

2003

"Caretakers of the Color Line": Southern Sheriffs of the Twentieth Century

Grace Earle Hill
College of William & Mary - Arts & Sciences

Follow this and additional works at: <https://scholarworks.wm.edu/etd>



Part of the [Criminology Commons](#), [International and Area Studies Commons](#), and the [United States History Commons](#)

Recommended Citation

Hill, Grace Earle, "'Caretakers of the Color Line': Southern Sheriffs of the Twentieth Century" (2003). *Dissertations, Theses, and Masters Projects*. William & Mary. Paper 1539626415.
<https://dx.doi.org/doi:10.21220/s2-st0q-g532>

This Thesis is brought to you for free and open access by the Theses, Dissertations, & Master Projects at W&M ScholarWorks. It has been accepted for inclusion in Dissertations, Theses, and Masters Projects by an authorized administrator of W&M ScholarWorks. For more information, please contact scholarworks@wm.edu.

“CARETAKERS OF THE COLOR LINE”:
SOUTHERN SHERIFFS OF THE TWENTIETH CENTURY

A Thesis

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts

by

Grace E. Hill

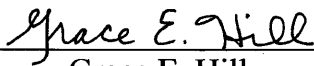
2003

APPROVAL SHEET

This thesis is submitted in partial fulfillment of


the requirements for the degree of

Master of Arts



Grace E. Hill


Approved, June 2003



Judith Ewell



Cindy Hahamovitch



Cam Walker

TABLE OF CONTENTS

	Page
Abstract	iv
Introduction	2
Part I. Southern Sheriffs: Central Figures in Southern Racial History	8
Part II. Activism: Exposing and Challenging Southern Sheriffs' Power	28
Part III. Sheriff Lawrence Rainey and Sheriff Jim Clark: The Battle for Voting Rights in Mississippi and Alabama	42
Part IV. The Color of the Law	94
Bibliography	100
Vita	104

ABSTRACT

This paper examines the role of twentieth century southern sheriffs; specifically, their role in southern racial violence and the Civil Rights Movement. Despite the southern sheriff's central role in southern racial history, this local law enforcement officer has attracted surprisingly little historical attention. And despite historians' extensive studies of lynchings and racial violence in the South, they have remained relatively quiet on the subject of sheriffs. This paper seeks to bring the southern sheriff to the forefront of southern racial history, for they provide a unique window into the South's history of segregation, racism, and mob violence.

Part I examines the southern sheriff's central role in southern racial history from Reconstruction to the early twentieth century. Some were members of the Ku Klux Klan, participating in the lynching of African Americans, or at the very least, doing little to hinder white mob violence. Many members of their white communities often expected them to "capably" enforce the social order and racial caste, while blocking racial progress or equality. Without the complicity of their local sheriff, these lynchings might not have occurred. In such cases, sheriffs played a central role in mob violence even if they did not participate directly in the lynching itself.

Part II explores the activists who noted the central role of southern sheriffs in racial violence and attempted to expose and challenge southern sheriffs' power. In the late nineteenth century and the first few decades of the twentieth, individuals like Ida B. Wells and Arthur Raper, and organizations such as the National Association for the Advancement of Colored People (NAACP), the Southern Commission on Lynching, and the Association of Southern Women for the Prevention of Lynching (ASWPL), penned their observations in pamphlets, bulletins, and flyers in order to increase public awareness of the South's law enforcement problem.

Part III focuses on James G. Clark of Selma, Alabama, and Lawrence Rainey of Philadelphia, Mississippi, two sheriffs of the Deep South whose violent attempts to thwart African Americans' pursuit of voting rights and desegregation attracted national attention during the Civil Rights Movement. Valuable historical accounts of the Movement have focused on important leaders, major national organizations, and significant events, but have never focused on sheriffs like Clark and Rainey, whose extremist viewpoints and actions had a direct effect on the Movement's goals and on how events such as the Selma march unfolded.

This paper concludes that the passage of the Voting Rights Act of 1965 had an immediate impact on the election of the local sheriff and the demographics of the sheriff's office. Although the Voting Rights Act alone could not eradicate racism within the southern sheriff's office, the bill dismantled the legal restraints that prevented black southerners from voting, and allowed them to influence the choice of sheriff.

**“CARETAKERS OF THE COLOR LINE”:
SOUTHERN SHERIFFS OF THE TWENTIETH CENTURY**

INTRODUCTION

“Sheriff John Brown always hated me
For what I don’t know
Ev’ry time I plant a seed
He said, ‘Kill it before it grows.’
He said, ‘Kill them before they grow.’

Freedom came my way one day
And I started out of town,
All of a sudden I saw Sheriff John Brown
Aiming to shoot me down
So I shot, I shot, I shot him down
And I say, if I’m guilty I will pay.”

Lyrics from Bob Marley’s 1973 song, “I Shot the Sheriff”

The image of the southern sheriff as a big-bellied, slow-witted, Yankee-hating racist in mirrored sunglasses remains one of America’s most enduring stereotypes; it persists in television, movies, and fiction. The image has even become a metaphor for descriptions of violent acts. A search for “southern sheriffs” on the Internet reveals news stories such as, “zookeepers quickly responded to the attack of the lions by turning on three high-pressure fire hoses, like good southern sheriffs. . . .” An examination of the history of racial violence in the South from Reconstruction to the Civil Rights Movement reveals the origin and the validity of this stereotype. The image of the trigger-happy sheriff most likely began in the 1890s when lynching reached its height but became fully formed during the Civil Rights Movement, when accounts of sheriffs’ actions appeared not just in newspapers, but on national television. The nation watched aggressive

southern sheriffs brutally thwart peaceful civil rights marches. Thus, the negative image did not arise from Hollywood's imagination or a writer's whim. These club-wielding, tobacco-chewing figures were anything but invented. Fictional depictions of the southern sheriffs may seem exaggerated, but southern history offers many examples that fit the stereotype.

For instance, on January 26, 1921, the Union, South Carolina *Progress* reported the death of James Gideon Long, who had served as Union County sheriff for twenty years. "Former Sheriff Long," the obituary read,

was widely known throughout this county and State, for he had served well his State not only in the days of the Civil War, but in the even more troublous times of Reconstruction days, when he did much to help restore white supremacy, he having been the first man in this State to organize the now famous Ku Klux Klan in South Carolina. At the request of Former Sheriff Long, he was buried in his Confederate uniform and in his hand was a small silk Confederate flag.¹

Although J.G. Long served as sheriff during the late nineteenth century, the newspaper's tribute to him dramatically illustrates the role and status of twentieth century southern sheriffs as well. Like Long, some were members of the Ku Klux Klan, participating in the lynching of African Americans, or at the very least, doing little to hinder white mob violence. Many members of their white communities often expected them to "capably" enforce the social order and racial caste, while blocking racial progress or equality. Newspapers frequently reported that a black prisoner was "taken from the sheriff" or "taken from jail" by an angry crowd, revealing how easily white mobs enacted the southern ritual of extralegal justice. Without the complicity of their local sheriff, these

¹ Long and Wilburn Family Papers, University of South Carolina.

lynchings might not have occurred. In such cases, sheriffs played a central role in mob violence even if they did not participate directly in the lynching itself.

As Savannah, Georgia's black newspaper noted at the height of the lynching epidemic in 1892, "The success which almost invariably attends the efforts of such lawless mobs, is nearly always the result of collusion with the officers of the law, and instances are not infrequent when sheriffs and jailors have been passive spectators, or active participants in these deeds of violence and blood."² According to estimates by the NAACP, 5,200 blacks were burned, shot, or mutilated (or a combination thereof) between 1890 and 1960. The death toll is most likely understated since in many cases southern sheriffs and other local officials, themselves aiding and abetting the lynch mobs, did not deem the murders significant enough to report. Although legal statutes, created under Reconstruction-era civil rights laws and based on the Fourteenth Amendment, authorized prosecutions of public officials and law enforcement officers who committed or conspired with others to commit acts of racial violence, state and federal courts rarely invoked these statutes. Fewer than one percent of lynch mob participants were ever prosecuted.³

The NAACP noted that lynchings virtually disappeared from the southern landscape by the 1950s. However, the southern values and attitudes that gave rise to lynching remained, and when the Civil Rights Movement united African Americans to challenge the racial status quo, renewed southern violence, and sheriffs' acquiescence in

² Quoted in Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (Oxford: Oxford University Press, 1984), 245.

³ Earl Ofari Hutchinson, "The Politics of Lynching," *Salon*, 31 August 2000, <http://www.salon.com/news/feature/2000/08/31/lynching> (7 March 2001).

it, was a likely response. Under the heading, “Why Lynching has Declined,” a 1959 article in the *Crisis* observed, “Today, the terror and intimidation function, served for so many years by lynchings, has been assumed pretty much by law enforcement officers in the rural and backwoods South.”⁴ “Judge Lynch” was replaced by a rash of civil rights murders, the bombing of schools and churches, and the violent actions of southern sheriffs and police squads. With disturbing regularity, southern sheriffs, the “peace officers” responsible for quelling anti-civil rights violence, did anything but maintain peace.

Despite the southern sheriff’s central role in southern racial history, this local law enforcement officer has attracted surprisingly little historical attention. And despite historians’ extensive studies of lynchings and racial violence in the South, they have remained relatively quiet on the subject of sheriffs. This paper seeks to correct this omission and bring the southern sheriff to the forefront of southern racial history. As Part I reveals, southern sheriffs provide an invaluable illustration of the slow—almost imperceptible—progression toward racial equality and the continuity of racial violence from Reconstruction to the Civil Rights Movement. By studying the most “virile” and “esteemed” member of local government, the person once called the “barometer of public opinion,” the southern racial perspective comes into clearer focus.

Part II explores the activists who attempted to expose and challenge southern sheriffs’ power. In the late nineteenth century and the first few decades of the twentieth, individuals like Ida B. Wells and Arthur Raper, and organizations such as the National

⁴ John A. Morsell, “States’ Rights and States’ Wrongs,” *Crisis* 66 (May 1959), 269.

Association for the Advancement of Colored People (NAACP), the Southern Commission on Lynching, and the Association of Southern Women for the Prevention of Lynching (ASWPL), noted the central role of southern sheriffs in racial violence. They penned these observations in pamphlets, bulletins, and flyers in order to increase public awareness of the South's law enforcement problem, and the ASWPL in particular tried to address the problem of sheriffs' complicity in lynching by sending each member to obtain her local sheriff's signature on an anti-lynching petition.

Part III focuses on James G. Clark of Selma, Alabama, and Lawrence Rainey of Philadelphia, Mississippi, two sheriffs of the Deep South whose violent attempts to thwart African Americans' pursuit of voting rights attracted national attention during the Civil Rights Movement. The sheriffs' role in the Movement reveals that the passage of a century had neither changed the support and protection that the sheriff received from parts of the white community and local officials, nor the prominent status of the office. And, like some of their predecessors, Clark and Rainey continued to serve as "defenders of the caste system."

Valuable historical accounts of the Movement have focused on important leaders, major national organizations, and significant events, but have never focused on those sheriffs whose extremist viewpoints and actions had a direct effect on the Movement's goals and on how events such as the Selma march unfolded. For example, the Student Nonviolent Coordinating Committee (SNCC) and the Southern Christian Leadership Conference (SCLC) chose to begin their Alabama voter registration drive in Selma, largely due to Sheriff Clark's reputation as a violent reactionary. Martin Luther King candidly admitted that the success of the voting rights campaign depended in large part

on provoking violence. Clark was the individual that the campaign was trying to provoke. While Sheriff Rainey did not have Clark's national reputation, he played a significant role in the killing and cover-up of the three rights workers. In addition, the subsequent nationally-headlined FBI investigation exposed several other incidents of racial violence linked to Rainey's office.

Both men certainly represent the most egregious examples of racist southern sheriffs. Indeed, Clark and Rainey are most likely responsible for establishing the stereotype of the southern sheriff. Through television broadcasts and newspaper headlines, Clark and Rainey's uncannily similar appearances provided the nation with hundreds of vivid images of the southern sheriff as an overweight, tobacco-chewing, gun-toting thug. But, it was their excesses that ultimately provoked voting reforms and made the southern sheriff's office a position for caretakers of the law rather than of the color line.

PART I
SOUTHERN SHERIFFS: CENTRAL FIGURES IN SOUTHERN RACIAL HISTORY



THE LAW

By Jerry Doyle.

From *The Crisis*, January 1935, page 27.

Southern sheriffs have enjoyed an elevated community status since the inception of the office in the colonial era. In the mid-seventeenth century Chesapeake, the governor selected sheriffs from an exclusive group of substantial landholders to serve for one or two years. As large property owners, these men were already members of a political and

social elite, but their appointment to the shrievalty further increased their power and importance within their communities. Similarly, as a 1960s study of the southern sheriff's office argued, the mid-twentieth century sheriff, though elected on a partisan basis for a four-year term, was "likely to be politically one of the most esteemed persons in the county."⁵ Especially in rural areas, an intricate web of family ties and local loyalties bound citizens to law officers. Many of the sheriff's white constituents viewed him as a prestigious member of the community, in part because the machinery of local government was otherwise weak, and in part because they were grateful and indebted to the man largely responsible for maintaining the color line. Similar to the way in which southern colonial courts insured respect for the office of sheriff by levying a fine or publicly whipping anyone who abused the local sheriff, an early twentieth century southern town might perceive the wounding or killing of their county sheriff, especially if instigated by a black person, as an attack on the white community at large, and therefore, in some cases, as license for public mob violence.⁶

The official responsibilities of the office of sheriff — preserving the peace, enforcing the law, making arrests, supervising prisoners, operating jails, serving civil processes, and collecting taxes — also remained much the same since the seventeenth century. A few differences existed; for example, beginning in the early nineteenth century, sheriffs were elected by their county's voters, not appointed by the state

⁵ Dana B. Brammer and James E. Hurley, *A Study of the Office of Sheriff in the United States, Southern Region* (Bureau of Governmental Research, University of Mississippi, 1968), 20.

⁶ Bruce Smith, *Rural Crime Control* (New York: Institute of Public Administration, Columbia University, 1933), 43; C.H. Karracker, *Seventeenth Century Sheriff* (Chapel Hill: University of North Carolina Press, 1930), 66-69; W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana: University of Illinois Press, 1993), 76-77; National Sheriffs' Association http://www.sheriffs.org/defaults/defaults_s_links.htm (14 March 2002).

governor. The mid-twentieth century sheriff was no longer responsible for apprehending fugitive slaves or managing elections, but instead acted in most states as the executive officer of the state's courts. Sheriffs furnished or served as bailiff, summoned witnesses, and cared for jurors. Time did not alter the majority of the contemporary office's duties, and like his historical counterpart, the mid-twentieth century sheriff was the most "virile part of county government." Beginning in the late nineteenth century, industrialization and urbanization led many cities to establish their own law enforcement agency. In some counties, the sheriff would leave municipal law enforcement to municipal police departments while he served the rural areas. However, despite a jurisdictional distinction between the city police force and the sheriff and his deputies, sheriffs remained the South's chief law enforcement officers.⁷

Just as the elevated status and official responsibilities of the sheriff's office have survived the passage of centuries, so has evidence of corruption within the position. Abuse of the office began almost immediately upon its inception in the colonies. A commentator on the office in North Carolina declared that "no other single officer in the county exercised such plenary executive and administrative powers as did the colonial sheriff. Nor did any other officer make for misrule quite so much as the sheriff." One scholar has argued that the limited tenure of the colonial office was not based on democratic doctrines, but on the premise that the sheriff's office encompassed duties that were easily susceptible of abuse. Indeed, numerous complaints of corruption in the sheriff's office prompted reform legislation in Maryland in 1678. This legislation limited

⁷ "most virile part": Brammer, 1-2, 20; National Sheriffs' Association http://www.sheriffs.org/defaults/defaults_s_links.htm (14 March 2002).

the sheriff to a single one-year term unless a certificate from county court attested to the “honest and efficient execution of office during the preceding year.”⁸

Two duties in particular rendered the office vulnerable to scandal. As the local tax collector, the sheriff held a desirable and highly lucrative position, for in many counties the sheriff was authorized to keep ten percent of the taxes he collected as his personal poundage. Extortions, embezzlement, and irregular settlements with the county treasurer were common. Furthermore, as manager of local elections, the sheriff had a powerful political influence. Expected to be impartial, sheriffs were not allowed to vote in elections over which they presided except to break a tie, but they possessed considerable ability to influence the outcome of elections. The sheriff opened and closed the poll when he pleased, sometimes ignoring the pleas of a candidate who wanted to keep it open until more voters arrived. He set the day for the election, often taking into consideration which day would best suit his favored candidates. He had the right to decide whether individual voters were properly qualified, and in some cases, voter qualifications could be based solely on the political whims of the sheriff. In a 1756 election in Augusta County, Virginia, for example, the sheriff was accused of denying a vote to those Freeholders who did not select his preferred candidate. However, even when he supervised an election with decorum and fairness, the power of the sheriff made an impartial vote rather challenging. Each voter had to declare his vote to the sheriff, and if the sheriff was known to favor a particular candidate, some voters might have been unduly swayed by the man sitting before them. Not surprisingly, the sheriff's control over

⁸ Smith, 44-45; Karracker, 86-88.

the conduct of elections was thus so complete that he was frequently able to return to the colonial Assembly the person of his choice rather than that of the electorate.⁹

Although supplemented with court-commissioned slave patrols by the Revolutionary era, the county sheriff was also responsible for enforcing fugitive slave laws. In late seventeenth century South Carolina, for example, lawmakers attempted to restrain the growing slave population with the 1690 “Act for the Better Ordering of Slaves,” which mandated that the entire white population was required to act as a community police force and apprehend runaways. These captured slaves would then be turned over to their owners or to the local sheriff. In contrast, the Virginia legislature realized that the white community alone could not catch enough fleeing bondsmen, and ordered sheriffs to raise whatever force appeared necessary to apprehend fugitive slaves.¹⁰

Corruption in the southern sheriff’s office in the seventeenth and eighteenth centuries revolved primarily around abuses of an economic and political nature, but beginning in the post-Reconstruction South, abuses became more apparent within the social—or, more specifically, racial—fabric of southern society. It is not surprising that the freedmen recognized little difference between the legal violence inflicted upon them by slave patrollers and the extralegal violence used by white law enforcement officials and the “offspring” of the patrol, the Ku Klux Klan, formed in 1865. Certainly, a fine line separated the patrols from the latter two groups, both of which simply replaced their

⁹ Charles S. Sydnor, *American Revolutionaries in the Making* (New York: Free Press, 1968), 24-25, 68-69.

¹⁰ Hadden, 17-18, 28.

predecessor in the quest for black subordination, except after emancipation, restraints upon mobility, socialization, and property ownership were achieved without official legal sanction, and with more violence. Former slaves claimed that sheriffs and the Klan worked simultaneously with patrollers, or described the brutality of each group interchangeably. Thus, the freedmen's inability to detect the transition from legal to extralegal violence not only provides the most telling indication of the patrol's violent legacy, but speaks again to the acquiescence of southern sheriffs in upholding the antebellum racial regime.¹¹

The abolition of slavery forced some southern whites to rely increasingly upon extralegal measures in order to ensure the political, economic, and social subordination of their former bondsmen. Historians of the South have noted that in contrast to the North, where accelerated economic development and urban growth promoted the creation of courts and law enforcement agencies that worked to preserve social order and suppress violence, the South did not develop comparable institutions to discourage disorder. Furthermore, while the ethos of "dignity" and self-restraint prevailed in the North, the South adhered to an ethic of "honor" and had a long tradition of "self-help," a willingness to use violence without waiting for an official legal sanction. Historian Edward Ayers argues that the ethic of honor not only influenced relationships within white society, but dictated the color line, requiring blacks' unfeigned deference to whites. When honor was breached—as evidenced by a display of disobedience or even an "uppity" glance—southerners preferred that honor be rectified through personal, or extralegal, justice rather

¹¹ Hadden, 28, 40, 211-16.

than through the impersonal third party of the state. Thus, honor, slavery, and the residual frontier system entwined in the South to create a wariness of powerful legal institutions and caused many to doubt the value of centralized justice and law enforcement.¹²

However, southerners did not doubt the value of local law enforcement, for a sheriff, as “caretaker of the color line” and “defender of the caste system,” generally shared the racial attitudes of his white constituents, who expected their local sheriff to enforce, or at least not ignore, a community’s insistence upon the preservation of white supremacy.¹³ In the South, public opinion counted far more heavily than the law, and no one was more influenced by public sentiment than the county sheriff. A sheriff did not like to offend a white voter if it could be helped. He knew that his ability to subordinate the black population, or “keep them in their place,” was a “political asset,” an “informal obligation” of his position.¹⁴ Beginning in the post-Reconstruction South, the elected nature of the sheriff’s office became a particularly noticeable liability, for during a time when racial disorder in the South demanded the intervention of law enforcement, many sheriffs adhered to the will of the majority rather than the rule of the law.

¹² Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (Oxford: Oxford University Press, 1984). See Chapter on “Honor and its Adversaries.” Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982). See Chapter 14: “Honor, Shame, and Justice in a Slavocracy.” Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Random House, 2002), 30-31; Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001), 208.

¹³ John Dittmer, *Black Georgia in the Progressive Era, 1900-1920* (Urbana: University of Illinois Press, 1977), 139.

¹⁴ Allison Davis, Burleigh B. Gardner, and Mary R. Gardner, *Deep South: A Social Anthropological Study of Caste and Class* (Chicago: University of Chicago, 1941; 2d ed. abridged, Phoenix Books, 1965), 287.

Reconstruction and the equal protection and due process clauses of the Fourteenth Amendment raised black expectations, but the semblance of equal justice that they achieved proved short-lived. For example, black men held federal, state, and local public offices, including the office of sheriff, but the overthrow of the last Radical Reconstruction governments in 1877 ended this brief effort at achieving racial equality.¹⁵ Furthermore, economic dependence, political setbacks, and unpunished white violence took their toll. Southern racial codes, habits, and customs could not be changed by “paper laws.” Instead, the South adhered to what one Mississippi lawyer deemed “negro law,” a law about which “no book on earth [could] shed the faintest ray of light, but had to be learned by experience and observation.” For example, if a black person killed a white man, according to “negro law” he would suffer death “in some form or other, the time, place, and manner of his execution depending altogether on who caught him, the sheriff’s posse or the friends of the deceased.”¹⁶ Often maintained through violence, the southern racial code and the reassertion of white power over black lives were nowhere more evident than in the acquiescence of sheriffs in enforcing white supremacy.

By the late 1880s, when the wave of racial violence in the South climaxed, the collusion of sheriffs and other law enforcement officials with lynchers became such a problem that after 1892 a number of states adopted legislative or constitutional provisions designed to end this public ritual of racial violence. For example, in 1901 the Alabama Constitution stated that “whenever any prisoner is taken from jail, or from the custody of

¹⁵ Eric Foner, *Freedom’s Lawmakers: A Directory of Black Officeholders During Reconstruction* (New York: Oxford University Press, 1993), xi, xv. During Reconstruction, especially in counties with a sizable black population, blacks held some local offices. There were at least 41 black sheriffs.

¹⁶ Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Alfred A. Knopf, 1998), 230.

any sheriff or his deputy and put to death or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached.”¹⁷ However, measures such as these were largely ineffective, in part because “paper laws” could not withstand the pressure of southern custom.

Southern sheriffs also played a prominent role in involuntary servitude. Peonage, like lynching, was a legacy of slavery, and stemmed from the ideological conviction that blacks only understood force, whether expressed through the rope and faggot or the coercion of debt. This system of debt servitude, which lasted well into the twentieth century, offered a means of controlling black laborers by ensuring that agricultural laborers would remain mired in debt and thus deprived of mobility. Southern sheriffs could thwart even their smallest efforts to leave a region that offered them little, if any, cash income. According to Junius Gatens, a black man who moved from the South to Chicago in 1905, southern sheriffs burned copies of the *Chicago Defender*, the nation’s largest black newspaper and the first to urge southern blacks to move to the North, because “they didn’t want people finding out about Chicago and freedom.” Copies of the paper were therefore carefully guarded, and porters on the Illinois Central Railroad, which ran from Chicago’s Michigan Avenue to the Black Belt of the South, sneaked copies of the *Defender* for their family in the South. Gatens noted that these copies “would be passed from hand to hand until the pages were all raggedy, falling apart.”¹⁸

¹⁷ James Harmon Chadbourn, *Lynching and the Law* (Chapel Hill: University of North Carolina Press, 1933; reprint, New York: Johnson Reprint Corporation, 1970), 64.

¹⁸ Ron Grossman, “Exodus to Freedom: Southern Blacks Found Haven Here,” *Chicago Tribune*, 12 Feb. 1995, p. C-1.

Although not always enforced, laws existed that penalized a laborer for abandoning his job after signing a contract. By 1907, nearly every southern state legislature had passed a contract-labor measure that resembled the black codes of Reconstruction. Under such laws, if a laborer abandoned his job after signing a contract, he could be arrested for a criminal offense. In some cases, one could be arrested for simply being black and unemployed. As the *Virginia Bulletin* noted in 1937, “In Greenville, South Carolina the planters have requested the law enforcement officers to round up all unemployed, able-bodied men and prosecute them for vagrancy if they refuse cotton-picking jobs.”¹⁹ As this quote illustrates and as historian Pete Daniels asserts, collusion between sheriffs and planters was common throughout the South. While state and local law favored employers, peonage stemmed more from custom than law, and was often reinforced by violence.²⁰

The story of James Felton, a victim of peonage, not only indicates the extreme violence which black laborers suffered, and the vague, at times imperceptible, distinction between slavery and debt servitude, but the collusion of sheriffs and planters in keeping the “free” black population enslaved. Felton’s affidavit to the Georgia state authorities in 1926 revealed a common practice. Sheriffs would arrest vagrant black laborers, hold them in jail until the planter arrived, and then allow the employer to handle his “employee” however he chose. Felton said that five black laborers were killed after attempting to escape from “Dr. King’s” farm. The sheriff and his deputies brought them

¹⁹ NAACP Papers, Part 10, 16:466.

²⁰ Pete Daniels, *The Shadow of Slavery: Peonage in the South, 1901-1969* (Urbana: University of Illinois Press, 1972); William Cohen, *At Freedom’s Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge: Louisiana State University Press, 1991).

back, telling King, “Here are these sons of bitches that tried to get away from you; take them back and give them what they need.” Felton reported that they were then given severe beatings, and that the next day, Dr. King said he ““was afraid to keep them, they weren’t any good except to try to get away and he thought he’d better do away with them.’ He then shot one, killed one with an axe, John Dowdy [his black overseer] killed one with an axe, and Dr. King’s nephew shot two. I saw all of these killings and had to help take the bodies to be buried.” Asserting that the servitude practiced on the farm was known to the county sheriff who frequently visited the place, Felton noted bitterly, “Even the public officials of this town seem to be hired or working for Dr. King, as all seem to take orders from him.”²¹ By aiding the preservation of the peonage system, the sheriff functioned as an “agent of the planter” rather than as an agent of the law.²² That is, because sheriffs did not recognize the blacks’ freedom but adhered to the legacy of bondage, peonage victims could not expect to receive help from their local law enforcement official.

Similarly, just as the sheriff often ignored local evidence of peonage, he turned a blind eye to the composition of an angry crowd. In order for extralegal justice to function effectively in the South, a reciprocal relationship had to exist between the sheriff and his community. They protected each other from punishment for their extralegal activities, becoming partners in the crimes conducted in the name of law and order. A state or local political leader rarely chose to condemn a lynching, for like the sheriff, he, too, was an

²¹ NAACP Papers, Part 10, 17:316.

²² Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper and Row, 1962), 536.

elected official ever-conscious of his constituents' racial attitudes and their obvious influence upon his political career. As the President's Committee on Civil Rights, appointed by President Harry Truman in 1946, wrote in their report, "Punishment of lynchers is not accepted as the responsibility of state or local governments in these [southern] communities. Frequently, state officials participate in the crime, actively or passively."²³ However, on the rare occasion when a governor or other political leader attempted to punish a sheriff for ignoring his sworn duty to protect all prisoners, the sheriff's community responded by refusing to bring indictments against him, or at least swearing to their sheriff's outstanding leadership and judgment.

Not only were state political leaders often indifferent toward or reluctant to condemn the South's extralegal activity, but some southern whites simply refused to punish their sheriff for upholding the color line, an act they deemed praiseworthy. Few southern whites questioned their sheriff's interpretation of his duty to maintain public order as a license to summarily punish or abuse blacks. Rather, they felt a sense of debt and obligation to the man responsible for much of the violence that defined black degradation. The sheriff reciprocated his constituents' allegiance by refusing to identify the members of a mob, noting that he "did not recognize" any of them, or that he had "no information as to the identity" of the lynchers. Mob members felt confident that their sheriff would not interfere with their violent purpose, for as Walter White wrote in 1918

²³ *To Secure These Rights: The Report of the President's Committee on Civil Rights* (New York: Simon and Schuster, 1947), 23.

during his tenure as president of the NAACP, law enforcement officers were “all too frequently in sympathy with the lynchers.”²⁴

The lynching of Edward Johnson, a black man accused of raping a young white girl in Chattanooga, Tennessee, in 1906 and the subsequent arrest of Sheriff Joseph Shipp vividly illustrate the bonds of mutual obligation shared by a community and its sheriff, and similarly, the protection and prestige sheriffs received when they upheld their “informal obligation” of enforcing white supremacy. The day before Johnson was to be legally executed, U.S. Supreme Court Justice John Marshall Harlan announced that the court would hear Johnson’s appeal on the grounds that he had been denied his constitutional rights by a careless defense and a perfunctory conviction. The *Chattanooga News* printed word of the appeal and the ensuing stay of execution late that same day, and as a result, within hours, twelve men broke into Johnson’s jail cell and killed him by hanging and shooting him. Although Sheriff Shipp and Deputy Sheriff Jeremiah Gibson had not participated in the lynching, the Supreme Court found them guilty of contempt of court, as the appeal had granted Johnson federal prisoner status. As Chief Justice Melville Fuller wrote in the court’s majority opinion, “Shipp’s failure to make the slightest preparation to resist the mob, and his failure to make any reasonable effort to save Johnson or identify the members of the mob, justify the inference of a disposition upon his part to render it easy for the mob to lynch Johnson, and to acquiesce in the lynching.”²⁵

²⁴ Walter White, *Rope and Faggot: A Biography of Judge Lynch* (reprint, Salem, NH: Ayer Company Publishers, 1992), 179.

²⁵ *United States v. Shipp*, 29 S. Ct. 636 (1908); “Chronology of Shipp Case,” *Chattanooga Times*, 16 Nov. 1909, p.1.

In other words, despite the fact that there had been many lynching threats even before the case had been brought to the Supreme Court, Shipp and his deputy had left the jail unguarded. Countering Shipp's argument that mob violence was not expected, Fuller called such an assertion "unreasonable and inconsistent with statements made by Sheriff Shipp and his deputies that they were looking for a mob on the next day." Continuing to assert his innocence, or perhaps simply offer a justification for the actions of Johnson's lynchers, Shipp used a common defense. Southerners often blamed lynching on the inefficiency of the southern court system, arguing that it contained so many delays and procedural defects that lynch law was the only recourse to ensure justice. As Shipp himself told the *Birmingham Age-Herald*, "The people of Hamilton County were willing to let the law take its course, until it became known that the case would not probably be disposed of for four or five years by the Supreme Court. The people would not submit to this, and I do not wonder at it."²⁶ Agreeing with the opinion of his Chattanooga constituents, Shipp believed that there was not only a proper time for legal procedure, but a right time for extralegal justice.

This case marked the first time that a white citizen, let alone a law enforcement officer, was jailed for acquiescence in a black lynching. However, Shipp and his fellow defendants were only imprisoned for ninety days, and in smaller print under the headline of "Sheriff Shipp Now in Washington Jail," the *New York Times* noted their "pleasant prison quarters" and that the "first men in jail for contempt of United States Supreme

²⁶ Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 159; *New York Times*, 25 May 1909.

Court even have Private Bath.” The article observed that these Tennessee men were housed in the most “humanitarian” part of the jail: the brand new female prison quarters. Detailing the room’s measurements, the configuration of furniture, the private bathroom, and the “four large circular windows” that gave “excellent views,” the journalist also described Shipp’s nonchalant, relaxed approach to his confinement: “Sitting on his straw bed, half reclining on his pillow of straw, Captain Shipp made this statement: ‘We are very well pleased with the treatment given us by Warden McKee, and are delighted with the quarters assigned us.’”²⁷

If the *Times* expressed surprise and veiled contempt at the prisoners’ privileged treatment, Shipp’s community, though distraught that their respected sheriff was imprisoned at all, expressed “relief” and approval over the lightness of his sentence. According to the local press, Shipp, whose constituents had recently reelected him by the largest majority ever given a Hamilton County Democrat, “went to his imprisonment with the full confidence of the people of this county.” As an editorial in the *Chattanooga Times* noted, the stigma typically attached to a jail sentence would be eliminated in Shipp’s case, for in the eyes of a “large number” of his constituents, he was not guilty. When Shipp and the other five defendants left to receive their sentence in Washington, crowds lining the streets applauded them, and in the courtroom, a throng of friends “sat as close as they could get” to Shipp and company, and then followed them to the jail, providing special bedding and “every other possible arrangement for their comfort.” For those who had to rely on local newspaper reports, the incorrect story that Shipp took his conviction “very much to heart,” and that “he had dropped dead when he received his

²⁷ *New York Times*, 16 Nov. 1909, p. 1.

sentence . . . caused much excitement until it was proved untrue.” In fact, the opposite occurred. The *Chattanooga Times* reported that Shipp’s “erect figure and striking countenance attracted to him the greatest attention. He was without showing of emotion and heard his sentence without a quaver.”²⁸

Chattanooga’s city council members sent Shipp and his associates telegrams of sympathy, and over five thousand people, including the mayors of several Tennessee cities, signed petitions requesting Shipp’s pardon from President Taft. Some requested the pardon not because of the sheriff’s prominent position or his presumed innocence, but because they feared the effect of the sentence on white women’s safety. Just as an editorial in the local paper worried that the Supreme Court’s decision might give the Negro “license to exploit his vices,” indulging carelessly in “his bestial tastes,” concerned citizens from Georgia mimicked this familiar cry of the protection of white womanhood, expressing their “grave fear the effect that the fulfillment of the sentence will have upon the ignorant and irresponsible negroes, increasing beyond question the danger to the women of the South.” In addition, because Shipp was a Confederate veteran, his conviction gained him further support and sympathy. A former Confederate general, calling attention to the loyalty of former Confederate soldiers to the government and criticizing the imprisonment of former Sheriff Shipp, ordered every veterans’ camp in Arkansas to prepare petitions to President Taft asking for Shipp’s pardon.²⁹

²⁸ *New York Times*, 16 Nov. 1909, p. 2; *Chattanooga Times*, 16 Nov. 1909, pp. 1, 4; 17 Nov. 1909, p. 3.

²⁹ *Chattanooga Times*, 16 Nov. 1909, p. 4; Quoted in *New York Times*, 18 Nov. 1909, p. 1; *New York Times*, 18 Nov. 1909, p. 9.

In stark contrast to Shipp, who received community support when he surrendered a prisoner to the mob, a sheriff who warded off a mob was almost certain to face condemnation from his community. Punishment often arrived through the power of the vote, for a sheriff's constituents could voice their criticism by ensuring his defeat for reelection. For example, in Carroll County, Georgia, in 1901, Sheriff Joseph Merrill attracted national attention by opening fire on a mob that attacked the county jail. The black prisoner, accused of killing a young white boy, was sentenced to death, but on the day of the scheduled hanging, an appeal to the Supreme Court delayed his execution. A large crowd had come to town to witness the hanging, and upon learning of the delay, they "crystallized in the formation of a mob" and assaulted the jail. They demanded that Merrill hand them the key to the prisoner's cell, but Merrill refused to comply with their request and warned them that shots would be fired if they did not leave the building. Despite his orders, they advanced down the corridor, and when one of Merrill's deputies killed a member of the mob, the "unexpected fight of the sheriff" caused the crowd's retreat. Merrill's "reward" for checking the mob and standing up to southern tradition was defeat in the next election. However, a Georgia congressman brought Merrill's brave stand to the attention of Theodore Roosevelt, who found him a job as custodian of the federal prison grounds in Atlanta. Roosevelt later requested that the Attorney General ensure that the director of the prison grant Merrill a promotion.³⁰

In some cases, however, even those sheriffs who wanted to uphold their oath of office were unable to quell a mob. Because lynch mobs included members of the "county

³⁰ *New York Times*, 8 June 1901, p. 1; 20 Dec. 1906; *Atlanta Journal*, 8-9 June 1901, p. 1.

seat elites” who controlled local political life, the influence and will of the community sometimes seemed an insurmountable obstacle. It was the presence of these “men of property” that “tipped the balance” against sheriffs who sought to buck southern tradition, and the sheriff simply submitted to what appeared inevitable. For example, in 1906, one peace officer noted that he “went into that cell block with every intention of fulfilling my oath and protecting that man, but when the mob opened the door, the first half a dozen men standing there were leading citizens--businessmen, leaders of their churches and the community--I just couldn’t do it.”³¹

Community support for a lynching, whether endorsed by “men of property” or not, threatened a sheriff’s capacity to protect a black prisoner. Sheriff W.M Waltrip tried to protect two black prisoners who had been accused of arson in Franklin County, Alabama, in 1891 but refused to sacrifice his own life when protection seemed useless. While informing the governor that he was “heartily opposed to mob law,” he admitted to the community’s victory, noting that the “hanging of these firefiends has the endorsement of the larger portion of the people, black and white, of this county.” Thirty years later, the *Nation* printed a similar story of a lynching in Nodena County, Arkansas. Plans for a black prisoner’s execution had been widely published, but Sheriff Dwight Blackwood made no attempt to prevent the lynching, for “nearly every man, woman and child in our county wanted the Negro lynched. When public sentiment is that way, there isn’t much chance left for the officers.”³² Blackwood and his predecessor may have simply feared

³¹ Quoted in Jacquelyn Hall, *Revolt Against Chivalry: Jesse Daniel Ames and the Women’s Campaign Against Lynching* (New York: Columbia University Press, 1979), 140.

³² Quoted in Litwack, 296; White, 25.

political suicide rather than physical danger, but regardless of their primary motivation for surrendering the prisoners, the will of the community prevailed.

The stories of Merrill and Waltrip illustrate that not all southern sheriffs condoned extralegal justice; many attempted to protect their prisoners and judiciously enforce the law. Sheriffs like Merrill and Shipp represent opposite ends of the spectrum, but they nevertheless offer similar insights into the southern racial system and sheriffs' role in it. Since the inception of the office in the colonial era, the sheriff held a prominent status within the white southern community. As tax collector, local election manager, and enforcer of fugitive slave laws, for example, the sheriff was an influential, powerful, and often corrupt figure. Beginning in the post-Reconstruction South, corruption within the office extended to the racial fabric of southern society, as many members of the white community expected their local law enforcement officer to ensure continued black subordination.

When sheriffs like Merrill attempted to defend a black prisoner, they blatantly defied such expectations and the "informal obligation" of their position. That is, in order for extralegal justice to function effectively, a reciprocal relationship had to exist between a sheriff and those members of the white community who endorsed mob violence. They became partners in enforcing the racial caste system. If a sheriff tried to avert a lynching, he upset the balance, or reciprocity, and thus forfeited the prestige and power ascribed to his office. Conversely, if as in Shipp's case, a sheriff left a jail unguarded or ignored an angry mob, many of his white constituents protected him from punishment. Therefore, community support for a lynching typically dictated the sheriff's response. Disregarding

his own viewpoint regarding mob violence, the sheriff was heavily influenced by public opinion and knew that his ability to uphold the color line was a political asset.

PART II

ACTIVISM: EXPOSING AND CHALLENGING SOUTHERN SHERIFFS' POWER

“How does it come about that these mobs, composed invariably of white men and none others, cannot be put down by the white authorities? . . . the sheriffs upon whom the custody of such persons depends are chosen by popular election, and usually have no backbone. . . there are few cases where a determined sheriff, armed and ready to do his duty, could not quell a mob.”

Historian Albert Bushnell Hart, *The Southern South*, 1912

In the late nineteenth century, activists began to condemn southern sheriffs' central role in racial violence, expressing horror at the South's "growing disregard of human life." Ida Wells-Barnett, an African American who achieved national and international fame as a journalist, public speaker, and community activist, launched an anti-lynching campaign in the 1890s after "there came a lynching in Memphis which changed the whole course of my life."³³ Law enforcement officers in Memphis, Tennessee, allowed a white mob to take three of her closest friends from jail and lynch them. While certainly recognizing that lynching was not just a southern phenomenon, Wells-Barnett's writings focused on southern examples of mob rule and sheriffs'

³³ Alfreda M. Duster, ed., *Crusade for Justice: The Autobiography of Ida B. Wells* (Chicago: University of Chicago Press, 1970), 47. Chapter 6, "Lynching at the Curve," discusses the Memphis lynching.

acquiescence in it. Her target audience was those “men and women of the South who disapprove of lynching,” for supporters of mob rule most likely would not have listened to the words of a black woman, a member of the very race whose subjugation they enforced. Thus, Wells criticized those who quietly disapproved but failed to act, deeming them “accomplices . . . equally guilty with the actual law-breakers.” She reminded them that their “silence encourages a continuance of this sort of horror” and that endorsers of extralegal measures would “persist” as long as they knew that they would “never be called to an account.” In part, this confidence was sustained because the “moral support of those chosen by the people to execute the law, is frequently given to the support of lawlessness and mob violence.”³⁴

Wells criticized the mockery of justice that existed in the South, a land where race was more powerful than law, where criminal accusations, arrests, and verdicts were based less on evidence of guilt than on the skin color of the defendant. Sheriffs were bound to execute the decrees of the law, not the racially-driven whims of the community, but “submission to mob reign” rather than protection of prisoners typically ruled. Lynchings commonly began when defendants were “taken from the sheriff” or “given to the mob by the sheriff,” and any attempts to stop mob rule were feeble if they occurred at all. As Wells illustrates with numerous examples, mobs could have been dispersed, but the sheriff would “insist that no violence be done,” or would not “lift a hand to stop the proceedings after the jail door yielded.”³⁵

³⁴ Jacqueline Jones Royster, ed., *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892-1900* (Boston: Bedford Books, 1997), 206, 92.

³⁵ *Ibid.*, 113-14.

Furthermore, Wells noted, the sheriff and his constituents each protected the extralegal actions of the other, refusing to break the unspoken code of silence that preserved white supremacy. For example, when a black family was brutally shot in Arkansas, the local paper detailed the circumstances leading up to the attack. Six months after this publication, a resident of Chicago wrote to find out if any of the parties involved in the killing had been arrested. He received a signed reply from the county sheriff, who briefly stated that “the parties have never been arrested, and are still in the county. It was done by some of the citizens, and those who know will not tell.”³⁶ The sheriff’s willingness to reply to an outside inquiry at all perhaps suggests his desire to explain that public attitudes made it impossible for him to apprehend the criminals. However, Wells believed that the sheriff’s reply revealed his support of the lynching, or at least his apathetic unwillingness to question the rule of the mob.

Wells believed that the success of her campaign would be marked not so much by better law enforcement or national anti-lynching legislation, as by a change in public opinion. By speaking forthrightly about mob violence, and by detailing lurid lynchings, she could boldly intervene in public discourse and reach the white people of the country who possessed the power, authority, and resources to stop such “demonstrations of American barbarism.”³⁷ Certainly, the legal history of anti-lynching activities indicates the practicality of her goals, for state efforts to end extralegal justice were largely ineffective, and on a national level, Congress failed to pass the Blair Bill, the Dyer Bill,

³⁶ Ibid., 91.

³⁷ Ibid., 206.

or any other legislation that would stem the tide of violence. However, the significance of her writings lies in their primacy, for she was the first publicly to place mob violence on the American agenda. Later, groups such as the Commission on Interracial Cooperation (CIC), the Southern Commission on the Study of Lynching, and the Association of Southern Women on the Prevention of Lynching (ASWPL) added collective resistance to her single voice. These groups did not change laws either, but they succeeded in forcing national attention to and debate of the issues.

The CIC, organized in 1920 by Will Alexander, a white Methodist minister from Tennessee, never sought to challenge segregation or advocate racial equality, but to bring moderate leaders of both races together in an organization that advocated improved housing, equal educational opportunities, and an end to mob violence. After a year of effort, Alexander proclaimed that racial tensions had been reduced in places where the CIC had worked. However, in the fall of 1930, Alexander decided that the CIC strategy of local interracial committees was foundering. Although lynching had slowly declined since the year of the commission's founding, in 1930, the lynching rate doubled. Alexander decided to reinvigorate the commission's anti-lynching drive by replacing local activism with research, documenting the region's ills and challenging white southern intellectuals' traditional defense of regional institutions and mores. Obviously, lynching, the violent outgrowth of white supremacy, one of the South's most enduring ideologies, was a prime topic for these new southern sociologists. At the height of the lynching epidemic in the late nineteenth century, the Tuskegee Institute and the NAACP had begun collecting and publicizing lynching statistics, but the CIC wanted to broaden such research by examining the social origins of extralegal racial violence. The group

hoped that exposing the realities behind the myths of lynching would serve as an effective means of eliminating the most extreme form of racial violence. Therefore, it established the Southern Commission on the Study of Lynching and chose sociologist Arthur Raper to fulfill the task.³⁸

Raper's work has remained the standard text on the subject, and certainly, his analysis of the common characteristics of mob members, lynched victims, and the counties involved provided an important first look at salient facts of the epidemic. What historians have generally overlooked, however, is his analysis of sheriffs' collusion with mobs and the influence of political considerations on their actions. In the first chapter of *The Tragedy of Lynching*, "Facts about Lynching in 1930," Raper included a section on county sheriffs and their deputies, noting that "in most cases the sheriff and his deputies merely stood by while the mob did its work." Some did not even try to disguise their complacency behind claims that the mob had taken them by surprise or that they were unwilling to shoot into the crowd for fear of killing innocent men, women, and children. One Georgia sheriff noted that he was glad that the "damn nigger" was dead. "Except for my oath and bond," he added, "I'd have killed him myself as soon as they brought him within shooting distance of the jail."³⁹

Furthermore, Raper noted the bonds of obligation that existed between a sheriff and his community. As Raper illustrated in one of his chapters, a case study entitled, "Sheriff Keeps Faith With Mob," sheriffs not only failed to resist the mob, but also

³⁸ Hall, 160.

³⁹ Arthur F. Raper, *The Tragedy of Lynching* (Montclair, NJ: Patterson Smith, 1969), 13.

feigned ignorance as to the identities of the mob members. Following a lynching in Thomasville, Georgia, in 1930, the sheriff reported under oath to a grand jury that he did not recognize a single member of the “party or parties . . . responsible for [the Negro’s] death.” In response, the coroner’s jury commended their sheriff for the “quiet and orderly manner” in which he handled the angry crowd, and for upholding his duty “in every respect.”⁴⁰

In stark contrast to such praise, Raper noted, was the open condemnation sheriffs received when they defied the will of the community. When an Ocilla, Georgia, sheriff somehow disobeyed the instructions of the mob who had asked him to “take charge” of a prisoner, his car was fired upon, and a bullet hole ruptured the car’s gas tank. In another Georgia case, a sheriff, trying to prevent mob violence at a prisoner’s trial, persistently pretended ignorance of the date the man would be tried. When the sentence had been given and the prisoner removed, many local citizens expressed open criticism of the sheriff for not letting “the people” know when the prisoner would be brought before the court.⁴¹

Raper attributed the characteristic indifference as well as the uncharacteristic concern of peace officers to the “influence of political consideration.” Elected by the local people, sheriffs usually conformed their official acts to the expressed desires of the local electorate. And since mob members were nearly all voters, and the victim and most members of his race were politically impotent, sheriffs adhered to the wishes of his constituency. Raper noted that while the National Guard could be instrumental in

⁴⁰ Ibid., 242.

⁴¹ Ibid., 14 and 459.

preventing mob outbreaks, sheriffs' refusal to request the Guard's aid rendered such outside intervention typically futile. He concluded that a state would have to exercise more power over its counties in order to stem the tide of lynchings, for the local representative--the county sheriff--was inhibited by the power of the ballot.⁴²

In addition to the Southern Commission, Alexander formed an interrelated Commission of Law School Deans to study the legal aspects of lynching. Building and expanding upon Raper's work, James Chadbourn, a law professor at the University of North Carolina, published *Lynching and the Law* in 1933. As well as suggesting "model ouster laws" which could function as an important anti-lynching device by punishing sheriffs and other law enforcement officials who condoned or participated in mob violence, Chadbourn analyzed the failure of the current anti-lynching statutes to operate effectively, if at all. Noting that improved ouster laws were a necessity if lynching was to be eradicated, he quoted a finding of Raper's: "'Do you think I'm going to risk my life protecting a nigger?'" was a "representative attitude of peace officers in some of the 1930 cases." In the "majority" of these instances, the "mob took possession of the accused in the presence of the officer, who did not fire a shot or make any other real effort to protect the accused."⁴³

While nine states had made provisions for the removal of peace officers who failed to prevent lynchings, Chadbourn noted that since the creation of these statutes in the early 1900s, not one peace officer had been convicted or ousted because of a

⁴² Ibid., 14-16.

⁴³ Chadbourn, 69-70.

lynching, owing in part to grand and petit jury inaction, as well as the reluctance of community members to testify against their sheriff. In addition to these latter two reasons, however, Chadbourn criticized the statutes for ignoring a critical issue. They stated that the person killed or injured must be in the custody of the officer, but none of them removed an officer in cases where he did not have custody of a prisoner but was still negligent. Chadbourn argued that this might encourage peace officers to fail to arrest a person threatened with mob violence so that the ouster penalty could be avoided. To illustrate this point, and the Southern Commission's similar argument that in several 1930 cases mob victims were "without benefit of the sheriff," Chadbourn described a few southern incidents in which the sheriff, "once he found that the accused Negro was certain of being caught, returned to his office, quite content with the way the things were being handled. In two other plantation counties--Brazos, Texas, and Sumter, Alabama--the officers deliberately left matters in the hands of the local people."⁴⁴

If the Southern Commission and its sociologists sought to publicize lynching statistics and analyze the social origins of extralegal racial violence, the Association of Southern Women for the Prevention of Lynching chose a more community-based, activist approach. On November 1, 1930, a group of twenty-six white women from six southern states formed the ASWPL. Their goal was to break the tie between the tradition of chivalry and lynching by using the moral and social influence of a group of organized southern white women--the very women that the white patriarchy yearned to protect. More broadly, it hoped to mobilize white southern anti-lynching opinion. The ASWPL neither addressed the issue of federal anti-lynching legislation nor problems of

⁴⁴ Ibid., 71.

discrimination and civil rights, choosing to confine its efforts to the direct eradication of lynching. That is, since the anti-lynching statutes that already existed were either legally inadequate or simply ignored by southern juries and lynch mobs, the ASWPL decided to approach the issue by forgoing the pursuit of traditionally ineffective “paper laws,” and instead targeting one of the immediate sources of the lynching problem. The southern sheriff, as a “guardian of the law,” was responsible for handling any mob forming in his county. Aware that sheriffs “were often a complacent part of mobs,” rarely risking their lives to protect black prisoners, members of the ASWPL avoided the halls of Congress and instead approached their local sheriff’s office.⁴⁵

It required extraordinary commitment for an association member to carry the anti-lynching message into her sheriff’s office. Although some members viewed the southern sheriff as the “half-drunk” representative of a courthouse gang whose violent means of law and order repulsed a southern lady’s idea of friendship, he could just as easily be a relative or friend.⁴⁶ But such neighborly relations were what fueled the ASWPL’s program. Because many sheriffs adhered to the public’s racial opinion, the Association’s focus on law enforcement was designed to subject sheriffs to powerful demands from their community that they uphold the law, not the mob. ASWPL members were in a perfect position to spearhead this plan, for their middle to upper class status guaranteed that they, their husbands, and relatives could exert pressure on their local sheriffs without risk of reprisal. The Association reasoned that if a large number of respectable and

⁴⁵ Mrs. William J. Neel to the sheriffs of Georgia, January 12, 1933, ASWPL Papers, 5:457, 4:1716. For a brief discussion of the ASWPL’s involvement with sheriffs’ offices, see Chapter 8 of Hall, *Revolt Against Chivalry*.

⁴⁶ Jessie Daniel Ames, “Southern Women Look at Lynching,” ASWPL Papers, 4:1837.

influential local citizens wanted every possible precaution taken to insure a constitutional trial for the accused, then most likely the sheriff would reconsider the lessons of southern extralegal tradition.⁴⁷

Of course, the ASWPL knew that it was not just their votes that could affect the actions of a sheriff but the votes of citizens outside the association. As the “agent of his people,” the sheriff would respond to the “emotional demands of his supporters.” He would “judge accurately the number of votes involved” and then work to prevent a lynching “in accordance with the desires of the majority.” The office of sheriff was subject to little interference from state or federal authorities, but local voters held the power of the ballot. Therefore, if he received the “moral support” of his constituents and realized that the expectations of his role had changed, then he could “do more to stop lynching than any other one factor.”⁴⁸

To begin the campaign, practically every member of the ASWPL went to her local sheriff, asking him to sign a pledge stating that he would “use every means” to “create a public opinion” that would endorse those sheriffs “determined to protect the Nation from mob violence” and to eradicate lynching, “a crime which should not be tolerated in any civilized country.” Each member of the ASWPL also urged her fellow citizens to use the ballot to “see that only those persons who honor the law and hold their oath of office inviolate” be permitted to hold the office of sheriff. Furthermore, the ASWPL reminded, as voters, citizens could “compel the protection of the community

⁴⁷ Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon and Schuster, 1975), 225.

⁴⁸ ASWPL Papers, 4:1792; 4:57; “more than any one factor”: Quoted in Hall, 224.

against the lawlessness of a lynching” by “demanding” that the sheriff either remove a prisoner to another county for safekeeping, swear in additional deputies, or request the protection of state troops.⁴⁹

Once ASWPL members received this community backing, they presented sheriffs with petitions from their local constituents as evidence of the support they would receive for adhering to their oath of office, and conversely, the opposition they would encounter if they condoned extralegal measures. In addition to preventing lynching between outbursts of violence, the ASWPL also attempted to prevent them when there was a threat of a mob, or even once one had already formed, by having their husbands, friends, local ministers, other citizens, and even sometimes the governor, call the sheriff and urge him to prevent mob action.⁵⁰

Believing that positive reinforcement would only improve sheriffs’ confidence in their community’s support, the ASWPL kept extensive “signature records,” published pamphlets that included names of those sheriffs whose “quick action” deserved “special mention,” and sent a letter to sheriffs who had reduced lynching rates in their counties, thanking them for their “display of courage, cool judgment, and determination.” However, for those sheriffs who remained oblivious to persuasion, the ASWPL began a negative publicity campaign, publishing names of those who failed to perform their legal duty and detailing accounts of their complicity in the death of a black prisoner. A 1937 bulletin asked, “Where were the peace officers?” All eight victims of lynchings in 1937

⁴⁹ ASWPL Papers, 4:1756; 4:2003; 5:15; Jessie Daniel Ames, “Southern Women and Lynching,” ASWPL Papers, 4:1791.

⁵⁰ Lewis T. Nordyke, “Ladies and Lynchings,” *Survey Graphic* 28 (Nov. 1939): 683-86.

were in the hands of peace officers. In seven of the lynchings, investigations indicate, officers were either in the mob or were in collusion with the mob.” Each story revealed how easily the mobs could have been thwarted and how quickly the sheriffs surrendered to the angry crowd. In several cases, the sheriffs claimed to have been “overpowered.” Some denied that a lynching had even occurred: “There wasn’t any lynching. There were just six or eight men going about their business.” Others openly admitted their refusal to defy their white constituency: “I do not call the citizens who executed the Negroes a mob. I consider their action an expression of the will of the people.” Through investigations of lynchings and prevented lynchings, the ASWPL had argued from the onset of their campaign that sheriffs could safeguard prisoners if they wished. As Ames had surmised, the common claim of being “overpowered,” for example, was based on political expediency, not fear of bodily harm.⁵¹

By 1941, 1,355 peace officers had signed the ASWPL pledges, and the organization could report that in one year alone, forty peace officers, many of whom had signed ASWPL pledges, had protected their prisoners from mob violence. In 1968, sociologist John Shelton Reed conducted an “evaluation” of the ASWPL, concluding that it was particularly effective in preventing lynchings in which mobs took prisoners from the custody of law officers, for in counties where the association had made its presence strongly felt, a dramatic decrease in such crimes had occurred.⁵² While Ames would not have claimed that these improved numbers were due to the ASWPL’s efforts alone,

⁵¹ ASWPL Papers, 4:55; 4:1749; 4:1881; 4:1995; 5:457; “Lynching is Wholesale Murder,” ASWPL Papers, 4:1861.

⁵² John Shelton Reed, “An Evaluation of an Anti-Lynching Organization,” *Social Problems* 16 (Fall 1968): 172-82.

Reed's study proved that the ASWPL program was indeed able to affect the actions of sheriffs and create a climate of disapproval that deterred potential lynchers.

The ASWPL's ability to achieve success in their anti-lynching campaign illustrates that the white South was not a monolithic wall of resistance, but rather represented a spectrum of opinions regarding race relations in the South. As Martin Luther King would argue twenty years after the ASWPL's campaign, there were three kinds of white people in the South: extreme segregationists, moderates, and a tiny minority of vocal anti-segregationists. The ASWPL reached the moderates—those whites who quietly disapproved of, or were at least embarrassed by, the behavior of the violent mobs and sheriffs.

Certainly, these “middle-roaders” were not outspoken in their opposition to extralegal racial violence like Will Alexander or Jessie Daniel Ames. Indeed, few white southerners were. But, when handed an anti-lynching petition, for example, moderates could offer their support without ever having to approach a neighbor's door or a sheriff's office. As historian David Chappell argues, those who represented the middle of the spectrum—neither the segregationists nor the activists—did not “stuck their necks out,” but instead quietly acted in order to restore social peace, a good business climate, or their town's reputation.⁵³

Ida B. Wells, the CIC, and the Southern Commission gave voice to the problem of southern racial violence, and the ASWPL further expanded the anti-lynching campaign by reaching into their communities and giving voice to an otherwise silent group of

⁵³ David Chappell, *Inside Agitators: White Southerners in the Civil Rights Movement* (Baltimore: Johns Hopkins University Press, 1994), xv-xxiv.

dissenters. However, while organizations like the ASWPL and sociologists like Arthur Raper had begun to raise the white public's awareness of southern racial violence and southern sheriff's acquiescence in it, the Civil Rights Movement demonstrated that awareness did not necessarily prompt change. As discussed in the next chapter, the battle for voting rights in two small Deep South towns required the intervention of the federal government to erase the color line that the sheriffs had so carefully drawn.

PART III

SHERIFF LAWRENCE RAINEY AND SHERIFF JIM CLARK: THE BATTLE FOR
VOTING RIGHTS IN MISSISSIPPI AND ALABAMA

“It is more than a coincidence that the only prisoners who are consistently coming out of jail with bruises and black eyes are civil rights activists. This isn’t law. It is sadism hiding behind a badge.”

Southern Regional Council, 1964

“Deep South sheriffs are usually big men, often running to fat. This one weighs over 240 pounds and is developing a paunch.”

New York Times’ description of Sheriff Lawrence Rainey, 1964

“With great clarity Bird saw the dark ring of sweat around the band of the sheriff’s Stetson, the white-knuckled grip of his hands about the billy club. The sheriff flicked away a drop of sweat that ran down his temple; a pulse throbbed in the protruding vein of his forehead.”

Go, Go, Said the Bird, Fictional account of Selma by Anne Nell Stallworth, 1984

One night in July 1962, Claude Sitton, a *New York Times* reporter who often covered the Civil Rights Movement in the South, visited a small black church in Terrell County, Georgia, where local residents and SNCC workers had gathered for a voting rights meeting. Sitton’s past experience suggested that the meeting would not proceed without interruption from local law enforcement. His intuition proved correct. Sheriff Zeke Mathews entered the church and commandeered the pulpit, announcing that “quite enough” of Terrell’s black residents—51 out of 8,209—were already registered to vote. As one of Mathews’ deputies fingered his revolver and another slapped a five-cell

flashlight in the palm of his hand, Mathews blatantly acknowledged his refusal to recognize the goals of the Movement, declaring, "We want our colored people to go on living like they have for the last hundred years." Sitton later left the church to find his car tire slashed and sand in the gas tank. His vivid, front-page account outraged readers, including President John F. Kennedy and his attorney general and brother, Robert. In less than two weeks after Sitton's story appeared in the *Times*, Justice Department lawyers and FBI agents descended on Terrell County and filed a voting rights complaint against Sheriff Mathews.⁵⁴

Stories like Sitton's were valuable in educating the country and federal government officials on the challenges that civil rights workers and blacks faced in the South. By 1960, lynching had disappeared almost entirely from the southern landscape, but the southern values and attitudes that had given rise to it had not. By playing a central role in thwarting African Americans' attempts at desegregation and acquisition of the ballot, some southern sheriffs continued to impose the racial caste system. For example, in February 1963, Ruby Hurley, the NAACP's Southeast Regional Secretary, wrote a letter to Michigan Congressman John Dingell, Jr. (D) that surveyed black southerners' continuing problems with segregated transportation. She reported that in Inverness, Florida, both Greyhound and Trailways used a Standard Oil gas station as their bus station. Near the passenger boarding area, signs approximately two feet high were boldly lettered "White Only" and "cannot be missed by anyone." Hurley learned that the sheriff "makes himself conspicuous on schedule with the buses," for he knew that his mere

⁵⁴ Taylor Branch, *Parting the Waters: America in the King Years, 1954-1963* (New York: Simon and Schuster, 1988), 619-20.

presence would keep blacks from boarding.⁵⁵ As they had done for over a century, southern sheriffs continued to defend the racist views of their white constituency and to deny the black community protection and equality.

As the findings of two sociologists who conducted a 1967 study of the southern sheriff's office show, in some communities, expectations of the sheriff had not changed, either. Dana Brammer and James Hurley observed that although state constitutions and statutes served as the primary determinant of the office's responsibilities, "to a great extent" sheriffs responded not just to the statutes but to custom and environmental conditions. That is, the ability of the sheriff to handle the pressures and complaints brought by his local citizenry still played a large part in determining his success or failure in office. Brammer and Hurley's conclusions barely differed from those of earlier sociologists like Arthur Raper because the nature of the citizens' complaints had not changed. Race-related issues remained in the forefront of the southern mind, and the fear of black equality persisted. The Civil Rights Movement only heightened this fear, especially in the rural, small-town South.⁵⁶

The conclusions of the federal government and the Southern Regional Council (SRC) echoed those of Brammer and Hurley and the NAACP. The SRC observed that the cooperation of law enforcement authorities in civil rights violence was due to the "climate of opinion" which tolerated and encouraged the "brute." Likewise, the Commission on Civil Rights knew that the most "crucial factor" in maintaining law and

⁵⁵ Letter from Ruby Hurley to Dingell, NAACP Papers, Series B, Part 25, 4:814.

⁵⁶ Dana Brammer and James Hurley, *A Study of the Office of Sheriff in the United States, Southern Region, 1967* (University of Mississippi: Bureau of Governmental Research, 1968): 27.

order in a community gripped by racial crisis was the support of state and local law enforcement officers. However, in a region often frustrated and angered by black pursuit of equality, "support" was color-biased. In its 1965 Law Enforcement Report, the Commission concluded that local law enforcement "failed to protect Negroes and civil rights workers from violence, interfered with the exercise of Federal rights . . . and abused their discretion in the administration of justice." Furthermore, they found extensive evidence of Klan connections with local sheriffs and deputies.⁵⁷

Nowhere was this more evident than in Neshoba County, Mississippi, and Dallas County, Alabama. During the mid-1960s, these two Deep South states became the targets of the civil rights movement's growing emphasis on the registration of black voters. Unlike the sheriff mentioned in Ruby Hurley's letter, the sheriffs governing these counties made it past the archives of the NAACP and onto national newspaper headlines. When three civil rights workers—Michael Schwerner, Andrew Goodman, and James Chaney—were murdered in the Neshoba County seat of Philadelphia in the summer of 1964, the subsequent FBI investigation revealed that Sheriff Lawrence Rainey's office was linked to several other incidents of racial violence. In the neighboring state to the east, demonstrators in Selma suffered under the club-wielding hand of Sheriff Jim Clark, who was determined to deny the ballot to the black community. Clark and Rainey's similar physical descriptions became recognized throughout America. Journalists often introduced the sheriffs into news stories by noting their weight, and adjectives like

⁵⁷ "Law Enforcement in Mississippi" (Atlanta: Southern Regional Council, 1964): 19; Michael Belknap, *Civil Rights, the White House, and the Justice Department, 1945-1968: Racial Violence and Law Enforcement in the South* (New York: Garland, 1991): 308 and 475.

"burly," "beefy," and "bear-shaped" frequently preceded their names, as though their large size could help explain the racist actions they supported and inflicted.⁵⁸

Undoubtedly, too, such descriptions made them seem especially threatening to readers, heightening the nation's concern regarding race relations in the South.

When national attention focused on these small southern towns, outsiders shuddered at the racism evident in some of the South's law enforcement officials. The majority of white citizens in Philadelphia and Selma, however, attempted to defend their southern way of life and their sheriffs. They found themselves in an unwelcome spotlight, and their reaction to it illustrates that the passage of decades had not changed white racial attitudes, the prominent status of the sheriff's office, or the support and protection that this powerful elected official received from his community and other local officials, especially in the Deep South. Furthermore, both Rainey and Clark appeared confident that their position protected them against punishment from the federal government. Like Sheriff Shipp in his jail cell over fifty years earlier, Rainey displayed casual ease and confidence throughout the months of indictments and arrests, while Clark simply refused to keep his billy club idle, responding to every court order with another display of violence. Clark and Rainey knew that no white man in the state, especially the man in charge of "keeping Negroes in their place" would ever be punished for mistreating blacks, even if in Rainey's case, that mistreatment included condoning murder.

Noting the deaths of the three civil rights workers who were murdered in Mississippi and three victims of opposition to voting rights activity in Selma, the NAACP

⁵⁸ Gay Talese, "Burly Sheriff Clark," *New York Times*, 16 March 1965, p. 32; *Newsweek*, 25 Jan. 1965, p. 29; *New York Times*, 5 Dec. 1964, p.1.

succinctly and pointedly wrote: "These events demonstrate that some white southerners have a license to murder, a license too frequently issued to them by southern police officers who refuse to vigorously investigate and apprehend, by southern public prosecutors who sabotage their cases, by southern judges who are openly biased, and by southern juries who refuse to convict."⁵⁹ The NAACP was undoubtedly referencing, too, that the judicial process in the South was often marked by efficiency rather than fairness. That is, especially in black capital cases, the threat of white violence provided little opportunity for adequate pre-trial preparation, even with the most conscientious of counsel, and put juries under tremendous pressure to deliberate quickly, if at all.⁶⁰ The NAACP's words also capture the vulnerability of civil rights workers in the South, and the domino effect that occurred when civil rights cases arose. Most importantly, however, the quote illustrates the southern sheriff's central role in the chain of events. He was the first to topple the dominoes -- the first to issue license for racial violence and inequality.

⁵⁹ "An Open Letter to President Johnson," NAACP Papers, Part 24, 17:649. The letter was not signed by any particular member of the NAACP.

⁶⁰ Neil McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana: University of Illinois Press, 1989). See Chapter, "Jim Crow's Courts."

As Sheriff Lawrence Rainey often said, "It's always better to stop something before it happens instead of waiting till after it happens."⁶¹ For Rainey, that "something" was the steady arrival of civil rights workers in Philadelphia, Mississippi. After the disappearance of Schwerner, Chaney, and Goodman, the nation soon discovered that Rainey was a man of his word. He believed that his sheriff's uniform had "a lot to do with" the work required by the office, and certainly, his appearance suggested that he took his job seriously. At six feet two inches and 240 pounds, Rainey was a formidable figure. The belt line of his khaki uniform bulged with polished leather, burnished brass and lead ammunition, and a heavy holstered gun. Easily recognizable with his calf-length boots, a cattleman's hat turned up on the sides atop a balding head, and a fist-sized chaw of tobacco in his jaw, he roamed about town in his big gray Oldsmobile equipped with the trappings of his office—a siren, red light, loudspeaker, armament, gilt-lettered doors, and extra cartons of Red Man.⁶²

In August of 1963, when Rainey ran for sheriff, Congress was working on passing a national civil rights bill. In an advertisement in the Neshoba (MI) *Democrat*, Rainey wrote, "I believe in our Southern way of life and will strive to keep it that way." Another advertisement blared these words in large print: "Vote for Lawrence Rainey, the Man who can cope with situations that may arise." Rainey appeared at meetings all over the county, and with one hand on his hip holster and the other rolling his wide-brimmed hat,

⁶¹ Reese Cleghorn, "The Two Faces of Sheriff Rainey," *New York Times Magazine*, 21 Feb. 1965, p. 10.

⁶² Several sources provide detailed descriptions of Rainey's physical appearance: Don Whitehead, *Attack on Terror: The FBI Against the Ku Klux Klan in Mississippi* (New York: Funk & Wagnalls, 1970), 37; William Bradford Huie, "The Untold Story of the Mississippi Murders," *Saturday Evening Post* 237 (Sept. 5, 1964); David Nevin, "A Strange, Tight Little Town, Loath to Admit Complicity," *Life* 57 (Dec. 18, 1964): 38-9.

he would say, "If you elect me, I'll take care of things for you." Locals knew to which "situations" and "things" he was referring, for Mississippi's race problem was an overwhelming concern, and Rainey's record as a police patrolman and a deputy sheriff in Philadelphia was, in the eyes of his white public, impressive. He had killed two blacks, and the African American community openly feared him. Furthermore, Rainey had been born and raised on a farm in adjoining Kemper County by "law-abiding" parents who taught him to "obey the laws of the land." For white Philadelphians, Rainey's record and his southern heritage made him the perfect candidate. Confident that he would control the black population, an absolute requirement for a Mississippi law enforcement official, Rainey's white constituents elected him by a handsome majority.⁶³

With the slogan "Crack Mississippi and you can crack the South," civil rights workers in 1962 made Mississippi the primary target of the Movement's growing emphasis on the registration of black voters. In order to unify the efforts of all civil rights groups working in Mississippi, members of the Congress of Racial Equality (CORE), the Southern Christian Leadership Conference (SCLC), the Student Nonviolent Coordinating Committee (SNCC), and the NAACP created the Council of Federated Organizations (COFO) in 1963. During the "Freedom Summer" of 1964, COFO mobilized hundreds of young volunteers, including nearly nine hundred white college students from outside the state, to establish "freedom schools," organize black community centers, and press for voter registrations that would give the state's four hundred thousand voting-age blacks greater political leverage. But if COFO was determined to break Mississippi's traditional

⁶³ Ads quoted in Cleghorn, 68-9; William Bradford Huie, "The Untold Story of the Mississippi Murders," *Saturday Evening Post* 237 (Sept. 5, 1964); David Nevin, "A Strange, Tight Little Town, Loath to Admit Complicity," *Life* 57 (Dec. 18, 1964): 38-9.

racial customs, a revived Ku Klux Klan and thousands of other Mississippians were determined to fight these “young busybodies” who were challenging white supremacy. As a report from the Southern Regional Council noted, the Freedom Summer project “aroused fears comparable to the ancient terror of a slave uprising.” Therefore, many in the white community echoed the sentiment of an editorial in the *Neshoba Democrat*: “Outsiders who come in here and try to stir up trouble should be dealt with in a manner they won’t forget.” They adhered to the philosophy that “when the Negro is subdued, there is peace” and looked to their local law enforcement officers to keep the black population “restrained.”⁶⁴

In April 1964, two months before the COFO workers arrived, the KKK planted a burning cross in the courthouse square, the geographical center of Philadelphia. No local citizens quenched the flames or tore it down, and no law enforcement officer would admit to having seen the cross placed in the square. Local newspapers noted that Sheriff Rainey was investigating, but nothing came of the investigation. Inside the courthouse, a poster, noting twenty reasons why one should “join, aid and support” the Klan of Mississippi, was tacked to the bulletin board in the lobby, not far from Rainey’s office. The poster remained there for several days.⁶⁵

As the Klan gathered and talked of destroying the northern outsiders, the “communist-led invaders” who wanted to place too much social, political, and economic power into the hands of the black population, the leaders of the Mississippi Summer

⁶⁴ “Crack MI”: Richard Woodley, “A Recollection of Michael Schwerner,” *The Reporter* (July 16, 1964): 24. *Dallas Morning News*, 21 June 1964, p. 2; “Law Enforcement in Mississippi” (Southern Regional Council: Atlanta, 1964): 29-30; *Neshoba Democrat*, 9 April 1964, p. 1.

⁶⁵ Whitehead, 26.

Project informed their audience of civil rights volunteers that death was a possibility, and expectations of constitutional rights an impossibility. SNCC leader Robert Moses told them, "Everything the white power structure does in Mississippi is unconstitutional." At the head of the white power structure was Sheriff Rainey, and as one magazine editorial commented, in the land of Mississippi, the sheriff interpreted the Constitution to favor the racial status quo, not paper laws, and amended the Bill of Rights at will.⁶⁶

Furthermore, Moses could have added, expectations of protection from the federal government were also unrealistic. Recent history had demonstrated as much. In 1959, Rainey, then a city policeman, shot an innocent black man. When a coroner's jury ruled that the killing was justifiable homicide, Medgar Evers, then Mississippi Field Secretary for the NAACP, asked the U.S. Attorney General, William Rogers, to investigate further. Although Rogers promised Evers that the matter would receive "careful consideration," within less than a month the Justice Department concluded that no "violation of any federal statute" had occurred and that there was no "basis for any action by this department."⁶⁷ Whether aware of this particular story or not, parents and relatives of Freedom Summer participants wrote President Johnson, noting the "breakdown" of Mississippi state protection and urging him to send federal police forces to prevent "any tragic occurrence" in a region known as the "toughest" in its handling of race relations. Echoing their concerns, Assistant Attorney General Burke Marshall reported to Attorney General Robert Kennedy that "law enforcement officials in Mississippi are widely

⁶⁶ Moses quoted in Louis Lomax, "The Road to Mississippi," *Ramparts* special edition, 1964; *Commonweal* 80 (Aug. 21, 1964): 562.

⁶⁷ Myrlie B. Evers, *For Us the Living* (Jackson: University Press of Mississippi, 1967), 212-13.

believed to be linked to anti-Negro activity, or at the very least to tolerate it.” Roy Wilkins, Executive Secretary of the NAACP, also informed the Attorney General that only the employment of federal troops could guarantee a measure of protection for both the rights workers and the black population.⁶⁸

Yet despite these warnings and requests, Kennedy, like his predecessor, deemed federal intervention a violation of the federal-state relationship. That is, he believed that it was Mississippi’s responsibility to protect its citizens, and vigorous local law enforcement should have been able to cope with any foreseeable problems caused by the Freedom Summer. However, because Rainey had chosen to cope with the “problems” through repression rather than protection, the idea that local law enforcement was equipped to handle the influx of rights workers was only theoretically accurate. As the *Atlanta Constitution* editorialized after the discovery of the bodies of Goodman, Chaney, and Schwerner, while federal administration of a state was generally an “absurd” idea, in areas like Neshoba County where local law enforcement officers participated in, or at least ignored, the murder of three civil rights workers, federal intervention was not only desirable, but necessary.⁶⁹

In June 1964, summer volunteer Andrew Goodman joined CORE staffers Chaney and Schwerner, who had been working in the state for several months, in their voter registration efforts. After spending the afternoon visiting the site of a local black church that had burned to the ground and passing out leaflets urging members of a nearby black church to attend voter registration schools, the three workers were pulled over by Deputy

⁶⁸ Belknap, 330 and 244; *New York Times*, 25 June 1964, p. 1.

⁶⁹ *Atlanta Constitution*, 15 July 1964, p. 4.

Sheriff Cecil Price. He took them to the Philadelphia jail, charging Chaney with speeding and holding the other two on suspicion of arson. That evening, Price released the three, and they headed out of Philadelphia toward Meridian, their home base for the summer. As newspapers across the nation reported less than forty-eight hours later, the young men never made it to their destination. In the long investigation that ensued, the FBI would discover that a mob composed of Klan members and other local citizens brutally attacked and murdered the three, and that the sheriff's office played a concealed but pivotal role in the crime.

Price became the central figure in the investigation, for he had alerted the mob that the men had left the jail. At the time of the lynching, Sheriff Rainey had been visiting his wife in the hospital. However, while he had not witnessed or participated in the murder, Rainey was likely aware of at least one of the three rights workers' impending death. The Klan had begun planning Schwerner's "elimination" within two months of his arrival in Mississippi in January 1964, and Klan members had not only elected Rainey to office, they were his friends. He had made it clear during his campaign that racial issues would be his main priority; thus he would acquiesce to racial violence, especially when a civil rights-backed "summer project" demanded a fierce reminder of white power. The FBI named Rainey a conspirator in the crime, a quiet accomplice who fulfilled his promise of racial control.

A week after the workers' disappearance, President Johnson sent the FBI into the piney woods and pastures of Neshoba County. One local resident approached an agent, and when no one else was near, whispered, "I think if I were in your place, I'd start with the sheriff's office." The FBI quickly discovered, however, that such a tip was a rarity,

and that silence was the more typical reaction of local citizens. As one journalist observed, "to speak out against the Klan or even to question Lawrence Rainey's treatment of Negroes has come to be equated somehow with disloyalty to one's own." That is, conformity to the racial status quo and uniformity of attitude were part of the southern way of life, most notably in rural areas like Neshoba County. A field report from the Southern Regional Council supported this journalist's observation, noting that "in Mississippi, 'law enforcement' means control of Negroes. Protection of Negroes and restraint of their white attackers is not included in the concept . . . The anti-Negro ruffian is protected by the concealment of woods and swamps, by the sympathy of many of his neighbors, and by a paralysis of law enforcement." FBI Director J. Edgar Hoover echoed the SRC's words, noting that "around Philadelphia, law enforcement is practically nil and many time sheriffs and deputies participate in the crime."⁷⁰

The "anti-Negro ruffian" also received the sympathy and support of local government officials. Governor Paul Johnson said he was "satisfied" that everything was being done to locate the missing workers, even though the national government, not Mississippi, was conducting the search. Johnson denied that such a disappearance was unique to Mississippi, or a reflection of the state's racist climate. He told newsmen that the disappearance was something that "could happen anytime" in any part of the country, adding that "it happens in New York every night." He boasted that Mississippi had the lowest crime rate in the nation, but failed to mention that when whites committed crimes against blacks, they were rarely arrested, brought to trial, or convicted. The civil rights

⁷⁰ Whitehead, 82; Nevin, 39; "Law Enforcement in Mississippi," 31; *New York Times*, 28 Nov. 1964.

movement spawned much anti-black violence—nineteen church burnings, fifty beatings of blacks by whites, eleven black deaths that were almost certainly lynchings—but these crimes did not even make it onto a police blotter.⁷¹

The journalists, cameramen, and FBI agents who descended upon Philadelphia in the days after the disappearance encountered the wrath of Rainey's loyal followers, who denied that a lynching had occurred. When eight northern reporters tried to question Rainey about the missing men, an angry crowd chased them from the courthouse. Philadelphia citizens stoutly defended the idea that the civil rights workers were not missing, but had purposely staged their own disappearance in an effort to bring bad publicity to Mississippi. As the *Delta Democrat-Times* editorialized, "the general feeling among people is that they are not concerned whether the men are ever found. A feeling of 'let it be a lesson' is evident." Rainey echoed their opinion, telling reporters that the workers were just "hiding and trying to cause a lot of bad publicity" for the state. He told the FBI that the sheriff's office did not have any knowledge of the Klan's existence in Neshoba County, and though he boasted during his campaign that he had killed two black men in his custody, he informed the FBI that he had never mistreated a prisoner. In addition, despite the fact that the Klan had distributed pictures of Schwerner months before his arrival in the county, Rainey said that he did not recognize any of the faces of the missing men.⁷²

Over a month after the workers' disappearance, a Klan member secretly revealed to the FBI that he knew where Chaney, Goodman, and Schwerner were buried. Once the

⁷¹ *Meridian Star*, 26 June 1964, p. 1.

⁷² *Delta Democrat-Times*, 29 June 1964, p. 4; *Time* 84 (July 3, 1964): 4.

bodies were unearthed, Rainey refused to speak to the FBI unless they had a warrant. According to *New York Times* reporter Reese Cleghorn, the news did not surprise the black community, but the majority of white Philadelphians did not believe, or at least refused to publicly acknowledge, that the men had been murdered. After speaking with both black and white residents of Neshoba County, Cleghorn observed that Sheriff Rainey had "two faces." In the eyes of the white community, he was a "likable fellow," "a fine man," and the "most cooperative" of any county sheriff. Some of Philadelphia's most prominent citizens testified to the national press about Rainey's sterling and generous character. Jack Tannehill, editor of the *Neshoba Democrat*, noted that when Rainey saw "a drunk nigger on the street, instead of just grabbing him, Lawrence will say, 'Now boy, you get on home now 'fore I have to run you in.' That's the kind of man Lawrence Rainey is." A Philadelphia banker related another incident illustrating what he viewed as Rainey's compassion: "This nigger woman was trying to cash a forged check. I told the teller to call for the sheriff. The nigger woman snatched the check and started to run. The sheriff caught up with her at the corner. She resisted and was slamming him up against a building when I arrived. I don't believe in police brutality, but I told the sheriff, 'Take that club and knock the hell out of her.' He didn't do it."⁷³

Just as Rainey and his fellow Philadelphians agreed that the three civil rights workers had faked their disappearance, the citizens' comments again demonstrate the nature of race relations in this small Mississippi town and the common bond that existed between a sheriff and his white community. In terms of their sheriff's character, whites

⁷³ Nevin, 39.

saw only what they wanted to see, and blacks saw the worst. For the black community, Rainey's face inspired fear and hatred, not respect and praise. As white mouths closed in shock, refusing to believe that such a violent crime had occurred, the recovery of the bodies prompted the formerly silent black community to speak about the brutality of the sheriff's office in Neshoba County. One black man, Wilmer Jones, noted that Rainey arrested him on suspicion of asking a white female store clerk for a date. Rainey and Price repeatedly slapped him in his cell and cut off his goatee with a pocketknife. They released him several hours later to four Klansmen who were waiting outside the jail to administer further punishment for his "crime." Other members of the black community came forward to describe beatings with the sheriff's blackjack or in one case, a belt from a cotton gin machine.⁷⁴

These stories formed a sordid pattern of law enforcement's mistreatment of the black community and revealed the fear and repression that the black community endured. For example, Rainey's mere presence could inspire terror. When the sheriff's car patrolled the black neighborhoods at night, some would leave their porches and go quietly inside their houses for fear that a glance of the eyes or a shift of the feet could spark the sheriff's anger. One night Rainey arrived at the County Fair and stood wide-legged under a light, silently and sternly surveying this gathering of over 300 people. Gradually the crowd began to disperse until the grounds were empty. Rainey, like some other southern sheriffs, took advantage of the power and prestige attributed to his office, and blacks, the

⁷⁴ Cleghorn, 10; Taylor Branch, *Parting the Waters: America in the King Years, 1954-1963* (New York: Simon and Schuster, 1988), 409.

usual victims of such power, knew that they were helpless against the sheriff and the white community that protected him.

In Mississippi, and throughout the South, blacks believed that the color of their skin typically guaranteed guilt, and attempts to prove otherwise were futile. One man told agents that Rainey searched him for a gun, and when he denied possessing one, Rainey asked, "Nigger, do you know who's running this county? Lawrence A. Rainey is running this county." The young man interjected, "I thought the mayor . . .," and Rainey replied, "Nigger don't come talking about no mayor cause I'm sheriff in this county." Another man, whose story was repeated in the national press, told agents that he was deathly afraid of Rainey after sustaining a cerebral concussion due to Rainey's repeated blows upon his head. As he phrased it, "Rainey would say I was drunk and I would have to say, 'Yessir, I'm drunk,' and he could beat me up again and nothing would be done about it. It would be a nigger's word against a white sheriff, and what he says goes."⁷⁵

Even the FBI's word against a sheriff seemed incapable of weakening the sheriff's power and prestige. In the months that followed the discovery of the bodies, the FBI first charged the Philadelphia sheriff's office with conspiring to and actually depriving six black Philadelphians of their constitutional rights while acting under the color of law and twice filed charges related to the murder of the three civil rights workers. Each time, Rainey and Price not only received the support of the white community, but that of southern officials. In late September 1964, a Mississippi grand jury convened to determine if the stories of brutality about which local blacks spoke were true. In his

⁷⁵ Cleghorn, 69; Whitehead, 150; Nevin, 39.

charge to the jury, Circuit Judge O.H. Barnett, an outspoken segregationist, noted that Nesboba County had been "indicted and tried" before the world by "Socialistic-minded liberals" who would not wait for the courts to act. Furthermore, he told the jurors, the investigation would have the assistance of "the most courageous sheriff in all America, Lawrence Rainey." With these words of an elected Mississippi official ringing in their ears, the jury did not bring indictments against Rainey or Price.⁷⁶

However, the FBI moved for federal indictments, and a federal grand jury convened. Despite a small card tied to Price's lapel that read, "Regardless of what you see or hear about me, I'M INNOCENT," the grand jury found the sheriff's office guilty. When the FBI arrested Rainey and Price and brought them to the Federal Building in downtown Meridian, forty miles west of Philadelphia, they met a cheering crowd of over two hundred whites. Other members of the crowd jeered at reporters and shoved photographers aside while Rainey and Price, smiling broadly, walked into the building. U.S. Commissioner Esther Carter released them on bond. As the sheriff and his deputy exited the building, a local bystander muttered, "All that fuss over a few niggers."⁷⁷

During October and November, the FBI continued its investigations of the Philadelphia sheriff's office and its involvement with the murders of the three civil rights workers. The federal presence in the small eastern Mississippi town angered many of the local residents, and the arrest of Rainey, Price, and nineteen Philadelphia citizens further prompted the white community's staunch defense of their sheriff and their vision of

⁷⁶ John Herbers, "Mississippi Calls Jury in Slayings," *New York Times*, 23 Sept. 1964, p. 4.

⁷⁷ Whitehead, 174.

appropriate law enforcement. Because murder is a state offense, thus rendering the Mississippians beyond the jurisdictional reach of the federal government, the complaints filed by the FBI charged these men under an 1870 law that, appropriately enough, had been passed to control Klan terrorism. The FBI advised Governor Paul Johnson of the nature of its evidence in the hope that the state would institute a prosecution of the case on murder charges, but the governor and other state officials declined to do so. Jackson FBI Chief Roy Moore found Johnson "skittish" about the FBI's suggestion, which Moore attributed to Johnson's fear of political suicide in bringing a murder charge against the popular Sheriff Rainey. Considering that Governor Johnson, in an address to a crowd at the Neshoba County Fair in August, shouted that "neither Mississippians nor their state and county officers have any obligation to enforce the federal civil rights law," the state's refusal to charge local citizens or the sheriff's office with murdering three civil rights workers is unsurprising.⁷⁸

Thus, on December 4, FBI agents arrived at the Neshoba County courthouse to arrest Rainey and Price for assisting in what they believed to be a Klan-organized conspiracy to "injure, oppress, threaten, or intimidate" Schwerner, Chaney, and Goodman. As the agents waited for the officers to return from a "whisky raid" in a nearby town, an angry crowd joined them on the courthouse steps. The *New York Times* reported that Rainey paid no attention to the federal agents when he arrived and "strode" into the courthouse with a revolver "jouncing on one big hip and a blackjack dangling from the other." The crowd shouted insults at the agents as they left with Rainey and Price, and in

⁷⁸ William Bradford Huie, *Three Lives for Mississippi* (New York: WCC Books, 1965): 239; Philip Dray, *We Are Not Afraid: The Story of Goodman, Schwerner, and Chaney and the Civil Rights Campaign for Mississippi* (New York: MacMillan, 1998): 435.

an attempt to prevent their town and their sheriff from receiving unwanted national publicity, several men grabbed the arms and cameras of photographers. A local resident chased a CBS cameraman from the courthouse square, and an Associated Press photographer noted that one of the men threatened him with a knife.⁷⁹

An employee of a local bank, watching from his doorway, told the *Times* reporter that the arrests only proved that "the whole country is taking orders from Martin Luther King." Although Philadelphia's white moderate majority expressed relief that the federal government had finally ended the suspense over the suspects' identity, and some organized a letter-writing campaign to urge Governor Johnson to see that the defendants would be fully prosecuted, most residents believed that the FBI simply wanted an easy solution to the crime and was looking for a "whipping boy" when it arrested the sheriff, his deputy, and several local citizens. As David Nevin, a *Life* reporter, observed, Philadelphia, Mississippi, was a "strange, tight little town, loath to admit complicity," and content in its conviction that northerners, outside agitators, provoked the deaths of the three civil rights workers. They believed themselves faultless, and as a result, Nevin noted, they were "quite unable to feel any collective guilt." Instead, they felt pride in the actions of their sheriff and his deputy. The day after his arrest, Price said, "It took me an hour to get to work this morning. I had to spend so much time shaking hands."⁸⁰ Obviously, the arrest had not stained the reputation of the sheriff's office, but enhanced it.

⁷⁹ Homer Bigart, "Sheriff and Deputy Arrested on Return from Whisky Raid," *New York Times*, 5 Dec. 1964, p. 1.

⁸⁰ Ibid: *Delta Democrat-Times*, 6 Dec. 1964, p. 2; Nevin, 38-9.

But if most Neshobans heralded Rainey as a southern folk hero, a lawman who ran his county in the traditional fashion, the national press not only expressed shock at the nature of southern justice, but mocked the physical characteristics of this man who seemed to personify racism. After his arraignment on December 4, *Life* magazine ran a double-page spread of Rainey with a large chew of tobacco in his cheek and a bag of Red Man prominently displayed in his lap. He casually rested his bulky weight on his elbows and grinned broadly at his co-defendants seated beside him. The *Times* voiced surprise that the "255-pound sheriff showed no sign of being shaken" and after being released on bond until a trial date could be determined, returned to his law enforcement duties by that afternoon.⁸¹ Again, the journalist mentioned Rainey's weight, as though his large size helped explain his stalwart reaction to his arrest. In truth, however, Rainey's confidence and unrepentance, like that of the other defendants, grew out of an awareness of local white sentiment. In a land where even the governor openly refused to support the goals of the civil rights movement, conviction of the sheriff for conspiring to subvert these goals, even in such a violent fashion, seemed doubtful.

The black community was aware of local white sentiment as well. A group of white lawyers and businessmen organized a statewide defense fund to pay the legal expenses of the twenty-one men, which soon surpassed the fund for rebuilding the burned Mt. Zion church. And while a meeting of the State Sheriffs Association heralded Rainey as a hero, applauding him "to the rafters," the black community expressed fear that the

⁸¹ "255 pound": John Herbers, "Mississippi Bars Rights Trial Now," *New York Times*, 6 Dec. 1964, p. 1; Nevin, 36-7.

sheriff would be acquitted. Although happy to see Rainey and Price arrested, as one woman told a *Times* reporter, black citizens still feared what would "happen if they let the sheriff off."⁸² They knew that conviction of a white man, much less a sheriff, on civil rights charges would be unlikely and held little hope that the Rainey and Price would be removed from office.

Martin Luther King, however, hailed the news and praised the FBI "for the work they have done in uncovering the perpetrators of this dastardly act." James Farmer, the national director of CORE, echoed King's approval, but cautioned, "The prosecution must now be diligent and vigorous. We want the defendants to have a trial that is fair in every regard – the guilty must be convicted for the sake of justice, not vengeance." The sense of accomplishment, however, proved fleeting. On December 10 the defendants gathered in the Meridian courtroom for their preliminary hearing to establish whether sufficient evidence existed to hold the accused group for trial. The hearing began with the FBI testifying that it had a signed confession from one of the accused who had witnessed the killing of the three rights workers. To the surprise of government attorneys, U.S. Commissioner for the Southern District of Mississippi Esther Carter refused to allow the introduction of the confession, declaring it hearsay evidence because only one FBI agent had been present during the interrogation, and dismissed the charges against the men. Justice Department attorney Robert Owen argued that a sworn, signed statement introduced into a preliminary hearing by a federal agent had never before been disallowed, but Carter held firm.

⁸² Huie, "Three Lives," 200; John Herbers, "Negroes Anxious on Rights Trial," *New York Times*, 9 Dec. 1964, p. 4.

A native Mississippian, she seemed to be determined that Rainey and Price would not be punished for fulfilling the expectations of the majority of their white constituents, and likewise, that the other nineteen men would not be punished for upholding the goals of white supremacy. As the *New York Times* noted, the “dismissal of the Government’s civil rights prosecutions in Mississippi demonstrates again the difficulty of enforcing Federal criminal law in the Deep South when racial feelings are involved . . . Miss Carter is an illustration of the localism inherent even in the federal judicial system,” for she was appointed by a regionally and racially biased federal judge in Mississippi, not the more neutral Justice Department. When news of the defendants’ release reached those waiting outside the courthouse, a black woman fell to the pavement screaming, "Jesus, Jesus, no!" But when Rainey left the building, white spectators shook his hand and slapped him on the back, and a local policeman said, "Ol' Rainey could be elected governor now."⁸³

The Justice Department repeated Owen’s argument in the courtroom, calling Carter's refusal to accept a law officer's report of a signed confession "totally without precedent" and immediately called on federal Judge William Harold Cox of the Southern District of Mississippi to reconvene the federal grand jury. The national press expressed doubt that the Justice Department’s determined pursuit of conviction could ever be realized, even with a federal jury, for as the *New York Times* editorialized, “juries in the South, whether Federal or state, generally are reluctant to convict whites in civil rights cases.” The *Delta Democrat-Times* agreed but provided a more vivid description of

⁸³ Carter: *New York Times*, 11 Dec. 1964, p. 34; “Jesus”: Whitehead, 205; “Ol Rainey”: *New York Times*, 13 Dec. 1964.

southern jurors and the southern legal system: "The burden upon the grand jurors is not a light one. Too many of their fellow white Mississippians will regard them as traitors to 'our way of life' (which in this case means murder) if they return any indictments."

However, on January 15, 1965, a federal grand jury in Jackson charged the group with conspiracy to deprive Schwerner, Goodman, and Chaney of their federally secured rights and conspiracy to deprive the three of their constitutional rights while "acting under the color of law."⁸⁴

Again, Rainey reacted nonchalantly to his impending arrest. *Newsweek* noted that he and the rest of the suspects seemed "neither surprised nor visibly concerned at their fate before a Mississippi jury." While waiting for Commissioner Carter to issue their bonds, Rainey and Price chatted and joked with the crowd that had gathered in the federal building. As they had done before, he and Price returned to their law enforcement duties, and again, the *New York Times* expressed shock that neither took a leave of absence: "It would seem elementary that, until the charges have been passed upon, the indicted sheriff and his chief deputy would be suspended. In New York, for example, it would be unthinkable for a patrolman even more a ranking police official to stay at his post while under criminal charges. But that does not seem the way things are done in Neshoba County." Instead, Rainey and Price never removed their badges and quickly returned to the streets of Philadelphia as the "principal upholders of peace, order, and justice."⁸⁵

⁸⁴ *New York Times*, 13 Dec. 1964; *Delta Democrat-Times*, 13 Jan. 1965, p. 4.

⁸⁵ *Newsweek* 65 (Jan. 25. 1965): 29; *New York Times*, 18 Jan. 1965, p. 34.

A month later, Price and Rainey again benefited from the prejudice of a court official. Judge Cox dismissed the indictment charging the defendants with conspiring to deprive the three rights workers of their federally secured rights on the grounds that the federal government had no jurisdiction. He ruled that Price and Rainey would only be tried on a misdemeanor count, which carried a maximum penalty of a one year imprisonment and a five thousand dollar fine. Cox was known as a segregationist unsympathetic to civil rights cases. He had called black voting rights activists "a bunch of niggers . . . chimpanzees." On another occasion, he wrote the Justice Department complaining about its "lousy" rights cases. On a third occasion, he threatened to jail U.S. Attorney General Nicholas Katzenbach for contempt, for refusing to process perjury indictments against two Negro witnesses. Thus, appalled civil rights advocates attributed his ruling to Mississippi justice, which rarely punished a white man for the murder of a black man. In this case, an unspoken understanding seemed to exist between Cox and the sheriff's office, one which stated that conspiring to commit murder would not be punished in civil rights cases. Furthermore, such collaboration undoubtedly contributed to the common impression—described by journalists, civil rights workers, and federal government officials alike—that southern sheriffs and other local law enforcement officers could escape conviction, even in the face of a murder charge.⁸⁶

The Justice Department appealed Cox's ruling to the United States Supreme Court. Meanwhile, Price and Rainey became Klan celebrities. In the summer of 1965, shortly after civil rights workers marched from Philadelphia to the burned-out Mt. Zion Methodist Church in commemoration of the first anniversary of Schwerner, Goodman,

⁸⁶ "Judge in Rights Case," *New York Times*, 26 Feb. 1965, p. 14; *Newsweek* 65 (March 8, 1965): 25.

and Chaney's deaths, the United Klans opened its recruiting campaign with an evening rally near Meridian. Over a thousand people attended, including Sheriff Rainey. Wearing his uniform and bullet-studded gunbelt, he received a standing ovation as he mounted the speakers' platform to make a brief speech. "I'm glad to be here and to see these fine people here . . . I can tell you I met some of the finest people anywhere in the Klan this afternoon and tonight." Not quite two weeks later, Imperial Wizard Robert Shelton held another meeting in Greenville, Mississippi, and Rainey and Price attended and were officially introduced.⁸⁷

Confident that he stood little chance of being tried, much less convicted, Price declared himself a candidate for the office of Neshoba County sheriff. In an advertisement in the *Neshoba Democrat*, Price revealed his intention to follow the law enforcement style of Sheriff Rainey, whose four-year term would expire in December 1967. Price assured voters that "it will be in the future, as it has been in the past, my earnest desire to uphold the law, regardless of whether agitators are of national prominence or not . . . I think my actions in the past prove that I want our way of life upheld whenever it is attacked by outsiders who have no real interest here except to stir up trouble."⁸⁸ Despite the conspiracy charge and the FBI's discovery of rampant civil rights violations in the sheriff's office, Price still spoke of "outsiders" and agitators" and remained determined to uphold Mississippi's unique definition of law enforcement.

⁸⁷ Whitehead, 231.

⁸⁸ *Neshoba Democrat*, 26 Jan. 1967, p. 1.

In March 1966, a full year after Cox dismissed the indictments, the United States Supreme Court overruled him and reinstated both original indictments. In its opinion in *United States v. Price, et al.*, the court found that the defendants had conspired to "injure, oppress, threaten, or intimidate" the three rights workers and had thus denied Goodman, Schwerner, and Chaney the right to due process as guaranteed under the Fourteenth Amendment. As Justice Abe Fortas concluded, the conspiracy deprived the three young men of this fundamental right, for it "involved releasing the victims from jail at night; intercepting, assaulting and killing them; and disposing of their bodies. Its purpose was to punish the victims summarily." The Supreme Court also argued that the second indictment, which charged that the "private citizens" who "linked hands" with Rainey and Price had acted "under the color of law," was also accurate, for "to act 'under color' of law does not require that the accused be an officer of the State. It is enough that he is a willful participant in joint activity with the State or its agents."⁸⁹

On October 7, 1967, over four years after the disappearance of Schwerner, Chaney, and Goodman, the case against the twenty-one men finally came to trial before Judge Cox in federal district court in Meridian. Two weeks later, John Doar, head of the Department of Justice's Civil Rights Division, made closing arguments for the prosecution. He referred to the murder of the rights workers as a "calculated, cold-blooded plot," and accused Price of using "the machinery of the law, his office, his authority, his badge, his uniform. . . "to take, to hold, to capture and kill." But he tempered these comments by assuring and reminding the jurors that:

⁸⁹ *United States v. Price*, 383 U.S. 787 (1966).

the federal government is not invading Philadelphia or Neshoba County. . . [but rather] these defendants are tried for a crime under federal law in a Mississippi city. . . [This case] is important to the government, it is important to the defendants, but most of all. . . it's important to the state of Mississippi. What I say, what the other lawyers say here today. . . will soon be forgotten, but what you twelve people do here today will long be remembered. . .

The jury deliberated for a day but was unable to reach a verdict. Judge Cox, however, refused to declare a mistrial and ordered the jury to deliberate further. On the morning of October 20, the all-white jury convicted seven of the eighteen men of participating in a Klan-led conspiracy to murder the three civil rights workers. They found Rainey not guilty, but the conviction of Price and six others marked the first successful jury conviction of white law enforcement officials and Klansmen for crimes against black people or civil rights workers in the history of Mississippi.

One can only speculate as to why the jury returned guilty verdicts. Perhaps Doar, by subtly reminding them that the nation would remember the outcome of this trial, appealed to the jurors' concern regarding Mississippi's reputation. Or his assurances that the federal government was not "invading" their town, a fear that he undoubtedly capitalized on in his closing argument, made him appear to the jury as less of an "outside agitator" and thus more trustworthy. Possibly, however, the jury deserves more credit than such analysis of Doar's diction allows. Perhaps they simply agreed that some of the defendants should be held accountable under the letter, rather than the color, of the law. As the *New York Times* stated, the verdict represented "a measure of the quiet revolution

that is taking place in southern attitudes--a slow, still faltering but inexorable conversion to the concept that a single standard of justice must cover whites and Negroes alike."⁹⁰

Neither Price nor Rainey again worked in any capacity as law enforcement officers. After serving four years in a northern penitentiary, Cecil Price returned to Philadelphia in 1974 where he worked various jobs as a surveyor, oil company driver, and watchmaker. Rainey attained short-lived employment as a security guard in the Meridian Mall. In 1975, the publicity that accompanied a CBS television drama based on Don Whitehead's book, *Attack on Terror: The FBI Versus the Ku Klux Klan in Mississippi*, cost Rainey the job. As he complained to a reporter, the "FBI set out to break me of everything I had, then keep me down to where I could never get another start, and they done it."⁹¹

In the 1980s, Rainey found another security guard position, this time at a Mississippi welcome center. The irony is unmistakable: here was one of the most infamous figures in Mississippi's sordid civil rights history manning the state's official welcome center. Ironically, too, Rainey's boss was a black man, a minister in the Meridian area who resigned from the pastorate rather than heed the will of his congregation to fire the old white sheriff once linked to the Klan. Rainey now answered to a member of the race he had once overpowered, and failed to inspire fear among a black congregation who was no longer afraid to voice their anger.

On November 8, 2002, Rainey died of throat and tongue cancer, likely a manifestation of the fist-sized chaw of Red Man that descriptions and photographs often

⁹⁰ *New York Times*, 22 Oct. 1967, p. 1.

⁹¹ *Jackson Clarion-Ledger*, 16 June 1974, p. 1.

captured. His death prompted newspapers to retell the story of the Freedom Summer and the 1964 murder of the three civil rights workers. Noting that Rainey never expressed sympathy for the victims, a reporter for the *San Antonio Express News* editorialized, “If Rainey wasn’t haunted by Chaney, Goodman, and Schwerner in this life, one wonders if he’s haunted by them in his afterlife.”⁹²

Rainey’s story is most significant for its illustration of a marked change between a southern sheriff and his loyal white followers. They were no longer partners in crime, reciprocating protection from punishment. Perhaps they blamed Rainey for the national humiliation that the murders and ensuing trials caused, and simply made him the scapegoat. Or perhaps, as the *New York Times* believed, a “quiet revolution” was occurring, and the larger white citizenry no longer wished to support a racist sheriff. Just as one can only speculate if the jury’s return of guilty verdicts was due to a concern for the state’s reputation versus a sincere regard for justice, the precise reason for Rainey’s ostracized status is certainly open for analysis. What is clear, however, is that Rainey’s role as a swashbuckling sheriff with a nightstick and six-shooters at his side was over. By denying him a position in law enforcement, Rainey’s constituents gave him the greatest punishment that a former sheriff could receive.

⁹² *San Antonio Express News*, 16 Nov. 2002, p. 1B. Also see *Clarion-Ledger*, 13 Nov. 2002, p. 11A, and *New York Times*, 13 Nov. 2002, p. 10B.

Sheriff James G. Clark was a tall, beer-bellied man who sported mirrored sunglasses and a lapel button proclaiming "Never!" to racial equality. He wore an Eisenhower jacket and a military-style, gold-braided cap. A nightstick, pistol, and cattle prod swung from the tooled leather belt that girded his 220 pounds. As the *New York Times* observed, "Clark has made a career of keeping Negroes in line." Abusing his important role in Dallas County, Alabama, Clark became a symbol of "white man's law," "aggression," and "oppression" to Selma blacks in the early 1960s, for he followed the line of white supremacy by meeting the clamor for voting rights and racial equality with violence and arrests.⁹³

In February 1963, the Student Nonviolating Coordination Committee (SNCC) chose to concentrate its voting rights campaign in the "Black Belt," an area of dark and fertile prairie land covering about fifteen counties between the coastal plains and the piedmont of northern Alabama, that remained one of the South's major strongholds of resistance to the civil rights movement. The name of the region had assumed an ethnological meaning as well, for the majority of the people living in the area were the dark-skinned descendants of slaves. Like their ancestors, the black population of the mid-twentieth century Black Belt endured oppression and racism, the remnants of the Deep South's violent history. This area of Alabama was one of the first to call for secession in 1861 and was the part most ravaged by the war and most embittered by Reconstruction.

⁹³ "Never": *The State* (Columbia, SC), 16 March 1965, p. A-6; "Sheriff In Selma," *New York Times*, 12 Feb. 1965, p. 58; "white man's law": *Alabama Journal*, 21 Jan. 1965, p. 6; "aggression": *New York Times*, 20 Jan. 1965, p. 18; "oppression": John Herbers, "Negro Goals in Selma," *New York Times*, 6 Feb. 1965, p. 10.

The feeling of great injury that characterized the South after Reconstruction never disappeared here.⁹⁴

Particularly in Selma, which called itself the "Queen of the Black Belt" and served as the stomping grounds for Sheriff Jim Clark, race relations were "trapped in a time warp."⁹⁵ In the history of white supremacy, Selma was distinguished as the home of the first White Citizens' Council in Alabama, an organization created to promote defiance of the Supreme Court's 1954 ruling in *Brown v. Board of Education*, which made "separate but equal" unconstitutional. According to Southern Christian Leadership Conference program director Andrew Young, Selma was "an insulated, isolated, hermetic southern town . . . that looked like it still belonged to the nineteenth century. It was nothing but a bridge and a main street. Large warehouses lined the river, empty reminders of the days of King Cotton." The Confederate flag that flew over the Edmund Pettus Bridge—the eastern entrance into Selma—provided further indication that many features of the old order of antebellum life still remained.⁹⁶

Just as past and present seemed inseparable, so too did public and private law enforcement. Clark raised a volunteer mounted "posse" of white citizens, which included both Selma's poor whites and its wealthy businessmen and landowners, to lead to racial trouble spots around the state. In defense of white supremacy, Clark went to Montgomery during the bus boycott and to Tuscaloosa where he backed Governor Wallace's fight

⁹⁴ John Herbers, "Black Belt of Alabama is a Stronghold of 19th Century Racism," *New York Times*, 14 Feb. 1965, A-70; Jules Loh, "Most Southern Place in Deep South," *Birmingham News*, 9 Feb. 1965, p. 13.

⁹⁵ Andrew Young, *An Easy Burden: The Civil Rights Movement and the Transformation of America* (New York: Harper Collins, 1996), 341.

⁹⁶ Young, 339-40.

against desegregation at the University of Alabama. Clark and his posse possessed a "Gestapo-like control" over the black population. With guns, clubs, and cattle prods in hand, the sheriff and his deputized citizenry kept them in perpetual fear. SNCC called Selma a "town in a reign of terror." Martin Luther King, Jr. noted that a "carefully cultivated mystique" existed behind the power and brutality of Clark and his men, and the *Alabama Journal* observed that "the sheriff is the chief law enforcement officer by law, and Clark has certainly played the part." Even young people feared the local sheriff's authority. Black children played a game called "Jim Clark and Negro"-- "I'll be Jim Clark, you be the Negro. I'll hit you on the head, you fall down."⁹⁷

Southern racial history suggested that if Selma was a stronghold of nineteenth century beliefs, its chief law enforcement officer would be as well. Clark, like his constituents, believed that blacks were by nature inferior. He was determined to maintain white supremacy, and he did not hide his racial views. Commenting on his confrontation with a civil rights worker, Clark noted that "one of the first things I ever learned was not to hit a nigger with your fist because his head is too hard." And when a reporter asked him if a particular female defendant was married, the sheriff replied, "She's a nigger woman and she hasn't got a Miss or a Mrs. in front of her name."⁹⁸

Clark's reputation was well known to civil rights leaders, which was largely why SNCC and members of the SCLC began their Alabama voter registration drive in Selma.

⁹⁷ Roy Reed, "Dr. King to Seek New Voting Law," *New York Times*, 6 Feb. 1965, p. 1; Will Stevens, "Selma: A Lonely Outpost," *Southern Patriot* (October 1964), 1-3; Martin Luther King, Jr., "Civil Right Number One: The Right to Vote," *New York Times Magazine*, 14 March 1965, p. 26-7, 94-5; *Alabama Journal*, 21 Jan. 1965, p. 6; John Herbers, "Negro Goals in Selma," *New York Times*, 6 Feb. 1965, p. 10.

⁹⁸ *Alabama Journal*, 17 Feb. 1965, p. 2; John Herbers, "Woman Punches Alabama Sheriff," *New York Times*, 26 Jan. 1965, p. 1.

Andrew Young referred to the vestiges of slavery still apparent in the Queen of the Black Belt. He noted that though Selma was “a brutal city in the past,” it “suddenly has become calm. Actually, this is just a sophisticated source of oppression. They put on a nice, polite image but keep you enslaved.” Through denial of the ballot, Selma's black population remained at the mercy of local government officials like Clark, who was twice elected to four-year terms in Dallas County by an electorate that included only 335 out of 15,000 voting-age blacks.⁹⁹

Civil rights activists thus arrived in Selma hoping to bait the easily-angered sheriff into "headline-catching" episodes that would spur the federal government to create more effective voting rights laws. They believed that they had a “ready-made situation” in Selma, for Clark and his posse would easily and violently respond to local blacks’ voter registration attempts.¹⁰⁰ Young described Clark as “a prototype of a southern white sheriff . . . he believed that Selma’s black population could be suppressed and controlled through force.” Clark’s behavior was “akin” to that of the antebellum sheriffs and slave patrols who punished slaves for escaping from their plantations, for Clark and his posse punished those who tried to enter the courthouse.¹⁰¹

Ironically, a reciprocal relationship existed between Clark and Selma's black community. Like a white community that expected its sheriff to acquiesce or participate

⁹⁹ John Herbers, “520 More Seized in Alabama Drive,” *New York Times*, 3 Feb. 1965, p. 1; Gay Talese, “Burly Sheriff Clark is Selma Symbol of Racism,” *New York Times*, 16 March 1965, p. 32; King, “Civil Right Number One,” *New York Times*, 14 March 1965, p. 26.

¹⁰⁰ Howell Raines, *My Soul is Rested: The Story of the Civil Rights Movement in the Deep South* (New York: Penguin Books, 1983), 197.

¹⁰¹ Young, 347-8.

in extralegal violence, the black community of Selma similarly expected Clark to respond violently to civil rights agitation. But while a white community, in return for their sheriff's cooperation, protected him from the law, civil rights activists wanted the opposite: attention from the national press that would expose Clark's racist actions and bring federal intervention. With the ballot achieved, Selma's blacks would then have enough votes to get rid of Jim Clark.

From February 1963 until the spring of 1964, civil rights activists had difficulty achieving either of these goals, owing in part to the failure of the South's judiciary system to respond to the sheriff's violent methods of law enforcement. Throughout the spring of 1963, SNCC's monthly Voters' League clinics drew an average of forty people, and by mid-June they drew seven hundred to a mass rally. This activity angered Clark, who subjected the civil rights workers to a series of harassing arrests. At the end of June, the Justice Department filed a request for an *ex parte* restraining order against Sheriff Clark and the other officials involved, but Federal District Judge Daniel Thomas denied the request the same day. By early October Clark and his men had arrested over 300 blacks attempting to register to vote. When several hundred blacks lined up at the Dallas County courthouse on October 7, Sheriff Clark and his deputies harassed the applicants and prevented workers from bringing them food and water. A month later, the Justice Department again moved for a temporary restraining order to prohibit Sheriff Clark and other local officials from interfering with the voting rights of black citizens or attempting to intimidate black voter applicants. However, just as district Judge Harold Cox had dismissed the second set of indictments against lawmen Price and Rainey in Mississippi, ruling that they would only be tried on a misdemeanor count, Judge Thomas ruled in

favor of the sheriff's department. In a decision entered in March 1964, Thomas decreed that no abuse of powers had occurred and denied the request for an injunction against Clark and other local officials.

As a teacher for the Dallas County Voters' League said, "The law has become very lawless." Although apart from weekly mass meetings, no civil rights activities occurred in Selma in the first half of 1964, the enactment of the Civil Rights Act of 1964 spurred a reappearance of rights activity in Selma in early July. On July 5, Clark, his volunteer mounted posse, and highway patrolmen used tear gas and nightsticks after blacks allegedly hurled a volley of rocks and bricks at officers. Blacks denied that they threw anything to provoke the attack. On July 6, forty-nine blacks were arrested as they paraded on the steps of the courthouse. Noting that he arrested the men for violating city laws that prohibited demonstrations while the court was in session, Clark and his men, armed with guns, nightsticks, and electric cattle prods, marched the blacks five blocks to jail. On the ninth, the trio of Clark, Selma Mayor Chris Heinz, and State Circuit Judge James Hare combined to put a damper on civil rights activities in Selma. Responding to a complaint by Clark and Heinz, Hare issued an injunction that forbade public gatherings of more than three people. Like its counterpart in Mississippi, the Dallas County sheriff's office enjoyed the support of local government officials for these racist actions.¹⁰² As SNCC chairman John Lewis noted, Judge Hare was an extension of Governor Wallace,

¹⁰² "lawless": *Jackson Daily News*, 6 July 1964, p. 8; *New York Times*, 7 July 1964, p. 20; *Alabama Journal*, 8 July 1964, p. 11, 10 July 1964, p. 1.

and Jim Clark was an extension of Hare. They represented the “chain of command” that civil rights workers faced in Selma.¹⁰³

Martin Luther King, Jr. and the SCLC used these continued setbacks to highlight the ways in which black voting rights were being denied in the Dallas County seat. King candidly admitted that the success of the voting rights campaign depended in large part on provoking violence. The choice of Selma as the focal point for the SCLC's 1965 voting rights effort represented an evolution in the group's approach to violence. The Albany campaign had revealed the limits of nonviolent persuasion, for Police Chief Laurie Pritchett had studied King's philosophy of provocation and strategically responded to the demonstrations with his own nonviolence in order to avoid attracting national attention to Albany, thus thwarting King's voting rights goals. Birmingham, conversely, had indicated that white violence redounded to the movement's favor. King believed that Sheriff Clark, like Birmingham's aggressive police chief "Bull" Connor, would prove an unwitting ally.¹⁰⁴

King arrived in early January 1965 and immediately organized the black community for marches to the Dallas County courthouse in Selma. By the end of the month, Sheriff Clark had arrested nearly two thousand demonstrators and had held his temper. Although Clark and his posse occasionally lost control and began to shove and kick some of the demonstrators, they avoided the type of excessive violence that would attract a national audience. As one participant observed, Clark simply "looked like a

¹⁰³ John Lewis, *Walking With the Wind: A Memoir of the Movement* (New York: Simon and Schuster, 1998), 306.

¹⁰⁴ James Free, "Between Albany and Selma King Learns His Lesson," *Birmingham News*, 7 Feb. 1965, p. B-1.

caged tiger, stalking about, fuming." Although King had watched Clark drag a woman roughly for half a block before shoving her into the patrol car, calling it "one of the most brutal and unlawful acts I have seen an officer commit," Clark's violent gestures failed to generate the kind of national publicity that could spur the federal government into action.¹⁰⁵

However, with each passing day, and with each organized civil rights demonstration, Clark's hostility increased. On January 22, the Reverend Frederick Reese gathered 125 black teachers in Brown Chapel before their planned march to the courthouse. He spoke of the importance of the march:

The sheriff will think twice about mistreating you. You are teachers in the public school system of the State of Alabama, but you can't vote. We're going to see about that today. If they put us in jail, there won't be anybody to teach the children and Clark knows if they're not in school, then they'll be out in the streets. And he doesn't want that.¹⁰⁶

His prediction proved at least partially correct. Clark used his nightstick to push and prod the marchers back from the door, barking, "You can't make a playhouse out of the corridors of this courthouse. Some of you think you can make it a Disneyland." School superintendent Joseph Pickard and members of the board of education stood by, urging the marchers to return to the church, and asking the sheriff to keep his patience. Clark did not entirely lack the usual backup from local officials, however. E.A. Stewart, chairman of the Selma schoolboard, warned the teachers that "the sheriff is custodian of this

¹⁰⁵ Sheyann Webb and Rachel West Nelson, *Selma, Lord, Selma: Girlhood Memories of the Civil-Rights Days* (Tuscaloosa: University of Alabama Press, 1997), 22; John Herbers, "67 Negroes Jailed in Alabama Drive," *New York Times*, 20 Jan. 1965, p. 1.

¹⁰⁶ Webb and Nelson, 34.

courthouse and he has been most forbearing." For over fifteen minutes, the teachers waited to be arrested, while Clark uttered warnings and made threatening gestures with his club. After repeated attempts to enter, and repeated retreats in the face of Clark's billy club, the teachers returned to the church. The television cameras of NBC captured it all for the nation.¹⁰⁷

The next day, Judge Thomas, diverging significantly from his former rulings, ordered Clark to stop interfering with black voter applicants and warned that "violence on either side will not be tolerated." Clark did not heed Thomas's order. During another long wait on the sidewalk outside the courthouse, a "large" black woman named Annie Lee Cooper became angry when Clark ordered King to stop talking to reporters and return to the long line that had formed by the curb. Cooper sent Sheriff Clark reeling with a powerful punch to the head. Three deputies then "grabbed her and wrestled her to the ground, and in the flailing, kicking struggle that followed Sheriff Clark clubbed her. She was then taken off to jail in two pairs of handcuffs with a wound over her right eye." The most important result of this clash was the newspaper coverage that it received. In addition to a half-page spread showing two deputies holding Mrs. Cooper's hands while Clark bent over her with a nightstick, was *Times* reporter John Herbers' vivid description of the scuffle. "She put up quite a battle as the officers seized her and threw her to the ground. 'I wish you would hit me, you scum,' she snapped at the sheriff. He then brought

¹⁰⁷ John Herbers, "Negro Teachers Protest in Selma," *New York Times*, 23 Jan. 1965, p. 18.

his billyclub down on her head with a whack that was heard throughout the crowd gathered in the street."¹⁰⁸

On February 4, perhaps as a result of Selma's continued presence on the nightly news, civil rights leaders won a small victory. Judge Thomas ordered a speedup of the registration process in Dallas County, insisting that the registration board stop using a literacy test set up by the State Supreme Court, process at least one hundred applications each day it sat, and refrain from failing applicants on technicalities. Rights leaders expressed disappointment, however, not jubilation, for the racist actions of the county's chief law enforcement officer made Judge Thomas' order virtually meaningless. As King observed, "We feel we can have little faith in this, unless something can be done about Jim Clark. Until he is removed, the evils of Selma will not be removed." The Reverend Andrew Young echoed King's sentiment, noting that "this kind of order without some citation of Jim Clark is going to be hard to sell to the people."¹⁰⁹

Although the campaign's success in part required the nation's recognition of blacks' struggle to vote in Alabama, registration of voters was the ultimate goal. Therefore, SCLC considered looking for another town in the Black Belt to rejuvenate its efforts, as the drive had so far resulted in the arrest of over three thousand people in Dallas County rather than an equal number of registered voters. But Clark came through for the civil rights workers in Selma. As a staff member of SCLC said, "Every time it

¹⁰⁸ *New York Times*, 24 Jan. 1965, p. 40; John Herbers, "Woman Punches AL Sheriff," *New York Times*, 26 Jan. 1965, p. 1; *Selma Times-Journal*, 25 Jan. 1965, p. 1; John Herbers, "Sheriff is Accused of Violating Federal Injunction in Alabama," *New York Times*, 29 Jan. 1965, p. 9.

¹⁰⁹ John Herbers, "Dr. King Urges Selma Negroes to Wage a More Militant Drive," *New York Times*, 18 Feb. 1965, p. 26; *Birmingham News*, 5 Feb. 1965, p. 6; John Herbers, "Negro Goals in Selma," *New York Times*, 6 Feb. 1965, p. 10.

appears that the movement is dying out, Sheriff Clark comes to our rescue.” On February 10, he force-marched 165 teenagers over two miles from the courthouse to the countryside. Although some cheerily sang freedom songs, including one of the favorites, "I love Jim Clark in my heart," others dropped from exhaustion or followed the posse impassively. One rights activist observed their return: "Others were straggling in, and some of them vomited. I watched with wide eyes. They had been made to run until they were sick." Sheriff Clark's tactics angered the black community. That night, crowds packed two black churches, listening to one speaker after another berate Sheriff Clark. King reiterated his earlier comment: "Selma will never get right and Dallas County will never get right until we get rid of Jim Clark. We are disgusted with brutality, and with terroristic methods, and with Jim Clark's downright meanness in the handling of the boys and girls in our community."¹¹⁰

The climax of the Selma campaign occurred on March 7, a date that journalists would immortalize as Bloody Sunday. During the last week of February, a state trooper in nearby Marion seriously wounded Jimmie Lee Jackson, a black teenager. He died eight days later. Although the incident failed to generate much national publicity, SCLC and the NAACP pledged that Jackson's death would encourage their continued pressure upon Congress to adopt a new voting law providing for federal registrars in areas like Selma. As Roy Wilkins, executive director of the NAACP, wrote in a telegram to Jackson's mother, "We can no longer leave to . . . sheriffs such as Jim Clark determination of registration procedures and the continued denial of franchise." Despite Governor George

¹¹⁰ *New York Times*, 17 Feb. 1965, p. 35; *Newsweek*, 22 Feb. 1965, p. 24; Webb and Nelson, 67; Roy Reed, "165 Selma Negro Youths Taken on Forced March," *New York Times*, 11 Feb. 1965, p. 19; John Herbers, "600 Negroes Hold Protest in Selma," *New York Times*, 12 Feb. 1965, p. 58.

Wallace's order against a march, SCLC planned a fifty-mile walk from Selma to the state capitol in Montgomery to protest Jackson's death and Selma's continued use of violence to block voter registration. In the early afternoon of March 7, Hosea Williams addressed the hundreds of marchers gathered inside Brown's Chapel, impressing upon them the importance of provoking violence while not participating in it. "We must pray that we are attacked, for if the sheriff does nothing to stop us, if the state troopers help us accomplish our long walk, if the governor meets us on the steps of the Capitol . . . then we have lost. We must pray . . . for the white man to commit violence, and we must not fight back!"¹¹¹

SCLC's Williams and SNCC's John Lewis led the six hundred marchers in a long, double-file column from Brown's Chapel toward the Edmund Pettus Bridge. They walked on Selma's streets without interference, but when they reached the crest of the bridge, as one participant recalled, the line of about fifty helmeted Alabama state troopers spanning the width of the bridge "looked like a blue picket fence." Behind the troopers were several dozen more of Clark's posse, about fifteen of them on horseback. A hundred or so white spectators looked on from the sides of the highway. When the column of marchers refused to move after Major John Cloud's order for dispersal, the troopers advanced. As the *Times* reported, the "flying wedge" of troopers "swept ten or twenty blacks to the ground screaming, arms and legs flying." White spectators cheered the officials' efforts, mounted posse members galloped into the retreating mass flailing their nightsticks, and

¹¹¹ NAACP Papers, Part 24, 17:659; David R. Goldfield, *Black, White, and Southern: Race Relations and Southern Culture 1940 to the Present* (Baton Rouge: Louisiana State University Press, 1990), 164.

troopers released tear gas. The lawmen, both on foot and on horseback, chased the blacks back into the black neighborhood and housing project adjacent to Brown's Chapel.¹¹²

That night, about six hundred blacks met again in Brown's Chapel. Williams told the group that he had fought in World War II and had been captured by the Germans, but he added "that the Germans never were as inhuman as the state troopers of Alabama." However, SCLC leaders still planned to attempt the trek to Montgomery once more on March 9. As one participant recalled:

When I first went into that church that evening those people sitting there were beaten, I mean their spirit, their will was beaten. But when that singing started, we grew stronger. Each one of us said to ourselves that we could go back out there and face the tear gas, face the horses, face whatever Jim Clark could throw at us.¹¹³

Bloody Sunday garnered the public attention and created the public reaction that civil rights leaders had sought. The nation not only saw photographs of the violence inflicted upon peaceful marchers, but read with shock of southern lawmakers, journalists, and the general public's defense of their region and its method of law enforcement. Alongside pictures of injured marchers, gas-masked state troopers, and club and whip-wielding posse members were words of support from both local and state government officials who defended the troopers' actions and denied that Alabama was blameworthy or unique in its handling of racially-charged situations. Claiming that Selma was a city "operating within the law," Selma's Mayor Joe Smitherman noted that when outside

¹¹² Webb and Nelson, 93; *New York Times*, 8 March 1965, p. 1.

¹¹³ Roy Reed, "Alabama Police Use Gas and Clubs to Rout Negroes," *New York Times*, 8 March 1965, p. 1; Webb and Nelson, 107.

agitators came in saying "they're the law," a loss of democracy occurred.¹¹⁴ Following the events of March 7, he told the press that he wanted President Johnson to urge the "outsiders" to leave Selma. Smitherman later recalled, "This whole civil rights thing was like a war, like we were being invaded." Just as Alabamians and other southerners had felt under siege during the North's occupation of the post-Civil War South, their mid-twentieth century counterparts similarly felt as though northern "invaders" were again attempting to refashion the South's social, political, and economic order. Andrew Young noticed this inability of Selma's citizens' to separate the antebellum past from the twentieth century present, commenting that the Union Army's 1865 destruction of Selma was "frequently mentioned when we [SCLC and SNCC] were there, as if we were the second coming of the Union Army."¹¹⁵

Even further up the government totem pole, Governor Wallace denied that Alabama state troopers and sheriff's deputies used unnecessary force in routing the marchers and warned that if the rights activists attempted another march on Tuesday, there would be no change in police tactics. Continuing his defense of the troopers' actions, he argued that it was probable that the police's billy club and tear gas assault actually saved the lives of some of the marchers by turning them away from the angry white spectators and back toward Selma. Just as Mississippi Governor Paul Johnson argued when the three rights workers disappeared in Philadelphia, Wallace invoked a comparison with the North. Calling the national press's reporting of the Sunday march

¹¹⁴ *Birmingham News*, 8 March 1965, p. 10; Quoted in Webb and Nelson, 43.

¹¹⁵ Young, 339.

"distorted," Wallace countered that "not nearly as many were hurt as were hurt in similar occurrences in other states, including those in the North."¹¹⁶

Watching Selma's racial activity from Washington, two of Alabama's congressional representatives praised Governor Wallace and state law enforcement officers for the "admirable manner" and "efficiency" in which they handled the "trying situation foisted upon Alabama by the un-American actions of this mob." Furthermore, they congratulated those black citizens who "recognized these outside agitators for what they are and remained loyal to their home state and its institutions." As the NAACP's Roy Wilkins appropriately remarked in response to statements such as these, it was useless to appeal to Alabama authorities when those same "state people" had allowed Selma blacks to be "ridden over and beaten and their women dragged around."¹¹⁷

Not surprisingly, public opinion, as expressed in newspaper editorials across Alabama, agreed with the viewpoint of many of the state's government officials. Many Selma citizens, in the words of one resident, hoped that "Dr. King will leave town and let us deal with the problem in our own way." They knew that one way to ensure King's departure was to respond peacefully to the rights' marches, thereby keeping television cameras and journalists from recording acts of racist brutality that would prompt the federal government's "invasion" of their state. One editorial bemoaned the fact that Bloody Sunday gave "the ruthless King everything he could possibly have wanted and a thousand times more than he expected." Therefore, while Selma's white citizens

¹¹⁶ Ben Franklin, "Wallace Says Police Saved Negro Lives," *New York Times*, 9 March 1965, p. 1.

¹¹⁷ Jack Wallace, "Joint Resolution Praising Wallace Fails in Senate," *Birmingham News*, 10 March 1965, p. 2.

"abhorred" the civil rights movement and feared legislation that would infringe upon their voter registration system, they expressed concern over Alabama's reputation, and asked Governor Wallace to "take steps to cool things off." In addition, local editorials urged Clark to adopt the "courage of restraint," and avoid the "hasty swinging of clubs and lashes" that would make new rights legislation a "dead certainty." Although they granted that Clark was in a "most difficult spot" and that he and his deputies had "no choice other than to try to enforce the laws on our books," they suggested that he avoid "excessive force." Again, they blamed the rights activists for provoking such violence, chastising them for defying Wallace's order and for assuming that deprivation of civil rights allowed them "unlimited privilege to disturb the peace."¹¹⁸

Clark, as he had since the rights activists' arrival in Selma, remained committed to thwarting voter registration attempts and refused to accept that his arrests of and brutality toward rights workers accounted for their continued presence in Selma. He noted that he had to move his family into the quarters at the county jail owing to telephone threats, but he simultaneously insisted that the races coexisted harmoniously in Alabama. Furthermore, although he ignored Ku Klux Klan activity, his own violent methods of law enforcement, and the fact that at one time Selma had the largest Citizens Council in Alabama, he mimicked many of his constituents and other local and state officials in blaming "outsiders" for the assaults upon and arrests of civil rights activists. In other words, civil rights leaders, whom Clark called "morally depraved, personally degenerate,

¹¹⁸ Herbers, "Black Belt," *New York Times*, 14 Feb. 1965; *Alabama Journal*, 9 March 1965, p. 4; *Selma Times-Journal*, 11 March 1965, p. 4; 12 March 1965; *Birmingham News*, 10 March 1965, p. 10.

and intellectually dishonest," provoked violence, and caused "the situation to become very tense."¹¹⁹

Clark viewed Martin Luther King as the main source of Selma's racial troubles, arguing that King did more to "destroy the relations between the white man and Negro in Selma and Dallas County than any other one thing that has happened in the last 100 years." He was an "outside agitator" who "came in to stir up trouble" and to "grab for power" because he had a "personal vendetta" against Clark. In a joint statement printed in the *Selma Times-Journal*, Clark and Mayor Smitherman wrote that the "outside agitators are interested in Selma only as a focal point for propaganda . . . and they neither want nor will accept a solution to our present crisis." In addition, the two local officials urged that the "entire community must stand firmly . . . and not yield to or compromise with unlawful pressure or unruly demonstrations." The national press was also blameworthy, as Clark argued that they embellished stories with "sensationalism and unadulterated fiction," presenting "colorful and imaginative" accounts of activities in Selma that were creative, not objective.¹²⁰

Outside of Alabama, however, newspapers and various individuals and organizations placed blame on Clark and other state and local officials, expressing shock and indignation at Selma's methods of law enforcement. The *New York Times*, for example, editorialized that Governor Wallace, "by authorizing state troopers, sheriff's

¹¹⁹ "Sheriff in Selma," *New York Times*, 12 Feb. 1965, p. 58; Herbers, "Stronghold of 19th Century Racism," *New York Times*, 14 Feb 1965, p. 18; James G. Clark, Jr., *The Jim Clark Story: 'I Saw Selma Raped'* (Birmingham: Selma Enterprises, 1966).

¹²⁰ *Delta Democrat-Times*, 8 March 1965, p.1; *The State* (Columbia, SC), 8 March 1965, p. 1; *Birmingham News*, 6 March 1965, p. 2; *Selma Times Journal*, 14 March 1965, p. 1; Clark, *Jim Clark Story*, p. 2, 97.

deputies and members of a volunteer posse to attack a group of private citizens, has written another shameful page in his own record and in the history of Alabama." Quoting the reporters' vivid descriptions of the events of March 7, the editors noted that "if this is described as law enforcement, it is misnamed. It is nothing more nor less than race-conscious officialdom run amuck." The *Chicago Tribune* called the actions of the "Alabama gestapo" a "national disgrace," and the *Washington Post* found it "simply inconceivable that in this day and age, the police who have sworn to uphold the law and protect the citizenry could resort, instead, to violent attacks upon them."¹²¹

As forty-three members of the House and seven members of the Senate offered harsh condemnations of the tactics and weapons used by the Alabama lawmen and called for voting rights legislation, civic and religious organizations like the Anti-Defamation League and the National Catholic Conference for Interracial Justice also reacted publicly to news of the attack. Invoking the now familiar reference to Nazi Germany, the latter organization said that the behavior of the Alabama state troopers "recalls the days of the Nazi Storm Troopers," and the Anti-Defamation League called "the shocking spectacle of helmeted and gas-masked troopers attacking defenseless Negro American citizens gathered for a peaceable demonstration . . . a blot on our country's record." In addition, several governors, obviously holding dramatically different racial views than their southern counterpart, criticized the mishandling of Sunday's march. Some wrote Wallace, disputing his "improper" and "shameful" method of handling the demonstration, while

¹²¹ Franklin, "Wallace Says Police," *New York Times*, 9 March 1965, p. 34; *Tribune* and *Post* quoted in *Birmingham News*, 9 March 1965, p. 10.

others participated in marches protesting Selma's Sunday events or asked their state senators to pass a congressional resolution condemning the police brutality in Selma.¹²²

"Bloody Sunday" caught the attention of President Johnson as well. Ten days after the event, Johnson addressed Congress and the nation via radio and television. He had been preparing to send a voting rights bill to Congress, but as a result of Selma's violent Sunday march, Johnson felt increased pressure to prevent further discrimination against the potential black voter. Comparing Selma to Concord, Lexington, and Appomattox, significant "turning points in man's unending search for freedom," he noted that there would be no "delay, hesitation, or compromise" in eliminating illegal restrictions used to deny blacks' right to vote. He asked Congress to join him in "working long hours, nights, and weekends to pass this bill," for "outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts." As the *Selma Times-Journal* observed, discrimination might have continued if Governor Wallace had not told his state troopers to use any "necessary force" to stop the march, but that force unleashed such a "storm of protest" that "voting in the South will probably never be the same again and the cause of civil rights and desegregation has been pushed ahead by years."¹²³

Bloody Sunday led directly to the Voting Rights Act of 1965. On August 6, 1965, Johnson fulfilled his promise and signed the act into law, effectively opening up the polls to blacks throughout the South for the first time since the disfranchisement of

¹²² John Herbers, "Southerners and Others in U.S. Protest Selma Police Methods," *New York Times*, 9 March 1965, p. 23; *Birmingham News*, 9 March 1965, p. 11.

¹²³ *Selma Times-Journal*, 16 March 1965, p. 5.

the late nineteenth century. In addition to suspending literacy tests and other restrictive subterfuges, the act provided for federal registrars and poll watchers in those "hard-core" counties where the Census determined that "less than 50 percentum of the persons of voting age residing therein were registered."¹²⁴ The 1965 Voting Rights Act did not mark the end of the civil rights movement, but the beginning of a "maturation process" for southern blacks.¹²⁵ Leadership and participation in the movement had left them well armed to continue the pressure against the vestiges of white supremacy.

This was nowhere truer than in Dallas County, Alabama. A year after Bloody Sunday, almost eleven thousand blacks were registered to vote. With the power of the ballot now in hand, Selma's black community was determined to oust Sheriff Jim Clark from office. In the spring of 1966, Wilson Baker, Selma's former public safety director, ran against Clark for the office of sheriff. Not surprisingly, Clark remained determined to fight the black vote until the bitter end. The race had prompted a heavy turnout of black voters who relished the opportunity to vote against Clark. A close tally resulted, and Clark attempted to have the ballots cast in six largely black precincts thrown out on the grounds that irregularities had occurred at those polling places. As had happened throughout the civil rights activity in Selma, local government supported the sheriff. The county Democratic Executive Committee, which was chaired by a founder of the White Citizens' Council, voted to accept Clark's claims and to disqualify the challenged black ballots. However, the Justice Department protected black interests, and in a federal

¹²⁴ *Voting Rights Act*, U.S. Code, vol. 42, sec. 1973b (1965).

¹²⁵ Goldfield, 168-9.

hearing, Judge Thomas concluded that Clark's and the committee's claims of irregularities concerning the six black boxes lacked any validity. The votes were included in the final tally, black voters thus providing Baker's margin of victory over Clark.¹²⁶

Two years later Jim Clark's political career ended when he drew only 18 percent of the vote in a statewide race for the chairmanship of the Alabama Public Service Commission. At the beginning of the voting rights drive in Selma, one civil rights activist commented that registering to vote was not the immediate issue for blacks; the problem was just gaining entrance to Clark's "personal domain"—the Dallas County courthouse where all voters were registered.¹²⁷ By achieving the black vote, rights activists not only solved this problem, but gave blacks an opportunity to vote against racist sheriffs like Jim Clark.

As Selma civil rights activist J.L. Chestnut observed in his memoir, Clark's "swagger" disappeared with his political career. No longer equipped with the physical accoutrements of the sheriff's office that provided a material display of his power and status, Clark's presence in Selma inspired nothing but indifference:

I was standing outside Sam Washington's tailor shop . . . when Clark drove by, very slowly, looking from side to side . . . He was driving an ordinary car and wearing civilian clothes, somewhat unkempt. Black people, as usual, were lined up like flies, drinking whiskey, keeping up noise, and having fun. There'd been a time when Clark's presence would have cleared the sidewalk . . . That morning they just stood looking as he drove slowly down the street . . . He obviously wanted us to see him. He seemed to want some reaction, but all he got was "Hell, there goes Clark." As he looked over at us, I thought I saw in his face a sad

¹²⁶ Roy Reed, "Bloody Sunday Was Year Ago; Now Selma Negroes Are Hopeful," *New York Times*, 6 March 1966, p. 76; *New York Times*, 5 May 1966, p. 30; 6 May 1966, p. 1; 7 May 1966, p. 1.

¹²⁷ Goldfield, 304, n44; Webb and Nelson, 33; "personal domain": Lewis, 306.

recognition that he was no longer in charge. Black people had not gone anywhere. We were still here, and we didn't give a damn about him anymore.¹²⁸

According to Chestnut, Selma's white community ignored Clark as well, making him the "scapegoat" for the city's racial troubles.¹²⁹ Perhaps the race for the chairmanship of the Public Service Commission affords the best illustration of Clark's ostracized status, even beyond the borders of Selma. Ironically, the political voices of black and white communities across Alabama united in Clark's final campaign for public office, for both races used the ballot to remind Clark of his failure to subvert the voting rights drive. If, as John Lewis noted, Clark "ran the county like a king" during his tenure as sheriff, Chestnut's observation reveals that the Voting Rights Act effectively exiled Clark from his kingdom.¹³⁰

¹²⁸ J.L. Chestnut and Julia Cass, *Black in Selma: The Uncommon Life of J.L. Chestnut, Jr.* (New York: Farrar, Straus and Giroux, 1990), 241-2.

¹²⁹ Chestnut and Cass, 242.

¹³⁰ Lewis, 306.

PART IV
THE COLOR OF THE LAW

From Ida B. Wells's observation in 1892 that southern sheriffs typically submitted to mob rule to the Southern Regional Council's description of them in 1964 as "sadism hiding behind a badge," the central—and constant—role of sheriffs in southern racial violence becomes abundantly clear.¹³¹ Through studying sheriffs like Jeremiah Shipp, Lawrence Rainey, and Jim Clark, we hear the voices of members of the white community who applauded the racist views of their chief law enforcement officer, the voices of local government officials who either ignored or condoned the actions of a racist sheriff, and finally, the voices of the nation, as they expressed shock at the South's perverted definition of justice. Once the black community regained the ballot in 1965, their voices, spoken through the ballot, illustrated the southern sheriff's sudden impotence, as sheriffs like Jim Clark found themselves voted out of office by the very race they had once overpowered. Thus, to study the southern sheriff reveals not only the white community's racial attitudes, but also the strides made possible by the Voting Rights Act.

In 1967, two years after the passage of the Act, Walter Calhoun, a black man, ran for sheriff of Wilcox County, Alabama. His candidacy effectively illustrates that the terror and violence endured by voting rights activists in communities like Selma and Philadelphia actually yielded a positive result. The seemingly inseparable relationship

¹³¹ Southern Regional Council, "Law Enforcement in Mississippi." Atlanta, 1964.

between the southern sheriff and racial injustice was coming to an end. Unlike other civil rights acts that only slowly changed southern life, the Voting Rights Act had an immediate impact. However, though Wilcox was able to run for sheriff, the white citizens of Wilcox reacted with shock to the news of Calhoun's candidacy. This was a county that had refused to sign a school desegregation plan as required by the federal government, insisting that black and white children should not sit as equals in the classroom. A black man running for sheriff was even worse than desegregated schools, for if elected, Calhoun would not only be an equal, but a superior, with the power to question, arrest, and even imprison whites. Furthermore, the white population's consternation was only increased by the knowledge that local blacks had the ability to elect Calhoun, when only ten months earlier, not a single black was registered to vote in the county.¹³²

Until Calhoun filed for candidacy, the black community did not think much would come of the new Voting Rights Act. After all, Congress had passed a law in 1964 saying that restaurants and hotels must be desegregated, but no black person in the county had set foot inside these white establishments, except to cook or clean. Calhoun lost the election to incumbent "Lum" Jenkins, who had served as sheriff of Wilcox County for twenty-seven years. However, in Macon County, Alabama, a center of black intellectual life and home of the Tuskegee Institute, Lucius Amerson ran for sheriff and won. While undoubtedly helped by the fact that Macon County's population in the 1960s was 84 percent black, Amerson's victory earned him the distinction of becoming the first black man to hold the southern sheriff's office since Reconstruction. The Voting Rights Act gave black men like Calhoun and Amerson the opportunity to run and black citizens the

¹³² *New York Times Magazine* 27 Nov. 1967, p. A-2.

opportunity to visit the ballot box. As Jack Rosenthal, Special Assistant to the Attorney General, wrote in 1966 to Clifford Alexander, Special Counsel to President Lyndon Johnson, the vote was proving to be a powerful instrument of reform against “Jim Crow justice.”¹³³

Indeed, the bill dismantled the legal restraints that prevented black southerners from voting, and allowed them to influence the choice of sheriff. Since Calhoun’s candidacy, the demographics of the southern sheriff’s office have changed dramatically, and newspaper headlines have acknowledged the South’s “new” brand of sheriffs. In 1992, the nation’s first black female sheriff, Jackie Barrett, was elected sheriff of Fulton County, Georgia. Before the election, headlines such as “Black Woman Set to Break the Redneck-Sheriff Ceiling” and “Black Woman Candidate Tries to Debunk Image of Southern Sheriff” addressed her “far from stereotype” appearance. Increasingly, women have entered the office; nine of the nation’s twenty-four female sheriffs are in the South. Snapshots of four sheriffs’ departments -- in Fulton and Monroe Counties, Georgia; in Davidson County, Tennessee, and in Duval County, Florida --illustrate how much this most southern of political offices has changed in the last forty years. In 1960, only two of the sheriffs in those counties had college degrees, and all four were white men. Today all four sheriffs have undergraduate and master’s degrees. Davidson and Fulton counties have female sheriffs, one of them black. Duval County has an African-American man as sheriff.¹³⁴

¹³³ Michael Belknap, *Civil Rights, the White House, and the Justice Department, 1945-1968: Racial Violence and Law Enforcement in the South* (New York: Garland, 1991), 500.

Headlines also acknowledge other significant improvements within the southern sheriff's office. In 1999, John William King went on trial in Jasper, Texas, for dragging a black man, James Byrd, Jr., to death behind a pickup truck. Under the headline "Deputies Can Change," a reporter for the *San Antonio Express-News* happily observed that two Jasper County sheriff's deputies embraced after hearing that King was sentenced to death. This was certainly a sign of change, the reporter noted, for "it wasn't too long ago that [southern] law enforcement officials not only did not celebrate the punishment of racial violence, but actively took part in the violence."¹³⁵

But as this reporter clarified, King's conviction did not signal an end to racism in America. Just as one conviction cannot eradicate four hundred years of racism and deeply ingrained prejudice, neither can the Voting Rights Act alone eradicate racism within the southern sheriff's office. In 1998, Earl Britt, sheriff of Tensas Parish County, Louisiana, faced trial for allegedly beating two inmates and lying about it to federal investigators. Additional witness testimony accused Britt of observing a deputy strike an inmate and instructing an employee to "take care of business," but the presiding U.S. district judge ruled that these alleged incidents were inadmissible because they did not involve an assault by Britt himself. Britt was indicted on two counts of violating the civil rights of black prisoners and ultimately pleaded guilty to both counts. He received a fine and probation.¹³⁶

¹³⁴ *USA Today*, 16 Dec. 1999, p. A-1.

¹³⁵ Rick Casey, *San Antonio Express-News*, 28 Feb. 1999, p. A-2.

¹³⁶ Associated Press Newswires, 23 Sept. 1998, 17 May 1999.

The National Sheriffs' Association has asked television and movie producers to stop depicting the southern sheriff as "a fat, tobacco-chewing clown," for this image implies ignorance and incompetence. The Sheriffs' Association is undoubtedly aware, too, that this image implies racism, for during the Civil Rights Movement, overweight, tobacco-chewing southern sheriffs repeatedly made national news when they violently thwarted the efforts of civil rights activists. Although Rainey and Clark provide only two examples of southern sheriffs, and egregious ones at that, their racist actions shocked a nation reading and watching from afar.

Alongside details of Rainey's involvement in the murder of the three rights workers, or Clark's treatment of local blacks attempting voter registration, were extensive physical descriptions of these southern sheriffs. Reporters often introduced the sheriffs into news stories by noting their weight and their attire, most notably the various weapons that girded their waistlines. These descriptions helped readers realize that these armed and "bear-shaped" sheriffs could easily prevent a voter registration line from moving forward and could easily intimidate the local black population. In fact, Clark and his posse seemed to be the only obstacle to a voter registration card, and Rainey the linchpin behind Klan activity in Philadelphia, Mississippi. Photographs gave the words an unforgettable image, for Rainey, pictured with a tobacco-stuffed cheek, grinning broadly during his arraignment, and Clark, pictured holding a club in his massive arm and preparing to strike a black woman lying on the ground, looked undaunted and invincible. Their physical appearances thus became synonymous with their violent actions—burly physiques and belt lines bulging with weapons were identifiable evidence of racism and cruelty.

The National Sheriffs' Association might have to wait some time for the image of the southern sheriff as a "fat, tobacco-chewing clown" to disappear completely. As one journalist who covered the Tensas Parish case wrote, the stereotype of the racist southern sheriff persists because it "occurs just often enough to remain believable."¹³⁷ The success of the Voting Rights Act illustrated that one law can have an immediate impact and bring significant change. But one racist southern sheriff can quickly re-ignite a stereotype to remind that one law alone cannot change the color of the law.

¹³⁷ *Saturday State Times/Morning Advocate* (Baton Rouge, LA), 28 Feb. 1998, p. B-6.

BIBLIOGRAPHY

PRIMARY SOURCES**Manuscripts:**

Association of Southern Women for the Prevention of Lynching (ASWPL) Papers
 National Association for the Advancement of Colored People (NAACP) Papers
 Peonage Papers, Department of Justice

Newspapers and Magazines:

Alabama Journal
Atlanta Constitution
Atlanta Journal
Birmingham News
Chattanooga Times
Commonweal
Crisis
Dallas Morning News
Delta Democrat-Times (MS)
Jackson (MS) Clarion-Ledger
Jackson Daily News
Life
Meridian Star
Neshoba (MS) Democrat
Newsweek
New York Times
Reporter
Saturday Evening Post
Selma Times-Journal
Southern Patriot
State (Columbia, SC)
Time

Books:

Chestnut, J.L. and Julia Cass, *Black in Selma: The Uncommon Life of J.L. Chestnut, Jr.*
 New York: Farrar, Straus and Giroux, 1990.

Clark, James G. *The Jim Clark Story: 'I Saw Selma Raped'*. Birmingham: Selma
 Enterprises, 1966.

Evers, Myrlie B. *For Us the Living*. Jackson: University Press of Mississippi, 1967.

- Lewis, John. *Walking With the Wind: A Memoir of the Movement*. New York: Simon and Schuster, 1998.
- Raines, Howell. *My Soul is Rested: The Story of the Civil Rights Movement in the Deep South*. New York: Penguin Books, 1983.
- Webb, Sheyann and Rachel West Nelson, *Selma, Lord, Selma: Girlhood Memories of the Civil-Rights Days*. Tuscaloosa: University of Alabama Press, 1997.
- Young, Andrew. *An Easy Burden: The Civil Rights Movement and the Transformation of America*. New York: Harper Collins, 1996.

SECONDARY SOURCES

Books and Articles

- Ayers, Edward L. *Vengeance and Justice: Crime and Punishment in the 19th-Century American South*. New York: Oxford University Press, 1984.
- Belknap, Michael R. *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South*. Athens: University of Georgia Press, 1987.
- Brammer, Dana and James Hurley. *A Study of the Office of Sheriff in the United States, Southern Region, 1967*. University of Mississippi: Bureau of Governmental Research, 1968.
- Branch, Taylor. *Parting the Waters: America in the King Years, 1954-1963* New York: Simon and Schuster, 1988.
- Brown, Richard Maxwell. *Strain of Violence: Historical Studies of American Violence and Vigilantism*. New York: Oxford University Press, 1975.
- Brownmiller, Susan. *Against Our Will: Men, Women and Rape*. New York: Simon and Schuster, 1975.
- Brundage, W. Fitzhugh. *Lynching in the New South: Georgia and Virginia 1880-1930*. Urbana: University of Illinois Press, 1993.
- Chadbourn, James Harmon. *Lynching and the Law*. Chapel Hill: University of North Carolina Press, 1933. Reprint, New York: Johnson Reprint Corporation, 1970.

- Chappell, David. *Inside Agitators: White Southerners in the Civil Rights Movement*. Baltimore: Johns Hopkins University Press, 1994.
- Cohen, William. *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915*. Baton Rouge: Louisiana State University Press, 1991.
- Daniels, Pete. *The Shadow of Slavery: Peonage in the South, 1901-1969*. Urbana: University of Illinois Press, 1972.
- Davis, Allison, Burleigh B. Gardner and Mary R. Gardner. *Deep South: A Social Anthropological Study of Caste and Class*. Chicago: University of Chicago Press, 1941. Reprint, Phoenix Books, 1965.
- Dittmer, John. *Black Georgia in the Progressive Era, 1900-1920*. Urbana: University of Illinois Press, 1977.
- Dray, Philip. *At the Hands of Persons Unknown: The Lynching of Black America*. New York: Random House, 2002.
- _____. *We Are Not Afraid: The Story of Goodman, Schwerner, and Chaney and the Civil Rights Campaign for Mississippi*. New York: MacMillan, 1998.
- Duster, Alfreda M., ed. *Crusade for Justice: The Autobiography of Ida B. Wells*. Chicago: University of Chicago Press, 1970.
- Foner, Eric. *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction*. New York: Oxford University Press, 1993.
- Goldfield, David R. *Black, White, and Southern: Race Relations and Southern Culture, 1940 to the Present*. Baton Rouge: Louisiana State University Press, 1990.
- Grossman, Ron. "Exodus to Freedom: Southern Blacks Found Haven Here," *Chicago Tribune*, 12 Feb. 1995, p. C-1.
- Hadden, Sally. *Slave Patrols: Law and Violence in Virginia and the Carolinas*. Cambridge: Harvard University Press, 2001.
- Hall, Jacquelyn Dowd. *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching*. New York: Columbia University Press, 1979.
- Hart, Albert Bushnell. *The Southern South*. New York: Appleton Press, 1910. Reprint, New York: Da Capo Press, 1969.
- Huie, William Bradford. *Three Lives for Mississippi*. New York: WCC Books, 1965.

- Karracker, C.H. *The Seventeenth Century Sheriff*. Chapel Hill: University of North Carolina Press, 1930.
- Litwack, Leon F. *Trouble in Mind: Black Southerners in the Age of Jim Crow*. New York: Alfred Knopf, 1998.
- McMillen, Neil. *Dark Journey: Black Mississippians in the Age of Jim Crow*. Urbana: University of Illinois Press, 1989.
- Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy*. New York: Harper and Row, 1944.
- Nordyke, Lewis T. "Ladies and Lynchings," *Survey Graphic* 28 (Nov. 1939): 683-86.
- Raper, Arthur F. *The Tragedy of Lynching*. Montclair, NJ: Patterson Smith, 1969.
- Reed, John Shelton. "An Evaluation of an Anti-Lynching Organization," *Social Problems* 16 (Fall 1968): 172-82.
- Royster, Jacqueline Jones, ed. *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892-1900*. Boston: Bedford Books, 1997.
- Smith, Bruce. *Rural Crime Control*. New York: Institute of Public Administration, Columbia University, 1933.
- Southern Regional Council, "Law Enforcement in Mississippi." Atlanta, 1964.
- Sydnor, Charles S. *American Revolutionaries in the Making*. New York: Free Press, 1968.
- White, Walter. *Rope and Faggot: A Biography of Judge Lynch*. New York: Arno Press, 1969. Reprint, Salem: Ayer Company Publishers, 1992.
- Whitehead, Don. *Attack on Terror: The FBI Against the Ku Klux Klan in Mississippi*. New York: Funk and Wagnalls, 1970.
- Wyatt-Brown, Bertram. *Southern Honor: Ethics and Behavior in the Old South*. New York: Oxford University Press, 1982.

VITA

Grace Earle Hill

Grace Hill was born in Gainesville, Florida, on September 17, 1974. She graduated from Oak Hall Private School in Gainesville, Florida, in June 1992. In May 1996 she received her B.A. in History from Davidson College. She received her M.A. in History from the College of William and Mary in 2003.

In August 2001, she began working as an editor at Congressional Quarterly Press in Washington, DC.