

OPINION

The Ghosts of Mississippi

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Mississippi may be about to double down on its dubious distinction as the state where the tide of progress is blocked and pushed back.

During Reconstruction, Mississippi became a Black power center in this country. There were not only more Black people than white ones, there were also more registered Black voters than white ones.

Mississippi elected hundreds of Black politicians and gave the United States its first two Black senators.

But white racists and terrorists seethed at this assertion of power and employed every method of intimidation possible to dissuade Black people from voting.

The terrorists devised the Mississippi Plan, in which terrorist groups like the Red Shirts and rifle clubs used physical violence — including murder — and economic coercion to wrest back control of the state's government.

The governor requested more federal troops, but President Ulysses Grant resisted because of political considerations in other parts of the country. (That instinct to countenance Black suffering, so as not to rock the political boat, would resurface over and over throughout the history of this country and continues to this day.)

The Mississippi Plan succeeded in suppressing Black votes in the statewide elections of 1875. The situation was made even worse when a compromise over the contested presidential election of 1876 allowed Reconstruction to fail and led to the withdrawal of federal troops from Southern states.

By 1890, white supremacists had gathered enough power in Mississippi to call a constitutional convention to write white supremacy into the state's DNA. Although a majority of the state was Black, only one Black delegate was allowed at the convention.

The delegates passed the new Constitution — which included voter suppression tactics like poll taxes and tests — without even submitting it to the public for a vote.

Six years later, in 1896, a Black man named Henry Williams was indicted on charges of murder and sentenced to be hanged. He appealed on the grounds that the indictment was invalid: The jury had been drawn from a pool of registered voters, which, because the state Constitution had disenfranchised most Black voters by the time of his trial, was almost entirely white, and Williams argued that this was a violation of his 14th Amendment rights.

The case, *Williams v. Mississippi*, made it all the way to the Supreme Court, which ruled unanimously, in what I believe is one of the most shocking decisions the court has ever handed down, that Williams had not shown that Mississippi's new Constitution was discriminatory.

I have read the minutes from the constitutional convention. There is no question that its entire purpose was to discriminate and disenfranchise Black voters.

Justice Joseph McKenna delivered the opinion of the court, saying that “the Constitution of Mississippi and its statutes do not on their face discriminate between the races, and it has not been shown that their actual administration was evil; only that evil was possible under them.”

As Lawrence Goldstone wrote last year in his book “On Account of Race: The Supreme Court, White Supremacy, and the Ravaging of African American Voting Rights”:

“The opinion was also openly racist. McKenna cited a South Carolina Supreme Court ruling that declared ‘the Negro race had acquired or accentuated certain peculiarities of habit, or temperament, and of character which clearly distinguished it as a race from the whites; a patient, docile people, but careless, landless, migratory within narrow limits, without forethought, and its criminal members given to furtive offenses, rather than the robust crimes of the whites.’ ”

And just like that, the Supreme Court of the United States greenlit and rubber-stamped Jim Crow, formalizing in law a framework under which Black progress could be rolled back for decades.

Other states followed Mississippi's example and convened constitutional conventions of their own, where they instituted statutes to disenfranchise Black people.

I couldn't help but think of the ghosts of Mississippi while listening to the oral arguments before the Supreme Court on Wednesday in *Dobbs v. Jackson Women's Health Organization*.

It is another Mississippi case poised to roll back constitutional rights, opening the door for another age of Jim Crow, only this time the targets won't be Black bodies but women's bodies. (Although any rollback in abortion access will most likely disproportionately affect Black women, who sit at the intersection of race and gender.)

In the late 1800s, opponents of progress had exercised a methodical, decades-long campaign to subjugate and oppress Black people. The same has been done to women by the opponents of abortion.

It all underscores an indelible American truth: No civil rights are inviolable and permanent. Every right you win, you must defend. Rights, unfortunately, can be withdrawn.

Whether *Roe v. Wade* falls or is significantly diminished, it will raise the question: Which rights are next? Presumably, many others could be vulnerable.