Act of 1964 was taking hold.

In 1967, the NAACP spread a poster in black neighborhoods showing a black man leading his pet who bore a sign which said,

“I can’t vote because I’m a dog. What’s your excuse?”

In 1969, Charles Evers did some more integratin’ by running for and being elected mayor of Fayette, a predominantly black town in Jefferson County, the first black mayor in Mississippi since Reconstruction. He went on to be increasingly active in Republican party politics. The Voting Rights Act of 1965 was taking hold.

Oregon lawyers continued to work with the Lawyers Committee. They took on cases of broader effect than the one-at-a-time cases that I worked. Don Marmaduke successfully sued in federal court to desegregate the Neshoba County courthouse. Carl Neil sued in federal court to require humane treatment of demonstrators who had been sent to Parchman and were mistreated as they awaited trial. Larry Aschenbrenner, the

new director of the Jackson office, from Grants Pass, Oregon, initiated cases of greater significance.

Shortly after my return to Portland, I was invited to lunch by Pat Hurley. Pat was an outstanding trial lawyer, a massive man with a powerful voice and keen courtroom intuition who had been two years ahead of me in law school. He was soon going to Mississippi to try a case for the Lawyers Committee. Some members of the White Knights of the Ku Klux Klan in the Delta, Greenwood as I recall, thought the local “nigras were getting uppity” so they went out one afternoon and shot-gunned a black farmer virtually in half, at random, by the side of the road as he was walking home. The FBI had assembled evidence, but neither the local district attorney nor the US Attorney would indict. The Lawyers Committee, on behalf of the survivors, brought a civil action in federal court for wrongful death against the individuals and against the White Knights. Because I had appeared before his judge, Harold Cox, Pat wanted to know all about him. Pat didn’t need my advice, though he got it. Pat was as good a trial lawyer as they came.

Pat tried the case. His closing argument to the jury was the best closing argument I’ve ever heard of. Larry Aschenbrenner, also one of our law school mates, was at counsel table for the trial and told me what happened. This is what Pat told that jury:

Ladies and gentlemen, the issue you must decide is this: what is the value of a human life in Mississippi. Your answer will not affect me. I’m going home to Oregon no matter what you decide. The people who will live with your answer will be your children, and your grandchildren, and their children.

When they returned with their verdict, the clerk read it: “We the jury duly impaneled to try this case, find for the plaintiffs in the sum of” She turned to the judge and asked “Does this say one million dollars?” and Judge Harold Cox nodded his head and she continued shakily “one million dollars.” And that was the end of the White Knights of the Ku Klux Klan in Mississippi.

On later visits to Mississippi over the past half century, travelling through Medgar Evers International Airport, I saw increasingly with each generation, blacks and whites interacting in stores, in cafes, on the street, in an easy way. They look each other in the eye, shake hands, are polite, grin and work together in a respectful way. Race relations are not perfect, as is also true up North, but there is respectful interaction. The lady in the Delta who served us lemonade and sponge cake was a harbinger of a new and different era because she had worked with black children and their parents. Knowing each other can have profound effect.

The movement of our black brothers and sisters into an American society of equality is one of the greatest revolutions of history, one that is not yet complete. American historian, Crane Brinton, wrote that revolutions grow from hope, not from despair. Twenty-five Oregon lawyers, of every political persuasion and motivated only by their deep concern for justice, served as volunteers with the Lawyers Committee,

more than any state other than New York or California. None of my cases in 1967 were pivotal. None made the history books as my work in 1964 had. But I would like to think that perhaps our work, our small steps forward, contributed in some small way to the wellspring of hope that moved black folks to carry on their courageous struggle for equality.

On my last day with the Lawyers Committee, Judge Cox had one more surprise for me. I had had a few more simple appearances before him, all of which went uneventfully, but when on that last day I said that my colleague would appear on a case thereafter because I was returning home, Cox furrowed his brow, smiled courteously and said, in the Southern manner, "Well, Mr. Tanzer, y'all come back, y'hear?" I didn't know what to think. Was that good or bad? Mississippi seemed a land of enigma.