

**“THE HANDS THAT PICKED COTTON”: RACE  
DISCRIMINATION AGAINST MISSISSIPPI DELTA’S  
SHARECROPPERS DURING THE JIM CROW PERIOD FROM  
1896-1965**

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**Abstract:** This manuscript presents material from diverse sources, enhancing our understanding of race discrimination against Mississippi Delta sharecroppers. Applying Professor Derrick Bell, Jr.’s “interest convergence” principle to slaves and sharecroppers, for hundreds of years, enslaved people were kidnapped from their native homes and sold to wealthy slave owners. They were forced to do exceptionally physically demanding work in America and other countries and live in inhumane conditions. Once the international slave trade ended and slavery in America ended, sharecroppers were still exploited just as slaves had been. Even after planting and picking cotton became mechanized, the sharecropping system remained popular in the Mississippi Delta for many years. Plantation owners continued to earn massive profits from sharecroppers’ cheap labor. White interests wanted sharecroppers to make just enough to subsist to prevent them from improving their condition by purchasing and growing their crops. Under Professor Derrick Bell, Jr.’s interest convergence principle, Mississippi Delta sharecroppers did not achieve racial equality following slavery because the interests of whites did not converge with the interests of blacks.

**Keywords:** Mississippi; Civil Rights; Jim Crow; Sharecroppers; Discrimination; Race

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## INTRODUCTION

Barack Obama’s inauguration as America's first black president will be a magnificent moment in the decades-long race for civil rights, both in America and around the world. For so many, Barack represents hope against cynicism. Expectation rides high for his success in leading us out of global war and recession. People trust him to restore the democratic values of America. He symbolises [sic] redemption in the face of a sordid past. It's the dawning of a new era.

On Tuesday, Barack will stand on many famous shoulders - Mahatma Gandhi, Dr. Martin Luther King and Nelson Mandela - but also the millions of nameless, faceless people who made his victory possible. His inauguration will be celebrated from villages in Kenya to neighbourhoods in Kansas.

It is a victory that reflects the times and gives inspiration to the times. Barack's election is the expression of the idea of a grand, multiracial gathering. This coalition believed that together we could win what separately we could not. The figures are astonishing. On 4 November last year, the coalition included 95% of the African-American vote, two-thirds of the Latino vote, two-thirds of the youth vote. Barack won huge majorities among Asian Americans, Native Americans and among Jewish voters and Arab-American voters. There were big wins among union voters, gay and lesbian voters, single women and "secular" voters.

This victory took decades to cultivate. It could not have happened in an earlier America; certainly not before 1954, when the wall of legal segregation kept us divided, ignorant and fearful. Think of the black veterans coming home from the second world war, successfully demanding the integration of the armed forces. Or the 1954 Brown vs. Board of Education case that finally ended centuries of legal segregation. Or Rosa Parks in 1955 refusing to go to the back of the bus. Or Dr. King emerging to lead the Montgomery bus boycott. Or the Little Rock Nine breaking through the walls of school segregation in 1957. Or Dr. King rallying millions on the steps of Washington DC, demanding jobs and healthcare, a "dream" for all America in 1963, which led to the passage of the Civil Rights Act. Or the Voting Rights Act in 1965. My rainbow presidential campaigns of 1984 and 1988 were a link in this unbroken chain. Hands that once picked cotton now pick presidents. It's a new day and a new way for America.<sup>1</sup>

As a person who is the first generation of my family not to sharecrop, Jessie Jackson’s words are significant to me. Growing up, I remember hearing stories of my family’s life on the plantation in the Mississippi Delta. I learned a great deal more when I began the task of researching my family history. My grandfather, Arthur Ransom, II, a lifelong sharecropper, rose to the highly trusted foreman position. My mother told me that was only after many years. As far as we know, he only had a third-grade education because that’s how far his brother went in school before he, too, dropped out to pick cotton.<sup>2</sup> That fits with him telling me early one summer morning as we stood in the kitchen that his mother first let him have coffee when he was eight. She knew he would need it to sustain him through a long day of picking cotton from sun up until sundown.

My grandmother, Jessie Mae Lynn Ransom, was a lifelong third-grade teacher

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<sup>1</sup> *Id.*

<sup>2</sup> Ransom Family History (Sept. 24, 2013) (interview notes) (on file with author).

and secretary of the church where my grandfather was a deacon for over 60 years. Oak Grove is a tiny country Missionary Baptist church where my family has been members for five generations. My great-grandfather’s name is on the stone from the first Oak Grove because he was a founding member. I assume Oak Grove is how my grandparents met and eventually married. My grandmother taught school and was a licensed cosmetologist who did hair and sold Avon. She and my grandfather’s sister made lunch plates and sold them to the sharecroppers. Because my grandmother taught school, she did not have to pick cotton. While my grandmother did not pick cotton on the Mound, she sharecropped on Kinlock, where she was reared before she married my grandfather. In addition, my mother and her siblings all picked cotton.<sup>3</sup> Cotton was king.

My grandmother’s vision and work enabled the family to purchase the family home after the tornado came and destroyed B.A. Wright plantation, where my family sharecropped.<sup>4</sup> How my grandmother made up her mind to be as great as she was, I do not know. Her mother passed when she was two, so my great-great-grandmother reared her and her brother.<sup>5</sup> I marvel at my grandmother’s strength and wisdom. Most older members of my church at home, who also grew up sharecropping with my mother, began working at local warehouses and factories once they finished high school after the tornado.<sup>6</sup>

It’s because of my grandmother’s initiative and sacrifice that my mother and her siblings had the opportunity to attend college after they graduated high school instead of starting warehouse and factory jobs, or possibly even being maids, as my grandmother’s half-sisters were, and that has made all the difference in the Ransom family.<sup>7</sup>

I think it’s safe to say I learned the value of education. As I sit here typing this introduction, I am a third-year evening law student at the University of Baltimore School of Law. I made sure to complete my M.B.A. in Management before I left Mississippi.<sup>8</sup> I take pride in how far my family and the other sharecropping families have come. I remember my mom calling me the night the totals came in, and CNN projected that Barack Obama would be President. We made sure we voted and encouraged everyone we knew to vote. I was still in Mississippi but not living in the Delta.

I made a trip home to vote. Because the hands that picked cotton and the descendants of the hands that picked cotton now pick presidents.<sup>9</sup>

## I. SLAVERY AND THE SHARECROPPING SYSTEM IN AMERICA

A thriving and callous economy known as the “Middle Passage” developed around enslaving and transporting millions of Africans across the Atlantic Ocean over

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<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 12.

<sup>6</sup> *Id.* at 3.

<sup>7</sup> *See infra* Part VI.

<sup>8</sup> Ransom, *supra* note 3, at 6.

<sup>9</sup> Jackson, *supra* note 1.

four centuries.<sup>10</sup> August of 1619 marked the beginning of chattel slavery in America for the next 250 years when a ship appeared near Point Comfort, a Virginia coastal Virginiatown colonists purchased 20-30 enslaved Africans on that ship from English pirates just 12 years after they settled in Jamestown. The English pirates had stolen the slaves from a Portuguese slave ship that removed them against their will from present-day Angola.<sup>11</sup> Although America was not “America” yet, slavery had begun.<sup>12</sup>

As a result of slavery - and the racism it required – America received almost everything that has made it genuinely exceptional: its legal system and the endemic racial fears and hatreds that continue to plague it today; its slang; the example it sets for the world as a land of equality and freedom; its astounding penchant for violence; the inequities of its public education and health; its electoral system, diet, and popular music; its industrial power; its economic might.<sup>13</sup>

### A. Slavery in America

Those 20-30 men and women whom the English pirates sold were among the 12.5 million Africans who would be kidnapped from their homes and taken in chains across the Atlantic Ocean in the largest forced migration in human history before World War II. Almost 2 million did not survive the Middle Passage.<sup>14</sup>

Four hundred thousand Africans were sold into America before the abolishment of the international slave trade. These slaves and their descendants transformed the areas where they lived into some of the British Empire’s most successful colonies. They cleared the land in the Southeast by back-breaking labor. They showed the colonists how to grow rice. They grew and picked cotton, America’s most valuable commodity at the height of slavery. They constructed the plantations of George Washington, Thomas Jefferson, and James Madison. Today, these grand properties attract thousands of visitors from around the world. They laid the foundations of the Capitol and the White House. They pulled the heavy wooden tracks of the railroads that traversed the South and helped transport the cotton they picked to the Northern textile mills, influencing the Industrial Revolution. They created substantial fortunes for whites in the North and the South – a Rhode Island “slave trader” was once the second-richest man in America. Profits from slaves’ stolen labor helped a young America satisfy its war debts and financed the construction of some of our most prestigious universities. Wall Street became a thriving trading, insurance, and banking sector in New York City and the world’s financial capital by consistently buying, selling, insuring, and financing slaves’ bodies and the products of their labor.<sup>15</sup>

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<sup>10</sup> History Channel, <https://www.history.com/news/transatlantic-slave-trade-facts> (last visited on May 6, 2023). The Middle Passage refers to a “cruel and thriving economy” that developed based on enslaving and transporting millions of Africans across the Atlantic Ocean over the course of four hundred years. See also *infra* Part II.A.

<sup>11</sup> Nikole Hannah Jones, *The 1619 Project*, at 4. N. Y. Times Magazine, Aug. 18, 2019. For more information on slavery, see also *infra* Part II.A. Slavery in America; *infra* Part III.B. Slavery in the Mississippi Delta; *infra* Part V.A.1. General Effects of Discrimination During Slavery, Reconstruction, and Jim Crow – Slavery.

<sup>12</sup> Jones, *supra* note 12, at 16.

<sup>13</sup> *Id.* at 3.

<sup>14</sup> *Id.* at 4.

<sup>15</sup> *Id.* at 16.

It would be historically inaccurate to reduce the slaves’ contributions to the massive material wealth created by their bondage. Struggles for black rights opened the door for every other rights struggle, including women’s and gay rights, disability, and immigrant rights. Without black Americans’ patriotic, optimistic, tireless efforts, our democracy would look very different – or it may not be a democracy at all. Black Americans have fought in every war America has waged. Moreover, we are the most likely of all racial groups to serve in the United States military today.<sup>16</sup>

The Middle Passage was the middle leg of a three-part voyage that began and ended in Europe. The first leg voyage’s cargo often included iron, cloth, brandy, firearms, and gunpowder. Upon landing on Africa’s “slave coast,” the cargo was exchanged for Africans. Fully loaded with its human cargo, the ship set sail for the Americas, where the slaves were traded for sugar, tobacco, or some other product. The final leg brought the boat back to Europe.<sup>17</sup>

## **B. The Sharecropping System in America**

As a result of the upheaval of the Civil War and Reconstruction, Delta planters the reality of their reliance on a large black labor force suddenly free to exercise its newfound economic leverage and recently acquired political rights. By the turn of the twentieth century, rising land prices, disenfranchisement and a socially and legally imposed redefinition of sharecropping<sup>18</sup> had effectively reduced sharecroppers to wage laborers that enabled Delta planters to regain control of them.<sup>19</sup>

## **II. SLAVERY AND THE SHARECROPPING SYSTEM IN THE MISSISSIPPI DELTA**

### **A. The Mississippi Delta**

Although the Mississippi Delta<sup>20</sup> is often described as beginning “in the lobby of the Peabody Hotel in Memphis and ends on Catfish Row in Vicksburg,” the Mississippi Delta refers to the Yazoo-Mississippi Delta, the typical flood plain of the Yazoo and Mississippi rivers.<sup>19</sup> The Yazoo-Mississippi Delta is one of the Mississippi River’s many basins and is more oval or diamond than deltoid in shape.<sup>21</sup>

The Delta’s western boundary is formed by the Mississippi River that runs southeastward from Memphis to Greenville and bends slightly eastward toward Vicksburg. A line of bluffs running from south to Greenwood and then southwest along the Yazoo River define the Delta’s eastern boundary. Some of the bluffs are as tall as 200 feet high. The Yazoo-Mississippi Delta is approximately 200 miles long and 70

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<sup>16</sup> *Id.*

<sup>17</sup> PBS, <https://www.pbs.org/wgbh/aia/part1/1p277.html> (last visited Apr. 22, 2023).

<sup>18</sup> History Channel, <https://www.history.com/topics/black-history/sharecropping> (last visited May 6, 2023) Sharecropping is a type of farming in which families rent small plots of land from a landowner in return for a portion of their crop, to be given to the landowner at the end of each year. See *infra* Part III, Slavery and the Sharecropping System in the Mississippi Delta, Part IV, The Failure of Anti-discrimination Laws to Protect Mississippi Delta Sharecroppers, Part V, The Persistent Effects of Discrimination Against Slaves and Sharecroppers in the Mississippi Delta, and Conclusion.

<sup>19</sup> JAMES C. COBB, *THE MOST SOUTHERN PLACE ON EARTH*, vii-viii, Oxford University Press, Inc. (2016).

<sup>20</sup> See *Appendix #1*, Map of Mississippi. *Id.* at 3.

<sup>21</sup> COBB, *supra* note 20, at 3.



miles across at its widest point. The actual size of the Delta is about 7,110 square miles.<sup>22</sup> The Delta has been described as “an overwhelmingly flat land, unrelenting heat and unrelieved by shade, and scabrous, rural poverty.”<sup>23</sup>

Although it appears flat to the naked eye, the Delta’s surface is the result of centuries of sedimentation and flooding by the Mississippi River and its tributaries. It slowed during floods and lost more of its suspended soils to its expanded bed. Its initial losses were its coarser, heavier soils, which accrued near the regular river bed, while the lighter, finer particles were not placed until the flood waters reached further inland.<sup>24</sup> The Mississippi River waters usually swelled by quickly melting snows in the area to the north in late winter and spring, causing the Yazoo River waters to rise before white settlers had time to subdue the river with levees.<sup>25</sup> As a result, the surrounding lowlands were flooded. This triggered a smaller-scale flooding effect along the Yazoo River’s backed-up feeder streams. With over half of its rainfall occurring from December through May when the Mississippi River and its tributaries were already most likely at their highest levels, flooding and the accompanying deposit of fertile organic matter was part of a natural, recurrent cycle of life within the Delta.<sup>26</sup> As the centuries passed, the Delta’s soil only grew richer.<sup>27</sup>

## **B. Slavery in the Mississippi Delta**

### **1. 1830-1860**

By 1830, Washington County’s population was 1,976 – 1,184 of which were slaves.<sup>28</sup> By 1850, this ratio swelled to 14.5 enslaved people for every white person. Of 19 planters who held more than 100 enslaved people in 1855, 10 had fewer enslaved people, with 50 enslaved people in 1838. Throughout the Delta, slaves outnumbered whites by 5 to 1 in 1850.<sup>29</sup>

Bolivar County followed a similar economic development and settlement pattern in the Delta as Washington County. While its population grew significantly in the 1840s, it expanded dramatically in the 1850s. By the 1850s, Bolivar County’s white population increased by 253%, as most of the whites who came to Bolivar County were born outside of Mississippi.<sup>30</sup>

Many of the Delta’s native planters were not native Mississippians. In 1860, only eight of 20 Issaquena planters worth more than \$100,000 were born in Mississippi. This pattern was even more distinct in Coahoma and Tunica, where each such planter was not originally from Mississippi.<sup>31</sup>

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<sup>22</sup> *Id.*

<sup>23</sup> June Jordan, *Mississippi ‘Black Home,’* The New York Times, (Oct. 11, 1970), <https://www.nytimes.com/1970/10/11/archives/mississippi-black-home-a-sweet-and-bitter-bluesong-mississippi.html>.

<sup>24</sup> COBB, *supra* note 20, at 3.

<sup>25</sup> *Id.* at 3–5.

<sup>26</sup> *Id.* at 5.

<sup>27</sup> *Id.* at 5.

<sup>28</sup> *Id.* at 8.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

Delta planters also had a downside to consider. In addition to financial risk and unpredictability, the climate was an ongoing concern. The usual large outlay in land and enslaved people required the land to be cleared, drained, and cultivated as extensively and quickly as possible. With the later starting date for planting in the Delta, picking could last well into January.<sup>32</sup> After the cotton was picked, there was usually time for a few weeks of clearing, repairing, and ditching before it was time to prepare for the next planting season. The demanding work routine combined with the Delta’s susceptibility to malaria, dysentery, and many “fevers” of various strains contributed to the low life expectancy rate of Delta slaves.<sup>33</sup>

Observers generally agreed that the life of the enslaved person throughout the Delta was most challenging on large, absentee-owned plantations supervised only by overseers. About half of the plantations on the Mississippi River with 50 or more enslaved people fit into this category.<sup>34</sup> As a result, the overseer was a crucial figure on Delta plantations. Summing up the difference between the way a master treated enslaved people and how an overseer treated enslaved people, “You know when a man owned you he had to be careful not to kill you, or even bruise you, but the poor white overseer didn’t own nothing and didn’t have anything to loose [sic].”<sup>35</sup>

The overseer may be the only white person on an absentee-owned plantation.<sup>36</sup> For a yearly salary of about \$450 in addition to housing, provisions, and, sometimes, a servant, the overseer was expected to nurture, supervise, and discipline the enslaved people, provide for the livestock, maintain the implements, and produce a bumper crop of grains and corn in addition to cotton.

Financially overextended planters did not hesitate to fire overseers who did not meet expectations.<sup>37</sup> Under these conditions, it was difficult for Delta planters to find effective overseers. With so much money invested in their slaves, Delta planters were understandably concerned about the health and mortality of their slaves.<sup>38</sup>

According to the Works Progress Administration (WPA)<sup>39</sup> slave narratives, while conditions varied from plantation to plantation, most Delta plantation enslaved people worked long, intense hours throughout the year while receiving little relief from their condition’s emotional difficulties and physical rigors. Delta enslaved women were no less vulnerable to white men’s advances than their other Southern counterparts.<sup>40</sup>

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<sup>32</sup> *Id.* at 21.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 22.

<sup>35</sup> *Id.* at 23.

<sup>36</sup> *Id.* at 24.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 25.

<sup>40</sup> History Channel, <https://www.history.com/topics/great-depression/works-progress-administration> (last visited Apr. 9, 2023). The Works Progress Administration was an ambitious employment and infrastructure program created by President Roosevelt in 1935. Over its eight years of existence, the WPA put roughly 8.5 million Americans to work building schools, hospitals, roads, and other public works. The WPA also sponsored projects in the arts – the agency employed tens of thousands of writers, musicians, and other artists.

While enslaved people’s direct, open resistance to whippings and other forms of punishment was sporadic, when it did occur, the rebellious slave considered him a hero.<sup>41</sup> Running was a widespread reaction to abuse and punishment.<sup>42</sup>

Delta plantation enslaved people developed and maintained a distinct community that functioned, as much as possible, as a cushion against slavery’s potentially devastating effects.

Enslaved people warned other slaves of the impending overseer or master’s approach. Enslaved people often worshipped, learned to read secretly, and stole [food] from the corncrib or smokehouse when they could. Although enslaved people were emotionally sustained by their strong sense of community, their white owners and overseers completely controlled the enslaved people’s security and comfort. On the other hand, nowhere else in the antebellum South did whites depend more on black laborers.<sup>43</sup>

The slave and white populations of the Delta’s six counties expanded significantly between 1850 and 1860. During this time, average farm real estate values per acre more than tripled in Bolivar, Coahoma, Issaquena, and Tunica counties. At the same time, the number of planters in Tunica, Coahoma, Bolivar, Washington, and Issaquena counties worth more than \$100,000 increased from 14 to 81. By the end of the decade, Delta counties averaged 5.7 bales of cotton per enslaved person in contrast to 3.8 bales per enslaved person in the older river counties and 3.4 bales per enslaved person in adjoining counties with less fruitful soil.<sup>44</sup>

Based on the 1860 Census, 18.3% of the slaveholders in Bolivar, Coahoma, Issaquena, and Tunica counties held 50 or more enslaved people. Compared to the 16 slave states, only 2.8% of the slaveholders held 50 or more enslaved people, and the amount for the rest of Mississippi outside of the Delta was 5%. In that same year, 10 of 19 Mississippi planters who owned 300 or more enslaved people held plantations in counties situated wholly or partly in the Delta.<sup>45</sup>

By 1860, the average total wealth per freeman in Bolivar, Coahoma, Issaquena, and Tunica counties was \$18,438 compared to \$4,380 throughout the south. At \$26,600, Issaquena was the nation’s second-wealthiest county. Lee Soltow listed all four counties among the 36 wealthiest in the country for 1860. When Soltow factored out the slave-value component (at \$900 per enslaved person and computed the wealth per adult male (free or enslaved person), the mean for these same counties fell to \$1,623.<sup>46</sup>

With so much of their wealth concentrated in enslaved people and their credit and capital resources invested in clearing and improving their lands, Delta planters tempered their optimism with increasing concern as the slavery controversy grew more intense during the 1850s. With work commencing on its levy system and the influx of

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<sup>41</sup> COBB, *supra* note 20, at 26.

<sup>42</sup> *Id.* at 27.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 29–30.

<sup>45</sup> *Id.* at 31.

<sup>46</sup> *Id.*

settlers in the 1850s, the Delta’s economy stood to suffer significantly from any action that might lead to war or disruption of regular commerce.<sup>47</sup>

## 2. The Civil War

In the 1860 election, only the Delta counties of Issaquena, Washington, Bolivar, Coahoma, and Tunica gave Southern Rights candidate John C. Breckenridge less than 50% of their votes. During the 1861 secession convention elections, only Issaquena chose a delegate who wanted immediate disunion, while the others chose representatives leaning toward secession along with the other southern states.<sup>48</sup>

There was “now no choice,” observed another Deltan. Remaining in the Union would be “as great an evil as to secede from it.” With the attack on Fort Sumter, most Deltans who had expressed their reservations accepted the inevitability of armed conflict. Across the Delta, local companies were raised, and drilling began. Women made tents and haversacks, knitted comforters and socks, and made clothes for the soldiers.<sup>49</sup>

The Yazoo Delta found itself at the frontline of the Confederacy after the Union commanders chose to emphasize the Mississippi River’s strategic importance. Yet a mostly frontier wilderness, the Delta presented a formidable physical challenge to its invaders and defenders. The strategically important city of Vicksburg remained the only significant obstacle to the free run of the Mississippi River after New Orleans and Memphis fell to Union gunboats in the spring and early summer of 1862.<sup>50</sup>

Union troops were burning slave cabins, farms, gins, and plantations in Coahoma County by December 1862. Every home in the small town of Delta was burned. At times, planters could not distinguish friend from foe because Confederate troops were under orders to destroy all cotton likely to fall into Union hands, burning not only the cotton but also the gins and warehouses that stored it.<sup>51</sup> Gunboats from the Mississippi River could hit towns, landings, or plantations. Still, inland, they usually just transported troops who searched the surrounding countryside, torching what cotton the Confederates had not burned themselves and seizing whatever provisions, livestock, or other property they wanted or needed.<sup>52</sup>

With so many white men away fighting, the Delta planters’ women family members took responsibility for managing plantations, controlling enslaved people, and addressing many unwelcome Yankee visitors. On the occasions Union soldiers entered the plantations, it was the plantation mistress’s duty to defend the family’s property however she could.<sup>53</sup> For example, Matilda Sillers, the matriarch of the Sillers family, hid what she could in the woods, led her family to an abandoned interior plantation, and essentially “made do” with what she had. With ammunition at twenty dollars per pound, the Sillers scavenged ammunition from unexploded shells. The Sillers survived by

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 32.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 33.

<sup>51</sup> *Id.* at 34.

<sup>52</sup> *Id.* at 35.

<sup>53</sup> *Id.*

eating sweet potatoes, sorghum molasses, cornbread, and meat from livestock they herded into the woods.<sup>54</sup>

For all the sufferings of Delta whites, the enslaved people usually bore the war’s physical hardships most heavily. Ruben Laird recalled Union troops raiding the slave quarters where he lived and eating or destroying all the food they could after Confederate troops clogged the river with trees to hinder Yankees in pursuit. Lizzie Dunn remembered that while the Yankees were polite to the whites where she lived, “they et them out time and again.”<sup>55</sup>

Delta planters like James Alcorn faced a choice between illegally selling their cotton, having it burned by Confederates, or confiscated by Union soldiers. As conditions in the Delta became more desperate, Confederate guerrillas regularly preyed on would-be smugglers by demanding a bribe to let the smuggler continue his illegal trade. By 1864, it was commonplace to see cotton sold to the Yankees.<sup>56</sup>

Slavery’s demise wrought the most significant blow to Delta planters. Sixteen enslaved people rebelled against the overseer and quit Charles Clark’s Doro Plantation on January 29, 1862. Several of James L. Alcorn’s slaves went across the river to federally occupied Helena, Arkansas, where they often confronted their former owners. In June 1864, an enslaved person directed Union troops to two Delta plantations that housed Confederate troops. After capturing the Confederate forces, the Union later learned that local blacks had been aware of the Union entering the area for some time but had intentionally not told local whites of their presence.<sup>57</sup>

Many masters hid or evacuated their slaves. Milly Henry’s owner told his slaves, “de Yankees am a comin’ to take my slave ‘way frum me ‘n I don’t ‘pose dat dey am gwine ter do that. Fer them reasons we leaves for North Carolina day att termorrer an’ I ain’t gwine ter hyar no jaw ‘bout hit.” At the same time, many enslaved people refused to be evacuated.<sup>58</sup>

Many formerly enslaved people contacted by WPA interviewers were unaware they were free for some time. A former Bolivar County enslaved person claimed some blacks were free for three years before they realized it, and Reuben Fox of Coahoma County said it was almost four years after the war before he and his fellow slaves knew it.<sup>59</sup>

Several difficulties were involved in resuming planting cotton after the war ended. Besides the transition from slaves to free labor, equipment, stock, and, in some cases, housing was required. After neglect and destruction of the levees, farmland quickly reverted to swampland. Barely 10 percent of the Delta had been cleared by 1860, and by 1865, the Delta was scarcely distinguishable from the frontier wilderness that was present when the Delta’s first settlers arrived.<sup>60</sup>

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<sup>54</sup> *Id.* at 36.

<sup>55</sup> *Id.* at 37.

<sup>56</sup> *Id.* at 37-38.

<sup>57</sup> *Id.* at 39-40.

<sup>58</sup> *Id.* at 41.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 43.

Despite these conditions, would-be planters like Henry Crydenwise saw not swampland and wilderness but the chance to make their fortune when they surveyed the Delta. Hearing estimates of yields of four to seven hundred pounds of cotton per acre, Northern investors flocked into the Delta. As a result, land prices drastically increased in late 1865 and early 1866. Postbellum Delta planters would have to contend with freedmen’s efforts to use their highly in-demand services as laborers and mobility to pursue economic independence and resist resubjugation. The struggle between former masters and enslaved people to decide whose interests would prevail soon emerged as a significant influence on the Delta’s political and economic developments during the early postbellum decades.<sup>61</sup>

### C. Sharecropping in the Mississippi Delta

Capital scarcity and lack of credit encouraged freedmen and planters to enter sharecropping arrangements. Sharecroppers farmed a specific acreage of land in exchange for a share of the crop. The costs of food, clothing, and supplies were deducted from the crop.<sup>62</sup> After crops were sold, sharecroppers were supposed to receive an equal share of the profits; however, most of the time, they had borrowed against their share because they were not being paid a living wage. This resulted in them not receiving a lot after crops were sold. In turn, they were forced to continue sharecropping because they owed the farmer.<sup>63</sup>

Enslaved people and sharecroppers were a source of cheap labor for planters to grow crops that made them money. Enslaved people were also significant in other industries, like building railroads and working in factories and mines.<sup>64</sup> According to Professor Derrick Bell, Jr.’s “interest convergence” principle, blacks’ interest in achieving racial equality will be accommodated only when it converges with the interests of whites. The Fourteenth Amendment alone will not grant a judicial remedy providing effective racial equality for blacks where the intended remedy threatens the middle and upper class’s superior societal status. Thus, the availability of Fourteenth Amendment protection in racial cases may not be determined by the type of harm blacks suffered or the significance of liability proved against whites. Instead, racial remedies may be the outward expressions of unspoken and perhaps subconscious judicial conclusions that the remedies, if granted, will safeguard, advance, or at least not harm middle and upper-class’ societal interests.<sup>65</sup>

Applying Professor Derrick Bell, Jr.’s “interest convergence” principle to slaves and sharecroppers, for hundreds of years, enslaved people were kidnapped from their native homes and sold to wealthy slave owners. They were forced to do exceptionally physically demanding work in America and other countries and live in inhumane

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<sup>61</sup> *Id.* at 45-46.

<sup>62</sup> *Id.* at 55.

<sup>63</sup> Telephone Interview with Muriel Ransom Pollard, AT&T Eng’r and Former Miss. Delta Sharecropper, in Indianola, Miss. (Mar. 6, 2023) (on file with author).

<sup>64</sup> BLACKMON, DOUGLAS A., *SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD WAR II*, 1-10 Anchor Books (2008).

<sup>65</sup> Derrick A. Bell, Jr., Comment, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980). This Comment is a later version of a paper presented at a Harvard Law School symposium in October, 1978 to commemorate the 25<sup>th</sup> anniversary of *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

conditions. Once the international slave trade ended and slavery in America ended, sharecroppers were still exploited just as slaves had been. Even after planting and picking cotton became mechanized, the sharecropping system remained popular in the Mississippi Delta for many years. Plantation owners continued to earn massive profits from sharecroppers’ cheap labor. White interests wanted sharecroppers to make just enough to subsist to prevent them from improving their condition by purchasing and growing their crops. Under Professor Derrick Bell, Jr.’s interest convergence principle, Mississippi Delta sharecroppers did not achieve racial equality following slavery because the interests of whites did not converge with the interests of blacks.

## 1. Reconstruction-1900

Meanwhile, freedmen continued to use planters’ demand for their labor to gain more practical terms of employment. Not until the 1880s, when federally funded levee repair and privately financed railroad expansion sparked a population and land boom, did the Delta begin to reclaim its antebellum identity as the planter’s undisputed domain.<sup>66</sup>

By the end of the 1880s, political discontent spread throughout Mississippi as the Farmer’s Alliance movement took advantage of the increasing dissatisfaction of black and white farmers. At the same time, fear of a unified black majority taking political and physical control throughout the Delta grew. Rumors of an imminent riot by blacks swept across Coahoma County in January 1889. In September 1889, antiblack sentiment exploded in Leflore County from whites’ increasing fear of a black takeover in the Delta.<sup>67</sup>

## 2. World War I

Planters desired to hold back the advances they issued to their sharecroppers to minimize their risks. During bad times, the sharecroppers’ allowance shrank. Farmers thought it particularly prudent to keep early advances as low as possible since not even they could accurately predict the size of the upcoming crop or how quickly the harvest would proceed. By doing this, they decreased their possibility of loss, both from poor crops that may leave tenants unable to repay their debts or from sharecroppers who left before crops were harvested and settlements occurred.<sup>68</sup>

As a rule, regular advances occurred from March 1 to August 1, dates parallel to the period of soil preparation, planting, and cultivation. After that, they were lowered or curtailed altogether, and the payment received for cotton seed during the fall became the sharecropper’s primary means of subsistence.<sup>69</sup>

Several planters filled their labor needs by “buying” black tenants’ debts from other landlords. If tenants owned a mule or other implements, farmers were likelier to make such a purchase. Such a tenant required less financial support from the landlord, and his property could be attached if he attempted to move while indebted to the planter. For example, Walter Sillers, Jr.<sup>70</sup> received \$483 for releasing a tenant who owned his

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<sup>66</sup> COBB, *supra* note 20, at 91-92.

<sup>67</sup> *Id.* at 85.

<sup>68</sup> *Id.* at 102.

<sup>69</sup> *Id.* at 102-103.

<sup>70</sup> *Id.* at 104.

mule. Many “debts” were fabrications of the bookkeeper or the planter, but an imaginary debt was as effective as a real debt in the Delta for restricting labor mobility given the questionable acumen of a black tenant’s disputing a white planter’s word.<sup>71</sup>

Delta planters were sometimes driven to what appeared to be extreme conciliatory methods to attract and retain the labor they required. Still, their paternalism and compassion found their limits at the point of commencing a truly coequal economic relationship with anyone, white or black, who grew the cotton that was crucial to the planter’s authority and wealth.<sup>72</sup>

### 3. 1900-1930

Farm tenancy was widespread throughout Mississippi by the turn of the century; however, it flourished in the Delta as nowhere else. As of 1910, tenants operated 92% of the Delta’s farms in contrast to 63% outside of the Delta. While 77% of tenants throughout the rest of Mississippi were black, approximately 95% of the Delta’s tenants were black.<sup>73</sup>

The Delta continued attracting large numbers of blacks from 1900-1930, as its black population increased by 50%. Nevertheless, despite fertile, productive soil, most blacks only found disappointment and frustration as they faced the reality of a modern, impersonal plantation economy and an oppressive racial climate. By 1910, sharecroppers were wage laborers with no control whatsoever over the marketing or production of the cotton they grew. By 1920, sharecropping on most Delta plantations had evolved into a system that offered little hope of progress, either personal or economic, in either the short or long run.<sup>74</sup>

By the late 1920s, most Delta blacks lived in extreme economic deprivation, legally and politically powerless to improve their material conditions or protect themselves from coercion, violence, or illegal incarceration bordering on slavery.<sup>75</sup> Competition for labor appeared to have contributed to a few improvements in tenant housing as the unpainted, one-room cabin transitioned to the whitewashed, three-room house.<sup>76</sup>

Living conditions for Delta sharecroppers were a significant cause of the constant northward flow of blacks from the Delta throughout the 1920s. The Great Depression finally slowed it down temporarily.<sup>77</sup> This steady exodus of labor and whites’ inability to induce even those blacks who remained in the Delta to stay in one place for any length of time also suggest why stories of involuntary servitude and peonage continued to filter out of the Delta. Blacks in Sunflower County complained that their employers prevented them from leaving their plantations, even to see their children.<sup>78</sup>

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<sup>71</sup> *Id.* at 105.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* at 99.

<sup>74</sup> *Id.* at 112.

<sup>75</sup> *Id.* at 119.

<sup>76</sup> *Id.* at 120.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 120-121.



Floods were also a part of life in the Delta throughout the late 1800s and early 1900s. Major floods occurred 11 times between 1858 and 1922; however, no one alive at the time had ever experienced anything as severe as the 1927 flood. The 1927 flood caused 250-500 people to die, leaving over 16.6 million acres and 162,000 homes underwater.<sup>79</sup> The 1927 fiasco finally resulted in more effective congressional action on flood control for the lower Mississippi Valley. A 1928 flood control act appropriated \$325 million for a flood-control system.<sup>80</sup>

Planters learned that, when appropriately directed, federal assistance programs could reinforce, instead of undermine, the current economic order. Federal aid could restore the labor control the floods had pressured to disrupt. Red Cross supplies and assistance sustained local blacks until the flood waters receded. What’s more, the federal government not only permitted Mississippi officials to deploy national guardsmen to incarcerate the Delta’s displaced black laborers, but also attempted to undermine criticism of this practice.<sup>81</sup>

#### 4. The Great Depression

No sooner did the Delta emerge from the 1927 flood, the Great Depression began. As the Depression worsened, national attention focused on the tenancy system that heavily dominated the Delta’s agricultural economy. For most planters, the Depression only made it all the more essential that they maintain their policy of holding all costs, especially those for tenant furnishings, to a minimum. The 1930 Staple Cotton Review, a Delta publication, touted a plan by which tenants and stock could be maintained at a steady fifteen cents daily “per head.” As the New Deal’s influence steadily spread, Delta planters soon began to accept progressively less responsibility for their tenants. In Pete Daniel’s words, “the federal government replaced the landlord.”<sup>82</sup>

The quickly-implemented Agricultural Adjustment Act’s (AAA)<sup>83</sup> “plow-up” acreage reduction program of 1933 transformed the Delta’s agricultural system. Although planters received payments for the plow-up directly, AAA guidelines instructed landlords to distribute them according to the percentage of the tenant’s interest in the crop. Sharecroppers were to receive one-half of the payment; share tenants were to receive two-thirds or three-fourths, and cash tenants were to receive the total amount.<sup>84</sup>

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<sup>79</sup> *Id.* at 128-129.

<sup>80</sup> *Id.* at 129.

<sup>81</sup> *Id.* at 185.

<sup>82</sup> *Id.* at 185-186.

<sup>83</sup> Wayne D. Rasmussen et al., *A Short History of Agricultural Adjustment, 1933-75*, Agriculture Information Bulletin No. 391 (1976). <https://naldc.nal.usda.gov/download/CAT87210025/PDF>. The goal of the Agricultural Adjustment Act was to restore the farm purchasing power of agricultural commodities or the fair exchange value of a commodity based upon price relative to the prewar 1909-1914 level. For more information about AAA’s 1933 cotton program, see *infra* Part IV, The Failure of Anti-Discrimination Laws to Protect Mississippi Delta Sharecroppers, Part IV B. The Inadequacy of Laws, Efforts, and Government Officials to Reduce and Eliminate Racial Discrimination and Violence against Mississippi Delta Sharecroppers, Part IV, Section 2. Beneficial Actions that Were not Done for Sharecroppers.

<sup>84</sup> COBB, *supra* note 20, at 186.

AAA made the cost of any labor associated with a share of the crop comparatively more expensive because AAA contributed to increased cotton prices. Simultaneously, AAA helped to expand the supply of day laborers and thus depress the wages they received by encouraging tenant displacement and acreage reduction. Moreover, the AAA crop-reduction plan incentivized planters to shift more of their acreage to wage labor from tenant labor. AAA benefits derived from reductions in the property worked by wage labor did not have to be distributed. The planter convinced the AAA that he was decreasing the amount of land farmed by wage hands when he was actually cutting the size of the plots tenants received. Overall, planters were positioned to reap the benefits of a guaranteed subsidy, higher prices, and cheaper labor, all applied by the federal government.<sup>85</sup>

The technology to mechanize planting and cultivation of cotton had been available long before the Great Depression. The genuine constriction was providing an affordable, efficient mechanical cotton picker. As long as mechanized harvests could not be done, the planter’s estimate of his chances of securing an adequate supply of laborers at harvest time determined the amount of acreage farmed by wage laborers instead of sharecroppers. While planters were usually unwilling to risk complete dependence on day labor, AAA enlarged the pool of workers available for day labor by incentivizing planters to decrease their tenant population. If relief agencies cooperated, as they usually did, by purging their rolls at harvest time, an expanded supply of harvest labor remained ready “for the picking.”<sup>86</sup>

The Farm Security Administration and the New Deal’s Resettlement Administration oversaw programs designed to lend money directly to “worthy” tenants who aspired to relocate to communities where they could find industrial employment or become landlords. Both agencies received substantial opposition from Delta planters, who remained hostile to any program that might affect the tractability or availability of labor. At the same time, the prevalence of planter influence on the AAA and other New Deal programs, combined with the decreasing labor demand, undercut tenants’ efforts, especially black tenants, to draw attention to their plight.<sup>87</sup>

Although it benefitted some significantly more than others, the New Deal tremendously improved Mississippi’s overall economy. The federal government spent \$450 million in Mississippi and cleared or insured loans for an extra \$260 million between 1933 and 1939. This figure represented about \$355 for each resident of Mississippi in 1940. As a result of this spending, federal income tax receipts almost quadrupled between 1934 and 1939. Bank deposits and the value of farm real estate doubled during the 1930s.<sup>88</sup>

## 5. World War II

By 1940, tenants still operated more than 90% of the Delta’s farms. According to a sample of 220 heads of farm labor households, 53% were illiterate. Immigrants still made up most of the Delta’s farm labor workers. Labor turnover rates remained high. The “furnish” system still grew. According to a survey of 129 sharecroppers, almost

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<sup>85</sup> *Id.* at 189.

<sup>86</sup> *Id.* at 189-190.

<sup>87</sup> *Id.* at 191.

<sup>88</sup> *Id.* at 196.

half paid more than 10% interest on the other credit items and furnishings they received. Although sharecropping had dramatically declined during the 1930s, most sharecroppers did not voluntarily change to partial- or full-wage labor status. According to the survey, 76% preferred to work for a share of the crop instead of working for wages.<sup>89</sup>

In the early 1940s, the Delta stood on the precipice of an era of profound economic change, much of it directly or indirectly traceable to the overall influence of New Deal farm policies combined with World War II’s dramatic effects. Per capita income increased across Mississippi from \$250 in 1940 to \$627 in 1945. The Delta’s rural farm population decreased by 19% during the 1940s, and farm workers left for cities and towns. Planters were most concerned because 10% of the rural black population left the Delta in the 1940s, creating random labor shortages and increasing the possibility of an extended labor crisis.<sup>90</sup>

Besides attracting labor away from the Delta, World War II also helped to relax economic restraints on the Delta’s remaining black laborers. Planters quickly realized that former sharecroppers could earn as much by working only a few days weekly as they previously earned for a week’s work. Irritated planters who urgently needed cotton pickers could barely endure the sight of blacks riding around the Delta flaunting their new sense of independence. Other planters complained that sharecroppers just moved into towns at the end of summer after planters stopped furnishing them but before their debts to planters were due. Once in town, they took advantage of higher wages as day laborers and cotton pickers. Some planters were compelled to let tenants stay rent-free so they would still be there for the harvest. Still, many who stayed on refused to pull or pick the “scrap” cotton that remained after the harvest.<sup>91</sup> When Delta planters complained of a scarcity of labor, they usually meant a shortage of labor willing to work on the terms and at the wages they offered.<sup>92</sup>

## 6. Post-World War II

Delta planters who hoped a degree of stability would return after World War II were let down. Returning black veterans were much less likely to accept unfair treatment from landlords.

Some cotton pickers filled their sacks with rocks or green bolls before weighing them. Planters who tried to prevent such behavior with physical abuse were rarely successful. In 1945, the Delta Council recommended that the state legislature adopt a plan to improve black schools, realizing that more humane treatment may be necessary to keep their labor. The Delta Council recommended higher salaries for black teachers and established a junior college to train the Delta’s teachers. Not only did the transformation of the Delta’s agricultural system not remove disparities in wealth and income, but it did not relieve Delta planters of their obsession with racial hegemony and labor.<sup>93</sup>

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<sup>89</sup> *Id.* at 197.

<sup>90</sup> *Id.* at 198.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.* at 199.

<sup>93</sup> *Id.* at 203.

Although the labor shortage appeared to leave planters little choice but to proceed with rapid, wide-scale mechanization, the absence of a feasible mechanical picker forced some planters to keep or expand their sharecroppers to ensure they would have an adequate supply of harvest labor. These landlords commonly planted with tractors and left the crop to the field hands once green cotton sprang up in the rows. Mounting fears of racial upheaval also created renewed white interest in a mechanical cotton picker.<sup>94</sup>

## 7. 1950-1960

At the start of the 1950s, the Delta’s economic transformation was well underway. Machines picked 7% of the Delta’s cotton. Deteriorating and abandoned dwellings were typical as increased reliance on machines reduced the labor force. For instance, the amount of empty tenant dwellings on the Delta and Pine Land Plantation dropped from 850 to 525 between 1944 and 1947.

On one Bolivar County plantation, where only 400 of its 1,450 acres of cotton had been farmed by day labor in 1940, by 1951, 1,200 acres were being cultivated by day labor, while tenants and sharecroppers only farmed 450 acres. Although as much as 70% of this plantation’s cotton crop was harvested mechanically, management kept some tenant workers on as long as they had intermittent demands for hand labor to control grasses and weeds.<sup>95</sup>

Mechanization, diversification, and consolidation dramatically changed Delta agriculture during the 1950s. The number of tenants dropped by one-third, the average farm size tripled, and 15% of farmers planted 70% of the cotton. Soybean acreage increased by 538% between 1949 and 1959. By the end of the 1950s, mechanical pickers harvested 50% of Delta crops. As mechanization continued, many displaced heads of sharecropper families transitioned into full-time wage-hand status, and their dependents became seasonally employed cotton choppers and pickers.<sup>96</sup> This is how my mom and her siblings came to sharecrop.<sup>97</sup>

Rapidly decreasing employment opportunities for farm laborers factored into a 54% decrease in the Delta’s rural farm population between 1950 and 1960 as planters benefited from federal farm programs and mechanization. At the same time, the Delta’s urban population grew by 39% as many relocated to its larger cities and towns. Many Delta leaders began to adopt industrial development as vital to the Delta’s economic survival.<sup>98</sup>

Industrial development also served to stem the tide of white residents migrating out of the Delta. Estimated white out-migration between 1955 and 1960 (27,441) in 11 Delta-area counties almost equaled the estimated total for blacks (27,939). Although white in-migration somewhat offset the white exodus, the net migration deficit for

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<sup>94</sup> *Id.* at 204.

<sup>95</sup> *Id.* at 204-205.

<sup>96</sup> *Id.* at 205.

<sup>97</sup> See *infra* Part VI, Part VIII.

<sup>98</sup> *Id.* at 205-206.

whites during this five-year period was an estimated 8,974. The loss of this many white consumers spelled gloomy economic times ahead for professionals and merchants.<sup>99</sup>

During World War II, the Delta’s white conservative leaders had become increasingly afraid that the same federal government whose aid was vital in preserving their political and socioeconomic privileges might act on behalf of those who wanted to strip them of those privileges. Several black Mississippi civil rights leaders were World War II veterans. Once they returned home from the war committed to creating significant changes in the Delta, they soon encountered vigorous opposition from those who intended to maintain the status quo. Outspoken conservatives like Walter Sillers, Jr.<sup>100</sup> urged their fellow planters to continue their wartime efforts to “solicit” tenants to join the Farm Bureau<sup>101</sup> to “counter the adverse activities to our interests of the communist-inspired labor unions and communist organizations.” Blacks’ intense racial consciousness and white concerns over the potential aggressiveness of returning black service members resulted in increasing racial violence in the wake of World War II.<sup>102</sup>

The strength of the Dixiecrat<sup>103</sup> movement in the Delta predated the Delta’s role as the birthplace of the Citizens’ Council,<sup>104</sup> an organization that pledged to defend Jim Crow<sup>105</sup> from any and all challenges. Circuit court judge Tom P. Brady of

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<sup>99</sup> *Id.* at 206-207.

<sup>100</sup> Mississippi History Now, <https://www.mshistorynow.mdah.ms.gov/issue/walter-sillers-and-his-fifty-years-inside-mississippi-politics> (last visited May 8, 2023). Sillers was a lawyer, cotton planter, and, at 22-plus years, the longest-serving Speaker in the Mississippi House of Representatives. His half-century tenure in the House, from 1916 to 1966, is also a record. Perhaps remembered for his staunch defense of racial segregation in the later stages of his career, Sillers was also “Mr. Delta” in state politics for decades, fiercely championing the interests of his home region.

<sup>101</sup> Farm Bureau, <https://www.fb.org/about/who-we-are> (last visited May 8, 2023). For more than 100 years, the American Farm Bureau Federation (AFBF) has been agriculture’s national, unified voice. AFBF was organized on November 12, 1919, in Chicago by Farm Bureau leaders from 34 states to give farmers and ranchers a voice and a seat at the table in shaping policy that impacts farm and ranch families across the country. Today, AFBF is the country’s largest general farm organization and the leading advocate for farm and ranch families.

<sup>102</sup> COBB, *supra* note 20, at 211-212.

<sup>103</sup> History Channel, <https://www.history.com/news/how-the-party-of-lincoln-won-over-the-once-democratic-south> (last visited May 8, 2023). When President Harry S. Truman, a Democratic Southerner, introduced a pro-civil rights platform at the party’s 1948 convention, a faction walked out. These defectors, known as the “Dixiecrats,” held a separate convention in Birmingham, Alabama. There, they nominated South Carolina Governor Strom Thurmond, a staunch opposer of civil rights, to run for president on their “States’ Rights” tickets. Although Thurmond lost the election to Truman, he still won over a million popular votes.

<sup>104</sup> PBS, <https://www.pbs.org/wgbh/americanexperience/features/emmett-citizens-council/> (last visited May 8, 2023). The *Brown v. Board of Education* decision was a watershed moment in American history. On May 17, 1954, the Supreme Court abolished legal school segregation in an unprecedented decision. Blacks hailed the decision. Whites in the Deep South called the day “Black Monday.” Some white Southerners channeled their ire into a new movement called Citizens’ Councils – organizations of white segregationists and supremacists who opposed integration and the Supreme Court decision.

<sup>105</sup> History Channel, <https://www.history.com/topics/early-20th-century-us/jim-crow-laws> (last visited May 8, 2023). Jim Crow laws were a collection of state and local statutes that legalized racial segregation. Named after a black minstrel show character, the laws – which existed for about 100 years, from the post-Civil War era until 1968 – were meant to marginalize African Americans by denying them the right to vote, hold jobs, get an education or other opportunities. Those who attempted to defy Jim Crow laws often faced arrest, fines, jail sentences, violence, and death.

Brookhaven denounced the *Brown v. Board of Education* decision<sup>106</sup> in a 90-page pamphlet that became the massive resistance movement’s first “bible.”<sup>107</sup> In a call to action for whites, Brady proposed a national program of “law abiding” education and resistance, possibly even leading to the formation of a third political party.<sup>108</sup>

The tensions accompanying *Brown v. Board of Education* peaked with the murder of Emmet Till,<sup>109</sup> a 14-year-old black youth, in 1955. Delta whites soon became more defensive after Till’s mother decided to hold an open-casket funeral amid National Association for the Advancement of Colored People’s (NAACP)<sup>110</sup> denunciations and criticism from both white and black northern newspapers. Till’s mother said she wanted to “let the people see what they did to my boy!” NAACP spokesman Roy Wilkins<sup>111</sup> denounced the murder as a “lynching” and observed that it appeared that Mississippi had “decided to maintain white supremacy by murdering children.”<sup>112</sup>

Sheriff Strider did little to collect evidence for the state. He ultimately testified that he thought the body had been in the water too long to be Till’s. In the wake of Milam and Bryant’s acquittal, most prominent local whites sought to distance themselves from the event. The trial left a hailstorm of criticism from outside of the South. Shortly after the trial, Milam and Bryant sold their story for \$3,500, in which they admitted guilt. Neither man ever found Tallahatchie County hospitable after that. Both men and their families left Mississippi and moved to Texas.<sup>113</sup>

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<sup>106</sup> F. MICHAEL HIGGINBOTHAM, *RACE LAW*, 936 Carolina Academic Press (2020). In *Brown v. Board of Education for Topeka*, the Supreme Court ruled that racial segregation of children in public schools was unconstitutional in a unanimous decision.

<sup>107</sup> History Channel, <https://www.history.com/topics/black-history/brown-v-board-of-education-of-topeka> (last visited May 6, 2023). Here’s the citation to the full text of *Brown v. Board of Education* (Brown I): *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

<sup>108</sup> COBB, *supra* note 20, at 213.

<sup>109</sup> History Channel, <https://www.history.com/topics/black-history/emmett-till-1> (last visited May 8, 2023). Emmett Till, a 14-year-old black youth, was murdered in August 1955 in a racist attack that shocked the nation and catalyzed the emerging civil rights movement. A Chicago native, Till was visiting relatives in Money, Mississippi, when he was accused of harassing a local white woman. Several days later, the woman’s relatives abducted Till, brutally beating and killing him before disposing of his body in a nearby river. Till’s devastated mother insisted on a public, open-casket funeral for her son to shed light on the violence inflicted on black people in the South. Till’s murderers were acquitted, but his death galvanized civil rights activists nationwide.

<sup>110</sup> National Association for the Advancement of Colored People, <https://naacp.org/about/our-history> (last visited May 9, 2023). The National Association for the Advancement of Colored People (NAACP) is the nation’s largest and most recognized civil rights organization. Founded on February 12, 1909, the NAACP aimed to secure for all people the rights guaranteed in the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments to the U.S. Constitution, which promised an end to slavery, provide equal protection of the law, and the right for all men to vote, respectively. Accordingly, the NAACP’s mission is to ensure the political, educational, and equality of minority group citizens of States and eliminate racial prejudice. The NAACP works to remove all barriers of racial discrimination through democratic processes.

<sup>111</sup> National Association for the Advancement of Colored People, <https://naacp.org/find-resources/history-explained/civil-rights-leaders/roy-wilkins> (last visited May 9, 2023). Roy Wilkins spent more than 40 years at NAACP and held the top job at the civil rights organization for 22 years, beginning in 1955. In 1955, Wilkins was named NAACP executive secretary (a title later changed to executive director), holding the position until 1977.

<sup>112</sup> COBB, *supra* note 20, at 217-219.

<sup>113</sup> *Id.* at 220-221.

## 8. The Civil Rights Era

The early 1960s in the Delta marked an explosion of grassroots civil rights activism. Blacks had long made it evident that they were dissatisfied with conditions in the Delta. The Congress of Racial Equality<sup>114</sup> and Student Nonviolent Coordinating Committee’s (SNCC)<sup>115</sup> young organizers who entered Mississippi in the early 1960s were a sharp contrast to the middle-class, conservative orientation of the 1950s civil rights movement in Mississippi. By forming the Council of Federated Organizations (COFO),<sup>116</sup> young organizers coordinated their activities to present a unified front.<sup>117</sup>

A 1962 COFO voter registration effort that began in McComb and spread into the Delta had relatively little numerical success after being met with white resistance. The Leflore County Board of Supervisors suspended the distribution of excess food commodities to discourage future voter registration efforts. In response, SNCC organized a food drive to rally support for another voter registration campaign in Greenwood. The Greenwood drive attracted many participants who braved economic intimidation, verbal abuse, beatings, and police dogs to wait in long lines outside the registrar’s office. This courageous effort only resulted in a few new black voters due to an array of delaying tactics employed by whites.<sup>118</sup>

SNCC leaders filed suit in early 1963, claiming that “the Federal Government has only weakly asserted its existing powers in our defense.” Kennedy administration officials petitioned federal courts for a restraining order requiring Greenwood leaders to release movement organizers from jail, stop their interference with registration efforts, permit blacks the right of peaceful protest and assembly, and “protect them from whites who might object.” The Justice Department cut a deal with Greenwood’s white leadership within a week to withdraw the injunction in exchange for releasing the jailed activists and a nebulous promise not to interfere with future registration attempts.<sup>119</sup>

Justice Department officials rationalized their decision by explaining that Washington might have to be responsible for protecting every black in the Delta who

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<sup>114</sup> The Martin Luther King, Jr. Research and Education Institute, <https://kinginstitute.stanford.edu/encyclopedia/congress-racial-equality-core> (last visited May 9, 2023). Founded in 1942 by an interracial group of students in Chicago, the Congress of Racial Equality (CORE) pioneered the use of nonviolent direct action in America’s civil rights struggle. Along with its parent organization, the Fellowship of Reconciliation (FOR), CORE members advised and supported Martin Luther King during the Montgomery bus boycott. King worked with CORE throughout the late 1950s and into the mid-1960s when CORE abandoned its dedication to nonviolence and adopted black separatist policies.

<sup>115</sup> History Channel, <https://www.history.com/topics/black-history/sncc> (last visited May 9, 2023). The Student Nonviolent Coordinating Committee (SNCC) was founded in 1960 after student-led sit-ins at segregated lunch counters across the South. It became the primary channel of student participation in the civil rights movement.

<sup>116</sup> The Martin Luther King, Jr. Research and Education Institute, <https://kinginstitute.stanford.edu/encyclopedia/council-federated-organizations-cofo> (last visited May 9, 2023). The Council of Federated Organizations (COFO) was a coalition of national and regional organizations engaged in civil rights activities in Mississippi. Established in 1962 to maximize the efforts of SNCC, the Congress of Racial Equality, and the NAACP, the organization focused on voter registration and education. Under the leadership of SNCC activist Robert Moses and staffed primarily by SNCC activists, COFO launched the Mississippi Freedom Summer Project in 1964.

<sup>117</sup> COBB, *supra* note 20, at 232.

<sup>118</sup> *Id.* at 232-233.

<sup>119</sup> *Id.* at 233.

attempted to register to vote. By the end of the summer of 1963, Washington’s action left the civil rights movement in Mississippi “stalled on every front.” In response, COFO leaders decided to hold a “Freedom Election that would overlap with Mississippi’s 1963 gubernatorial primary. SNCC workers disguised themselves as cotton pickers to enter the fields directly and prevent white landlords from seeing their tenants participate in a symbolic protest against the status quo. Mississippi’s more than 80,000 “freedom” ballots created a profound statement about Mississippi blacks’ desire for political participation. In the wake of the vote, COFO workers observed less fear about engaging in political activities among blacks. Over 60,000 who cast ballots provided their names and addresses. COFO activists, in turn, could request their assistance in future registration efforts.<sup>120</sup>

The Freedom Election also paved the way for the formation of the Mississippi Freedom Democratic Party (MFDP)<sup>121</sup> in 1964, which presented another challenge to Mississippi’s white political dominance. SNCC leaders desired to place conditions like those in the Delta in the national spotlight during the 1964 election year. MFDP members gave some of the most dramatic testimony about race brutality ever reported in the national media. As President Johnson<sup>122</sup> frantically called a press conference to upstage MFDP witnesses, Fannie Lou Hamer<sup>123</sup> described being held in jail in Winona: “They beat me and they beat me with the long flat blackjack. I screamed to God in pain. My dress worked itself up. I tried to pull it down. They beat my arms until I had no feeling in them. After a while the first man grew numb from tiredness. The other man, who was holding me, was given the blackjack. Then he began beating me.”<sup>124</sup>

President Johnson’s news conference began to air as Fannie Lou Hamer started sobbing. MFDP challengers refused to accept an at-large delegates concession from the national party to avoid a floor fight over the seating of MFDP’s delegation. Ms. Hamer described the offer as “a token of rights on the back row that we get in Mississippi. We didn’t come all this way for that mess again.”<sup>125</sup>

In the meantime, Hamer and two other candidates had qualified to run in the June 2, 1964 Democratic congressional primary. Although the final vote tallies were

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<sup>120</sup> *Id.* at 233-234.

<sup>121</sup> The Martin Luther King, Jr. Research and Education Institute, <https://kinginstitute.stanford.edu/encyclopedia/mississippi-freedom-democratic-party-mfdp> (last visited May 9, 2023). In early 1964, as part of Freedom Summer, Mississippi civil rights activists affiliated with COFO in Mississippi launched the Mississippi Freedom Democratic Party (MFDP). Claiming status as “the only democratically constituted body of Mississippi citizens, they appealed to the credentials committee of the Democratic National Convention (DNC) of 1964 to recognize their party’s delegation in place of the all-white Democratic Party delegation from Mississippi. Because Mississippi’s blacks were barred from participating in the meetings of the state’s Democratic Party, they decided to form their party.

<sup>122</sup> The White House, <https://www.whitehouse.gov/about-the-white-house/presidents/lyndon-b-johnson/> (last visited May 9, 2023). In the 1960 campaign, Lyndon B. Johnson was elected Vice-President as John F. Kennedy’s running mate. On November 22, 1963, when Kennedy was assassinated, Johnson was sworn in as the 36<sup>th</sup> U.S. President, with a vision to build “A Great Society” for the American people.

<sup>123</sup> For more information about Fannie Lou Hamer, including biographical details, *see infra* Part V, True Stories of Discrimination Former Mississippi Delta Sharecroppers Faced, formerly enslaved people, and Conclusion.

<sup>124</sup> COBB, *supra* note 20, at 234-235.

<sup>125</sup> *Id.*



386 for Hamer and 29,711 for her opponent, twelve-term incumbent Jamie Whitten,<sup>126</sup> the campaign yielded enough signatures for another symbolic “freedom” registration effort and several thoroughly documented efforts of white intimidation and harassment. Congress ultimately rejected the MDFP’s request for a second election, but not before 100 out-of-state volunteers gathered 10,000 pages of testimony on allegations of voter discrimination in Mississippi.<sup>127</sup>

The intensity of the cruelty and hatred that Greenwood whites exhibited was alarming even by Mississippi standards. Whites tried to bomb civil rights workers and shot them, but Greenwood mayor Charles Sampson implied that COFO leaders staged many of these incidents to stir up local blacks and gain publicity. Despite ongoing protests, Sampson argued that local blacks were well treated.<sup>127</sup> Throughout the Delta, the initial, almost instinctive, white response to black activism was usually an attempt to reassert the caste system’s stereotypes and rituals. The caste system’s complexity and the elaborate interrelationship of its parts meant that a threat to any component of the status quo loomed as a threat to all.<sup>128</sup>

Still, the mass enfranchisement of blacks due to the Voting Rights Act of 1965 soon drastically changed the Delta’s political landscape. The number of blacks registered by 1968 was a far cry from the negligible numbers on the books no more than three or four years previous. For example, in Leflore County, less than 2% of the black voting-age population was registered to vote in 1962, but 73% were on the rolls by the middle of 1968. Alternatively, white voter registration had also vastly increased, apparently in response to the increased amount of black registered voters.<sup>129</sup>

Blacks accounted for the most registrants in four Delta counties by mid-1968 and represented most of the potential electorate in every county. Twenty-two blacks won county-level offices across the state in the 1967 elections, emphasizing the long-term implications of the civil rights movement. After blacks’ show of force in the 1967 election, the *Delta Democrat-Times* had concluded that the black vote had become “potent” in Mississippi.<sup>130</sup>

Black political leaders remained positive as the amount of black registered voters grew, reaching 30% by 1971 and giving blacks a clear electoral majority in 20 of Mississippi’s 82 counties. Over 300 blacks sought elected office throughout Mississippi in 1971, expecting to build on the foundation established in 1967. While many of their campaigns indicated an impressive degree of determination and organization, 259 of 309 black candidates lost.<sup>131</sup>

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<sup>126</sup> David Binder, *Jamie Whitten, Who Served 53 Years in House, Dies at 85*, *The New York Times*, (Sept. 10, 1995), <https://www.nytimes.com/1995/09/10/obituaries/jamie-whitten-who-served-53-years-in-house-dies-at-85.html>. Jamie L. Whitten was a Democratic Congressman from Mississippi for 53 years – the record for the longest service in the House of Representatives. Mr. Whitten was chairman of the powerful Appropriations Committee from 1979-1992.

<sup>127</sup> COBB, *supra* note 20, at 235.

<sup>128</sup> *Id.* at 237.

<sup>129</sup> *Id.* at 237-238. For more details about the caste system in the Delta, *see infra* Part V C, The Delta’s Caste System.

<sup>130</sup> *Id.* at 245-246.

<sup>131</sup> *Id.* at 246.

### III. THE FAILURE OF ANTI-DISCRIMINATION LAWS TO PROTECT MISSISSIPPI DELTA SHARECROPPERS

#### A. Relevant Laws that Impacted Mississippi Delta Sharecroppers

##### 1. Local and State Laws and Cases

Starting in the late 1860s, during Reconstruction and gaining steam after whites regained political control in 1877, all southern states enacted interlocking laws designed to criminalize black life. Most such laws were struck down via federal interventions or in court appeals; however, new statutes embracing the same restrictions on black lives quickly replaced them. Few laws specifically stated their applicability only to blacks, but their provisions were rarely if ever, enforced on whites. With the exceptions of Arkansas and Tennessee, every southern state had passed laws outlawing vagrancy and defining vagrancy so vaguely that almost any formerly enslaved person not protected by a white man could be arrested by the end of 1865.<sup>132</sup>

An 1865 Mississippi statute required black workers to contract with white farmers by January 1 annually or risk arrest. Four other southern states legislated that blacks could not be legally hired for work without a discharge paper from their previous employer. This effectively prevented them from leaving their previous employer’s plantation. Alabama, North Carolina, and Florida passed laws in the 1880s that made it a criminal act for a black man to change employers without permission.<sup>133</sup> In nearly all cases, the potential penalty for black men and a few women arrested under these laws was the prospect of being sold into forced labor. In 1866, Alabama governor Robert M. Patton leased Alabama’s 374 prisoners to Smith and McMillen for a six-year term for a grand total of five dollars. The Alabama and Chattanooga Railroad controlled Smith and McMillen. Three years later, Governor Patton became president of Smith and McMillen. This forced labor continued in southern states for the next 80 years.<sup>134</sup>

Section 1 of the Civil Rights of Freedmen in Mississippi provision of the Black Code of Mississippi<sup>135</sup> required all mulattoes, free negroes, and freedmen may sue and be sued, implead and be impleaded, in all courts of law and equity, may acquire personal property, and may dispose of it in the same manner and to the same extent as white persons, provided that no mulatto, free negro, or freeman lease or rent any lands or tenements besides those in incorporated towns.<sup>136</sup>

Under Section 3, all mulattoes, free negroes, and freedmen who currently or have previously cohabitated together as husband and wife were held as legally married and legitimate for all purposes, and it was unlawful for any mulatto, free negro, or freedman to intermarry with any white person; and for any white person to intermarry with any mulatto, free negro, or freedman; and any person who so intermarried were guilty of felony and, on conviction, receive life in Mississippi State Penitentiary. The law defined mulattoes, free negroes, and freedmen as being of pure negro blood and

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<sup>132</sup> *Id.* at 247.

<sup>133</sup> BLACKMON, *supra* note 70, at 53-54.

<sup>134</sup> *Id.* at 53-54.

<sup>135</sup> *Id.* at 54.

<sup>136</sup> Teaching American History, <https://teachingamericanhistory.org/document/black-codes-of-mississippi/> (last visited May 5, 2023). The Black Code of Mississippi (1865) referenced the creation of state laws impeding the civil rights of freed slaves in Mississippi.

those descended from a negro inclusive of the third generation. It permitted one ancestor in each generation to be white.<sup>137</sup>

Section 6 required all labor contracts with mulattoes, free negroes, and freedmen for a month or longer to be in writing, in duplicate, attested, and read to said mulatto, free negro, or freedman by a county or city officer, beat, or two disinterested white people of the county in which the work was to be performed; and took said contracts as entire contracts. The laborer who quit without good cause before the end of his contract forfeited their wages for that year up to the time of quitting.<sup>138</sup>

Under Section 7, every civil officer must, and every person could arrest and return to their employer any mulatto, free negro, or freedman who left his employment without good cause before their contract ended; permitted said officer and person to receive five dollars for arresting and returning every deserting employee, plus ten cents per mile from the location of the arrest to the site of the delivery; and required the employer to pay the same from the deserting employee’s wages. Section 7 provided that the arrested party could appeal to the board of police of the county or justice of the peace who were tried summarily whether said appellant was legally employed by the alleged employer and had good cause to quit said employer. Section 7 permitted either party to appeal from the county court, pending which the alleged deserter must be remanded to the alleged employer or otherwise disposed of. The county court’s decision was final.<sup>139</sup>

Section 9 required any person persuaded or attempted to influence, cause, or entice any mulatto, free negro, or freedman to desert from the legal employment of any person before the end of their contract or who knowingly employed any such deserting mulatto, negro, or freedman, or who deliberately gave or sold any such deserting mulatto, negro, or freedman raiment, food, or other thing, to be guilty of a misdemeanor and, upon conviction, be fined \$25-\$200 plus costs. Section 9 permitted the court to sentence said convict to no more than two months’ imprisonment in the county jail if the fine and fees were not immediately paid and held the person liable for damages to the injured party. Section 9 provided that any person who persuaded or attempted to persuade, cause, or entice any mulatto, free negro, or freedman to desert from the legal employment of any person would be fined \$50-\$500 plus costs. The court must sentence said convict to no more than six months imprisonment in the county jail if said fine and fees were not immediately paid.<sup>140</sup>

Under the Black Code of Mississippi’s Apprentice Law, it was the duty of all justices of the peace, sheriffs, and other civil county officers to report to probate courts of their respective counties in January and July terms all mulattoes, free negroes, and freedmen younger than 18 years old in their districts, beats, or counties who were orphans, or whose parent(s) could or would not provide for and support them. Thereupon, it was the probate court’s duty to order the clerk of said court to apprentice said minors to some suitable and competent person, provided that the former owner of

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<sup>137</sup> HIGGINBOTHAM, *supra* note 107, at 932.

<sup>138</sup> *Id.* at 916-917.

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

said minors had a preference when they were an appropriate person for that purpose in the court’s opinion.<sup>141</sup>

Under the Black Code of Mississippi’s Vagrant Law, all mulattoes, free negroes, and freedmen older than 18 years old found on the second Monday in January 1866 or after that, with no lawful business or employment, or seen illegally assembling themselves, either during day or night, and all white people with them, or usually associating with them, or living in fornication or adultery with a mulatto, free negro, or freedwoman, were deemed vagrants, and on conviction, were fined no more than \$50 in the case of a mulatto, free negro, or freedman, and no more than \$200 in the case of a white man, and imprisoned at the court’s discretion. For a free negro, the term was no longer than ten days; for a white man, it was no longer than six months. It was prima facie evidence of vagrancy for any mulatto, free negro, or freedman who failed or refused to pay any tax regarding the provisions of the sixth section of this act. It was the sheriff’s duty to arrest such mulatto, free negro, or freedman and immediately hire such person for the shortest time to anyone who would pay said tax, plus costs, giving preference to the employer, if there was one.<sup>142</sup>

Under the Black Code of Mississippi’s Penal Laws, no mulatto, free negro, or freedman not in the military and not licensed to do so by their county’s board of police could carry or keep any firearms, or any ammunition, bowie or dirk knife, and if convicted in county court, was punished by a fine of no more than \$10, plus costs. All such ammunition or arms were forfeited to the informer. It was every military and civil officer’s duty to arrest any mulatto, free negro, or freedman found with any such ammunition or arms and cause them to face trial in default of bail. Such laws were prevalent in Mississippi and other southern states, including Alabama, Louisiana, Georgia, Florida, Texas, North Carolina, and South Carolina.<sup>143</sup>

For example, on March 30, 1908, twenty-two-year-old Green Cottenham, the youngest of nine children born to formerly enslaved people in an adjoining county to Shelby County, Alabama, was arrested and charged with vagrancy. After three days confined behind bars, Cottenham was quickly found guilty. Cottenham was immediately sentenced to thirty days of hard labor. Since Cottenham could not afford to pay the fines and court fees, his term was extended to almost a year of hard labor. The next day, the sheriff turned Cottenham over to U.S. Steel Corporation<sup>144</sup> for the duration of his sentence.<sup>145</sup> In exchange, the subsidiary, Tennessee Coal, Iron & Railroad<sup>146</sup> gave U.S. Steel \$12 monthly to cover Cottenham’s fines and court fees. Cottenham’s required daily “task” was to remove eight tons of coal from the mine.

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<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.* at 917-918.

<sup>144</sup> *Id.* at 918.

<sup>145</sup> United States Steel, <https://www.ussteel.com/about-us/history> (last visited July 18, 2023). U.S. Steel was formed when a group led by Elbert Gary, U.S. Steel’s first chairman, and J.P. Morgan purchased Andrew Carnegie’s steel company. After the purchase, they combined it with their holdings in the Federal Steel Company, and both companies became the nucleus of U.S. Steel.

<sup>146</sup> BLACKMON, *supra* note 70, at 301-302.

“Cottenham’s offense was blackness.” Cottenham never made it back home to his family from U.S. Steel Corp.<sup>147</sup>

The purpose of the Black Codes was to attempt to outlaw the renting or leasing of farmland to blacks, thus forcing them to return to their former masters.<sup>148</sup> James L. Alcorn’s home at Yazoo Pass was torched in the Spring of 1869 after he announced that he would rent the land to a black family.<sup>149</sup>

Mississippi’s 1890 Constitution<sup>150</sup> stripped the vote from almost every back in addition to thousands of hill-county whites via the poll tax and other provisions. It also severely limited the chief executive’s powers. The legislature mainly had such ability to govern because uncorrected malapportionment helped to continue the Delta’s influence.<sup>151</sup> Mississippi’s 1895 gubernatorial election highlighted the effects of disenfranchisement. The amount of black males who did not vote increased from 71% in 1888 to almost 100% in 1895.<sup>152</sup>

Until 1890, the apportionment of the Mississippi legislature had been calculated on the basis of the total population. “This gave a tremendous advantage to the more densely populated Delta counties, where blacks (recruited to the great plantations as field workers) outnumbered whites by as many as eight to one.” Even after fewer and fewer blacks voted following the “Revolution of 1875,” the Delta’s political power did not decline because the legislature still counted the black population in the apportionment of legislative seats.<sup>153</sup>

“The white counties saw the disenfranchisement of the Negro as the first step in curbing the political power of the Delta planters.” Delegates of white counties pushed two major demands at the 1890 constitutional convention: the removal of blacks from the political process and reapportionment of the state legislature based on the white population alone. Delta delegates accepted the first demand and opposed the second one. Eventually, a compromise was decided: Almost all blacks in Mississippi were disenfranchised through a several restrictive devices, including the poll tax and the literacy test. As far as reapportionment was concerned, Delta counties kept the same amount of legislators, while white counties received some additional seats.<sup>154</sup>

The Supreme Court upheld the constitutionality of Mississippi’s disenfranchisement procedures in the 1898 case of *Williams v. Mississippi*. Once other southern states realized that the federal government would not try to defend blacks’ political rights, they quickly followed suit.<sup>155</sup>

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<sup>147</sup> University of Alabama Library Archives, <https://archives.lib.ua.edu/repositories/3/resources/4666> (last visited July 20, 2023). Founded in 1852, Tennessee Coal, Iron & Railroad Company was one of the largest and most influential iron and steel companies in Birmingham.

<sup>148</sup> BLACKMON, *supra* note 70, at 1-2.

<sup>149</sup> COBB, *supra* note 20, at 51.

<sup>150</sup> *Id.* at 72.

<sup>151</sup> Mississippi History Now, <https://www.mshistorynow.mdah.ms.gov/issue/mississippi-constitution-of-1890> (last visited May 5, 2023).

<sup>152</sup> *Id.* at 87.

<sup>153</sup> *Id.*

<sup>154</sup> OSHINSKY, DAVID, *WORSE THAN SLAVERY*, 267 *The Free Press* (1996).

<sup>155</sup> *Id.*

Mississippi lawmakers added the “false pretense law”<sup>156</sup> in 1906. The “false pretense law” provided criminal punishment for tenants who abandoned a contract after accepting even a small advance. Mississippi’s Supreme Court voided the two-contract law in 1912 based on federal court decisions, but the “false pretense law” remained in effect until 1930. Meanwhile, several towns enacted “work or fight” laws during World War I due to white perceptions of a war-induced labor shortage.<sup>157</sup>

## 2. Federal Laws and Cases

Whites considered reintroducing the forced labor of blacks to fund government services during Reconstruction as an inherently practical manner of eliminating the cost of constructing prisons and returning blacks to their appropriate positions in society. The southern economy was in ruins; state officials only had the barest resources, and county governments had even fewer resources. Forcing blacks to work as punishment for ostensible crimes was legal; the Thirteenth Amendment, adopted in 1865 to formally abolish slavery, specifically allowed involuntary servitude to punish “duly convicted” criminals.<sup>158</sup>

The Civil Rights Act of 1866<sup>159</sup> declared that all persons born in the United States, including formerly enslaved people, are citizens; prohibited racial discrimination in the sale or lease of land, the issuance and enforcement of contracts, the bringing of lawsuits, and presentment of testimony, and all other laws and proceedings for the security of person and property; and provided that the federal courts would have jurisdiction over all disputes under the Act and could punish any persons in violation.<sup>160</sup>

The Fourteenth Amendment of 1868<sup>161</sup> declared that all persons born in the United States are citizens, guaranteeing them equal protection of the laws, due process, and privileges and immunities of citizenship and giving Congress the authority to enforce the provisions.<sup>162</sup>

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<sup>156</sup> *Id.* at 268.

<sup>157</sup> The full text of Mississippi’s 1906 false pretense law is here: HEMINGWAY, WILLIAM, THE ANNOTATED MISSISSIPPI CODE: SHOWING THE GENERAL STATUTES IN FORCE AUGUST 1, 1917, EMBRACING THE CODE OF 1906 AS AMENDED AND ALL PERMANENT, GENERAL AND PUBLIC ACTS OF THE LEGISLATURE PASSED SINCE THE ADOPTION OF THAT CODE; CONTAINING ALSO THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTIONS OF THE UNITED STATES AND MISSISSIPPI, ALL COMPLETELY ANNOTATED, VOLUME 1 669 (The Bobbs-Merrill Co., 1<sup>st</sup> ed. 1917).

<sup>158</sup> COBB, *supra* note 20, at 104.

<sup>159</sup> BLACKMON, *supra* note 70, at 53.

<sup>160</sup> History Channel, <https://www.history.com/topics/black-history/fourteenth-amendment> (last visited May 6, 2023). Here’s a link to links of each section of the Civil Rights Act of 1866: Cornell Law School Legal Information Institute, [https://www.law.cornell.edu/topn/civil\\_rights\\_act\\_of\\_1866](https://www.law.cornell.edu/topn/civil_rights_act_of_1866) (last visited May 6, 2023). Congress used its authority to enforce the newly ratified Thirteenth Amendment and protect the rights of black Americans by creating the Civil Rights Act of 1866.

<sup>161</sup> HIGGINBOTHAM, *supra* note 107, at 932.

<sup>162</sup> History Channel, <https://www.history.com/topics/black-history/fourteenth-amendment> (last visited May 6, 2023). The Fourteenth Amendment granted citizenship to all persons born or naturalized in the United States – including formerly enslaved people – and guaranteed all citizens “equal protection of the laws.” Here’s a link to the full text of the Fourteenth Amendment: Cornell Law School Legal Information Institute, <https://www.law.cornell.edu/constitution/amendmentxiv> (last visited May 6, 2023).

The Fifteenth Amendment of 1870<sup>163</sup> prohibited racial discrimination in voting and gave Congress the authority to enforce the prohibition.<sup>164</sup>

*Plessy v. Ferguson*<sup>165</sup> created the “separate but equal” doctrine that permitted states to separate people based on race in railroad cars and all social activities and public accommodations in 1896.<sup>166</sup> *Brown v. Board of Education* (Brown I)<sup>167</sup> held that de jure racial segregation in education violated the Fourteenth Amendment’s Equal Protection Clause in 1954.<sup>168</sup> *Brown v. Board of Education II* (Brown II)<sup>169</sup> mandated the desegregation of previously de jure segregated schools.<sup>170</sup>

Section 2000a of Title VII of the Civil Rights Act of 1964<sup>171</sup> makes it illegal to discriminate based on “race, color, religion, or national origin” in any sphere affecting interstate commerce. The act’s purpose is to oppose widespread segregation in all places of public accommodation [restaurants, hotels, taverns, pool rooms, sporting events, gas stations, etc.] The act is intended to “eliminate the inconvenience, unfairness, and humiliation of racial discrimination.”<sup>172</sup>

Section 2 of the Voting Rights Act of 1965<sup>173</sup> prohibited any procedure, practice, standard, or prerequisite to voting to be implied or imposed by any political subdivision or State to abridge or deny the right of any United States citizen to vote based on color or race. Section 3 requires the court to authorize the appointment of federal examiners by the United States Civil Service Commission whenever the Attorney General begins a proceeding under any statute to enforce the Fifteenth Amendment’s guarantees in any political subdivision or state. It provides that the court

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<sup>163</sup> HIGGINBOTHAM, supra note 107, at 932.

<sup>164</sup> History Channel, <https://www.history.com/topics/black-history/fifteenth-amendment> (last visited May 6, 2023). The Fifteenth Amendment sought to protect the voting rights of Black men after the Civil War. Here is a link to the full text of the Fifteenth Amendment: Cornell Law School, Legal Information Institute, <https://www.law.cornell.edu/constitution/amendmentxv> (last visited May 6, 2023).

<sup>165</sup> HIGGINBOTHAM, supra note 107, at 932.

<sup>166</sup> History Channel, <https://www.history.com/topics/black-history/plessy-v-ferguson> (last visited September 27, 2023). The Supreme Court upheld a Louisiana statute prohibiting black passengers from riding alongside whites in railway cars in *Plessy v. Ferguson*.

<sup>167</sup> HIGGINBOTHAM, supra note 107, at 934.

<sup>168</sup> History Channel, <https://www.history.com/topics/black-history/brown-v-board-of-education-of-topeka> (last visited May 9, 2023). *Brown v. Board of Education of Topeka* was a landmark 1954 Supreme Court case in which the justices ruled unanimously that racial segregation of children in public schools was unconstitutional. Here’s the citation to the full text of *Brown v. Board of Education* (Brown I): *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

<sup>169</sup> HIGGINBOTHAM, supra note 107, at 936.

<sup>170</sup> Library of Congress, <https://guides.loc.gov/brown-v-board-of-education/chronology-of-events#s-lib-ctab-22170470-10> (last visited May 8, 2023). In *Brown v. Board of Education for Topeka II*, the Supreme Court ordered that desegregation occur “with all deliberate speed.” *Brown II* was intended to work out the mechanics of desegregation. Due to the vagueness of the term “all deliberate speed,” many states could stall the Court’s order to desegregate their schools. The legal and social obstacles that southern states put in place and encouraged in their effort to thwart integration catalyzed the student protests that launched the civil rights movement. Here’s the citation to the full text of *Brown v. Board of Education* (Brown II): *Brown v. Bd. of Educ.*, 349 U.S. 294 (1955).

<sup>171</sup> HIGGINBOTHAM, supra note 107, at 936.

<sup>172</sup> Cornell Law School Legal Information Institute, <https://www.law.cornell.edu/uscode/text/42/2000a> (last visited May 6, 2023) Title II of the Civil Rights Act of 1964 provided for desegregation in all places of public accommodation. The full text of § 2000a of Title VII of the Civil Rights Act of 1964 is found here.

<sup>173</sup> HIGGINBOTHAM, supra note 107, at 937.

does not need to authorize the appointment of federal examiners if any occurrences of abridgment or denial of the right to vote based on color or race (1) have been few in amount and have been effectively and promptly corrected by state or local action, (2) the ongoing effects of such occurrences have been eliminated, and (3) there is no reasonable probability of their recurrence in the future.<sup>174</sup>

## **B. The Inadequacy of Laws, Efforts, and Government Officials to Reduce and Eliminate Racial Discrimination and Violence Against Mississippi Delta Sharecroppers**

Despite civil rights laws passed to protect them, sharecroppers still suffered harassment, intimidation, violence, and discrimination at the hands of whites in the Mississippi Delta. Not until civil rights groups brought national attention to the plight of sharecroppers in the Mississippi Delta and America learned of the brutality sharecroppers regularly faced did things begin to change for the better.

### **1. Harmful actions that were done to sharecroppers**

At the 1890 constitutional convention to consider disenfranchisement, hill county leaders strenuously objected that the proposed means to remove the black vote would also disenfranchise 50,000 whites. Moreover, many Delta whites actively opposed the “understanding clause.” The “understanding clause” was added to the constitution to permit a registration loophole for illiterate whites from the hills.<sup>175</sup>

The poll tax, literacy test, and secret ballot had their desired effect after the 1890 constitutional convention ended, while the understanding clause did not result in a significant boon to white counties. Of the barely 2,000 new voters approved via the understanding clause in 1892, almost 50% were black. The 1895 gubernatorial election results demonstrated the effects of disenfranchisement in Mississippi. The percentage of black males who did not vote increased from 71% in the 1888 presidential election to almost 100% in 1895.<sup>176</sup>

Besides a new sense of partisan unity, the 1890 constitution provided additional benefits for Delta whites. Although white county representatives successfully used the 1890 constitutional convention to reapportion the legislature, a new reapportionment plan ostensibly based on the adult male (voting population) instead of the entire population ultimately had little effect on the disproportionate influence whites enjoyed from majority-black counties in the state legislature. Before the new constitution’s ratification, majority-white counties with a total white adult male population of 73,010 received only 51% of state House of Representative seats and 17% of state Senate seats. In comparison, majority-black counties with 47,600 adult white males held 68.3% of house seats and 22.3% of senate seats. The compromise developed by the framers of the new constitution was that majority-white counties would receive 13 new house seats, and more majority-white house districts would be created in majority black counties. On the other hand, these majority black counties would receive more favorable

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<sup>174</sup> National Archives, <https://www.archives.gov/milestone-documents/voting-rights-act> (last visited May 9, 2023). The Voting Rights Act of 1965 prevents states from imposing any voting prerequisites or qualifications that would deny the rights of any United States citizens to vote based on color or race. The full text of § 2 of the Voting Rights Act of 1965 can be found here.

<sup>175</sup> HIGGINBOTHAM, *supra* note 107, at 923.

<sup>176</sup> COBB, *supra* note 20, at 87.



apportionment in the state senate, and their leaders also expected that a required three-fifths approval of all spending measures would grant them adequate veto power over all tax increases.<sup>177</sup>

The new apportionment plan favored the white minority that led the Delta. The lower house’s almost 17-seat advantage that black counties previously enjoyed in 1882 shrank to 8 seats under the 1890 plan; however, the senate’s black county advantage slightly increased from 4 2/3 seats in 1882 to 5 1/3 seats in 1890. In the long run, disenfranchisement permitted the Delta’s Democratic leadership to unite its local power base, while ongoing malapportionment facilitated its efforts to advance its agenda in state politics.<sup>178</sup>

For example, a few Bolivar County blacks continued to vote after the 1890 disenfranchisement provisions were enacted, but whites knew that black voting could be ended if it became a problem. As white political leaders accepted the white primary system, black political fortunes declined proportionately. The poll tax slowly removed most black voters from the rolls, and those who remained only voted sporadically and in small numbers after 1895.<sup>179</sup>

Blacks’ decreasing political influence was evident in several ways. For example, in 1890, roughly equal amounts of whites and blacks were summoned for jury duty in Bolivar County; by 1902, no blacks were called. White Coahoma County landlords rejected federal flood relief assistance in 1897, dismissing blacks who protested as “incapable of comprehending the true import of government aid.”<sup>180</sup>

As previously stated, Mississippi’s 1890 disenfranchisement laws violated the Fifteenth Amendment. They prohibited racial discrimination in voting via the poll tax, literacy test, secret ballot, long residency requirements, and a new reapportionment plan. By targeting blacks with disenfranchisement laws, Mississippi’s 1890 constitution discriminated against blacks in violation of the Fifteenth Amendment. After the disenfranchisement laws from Mississippi’s 1890 Constitution also disenfranchised 50,000 whites from the hill, the “understanding clause” was added to permit a registration loophole for the 50,000 whites from the hills. The “understanding clause” that permitted a registration loophole for the 50,000 whites from the hills discriminated against Mississippi’s black voters in violation of the Fifteenth Amendment, not permitting them to vote.<sup>181</sup>

As the plantation economy stabilized, the racial climate deteriorated rapidly. The Delta stood at the forefront of a surge of racial violence that saw Mississippi rise to the top as the state with the most lynchings. Seventeen counties wholly or partially within the Delta accounted for 34 of the 93 lynchings recorded by the NAACP for all of Mississippi’s 82 counties between 1888 and 1901.<sup>182</sup>

In the early 1920s, Greenwood whites were especially known for mistreating blacks at the train station. Not only were train porters harassed, but they also harmed

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<sup>177</sup> *Id.*

<sup>178</sup> *Id.* at 87-88.

<sup>179</sup> *Id.*

<sup>180</sup> *Id.* at 89-90.

<sup>181</sup> *Id.* at 90.

<sup>182</sup> *Id.* at 87-88.

law enforcement officials and threatened out-migrants. Such incidents often led to flight by the aggrieved party and their friends.<sup>183</sup> By the end of the 1920s, most Delta blacks resided in severe poverty, legally and politically powerless to improve their economic circumstances or even protect themselves from unlawful incarceration bordering on slavery, coercion, or violence.<sup>184</sup>

Supported by the three-fifths approval requirement for all revenue votes, formidable Delta representatives steadily opposed hill-county leaders’ attempts to provide updated and expanded hospitals, schools, and other public facilities and services for low-income whites.<sup>185</sup>

In the 1930s, most banks refused to loan blacks any money. Instead, they referred them to a merchant who could demand as much as 25% interest. Hortense Powdermaker wondered at the candor of planters who admitted and even bragged about cheating their tenants. Others justified their dishonesty by stating that the only way of getting blacks to work was for them to remain at a bare subsistence level or in debt.<sup>186</sup>

A wholesale grocer told John Dollard that some planters previously lent cash before 1930; however, as the Depression continued, they opened commissaries to advance supplies and groceries in response to their decreasing cash reserves, generally at 20% to 25% interest. Interest on advances was anywhere from 15% to 25%.<sup>187</sup> Rural home demonstration agents and black teachers were regularly forbidden from showing tenants how to calculate their crop share, and blacks with “a propensity to figure” were considered potential troublemakers.<sup>188</sup>

## 2. Beneficial Actions that Were not Done for Sharecroppers

Delta planters who intended to remedy the deficiencies of loyalty, industry, and thrift among black laborers by encouraging foreign immigration were predestined to fail because, for all the advantages immigrants appeared to have as tenants, they were much less susceptible than blacks to intimidation or coercion. Not only were Italians and other immigrants less likely to work without complaint for minimal wages, but they were also not disposed to accept the constraints of being a Mississippi Delta tenant farmer. These constraints, including selling cotton only to the owner or his agent and credit only at the plantation commissary, not only conflicted with what seemed to be a tenant’s economic best interest but also bore with them the stigma of inequality and subservience and thus grouped all tenants, black and white. These conditions were economically and socially unacceptable to the Italians who immigrated to Delta plantations, and they made it known that they resented being treated like blacks.<sup>189</sup>

The largest group of Chinese Americans in the non-metropolitan South resided in the Delta. Small numbers of Chinese migrated to the Delta after Reconstruction to supplement black labor for Delta planters. The Chinese soon became disenchanted with

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<sup>183</sup> *Id.* at 91.

<sup>184</sup> *Id.* at 117.

<sup>185</sup> *Id.* at 119.

<sup>186</sup> *Id.* at 151.

<sup>187</sup> *Id.* at 154-155.

<sup>188</sup> *Id.* at 154.

<sup>189</sup> *Id.* at 155.

farming and instead operated small-scale mercantile stores catering to blacks.<sup>190</sup> Whites seldom considered Chinese merchants competitors because the volume of business per customer was so low and the clientele was so impoverished. Whites did, however, take issue with the Chinese’s open disregard for the Delta’s taboos. Not only were the Chinese courteous to blacks, Chinese males consorted openly with black women and sometimes even married them.<sup>191</sup>

During the 1930s, Chinese leaders consulted sympathetic whites regarding their children’s inferior public schools. Whites advised Chinese leaders to treat blacks like whites did, especially to curtail their open sexual liaisons. Although Delta whites had no serious economic interest in obstructing racial equality for Delta Chinese, Delta whites did not grant Delta Chinese full racial equality as long as the Chinese might behave in a manner dangerous to Delta society’s “racial integrity.” For example, Delta whites were reluctant to accept Chinese children into their school since it was difficult for them to identify if a Chinese child was part black.<sup>192</sup>

There were also Mexican sharecroppers. Mexicans came to sharecrop on B.A. Wright Plantation, where my family sharecropped until 1971. They came in summer or fall and lived in dilapidated houses past a shop. There were no white sharecroppers on the Mound.<sup>193</sup>

Mississippi’s 1890 Constitution required the distribution of school funds based on the amount of educated children in the county. Poll taxes augmented the common school fund. Both components favored Delta counties, with many blacks included in the school-age population while not paying poll taxes.<sup>194</sup>

Voters overwhelmingly approved a constitutional amendment granting the school fund distribution according to attendance. The 1916 legislature created a new state board of equalization. The state board of equalization quickly set taxes at the total estimated values. Following this, most of the opposition came from the Delta. Moreover, Delta counties took advantage of local tax boards’ ability to set their assessment levels by undervaluing property. As the wealthiest counties, the Delta stood to gain the most. The Piney Woods’ poor, underdeveloped counties usually paid more taxes than many Delta counties for most years.<sup>195</sup>

To work around this, white officials diverted a large percentage of the money earmarked for black schools to educate white students. The diversion of school funds for blacks improved the quality of education for Delta whites relative to black education for whites in counties with lower black population percentages. Despite the adversity they faced, many black parents made whatever sacrifices were necessary to ensure their children were educated. Blacks received very little assistance from whites to educate

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<sup>190</sup> *Id.* at 111-112.

<sup>191</sup> *Id.* at 173.

<sup>192</sup> *Id.* at 173-174.

<sup>193</sup> *Id.* at 174.

<sup>194</sup> Telephone Interview with Muriel Ransom Pollard, *supra* note 64. For more information on the Mound, please *see infra* Part VI, True Stories of Discrimination Former Mississippi Delta Sharecroppers Faced and Conclusion.

<sup>195</sup> COBB, *supra* note 20, at 143-144.

their children. White Delta schools offered students a longer term and better teacher salaries by denying blacks their share of school funds.<sup>196</sup>

With the 1916 legislature’s new state board of equalization came a pledge that the next legislature would reduce the tax levy; however, it still received angry protests from the Delta. Assessments declined in most of Mississippi’s 65 poorest counties while increasing by 464% in Bolivar and Coahoma counties.<sup>197</sup> In 1932, Mississippi was the first state to establish a statewide sales tax. Delta planters welcomed this as they did any regressive taxation. Although this sales tax applied to everyone, it hit sharecroppers hardest because they couldn’t afford to cover basic needs, much less an additional sales tax.<sup>198</sup>

Under the AAA’s 1933 plow-up program,<sup>199</sup> planters were paid directly to reimburse sharecroppers, share tenants, and cash tenants. AAA officials argued that planters would live up to their “moral obligation” to their tenants and fairly pay them. Tenants had little or no legal status, so that direct payments would weaken their landlord’s influence. That, in turn, would engender substantial opposition to the program from planters with close ties to the politically potent southern bloc in Congress and encourage potential social upheaval. The landlord’s perspective was that tenants could not handle their money and were likely to “throw away” what they received instead of spending it on necessities or applying it to their debts. This policy ensured that the tenant’s new dependence on federal government assistance did not release him from his old reliance on the planter.<sup>200</sup>

Although the 1934 AAA cotton program received more attention regarding tenant payments, the “planters first” policy was challenging to overturn. Under the 1934 AAA plan, each landlord received an acreage allotment based on 40% of his cotton production from 1928-1932. He collected a rental payment based on average yields of lint cotton on his property in exchange for removing this allotted acreage from cultivation. Rental payments were made in two installments. The first was completed in March or April, just before planting, and the second in August or September, right before harvest, to reduce the credit constraints for planters. The program was problematic because landowners could receive half of their eligible rental payments before it became clear that they would either retain their tenants or reduce their acreage. The most he stood to lose by violating the contract was the parity payment, which was only about 22% of the total income he would receive from the government because he received the second half of the rental payment right before harvest.<sup>201</sup>

Any tenant bold enough to file an official charge that his landlord had not paid him what he was fairly owed became a prime target for eviction since such complaints eventually made their way back to planter-dominated AAA county committees. Ostensibly written to help tenants, the ambiguous wording of specific provisions of the

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<sup>196</sup> *Id.* 143-144.

<sup>197</sup> *Id.* at 179.

<sup>198</sup> *Id.* at 144.

<sup>199</sup> *Id.* at 151.

<sup>200</sup> *Id.* at 186.

<sup>201</sup> Wayne D. Rasmussen et al., *A Short History of Agricultural Adjustment, 1933-75*, Agriculture Information Bulletin No. 391 (1976).

act made even more problems for tenants, who needed to have a better chance of a sympathetic hearing from his county committee.<sup>202</sup>

### 3. Arguments that Relevant Laws Provided Adequate Protections

In the wake of the Great Depression, William Alexander Percy and others defended the sharecropping system. They cited its positive impact during difficult times when the tenant and his family could be assured that the planter would keep them fed, clothed, and housed, regardless of crop or income prospects.<sup>203</sup>

The fact that Italian immigrants were sharecroppers is an argument that it was fair for blacks to sharecrop. Although Delta planters previously attempted to recruit immigrant labor to lessen their dependence on black workers, New Deal officials and investigators soon learned that Delta landlords preferred black tenants over white ones. According to John Dollard, “low standards of living can be forced on the Negro by utilizing caste prerogatives to suppress any demand for change on his part.”<sup>204</sup> Multiple planters did not hesitate to reject white day laborers and tenants. One planter refused a New Deal official's offer for 11 white families to sharecrop. Another white tenant reported that he was rebuffed by one planter while seeking employment. The planter frankly informed him, “I won’t have any g—damned white sharecropper on my place. Get off and stay off. All I want to work are niggers who will do what I tell them to do.”<sup>205</sup>

Planters also attempted to influence New Deal<sup>206</sup> relief agencies to remove potentially troublesome white tenants from the Delta. One official reported that planters regularly asked him not to place white families on relief but to “starve them out. They are not worth feeding. We do not want them in our county.”<sup>207</sup> Twenty-two Leflore County Civil Works Administration (CWA)<sup>208</sup> workers complained to Harry Hopkins about influential planters who received CWA work for their black tenants while refusing to contract white tenants. They assured Hopkins that they wanted the Negro who follows public work for a living to have his CWA work, but we don’t want farm labor, white or black, to rob us of what we believe to be rightfully ours.<sup>209</sup>

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<sup>202</sup> COBB, *supra* note 20, at 187-188.

<sup>203</sup> *Id.* at 188.

<sup>204</sup> *Id.* at 185.

<sup>205</sup> *Id.* at 194. For more details about the caste system in the Delta, see *infra* Part III C.8., The Delta’s Caste System.

<sup>206</sup> COBB, *supra* note 20, at 194.

<sup>207</sup> History Channel, <https://www.history.com/topics/great-depression/new-deal> (last visited September 28, 2023). President Franklin D. Roosevelt instituted the New Deal, a series of projects and programs with the goal of restoring prosperity to Americans, during the Great Depression.

<sup>208</sup> COBB, *supra* note 20, at 194.

<sup>209</sup> The Living New Deal, <https://livingnewdeal.org/glossary/civil-works-administration-cwa-1933/> (last visited May 9, 2023). The County Civil Works Administration (CCWA) was created on November 9, 1933, by Executive Order No. 6420B, under the power granted to President Roosevelt by Title II of the National Industrial Recovery Act of 1933. Like other New Deal emergency employment programs, the CWA was designed to put jobless Americans back to work and to use them on beneficial public projects. More specifically, the CWA was intended to be a short-lived program to help jobless Americans get through the dire winter of 1933-34. It did just that: Two months after its start, the CCWA had 4,263,644 formerly unemployed workers on its payroll.

#### 4. Arguments that Relevant Laws Provided Inadequate Protections

Some forty years after the Emancipation Proclamation, slavery was still practiced in America. In 1899, Edward A. Angier, a federal prosecutor in Atlanta, Georgia, filed one charge of conspiracy to hold blacks in a state of peonage against William Eberhardt, one of Georgia’s most prominent planters. Eberhardt enslaved men and women, forcing them to assign their children to him as apprentices by relying on his brother-in-law, a justice of the peace, to convict black laborers on any charge he wished to use. For example, Eberhardt regularly claimed to have loaned money to black workers and then held them on his plantation to work off the debt, usually for years at a time.<sup>210</sup>

Angier charged Eberhardt for enslaving Charley Calloway, a black man, in January 1986 by falsely claiming that Calloway owed him money. Eberhardt assaulted and degraded Calloway physically and emotionally after Calloway resisted. Witnesses said Eberhardt brutally beat Mary, Calloway’s wife, and then forced himself upon her at gunpoint. After Calloway attempted to escape, Eberhardt had him returned and placed in handcuffs. After beating Calloway “upon the back, head, face and body,” Eberhardt had Calloway left naked and chained into a bed with a sick laborer named Orange Neeley.<sup>211</sup>

Later, Eberhardt pulled out his pistol and forced Calloway “to pinion his own beloved son, Robert Calloway, oustretched to the ground, and did make the said Charley Calloway hold his said son while the said William Eberhardt did violently and unmercifully beat the said Robert Calloway with heavy sticks and other weapons” until Robert was crippled. As a final indignity, Eberhardt forced Calloway to apprentice his remaining children, who of him were still nursing babies, into Eberhardt’s control until the reached the age of twenty-one.<sup>212</sup>

Despite widespread knowledge of Eberhardt’s actions, scores of local whites rallied to his defense. They signed a petition that labelled the evidence against Eberhardt as “the testimony of irresponsible negroes.” Although Angier continued moving forward with the case, he acknowledged to his superiors that “we are the pioneers in this movement, and as this is the first time this ‘peonage’ section has ever been invoked.”<sup>213</sup>

Angier sought permission from the Department of Justice to expand his investigation into surrounding counties and warned: “Every resource known and unknown to the law will resorted to by these potent and opulent influences to break down this Bill [of indictment], as we have selected the ring-leader for the first case.” In the end, Eberhardt’s attorney argued that no federal statute specifically made it a crime to hold a person in slavery, and the presiding judge agreed. “the indictment did not state an offense within the jurisdiction of the federal courts.”<sup>214</sup>

The case was never tried. Angier wrote to Washington that “the judge ... indicated that the State Court alone had jurisdiction of the matters and things embraced

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<sup>210</sup> COBB, *supra* note 20, at 195.

<sup>211</sup> BLACKMON, *supra* note 70, at 172.

<sup>212</sup> *Id.*

<sup>213</sup> *Id.* at 172-173.

<sup>214</sup> *Id.* at 173.

in these indictments.” No local courts took the case. The Calloway family’s fate was never known.<sup>215</sup>

As the Delta’s black population grew from 1900-1930, the percentage of black farmers with their land dropped from 7.3 % in 1900 to 2.9% by 1925. The continuing migration of black tenants out of Mississippi entirely or to the Delta no doubt influenced these figures. This figure remained near 20% for the rest of the state during the same period. By 1925, the amount of black cash tenants declined to barely one-fifth of the amount in 1900.<sup>216</sup>

Former tenants who left the Delta objected to unfair treatment by their landlords, who usually refused to let them sell their cotton off the plantation and who paid them twenty to twenty-five cents per pound for it despite the actual market value being as high as forty. The inflated prices that came with credit purchases and settlements that were typically delayed or based on questionable arithmetic were also extremely sore points with black tenants.<sup>217</sup> The establishment of Mississippi’s 1932 sales tax meant that sharecroppers would have to pay more for their seed and equipment whether they bought them on credit with an advance or paid for it themselves.<sup>218</sup>

Subpar schools were another problem for blacks in the Delta during the early 1900s. White teachers in Greenwood earned \$50 monthly, while black teachers were only paid \$30. Three teachers in Leland taught 350 black students; in Indianola, black teachers only made \$15 to \$20 monthly. Some of the fifth-grade students were teachers. A regular complaint was white officials’ refusal to open black schools until the cotton harvest was significantly complete. Leland schools still were not operating on November 17, one year.<sup>219</sup> Mississippi whites never attempted to allocate school funds equally based on race. Instead, whites enjoyed clear educational advantages over their counterparts in majority white counties because many black children rarely attended school and were less likely to remain in school as they aged.<sup>220</sup>

The immense imbalance in operating budgets, length of school terms, teacher salaries, facilities, white indifference outright hostility, or ambivalence toward black education made it difficult to maintain even slightly adequate schools. Rural schools were often located in abandoned churches with shuttered windows blocking the sunlight. There were usually no tables, let alone desks or blackboards. A wet fall postponed cotton picking and, thus, the start of the school year; what’s more, it made it difficult to collect enough wood to heat the school once cold weather arrived. Extremely cold weather made it almost impossible to conduct regular classes because the children could only huddle around the stove. It was usually vented via a broken windowpane.<sup>221</sup> Under *Plessy v. Ferguson*, all social activities and public accommodations should’ve been “separate but equal” sometime after it was decided in 1896. The fact that Delta blacks still had subpar schools in the early 1900s violated *Plessy v. Ferguson*.

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<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> COBB, *supra* note 20, at 112.

<sup>218</sup> *Id.* at 116.

<sup>219</sup> *Id.* at 151.

<sup>220</sup> *Id.* at 116.

<sup>221</sup> *Id.* at 144.

As a result of voicing their concerns about subpar public schools for their children to sympathetic whites, Delta Chinese leaders began a vigorous campaign of coercion and education to curb sexual interaction with blacks. Decreased barriers to Chinese immigration during World War II helped to facilitate their efforts. The Chinese also took greater pains to prove their prejudicial feelings toward blacks by relating unflattering stories of black behavior toward whites and making derogatory remarks about blacks. At the same time, the Chinese kept a distinct deference in their dealings with whites. Such behavior gradually convinced Delta whites that granting the Chinese racial equality would not endanger white unity and the stability of Delta society. Chinese students were no longer excluded in white Delta schools in the late 1930s....<sup>222</sup> The fact that Chinese students were no longer excluded from white Delta schools in the late 1930s also violated *Plessy v. Ferguson*. As *Plessy v. Ferguson* was intended to be implemented, Delta Chinese students should have received “separate but equal” schools just as Delta black students should have received “separate but equal” schools.

Delta planters wielded their political influence disproportionately to defend their class and regional interests as long as blacks could not vote and other whites did not pose a challenge to them. Major class-based disagreements among Delta whites would undoubtedly undermine the region’s planters’ influence in state politics and the stability critical to planter dominance within the Delta.<sup>223</sup>

Civil rights leaders had hoped that growing public outrage would force Delta whites to limit their acts of violence and accept the inevitability of black political participation and integrated public facilities. Still, even after MFDP’s activities and the Freedom Summer movement had brought national attention to Mississippi’s racial conditions, Congress had passed both the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Delta whites adamantly resisted any move that appeared to represent even the most minor step in the direction of racial equality. A small plane dropped explosives and flares on an MFDP rally at Indianola in October 1964. The previous day, four whites had forced a [MFDP] campaign worker off the road, beaten and urinated on the person near Marks.<sup>224</sup>

Thirteen workers who attempted to force an Indianola restaurant to comply with the Civil Rights Act of 1964 were billy clubbed, arrested, and charged with trespassing and resisting arrest. A black man with an artificial leg and epilepsy owned one of the cars used. When he went to claim it and did not leave the station quickly enough to suit the officers due to his artificial leg, one of them began prodding him with his club as another leaped forward, shouting, “I’ll beat up that son of a bitch!” After hitting the man’s head against a wall, the policeman dragged him back into the office, charged him with refusing to obey an officer, and locked him up.<sup>225</sup> Billy clubbing 13 workers who attempted to force an Indianola restaurant to comply with the Civil Rights Act of 1964 and further injuring and arresting one who came to retrieve his car is a violation of the Civil Rights Act of 1964 and the discrimination it was intended to prevent.

According to Lafayette Surney, Ben Collins visited all of Clarksdale’s black restaurants after the Civil Rights Act was passed and threatened to close them if they

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<sup>222</sup> *Id.* at 178-179.

<sup>223</sup> *Id.* at 174.

<sup>224</sup> *Id.* at 177.

<sup>225</sup> *Id.* at 238.



served black or white civil rights workers. Greenwood’s mayor refused to accept responsibility for the safety of activists who attempted to desegregate businesses in the wake of the Civil Rights Act. He warned that “any business that integrates into the Delta is ruined as far as local people are concerned.” Greenwood restaurants transformed themselves into private “key clubs” that catered to “members” (i.e., whites) only. For example, the “Crystal Grill” became the “Crystal Club” because the owner thought desegregation would cost him 90% of his regular business. He lost many customers who were not permanent residents of the Greenwood area because whites were required to pay a “membership fee” to dine at his restaurant.<sup>226</sup> Ben Collins’s threat to all of Clarksdale’s black restaurants after the Civil Rights Act passed was another violation of the Civil Rights Act of 1964 and the discrimination it was intended to prevent.

Unlike other local hotels, the Holiday Inn, part of a national chain, agreed to accept black customers; however, its restaurant was “closed for repairs” for an extended time. The Greenwood and Leflore County school systems refused to integrate in 1965, even though it meant the loss of federal funds. An underground Greenwood “civic group” attempted to intimidate blacks and economically blackmail whites who capitulated to integrationist pressures as the civil rights movement started to force at least token desegregation of some businesses and facilities. After one supermarket manager stated that “ninety-five percent of his business was already negro,” this organization’s newsletter proposed that “white people help him make it one hundred percent by not going in this store for anything.”<sup>227</sup>

Greenwood’s segregationists even condemned the doctors who voted to integrate the local hospital as “race-mixing, dollar-loving doctors.” They urged local residents to “exert their wealth and influence to resegregate our hospital from TOP TO BOTTOM.” In addition, local segregationists objected to integrating the Leflore Theatre. They claimed it deserved “the complete ostracizing of all white people” because it willingly integrated. The Leflore Theater was only integrated for blacks willing to brave intimidation, insults, and outright physical abuse. According to Frank Smith, a “gang of toughs” regularly walked inside and outside the theater with baseball bats, sometimes shining flashlights in patrons’ faces to determine their identity.<sup>228</sup>

The Freedom Democratic Party filed suit to force a more equitable population distribution among Mississippi’s congressional districts in October 1965. The district alignments at the time diluted black voting strength because the Delta lay within the Second District, which had only 608,441 residents as compared, for example, to only 295,072 in the Fourth. The legislature responded by again redrawing congressional lines, this time splitting the Delta three ways into two majority-white districts and a third with a majority 51% black population (but a white majority in registered voters and voting-age population) even as the court considered the case.<sup>229</sup>

Around 1965, two bills required at-large school board elections in Washington, Leflore, and Coahoma counties. Both bills required school board members to own \$5,000 in real estate, a sum the average Delta black could not afford. What’s more, the legislature passed a bill making the school superintendent an appointive instead of an

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<sup>226</sup> *Id.* at 238-239.

<sup>227</sup> *Id.* at 239.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.* at 239-240.

elective position in 10 counties, four in the Delta, and permitting countywide referenda on the same issue elsewhere.<sup>230</sup>

Regardless of their increasing strength in numbers, black voters continued to face intimidation and fraud. Illiterate blacks who desired to vote for an all-black slate of candidates asked a white official to mark their ballots in Sunflower’s 1967 local elections. On the eve of voting, the local election commission had decided not to permit a black official to be present to assist black voters. Black voters had to pass in front of the chief of police upon entering and make their way through a crowd of whites to exit.<sup>231</sup> The decision to not permit a black official to be present to assist black voters and forcing black voters to pass in front of the chief of police was a violation of the Fifteenth Amendment.

Racial tensions developed by active black politicians were further stoked by efforts to force the desegregation of public schools. Joetha Collier, a recent black graduate of Drew High School, was murdered in front of a black grocery store. Three white men were arrested and charged for her death. They had randomly selected Collier, who had won a good citizenship award at the graduation ceremony. Collier had been a member of the girls’ basketball and track teams. Her white principal described her as “a good girl. She was a black student but was a good girl.”<sup>232</sup>

Collier’s murder sparked protests, arresting at least 37 people and started random rock-throwing incidents that Drew Mayor W.O. Williford to impose a dusk-to-dawn curfew. Aaron Henry<sup>233</sup> declared that “opposition to blacks registering to vote seems to have awakened the white community,” citing vandalism against registration workers, threats, and harassment. Rainey Poole, a one-armed black plantation worker, was beaten and shot to death outside a “white” nightspot in Louise. The search for Poole’s body resulted in the dragging of the Sunflower River, which in turn yielded the bodies of two other black men whose families thought were in Chicago. Angry blacks commenced a boycott of white businesses in the first united protest effort Louise witnessed. Whites’ resort to violence to reassert their dominance was not new to Delta whites. Still, it now elicited bitter protests and even threats of a violent counterattack from blacks instead of intimidating them.<sup>234</sup> The civil rights movement significantly improved self-esteem among blacks in the Delta. Unleashing the black vote forced white public officials and politicians to treat blacks more respectfully.<sup>235</sup>

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<sup>230</sup> *Id.* at 244-245.

<sup>231</sup> *Id.* at 245.

<sup>232</sup> *Id.* at 247.

<sup>233</sup> *Id.* at 248-249.

<sup>234</sup> Mississippi History Now, <https://mshistorynow.mdah.ms.gov/issue/aaron-henry-a-civil-rights-leader-of-the-20th-century> (last visited May 9, 2023). Aaron Henry worked with other forces and groups to establish the statewide COFO. He served as president of COFO in 1962 and helped organize the “freedom vote,” a mock statewide general election to parallel the Mississippi gubernatorial election of 1963.

<sup>235</sup> COBB, *supra* note 20, at 249.

#### **IV. THE PERSISTENT EFFECTS OF DISCRIMINATION AGAINST ENSLAVED PEOPLE AND SHARECROPPERS IN THE MISSISSIPPI DELTA**

“Out of slavery – and the anti-black racism it required – grew nearly everything that has truly made America exceptional: its economic might, its industrial power, its electoral system, diet, and popular music, the inequities of its public health and education, its astonishing penchant for violence, its income inequality, the example it sets for the world as a land of freedom and equality, its slang, its legal system and the endemic racial fears and hatreds that continue to plague it to this day.”<sup>236</sup>

Chattel slavery was based on race, not a condition. It was also permanent and inherited; thus, as generations of blacks were born into it, they passed their enslaved status on to their children. Enslaved people were viewed not as human beings but as property that could be traded, bought, sold, mortgaged, given as a gift, used as collateral, and disposed of violently.<sup>237</sup>

##### **A. General Effects of Discrimination During Slavery, Reconstruction, and Jim Crow**

###### **1. Slavery**

Enslaved people could not legally marry. They were not permitted to learn to read and were restricted from gathering privately in groups. Their children could be bought, sold, and traded away from them on auction blocks next to furniture and cattle. Kinship ties to mothers, siblings, and cousins meant nothing to masters and the courts. Owners could rape or murder their slaves with no legal ramifications.<sup>238</sup> Enslaved people could not own, will, or inherit anything.<sup>239</sup> Enslaved people were often worked to death to produce the highest profits for the white owners.<sup>240</sup>

Protecting the institution of slavery is one of the primary reasons the colonies declared their independence from Britain, which had grown deeply conflicted over its role in slavery by then. For the colonies to stop participating in the slave trade would have turned the colonies’ economy on its head in both the South and the North. The wealth and prominence that made Jefferson and the other founding fathers think they could break from one of the world’s most powerful empires occurred from the shocking profits of chattel slavery.<sup>241</sup>

The Declaration of Independence does not mention slavery. In addition, the framers of the Constitution carefully developed it to protect and preserve slavery without ever saying the word. While making their case for freedom to the world, the framers did not want to highlight their hypocrisy explicitly. The Constitution protected the black enslavers’ “property,” prevented the federal government from intervening to end the importation of enslaved Africans for 20 years, permitted Congress to mobilize

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<sup>236</sup> *Id.* at 250.

<sup>237</sup> JONES, *supra* note 12, at 4.

<sup>238</sup> *Id.* at 17.

<sup>239</sup> *Id.*

<sup>240</sup> *Id.* at 17-18.

<sup>241</sup> *Id.* at 18.

militia to stop insurrections by enslaved people, and forced states that had outlawed slavery to return runaway slaves.<sup>242</sup>

The embarrassing double standard of ongoing chattel slavery in a nation established upon individual freedom resulted in a hardening of the racial caste system.<sup>243</sup> By the early 1800s, both white Americans who participated in slavery and those who did not “had a considerable psychological as well as economic investment in the doctrine of black inferiority.”<sup>244</sup>

In 1857, the Supreme Court captured this perspective in *Dred Scott*, deciding that free and enslaved blacks came from a “slave” race. The court held that while democracy was for citizens, the “Negro race” was “a separate class of persons” that the founders had “not regarded as a portion of the people or citizens of the Government” and had “no rights which a white man was bound to respect.”<sup>245</sup>

Five years later, President Abraham Lincoln called a group of five esteemed black men to the White House for a meeting during the Civil War. President Lincoln was weighing a proclamation that would emancipate all enslaved people in the states that had seceded from the Union if the states didn’t end the rebellion.<sup>246</sup> The proclamation would permit formerly enslaved people to join the Union Army in collaboration against their former masters. Like most white Americans, Lincoln opposed the institution of slavery as an inhumane system at odds with American values, but he also opposed black equality.<sup>247</sup> General Robert E. Lee surrendered at Appomattox nearly three years later, and the Civil War ended. Suddenly, four million blacks were free.<sup>248</sup>

## 2. Reconstruction

During Reconstruction, from 1865 to 1877, formerly enslaved people enthusiastically participated in the political process. For the first time in history, the South began to resemble democracy as blacks were elected to local, state, and federal offices. Sixteen black men served in Congress, and Hiram Revels of Mississippi became the first black Senator. Revels and Blanche K. Bruce became the first black men elected for almost 100 years until Edward Brooke of Massachusetts in 1967. Over 600 black men served in Southern state legislatures and hundreds more in local positions.<sup>249</sup>

They helped pass laws that prevented housing, accommodation, and public transportation discrimination and improved tax legislation. Perhaps their most significant achievement was the establishment of the public school. Now, black and white Southern students were required to attend schools like their northern counterparts.

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<sup>242</sup> *Id.*

<sup>243</sup> *Id.*

<sup>244</sup> For more details about the caste system in the Delta, *see infra* Part III.C.8., The Delta’s Caste System.

<sup>245</sup> JONES, *supra* note 12, at 19.

<sup>246</sup> *Id.*

<sup>247</sup> *Id.* at 20.

<sup>248</sup> *Id.*

<sup>249</sup> *Id.*

Led by black activists and the Republican Party, Reconstruction witnessed the most significant expansion of civil and human rights in America’s history.<sup>250</sup>

### 3. Jim Crow

By the time the sharecropping era began, sharecroppers continued to live in a system that kept them in poverty and poor health. Planters reduced their risks by holding back on cash advances, instead providing sharecroppers only the fundamental necessities of clothing and food. A sharecropper living on advances was almost sure to wear the cheapest clothes and shoes available while subsisting on a diet of cornbread, fat salt pork, and canned goods, mainly beans.<sup>251</sup>

Though black sharecroppers enjoyed little legal protection, many landlords who mistreated their tenants usually found it difficult to recruit or retain labor from year to year. January was “movin’ month” for Delta sharecroppers. With no guarantee that the annual relocation of labor would distribute workers proportionately to the needs of the region’s planters, even the most compassionate and tolerant Delta planters regularly found themselves in an annual scramble to retain or secure dependable labor. This reality necessitated that Delta planters exercise both restraint and firmness in just the right amounts to maintain control of their workers without repressing them enough to drive them away to another plantation.<sup>252</sup>

The ensuing interruption of the world cotton market at the outbreak of World War I was a factor in a particularly severe decline in black fortunes. By 1920, the small window of opportunity the Delta had previously afforded motivated blacks was firmly closed. It had begun to close in the 1880s once railroad and levee construction encouraged development and settlement, resulting in a vast influx of black farm workers. Delta planters’ support for disenfranchisement firmly closed the window. The few blacks who owned even a tiny piece of land in the late nineteenth and early twentieth centuries were mired in a web of credit scarcity and indebtedness by 1920. They lacked the resources to continue the moderate upward momentum of the previous decades.<sup>253</sup>

In addition to the economic drop, the Delta’s racial climate deteriorated during the early 1900s. Any Delta black who stepped too far out of line still risked a real possibility of reckoning with a lynch mob. According to NAACP statistics, the 17 counties lying entirely or partly in the Delta witnessed 66 lynchings. That number accounted for over 35% of Mississippi’s 188 confirmed lynchings. From 1900 through 1930, these 17 counties averaged a lynching every 5 ½ months.<sup>254</sup>

### 4. Continuous Health Issues

An early 1927 study of 80 black families disclosed an average annual gross income of \$579. That’s \$9,708.88 in today’s dollars. The study was conducted during February, the leanest month for black tenants since they received their settlement in December. Planters usually began making advances in March. Unsurprisingly,

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<sup>250</sup> *Id.* at 21.

<sup>251</sup> COBB, *supra* note 20, at 102.

<sup>252</sup> *Id.* at 106-107.

<sup>253</sup> *Id.* at 113.

<sup>254</sup> *Id.* at 114.

researchers found that the black subjects’ diets lacked nutrient and energy values. Almost 13% of those studied consumed no milk of any kind. Over 25% of the total calories ingested were from fats. Sweets contributed majorly because molasses was a staple. More than half of the families received over 10% less than recommended iron, phosphorous, calcium, and protein levels. Typical weekly meals included heavy amounts of cornbread, fried pork, and biscuits. One of the most impoverished families survived on the same coffee, cornbread, and rice for breakfast and dinner, in their case at 4:00 pm, of peas and cornbread that didn’t even include the traditional piece of salt pork.<sup>255</sup>

Experts connected these dietary issues to the high death rate among Delta blacks and the occurrences of pellagra<sup>256</sup> and rickets.<sup>257</sup> One health officer estimated that both diseases were twice as prevalent among blacks as whites. Twenty of the families studied accounted for 61 doctor visits in one year.<sup>258</sup>

Income was a significant cause of these health problems. Tenants who received cash settlements displayed better dietary habits than tenants on plantations who received their settlements in supplies. Illiteracy and ignorance were other contributing factors. Many blacks were observed to be unaware of affordable, nutritious meals like macaroni and cheese. A black home demonstration agent claimed she had met Delta blacks who had never eaten ice cream.

The value of garden products was another function of improper diet among Delta sharecroppers in addition to low income and educational levels. The value of garden products per farm in the Delta during 1929 was less than \$15 compared to a state average of \$46.49. Planters blamed the failure to grow more vegetables on their black tenants’ shiftlessness; however, Kathleen Knight’s family found that their landlord refused to allot them any land for a garden after her family joined other whites who migrated to the Delta.<sup>259</sup>

## 5. The Delta’s Caste System

Two social scientists, John Dollard and Hortense Powdermaker, observed Indianola’s caste system in the late 1930s. Both Dollard and Powdermaker agreed that the antiquated, conflicting, and increasingly complex social system they studied was linked intricately to the Delta’s plantation-based economy. Dollard provided multiple examples that proved the caste system offered whites economic advantages. For example, a 16-year-old black girl was a children’s nurse in a white home. She worked during the summer from 6:00 a.m. until 6:00 p.m. for \$1.50 weekly. She sought a

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<sup>255</sup> *Id.* at 119.

<sup>256</sup> American Osteopathic College of Dermatology, <https://www.aocd.org/page/Pellagra> (last visited Apr. 20, 2023). Pellagra is a systemic disease that results from severe vitamin b3 (niacin) deficiency. While mild deficiency may go unnoticed, a diet chronically low or without niacin may result in diarrhea, dermatitis, dementia, and possibly even death.

<sup>257</sup> Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/rickets/symptoms-causes/syc-20351943#Overview> (last visited Apr. 20, 2023) Rickets is the softening and weakening of bones in children, usually because of an extreme and prolonged vitamin d deficiency. Rare inherited problems can also cause rickets.

<sup>258</sup> COBB, *supra* note 20, at 119.

<sup>259</sup> *Id.* at 119-120.

position as a maid that she hoped may pay up to \$2.00 weekly to improve her circumstances.<sup>260</sup>

Under the Delta’s unique socioeconomic arrangements, servants were “cheap, plentiful, and cheerful except during cotton-picking times in the fall.” At that time, domestic servants temporarily left their city employers for the cotton fields. After all, deft pickers may make up to \$2.00 daily, while a cook earned \$3.00 to \$6.00 weekly and supplemented her wages by “totin,” or taking food from the white folks’ kitchen home to her family. A young black child received \$.25 for mowing the lawn plus a noonday meal of “a porkchop sandwich, hot biscuits, and a jug of cold buttermilk” from his employer. A washerwoman received \$1.25 for doing laundry for a family.<sup>261</sup>

The system severely disadvantaged blacks economically. One black woman in her fifties told Powdermaker that she and her husband had only cleared money six times in 36 years of farming. Another couple who sharecropped and rented for 14 years only cleared money three times, with \$110 being their largest profit.<sup>262</sup> Moreover, the caste system protected whites from any black competition. For instance, one white illegal bootlegger forced black bootleggers to sell at the same prices because white deputies would inevitably raid them if they did not. These same deputies typically ignored white bootlegging activities.<sup>263</sup>

In the few instances where blacks improved despite the obstacles they faced, they had to exercise severe caution lest their success provoke white resentment. Regardless of a sharecropper’s humility, visible advancement by blacks could harm their safety and health. Ralph Ellison described a black man who was lynched for painting his home. Fannie Lou Hamer<sup>264</sup> recounted how her father had progressed from sharecropper to cash tenant, painted his own home, and obtained his implements and livestock, only to have a white man poison them and send the family back into sharecropping.<sup>265</sup>

The caste system also placed white Delta men in an advantageous sexual position. Even though white men appreciated a high amount of access to black women while black men were presumably forbidden to even so much as look at white women. What’s more, a prevailing stereotype of promiscuity followed Indianola’s lower-class black women.<sup>266</sup>

Alternatively, when white men fulfilled their fantasies with black women at the risk of their good name, it was as much winked at as frowned upon. Hill-country whites condemned the Delta for its miscegenation.<sup>267</sup> Despite their attempts to conceal it,

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<sup>260</sup> *Id.* at 153-154.

<sup>261</sup> *Id.* at 154.

<sup>262</sup> *Id.*

<sup>263</sup> *Id.* at 155.

<sup>264</sup> History Channel, <https://www.history.com/topics/black-history/fannie-lou-hamer> (last visited October 2, 2023). Fannie Lou Hamer helped focus attention on the plight of blacks throughout the South by passionately depicting her own suffering as a civil rights activist. For a more detailed discussion of Fannie Lou Hamer, *see infra* Part VI, True Stories of Former Mississippi Delta Sharecroppers and Discrimination They Faced, Section B.2., Fannie Lou Hamer, and Part VIII, Conclusion.

<sup>265</sup> COBB, *supra* note 20, at 155-156.

<sup>266</sup> *Id.* at 156-157.

<sup>267</sup> *Id.*

white Delta females exhibited substantial resentment of the sexual double standard that permitted their husbands to accept “gratification elsewhere” while refusing the same opportunity to them.<sup>268</sup>

Delta blacks suffered daily humiliation and regular reminders of their subservience whenever they contacted whites. Whites never addressed blacks as “Mr.” or “Mrs.”; instead, they often referred to them by their first names, no matter their position. Whites never offered to shake the hands of blacks, and white men remained seated while black women stood.<sup>269</sup> Furthermore, whites referred to blacks as “colored” or “nigra” if they didn’t address them as “nigger.” Whites also required blacks to come to the back door regardless of the purpose of their visit.<sup>270</sup>

Blacks placed outstanding stock in the value of their independent organizations because interaction with whites was fraught with the potential for emotional or physical harm. The black church played a significant role in protecting blacks from the psychological trauma inflicted by the Delta’s caste society. From Powdermaker’s perspective, the black church helped to maintain black self respect “in a situation geared to destroy it.” The black church was the one community institution that blacks controlled.<sup>271</sup>

Like the church, the black family played a critical role in providing a safe space for growth and self expression. Still, the Delta’s caste system forced black parents to educate their children regarding the racial realities of their daily lives. Most black parents just advised their children not to play with whites. If the child asked why, they usually responded, “That’s just the way it is.” Some black mothers went even further, cautioning their children not to give whites any sass and warning sons not to look into any white woman’s face because she could say they wanted to rape her.<sup>272</sup>

Life under the caste system required Indianola’s blacks to always maintain self control in the face of constant abuse and humiliation. Playing “the dozens,” a test of wits focused on one’s ability to give and absorb verbal abuse, was a major coping method.<sup>273</sup> Like the dozens, black mythology and folklore also provided critical emotional and psychological support for those on the lowest level of Delta society. Trickster tales featuring Brer Rabbit outsmarting alligators and foxes spread freely among Delta blacks, as did the exploits of “John,”<sup>274</sup> the wily enslaved person who always outwitted his mater. The story indicted the white man’s slow wittedness and the difficulties masters faced in forcing enslaved people to comply when enslaved people knew that there was no threat of physical harm.<sup>275</sup>

Trickster behavior became a less effective response to Delta blacks’ circumstances by the early 1900s. Once blacks began pursuing economic independence

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<sup>268</sup> *Id.* at 160.

<sup>269</sup> *Id.* at 163.

<sup>270</sup> *Id.* at 164-165.

<sup>271</sup> *Id.* at 165-166.

<sup>272</sup> *Id.* at 165.

<sup>273</sup> *Id.* at 166.

<sup>274</sup> Yale-New Haven Teachers Institute,

<https://teachersinstitute.yale.edu/curriculum/units/1993/2/93.02.08.x.html> (last visited October 2, 2023). John became the trickster who outsits Old Mas, the slave owner, and wins his freedom.

<sup>275</sup> COBB, *supra* note 20, at 167-168.



and autonomy as free laborers, malingering could only harm one’s coworkers or family. Similarly, stealing could result in dismissal or imprisonment. Trickster behavior eventually gave way to the “badman.” The “badman” killed, robbed, tortured, and taunted without remorse. “Stagolee,” compassionless and fearless, was the most famous mythical black badman.<sup>276</sup>

Delta blacks also admired blacks who worked within the system and triumphed over restrictions imposed by whites. John Henry was popular with Delta blacks as a black hero. John Henry’s “man against machine” struggle was a powerful inspiration for them. “Shine” was another heroic figure. Shine supposedly escaped from the Titanic, where he was the fireman. Shine resisted the captain’s pleas to remain onboard after the Titanic began to sink to save them in exchange for sexual favors or large sums of money.<sup>277</sup>

## 6. All about the Mighty Dollar

By the end of the 1800s, political disagreement in Mississippi usually followed the class, economic, and geographic lines that divided the Delta from the hills. For instance, the controversy over Mississippi’s infamous convict lease system fed on the hill county’s antipathy toward the Delta. Delta landlords had employed convict labor as late as the 1860s. Planter/speculator Edmond Richardson negotiated a deal with Alvin C. Gillem, Fourth District military commandant, whereby he gained control over Mississippi’s convicts for several years. Richardson was reimbursed \$30,000 annually for their transportation and upkeep instead of paying the state. Unsurprisingly, Richardson soon cleared thousands of acres of fertile Delta cotton land with such a labor force to lead. The legislature authorized the Penitentiary Board to relieve overcrowding at Mississippi State Penitentiary in 1876 by leasing convicts to individuals as laborers at a monthly rate of \$1.10 per convict. In return, the lessee was to provide medical care, food, and shelter. With the assistance of a brokerage firm, Mississippi quickly leased 321 convicts to Delta planters. Convicts were subsequently leased to private employers to build levees and railroads, both of which were critical to expanding the Delta’s prosperity.<sup>278</sup>

The convict lease system benefited robust Delta planting and corporate interests. In 1902, an investigating committee reported that the Yazoo Delta Railroad had employed 200 convicts at one time, but no record of payment could be located. As Mississippi began a policy of leasing private lands, working them with convict labor, and splitting the profits with the landowners, the Delta’s large planters remained prime beneficiaries of the convict lease system.<sup>279</sup>

By 1900, one of the primary purposes of the South’s judiciary was the coercion of African Americans to obey whites’ social customs and labor demands. It was no coincidence that 1901 marked the complete disenfranchisement of almost all blacks throughout the South. Justices of the peace, local mayors, and provincial judges – usually men employed by white business owners who relied on the forced labor produced by the judgments – handed down sentences. Trial records and dockets were

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<sup>276</sup> *Id.* at 168.

<sup>277</sup> *Id.* at 172.

<sup>278</sup> *Id.* at 142.

<sup>279</sup> *Id.* at 143.

inconsistently updated. Blacks rarely had attorneys. Revenues were the equivalent of tens of millions of dollars into the treasures of South Carolina, North Carolina, Texas, Florida, Georgia, Louisiana, Mississippi, and Alabama – where more than 75% of America’s black population lived at the time.<sup>280</sup>

This quasi-slavery was rooted in the budding industrial slavery that had begun to grow in the last years before the Civil War. The same men who used thousands of enslaved people to build railroads and proselytized for the use of enslaved people in southern mines and factories in the 1850s were also the first to employ forced black labor in the 1870s. The South’s advanced system of and traditions of leasing enslaved people from one factory or farm to the next, trading for the cost of enslaved people, and retailing and wholesaling enslaved people regenerated itself around convict leasing in the 1870s and 1880s. It was not until the dawn of World War II that the practice would fully recede from their lives when deep global forces began to affect the lives of black Americans for the first time since the era of the international abolition movement before the Civil War.<sup>281</sup>

William Hemphill of South Carolina came to the Delta as a member of a levee crew in 1905. Hemphill sketched a portrait of his experience in the Delta’s frontier society. Hemphill was surprised by the profiteering he encountered among Delta merchants....<sup>282</sup>

With the British textile industry’s introduction of more than 12 million new spindles for them alone between 1900 and 1904, in addition to the establishment of new textile markets by the world’s imperialist powers, there is a concern that world cotton demand may have outgrown the supply spread. Moreover, Britain no longer dominated the market of spinning lower-grade cotton to competitors like the United States, Japan, Germany, and France. Britain’s textile magnates sought new sources of higher-quality cotton to supplement its imports from India and Egypt. Delta advocates noted that only 30% of the Delta was cultivated in 1900. They bragged that once fully cleared and drained, the Delta alone could generate as much cotton as the rest of the nation’s cotton-growing areas combined. Finally, by maintaining drier, better-drained soil, Delta planters could experiment with some of the finer, higher quality strains of cotton comparable to those grown in Egypt and suitable to the requirements of British spinners determined to produce higher grades of cloth.<sup>283</sup>

Multiple British investors heeded these claims. A British consortium purchased approximately 40,000 acres of Delta land early in 1911 for an estimated \$2 million to

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<sup>280</sup> BLACKMON, *supra* note 70, at 7-8.

<sup>281</sup> *Id.* at 8-9.

<sup>282</sup> COBB, *supra* note 20, at 126.

<sup>283</sup> *Id.* at 100.

3 million dollars. Those lands ultimately became the property of Delta and Pine Land Company,<sup>284</sup> the world’s largest cotton planting operation.<sup>285</sup>

Delta planters gave British entrepreneurs little reason to regret their investment. From the start, even more than the highly fertile soil and potential for growing higher quality cotton, the “superior type of farm organization” impressed these businessmen. The efficiency they observed seemed to ensure “profits without exception.” Delta planters learned that efficiency derived from lower production costs, not just greater yields.<sup>286</sup> By the 1920s, the system of plantation management that typified large Delta plantations was primarily based on profitable operation via minimal cost expenditures and close supervision.<sup>287</sup>

Delta planters successfully incorporated modern, consolidated management techniques to maximize the profitability and efficiency of these operations. However, labor turnover remained a problem for Delta planters even as the Delta’s black population increased and the Delta emerged as the South’s most productive region for growing cotton.<sup>288</sup>

In 1910, nine Delta counties that represented only 11% of Mississippi’s entire land area accounted for 28% of the value of its total cotton crop. Delta planters received consistently higher yields than farmers throughout the rest of Mississippi who were battling the boll weevil and soil depletion. Cotton harvests in the Delta increased by 20% between 1909 and 1915. Also, in 1915, the Delta accounted for half of Mississippi’s cotton production.<sup>289</sup> At the height of slavery, cotton accounted for half of all American exports and 66% of the world’s supply.<sup>290</sup>

## V. TRUE STORIES OF FORMER MISSISSIPPI DELTA SHARECROPPERS AND DISCRIMINATION THEY FACED

### A. The Ransom Family: My Family’s Story

As previously mentioned, I learned a great deal about sharecropping when I completed my family history in 2013. Although the project took months, it was worthwhile. Writing the history helped to supplement all the stories I had heard growing up over the years. I can now place dates with events and trace the lineage of people I never knew, even unto descendants of my great-great grandfather’s brothers. We have a unique name, and they have already done a great deal of research. I even learned why

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<sup>284</sup> Delta State University, <https://www.deltastate.edu/library/departments/archives-museum/guides-to-the-collection/manuscript-collections/mccormick-collection/delta-pine/> (last visited May 9, 2023).

Delta & Pine Land’s (D&PL) corporate roots in the area surrounding Scott, Mississippi, were planted by a group of businessmen from Manchester, England. The business people wanted to secure a reliable supply of long-staple cotton to feed their private textile mills. The mill owners were part of the Fine Cotton Spinners and Doublers Association, an organization through which they created the predecessor to D&PL. In 1911, the Fine Cotton Spinners and Doublers Association purchased 38,000 acres around Scott in the rural and sparsely populated Mississippi Delta area. D&PL later became America’s largest breeder, producer, and marketer of cottonseed.

<sup>285</sup> COBB, *supra* note 20, at 100.

<sup>286</sup> *Id.* at 100 - 101.

<sup>287</sup> *Id.* at 103.

<sup>288</sup> *Id.*

<sup>289</sup> *Id.* at 98-99.

<sup>290</sup> Jones, *supra* note 12, at 16.

some Ransoms left Mississippi and others, such as my line, remained. The fact that I am not supposed to know this information makes it more meaningful. Today, I advocate researching family history while the people who know are alive to tell. While Census records were helpful, I would never have heard all the stories I heard had I only relied on them. As a descendant of sharecroppers, I share my family’s story to provide more insight into their daily lives and the discrimination they faced as sharecroppers in the Mississippi Delta.

### **1. My Great-Grandfather, the Wealthy Plantation Owner**

The oldest member of the Ransom family whom my mother and her siblings personally knew, Arthur Ransom, Sr., who was also known as “Boose,” was born at the onset of the Civil War in 1861. Believed to be part Choctaw, he lived in the Isola area most of his life. Much of his life centered around Oak Grove and starting his family on the Mound near Isola. Many of the Mound’s inhabitants intermixed with Choctaws at some point. After researching my family history, I now think that “Boose” is a variation of “Bozzie,” a nickname of another ancestor whom Boose may have resembled or known that got conflated through the years.<sup>291</sup>

The Mound<sup>292</sup> is near Inverness, Mississippi, where Oak Grove Missionary Baptist Church is located 3-1/2 miles southwest of Inverness on Mound Road. Arthur and Melvina (Polly) Ransom were two of Oak Grove’s founding members. Oak Grove also served as the school for children on the Mound.<sup>293</sup>

Arthur Ransom, Sr. inherited land in Perthshire and Yazoo County, Mississippi, that the Ransom family received during Reconstruction. He employed several sharecroppers. At the end of every harvest, Augusta, a granddaughter from his youngest son, Teddy, remembers the sharecroppers coming to the house to receive what they were due after each crop at “break even time.” As a young child, it was her job to break off a piece of peppermint [from a large block] for each person given to them with their earnings and necessities. Candy was a luxury at that time.<sup>294</sup>

### **2. My Grandparents, a Lifelong Sharecropper and a Lifelong Teacher**

Boose’s son and my grandfather, Arthur Ransom, Jr., worked as a sharecropper for most of his life and later became the foreman, a position of high trust, for B.A. Wright Farms, popularly known as the Mound, until the family left the Mound. As foreman, my grandfather had a set of keys to all the various buildings on the Mound that housed farm equipment and gas and was responsible for securing the facilities at the end of each day’s work.<sup>295</sup>

Every Friday night, my grandmother or mother neatly re-wrote the information he received as foreman because my grandfather could not read or write. Each Saturday morning, my grandfather took it to the plantation office in Isola and collected the wages

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<sup>291</sup> RANSOM, *supra* note 3, at 1.

<sup>292</sup> *Id.* The name of the plantation where my grandfather, my mother, and her siblings sharecropped is B.A. Wright Farms. It was popularly known as “the Mound.”

<sup>293</sup> *Id.*

<sup>294</sup> *Id.* at 2.

<sup>295</sup> *Id.* at 2-3.

owed each person. Then, after returning from Isola, my grandfather distributed the wages to each family.<sup>296</sup>

My grandmother did not pick cotton because she was a teacher. Besides being an elementary school teacher, Jessie was a licensed cosmetologist and an independent Avon representative. Although she did not have to pick cotton, my grandmother and my grandfather’s sister sold lunch food to everyone in the fields. My grandmother made plates of hamburgers and vegetables or similar dishes that she sold to the sharecroppers for \$1.25 apiece. My grandfather’s sister sold hunks of bologna and salami with crackers and similar foods.<sup>297</sup>

In those days, church service began at 9 a.m. and lasted all day. My grandfather attended Oak Grove Missionary Baptist Church for his entire life and served as a deacon for sixty-some-odd years, starting when he was crowned in 1946. Before then, he was Superintendent of the Sunday School since 1944. All of his children from Mississippi were also members of Oak Grove. Most of the Ransoms, as well as the children and grandchildren of the other families from the Mound, make up Oak Grove’s core members today.<sup>298</sup>

### 3. The Ransom Family’s Life on the Mound

Every year, a hog, a cow, several chickens, and a goat (if there was one) were fed on a strict diet of corn for six weeks to clean them out. The family made soap, candles, salt, butter, sausage, ham, bacon, sausage, chitlins, and more from this yearly ritual. Like most families in the area, the Ransoms had a garden in which little space wasn't used for cotton. There were always fresh greens, potatoes, watermelon, and other vegetables on hand. However, there was no electricity or plumbing. They used an outhouse; if a person had to go through the night, there was a slop bucket. Irons were warmed by kerosene at the fireplace to keep them warm and placed at the foot of everyone's bed. Small children were kept and birthed by a midwife. The name of the midwife who birthed my great uncle is still on his birth certificate. Growing up on the Mound, most members of the Ransom family picked cotton from sun up to sun down when they were not in school.<sup>299</sup> The only exception was my grandmother.

Field hands often unearthed arrowheads and assorted Indian artifacts as they picked cotton from sun up until sundown every day except Sunday.<sup>300</sup> The mound-building Indians dwelt primarily on the sedimented high ground along the banks of rivers and streams. Choctaw Indians still controlled the Delta when Mississippi gained statehood in 1817.<sup>301</sup>

My mother and her siblings were hard on shoes, so that's why they had to work in the fields.<sup>302</sup> When I most recently discussed this with my mother for this article, she told me Mexicans came in the summer or fall to sharecrop on the Mound. She said they lived in dilapidated houses past a shop on the farm. She also said there were no

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<sup>296</sup> *Id.* at 12.

<sup>297</sup> *Id.*

<sup>298</sup> *Id.* at 13.

<sup>299</sup> *Id.* at 12.

<sup>300</sup> *Id.*

<sup>301</sup> COBB, *supra* note 20, at 5, 7.

<sup>302</sup> RANSOM, *supra* note 3, at 12.

white sharecroppers on the Mound.<sup>303</sup> At the end of every harvest, each sharecropper received clothes from the plantation owner. Each person received a pair of black and white shoes (the kind popular for wearing to a sock hop), a pair of jeans, and two shirts (one dress shirt and one casual). Women also received a kan-kan (long, wide skirt).<sup>304</sup>

During the time, most of Oak Grove’s members still lived on the Mound, families brought food to eat during lunch, and service continued until sundown. This is when people in different families caught up with friends in other families. You could always tell who had new clothes because that person would debut the new outfit at church and proudly strut. The phrase "read on" was popularly spoken to those who could read, as most people had little to no education. The person who could read was the one who read from the Bible during church service.<sup>305</sup> My mom told me the buses that took her and her siblings to school were segregated.<sup>306</sup> That is also what Dr. Olleye Shirley, a former sharecropper from another small Delta town of Mound Bayou, said.<sup>307</sup> Although the Supreme Court decided *Brown* in 1954 and *Brown II* in 1955, school buses in the Delta were still segregated as late as 1971.

#### 4. Sunday, February 21, 1971

On Sunday, February 21, 1971, a tornado destroyed the town of Inverness and many homes southwest of Inverness. The 1971 tornado was the event that triggered news media to broadcast the difference between a “watch” and a “warning” when storms or tornadoes were forecast. The tornado left only the liquor store standing in Inverness. The town’s businesses, many homes, Inverness Elementary School, and all of the churches were destroyed.<sup>308</sup>

When the tornado struck, sharecroppers received \$.50 daily to sustain them until the crops were harvested and sold. For harvest time, they received \$2 daily to chop cotton. They worked from 6:00 a.m. until 6:00 p.m. with a 15-minute lunch break. After the cotton was picked, they received \$2 per hundred pounds. Pay may have been less before 1971.<sup>309</sup> My family no longer sharecropped once the family moved to Indianola, MS, after the tornado destroyed the town of Inverness and many homes southwest of Inverness on Sunday, February 21, 1971. The tornado ended mass sharecropping as they knew it on the Mound.

### B. Other Notable Former Mississippi Delta Sharecroppers

#### 1. The Shirleys

Once described by its founders as “the Jewel of the Delta” and by Theodore Roosevelt as an “object lesson full of hope for the colored people,” Mound Bayou seemingly embodies the fate of black Deltans in general. As late as 1910, the Bank of

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<sup>303</sup> Telephone Interview with Muriel Ransom Pollard, *supra* note 64.

<sup>304</sup> RANSOM, *supra* note 3, at 12.

<sup>305</sup> *Id.* at 13.

<sup>306</sup> Telephone Interview with Muriel Ransom Pollard, *supra* note 64.

<sup>307</sup> June Jordan, Mississippi ‘Black Home,’ *The New York Times*, (Oct. 11, 1970), <https://www.nytimes.com/1970/10/11/archives/mississippi-black-home-a-sweet-and-bitter-bluesong-mississippi.html> (last visited October 3, 2023).

<sup>308</sup> RANSOM, *supra* note 3, at 3.

<sup>309</sup> Telephone Interview with Muriel Ransom Pollard, *supra* note 64.

Mound Bayou claimed resources above \$100,000. Moreover, the town had once been home to a thriving oil mill. The bank had been reorganized to save it by 1915, and the oil mill had closed. In addition, nearby land values had dropped by over 50% due to the depression in cotton prices between 1920-1922. Overextended independent farmers reverted into tenancy, and their wives and other women in the community turned to domestic service.<sup>310</sup>

Dr. Olleye Shirley recalls her interactions in her hometown of Mound Bayou with poor white children from nearby farms. They would knock on her family’s door in winter and ask if they could wait for the school bus in their house. Sometimes, they even ate breakfast in her family’s home before the bus came – for them. Dr. Shirley couldn’t ride the bus.<sup>311</sup>

When this article was published in October 1970, the sharecropping system was ending in Mississippi. The ongoing disappearance of farm work resulted in black dependency on white planters who may or may not decide to hire them for seasonal field labor. Rural blacks whom farm machines had displaced or were expecting to be displaced increasingly looked to towns like Clarksdale for political leadership to follow.<sup>312</sup>

## 2. Fannie Lou Hamer

Fannie Lou Townsend began chopping and picking cotton at 6 in 1923. Fannie Lous had become W. D. Marlow’s time and record keeper by the mid-1940s. Soon after, Fannie Lou married Perry Hamer, a tractor driver on the Marlow plantation, four miles east of Ruleville, Mississippi. Fannie Lou Hamer continued to work as a timekeeper and sharecropper on Marlow’s plantation until August 31, 1962.<sup>313</sup>

On August 31, 1962, Fannie Lou Hamer attempted to become a registered voter in Indianola, Mississippi.<sup>314</sup> That same day, Marlow appeared at her home demanding she stop her political interests. Over the next several months, the Hamer family dodged severe physical violence, and Hamer became more involved in politics and social change.<sup>315</sup>

Next, Fannie Lou Hamer actively participated in Ruleville’s SNCC<sup>316</sup> organization. Ms. Hamer became an SNCC field secretary and registered voter in 1963. Then, Ms. Hamer collaborated on voter registration drives with programs for impoverished black families in Mississippi. As one of the founding members and vice

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<sup>310</sup> COBB, *supra* note 20, at 112-113.

<sup>311</sup> June Jordan, Mississippi ‘Black Home,’ *The New York Times*, (Oct. 11, 1970), <https://www.nytimes.com/1970/10/11/archives/mississippi-black-home-a-sweet-and-bitter-bluesong-mississippi.html> (last visited October 3, 2023).

<sup>312</sup> *Id.*

<sup>313</sup> Linda Reed, Book Review, 68 *J. S. HIST.* 505 (2002) (reviewing CHANA KAI LEE, *FOR FREEDOM’S SAKE: THE LIFE OF FANNIE LOU HAMER* (1999)).

<sup>314</sup> *Id.* at 506. Indianola was the county seat.

<sup>315</sup> *Id.*

<sup>316</sup> History Channel, <https://www.history.com/topics/black-history/sncc> (last visited May 9, 2023). The Student Nonviolent Coordinating Committee (SNCC) was founded in 1960 after student-led sit-ins at segregated lunch counters across the South. It became the primary channel of student participation in the civil rights movement.

chairperson of the MFDP,<sup>317</sup> Ms. Hamer participated in the Democratic National Convention as a member of its delegation. In that role, Ms. Hamer challenged the all-white Mississippi delegation’s seating during a televised address to the convention’s Credentials Committee that gained her national notoriety.<sup>318</sup> As a result of the efforts of Ms. Hamer and the rest of the MFDP’s delegation, the National Democratic Party pledged not to seat delegate groups that excluded blacks at the next convention in 1968.<sup>319</sup>

The Delta became what one historian called a “staging area” for the Great Migration. The black influx caused the Delta’s black population to increase by 17% between 1910 and 1920 before remaining constant during the following decade. For many black emigres, the Delta became less a home than a temporary place of residence; the plantation where they sharecropped was where they “stayed,” not where they lived; and escape or “rambling” became a dominant theme of the blues, an expressive new musical form that the Delta gave to America in the late 1800s and early 1900s.<sup>320</sup>

### 3. B. B. King

Born Riley B. King in 1925 on a plantation near Itta Bena and Indianola, B. B. King recalls

the earliest sound of the blues that I can remember was in the fields, where people would be picking or chopping cotton. Usually, one guy would be plowing by himself or take his hoe and chop way out in front of everybody else. You would hear this guy sing most of the time – just a thing that would kind of begin, no special lyrics, just what he felt at the time. New York, 1974.<sup>321</sup>

I grew up listening to the blues for as long as I can remember. It was on the radio often, and my aunts were fans, so I always heard it in the car with them. I heard B. B. King play live quite a few times. Every summer, he gave us a concert in Fletcher Park. It was a family-friendly event I attended from childhood through college when he could no longer perform. I looked forward to the show every year; it was an excellent time to catch up with friends. The annual B. B. King concert was one of the best parts of growing up in the Delta.

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<sup>317</sup> The Martin Luther King, Jr. Research and Education Institute, <https://kinginstitute.stanford.edu/encyclopedia/mississippi-freedom-democratic-party-mfdp> (last visited May 9, 2023). In early 1964, as part of Freedom Summer, Mississippi civil rights activists affiliated with COFO in Mississippi launched the Mississippi Freedom Democratic Party (MFDP). Claiming status as “the only democratically constituted body of Mississippi citizens, they appealed to the credentials committee of the Democratic National Convention (DNC) of 1964 to recognize their party’s delegation in place of the all-white Democratic Party delegation from Mississippi. Because Mississippi’s blacks were barred from participating in the meetings of the state’s Democratic Party, they decided to form their party.

<sup>318</sup> Linda Reed, Book Review, 68 *J. S. HIST.* 505 (2002) (reviewing CHANA KAI LEE, *FOR FREEDOM’S SAKE: THE LIFE OF FANNIE LOU HAMER* (1999)).

<sup>319</sup> *Id.*

<sup>320</sup> COBB, *supra* note 20, at 115.

<sup>321</sup> William R. Ferris, “Everything Leads Me Back to the Feeling of the Blues.”: B.B. King, 1974, *S. CULTURES*, Winter 2006, at 5-9.



## VII. RECOMMENDED SOLUTIONS

I recommend the following solutions to the sharecroppers’ circumstances: a) entire families or members of families moving elsewhere; b) joining the military; c) obtaining as much formal education as possible, including graduate and professional degrees.

After crops were sold, sharecroppers were supposed to receive an equal share of the profits; however, they mostly borrowed against their share because they needed to be paid a living wage. This resulted in them receiving less after crops were sold. They assumed the younger family members’ obligations and were forced to continue sharecropping because they owed the farmer. The younger sharecroppers often fled to the north and never returned because they knew they would never receive enough to get them out of the farmer’s debt. Older members of their families who remained on the plantation took on the obligations of young sharecroppers who fled. Many of the older sharecroppers died owing the farmers.<sup>322</sup>

A combination of anger, disillusionment, frustration, and fear drove Delta blacks to join the great northward migration in large numbers. Between 1915 and 1920, 100,000 blacks left the Delta. The number of Mississippi-born blacks living in Illinois grew by 400% between 1910 and 1920, while Chicago blacks born in Mississippi increased fivefold during the same period. Many Delta blacks went north based on reports of industrial employment opportunities made available by the end of European immigration during World War I. Many were also attracted to Chicago and elsewhere by stories of recently departed kin and friends, just as the grandparents or parents of the northbound out-migrants had been lured to the Delta by tales of high cotton, rich black soil, and the presumably more significant opportunities for blacks in the postbellum South’s labor-scarce plantation frontier.<sup>323</sup>

Many blacks enlisted in the military during World War II. Even that sacrifice was fraught with its own negative results. Planters were frustrated that black women who received money from husbands in the military during World War II were no longer compelled to work as domestics or pick cotton. Whites tried to convince them that working in the Delta’s kitchens and fields was their patriotic duty. They also tried to enlist black teachers and ministers to help them get blacks to work on weekends with little success. At the same time, it was not a problem that white women received money from their husbands in service because most had never picked cotton.<sup>324</sup>

Many more programs, such as AmeriCorps<sup>325</sup> and the Peace Corps, abound today that offer public service and eventual employment opportunities.<sup>326</sup> At the time,

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<sup>322</sup> Telephone Interview with Muriel Ransom Pollard, *supra* note 64.

<sup>323</sup> COBB, *supra* note 20, at 115.

<sup>324</sup> COBB, *supra* note 20, at 198-199.

<sup>325</sup> AmeriCorps, <https://americorps.gov/about/what-we-do> (last visited July 25, 2023). AmeriCorps works with communities and supports a variety of public-private partnerships and governmental collaborations to address local challenges through service.

<sup>326</sup> Peace Corps, <https://www.peacecorps.gov/about/history/> (last visited July 25, 2023). The Peace Corps shares a unique relationship with the countries and people our community has worked alongside in pursuit of world peace and friendship for more than 60 years. The Peace Corps’ history is rooted in a shared vision of what is possible by working with, living alongside, and celebrating the diversity of cultures worldwide. The Peace Corps continues to build on its audacious mission through its dedication to advancing equity and inclusion and tackling our host communities’ priority projects together.

with both parents sharecropping, most children could not afford college without a scholarship or donor. Now, grants such as the Pell Grant<sup>327</sup> make college more affordable. Community college and technical certifications are also effective career options. For descendants of sharecroppers such as myself, it is much easier to get an education and have a successful career today.

## CONCLUSION

In many ways, sharecropping was another name for slavery. No, sharecroppers were not forced to sharecrop, but Mississippi Delta sharecroppers had few other options. As previously mentioned, even after the cotton picker helped to revolutionize sharecropping, Delta planters kept field hands on to pick the scrap cotton left after the harvest. The mass sharecropping system continued as long as it did in the Mississippi Delta because the interests of whites did not converge with those of blacks.

### A. The Ransom Family

Here's how things ended up with my grandparents, my mother and her siblings, the generations of my family who were sharecroppers. After the 1971 tornado, the Ransom family eventually relocated to the family home in Indianola, or the “home house.” My family stayed at Emma Anderson’s home in Isola for two nights after the tornado until the roads cleared to be able to travel. From there, they moved into South Gate, a low-income neighborhood that was already being constructed in Indianola before the tornado hit. Most homes in South Gate were rented, with very few owners. Indianola let all the survivors live in South Gate rent free for the first year and then started charging rent the second year.

My grandparents owned and operated a small community grocery store on Church Street for several years after my grandfather retired from the Mound. Building on making lunch plates for the sharecroppers, the store sold short-order food and snacks. My uncle, who worked there on Sundays, told me the advent of the school lunch program is why it closed.<sup>328</sup>

My grandfather kept a garden in the backyard of the home house and watched baseball and wrestling most of the day. As long as he could, there was something good cooking on the stove every day when we got in from school with my grandmother.<sup>329</sup> My grandfather also mowed the yards of everyone in the family until his eyesight was so bad that he could no longer drive.<sup>330</sup>

Lawless Cornell (Johnson) Ransom is my grandparents’ oldest child. Arthur and Jessie had four children: Muriel Ransom Pollard (my mother), Glenda Roslind Ransom, Arthur Rochelle Ransom (deceased - 2005), and Mellowniece Melvina Ransom White.

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<sup>327</sup> U.S. Department of Education, <https://www2.ed.gov/programs/fpg/index.html> (last visited July 25, 2023). Federal Pell Grants are usually awarded to undergraduate students with exceptional financial need without a bachelor’s, graduate, or professional degree. (In some cases, whoever a student enrolled in a postbaccalaureate teacher certification program might receive a Federal Pell Grant.) You are not eligible to receive a Federal Pell Grant if you are incarcerated in a federal or state penal institution or are subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense.

<sup>328</sup> RANSOM, *supra* note 3, at 3.

<sup>329</sup> *Id.*

<sup>330</sup> *Id.* at 13.

Most of the Mississippi Ransoms live in or near Indianola. My grandfather passed away on July 16, 1998, at 88. My grandmother passed away on April 27, 2012, at the age of 83.<sup>331</sup>

Starting with my grandmother, Jessie earned a bachelor’s degree from Mississippi Valley State University and a master’s from Jackson State University.<sup>332</sup> She and her teacher friends commuted to Jackson State later in their careers and earned their masters together. Both of her degrees were in Education. Cornell graduated from Dillard University in New Orleans in 1971 with a degree in physics. He only lacked completing his thesis to earn his Ph.D. Cornell retired from teaching math and physics after 36 years. Cornell continued to teach Physics night classes at Mississippi Valley State University as an adjunct instructor even after he fully retired from teaching at the high school level. He was a much sought after math instructor throughout his career.<sup>333</sup>

Muriel Ransom Pollard is Arthur's oldest daughter with Jessie Mae and is my mother. Muriel graduated from Dillard University in 1975 with a B.A. in Chemistry; George Washington University, Washington, D.C., with a Master of Science in Project Management in 1997; and a Master of Education Degree in Education Technology from Strayer University in 2013. Muriel is employed as an Outside Plant Engineer Area manager for AT&T Mississippi, Mississippi, where she has been for 42 years now.<sup>334</sup>

Glenda also graduated from Dillard with a Bachelor of Science in Chemistry. Not long after Cornell went, my mom and Glenda joined him there, and for several years, the three of them were there together. Glenda later earned her Master of Science in Environmental Science from Mississippi Valley State University, where she served as Director of the Student Union before becoming Director of Student Housing. She formerly worked for Cooper Steel in her major field for several years before starting her second career. Mellow niece and her husband, Luther White, live in Greenville, near Indianola. Arthur Rochelle Ransom was an artist before he passed. Although he and Mellow niece attended college, neither graduated.<sup>335</sup>

## **B. Other Notable Former Mississippi Delta Sharecroppers**

At the time of the article, October 1970, Dr. Shirley worked for the Hinds County Health Start Program. In that role, her accomplishments included the 1969 defeat of a Jackson school bond that would have funded segregated school construction.<sup>336</sup> On December 6, 2021, Lee Elementary, named after Confederate

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<sup>331</sup> *Id.* at 14.

<sup>332</sup> *Id.* at 5.

<sup>333</sup> *Id.*

<sup>334</sup> *Id.*

<sup>335</sup> *Id.* at 6.

<sup>336</sup> June Jordan, Mississippi ‘Black Home,’ *The New York Times*, (Oct. 11, 1970), <https://www.nytimes.com/1970/10/11/archives/mississippi-black-home-a-sweet-and-bitter-bluesong-mississippi.html> (last visited October 3, 2023).

General Robert E. Lee, was renamed after healthcare advocates Dr. Aaron and Ollie Shirley into Shirley Elementary.<sup>337</sup>

Ms. Hamer founded the Freedom Farm Cooperative from private donations to establish black independence in Mississippi. Freedom Farm Cooperative,<sup>338</sup> a non-profit, purchased and cultivated 40 acres of greens, peanuts, okra, corn, and squash. It also purchased, restored, and rented three homes to impoverished families. Besides, the cooperative administered a “pig bank” whereby everyone who received a pig signed a written agreement to keep that pig and to return two pigs from that litter to the cooperative. For the first time, the cooperative gave to poor whites. “You see,” said Ms. Hamer, “this mean you got your milk, and you got your vegetables, your meat – and then you got your living. And that’s the only way you survive in Mississippi, ... if you control your own life.” The Freedom Farm enabled 300 low-income families to survive. Both adults and children regularly stopped by Ms. Hamer’s home to browse a small library of black literature in her home that she purchased from donations. Ms. Hamer passed on March 14, 1977, at Mound Bayou Community Hospital.<sup>339</sup>

B.B. King had only picked his last cotton crop in the Delta barely two years before he formed his band and went on the road after his hit song, “Three O’Clock Blues” topped rhythm and blues charts for months and launched his career as a professional musician. B.B. King’s recordings and performances had shaped the blues for over 60 years at the time of this publication. His career spanned over 700 recordings, in addition to meetings with presidents, heads of state, and the Pope.<sup>340</sup>

### C. Other Notable Former Mississippi Delta Sharecroppers

Of the 36 former Mississippi Delta sharecroppers I studied, here’s a breakdown of their education.<sup>341</sup> Three did not attend any school. Four did not attend high school. Six did not complete high school. Nine completed high school. Four attended college without receiving a degree. Three completed college. Eight went on to receive professional degrees.<sup>342</sup> It should be noted that the sharecroppers studied are from multiple generations, spanning my grandparents to my mother and her siblings.

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<sup>337</sup> Jackson Public Schools, <https://www.jackson.k12.ms.us/site/default.aspx?PageType=3&DomainID=16&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=22217&PageID=25#:~:text=Jackson%20Public%20Schools%20Celebrates%20Black%20History%20Month%20February,namesakes%E2%80%94Aaron%20and%20Ollie%20Shirley%20and%20Ida%20B.%20Wells> (last visited Mar. 23, 2023).

<sup>338</sup> Linda Reed, Book Review, 68 J. S. HIST. 506 (2002) (reviewing CHANA KAI LEE, FOR FREEDOM’S SAKE: THE LIFE OF FANNIE LOU HAMER (1999)).

<sup>339</sup> June Jordan, Mississippi ‘Black Home,’ The New York Times, (Oct. 11, 1970), <https://www.nytimes.com/1970/10/11/archives/mississippi-black-home-a-sweet-and-bitter-bluesong-mississippi.html> (last visited October 3, 2023).

<sup>340</sup> William R. Ferris, “Everything Leads Me Back to the Feeling of the Blues.”: B.B. King, 1974, S. CULTURES, Winter 2006, at 5-9.

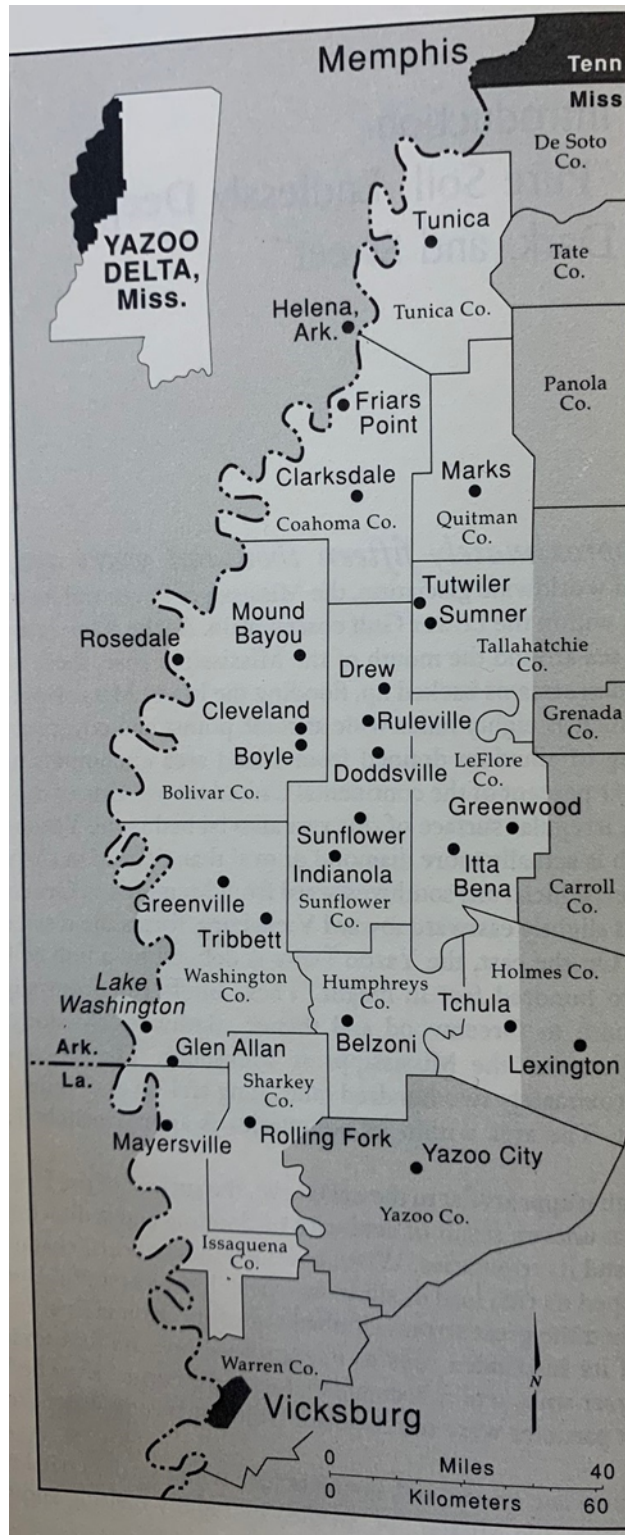
<sup>341</sup> See *Appendix #2*, Role of Education in the Lives of Former Sharecroppers.

<sup>342</sup> Telephone Interview with Muriel Ransom Pollard, *supra* note 64.

## **Appendix**

1. Map of Mississippi Delta
2. Role of Education in the Lives of Former Sharecroppers

1. Map of Mississippi Delta



## 2. Role of Education in the Lives of Former Sharecroppers

	<b>Name</b>	<b>Education</b>	<b>Career</b>
2	*Charles Edward Daniels	no school	handyman; carpenter
3	*Beulah Lockhart	no school	no known employment after sharecropping
4	*Clementine Lockhart	no school	maid
5			
6	*John Wesley Johnson	no high school	lifelong sharecropper
7	*Alberta Johnson	no high school	lifelong sharecropper
8	Fannie Lou Hamer	no high school	SNCC Field Secretary; Mississippi Freedom Democratic Party Vice President; Freedom Farm Cooperative founder
9	#Arthur Ransom	no high school	lifelong sharecropper
10			
11	*Elizabeth Bush	did not complete high school	Lewis Grocer
12	*Melvin Bush	did not complete high school	Lewis Grocer
13	*Elnora Daniels	did not complete high school	disabled
14	*Roberta Daniels	did not complete high school	maid
15	*Eddie Moffett	did not complete high school	Modern Line
16	*Robert Nelson	did not complete high school	Lewis Grocer
17			
18	*Lonnie Daniels	high school	Vietnam vet
19	*Dency King	high school	Modern Line
20	*Fannie Lynn	high school	maid; certified nurse's assistant
21	*Roosevelt Lynn	high school	Lewis Grocer truck driver
22	*Rosie Lynn	high school	Sunflower County Extension Service; maid
23	*J.W. Washington	high school	Modern Line
24	*Daisy Ricks	high school	Modern Line
25	*Tempie Lee Spivey	high school	Belzoni fish processing plant
26	*Rosie Pearl Walls	high school	Sunflower County Department of Human Services
27			
28	*Edward Moffett	college; no degree	mechanic
29	*Donnie Durant	college; no degree	Lewis Grocer
30	#Arthur Rochelle Ransom	college; no degree	artist
31	#Mellowiece Ransom White	college; no degree	former head teller for Planters Bank; substitute teacher
32			
33	*Arthur Moffett, Jr.	college graduate	Modern Line
34	*Edward Washington	college graduate	Sears appliance repairman
35	*Geraldine Washington	college graduate	Planters Bank head teller
36			
37	*Alma Cole	professional degree	anesthesiologist
38	Dr. Aaron Shirley	professional degree	healthcare advocate
39	Dr. Olleye Shirley	professional degree	healthcare advocate
40	Dr. Henry	professional degree	drugstore owner, attorney, Mississippi Democratic Party Chairman
41	#Jessie Ransom	professional degree	third grade teacher
42	#Cornell Ransom	professional degree	high school math and science teacher; adjunct college Physics professor
43	#Muriel Ransom Pollard	professional degree	AT&T Mississippi Outside Plant Engineer Area Manager
44	#Glenda Ransom	professional degree	Director of Housing, Mississippi Valley State University
45			
46			
47	*March 6 2023 Muriel Ransom Pollard Interview	#2014 Ransom Family History	