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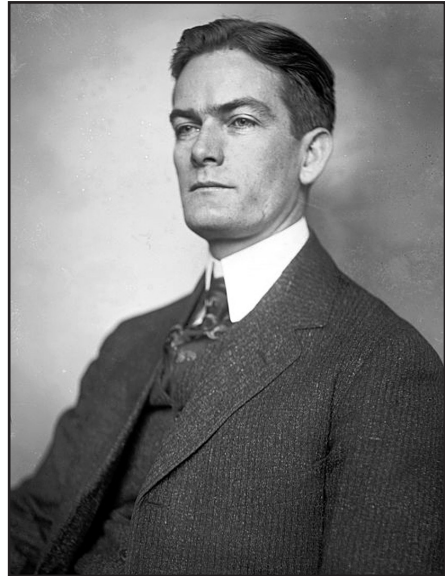
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## Paul B. Johnson Sr. (1940-1943), the New Deal, and the Battle for Free Textbooks in Mississippi

by *Kevin D. Greene*

Tuesday, January 16, 1940, was a cold, clear winter day in Jackson, Mississippi. At high noon a crowd of thousands, including the Mississippi legislature, former governor Hugh L. White, reporters, family, and friends, watched as Mississippi inaugurated its forty-sixth governor, Judge Paul Burney Johnson Sr. A Hattiesburg lawyer, judge, and veteran politician, Johnson stood stoically on the steps of Mississippi's capitol as Supreme Court Chief Justice Sydney Smith administered the oath of office before "a crowd rated by many keen observers as the greatest ever gathered in Jackson."<sup>1</sup> Immediately after, Johnson delivered an hour-long address to the legislature and the crowd that highlighted his multi-faceted



*Paul B. Johnson Sr., Courtesy,  
Mississippi Department of Archives and  
History*

agenda. Humbly, Johnson expressed his willingness "to dedicate and consecrate" his life to the performance of his duties as Mississippi's newest governor. He admonished, moreover, those in the audience to revel in the moment, suggesting while "Europe is an upheaval unparalleled in its history," Mississippi was "trying to build goodwill among

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<sup>1</sup> *Jackson Daily Clarion-Ledger*, January 17, 1940.

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men.”<sup>2</sup> As the speech progressed, Johnson boasted of the state’s recent advancements in health care, scientific improvements in agriculture, economic growth, and industrial progress. To Johnson, at no point in Mississippi’s history had “labor and capital been on such friendly terms.”<sup>3</sup>

In a sense, the address’s first thirty minutes showcased Johnson’s attempt to unify Mississippi’s electorate under the banner of his populist ideologies by heralding the Magnolia State’s progress, even as it sloggled through the Great Depression. After all, two of his predecessors, Theodore Bilbo and Martin “Mike” Conner, had limited success in bringing economic relief to a state \$12 million in debt at the height of the Depression.<sup>4</sup> The real fireworks began as Governor Johnson explained policy details in his strikingly New Deal, progressive agenda. Intending to bring Mississippi out of the Depression, Johnson argued for tax increases; the creation of child welfare services; a repeal of the poll tax; the consolidation of state government commissions and offices; plans for timber, oil, and gas conservation; cheap automobile tags; homestead exemption; and the construction of a central state hospital. Yet the most progressive plank in his platform spoke nothing of revenue creation, bureaucratic consolidation, or resource conservation. The issue “close to [his] heart” argued for a free textbook program for all children of the state.<sup>5</sup> On free textbooks Johnson proclaimed:

Our government is reflected in its citizenship. How can we build a great people in such a situation? How can a child obtain an education without books? It is the duty of the State to see that every child shall have an opportunity to acquire at least an elementary education and I recommend free text books for every child in the State. Knowledge is the basis of happiness and self-protection. To know and value his rights, no educated man can be enslaved. I believe first that it is our duty to build men and women. The greatest resource of our state is our children. Igno-

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<sup>2</sup> Paul B. Johnson, “Governor’s Inaugural Address,” Jackson Capitol Building, Jackson, Mississippi, January 16, 1940, Box 5, Folder 8, Johnson Family Papers, McCain Library and Archives, University of Southern Mississippi, Hattiesburg.

<sup>3</sup> Johnson, “Governor’s Inaugural Address.”

<sup>4</sup> John K. Bettersworth, *Mississippi: A History* (Austin, Tex.: The Steck Company, 1959), 423.

<sup>5</sup> Johnson, “Governor’s Inaugural Address.”

rance and illiteracy are the greatest enemies of mankind.<sup>6</sup>

For years, Johnson, the undisputed champion of the “runt pig people,” had campaigned at every corner in Mississippi urging voters to recognize how beneficial a free textbook program could be in the improvement of Mississippi’s educational future.<sup>7</sup> The battle over the free textbook program would become one of Johnson’s most difficult challenges as he began directing Mississippi toward New Deal liberalism. His innate ability to persevere in tough times, coupled with his gift for forming powerful relationships across his life, prepared him for a lifetime in public office. As the sun set on his lengthy career in state and national politics, Mississippi’s free textbook program became his crowning achievement.

Paul Burney Johnson Sr. was born on March 23, 1880, to Jane McClenahan Johnson and Thomas Benton Johnson in Hillsboro, Scott County, Mississippi. His paternal grandparents, Jourdan Johnson and Sarah Burney Johnson, had married in 1808 after arriving in Mississippi from Virginia and South Carolina, respectively. Paul “Burney” Johnson was named after his grandmother. His grandparents’ home, or what he called the “Johnson homestead,” stood in Lawrence County, Mississippi, “near Monticello.”<sup>8</sup> There, his paternal grandparents raised ten children between 1808 and 1838. His maternal grandfather, William Hays McClenahan, an Irish immigrant from New York, married Sarah Robinson in the early nineteenth century and, at some point, lived in Pelahatchie and Morton, Mississippi, in bordering Scott and Rankin Counties. Paul B. Johnson’s parents, Thomas and Jane Johnson, raised ten children of their own (two died in infancy) near Hillsboro, where Thomas Johnson practiced law for thirty years. In addition, Thomas Johnson served four years in the Confederacy beginning at age twenty-two, enlisting in Mississippi but serving in the Army of Northern Virginia, where he was both captured and wounded several times, “but never severely.”<sup>9</sup>

Forced at an early age to become the family breadwinner due to

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<sup>6</sup> Johnson, “Governor’s Inaugural Address.”

<sup>7</sup> Johnson qualified himself as a populist champion of the “average man” and used the term “runt pig” as a metaphor for Mississippi’s mass of poor and rural voters. If given an equal opportunity, he argued, even a “runt pig” could become a fine hog. See *Betterworth*, 425-26.

<sup>8</sup> Paul B. Johnson to Kate Barksdale, December 30, 1937, Box 5, Folder 2, Johnson Family Papers.

<sup>9</sup> Thomas Benton Johnson served in the 12<sup>th</sup> and 19<sup>th</sup> Mississippi Infantry regiments in Robert E. Lee’s Army of Northern Virginia and may, in fact, have served in the 1<sup>st</sup> Texas. See *Compiled Service Record*, Thomas B. Johnson, 12<sup>th</sup> Mississippi Infantry, 19<sup>th</sup> Mississippi Infantry, and 1<sup>st</sup> Texas Infantry, Fold3.com. Also see, Paul B. Johnson to Kate Barksdale, December 30, 1937, Johnson Family Papers.

his father's poor health, Paul B. worked on the family farm, in cotton fields, at local lumber mills, and blacksmith shops around Hillsboro. He attended a one-room, lean-to school in rural Scott County and enrolled in Harpersville College, the former Stonewall Jackson Institute, which enrolled roughly 125 students.<sup>10</sup> After completing his studies at Harpersville, Johnson taught in a local rural school, worked as a store clerk, and studied law by candlelight after work. In 1899, Paul B. Johnson moved with his family to the rapidly growing south Mississippi timber town of Hattiesburg. While in the Hub City, he taught in a local school, worked for the J. J. Newman Lumber Company, and continued his education at Millsaps, eventually following his passion for studying law by completing the college's law course.

Tragedy struck in 1902 when his mother passed away. As a result, his ailing father "broke up housekeeping" and moved in with Paul B. Johnson's sister, ultimately losing the family's records, heirlooms, and library, and falling into tremendous debt, reconciled by Paul Burney after he became a judge. A year later in 1903, Johnson was admitted to the Mississippi State Bar. Within a year, he had opened his own law practice in the Hub City, garnering enough attention and respect in Hattiesburg's business and legal communities to win a seat on the bench as a judge for the city of Hattiesburg from 1907 to 1908. Around this time, he married Corrine Veneable, and the two raised four children, including future Mississippi governor Paul B. Johnson Jr. In pursuit of his growing political ambitions, Judge Johnson was appointed Circuit Judge of the Twelfth Judicial District of Mississippi in 1910 by the governor and elected to the position four years later in 1914.<sup>11</sup>

Johnson's first real test as an aspiring politician—one that would prepare him for future political battles—came late in his first term on the bench as a circuit court judge. In the fall of 1913, Judge Johnson became the subject of an investigation by the Mississippi legislature concerning the nature of the judge's conduct in the district. J. C. Clark, a Laurel, Mississippi, native, implored the legislature to investigate charges of what amounted to "tyranny in office." On October 28, Clark listed more than a half-dozen accusations against Johnson, alleging the judge had abused his power. Clark accused Johnson of infractions that included jury tampering and humiliation, witness intimidation, fixing evidence,

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<sup>10</sup> *Biographical and Historical Memoirs of Mississippi* (Chicago: The Goodspeed Publishing Company, 1891), 341.

<sup>11</sup> "Governor Johnson Passes Away," *Jackson Clarion-Ledger*, December 27, 1940

preferential treatment, suspension of habeas corpus, denying representation to the charged, conspiracy, and using the bench to secure illegal business transactions. Clark claimed he had even heard Judge Johnson boast that he “made juries render the verdicts he wants,” essentially accusing the judge of controlling “everyone connected to his courts.”<sup>12</sup>

Johnson was quite suspicious of the origin and nature of the charges, as powerful business interests and western boomtown culture sought influence over the Twelfth District’s court system. To Johnson, these baseless accusations stemmed from “the work of the whiskey ring, the lawless element, and the railroads, who want a judge who will perform to their liking.”<sup>13</sup> After all, Johnson had fostered a hardnose reputation for cracking down on what he considered duplicitous, criminal activity. For example, in March of 1913, Judge Johnson presided over the grand jury selection of the Second District of Jones County. As the jurors were empaneled and sworn in, Johnson reminded the courtroom of the dangers plaguing south Mississippi towns, including gambling, carrying concealed firearms, public drunkenness, and illicit liquor and cocaine consumption, as well as prostitution and vagrancy. Without “fear, favor, or affection,” Judge Johnson charged the jurors to objectively uphold the law at all costs.<sup>14</sup>

As the investigation took shape, Judge Johnson defended himself in a *Richton Dispatch* op-ed directed to the investigative commission’s head, Mississippi state senator Albert Anderson of Tippah County. In the piece, Johnson admitted that he had “perhaps made mistakes” on the bench. Yet no “honorable gentleman,” he argued, would suggest he had “intentionally done any man a wrong or injury” during his tenure as circuit judge.<sup>15</sup> The Laurel Mississippi Pastor’s Association (LPA) seemed to support his argument as well in a public vindication of Johnson. A front-page column in the *Laurel Daily Argus* testified that Johnson had “given them a clean city and county,” believing the charges were, in fact, inspired by the “lawless element of the district . . . for sinister motives.”<sup>16</sup> By backing Johnson, the LPA agreed he faced persecution due to his strong enforcement of the law and the

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<sup>12</sup> “Only Charges Are J. C. Clark’s” *Laurel Daily Argus*, October 28, 1913.

<sup>13</sup> “Johnson Convinced He Will Be Vindicated,” *Laurel Daily Argus*, October 28, 1913.

<sup>14</sup> “Circuit Court Convened for March Term This Morning,” *Laurel Daily Argus*, March 17, 1913.

<sup>15</sup> Paul B. Johnson Sr. to Mr. A.C. Anderson, Chairman Investigative Committee, *Richton Dispatch*, October 21, 1913.

<sup>16</sup> “Laurel Pastors Endorse Johnson,” *Laurel Daily Argus*, October 27, 1913.

“punishment of criminals.”<sup>17</sup> To make their point, the LPA placed copies of their resolutions in “the *Laurel Daily Argus*, the *Hattiesburg News*, and the New Orleans and Mobile papers for publication.”<sup>18</sup>

The following week, between Tuesday, October 28, and Halloween 1913 in the Forrest County Courthouse, a legislative committee, under the leadership of Senator Anderson, explained the charges, introduced evidence, and examined witnesses. The courthouse nearly burst from the overcrowded mass gathered to witness the events. Rather quickly, the committee uncovered the disingenuous nature of the charges against the accused, as attorneys and judges across Forrest and Jones counties testified on Johnson’s behalf. The commission examined a local judge, twenty-three lawyers, two ministers, a deputy sheriff, one banker, a former justice of the peace, a farmer, and six local businessmen. Johnson’s accuser, J. C. Clark, failed to make an appearance. Several of Johnson’s political and personal enemies, including a deputy sheriff and a local Hattiesburg attorney, offered the commission their personal accounts of the judge’s alleged abuses.<sup>19</sup> Nonetheless, on Friday, October 31, 1913, Chairman Anderson decreed, “In our judgement the testimony given the committee does not warrant impeachment proceedings being brought against Johnson, but in some instances he is subject to criticism, which will be fully discussed and pointed out in a brief report addressed to the legislature.”<sup>20</sup> Despite the investigation’s highly publicized nature, Johnson’s reputation remained intact, and he ultimately won a second term in the Twelfth District in August of 1914 by a margin of five hundred votes.<sup>21</sup>

After serving his second term on the Twelfth District bench, Johnson announced his bid for a seat in the United States Congress for Mississippi’s sixth congressional district. On Saturday, June 21, 1917, on the courthouse square in downtown Hattiesburg in front of a crowd “estimated at four to six thousand,” Judge Johnson outlined his platform. His program offered a solidly progressive agenda, calling for the conservation of piney woods timber, legislation for the prevention of war profiteering, adoption of child labor laws, money for improving rivers and harbors, and advocacy for a federal highway system. In response,

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<sup>17</sup> “Laurel Pastors Endorse Johnson.”

<sup>18</sup> *Ibid.*

<sup>19</sup> “Political Foes Heard in the Probe of Johnson,” *The New Orleans Item*, October 30, 1913.

<sup>20</sup> “Johnson Cleared of Charges Made by His Accusers,” *New Orleans Daily Picayune*, November 1, 1913.

<sup>21</sup> “Judge Johnson’s Big Victory,” *Jackson Daily Clarion-Ledger*, August 21, 1914.

the boisterous crowd applauded their candidate, chanting “Johnson” in unison while “hats were thrown in the air and handkerchiefs waved.”<sup>22</sup>

Johnson ran a strong campaign against governor and veteran politician, Theodore Bilbo, the “Prince of the Peckerwoods” from Poplarville, who had surged to the top of Mississippi’s progressive political era.<sup>23</sup> Of course, Mississippi’s electoral politics centered on a one-party system ensuring that Democratic party factionalism and late-summer primaries determined all outcomes in the state’s election cycles. And in this era of Mississippi politics, political rivals often engaged in bitterly derisive and caustic campaigns.<sup>24</sup> Bilbo attacked Johnson’s progressive record on organized labor, arguing Johnson’s time on the bench in Hattiesburg had, in fact, placed him in much closer proximity to corporate officials whom he favored far more than wage laborers.<sup>25</sup> Johnson supporters shot back, “His (Bilbo) low moral character is well known to every person in the state . . . send him into oblivion and let him be forgotten.”<sup>26</sup> The Congressional election would not be the last time Judge Johnson would campaign against Bilbo, although the two would hold a tenuous but mutual respect for one another throughout their careers. In the end, Bilbo’s decision as governor to back federal United States Department of Agriculture regulations placing federal agents near independent cattle farmers distrustful of federal regulation destroyed his campaign.<sup>27</sup> Johnson won the first primary with

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<sup>22</sup> “Judge Paul B. Johnson Speaks to Crowd of Over Thousand People,” *Jackson Daily Clarion-Ledger*, June 22, 1917.

<sup>23</sup> Chester M. Morgan, *Redneck Liberal: Theodore G. Bilbo and the New Deal* (Baton Rouge: Louisiana State University Press), 24-57.

<sup>24</sup> V. O. Key Jr., *Southern Politics in State and Nation* (New York: Alfred A. Knopf, 1949), 229-253.

<sup>25</sup> “Read This Before You Vote: Gov. Bilbo’s Labor Record vs. Judge Johnson’s Labor Record,” September 5, 1918, Box 9, Folder 7, Johnson Family Papers.

<sup>26</sup> “Let Him Pass,” *Jackson Daily News*, September 8, 1918.

<sup>27</sup> Theodore Bilbo and Paul B. Johnson shared an intense rivalry across their long political careers. Bilbo would remain a potent force in Mississippi politics as a two-time governor and United States senator until his death in 1947. Mississippi’s factional, one-party system ensured that Johnson and Bilbo remained constantly at odds across much of the 1920s and 1930s. Their rivalry transformed into open war during the 1935 campaign for the governorship, when then-Senator Bilbo backed Johnson’s opponent Hugh L. White in one of the most vicious elections in Mississippi History. Recognizing Bilbo’s undeniable impact on state politics, though, Johnson put his feelings for the cantankerous, erstwhile governor aside in 1939 to form a coalition that would lead to his election to the governor’s office. In fact, the first official correspondence Johnson sent as the forty-sixth governor was to none other than Theodore Bilbo. See Paul B. Johnson Sr. to Theodore Bilbo January 17, 1940, Box 5, Folder 12, Johnson Family Papers. See also, Dennis Mitchell, *Mississippi: A New History* (Jackson: University Press of Mississippi), 310-11; and Morgan, 216-24.



8,787 votes to Bilbo's 6,420. Prophetically, *The Daily Clarion-Ledger* predicted Johnson's victory in the second primary over the "Rubber Stamp Governor."<sup>28</sup> Once the dust settled, Johnson had crushed Bilbo by 5,000 votes, capturing sixteen of the district's seventeen counties.<sup>29</sup>

For the next four years, Johnson made a name for himself as a junior Congressman from Hattiesburg, working toward his progressive agenda and building lifelong relationships in Washington that would eventually aid his aspirations in Mississippi state politics. Johnson's time on Capitol Hill seemed to suit the judge quite well, both professionally and personally. On August 26, 1919, Johnson delivered a well-received and impassioned speech to the House of Representatives arguing for the creation of a land redistribution program of the "more than 300,000,000 acres of wild, unused land" in the United States to aid war-weary veterans from World War I seeking a fresh start.<sup>30</sup> His successes in Congress, moreover, translated into personal gains. In February of 1921, Judge Johnson reported owning no less than twenty lots of downtown property to the city of Hattiesburg's real estate tax commission.<sup>31</sup> One month earlier, Johnson had shipped a 1921 Nash Sport Model convertible by train from Hattiesburg to Washington, D.C. on the New Orleans and Northeastern Railway.<sup>32</sup> In July of 1921, Corrine Johnson received an unsigned letter and attached newspaper clipping from *The Philadelphia Public Ledger* championing the judge's reputation as a "ladies man of good looks, fine manners and pleasing personality."<sup>33</sup> "The Other Congressmen," the letter suggested, were "simply green with envy."<sup>34</sup> Despite these successes, Johnson would only serve in the 66<sup>th</sup> and 67<sup>th</sup> United States Congress, preferring to return to Hattiesburg in 1923 to continue his legal practice and pilot his rapidly expanding law firm. Steadily, for the next seven years, Johnson began crafting a path toward his ultimate political goal—the Mississippi governor's office.

Johnson campaigned for governor the first time in 1931 against

<sup>28</sup> "Change of 956 Votes Would Elect Johnson," *Jackson Daily Clarion-Ledger*, August 22, 1918.

<sup>29</sup> "Paul Johnson, Hattiesburg's Congressman: Who Took His Seat in the New Congress Yesterday at the National Capitol," *Hattiesburg American*, May 20, 1919.

<sup>30</sup> Paul B. Johnson, "Justice to the Poor Means Strength to the Nation," speech before the United States House of Representatives, August 26, 1919, Box 7, Folder 7, Johnson Family Papers.

<sup>31</sup> City of Hattiesburg, Mississippi, Real Estate Tax List, Paul B. Johnson, February 1, 1921, Box 1, Folder 4, Johnson Family Papers.

<sup>32</sup> Southern Railway Company Freight Bill, Box 1, Folder 4, Johnson Family Papers.

<sup>33</sup> Unknown author to Corrine V. Johnson, July 21, 1921, Box 1, Folder 12, Johnson Family Papers.

<sup>34</sup> *Ibid.*

five candidates: Hugh White, Stewart Broom, Lester Franklin, George Mitchell, and eventual winner, Mike Conner. Many considered Johnson one of the strongest contenders, given his earlier 1918 defeat of the then wildly unpopular, term-limited incumbent, Theodore Bilbo. Although running on a progressive platform, including a free textbook program for elementary school children, Johnson lost in the first primary, ultimately throwing his political weight behind Columbia, Mississippi, industrialist Hugh L. White. Despite Johnson's backing, White lost the second primary and Mike Conner became Mississippi's forty-fourth governor.<sup>35</sup>

Johnson ran again in 1935 in what would become one of the most notorious gubernatorial elections in Mississippi history. Promising his familiar platform, including free textbooks, homestead exemption, cheap automobile tags, old-age pensions, and public hospital reform, Johnson seemed poised to make a deeper run than his last in 1931. Indeed, Johnson won the first primary by 696 votes over Hugh L. White. Throughout the second primary, Johnson espoused potent populist rhetoric as he attacked, with some success, White's wealthy, "Ole Millionaire White" background. Almost overnight, everything changed when one of the most infamous politicians in American history decided yet again to dabble in Mississippi politics. By mid-August, former Louisiana governor and then-junior U.S. senator Huey P. Long endorsed Johnson as his preferred candidate in the election. In dramatic fashion, the election quickly shifted in aim and tone.<sup>36</sup> Because of Long's public endorsement of Johnson, the Johnson campaign went on the defensive to buffer Long's interference in Mississippi state politics. White's team, with unabashed support from anti-Long senators Pat Harrison and Theodore Bilbo, Johnson's old nemesis, along with the *Jackson Daily News's* chief editor Frederick Sullens, relentlessly assailed Johnson as a puppet of Long's demagogic ambitions to fracture the 1936 Democratic National Convention and to control Mississippi politics.<sup>37</sup> The charges and attacks, which Johnson vehemently denied, became so vicious that he would admit the following spring that the White campaign coalition

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<sup>35</sup> Annie Kate Hollingsworth Jackson, "The Political Rise of Martin Sennett Conner" (master's thesis, Mississippi State College, 1950), 54-64.

<sup>36</sup> Long had entered Mississippi politics well before the 1935 election. He had, in fact, endorsed Mike Conner in the 1931 gubernatorial race. See T. Harry Williams, *Huey Long* (New York: Alfred A. Knopf, 1969), 533-34. For the 1935 election see, Curtis Norban Cochran, "Hugh L. White and the Inauguration of the BAWI Program in Mississippi" (master's thesis, Mississippi State College, 1950), 16-39; and Morgan, 80-86; 96-106.

<sup>37</sup> Cochran, "Hugh L. White and the Inauguration of the BAWI Program in Mississippi," 22-36.

of "Harrison, Bilbo, White and Sullens" was collectively "working night and day to destroy me."<sup>38</sup> The vitriolic and toxic nature of the campaign leeches into the polling place, as Election Day closed with various documented brawls, shootings, stabbings, and throat slashings in Alcorn, Quitman, Tallahatchie, and Smith counties. In the end, Huey Long's impact, coupled with machinations from Mississippi's two U.S. senators, proved too much for Johnson. In some ways, though, the 1935 election was perhaps more of a repudiation of Long rather than a rejection of Johnson. White had carried fifty counties to Johnson's thirty-two, ultimately edging out his opponent by twelve thousand votes. Following his defeat, Johnson returned to his law practice and continued his active involvement in the newly formed Mississippi State Bar Commission.<sup>39</sup> Despite the defeat, Johnson was as determined as ever to win the governor's chair. He would make his mark in the 1939 election.

Although much less vitriolic than the 1935 election, the 1939 race for governor yet again exposed the inherently quirky nature of Mississippi's one-party politics. Senior United States senator Pat Harrison, along with incumbent governor Hugh White, vowed to dominate Mississippi's Democratic Party following the 1935 election. Johnson, still burning from the nastiness of the previous election, became equally determined to defeat the Harrison-White coalition in 1939. But he would need powerful allies to pull it off. Resting in the middle of this political tug of war stood former Mississippi state senator, lieutenant governor and governor, and first-term United States senator, Theodore Bilbo. Bilbo had won the 1934 race for United States Senate and faced an election year in 1940, with Mississippi incumbent governor Hugh White eyeing his seat in the U.S. Senate. With Harrison's backing, White would be a strong candidate and capable of challenging the Bilbo machine if the duo could put their own man in the governor's chair. Furthermore, if Bilbo were to survive the 1940 election with his Senate position intact, then he desperately needed an ally in the governor's office as well. Incredibly, he found a collaborator in his longtime archrival, Paul B. Johnson Sr. Of course, the future of the New Deal in Mississippi, like four years earlier, stood at the center of the 1939 race, and with Bilbo in his corner, Johnson could run and win as Mississippi's legitimate New

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<sup>38</sup> Paul B. Johnson Sr. to T. M. Hederman, April 20, 1936, Box 5, Folder 1, Johnson Family Papers.

<sup>39</sup> Johnson was heavily involved in the Mississippi State Bar Commission's first few annual meetings. See draft of 1933 and 1934 Annual Meeting Programs, Box 1, Folder 10, Johnson Family Papers.

Deal candidate against whomever the conservative Harrison-White faction might support. This time around, however, the looming July 1940 Democratic National Convention offered an opportunity for the Johnson-Bilbo team to closely position Mississippi within Roosevelt's inner circle. Both men believed that a Johnson victory in 1939 and a successful bid by Bilbo for a second term in 1940 would loosen for good Pat Harrison's longstanding grip on Mississippi's place in national politics.<sup>40</sup>

By the late summer of 1938, Johnson and Bilbo began strategizing through meetings and correspondence on the proper path that might lead to a Johnson victory.<sup>41</sup> From September 1938 to July 1939, Johnson and Bilbo exchanged views on tactics, expressed their concerns, and supported the other wherever possible, with Bilbo indicating to his new-found friend that he supported Johnson "a hundred per cent, against the world, the flesh and the devil"<sup>42</sup> Meanwhile, the Harrison-White faction encouraged a bevy of candidates to enter the race in hopes of diluting Johnson's chances of winning the first primary. As the race began to take form, Johnson faced six challengers, including: George Ritchey, Mark W. Gantt, J. B. Snider, Lester Franklin, Thomas Bailey, and old political foe and former governor, Mike Conner. Harrison and White threw their support behind Thomas Bailey, but clearly Conner posed the most serious threat to the Johnson campaign. As the summer of 1939 approached, Bilbo admonished Johnson to "say absolutely nothing, publicly or privately" of his opposing candidates because they would "be for you in the second primary."<sup>43</sup> After his 1935 run, Johnson had gained, whether deserved or not, a reputation for becoming so hostile during campaigns that "he bites his friends and then [he] bites himself to death."<sup>44</sup> In letter after letter, Bilbo urged his friend to "just talk Johnson," speak only of his own campaign platform, and, at all costs, avoid attacking

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<sup>40</sup> As junior senator from Mississippi, Bilbo served in the lean years of the Great Depression. Recognizing Mississippi's abject poverty, Bilbo threw his full weight in support of Roosevelt's New Deal programs. In the 1939 election, patronage from the Works Progress Administration (WPA), for example, became one of the race's most pivotal issues. For an in-depth description of the WPA in the 1939 governor's race, see Morgan, 216-24.

<sup>41</sup> For correspondence between Bilbo and Johnson during the 1938-39 campaign, see Boxes 367-417, Theodore G. Bilbo Papers, McCain Library and Archives, University of Southern Mississippi, Hattiesburg.

<sup>42</sup> Theodore Bilbo to Paul B. Johnson Sr., June 6, 1939, Box 410, Folder 17, Bilbo Papers.

<sup>43</sup> Theodore Bilbo to Paul B. Johnson Sr., May 31, 1939, Box 409, Folder 6, Bilbo Papers.

<sup>44</sup> "Johnson Near Swoon at Meridian," *Jackson Daily News*, August 13, 1939.

his competitors.<sup>45</sup> By early June, Johnson had heeded Bilbo's advice, admitting that he had not assailed any candidates, and because of it, felt "stronger each day."<sup>46</sup> Quickly, though, accusations spread, essentially attacking Johnson's relationship with Mississippi's political potentate, Bilbo. He understood that President Roosevelt's Works Progress Administration (WPA) carried significant weight in Mississippi politics, and its patronage had supported Harrison and White. To help steer the election in favor of Johnson, Bilbo pulled a few strings in Washington by successfully lobbying Roosevelt to remove Mississippi WPA leadership officials "in a jiffy" in favor of Bilbo-Johnson-friendly appointees.<sup>47</sup>

The Bilbo-Johnson relationship paid off. Their strategy of keeping "Conner, Franklin, Bailey and Snider in a continuous battle among themselves" allowed for Mississippians to see Johnson in a new light.<sup>48</sup> He won the July primary over Mike Conner by twenty-three thousand votes and bested the Harrison-White candidate, Thomas Bailey, by forty-four thousand votes. Interestingly, correspondence between Johnson and Bilbo dried up from the July primary to the August runoff. Perhaps the two felt their work together had set in motion the inevitability of a Johnson victory. Nevertheless, in preparation for the second primary, Harrison and White backed Conner as an anti-New Deal candidate. When the runoff finally came at the end of August, Johnson flayed Conner by more than twenty-seven thousand votes, in what Bilbo boasted to Roosevelt was "the largest majority ever received by a candidate for governor in the history of Mississippi."<sup>49</sup> The resounding victory successfully pulled the Magnolia State within Roosevelt's and the New Deal's spheres of influence.<sup>50</sup> The unlikely Bilbo-Johnson alliance worked brilliantly. Together, they had influenced one of the most powerful American presidents in history to replace Mississippi WPA officials with those more to their liking. In August of 1940, incumbent Bilbo would go on to defeat Hugh White in the Mississippi primary for United States Senate. One year later, in 1941, Pat Harrison died in

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<sup>45</sup> Theodore Bilbo to Paul B. Johnson Sr., June 6, 1939, Bilbo Papers.

<sup>46</sup> *Ibid.*

<sup>47</sup> Theodore Bilbo to Paul B. Johnson Sr. July 7, 1939, Box 413, Folder 4, Bilbo Papers.

<sup>48</sup> *Ibid.*

<sup>49</sup> Theodore Bilbo to Franklin Roosevelt, August 30, 1939, Box 420, Folder 4, Bilbo Papers. Roosevelt replied with an official White House letter indicating he planned to keep a Bilbo-Johnson ally as head of the WPA, claiming the "good people of the state of Mississippi have spoken—and how." See Franklin Roosevelt to Theodore Bilbo, August 31, 1939, Box 420, Folder 6, Bilbo Papers.

<sup>50</sup> Theodore Bilbo to Paul B. Johnson Sr., July 1, 1939, Box 413, Folder 4, Bilbo Papers.

office, leaving Governor Paul B. Johnson Sr. to handpick his replacement, James O. Eastland. Johnson's victory, in many ways, signified an important shift in Mississippi politics, as the state climbed ever so slowly toward the New Deal and out of the Great Depression. As his January 1940 inauguration neared, governor-elect Johnson stood as determined as ever to transform his longstanding dream for a free textbook program for Mississippi students into a political reality.

The idea for free textbooks became popular during the progressive era as larger metropolitan school systems—New York, Chicago, Cleveland, and Detroit—undertook measures to reform public education in the early twentieth century.<sup>51</sup> As these improvements took hold, many of these newly consolidated school systems began offering free textbook rental programs as tools for improving attendance, curriculum, and quality of instruction.<sup>52</sup> The New Deal inspired some state public school systems, including Mississippi, to emulate these progressive policies. By the time Johnson was elected governor in 1939, Mississippians who had lived through WWI and the Depression faced a “long history of inadequacies” within the state's public education.<sup>53</sup> Maintaining the existence of a dual system of segregated public education in a rural and deeply impoverished state ensured most Mississippians received a vastly inferior education compared to most of the nation. The preservation of segregation in public education, in fact, became “ultimately more important than any other measure,” including in the area of curriculum.<sup>54</sup>

Throughout Johnson's quest for the governor's chair in the 1930s, Mississippi's white public education experienced an over two-decades process of consolidation. At the same time, select Mississippi schools received earmarked resources for physical improvements from both municipal and state levels. Federal dollars from New Deal programs aided Mississippi schools throughout the leanest years of the Depression, but much of the aid was funneled away from black and rural schools.<sup>55</sup>

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<sup>51</sup> Donald and Jo Ann Parkerson, *The Struggle for Public Education: Ten Themes in American Educational History* (Lanham, Md.: Rowman and Littlefield, 2017), 29-43.

<sup>52</sup> “Editorial Comment: Free Textbooks,” *Educational Research Bulletin* 3, no. 7 (1924): 144-45; George E. Carrothers, “Free Textbooks: A Rejoinder,” *Educational Research Bulletin* 3, no. 11 (1924): 234.

<sup>53</sup> Charles C. Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870-1980* (Jackson: University Press of Mississippi, 2005), 19.

<sup>54</sup> *Ibid.*, 19.

<sup>55</sup> Harvey Kantor and Robert Lowe, “Class, Race, and the Emergence of Federal Education Policy: From the New Deal to the Great Society,” *Educational Researcher* 24, no. 3 (1995): 4-21.

Of course, Johnson never forgot the abject poverty he witnessed as a student and teacher in Mississippi's rural public schools and the number of students who simply could not afford to attend school. Johnson had spent the previous decade stumping in every corner in Mississippi promising a free textbook program, and when the legislature reconvened in the winter of 1940, free textbooks became his agenda's top priority.

The Mississippi state legislature assembled on Monday, January 22, 1940, after a cold winter break. By Wednesday, January 24, *The Daily Clarion-Ledger* reported the house committee on education was ready to deliver the textbook bill to the house floor the following day. Optimistically, the newspaper boasted, "An overwhelming sentiment in the legislature in favor of free textbooks is expected to give the first measure in the governor's program comparatively easy sailing in both the house and senate."<sup>56</sup> On Thursday, January 25, the "Book Bill" made it out of the education committee and was introduced to the public. If passed, the bill would create a five-member "state textbook rating and purchasing board" with the governor serving as its ex-officio chairman. The five-member committee would be charged with vetting and purchasing textbooks for the first through eighth grades and mandating their use. Any teachers or schools refusing to implement the new program would face teaching license revocation. If passed, any candidate for the board would be "an educator of known character" with at least five years' experience teaching and/or supervising within Mississippi's public schools. Potential board members, moreover, would be forbidden to have personal or professional relationships, under penalty of law, with textbook agents, legal counsel, or authors. The bill provided for the appointment of a commission secretary and would abolish the existing elementary textbook board. If approved, these parts of the bill would initially cost the state somewhere around 1.3 million dollars.<sup>57</sup>

The bill created the first legislative stir of the session as a "spirited floor fight" broke out as members of the house argued over when the bill might make it to the chamber floor. Some members suggested the bill remain longer on the docket for closer perusal. Nevertheless, the majority agreed to set the bill as a special order for the following Tues-

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<sup>56</sup> "Free Book Bill Nears Reporting," *Jackson Daily Clarion-Ledger*, January 24, 1940.

<sup>57</sup> "Free Textbooks Bill Gets Oked by Committee" *Jackson Daily Clarion-Ledger*, January 25, 1940.

day.<sup>58</sup> On January 30, the House of Representatives voted 118 to 5 to pass the bill, with one amendment removing the public-schools-only clause in favor of free textbooks for all Mississippi elementary schools, public or private. A few dissenters suggested the organizational framework might be too weak and unmanageable for such a large task due to the piece's quick movement through the floor. Oppositional voices and amendments drowned in the house's fervor to pass the bill.<sup>59</sup>

As the bill moved into the senate, the loudest oppositional tones rose from educators across Mississippi. Before the senate floor vote on February 5, Senator Clark Rakestraw of Union County read a written statement by former state senator and president of the Mississippi Education Association, Walter N. Taylor, warning the bill was unworkable, given that many school districts preferred a list of options over a single text. Taylor questioned, moreover, the five-member commission's capacity to assess hundreds of books for their single selections. The following day, before a senate-organized public hearing on the bill, Professor H. M. Ivy, school superintendent of the all-white Meridian Separate School District, vehemently argued that African American and white Mississippi students could not read the same civics textbook because of black disenfranchisement. To Ivy, teaching young black students about laws and voting rights would prevent white Mississippians from living "harmoniously, happily, and cooperatively beside the negroes" in the state. The textbook bill, as passed in the house, in fact, did not provide any provisos for separate textbooks for black and white Mississippi students. Nevertheless, M. E. Morehead, assistant superintendent for Hinds county schools, echoed Ivy's concerns by suggesting that the state "could provide the negro with a set of texts best suited to his level of intelligence for one-third of what it costs for a white child."<sup>60</sup> Despite these propositions, the nearly two-hour public hearing, according to the *Daily Clarion-Ledger*, "failed to develop any new objections."<sup>61</sup>

When the bill hit the senate chamber at 10:30 a.m. on Wednesday, February 8, the senate echoed these same concerns, striking right to the heart of Jim Crow Mississippi politics and segregationist society.

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<sup>58</sup> "Free Textbook Bill Forms Purchasing Board," *Jackson Daily News*, January 27, 1940; "Textbook Bill Set as Special Order Tuesday," *Jackson Daily Clarion-Ledger*, January 26, 1940.

<sup>59</sup> "Textbook Action Fixed in Spirited Session," *Jackson Daily News*, January 26, 1940.

<sup>60</sup> "State Educators Urge Changes in 'Free Textbooks,'" *Jackson Daily News*, February 7, 1940.

<sup>61</sup> "Textbook Plan Moving Toward Final Adoption," *Jackson Daily Clarion-Ledger*, February 7, 1940.



The senate education committee, as well as senators from across the state, were mainly concerned with three specific issues related to race and segregation. First, reverberating H. M. Ivy's concerns, voices from the floor expressed strong animosity against any notion that African American students would receive the same civics lessons as those of white children. Second, senators objected to the mandate that free white and black textbooks must be stored within the same facility throughout the summer. For segregationists, mixing white and black textbooks in the same physical space when not in use would certainly contaminate white textbooks, so eliminating this potential issue was seen as a "health precaution."<sup>62</sup> Finally, in what became known as the "needy act," Senator John A. Lake of Greenville suggested scaling back the bill's aim so that its target would center on families with considerable economic challenges preventing textbook purchases. This amendment, though, faced harsh opposition and fierce debate. Pressures from the Johnson administration demanded the bill cover all children in Mississippi regardless of background. The opposition, however, suggested passing such a sweeping measure might "bankrupt the state . . . at one fell swoop," in addition to lacking any clear "mandate from the people" to pass such reform.<sup>63</sup> In the end, the arguments in favor of the "needy act" crumbled when a statement in the chamber articulated "that white taxpayers would have to carry an undue load under such a proposal since there would be a great many needy negro children" when compared to whites.<sup>64</sup> Nevertheless, the amendments for separate textbooks and storage facilities for white and black students held strong. As the chamber called roll for the final tally, the bill passed by a final vote of thirty-seven to nine with the Jim Crow amendments intact.<sup>65</sup>

By Monday, February 13, word spread of the bill's passage, prompting the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP) to threaten Mississippi's legislature over the constitutionality of the textbook measure.<sup>66</sup>

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<sup>62</sup> "Textbook Bill Passes Senate; Needy Act Fails," *Jackson Daily News*, February 9, 1940.

<sup>63</sup> Senator David Crawley of Kosciusko, Mississippi, offered fiery testimony in support of the bill's "needy act" on the senate floor, arguing the legislation in its then-current form would far exceed cost expectations. See "Textbook Bill Passes Senate; Needy Act Fails."

<sup>64</sup> "Textbook Bill Passes Senate; Needy Act Fails."

<sup>65</sup> "Senate Votes Textbooks 37-9 As House Endorses More Liberal Pensions," *Jackson Daily Clarion-Ledger*, February 9, 1940; "Mississippi Senate 'Takes Low'; To Forget Jim-Crow Textbooks," *The Pittsburgh Courier*, February 24, 1940.

<sup>66</sup> "Mississippi's Textbook Bill Object of Attack," *The Chicago Defender*, February 24, 1940.

Arthur Garfield Hayes, legal counsel for the ACLU, telegraphed Governor Johnson asking for an all-out veto of the bill or face an attack from their legal team on the bill's constitutionality. The ACLU focused on the illegal nature of mandating two separate civics textbooks for black and white students, as African American students would be prevented from receiving any lessons on civic engagement and suffrage.<sup>67</sup> Governor Johnson had remained steadfastly silent on the bill as it worked through both chambers, but in an interview statement for the newspapers, he replied:

I haven't answered the telegram for I saw no need for doing so. When the bill is signed by the governor it will meet all constitutional requirements. There is no intent on the part of Mississippi to discriminate against anyone. The constitutionality guarantees will be safeguarded, and I am sure no reasonable person will have cause to complain. Much false propaganda is being put out by enemies of the free textbook bill.<sup>68</sup>

Facing this development, a joint house and senate education committee quickly rewrote parts of the legislation, essentially removing the provision for separate civics textbooks and the amendment creating segregated book storage facilities.<sup>69</sup> Johnson had learned from his former nemesis turned friend, Theodore Bilbo, about the importance of house committee appointments and the need for keeping a close eye on the "organization of the legislature."<sup>70</sup> Bilbo reminded governor-elect Johnson in October before his inauguration that committee appointment "means everything. They can wreck you in the beginning by stacking the committees."<sup>71</sup> To Bilbo, ensuring a strong relationship with a favorable "Speaker" who could appoint committees capable of aiding Johnson in the achievement of his "whole program . . . in the first thirty or sixty days" was paramount. "That," Bilbo cautioned, "is the time to do the work—before you make any appointments."<sup>72</sup>

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<sup>67</sup> "Test Threat on Textbook Act Ignored," *Jackson Daily News*, February 13, 1940.

<sup>68</sup> *Ibid.*

<sup>69</sup> "May Give Free Books Final Approval Today," *Jackson Daily Clarion-Ledger*, February 15, 1940.

<sup>70</sup> Theodore Bilbo to Paul B. Johnson Sr., October 16, 1939, Box 3, Folder 12, Johnson Family Papers.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

On Friday morning, February 17, 1940, as champions of the bill from both chambers moved quickly to call for a final disposition and to send the legislation into its signatory stage, the opposition received five minutes for a final decree. Veteran senator W. B. Roberts of Rosedale, one of the few remaining Mississippi legislators who had been present at the 1890 constitutional convention, addressed the floor with a reminder of where many Mississippians still stood. To Senator Roberts, the “Jim Crow” requirements—different civics textbooks and segregated storage facilities—had to remain in the bill so the legislature, at the very least, could continue proclaiming “to the world that in Mississippi the white race [was] still paramount.”<sup>73</sup> Urging a revote on the segregation provisions, Roberts pleaded:

There is no question of the right of this legislature to separate the negro and the white man. The supreme court has upheld our separate transportation systems and our separate schools. I was at the constitutional convention of 1890, when the best brains and stoutest hearts proclaimed that in Mississippi the race issue is paramount and that there can never be any personal contact between the white and black races. I don't care what the press writes about it.<sup>74</sup>

Despite his disputation, a roll call vote resulted in a twenty-two to eighteen approval of the measure without the “Jim Crow” amendments. By noon, Governor Johnson signed the bill into law. As he affixed his signature on the landmark legislation Johnson offered a rare smile as he proclaimed, “This is the happiest moment of my public life.”<sup>75</sup>

The Mississippi State Textbook Rating and Purchasing Board met for the first time on May 23, 1940. Over the next two and a half years, Governor Johnson, ex-officio chairman of the textbook board, attended only four out of dozens of meetings held between May 1940 and December 1943. His last meeting with the textbook board came

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<sup>73</sup> “Johnson Approves Initial Law of Program; ‘Jim Crow’ Controversy Flares Anew,” *Jackson Daily News*, February 17, 1940.

<sup>74</sup> *Ibid.*

<sup>75</sup> “Johnson Signs Free Books Bill into Law,” *Jackson Daily Clarion-Ledger*, February 17, 1940.

on June 2, 1942.<sup>76</sup> A series of health problems, including severe hypertension, racked Governor Johnson throughout 1942 and 1943, forcing the indefatigable statesman to take extended periods of rest away from his office. His health deteriorated rapidly in the fall of 1943, when on November 2 he suffered a heart attack. Two days before Christmas he suffered another attack, slipped into a coma on Christmas Eve, and died at his home in Hattiesburg the day after Christmas.<sup>77</sup>

Johnson's ambitious term brought New Deal-flavored victories in both old-age pensions and aid to dependent children, but he faced a daunting task in his attempt to convince the legislature to increase taxes. Many of these battles no doubt distracted his attention from the book commission's charge. Nevertheless, he remained incredibly proud of the law and reminded the legislature of its accomplishment at its opening in January of 1942, as he urged a continuation of the program for junior and senior high schools as well.

Today 50,000 children who had never been to school one day before, or were unable to continue, are now being given the opportunity to attend school because of the textbooks that were provided for them . . . . For ten years I appealed to the people to give the children of Mississippi free school books. I was laughed at, derided, and sneered at by thousands of people, but it did not deter me, and how happy I am today to be able to see these boys and girls attend school and have books to study. It is the greatest blessing that any Legislature has provided in this State at any time.<sup>78</sup>

Paul B. Johnson made education reform a top priority at precisely the moment when New Deal legislation had often ignored American schools in

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<sup>76</sup> Minutes of the Mississippi State Textbook Rating and Purchasing Board, May 23, 1940, to November 20, 1942, Mississippi State Textbook Purchasing Board Minutes Collection, Department of Archives and Special Collections, J. D. Williams Memorial Library, University of Mississippi, Oxford.

<sup>77</sup> Signs of his heart problems appeared in the summer of 1939 as Johnson campaigned for governor for the third time. See "Johnson Near Swoon at Meridian," *Jackson Daily News*, August 13, 1939. In addition, the Johnson Family account book lists increasing expenses for treatments, appointments, and medications for Johnson between 1942 and 1943. See Johnson Family Account Book, 1942-1944, Box 1, Folder 6, Johnson Family Papers. For details of Johnson's death, see "Governor Johnson Passes Away," *Jackson Clarion-Ledger*, December 27, 1943.

<sup>78</sup> Paul B. Johnson Sr., Message of Paul B. Johnson, Governor State of Mississippi, to the Mississippi Legislature, January 7, 1942, Box 7, Folder 7, Johnson Family Papers.

favor of labor and infrastructure training programs. As World War II took hold of the nation and world, the New Deal gave way to an intense focus on wartime buildup. Nevertheless, Paul B. Johnson Sr.'s administration stands as an example of how public education became an important political issue bridging both the Progressive and New Deal eras in Mississippi.