of his own administration. I did enjoy a friendship with Governor Barnett. I had known him all my life. In fact, our families were neighbors for many years and I had a cordial relationship with him. But, he didn't turn anything over to me. I might mention here that this is not the only case. There were others of people who were opposed to us making comments of this type in efforts to create misunderstanding or drive a wedge between Governor Barnett and those who were generally his supporters. This is not an unusual tactic.

PEARCE: In earlier interviews, you've stressed the point that the Citizens Council was a nonpartisian organization, but in Frank Smith's book, Congressmen from Mississippi, he makes this statement, and I would like to hear your reaction to it. "The Council had a small hand in the Mississippi elections in 1955, and in the succeeding four years it worked its way to complete domination of the state and local elections of 1959. It moved into national politics in 1956 when it attempted to control the selection of delegates to the Democratic Convention."

SIMMONS: Well, there again Congressman Smith is very complimentary. I think if he and Mr. Silver, Professor Silver, had been correct, and all this great power and influence had indeed existed, the outcomes would have been different from what they were. Be that as it may, the Citizens Councils did adhere to a policy of nonpartisanship in politics not in so far

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as issues are concerned but in so far as candidates and personalities are concerned. We did encourage our members to become involved and active in public affairs as individuals. And by and large, they did so. The Citizens Council itself never did to my knowledge endorse by name any candidate for any public office. It has, on the otherhand, supported legislation and has opposed legislation as within its proper functions because it does have very definite interest in public policy, but the direct involvement in partisan political campaigns did not occur. I will mention a specific case to illustrate how far we went to try to maintain the correctness of this. In 1968, I served as co-chairman for the State of Mississippi in Governor George Wallace's campaign for president in that year. I took a leave of absence from the Citizens Council for several months during which time we divided the state into three areas and I made speeches in I think almost every courthouse in the state during that time, all eighty-two of them. But, that was, there again, completely separate from the Citizens Council itself.

PEARCE: Mississippi drew national attention when James Meredith became the first black to enroll on the institution of higher learning at Ole Miss 1962. I would like for you to describe your recollections of the Meredith incident and I am particularly interested in the activity that took place here in Jackson during the end of September, 1962.

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SIMMONS: That is a awful big subject to get into; books have been written about it, and it's very difficult to attempt to describe what happened, within the confines of an interview like this. But I'd like to mention what our primary concern was about Meredith. It was not so much Meredith, himself, but what he symbolized. The admission or placing of James Meredith in the University of Mississippi meant the transfer of decision making power from the administration at the University and from the College Board to the Federal government, and the argument was often raised, "What could one man do at the University of Mississippi?" The answer was what he symbolized and what actually developed from the incident. We were absolutely correct in our concern about this as later events showed, because within a few years after Meredith graduated from Ole Miss, or to be more accurate "was graduated from Ole Miss"-the man who was head of the Justice Department's public relations during that time, named Edwin Guthman and who played an active role in the events that took place at Ole Miss, later left the Justice Department and went to Los Angeles as editor of the editorial page, I think to be exact, of the Los Angeles Times. He and one of their reporters, Jack Nelson, who is seen frequently on now in Washington Week In Review and who had been, I think, head of their Atlanta bureau and covered a lot of the Civil Rights activities in the South. The two of them came by our office one afternoon for a visit. As so happened I had on my desk at that time a copy of an order from the Justice Department regarding the

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integration of University of Mississippi and it included minute demands for the arrangement of sleeping arrangements in the dormitories at Ole Miss. That is, bed check was to be made regularly and a certain number of blacks had to be rooming with whites in the dormitory. They could not be separated. There had to be efforts made to satisfy requirements for quotas of black professors as well as black students, the whole business of Affirmative Action. Now this was before Affirmative Action came a well-known national policy. When I pointed out to Ed Guthman the consequences of their actions, he looked rather surprised, and he shook his head and he said something very revealing. He said, "This was not what we had in mind."

PEARCE: So, you feel that James Meredith was being manipulated and was not acting as an individual.

SIMMONS: I would not put it that way. I think, certainly, he was acting as an individual, but he served a larger purpose than just getting a degree from Ole Miss. That's beyond question. I take every person literally and honestly at his word when he is on the other side of the fence and I give Meredith one hundred percent for sincerity. I question in no sense his dedication to what he was doing. I am simply pointing out that it had larger consequences than the entrance and graduation of any one individual from the University of Mississippi. I think the

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cataclysmic events and the catastrophic effects on the University that followed have been proof of that.

PEARCE: Would you mind just briefly going into a little - I believe you told me that you went to Oxford, made a trip up there. Just briefly describe the trip.

SIMMONS: Well, I went to Oxford prior to the events of the riot that occurred in September, 1962. This is getting into the details of it, but it explains the reason for going. Governor Barnett had had several confrontations with the U. S. authorities. One at the Woolfolk Office Building in Jackson when he stood in the College Board door where occurred that very amusing incident of Meredith being escorted by Marshall McShain, I think, and James St. John Barrett, who was a U. S. attorney - perhaps, it was Barrett and John Doar, I forget which. But, Barnett peered over his glasses and said, "Which one of you gentlemen is Meredith?" Now, Barnett has succeeded at every stage in forestalling the enrollment of Meredith, and it was anticipated that attempts would be made to enroll him at Ole Miss. Nobody at that point thought that it would result in 101st Airborne Division enrolling with Meredith. But, the whole idea was that the authority of the state would be used as a shield between the University, or college, as represented by the College Board, and the efforts of the Federal government to enroll Meredith. It was in connection with that that I went to Ole Miss. I travelled with

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Judge Russell Moore and a deputy sheriff from Jackson. We stayed in Oxford at a motel up there for a couple of days.

PEARCE: On Sunday, September 30, there was a lot of excitement in Jackson around the Governor's Mansion. There was some type of parade that took place. Do you remember anything about the events in Jackson on that Sunday afternoon, or were you in Oxford?

SIMMONS: No, I was in Jackson, I had returned to Jackson. You will understand that it is rather difficult to reconstruct momentarily the sequence of events and the days in which they occurred almost twenty years ago - nineteen to be exact this month. But, I remember meeting Governor Barnett. He had come to Oxford to have either his third or fourth confrontation - I forget which - with Meredith and had successfully turned him away again there. Then he returned to Jackson. I came back to Jackson somewhat later, but I was in Jackson prior to the events that took place and the rioting there in Oxford. Most of that afternoon that you refer to, as I recall, crowds began to gather around the Mansion because there was wide-spread public support for Governor Barnett and his actions. People came and stood around the Mansion practically encircling it. It was not a parade, but they were just standing, mostly as evidence of support for the Governor. There was an air of restlessness and expectancy and I am sure there were a fair number of curiosity seekers, as well, because as you know crowds gather crowds.

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Most of that time I was in the Governor's Mansion. I was conferring with the governor and with other people who were his advisers.

PEARCE: I'd like to read a passage from Walter Lord's book, The Past That Would Not Die and ask you how accurate this is. "There were dark moments in Jackson, too, this frightful night. The usual swirl of advisers and aides swarmed through the Governor's Mansion, jockeying for a chance at Barnett's ear. The governor had issued a statement at 7:30 saying 'Mississippi was physically overpowered. She would fight on in the courts.' William Simmons, his assistant, Louis Hollis, the all-out Citizens Council crowd, took it for surrender and rushed over from their offices across the street. With tears in his eyes, Hollis begged the governor not to give up. Tom Watkins, and the more realistic advisers, desperately tried to counter the pressure, and one person especially close to the governor was said to have lashed at a top Citizens Council leader, urging him to go away."

SIMMONS: Well, perhaps Lord knows more about it than I do. I just happened to have been there and I don't recall - I have read that and I have read other accounts of - I'm not sure about the part Louis Hollis played. It is possible that it could have happened. I, myself, did not witnessed it. There was, on the part of us, a general disagreement with the tone of the governor's statement. As later events proved to

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be the case, I think he may have had no other choice from his own point of view because the court order that levied a ten thousand a day fine on him for contempt of court. This is really what, I think - I started to say, broke his will, but I don't think it did that - but, I think it changed his mind. I don't recall anyone saying "get away" or "go away."

PEARCE: During this period there were several incidents, too many to mention really, but I would like to get your idea about this question. Is there evidence that the Communist Party was directly involved in the Civil Rights Movement here in Mississippi?

SIMMONS: Yes, there is. The Communist Party was one of the generating forces behind the whole Civil Rights Movement. In fact, it's spelled out literally and specifically in a manifesto issued in 1928, specifying the areas of social life, including athletics. In fact, focusing on athletics as a means of using integration as a tool of agitation. The Communist interest in this subject goes back much farther. It even predates the organization of the Communist Party, itself, because Karl Marx, the author of the Das Kapital, during the American Civil War was a correspondent for the New York Herald Tribune. He took an active interest in the Reconstruction Period of the South, and saw that period of black political domination as a people's movement. It should be pointed out that the Communists, themselves, or more

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particularly the Russian Communists, do not practice themselves what they preach for others, and the reason for this is fairly obvious. The Civil Rights Movement and the use of compulsion to integrate the races in this country has been one of the most divisive things ever to happen to us, one of the most expensive and one of the most upsetting to the body politic; and that precisely is why the Communists are interested in it and in pushing it because it weakens the United States. Specifically in the military sense, no longer is competence of primary value in the army, racial quotas are of value. In industry, including defense industry, the use of standards of race rather than competence results only in less quality and less efficiency. So, it's easy to see their interest in it. They always like, as they say, to fish in troubled water - one of their favorite expressions. Beyond that, the Communist involvement in the whole Civil Rights Movement has been detailed and documented by federal authorities through the Senate Internal Security Sub-Committee, the House Unamerican Activities Committee, through New York State Unamerican Activities Committee. One incident occurred during our active period that highlighted it in the South and that was the meeting at Highlander Folk School, involving Martin Luther King and several of the white Communist leaders at Highlander Folk School in Tennessee to map out strategy for the Civil Rights Movement in the South. In coming to Mississippi in particular, the Legislative Insight Committee held hearings here - I

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forget the year - but I believe it was in the 1960 - on Communist involvement in the Civil Rights Movement. Carl Braden who was one of the most active, openly identified Communist in the South at that time, showed up at the hearing and was made much over by reporters who were covering the events. We, ourselves, have published in our publications the rather lengthy Communist front records of NAACP leaders. None of this has been speculation. It has been documented, and it has never been denied. They attempt to slide around it, but there has been no denial. Instead the red herring of guilt by association is always dragged up, that you are trying smear the integration movement by calling everybody a Communist. That's not true. We never said everybody in it is a Communist. What we do say, is that Communist have aided and abetted the movement, and they have gained by it, and they would not have done so had it not served their interest, because they are very pragmatic in what they invest time and money and effort into. On the otherhand, the integrationist have been quick to use guilt by association when they thought it would serve their purpose.

PEARCE: What exactly was the connection between the Citizens Council and the State Sovereignty Commission?

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SIMMONS: There was not a real connection, but there was a kind of contractual relationship. We talked earlier about the Citizens Council Forum programs that were being produced on

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television and radio. These programs were supported for a portion of their production by grants from the State Sovereignty Commission. This was done on the grounds that these programs were effective means of advancing the view of people of the state and this was a economical means of communicating tp the rest of the country.

PEARCE: Now that you look back on it, are there any regrets about accepting money from a government agency to sponsor the Forum?

SIMMONS: None whatever.

PEARCE: A rift occurred between Mr. Earl Johnston, who was public relations director of the Sovereignty Council, and you. What is the story behind this rift?

SIMMONS: Earl Johnston has written about that in a recent book, entitled I Rolled With Ross, and he has detailed that more than I could here, because apparently he researched it better and his memory is sharper, but all that's gone. It's over.

MDAH

PEARCE: So you would agree what he wrote in his book was accurate?

SIMMONS: I told him as much. I told him that I thought it was a fair account. We had different views. We thought the thing ought to be approached differently, but there was not any personal animosity. It got a little sharp for awhile, I will admit.

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Some of his remarks were kind of personal at the time, but I suppose he was emotionally involved.

PEARCE: Did the Citizens Council ever aid the Sovereignty Commission in the collection of information on individuals in the state?

SIMMONS: I don't remember particularly except material that we had from the files, or rather the publications of these government committees, we made available to the Sovereignty Committee; such as the House Unamerican Activities Committee or the Senate Internal Securities Sub-committee.

PEARCE: Did the Citizens Council ever have access to FBI files?

SIMMONS: No.

PEARCE: Let's talk about Mississippi politics for a while.

SIMMONS: Excuse me. It has been suggested sense the Freedom of Information Act has come into being that it might be interesting to see what the FBI files contain, but I just really haven't had that much interest in it.

PEARCE: Do you have a file?

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SIMMONS: Oh, I'm sure I have. The FBI has investigated me, up and down and sideways, but I'm still here.

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MRS. SIMMONS: We used to laugh about the phone taps. Oh, they would be co clumsy sometimes.

SIMMONS: And the FBI, after the Oxford riots, they investigated me on the suspicion of having caused the riots. They questioned one of my friends who was at that time a neurosurgeon in Ft. Worth, Texas. We had grown up together. He told me about being questioned by the FBI. In fact, there was a little one inch bulletin in black type on the front page of one of the local newspapers that I was being investigated by the FBI. That wass one way I found out. I read it in the paper.

PEARCE: Let's talk about Mississippi politics. I'd like to get your opinion on this....

SIMMONS: Before we leave the subject, while it's on my mind, let me mention this. I had close contact with the FBI at an earlier period involving one John Casper who surfaced in Clinton, Tennessee, during school integration troubles there, and presented himself to the public as a Citizens Council leader, and organized what was called the White Citizens Council. I was very suspicious of John Casper and so were others. Through one of my friends or contacts in New York, in the New York Unamerican Activities Committee, New York State Committee, I gathered enough information on Casper to make me very suspicious that he was, in affect, a double agent. He was an, what we call a "agent provocateur", engaging in a tactic that has been used, with some effectiveness from

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time to time, against respectable and responsible patriotic organizations. That is, to create a stalking horse that would ostensibly be paralleled to and identified with the organization that was the target, and that organization would smear the legitimate organization by its activities. There were details of this that made John Casper of great suspicion, particularly his association with people who themselves were double agents. Casper's public activities certainly seemed to confirm this, because he behaved in such a manner as to bring our cause, which he purported to represent, in disrepute. I reported these suspicions to the FBI. In fact, the way this came about, I related them to Mr. David Lawrence who was then the editor of U.S. News and World Report, and he thought they should be reported to the FBI so he called the FBI office and made an appointment for me to confer with the number three man at that time, Louis Nichols. I did so and I was interviewed there and furnished them the information that I had, and they seemed appreciative. We have had had later brushes. I'll just cover the FBI while we are on it because I forget some of these things. The FBI has been used as an intimidating agency against some of the things we've been doing. I wouldn't say because we were doing them, but because they were being done, and it has reached at times degrees that can be either scary or humorous, depending on your point of view. One of these occurred in 1964, right after we had organized our first Council school. School was being conducted at our little building on Hartfield Street,

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right off of North State Street, the old Fondren Home, two story house. We had about two dozen children in there and they were in three grades. We had three lady teachers and an elderly gentleman, Mr. Thurmond Griffith, T. J. Griffith, wasn't it? Very fine-one white haired elderly gentleman was the principal. One day, two husky young men knocked at the door, flashed FBI badges and wanted to know what was going on in that house and what was being taught and who are enrolled. Now, mind you-communists can teach violent overthrow of the government and that is protected as a constitutional right. Yet, when we try to teach these little children reading, writing, and arithmetic, the long arm of the FBI reaches in there to demand what's going on and who's there. Well, Mr. Griffith called me, and of course, I became somewhat incensed at this, and I immediately called our attorney who was Dan Shell and himself a former FBI agent. He called the head of the FBI office here and told him to get his agents off our property, and that if they wanted to talk to anybody, they could come down and talk to me. They did come down. They were very nice and seemed somewhat embarrassed by the role they were being forced to play, and I asked them what charges had been preferred against us, what crime we were suspected of having committed. They said, "Nothing." I said, "Will you please, in a word, get thee hence and leave us alone." Which they did. I said, "Look, we are happy to cooperate with the FBI or any other agency of law enforcement in the enforcement of the law or pursuit of any wrongdoing,

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but I object to the presence of the FBI in this case as an intimidating force against these children and these teachers; because the very fact that a FBI agent walks up to you and flashes his badge and questions you in the presence of other people will bring suspicion on you and act as a strong intimidation against you, when in fact, you've done nothing wrong." So that is one misuse of the power of government that we have experienced. From time to time, we might digress like this, but when I think of things, I'm afraid that if I don't mention them, they won't come back.

PEARCE: Please do.

MRS. SIMMONS: I think that it's worth noting, too, that just like you said these FBI men became a little embarrassed by what, I'm sure they were instructed to do, but by and large, people like that always appear to be embarrassed and frequently they have their own children in private school, sometimes one of our schools. This has happened. They were embarrassed by being used by the government to harass and intimidate, or try to.

SIMMONS: At that time the schools were just beginning

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PEARCE: Today is September 23, 1981, and we are in the headquarters of the Citizens Council on Griffith Street in Jackson, Mississippi. Today Mr. and Mrs. Simmons will continue the story of the Citizens Council in our fourth interview in this series. The topic of discussion today will be the rise of private education in Mississippi during the 1960s and 1970s. This interview is part of the Mississippi Department of Archives and History Oral History project and the interviewer is Charles Pearce. Mr. Simmons, before private schools became a reality in 1964, a good bit of groundwork had to be done and a great deal of planning. You were probably the most prominent figure in this groundwork. Will you explain what had to be done before private schools became a reality?

SIMMONS: The first actual thing that I remember having been done was a neighborhood survey conducted in Jackson about 1960 or a bit earlier, perhaps as early as 1959. We conducted a neighborhood survey realizing that someday private schools might eventually become a necessity. This was sharpened by the fact that the then attorney for the Jackson Public Schools was a member of the Citizens Council Board of Directors. Therefore, we had fairly close connection with the way thinking was going and the way the Federal courts were leaning. At this early date, it would have been beyond anyone's conception that the public schools would have been massively integrated within a matter of ten or twelve years.

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We conducted this survey, really to see what the attitude of people was about private education, because until this time, there had been no such creature as a private school to serve day students on a large scale. All of the private schools had been confined to military schools or boarding schools which were rather expensive. Even some of these were not doing too well financially. The results of the survey showed that there was widespread public support for the idea of private schools. Of course, from these individual surveys, we got a lot of names of people who would be interested in the event. In 1964, the Civil Rights Act was passed, thus providing for the first times since the Brown Decision in 1954 the actual legislative sanction for public school integration. We realized the significance of this would be the control of local public schools effectively was moved from the jurisdiction of local schools boards and placed in the hands of federal courts. So, we knew that it would be a matter of time before private schools would become an absolute necessity. With that in mind, we began the organization of Council School Foundation and obtained the tax exemption status for the Council School Foundation in December, 1964. We began operating in a very small way with twenty-one children and three teachers in grades one through six in the recreation room of Dr. Charles Neal, a local neurosurgeon and a very prominent doctor, who at that time was president of Council School Foundation. Our objective was not so much academic as it was financial, that is to determine the

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economic feasibility of operating a private school and to try to learn some things that might be helpful to other communities as they faced the same kind of crisis situation. With this very small beginning, it increased the next year to twelve grades, and all of this was started in a house at 555 Fondren Street in Jackson, in the old Fondren Home on Hartfield Street, I beg your pardon. In the area of Fondren, which was at one time was the town of Fondren separate from Jackson, reached by Tonneyville Trolley, past the Insane Hospital. I covered earlier the call of the two FBI men, didn't I? That occurred during the first year of operation when these few people were out there. The next year we increased to twelve grades and in 1966, I believe, had our first graduating class with four seniors; of whom one was a National Merit Scholar finalist. I am trying to remember the next stages. I think that summer we were approached by one of our members who lived in southwest Jackson with an offer of donating some land. We checked it out thoroughly and accepted the donation of seven acres, as I recall, and purchased an additional ten acres and began construction of a brick school which we called Council School No. 2; the first being, of course, No. 1. Our idea being in this to create the idea of a system of not just isolated school, but a group of schools, interrelated. Our thought was to have Council School No. 2 as a high school, and it was designed with that in mind. We had an excellent architect who had designed a good many public schools and it was built according to the

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accepted classroom standards for dimensions of lighting and nature of construction that were then current in public school construction. The school was ready for operation at the beginning, as I recall it, the school here in 1966, September, 1966, but as the time neared for opening the school, we discovered that the demand for high school and for elementary school didn't fit into our plans. There was a sizeable demand for elementary school in the area of Council School 2, but there was a sizeable demand for a high school in north Jackson, which Hartfield, the school on Hartfield Street, was not capable of handling because of its size. So, we did some checking on availability and bought fourteen acres on Manhattan Road for Council School 3. At the same time, the Jackson Public Schools were offering at public auction, fourteen relocatable class room buildings. We submitted sealed bids on all fourteen and were successful bidders on ten. As I recall, three came from Murrah and seven from Provine. Well, we bought the buildings and made arrangements to have them moved just like you would move a house. So we had a parade of school buildings going through the streets of Jackson, headed for ...we moved seven to ... I take it back ...we moved all of them to Manhattan. We converted one into a restroom building, one into a science building, and the others were classroom buildings except for one that was a library. We built sidewalks connecting these, covered with metal canopies. From this beginning, we learned the value of detached buildings that was later to serve as a basis for

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the big expansion we had several years later. We began operation, therefore, in 1966 with high school grades at No. 3-which we started calling Manhattan for the name of the road-with elementary at No. 2, McCluer-for the name of that road. With advent of these three schools, we adopted the policy then of naming the schools, identifying them by the street. There was some sentiment for naming these schools after Confederate heroes and many private schools did that, but we wanted to get away from that kind - I hate to use this word because it has been misused, but I'll use it anyway - the image of worshipping dead Confederate heroes, and becoming more like the mid-Twentieth Century. Also, we wanted to keep the idea of a system. During this time, as I recall, too the question of accreditation came up and we got accreditation by the State Accreditation Agency. We have had a gradual increase at both schools as the years passed and we started designing an all-purpose activities building at Manhattan, which turned out to be very useful. The construction was started on this in 1968 as I recall it, and completed in 1969. I should go back a bit and say that prior to the actual organization of Council School Foundation, we had a committee appointed to go into the subject of a private school and the head of the committee with Dr. Medford Evans, one of my associates who had joined me in 1961. You will probably do some interviews with Medford later, but Medford is a professor of English. He taught English at the University of Mississippi and he acquired his Ph.D at Yale in English. I think, I probably

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discussed some of Medford's personal qualities earlier. But, we developed a...Excuse me, did you want to ask something else?

PEARCE: What influence did he have over the direction the Council Schools took, what were some of his ideas about, his education philosophies and what these schools should be?

SIMMONS: Well, he himself, would be better able to deal with that than I would. But, we have developed later some little booklets, Welcome to Council School that state in written form our philosophy of education. One of the main points was that these schools were not to be experiential, in an educational sense; that they were to continue the traditional education that all of us ha d acquired in public schools, and that we felt was sound, and that we felt was going to be impaired when the public schools were massively integrated. So, therefore, these schools really were repositories of the kind of culture that we had inherited and had acquired ourselves. One of the factors that we felt was of the utmost importance - I'm not sure whether Medford voiced this or whether I did - anyway, I wrote it in this pamphlet to which I refer, that one of the ways that children learn most readily is from their peers, not just from their teachers. Therefore, the other children with whom they associate is of the utmost importance, so that it is highly desirable for a child to be in a healthy, constructive environment and not in one that is torn by strife and social experimentation. Well, after we got the

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activities building finished, in the fall of 1969, we began to see evidences that massive integration was in the horizon, because the ... I'll back up a minute to mention the Jackson school case because it has a bearing here, called Evers vs. Jackson Municipal Separate School District. We were interested in this case and I attended the hearings because a record was made there on which Judge Sidney Mize said that evidence cried out for the Brown Decision to be reheard, but his voice was ignored. There was voluminous expert testimony entered into the record from scientists and scholars and educators, testifying as to the dismal failure of public school integration. Particularly, as the best known example at that time, was in the schools at Washington, D. C. which President Eisenhower had said would be a model for the nation to follow. Unfortunately, he proved to be correct. The nation seemed to have followed the model right over the cliff. In any case, none of this testimony was challenged or refuted by counter-testimony from the NAACP lawyers. Even one of the witnesses who testified was a Professor Gooden, G-O-O-D-E-N, who was the Negro principal of a local school here in Jackson, who had been educationed at the University of Chicago. He testified as to the greater affinity between black children and black teachers as opposed to white children and black teachers and black children and white teachers. That the teacher stood in, to use a Latin term, in loco prentis to the students, that is, in place of the parents as a substitute parent. It required a considerable leap

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of the imagination for the child to identify the teachers of different colors as parents. One could see how this would be rather confusing to an especially very young child. In any case, Professor Gooden made a very strong point - and I don't remember whether he testified to this, he probably did - but I know it was corroborated from other witnesses that the separate schools in Jackson had been functioning at a very high level of efficiency. So much so that on their standardized test scores, both white schools and black schools scored two points higher than the national average for black and white respectively. I might add here that after massive integration, test scores became totally unavailable. A sad aftermath of Professor Gooden's testimony was that he was the object of much pressure and terrorism, and in a weird twist, even a cross was burned on his front lawn.

MRS. SIMMONS: You need to explain that a little more though because it sounds confusing. The worst thing was that he was lambasted by black leaders who called him a blankety-blank Uncle Tom. They tried to discredit his professional performance.

SIMMONS: The crosses were burned as a ultimate insult to him by blacks who didn't agree with what he had said and who were out to scare him, or run him out of town, if possible. My recollection is that he didn't live too long after that. He was up in years and its very likely this experience shortened his life.

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MRS. SIMMONS: You remember, too, what he said about curriculum.

SIMMONS: Yes, I'm glad you mentioned that. He said blacks and whites responded differently to different types curriculum. That the black children learn more readily through memory and were less adept at abstract reasoning. Whites were better at math and science and things like that, where the black were better at language, which is kind of interesting. Well, with that as background, this is the case, the events to which I have referred occurred in 1963, the hearings in Jackson in Federal Court. This case was before the U. S. Supreme Court and it became apparent from news accounts the decision would be made in a matter of months. So, we began plans for a sudden expansion of Council Schools to be able to accommodate what we thought would be a mass exodus from public schools. I should add a kind of parenthetical statement here that several of my colleagues and I spent a lot of time, during the intervening years of the 1960s, meeting and talking with the other groups who were interested in organizing private schools. Most of these were local Citizens Council members in Mississippi, Alabama, Louisiana, Georgia, and South Carolina, primarily across the deep south section, and in North Carolina as well. Out of these meetings and the interest in the local communities of whole region-wide systems of private schools became organized. In 1968, the Mississippi Private School Association was organized at the Pillow Academy in Greenwood, and I served as secretary of that organization for eight years. Well, as I

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said, we began making plans for a rapid expansion. We got architects to design modular type buildings that could be constructed quickly, but would be considered architecturally attractive. We based the whole concept on what we had learned from at Manhattan the experienced . We call these "mansard buildings" because of the mansard roofs that were added to keep them from looking like little cracker boxes. They were essentially two-room classrooms and were very attractive. All were built on concrete slabs with carpeted floors, draped picture windows, each one air-conditioned and individually heated. Carpet proved to be a great innovative success in classroom use because it made the acoustics a great improvement. Also, we eliminated corridor noise and problems of congregating in corridors. We began actual construction in late December and immediately enrollment starting picking up. The actual decision by the U. S. Supreme Court in the Jackson case came down in mid-January, and when it did the flood gates opened. We had, as I recall, at the beginning of September, 1959, a total enrollment in the three Council Schools of five hundred. That jumped in January at the beginning of the second semester to about twenty-five hundred or better, a five-fold increase. We operated two shifts for a while, and meantime pushed ahead very rapidly with construction and were able to accommodate every child who applied for admission. During the summer of 1970, we expanded other sites and built in Jackson; well we acquired some sites that weren't built on as the need shifted. But,in

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Jackson the major schools that were added were Magnolia and Central Hinds and Hanging Moss. Hanging Moss which is a kind of interesting story in itself, the new area in the northwest area of Jackson, real estate values there had plummeted because of the school situation. It was an area at the time primarily settled by young families; the men being for the most part, young executives of major companies who had moved here. They were not native Mississippians for the most part, and many of them were beginning to send their children out of the state to live with relatives or friends elsewhere so they could go to schools in other places. Many started asking for transfers and the developers of the area were in a bad fix. They approached us and asked us if land were donated, would we build a school. And we said, "Yes, we would." So, land was donated and the school was built which is now near an exit of 220. We began construction in early July and opened for school in September with eight hundred students in that school.

MRS. SIMMONS: We expected five hundred that day.

SIMMONS: That's right, we expected five hundred.

MDAH

MRS. SIMMONS: We had a preliminary enrollment of five hundred. We had three hundred to show up that nobody expected. They just appeared.

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SIMMONS: But, the way we were able to do it was because of the nature of the building. Once the slab was poured, the carpenters could put up the framing and siding, and the roofers could roof it within, say a matter of two or three weeks, for one building. Well, you simply multiply the number of crews and you got twenty-four buildings going instead of two. You can build that many at the same time simply by multiplying the number of workers. At one time, I remember telling our contractor that we wanted workmen out there so thick that if one swung his hammer too wide he'd hit another workman. It was rather amusing when Manhattan was in the heavy enrolling and constructing stages - in the spring of 1970 - there were probably as many workmen attending school as there were students. The mixture of cars and pickups created horrendous traffic jams on Manhattan Road. I remember one day the young principal out there, whose now as member of the State Legislature, called to say - it was a rainy day, a cloudy, rainy day - he had looked out his window and he said that cars were backed up the hill on Manhattan Road as far as he could see. Mothers and children and everybody was milling around and he said he just closed the drapes. Too much to look at. When school opened in September, 1970, the enrollment in all these schools had increased to close to five thousand. Then, later, additional schools were added in Vicksburg and Natchez, Clinton Academy asked to be taken over in Clinton. We operated for a couple of years, but it was so close to Magnolia that the students were

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merged into one student body. They were only about a mile and a half apart. During this time, the Mississippi Private School Association became a member of an organization called IPSO - as one wag said, it's the ipso side of the facto - Independent Private School Organization was the name. I think it was proposed by Dr. George Grice who was president of the College of Charleston, at Charleston, South Carolina, and part of his South Carolina wit showed in the title. The organization was later changed to Southern Independent School Association, S.I.S.A. It was an organization of organizations, of six state associations - Mississippi, Louisiana, Alabama, Georgia, South Carolina, North Carolina, Virginia. No, that's seven. With some individual member schools in Florida and some in Tennessee and some in Arkansas where, I believe, one or two in Texas, East Texas, where there were not then in those states formal associations. I served as president of Southern Independent School Association for several years. I'll have to check the minutes to see when I became president, but it was long about 1973 or 1974, along in there. You wanted to talk about litigation?

PEARCE: Yes.

MDAH

MRS. SIMMONS: There is one point you didn't make and this would be a good place to make it. How all the moderates came to all-people who had taken no part at all in trying to preserve public

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education and suddenly became old and dear friends and supporters. That was a comical situation.

SIMMONS: Yes, that is a good point. We became very popular and people that I scarcely knew or who thought I was too controversial to be spoken to, would cross the street to give me a slap on the back and say, "Doing a great job. How about being sure my child has a place to go to school. Put my child at the head of the list." Many offered inducements. Like, "If I would make you a thousand dollar contribution, will you guarantee my child will get in. Give them preference." There were many such offers. But, our policy was and we said over and over, "There will be no favoritism. We will take every child who applies." When we made this public statement, our attorney, Dan Shell, turned very pale, and he said at the time - I remember we had a meeting of our board of directors to approve an ad that we were going to put in the papers to this effect, to try to calm the local feeling which was very unstable at that time.

MRS. SIMMONS: It was really panic.

MDAH

SIMMONS: There was panic in this town. I am satisfied myself, that had the Council Schools not been ready to offer an acceptable alternative to public schools when it did, that this town would have lost population drastically. It would have been set back economically very seriously. It did lose population

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as it was, but not anything like what would have been the case otherwise.

MRS. SIMMONS: There were dozens, I don't know how many times, I would take a call and it would be a real estate salesman who was about to close a deal for a house but the people moving to Jackson wouldn't buy the house unless they were sure that there was a private school somewhere and there was space available. So we had that, too, all the time. It was great fun to be Mrs. Simmons during that time because people would call and ask to speak to my husband and tell me they were life long friends, all knew him well, a real good friend and want to talk to him about getting my child in school, and it would be somebody I'd never heard of, but I'd never say I was Mrs. Simmons. I'd say, "I'll just take the message." But, I found we had a lot of good old friends I didn't know we had.

PEARCE: In the early 1960s a bill appeared before the Legislature to abolish public schools and to essentially, I think, convert them into private schools. What happened to this bill?

SIMMONS: I don't remember such a bill.

MRS. SIMMONS: There was some talk about it....

MDAH

SIMMONS: There was some talk, but I don't remember....

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PEARCE: I thought I had read somewhere where this had been introduced and actually passed, but was later vetoed.

MRS. SIMMONS: Oh, no

SIMMONS: I don't remember that.

MRS. SIMMONS: But that is the kind of thing the press would like to do. It would have been great news on the front page. "ABOLISH PUBLIC SCHOOLS". That's the kind of thing they might have said.

SIMMONS: I think there was probably sentiment in the Legislature at one time as a final, desperate, last ditch effort to avoid integration was simply to abolish public school, but this, I think, was considered not necessarily in connection with private schools. But, it never got anywhere.

MRS. SIMMONS: This is not to say that a lot of things didn't happen that we might have forgotten all about, but we didn't have any part in it and we....

PEARCE: Let's talk about the litigation that did the private school organization was involved in; I know you participated in some of the testimony. Would you mention the McCrary Case and the Green Case, in particular?

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SIMMONS: These really started - the Green Case started with the Coffee Case against the State Education Finance Commission which administered the tuition grants. Shortly after the private schools became started, state tuition grants were authorized

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as payments directly to parents of children who were enrolled in private schools and this was intended to lessen the financial burden of attending private schools. It is interesting that that has recently come to be considered at the Federal level. So it's not quite as radical an idea now as it seemed at the time.

PEARCE: Roughly about what percent did the state pay?

SIMMONS: There was a fixed amount. It was not a great deal.

MRS. SIMMONS: It was not as much as the taxes you paid to operate public schools.

SIMMONS: No, not nearly. I really don't remember. It seems that it was -- I'd have to check. I just don't remember. It helped some, but it didn't nearly meet the cost.

MRS. SIMMONS: Was it twenty-five dollars?

SIMMONS: A month?

VOICE: Isn't that funny? I don't remember it.

MDAH

SIMMONS: I could check. Anyway, the Civil Rights lawyers, of course, regarded the private schools from the very beginning with great animosity. The private school offered an escape

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hatch for white children that they, to quote their own language in their own pleadings wanted to have available for use as facilities for the black children to integrate with, and obviously if these white children had withdrawn, they would not be available as facilities. So, they set out - these Civil Rights lawyers - set out to wreck the private school systems or harrass it as much as possible. The first move was to try to cut off the tuition grants. In this they eventually proved to be successful. I had my disposition taken in that by Frank Parker who was head of the Lawyers Committee for Civil Rights Under Law, a very important legal organization which has, incidentally, two principle offices - one in Washington, D. C., and the other one in Jackson, Mississippi. So, this showed where they think the action is. The organization has been financed largely by the Ford Foundation, by the way. Out of the Coffey Case came the Green Case which was an attack on the tax exempt status of private schools. How much tape do you have left? It looks like it's getting low.

PEARCE: Three or four minutes. Do you just want to continue on a new tape?

MDAH

SIMMONS: I think it might be well because the Green Case gets a...

TAPE INTERRUPTION

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PEARCE: Mr. Simmons, if you'll start with the Green Case.

SIMMONS: The Green Case grew out of some of the evidence that was taken by the Lawyers Committee for Civil Rights Under Law and the Coffey Case. It illustrates how closely connected the Civil Rights cases really are and how careful people must be in dealing with these, because oftentime under the broad deposition powers that exist in the Federal Courts, these fishing expeditions are exploratory. Expeditions can take place, and Civil Rights lawyers are always looking for some bit of information that will open up some field of harrassment to--to them. This indeed proved to be case with Green. The Green Case is real interesting. It was filed initially by the NAACP against the Secretary of the Treasury in Washington and the Commission of Internal Revenue, asking for permanent injunction to prohibit them from granting tax exempt status to schools in Mississippi that did not have blacks enrolled - in other words, segregated private schools. Now this introduced a real novel concept that had never arisen before in this country and that is that tax exemption had any kind of racial qualifications attached to it, but that, indeed, was what the other side was asking. In the preparation for this case, Frank Parker, the chief counsel for the Lawyers Committee in Jackson where his group is generally know as the "Farish Street lawyers," to a lengthy deposition from me in Federal Court. The U. S. Justice Department was charged with defending the Internal Revenue

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Service in this case, and indeed did so. One of their lawyers was present when my deposition was taken. It didn't escape my notice however, that when the questioning became sharp, he made no effort to protect my rights or to prevent any kind of material from entering into the record without challenge. During this time, I can't pinpoint the date, exactly, but during this period, we received word through a friendly Republican senator's office that great pressure was being exerted on the White House. This was during the Nixon administration. That great pressure was being exerted, by both liberal Democrats and liberal Republicans, on the White House to bring pressure on the Internal Revenue Service to change its position. We attempted to counteract this by asking people to write letters to the president which many, many did, but apparently to no avail, because right in the middle of the Green Case, the Internal Revenue Service reversed its position and the case was then in the District Court for the District of Columbia where the suits against the government were heard. The Internal Revenue Service asked the court to declare the case moot and to dismiss it because the defendants had already granted the relief sought by the plaintiffs. Namely, the revocation of the tax exempt status of private schools in Mississippi and that, indeed, did happen. The Internal Revenue Service started revoking tax exemptions in the summer of 1971, as I recall. I'm pretty sure that is correct. The Council School Foundation had its tax exemption revoked as of September,

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1971, effective with that date. Now, mind you, this is without any color of law. What actually happened was the Internal Revenue Service changed the meaning of words in the Internal Revenue Code. Under their new definition, charitable meant that it was not charitable unless it helped blacks mixed with white. You have this definition now of charitable. It's charitable if you give to blacks. It's charitable if you give to mixed blacks and whites. It is not charitable if you give to whites. That's stating it in a nutshell. As might have been expected, the doctrine of the Green Case then began to be applied outside of Mississippi into other states as well. Now, we made attempts to intervene in the case, so our constitutional arguments could be heard, but intervention was denied on the grounds that we had no justiciable interest. This is despite the fact that we had tax exemption at stake which is of material interest, to be sure. Now, mind you, this case has been decided without there ever having been a trial, no evidence presented, no arguments, no briefs. We were able to get one little girl in a private school in Meridian admitted as an intervener through her parent, Dan Coit who is an attorney in Meridian. Through that slender reed, we were able to get some papers presented which were, of course, ignored. But, the case was decided by consent decree entered into between the NAACP for plaintiff and the Internal Revenue Service, defendant and the court. Now, the aftermath of that has been interesting because of some private schools...There were six

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altogether in Mississippi, as I recall who were members of the Mississippi Private School Association who did retain tax exempt status by saying that they had adopted open admission policies and by publishing statements in the papers that they had an open admission policy and they went through some kind of effort to recruit blacks, but none with any success. I even heard of two members of one private school who went to a seminar in North Carolina a year or so ago that was conducted on how to find blacks that could go to school. In other words, it was a "black finding committee." Apparently, they found none. Just recently, even these schools have had their tax exempt status revoked on the grounds that their intentions weren't enough. They just didn't have actual count of blacks in their classrooms, so they lost their tax exempt status. This has been extended now to church schools and there is some real interesting constitutional questions arising there in relationship between church and state, and whether or not the state in the case of a school that is not separate from a church but is operated as a part of the church. That is like the same status for the Sunday School, whether the Internal Revenue Service can require the church itself and its governing body to meet affirmative action requirements and have racial quotas among its deacons and elders as a condition of retaining the church's tax exemption. That is a real interesting question that is very much to the forefront now. The Green Case was reopened in May, 1980, by the Lawyers Committee for Civil Rights Under

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Law on the grounds that the Internal Revenue Service had not sufficiently enforced the consent decree and had been remiss in not policing the racial composition of schools that still enjoy tax exemption. The Internal Revenue Service promised to do better, that it would spend less time collecting taxes and more time in counting blacks. Nevertheless, they didn't succeed in their argument and more stringent reporting standards were adopted by the court requiring the Internal Revenue Service to be much more aggressive. Out of that action stemmed the revocation of the tax exempt status of these schools to which I refer. Also, the prosecution of sectarian school cases, such as the one I mentioned. So, that's the Green Case.

PEARCE: And this brought up the issue, didn't it, that you had to prove your innocence or prove that steps were being taken even before some sort of allegations were made against you.

SIMMONS: Well, that's true. In fact, if your were a private school in Mississippi that in itself was enough to show you guilty. For several years prior to that, no school to my knowledge in Mississippi was able to get tax exempt status. Council School Foundation was one of the earliest schools to get exempt status and most of the members of the Mississippi Private School Association did have tax exempt status because they were organized before the ban was applied. But, under pressure, the Internal Revenue Service had cut off the

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granting of tax exempt status for several years prior to the actual Green Case.

PEARCE: Did the Council Schools adopt the open policy?

SIMMONS: No.

PEARCE: So, they gave up their....

SIMMONS: We surrendered our tax exempt status along with most of the other private schools on the ground of principle.

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