

## Education Transforms the Mississippi Legislature

*by Jere Nash and Andy Taggart*

At half past noon on Monday, December 6, 1982, Governor William F. Winter was escorted to the rostrum in the House chamber of the State Capitol to address a special session of the Mississippi Legislature. The session had been called by Winter a few weeks earlier to consider education reform. The governor was joined on the dais by Speaker of the House C. B. "Buddie" Newman and Lieutenant Governor Brad Dye, men who shared much history with him. Back in the 1930s, their fathers had served together in the Legislature; Newman and Winter were House colleagues in the early 1950s; Dye had managed John Bell Williams' s campaign for governor in 1967, when Williams had defeated Winter in the Democratic runoff. Winter and Dye were from the same hometown. As teenagers, first Winter and then Dye had driven Jim Eastland around the state in his early Senate campaigns. These men had been called to political careers as early as they could remember. Now, as

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JERE NASH is a political consultant in Jackson and former chief of staff to Governor Ray Mabus. ANDY TAGGART, an attorney in private practice in Madison and currently a member of the Madison County Board of Supervisors, was former chief of staff to Governor Kirk Fordice. This article is adapted from *Mississippi Politics: The Struggle for Power, 1976-2006*, a history of contemporary politics in Mississippi by Nash and Taggart that will be published by the University Press of Mississippi in the fall of 2006. The authors are indebted to Andy Mullins, whose book *Building Consensus: A History of the Passage of the Mississippi Education Reform Act of 1982* (1992) offers a comprehensive account of the passage of the Education Reform Act of 1982, and to David Crews, Brad Dye, Tim Ford, Jack Gordon, John Henegan, Ray Mabus, Sonny Merideth, Dick Molpus, Bob Montgomery, Terrell Stubbs, Tommy Walman, David Watkins, and William Winter for the interviews they granted to the authors. The USM oral histories referred to in this article are from the Center for Oral History and Cultural Heritage at the University of Southern Mississippi. The MSU oral histories are from the John C. Stennis Oral History Project at Mississippi State University.

1982 was coming to a close, these three men were at the peak of their careers—they were exactly where they had always wanted to be. The question the special session would answer was this: how would they use their power and to what end?

Winter greeted both of them, turned to face a House chamber in which he had once served, and spoke of the occasion:

The needs of education and the relationship of those needs to our future growth and progress cannot be put aside any longer . . . . Per capita income is tied directly, unequivocally, and irrefutably to education. Unless we take some very specific actions to improve our educational system, it will never be adequate to move our state out of last place in per capita income. It's time to act now . . . I hope that we will seize the opportunity to do the most significant thing that you or I may have the privilege of doing.<sup>1</sup>

Sixteen days later, Governor Winter signed into law the Education Reform Act of 1982, a comprehensive package of initiatives that included mandatory statewide kindergartens, a new reading aide program that placed teaching assistants in the first three grades of elementary schools, a compulsory attendance law, teacher pay raises, the initial public school accreditation system, powers and responsibilities of the new lay board of education, and training programs for school administrators. All of this was paid for with more than \$110 million in increased sales and income taxes.

Not only would public education in Mississippi never be the same again, neither would the Mississippi Legislature.

### *The Mississippi Legislature*

Outside the 174 legislators and their immediate families, lobbyists, reporters, and assorted political activists, how does one begin to explain the Legislature to the remaining 2.9 million Mississippians?

While the standard textbook explanation is a good start—the branch of state government that sets taxes and appropriates the proceeds to fund programs, issues bonds to pay for highways, buildings, and equipment, establishes the laws by which every local and state governmental entity operates, and creates the agencies that regulate activities ranging from

<sup>1</sup> *House Journal*, Mississippi State Legislature, 1982 First Extraordinary Session, 7-12.

air and water pollution to the practice of cosmetology—it is hardly sufficient.

In large measure, Mississippi's future will be determined by a resolution of critical public policy issues—education, public safety, economic development initiatives, construction of highways, airports, and ports to facilitate commerce, management of the state's natural and cultural resources, and health care and other services for residents who otherwise could not afford them. Those issues will be resolved by the Legislature. When assembled under the roof of the State Capitol, the men and women elected to the Legislature today closely reflect the political mindset and demographics of the state. It was not always so.

### *Reapportionment*

For the first sixty-three years of the twentieth century, legislative seats were filled almost exclusively by men from rural Mississippi, all white. Reapportionment changed that profile. Beginning in the early 1960s, the United States Supreme Court issued a series of decisions collectively establishing the “one-person, one-vote” principle that required state legislatures to configure congressional and legislative districts with roughly the same population.<sup>2</sup> But even before the first of these decisions was issued in 1962, a Gulfport attorney named Upton Sisson filed an unprecedented lawsuit against the Mississippi Legislature on behalf of six Gulf Coast businessmen. Sisson and his plaintiffs claimed that state house and senate districts were drawn in a way that undermined equal and fair representation. Following the 1960 census, for example, the 16,826 residents of Noxubee County sent three representatives to the state House while the 119,489 residents of Harrison County sent just one representative.<sup>3</sup> For Sisson and his plaintiffs, this situation was intolerable. In the summer of 1962, a Hinds County judge, to the surprise of almost everyone in the state, ruled in Sisson's

<sup>2</sup> *Baker v. Carr*, 369 U.S. 186 (1962); *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964).

<sup>3</sup> For much of these sixty-three years, Harrison County and Jackson County shared an additional representative, called a “floater.” The “floater” representative would alternate each four-year term between Jackson County and Harrison County. For the 1956-1960 term, Upton Sisson served as the “floater” representative. For the 1960-1964 term, Merle Palmer of Pascagoula served as the “floater.” While a member of the legislature, Sisson tried to force the issue of reapportionment on his colleagues. But the leadership, all from rural Mississippi, would have none of it.

favor and ordered the reapportionment of the Legislature. Governor Ross Barnett was forced to call the Legislature into a special session that fall to realign the district lines. New districts were finally approved in early 1963, and that year Harrison County elected six representatives.<sup>4</sup>

While Sisson's litigation addressed some of the urban-rural imbalance in the Legislature, it was not until a 1965 lawsuit filed by the Mississippi Freedom Democratic Party—*Connor v. Johnson*—was settled in 1979 that the racial make-up of the Legislature began to more closely mirror the state's population. That year seventeen black legislators were elected.<sup>5</sup> The *Connor* litigation created not only a more urban and a more African American Legislature but also a more responsive one.

The vehicle for that revolution was the single-member district—a small geographical area composed of a relatively compact population and limited to one representative. Before *Connor*, most legislators were

<sup>4</sup>“Seating of Legislature Challenged,” *Biloxi Daily Herald*, October 18, 1960; Edmund Noel, “State Group Will Push Reapportionment Suit,” Jackson *Clarion-Ledger*, March 27, 1962; “Sisson is Thwarted by Horton,” *Biloxi Daily Herald*, May 29, 1962; “Ruling is Made in Harrison County Case,” *Biloxi Daily Herald*, June 7, 1962, and Tom Cook, “Coast Jubilant Over Decision of Chancellor,” *Biloxi Daily Herald*, June 7, 1962; “Judge Horton Refuses to Halt Reshuffle Vote,” Jackson *Clarion-Ledger*, October 21, 1962; *House Journal*, 1962 First Extraordinary Session, 6-56; *House Journal*, 1962 Second Extraordinary Session, 77-153. It was during the first special session that James Meredith enrolled at the University of Mississippi, provoking near hysteria among the legislators already in session to grapple with reapportionment.

<sup>5</sup> *Connor v. Johnson*, 256 F. Supp. 962 (1966); *Connor v. Johnson*, 330 F. Supp. 506 (1971); James Saggus, “Federal Court Orders Own Reapportionment Plan,” Jackson *Clarion-Ledger*, May 19, 1971; Frank R. Parker, *Black Votes Count: Political Empowerment in Mississippi after 1965* (Chapel Hill: University of North Carolina Press, 1990), 110-126; *Connor v. Johnson*, 402 U.S. 690 (1971); Charles M. Hills, Jr., “Hinds Redistricting Insurmountable Task,” Jackson *Clarion-Ledger*, June 15, 1971; *Connor v. Coleman*, 425 U.S. 675 (1976); Thomas Vocino, John H. Morris, & D. Steve Gill, “The Population Apportionment Principle: Its Development and Application to Mississippi's State and Local Legislative Bodies,” *Mississippi Law Journal*, vol. 47 (November 1976), 966-68; “The Voting Rights Act: Ten Years After,” A Report of the United States Commission on Civil Rights (Washington, D.C., January 1975); Morton Stavis, “A Century of Struggle for Black Enfranchisement in Mississippi: From the Civil War to the Congressional Challenge of 1965 - And Beyond,” *Mississippi Law Journal*, vol. 57 (December 1987); Steve Cannizaro, “Remap Baffles Judges,” Jackson *Clarion-Ledger*, February 15, 1978; David Bates, “Court Panel Upholds State Reapportionment,” Jackson *Clarion-Ledger*, June 2, 1979; *State of Mississippi v. United States of America*, 490 F. Supp. 569 (1979), affirmed by U.S. Supreme Court at 444 U.S. 1050 (1980).

elected from multi-member districts, large geographical areas with a larger number of voters electing two or more legislators—a more confusing arrangement for the average voter and less likely to reflect the demographics of identifiable voter groups within the district. Advocates of the single-member district embrace its inherent accountability—the smaller area focused on just one legislator makes it easier for voters to know and influence their legislators. Opponents charge this enhanced accountability fails to give the elected official any freedom to act in a way that he or she might feel is best for the state rather than simply acting in the narrow interest of his or her district.

Jim Simpson, Sr., a state representative from Harrison County for many years, summed up the case for the status quo: “Single-member districts make for a more responsive [legislator] to that district. It makes, too, a less responsible state lawmaker.” Simpson further stated that before *Connor*, when he was elected from the entire county,

[I]f I did something even if it was right that was against the special interests of the tourism business, then I had the manufacturing community . . . the seafood community . . . the education community . . . that I could balance it off. In single-member districts, you go to single-issue politics . . . it makes for a more responsive government, but it doesn’ t make a politician, unless he’ s highly unusual, make every decision based on what is good for the community . . . rather, he says, “How will this politically affect the district in which I live.”<sup>6</sup>

Simpson raises one of the perennial questions of politics: should an elected official vote the way his or her constituents would vote or should an elected official digest all the available information on an issue, weigh the evidence, and then do what he or she thinks is “right”? While single-member districts don’ t resolve that question one way or the other, the politics of such districts require that an elected official take the time to interact with constituents before an important vote and explain his or her rationale for the vote. Legislators can still make the “right” votes; they just need to be prepared to defend those votes to constituents.

It was a legislature with more urban members and more black members, as well as that newly established connection between the legislator and the voter, that Governor William Winter exploited in 1982.

<sup>6</sup> James C. Simpson, Sr., USM Oral History, vol. 497, 1992, pp. 12–13.

### *Leadership and Committees*

The Mississippi Legislature is what management consultants label a “top-down” organization; power is held by a few members who hold key leadership positions. At the top are the presiding officer of the House of Representatives—known as the Speaker—and the presiding officer of the Senate—known as the president. In Mississippi, the Speaker is elected by the House membership; the lieutenant governor, elected statewide, serves as the Senate president.

In 1982, the Speaker was C. B. Newman, though those few who didn’t call him “Mr. Speaker” called him “Buddie.” First elected to the House from Issaquena County in 1951, Newman had served continuously ever since, becoming Speaker pro-tempore in 1974 and Speaker in 1976. Newman was mentored by Walter Sillers, who served as Speaker from 1944 to 1966 and was Governor Ross Barnett’s floor leader in the House.

Brad Dye, lieutenant governor in 1982, was elected to the House in 1959 and the Senate in 1963, and in 1967 became the executive director of the Mississippi Agricultural and Industrial Board in John Bell Williams’s administration. Elected state treasurer in 1971, he had lost a bid for lieutenant governor in 1975 but came back four years later to win the office. Dye was a protégé of Jim Eastland.

The presiding officers refer all bills to committees and appoint all committee chairmen and members. They control the flow of legislation on the floor of their respective houses by ruling on parliamentary matters and choosing whom to recognize—or not—for the offering of motions or other floor procedures. By rule, by custom, and by force of their personalities, Mississippi’s Speaker and lieutenant governor can defeat virtually any piece of legislation they do not like and can insure passage in their respective chambers of almost any legislation they favor.

The bulk of the Legislature’s work is done by committees. It is the committees that receive bills introduced by the members, and it is the committees that recommend bills for consideration by the full House or Senate. Once appointed, committee chairmen have nearly total authority over the work product of their respective committees. A chairman is under no obligation to allow his or her committee to consider a bill that is referred to it. During committee debates, a chairman is under no obligation to recognize a member of his or her committee to speak on a bill or

to make a motion. Committee chairmen keep no minutes of committee meetings, few recorded votes, and no tape recordings of deliberations. A legislator once described the power of committee chairmen: "If he doesn' t want to meet, you don' t meet. If the committee has 100 bills and he decides that only two should be considered, that' s all you consider . . . . If you' re not a member of a committee and that committee has your bill, you' re at the complete mercy of the chairman."<sup>7</sup>

By the time William Winter walked to the Speaker' s podium to deliver his address to the special session, 1982 had become the year the Mississippi Legislature broke out of the confines of the closed world of politicians, lobbyists, and reporters and roared into the collective consciousness of the average voter. Before 1982, the Legislature was "the bunch in Jackson" that few Mississippians knew or cared anything about. After 1982, the Mississippi Legislature was as well known as the local sheriff, and not nearly as popular. One event and one man triggered the transformation.

### *The Saga of Education Reform*

When legislators convened in January of 1982 for their ninety-day regular session, public education had been on Governor Winter' s agenda for two years. In 1980, at Winter' s request, the Legislature had created a special education study commission. Chaired by Tupelo businessman Jack Reed, the commission spent the remainder of the year documenting that Mississippi was the last state without a mandatory public kindergarten system and the last state without a compulsory school attendance law; that it paid its teachers at a level at or near the bottom on national salary scales; that it had no way of measuring the performance of its schools; and that the system was too politicized—the state superintendent of education was elected statewide, and the state board of education consisted of the attorney general, the secretary of state, and the state superintendent.<sup>8</sup>

<sup>7</sup> David B. Ogle, *Strengthening the Mississippi Legislature* (New Brunswick, NJ: Rutgers University Press, 1971), 80–81.

<sup>8</sup> Andrew P. Mullins, Jr., *Building Consensus: A History of the Passage of the Mississippi Education Reform Act of 1982* (Mississippi Humanities Council and the Phil Hardin Foundation, 1992), 9–27. Ray Mabus pointed out in an interview that he has since learned that in 1982 New Hampshire also did not require a mandatory public kindergarten system.

When the reforms recommended by the Reed commission were ignored by the 1981 Legislature, Winter's staff spent the remainder of that year organizing community, business, and education groups to lobby legislators on behalf of education.<sup>9</sup> At the beginning of 1982, Winter continued his campaign for education reform. This time, in a speech to the Legislature, he got personal:

We are here to put the most creative thoughts we have into the solution to problems that are not going to go away and that cry out for this legislature to address. We keep looking for easy answers . . . We keep trying not to rock anybody's boat. Well, I want to tell you it's boat-rocking time in Mississippi. It's time to get off our backsides and decide we aren't going to let anything or anybody or any set of circumstances keep us from making this state more competitive. And if we are not willing to take that approach, then we haven't got any business being here.<sup>10</sup>

By 1982, the rallying cry for advocates of reform had been narrowed to one word: kindergartens. Getting children ready for school and joining the other states that required public kindergartens became the focus. To cover the price tag for kindergartens, Winter proposed increasing the oil and gas severance tax, a move fiercely opposed by the state's oil and gas industry. Representative Simpson, a proponent of Winter's plan, once identified the opponents of kindergartens: those opposed to increasing the severance tax, those opposed to any tax increase, and a group of about twenty who opposed them on racial grounds. Simpson paraphrased the reasoning of the third group as "I'm not building any damn babysitting service for blacks."<sup>11</sup> Winter believed he could overcome the reluctance to raise taxes if he could sell the importance of education reforms to a majority of the Legislature.<sup>12</sup> In the meantime, he received an unexpected gift.

### *The Event and the Man*

On February 3, 1982, Winter's public pressure campaign showed signs of having some influence. House Bill 936, legislation authorizing

<sup>9</sup> Mullins, *Building Consensus*, 29-62.

<sup>10</sup> *House Journal*, 1982 Regular Session, 61.

<sup>11</sup> Nancy Weaver, "Inaction on Education Reform a Tradition," *Jackson Clarion-Ledger*, December 6, 1982.

<sup>12</sup> William Winter, interview by the authors.

kindergartens in public schools, passed the Education and Appropriations Committees and was placed on the House calendar ready for debate, the first time the issue had survived that far into the process.<sup>13</sup> The Mississippi Legislature conducts its business according to deadlines. A House bill must pass the House committee to which it was referred by a certain date, and then it must pass the full House by a certain date. There are also deadlines for House bills sent to the Senate. A similar system is imposed on bills introduced in the Senate.

The kindergarten bill faced a House floor deadline of February 11. If the bill did not pass the House by that date, it would automatically die. On February 10, Representative Robert Clark and Representative Tommy Walman, chairman and vice chairman of the House Education Committee, respectively, told Speaker Newman privately they planned to request recognition for a procedural motion to allow the House to debate the bill that day. That day was critical, for everyone knew the rules required a special two-thirds vote to authorize debate of bills on a deadline day. While Clark and Walman believed a majority of the House might support kindergartens, they knew two-thirds would not. Newman said he would recognize neither of them.<sup>14</sup>

As the day was winding down, and the kindergarten bill remained on the calendar, Clark stood.

The Speaker: For what purpose does the gentleman from Holmes County [Mr. Clark] seek recognition?

Clark: For a motion, Mr. Speaker.

The Speaker: State your motion.

Clark: To advance House Bill 936 to the top of the calendar for immediate consideration.

The Speaker: The gentleman is not recognized.

Walman rose immediately.

<sup>13</sup> Judy Putnam, "Kindergarten Bill Clears Panel Vote, Goes to Full House," *Jackson Clarion-Ledger*, February 4, 1982; *House Journal*, 1982 Regular Session, 148.

<sup>14</sup> Robert Clark, USM Oral History, 2000, p. 23; Tommy Walman interview by the authors.

The Speaker: For what purpose does the gentleman from Pike County [Mr. Walman] seek recognition?

Walman: For a motion, Mr. Speaker.

The Speaker: State your motion.

Walman: To advance House Bill 936 to the top of the calendar for immediate consideration.

The Speaker: The gentleman is not recognized.

While other House members began to object, Representative Simpson stood:

The Speaker: For what purpose does the gentleman from Harrison County [Mr. Simpson] seek recognition?

Simpson: For a motion, Mr. Speaker.

The Speaker: State your motion.

Simpson: I move the House stand adjourned until ten o' clock tomorrow.

The Speaker put the motion to the House: "All those in favor of the motion say 'aye' " -at which point members favoring adjournment yelled "aye." "All those opposed to the motion say 'nay' " -at which point those members wishing to stay and take up the kindergarten bill yelled "nay," a collective *nay* that was clearly louder than the *ayes*.

It was 5:35 p.m. when Newman rapped his gavel on the podium and proclaimed, "The ayes have it. The House stands adjourned." He then turned and walked off the dais.<sup>15</sup> And he kept walking, ignoring calls and shouts from the floor demanding a roll call vote. If at least twelve members stand after a voice vote, the rules require a roll call vote, and more than twelve members had jumped up seeking recognition.<sup>16</sup> By this time, House members were in an uproar, not fully com-

<sup>15</sup> *House Journal*, 1982 Regular Session, 258; Mullins, *Building Consensus*, 75-77. Above colloquy presented here as recalled by author Jere Nash, who was present.

<sup>16</sup> Robert Clark, *USM Oral History*, 2000, pp. 22-23; Tommy Walman, *USM Oral History*, vol. 737, 1991, p. 215; Walman, interview; Judy Putnam, "Optional Bill Would Tax Sales; Speaker Slows Kindergartens," *Jackson Clarion-Ledger*, February 11, 1982.

prehending what had just happened but also not believing it.<sup>17</sup> With that one act, the issue of education reform became associated with the abuse of power in the Legislature.

Sonny Merideth, a representative from Greenville and a Newman floor leader, had canvassed the members that afternoon, asking them when they wanted to adjourn. He remembers a majority wanted to adjourn early, well before the House would get to kindergartens. He gave that information to the Speaker and to Simpson, who was recognized each day for the motion to adjourn. Merideth contends that Newman believed a majority wanted to adjourn, but they just didn't yell as loudly as those who wanted to stay. To this day, Merideth believes the House would have adjourned with a roll call: "I had walked the floor and it wasn't close. The majority was ready to adjourn. But they didn't holler as loud for adjournment as those who were opposed. The Speaker just thought those for it didn't holler as loud."<sup>18</sup> Simpson agreed, once speculating that a majority of the House had been to Newman and said, "I don't want to vote on this. If it comes to a vote, I've got too many blacks and too many educators in my area. I'm going to have to vote 'yes,' but I don't want to vote on this."<sup>19</sup>

In an interview years later, Newman gave his version of the events:

Now, the Speaker of the House, a lot of people don't understand, is something like a chaplain. You know, if you're in trouble in the Army, you seek out the chaplain. The Speaker of the House to me is like a mother hen, protect your brood, protect your members, and I like to be strong, I like it. I'd rather be strong than weak any day. I'd rather be strong and wrong than weak and right, to be frank with you. I saw the chairman and vice chairman of the Education Committee standing up. I knew what they wanted. I knew exactly what they wanted. I knew what the members wanted. I knew that the members did not want to vote on that piece of trash. I knew that. They came to me in droves. "We don't need to get to that bill" . . . . Jim Simpson got up for recognition and I recognized Jim. And he said, "I move we adjourn" . . . and I rapped the gavel and said, "motion prevails" and walked off

<sup>17</sup> Terrell Stubbs, interview by the authors; Dick Molpus, interview by the authors.

<sup>18</sup> Sonny Merideth, interview by the authors.

<sup>19</sup> Simpson, USM Oral History, vol. 497, 1992, p. 29.

the podium like I' ve done many, many times, no different. I didn' t pay any attention to it.<sup>20</sup>

Whether inadvertent or not, the move by Newman set in motion a series of events that would ultimately transform the Legislature and pass education reform.

### *The Outcry*

The next morning, Representatives Fred Banks of Jackson and Leslie King of Greenville addressed the full House, criticizing Newman for his refusal to honor the House rules by not calling for a recorded vote on the motion to adjourn. Later that day, Clark was allowed to make his motion for immediate consideration of HB 936, but since it was deadline day, the motion needed a two-thirds vote. The vote was 70-48, nine shy of two-thirds.<sup>21</sup> The vote, however, became a symbol: a majority had voted for kindergartens, but the will of that large majority had been thwarted by one man. By the weekend, the press had identified a villain: "With a single action, the 60-year-old Newman changed the odds and stacked the deck against public kindergartens in Mississippi."<sup>22</sup> Slowly over the next few months, Buddie Newman became the target for all that was wrong in Mississippi; he was standing in the way of progress and using arcane rules to keep it that way.

At one point, Charles Bannerman, a leader of Winter' s education program in Greenville, called Winter' s staff to say that a close friend of his was a producer with ABC in New York and that they might be interested in the Newman story.<sup>23</sup> One thing led to another, and on Thursday night, August 26, the ABC show "20/20" aired a feature called "A Case Study in Political Wheeling and Dealing-With Children' s Futures at Stake." The program informed "the nation that Mississippi is alone among the states in not having state-supported public kindergartens. The question it asked was why." Buddie Newman was the answer. Newman called the piece a "hatchet job," but the Pascagoula *Mississippi Press* editorialized that the "20/20" piece "told the nation

<sup>20</sup> Buddie Newman, USM Oral History, vol. 447, 1992, p. 34.

<sup>21</sup> Judy Putnam, "Kindergarten Bill Dies Without Vote in House," Jackson *Clarion-Ledger*, February 12, 1982; *House Journal*, 1982 Regular Session, 270.

<sup>22</sup> Judy Putnam, "Kindergartens Die at Hand of Speaker," Jackson *Clarion-Ledger*, February 14, 1982.

<sup>23</sup> Molpus, interview.

what Mississippians have known all along. The public interest is in the hands of a few power brokers . . . .”<sup>24</sup>

### *The Clarion-Ledger*

On April 1, 1982, the Gannett Corporation acquired the *Clarion-Ledger*, the *Jackson Daily News*, and other newspapers owned by Jackson’s Hederman family.<sup>25</sup> Three months later, the *Clarion-Ledger* and *Jackson Daily News* had a new editor: Charles Overby. A Jackson native, Overby had served as a Washington correspondent for the *Jackson Daily News* out of college, then went to work for Gannett, and later became editor of a Gannet newspaper in Florida.<sup>26</sup>

The reporting of Winter’s education initiative by Overby would prove pivotal. For eight days in late November, the paper produced a comprehensive series of articles about the problems facing public education. It was the coverage of the December special session, however, that set a new standard for journalism in the state. The newspaper flooded the Capitol with reporters, publishing two or three articles a day, identifying how individual legislators voted in committee, and writing caustic editorials. Its most famous editorial followed a House floor vote and “inducted” the members who had opposed kindergartens into a “Hall of Shame.”<sup>27</sup> Overby helped connect the legislators to their constituents: “The high-water mark of our reporting was the putting of faces with committee action, which helped the average reader understand who was doing what.”<sup>28</sup>

On April 18, 1983, the *Clarion-Ledger* was awarded the Pulitzer Prize for Distinguished Public Service for its coverage of education reform in 1982.

### *The Winter Organization*

The one unchecked power wielded by a Mississippi governor is the ability to require legislators to attend a special session at the time of

<sup>24</sup> Gene Monteith, “Newman: ABC Kindergarten Report a ‘Hatchet Job,’ ” *Jackson Clarion-Ledger*, August 28, 1982; Mullins, *Building Consensus*, 103; “Kindergartens Had No Chance,” *Mississippi Press*, August 30, 1982.

<sup>25</sup> “9 Papers in Mississippi Being Sold to Gannett,” *New York Times*, April 2, 1982.

<sup>26</sup> Charles Overby MSU Oral History, 1991, pp. 19–20; Charles Overby, USM Oral History, vol. 737, 1991, pp. 171–72. Overby later joined Governor Lamar Alexander’s staff in Tennessee and ultimately became chairman of the Tennessee Republican Party.

<sup>27</sup> Mullins, *Building Consensus*, 170.

<sup>28</sup> *Ibid.*, 164.

the governor' s choosing and limited specifically to the issues of the governor' s choosing. There is no better way to focus attention on a public policy issue than to call a special session. At a news conference on April 6, Winter first raised that possibility.<sup>29</sup> After watching legislators ignore his pleas for education reform during three regular sessions, Winter contemplated drastic action. "I realized that if we were going to pass any sort of meaningful education reform, it would not be done in a regular session, because there are too many stumps you can hide behind. I had to command the agenda."<sup>30</sup>

Simply calling a special session would not be sufficient. And more lobbying by Winter and his staff would not pass a bill. It was time to take advantage of the psychology of single-member districts and the immutable fact of the calendar: 1983 was an election year. David Crews, a Tupelo native and Winter' s press secretary, put it simply: "What made [the plan] work was that legislators could say ' no' to staff members and to William Winter . . . the person they can' t say ' no' to is that constituent."<sup>31</sup> The Winter administration proceeded to organize a political campaign, but this time the goal was not to elect a candidate but to pass a bill. The first step in a campaign is to educate the voters. For the rest of the spring and into the summer and early fall, the education effort was accomplished primarily through speeches to any group, large or small, that would have Winter or a member of his staff come and talk about education. Over the next six months, more than 800 speeches were delivered. In addition to informing voters about the issue, the speeches served another purpose. At the end of each speech, anyone interested in joining the campaign filled out a volunteer card. By the end of November, the names, addresses and phone numbers of more than 40,000 education supporters from all eighty-two counties were on file in the governor' s office.<sup>32</sup>

A political campaign is not a campaign without a rally. In Winter' s education campaign they were called "education forums," and they were scheduled for the fall in Oxford, Vicksburg, Columbus, Greenville, Jackson, Laurel, McComb, Meridian, and on the Gulf Coast. The plan

<sup>29</sup> "Winter: Special Session on Education Possible," Jackson *Clarion-Ledger*, April 7, 1982.

<sup>30</sup> Winter, interview.

<sup>31</sup> Mullins, *Building Consensus*, 96; David Crews, interview by the authors.

<sup>32</sup> Mullins, *Building Consensus*, 94; Molpus, interview; Mabus, interview.

was for Winter to keynote each forum, his speech followed by smaller sessions with the participants to discuss specifics of education. Getting business and community leaders together with educators to organize for action in such a public way was a first in Mississippi. The risk, of course, was that no one would show up. The first forum was scheduled for Oxford High School on September 7. The advance team prepared handouts for 500 people, though they hoped a “respectable” 300 would show. By 6:00 p.m., the lines into the high school started forming. Buses started to arrive. Dick Molpus, a native of Philadelphia and a Winter staff member, recreated the scene he saw as he and Winter flew into Oxford: “As we started circling coming into the airport, I tapped Winter’s shoulder and pointed down at the school. As far as you could see there were cars, there were buses coming in off the highways, traffic was backed up.” More than 2,000 people filled the auditorium and the school cafeteria and emptied out into the hallways.<sup>33</sup>

Over 9,000 people attended the forums in September and October. One legislator complained the forums had created “real, almost panic-level hysteria . . . . It was a well-dressed, well-perfumed hysteria, but it was hysteria . . . . That hysteria translated itself into a lot of political pressure.”<sup>34</sup>

### “Go” or “No Go”

Election Day 1982: on the ballot was a constitutional amendment to create a new state board of education, replacing the secretary of state, attorney general, and superintendent of education with educators, parents, and business leaders. The amendment would also abolish the elected state superintendent of education and require the new board to appoint someone with education credentials. Winter invited his staff over that night to the Governor’s Mansion to watch the election returns. He had thought to himself that if the voters approved the amendment—signaling an interest in reforming the state’s educational system—he would call a special session. While close, the amendment passed 219,973 to 203,005. The margin was sufficient to proceed.<sup>35</sup>

<sup>33</sup> Mullins, *Building Consensus*, 112; Molpus, interview.

<sup>34</sup> Mullins, *Building Consensus*, 107–122; Molpus, interview. The legislator quoted by Mullins was Senator Ellis Bodron of Vicksburg.

<sup>35</sup> Winter, interview.

Two weeks later, Winter made it official: the Legislature would be required to attend a special session on December 6.<sup>36</sup>

The outcry was predictable. Legislators argued that the issue should be considered in the regular session. Sonny Merideth, chairman of the House Ways and Means Committee, specifically complained that more time was needed to consider such a comprehensive proposal. Prior to the session, Winter met with the two committee chairmen who would make or break the legislation—Merideth and Senator Ellis Bodron, a thirty-four-year veteran lawmaker from Vicksburg and chairman of the Senate Finance Committee. At this meeting, the governor made a concession that caught their attention. For the previous two years Winter had focused his entire lobbying effort on raising the oil and gas severance tax to pay for the reforms. The Legislative leadership refused to support an expensive new program without a specific funding source, and the oil and gas lobby had proved too formidable an opponent. Winter's concession: if they chose a revenue source other than oil and gas severance taxes, that would be okay with him.<sup>37</sup>

The next day the legislative leadership met behind closed doors to discuss Winter's proposals. At its conclusion, Dye and Newman spoke to the press. When asked if Merideth's proposal to adjourn early was discussed, Dye said, "To tell you the truth, that was not discussed because we weren't thinking in those terms." Merideth then scheduled a meeting of his committee that weekend to begin work.<sup>38</sup> *The Clarion-Ledger*, however, expressed skepticism: "Through public forums, countless public statements, and now a special session on education, [Winter] has brought the problems of the state's public education system to the fore. But as he makes a last push to force the Legislature to address those problems, it remains to be seen if the attention he has gained can be translated into actual support."<sup>39</sup>

<sup>36</sup> Mullins, *Building Consensus*, 136.

<sup>37</sup> Cliff Treyens, "Winter to Meet With 2 Key Opponents," Jackson *Clarion-Ledger*, December 2, 1982; Mullins, *Building Consensus*, 143; Winter, interview; Merideth, interview.

<sup>38</sup> Cliff Treyens, "Lawmakers Plan Action on Session," Jackson *Clarion-Ledger*, December 3, 1982.

<sup>39</sup> Fred Anklam, Jr., "Winter Has Attention; Can He Get Action," and Lucy Hovious, "Survey: Programs Likely to Pass But Not Funds," Jackson *Clarion-Ledger*, December 5, 1982.

Days before the special session convened, Winter wrote a letter to the more than 40,000 people who had signed up to help: "There are very few moments in the history of our state or in our lifetime when we can act to control our destiny and the destiny of our children. This is one of those moments."<sup>40</sup>

### *The Christmas Special Session*

Legislators began arriving at the State Capitol on Monday morning, December 6, the first time they had used the building since it was closed for a comprehensive renovation in 1979. "It has become a tradition," the *Clarion-Ledger* wrote. "The governor issues a report calling for changes in the state's public school system, and the Legislature ignores it. Every governor since Paul B. Johnson, Jr., has issued such a report, and every Legislature since 1964 has refused to act."<sup>41</sup> Later that day, Senator Bodron told a reporter his committee would not consider any tax legislation during the special session.<sup>42</sup>

The next day, two things happened: one fully expected, the other totally unexpected. A Senate committee refused to approve kindergartens. That move was expected. From the other side of the Capitol, came the unexpected: Representative Robert Clark and Representative Sonny Merideth came to an agreement: whatever Clark's Education Committee approved, Merideth's Ways and Means Committee would fund.<sup>43</sup>

Merideth explained why it happened years later:

Yes, I was very much in favor of adjourning. I thought William had walked us into a box where we were going to have to take what he put out there because we were coming up on Christmas . . . . I thought we were going to produce a flawed product because we didn't have time. Well, the staff . . . worked overtime and compensated for that.

<sup>40</sup> Mullins, *Building Consensus*, 144–45.

<sup>41</sup> Nancy Weaver, "Inaction on Education Reform a Tradition," *Jackson Clarion Ledger*, December 6, 1982.

<sup>42</sup> Cliff Treyens, "Kindergarten Funding Already on the Ropes," *Jackson Clarion-Ledger*, December 7, 1982.

<sup>43</sup> Fred Anklam, Jr., "Senate to be Site of Kindergarten Fight," *Jackson Clarion-Ledger*, December 8, 1982.

Merideth remembered that he was “stomping to adjourn,” and the Speaker told him, “Sonny, this House isn’ t going to adjourn,” and Merideth thought to himself,

[I]f we’ re not going to adjourn, we’ re going to have to do our business . . . we’ d better make the best we can, not just punt, but I’ m talking about really get in the trenches and make some quality legislation . . . [because] when you get your ass whipped on adjourning and you’ re the chairman of the [funding] committee, you’ ve got to wake up and roll.<sup>44</sup>

Momentum was “waking up.” And by Friday Merideth was on a roll. Clark’ s committee had produced a comprehensive education reform bill, designated House Bill 4: public kindergartens, compulsory school attendance, and teacher pay raises. Merideth’ s committee provided the funding and sent the bill to the full House.<sup>45</sup> The House convened at noon on Saturday. After a lengthy presentation of the bill, representatives began offering amendments, sixteen different amendments: some improved the bill and were adopted, while others sought to weaken it and were killed. Along the way, members began to complain that even if the House were to pass such a historic bill, the Senate would remove kindergartens, a notion to which Representative Walman responded, “This body has never charted its course by what happened down the hall, and by God I hope it doesn’ t start now. I want, for one time, for the Senate to have kindergartens on the floor for a vote.”<sup>46</sup>

As the afternoon turned into evening, people in the Capitol began to sense that something special was happening. After eight hours of debate, Representative Clark made the motion to approve the bill. The Speaker called for the vote and ordered the clerk to open the voting machine. Beside each member’ s name on the huge electronic board at the front of the chamber is a green light for “yes” and a red one for “no,” and on each member’ s desk is a small box with corresponding green and red buttons. The Mississippi Constitution requires a vote of three-fifths to pass a

<sup>44</sup> Merideth, interview.

<sup>45</sup> Cliff Treyens, “Today’ s House Vote on Tax Bill May Decide Education Plan’ s Fate,” Jackson *Clarion-Ledger*, December 11, 1982; *House Journal*, 1982 Extraordinary Session, 18.

<sup>46</sup> Cliff Treyens, “Kindergarten, Raises Included in Package,” Jackson *Clarion-Ledger*, December 12, 1982.

tax increase, and while people on both sides of the issue were holding their breaths, green lights and red lights popped up on the board.

As he had done a thousand times before, the Speaker intoned, "Has everyone voted, has everyone voted, has everyone voted? Close the machine, Mr. Clerk." The machine tabulated the vote and flashed the results on a small screen in front of the Speaker. Newman's next words surprised even the staunchest backers of the bill: "By a vote of eighty yeas and thirty-eight nays, the bill passes." The vote was an overwhelming success, and a collective expression of relief, joy, shock, and exhaustion was let loose. Representative Hainon Miller from Greenville could hardly believe what had happened: "I've been waiting for this moment for fifteen years."<sup>47</sup> A proposed new day in education was on its way to the Senate. On Monday, Dye referred the bill to the Education Committee and to the committee charged with approving the revenue to fund the programs: Finance.<sup>48</sup>

By early Tuesday, the Senate Education Committee, chaired by Chickasaw County senator Jack Gordon, had signed off on the bill in full and sent it to Finance. All eyes were on its chairman, Ellis Bodron. The Finance Committee debated the bill until late Tuesday evening and unexpectedly adjourned without taking action.<sup>49</sup> The bill appeared to be in trouble. David Crews, Winter's press secretary, called Charles Overby that night and told him the grim news. It was late, and the next day's edition of the paper was already on its way to the printer. Overby stopped the presses and rewrote the headline for the morning paper.<sup>50</sup> Wednesday morning the *Clarion-Ledger* informed its readers: "Gov. William Winter's education reform package faces its toughest test yet in the Senate Finance Committee this morning . . . . After sailing along for almost two days, the bill was becalmed overnight in the Finance Committee."<sup>51</sup>

What David Crews, Charles Overby, and most of the others didn't know was that Dye had intervened. The night the bill passed the House, Dye called Bodron.

<sup>47</sup> Treyens, "Raises Included"; *House Journal*, 1982 First Extraordinary Session, 19-48.

<sup>48</sup> *Senate Journal*, 1982 First Extraordinary Session, 34.

<sup>49</sup> Fred Anklam, Jr., "Education Bill Heads Toward Finance Panel," *Jackson Clarion-Ledger*, December 14, 1982; Mullins, 1992, p. 169.

<sup>50</sup> Molpus, interview; Crews, interview.

<sup>51</sup> Fred Anklam, Jr., "Education Reform Faces Tough Test in Senate Panel," *Jackson Clarion-Ledger*, December 15, 1982.

Dye: "Ellis, what you do with your politics is fine, but in running your mouth, you've hurt my politics. Your politics are now my politics. I want to add some Senate things to the House bill."

Bodron: "If I understand you correctly, we are not only going to call, we're going to raise."

Dye: "That's correct. Now, Ellis, I want a commitment out of you right now—that this bill is going to come out of Finance Committee and you'll support it. If you're not, this is going to be the first time the Education Committee has ever raised taxes in this state."

Dye got his assurances.<sup>52</sup> The next day, the Finance Committee stripped kindergartens from the bill by a vote of 11-9. Then one of the opponents made a motion to "table the bill." This was it. A vote to table was a vote to kill the bill. In committees, there are no roll call votes: it's done the old fashioned way—members raise their hands and the chairman counts. As chairman of the committee, Bodron asked for the members in support of the motion to raise their hands. He counted ten. He then asked the members who opposed the motion to raise their hands. He counted ten again. Bodron kept his commitment to Dye and voted *no*. The bill remained alive. That didn't keep Bodron from making "impassioned speeches" against the press, the governor, kindergarten supporters, and teacher organizations. At one point, he criticized Winter's staff for "stirring up a tremendous amount of emotion" and then derogatorily referred to the young staffers as the "boys of spring." For David Crews, Bill Gartin, John Henegan, Ray Mabus, Dick Molpus, and Andy Mullins, Bodron's intended criticism became a badge of honor—to this day, Henegan displays on the wall of his law office a photograph of Winter's team bearing signatures of each of the key staffers over the caption, "The Boys of Spring." Bodron's committee finally approved the legislation and sent it to the full Senate. Victory. Kindergartens could be fought out on the floor.<sup>53</sup>

<sup>52</sup> Brad Dye, interview with the authors; Bob Montgomery, interview with the authors; Jack Gordon, interview with the authors; Mullins, *Building Consensus*, 167-68.

<sup>53</sup> Mullins, *Building Consensus*, 171-73; John Henegan, USM oral history, vol. 737, 1991, p. 101; Mabus, interview.

At 10:08 Thursday morning, Senator Gordon called up House Bill 4 for consideration and began explaining the bill. After lunch, Tupelo senator Perrin Purvis offered the amendment to restore kindergartens. In the Senate, there is no electronic voting machine; a clerk calls aloud the name of each senator. With fifty-two senators, Purvis' s amendment needed twenty-seven votes to pass; twenty-six would tie it, requiring Dye to cast the tie-breaking vote. Supporters and opponents had lobbied members all day, keeping their own counts; the vote appeared to be very close. When the roll call began on Purvis' s amendment, onlookers had their lists in hand, ready to compare their tallies with the actual vote. The gallery was packed, and one by one the names were called, and one by one the members shouted their votes. Months of hard work, thousands of hours on the road, and countless speeches were riding on this one vote. At the end of the roll call, while everyone was waiting and watching, the clerk counted the vote and handed it to Dye, who announced the result: "By a vote of twenty-six ayes and twenty-five nays, the amendment is adopted." Later that afternoon, Gordon moved adoption of the bill; by that time, the vote wasn' t even close: 43-9. Senator Bill Minor of Holly Springs offered the best assessment of the procedural moves that had led to such an overwhelming final vote: "We' re making some gut votes here today."<sup>54</sup>

For the next three days a conference committee composed of representatives Sonny Merideth, Robert Clark, and Mike Nipper and senators Ellis Bodron, Jack Gordon, and John Fraiser worked to resolve the differences between the House and Senate versions of the bill. Conference committee meetings are closed to the public, so for the first time in the session, everyone stood around in the halls for hours on end, waiting. On Saturday, the mood was hopeful when Clark told a reporter, "The truth is I' ve never been in a conference committee in the sixteen years I' ve been here where the mood is more relaxed than it is in there."<sup>55</sup> By the next day, however, the committee was deadlocked over

<sup>54</sup> Fred Anklam, Jr., "Senate Passes Education Bill With Sales Tax," *Jackson Clarion-Ledger*, December 17, 1982; Dye, interview; *Senate Journal*, 1982 First Extraordinary Session, 40-103. Batesville senator Charles Ray Nix was absent when the kindergarten vote was taken.

<sup>55</sup> Cliff Treyens, "Panel May Produce Education Compromise Today," *Jackson Clarion-Ledger*, December 18, 1982; Merideth, interview.

when to start the kindergarten program and how to pay for the new programs.<sup>56</sup>

Then, late Sunday, the conferees finished their work and sent a completed bill to both houses. When the members got to their desks Monday morning, they found a conference report that mandated state-wide kindergartens, created a new reading aide program by placing teaching assistants in the first three grades of elementary schools, enacted a compulsory attendance law, provided teacher pay raises, created the initial accreditation system for public schools, established powers and responsibilities of the new board of education, created a training program for school administrators, and paid for it all with more than \$110 million in increased sales and income taxes. Would momentum continue to power a bill that represented a complete victory for Winter? Robert Clark later observed: "When I began to weigh the value and benefits of the Education Reform Act against a sales tax increase, I realized the people I was trying to protect, the poor people of the state, were going to be helped more by a tax increase than anybody else because they're the ones that needed [education reform] the most."<sup>57</sup> The House voted first, approving it 96-25; about an hour later, the Senate passed the bill 37-13. Years later, when asked about the bill's passage, Merideth said, "The thing had kind of had a life of its own, and all you can do is teach it to walk and talk, you couldn't kill it."<sup>58</sup> Jack Gordon agreed: "You could have repealed the Ten Commandments in that bill and I think it still would have passed."<sup>59</sup>

Four days before Christmas, a relieved and jubilant William Winter signed the bill. He walked down the hall of the Capitol, first to the Senate, and then to House, to thank the members: "At no other time in the history of Mississippi . . . has a Legislature come into a special session in a two-week period of time [and] enacted so sweeping a series of measures as has this Legislature."<sup>60</sup> It was in 1954, while a young member of the House of Representatives, that Winter had watched while the Legislature and then

<sup>56</sup> Cliff Treyens, "Kindergartens Schedule Snags in Committee," *Jackson Clarion-Ledger*, December 19, 1982.

<sup>57</sup> Mullins, *Building Consensus*, 179.

<sup>58</sup> Merideth, interview.

<sup>59</sup> Gordon, interview.

<sup>60</sup> Fred Anklam, Jr., "Winter Signs Education Reform," *Jackson Clarion-Ledger*, December 22, 1982.

the voters had passed a constitutional amendment authorizing the Legislature to abolish public schools. Now, some twenty-eight years later, he had mobilized the citizenry and motivated the Legislature to adopt a landmark education bill. The role of the Legislature likewise was forever changed. The editorial writer for the *Clarion-Ledger*, David Hardin, explained the new power of accountability inherent in single-member districts: “[T]he Legislature was often publicly viewed as a faceless, anonymous entity, which made it difficult to get any leverage against or arouse any meaningful opposition. We wanted to give the Mississippi Legislature a face.”<sup>61</sup>

It was left to Winter to offer the most candid assessment:

As I have found in my own political career, there seems to be an element of timing. I think it was just that we were fortuitous enough to be able to have all the forces coming together at the right time, having built up almost by accident. There was certainly no overall master strategy developed from the beginning behind it all, but over the course of almost three years of having this emphasis on improved education building to a kind of crescendo that the legislature responded to . . . you set a goal without having a clear map. It’s a matter of persistence as much as anything else, just plain old persistence and using the lessons learned in earlier unsuccessful efforts.”<sup>62</sup>

### *Aftermath*

There were, of course, many factors associated with the passage of the 1982 Education Reform Act. Buddie Newman was responsible for three of the most important. First, Newman’s appointment of a supporter of education reform to chair the House Education Committee made the entire successful course of the legislation possible. In 1977, Robert Clark was vice chairman of the committee when the chairman, George Rogers, resigned his House seat to take a job with President Carter’s administration. Clark, if appointed, would become the first black committee chairman in the twentieth century. Would Buddie Newman, protégé of Walter Sillers, Ross Barnett’s floor leader, appoint a black man to such a high-

<sup>61</sup> Mullins, *Building Consensus*, 165.

<sup>62</sup> Mullins, *Building Consensus*, 196; Winter, interview.

profile position? Three years earlier, when Newman was campaigning to become Speaker pro-tempore and his backers were rallying members to sign a petition, Clark had lent crucial support. Newman remembered: "I will never forget that the man who made it a majority on those petitions was Robert Clark. I was in the Ways and Means Committee when that happened, and they called me in the next room, and Sonny Merideth handed me the pen that Robert used to sign that petition."<sup>63</sup>

Second, the bill that Newman gavelled to death in February 1982 was a simple piece of legislation merely authorizing local school districts to operate kindergartens; it contained no mandate and no funding, no compulsory school attendance, no reading aides, no teacher pay raise, and no accountability provisions. Newman's role in single-handedly killing that legislation led to the rise of public sentiment and the passage of a much more comprehensive set of reforms.

Third, after the close of the 1982 regular session, Newman appointed a special House committee to draft comprehensive education legislation. Almost all of the former House members interviewed give much credit to the work of that committee in helping to focus the need for education reform in the state.

Brad Dye and Buddie Newman were leaving a meeting with Winter at the Governor's Mansion one day when Newman turned to Dye and said, "This is the last time I'm going to do what I know I ought not do, cause William Winter wants me to do it." Dye turned to his friend Newman and said, "Buddie, you realize this is the ninth time you have told me that?"<sup>64</sup>

Almost three years earlier, William Winter had ended his inaugural address by quoting a man he admired greatly, former governor Martin S. ("Mike") Conner:

And if in this hour we shall set the public welfare as the only goal of our ambition, if we shall make it the supreme object of our effort, and dedicate to its achievement the best endowment of our lives, we need not fear for the results of our labors, nor for the future of the state.<sup>65</sup>

<sup>63</sup> Buddie Newman, USM Oral History, 29.

<sup>64</sup> Dye, interview.

<sup>65</sup> David W. Kubissa, "Winter Sworn In As 58<sup>th</sup> Governor," Jackson *Clarion-Ledger*, January 23, 1980; *House Journal*, 1980 Regular Session, 76.

That standard had been satisfied by the 1982 Special Session of the Mississippi Legislature.



*Alfred Holt Stone (Mississippi Department of Archives and History)*

Education in Mississippi can be traced historically as far back as the early 19th century. While early efforts at systematic education were mostly in the form of private schools and academies, a public education system was founded during the Reconstruction era, by the biracial legislature led by the Republican Party. It was implemented by the late 1800s. Throughout its history, Mississippi has produced notable education inequalities due to racial segregation and underfunding of black schools, as well as Legislature. Education Study Committee. 0 works Add another? Everything Ebooks Print Disabled. Lists. Add to List. Are you sure you want to remove Mississippi. Legislature. Education Study Committee. from your list? Links (outside Open Library). No links yet. See more of American Center for Transforming Education on Facebook. Log In. or. Create New Account. See more of American Center for Transforming Education on Facebook. Log In. The process begins with one state and their respective legislature. That state is #Mississippi. <https://www.discovery.org/mississippi-should-take-education/> Mississippi's 2020 legislative session, which started on January 7, will have plenty of bills for lawmakers to sort through. Mississippi's 2020 legislative session, which started on January 7, will have plenty of bills for lawmakers to sort through. Let's hope education is at the top of their priorities. According to a U.S. news report, Mississippi ranks 46th out of 50 in K-12 education standards. Clearly a lot of ro.