“Genocide in Mississippi,” exterior, Student Nonviolent Coordinating Committee. Constance W. Curry papers. Manuscript, Archives, and Rare Book Library, Robert W. Woodruff Library, Emory University. 0818-053.tif
CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

(Approved by the United Nations General Assembly on December 9, 1948)

Article II -- In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) IMPOSING MEASURES INTENDED TO PREVENT BIRTHS WITHIN THE GROUP;
(e) Forcibly transferring children of the group to another group.

While Senator James O. Eastland is exerting his considerable power in the U.S. Senate to prevent Negroes securing the minimal protection of the pending civil rights legislation, his staff assistant in Mississippi is designing and implementing a program of genocide against the Negroes of that state.

On March 11, 1964, when the tactics of Senator Eastland and his cohorts were just beginning in the U.S. Senate, the Mississippi House of Representatives was voting on a bill designed to drive Negroes from Mississippi, and to render those who refused to leave incapable of having children. The bill was introduced by seven representatives, one of whom identifies himself in the current Hand Book of the Mississippi Legislature as "staff assistant to Senator James O. Eastland when the Legislature is not in session." (see Exhibit 2)

Exhibit 1 is a reproduction of the text of House Bill 180 which passed the Mississippi House on March 11 by a vote of 72 to 37. One is urged at this point to turn to Exhibit 1 and familiarize oneself with the provisions of HB 180.

The bill was introduced in the Mississippi House by the seven representatives whose names appear in the upper left hand corner of Exhibit 1. Representative Pierce is the staff assistant to U.S. Senator James O. Eastland. All seven sponsors of the bill are comparatively young men, two in their twenties, four in their thirties, and one 44. All are married. Two are attorneys, and the other four list themselves as cattlemen and farmers. (see Exhibit 2)

As originally introduced, the bill would have penalized the birth of an illegitimate child by imposing a prison sentence of 1 to 3 years on the parents. During floor debate the bill was amended to permit one illegitimate birth before the penalty provisions apply. Another floor amendment provided for sterilization in lieu of the prison sentence. The sterilization amendment was offered
by Rep. Ted McCullough, a Todd cotton buyer, merchant and druggist
who is chairman of the board of deacons of his Baptist Church and
a Sunday School teacher here.

In arguing for passage of the bill, Rep. Buck Meek of Webster
County, who managed the bill on the floor, provided a list of statistics
purporting to show that Negro illegitimate births far outnumber those
of whites. He made no attempt to disguise the anti-Negro nature of
the bill.

Rep. Horace Lester, Hinds County, tried to get the bill killed with
a motion to recommit. He was concerned that the bill would “embarrass
white girls who had already had enough trouble.” (Jackson,
Miss., Clarion-Ledger, 2-13-64).

However, the House, “which was in a boisterous mood” (C-L,
3-13-64), refused. Mrs. Gordon White, prominent clubwoman rep-resenting
Lauderdale County, took offense at the mood of levity in the
House. “This is no laughing matter,” she said. “We have a
welfare problem that is hurting our state. We are trying to let people
know that we do not approve and we are not going to continue to pay
for it. I very much favor this bill.”

Some of the backers of the bill said they feared the measure would
cut down the rise of illegitimate children on the welfare rolls and
force many Negroes to leave the state. (New Orleans Times-Picayune,
3-13-64).

Rep. Russell Davis of Hinds County, objecting to a bill which
would have charged a license fee of $500 to employment agencies which
recruit Negroes in Mississippi for employment outside the state,
said that “one day the House passes a bill (HB 180) to get rid of them
(Negroes) and the next day it makes it cost $500 to take them away.”
(C-L, 3-13-64).

Rep. Stone Barefield, prominent Hattiesburg lawyer and member
of the Junior Chamber of Commerce, observed during floor debate
on the bill: “When the cutting starts, they’ll (Negroes) head for Chi-cago.”

Thus the Mississippi House made it clear that HB 180 is directed
against Mississippi Negroes; that it is an attempt to reduce the number
of Negroes in Mississippi either by destroying their capacity to
reproduce, or by driving them from the state. That it is, in short,
a program of officially supported and sanctioned genocide.

On the surface the legislation is designed to discourage illegiti-
macy. Most Americans would probably agree that this is a socially
and ethically commendable objective, though many would argue that
mandatory sterilization (1 to 3 years in a Mississippi prison is
hardly an alternative) raises more social and ethical problems than
it solves.

However, HB 180 is clearly something quite different from the
ordinary welfare measure one expects in dealing with what is, prag-
matically at least, a welfare problem. In the first place, the argu-
ments of the legislators who supported the bill indicate that the intent
of the measure is to eliminate the population of Negroes from Miss-
issippi. There is other evidence.

In both Mississippi houses, the bill was referred to the Judiciary
Committees. The Rules of the Mississippi Legislature do not specify
the subject matter which is to be within the jurisdiction of each com-
mittee. However, each House has a welfare committee to which
genuine welfare measures are customarily referred. Legislative
bodies whose rules do specify the jurisdiction of committees, in-
variably use the judiciary committee for penal matters (see, for
example, Rule 12, Rules of the House of Representatives, U.S. Congress)
and never for welfare matters, unless a particularly important point
of law is involved (and then only with respect to that point of law;
ever with respect to the substance of the bill). It might be argued
that this was the procedure in the Mississippi Legislature, except that
the bill was never considered by the Welfare Committee of the House.

Furthermore, HB 180 was immediately referred to the Judiciary
Committee of the Senate when it was introduced there. Earlier in
the session a planned parenthood bill designed actually to deal with
the problem of illegitimacy was considered and killed by the Senate
Health and Welfare Committee. That bill had provided for setting up
planned parenthood clinics throughout the state and had imposed
criminal penalties upon parents of illegitimate children who did not
attend the clinics after the birth of the child. Sterilization was to
be strictly involuntary under the Senate bill. It was not referred to
the Judiciary Committee of the Senate, though the point of law in-
volved in mandatory attendance at planned parenthood clinics where
sterilization might be strongly advocated, closely parallels that in-
volved in mandatory sterilization.

Whether or not HB 180 reaches final passage in the Senate during
the current session, the fact that a substantial majority of the elected
representatives in the Mississippi House favored such a measure is
an ominous portent for the future of the state, and of the Negroes who
make up 40% of its population.

Exhibit 3 shows Mississippi, its counties, and the numbers of Ne-
groes and whites in each county. As indicated on the map, 26 of the
72 counties in Mississippi came from counties which have sub-
stantial majorities of Negroes. Except for the disfranchisement
of Negroes in the counties from which these 26 votes came, it is
politically inconceivable that the bill would have passed the House.
If Negroes could vote in these counties, no elected representative
would dare vote for a bill designed to destroy or drive out Negroes.
Indeed, if Negroes were free to vote in these counties, it is likely
that a large proportion of the 26 legislators would be Negroes.

There is no stronger argument for the speedy passage and rigorous
enforcement of the civil rights bill which the Senate is “debating”
now, than this experiment in genocide by the Mississippi Legislature
under the leadership of Senator Eastland’s assistant. Indeed, such
criminal irresponsibility on the part of those who govern Mississippi
argues persuasively for the strengthening of the veto sections of the
civil rights bill.

And the struggle for additional civil rights legislation must not
be permitted to obscure the fact that the President and the Attorney

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‘Genocide in Mississippi,” p. 4-5, Student Nonviolent Coordinating Committee. Constance W. Curry papers. Manuscript, Archives, and Rare Book Library, Robert W. Woodruff Library, Emory University. 0818-055.tif
General have legal weapons now which they have never used to protect the right to vote in the South. Section 594, Title 18, U.S. Code provides: "Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten or coerce, any other person for the purpose of interfering with the right of such other person to vote, ... shall be fined not more than $1,000 or imprisoned not more than one year, or both."

If this statute had been enforced in Mississippi (it has been on the books since 1948), we may be certain that the genocidal legislators presently in power would long since have been retired to the political boneyard where they belong.

The President and the Attorney General have refused to use the criminal statute quoted above, preferring to seek injunctions against officials who interfere with voting rights. The total bankruptcy of this policy should now be apparent to everyone. At the time the genocidal Mississippi House was elected last fall, 22 voting suits had been filed by the Attorney General against Mississippi registrars and other officials. Yet fewer Negroes were registered to vote than had been registered in the previous election.

The case of Forrest County registrar Theron Lynd is classic. An injunction ordering him to cease discrimination against Negroes was issued by a Federal court more than a year ago. He refused to comply and was cited for contempt. He has been under this citation for more than six months now (with no sanctions of fine or imprisonment imposed against him), and his discriminatory tactics continue. This piling of injunction upon injunction has been going on since the 1957 and 1960 civil rights bills were enacted. Negroes still can't vote in Mississippi. Now they are faced with action by Mississippi government which literally threatens their existence as a people.

If the President and the Attorney General were placed, themselves, under a similar threat, what could be their reaction? If they had used every conceivable stratum, had faced police dogs and fire hoses and billy clubs and prison for the right to vote, and if all their efforts resulted only in a worsening of their condition, would they, would Americans generally, react with a strengthened conviction of the efficacy of such peaceful persuasion; or would they begin to think in pure terms of self-defense, peaceful or no, violent or nonviolent?

This question the President and the Attorney General must ask themselves, as must all Americans. As they answer it for themselves, so must they answer it for Negroes in Mississippi. As they would act for themselves, so must they act for those Negroes.

Else let them not wring their hands and gnash their teeth and roll their eyes heavenward when Mississippi Negroes begin doing for themselves what their government has refused to do.

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"Genocide in Mississippi," p. 6-7, Student Nonviolent Coordinating Committee. Constance W. Curry papers. Manuscript, Archives, and Rare Book Library, Robert W. Woodruff Library, Emory University. 0818-056.tif