

Letters from the Library

"There shall be ... a library ... known as the state library"
An Act to provide for a State Library – General Laws, 1838

April 2020

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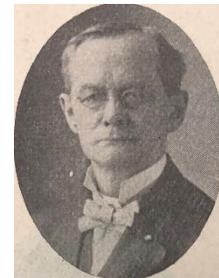
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The 19th Amendment at 100

In the December 2019 newsletter, we touched on the 1890 Mississippi Constitutional Convention where the idea of women's suffrage was addressed. However, various issues, such as race, kept a vote from ever taking place on whether or not to add women's suffrage to the new state constitution.

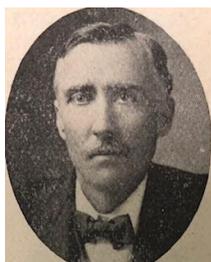
It would be 1914 before the topic arrived in the Mississippi Legislature. N.A. Mott (right) of Yazoo County introduced a House resolution to confer suffrage on Mississippi women. While the House Committee on the Constitution did not support the resolution, it did hold a hearing on January 21, 1914.



At this hearing, supporters maintained that suffrage was simply about justice and stated that those opposed should not fear suffrage as a threat to white supremacy as most black women would be unable to vote. Former State Librarian, Helen Bell, testified that it was simply unfair to tax women who owned property yet deny them the right to vote.

When the resolution reached the House floor, Speaker of the House H.M. Quinn of Hinds County led the debate and spoke in favor of it. Quinn predicted female suffrage would one day soon be the law of the land and stated Mississippi should be the leader among the Southern states. Others, such as Henry A. Minor and E.C. Cavette of Noxubee County, G.J. Rancher of Kemper County, and Moncure Dabney of Warren County, spoke in favor.

Those opposed simply did not see women as

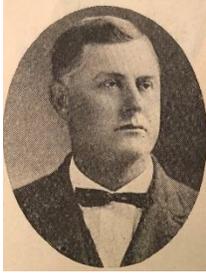


being interested in voting.

S. Joe Owen (right) of Union County stated that women

should remain the "queen of the home and hearthstone." W.L. Evans (left) of Carthage predicted that ninety percent of the people were against it and any such resolution would be





buried in an eventual referendum. B.N. Edens (left) of Monroe said that women “should spend their time purifying ballrooms instead of trying to purify politics.” After this debate, the House rejected the resolution 42-80.

The issue did not return to the Legislature until 1918 when Earl Richardson (right) of Philadelphia introduced a Senate resolution in support of an amendment to the state constitution. This time, the resolution did receive a favorable committee report. On the floor of the Senate, P.E. Carothers moved that it be voted on without debate. The result was 21-21, short of the two-third majority necessary for adoption.



In 1919, the federal amendment to the US Constitution passed both houses of Congress and was submitted to the States. Only one of Mississippi’s delegation supported the amendment, Senator James K. Vardaman. As 1920 began, the national Democratic Party made it known that it wished Mississippi to adopt the federal amendment as a matter of party loyalty.

The *Clarion Ledger* led opposition to the federal amendment. From the *Clarion*: “What a shame and a disgrace it would be for the state of Jefferson David, J.Z. George, L.Q.C. Lamar, E.C. Walthall ... and other

Gentlemen of the legislature, if you want to do the fair thing, the square thing, the sane thing, the manly thing, you will step out in the open and proclaim the fact that the people of Mississippi are not weaklings; that what our forefathers did we can do also; that we are confident of our ability to maintain Anglo-Saxon supremacy against all hazards; that this is a white man's government, and should also be a white woman's government.

Of course, if you are opposed to women voting under any circumstances, if you adhere to the idea that the ballot is a privilege for men only, come out and say so, but, for heaven's sake, don't hide behind the negro. And it is particularly ridiculous and cowardly to seek shelter behind the skirts of Aunt Mandy. She knows nothing whatever about politics, and cares a darned sight less.

Furthermore, gentlemen of the legislature, if you are endowed with any semblance of vision, you must know that suffrage for women is inevitable. It matters not what action you may take on the question, the Federal amendment is certain to be ratified by the required number of states before the end of the present year. The women of Mississippi will then have the ballot, regardless of what you may think about it, and if they don't take keen pleasure in sending into political oblivion every lawmaker who has opposed their cause at this legislative session, then we have missed our guess.

And since it is evident to all persons of discernment that the day of votes for women is at hand, the sensible thing for you to do right now is to put on your thinking caps and frame such changes in the statutes or the organic law of the commonwealth as may be necessary to safeguard the ballot in our own state. There will probably be much honest difference of opinion as to what these safeguards should be, but there is just as much brains in Mississippi today as there was when the constitution of 1890 was framed, and if you fail to exercise your grey matter, then the blame will be on your own heads.

dead patriots and statesmen to have the Mississippi Legislature vote to give Negro women the ballot” and “How will you relish the idea of being jostled in the election booths by your cook or washerwoman, who will have as much right there as white women who employ them.”

The *Jackson Daily News*, on the other hand, supported the amendment as being inevitable. Its editorial (left) castigated legislators for opposing the amendment over racial concerns for the *Daily News* was adamant that the racial status quo could forever be maintained even if women were given the right to vote.

Out-going Governor Theodore G. Bilbo urged the Legislature to adopt the federal amendment. Incoming Governor Lee M. Russell favored it as well. In his inaugural address, he denied that the proposed federal amendment infringed upon the rights of the states.

On January 21, 1920, William A. Winter (right) of Grenada introduced a House resolution to reject the Susan B. Anthony Amendment as an “unwarranted, unnecessary, and dangerous interference” with state rights. The resolution bypassed the committee process and was rushed to a floor vote. In the ten minute debate, Winter and others argued



that the federal amendment would jeopardize state control of elections and would be a threat to white supremacy.

Supporters of the Amendment spoke in terms of justice to women, at least white women. Guy William Mitchell (right) of Lee County, a supporter, asked the legislators not to be “frightened by the negro bugaboo.” George Lawson Sheldon of Washington, another supporter, expressed his “abiding faith in the white supremacy of the white people of Mississippi” and stated that ratification would be “serving notice on the nation that white supremacy” would be maintained. Opponents prevailed, however, as the House approved the Winter resolution, 106-25, thereby rejecting the federal amendment.



A few days later, the House approved a resolution to enfranchise women through an amendment to the Mississippi constitution. D.H. Glass (left) of Attalla County had introduced the resolution, and it was agreed to on a 99-13 vote. Reaching the Senate, the resolution passed without a dissenting vote. It would be submitted to voters that November in the next general election.

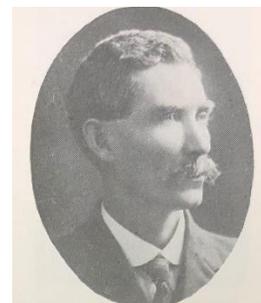
Meanwhile, the Senate had to also consider the question of ratifying the Susan B. Anthony Amendment. After a brief debate, the Senate refused to ratify 14-29. The *Clarion Ledger* celebrated this move: “The vile old thing is as dead as its author [Susan B. Anthony], the old advocate of social equality and intermarriage of the races, and Mississippi will never be annoyed with it again.”

During all of this, states throughout the country began to ratify the federal amendment. At the opening of the Mississippi Legislature that January, twenty-two states has ratified. By March 22, Washington State had become the thirty-fifth. It was quickly becoming inevitable that the federal amendment would be approved by the required number of states.

A few days remained in the Mississippi legislative session, and some in the Senate felt that the body should reconsider its position and save face. William Beauregard Roberts of Rosedale recalled the House resolution whereby the Senate had initially rejected the federal amendment. The Senate amended the language to ratify. The vote on this amended resolution was a tie vote, with Lieutenant Governor H.H. Casteel (right) breaking the vote in its favor. Thus, the Mississippi Senate ratified the amendment.



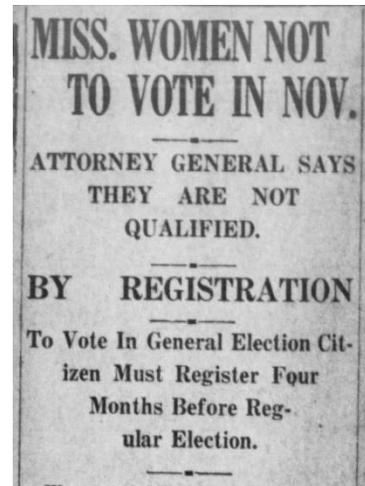
The House, on the other hand, did not yield in its opposition. Brief debate was had where Walter Sillers (left) of Bolivar stated: “Men, woman suffrage is here and you know it. The leaders of the Democratic Party have made an eleventh hour appeal to us, and it should be heeded. A vote against this amendment is a vote against the Democratic Party.” R.H. Watts (right) stood up and voiced his opposition that he “would rather die and go to hell” than vote for the federal amendment. After others spoke, a vote was taken and the House again rejected the amendment 90-23.



The federal amendment was ratified by Tennessee on August 18, 1920. As the thirty-sixth State to ratify, Tennessee ensured that the federal amendment would be enshrined in the US Constitution.

Mississippians would still get a say on women's suffrage, however, that November when the proposed amendment to the state constitution would appear on the state ballot. In that November vote, only men voted. Because of the lateness of Tennessee's ratification, Mississippi women were unable to register in time to be eligible to vote in the November's election. The result? The proposed amendment received more yes votes than no votes but still fell short of the required majority needed for constitutional amendments.

In our next newsletter, we will conclude with the State's official adoption of the federal amendment.



Annotated Codes in the news

With the recent United States Supreme Court decision in *Georgia v. Public.Resource.Org* in which the Court held that annotations in the Georgia Code are ineligible for copyright, annotated codes are understandably in the news. Without commenting on the decision itself, it's worth remembering the importance and value of an annotated Code. UNC Law Professor Aaron Kirschenfeld contributed the following to the Carolina Blawg, and it is shared here with his permission:

What We Can Learn About Legal Research from the Supreme Court in Georgia v. Public.Resource.Org

There will surely be rafts of analysis and discussion in the days, weeks, and months to come concerning today's U.S. Supreme Court decision in *Georgia v. Public.Resource.Org*. And while interesting issues abound, what this law librarian found most striking at first glance were the pronouncements by the Justices about the importance of annotated codes. Indeed, it is quite rare that courts, let alone the Supreme Court, tell us what they think about legal research products. So, here we will eschew opining on the merits of the decision or its significance, but will focus instead on the veritable feast of what the high court has to say about annotated codes, "the most useful resources in most statutory research," as well as other advice offered about conducting legal research.

The question in this case was whether annotations to Georgia's official statutory code were copyrightable under the venerable "government edicts doctrine," last considered by the Court in 1888. Georgia argued that they were, and a nonprofit activist organization, Public.Resource.Org, argued they weren't. The Court, in a 5-4 split, agreed with the latter. Chief Justice John Roberts wrote for the majority, and both Justices Thomas and Ginsburg wrote dissenting opinions. Despite their differences, all three justices offer insightful—if motivated—instruction on the publication and use of legal resources. We can combine these insights into a clear enough lesson on conducting legal research prepared by those most supremely qualified to teach it.

Annotated codes are "a valuable research tool." This is because "annotations provide commentary and resources that the legislature has deemed relevant to understanding its laws." "The annotations generally include summaries of judicial decisions applying a given provision, summaries of any pertinent

opinions of the . . . attorney general, and a list of related law review articles and similar reference materials. In addition, the annotations often include editor’s notes that provide information about the origins of the statutory text, such as whether it derives from a particular judicial decision or resembles an older provision that has been construed by . . . courts.” “Annotations aid the legal researcher, and that aid is enhanced when annotations are printed beneath or alongside the relevant statutory text.” In Georgia and in every jurisdiction, a private company “and its army of researchers perform the lion’s share of the work in drafting the an-notations.”

The annotations about cases “should ‘accurately reflect the facts, holding, and statutory construction’ adopted by the court.” But “the annotations do not carry the binding force of law. They simply summarize independent sources of legal information and consolidate them in one place. Thus, . . . annotations serve a similar function to other copyrighted research tools provided by private parties such as the American Law Reports and Westlaw, which also contain information of great ‘practical significance.’ ”

“[A]nnotations comment on statutes already enacted.” Case notes in annotated codes can be particularly valuable because they “summarize judicial decisions construing the statute years later.” “The annotations are neutrally cast; they do not opine on whether the summarized case was correctly decided.”

But “concurrences and dissents . . . carry no legal force.” “At an elementary level, it is true that the judgment is the only part of a judicial decision that has legal effect. But it blinks reality to ignore that every word of a judicial opinion—whether it is a majority, a concurrence, or a dissent—expounds upon the law in ways that do not map neatly on to the legislative function. Setting aside summary decisions, the reader of a judicial opinion will always gain critical insight into the reasoning underlying a judicial holding by reading all opinions in their entirety.” We encourage you to do so, especially for this case, lest you miss other important information about using annotated codes or reading judicial opinions.

There are several other fascinating tidbits about legal information products, as both Chief Justice Roberts and Justice Thomas discuss the costs of legal resources and the incentives for creating them. Justice Thomas wonders aloud about the 19th century meanings of the terms “headnote” and “syllabus.” And finally, we learn the unsurprising fact that the Court “is privileged to have access to numerous research resources.”

Library to Host Traveling ABA Exhibit

The Library is set to host the traveling exhibit *100 Years after the 19th Amendment: Their Legacy, and Our Future*. Sponsored by the American Bar Association and the Standing Committee on the Law Library of Congress, the exhibit commemorates the 100th anniversary of women’s constitutional right to vote. The six-banner free-standing exhibit features historic photos and artifacts related to the suffrage movement and the battle to ratify the 19th Amendment.

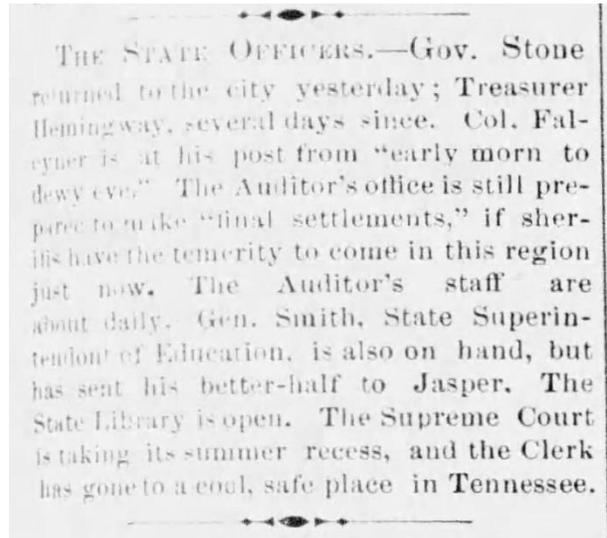
The traveling exhibit has been making its way across the U.S. since August, 2019. It will eventually visit all 50 states. The State Law Library will be hosting the Exhibit for its first visit to Mississippi.

The exhibit will be at the State Law Library June 28-July 12, 2020.

The Library in Epidemic/Pandemics Past

The State Law Library has remained open, to a degree, during the COVID-19 pandemic. The doors have been open each day for court staff and for local attorneys by appointment. Looking back, we can see how the Library and the Supreme Court have responded to previous epidemics and pandemics.

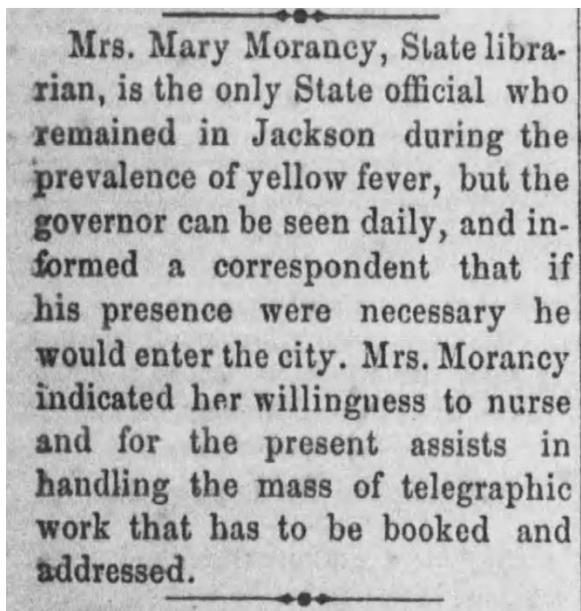
1878 Yellow Fever: “The State Library is Open. The Supreme Court is taking its summer recess, and the Clerk has gone to a cool, safe place in Tennessee.”
Clarion Ledger, August 21, 1878 (right)



Mississippi, according to some estimates, experienced the worst of the 1878 epidemic. In total, the State had 16,461 cases and 4,118 deaths. The Supreme Court would not resume hearing cases until January of the following year.

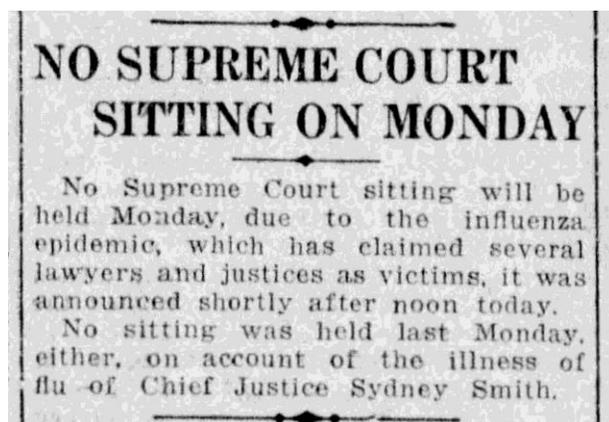
1888 Yellow Fever: A Yellow Fever outbreak in Florida spread to parts of Mississippi, but the Library remained open. “Mrs. Mary Morancy, State Librarian, is the only State Official who

remained in Jackson during the prevalence of yellow fever ... Mrs. Morancy indicated her willingness to nurse and for the present assists in handling the mass of telegraphic work that has to be booked and addressed.” *The Southern Herald, October 6, 1888 (left)*



1918 Spanish Flu: Any report or news item indicating how the Library responded to the Spanish Flu was not found.

The Supreme Court appears to have taken a few weeks off due to numerous lawyers and justices, including Chief Justice Sydney Smith, falling ill.
Jackson Daily News, October 19, 1918 (below)



The Supreme Court resumed meeting and handing down decisions in November and December.
Choctaw Plaindealer, November 1, 1918 (left); *Jackson Daily News*, December 2, 1918

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Jackson.—Division B of the Mississippi Supreme Court met, with Presiding Judge Sam C. Cook and Judges J. M. Stevens and George H. Ethridge, associates, in attendance, together with Assistant Attorneys General Frank Roberson and Earl N. Floyd, who appeared for the state in the half dozen state criminal cases on the docket.

**STATE SUPREME COURT
 GIVES 14 DECISIONS**
 —————
 Division A. Hands Down
 Good Batch This
 Morning
 —————

Latest in Digitization

During the down-time of the last two months, the Library has stepped up its efforts at digitally preserving some of the items in its Special Collections. Below, in no particular order, is a list of titles the Library has recently digitized:

- *Baptist Annals*, by Z.T. Leavell (1899)
- *Mississippi's First Constitution and its Makers*, by Dunbar Rowland (1902)
- *The Statues of Jefferson Davis and James Z. George, Unveiled in the United States Capitol At Washington*, published by the Government Printing Office (1932)
- *Reports of the Mississippi Bar Association*, published by the Mississippi Bar (1913, 1915, 1917)
- *Masterful Address of Great Historic Value: Character as Exemplified by Lamar, Walthall, Stone, and Jefferson Davis*, speech given by the Honorable Edgar S. Wilson (1928)
- *Proceedings of a Meeting of the Surviving Members of the Constitutional Convention of 1890*, published by the Department of Archives and History (1910)
- *Proceedings of a Meeting of the Surviving Members of the Constitutional Convention of 1890*, published by the Department of Archives and History (1927)
- *Mississippi Constitution of 1890*, speech given by Judge R.H. Thompson (1923)
- *Mississippi Codes*, speech given by Judge R.H. Thompson (1926)
- *Know Mississippi: A Syllabus on Present Conditions in Mississippi*, by Governor Henry Whitfield (1926)
- *Biennial Report of the State Librarian for the Years 1892 and 1893*, by Rosa Lee Tucker (1894)
- *Charter and Revised Ordinances of the City of Jackson* (1874)
- *Prohibition in Mississippi – or – Anti-Liquor Legislation from Territorial Days, with its Results in the Counties*, by T.J. Bailey (1917)
- *Romance and Realism of the Southern Gulf Coast*, by Minnie Walter Myers (1898)
- *Political and Parliamentary Orators and Oratory of Mississippi*, by Dunbar Rowland (1908)
- *History of Art in Mississippi*, by C.V. Sutton (1929)

