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William Leon Higgs: Mississippi Radical¹

by Charles Dollar

A special issue of *Life Magazine* on September 14, 1962, was devoted to the “Take Over Generation” that consisted of “One Hundred of the Most Important Young Men and Women in the United States.” Included was twenty-six-year-old William L. Higgs, a Harvard-trained lawyer, who was described as a “A southern maverick, the only white lawyer in Mississippi who actively takes civil rights segregation cases. He was the first attorney who challenged the powerful Citizen’s Council.”² From January 1961 until February 1963, Higgs had wide public exposure as an advocate for equal justice under law for black Mississippians. He relocated to Washington in February 1963 where he created the Washington Human Rights Project to promote civil rights initiatives.

Higgs is infrequently mentioned or barely mentioned in most studies of the civil rights era,³ so some might be inclined to view him as an eccentric gadfly who only dabbled in major civil rights events and activities. This article argues that Higgs did much more, especially after his move to Washington where he created the aforementioned Washington Human Rights Project that played an important role in helping shape the Civil Rights Act of 1964. Moreover, as the Washington legal representative of the Mississippi Freedom Democratic Party, he was a strong advocate for social and political justice for blacks in Mississippi.

¹ There is no known body of William L. Higgs’s papers. Except for several letters from Higgs found in a handful of manuscript collections and archives, most of the source material drawn upon in this article includes newspapers, magazines, organization official reports, oral history interview transcripts, telephone interviews, unpublished dissertations, and excellent book-length studies on some aspect of the history of Mississippi in the 1950s and 1960s.

² *Life Magazine*, Vol. 53, No. 11 (September 14, 1962), 4-10.

³ An exception is John Howard: *Men Like That: A Southern Queer History* (Chicago: University of Chicago Press, 1999), 150-158.

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William Leon Higgs, the second son of Cyrus and Jessie Higgs, was born on November 26, 1935, in Greenville, Mississippi. Both parents worked for the U.S. Post Office, so they had a relatively stable income during the Depression years. Although Greenville was the most progressive city in Mississippi, this seems to have had little impact on Higgs when he was growing up because he never questioned race relations. Hodding Carter III, a high school classmate, observed many years later that “Billy Higgs” was very smart, but he was shy and had few interpersonal skills. Moreover, he tended to be a loner who had few relationships with fellow students.⁴

A precocious student in high school, Higgs skipped his senior year and enrolled at the University of Mississippi in September 1952, not yet seventeen years old.⁵ Years later, Hodding Carter III recalled that Higgs was so bright he detected an error in a University of Mississippi entrance exam and derived great pleasure in calling it to the attention of school officials.⁶ He had a heavy class load, completing requirements for a B.A. degree in three years and graduating at the top of his class.⁷ Although his undergraduate major was mathematics, Higgs decided to attend Harvard Law School. Despite his stellar undergraduate performance, he did not excel as a law student, earning average grades.⁸ He focused on constitutional law and federal procedures, not realizing how important they would become in his work as a civil rights lawyer.

After graduating from Harvard Law School at the age of twenty-two, Higgs satisfied his military commitment by serving six months on active duty in the U.S. Army Reserves Adjutant General Corp.⁹ He returned to Jackson in 1958 and joined Henley, Jones, and Henley,¹⁰ a prestigious law firm where he soon realized a traditional law practice had little appeal, so he opened his own private law practice. Shortly thereafter, he was an unsuccessful candidate for election to represent Hinds County in the state legislature. Not yet twenty-five years old,

⁴ Author’s interview of Hodding Carter III, June 18, 2014, Chapel Hill, NC.

⁵ University of Mississippi Official Transcript of William L. Higgs, in possession of the author.

⁶ Author’s interview of Hodding Carter III, June 18, 2014.

⁷ University of Mississippi Official Transcript of William L. Higgs.

⁸ John Howard, *Men Like That: Southern Queer History*, 150.

⁹ “William L. Higgs Investigative File,” November 21, 1967, Federal Bureau of Investigation Freedom of Information/Privacy Acts Release, FOIAPA Number 391334, Federal Bureau of Investigation, Washington, DC. Copy in possession of the author courtesy of Charles W. Eagles, Oxford, Mississippi.

¹⁰ “William L. Higgs Investigative File,” June 19, 1968.

on April 1, 1960, Higgs announced his plan to challenge incumbent congressman John Bell Williams in the Democratic primary. One of his campaign themes was “A strong and aggressive policy of continued segregation . . . but without emotionalism and demagoguery.”¹¹ Higgs had few connections with the Democratic Party in Mississippi and virtually no public visibility in Hinds County, so it is unclear why he would challenge an incumbent who had been in office since 1946. Higgs’s campaign attracted very little coverage by the Jackson *Clarion-Ledger* and the Jackson *Daily News*. Not surprisingly, Williams easily won the primary election, receiving 32,175 votes to Higgs’s 3,628.¹²

Unhappy with the 1960 Democratic National Convention’s selection of John F. Kennedy and Lyndon B. Johnson as its presidential and vice-presidential candidates, the Mississippi Democratic Party’s support for the national ticket was tepid. Seeing an opportunity, Higgs volunteered to serve as chair of the Mississippi Citizens for Kennedy-Johnson, which put him in touch with the Democratic National Committee and brought him statewide exposure. He made several television speeches on behalf of the Kennedy-Johnson ticket, including support for the National Democratic Party’s strong support for civil rights.¹³ Given his support for segregation in his primary campaign in April and May, his “remarkable conversion” to civil rights¹⁴ only three months later seemed opportunistic. Nonetheless, his loyal support of the Kennedy-Johnson ticket in Mississippi was rewarded with an invitation to attend the Inauguration, including the inaugural ball. He reported in the *Northside Reporter* that while in Washington he had an appointment with the newly-appointed solicitor general of the United States, Archibald Cox, a former Harvard Law School professor, and had attended a party hosted by the legal advisor to the State Department, Abraham Chayes, both of whom Higgs knew through his years at Harvard Law School.¹⁵ He also met Burke Marshall, the newly-appointed assistant attorney general for civil rights, who requested that Higgs keep him informed

¹¹ “Statement of William L. Higgs,” April 1, 1960, William Higgs, Congressional Candidate, 1960-1961, Box 2182, Folder 8, Mississippi State AFL-CIO Records, Georgia State University Library, Special Collections and Archives, Atlanta, Georgia.

¹² Series 107, Election Returns, Box 3026, Election Returns June 7, 1960 (Primary: U.S. Senator, U.S. Representatives, and Mississippi Supreme Court Judges. State of Mississippi).

¹³ “Bill Higgs, December 19, 1965,” 11, Oral History Transcript, Box 5, Folder 10, Howard Zinn Papers, Wisconsin Historical Society, Madison, Wisconsin.

¹⁴ Howard, *Men Like That*, 150.

¹⁵ *Northside Reporter*, February 2, 1961.

about events in Mississippi.¹⁶ Doubtless, he discussed with Marshall and other officials the recent law suit he had filed to enjoin the Mississippi State Sovereignty Commission from providing public funds to the White Citizens' Council, a private organization.

The Memphis *Commercial Appeal* reported on December 30, 1960, that the Sovereignty Commission had provided \$5,000 a month to the Citizens' Council without any documentation of how the money would be used.¹⁷ Three days later, Higgs¹⁸ filed a federal law suit to enjoin the Sovereignty Commission to cease the monthly payments, arguing the payments were unconstitutional because they violated the due process clause of the Fourteenth Amendment of the United States Constitution and tax funds were being used to undermine the "law of the land" established by decisions of the Supreme Court against segregation.¹⁹ The Jackson *Clarion-Ledger* defended the Sovereignty Commission, claiming the NAACP was behind the litigation.²⁰ Hazel Brannon Smith wrote in the Lexington *Advertiser* that the individuals who filed this suit did "for all of the people of the state a tremendous service" because the founding fathers who wrote the state constitution never intended "that any private organization would be given taxpayers' funds to achieve its objectives."²¹

After two of the plaintiffs withdrew from the case, Higgs requested a postponement because he needed more time to prepare for the hearing.²² However, after depositions were scheduled for early March Higgs became involved in providing legal assistance to Freedom Riders arrested in Jackson and there was no follow-up. Eventually, the law suit

¹⁶ "Statement of William L. Higgs Jackson, MISS," 51, Hearings Before Subcommittee No. 5 of the Committee of the Judiciary, House of Representatives, Amendments to Abolish Tax and Property Qualifications for Electors in Federal Elections (Washington: U.S. Government Printing Office, 1962).

¹⁷ *Commercial Appeal*, December 30, 1960, Mississippi Edition.

¹⁸ There were four plaintiffs, including Higgs. Robert L. T. Smith, a retired black employee of the U.S. Post Office and two leaders of organized labor, Lottie Daniels and Jack Shaefer, who withdrew because of pressure from fellow union members. Memphis *Commercial Appeal*, January 24, 1961. "Bill Higgs, December 19, 1965," 3, Oral History Transcript.

¹⁹ Docket 1-7-1961, *Higgs, et al. v. Citizens' Council Forum, et al.*, Case #3068, Civil Case Files, U.S. District Court for the Southern District of Mississippi, Jackson Division, Records of District Courts of the United States, Record Group 21, National Archives and Records Administration, Atlanta (hereafter cited as NARA, Atlanta).

²⁰ "NAACP Backs U.S. Suit," Jackson *Clarion-Ledger*, March 19, 1961.

²¹ Hazel Brannon Smith, "Through Hazel Eyes," Lexington *Advertiser*, January 2, 1961.

²² Jackson *Daily News*, January 27, 1961; Docket 1-26-1961, NARA, Atlanta.

was dismissed without prejudice.²³ Higgs's inaction may also have been influenced by threats he received from the president of the Greenville Bank and Trust Company to call in a loan Higgs had co-signed with his parents unless he dropped the case.²⁴

Doubtless, this litigation gave him a great deal of public exposure, especially after *The New York Times* published a UPI story about the lawsuit.²⁵ The big issue for Higgs was that neither the Sovereignty Commission nor the Citizen's Council wanted this kind of public scrutiny, so he had come into their crosshairs.

Several weeks after his return from attending President Kennedy's inauguration, Higgs gave a lecture on civil rights at Jackson State College. After the lecture a young black man, who identified himself as James Meredith, asked him, "How do we know you're not a traitor? How do we know you're not paid for by the Citizens' Council?"²⁶ Higgs's response apparently convinced Meredith that it was safe to talk with him because Meredith told him he had applied for admission to the University of Mississippi. Higgs suggested Meredith come to his office to discuss his plan. A few days later Meredith did so, and knowing that Burke Marshall, Assistant Attorney General for Civil Rights, would be interested in this development, Higgs called his office and had Meredith speak directly to Marshall to explain his plan. Marshall told Meredith the Civil Rights Division would support his application in any way it could. After the call was over, Higgs advised Meredith to prepare a written statement about his goals and send it to the Justice Department.²⁷ Technically, Bill Higgs had become a legal advisor to James Meredith, but in fact Meredith had already contacted the NAACP Legal Defense and Educational Fund for assistance, thereby setting the stage for a law suit. Higgs attended subsequent court hearings on Meredith's application, usually sitting with blacks.²⁸

Meredith's application to enroll at the University of Mississippi was not the only challenge to segregation with which Higgs became involved.

²³ Dockets 1-9-1963 and 3-31-1966, NARA, Atlanta.

²⁴ "Statement of William L. Higgs to FBI," February 2, 1961.

²⁵ *New York Times*, January 8, 1961, p. 62.

²⁶ Hendrik Hertzberg, "Meredith in Danger of Being Shot, Higgs Tells Meeting of H-R Liberals," *The Harvard Crimson*, October 17, 1962.

²⁷ Charles Eagles, *The Price of Defiance: James Meredith and the Integration of Ole Miss* (Chapel Hill: The University of North Carolina Press, 2009), 225-226.

²⁸ SCR ID #1-76-0-23-2-1-1, Series 2515, Mississippi State Sovereignty Commission Records, 1956-1973, Mississippi Department of Archives and History, Jackson, MS. Hereafter cited as MDAH.

Nine members of the Tougaloo College NAACP youth chapter staged a sit-in at the Jackson Public Library on March 27, 1961. They entered the library and when asked why they were there they explained they were doing research for college courses. Police quickly arrived on the scene and instructed the students to leave. Refusing, they were arrested and charged with breach of the peace. At the trial the next day they were convicted, fined \$100, and given suspended sentences. This event “unleashed a burst of activity by black youth in Mississippi,”²⁹ but it was also the first instance when Bill Higgs complained directly to the Department of Justice about the Jackson city police’s violation of the nine students’ civil rights.³⁰ Called a “frequent complainant in civil rights matters,” Higgs became a person of interest to the FBI over the next decade or so.³¹

Six weeks after the library protest eleven Freedom Riders were arrested at the Jackson Trailways Bus Terminal and charged with trespass and breach of the peace when they tried to use a “white only” designated bathroom and later attempted to eat at a white cafeteria. Over the next three months more than 350 Freedom Riders traveled by bus to Jackson and were arrested. The sponsor of the Freedom Riders, the Congress of Racial Equality (CORE), asked William “Bill” Kunstler to go to Jackson to assist Jack Young, a local black attorney, who was representing the Freedom Riders. Early on, Kunstler met Bill Higgs, and they collaborated in preparing for the trial of the Freedom Riders in August. All but nine of those arrested were located but the nine’s failure to appear in court meant their bonds, totaling \$4,500 would be forfeited. In his legal research, Higgs had discovered an obscure statute enacted in 1866 that allowed civil rights cases to be remanded (transferred) from a state court to a federal court.³² Kunstler and Higgs prepared removal petitions for the nine Freedom Riders and filed them with the southern district of the Federal Court, which automatically transferred the case to its jurisdiction. They used this same removal petition procedure to get arrests of other protestors transferred to district federal courts but

²⁹ John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1995), 87-88.

³⁰ Higgs called Burke Marshall and informed him that the situation in Jackson was tense. Burke Marshall, “Demonstration in Jackson, Mississippi,” Burke Marshall Papers (1961-1964), Asst. Attorney General Files, 1958-1961 (bulk 1961-1964), Series 1:00, Subseries 1:01. National Archives.

³¹ “William L. Higgs Investigative File,” October 8, 1962, February 1, 1963, Federal Bureau of Investigation Freedom of Information/Privacy Acts Release, FOIAPA Number 391334.

³² William M. Kunstler, *Deep in My Heart* (New York: William Morrow, 1966), 50-51.

quickly learned unsympathetic district federal judges could block their efforts by remanding the cases back to state courts. This practice became a major issue in the 1964 Civil Rights Act.

Another indication of Higgs's broad interest in civil rights issues surfaced in the fall of 1961 when he learned that Brandeis University was soliciting applications for the 1962 Florina Lasker Fellowships in Civil Liberties and Civil Rights. He was selected as one of five recipients of the fellowships which paid \$2,000 for a fourteen-week resident program at the university.³³ Under the terms of the fellowship Higgs was required to attend seminars, to give a lecture, and to research and write a paper on civil rights. Higgs chose to create a reference handbook on voting rights in Mississippi. Called the "Mississippi Political Handbook," its purpose was to inform the average citizen about the governmental and political structure under which he lived.³⁴ The core of the handbook was Higgs's belief that "The principle of total segregation has a firm commitment by almost all of the present officers in the government and political organization of the state" and colors political affairs more than any other factor.³⁵ The thirty-two-page handbook plus eleven appendices offered basic information to citizens, especially black ones, about poll taxes, how to become a candidate, times and hours of election, precinct, county, congressional, and state conventions of the state Democratic Party, the Mississippi governmental structure, and the role of the federal government. It also explained the role of the United States Commission on Civil Rights, the Civil Rights Division of the Department of Justice, and the federal courts in protecting civil rights. Brandeis University printed 3,000 mimeographed copies of the handbook for use as a text in Mississippi Freedom Schools in the summer of 1964.

Higgs's support for the civil rights platform of the 1960 Democratic Party had also brought him to the attention of Medgar Evers, Mississippi Field Secretary for the NAACP, and Reverend Robert L. T. Smith, a retired Post Office Department mail carrier, owner of several small businesses, and pastor of a Baptist church. They asked Higgs to prepare legal documentation for incorporating Hico Publishing with the intent

³³ 1962 Florina Lasker Civil Liberties and Civil Rights Fellowship brochure and undated announcement by Brandeis University of the awards. Copies in possession of the author.

³⁴ William L. Higgs, "Mississippi Political Handbook," (unpublished, 1962), Box 4, Folder 13 in Victoria Gray Papers, McCain Library and Archive, University of Southern Mississippi, Hattiesburg, MS. Copy in possession of the author.

³⁵ *Ibid.*

of creating a black weekly newspaper. It took almost a year to organize a volunteer staff and work out the logistics of publication with Hazel Brannon Smith agreeing to print the newspaper on her paper's press in Lexington, Mississippi.³⁶ The first issue of the *Mississippi Free Press* was published on December 23, 1961, and featured the announcement that Robert L. T. Smith had declared his candidacy for the Democratic nomination for Congress for the Fourth Congressional District.³⁷

Higgs later recounted that Smith's candidacy had come about because opponents of segregation wanted to run a strong candidate in the campaign against the incumbent, John Bell Williams. A small group, including Higgs, tried to persuade Medgar Evers to become a candidate, but he refused. After being rejected by other potential candidates and seemingly at a dead end, they asked fifty-eight-year-old Smith to become a candidate.³⁸ Reluctant to become a candidate because he felt he did not know enough about politics to run for office, he agreed only after Higgs promised to coach him on political campaigns and the duties of political office. Higgs tutored Smith over the next six weeks before leaving for Brandeis University. He observed that Smith was one of the brightest people he had ever met, praising him as an intelligent, stable, and trustworthy man, adding, "Maybe most of Mississippi won't want him in office but he can surely represent me there."³⁹

While at Brandeis University, Higgs arranged a fundraising trip to Washington, DC and New York City which he hoped would give wide exposure to Smith.⁴⁰ Through his connections with prominent Democrats, he managed to get a meeting with Mrs. Eleanor Roosevelt at Hyde Park. In her syndicated column, "My Day," she recounted how impressed she was with Smith and Higgs. Both were Mississippians, she said; Smith was a middle-aged "American Negro" who was doing the unthinkable thing of running for a congressional seat while Higgs was a young white lawyer who was trying to help Smith get elected. In their different ways, they were courageous because they had to live

³⁶ SCR ID #1-76-0-26-2-1-1, Series 2515, Mississippi State Sovereignty Commission Records, 1956-1973, MDAH.

³⁷ *Ibid.*, SCR ID #1-76-0-2-1-1-1.

³⁸ "Bill Higgs, December 19, 1965," 4. Oral history transcript, Wisconsin Historical Society.

³⁹ Arthur Whitman, "The Ordeal of Reverend Smith," undated clipping in Rev. Robert L. T. Smith Vertical File, Mississippi Department of Archives and History.

⁴⁰ During this trip Higgs was admitted to practice law before the United States Supreme Court on April 16, 1962. There is no evidence that he was ever disbarred from practicing law before the Supreme Court. Telephone interview with Admissions Clerk of the United States Supreme Court, July 30, 2013.

under threats of violence and economic pressure.⁴¹ After returning to Jackson, Smith sent a gracious letter to Mrs. Roosevelt, thanking her for a cash contribution to his campaign.⁴² Of course, Congressman Williams handily won the primary election, but Higgs believed the effort gave black voters hope for the future.⁴³

Shortly after completing the Brandeis University fellowship in May of 1962, Higgs returned to Jackson and learned that Dr. A. D. Beittel, president of Tougaloo College near Jackson, had invited John Walker, chaplain of Coe College (Cedar Rapids, Iowa), to organize a Coe Summer Project in Mississippi with Tougaloo College serving as host. The goal of the two-week internship was for students to study the culture and environment of Mississippi. Higgs volunteered to show the students areas outside Jackson.

On June 4, a three-car caravan with the twelve students and the college chaplain headed from Cedar Rapids to Jackson.⁴⁴ On the following Saturday, Higgs and three students in a red Volkswagen with Iowa tags drove to Greenville, about 110 miles northwest of Jackson, to meet his parents.⁴⁵ Outside of Yazoo City they stopped at a string of shanties along the highway to talk to a family living there. They asked a black woman in one house about indoor plumbing, voter registration, and voting. Word about their stop spread quickly and by the time they got to Belzoni the chief of police pulled the car over, searched it, and questioned the driver and passengers. He released them with a warning “not to fool with Negroes during the rest of their trip.”⁴⁶

A week later, Higgs and four Coe College students (one black) traveled in a car with an Ohio license plate to Oxford and toured the Ole Miss campus.⁴⁷ From there they drove to Rust College in nearby Holly Springs where they met with Clarice Campbell and several students

⁴¹ Eleanor Roosevelt, “My Day,” March 25, 1962.

⁴² Robert L. T. Smith to Eleanor Roosevelt, March 29, 1962, Robert Smith, Eleanor Roosevelt Papers, 1957-1862, Franklin D. Roosevelt Presidential Library, Hyde Park, NY.

⁴³ “Bill Higgs, December 10, 1965,” 4. Oral history transcript, Wisconsin Historical Society.

⁴⁴ Fritze Roberts, *Even Our Friendship Was Illegal* (Scotts Valley, CA: CreateSpace Independent Publishing Platform, 2016), 16.

⁴⁵ SCR ID # 1-76-0-35-9-1-1, Series 2515, Mississippi State Sovereignty Commission Records, MDAH.

⁴⁶ Jackson *Clarion-Ledger*, June 10, 1962.

⁴⁷ This paragraph is based upon SCR ID # 1-76-0-35-9-1-1 to SCRI ID # 76-0-35-9-12-1, SCR ID # 76-0-36-1-1 to SCR ID # 76-0036-7-2-2, and SCR ID 76-0-44-1-1-1 to SCR ID 76-0-44-32-1, Series 2515, MDAH.

before spending the night. On Saturday they headed toward Clarksdale to attend a NAACP fundraising event and to meet civil rights activist Aaron Henry. Local police authorities began tracking the car as it left Oxford. When they arrived in Clarksdale police followed them as they went to Aaron Henry's drug store and then to a meeting at a black Baptist church. After leaving the church service, they planned to drive back to Jackson, but instead they were arrested because of suspicions they were in a stolen car, which of course was a subterfuge. The students and Higgs were held overnight in jail and subjected to hostile interrogation about why they were there, what civil rights organizations they belonged to, who had paid for them to come to Mississippi, and interracial dating. No local attorney was available or willing to represent them. Held in jail for twenty hours, the students and Higgs were released after the state of Ohio confirmed the car was not stolen. Upon returning to Jackson, they sent a telegram to President John Kennedy protesting their arrest and interrogation as a violation of their civil rights.⁴⁸ A UPI news story reported that Higgs had said that a deputy sheriff had threatened him with death, telling him "we have extremely dangerous inmates and we can tell them to get you."⁴⁹ The Coe college students' experience in Clarksdale was a preamble to Mississippi's reception of the flood of black and white college students in 1963 and 1964.

Several weeks after James Meredith's enrollment in Ole Miss under a federal court order, another black student, Dewey Roosevelt Greene, Jr, a native of Greenwood, contacted Higgs about his interest in following in Meredith's footsteps.⁵⁰ Several months earlier he had submitted a transfer application for admission to the University of Mississippi, which University Registrar Robert Ellis rejected because Greene had attended an unaccredited college and his overall level of academic achievement was unacceptable.⁵¹ Despite this rejection, on January 31, 1963, Greene went to the campus in Oxford to register, but the registrar informed Greene that he could not register. On February 1, Greene's attorney, Higgs, filed a federal law suit against the University of Mississippi, claiming the rejection of Greene's application violated the ruling of

⁴⁸ Telegram, William Higgs and others to the president, June 19, 1962, John F. Kennedy White House Subject File (JFK WHCSF-0365-004), JFK Presidential Library, Boston, MA.

⁴⁹ Undated newspaper clipping in SCR ID #76-0-44-331-1. Series 2515, Mississippi State Sovereignty Commission Records, MDAH.

⁵⁰ *Ibid.*, SCR ID# 2-45-1-1-58-1-1-1.

⁵¹ Eagles, *The Price of Defiance*, 400.

the U. S. Fifth Circuit Court of Appeals that the University could not refuse qualified students from other Mississippi-operated schools. A hearing was scheduled for the following week, but it was at this point that Higgs unexpectedly left Mississippi for Washington, D.C. under a cloud of a failed marriage and disrepute. The litigation concerning Greene's rejected application faded away.

There is little source material on Higgs's personal life. On December 27, 1961, he married Elizabeth Burke, but barely six months later she obtained an uncontested divorce, charging him with desertion and inhuman treatment. Aside from the boiler plate language of the divorce decree, neither Higgs nor his wife offered documented explanations. In his book, *Men Like That*, historian John Howard says that Higgs was a known homosexual while at Harvard, which suggests his sexual preference might have been a reason for the failure of the marriage.

Several hours after he filed the law suit on behalf of Dewey Greene, Higgs was arrested and charged with contributing to the delinquency of a minor when he committed "acts of unnatural and perverted sex" with sixteen-year old Walter McKinley Dewalt, who had run away from his Pennsylvania home. Higgs had befriended Dewalt at the YMCA and allowed him to stay at his house. Without Higgs's permission, Dewalt drove his car and had an accident. During the police investigation, Dewalt disclosed he was staying at Higgs's house. Subsequently, Dewalt told police officials that Higgs had sex with him almost nightly.⁵² When confronted by police, Higgs denied the allegations. Nonetheless, he was arrested and released after posting \$500 bail bond. The next day Higgs was scheduled to go to New York City to receive the Florina Lasker Civil Liberties Award, so his trial was delayed until February 15, 1963.

After receiving the award, he delivered a short speech in which he lambasted the Justice Department under Attorney General Robert Kennedy for failing to protect black Mississippians who tried to register to vote from harassment, intimidation, and physical attacks. He called for the formation of a lawyer's committee to protect the interests of organized black groups in the South and for enforcement of Section II of the Fourteenth Amendment that calls for proportional reduction of the representation in Congress of any state that suppressed voter rights. He also announced he had been framed and would not return to Jackson

⁵² SCR ID#1-76-0-54-1-1-1-SCR ID#1-76-0-54-3-1-1, Series 22514, Mississippi State Sovereignty Commission, MDAH.

for the trial because he would not get a fair one and feared for his life if convicted and sentenced to jail for six months.⁵³ Higgs was tried in absentia and an all-white male jury found him guilty. Six months later he was disbarred by the Mississippi Bar Association.⁵⁴

Most of Higgs's out-of-state supporters believed he had been framed.⁵⁵ James Silver reported in his book, *Mississippi: The Closed Society*, that Higgs had a copy of an affidavit by Dewalt in which he recanted his testimony, claiming the Jackson police threatened to send him to reform school for four or five years if he did not cooperate in getting something on Higgs. A copy of the affidavit has not been found.⁵⁶ William Winter, who would later be elected governor of Mississippi, told Professor Silver most people in Mississippi believed Higgs was guilty.⁵⁷

Refusing to remain in Jackson for the trial, Higgs moved to Washington, where he lived from 1963-1968. He probably chose Washington because it was the seat of government and he had personal relations with people in the White House and the Department of Justice.⁵⁸ Undeterred by his disbarment by the Mississippi Bar Association, which sharply restricted his practice of law, he reinvented himself by developing a business model in which he was a legal advisor for civil rights matters and director of a not-for-profit organization that legally could solicit funds to support civil rights initiatives. This business model was manifested in the Washington Human Rights Project (WHRP), which was an educational, non-partisan, non-profit, and non-affiliated summer seminar in civil rights and civil liberties. The project drew upon his initiative while at Brandeis University in the spring of 1962 to recruit college students to come to Mississippi during the summer to

⁵³ "Miss. Lawyer Blasts Robert Kennedy," Feb. 11, 1963, *The Militant*, newspaper clipping in FBI Investigative Case File 44-20790, FOIPA Number 391334.

⁵⁴ *Ibid.*, Jackson *Clarion-Ledger*, October 29, 1963.

⁵⁵ Barbara Carter, "A Lawyer Leaves Mississippi," *The Reporter: The Magazine of Facts and Ideas*, Vol. 28, No. 10 (May 9, 1962), 33-35.

⁵⁶ James Silver, *Mississippi: The Closed Society* (New York: Harcourt, Brace, 1966), 97-98.

⁵⁷ William Winter to James Silver, July 15, 1963, Box 7, Folder 6, James Silver Collection, University of Mississippi Library Special Collections and Archives, Oxford, MS.

⁵⁸ He exchanged correspondence with Burke Marshall, Assistant Director for Civil Rights in the Department of Justice, and John Doar, the lead Justice Department attorney for civil rights. Moreover, Higgs was on a first-name basis with Lee Waters, Special Counsel for President Lyndon Johnson, who arranged for Higgs to attend as an observer at a White House conference in June 1963 organized to enlist support of the legal profession for assistance in providing legal services for civil rights activists who had been arrested in the South. Bill Higgs to Lee Waters, July 26, 1963, John F. Kennedy White House Subject File (JFK WHCSF-0365-004), JFK Presidential Library.

see first-hand the injustices inflicted on black Mississippians. WHRP had two primary goals in 1963: recruiting law students to spend the summer in Mississippi assisting “the Student Non-Violent Coordinating Committee, civil rights lawyers and others to expand the limited range of Negro freedom there”⁵⁹ and recruiting between ten to fifteen law school students and college students to spend the summer in Washington, DC working on civil rights initiatives.

One of these civil rights initiatives was a detailed analysis of civil rights legislation introduced in the 88th Congress, including but not limited to the Kennedy Administration’s civil rights bill (H.R. 7152), protection of voting rights, and prohibition against discrimination in public accommodations and equal employment.⁶⁰ Early in July 1963 Congressman Robert Kastenmeier (Democrat, Wisconsin), a member of the House Judiciary Committee, learned of this analysis and requested assistance in drafting an omnibus civil rights bill that was stronger than the Administration’s bill.⁶¹ Higgs, who was informally known as “Bob Kastenmeier’s civil rights advisor,”⁶² had the Washington Human Rights Project team quickly develop an omnibus civil rights bill that Congressman Kastenmeier introduced as H.R. 7702 with the hope it would replace H.R. 7152.⁶³ Higgs prepared a detailed analysis of the two draft bills that was distributed widely.⁶⁴ Over the next several months Higgs and the project team lobbied members of Congress and their staffs to gain support for H.R. 7702.⁶⁵ He testified before the House Judiciary Committee on the need for a strong section on voting rights, including a requirement that federal district courts must decide cases of alleged voter discrimination within thirty days, must prohibit any test or other prerequisites that were intended to abridge voting rights, and

⁵⁹ “Washington Human Rights Project, Cumulative Report, September 20, 1964,” 1, Harvard Law School Library. Copy in possession of the author courtesy of Amy Ruth Tobol, SUNY Empire State College, Saratoga Springs, NY.

⁶⁰ “Washington Human Rights Project: Report, 1963,” 3. Copy in possession of the author.

⁶¹ *Ibid.*

⁶² Charles and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (Cabin John, MD: Seven Locks Press, 1985), 62.

⁶³ “Oral interview of Robert Kastenmeier,” 9, Ralph J. Bunche Oral History Collection, Moorland-Spingarn Research Center, Howard University, Washington, D.C.

⁶⁴ “An Analysis of the Kastenmeier Omnibus Civil Rights Bill (H.R. 7702),” Box 2, Folder 6 SNNC Super Series, Special Collections and Preservation Division, Harold Washington Library Center, Chicago, IL and “Washington Human Rights Project: Report, 1963,” 6.

⁶⁵ *Harvard Crimson*, October 22, 1963. For several months Higgs worked out of the office of Congressman Kastenmeier. “Oral interview of Robert Kastenmeier,” 13-14.

presume the literacy of any person who had completed the sixth grade.⁶⁶ Higgs solicited comments from Professor Mark Howe of Harvard Law School about inclusion of state elections under provisions of Title I and expanding the authority of the Attorney General in Title III to intervene in a range of civil rights issues.⁶⁷ Higgs responded to one comment, writing “I took the letter straight to my confidant, Bill Copenhaver, the House Judiciary minority counsel, and we found ourselves in agreement with you . . . ”⁶⁸

On October 1 Subcommittee No. 5 (all Democrats) of the House Judiciary Committee approved H.R. 7152 as amended by H.R. 7702.⁶⁹ However, this strengthened version of H.R. 7152 evoked strong opposition from Republicans on the full Judiciary Committee who believed they were being set up to be blamed for approving a bill that likely would fail passage or be substantially weakened in a House vote. Working behind the scene, a handful of Republican members of the committee, led by Congressman William McCulloch of Ohio, worked with Deputy Attorney General Nicholas Katzenbach and other Justice Department officials to fashion a compromise bill that the full House Judiciary Committee approved on October 30.⁷⁰ Almost four months later after an extended debate, a bipartisan majority (152 Democrats and 138 Republicans) approved H.R. 7152 with all of its major provisions intact and sent it to the Senate for action.⁷¹ H.R. 7152 included an amendment to Title VII, Equal Employment that Congressman Howard Smith (Democrat, Virginia) had made to add sex to the list of prohibited discriminations (race, religion, and national origin) in employment. Ironically, Congressman Smith’s intention was to add a killer amendment that neither the House nor the Senate would accept.⁷² He was wrong on both counts, and he became “the man responsible for the single biggest

⁶⁶ U.S. House Committee on the Judiciary, H.R. 7152, As Amended by Subcommittee No. 5, 88th Congress, 2nd session (Washington, DC: GPO, 1964), 1821-1825, available at <https://hdl.handle.net/2027/mdp.39015014176989?urlappend=%3Bseq=911>.

⁶⁷ Mark Howe to Bill Higgs, October 24, 1963, Mark Howe Papers, Harvard Law School Historical & Special Collections.

⁶⁸ *Ibid.*, Bill Higgs to Mark Howe, April 29, 1964.

⁶⁹ Charles and Barbara Whalen, *The Longest Debate*, 37-38.

⁷⁰ *Ibid.*, 44-49.

⁷¹ <https://www.govtrack.us/congress/votes/88-1964/h128>.

⁷² Charles and Barbara Whalen, *The Longest Debate*, 115-117. For a more generous view of Smith’s motives see Todd S. Purdum, *An Idea Whose Time Has Come: Two Presidents, Two Parties, and The Battle for the Civil Rights Act of 1964* (New York: Henry Holt, 2014), 195-198.

advance in women's rights since the Nineteenth Amendment granted them suffrage."⁷³

After invoking cloture to end the longest debate in the history of the U.S. Senate, this body approved H.R. 7152 on June 19, 1964, and President Johnson signed the Civil Rights Bill on July 2, 1964. Amendments made during deliberations in both the House and the Senate resulted in stronger provisions than many supporters had believed possible a year earlier.⁷⁴ Even after amendments by the Senate, it included eleven titles that prohibited discrimination in public accommodations, mandated desegregation of public education, non-discrimination in federally funded assisted programs, and established an Equal Employment Commission, among others. Title III authorized the Attorney General to intervene when there is clear evidence of a pattern of resistance or practice to deny the full protection of a person's right to public accommodations. Title VI banned discrimination in any program or activity receiving federal funds. Title IX allowed for appeal of petitions for remand of state cases to a three-judge panel after their denial by a federal judge.⁷⁵ Doubtless, this was gratifying to Higgs and William Kunstler, who successfully had filed remand orders to remove civil rights cases from Mississippi state courts to federal courts in 1961. Historian John Howard's assessment that "Bill Higgs drafted key provisions, ultimately passed into law, of the monumental Civil Rights Act of 1964" oversimplifies the role of Higgs.⁷⁶ Higgs and the Washington Human Rights Project staff were bit players who nonetheless had an important role in drafting H. R. 7702 legislation, but they had virtually no role in the negotiations that led to the House decision to substitute H. R. 7702 for H.R. 17152, which eventually became the core of the 1964 Civil Rights Act. The Leadership Conference on Civil Rights held

⁷³ Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014), 161.

⁷⁴ Joseph Rauh observes that the greatest skeptics were the Kennedy Administration. "Transcript of a Tape-Recorded Interview with Mr. Joseph L. Rauh, Jr. Civil Rights-Civil Liberties Lawyer," 61. Ralph J. Bunche Oral History Collection, Moorland-Spingarn Research Center, Howard University.

⁷⁵ For a review of changes in the Civil Rights of 1964 see Appendix A in Charles and Barbara Whalen, *The Longest Debate*, 239-242.

⁷⁶ John Howard, *Men Like That*, 157. Howard cites four sources for this claim but only a single sentence in the Harvard University student newspaper support his claim: "Last summer he [Higgs] and several law students drew up an ideal bill . . . the bulk of that bill sailed through the House without a hitch," *Harvard Crimson*, March 4, 1964. For an informative and readable account of the machinations and negotiations that produced the House civil rights bill and the prolonged debates in the Senate, see Charles and Barbara Whalen, *The Longest Debate*.

a “Victory Banquet” to celebrate its success and invited Higgs and the entire Washington Human Rights Project staff to attend the event, a tacit acknowledgement of their contribution to the Civil Rights Act of 1964.⁷⁷

Shortly after President Johnson signed the 1964 Civil Rights Act on July 2, 1964, Higgs’s team conducted a detailed analysis of each of the eleven titles of the statute and compiled an index to the legislative history of the bill, each of which totaled more than one hundred pages. Hundreds of copies of the study and index were disseminated across the country to inform citizens of their rights under the legislation.⁷⁸

Following on the heels of the 1964 Civil Rights Act, WHRP worked on a detailed report and recommendations calling for a strong civil rights platform for the Democratic National Convention Committee on Resolutions and Platform. Higgs presented an oral summary of the report to the committee,⁷⁹ but the committee took no action, perhaps a portent of the action a few weeks later when the Democratic National Convention rejected the challenge of the Mississippi Freedom Democratic Party (MFDP) to seat the Mississippi Democratic delegation. Higgs was the Washington legal representative for the MFDP,⁸⁰ so he took WHRP staff members to Atlantic City for the 1964 Democratic National Convention where they observed the meetings of the MFDP delegation and the convention itself.⁸¹

In 1962 Higgs had proposed enforcing section two of the Fourteenth Amendment that authorized a reduction in congressional representation of a state proportionate to the number of citizens whose right to vote had been abridged.⁸² His proposal had little traction until after the rise of the Mississippi Freedom Democratic Party (MFDP), which decided to challenge the seating of the Mississippi House of Representatives. Several dozen members of Congress supported a MFDP initiative to

⁷⁷ “Washington Human Rights Project Cumulative Report,” 17, September 20, 1964, Harvard Law Library, copy in possession of the author.

⁷⁸ “Detailed Analysis of Civil Rights Act of 1964,” Washington Human Rights Project, Series 1:13, Civil Rights Act of 1964, Assistant Attorney General Files, 1958-1965 (bulk 1961-1964). Burke Marshall Personal Papers, JFK Presidential Library.

⁷⁹ Proceedings of the Democratic National Committee, 1964. Committee on Resolutions and Platform, Panel III; August 18, August 19, August 20, August 21, Box 292, Series I, Democratic National Committee Papers, LBJ Presidential Library, Austin, TX.

⁸⁰ Interview with Bill Higgs, January 1967,” 283, Ann Romaine Papers, 1963-1969, Martin Luther King Center for Nonviolent Change, Atlanta, GA.

⁸¹ “Washington Human Rights Project Cumulative Report,” 14.

⁸² “Miss. Lawyer Blasts Robert Kennedy,” Feb. 11, 1963, *The Militant*.

challenge the seating of five representatives who had been elected in 1964. MFDP recruited more than one hundred lawyers to take depositions from Mississippi citizens whose right to vote had been abridged.⁸³ Higgs was involved in reviewing and organizing more than six hundred deposition interviews that documented major abridgements of black citizens' right to vote. When the 89th Congress convened in January 1965 it seated the Mississippi delegation subject to a congressional committee's recommendations of what action to take. In August 1965 the committee presented its report, which rejected the challenge. This decision marked the end of Higgs's involvement in Mississippi politics.

A spinoff from the 1963 WHRP was the National Law Students Association for Human Rights, which sent a handful of law students from Harvard and Yale to work with civil rights lawyers in the South. By 1964 the organization had rebranded itself as the Law Students Civil Rights Research Council (LSCRRC) with a full-time executive director and administrative staff headquartered in American Civil Liberties Union (ACLU) offices in New York City.⁸⁴ Supported by the ACLU and funding from several foundations, it recruited only current law school students or recent law school graduates. By 1966 WHRP had become a shell organization. The reasons for its demise are unclear but it is likely that several factors came into play. Legal support for civil rights in the South required a more comprehensive approach than what the one-person WHRP with summer college and law school interns could offer. Based on the personal commitment of one person with many "irons in the fire," WHRP could not scale to a larger organization or broader mission. Combining college students and law school students in a summer intern program would diminish the impact LSCRRC could have on curriculum reform in law schools. Higgs's disbarment probably would have been a severe handicap in negotiating with large law firms and law schools to support LSCRRC initiatives. Moreover, living almost at a poverty level and relying upon modest support from friends and supporters of the causes he advanced, he had a reputation of failing to pay bills on time or even not paying some bills. As Norman Solomon, who worked with Higgs on an anti-Vietnam War campaign in 1967, put it "he was usually

⁸³ John Dittmer, *Local People*, 338-341.

⁸⁴ Amy Ruth Tobel, "Badge of Honor: The Law Students Civil Rights Council" (Ph. D. diss., University of New York at Buffalo, 1999), 65-98.

one step, or less, away from creditors.”⁸⁵ The combination of all these negatives meant there was no place for Higgs in LSCRRRC.

On the other hand, there was a place for Higgs in litigation about public education in Washington, D.C. Julius Hobson, a strong supporter of home rule for the District of Columbia, William Kunstler, and William Higgs filed a federal class action law suit on April 26, 1966, against the District of Columbia Board of Education, charging that the policy of an option to transfer out of one school district to another and the assignment of each student to one of four curriculum levels based on an assessment of each student’s learning as measured by standard intelligent tests violated due process guaranteed by the Fifth and Fourteen Amendments. William Kunstler was the attorney of record who handled the court proceedings, but Bill Higgs drafted most of the brief submitted to the court. On June 19, 1967, Judge J. Skelly Wright found for the plaintiffs in a sweeping decision that invalidated the transfer option, the four-track system, and other related aspects of “de facto segregation.” The Washington *Daily News* reported that Hobson and Higgs practically danced with joy after Judge Wright announced his decision.⁸⁶ Aside from William Kunstler’s acknowledgement of Higgs’s contribution to the litigation, he received very little pay or public recognition for his work.⁸⁷

During 1964 and 1965 Higgs was an unpaid Washington legal advisor for the Mississippi Freedom Democratic Party and the Student Nonviolent Coordinating Committee (SNCC). By late 1965 SNCC was getting involved in opposing the war in Vietnam⁸⁸ and under Stokely Carmichael’s influence it had begun to shift away from a biracial, nonviolent approach toward militancy and black nationalism, where there was no place for white participants, including Higgs.

In a way this was beneficial for Higgs. After enactment of the 1965 Voting Rights Act, civil rights was no longer a hot button issue but opposition to the war in Vietnam was. He now had a new cause and began organizing protests and demonstrations against the war in Vietnam. Higgs represented anti-war groups in obtaining permits from

⁸⁵ Norman Solomon, *Made Love Got War: Close Encounters with America’s Welfare State* (Sausalito, CA: PoliPoint Press, 20007), 31.

⁸⁶ Quoted in William L. Higgs Federal Bureau of Investigation Case File, FOIPA Number 391334 (190-HQ-1250700), 32.

⁸⁷ Norman Solomon, *Made Love Got War*, 31.

⁸⁸ John Lewis, *Walking with The Wind: A Memoir of the Movement* (New York: Simon & Schuster, 1998), 354-360.

the Metropolitan Police Department and the National Park Service to hold demonstrations at the Washington Monument and Lafayette Park and marches to the Capitol to protest the war in Vietnam. He organized the National Committee to Defend Civil Liberties and the Washington Mobilization Committee to End the War in Vietnam. The small row house he rented in a poor black neighborhood near the Capitol was the place where strategizing went on continuously. Solomon, who worked with Higgs recounted that “he advised, cajoled, and urged more audacious action.”⁸⁹ Ray Mungo, Editor of the Liberation News Service, a New Left radical ant-war news service, reported that the staff energized Higgs, who “aided us, scraped up money for us, advised us, [and] wrote for us.”⁹⁰

In 1966 Higgs reached out to the Students for a Democratic Society (SDS) to collaborate on opposition to the war in Vietnam. His interest in SDS and his call for “more audacious action” suggests he was becoming more radical, which coincides with a draft he wrote called “A Case for An American Revolution in 1968.”⁹¹ Only four pages long, very general, and poorly written, it is a window into Higgs’s thinking about how to ensure that the poor and dispossessed living in the United States and around the world receive social justice. The American Revolution, he wrote was rooted in a fierce independence from foreign domination, so how, he asked, can the right of any people or nation to use violence to secure independence from foreign domination be denied. The constitutional system of checks and balances in the United States, he wrote, was intended to diffuse power domestically but it did not work in the 1960s in foreign relations where recent presidents wielded unlimited power over people in the world who do not participate in American decision-making. Here in the United States the poor, blacks, and other minorities also have been excluded from this decision-making. These minorities as well as most Americans have a stake in domestic freedom that allows them control over their lives. Gaining this control, Higgs declared, required the government to acquire the means of economic production to eliminate private property. According to Higgs, because wealth in the United States is controlled by a small number of people with entrenched power, only a revolution could break this stranglehold. He spoke at a seminar on “The

⁸⁹ Norman Solomon, *Made Love, Got War*, 31.

⁹⁰ Ray Mungo, *Famous Long Ago: My Life and Hard Times with Liberation News Service* (Boston: University of Massachusetts Press, 2012), 145.

⁹¹ Bill Higgs, “A Case for An American Revolution in 1968,” Box 50, Folder 31, Reies Lopez Tijerina Collection, University of New Mexico Center for Southwest Research, Albuquerque, NM.

New Left” at Montgomery Blair High School in late April 1968 where he apparently had this document in mind when he declared “it would be very, very good for this country to have a revolution.”⁹²

Two months after speaking at the seminar, Higgs met Reies Lopez Tijerina during the Poor Peoples March on Washington. Tijerina, a charismatic former Pentecostal minister had founded the Alianza Federal de Mercedes (AFDM), whose purpose was to reclaim title to Spanish and Mexican land grants the U.S. Government had “illegally” claimed in the aftermath of the war with Mexico. Initially, Tijerina focused on legal research and analysis of Spanish Land Grants to document that the U.S. Government’s claims violated provisions of the Treaty of Guadalupe Hildago of 1848. By 1966 he had adopted a confrontational strategy that included occupancy of contested land that the U.S. Forest service managed, demonstrations, and citizen arrests of public officials for failure to protect the land rights of the descendants (he called them IndoHispanos) of the original land holders.⁹³ Recognizing the value of having an “Anglo” with a solid civil rights track record in Mississippi and Washington, D.C. associated with AFDM, Tijerina invited Higgs to become the organization’s legal advisor and relocate to Albuquerque, New Mexico. Undoubtedly, Tijerina thought Higgs’s networking contacts in civil rights and opposition to the Vietnam War protests could be used to strengthen relationships between AFDM and the Student Nonviolent Coordinating Committee, the Southern Christian Leadership Conference, and the emerging Chicano Nationalist Movement. Moreover, he viewed Higgs as a valuable resource in shifting the focus of AFDM to public demonstrations, voter registration, and the creation of an IndoHispanos political party in New Mexico. Initially, Higgs was reluctant to relocate, but after touring the state with Tijerina and meeting many AFDM supporters he accepted the offer. Later, he recounted, “I sort of fell in love with New Mexico. Mr. Tijerina drove me all over introducing me to the people, showing me the country. Their thinking about land and the value of life fit in perfectly with my own

⁹² The quote is from the Montgomery Blair High School Student Newspaper, April 30, 1968, and is found in a memo from Special Agent T. E. Bishop to Assistant Director Cartha DeLoach, June 19, 1968, Federal Bureau of Investigation, Freedom of Information and Privacy Number 190-12335 (100 HQ 449818). Copy in possession of the author courtesy of Charles Eagles.

⁹³ IndoHispanos is the term Reies Lopez Tijerina used in his book, *They Called Me “King Tiger”*: *My Struggle for the Land and Our Rights*, edited and translated from Spanish by Jose Angel Gutierrez (Houston: Arte Publico Press, 2000), 103.

ideals.”⁹⁴ AFDM also gave him a new cause as civil rights and anti-Vietnam war protests were beginning to run out of steam.

Higgs’s disbarment by the Mississippi Bar Association meant he could not officially practice law or have clients in New Mexico, but it did not preclude his providing legal advice to Tijerina and AFDM. An immediate issue for Tijerina was his trial for an armed raid to make a citizen’s arrest of the Rio Arriba county attorney in the county seat in Tierra Amarilla for having prohibited a protest meeting of AFDM. Tijerina decided to be his own attorney at his trial but the presiding judge refused to allow Higgs to sit beside him during the trial, so his legal advice was limited to what could be done when court was not in session. A jury found Tijerina guilty of false imprisonment and in February 1969 he received a two-year sentence to be served at a federal prison in Missouri.

After Tijerina’s conviction, Higgs became the *de facto* leader of AFDM. He took over management of litigation in which Tijerina sought to require reapportionment of local school boards and teaching of all high school subjects in English and Spanish based on the Treaty of Guadalupe Hildago. In 1970 the U.S. Supreme Court upheld a federal district court finding that the treaty confers no obligations for the administration of public schools or to have the Spanish language and culture preserved in public schools.⁹⁵ This decision implicitly reaffirmed previous rulings that the courts have no jurisdiction in adjudicating violations of the Treaty of Guadalupe Hildago. Given this outcome, Higgs concluded that the Supreme Court was unlikely to rule in the affirmative on any litigation based on the treaty, so this issue faded away.⁹⁶ In the meantime, Higgs had begun cultivating relations with the SDS and Rodolfo “Corky” Gonzales, the founder of the Chicano movement, to exchange views about the shared goals of their respective programs. At the same time, he received a \$40,000 grant from the U.S. Catholic Conference Campaign Conference for Human Development to fund an AFDM antipoverty and social justice

⁹⁴ Undated (c. 1971) newspaper clipping, AP release, Albuquerque, NM, Box 33, Folder 15, Reies Lopez Tijerina Papers, Southwest Research Center, University of New Mexico.

⁹⁵ Richard Griswold del Castillo, “The United States Judicial System and the Treaty of Guadalupe Hildago,” Southwest Hispanic Research Institute, University of New Mexico (1987), 25-26.

⁹⁶ William L. Higgs to Chief Justice Burger, et al, United States U.S. Supreme Court, February 2, 1971, Federal Bureau of Investigation, Freedom of Information and Privacy Number 190-12335 (100 HQ 449818).

initiative.⁹⁷

Higgs's relocation to Albuquerque meant that responsibility for surveillance and tracking of his activities was transferred from Washington to the Albuquerque FBI Field Office, which assumed responsibility for the surveillance of Higgs. By 1972 FBI investigative reports described a growing schism between Higgs and his supporters and AFDM members loyal to Tijerina.⁹⁸ Tijerina's release from prison in July 1971 heightened this tension because he now rejected a confrontational strategy, believing instead in peaceful means in accordance with the law.⁹⁹ Moreover, he was unhappy with Higgs's allocation of jobs created under the grant from the U.S. Catholic Conference to AFDM.¹⁰⁰ There were now two AFDM groups, one that supported Tijerina and one that supported Higgs. In April 1972 the Tijerina-led group asked Higgs to resign from AFDM, but he ignored the request.¹⁰¹ In early July, however, Higgs resigned from AFDM after the U.S. Catholic Conference sided with the Tijerina group.¹⁰²

Higgs returned to Washington, DC in 1972, but times had changed in his four-year absence and many of the people he had worked with had lost interest and moved on to other challenges. He decided to create another non-profit organization, The Committee for An Open Society (CFOS), as a platform for promoting the ideals of free, open, and nonmanipulated societies. Higgs was executive director, and there was no staff. Meanwhile, he needed an income so Representative Augustus Hawkins (Democrat, California) gave him a part-time job on his office staff that evolved into a full-time position on the staff of the House Subcommittee for Education.

In 1973 Higgs began issuing CFOS press releases and letters that

⁹⁷ Reies Lopez Tijerina, *They Called Me Tiger: My Struggle for the Land and Our Rights* (Houston, TX: Arte Politico Press, 200), 161; "William Leon Higgs," August 30, 1973, Federal Bureau of Investigation, Freedom of Information and Privacy Number 190-12335 (100 HQ 449818).

⁹⁸ Ibid.

⁹⁹ Rudy V. Busto, *King Tiger: The Religious Vision of Reies Lopez Tijerina* (Albuquerque: University of New Mexico Press, 2005), 68; J. Edgar Hoover to United States Secret Service, May 5, 1972, 16, Federal Bureau of Investigation, Freedom of Information and Privacy Number 190-12335 (100 HQ 449818).

¹⁰⁰ Reies Lopez Tijerina, "Summary of the Reasons Why Bill Higgs Was Fired After Three Years of Friendship" (English translation of ESTE ES UN RESUEN DE LAS RAZONES PARQUE BILL HIGGS FUE DEPEDEDID DESPUTES DE TRES ANOS E MY AMISTAD), Box 33, Folder 15, Reies Lopez Tijerina Papers, Southwest Research Center, University of New Mexico.

¹⁰¹ Ibid.

¹⁰² "Splinter Alianza Unit Loses Catholic Funds," *Albuquerque Journal*, July 12, 1972.

attacked the Central Intelligence Agency for undermining democracy in Mexico, Venezuela, and Chile. On September 12, 1973, Higgs sent a public letter to Senator William Fulbright, chairman of the Senate Foreign Relations Committee, requesting him to investigate whether the CIA had been involved in the overthrow of the government of President Salvador Allende of Chile. The letter, which was published in several South American newspapers, made clear that Higgs believed the United States was involved. Over the next two years he issued press releases and copies of letters he had sent to President Gerald Ford, Secretary of State Henry Kissinger, and members of Congress. Those press releases and letters were published in daily newspapers in Mexico City, among other cities in South America. He alleged U.S. Marines were preparing to occupy oil fields in Venezuela to protect American investments in these fields from expropriation. Moreover, he charged the U.S. was training terrorist groups to invade Mexico and free U.S. citizens in Mexican jails, working to undermine the Mexican economic system, spreading the Swine Flu among Mexican citizens to reduce the population, increasing the salinity of the Colorado River as it flowed into Mexico to reduce agriculture production, and using a purported proposal from the University of Texas to microfilm all Mexican government records so they could be made available to the Central Intelligence Agency, where they would be computerized and manipulated to create a fictitious history of Mexico.¹⁰³

Joseph J. Jova, the American Ambassador to Mexico, was furious about Higgs's news releases because he believed they were false but nonetheless required official rebuttal. He sent cables to the State Department complaining about Higgs and suggesting his anti-American activities probably meant he was being paid by enemies of the United States.¹⁰⁴ Jova asked the FBI Legat (Legal Attaché) on the embassy staff to forward a request to FBI Headquarters to investigate Higgs for failing to register as a foreign agent. The FBI reviewed its previous investigative case files and initiated new queries and concluded there was no statutory basis for further investigation and closed the investigation.¹⁰⁵

Apparently, around 1975 the Committee for An Open Society's

¹⁰³ 1974 Mexico08291 1974, Mexico 07547 1974, Mexico02927 1976, Mexico04739 1976 Mexico, and 1974 State05352, Declassified/Release US Department of State EO Systematic Review 30 Jun 2006, available at NSArchive2.gwu.edu.

¹⁰⁴ Teletype, July 25, 1974, FBI Investigative Case File 100-449818.

¹⁰⁵ Ibid., teletype, March 26, 1975.

attacks on American foreign policy no longer were credible, and it disappeared from history as did Higgs. The last known date of his employment was August 13, 1974.¹⁰⁶ Norman Solomon wrote in a memoir that in the winter of 1980 he saw Bill Higgs near the Capitol. He described him as looking and sounding wearier than he could remember. Higgs told Solomon he was planning to relocate to Mexico because he could not make a living in Washington, DC.¹⁰⁷ He moved to Acapulco where he reportedly worked at a hotel.

It is ironic that barely twenty years after his prominence as a courageous civil rights leader in Mississippi and Washington, D.C., there was no place for Higgs in America. He moved to Mexico, perhaps a failure in his own eyes. Yet, this should not blind us to his contributions to civil rights in Mississippi in the 1960s. He had a very visible public life as a white Mississippi lawyer who had the courage to take on civil right cases involving black Mississippians and to support their right to vote. He was co-founder of the Mississippi Free Press and a staunch supporter of Robert L. T. Smith's election bid to unseat Congressman John Bell Williams in the spring of 1962.¹⁰⁸ Moreover, the Coe College students he worked with in June of 1962 had a keen appreciation of his idealism and commitment to achieving social and political justice for black Mississippians. The Citizens Council and the Sovereignty Commission viewed him virtually as Public Enemy No. 1 who had to be vigorously opposed because his initiatives, if successful, would undermine white supremacy.

Some progressive white Mississippians such as William Winter questioned Higgs's ability as a lawyer and the tactics he used. Winter wrote to Professor James Silver that he did not know any lawyer who had a high opinion of Higgs as a lawyer because the legal community believed his tactics were calculated to advance his personal and political interests. Winter added that Claude Ramsay, president, Mississippi AFL-CIO, claimed Higgs was more interested in getting a large fee from organized labor than he was in enjoining the Sovereignty Commission

¹⁰⁶ Ibid., teletype, May 13, 1974.

¹⁰⁷ Norman Solomon, *Made Love, Got War*; 217; telephone interview with Norman Solomon, April 19, 2014.

¹⁰⁸ William Leon Higgs, "Report of The Death of An American Citizen Abroad," February 17, 1989, Passport Vital Records Section, Department of State, Washington, DC.

from donating funds to the Citizens Council.¹⁰⁹ It is difficult to reconcile the opinions of Winter and Ramsay with the realities of Higgs's world. Bill Kunstler had a high regard for his work as a lawyer in the Freedom Riders case and in *Hobson v. Board of Education*. Moreover, what constitutes advancing one's personal and political interests vis-à-vis idealism largely is in the eye of the beholder. Being arrested and held incommunicado by the Clarksdale police while undergoing intensive questioning and threats of violence did not appear to be the act of a man dominated by self-interest. Nor did his no-frills approach to funding the work of the Washington Human Rights Project and living on the edge of poverty bring him any financial benefits.

Despite his arrest and conviction for contributing to the delinquency of a minor and subsequent disbarment by the Mississippi Bar Association, his relocation to Washington, DC allowed him to continue his support for civil rights where he made his greatest contributions. As executive director of the Washington Human Rights Project, he played an important role in formulating legislative proposals that were incorporated into the Civil Rights Act of 1964, which the *Congressional Quarterly* called "the most sweeping civil rights measure to clear either house of Congress in the 20th century."¹¹⁰ But the tide was changing, and it is doubtful Higgs recognized he had reached the high point in his career at the age of twenty-nine.

His downward spiral began in 1964 when the Law Students Civil Rights Council supplanted the Washington Human Rights Project, cutting him off from organizing law school summer internship programs. Moreover, the decision of SNCC to cease functioning as a bi-racial civil rights group further undermined his position as a civil rights leader with clout. He turned to a new cause, opposition to the war in Vietnam. This was a fateful decision because it pulled him into the orbit of radical groups such as the Students for a Democratic Society and began a process of radicalization that increasingly moved him into radical left social and political movements including opposition to the war in Vietnam, Alianza Federal de Mercedes, and the Committee for Open Society, which further marginalized him.

By 1975 Higgs had disappeared from public view. On July 7, 1988,

¹⁰⁹ William Winter to James Silver, July 15, 1963, Box 7, Folder 6, James W. Silver Collection, University of Mississippi.

¹¹⁰ Quoted in *Citizen Rauh: An American Liberal's Life in Law and Politics* (Ann Arbor: University of Michigan Press, 2010), 161.

he died at the age of fifty-two in Acapulco, Mexico.¹¹¹ There were no obituaries or acknowledgements of the contributions he made to civil rights in the 1960s. Higgs's rapid rise as an advocate of civil rights and racial equality and equally rapid disappearance from public view reminds one of a meteor that appears as a bright fireball in the sky and quickly burns up, leaving no evidence of its existence. Bill Higgs's remains were buried at Las Cruces Pantheon in Acapulco. On September 16, 1997, Hurricane Pauline struck Acapulco, causing heavy damage at Las Cruces Pantheon, tossing around grave markers and destroying burial records, wiping out the last visible evidence of Higgs's existence.

¹¹¹ William Leon Higgs, "Report of The Death of An American Citizen Abroad," February 17, 1989, Passport Vital Records Section, Department of State, Washington, DC.