



Interview with the Honorable Thomas P. Brady : associate justice, Mississippi Supreme Court

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Biography

Thomas Pickens Brady was born on August 6, 1903, in New Orleans, Louisiana. He was educated in the public schools and graduated from Brookhaven High School in 1920. He attended the Lawrenceville Preparatory School, New Jersey, and graduated in 1923. He graduated with the Baccalaureate degree from Yale University in 1927. He later received the L.L.B. degree from the University of Mississippi Law School in 1930.

Thomas Brady practiced law in Brookhaven, Mississippi from 1930 to 1950. He served as Circuit Judge of the 14th Judicial District from 1950 to 1963. He was appointed to the Mississippi Supreme Court in July, 1963, to fill the vacancy caused by the death of Associate Justice R. Olney Arrington. He was elected without opposition to fill the unexpired term. He was re-elected to a full term commencing January, 1969.

Judge Brady has been active in various professional and other organizations. He served as a Democratic National Committeeman from 1960 to 1964. He is the recipient of the 1956 Mississippi Legislature's distinguished service citation. He is a member of the American and State Bar Associations and the American Judicature Society. He is a member of many honorary and fraternal organizations and is a 32nd Degree Mason, Knight Templar and Shriner.

Abstract

In this interview Judge Brady discusses his early days in Brookhaven, Mississippi. He recalls that his first interest in state politics resulted from a speech delivered by Paul B. Johnson in 1932 and discusses the five Democratic National Conventions he has attended. Of particular importance is the period from 1960 to 1964, when he served as a Democratic National Committeeman. He gives his views of unpledged delegations and party control as well as the Dixiecrat and States' Rights movements and recalls his personal role in their activities. Judge Brady relates his views on the relationship between the central, state, and local governments in the American Federal System and expresses the belief that if the responsibility of the local or state government is not exercised, then the central government must and



does, assume that responsibility. He believes that the state and local government should do the job. He explains his views of an elective Supreme Court found in his book, *Black Monday*. He then criticizes the Slochower decision of the United States Supreme Court and explains the longer term significance it has exercised; he defends the right of free press with reference to the Anderson and Pentagon Papers. He mentions several political figures in the State of Mississippi, but dwells on none in detail. He discusses the "*Black Monday*" decision and the fact that little racial strife has occurred in Mississippi. He goes on to explain his role, which was quite significant, in the Citizens Council Movement. Judge Brady discusses the United States Supreme Court ruling in *Brown vs. Board of Education* and the Supreme Court itself, especially, Justice William O. Douglas and his book, *Points of Rebellion*. Judge Brady offers his views of contemporary racial relations and of the future.

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Transcript



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This interview is with Associate Justice Thomas Pickens Brady, of the Supreme Court of Mississippi, on the fourth of March, 1972. The interview is being made in his chambers in Jackson, Mississippi.

Dr. Caudill: Judge Brady, would you just give a brief resume of your early days in Mississippi and your education and the legal profession that you have been a part of.

Judge Brady: Well, I was born in New Orleans, Louisiana, around the turn of the century; there was no hospital or nursing care in Brookhaven and the doctor advised that Mother go to Touro Infirmary. After my birth, I came to Brookhaven where I have lived all my life. I attended the grammar school and the public schools and graduated from there in 1916. In 1916 I went to Lawrenceville, and I graduated from Lawrenceville School, Preparatory School in New Jersey, and entered - and went to Yale in the fall of 1923. Correction, I graduated from the Brookhaven High School in 1920, instead of 1916, I graduated in 1920. I graduated from Lawrenceville in 1923. I have ancestors who had been to Yale and I graduated from Yale in 1927.

The next year I spent in University Michigan Law School. Then I went to the University of Mississippi; I completed my studies in Law and also taught in the University as an instructor; the Science of Society for two years. This roughly gives you my educational background.

Dr. Caudill: Excellent. What then caused you to commerce participation in state politics?

Judge Brady: After graduating from the University Law School, I entered my father's law firm, Brady, Dean and Hobbs. And in 1932 and 1931 Judge Paul B. Johnson came to Brookhaven to make a speech, seeking the Governor ship. He was unable to get anyone to introduce him. He asked me if I would introduce him and I did so. And I listened intently to what he had to say. I Listened intently also to what Sennett Conner had to say, who was also a Yale man. And to Dennis Murphy. And I think that was the initial germination of my interest in politics.

Dr. Caudill: Good. Would you then discuss, Judge Brady, the Democratic National Committeeman position that you have held from 1960 to 1964 and the special events and the special people that you knew?

Judge Brady: I have been to, I think, five National Democratic National Conventions. I went to the first one when Governor Paul B. Johnson, Sr., went to Chicago at the time that Franklin Delano Roosevelt was first nominated. Subsequent thereto, I have attended another Convention in Chicago, one in Philadelphia; in 1948 I attended the Convention in Los Angeles, in 1960 when I was Democratic National Committeeman and also the Convention in Atlantic City. I did not seek the office of National Committeeman from Mississippi but the members of the State Executive Committee and the Governor asked me to run for that office, which I did, and was elected.

Dr. Caudill: Let me stop you, okay go right ahead.

Judge Brady: Governor Barnett was Governor and the Convention was to be held in Los Angeles. At that time a fight had developed between U. S. Senator Lyndon B. Johnson and Senator John F. Kennedy for the nomination. We were instructed at the State Convention which was recessed, not to endorse any candidate who espoused the civil rights program, particularly in which the integration of the races was sought and, therefore, when the National Democratic Executive Committee met in Los Angeles subsequent to the Convention, and I presented my credentials, except for General Farley, Big Jim Farley, I doubt seriously if I'd have been seated, but I explained to him and to the entire Convention (all of the



100 members - I believe there were 98 at that time), all of the members, that I was under restrictions by the State Convention not to sign any pledge endorsing the nominee, who at that time was John Kennedy, or endorse the platform of the party. But that I would return to Mississippi, there would be a convention at that time and this matter could be settled. I explained this identical situation to nominee elect John Kennedy, for whom I had high personal feelings and with whom there was friendship. And, therefore, I was accepted but I never signed any pledge because the State Convention did not permit any to be signed and I did not want to sign any pledge.

Dr. Caudill: Do you believe in unpledged delegates such as that?

Judge Brady: I believe that the categorical requirement of any delegate to a State or National Convention to absolutely endorse without question the nominee of the party or the platform of the party is a very strict and rigid, and smacks of totalitarianism, and therefore, I prefer to let the delegate have his own will in the matter and be allowed some discretion, but if the State Convention demands and requires it, then he is bound by the State Convention or he should not accept the offer and obligation.

Dr. Caudill: Would, in your estimation, an unpledged delegate such as that, would it be within your conscience to cross party lines if necessary?

Judge Brady: Mississippi has not sent an instructed delegation insofar as the endorsement of the nominee or platform is concerned, within the past 24 years. And Mississippi has crossed party lines, but it has done so, and I did it with the rest of the Mississippians, by the election of independent electors who had the right to choose whom they would support and the last time Mississippi did not support the Democratic nominee but supported Mr. Nixon by independent electors.

Dr. Caudill: I noticed one time that you were referred to as a Dixiecrat. Would you like to say your part in the Dixiecrat movement?

Judge Brady: Well, the Dixiecrat movement was the product of one of the finest Governors Mississippi has produced, Honorable Fielding L. Wright. Fielding L. Wright, together with Strom Thurmond, of South Carolina, who was then Governor, and other leaders from Alabama, Georgia, and Texas decided that we would organize a States Rights Party which would more closely represent and express the southern viewpoint in the election of a President and the platform of a National party. It was in Philadelphia, just a day before or two days before the delegation walked out, that a young reporter in an ante-room where we had had a conference, spontaneously said, "now we can move in, here come the Dixiecrats."

Dr. Caudill: Do you know who that was?

Judge Brady: I think he was some reporter from the Philadelphia Inquirer, but I am not certain. But the name stuck and there was nothing we could do about it. I remember distinctly how resentful we were, because we felt like our principles and platforms were broader than just Dixie's interest. I actually think the name Dixiecrat did irreparable harm to the States Rights movement because it tended to localize our objectives and antagonized, perhaps, associates that we might have obtained in northern states.

Dr. Caudill: Then Judge Brady, would you give a brief analysis of your part. The part you played in the Dixiecrats, The States Rights, the unpledged Electors movement.

Judge Brady: I was a member of the Executive Committee and we had members from Texas, South Carolina, Virginia, Alabama, Georgia, Florida, Louisiana, Mississippi and Arkansas. The specific



assignment which I agreed to take was to be Chairman of the Speakers Bureau. And I obtained speakers to go into all of these states, at the Capitals and other points, and advocate the principles for which the States Rights party stood. Basically, the States Rights party advocated that matters which were purely of a local nature, which related to the people of that State, should be solved by the people of that State without Federal interference and that the less control the Federal Government exercised over our social, our economic, our religious, our educational rights, the happier we would be. The four matters, or factors, which actually brought into being the States Rights Party and its movement were the four bills that Truman had advocated. The anti-lynch, the anti-poll tax, anti-segregation, and there was a fourth that slips my mind now. But those four bills the people of Mississippi felt were encroachments on the part of the Federal Government on the sovereignty of the state of Mississippi and its right to solve its own problems. And we realized that there were problems, and we realized that corrections had to be made. But we wanted to make them ourselves, without federal guidance or interference.

Dr. Caudill: You have been talking now about a situation in Truman's area.

Judge Brady: Anti-lynch. Anti-lynch, was the fourth one.

Dr. Caudill: Have your views changed any on the relationship between the central government and the states? The correct relationship.

Judge Brady: Well, fundamentally I think, to use a cliché, and I think it goes back to the Greek philosophers, "The least governed people are the best governed people." And my study of history indicates that whenever and wherever man relies upon government, whatever type government it is, and not upon his own resources, he limits his freedom. He restricts his freedom. Because the nature of government is such, that the more power it has, the more power it wants. And the more power it exercises. And it is fundamentally wrong for a government to subsidize, aid and assist a state, city or an individual and not control and say how this aid shall be used. And, therefore, we have gone into an all powerful and all benevolent government, which is a shadow of what the Russian government is.

Dr. Caudill: You disagree then with what we'd call the modern, benevolent movements within the United States? The guaranteed annual wage, the great relief programs and things like that.

Judge Brady: No, I think it incumbent - I reduce it down to the lowest minimum of Government organization - I think it is incumbent, and we in Lincoln County, we've always had what we call a poor house. And there the indigent people, who were old and were neglected by their own children, whose duty it was to provide for them, failed to do so, we put them in comfortable homes, we fed them, we clothed them, we gave them medical assistance and we tried in our feeble way to make their lives comfortable. That was the duty of the city of Brookhaven. That was the duty of Lincoln County. Now when this duty is - when these subdivisions of government are derelict, then some other division of government comes in and at this junction, the federal government is now engaged in doing every thing possible which the state and local government should do themselves. The social security is nothing more than another disguised income tax. And it is the means by which all of the government's benevolent practices are being carried out. I think that age, with its infirmities and illness, that no country but a barbaric country would fail to provide for those persons who cannot provide for themselves, and who, if not taken care of, would suffer.

Dr. Caudill: Your statement that the United States Government is a shadow of the Soviet Government. Do you believe that the great welfare programs that we have are moving toward socialism?



Judge Brady: I have made a study and am interested in writing a book - and a comparison is made in one of those chapters between our programs and the cardinal parts of the Russian constitution, and you would be astonished to find that many of our benevolent programs which have been instituted since 1932, you'll find that the Russian constitution provides for them.

Dr. Caudill: Do you see a contradictory movement then in the United States where there is a great deal of permissiveness? There's an article in the *U.S. News and World Report* recently that the decisions of Judges are hampering the enforcement of law, which means greater rights for individuals but that at the same time giving them greater privileges. Do you see that as a contradiction?

Judge Brady: That is a difficult question to answer, and if I understand correctly what you are driving at - I believe in the absolute separation of powers - there has been a common belief that relief from any situation could be obtained by the passage of a law or by the construction of a law. And Roosevelt was the first man who sought to have the Supreme Court of the United States decree what he wanted, and said the law to be. And I think today that the Supreme Court of the United States, with the brilliant men that are on it, and have been on it - it must bear its respective burden and part of a socialization and an usurpation on the part of the judiciary of that which is strictly within the province of the legislative and executive branches of the government.

Dr. Caudill: In your book, *Black Monday* - you explained a plan for an elective supreme court. Do you still believe in that?

Judge Brady: I don't believe that there's any error or shortcoming of the supreme court or any court for that matter, in any state, or in the federal government that can't be rectified by letting that tribunal be answerable to the people. That is the essence of a Republican form of government. A branch of government which is answerable to no one, except by a congressional enactment is of itself, in itself, a very powerful, the most powerful organ; more so even than the president, and, therefore, I have always felt that any tribunal should be answerable to the people and let the people say whether or not this judge who says you can't arrest a man teaching the principles of communism ahead of our form government - and nothing can be done unless he makes an overt act, that in all of the various and sundry decisions that have been rendered by the U. S. Supreme Court; relating to communism and to the favoring of communist doctrines being taught in this country. The people of the United States could very easily have said, "This we do not condone - this we do not want and, therefore, we will not reelect you."

Dr. Caudill: Would you believe in along term? Your term is 8 years I believe. Do you believe a longer or a shorter term is better for the highest courts?

Judge Brady: Well, it works both ways. With the long term, a judge realizes that he doesn't have to run again and perhaps he can be more objective. On the other hand, if he is an incompetent or rules biased or prejudicedly, he ought to be removed. And in the state courts, that can be done, has been done, should be done, but I do believe that since the average age of the man who goes on the supreme court of the state of Mississippi, I believe is about 57 and his days, so to speak, are pretty well numbered insofar as his efficient operation is concerned. Having exceptions to the rules, but if he had to run every 4 years, I doubt seriously that you'd have many men seeking this job; because the job itself until recently has been underpaid, but the legislature - we're grateful, we're very grateful, raised our salary to where a judge can afford, under the extreme, inflationary dollar today, he can afford to be a supreme court judge, and lay aside something.



Dr. Caudill: One of the reasons explained for not having elective supreme court judges or justices, is that they then become political judges and subject to pressures. Do you find in your experience that as you approach the end of a term, the pressures increase and that you have to be a political judge?

Judge Brady: No Sir, I think that Mississippi has been blessed. Once or twice when I first came on this court - close, intimate friends came to me and tried to talk about a case which they felt was coming up to this court, and I did just what every other judge has done on this court - I told him that it was a high misdemeanor for me to discuss any case which was coming up here, and I would not discuss it with him, and if he insisted on it then I would rescue myself. I think that we are as free from political pressure as - I - I just, it's an astonishing thing in many ways - but the personnel of the court over the years has been such, and the conduct has been such that the attorneys universally never try to earwig any of us, and only those persons who don't know better will occasionally try to discuss a case which is coming before us.

Dr. Caudill: Let me switch to something that you said just a moment ago. You referred to the possibility or the fact that a man could be arrested for teaching the principles of communism.

Judge Brady: Slochower case in California. Professor Slochower was arrested, he was advocating the violent overthrow of this government, he denounced the constitution and the acts of the legislature, he advocated the writings of Lenin and the Russian constitution. He was arrested, convicted by the Supreme Court of California. He was appealed. The Supreme Court of the United States released him and said - he is violating no law and unless he does some overt act now - that now (Slochower was from New York instead of California) the men from California were labor organizers. Slochower was a professor who taught in New York City. And there are 16 other cases which are highly comparable.

Dr. Caudill: Is it your position that the decision of the Supreme Court was not a good decision?

Judge Brady: I think that that decision opened Pandora's box insofar as the left-wing socialist and communist teachers of this country are concerned and I think that in the podiums of many universities now there are people who are approximating what Professor Slochower did.

Dr. Caudill: Would there be difference then in this particular thought between a professor who was teaching a comparison between democracy and communism, as compared with one who was advocating the overthrow, if he was trying to clear up in the minds of the people, for example?

Judge Brady: I think, of course, there is, and I think that it is highly desirable that the youth of this country be taught the fundamental principles of what this country stands for, insofar as opportunity, independence, freedom of choice, etc. , is concerned. And compare that with the regimentation - the absolute dictatorship which exists in Russia, and compare the two forms of government, it's highly desirable but not the advocacy of the supreme Soviet Union of the supreme Soviet Republic's over our form of government.

Dr. Caudill: Do you disagree with emphasis upon the absolute freedom of speech then that the court places in the first amendment?

Judge Brady: No. I think that freedom of speech, like any other freedom, is subject to certain restrictions. As Justice Oliver Wendell Holmes said, "Freedom of speech does not allow a man in the theater to jump up and holler fire!" Because it has harmful and disastrous results. Therefore, I say the open advocacy of the communist regime, it's praise and the denunciation and criticism of our form of government is comparable to getting up in a theater and hollering fire.



Dr. Caudill: What is your view then of the instances of the Pentagon papers and the Anderson papers, where documents have been stolen and published.

Judge Brady: Well - Thou shalt not steal is still a fine law. I'm not, I confess, familiar enough with the facts of these papers to say anything categorical with reference thereto. But I know this and I feel this, that an alert and an educated public can pretty well protect itself; but a public that is in the dark and knows nothing about what is going on is helpless to protect itself and, therefore, I had rather that the pendulum swing in favor of the newspaper that accurately and objectively report peace matters than to close them up and close the presses down.

Dr. Caudill: Is it possible for any newspaper to report then that subjectively?

Judge Brady: Well - it depends on the individual, of course. And it depends on his heredity and his environment and his out-look and viewpoint. But I think as a whole, most of the press strive to be objective, and I think most of the press are intensely loyal to this Government. If it were not so, I think we would have, in this country, a revolution in the streets far more than what we have had of!

Dr. Caudill: Let me switch to a different topic. In your various, in the conventions that you participated in - you met a lot of well known, important men. You mentioned Jim Farley, Fielding Wright, and John F. Kennedy. Of these various individuals you have met, who have you had close relationships with and what strikes you most in this respect?

Judge Brady: Well, of course, I have been more associated in a limited way with the - with Senator Russell, Senator Strom Thurmond, when he was Governor and when we were associated in the States Rights Party together, Judge Leander Perez, Senator Herman Talmadge, whom I admire, Senator George, who was a great man; these men I consider giants, I compare them with Mr. - with - Senator Humphrey, whom I have met and chatted with occasionally, but whom I don't know personally. But I think that the U. S. Senate, insofar as the past is concerned, has been the rudder, it's been the guiding force which has kept us more in tune with the constitution of these United States which we don't hear anymore, (it's used in the plural), in the singular, "The United States" - better than anyone other factor that I know of. The Senate, some of the senators laugh and say now that the senate no longer is the conservative party, that the house is the conservative party. Well, I am not in the position to debate that. I still think that the United States is one of the finest productions of government that I know anything about. And I don't believe that we have any men there in the Senate who don't love this country and who will do almost anything to save it. I disagree soundly with some of their policies but insofar as their motives are concerned, I don't question.

Dr. Caudill: What has been your relationship to the past several Governors of the State of Mississippi? You've mentioned several of them. Would you go back to the beginning of your public life and just sort of trace it down to the present?

Judge Brady: Well, I have had the fortune, fortune of being a very close and intimate friend of Judge Paul B. Johnson who was elected in 1939, and took office in 1940. Prior to that time, I was close to Sennett Conner, whom I supported in the second primary. Mike Conner was one of the most brilliant and forthright governors that we've had. He was not a good mixer, so to speak, but he made us a good governor. So did Governor Johnson, and if I recall correctly, when Judge Johnson left office, he left a balance of- in a surplus of 18 million dollars. And he provided free school books which was a blessing indeed to the people of Mississippi, because in the 30's, if you recall, when the panic came, the crash came, and banks failed and poverty stalked the land, the purchase of school books was a most valuable



thing. I've been close to Fielding L. Wright, who was one of the bravest and strongest, and one of the ablest governors we've had. And it was a privilege to work closely with him in the States Right cause. I've been close to Ross Barnett. I contemplated running against Ross Barnett, but decided not to do so.

Dr. Caudill: Because of a personal friendship?

Judge Brady: Yes, because of a personal friendship. I - I didn't approve of things which Ross did, just as I don't approve of things which these other governors have done. But who am I - I am not the governor, and I am not playing the game of chess and I can kibitz and ad lib with impunity.

Dr. Caudill: Would you call it chess or politics?

Judge Brady: Well, it's politics, actually, it's not truly chess. But -

Dr. Caudill: What did you disagree with most?

Judge Brady: Well, they were matters which affected the general attitude of the public. Again I think that less furor and turmoil that is brewed in a state, the happier the people are, the more contented they are, and the more successful they are. "Strife will have strife" as Macbeth said, "blood will have blood," and we don't - we should strive to have as little turmoil and strife as possible.

Dr. Caudill: Are you referring to the Civil Rights and the segregation movement that now is in this particular state?

Judge Brady: Yes, because as Fred Sullens wrote on May 17, or May 18, 1954, immediately following the Spottswood, Bolling and the *Brown* decision.

Dr. Caudill: That's what was called *Black Monday*.

Judge Brady: Yes - "Blood stains on white marble steps." He was bitterly criticized and Fred Sullens was a very brilliant able writer, and he was a man free from guile and he prophesied exactly what's taken place. And I think I made note mention of that in *Black Monday*. But we might say that this turmoil and strife was almost inevitable, but the beautiful part about it is that we have had very little of it in Mississippi. We've had far less in Mississippi than we've had in California (in Los Angeles), in Detroit, in Philadelphia, New York and Chicago. And I think that the Citizens Council played a dominant part in that because one of their cardinal precepts is that we will not take the law in our hands and we will not fight this with violence, that's not commonly known, but that is true.

Dr. Caudill: It's written in your *Black Monday*. Would you discuss your part in the Citizens Council movement?

Judge Brady: Well, it's sort of a little incomprehensible in a way. I was invited to make a speech before the Sons of the American Revolution in Greenwood, Mississippi. I am a member of that organization. And I went there and delivered this speech. A reporter was there and he asked me to give him a copy of it, and I turned the original over to him. He made a copy of it, and Mr. Elliot Lawrence, who ran The Lawrence Printing Company of Greenwood, Mississippi, called me and asked me if he could print that in pamphlet form. I told him he could. He then asked me after I had made a speech a little later at Itta Bena, I believe it was, to meet with eleven men at Mr. Dave Hawkins' home to carry out what I had suggested in



Black Monday - that we needed an organization dedicated to the preservation of peace and not the adoption of violence to correct these woes, and I didn't know those men. I didn't know what they had in mind.

But I was sold on what I thought would be a - an ameliorating force to prevent this shedding of blood and violence, and hatred and breeding of hatred between the races, I said, "you go ahead and have your meeting and afterwards I will talk with you." But they then decided they would organize, instead of the Sons of the White Camellias, I suggested any name would suit, they decided on the Citizens' Council and then they asked me to assist in the writing of the charter and the by-laws and I did. And then they asked me if I would speak in behalf of the Citizens' Council. I made 692 speeches and I spoke from California to Washington. I don't know how many states I spoke in, a great number of states. And I organized Citizens' Councils throughout the United States. That is in essence what happened. A speech that I made then-Senator Eastland, Senator Strom Thurmond, Senator Talmadge and some others, suggested that I put this in a book form as quickly as possible. And this - Eisenhower was President, President Eisenhower had taken office then. And I went to Estes Park and for ten days, writing four hours at a time, reading four hours at a time, sleeping four hours at a time - just like I was working on a ship, I had to write it out in long hand because the Forestry Service people, who had stenographers, after they would write up a half a chapter or a chapter, they would - then advised me that they would no longer write the book. That they did not want to become involved in a controversial book like that. But, at any rate, I wrote it out and I couldn't get anybody to publish it. So I paid for the first publication of it myself. And I got a thousand copies published; it cost me a \$1,000.00 and I sent them to all the U. S. Senators, and the Representatives, to the Members of the Cabinet, and I sent it to a few educators, then, of course, the Citizens' Council came and said, we want your copyright. And I gave the copyright to the Citizens' Council and I understand they printed around 375,000 to 380,000 copies of it, it has been pretty well distributed, but it enabled the Citizens' Council to operate, it gave them funds.

Dr. Caudill: It gave them the finances.

Judge Brady: Funds - See we didn't have any big donors. Membership was \$5.00 and you can't go very far on \$5.00.

Dr. Caudill: Did you visualize the Citizens' Council as forming the nucleus for a new sort of United States you referred to?

Judge Brady: I visualize them as the nucleus for a conservative party in the United States, irrespective of locale and irrespective of race or creed.

Dr. Caudill: A national movement of a political party nature.

Judge Brady: A conservative party, such as I understand operates in England, from what I can find out about it. But, however, it may be that it is in England as it is here - tweedle-dum and tweedle-dee.

Dr. Caudill: How did this differ, how did your vision of a third I party differ from what George Wallace has tried to do?

Judge Brady: I judge - Mr. Wallace came to me when Governor Talmadge and I spoke at Selma, Alabama, as I remember at that time, he was a circuit judge. And after the speech he came up and introduced himself, congratulated me and asked me if I had a copy of *Black Monday* and I gave him one. And he said, "I want the list of the books, " and I said, "there's a bibliography in the back," and he said,



"I've got to get into this movement, this conservative movement can save the United States." And he entered it, not because of the racial overtones, but because of the conservative aspects of it. I don't know that he's a member of the Citizens' Council, I'm not so sure, but I think he was a member of the Citizens' Council of Alabama at one time; but I don't know now, but I admire him very much. And we're in - and he and I and John Bell went down to Leander's funeral and I - I admire Governor Wallace very much. He's a forthright and he's a fearless man.

Dr. Caudill: What do you believe to be - to have been the contribution of the Citizens' Council?

Judge Brady: I think that we were the deterrent, the one deterrent that kept the organization of mobs and the operation of lynch laws in Mississippi and I think without the Citizens' Council, without any guidance, without any direction, without any restrictions (restrictive force whatsoever), each locale would have determined its own solution, and I think that violence would have been the easiest answer.

Dr. Caudill: You're speaking now of the KKK, the Klan.

Judge Brady: I did not - I was invited to join, I've been invited to join, the Ku Klux Klan three times, since about 1925, I believe. And I wouldn't join, first of all because they covered their faces and there were memberships in the Klan - the men whose viewpoint and philosophies differed from mine. So while I have no criticism to direct at the Klan, I just didn't believe that the Klan was the medium, the vehicle that would be of benefit to Mississippi to where we would not be held up before the world as the bloodiest, ruthless, lawless state in the union and we would have time - Walter White said when the *Black Monday* decision was handed down, when interviewed in Washington, he said this is the product of 40 years of unceasing labor. And Walter White was an able Negro and through Walter White and Spingarn and a few others, all of this has been made possible. If they are able in 40 years to reverse and make the supreme court their servant, we ought to be able in 40 years to rectify whatever wrongs that exist now - such as busing, arbitrary busing in order to acquire a balance. A balance irrespective of what educational benefits or harm comes from it. That's fundamentally wrong, that's not the basis upon which education should be predicted, not a balance of the races. Russia adopted John Dewey's philosophy of progressive education, oh, about 1920-21, but threw it aside. Russia, as you read the constitution, Russia said if you are intelligent and prevail, then you can go from high school to college for two years. If you are proficient and be you a great benefit to the order, then you can finish your two years, then you can go to graduate school; but Russia, Russia is grading up, always grading up, while we are always grading down to a irreducible minimum. Not only in education but in other affairs.

Dr. Caudill: Do you believe that *Brown vs. Board of Education* was a conscious decision by the Court to sacrifice a generation or two of white students? Did they recognize that?

Judge Brady: I think they could have passed the *Brown* decision. That decision could have been handed down a good many years prior to its time. The reason it wasn't handed down was simply they wanted it to be unanimous. I believe that Gunnar Myrdal and these sociologists, W. E. B. Dubois who subsequently denounced the United States, renounced his citizenship, gone to Russia, I think that the Supreme Court of the United States was indoctrinated and I think it took 40 years to indoctrinate them.

Dr. Caudill: Well, let me ask in that line then, I want to come back and ask...

Judge Brady: It ill becomes me to criticize a member, and if you'll note I have not. I can criticize an organ of government and that's what I'm doing. I am not dealing in any personalities.



Dr. Caudill: You have high respect for the Justices?

Judge Brady: I think that the - I think that man's governing of himself is, as represented by the judiciary, is one of the highest forms of self-government, that Tom Jefferson and the rest of them, and the world's ever hit upon, it is self-government in its purest form, you see.

Dr. Caudill: Let me ask you a personal question. Don't answer it if you don't want to. Do you have that benevolent feeling toward Justice Douglas?

Judge Brady: Douglas is one of the most brilliant men that the world has ever known and I had a very high regard for Douglas' mental ability and his - and his work. The diligence, the work that he put out. But I have here in my drawer somewhere, that book which he wrote, and after I read this book in which he in substance said, "a little revolution. "

Dr. Caudill: This book was just a couple of years ago?

Judge Brady: Yes, I have it right here, and I can't think of the name of it. I've got two copies. Here it is.

Points - Points of Rebellion by William O. Douglas, \$1.95. A Vintage book, volume 603, published in 1970. Well, when I read through here and I see what he has to say about expecting actual revolution as a healthy sign, I disagree with the man thoroughly. There are times when governmental revolutions have to come, but they come when, and only when, people are oppressed. And they are denied these personal God-given rights, and there is no redress except by the sword, but we haven't reached that in this country. And I don't want, don't think we have to reach it. It may be - it could well be, that we are "so far steeped in blood that turning back is as tedious as going over." And there can be no great relief except by blood letting, but I don't believe that and I don't want to believe that.

Dr. Caudill: Let me ask you then - I want to come back after this question to see whether or not there has been a transition in your racial views as expressed in *Black Monday*. But you - you disagree with *Brown vs. Board of Education* and the Civil Rights Act of 1964; but some of your decisions sort of imply that you may have moderated a wee bit. *Hopkins vs. State*, did that indicate a change in your philosophy?

Judge Brady: These are the things that try men's souls, I'm under oath, I'm under oath to abide by the constitution of the United States and the constitution of the State of Mississippi and to obey the laws thereof. And I can't help it when the facts are there, when the rule of law is there, I've either got to resign or obey.

Dr. Caudill: That was a very difficult decision for you to make then wasn't it?

Judge Brady: Why, of course it was, but again I - we either live under law or we live under the whims and the caprices of men. And no government has ever endured that lived under the latter. We've got to - if the law's wrong, let's change it. But as long as it's the law, then let's obey it. And that's what the Citizens' Council says.

Dr. Caudill: Do you believe then that we have gone too far in assuring the rights of accused in such things today?



Judge Brady: I think that a premium on being liberal and broad minded has hamstrung the enforcement of our criminal laws by the treatment and the interpretations of the 14th and the 5th amendments to our Federal constitution, and I think that has aroused the public, it's hampered law enforcement officers. Mr. Hoover's own statements with the FBI are indicative of what's been done because of these extremely broad interpretations. If the 14th amendment is paramount to all of the others, then let's just travel under the 14th amendment and see how we like that. And so I take issue with some of the decisions of the Supreme Court of the United States with reference to its coddling of crime, because I believe that crime has to be controlled and criminals have to be controlled. We've got to live in a peaceful, orderly society. A society that will permit me to stroll out of the Mayflower Hotel at night around the block with my wife and take a walk, which I dare not do now. The doorman told me, "don't you dare go for a walk around this hotel. Do you see that car parked over there? There are two plain clothes men in there. They are guarding this area around here." Now when you coddle rapists and murderers and things of that nature, then you just, you put a premium, you penalize the law-abiding citizen.

Dr. Caudill: Do you see a move back now?

Judge Brady: I think there is, I think definitely there is, I hope there is. We should never deny the constitutional rights of a man charged with a crime. But in interpreting his rights and in constructing that law, I think the welfare of the majority of the people should be of equal consideration to those of the law offenders.

Dr. Caudill: Do you think the three-fold or four-fold is a warning, is a valid approach in enforcing the law?

Judge Brady: You mean the Miranda Rule?

Dr. Caudill: Yes, yes.

Judge Brady: I think the Miranda Rule will ultimately turn out to be a fine thing, because it will deny, it will prevent over-anxious, over-zealous law enforcement officers from invading the rights of ignorant criminals; and I think that ultimately the Miranda Rule will be of benefit. After all, a man is entitled to know what he's about to do and he should be told.

Dr. Caudill: Right.

Judge Brady: The dangers that he faces, that's justice.

Dr. Caudill: We - I took you away whenever we were talking about Ross Barnett and others, and you've mentioned John Bell Williams. What has been your relationship with other Governors, Paul B. Johnson, Jr. , John Bell Williams, and the present Governor?

Judge Brady: Well, when I supported Judge Johnson, Paul was a freshman at Ole Miss. Paul Johnson and I, if I was his older brother or his uncle, we couldn't be any closer. The families have been close for generations. When John Bell Williams ran, the first time he ran, I think his expenses were \$1200, and I rode him all over southwest Mississippi and introduced him to Judge Johnson and Mike Conner's friends, and I've been close to John Bell all of his life.

Dr. Caudill: You helped him to get elected then in other words.



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Judge Brady: I did, I did all I could. Yes, I did, and that's true of Governor Waller. I think Waller is one of the honest, most honest, dedicated men that I know. I believe that he wants to make the best Governor that Mississippi has ever had. He has had limited experience in the legislative field so to speak, but he is learning fast. And he wants to be a good Governor, and he's going to be a good Governor. He may not please everybody, but he's going to do what he believes is right.

Dr. Caudill: Which of the Governors did you have the closest personal relationship with?

Judge Brady: Judge Paul B. Johnson.

Dr. Caudill: Was it he who appointed you to your first term of the court?

Judge Brady: No, Ross Barnett appointed me. When Olney Arrington died from the Third District, he called me up and said, I'd been a Circuit Judge for 13 years, and I had thought at one time I would come up here, but Judge Roberts and Judge Hall and Judge McGehee they were all close friends.

Dr. Caudill: Which Judge Hall are you speaking of?

Judge Brady: Lee Hall. Lee Hall. And he was from down - I had practiced law when Lee Hall was an attorney down in Columbia. But I had served for almost 13 years as Circuit Judge, and I came up here and talked to these judges and they all urged me to come and I finally came and I mean I got a working job.

Dr. Caudill: Keeps you busy now, doesn't it? Well, you undoubtedly have made a number of difficult decisions. Which has been your most difficult and controversial say?

Judge Brady: Well, I don't know. I hesitate to pick out any single one, but the decisions which have been the hardest are those decisions in which I've had to follow the supreme court's mandate, supreme court of the United States mandate, under the facts and under the rules of law, that conflicted with my basic concept of their interpretation of the 14th amendment.

Dr. Caudill: In *Black Monday* especially, you make it very clear that you believe that blacks are ethnically inferior. Have you changed that any in the light of the period of time since *Brown vs. the Board of Education*?

Judge Brady: I - I have to this extent. I think that there has been a better education afforded the Negro and I think he's utilized that and I think that the I.Q. of the Negro race as a whole, while as a controversy as to whether I.Q. ever changes, nevertheless I believe that we have far more competent Negroes today who are serving in their states in various and sundry capacities than we had at the time I wrote *Black Monday*. Now if we're going to speak anthropologically, I still believe, and I'm not a follower of Boaz by any means, but I do believe that there are cardinal differences in intellectual potential just as there are differences in emotional reactions and potentials between all the races and I'm not prepared to say that one is superior or inferior to another. I adopt what Lincoln said, there are marked differences between the races, and where you deal with two races and where you deal with sexes, inequality is the law of nature, not equality. Equality is the law of man, but nature's law is inequality.

Dr. Caudill: Are you referring to an inequality of women and men?



Judge Brady: I mean by that, when you begin to compare, when you begin to compare, the female is durable. Kipling said she, she is more, the female is more deadly than the male.

Dr. Caudill: He may be right.

Judge Brady: But I think when you, ever that, I think that the differences of the sex pose inequalities, not high or low, but just differences. There are no two leaves alike, there are no two doves alike, there are no two pigs alike, there are no two men alike. And to say everything is equal, here and hereafter, is to suspend the man between heaven and hell and you suspend him here between success or failure.

Dr. Caudill: In the case of the races and you have, I believe, modified your view just a little bit, would it possibly be the difference in diets and education that makes the difference?

Judge Brady: Well now, there has been a great deal written about the effect of food on human temperament, and the professor at Yale wrote this book, *Climate and Civilization*, which is a very, very interesting book, and there have been books written on temperament and civilization. And all of these things we haven't begun to plumb the mysteries, just as we haven't begun to plumb the mysteries of the outer - of the constellations in our universe, we're just beginning. So we're just beginning to plumb all of these other conditions and forces and powers that are exerted.

Dr. Caudill: Let me ask you to comment, in *Black Monday*- you mentioned a - you proposed a new form of government, including, of course, the black state. Would you comment on the form of government that you were proposing ?

Judge Brady: Well, you know, periodically since the Civil War noble Negro leaders as well as white people have suggested that the only - the happiest solution of these racial differences and this turmoil and strife which comes; wherever you have congestion - where you have congestion of races together in a small locale, they have suggested that a black empire be created, that they be financed, that they be supported and that these people be permitted to work out their own destiny uninhibited and unhindered by the racial clashes between the white man.

Dr. Caudill: How does, how does that fit in with the Republic of New Africa, which wants to move into the south?

Judge Brady: Well, of course, the Republic of New Africa is treasonous, as you and I know. That is not anything new, however. In 1917 a Negro, by the name of Angelo Herndon, was arrested in Alabama, who was preaching the violent overthrow and who wanted to fix 7 southern states and create (he was a communist), and he was sent here, it was 19 - not 17 - it was in 1923, he was convicted. And the Supreme Court on a petition for a rehearing freed him. Now it's been Russia's ideal and dream for a long time to foment trouble between the blacks and whites, and Russia would like to have 7 or 8 states secede and like to form a government here. The white man, they know this white southerner would never do it. But what they don't know, is the black man, the black southerner won't do it either. But that's what they strive for. The far-out crowd, who are pure socialist or - or communist, they are the ones who are seeking to do that. This has been going on now since about 1923 periodically. This New - this Republic of New Africa is just another head of the Hydra.

Dr. Caudill: You refer to this in *Black Monday*, the fact that integration is a communist or socialist movement, do you think that that is inspired by the Soviet Union?



Judge Brady: Well, I have all the writings of Lenin except the last volume in which he details the specific acts to be done for the violent overthrow. Such as the dynamiting of the Capitol at Washington, and the destruction of communications and transportation, etc., but, and I have Stalin's works. Now they don't come out in specific language and say this, but the inference is clear that they are the masters of confusion, and turmoil, and strife, arrest the progress of people, and wherever I see these race riots, I see these known socialists and communists operating and, therefore, I believe they are carrying out the Russian objective.

Dr. Caudill: Are you optimistic or pessimistic about the future as far as the United States, integration?

Judge Brady: I think that we are going to come up with a new race - they say are no good, but they proved to be pretty good in World War II; they proved to be pretty good in the Korean Conflict, in Viet Nam, and time, and times can change, but there is no such thing as a static thing in nature. No such thing in a man's life as static. You either go forward or you retrograde, and I believe that the future of America is going to be safe in the hands of these young people.

Provided we tell them the truth and we prevent them from being deceived.

Dr. Caudill: Can you tell them the truth and get them to listen in a case like segregation?

Judge Brady: I don't think they are going to approve of everything that is said by any means; in fact, I know they're not, but as long as they ponder it objectively and as long as there is still burning in their breasts the love of this country that gave their parents and their forbearers all these opportunities; and which gives them freedom of speech, the like of which has never been seen. I think that they will fight for a country like that, and die for a country like that.

Dr. Caudill: I wonder if maybe there isn't a decrease in the nationalism? You seem to disagree with that.

Judge Brady: I think that in certain universities, it's been our surprise to find it, it's been diagnosed as the hallmark of a narrow man, a little man, and I deplore that because the home is still, the family is still the essence of government. And you go from the family right to the community, right to the town, to the city, to the state, and to the nation and if it is true in one instance to begin with, it is true in the last instance. And so I regret that this, I hear this - I have never been to a rock festival, and I confess I would like to go.

Dr. Caudill: It might be nice to be either a Justice Douglas or a young person to do so.

Judge Brady: I'm going to have to run in a minute.

Dr. Caudill: All right, Sir, let me ask you one other question. Your plans for the future, you're very young.

Judge Brady: Oh, no, I'm not young, I have lived my three-score and almost my ten. My golden years are, perhaps, are behind me but I'm not going to quit working. And as long as I have anything to give to my state, I'm going to try to give it, or to my country, I'm going to try to give it.

Dr. Caudill: You feel that you have contributed a great deal already, do you not?

Judge Brady: I like to think that my efforts have not been totally in vain, and when I see young lawyers who've come up and, and tell me I practice law because I heard you make a summation to a jury or



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because of something, that gives me something, that rewards me beyond description. It gives me something fine and clean, it makes me feel like it's 'all been worthwhile, you know.

Dr. Caudill: Excellent.

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