

'Criminal Syndicalism' in Mississippi

Atlanta, Ga.

With a recent wave of arrests under a new state law outlawing "criminal syndicalism," Mississippi has again shown that politically and legally it continues to side with racists.

Last May 11, during what was the longest legislative session in the state's history—23 weeks, Senator E. K. Collins of Laurel introduced the criminal syndicalism bill to outlaw advocating, teaching, aiding, or abetting the commission of crime or unlawful acts of force and violence or of "terrorism" to effect a change in ownership or political or social change, or for profit. The outlawed acts include written or spoken words, publications, organizational efforts, and such. Punishment ranges from fines of from \$200 to \$1,000 and sentences of one to ten years for violating or encouraging others to violate the law. Owners of property or those who control it and permit an assembly for such purposes face fines of from \$100 to \$500 and up to a year in jail.

Kenneth Toier, writing in the Atlanta Constitution, commented on the bill: "Taking cognizance of the [racist] movements, the state senate this week passed a bill sources said was primarily aimed at suppressing militant white supremacists from forming in the state." A UPI dispatch from Jackson, the state capital, repeated this belief: "A bill designed to cripple the growth of white supremacy groups that advocate violence won Mississippi Senate approval Monday . . . Sources said an organization drive by the Ku Klux Klan and other new, militantly-segregationist groups were the spark-plug for the proposal." And Robert Gordon, newsman for the Jackson Clarion-Ledger, also reported that the bill "was primarily aimed at suppressing [sic] groups of militant white supremacists who advocate violence."

However, Sen. Collins, who at the Democratic National Convention argued before the credentials committee for the seating of the regular Mississippi delegation, said the bill could be used as well against integrationist groups. It was passed without discussion.

A companion bill, also introduced by Sen. Collins, was aimed at persons outside the state who advocate or aid "criminal syndicalism." This law would punish such persons if they were found in Mississippi. Collins said it might make civil rights groups "think twice" about sending workers into the state. He also commented that the bill may be unconstitutional, but "it can't do us any harm."

The criminal syndicalism law was forgotten during the summer by civil rights workers, who at first had been concerned about it. Like a few of the other bills

Jerry DeMuth

rushed through the legislature in the spring, it was not used by the state, perhaps because there was no shortage of other laws under which civil rights workers could be arrested.

When the law was passed, racial violence was the most common in southwest Mississippi. This area, centered around McComb, is where the Klan is the strongest in Mississippi and is the home of the militant Americans for the Preservation of the White Race (A.P.W.R.).

In McComb on April 28, the barbershop of an NAACP leader, Curtis Bryant, was bombed. On June 22, three houses were bombed. Two weeks later the office of the Student Non-Violent Coordinating Committee was bombed. A Negro church was burned to the ground on July 17, and the next day there was an attempt to burn another such church; three days later another one burned to the ground; the next day there was again an attempt to burn still another one. On July 26 dynamite was thrown at the home of Charles Bryant, brother of Curtis Bryant. In August there were attempts to burn a church and a home and another home was bombed, as well as a supermarket in a Negro neighborhood. In September dynamite rocked and damaged six homes and two churches—one of the churches was totally demolished.

On September 22, for the first time in the state, the now four-month-old criminal syndicalism law was used. Seven Negroes were arrested during brief rioting that flared after two simultaneous bombings. Justice of the Peace Charles Herring ordered them charged under the criminal syndicalism law. County Sheriff R. R. Warren, at the site of one of the bombings, told newsmen, "In my opinion both this and the blast at the church were 'plants' and you can quote me on it."

The next day there was another bombing, and the following day 19 more Negroes were arrested for criminal syndicalism. A McComb policeman told newsmen he had a list of 24 Negroes for whom warrants

were prepared. Even parents were not permitted to see those in jail.

That day, John C. Gibson, writing in the county seat newspaper, the Magnolia Gazette, said that Dennis Sweeney, white S.N.C.C. worker who was also arrested, "in our book of extremism should draw a penalty equal to that for treason, because what he and others like him are doing is treason." In the McComb newspaper, Charles Gordon reported, "Sheriff R. R. Warren said today he believes increasingly the explosions—four of which have occurred since Sunday—are being staged in an effort to induce the federal government to declare martial law here." Even Gov. Paul Johnson concurred: On September 30 he said, "Some of the bombs were 'plants,' and we can say that they were the outgrowth of COFO activities." ("COFO" is the Council of Federated Organizations that coordinates civil rights work in Mississippi.)

But the next day three whites were arrested and charged with two of the bombings. Membership cards in the A.P.W.R. and K.K.K. were found in the car of one of them. The three and eight others subsequently arrested were not charged with criminal syndicalism, although the bill was supposedly aimed at white terrorists. They were charged under a law against the illegal possession of dynamite that was originally passed to enable the

November 13, 1964

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Jerry DeMuth writes for New Republic and a number of other magazines.

state to get strong convictions from arrests growing out of a labor strike.

Nine of the eleven white men were tried in late October, all pleading guilty to the charges. Though each could have received as a maximum the death penalty, the nine were given suspended sentences. Pike County Circuit Judge W. H. Watkins, Jr., remarked that the men were unduly provoked by outsiders of "low morality, some of them unhygienic." Judge Watkins also pointed out that they were "mostly young; all came from good families, who were shocked at their involvement; and deserved another chance." Four of the nine were aged 44, 38, 36 and 35.

In the meantime another wave of criminal syndicalism arrests had occurred in the Delta in Belzoni, 140 miles straight north of McComb.

On October 3 seven Negroes were passing out leaflets announcing a community meeting. Police picked them up, all but one a high school student, and charged them with criminal syndicalism. Two were eventually released in care of an attorney, but the other five were bound over to a

grand jury on \$1,000 bond each and remained in jail.

Then on October 15 four S.N.C.C. field secretaries were arrested for criminal syndicalism while they were walking down a street in the downtown Negro section. They had not been passing out leaflets, but each had a Freedom Democratic Party leaflet with him. The four have remained in jail.

Lawyers began legal action against this law. A petition for an injunction to enjoin its enforcement has been filed in relation to the McComb arrests. A three-judge panel is to hear the petition at some future date. Attorney Carrie Hall, who asked for an injunction preventing further arrests.

The legal challenge will be based largely on recent rulings in Georgia and Pennsylvania where similar, though not identical state statutes were declared unconstitutional by federal courts.

A different tack is being taken in Belzoni, where petitions have been filed to have the cases moved to federal court. A subsequent suit will challenge the law's constitutionality.

Meanwhile, over twenty civil rights workers wait in Mississippi jails. □

Louisiana's Chessman

New Orleans, La.

The last time a white man was executed for the crime of rape in Louisiana was in 1907: in its entire history, the state has executed only two whites for rape—both, interestingly enough, were aliens. Negroes, over forty of whom have been hanged or electrocuted for rape in this century, have fared less well, though in recent years some determined legal efforts have prolonged the lives of several.

Such efforts have succeeded in making Edgar Labat heir to Caryl Chessman's role: Labat is the oldest pending capital case in the country. A Negro, he was an attendant at a Catholic hospital in New Orleans when in November of 1950 he and Clifton Poret were arrested for the rape of a white woman. In March of 1953 the two men were sentenced to death; their continued existence, after unsuccessful appeals to the highest courts of both state and nation, is a source of frustration to those charged with the administration of Louisiana justice.

There are ironies here; since federal courts have balked at the state's wilful failure to observe due process in the impartial selection of juries, it has been several years since the state has been able to execute a Negro. Confederate justice is all but abolishing capital punishment for Louisiana Negroes.

Of the two defendants, Labat is the more articulate. He has been allowed to write and has been doing so. Five chapters of an autobiography are already finished and are being edited by a Massachusetts woman, and several of his poems have appeared in the *Vineyard Gazette*. But an increasing flow of letters from here and abroad—where he has received more press coverage than at home—testifies to his emerging legal rather than literary prominence.

He has had eight stays of execution. Describing one occasion when his reprieve came three hours before he was to die, he recounts that his sister had arrived to claim the body, his head had been shaved, and he could hear the stepped-up humming of the prison generators. To read his own letters is to wonder at his reasonableness.

Now in an eight-by-ten-foot cell in Louisiana state penitentiary at Angola, Edgar Labat faces his fourteenth summer of imprisonment; he has been on one death row or another since his conviction. His case is now being handled by Washington's Edward Bennett Williams and, for the Louisiana Civil Liberties Union, by Benjamin E. Smith in New Orleans.

"Over its lifetime of operations," the

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