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6229 – Federal Intervention in Mississippi Affairs

Guest: Attorney General Joe T. Patterson (MS)

Morphew: Introduction...has there been any recent increase in the amount of federal intervention in state affairs in Mississippi and the South?

Patterson: Well, I can speak for Mississippi and the answer is definitely, yes. Activity has been stepped up considerably by the United States Attorney General, largely in the field of filing of voter suits or investigating voter registration records. Then, of course, we have other litigation in the field of schools and in colleges.

Morphew: Why do you think the field of voter registration has been targeted by the Department of Justice?

Patterson: Well, frankly, my personal view is there's nothing on earth but political skullduggery on part of the national administration being employed through the means of the United States Attorney General office. After all, you will recall that it was President Eisenhower and the Republican regime that gave us the Civil Rights Act of 19 and 54 and 19 and 60, so now the Democratic regime, headed by President Kennedy and his brother, Robert Kennedy, U.S. Attorney General, they're getting themselves in position where they can go out in 1964 and say, the Republicans gave you the Civil Rights Act but it took us to enforce 'em.

Morphew: Exactly what are some of the techniques and methods followed by federal agents in their investigations and activities in Mississippi?

Patterson: Well, of course, they are always working directly, under the direct instructions of the United States Attorney General. They go into these counties and they go around and question usually, in fact, practically altogether, members of the Negro race. Then

they will proceed to the office of the circuit clerk who is the county registrar and there will seek to photograph and inspect his records, as well as to question him.

Mophew: Let's make it clear to our listeners and viewers across the nation, to register to vote one must complete a written application form, and it is these forms that federal agents are seeking to inspect.

Patterson: They want to inspect the forms, they want to inspect all records. In fact, they want to go in there and take a photograph of just about everything except the clerk himself.

Morphew: You have recently given advice to circuit clerks and deputies and others who might be interrogated by federal agents...what have you advised at the state's chief legal officer?

Patterson: I've advised the clerks that, in the first instance, they do not have to answer questions when they come to them for the purpose of the questioning them. I'm doing that on the presumption that the United States Attorney General will concede to circuit clerks of Mississippi the same privilege that's so lavishly extended to communists and criminals, that is, not require them to testify against themselves. In other words, they can plead the Fifth Amendment. I've also advised them that they do not have to make any records available upon request, that the Department of Justice can repair to the federal courts and get an order directing the production of records by the clerk for inspection and reproduction by the United States Attorney General, but when they do that they at least have a yardstick to go by. That is, they take the order of the court and turn over to them exactly what the court has directed them to turn over to them.

Morphew: Your advice for them, then, is to wait until some legal order has been handed down and then obey the order

Patterson: That's right, obey the order of the court. Otherwise, our experience has been with these gentlemen, when they go into the office without that court order as a yardstick, they want to photograph everything in that office that they might get their hands on.

Morphew: In legal terms, in conversation among attorneys, this might be referred to as a fishing expedition.

Patterson: And that's what it is. It's mainly a fishing expedition. After all, they are going into that clerk's office seeking to get enough information upon which to predicate a lawsuit against him on. Therefore, I don't think the clerk should be called upon to just throw himself wide open.

Morphew: As the attorney general you're probably more familiar with the voting laws of Mississippi than some of the men who helped write them, I know you hear this criticism from other parts of the nation...you are asked why are you using what appears to be tactics of obstruction if you feel that Mississippi's voting laws are fair and reasonable?

Patterson: It's not a matter of being afraid to make available records. In fact, we recognize the fact that the court will direct that certain records be made available. The Civil Rights Act so provides. What we're seeking to do is, and what I've advised the clerks that they do not have to do, is throw their office wide open for a fishing expedition.

Morphew: In other words to proceed in a legal manner and this cannot be termed 'obstruction'

Patterson: That's right. We're not seeking to obstruct, but we do think the registrar and the clerk has some rights in the matter, too.

Morphew: Do you feel that these federal agents are coming into Mississippi deliberately trying to stir up trouble, soliciting complaints?

Patterson: I don't think there's any doubt about, I'll say, encouraging complaints. You have seen in the daily papers, they make no bones about it, the Civil Rights Commission, here a few weeks ago, announced that it wasn't getting enough complaints.

Morphew: And as any government agency, it wants to justify its own existence and expansion and if they don't get more complaints, they can't continue to grow and multiply.

Patterson: That's right. I predicted when the Civil Rights Commission was first under consideration, you'll recall it was set up for a very short period of time, and I appeared before a Congressional committee at that time and make the prediction first, that it couldn't possibly do the job that it was assigned to it in such a short period of time, secondly, that although they called it a commission for a short duration, they were creating a permanent commission, and third, that it would be a commission which would have for its purpose to come into the southern states and be an instrumentality of harassment. I think passing events have proven those predictions to be true.

Morphew: And the fact that the commission hasn't been receiving enough complaints to keep busy, does it seem to indicate that perhaps it was not entirely justified in its creation?

Patterson: It clearly indicates that the Negro population of Mississippi was not being mistreated as they had been presented to have been being mistreated, and it also indicates that they are not as dissatisfied, frankly, as they would have them be.

Morphew: With these swarms of federal agents invading Mississippi and the South, one would imagine that quite a bit of litigation would be stirred up, actually, a number of suits have been filed, but do you believe the Justice Department's agents have found a fertile field in the South or are they having to dig extremely hard in order to find something to go into court about?

Patterson: Well, in many, many instances, they have been guilty of the old saying, they have strained at a mountain and brought forth a mighty sick mouse.

Morphew: You have met with public officials in Mississippi and talked with them individually and in groups, what is your reaction to their attitude...do you believe they are going to allow the federal government, Dept. of Justice, to intimidate them or are they determined to maintain their rights?

Patterson: Well, Dick, it's not so much a question of allowing. The question is, as I have presented it to them, and I have talked to the various groups of county public officials and of course, state officials, the question is, are they going to be permitted to carry forth on the duties of their offices without federal interference. My advice to them has been, and every public official in the state, as you know, has certain requirements laid down by law for him to perform, known as statutory duties, and my advice to them has been to carry out the duties of their office, the very duties that they took an oath that they would carry out, and to carry out the duties of their office according the laws of the state of Mississippi until such laws have been declared unconstitutional and struck down.

Morphew: People listening to this program outside of the south where this federal intervention has not yet become a problem may be wondering why they should be concerned about what's going in Mississippi insofar as federal intervention is concerned...what would your answer to that question be?

Patterson: My answer to that would simply be that the Civil Rights Act, of course, applies to every state in the Union, and if they can come into the state of Mississippi and displace a voter registrar and take over registration of voters in the state of Mississippi, then certainly they can do it in New York or Pennsylvania or any other state of this Union, by the same process that they did the state of Mississippi, so I say that those people in those states, whether they think so or not, have just as much at stake in these so-called civil rights battles at we do.

Morphew: And while all of this is going on, our Supreme Court prohibits the recitation of a simple prayer in the public schools...where is this heading?

Patterson: Well, it looks like sometime that we are heading into a judicial dictatorship at the hands of the United States Supreme Court and at the hands of the President of the United States by way of executive order which brings the American people under the control of ten men; nine men, by virtue of their authority, to issue their judicial fiats and decrees, one man in the White House, by virtue of his authority, to issue the executive order.

Morphew: Ao you believe that our freedom can be safeguarded if the people wake up in time?

Patterson: People will wake up and demand of the American Congress the one power under our form of government that can curb the power of the U.S. Supreme Court, as well as the president of the United States.