

## **The Berkeley Free Speech Movement and the Mississippi Sovereignty Commission**

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On Thursday, August 18, 1966 I entered the Bellflower Church in Grenada, Mississippi, which the Southern Christian Leadership Conference (SCLC) was using as its headquarters for a voter registration project. I had been a field-worker for SCLC for over a year but in Mississippi only since June. As soon as I walked through the door, the other workers asked me if I had seen that morning's *Jackson Daily News*. I quickly discovered that "Mississippi's Greatest Newspaper," as it called itself, had devoted two-thirds of its editorial page to an expose of my activities, mostly during my senior year at the University of California at Berkeley. "Professional Agitator Hits All Major Trouble Spots" blared the headline. It was accompanied by five photos – front, side, hair up and hair down, with and without glasses – including one taken of me speaking from the second floor balcony of Sproul Hall during the big student sit-in on December 3, 1964, which resulted in 773 arrests. Citing the 1965 report of the California Senate's Factfinding Subcommittee on UnAmerican Activities (SUAC) as its primary source, the editorial didn't call me a Communist. It said I worked with Communists (Bettina Aptheker, a Berkeley student who admitted her Party membership in November 1965, six months after I graduated) and was a member of a student organization for young Communists (SLATE, a lefty/liberal student group that was not Communist). It also informed its readers that I was "active in the Free Speech Movement" (true) and a "sparkplug in the Filthy Speech Movement" (false).

It was the five photos, not the numerous false allegations, that prompted Hosea Williams, director of Southern projects for SCLC, to put me on the next bus out of town. "This thing makes you Klan bait," he said. "We don't need more martyrs right now." For years I just assumed that this was the work of the FBI, done to rid the project of one worker and to publicize its view that Communists were behind the Civil Rights Movement. It had all the earmarks of a planted story and clearly required connections between California and Mississippi. My belief was reinforced many years later when the FBI's cointel-pro actions against the Civil Rights Movement in general and its persecution of Dr. Martin Luther King in particular were revealed. Not until 1997 did I discover that the actual source of the editorial and photos was the Mississippi Sovereignty Commission, an official state agency of which I was completely unaware in 1966. And only after extensive research did I realize that I and others like me were not just foot soldiers in the civil rights movement, but cannon fodder in the Cold War.

## THE MISSISSIPPI SOVEREIGNTY COMMISSION

The Sovereignty Commission (MSC) was created by the Mississippi legislature on March 29, 1956 and empowered to

perform any and all acts and things necessary and proper to protect the sovereignty of the State of Mississippi, and her sister states, from encroachment thereon by the Federal Government,... (Miss.Code Ann. § 3-1-11, 1972)

Created in response to the Supreme Court's 1954 decision declaring segregated schools to be unconstitutional, its purpose was to utilize the authority and money of the State of Mississippi to maintain racial segregation. Its means were investigation, disruption of civil rights activities, and public relations. The MSC paid investigators to collect information on persons suspected of sympathy with the goals of the Civil Rights Movement and publicized whatever it thought was derogatory. Suspects did not have to be in Mississippi.

From 1963 to 1968 the MSC's director was Erle Johnston, who was also publisher of the weekly *Scott County Times* in Forest, Mississippi. While Johnston had been a newspaper reporter for a few years after graduating from Grenada High School in 1935, his real career was as a publicist for numerous candidates for public office. In these jobs he became skilled at interpreting and creating information in order to make news. In 1960 Gov. Ross Barnett asked his former publicist to take charge of public relations for the MSC. On April 1, 1963 Johnston was promoted to Director.

Within the spectrum of white Mississippi politics, Johnston was a moderate on race; a dedicated segregationist, he thought violence was ineffective. In his eyes the White Citizens Council and the NAACP were both extremists. Until his retirement on July 1, 1968, Johnston promoted this view of segregation and race relations throughout the country, even as the MSC funneled state money to the White Citizens Council and spied on the NAACP.

On April 17, 1973, Governor William L. Waller vetoed the MSC's appropriations bill. Lacking funds to pay staff or rent, it closed on June 30. Its files, containing an estimated 120,000 names, were transferred to the highway patrol. There was a great deal of legislative debate on what to do with the MSC files, ranging from total destruction to public release. When the MSC was officially dissolved on March 4, 1977, the legislature ordered the files transferred to the Department of Archives and History (MDAH) and closed until 2027. By then some records had been destroyed or lost. The remaining six file cabinets plus a few boxes were sealed in the MDAH vault where they sat for two decades.

After twenty years of litigation by the Mississippi chapter of the ACLU and several federal court orders, the files were opened for public inspection on

March 17, 1998. MDAH staff prepared an index of the folders and the 80,000 names in them which the Mississippi ACLU put on its website. The documents themselves were scanned into a computer, but are only viewable at MDAH.

About three quarters of the material in the files consists of public documents, such as newspaper clippings and government reports. The rest includes reports from investigators and information and photographs supplied by informants. There are also letters to employers asking them to fire employees who sympathized with desegregation, to colleges asking for investigations of students, to draft boards to call up activists, and financial records of the MSC.

As a concession to some litigants who did not want “misleading information” in their files publicly disclosed, the court ordered that advertisements be run in the *Wall Street Journal*, the *New York Times*, and *USA Today* inviting anyone who suspected their activities in Mississippi had been monitored to apply for a copy of their files. Those designated as “victims,” but not those qualifying as “state actors,” could request that their personal files be closed, or they could ask that “rebuttal” information be included. When the deadline had passed, only 42 persons had done so.

A friend of mine, an “Ole Miss” alumna who knew about the MSC, sent me an ad from the January 27, 1997 issue of the *Wall Street Journal*. In my MSC file I found the source of the “information” the *Jackson Daily News* had used in its August 18, 1966 editorial. It wasn’t the FBI.

#### EDGAR DOWNING

The MSC had its own informant on the Berkeley campus. From 1964 through 1967 Edgar Downing regularly supplied the MSC with information on Berkeley students. Described by an MSC investigator as a “professional informer” with a “Communist record for approximately 24 years,” Downing was a native of McComb, Mississippi, who lived and worked as a welder in Long Beach, California, some 500 miles south of Berkeley. His avocation was collecting information on “leftists” of varying stripes and selling it.

On Nov. 25, 26, and 27, 1964 the *San Francisco Examiner* ran stories on Communist connections in the Free Speech Movement (FSM) from information supplied by the FBI. The FSM’s most prominent spokesperson, Mario Savio, was not a Communist but he had worked in McComb, Mississippi the summer before. The publicity probably lured Downing to Berkeley.

On December 1, 1964, the day before the FSM began the big sit-in in Sproul Hall, Downing phoned Johnston to offer him “valuable information concerning communist activity in Mississippi.” After checking his references (two Mississippi Mayors), Johnston agreed to pay him \$100 for “travel expenses.”

Downing had already been to Berkeley to take photos of the November 20 student vigil of the Regents meeting and the November 23 FSM rally and "abortive" sit-in. He returned to take more photos in Sproul Plaza on December 3 during the real sit-in. When he reached Mississippi he gave these to the MSC along with copies of publications by and about the FSM. On and around the edges of the photos Downing identified the people in them.

During the three years he informed for the MSC, Downing made more trips to Berkeley and to Mississippi. He sold the MSC photos he took at campus rallies or Berkeley marches on October 15-16, 1965 and October 29, 1966. He sometimes wrote to the MSC director or spoke to its investigators. He also traveled to Grenada, Mississippi in August of 1966, where he took photos of the demonstrations that SCLC was conducting to bring federal registrars to the county, including some of me.

In addition to myself, he seemed particularly interested in providing information on Mario Savio and Bettina Aptheker. Although Bettina never worked in Mississippi, there are more entries under her name in the MSC index than any other Berkeley student. Most of these are to publications or newspaper stories which mention her, but some are to Downing's reports. Steve Weissman and Jerry Rubin get a few mentions, as do Dusty Miller, Brian Turner, David Jessup and Kenneth Cloke. All of these were Berkeley students in the 1960s, but not all were involved in the FSM. None of the latter worked in the Southern Civil Rights Movement, though Weissman did tour Southern campuses in the Spring of 1965 to speak about the FSM and to promote an anti-war March in Washington, D.C.

#### FREEDOM SUMMER

In the summer of 1964, two years before my arrival, a couple dozen Berkeley students had traveled to Mississippi to help register local blacks to vote and to work in Freedom Schools. Sponsored by a coalition of four major civil rights organizations, the summer project was intended to break the back of white supremacy in the worst of the Southern states. At its heart was the Student Non-Violent Co-ordinating Committee (SNCC), which was formed in 1960 to coordinate sit-ins and other direct action projects. SNCC was run by its field staff, who lived off of subsistence pay and worked in Southern counties. It had a small office staff in Atlanta. "Friends of SNCC" chapters throughout the country raised money and publicized its work. This network recruited several hundred students for Freedom Summer.

Mario Savio was one of the Cal recruits. A 21-year old Junior from Queens, New York, he was in his second semester at Berkeley when he became involved in the Bay Area Civil Rights Movement. He learned about Freedom

Summer while spending a night in the San Francisco jail with 166 other demonstrators arrested for sitting-in at the Sheraton Palace hotel on March 7, 1964. The summer experience changed him profoundly. He went from being a shy do-gooder with a bad stutter, who had barely passed the screening committee for Freedom Summer volunteers, to an articulate activist who quickly became the *de facto* leader of the Free Speech Movement.

Although the Berkeley students who became active in the FSM in the fall were inspired by the Civil Rights Movement, very few had gone South that summer. By comparing lists of Freedom Summer volunteers with those active in the FSM, I've found only two: Mario Savio and Malcolm Zaretsky, a grad student in biophysics who was chairman of campus Friends of SNCC and in charge of recruiting Berkeley students for the 1964 Mississippi Summer project.

Berkeley students didn't need Freedom Summer to sensitize them to civil rights or teach them how to protest. Those lessons had been learned in prior years. In 1960 Berkeley students were among those washed down the steps of the San Francisco City Hall during demonstrations at hearings held by the House Un-American Activities Committee (HUAC). In 1963-64, they were among the thousands who picketed and 500 who were arrested at several demonstrations protesting race discrimination by Bay Area employers. I couldn't go South for Freedom Summer because I had to go to trial in July for an April arrest, and knew of others with the same problem.

Several Berkeley students went to Mississippi as civil rights workers before Freedom Summer. Five were among the Freedom Riders who rode to Jackson, Mississippi in 1961 to challenge segregated interstate bus stations. Mike Miller, a founder of SLATE who was also active in the student government, worked for SNCC in Mississippi in 1963. Indeed several members of SLATE were Freedom Summer volunteers. But not until the 1964 Free Speech Movement did the MSC take a particular interest in Cal, or SLATE, as a source of outside agitators.

#### THE ANTI-COMMUNIST NETWORK

Since the Civil Rights Movement arose in the South when the Cold War and its crusade against domestic Communism was in full swing, Southern segregationists were particularly anxious to hang the Communist albatross around the movement's neck. Southerners maintained that Communists ran the Civil Rights Movement behind the scenes and raised money to support its workers in order to promote violence, racial hatred, and disorder. Despite their distaste for the federal government, Southern politicians quickly endorsed the views of FBI Director J. Edgar Hoover that the movement was infiltrated by Communists,

quoting his reports to Congress which identified Communists, children of Communists, and associates of Communists whether spotted in demonstrations or just making public statements sympathetic to the Civil Rights Movement. Southern newspapers eagerly published information from “intelligence sources” that named such people, without disclosing that it came from the FBI.

The Berkeley Free Speech Movement, although it took place 2,000 miles away, was grist for their mill. California had a particularly well developed network of anti-Communists, linking private individuals and public officials. While it was entrenched in Southern California, even Berkeley – despite its appellation as Red Square West – had some dedicated right-wingers. One of these was Charles Fox, a graduate student in linguistics, who wrote regularly to the student newspaper on behalf of a small group called Students Associated Against Totalitarianism.

Fox left Cal in the early sixties to set up shop as a professional anti-Communist, dedicated to exposing “Commiesymp” in the Bay Area. He edited *Tocsin*, “The West’s Leading Anti-Communist Weekly,” a four page sheet that described all of the arcane connections Fox could find between local events, institutions and personnel, and Communists, children of Communists, friends of Communists, tenants or houseguests of Communists, and even those who attended social events attended by Communists. Fox did not limit himself to proven, open or even accused members of the Communist Party, or distinguish among adherents of the various socialist sects, most of whom were mortal enemies of each other.

On October 1-2, 1964, several thousand students held a police car hostage in Sproul Plaza to protest restrictions on political activity on campus and the arrest of someone engaged in such activity. Berkeley Chancellor Edward W. Strong told the press that we were “professional demonstrators” who had spent the summer in Mississippi where we learned to use direct action tactics. The press also quoted President Clark Kerr as saying that the demonstrating students, or at least a “hard core” of us, had Communist sympathies. Kerr was already labeled as “soft” on Communism in public documents that the MSC had collected. These statements by leading liberals who were close to the campus dispute fit very well with the anti-Communist belief that civil rights activists and student protestors were controlled and manipulated by Communists.

Southern segregationists fished for connections between events, incidents and people, no matter how flimsy, which supported their belief in Communist control. In the middle of November 1964, MSC Director Erle Johnston sent Charles Fox \$10.00 for a one year subscription to *Tocsin*. The lead article in the November 14, 1964 issue described the “Free Speech Leader at UC,” next to a photo of Mario speaking into a microphone. Readers learned that Mario was a

“defiant martyr,” who had participated in the Sheraton Palace Hotel demonstration as well as that around the police car in Sproul Plaza. “He worked in McComb, Miss., last summer in ‘civil rights’ activity, and is a Berkeley representative of the Friends of the Student Non-Violent Coordinating Committee, a militant ‘rights’ group,” the story said. Johnston clipped this article and put a copy into a special folder he labeled “Mario Savio.”

Johnston used the information on Mario in a December 28, 1964 memo that he sent to Mississippi Congressmen. The memo was prompted by a petition signed by 140 Freedom Summer volunteers earlier that month which asked for the abolition of the House Un-American Activities Committee (HUAC) “because it serves as an instrument of segregation”...through “false accusations” which promote “among the white community in Mississippi the belief that civil rights protest is synonymous with subversion and treason” while “violence and economic intimidation against Negroes and civil rights workers [are] ‘patriotic acts’.” Mario was one of six signatories described by Johnston; a description that came straight from *Tocsin*. On February 5, 1965 he sent the memo and petition to U.S. Senator James O. Eastland (D. MS), chairman of the Senate Internal Security Subcommittee, along with a list of summer volunteers “as of August 1964” and a suggestion that “some of these names are in the files” of the Senate or House Committees as subversives.

Johnston renewed his *Tocsin* subscription in 1965, and even gave Fox additional funds for which he received copies of *Tocsin* back to 1963. Issues from that year through 1967 are in the “Tocsin” folder of the MSC archives. Some articles were copied for other folders, which is one reason Bettina Aptheker has her own folder (shared with her father, Herbert Aptheker, a well-known historian and Communist Party member) and many entries in the MSC Index under her name. She and Mario are the only two Berkeley students who have their own folders.

Although only five Berkeley students signed the 1964 petition to abolish HUAC, hundreds of Berkeley students are in the MSC Index, including all 773 persons arrested in Sproul Hall on December 3. Their names and addresses are listed on pages 103-113 of the *Thirteenth Report* of the California Senate Fact-Finding Subcommittee on Un-American Activities, published by the state legislature on June 18, 1965. There’s no memo stating how Johnston got this particular document, or why only select pages with certain names marked were put into Downing’s folder. But given Johnston’s clear interest in the UC demonstrations and the extent of his California connections, it’s not surprising either. Nor is it surprising that “Communism” is what Johnston picked to emphasize when he publicized my presence in Mississippi.

## THE JACKSON DAILY NEWS EDITORIAL

On August 11, 1966, while SCLC was leading demonstrations in Grenada everyday, Johnston paid Downing \$100 for “valuable information and a wide variety of photographs of some of the professional agitators who have been in Grenada and Jackson, and, also, at other riots and demonstrations in the nation.” In a Memo to File, Johnston records that on that same day Jimmy Ward, editor of the *Jackson Daily News*, “called to see if we could furnish him documented information about one or more of the professional agitators who are now working in Mississippi and have been on the scene in other riots throughout the nation.” Given Johnston’s experience as a publicist who often placed editorials and stories, it’s more likely that he phoned Ward and wrote the memo as cover. He “advised Mr. Ward we ... would prefer the Sovereignty Commission not be identified as the source.”

The following day Johnston sent Ward a draft editorial, along with “information and some photos,” – most likely select pages from SUAC. The draft editorial was craftily written to link “Communism” with “civil rights” and “outside agitator” from “Berkeley” at the expense of facts.

It was also written with a fine eye to avoid any legal consequences. He did not call me a Communist, which would have been libel per se. He said I was a member of a Communist organization, worked with Communists and advanced Communist causes. Of course these were not true, and other documents in the MSC files indicate that Erle Johnston knew that I had no association with the Communist Party or Communist front organizations.

I was active in the Free Speech Movement as the representative of the University Young Democrats. If Downing had listened to the speech he photographed me making at the November 23, 1964 FSM rally, he would have known that Bettina and I were in different factions. Bettina was a member of the Communist Party. Her letter to the student newspaper printed on November 9, 1965 admitting this was clipped and put into her MSC file. But she was the only CP member in the FSM leadership; even the FBI acknowledged that barely a “handful” of Communists were involved in the FSM at all levels.

Nor was it true that “[t]he California Senate sub-committee termed SLATE as an organization for young Communists.” SUAC specifically said the contrary, though it did add that SLATE “has become Communist-dominated” without explaining what that meant. I was active in SLATE in 1963-64 – where I met Mario Savio – but if Communists dominated this student group they did so out of sight. As an organization concerned with civil rights and civil liberties SLATE was skewed to the left, but was neither narrow nor sectarian. SLATE was issue-oriented without political litmus tests. None of the people I knew in SLATE were ever identified as Communists in the California Senate reports,

*Tocsin*, or the mainstream newspaper stories to which the FBI “leaked” information, though a couple were the children of former Communists.

The *Thirteenth Report* was only the latest attack by SUAC on the University; for two decades it had accused UC of harboring subversives. Because the FSM made national headlines, 161 of 195 pages critiqued the “University of California.” The *Report* particularly singled out President Clark Kerr for derision. When he challenged its chairman to waive the legislative immunity which protected him from libel suits, the chairman demurred. Neither Kerr’s reply to the *Thirteenth Report* nor any of the prior reports are in the MSC files.

Tellingly, Mario is not named in the *Jackson Daily News* editorial, though he was our only national figure. Instead the editorial identifies William Mandel, then a middle-aged resident of Berkeley with no University affiliation, as a “self-identified Communist” on the “Free Speech Movement Executive Committee.” Mandel was known to few in the FSM and his influence, if any, was minor. I didn’t even recognize his name when I read it in the 1966 editorial and he’s barely mentioned, if at all, in books on the FSM. Even the FBI files on the FSM pay him scant attention. Long before the FSM, he was kicked out of the Communist Party. His son Robert, who also had no Cal connection, was a Freedom Summer volunteer. Mario, though quite critical of American society and politics, was not a Communist. From the documents collected in which his name appears, the MSC most likely knew this. It couldn’t use him to link “Communism” and “civil rights.” Instead it used Bettina as the link, even though she had no connection to Mississippi.

What we learn from the material the Mississippi Sovereignty Commission collected on the Berkeley Free Speech Movement tells us little about the FSM and not much about the Civil Rights Movement in Mississippi. But it speaks volumes about how the Cold War and the anti-Communism crusade shaped the political environment in which these two movements operated in the 1960s. Name-calling is a normal weapon in political clashes but it seldom carries a governmental imprimatur. The existence of legislative committees like HUAC and SUAC put a bludgeon in the hands of segregationists. They used it to invoke outside authority to undermine our work. Although neither the U.S. Congress nor the California legislature supported segregation, and both approved of voter registration, their committee investigations and reports were used to knock some of us out of the battle, even when their facts and their interpretations were wrong.

At the August 1966 meeting of the MSC, Erle Johnston got approval “to concentrate on “subversives” operating in the state” (Johnston, 300). In his annual report to the Governor, he bragged about the *Jackson Daily News* editorial and the publicity that had chased me out of Mississippi.

<sup>1</sup> The information in this article comes primarily from documents in the MSC files at MDAH. Some of this was sent to me in 1997 when I requested my own files pursuant to court order. The rest was found during research at MDAH on November 20-22, 2000. The following sources were also useful, and are publicly available.

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[www.msacclu.org/ma/sover/](http://www.msacclu.org/ma/sover/)

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