

8-8-2012

James A. Mackay: Early Influences on a Southern Reformer

kevin e. grady mr.

Georgia State University, kevin.grady@alston.com

Follow this and additional works at: http://digitalarchive.gsu.edu/history_theses

Recommended Citation

grady, kevin e. mr., "James A. Mackay: Early Influences on a Southern Reformer" (2012). *History Theses*. Paper 55.

This Thesis is brought to you for free and open access by the Department of History at Digital Archive @ GSU. It has been accepted for inclusion in History Theses by an authorized administrator of Digital Archive @ GSU. For more information, please contact digitalarchive@gsu.edu.

JAMES A. MACKAY: EARLY INFLUENCES ON A SOUTHERN REFORMER

by

KEVIN E. GRADY

Under the Direction of H. Robert Baker

ABSTRACT

James A. Mackay was a decorated World War II veteran, who returned to Georgia in 1945, determined to make a difference in the segregated world of Georgia politics. He was a staunch opponent of Georgia's county unit system that entrenched political power in rural counties. From 1950 through 1964 he was a state house member who fought to keep Georgia public schools open in the face of political opposition to desegregation. Elected to Congress in 1964, he was one of two deep-South congressmen who voted in favor of the 1965 Voting Rights Act. In 1967 he co-founded the Georgia Conservancy. For the next 25 years he was Georgia's leading environmentalist. This thesis explores Mackay's life from 1919-1950 and the significance of his parents, his experiences at Emory University, World War II, his legal challenge to the county unit system, and his role in writing *Who Runs Georgia?*

INDEX WORDS: James Mackay, Edward Mackay, County unit system, Emory University, Georgia Conservancy, World War II, Environment, Segregation

JAMES A. MACKAY: EARLY INFLUENCES ON A SOUTHERN REFORMER

by

KEVIN E. GRADY

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2012

Copyright by
Kevin E. Grady
2012

JAMES A. MACKAY: EARLY INFLUENCES ON A SOUTHERN REFORMER

by

KEVIN E. GRADY

Committee Chair: H. Robert Baker

Committee: Clifford M. Kuhn

Electronic Version Approved

Office of Graduate Studies

College of Arts and Sciences

Georgia State University

August 2012

DEDICATION

This thesis is dedicated to my wife, Mary Beth Grady, whose love, patience and understanding made it possible for me to undertake this academic challenge.

ACKNOWLEDGEMENTS

The History Department at Georgia State has been very supportive of my interest in obtaining a Master's Degree in History after I retired in 2008. Instead of being dubious or skeptical about my intentions, the faculty has consistently welcomed my participation in their classes and seminars.

I want especially to acknowledge my adviser Rob Baker, whose enthusiasm and love for the subject of history are contagious. I also have especially appreciated the deep knowledge and encouragement of Cliff Kuhn, who believed from the start that James Mackay would be a great subject for my thesis.

I also had the good fortune of meeting Betty Mackay Asbury, who generously shared with me some wonderful insights and memorabilia about her brother Jamie. Similarly, Kathy Mackay could not have been more generous in sharing some of her memories about her father. My long-time assistant Sue Hoffman also has continued to be a bright light who has cheerfully supported me logistically, even after my retirement.

Finally, and greatest of all, my wife Mary Beth has gone above and beyond what any spouse should have to endure. She has patiently tolerated my endless conversations about what I have learned in my seminars or what I have learned about Jamie Mackay and the events of his time. She has always encouraged my intention to obtain a Master's degree in History—thus helping me achieve a long-deferred dream. She is the dream that made my dream come true.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	v
CHAPTER I INTRODUCTION	1
1. Mackay’s Family	11
2. College Years at Emory University.....	12
3. World War II	13
4. Challenging the Georgia County-Unit System.....	14
5. Involvement in Writing <i>Who Runs Georgia?</i>	14
CHAPTER II MACKAY’S FAMILY.....	16
1. Impact of Alexander Dowie on Mackay’s Parents.....	17
2. Edward and Beulah Mackay’s Relationship After Zion City.....	22
3. Rev. Edward Mackay’s Career in the Methodist Church.....	25
4. Reverend Mackay’s Reputation as a Progressive Religious Leader	26
5. Mrs. Beulah Mackay’s Progressive Leadership	33
6. Early Influences on Jamie’s Love of Nature	34
CHAPTER III EARLY CHILDHOOD AND YEARS AT EMORY UNIVERSITY AND DUKE LAW SCHOOL	40
1. Pre-Emory Years	40
2. Attending Emory University	43
2.1. Mackay’s Role in Combating Social Diseases at Emory.....	46
2.2. Jamie’s Involvement with the Emory Debate Team.....	48
2.3. Jamie’s Involvement in Other Student Activities.....	51

2.4. Jamie’s Other Leadership Positions in His Junior Year	52
2.5. Jamie’s Selection to Emory’s Honor Societies.....	54
2.6. Mackay’s Participation in Atlanta’s “Citizenship Day” Rally	55
2.7. Jamie’s Senior Year at Emory	60
2.8. The Methodist Youth Caravan in the Summer of 1940.....	66
3. Attending Duke Law School	73
3.1. The Impact of the Death of Mackay’s Best Friend.....	78
CHAPTER IV MACKAY’S MILITARY SERVICE	83
1. Enlisting in the Coast Guard and Getting Married.....	83
2. Mackay’s Military Duties in World War II.....	92
3. Service as Damage Officer on USS MENGES, DE-320	95
4. German Attacks on the MENGES.....	99
5. New Assignment to Coast Guard Academy.....	106
CHAPTER V FINISHING LAW SCHOOL AT EMORY AND FORMING GEORGIA	
VETERANS FOR MAJORITY RULE	113
1. Returning to Atlanta and Emory.....	113
2. Georgia Veterans for Majority Rule and the Legal Challenge to the County Unit System	
.....	114
3. The Substance and Results of the Two Lawsuits	127
CHAPTER VI MACKAY’S ROLE IN CREATING <i>WHO RUNS GEORGIA?</i>.....	139
1. Mackay and Calvin Kytle’s Initial Involvement	139
2. Preparing for and Conducting the Interviews.....	141
3. Submission of Report	150

4. Post-Report Activities	153
CHAPTER VII CONCLUSION	159
BIBLIOGRAPHY	163

CHAPTER I.

INTRODUCTION

The torpedo from German U-boat U-371 slammed into the stern of the USS MENGES shortly after midnight on May 3, 1944 off the coast of Algiers in the Mediterranean Sea. The blast killed 31 men on the MENGES and wounded 23 others. It also irrevocably altered James A. Mackay's life. Lieutenant (j g) Mackay was the damage control officer on the MENGES. He saved the ship from sinking and avoided a major fire that would have erupted in further explosions from the ammunition on board. He was awarded the Bronze Star for his distinguished efforts that night. Years later, Mackay would recall that day and his reaction to the carnage, including hosing down the brains of his buddies on his ship:

And the executive officer said to me—"Mackay, is there anything, anything worth the death of these guys. They're not going to live their lives." And I said, "Of course, there's only one thing, only one thing, and that is that it is clear that they died to secure the right of all of us to go behind the curtain and cast our ballot without anybody knowing how we voted or having anything to do with how we voted."¹

Whether Mackay's memory of that conversation with his executive officer was completely accurate or slightly embellished over time, the fact is that Mackay symbolized that group of Southern, white, military veterans who returned to the South after World War II and tried to alter the segregated status quo of the region. Mackay had a distinguished career in the Georgia General Assembly from 1950-1964, seeking repeal of the county-unit system,² opposing

¹ James A. Mackay, interview by Clifford M. Kuhn, March 18, 1986, Box B-6, Folder 2, Georgia Government Documentation Project, Georgia State University Library Archives, Atlanta, Ga. (Hereinafter referred to as James Mackay interview, March 18, 1986.)

² M. L. St. John, "Fresh Air In All the Smoke," *Atlanta Constitution*, February 7, 1951, (Article about Mackay's opposition to county unit system and Governor Herman Talmadge's attempt to smear him by circulating picture of Mackay and African-American religious leaders); "Mackay Terms Vote Slap For County Unit System," *Atlanta Journal*, September 13, 1956, (Article about Mackay's re-election in Democratic primary, and Mackay's terming it a victory over Governor Marvin Griffin's candidate that reflected a repudiation of the county unit system: " 'The county unit system as it now stands is wrong,' he said. 'It causes one-man rule at the capitol.' It may take 10 or 15 years, he continued, but the system will be changed.")

the Talmadge political machine on numerous issues, and leading the legislative effort to keep open Georgia's public schools in the face of defiance by Georgia's political leaders, who strongly opposed integrating the schools to comply with *Brown v. Board of Education*.³

Mackay was then elected to Congress in 1964 in the newly-created Fourth Congressional District that included DeKalb and Rockdale counties and part of Fulton County.⁴ As a member of Congress, Mackay had several notable achievements, but one of his distinguishing moments was when he and Charles Weltner (the other Atlanta-area Congressman from the Fifth Congressional District) were the only two congressmen from the Deep South to vote in favor of the 1965 Voting Rights Act that ensured the access to the ballot for African-Americans throughout the country, but especially in the South.⁵ Later in his life Mackay recalled:

Well I tell you, I do love the black people. They have put up with a lot of crap....[N]obody has made any inroads into them with any kind of fringe philosophy. And I attribute this to the power of suffering, in which it is a painful experience, but it is a deepening experience. And also, the blacks have a sense of the transience of life. They also have a sense of how heavily it is governed by factors that are really beyond our control. But our life has been enriched by black people. The night I voted—I mean when I voted for the

³ 347 U. S. 483 (1954); "Eight Oppose School Bill In House," *Emory Wheel*, January 26, 1956, (Article about Mackay's leadership in State House in issuing the "Public School Declaration," opposing closing public schools to avoid integration); "Rep. Mackay Urges Local Control School Legislation," *Atlanta Constitution*, November 17, 1958, (Article about Mackay's urging legislation to give power to local school boards over keeping public schools open, and not allowing the Governor the power to close all public schools if any one school is integrated); "Tuition Grants Won't Work, Mackay Says," *Atlanta Constitution*, December 18, 1958, (Article about Mackay's speaking out against plan to lease public schools for private schools, and quoting Mackay as saying, "No state legislator, governor or state official may war against the Supreme Court ruling without violating his oath of office."); "Mackay Drafting Bill To Keep Schools Open; Twitty Vows No Mixing," *Atlanta Constitution*, December 16, 1959, (Headline article about Mackay's drafting legislation to allow local schools the choice of how to respond to integration); "Each School Votes Under Mackay Bill," *Atlanta Journal*, December 18, 1959; "Jurors Endorse Mackay Plan; 'Parent Choice' Gains Support," *Decatur-DeKalb News*, January 21, 1960, (Article about DeKalb County Grand Jury endorsing Mackay's "parent choice" plan).

⁴Eugene Patterson, "Mackay: A Man Who Fought," *Atlanta Constitution*, August 18, 1964, (Article about Mackay's opposition to county unit system and decision to run for newly-created Fourth Congressional District); "Mackay beats bid by Pickett," *Atlanta Times*, November 4, 1964, (Article about Mackay's Congressional victory over Republican Roscoe Pickett opposition to county unit system and decision to run for newly-created Fourth Congressional District); John Herbers, "South Reverses Voting Patterns," *New York Times*, November 4, 1964, (Article about 1964 federal elections and Goldwater's victory in Southern states, but noting that Charlie Weltner and James Mackay were elected in Atlanta area).

⁵ Margaret Shannon, "Rights Vote Easy For Rep. Mackay," *Atlanta Journal*, July 12, 1965, (Article discussing Mackay's vote in favor of Voting Rights Act).

Voting Rights Act, it validated warfare—I mean when I looked at all these boys dead on the deck, that’s the only thing that would make it work.⁶

Mackay’s heartfelt, if paternalistic sentiment of loving “the black people” exemplified the type of Southern, white veteran who believed that World War II had been fought for the purpose of protecting freedom, fighting fascism, and eliminating theories of racial superiority. When he returned home after the War, he wanted to make a difference at home, to create a fairer state, and ensure a better life for both whites and blacks.

Several historians and observers have noted that not all returning white veterans had the same view of what World War II had meant to them in terms of their post-War political agendas. For example, Jennifer Brooks has categorized three different types of white veterans who returned to the South. The first group consisted of those veterans like Mackay who believed that the War had been fought on principles of fairness and equality that needed to be implemented in the South—otherwise America’s effort in WWII to defeat Germany and Japan would have been rank hypocrisy. The second group was composed of “good government” veterans who wanted to see the South modernized by improving roads and other infrastructure and by eliminating corrupt political machines, but did not see the need to end segregation. The third group included those veterans who thought that fighting in World War II to preserve American values included the Southern values of segregation and white supremacy. This group became the most prominent, as personified by Southern politicians like Herman Talmadge, George Wallace, and Strom Thurmond.⁷

⁶ James Mackay interview, March 18, 1986.

⁷ Jennifer Brooks, *Defining the Peace: World War II Veterans, Race, and the Remaking of Southern Political Tradition* (Chapel Hill: University of North Carolina Press, 2004), 36-39. For a somewhat similar analysis of the breakdown in interest groups in the South after WWII, see John Egerton, *Speak Now Against the Day: The Generation Before the Civil Rights Movement in the South* (Chapel Hill and London: University of North Carolina Press, 1995), 341-353. For Mackay’s own insights into some of these different types of veterans who returned to Georgia, see Calvin Kytte and James A. Mackay, *Who Runs Georgia?* (Athens: University of Georgia Press, 1998). For a specific focus on the activities in Georgia by veterans, such as Kytte, Mackay and Alexander Heard, see

Mackay's views about the purpose of World War II were not developed only after he returned home. In the forty boxes of his personal papers in Emory University's Manuscripts, Archives, Rare Books Library (MARBL), there are numerous letters to his family and his wife, Mary Caroline, in which he explained why he had enlisted in the Coast Guard in June 1941, to defend his country. In one letter to his father, when Mackay was stationed in New Orleans in 1942, Mackay complained about the loose morals and foul language of officers and the overt prejudices expressed by officers against Jews and Negroes. He commented: "There is a rottenness about a lot of the army and navy I see which is a source of discouragement to me. I wonder if we're men enough to win this war and also if we do whether we're men enough to make something out of the post war world."⁸ In another letter to his family in 1944, he described his busy schedule aboard the USS MENGES and then noted:

But behind it all you cannot help but see that you are using men and materiel to destroy other men and materiel and in spite of the grand causes for which you are fighting you cannot help but feel it is all a part of some gargantuan nightmare from which the human race must someday wake. You cannot help but feel that if you individually or the nation collectively fails to make good its high talk when the guns are silent then we have been nothing more than stupid hypocrites who never deserved the blessing of this earthly existence.⁹

After the War concluded, Mackay followed through on his desire to make positive changes in Georgia. While still enrolled in Emory Law School in 1946, Mackay was chairman of an organization, Georgia Veterans for Majority Rule, that supported a constitutional challenge to Georgia's county-unit system under which rural counties in Georgia were given disproportionate

Jennifer Brooks, "Winning the Peace: Georgia Veterans and the Struggle to Define the Political Legacy of World War II," *The Journal of Southern History* 66, no. 3 (August 2000).

⁸ James A. Mackay to Rev. Edward G. Mackay, undated, but probably early May 1942, James A. Mackay Papers, Box 34, Emory University, Manuscripts, Archives, Rare Books Library (MARBL), Atlanta, Ga. (Hereinafter referred to as James A. Mackay Papers.)

⁹ James A. Mackay to family, January 26, 1944, James A. Mackay Papers, Box 12.

political power in the Democratic primary contests.¹⁰ The suit claimed that voters in the more populous counties in Georgia were being denied their rights under the Equal Protection Clause of the Fourteenth Amendment to the extent that in 1946 the 18,635 people who lived in Bryan, Camden and Clinch Counties had as much political power at the polls as the 500,000 residents of Fulton County. Although the lawsuit was unsuccessful because the federal court considered the issue to be “political” in nature, rather than legal, it presaged by 16 years the ultimately successful challenge in *Baker v. Carr*,¹¹ the United States Supreme Court decision in 1962 that upheld the constitutional principle of equal representation in state legislatures, and the subsequent decisions that established the constitutional principle of one person/one vote in Georgia.¹²

Mackay graduated from Emory Law School in March 1947. Immediately afterwards in the summer of 1947, he and Calvin Kytle, a good friend from his days at Emory, toured the state of Georgia interviewing a variety of community and political leaders. They had the financial support of a \$5,000 grant from the Rosenwald Foundation and the encouragement of the Southern Regional Council and other progressive Georgians. They sought to answer the question, “Who runs Georgia?” because they were trying to understand how Georgia had elected in 1942 Ellis Arnall, a relatively progressive governor, but then had regressed into allowing the

¹⁰ “Vets Press War On Unit System,” *Atlanta Constitution*, August 11, 1946, (“Chairman James A. Mackay of Georgia Veterans for Majority Rule, has announced the formation of a state-wide committee to finance the suits contesting the constitutionality of the county unit system employed in the Democratic Primaries.”); Jim Furniss, “Quietly, Determinedly a Handful of Veterans Fights for Abolition of Georgia’s Unit System,” *Atlanta Constitution*, October 27, 1946, (Article discussing the fundraising efforts of Mackay and his group to fund the legal challenge to the county unit system: “If the suit is lost in the Supreme Court, Mackay and others in the organization will not give up, they say. ‘This is only a battle, though a very important one, in the war for decent government in Georgia,’ the leader of the group concluded.”).

¹¹ 369 U. S. 186 (1962).

¹² *Gray v. Sanders*, 372 U. S. 368 (1963) (Supreme Court held that Georgia county unit system was unconstitutional in violation of the Equal Protection Clause of the Fourteenth Amendment.); *Wesberry v. Sanders*, 376 U. S. 1 (1964) (Supreme Court held that apportionment of congressional districts, so that a single congressman represented from two to three times as many Fifth Congressional District voters as were represented by congressmen in other Georgia districts, grossly discriminated against voters in the Fifth Congressional District and violated Article I, sec. 2 of the Constitution that requires equal representation for equal numbers of people in the House of Representatives.).

virulent racist Gene Talmadge to return to power in 1946.¹³ Their analysis was not published as a book until 1998, but it was widely disseminated and read in its draft manuscript form by political leaders, especially those within the Talmadge “machine.”¹⁴

Mackay then opened a solo office and began practicing general law in Decatur, Georgia. His sense of fostering positive political reform, however, remained strong, and he led the successful effort in 1949-1950 to gather approximately 10,000 signatures on a petition for a referendum to change DeKalb County’s one-commissioner form of government to a five-commissioner system.¹⁵ He subsequently served as a DeKalb County representative from the Emory area in the Georgia General Assembly from 1950-1952 and 1954-1964. He cultivated a reputation during this period as one of the few liberal voices in the State House with his fierce opposition to the Talmadge political machine and his continual sponsorship of legislation to repeal or amend the State’s county-unit system in order to break Talmadge’s iron grip on power. During the segregation crisis prompted by the Supreme Court’s decision in *Brown v. Board of Education* (1954), he was an outspoken advocate for keeping Georgia public schools open in the face of threats by Georgia governors in the 1950’s to close all Georgia public schools if even one were ordered to be integrated. Mackay was also in the small minority of thirty-two state representatives who voted against changing the Georgia state flag in 1956 to include the Confederate battle emblem, the St. Andrews’ Cross.¹⁶

¹³ Calvin Kytte and James A. Mackay, *Who Runs Georgia?* xix.

¹⁴ *Ibid.*, xxiii.

¹⁵ Edwina Davis, “DeKalb Meet Backs Referendum Plan,” *Atlanta Journal*, October 11, 1949; Gordon Sawyer, “Deadline Near on DeKalb Bill,” *Atlanta Constitution*, February 1, 1950.

¹⁶ Jim Galloway, “Motives frayed ’56 flag’s history: Why the Rebel Cross was adopted is disputed,” *Atlanta-Journal Constitution*, April 6, 2003, (Article discusses the circumstances surrounding the decision by the Georgia legislature to put the St. Andrews Cross on the Georgia state flag. The article quotes Mackay as saying, “There was only one reason for putting the flag on there. Like the gun rack in the back of a pickup truck, it telegraphs a message.”); “Dade’s Mackay flags an issue,” *Chattanooga Times*, July 23, 1992, (Article concerning controversy in 1992 about Georgia changing its state flag to remove Confederate battle symbol, and Mackay is quoted as saying that when he served in the 1956 Georgia General Assembly he had voted against incorporating the Confederate battle emblem: “It

Mackay was elected to Congress in 1964 in the newly-created Fourth Congressional District that covered all of DeKalb and Rockdale Counties and part of Fulton County. Mackay served only one term in Congress, but in that two-year period he again distinguished himself. Mackay was one of only two Deep South congressmen voting for the 1965 Voting Rights Act; he voted in favor of the creation of the Medicare system in 1965; he joined with seventy-one other congressmen in a letter publicly urging President Johnson to seek United Nations' intervention to broker a peace in Vietnam in January 1966;¹⁷ and he was the leading force and co-sponsor of the legislation that established the National Traffic Safety Agency, despite opposition from both the automobile industry and the Johnson administration.¹⁸ These were only a few of the tangible examples of Mackay's political courage. He was recognized for his efforts by being selected

was done in defiance of the law...Dixiecrats, third party, pro-status quo Southerners, advocated the flag change to protest the Supreme Court's ruling two years earlier requiring integration in the schools...I voted against it, by (sic) [but] my vote didn't have any force...");

James Mackay to "My fellow Georgians," "An Open Letter," undated, but probably written in early 1992, handwritten, James A. Mackay Papers, Box 27. This letter was written in support of Gov. Zell Miller's decision to have his flag bill held in committee in order to prevent its controversy from halting consideration of other legislation. It is unclear whether this was a draft of a more formal letter, whether it was meant as a letter to the editor of local papers in Georgia, or whether it was ever signed or mailed. Mackay supported Gov. Miller's effort to remove the Confederate battle symbol from the state flag, and he provided some personal history of the 1956 decision to put the Confederate symbol on the state flag:

"The 1956 legislature changed the flag which had flown over the Capitol for 77 years. I was there and voted against the change. Eighteen patriotic organizations including The Sons of Confederate Veterans and The United Daughters of the Confederacy opposed the change at that time.

"The House and Senate in 1956 were grossly and notoriously unrepresentative of the people of Georgia. No women and no minorities had representatives in either the House or the Senate and the heavily populated counties had only a handful of members.

"The 1956 flag change was a successful effort to tack the Confederate battle flag on to our 77 year old flag. The Confederate banner had become the Dixiecrat emblem of anger, excess and defiance of law."

¹⁷ January 21, 1966 letter from 72 members of Congress, including Mackay, to President Johnson, James A. Mackay Papers, Box 22 (Letter supporting moratorium on bombing North Vietnam and suggesting that President Johnson "formally request the United Nations to seek an effective cease-fire and that we pledge our support and our resources to such an effort.").

¹⁸ "Mackay and the 89th," editorial, *Atlanta Journal*, October 25, 1966, ("Congress' enactment of the most far reaching traffic safety legislation in its history was surely one of its most significant accomplishments of the session just ended. To a degree far greater than most people in Georgia realize, the legislation was shaped and shepherded by one of our own congressmen, Rep. James A. Mackay of the Fourth District.").

unanimously in 1966 by the Capitol Hill Young Democratic Club as “Outstanding Freshman Congressman.”¹⁹

This courage, however, was likely a contributing factor to costing Mackay his bid for re-election in 1966. In that year’s closest congressional race, he lost by 360 votes out of 110,000 votes cast. The election was highly controversial, as 1,350 votes were disallowed because people, especially in DeKalb County, voted the straight party ticket and then tried to vote separately for the congressional race. (Because most of these disqualified votes were in DeKalb County and because segregationist Lester Maddox was the leading gubernatorial candidate on the Democratic side, the general speculation is that most of the people who voted the straight Republican ticket and then tried to vote separately in the Congressional race were liberal Democrats who abhorred Maddox, but supported Mackay.²⁰) In an eerily-similar precursor to the Bush/Gore contested presidential vote in Florida in 2000, the Georgia appellate courts refused to order a re-count of the ballots, and Republican Ben Blackburn was declared the winner.²¹

After losing his bid in 1968 to reclaim his Congressional seat,²² Mackay declined to stand for public office again. But he did not disappear from the public scene. Instead, he shifted his efforts to protecting the environment in Georgia. He served as the first Chairman of the Georgia Conservancy that he had helped found in January 1967. For the next twenty-five years, Mackay was “Mr. Conservation” in Georgia and led such efforts as acquiring Panola Mountain as

¹⁹ “Capitol Hill Young Democratic Club Proudly Announces that James A. Mackay Has This Day Been Selected Unanimously as Outstanding Freshman Congressman,” certificate, James A. Mackay Papers, Box 20.

²⁰ Reese Cleghorn, “The Closest Race in the United States,” *Atlanta Journal*, January 4, 1967.

²¹ Bruce Galphin, “What the Courts Didn’t Settle,” *Atlanta Constitution*, April 3, 1967, (“There will always be some question about who won the most votes in Georgia’s Fourth Congressional District in 1966. It was probably the closest congressional race in the country—360 votes out of more than 110,000 cast. There has been no recount, and more than 1,400 split ticket votes were not tabulated at all. However, there can no longer be any question who is entitled to the seat by law. Former Rep. James A. Mackay has dropped his appeal after the Georgia Supreme Court declined to review the case. Mr. Mackay also abandoned his appeal before the House of Representatives.”)

²² Walter Rugaber, “Contrasts Mark Southern Voting,” *New York Times*, November 7, 1968, (Discussing results of 1968 election and noting that James Mackay had “lost by a wide margin to Representative Ben Blackburn in Atlanta’s eastern suburbs.”).

Georgia's first Conservation State Park, opposing the sale and supporting the placement of Cumberland Island in the National Seashore Act, advocating the placement of the Okefenokee Swamp in the National Wilderness Act, and championing the development of the Chattahoochee National River Park. He also was Chair of the Fernbank Science Center and a major opponent in the early 1980's of the attempt to use the Jimmy Carter Presidential Parkway as an excuse to build a highway through the Inman Park and Druid Hills neighborhoods in Atlanta to connect the I-285 Stone Mountain area to downtown Atlanta.²³

Mackay received many honors in his career, but when he retired from practicing law in 1989, he was specially honored by the Decatur-Clairmont Civitan Club in proceedings that included a letter from then-Lieutenant Governor Zell Miller, who said:

I know of no man of our times who has given more of himself with such beneficial result than he and, because in so many instances he has been a man ahead of his times, the fullest impact of the causes he has espoused and principles he has championed with such dedication and consistency probably will not be felt and realized within the lifetimes of most of us....Statesman is the only word which comes to my mind that adequately and fully describes Jim Mackay's place in history.²⁴

Mackay retired to the little community of Rising Fawn in Dade County, Georgia, where he had built a mountain-top house that overlooked the area near Lookout Mountain, Tennessee. He remained actively involved in environmental issues in Dade County, opposing a proposed mountain highway in the area and being named 1996 Citizen of the Year in Dade County. Mackay died in 2004.

The obituary in the *Atlanta Journal-Constitution* noted Mackay's work in the Georgia General Assembly and Congress, particularly his fights for voting rights and civil rights. Former

²³ Spencer Ragsdale, "Born In DeKalb, Conservancy To Mark 25th Anniversary," *DeKalb News Era*, February 19, 1992, (Article discussing achievements of Georgia Conservancy over past 25 years and noting that Mackay convened the first meeting of the Conservancy and was its founding Chairman); James A. Mackay to Governor Joe Frank Harris, undated, but likely written in spring, 1983, James A. Mackay Papers, Box 35 (opposing plans for Jimmy Carter Presidential Parkway).

²⁴ Lt. Governor Zell Miller to Alexander D. King (President of the Decatur-Clairmont Civitan Club), January 6, 1989, James A. Mackay Papers, Box 34.

Congressman Elliott Levitas described Mackay as “a breakthrough person who led Georgia from the dark ages into the modern era.” Kelly Jordan, the chair of the Arabia Mountain Heritage Area Alliance, commented on Mackay’s environmental leadership by noting: “Jamie was green before green was cool.”²⁵

In many respects James Mackay was a person and politician who helped “brand” Atlanta as a progressive Southern city during the 1960’s civil rights era. He, along with Mayor Ivan Allen, Jr., and Congressman Charles Weltner, represented the white political power base that sought to bring peaceful change to the segregationist environment of Atlanta. In contrast to other Southern cities, such as Birmingham, Memphis and New Orleans, Atlanta became the symbol of the modern South that was willing to desegregate peacefully and build bridges between the white and black communities. While many books have chronicled the Civil Rights era and the development of the South after World War II, virtually none has focused on the efforts of James A. Mackay, who had been involved in efforts to secure a meaningful voting franchise for urban blacks and whites since 1946, and had been a leader in the Georgia legislature opposing school segregation in the 1950’s and 1960’s.

Mackay was also not afraid to be a pioneer in efforts to improve daily life in the modern South from the 1960’s through his retirement. He was a path-breaking champion of the environmental efforts in Georgia to secure better and more livable space for Georgians. He also was an early proponent of consumer safety legislation, both in the state legislature and in Congress when he secured passage of the National Traffic Safety Agency Act. Mackay always led these efforts with well-researched and prepared positions and with a quick sense of humor that helped drive home his arguments.

²⁵ Obituary of James A. Mackay, *Atlanta Journal-Constitution*, July 9, 2004.

In many respects, although James Mackay may have been born and raised “in” the old South, he was not “of” the old South. He was ahead of his time in many ways.

This thesis will explore Mackay’s life from 1919 until he first ran for public office in 1950. It will seek to analyze how Mackay developed the belief system that propelled him into Southern politics and that sustained him throughout his life. In doing so, this thesis will focus on the people and the events that shaped Mackay into the public office-holder who so often led the progressive efforts to change the political status quo in Georgia in the 1950’s and 1960’s.

Five Major Influences on James Mackay

1. Mackay’s Family

Mackay’s family background was a little unusual for a Georgia politician in the 1950’s and 1960’s. His father, Edward G. Mackay, born in 1885, was an immigrant from Northern Ireland, who became a nationally-known Methodist clergyman and a leader of the Methodist Church in North Georgia. He was a prominent opponent of the Ku Klux Klan and a builder of bridges between the white and black church leaders in Georgia. Mackay’s mother, Beulah Mason Mackay, was also born outside the United States and had a strong religious background. She was born in 1888 in Shanghai, China, to American Baptist missionaries, and she, herself, worked as a Baptist missionary in Shanghai for three years until marrying Edward Mackay and moving to Georgia in 1911. As the wife of a prominent Methodist pastor, she became a leading force among Protestant church women for racial harmony in the Atlanta area. Both of Mackay’s parents were strong voices for racial toleration and opposed the type of racial bigotry that typified Eugene Talmadge and the Talmadge machine in Georgia. They fostered in Mackay the sense of racial harmony and equality that characterized Mackay’s political career.

Mackay's parents also imbued in him a love for the outdoors from a very early age. The family's two beach cottages on St. Andrews Bay near Panama City, Florida, (one before World War II and one after the War) were a major source of delight and inspiration for Mackay throughout his life. Mackay was a dedicated sailor, and this love of the open water played a key part in his decision to enlist in the Coast Guard in 1941. His life-long commitment to the outdoors served as the foundation for his later actions in forming the Georgia Conservancy and devoting a substantial part of his life after 1967 to being the leading conservationist in Georgia.

2. College Years at Emory University

The second influential factor in Mackay's early life was his education at Emory University. As this thesis will set forth more comprehensively, Mackay learned to be a political leader when he attended Emory. By his senior year, he virtually monopolized all of the leading student organizations, such as serving as president of the student body, president of the honor council, manager of the debate team (which was a top inter-collegiate, extra-curricular activity at Emory), president of the Emory Christian Association, and a trombone-playing member of the Emory Aces, which was the college's popular dance band. These undergraduate experiences at Emory helped him forge ties and learn lessons that would impact him throughout his life. They also solidified his life-time commitment to Emory, including serving a term as president of the Emory Alumni Association and serving a term on the Emory Board of Trustees. Mackay's devotion to Emory was reciprocated when Emory presented him with an honorary degree and then, posthumously, named him in 2011 as one the top 175 alumni in Emory's 175-year history.²⁶

²⁶ "175 Makers of History: James A. Mackay," <http://www.emory.edu/home/edu/home/about/anniversary/175-of-everything/makers> (accessed June 12, 2012).

Although not technically part of his Emory experience, Mackay became involved in his senior year with plans to participate in a Methodist Youth Caravan shortly after graduation in the summer of 1940. This Caravan spent eight weeks visiting small towns in West Texas, conducting youth revivals. They also researched living conditions and made recommendations on how each town could be improved from both a religious and civic perspective. This Caravan experience was the first time that Mackay had been largely on his own away from his family, and he was meeting people from different geographical backgrounds. His general analysis of the people and places he visited gave him a sound framework for his later interviews with Calvin Kytle of Georgia community and political leaders in 1947 that ultimately became the book, *Who Runs Georgia?*

3. World War II

After spending his first year of law school at Duke University, Mackay enlisted in the Coast Guard in New Orleans in June 1941. His best friend, W. B. Baker, had been killed a few months before in January 1941, while training to be an army pilot. Baker was not only Mackay's best friend, but also the intended fiancé of Mary Caroline Lee, a high school classmate of both Baker and Mackay's. As a result of the tragedy of Baker's death, Mackay and Mary Caroline were bound together in their mutual grief and became romantically involved, leading to their marriage in September 1942.

In addition to finding his wife as a result of the War, Mackay discovered the wide variety of people in the Coast Guard that opened his eyes even further to the geographical and demographical breadth of the country. Mackay was also starkly critical of the prejudices and hypocrisies of many of the people with whom he served. He rose from the ranks of being an enlisted sailor to becoming an officer and a Lieutenant (j.g.) on the destroyer escort, the USS

MENGES. He was recognized for his courage when awarded the Bronze Star for helping keep his ship afloat and helping save his fellow crewmen after a German U-boat attack on May 3, 1944 in the Mediterranean Sea. Mackay saw thirty-one of his shipmates perish during this attack, and he committed himself to making a difference after the War so that their deaths would not have been in vain.

4. Challenging the Georgia County-Unit System

After returning from World War II, Mackay resumed his legal studies at Emory, rather than returning to Duke. He excelled in the Law School, but he also found the time to chair a group of returning veterans—Georgia Veterans for Majority Rule, whose primary purpose was to fund the challenge to the constitutionality of the Georgia county-unit system. In 1946, while still in Law School, Mackay organized this challenge, even though he, himself, was not yet a member of the bar. This thesis will explore how Mackay’s group was involved in this early Constitutional challenge to the county unit system in Georgia. Though unsuccessful because the federal 3-judge court and the U. S. Supreme Court considered the case to be too “political” in nature, Mackay’s group anticipated by 16 years the constitutional basis for the United States Supreme Court decision in *Baker v. Carr*. In that case the Supreme Court relied on the Equal Protection Clause of the Fourteenth Amendment to allow challenges to state districting arrangements that deprived citizens of equal votes.

5. Involvement in Writing *Who Runs Georgia?*

After graduating from Emory Law School, Mackay and his good friend and college associate, Calvin Kytle, spent approximately two months driving across Georgia to interview local community leaders and politicians in the summer of 1947. They were encouraged to do this

by the Southern Regional Council, a liberal, biracial group that wanted to understand better how Gene Talmadge and his political machine could have returned to political power so quickly after World War II. Mackay and Kyle's goal was to answer the question that became the title for the book—a book that was not formally published until 1998, but whose draft manuscript became one of the most widely-read critiques of the Georgia political system for almost five decades. Mackay's role in this project gave him an incredible overview of the political status quo in Georgia and provided him a deeper understanding of the interplay between money and political power. In a very real sense, working on this book was Mackay's introduction to Georgia politics and underscored his determination to improve the system.

The above five groups of people and events had a profound effect on James Mackay. Together they help explain the type of person he was after he entered the political fray, beginning with his election to the Georgia General Assembly in 1950. Mackay's rich political and environmental history after 1950 is the subject for a subsequent study and analysis. The goal of this thesis is to provide a better appreciation of some of the reasons James A. Mackay became the man he was.

CHAPTER II

MACKAY'S FAMILY

James Armstrong Mackay was born on June 25, 1919 in Fairfield, Alabama, where his father, Edward G. Mackay, was the pastor of the local Methodist Episcopal Church. When Mackay was born he had three older brothers, Edward (born in 1912 in Calhoun, Ga.), Leland (born in 1914 in Calhoun, Ga.), and Donald (born in 1916 in Birmingham, Ala.). Mackay would subsequently have a younger sister, Betty (born in 1928 in Athens, Ala.).

Mackay's parents were deeply religious. His mother, Beulah Mason Mackay, had been born in 1888 in Shanghai, China, to American Baptist missionaries. She, herself, would later serve in China with the Baptist Mission Home in Shanghai from 1907-1910 before marrying Edward Mackay in 1911 in Watertown, Massachusetts.

Edward G. Mackay had been born in 1885 near Scotstown, County Monaghan, Ireland, and immigrated to the United States in 1904. He immediately traveled to Zion City, Illinois, which was a planned, utopian town, founded by a notorious faith-healer, Alexander Dowie in 1900, and located about 40 miles outside of Chicago on the shore of Lake Michigan between Milwaukee and Chicago. There he met Beulah Mason because both of them were classmates in the Zion Preparatory School from which they both graduated in 1906.

Neither Edward nor Beulah would ever discuss the circumstances of their meeting in Zion City with any of their children while Edward was alive because Edward was embarrassed about their involvement with Alexander Dowie in Zion City. In fact, Beulah never discussed with her children the details of her meeting their father in Zion City until she was 90 years old.¹

¹ Betty Mackay Asbury interview by author, October 25 and November 7, 2011, Atlanta, Ga. (Hereinafter referred to as Betty Asbury Interview.) Betty remarked that when her father was going to have an operation at the Mayo Clinic in the early 1930's to remove a goiter, she thought that Mrs. Mackay revealed to Jamie the circumstances of their meeting in Zion City because Mrs. Mackay thought at least one of her children should know about this bit of

However embarrassing the episode, it clearly did not dull the Mackays' skills as parents. James praised his parents for providing a home in which he found "an ocean of love, supportive love, not smothering love."² He said his family "believed in the spirit of free enquiry, and there were no limitations on what we read."³ He recognized his parents' strong influence on his life and phrased it in the following terms:

Now that's the other terrible debt that I feel toward my parents, is that I didn't have to unlearn anything about race—you know that blacks are people, that women are people, that children are people. There are many people that are given a phony set of values and the notion that if you [are a member of] that Druid Hills Golf Club up there, you've arrived.⁴

Mackay's parents' relatively open attitude about race, their encouragement about reading widely, and their strong religious beliefs had a profound influence on Mackay for the rest of his life. His parents, however, may have developed these positions partially due to the influence of the fascinating and bizarre character of Alexander Dowie.

1. Impact of Alexander Dowie on Mackay's Parents

Alexander Dowie was a world-renowned faith healer at the turn of the 20th century. He had been born in Edinburgh, Scotland in 1847, and traveled to Australia with his parents in 1860.

family history in case anything happened to her and Dr. Mackay on this trip to the Mayo Clinic. Betty speculated that she was probably three years-old at this time when she went on the trip with her parents, which would have placed the trip around 1931 or 1932, when Jamie was eleven-or-twelve-years-old. She said that Jamie had not seemed to be surprised when she later revealed to him and her other brothers the circumstances about Dowie and Zion City after going through her mother's correspondence when her mother was ninety years old. Jamie, however, never confirmed that his mother had told him about Zion City. He did say his father never told him while he was alive about Dowie or Zion City. Jamie speculated that this was because his father "hated narrow fundamentalism." James Mackay interview, March 18, 1986.

²James Mackay interview, March 18, 1986.

³ Ibid.

⁴ Ibid.

There he originally went into the grocery business, but returned to Edinburgh to study for the ministry. He was ordained in the Congregational Church and returned to Australia, where he was a pastor in Sydney for many years. He said he separated from that church after he first became aware of his special “healing” powers. He started his own church in Melbourne, called the Free Christian Tabernacle, and claimed to have tens of thousands of followers who sought his healing powers. He traveled to San Francisco in 1888 after organizing the International Divine Healing Association that he claimed had branches in all parts of the world. He ultimately moved to Chicago in 1890 and continued his ministry of divine healing.

In 1893, he established a small chapel on the outskirts of the 1893 World’s Fair and attracted more attention, notoriety and opposition from established churches and medical professionals. In 1896 he founded the Christian Catholic Church in Zion (later known as the Christian Catholic Apostolic Church), which established 8 tabernacles in Chicago, a trade school, a publishing house called the Zion Publishing and Printing House that distributed a weekly paper called *Leaves of Healing*, and also published a monthly magazine and a bi-weekly paper. He built commercial institutions in Chicago, such as the Zion City Bank, the Zion Land and Investment Company, and the Zion Lace Industries that was a big factory that made all sorts of fabrics. In 1900, he moved all of his operations to Zion City, a planned city of 6,500 acres, approximately 40 miles outside of Chicago on Lake Michigan, midway between Chicago and Milwaukee.⁵

Dowie was a controversial figure, to say the least. He strongly attacked the medical profession, including both doctors and pharmacists, as being in league with Satan. Dowie also ranted against lawyers and newspapers. Dowie believed he had divine healing powers, and he

⁵ Gilbert Seldes, *The Stammering Century* (New York and Evanston: Harper & Row, 1928, re-issued 1965), 389-90; “Overseer Of Zion Here,” *New York Times*, August 11, 1900.

claimed success in achieving countless miraculous cures. He preached against alcohol, tobacco, and eating oysters and pork. He strongly opposed secret societies, such as the Masons. He also denigrated established religious denominations, and he seemed to have special scorn for the Methodist Episcopal Church. In his own words: “I am attacking the Christian ministers who take oaths in Secret Societies. There are thousands of them, notably in the Methodist Episcopal Church, or as I call it, the Masonic Episcopal Church. Four-Fifths of the ministers in that Church are Mah-hah-bones....That is the omnific name of their god.”⁶

Dowie required all of his followers, who numbered in the thousands, to tithe to him 10% of their earnings. He used those funds to build his utopian town of Zion City, and he claimed his net worth exceeded \$20,000,000 in the early 1900’s.⁷ In 1901, Dowie began to refer to himself as Elijah III or Elijah the Restorer.

Although Dowie definitely espoused some fringe theological positions, he was progressive in several ways. For example, his Church welcomed women to serve as people in positions of authority, and his Zion City was an integrated community of people of various nationalities and racial backgrounds. Dowie took the position that “the white man and the black man were brothers before God,” and that at one time the black race had been superior to the white race.⁸ Indeed, in one sermon he urged the merging of all different races to create one great family, stating: “I trust that there shall be no difference, but that we shall have marriages in Zion between all the families of the one great race upon the earth....I defend miscegenation.”⁹ He led crusades to stamp out sin in Chicago in 1900 and in New York in 1903, after which his

⁶ John Alexander Dowie, *Zion’s Holy War Against the Hosts of Hell in Chicago: A Series of Addresses* (Chicago: Zion Publishing House, 1900), 183.

⁷ “Crusade in New York Announced by Dowie,” *New York Times*, February 1, 1903.

⁸ “Dowie on Race Problem,” *New York Times*, January 11, 1904.

⁹ Gilbert Seldes, *The Stammering Century*, 399.

international notoriety may have peaked.¹⁰ Dowie took an around-the-world evangelical tour after this New York adventure, and he may have encountered Edward Mackay during this time, although there is no documentation to support this possibility.

Edward's family was living in Belfast in 1904, where his mother ran a boarding house near Queens University. One of his brothers developed a serious illness, and Edward's family apparently became interested in faith healing and became members of the Christian Catholic Apostolic Church.

On Dowie's world-wide evangelical tour in 1904, Dowie ordained Edward's older sister, Elizabeth Louisa Mackay, an Elder in the Church when Dowie was in London on June 11, 1904. Within a month of the ordination of Elizabeth Louisa, Edward boarded a ship from Ireland to America and then traveled directly to Zion City, Illinois.¹¹

In Zion City, Edward met Beulah Mason, who had come there with her parents, who had been Baptist missionaries in China. Beulah's father, George Mason, apparently became interested in Dowie when Mason was on furlough back in the U.S. in 1890-1892. He returned to China, but his wife and family remained in the U.S. because their oldest daughter was ill with chronic dysentery. Although it is not clear if the daughter attended any Dowie healing service, she apparently recovered her health after her mother stopped giving her prescribed medicine from medical doctors. His wife and family rejoined George Mason in his missionary work in China in 1894, but George was growing disenchanted with the Baptist missionaries there and increasingly interested in Dowie's divine healing ministry. In 1898, George Mason resigned

¹⁰ "Dowie Dies in the City He Founded," *New York Times*, March 10, 1907.

¹¹ Betty Asbury interview of October 26, 2011 and November 7, 2011; Betty Mackay Asbury to family, March 9, 1991, James A. Mackay Papers, Box 35. In the interview of November 7, Betty produced a picture of Edward Mackay's family in Ireland with designation of "Deaconess" for one member and several of the women holding an issue of Dowie's magazine, *Leaves of Healing*. Although the picture is undated, Betty speculated that the picture may have been taken on the eve of Edward's trip to America.

from the rolls of the Baptist Church in Fall River, Mass., and assumed the missionary work for Dowie's Church in China. When the Mason family fled China in 1899 during the Boxer Rebellion, they went to Chicago and lived with the group of followers of Dowie. They became part of the original settlers of the new town of Zion City in 1900.¹²

Although Edward Mackay was two years older than Beulah, they were in the same class at Zion Preparatory School, graduating together in 1906. Meanwhile, Alexander Dowie's religious empire began to crumble, thanks to serious financial mismanagement and internal power struggles. Beginning in December 1903, the federal district court in Chicago appointed receivers to take possession of the assets of Zion City after creditors filed petitions for an accounting.¹³ There would be continuous acrimony for the next three years over financial problems with Dowie's Zion City empire.¹⁴ After exploring the possibility of building seven cities like Zion City in Mexico on two million acres of land made available by the Mexican government, Dowie returned to Zion City in 1905.¹⁵ By this time Dowie's health had deteriorated due to at least one stroke, and his followers became disillusioned by marital strife between Dowie and his wife and by Dowie's support of polygamy.¹⁶ George Mason, who was an Overseer in the Church for its operations in the Boston area, was so distraught by Dowie's behavior that he issued a public statement calling for Dowie to step down. The *New York Times* reported Mason's action in the following terms:

Overseer Mason, whom Dowie put in charge of his New York converts, arrived in Chicago to-day, but did not call upon Dowie. Instead he addressed a letter to the First Apostle in which he declared that he had been deceived concerning the real nature of the

¹² Betty Mackay Asbury to family, March 6, 1991, James A. Mackay Papers, Box 35.

¹³ "Dowie's Zion City in Receivers' Hands," *New York Times*, December 2, 1903.

¹⁴ "Dowie Wrecked Zion and Workers Starved," *New York Times*, June 21, 1906; "Court Decides Dowie Doesn't Own Zion City," *New York Times*, July 28, 1906.

¹⁵ "Mexico's President Angered by Dowie," *New York Times*, May 30, 1905; "Dowie Comes Home," *New York Times*, November 26, 1905.

¹⁶ "Zion Repudiates Dowie," *New York Times*, April 2, 1906; "Zion Deposits Dowie on Polygamy Charge," *New York Times*, April 3, 1906; "Dowie Planned Harem of Seven New Wives," *New York Times*, April 6, 1906.

man whom he had acknowledged as his leader, and now repudiated him and his “shameful advocacy of polygamous practices.” He ended by expressing the hope that Dowie would come to realize his sinfulness and repent.¹⁷

The other Overseers shared the same view as Beulah’s father, and suspended Dowie for his financial mismanagement, extravagant spending, tyrannical behavior, and polygamous teaching.¹⁸ The Mason family returned to the Boston area, and Reverend Mason successfully petitioned to return to his Baptist missionary work. Beulah accompanied her family to the Boston area, a departure that threatened to thwart her budding romance with Edward.

Edward and Beulah were both disillusioned about Dowie’s fall and embarrassed that they had succumbed to his influence so thoroughly. Although they repudiated Dowie’s religious leadership and theology, they had been positively influenced by Dowie’s view of the equality of the races and his openness in allowing women to have leadership positions in his organization. They would certainly espouse these same views of equality and racial harmony for the rest of their lives and impart them to their children.

2. Edward and Beulah Mackay’s Relationship After Zion City

Edward remained initially in the Chicago area. He was not enamoured of some of the people in Zion City, however, especially those who began to follow the teachings of Charles Parham, after Dowie died in 1907. Parham is considered one of the fathers of Pentecostalism in the U.S. and believed in speaking in tongues.¹⁹

Edward needed to support himself, so he got a job with an office supplies company and was assigned the state of Alabama as his territory. He used a business trip to Alabama in 1907 as an excuse to visit his brother Willie, who had come to America several years earlier and had

¹⁷ “Dowie Has Surrendered,” *New York Times*, April 12, 1906.

¹⁸ Gilbert Seldes, *The Stammering Century*, 400-401.

¹⁹ Betty Asbury interview, November 7, 2011.

become a Methodist minister in Woodbury, Georgia.²⁰ Edward was delighted to reunite with his brother and to live in the South. He never returned to his job in Chicago, but resigned and remained with Willie. Willie encouraged him to enroll at Emory College in Oxford, Georgia, which accepted him as a sophomore in the fall of 1907.

While Edward was relocating to Georgia, he was corresponding with Beulah in Fall River, Massachusetts. Through some friends of her parents, she was able to obtain a position with the Baptist Mission Home in Shanghai to run its bookstore for three years. Much to Edward's chagrin, he was not able to dissuade her from accepting this position, and she returned to China for the next three years.

While Beulah was working in China, Edward was excelling at Emory in Oxford, Ga. He was chosen as "poet" of his Class of 1910. He was a member of the Few Literary Society and was selected to represent Emory as one of its two debaters in a highly publicized debate with Wofford College in 1909.²¹ Most likely influenced by his brother, Willie, Edward passed the necessary exam and was given a "License to Preach" in 1908. He assisted Willie in preaching in small Methodist churches on the Kingston Circuit in the summer of 1908, and was admitted "on trial" as a member of the North Georgia Conference of the Methodist Episcopal Church in November 1908. While still a student at Emory, he was ordained as a Methodist minister in November 1909, and appointed the first full-time pastor of the Druid Hills Methodist Episcopal Church in Atlanta. He assumed his pastoral duties in January 1910, during his senior year at Emory, and graduated from Emory in June 1910 with such honors as Best Essay, DVS (the

²⁰ Betty Asbury interview, October 26, 2011.

²¹ "Emory Classes Name Officers," *Atlanta Constitution*, October 5, 1908; "Emory Chooses Speakers for Debate with Wofford," *Atlanta Constitution*, January 15, 1909; "Emory is Victorious in the Joint Debate," *Atlanta Constitution*, May 19, 1909.

highest honorary society at Emory), Senior Speaker, Champion Debater and All-Emory football team.²²

Beulah returned from China in 1910, and after an appropriate engagement, she and Edward married in Watertown, Massachusetts, in June 1911. They started their married life in Atlanta, living in the parsonage of the Druid Hills Methodist Episcopal Church at 130 Copenhill Avenue, which was located on the current site of the Jimmy Carter Presidential Library.²³

²² Betty Asbury interview, October 26, 2011 and November 7, 2011 and Vita of Edward George Mackay, supplied by Betty Asbury on November 7, 2011.

²³ Betty Asbury interview, October 25, 2011.

3. Rev. Edward Mackay's Career in the Methodist Church

Edward and Beulah spent only a year in Atlanta, as the pastorate of such a growing church in a prime neighborhood of Atlanta was considered to be too important to entrust to a young minister.²⁴ The Church transferred Edward to a series of Methodist churches in other towns over the next 23 years: Calhoun, Ga. in 1911 where Edward Hucheson Mackay and John Leland Mackay were born; Birmingham, Ala. in 1914, where Edward was both pastor of a church in Roebuck Springs and the head of the English Department at Birmingham-Southern College, and where Donald Mason Mackay was born; Camp Wheeler in Macon, Ga., in 1917, where Edward served as YMCA chaplain; Fairfield, Ala. in 1919, where Edward served as pastor of the Fairfield Methodist Episcopal Church and where James Armstrong Mackay was born; return to Birmingham in 1922, where Edward served as both pastor of McCoy Memorial Methodist Episcopal Church and as chaplain at Birmingham-Southern; Athens, Ala. in 1926, where Edward was both pastor at First Methodist Episcopal Church and occasional teacher and acting-President of Athens Women's College, and where Beulah Elizabeth Mackay was born; another return to Birmingham, where Edward served as Secretary of Education for the North Alabama Conference of the Church; Montgomery, Ala. in 1931 where Edward served as pastor of the First Methodist Episcopal Church; then to Atlanta, Ga. in 1934, where Edward served as pastor of the First Methodist Episcopal Church in downtown Atlanta at Peachtree Street and Porter Place.

The Mackay family would remain in Atlanta for the remainder of Edward's life until he died in 1956. He served in a variety of positions within the Church in Atlanta. After being pastor at First Methodist for 6 years, he was appointed Superintendent of the Atlanta-East District of the

²⁴ Ibid.

North Georgia Conference of the Methodist Church in 1940. He became pastor at Glenn Memorial Methodist Church at Emory University in 1944, where he served for over 5 years. He then was appointed Superintendent of the Decatur-Oxford District of the North Georgia Conference in 1950, and was elected a Delegate to the World Methodist Conference in 1951.

4. Reverend Mackay's Reputation as a Progressive Religious Leader

Throughout his time in Atlanta, Rev. Edward Mackay became a leading spokesman for the Christian community on matters of racial tolerance. For example, he was an outspoken opponent of the Ku Klux Klan. In one highly-publicized sermon, he condemned the Klan's lawless floggings as "anti-American and anti-Christian." He declared that "The use of the mask by secret orders should be banned, as it is highly suggestive of other than legal methods for the punishment of crime." He went on to state: "With liberty being overthrown in the older lands of Europe, every American should be on guard lest evil and ignorant forces destroy the priceless heritage of Christian America."²⁵ Rev. Mackay's attack on the Klan came during a time when the Klan was still an active and strong force in Atlanta. It took courage to take such a public stand, and Rev. Mackay's actions and statements certainly served as an example for his children, especially Jamie.

In November 1941, Rev. Mackay participated in an anti-Klan protest that garnered national attention. Gene Talmadge was Governor of Georgia at that time. He had publicly discussed the idea of granting clemency to six Klansmen who had been convicted of illegally flogging several people, and he announced that he wanted to hear the views of ministers at a public hearing he was going to have on the issue. It was a cynical attempt by Talmadge to try to find people who would plead for mercy for the convicted Klansmen. Talmadge had expressed sympathy for the floggers, even saying that the floggers had "meant well," but had been

²⁵ "Mask and Lash Hit in Sermon by Dr. Mackay," *Atlanta Constitution*, April 15, 1940.

“misdirected and misguided.”²⁶ Talmadge went so far as to say “Good people can get mixed up in things (floggings) like that,” commenting further that he himself had once participated in a flogging.²⁷ Rev. Mackay organized a group of Methodist ministers to appear with other ministers and protest any potential clemency by Gov. Talmadge.²⁸

When the hearing occurred, Rev. Mackay played a leading role in protesting Talmadge’s consideration of granting clemency. In fact, the following day, Dr. Mackay’s picture was prominently displayed on the front page of the *Atlanta Constitution*. The local press highlighted two specific incidents during the hearing.

In one, an Atlanta lawyer, Ike Wengrow, apparently representing one of the floggers, spoke up to attack the *Atlanta Constitution* for publicizing this matter. He identified himself as a Jewish lawyer and then heaped scorn on the *Atlanta Constitution* and former Governor Ed Rivers, but praised Governor Talmadge. Wengrow stated: “As a Jew I think there are thousands and thousands of good citizens who are members of the Ku Klux Klan. The Klan has performed worthwhile service in the past and there may be a need for the Klan again.”²⁹ In response to Wengrow’s statement, Dr. Mackay “tore into Wengrow’s remarks,” declaring that “he couldn’t understand how a Jew could defend the Klan, charging it used the same methods by which the Jews were persecuted in Europe.” Rev. Mackay then declared:

Any man who wears a mask is a self-confessed coward. I have been opposing the Ku Klux Kan because of its injustice. When a group of men can grab you on the street and take you out and whip you, democracy is at an end. It makes me think of what is going on in Russia, Germany and Italy.³⁰

²⁶ “For Law and Order,” editorial, *Atlanta Constitution*, November 27, 1941.

²⁷ Ralph McGill, “One More Word,” *Atlanta Constitution*, November 27, 1941.

²⁸ “Taxpayers’ Bill in Flog Cases Put at \$24,244: Many Atlanta Ministers to Oppose Clemency at Hearing,” *Atlanta Constitution*, Nov. 25, 1941. The article highlighted Rev. Mackay’s leading role in organizing the other ministers.

²⁹ “Sordid Flog Drama Played at Hearing,” *Atlanta Constitution*, November 26, 1941.

³⁰ Ibid.

The second highlight featured by the local press was Rev. Mackay's grabbing the whips from the table in front of the Governor and waving them in the air in the face of Gov. Talmadge. Looking directly at Talmadge, Dr. Mackay passionately urged that setting aside trial by jury is the "most dastardly attack on liberty" that can happen. He argued that the Governor's power to grant clemency was never intended to set aside a court verdict when no new evidence had been introduced or when no reason was proffered for extending clemency.³¹

Rev. Mackay's comments received national attention. For example, Dr. Jacob H. Kaplan, president of the Greater Miami and the Florida State Rabbinical Associations, repudiated the views expressed by Isaac Wengrow in defending the Klan. Kaplan offered his associations' resolutions of censure for Wengrow and praise for Dr. Mackay, stating:

We are ashamed of any Jew who will defend an organization that is founded on the same principles and pursues the same storm-trooper tactics as the Nazi secret societies and groups in Europe that have sent so many Jews and Catholics and Protestants to death, torture, and concentration camps....Dr. Mackay summed up the Klan and its methods when he said they were comparable only to the Gestapo.³²

Dr. Mackay was featured in articles and pictures in *Time*, *Life*, and *Newsweek* magazines about the incident, and the entire event, including his remarks, was featured in a national radio broadcast re-enactment on *The March of Time* in early December 1941. Rev. Mackay wrote to Jamie, who was stationed in New Orleans at the time, informing Jamie that he was still receiving letters from all over the country about the clemency hearing.³³

Beulah Mackay sent Jamie copies of the local newspaper stories about the hearing before Gov. Talmadge and reported that she had attended the hearing herself. She also noted that they

³¹ Ibid.

³² "Jewish Leader Hits Wengrow Klan Defense," *Atlanta Constitution*, November 27, 1941.

³³ Rev. Edward Mackay to James Mackay, December 14, 1941, Mackay Family Papers, Box 7, Folder 2, Emory University, Manuscripts, Archives, Rare Books Library (MARBL), Atlanta, Georgia (Hereinafter referred to as Mackay Family Papers).

had been “deluged” with phone calls, letters and telegrams from people all over the country, and even one from Montreal, Canada.³⁴

Dr. Mackay’s confrontation with Governor Talmadge in late November 1941, possibly had an impact on Talmadge because he subsequently surprised many people when he declared that he was not going to grant clemency to the Ku Klux Klan floggers.³⁵ Just as significantly, however, was the impact that the reports of this episode had on Jamie Mackay. He wrote his father a letter praising the stand that Rev. Mackay had taken and explaining the significance his father’s actions had on him:

If we had more people like yourself who have the moral stamina and intestinal fortitude to get on their feet and speak there (sic) minds then we would never have to quake with fear because of the saber-rattling and loud talking of a few political gangsters. I have always admired your rugged honesty and sense of justice, and the stand you took only increased that admiration. I have never thought a man had “guts” if he was “fearless” in his own little branch of society. It is when he is willing to speak his mind out in the statehouse and in the market place that I begin to feel he has courage. So when I see a man like Dr. Sutton get up in front of that gang at the capitol and defend the character of Christian men like Cocking and Pittman, when I see a newspaper man like Ralph MacGill (sic) write the stuff he does, when I see you get up in front of that same gang and defend trial by jury and the courts, then I see pure examples of courage. The charm that Christ has for me is that he didn’t limit his teaching to the temple, he taught along the road to the individual and to the multitude. I’ll always appreciate what you said and did the other day---as well as a hundred other things you have done in the past---for they all convince me that a human being can take on stature which is beyond measuring or explaining. Thanks very much.³⁶

³⁴ Beulah Mackay to Jamie Mackay, November 29, 1941, James A. Mackay Papers, Box 29.

³⁵ Luke Greene, “Six Floggers’ Clemency Plea is Declined,” *Atlanta Constitution*, December 2, 1941.

³⁶ Jamie Mackay to Dr. Edward Mackay, November 29, 1941, Mackay Family Papers, Box 12, File 2. Jamie’s reference to “Cocking and Pittman” pertained to Dr. Walter Cocking, the Dean of the College of Education at the University of Georgia, and Dr. Marvin Pittman, the President of Georgia Teachers College in Statesboro, Georgia. Governor Talmadge targeted both men because they were thought to favor some degree of integration at their respective schools. At Talmadge’s urging the Board of Regents fired both educators. This act of political interference in academic affairs led to the Southern Association of Colleges and Schools withdrawing its accreditation of Georgia’s ten state-supported white colleges and universities in 1941. William Anderson, *The Wild Man from Sugar Creek: The Political Career of Eugene Talmadge* (Louisiana State University Press: Baton Rouge, 1975) 195-204.

Similarly, Jamie wrote Mary Caroline the next day, thanking her for sending copies of articles about Rev. Mackay's stand at the state capitol. In doing so, he further revealed the impact that his father's actions had on him.

You can bet I was proud of the stand Dad took. When I see a man stand on his two feet and state his honest convictions in front of a demagogue like ole Gene, then I think he has courage and is a real democrat in the highest sense of the word. When a man is willing to stand by his Christian convictions in the courts and market place as well as in his pulpit, then I believe that he is really serving God.³⁷

Dr. Mackay was a progressive voice on a variety of social and legal issues, and his public stands had to have had an impact on Jamie's view of taking public stands that were not necessarily the most popular. For example, Dr. Mackay was one of the signers of a public statement by thirty leading Atlanta ministers, educators, civic workers and businessmen that warned in 1940 that the stress of potential war should not serve as an excuse for diminishing civil rights in this country. While recognizing the necessity to make proper preparations for a potential war, the signers urged: "We feel, however, that there is a grave danger of adopting toward aliens, nonconformists and minority groups, attitudes which are more like those which prevail in the aggressor states than like those upon which America has stood."³⁸

After the United States entered World War II, Dr. Mackay was instrumental in drafting the statement of the Atlanta Christian Council justifying the United States' participation because the war had been "forced upon us."³⁹ The statement included several resolutions, including one that contained the following words: "We shall seek to safeguard the liberties guaranteed to our citizens of whatever race, creed, color, or national origin. We shall maintain the right of liberty

³⁷ Jamie Mackay to Mary Caroline Lee, November 30, 1941, James A. Mackay Papers, Box 29.

³⁸ "Group of 30 Atlanta Leaders Warns Against Curb on Rights," *Atlanta Constitution*, June 15, 1940. Joining Dr. Mackay in signing the statement were other leading progressive people, such as Dr. Arthur Raper and Dr. Philip Weltner.

³⁹ "Christian Council Pledges To Support War," *Atlanta Constitution*, January 6, 1942; Edward Mackay to Jamie Mackay, January 7, 1942, James Mackay Papers, Box 29.

of conscience as set forth in the Bill of Rights.”⁴⁰ Dr. Mackay consistently expressed the view of the importance of upholding individual freedom and opposing racial discrimination. This sentiment was certainly one he passed on to Jamie.

Reverend Mackay was also one of the group of white leaders in the South who were selected to participate in drafting the “Atlanta Statement” in 1943. This statement was part of an overall effort by the Commission on Interracial Cooperation (CIC) in 1942 and 1943 to lessen growing racial tensions in the South. The CIC’s plan was to have a group of African-American leaders in the South set forth their own set of demands, then have a group of white leaders in the South respond, with the goal being a joint meeting to reach some common ground.⁴¹ The CIC selected seventy-five prominent African-Americans and 292 white leaders from the academic, religious, and business communities throughout the South.⁴²

The African Americans set forth their list of needed changes in October 1942, in a document ultimately called the “Durham Manifesto.” This Manifesto directly stated the African-Americans’ opposition to segregation in all forms, but did not call for an immediate end to segregation. The Statement especially called for an end to economic discrimination, and specifically demanded “an end to the poll tax, the white primary, police brutality, voter intimidation and exclusion from juries and unions.”⁴³ The group of Southern white leaders, led by Ralph McGill, issued its “Atlanta Statement,” which acknowledged a legitimate basis for the concerns expressed in the Durham Manifesto, but counseled for caution and evolutionary change, not any “ill-founded revolutionary movements.”⁴⁴ The Atlanta Statement basically

⁴⁰ “Christian Council Pledges To Support War,” *Atlanta Constitution*, January 6, 1942.

⁴¹ Glenda Elizabeth Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (W. W. Norton & Company: New York, 2008), 369-72.

⁴² John Egerton, *Speak Now Against the Day: The Generation Before the Civil Rights Movement in the South* (University of North Carolina Press: Chapel Hill, 1994), 304-312.

⁴³ *Ibid.*, 306; Gilmore, *Defying Dixie*, 370.

⁴⁴ “Southerners Frown on Outside Pressure in New Racial Study,” *Atlanta Constitution*, April 11, 1943.

accepted the principle of segregation, but called for more equal treatment for African-Americans under that system.⁴⁵

The two groups met together in Richmond, Va., in June 1943, but reached no consensus, with the African-Americans warning of the danger of going too slow on dismantling the segregated system in the South, and some in the white group reacting negatively to this view. The only concrete development was a plan to meet again, but this would lead to the demise of the CIC and the creation of a new organization, the Southern Regional Council.⁴⁶

Even though the CIC's efforts in the 1942-1943 period did not achieve any tangible results, Dr. Mackay's participation in working on the Atlanta Statement was another example of how respected he was as a white Southern leader interested in trying to reach out to the African-American community. In retrospect, such efforts may appear to be minimal and muted, but at the time Dr. Mackay's efforts were seen by many as courageous and path-breaking. When Dr. Mackay was appointed pastor of Glenn Memorial in 1944, he led that Church's efforts in increasing its sensitivity to social ills and fostering improved race relations.⁴⁷ Under Dr. Mackay's leadership there were interracial student groups at the Church and interracial women's activities. He also assumed leadership roles in inter-faith organizations, such as serving as President of the Atlanta Christian Council in 1947 and Chair of the Advisory Committee of the Southeastern Inter-Council Office, which represented the Federal Council of Churches in ten southeastern states. He also continued to speak out against the Ku Klux Klan's activities, and "never shied away from controversy when he believed the occasion required his witness."⁴⁸

⁴⁵ Ibid; Gilmore, *Defying Dixie*, 371; Egerton, *Speak Now Against the Day*, 307.

⁴⁶ Gilmore, *Defying Dixie*, 371-372; Egerton, *Speak Now Against the Day*, 310-312.

⁴⁷ James W. May, *The Glenn Memorial Story: A Heritage in Trust* (Glenn Memorial Church: Atlanta, 1985), 133-145.

⁴⁸ Ibid., 143. Another example of Dr. Mackay's opposition to the KKK occurred in 1948 in response to a highly-publicized Klan march in Atlanta. Rev. Mackay introduced a resolution at a meeting of the Atlanta Methodist Ministers Association that called for legislation from the city, county and state governments against the Klan and

5. Mrs. Beulah Mackay's Progressive Leadership

Dr. Mackay was not the only positive parental model for his children. Mrs. Mackay, even though born and raised Baptist, was a major contributor to the social and community outreach of the Methodist Church. Mrs. Mackay served as president of both the Atlanta and Georgia Councils of Church Women. She attended many local, state, regional and national meetings in her Church Women's leadership positions. Upon the completion of her tenure as president of the Georgia Council, she organized a luncheon at the annual meeting of the Council at Glenn Memorial Church in January 1947. The luncheon was the largest inter-racial group hosted at the Church at that time and created a good deal of controversy because white women members of the Church would be serving lunch to seated African-American members of the Council.⁴⁹

One of the African-American women who attended that luncheon was Mrs. Sadie G. Mays, the wife of Dr. Benjamin E. Mays, the President of Morehouse College. Mrs. Mays wrote a thank you letter to Mrs. Mackay for hosting the luncheon:

My dear Mrs. Mackay:

I am thanking God for you today. You caused me to have an experience that moved me closer to Him today. While I speak only for myself many other people moved in the same right direction. I know it is not the end of fear and problems but a step as long as that one was is worth a great deal more than I can express.

I have always seen the Council of Church Women in the light of its possibilities, and was never willing to let anything I could prevent come between it and its highest calling. I have always wanted to be a part of it but I could never be a second class member in any thing connected with God's Church.

I hope I was right when I felt today that there were enough members of the Atlanta Council there, in the lead, to assure the possibilities of real Christian fellowship in the local council. I felt too that the New President seemed to be a fine person who will not lose the ground you have gained.

any group under the cover of masks. The resolution stated: "Revolt to us is the cowardliness which moves Klansmen to mask their faces and to work under the cover of darkness. We are scandalized at the Klan's desecration of the Cross. We denounce as un-American the attempt or threat by any mob to take the law into its own hands. We condemn as un-Christian the Klan's constant stirring of prejudice and hate." "Methodist Ministers Urge Anti-Klan, Anti-mask Law," *Atlanta Journal*, December 13, 1948.

⁴⁹ James W. May, *The Glenn Memorial Story*, 144; Betty Mackay Asbury, interview by author, October 25, 2011.

I enjoyed every minute I spent in your Church. It was easy to forget everything but a Christian fellowship which left one free to grow the strength and faith and the prayer that may develop into action.

Fear not, little flock, for it is your Father's good pleasure to give you the Kingdom.

Love,
Sadie G. Mays⁵⁰

Mrs. Mackay was a strong influence on Jamie. Her views supporting a socially active Christian faith and her active involvement in the community, such as in the League of Women Voters, were lessons that Jamie took to heart. She reinforced the example that Reverend Mackay established for him.

6. Early Influences on Jamie's Love of Nature

Just as his parents gave Jamie a strong example of interracial cooperation and dedication to the Methodist Church, they also helped instill in him a love of nature, which later undergirded his environmental efforts. Dr. Mackay and Mrs. Mackay loved the outdoors, and their adventurous spirit inspired Jamie.

In the summer of 1927 when Jamie was only eight, approximately thirty years before the U.S. interstate highway system would begin, and on roads that were often still primitive, Dr. and Mrs. Mackay packed the children into their car, and they proceeded to take a car trip from Athens, Alabama, to visit some of Dr. Mackay's relatives in Canada, and then drove over to Boston to visit some of Mrs. Mackay's family. They carried a tent and camped out throughout this adventure. They returned down the eastern seaboard, visiting historical battlefields and literary shrines of American authors. Beulah later estimated the trip covered 4,596 miles.⁵¹ She

⁵⁰ Sadie G. Mays to Beulah Mackay, January 3, 1947, Betty Mackay Asbury's personal papers; letter also quoted in James W. May, *The Glenn Memorial Story*, 144. It should be noted that Mrs. Mays incorrectly dated the letter January 3, 1946, but the postmark on the envelope is January 3, 1947. Dr. May noted in his book in footnote 12 at page 291 that the last sentence in the letter was from the printed program prepared for the luncheon meeting.

⁵¹ Mrs. Beulah Mackay to her mother and her Aunt Mary, September 13, 1927, Betty Mackay Asbury personal papers.

reported to her mother and her Aunt Mary that when they returned to Athens, Alabama, Jamie notified her that he was going to have to “deliver a lecture” to his third-grade classmates about his trip:

I’ve since heard that he “lectured” as well as his daddy could have done and he talked for forty-five minutes! His teacher is still expatiating about his “eloquence.” It seems he talked about stalagtites (sic) and stalagmites, the Plains of Abraham, the Brandywine battlefield etc. etc. as if he knew all about them—and strange to say, the children in his grade seemed very much interested.⁵²

In 1929, the Mackay family vacationed for the first time on St. Andrews Bay at Beacon Beach, Florida, on the Florida panhandle near Panama City. This was such an enjoyable vacation that Jamie’s family returned several times, and Dr. Mackay joined with two other Methodist ministers to purchase six lots on Beacon Beach. Dr. Mackay had two lots and built a cottage on St. Andrews Bay. Each of the lots had 400 foot water-front views of the Gulf and had palm trees that had grown from ancient Indian discarded oyster shells, surrounded by numerous Indian pottery remnants. The Mackay’s two lots were together, which made it more convenient to construct a seaside cottage that would command a broad view of the Gulf.

In the first few years after purchasing the property, the Mackay family would just camp out in a large tent on the property, but then completed building a cottage in 1937. Mrs. Mackay sketched out the plans for the cottage, and Dr. Mackay hired a local carpenter, Mr. Kenny, to work with himself and his four sons to construct the cottage.⁵³ Dr. Mackay named this cottage “Innisfree” after W. B. Yeats’ poem, “The Lake Isle of Innisfree.” This cottage would become the focal point for the Mackay family to gather on a frequent basis from 1934 until 1941, when the Government seized the property under eminent domain in connection with expanding the

⁵² Ibid.

⁵³ Betty Mackay Asbury, interview with author, October 25, 2011; Leland Mackay drafted an undated series of short essays about his family in a collection he titled, “The Mackay Family.” In one of the essays, titled “Beacon Beach” he discussed his family’s discovery of this property and decision to build the cottage. Leland’s collection is in the possession of Betty Mackay Asbury.

Naval air base in Pensacola. The cottage and the Beacon Beach area were very special places for Jamie, re-enforcing his love of the outdoors from an early age.

Jamie's parents encouraged this love of nature and sense of adventure. One example of this encouragement occurred in June 1938, when Dr. Mackay dropped off Jamie and his older brother, Donald, in Columbus, Georgia, on his return to Atlanta from Beacon Beach. Mrs. Mackay had remained in the cottage on Beacon Beach, and Jamie and Donald embarked in Columbus, Georgia, in a fourteen-foot, flat bottom cypress skiff with a small Johnson outboard engine, a flat utility trailer, oars and camping gear. Jamie and Donald then proceeded to maneuver 300 miles down the Chattahoochee River and into the Intra-Coastal Waterway to return to the cottage.⁵⁴

At this time, Jamie would have been nineteen and Donald twenty-two. They went by Phenix City, Alabama, with its notorious juke joints, and went through part of Fort Benning, avoiding being waylaid by two men, who may have been AWOL at the time. In his description of the trip, Donald noted that they reminded themselves that they were traveling in a similar manner to the way the Indians must have traveled on the Chattahoochee before the arrival of European settlers and the advent of the steamships that plied this commercial part of the Chattahoochee River below Columbus, Ga. They nurtured themselves with peanut butter and jelly sandwiches, sardines, potted meat and crackers. The trip took approximately four days, and they endured rainstorms, mosquitoes, vast numbers of jellyfish and at least one incident that could have come from a scene in a modern horror movie.

On their third night, they sought to find a dock or cabin where they could tie-up for the evening. They had not seen any sign of human habitation for one hundred miles, but finally saw

⁵⁴ Donald Mackay chronicled this trip in 2002 for his siblings in a short paper "Chattahoochee Story—Donald and Jamie Mackay." Betty Mackay Asbury was kind enough to provide a copy to the author.

what looked to be an abandoned wooden cabin, built on stilts and with a roofless platform that served as a front porch and looked like a possible resting place. Donald explained that as he stepped off the skiff near the shore,

...the flashlight flickered and at the same time sounds began to be audible from out behind the cabin, strange sounds that resembled hysterical, possibly even maniacal, human laughter, or a woman's wail, or possibly a panther. Whatever it was it instantly made us both feel ill-at-ease in such a wilderness setting. Neither Jamie nor I suggested that we go behind the cabin to find the source of the sound. We agreed that we would not sleep well in that vicinity.⁵⁵

They continued on their journey, apparently deciding not to encounter Jason Voorhees, and ultimately made their way to the Jackson River and into the Intra-Coastal Waterway. They survived the smells of the paper mill in Callaway, Florida, and entered the Panama City area. Donald recounts that they "saw a point of land whose clump of native palm trees was the certain sign that we were safely home—with memories that have lingered for a lifetime."⁵⁶

While Donald Mackay provided a great summary of their trip with the hindsight of sixty-four years, Dr. Mackay had written to his wife on Wednesday, June 29, 1938 with a more contemporary account of his thoughts about allowing Jamie and Donald to embark on this adventure. He was writing to Beulah because he did not get a telephone call until that afternoon with the telegraph news that his sons had arrived safely home the previous evening.

He recounted that he had dropped Donald and Jamie off in Columbus, Georgia, on the previous Friday evening, but had heard nothing from them, except one postcard from Eufaula, Alabama. By Wednesday morning, he was proceeding to become worried about their fate, remonstrating himself for not warning them about the dangers of alligators or allowing them to proceed on a river course that went through such places as Tate's Hell Swamp. He confided to his wife:

⁵⁵ Ibid.

⁵⁶ Ibid.

With nothing but the one Eufaula postcard and the day being Wednesday, heavy, heavy was beginning to hang over my head, and I was thinking of how to rig up a rescue party, calling in the CCC boys, the Coast guard forces, the expert swamp rustlers, the turpentine pine bleeders, the alligator trappers, the snake charmers, the river roustabouts, and, if necessary, the Navy Air Force from Pensacola.

...
I had forgot to warn them against alligators and I began to think that a herd of the said reptiles had sneaked up on them at night while they slept in the remote and impenetrable recesses of Tate's Hell Swamp and grabbed both of them and cached their carcasses under water in the mud to ripen for some future alligator festal day or barbecue. Then I saw the boat getting adrift while they were ashore and going on down the stream to join the Gulf Stream and cross over to Ireland. All of these thoughts were clamoring for a place in my mind while I was reassuring myself that boys whom I had trained to be expert fishermen, swimmers, boatmen of the briny, and woodsmen extraordinary, could navigate any river that ever flowed to the sea, and guide any skiff to some safe shore.⁵⁷

Dr. Mackay's humorous and creative description of his concern over the fate of his sons underscores his previous efforts to instill in them a sense of independence and a love of the outdoors. This is the type of attitude that Jamie carried with him for the rest of his life, thanks to the example and encouragement provided by his parents. In every sense of the term, they were role models for him that guided his own efforts in public office and private life.

Indeed, from an early age after graduating from Emory University in 1940, Jamie would often express his gratitude to his parents for their example to him. Thus, when Jamie was in his first year of law school at Duke University, he wrote to his parents a letter on Thanksgiving Day, 1940, expressing his gratitude for them. He contrasted his view of life to that of a young man in the Duke Choir who was suffering academically because he saw no hope for civilization and saw no reason for living. Jamie attributed the young man's depression in part to being influenced by the young man's father who was extremely pessimistic and felt the world was progressively deteriorating. Jamie then offered the following thoughts:

The point is this—you have given me an example and a philosophy of life that makes life a lot more livable. Much is said about the fact that the orderliness of the physical universe is a strong indication of the reality of God and purpose in the universe.

⁵⁷ Edward G. Mackay to Beulah Mackay, June 29, 1938, Mackay Family Papers, Box 6, File 3.

But, as for my experience, nothing has given me a strong faith in God, and more particularly a God of love, like the existence of noble character. Its very existence defies explanation by physical laws or philosophers' syllogistic gymnastics. And although so many people choose the low road of "self," the fact that people like yourselves choose the highest instead, fills me with an optimism and a sense of gratitude for life that shall remain undimmed even though the earth be clouded by the chaos of war and suffering for years to come.

Well, Thanksgiving [D]ay is for giving thanks, and so thanks for everything.⁵⁸

Jamie would express a similar sentiment four years later when serving in the Coast Guard and after receiving the Bronze Star for his heroism during the attack on his ship by the German U-Boat. He wrote to his parents the following letter:

Thanksgiving [D]ay is here almost, and again my mind and heart are filled with gratitude for the many good things of life—especially the privilege of being your son.

Living today is not an easy task, even though one is fortunate in his own personal environment and experience. But life for me is immeasurably easier because you have taught me to see the many things of infinite value which one owns—along with the less desirable things.

More than anything since I've been in uniform, I've missed the pleasure and privilege of being home with you. I can count many reasons for being thankful but none are more important than home and you.⁵⁹

Jamie clearly recognized his debt to his parents for the examples they gave him. It is not difficult to draw a direct line from the inspiration he found in his parents to his later efforts to challenge Georgia's county-unit system, his protests against the deprivation of civil rights to African-Americans, his fight to keep Georgia public schools open in the face of hostility from Georgia's political leaders, his being one of only two Deep-South Congressmen to vote in favor of the Voting Rights Act of 1965, and his leading conservation efforts in Georgia from the day he co-founded the Georgia Conservancy in 1967. Jamie certainly inherited from his parents a keen sense of humor and a high intelligence, but he also was indebted to them for his idealism and his strong Christian values.

⁵⁸ Jamie Mackay to Mother and Dad, undated but postmarked November 27, 1940, Mackay Family Papers, Box 12, File 1.

⁵⁹ Jamie Mackay to Mother and Dad, November 22, 1944, Mackay Family Papers, Box 12, File 7.

CHAPTER III

EARLY CHILDHOOD AND YEARS AT EMORY UNIVERSITY AND DUKE LAW SCHOOL

1. Pre-Emory Years

Jamie's childhood years were spent moving to the various towns to which Dr. Mackay was assigned duties by the Methodist Church. Jamie and his family lived in four different communities in Alabama from Jamie's birth in 1919 until Dr. Mackay was appointed pastor of the First Methodist Episcopal Church in Atlanta in 1934. Despite his peripatetic childhood, Jamie still thrived academically. In fact, Jamie was somewhat of a precocious child. His brother Leland recalled that when the church ladies would stop by the parsonage they would always praise Jamie's appearance, commenting on his "beautiful brown eyes." Jamie would then proudly bulge or pop his eyes out at them, leading his brothers to nickname him "Fiddler," after the Fiddler Ghost Crab that runs along the beach with its eyes stuck out on stems.¹

Leland also recounted that during the lengthy family trip in 1927 to Canada and along the eastern seaboard, Jamie proceeded to aggravate his brothers by making unpleasant sounds with his lips that sounded like "ZUT." Refusing to heed his brothers' requests that he stop, he apparently continued to do this for the entire month of the trip, thus earning himself another nickname of "ZUT" that stuck with him for a couple of years.

Of course, as previously mentioned, when Jamie returned to Athens, Ala., from the trip to Canada, he proceeded to give a 45-minute lecture to his third-grade class about the family trip. Jamie's teacher was Mrs. Nina Fusch, who wrote at least three notes to Jamie, expressing her love for having him as a student. In one letter she expressed her concern that Jamie's family might move away:

¹ Leland Mackay's "The Mackay Family," in a chapter titled "Jamie," 5.

Why! I don't know *what* we should do if we did not have Jamie's *bright* little face and dear little self to make sunshine for us. You are just about the finest little boy I know and I love you *hard*!!

Then we *couldn't* do without father and mother no matter however much some one else wants them!!! I've written this in school so you'll have to excuse every thing. I send you "forty-'leven" bushels of love and 9 $\frac{3}{4}$ hugs.

Your friend
(Mrs.) Nina S. Fusch²

In addition to being a good student, Jamie had an interest in music from an early age. His first public performance occurred on the evening of May 30, 1928, when he appeared in a piano recital at the Athens, Alabama, public school auditorium. He was a student of Miss Lila Coleman and played two piano tunes: "Joyful Play" by Presser, and "Soldier Land" by L. Fairchild.³ Jamie's interest in music would be a constant in his life, although his primary musical focus changed from the piano to the trombone by the time he was a senior in high school.

The Mackay family moved often during Jamie's early years. In November 1931, Dr. Mackay was transferred to Birmingham to serve as Education Secretary of the North Alabama Conference. Jamie enrolled in Birmingham public schools, but after taking an achievement and psychological test offered to all students, he was placed in a special class for "exceptional students." This involved doing more academic work at a more difficult level than would be available in regular classes.⁴ In November 1932, Dr. Mackay was assigned to what became the First Methodist Episcopal Church in Montgomery, Alabama. Jamie graduated from Junior High School in Montgomery, and completed his sophomore year in high school there.⁵

Jamie grew up as the son of a prominent minister, but his home environment rivaled that of a farm. Even though his family moved around frequently, the one common feature of each

² Mrs. Nina Fusch to Jamie Mackay, undated letter in 1928, James A. Mackay Papers, Box 21.

³ James A. Mackay Papers, Box 21. Jamie's sister, Betty, recalled that years later Jamie would still "bang out" the march, "Soldier Land" on a piano. Interview with Betty Mackay Asbury, October 25, 2011.

⁴ C. B. Glenn, Superintendent of Schools, Birmingham Board of Education, to Dr. E. G. Mackay, February 13, 1931, James A. Mackay Papers, Box 21.

⁵ Montgomery County Schools Certificate of Completion of Junior High School for James Armstrong Mackay, May 26, 1933, James A. Mackay Papers, Box 21.

home was the plethora of animals they kept. When they lived in Athens, for example, they had two four-gallon cows, a horse, a pony, approximately 150 chickens, and an assortment of rabbits, pigeons, ducks, white rats, dogs, and cats.⁶ When the Mackay family came to Atlanta in 1934 they streamlined their animal menagerie, but they still brought a cow to the parsonage at 1167 Oakdale Road. They kept the cow there for six years, until Dr. Mackay was appointed Superintendent of the Atlanta-East District of the North Georgia Conference, and he purchased a house at 1384 Emory Road. When Jamie was involved in student government activities at Emory before graduating in 1940, he used to joke that he learned how to make meetings run smoothly and on time because he had the excuse that he “needed to get home to milk the cow!”⁷

When the Mackay family moved to the parsonage on Oakdale Road in the Druid Hills area of Atlanta, Jamie was a junior in high school. He attended Druid Hills High School, graduating in 1936. His future wife, Mary Caroline Lee, was a classmate, though they did not start dating until the spring of 1941, after graduating from college. Jamie was not actively involved in class or student government politics in high school, perhaps because he joined his class so late in his junior year. He was, however, assistant editor of the High School yearbook, *The Druid Hills Saga*; played in the school orchestra his junior year; belonged to the debate club, serving as secretary his senior year; and was treasurer of the International Relations Club his senior year. The motto below his picture in the yearbook was fittingly, “All things are possible to him who tries.”⁸

As noted in his high school biography, he only played in the orchestra his junior year. The likely reason that he didn’t play his senior year was because he was so talented a trombone

⁶ Interview with Betty Mackay Asbury, October 25, 2011; Leland Mackay, “The Mackay Family” in an essay entitled “Athens,” 28.

⁷ Interview with Betty Mackay Asbury, October 25, 2011.

⁸ 1936 Druid Hills High School *The Saga*, at 18, in the possession of Betty Mackay Asbury.

player that he began playing for the Emory Aces when he was in high school. The Emory Aces was the name of the highly popular big dance band at Emory University with whom Jamie played throughout his college career.⁹

2. Attending Emory University

Given the proximity of Emory University to his home in Druid Hills, Jamie's choice of going to Emory for college was likely an easy decision to make, particularly after his older brothers, Leland and Donald had previously chosen Emory. Emory's affiliation with the Methodist Episcopal Church (and possible tuition breaks for the son of a Methodist minister) may have also been an influence on Jamie to decide to attend Emory, particularly given Jamie's active participation in youth activities at his father's church. There is little doubt, however, that Jamie thrived in his four years at Emory. He seemed to throw himself headlong into a wide variety of student organizations and activities, some of which he instigated himself.

From the standpoint of extra-curricular activities, Jamie dominated his class by his senior year. By the end of his senior year, Jamie had been president of the Emory student government association, president of the honor council, president of the Emory Christian Association, manager of the debate team, and recognized with membership in Emory's highest honorary societies for student leadership, DVS and ODK.

Ironically, some of the activities that Jamie pursued in college were similar to those Dr. Mackay had also participated in when he attended Emory-at-Oxford over thirty-five years earlier. Jamie followed his father's footsteps in pledging the KA fraternity and, just like his father, Jamie was involved actively in the debate team at Emory. Although Jamie did not pursue a career in the ministry, he was very actively involved in the Emory Christian Association, ultimately becoming president his senior year.

⁹ Interview with Betty Mackay Asbury, October 25, 2011.

Jamie's love of music was apparent throughout his college years. In addition to playing trombone for the Emory Aces, he played the trombone for the Emory University Orchestra. He also joined the Emory glee club his sophomore year, along with his older brother Donald.¹⁰ His good friend, Calvin Kytle, recalled at Jamie's memorial service in 2004 that by his junior year at Emory, Jamie was undoubtedly the most popular man in the college, attributing Jamie's popularity "in part, as trombonist for the Emory Aces, he had mastered, impeccably, Tommy Dorsey's phrasing of 'Getting Sentimental Over You'—a signature song of the day."¹¹

Jamie sang second bass in the Emory glee club, which had a national reputation as a top collegiate glee club, toured nationally, and, in February 1938 was featured on the NBC red network radio broadcast from Washington, D. C.¹² Jamie's undergraduate career at Emory concentrated on music and extra-curricular activities more than achieving top academic success. In looking back at his college career, Jamie noted, "I look back and wonder if I could have been more serious about my studies. But I enjoyed playing in a dance band. I watched Goodman Sunday night, and he's important to me."¹³

Jamie helped finance his college education in such a creative manner that it caught the attention of the *Atlanta Journal Magazine* in November 1937.¹⁴ In the cover story for the *Magazine* the author explained that Jamie and his best friend, W. B. Baker, Jr., decided to travel to the family cottage near Panama City that summer and catch 250 pickled sharks, a five-foot

¹⁰ "Emory Glee Club Picks Candidates," *Atlanta Constitution*, October 4, 1937, listing James and Donald Mackay as two of the new upperclassmen selected.

¹¹ Letter from Calvin Kytle read by Mackay Asbury at Memorial Service for James A. Mackay, July 21, 2004, CD recording in possession of author and of Kathy Mackay, 831 Sunset Dr., Rising Fawn, Georgia. (Hereinafter referred to as Calvin Kytle Letter.)

¹² "Singers, Alternates Listed for Glee Club Tour," *Emory Wheel*, February 3, 1938; "NBC Broadcast to Climax Glee Club Winter Trip," *Emory Wheel*, February 10, 1938; "Washington, Ho! Shout Singers Embarking for Winter Tour," *Emory Wheel*, February 17, 1938; Ed Brannen, "Sweetest Singers Swing High, Wide, and Handsome on Tour," *Emory Wheel*, February 24, 1938.

¹³ James A. Mackay Interview, March 18, 1986.

¹⁴ Bowen Hosford, "Catching Sharks for a Sheepskin," *Atlanta Journal Magazine*, November 7, 1937.

whip-poree, three electric rays, an alligator skeleton, six rattlesnakes, 200 sea urchins and 400 starfish. They then sold their catch to various southern college biology departments. They got this entrepreneurial idea when they were both operating on two-foot sharks in a biology class their freshman year and learned how much Emory paid for the biology specimens. The article explained:

Early in June they gathered together a contraption which they proudly named an automobile (purchase price: \$12), and set out on the 450-mile trip. In spite of the fact that the auto demanded gallons of water, they gained their destination in twenty-four hours actual running time.

After duly settling down, they began to prospect for fishermen who would back up the deal. Strangely, though, the natives were rather skeptical. They had been throwing away sharks for years with such “trash” as toad-fish and cowfish. Why should anybody want these worthless creatures?

...

Now came these Yankees from Atlanta actually wanting to catch sharks. So whenever the two young biologists entered town, the fishermen surveyed them with interest. Often one would approach and ask curiously:

“Are you the ones who are looking for the sharks?”

After being assured that they were, he would retreat and examine them minutely from a safe distance.¹⁵

The article went on to describe Jamie and W.B.’s successful effort finally to find a fisherman who was an African-American friend of the Mackay family, Joe Gaynor, who was willing to assist them. They employed a technique that the “fishermen of Galilee employed 2,000 years ago” and used a giant net that they would unwind from their boat. They would then go close to shore where they would drop three or four men fully clothed into the water, encircle a school of fish, and drag the net toward the shore. Their biggest haul was 2,300 pounds of fish at one time. The article also recounted Mackay and Baker’s catching six rattlesnakes and caging them, but getting too close and having one rattler strike at Jamie, causing some of the snake’s venom to hit Jamie’s eye that he immediately washed out. Another incident cited in the article was their taking a surf ride from a reef about seventy-five yards off shore, and being shadowed

¹⁵ Ibid.

by a shark that tried unsuccessfully to cut them off from reaching the beach. “Badly frightened...without saying a word, they gathered their clothes, jumped into their rowboat and rowed home.”¹⁶ The article concluded by noting that the two young men had made enough money from their shark fishing expedition to pay part of that year’s tuition and intended to return again the next year.¹⁷

2.1. Mackay’s Role in Combating Social Diseases at Emory

Back on campus, Jamie began to get noticed through his participation in the Emory Christian Association (ECA) in his sophomore year. The ECA was the successor to the YMCA on campus and the largest student organization on campus. Jamie became chairman of the ECA’s forum committee and was given credit for helping to bring to campus in January 1938, a three-part series discussing the dangers of syphilis and gonorrhea that would feature prominent medical doctors from the Atlanta area and nationally-recognized medical experts. The *Emory Wheel* editorialized, “Thanks to some nice advance work by Jamie Mackay and his ECA forum committee, prospects point to a large crowd for the forum tonight on ‘Syphilis and Gonorrhea.’”¹⁸ The ECA and the *Emory Wheel* co-sponsored the three-part series in which the first forum was for men only, the second for women only, and the third and final forum a joint discussion. The announced purpose of the program was to “arouse in the student body an increased awareness of the dangers of venereal disease and to give them the advice of specialists as to precautions and methods of cure.”¹⁹ The third and final session featured Dr. Morris A. Bigelow, chairman of the executive committee of the American Social Hygiene Association, and

¹⁶ Ibid.

¹⁷ “Clay to Interview Jones on WSB,” *Emory Wheel*, March 3, 1938. The article reported that Jamie and W. B. Baker, Jr.’s creative way of helping finance their college education was also highlighted in a February radio broadcast on WSB-radio. Apparently, Emory University had a weekly broadcast every Sunday afternoon, and they were interviewed about their “shark catching business” and how it was helping to pay for their college education.

¹⁸ “Tonight’s the Night,” editorial, *Emory Wheel*, January 20, 1938.

¹⁹ Ibid.

professor at Columbia University, indicating that the series was not limited to local Atlanta physicians. Inviting such a national figure to participate reflected the amount of Jamie's planning effort that was required to stage such a program.

The fact that Jamie was a key instigator in arranging for such a series discussing openly the subject of venereal disease on a small, southern, Methodist university campus in 1938 is, frankly, more than a little amazing. In that time and place, more than a few people must have been startled at such a topic being featured at Emory. The success of the three-part series was underscored by newspaper articles that specifically mentioned the capacity crowds who attended the series. Undertaking such a controversial program reflected Jamie's willingness to tackle head-on serious health-related matters and to do so in a way that gained the imprimatur of both the leading Christian association on campus and the student newspaper. Jamie's efforts resulted in one columnist for the *Emory Wheel* describing Jamie as "a real comer" when he noted on the day of the final program that Jamie had been elected to serve his upcoming junior year as an officer of the ECA.²⁰

Mackay's interest in the efforts to lessen or eliminate these social diseases did not cease after the completion of this three-part series at Emory. Indeed, Jamie's interest in this topic may have been encouraged by Dr. Mackay. In February of 1939, Jamie was a co-chairman and featured speaker in a National Social Hygiene Day program in Atlanta, sponsored by the Georgia Social Hygiene Council.²¹ He joined with his father that year in speaking on this program. In fact, Dr. Mackay was on the executive committee of the Christian Council of Georgia that had previously endorsed a bill in January 1939, in the Georgia legislature to fight against syphilis.²² The following year, in February 1940, Dr. Mackay participated in the Georgia Social Hygiene

²⁰ Jack Tolbert, "The Gossip Truth," *Emory Wheel*, February 3, 1938.

²¹ "Two Syphilis Laws Urged for Georgia," *Atlanta Constitution*, February 2, 1939.

²² "Churchmen Back War on Syphilis," *Atlanta Constitution*, January 4, 1939.

Council's program and was featured in a panel discussion of how church leaders could help in the fight against social disease. Jamie spoke in the afternoon session of the 1940 program and urged passage of a resolution that Atlanta radio stations give air time to speakers from the Council to present frank facts about the "prevalence of social diseases."²³

Again, Jamie's views were surprisingly advanced for a young person who lived in a very socially conservative environment. Setting aside the potential censorship issues involved with having such "frank" discussions on public air waves, Jamie's suggestion was another example of his willingness to offer bold ideas that were not necessarily consistent with conventional orthodoxy. The fact that he and his father were both on the 1939 and 1940 Social Hygiene programs suggests that this was a topic that may have first been discussed by them at home, even before Jamie's initiation of the three-session program at Emory. If so, the influence of Dr. Mackay on his son was visibly reinforced by way of Jamie's public role in seeking to educate young people on the dangers of social diseases.²⁴

2.2. *Jamie's Involvement with the Emory Debate Team*

Jamie was also active with the Emory debate team his sophomore year. The debate team was one of the major inter-collegiate activities for Emory during that time. The team was also featured in debates on local radio stations in those years. For example, Mackay and his debate partner, James Wilson, were featured on Atlanta radio station WGST, debating representatives of Westminster College of New Wilmington, Pennsylvania, on the subject of the Ludlow Amendment.²⁵

²³ "Social Disease Control Plan Outlined for Hygiene Council," *Atlanta Constitution*, February 2, 1940.

²⁴ Dr. Mackay's continuing interest in this Social Hygiene program was reflected by his active participation in the February 1941, program for which he gave the invocation. "Social Hygiene Unit to Study Syphilis Fight," *Atlanta Constitution*, February 2, 1941.

²⁵ "Mackay, Wilson Debate Monday," *Emory Wheel*, April 7, 1938.

Jamie found himself caught up in a controversy about selecting the future debate team manager in March and April 1938. Apparently, the official appointment of the manager was supposed to be a joint effort between the out-going manager and the faculty committee on public speaking. In late March 1938, the outgoing debate team manager, Bowen Hosford, announced to the student activities council that Tom Marshall would be manager for the following year and that Jamie would be “alternate manager.” This announcement was quickly followed by a letter to the editor of the *Emory Wheel* by Professor Nolan Goodyear, the chairman of the faculty committee on public speaking, announcing that no one had yet been appointed manager for the debate team for the following year. Professor Goodyear’s letter was countered in that same issue by a letter from Bowen Hosford, who argued that he was in a better position than Professor Goodyear and the other faculty members of the committee to know who was best qualified to lead the debate team because the faculty had few direct dealings with the debate team. He then accused Professor Goodyear and the other faculty members of being “unqualified to judge” and being “prejudiced,” although the nature of the prejudice was not clearly stated.²⁶

Although there probably was more to the story than what appeared in the *Emory Wheel*, the reaction of Professor Goodyear and his faculty committee was swift and direct. They immediately removed Hosford as the debate team manager, and they then selected Mackay to serve as manager for the remainder of the year and for the next academic year.²⁷

As debate team manager, one of Jamie’s duties was to organize the debate team’s participation in a debate conference in New York in February 1939, that included appearing on a national radio broadcast on CBS for a debate against the University of Louisville. The subject of the debates was apparently a timeless topic that could be debated even today: “Resolved, that the

²⁶ “Bound for Oblivion?” editorial, *Emory Wheel*, April 7, 1938; “Debate Mixup,” letter to the editor, *Emory Wheel*, April 7, 1938; “Hosford Replies,” letter to the editor, *Emory Wheel*, April 7, 1938.

²⁷ “Hosford Ousted, Mackay Named Debate Manager,” *Emory Wheel*, April 14, 1938.

United States should cease to use public funds, including credit, for the purpose of stimulating business.” Other schools involved in that debate conference included Princeton, New York University, Columbia, Catholic University, George Washington University, Randolph Macon College, and Winthrop College.²⁸ Through this experience, Jamie was meeting students from across the country, and he was sharpening his oratorical skills that would serve him well in his future legal and political career. Some of the subjects of the debate team’s preparation included at least one subject that would be a major focal point of Jamie’s political career: “That the county-unit system be abolished in Georgia.”²⁹

College years are formative ones, and Jamie Mackay had stumbled upon an issue, quite fortuitously, that would define part of his earlier career. Mackay himself acknowledged that he was exposed to this issue when he was a student at Emory and that he had been directly influenced by the views of political science professor, Cullen Gosnell. Gosnell was, from the time of his appointment to the Emory faculty in 1927, a passionate opponent of the county-unit system.³⁰ Professor Gosnell was also one of the named plaintiffs in the legal challenge that Jamie organized in 1946 when he was Chairman of Georgia Veterans for Majority Rule. Jamie’s involvement in this legal challenge will be discussed in more detail later in this thesis.

²⁸ “Varsity Debaters Will Go to N.Y.,” *Emory Wheel*, January 12, 1939.

²⁹ James Mackay to Mr. Paul Riviere, Dean, Reinhardt College, November 18, 1938, James A. Mackay Papers, Box 29. Mackay’s letter included a list of questions used by Emory Debate Team in 1937-1938 and 1938-1939: Resolved: 1. That the United States should cease to use Public Funds for the purpose of stimulating business. 2. That the British Empire is an Obstacle to World Peace. 3. That President Roosevelt will seek election for a third time in 1940. 4. That the county-unit system be abolished in Georgia. 5. That the United States should pursue a constructive neutral policy, based on the provisions of the present Neutrality Act. 6. That the President of the United States should be elected for only one term of six years. 7. That the United States should form an alliance with Great Britain and Holland to crush the Japanese. 8. That the manufacture of munitions for war be a government monopoly. 9. That a substitute for trial by jury be adopted. 10. That the Ludlow resolution be adopted. 11. That Congress should pass the Wagner-Van Nuys Anti-Lynching Bill. 12. That the several states should adopt a unicameral system of legislation. Mackay went on to note that “Dr. Raper of Agnes Scott suggests that we consider here in Georgia the resolution that the poll tax be abolished.”

³⁰ Marjorie Duncan, “Retirement of a Reformer,” *Emory Alumnus*, July 1962, 16. Indeed, Mackay directly acknowledged the influence that Dr. Gosnell had on him with respect to opposing the county unit system. He noted that Dr. Gosnell had spent his life fighting for the abolition of the county unit system, and that “Calvin and I were among the students who joined his crusade.” *Who Runs Georgia?*, xxiv.

2.3. *Jamie's Involvement in Other Student Activities*

As if being the new manager of the debate team was not enough to keep himself busy, Jamie was then elected shortly thereafter as one of three members of the College of Arts and Science to serve on the student activities council.³¹ This election was then followed by Jamie's selection as one of five new members to serve on Emory's honor council. As the only rising junior to be selected, this meant that Jamie would automatically become the president of the honor council his senior year.³²

Jamie was quickly engulfed in student activities, and others tapped him for leadership positions on campus. The following September in his junior year, Jamie was named chair of the ECA's Parents' Day committee and also Religious Emphasis Week committee.³³ The ECA at that time was the largest student organization on Emory's campus, so Mackay's appointment to chair two of those committees required a good deal of responsibility. Jamie, however, was not finished in accepting even more responsibilities. The following week, as one of the new members of the student activities council, Jamie was elected to serve as secretary of the council.³⁴

Mackay did not rest on his laurels, but looked for creative ways to accomplish positive results in his positions. For example, as Parents' Day chairman, Mackay arranged to send over 1,000 letters to the parents of the Emory students encouraging them to attend the event, and arranging for Emory's President Cox also to send a welcoming letter in the same envelope. This was the fifth year of the event, which included parental attendance in student classes, attendance

³¹ "Brannen Elected Editor of Wheel," *Emory Wheel*, April 23, 1938.

³² "Honor Council Members Named," *Emory Wheel*, May 6, 1938.

³³ "ECA Names Committees," *Emory Wheel*, September 29, 1938.

³⁴ "SAC Approves Revised Budget for Glee Club," *Emory Wheel*, October 6, 1938.

at a special chapel service, special lunches and receptions, a senior-sophomore football game, fraternity tennis matches, and an evening banquet. Due to Mackay's efforts, a record number of parents attended—over 550 parents.³⁵

2.4. *Jamie's Other Leadership Positions in His Junior Year*

Jamie was very busy with his extra-curricular activities in the spring of his junior year. In addition to serving as the manager of the debate team, Jamie was elected president of the ECA, after being nominated by a committee of four faculty members and six students chosen by the ECA executive committee.³⁶ Consistent with Jamie's previous leadership positions, he quickly set about to engage in projects to improve the ECA and to expand its focus.

One of the first actions Mackay took as in-coming president of the ECA was to lead twenty Emory students in attending the annual Georgia Student Christian conference at Paine College in Augusta. Paine has historically been an African-American college, so it was somewhat unusual at that time to have this type of integrated meeting of students. The theme for the conference was "Christian Imperatives for Us," and leaders of the discussion groups included Dean E.H. Rece of Emory and Dr. Arthur Raper of Agnes Scott.³⁷

Mackay was clearly familiar with Dr. Raper because he had referred the previous year to Dr. Raper's debate topic suggestion of the abolition of the poll tax.³⁸ Dr. Raper was a well-known liberal sociologist who taught part-time at Agnes Scott and who was often widely criticized by conservative individuals in Georgia for encouraging "race-mixing" among his

³⁵ "ECA Mails Over 1,000 Letters Urging Parents' Day Attendance," *Emory Wheel*, October 20, 1938; "Mothers and Dads Will Visit Emory," *Atlanta Constitution*, November 2, 1938; "Record Number of Parents Expected to Participate in Campus Activities Friday," *Emory Wheel*, November 3, 1938.

³⁶ "ECA Nominates James Mackay for President," *Emory Wheel*, January 26, 1939; "Mackay Elected ECA President," *Emory Wheel*, February 9, 1939.

³⁷ "ECA Sends 20 to Augusta," *Emory Wheel*, March 9, 1939.

³⁸ See footnote 29.

college students.³⁹ Raper encouraged the inter-racial meetings among college students at predominantly African-American colleges, such as Paine and Spellman. Mackay's leading the Emory ECA to such a meeting in the spring of 1939 may have been an early indication of Mackay's future interest in breaking down segregationist barriers in Georgia. Jamie's action in this regard was also a reflection of how he had been raised by his parents and consistent with how he had seen them take public positions against racial discrimination.

In another early example of Jamie's effort to improve the ECA, he held a constitutional assembly in April 1939, to vote on a new constitution for the ECA to clarify the definitions of "active" membership in the ECA and "electors."⁴⁰ This revised constitution was Jamie's effort to correct a problem that occurred earlier in the year when one of the fraternities (Chi Phi) had apparently tried to stack the vote in the ECA election for one of its members to become vice-president. The *Emory Wheel* had editorialized against such behavior and had noted the need to clarify the criteria for voting in ECA elections.⁴¹ Taking such quick action to address a perceived problem was characteristic of Jamie, both while a student at Emory and later when he began his political career.

Leading the largest student club at Emory and serving as honor council president, however, were not sufficient leadership positions for Jamie. In that same spring semester, Jamie decided to run for president of the student body. In doing so, he had to endure three different elections before finally succeeding. He initially ran against Raymond Miller, a graduate student, Moreton Rolleston, a law student, and Vernon Skiles, a medical student. It is not clear what the key campaign issues were, but Mackay was originally favored to win the election. He led in the

³⁹ Clifford M. Kuhn, "A Mind-Opening Influence of Great Importance: Arthur Raper at Agnes Scott College," *Southern Cultures*, Spring 2012, 79-80.

⁴⁰ "New Constitution of ECA to be Voted on Tonight," *Emory Wheel*, April 6, 1939.

⁴¹ "ECA Franchise Undefined," editorial, *Emory Wheel*, February 9, 1939.

first vote with 300 votes, compared to Skiles' 246, Miller's 189, and Rolleston's 143. Rolleston was eliminated, and the surviving three then ran again.⁴² A majority vote was necessary to win the presidency, and a poll conducted by the *Emory Wheel* indicated that Mackay would win with 54% of the vote over his two remaining rivals.⁴³ For whatever reason, the newspaper poll was badly wrong, and Mackay finished second to Skiles 357-349. Miller got 324 votes and was eliminated in what the *Emory Wheel* described as "one of the most hotly contested ballot battles ever fought on the campus."⁴⁴ Vernon Skiles dominated the vote of the medical students and Mackay basically split the vote of the Arts and Science students with Ray Miller. Mackay benefited from a large margin of 60 votes from the theology students, apparently reaping the reward of his active involvement with the ECA. In the run-off, Mackay defeated Vernon Skiles 494-466, a margin of 28 votes, in "one of the closest presidential races on the campus."⁴⁵

2.5. *Jamie's Selection to Emory's Honor Societies*

Jamie finished out the spring semester by being selected to the Emory senior honor societies, DVS and ODK. He was one of 7 students selected to DVS, described as the "highest undergraduate honor," and which based its selection on "literary and scholastic attainment, ambition and ability to serve and lead in large public affairs, love for outdoor athletics and sports, possession of strong manly qualities—such as courage, generosity, and kindness—and high moral character."⁴⁶ In being selected to DVS, Jamie followed in his father's footsteps, as

⁴² "Mackay, Miller and Skiles Victors Friday," *Emory Wheel*, April 20, 1939.

⁴³ Lorin Myers, "Mackay Leads Presidency Race, According to Poll," *Emory Wheel*, April 27, 1939.

⁴⁴ "Voters Return to Polls Friday for Run-off Elections," *Emory Wheel*, May 4, 1939.

⁴⁵ "Emory Students Headed by Mackay," *Atlanta Constitution*, May 6, 1939; "Mackay Named President; Hall and Steadman Win," *Emory Wheel*, May 11, 1939.

⁴⁶ "Seven Outstanding Juniors Appear in DVS Insignia Today," *Emory Wheel*, May 11, 1939; "Emory Honor Group Inducts 7 Members," *Atlanta Constitution*, May 12, 1939. According to the *Emory Wheel* article, the initiation ceremonies required those selected to keep silent for three days, wear black arm bands, carry small black pipes in their mouths, and wear one of the three mystic letters each day. They were also required to maintain motionless

Dr. Mackay had also been selected when he was a student at Emory at Oxford. At the conclusion of Jamie's senior year, the *Emory Wheel* editorialized about the significance of being selected for DVS:

Their election is a symbol that they have completed three years of conspicuous service to Alma Mater, three years marked by outstanding evidence of leadership, ability, sincerity, and character on their part.

...
But every man who wears the mystic triangle signs a solemn oath never to allow friendships, fraternity ties, or political affiliations to influence election of those who are to follow him in the society. It is only through rigid adherence to this ideal that the society has been able to increase its service to Emory and to recognize those who in turn have worked for the greatest good of the institution.

There is no formula for election to the society, except service to Emory.⁴⁷

Shortly after his selection to DVS, Jamie was also selected as one of 6 members to Omicron Delta Kappa, the national honorary leadership fraternity.⁴⁸ Given his position as president-elect of the student body, president of the honor council, president of the ECA, and past manager of the debate team, his selection to the national honorary leadership society was basically a "no brainer." He was joined by Speights Ballard, James Wilson, and Joe Hall in being selected for both DVS and ODK. Those two membership societies recognized only the very best of the student leaders at Emory, and Jamie could not have achieved any greater recognition for his undergraduate activities.

2.6. Mackay's Participation in Atlanta's "Citizenship Day" Rally

postures at prominent downtown locations on Saturday afternoon, which would conclude their public initiation. Future Baseball Hall of Fame announcer, Ernie Harwell, was one of the 7 selected to DVS along with Mackay.⁴⁷ "Service to Emory," editorial, *Emory Wheel*, May 16, 1940; Jamie Mackay had certainly shown his service to Emory during his first three years at Emory, but he would continue to render service to Emory for the rest of his life, serving in the future as president of the Alumni Association, serving on the Board of Trust, and being an adjunct professor at Emory Law School. Jamie's dedication to Emory was a quality that began when he was a student, but grew even more in his adult life. Emory recognized Jamie's contributions over so many years, when, as part of Emory's celebrations in 2011 of the 175th anniversary of its founding, it selected Jamie as one of its top 175 alumni of all time. "175 Makers of History: James A. Mackay," <http://www.emory.edu/home/about/anniversary/175-of-everything/makers> (accessed June 12, 2012).

⁴⁸ "ODK Taps Six Men in Ceremony Friday," *Emory Wheel*, May 19, 1939.

The war clouds in Europe were quickly apparent after Germany and Russia invaded Poland in September 1939. As the debate grew in the U.S. over the country's position of either neutrality or favoring the British, Jamie was selected to participate in a major "Citizenship Day" rally at Ponce de Leon Ballpark on October 12, 1939. The rally was sponsored by the Georgia Education Association. The Georgia League of Women Voters and the American Legion were also involved in supporting the rally. World War I aviation hero Capt. Eddie V. Rickenbacker was the featured speaker for the event.

Although the selection process was not revealed, Mackay was selected as the representative of the youth who had attained the age of twenty-one and would receive "citizenship certificates" at the event. After Rickenbacker gave his major address, Mackay spoke in response on behalf of all the youth receiving the certificates. Other people participating in the event included such luminaries as Georgia Governor E.D. Rivers, Atlanta Mayor William S. Hartsfield, Rabbi David Marx, Dr. C. R. Stauffer, President of the Christian Council of Atlanta, Mrs. Raymond Wolf, President of the Atlanta Federation of Women's Clubs, Georgia Court of Appeals Judge John B. Guerry and Major Trammell Scott, head of the American Legion.⁴⁹

Over 15,000 young people who had reached the age of twenty-one in Georgia were estimated to participate in over 1,000 rallies across Georgia that day, with the 7:30 p.m. rally at Ponce de Leon ballpark serving as the major celebration. Although it is not clear why the Georgia Education Association, along with the American Legion and Georgia League of Women Voters, sponsored this event, the substance of Capt. Rickenbacker's remarks was basically against the U.S. getting involved in the war in Europe.

⁴⁹ "1500 A Day Asking Citizenship Papers," *Atlanta Constitution*, October 10, 1939; Citizenship Day program, James A. Mackay Papers, Box 21. The Citizenship Day program listed the members of the Citizenship Day Committee: Knox Walker was Chairman; Miss Christine Smith was Secretary; the other members were Philip Alston, Sr., Peter Cranford, Lambdin Kay, W. S. Kirkpatrick, Walter LeCraw, Mrs. R. A. Long, R. L. Ramsey, Willis A. Sutton, and Miss Josephine Wilkins.

The rally and Mackay's role as representative of the Georgia youth receiving citizenship certificates were prominently featured on the front pages of all three of Atlanta's daily papers.⁵⁰ All three papers included pictures of Jamie receiving his citizenship certificate and posing with Capt. Rickenbacker or Georgia Court of Appeals Judge John Guerry. Ironically, Mackay was more than eight months shy of attaining the age of twenty-one when he received his certificate, but that did not deter him from seizing the spotlight at the rally.

The newspapers reported that Rickenbacker's talk was entitled "Citizenship." Rickenbacker emphasized the unlimited opportunities for youth of the day, and cited the importance of keeping "service" above personal gain and to maintain high courage in pursuing their ideals. He also focused on the current world conflict, strongly urging that America should keep out of the European war: "Don't let the glory of war, the uniforms, and the playing of bands give you the illusion that you're ever fighting for anything else except the preservation of this nation."⁵¹

The local newspapers also published selected quotes from Jamie's remarks.⁵² Just as Jamie would later reflect on the importance of exercising the freedom to vote when he observed the deaths of his shipmates, he stressed that same point in his response to Capt. Rickenbacker:

We have found that democracy cannot be taken for granted, but at the same time we must not take it for granted that we have achieved true democracy here in America. Already we young citizens are being told by older people that we must be prepared to fight for our great heritage and our Christian ideals. But we must be honest with ourselves. We must realize that such democracy as we have is imperfect. The cause of liberty and democracy cannot stand still. It must go forward. So long as there are millions of people unemployed; so long as there are other millions dependent upon a temporary relief; so

⁵⁰ C. B. Wilmer, Jr., "15,000 Are Given Their Citizenship Papers In State," *Atlanta Constitution*, October 13, 1939; "Atlantans Presented Citizenship Diplomas at Rally," *Atlanta Georgian*, October 13, 1939; John T. Carlton, "Youth Hurls Challenge at Citizenship Rally," *Atlanta Journal*, October 13, 1939.

⁵¹ John T. Carlton, "Youth Hurls Challenge at Citizenship Rally," *Atlanta Journal*, October 13, 1939; "Atlantans Presented Citizenship Diplomas at Rally," *Atlanta Georgian*, October 13, 1939.

⁵² The only full text of Jamie's remarks, however, are in his papers at MARBL. James A. Mackay Papers, Box 21.

long as there are millions in our native country who are not even voting; so long as our democracy has these and other problems unsolved, young citizens are going to be reluctant to cross the seas with the purpose of saving the world for democracy as another splendid generation of Americans did not many years ago. Yes, we young citizens realize that the greatest battles to be fought are here at home. And I believe we are ready to fight them. It will require unselfishness on the part of all citizens. Any progress we make in perfecting our democracy will be measured by the extent to which you and I as individual citizens take on responsibility.⁵³

It took real courage for a young twenty-year-old man to stand before national and state figures in the middle of the biggest ballpark in Atlanta and respond to Capt. Rickenbacker with something more than joyful platitudes. Jamie acknowledged the reality that in 1939 the country's own democracy had many flaws, yet Jamie was not pessimistic.

He followed the above remarks with some practical suggestions to his fellow young citizens. This, again, would typify Jamie's future approach to confronting problems in either the political or environmental areas. He would give a speech, but he would usually propose concrete actions to carry out the goals he had identified. Although some of his practical suggestions may seem a little naïve, they reflect the views of a young man who was concerned about the practical realities of exercising political power. He went on to offer the following suggestions:

A few of the specific things we may do.

Meet your government officials, talk to them, know their background and what they stand for.

Visit your local courthouse and city hall. Find out what offices are located in each building and what work is done in each office.

Get first hand knowledge of how our government works. Visit the municipal and county courts while they are in session.

Those of you who live in Atlanta, visit the state capitol. Visit the legislature while it is in session.

Most important of all, register and vote in every election. Determine that you will vote independently and that you will fight any abuse of the ballot in your community.

These are just a few of the things we can do as young citizens. But they are exceedingly important things. A great thinker has said that the best defense for democracy is a politically educated electorate.⁵⁴

⁵³ "Young Citizen's Response," Georgia Citizenship Day, October 12, 1939, Atlanta Rally, James A. Mackay Papers, Box 21.

⁵⁴ Ibid.

In offering these suggestions, Jamie was offering the same type of concluding perspective that he and Calvin Kytle would later reach when they wrote the draft of their analysis of Georgia politics in 1947 in *Who Runs Georgia ?* They concluded then that one of the major reasons for the Talmadge machine's success was the fact that most Georgia citizens were simply indifferent to politics and were woefully lacking in political education. "Very simply, what Georgia needs at this moment is an educated electorate and a two party system."⁵⁵

In a passage that sounds similar in tone to Jamie's Citizenship address in 1939, he and Calvin Kytle went on to conclude:

In undertaking this study the two of us had hoped that somehow we could establish that the fault lies more with the system. And yet, reviewing the things we've seen and the talk we've heard, we can only believe that the people of Georgia are bound more by their own ignorance than by any system imposed on them. It may not have been like this always. But today it can be said with conviction that the chief reason we have a one-party system and a county unit system is that most of our people want them, and the chief reason we are ruled by a coalition of political hacks and corporate wealth is that the people don't know enough to care.⁵⁶

Mackay's remarks at the Citizenship Rally appear to have been well-received, and then he was formally presented with his citizenship certificate by Georgia Court of Appeals Judge James Guerry. In making this presentation, Judge Guerry was quoted as saying, "A government such as ours... will never be destroyed except from within. Wrong ideas and concepts will bring moral decay in political as well as spiritual values."⁵⁷ In stressing this danger of "wrong ideas" and "moral decay," Judge Guerry seemed to anticipate the kind of fears that would be the hallmark of future and then-current politicians whom Mackay would oppose in the political realm. Guerry's comments could have been written by future Sen. Joseph McCarthy or Georgia Governor Eugene Talmadge. Indeed, on that same day of the Citizenship Rally at Ponce de Leon

⁵⁵ *Who Runs Georgia?*, 85.

⁵⁶ *Ibid.* at 86.

⁵⁷ John T. Carlton, "Youth Hurls Challenge at Citizenship Rally," *Atlanta Journal*, October 13, 1939.

ballpark, then-former Governor Talmadge was speaking at a Citizenship Rally in Marietta and pleaded for “Americanized thinking” and defense against “crack pot European ideas that come in with undesirable aliens.”⁵⁸

Mackay would spend a good part of his future political career opposing such thoughts and ideas. He got a taste of what was to come that night when he spoke at the Citizenship Rally.

2.7. *Jamie’s Senior Year at Emory*

With the beginning of World War II as a constant backdrop to student activities that year, Jamie had already welcomed the freshman class to Emory in September as both president of the student government and president of the honor council. One unique aspect of freshman orientation that September was the mandatory requirement that all freshmen audition for the glee club.⁵⁹ It is not clear if Jamie had any role in this new requirement, but, given his own participation in the glee club, he most likely would have strongly supported this new initiative.

After the conclusion of the Citizenship Rally, Jamie returned to the daily obligations of his student organizations at Emory. He was involved in appointing people to student government committees, such as appointing classmate and future Detroit Tigers’ Baseball Hall of Fame announcer, Ernie Harwell, to the athletic council, and working with newly-elected student council secretary, Calvin Kytle.⁶⁰ Kytle would later recall that for more than 60 years Jamie would serve as his “mentor, friend, and surrogate brother.”⁶¹ Kytle described his first memory of Jamie as “this cheerful figure striding the Emory campus, greeting everyone he passed with a

⁵⁸ C. B. Wilber, Jr., “15,000 Are Given Their Citizenship Papers in State,” *Atlanta Constitution*, October 13, 1939.

⁵⁹ “More Than 225 Freshmen Enrolled,” *Emory Wheel*, September 22, 1939.

⁶⁰ “SAC Inducts Two Representatives, Outlines Work,” *Emory Wheel*, October 12, 1939.

⁶¹ Calvin Kytle’s letter read by Mackay Asbury at Memorial Service for Jamie Mackay, July 21, 2004.

contagious smile—the kind that made you believe that God might indeed be in His heaven, and all was right with the world.”⁶²

Kytle said their friendship began the year Jamie was elected president of the student body and Calvin was elected secretary as a replacement for Jamie. “Even then, Jamie was a great and fast talker. The first hint that I would have trouble keeping up with him forever was the problem I had getting his comments down accurately for minutes of the student council meetings.”⁶³

One of the major events that Mackay presided over in the fall of his senior year was the annual Parents’ Day celebration that Jamie had chaired during his sophomore year. Jamie and his father must have both been filled with pride as Dr. Mackay was chosen by the Parents’ Day Committee to present the Convocation address, followed by Jamie’s response on “The Students’ Part” as the president of the student body.⁶⁴ The local newspapers featured the roles that both Dr. Mackay and Jamie would play in this weekend, and the *Atlanta Georgian* featured a large picture of Jamie and Dr. Mackay, bedecked in academic caps and gowns, smiling at each other as Jamie put his arm around his father. The picture was titled, “Son of His Father.”⁶⁵

Of course, probably the highlight of Jamie’s senior year occurred in December 1939, when “Gone With the Wind” premiered in Atlanta. Jamie and his KA fraternity brothers were enlisted to drive the attending cast members around Atlanta for the major events. Given the subject of the movie, it would be only natural to assume that the “Old South” fraternity brothers of Emory’s K A chapter would be involved. Jamie had the arduous duty of chauffeuring actress

⁶² Ibid.

⁶³ Ibid.

⁶⁴ “Campus Prepared to Receive Parents, Friends Tomorrow,” *Emory Wheel*, November 2, 1939; “Parents Visit Students at Emory and Find ‘Son’ Is Doing All Right,” *Atlanta Constitution*, November 4, 1939.

⁶⁵ “Son of His Father,” *Atlanta Georgian*, November 4, 1939. The Emory Wheel ran a copy of that picture in a subsequent story about Parents’ Day. “Parents, Seniors Honored in Dual Campus Celebrations,” *Emory Wheel*, November 9, 1939.

Ann Rutherford around Atlanta.⁶⁶ Ms. Rutherford played one of the sisters of Scarlett O'Hara in the movie. The rest of his senior year may have looked like an anti-climax to that unique experience.

Jamie was involved in a variety of activities his senior year for his different organizations. In presiding over the student government, he oversaw the outlawing of speeding on campus, establishing a twenty-mile-per-hour speed limit, and developing a student traffic court that would impose penalties for violations. The basis for enforcement was the Emory honor code in which students were supposed to report any violators. The penalties would range from the minimum of posting the name of the individual and his or her fraternity or sorority on a black list that would appear in the *Emory Wheel*, to being prevented from driving on campus, to having probation, to being expelled.⁶⁷

In January, Jamie was a featured presenter and presider at Emory's Religious Emphasis Week, which included forums in Glenn Memorial Church, in lieu of 10 a.m. classes, and other forums in the student cafeteria and fraternity houses. The featured speaker was Dr. Henry Sloan Coffin, President of the Union Theological Seminary, but other local ministers and rabbis were also involved in the evening ministry services.⁶⁸

In taking a leading role in Emory's Religious Emphasis Week, Jamie was following through on his past involvement in student religious activities at his father's church and building on his current leadership of the Emory Christian Association. Jamie would also be a principal

⁶⁶ Betty Asbury interview, October 26, 2011.

⁶⁷ "SAC Outlaws Speeding; Twenty Mile Limit Set," *Emory Wheel*, December 7, 1939.

⁶⁸ "Religious Emphasis Week to Begin Monday," *Emory Wheel*, January 18, 1940. Some of the subjects discussed in the forums included the international situation; marriage and the family; pre-marital relations; what is prayer?; what is God?; right and wrong; Christianity and business; does honesty pay?; personal religion; the Bible; making religion practical; integrity of character; religion and politics; crime; and drinking. It was not clear from the article which forum Mackay led.

youth speaker in early February 1940, when Emory hosted 1500 students at the first state-wide Methodist Youth Crusade Rally. Jamie's topic was "Methodist Youth Advances."⁶⁹

Mackay would remain committed to being actively involved as a layman in the Methodist Church for the rest of his life, and he received a good grounding in this commitment during his Emory years. He would become even more involved with Methodist Church activities in the summer after his graduation from Emory when he would participate in a Methodist Youth Caravan for several weeks in West Texas.

In addition to his student government and ECA leadership activities, Jamie led an effort to reinvigorate Emory's honor system. As president of the honor council, Jamie announced that the council would study a report by Professor Jack Tilford, who recommended several steps to increase faculty and student awareness of, and adherence to, the honor system. Jamie also arranged for a special chapel program to present an educational session against campus dishonesty. He also planned a program to be offered at a special freshman assembly.⁷⁰ As with any organization that Mackay led, he appeared to want to make positive advances and improvements, not merely to look on his leadership title as a resume builder.

Given the number of organizations that Jamie led at Emory during his senior year, it is a wonder how he found the time to complete his academic work. Jamie described his academic achievements in college as a reflection of the fact that he was a "typical A, B, C student."⁷¹ Although no transcript of Jamie's college grades are included in his papers at Emory's MARBL, his name did not appear in the list of Arts and Science students who made the honor roll in the

⁶⁹ "Youth Crusade Rally to be Held Friday Evening," *Emory Wheel*, February 1, 1940; "Mackay to Speak Before 1500 Tomorrow Night," *Emory Wheel*, February 8, 1940.

⁷⁰ Calvin Kytte, "Honor System to be Better Publicized in Near Future," *Emory Wheel*, January 26, 1940.

⁷¹ James A. Mackay interview, March 18, 1986, transcript, 15.

winter quarter of his senior year.⁷² In contrast, when Jamie would later attend Emory Law School after WWII, he would graduate as one of the top three students in his law school class and one of three members of his class to be selected to the board of student editors of case comments for the *Georgia Bar Journal*.⁷³

It is probably safe to assume that Jamie's wide variety of extra-curricular activities distracted him from concentrating more on his studies as an undergraduate. In fact, when Jamie enrolled in Duke Law School for the 1940-1941 year, he candidly noted that he was not suffering from any bad study habits, in contrast to his experiences at Emory: "The trouble at Emory was lack of time; here all I have to do is study and I am getting a genuine kick out of it."⁷⁴

Although Jamie was not named individually in an editorial in the *Emory Wheel*, it seems likely that the editor, Ernie Harwell, was writing about Jamie towards the end of his senior year. In an editorial titled "Chained Weariness," the editorial referred to a small group of "weary men" who are campus "big shots," "activity men."

This small group trudges through activities, each member living on cigarettes, black coffee, late hours, and nervous energy. Each one realizes his health is being impaired, each one knows his grades are suffering. Yet he trudges on. It's too late to quit.

The activity man as a senior is sick of it all....He's sick of staying up all night, of answering a thousand questions, of making everybody mad at him. He wants to be "one of the boys" again.

The activity man feels that after three and one-half years he's done enough for his fellow-students and his school....And yet that old sense of obligation is always prodding him. It makes him accept duties he doesn't want, do things he's tired of doing. He ruins his health, misses a lot of pleasure, and wears a couple of keys.

Once a man has proved himself a capable and dependable worker, more work and more responsibility is piled upon him. Not only students, but faculty directors of various activities take advantage of his sense of obligation. They exploit his willingness to work for others—to work even to the extent of his own ruin.

⁷² "As Stipe Lists Honor Roll Grades," *Emory Wheel*, April 18, 1940.

⁷³ "Law Students Write for Bar Journal," *Emory Wheel*, January 16, 1947.

⁷⁴ Jamie Mackay to Mother and Dad, September 23, 1940, Mackay Family Papers, Box 12, File 1.

With so much to do, the leader (at least the type who is not genius enough to handle all his activities and his school work satisfactorily) slumps in his studies. Time taken by his activities forces him to cut classes. His grades suffer.⁷⁵

The editorial went on to recommend that Emory not allow a student to be a leader of more than one organization at a time. It called upon the national honorary leadership society, ODK, to not require participation in several activities. Instead, the editorial urged that “no man be allowed leadership in more than one major activity.” It advised freshmen and sophomores to realize that “too many activities are a burden, an abominable burden. Let them pick their best fields and stick to them.”⁷⁶

Even though Jamie was not directly named in the editorial, it is difficult to imagine too many other classmates who would have fit the profile of someone who led multiple major student organizations in his senior year. Perhaps the editorial writer (most likely the editor, Ernie Harwell), had listened to Jamie bemoan his life of extra-curricular activities or express concern about his academic record. Regardless, the editorial seemed to be describing a young man like Jamie, who was obviously over-extended his senior year, and whose “willingness to work for others” had been exploited by faculty and fellow-students.

Jamie graduated from Emory on June 10, 1940 with 118 other seniors in the college who received their diplomas that day. Dr. Douglas Southall Freeman, the editor of the *Richmond News-Leader* and the Pulitzer-Prize-winning author of the biography of Robert E. Lee, was the commencement speaker for the graduation exercises.⁷⁷ One might have been forgiven for expecting that Jamie would take a good, long rest after completing his senior year, but he was not about to slacken off.

⁷⁵ “Chained Weariness,” editorial, *Emory Wheel*, April 11, 1940.

⁷⁶ Ibid.

⁷⁷ “Graduation Set for June 10 on Emory Campus,” *Atlanta Constitution*, June 2, 1940; “Program of the Graduating Exercises of Emory University, Glenn Memorial Church, June The Ninth and Tenth, Nineteen Hundred and Forty,” James A. Mackay Papers, Box 21.

2.8. *The Methodist Youth Caravan in the Summer of 1940*

The most significant event for Jamie in the summer of 1940 was his decision to join the Methodist Youth Caravan and spend eight weeks in West Texas leading youth revivals at various Methodist churches.⁷⁸ This effort was part of an outreach by the Methodist Church in over 20 states from New Mexico to Virginia, involving 237 youth and 57 adult counselors, who worked with 500 local communities and approximately 1,500 local Methodist churches. As Jamie explained in an article he wrote for the *Wheeler Times* in Wheeler, Texas, the purpose of this Youth Caravan was “to bring more people to a feeling of loyalty for the church and to Jesus Christ. We are seeking to teach all with whom we come in contact how to play more joyfully, work with more diligence, study with deeper intent and to worship God more fully.”⁷⁹

In late June, Jamie and an acquaintance, Tom Whiting, who came from Camilla, Georgia, boarded a Greyhound bus in Atlanta for a 36-hour trip via New Orleans to Southwestern University in Georgetown, Texas. There they received a week’s training for leading the youth crusades at the different churches they would visit. Among the hundreds of Methodist youth participating in the program, Jamie and Tom were paired with two female college students: Edna Holmes from Johnstown, South Carolina, who was a rising senior at Winthrop College, and Agnes Cole, a Methodist minister’s daughter from Stephenville, Texas. The adult supervisor for this group was Miss Mattie Sue Howell, who was approximately 30-years-old and a District

⁷⁸ It is possible that shortly after graduation, Jamie and another friend took an automobile trip up the east coast to New York City to visit the World’s Fair in June of 1940. There is an undated letter in the Mackay Family Papers from Jamie to his father, describing all that they were seeing in New York and at the Fair, and their plans to drive back through Philadelphia and Washington, D. C. for more sightseeing. Mackay never reveals the name of his traveling companion in the letter. It is possible that this trip was a graduation present from his parents, as Jamie noted: “It is difficult to express my full appreciation for the opportunities of this trip. It is just the sort of trip I have been thirsting for.” Mackay Family Papers, undated letter, “Sunday evening,” Box 12, File 1.

⁷⁹ “Object of Visit Told by Member of Caravan,” *Wheeler (Texas) Times*, July 18, 1940, James A. Mackay Papers, Box 21.

Director for the Plainview, Texas District of the Methodist Church. At the training session at Southwestern, Jamie and Tom were given a choice of spending the next seven weeks at Methodist churches in the Houston area or going to Methodist churches in the Texas Panhandle region. They chose the latter, and for the next seven weeks spent time in the Texas towns of Vernon (population 9,137), Wheeler (population 931), Amarillo (population 50,000), a youth camp in Happy, Texas at the bottom of a canyon, Canyon (population 2,821), Hereford (2,458) and Floydada (population 2,630).⁸⁰

The five of them traveled to the different churches in a 1940 Ford that was provided by the Northwest Texas Conference of the Methodist Church, and Jamie informed his parents that “by mutual agreement” the young men and women did not date each other.⁸¹ They divided their responsibilities in the following manner: Edna specialized in organizing worship services; Agnes organized recreational activities for the youth; Tom led the programs on personal religion; and Jamie trained the young people in community service.⁸²

The general routine for the Caravanners was to stay in the parsonage of each Methodist Church they visited. They would spend approximately a week in each community. They would engage the youth of the church in a series of classes, forums, recreational periods, community improvement projects and worship services. The week would usually end with a consecration service on Friday evening—a candlelight affair built around holy communion. In Jamie’s article, “Quest,” summarizing his Caravan experience, he explained:

And everywhere we found that same yearning in the hearts of men for a fuller life. Young people who had held back from accepting Jesus as their master and their guide now gave

⁸⁰ Jamie Mackay to Mother and Dad, undated but postmarked July 5, 1940, Mackay Family Papers, Box 12, File 1.

⁸¹ Ibid.

⁸² “Quest,” an article written in July or August 1940 by Jamie Mackay, summarizing the Caravan experience and submitted to Boyd McKeown, Director of Promotions for the Department of Schools and Colleges of the General Board of Christian Education, Methodist Episcopal Church South, Nashville, Tenn., for potential publication in either *The Christian Century* or *The Advocate*. It is unclear if this article was ever published. Boyd McKeon to James Armstrong Mackay, Aug. 19, 1940. Mackay Family Papers, Box 12, File 1.

allegiance to Him when they found that religion is not a sad and cramping experience, that it is not a static thing. No, when they saw that religion is a joyous quest for a better life and an adventure of rich experiences, they came and said they wanted to give themselves unreservedly to a cause that stood for love, justice, decency and brotherhood in a world that seems to have gone mad with hate and lust for political power.

Reluctantly, Tom and I returned to Georgia. Our quest had been partially successful, for we had gotten glimpses of the Kingdom—glimpses we could never forget. We came to realize that our quest could not be accomplished in a few weeks. We learned that the quest for the Kingdom must go on and on throughout life, and that countless others are needed to aid in this quest.⁸³

During these seven weeks of traveling to the West Texas Methodist Churches, Jamie had numerous occasions to speak in public. Jamie was also responsible for organizing investigations by the youth into needed improvements in the local communities, and then making reports to the local church for recommended actions. In carrying out this aspect of the “youth crusade,” Jamie appeared to be putting into practice some of the suggestions he made to his fellow youth at the Citizenship Rally in Atlanta.

For example, when the Caravan visited Vernon, Texas, Jamie led the church youth on visits to the Mayor’s office, the County Health Department, the superintendent of education’s office, the manager of one of the local movie theatres, and several other civic leaders. The youth group also inspected the poorer housing areas, the recreational facilities for “whites and negroes,” educational facilities for both races, the city light and water plants, and the county health clinic. At the end of their week in Vernon they issued a “Report of the Class on Community Service,” summarizing what they had done and making recommendations, such as having the Church pressure local city officials to outlaw the sale of beer and liquor in “honky-tonks” and by “unscrupulous druggists.” They urged the creation of more playground facilities for Negro school children. They suggested the immediate construction of storm sewers and proposed that the city adopt pre-marital examination laws and impose other preventive measures

⁸³ “Quest,” Ibid.

against social diseases. They also urged that the local drug stores and newsstands cease selling the magazines that were of the “secret romance” type, and estimated that 75% of all the magazines sold in Vernon were “definitely rotten literature.”⁸⁴

Jamie’s Caravan group would issue similar types of reports for the other cities they visited, and one can see almost a foreshadowing of Jamie’s actions a few years later when he and Calvin Kyle made their survey of the power brokers in so many of the small towns and cities in Georgia.⁸⁵ While in retrospect some of Jamie’s youth groups’ recommendations seem naïve, and overly-concerned with the availability of alcohol and pulp fiction, especially “girlie” magazines, in the communities, the recommendations also reflected an awareness of the discrimination in the communities against “Negro” and Hispanic people. The Caravan experience provided Jamie an introduction to Mexican-American citizens whom he had never had the opportunity to meet while growing up in Alabama and Atlanta.

Jamie’s keen interest in politics was evident even when he was visiting these small towns in Texas. In one letter to his parents, Jamie criticizes the silliness of the Texas Governor, W. Lee “Pappy” O’Daniel, whom he described as a “well-meaning, sincere, and incapable man.” He noted that O’Daniel’s main opponent was a man named Sadler, who also led a hill-billy band like O’Daniel, and commented: “It’s a sad commentary on democracy when the gub. contest of a great state like Texas is partially settled by the relative merits of jug bands.”⁸⁶ Jamie, in that same letter, went on to analyze the political power structure of Texas and offered the following insight: “Most citizens feel Texas doesn’t own her own soul—that it is governed from Long

⁸⁴ “Youth Crusade Caravan Week—July 6-12, First Methodist Church, Vernon, Texas, Report of the Class on Community Service,” Mackay Family Papers, Box 12, File 1.

⁸⁵ “Youth Crusade Caravan Week, July 13-20, First Methodist Church, Wheeler, Texas, Report of the Class on Community Service,” Mackay Family Papers, Box 12, File 1; “Youth Crusade Caravan Week, July 20-27, 1940, Polk Street Methodist Church, Amarillo, Texas, Report of the Class on Community Service” Mackay Family Papers, Box 12, File 1.

⁸⁶ Jamie Mackay to Dad and Mother, July 18, 1940, Mackay Family Papers, Box 12, File 1.

Island. There is good evidence the legislature is bought and paid for by the sulphur and oil interests.”⁸⁷

Jamie seemed to be building the foundation for his future investigation of political power in Georgia when he was analyzing the political situation in Texas. Amazingly, he had only been in Texas for a few weeks before he was offering this type of analysis to his parents. Even as a young man, he was concerned about the economic and social plight of minorities, and expressed the need for the local church and community to address what he saw as discriminatory treatment. For example, in the community service report for Amarillo, Jamie devoted a separate section to “Racial Minorities,” and made the following statement:

There are approximately four thousand Negroes in Amarillo. 1200 Mexicans or Latin Americans live in the city limits. Mexicans are required by public sentiment to live in one district which is relatively poor. The city does not recognize its responsibility to these citizens because of the low tax value of the property in this area. For instance, 350 Mexicans have been denied city sewerage facilities because of this. Well trained and educated Mexican young people are denied jobs amounting to more than common labor. This encourages delinquency and lack of ambition on the part of Mexican young people who are denied the hope of responsible positions.

The Negro population is in dire need of better educational and recreational facilities. Practically no facilities are provided in the Negro park or on the school grounds.

A community center would greatly improve the environment of the Negroes in Amarillo. It would provide recreational facilities and a social organization for the training of young people in vocations and home making. The Negro is not provided decent accommodations in any theatre in town. The physical accommodations for Negro education are entirely inadequate.

We recommend:

That the city provide sewerage facilities for those sixty families denied them in the Mexican district;

That employers accept Mexicans as high type for positions of responsibility;

That the city provide better physical accommodations for the Negro school.

Perhaps this could be accomplished through consolidation;

That church members express sympathy for the problems of the several racial minorities in Amarillo through attitude and action.⁸⁸

⁸⁷ Ibid.

⁸⁸ “Youth Crusade Caravan Week, July 20-27, 1940, Polk Street Methodist Church, Amarillo, Texas, Report of the Class on Community Service,” Mackay Family Papers, Box 12, File 1. It is interesting to note that while Mackay’s

Although the above recommendations may not sound today as being overly-progressive, in the context of the times and location, they probably seemed to be unusually direct and sensitive to the social needs of the minorities in the Texas communities that Jamie's caravan visited. He demonstrated in these recommendations his view that the Methodist Church should be actively involved in addressing discrimination and the social needs of minorities.

Mackay did not go so far as to call for desegregation. Such a sentiment would have gone too far against prevailing beliefs. Virtually no southern, white, progressive leaders at that time were calling for the dismantling of Jim Crow. As John Egerton noted: "When it came to outright criticism of segregation itself, only a handful of Southern whites with any public stature or following at all had found their voices by 1945—and all of them were on the outer margins of power, not at its center."⁸⁹

Jamie's recommendations and concerns were consistent with the views espoused by his parents, and indicated a desire to make sure that minorities were treated fairly, even if they were still separated from the white communities. The Youth Caravan experience opened Jamie's eyes to a different part of the world, and gave him an opportunity to exercise responsibility in recognizing changes that communities should make to improve the living conditions of minorities. Jamie seemed to thrive in this new environment. He wrote his parents at least once or twice per week, and in early August he told them, "The weeks I've spent here in Texas have meant as much as any single year I spent in college. Every day has been jam packed with new experiences and new outlooks. Every week has brought a new situation to which I've had to

Caravan report urged employers to give Mexicans job responsibilities of the "high type," the report did not make a similar request regarding African-Americans. The report did, however, urge improvements in educational and recreational facilities for blacks.

⁸⁹ John Egerton, *Speak Now Against the Day*, 353.

adapt myself.”⁹⁰ Jamie’s enthusiasm for this project was apparent from the beginning. In early July, he had written to his parents, “You can see that this whole business is a real adventure. It’s something I’d rather do than anything I know. It’s a chance to see American life thoroughly, to learn what makes society tick, and why people do the things they do.”⁹¹

Apparently, Jamie kept a daily journal of his experiences on the caravan, but no journal survives in either his personal papers or his family’s papers. Thus, we don’t have the ability to obtain a more detailed and contemporaneous insight into how the Youth Caravan affected Jamie. We do, however, have a letter from his adult supervisor, Mattie Sue Howell, to Jamie’s mother at the end of August, praising the work that Jamie did on the caravan and commenting, “He helped me ever so much with the various caravan problems, and his ability to think clearly, his ability to meet people, his friendly, happy disposition enabled him to make a very valuable contribution to the young people of our conference. We shall be forever grateful.”⁹²

On the 50th Anniversary of the Youth Caravan, Jamie looked back on his experience in a talk he gave entitled, “Summer of ’40: What My Methodist Youth Caravan Experience Meant to Me or Getting Down to Cases About Learning How to Cope with Paradox, How to Cope with Life, How to Respond to Jesus Christ.”⁹³ In reflecting on his caravan experience, Jamie noted that his job on the caravan team was in the area of Christian citizenship. He credited his work in those eight weeks in Texas as “decisive in my own career choice of law and politics.”⁹⁴ Reflecting on his caravan experience, he noted the paradox of Christ’s admonition that he who would find himself must first lose himself.

⁹⁰ Jamie Mackay to Mother and Dad, August 8, 1940, Mackay Family Papers, Box 12, File 1.

⁹¹ Jamie Mackay to Mother and Dad, July 5, 1940, Mackay Family Papers, Box 12, File 1.

⁹² Mattie Sue Howell to Mrs. Mackay, August 27, 1940, James A. Mackay Papers, Box 21.

⁹³ “Summer of ’40: What My Methodist Youth Caravan Experience Meant to Me, or Getting Down to Cases About Learning How to Cope With Paradox, How to Cope With Life, How to Respond to Jesus Christ,” James A. Mackay Papers, Box 28.

⁹⁴ Ibid.

That, for me, was the genius of the Methodist Youth Caravan. We were stripped of our family, our local congregations, even our familiar culture. We were lost in another place among people we had never known before. And in the process we took giant steps in the direction of finding ourselves. For most of us the experience put us confidently on our life's journey of growth and grace and mystery and yet certainty that God lives in Christ and Christ lives in us and that Christ is sufficient for our needs.⁹⁵

Mackay's observations about his caravan experience fifty years later showed what a profound impact those eight weeks in the summer of 1940 had on him. He credited that time with leading him to his ultimate career of law and politics, but he also noted the strong influence it had on his religious beliefs. Mackay remained a strongly committed lay member of the Methodist Church all of his life, and he looked on his Church as providing a means to help others improve their lives. He was in many ways a "religious activist" who simply didn't just ponder the meaning of the Bible or Christ's teachings. Instead, he looked on his Methodist Church as providing the strong foundation from which he sought to make a meaningful contribution to society—in law, in politics, and in the environmental movement. It is hard to dispute that Mackay's Youth Caravan experience in the summer of 1940 opened his eyes to a different part of the country and helped him find the direction for his future life.⁹⁶

3. Attending Duke Law School

Jamie quickly pivoted from the Methodist Youth Caravan experience to the decision to attend Duke Law School. As late as August 8, 1940, he was writing his parents that his inertia had interfered with his application. Nevertheless, he said he didn't think he'd "have any trouble applying as late as the 5th of September."⁹⁷ He didn't explain why he was so confident of being accepted to Duke's Law School, but his prediction turned out to be correct.

⁹⁵ Ibid.

⁹⁶ James Mackay interview, March 18, 1986 (Mackay recalled his experiences on the Youth Caravan, and said that he left Texas with "a tremendous respect for politics. Because...politicians are the people you turn to to get something done." Transcript, 17).

⁹⁷ Jamie Mackay to Mother and Dad, August 8, 1940, Mackay Family Papers, Box 12, File 1.

Mackay would later reflect on his decision to attend law school. He was not so much attracted to the profession of law as a means of attaining a comfortable life, as he was by its helping him be free from fear when he engaged in trying to make changes in society:

I was attracted to the legal profession, not because of a desire to make people afraid of me, but I noticed that people feared the courthouse and feared lawyers. And I didn't want to fear. I said if I can master the law, then I can be free of fear, because I think fear is worse than cancer or anything else. But, I established that in my own head then.⁹⁸

Jamie concluded his experience with the Methodist Youth Caravan on August 23, 1940, and returned to his family who were staying at the cottage on St. Andrews Bay. He arrived on August 28th after visiting the Carlsbad Caverns and stopping at a Methodist youth conference in Fayetteville, Arkansas on his way home.⁹⁹

Jamie must have regaled his family with his stories of the Methodist Youth Caravan while he was enjoying the sun and sailing at Innisfree cottage. In making the decision to attend Duke Law School, he would be joining his brother, Donald, who was enrolled in the Divinity School. His brother, Leland, had also attended Duke, so the Mackay family was very familiar with the University, which would not have been too unusual, given Dr. Mackay's position within the Methodist Church with which Duke was closely affiliated.

Dr. and Mrs. Mackay took Jamie to enroll at Duke, leaving him on Wednesday, September 18, 1940. Jamie started his law school classes the next day. Jamie regularly corresponded with his parents, beginning on September 23, when he wrote his first letter home, describing how "superior" his professors were and how his classmates seemed to be "pretty nice guys," even though "they are largely from the north."¹⁰⁰

⁹⁸ James Mackay interview, March 18, 1986.

⁹⁹ Jamie Mackay to Mother, August 13, 1940, Mackay Family Papers, Box 12, File 1 (discussing his future travel plans).

¹⁰⁰ Jamie Mackay to Mother and Dad, September 23, 1940, Mackay Family Papers, Box 12, File 1.

Jamie was enthusiastic about his decision to attend law school from the very beginning. He expressed his delight at deciding to attend Duke and to study law, stating that “this is the kind of training I need and kind of training I will enjoy to the fullest.”¹⁰¹

Throughout his year at Duke, Jamie consistently reported to his parents about the worship services he attended at the Duke Chapel and the subjects of the sermons. He was particularly impressed with the quality of the Duke Chapel choir, and successfully auditioned to become a member. He recounted to his parents that the choir director, Foster Barnes, had introduced Jamie to the rest of the choir as “Leland’s and Donald’s brother, an Emory Glee Club man, and last year’s president of the student body. I almost blushed at the buildup he gave me.”¹⁰² In several of the letters that Jamie sent his parents that year, he would describe the musical compositions performed by the choir.¹⁰³

Jamie tracked his father’s views on alcohol consumption and was a dedicated tee-totaler, though he tolerated the drinking of others in a way in which he didn’t come across as judgmental. He described attending a Law School dance which was congenial, but said “there was an excessive amount of drinking. I am very grateful for my Emory Aces experience because I can be at ease around the likker (sic) heads and because I have achieved a deepseated (sic) disgust for the stuff.”¹⁰⁴

Jamie informed his parents that he was studying an average of eight hours a day outside of class, and he proclaimed that he found the law school experience “more fascinating than I had

¹⁰¹ Ibid.

¹⁰² Jamie Mackay to Dad and Mother, “Saturday night” (envelope postmarked September 30, 1940), Mackay Family Papers, Box 12, File 1.

¹⁰³ For example, in Jamie’s letter to his parents on Thanksgiving Day, he told them: “This morning I gave thanks to God in a special service at the chapel. We did some magnificent music, the best of which was Beethoven’s ‘Joyful, Joyful, We Adore Thee.’ Mother, I wish you could have heard it—it would make you weep it was so beautiful.” Jamie Mackay to Mother and Dad, “Thanksgiving,” (undated, but probably November 21, 1940 because Thanksgiving fell on that date in 1940), Mackay Family Papers, Box 12, File 1.

¹⁰⁴ Ibid.

supposed it would be.” He seemed to grow in his enthusiasm for the law, which he viewed through very idealistic eyes: “But I see more than ever that the law is the framework within which man can achieve political freedom and that conviction is enough to make me rejoice at the privilege of studying man’s quest for a system of law which grants the largest measure of freedom.”¹⁰⁵

The war in Europe was constant background noise to Jamie’s life at Duke, and it obviously was a source of many discussions among his fellow students. In one letter home, Jamie described attending a Duke Chapel service in which Reverend Lynn Harold Hough gave the sermon, entitled “The Tragedy of the Isolated Virtue.” He summarized the sermon for his parents, and said that Hough had concluded that in the context of the world situation “if we let our sympathy lead us to refuse to discriminate between Britain and Germany, we were prostituting one virtue at the expense of the others.”¹⁰⁶ He went on to report that his brother Donald had the opportunity to talk with Rev. Hough after the service and learned further of Hough’s views: “He is for all aid to Britain and thinks it would be wrong to raise the blockade to feed the starving. He said that the position of the pacifist is untenable intellectually. I found myself agreeing with everything he said.”¹⁰⁷ Thus, Mackay was not opposed to the U.S. favoring the British against the Germans, and unlike a number of committed Christians, he was not a pacifist.

The draft was instituted during Jamie’s year at Duke, and in one letter he bemoaned the fact that his draft number was so low that he probably would not be able to complete his legal training in three years. He feared that if his law school education was interrupted he might

¹⁰⁵ Ibid.

¹⁰⁶ Jamie Mackay to Mother and Dad, Sunday night (undated, but probably in early November 1940 because he mentions his disappointment in not getting his absentee ballot so that he could have voted for Roosevelt over Wilkie), Mackay Family Papers, Box 12, File 1.

¹⁰⁷ Ibid.

“never get to finish my training. But the future will take care of itself. Perhaps the thing for me to do would be to volunteer in the naval reserve next June and it may be possible for me to work off my training in side of four months.”¹⁰⁸

In another letter, Jamie reported that one of his classmates had dropped out and speculated that a couple more may follow. “The whole psychological effect of the draft is none too good for us. Quite a few of us have numbers that indicate we will be called up next July or next fall, and it is a rather discouraging prospect.”¹⁰⁹

By the latter part of April 1941, Jamie was seeking advice from his father about what he should do with regard to future military service. He expressed his concern over the prospect of being forced to kill another human being and predicted “it is going to kill my spirit just as much as it will kill my enemy’s body.”¹¹⁰ He questioned how he could square the idea of a loving God with the thought that God could somehow “will” such human destruction. Nevertheless, he declared that he was not condemning the use of force. Instead, he was prepared to use it. He viewed it as “necessary in the maintenance of order, and I feel that I will use it in this war because I prefer an order backed by responsible force than by anarchy, or more accurately, autocracy.”¹¹¹

He asked his father to write him a letter to advise him on whether he should enlist with either the Army or the Navy, expressing the view that it was highly unlikely he would be able to stay in school beyond the fall without being drafted. He noted that several of his classmates were

¹⁰⁸ Jamie Mackay to Mother and Dad, “Friday afternoon,” (undated but probably November 15, 1940 because envelope postmarked November 16, 1940, which was a Saturday), Mackay Family Papers, Box 12, File 1.

¹⁰⁹ Jamie Mackay to Mother and Dad, “Tuesday night” (undated, but probably November 19, 1940 because envelope postmarked November 20, 1940, which was a Wednesday), Mackay Family Papers, Box 12, File 1. In that same letter, he discussed his having the occasion to be in a group of law students who visited a local Durham Juvenile Court Judge for tea to discuss juvenile delinquents. Perhaps foreshadowing what would become part of his future general law practice, Jamie said that he found “the whole field of domestic relations and juvenile delinquency is a particularly interesting phase of the law to me.”

¹¹⁰ Jamie Mackay to Mother and Dad, April 23, 1941, Mackay Family Papers, Box 12, File 2.

¹¹¹ Ibid.

enlisting in the Air Corps or the Marines. “For several reasons I would prefer to be in the Navy than in the army. It would not be any safer and would not pay much better, but I think that I would like it better.”¹¹²

By the time May rolled around in 1941, Jamie reported that most of the boys in his class were “suffering from the ‘draft blues.’ We figured it out the other day and over two-thirds of our class will be in some branch of military service by next fall.”¹¹³

By the time, Jamie took his final exam in spring semester on May 26, 1941, his future plans for military service were still up in the air. He had done well academically, receiving the second highest grade in Civil Procedure his first semester, and estimating that he was in the top third of his class.¹¹⁴ Although there is no transcript for the full year at Duke in either Mackay’s personal papers or the Mackay Family papers, Jamie did report in June that he had passed all his courses for the year “with a pretty good average.”¹¹⁵

While Jamie was not yet sure whether he would be inducted to serve in the Army, or enlist in either the Navy or Coast Guard, when he left Duke Law School after his final exam on May 26th he was pretty sure he was not returning to law school, at least for the duration of his military service. Indeed, Jamie never returned to Duke Law School after completing his first year of studies, instead finishing his legal studies at Emory Law School after the war.

3.1. The Impact of the Death of Mackay’s Best Friend

¹¹² Ibid.

¹¹³ Jamie Mackay to Mary Caroline Lee, May 14, 1941, James A. Mackay Papers, Box 29. (The letter from Jamie is addressed to “Caroline,” which was how Jamie would address her until late 1942. This was also how she would sign her letters to him—using her middle name. At some point after they were married in September 1942, however, she began signing her letters to him as “Mary Caroline,” and he would use that fuller name to address her, although he was still addressing some letters to her as “Caroline” as late as January 1944. There is nothing in either James Mackay’s Papers or the Mackay Family Papers that discusses or explains this name change from “Caroline” to “Mary Caroline.” For consistency, however, regardless of the date of the letters, whenever I refer to correspondence between them, I will use her first two names.)

¹¹⁴ Jamie Mackay to Mother and Dad, “Monday Afternoon” (Undated, but probably in mid-to-late January 1941 because he reports receiving his grades for the first semester and makes no mention of the death of his best friend, W. B. Baker, Jr. which would occur in late January 1941), Mackay Family Papers, Box 12, File 3.

¹¹⁵ Jamie Mackay to Mary Caroline Lee, June 14, 1941, James A. Mackay Papers, Box 29.

The most significant events in Jamie's life during his time at Duke, however, did not involve his academic studies. Jamie's life would be forever changed by the news of the death of his best friend, W. B. Baker, Jr., who was killed while training to be an Army pilot in late January 1941. W. B.'s death would also lead to Jamie's future romance with, and marriage to, Mary Caroline Lee, who had dated Jamie's best friend for six years and was about to be formally engaged to him when he was killed.

W. B. was Jamie's best friend—a high school and college classmate. Jamie and W. B. had partnered in a summer business of catching sharks and other sea life down on Beacon Beach to sell to college biology departments to help pay for their college tuition.¹¹⁶ Jamie and W. B. would also buy cheap hulks of cars together to repair and sell for profit.¹¹⁷ During his senior year at Emory, W. B. had enlisted in the Army Air Corps reserve, and was scheduled to graduate from Emory in March 1942 with a B. S. degree in Biology. On January 31, 1942, he was killed in a pilot training exercise in the Army Air Corps near Taylor Field in Montgomery, Alabama. The news of W. B.'s death shattered Jamie and reverberated throughout the Emory community.¹¹⁸

Mary Caroline Lee was another person devastated by W. B.'s death. She had been dating W. B. for six years, since their days as classmates at Druid Hills High School. She had attended Agnes Scott College while W. B. attended Emory, and they both lived with their parents in the

¹¹⁶ Bowen Hosford, "Catching Sharks for a Sheepskin," *Atlanta Journal Magazine*, November 7, 1937.

¹¹⁷ Betty Mackay Asbury Interview, October 25, 2011. According to Betty, W. B.'s father was the Chair of the Biology Department at Emory. Dr. Baker also was the person responsible for the numerous holly and ginko trees on Emory's campus. "Baker Woods," located near the main gate to Emory's campus, is named for Dr. Baker.

¹¹⁸ "Funeral Service Held for W. B. Baker, Jr." *Emory Wheel*, February 6, 1941. According to Betty Mackay Asbury, the news of W. B.'s death was first reported over the radio, which is how his parents learned of the tragedy. This insensitive event led to the policy of not announcing the identities of accident victims until the closest relatives had been notified. Betty also noted that W. B. was very likely the first young man from the Atlanta area who was killed in the service even before the Japanese attack on Pearl Harbor, as the country prepared for its potential involvement in WW II. Betty Mackay Asbury Interview, October 25, 2011. Jamie subsequently learned the circumstances of W. B.'s death from a fellow in W. B.'s training class, who said that either W. B. or his trainer had taken off with too low a flight speed. The engine had conked out at about 100 feet, and the plane had "spun in." He related that the Northrop-type plane W. B. had been flying was a "particularly dangerous model." Jamie Mackay to Mary Caroline Lee, November 24, 1941, James A. Mackay Papers, Box 29.

Druid Hills neighborhood. She and W. B. had planned to be married, although they had not yet set a specific date. In fact, W. B. had already purchased an engagement ring, but had not yet presented it to Mary Caroline at the time he was killed.¹¹⁹

The funeral service for W. B. was held at Glenn Memorial on Sunday, February 2, 1941. Jamie and Mary Caroline came together in their shared grief at W. B.'s death. They began a correspondence within days of the funeral with Jamie's responding to her first letter to him by noting that her expressions "reflected wisdom, honesty, determination, understanding—character is the word that expresses what I want to say."¹²⁰ He invited her to come visit him in Durham when she thought she would feel like making the trip. "I want your company because there are so many things I want to talk about. And we are such partners in the past that it will be consoling just to be with you."¹²¹ He noted that since returning from W. B.'s funeral, he had found it impossible to study because everything felt so "inconsequential" and because he had the "feeling of utter helplessness." He revealed that he found relief from singing in the Chapel choir. "Music is proving to be most soothing to my tired heart."¹²²

In the first couple of months after W. B.'s death, their correspondence focused on their mutual deep love and respect for W. B., and the impact that his death had on both of them, as well as his family and other friends. Jamie reflected on the strong bond of friendship that he and W. B. had, and then observed:

And you and W. B. had even a closer and more beautiful relationship and plans for a home—which to me is one of the most sensible plans in this muddled world. Well, this has come along and we don't know why. I've come to the conclusion that we shall have to journey through life with this knife sticking in our hearts which can never be removed.

¹¹⁹ Jamie Mackay to Mary Caroline Lee, "Thursday night, March 1941" (undated, but envelope postmarked March 28, 1941), James A. Mackay Papers, Box 29; Betty Mackay Asbury Interview, October 25, 2011.

¹²⁰ Jamie Mackay to Mary Caroline Lee, February 11, 1941, James A. Mackay Papers, Box 29.

¹²¹ Ibid.

¹²² Ibid. Jamie addressed this first letter to "Dearest Caroline," and signed it "Sincerely yours, Jamie."

...

The only course to take is to be the kind of people he would have us be. And that will not be an easy job. But we must have no fear. If we will but live day by day with that good humored, straight forward manner that he lived, then we will have done the right thing. Baker's love for you was so great, his friendship for me so strong, that, if we will but realize it, he has projected himself beyond the grave—he is with us for today and every day, keeping us company and giving us strength to face life with hope and courage and a smile. I believe this.¹²³

Jamie and Mary Caroline apparently saw each other in Atlanta in March, perhaps when Jamie was on spring break from law school. They both visited with the Baker family, and during this visit, Dr. Baker gave Mary Caroline the diamond engagement ring that W. B. had purchased to give to her. In doing so, Dr. Baker expressed concern that this ring would constrain her from any future relationships and urged her not to accept it as anything other than a gift he knew W. B. wanted her to have. Jamie concurred in this sentiment, and then discussed how good the visit with her and the Bakers had made him feel. He praised her for how she had comported herself in responding to W. B.'s death, and noted:

You have convinced me that you belong to that aristocracy of character that I told him he belonged to. Not that I ever thought otherwise. This has just shown me that the things he used to tell me about you were not the lavish ravings of an infatuated college boy, but were the valued judgments of a noble man whose love for you was founded upon an appreciation of the strength and beauty of your personality.¹²⁴

In April, Mary Caroline visited with Jamie at Duke for a long weekend, from Saturday, April 19, until Tuesday, April 22. Jamie had arranged for her to stay at the home of a family friend, and they spent the rest of the time exploring the college campuses in Chapel Hill, Raleigh, and Durham, picnicking in the Duke Forest with Donald and his date, attending Duke Chapel services, listening to a performance by the Philadelphia Symphony, attending a

¹²³ Jamie Mackay to Mary Caroline Lee, "Thursday night," (Undated, but envelope postmarked February 22, 1941), James A. Mackay Papers, Box 29.

¹²⁴ Jamie Mackay to Mary Caroline Lee, "Thursday night, March 1941" (undated, but envelope postmarked March 28, 1941), James A. Mackay Papers, Box 29.

community sing, and walking through the Duke Gardens. The weather was warm; the flowers and trees were in full spring blossom; and Jamie and Mary Caroline's relationship evolved from being friends to becoming sweethearts.

Jamie wrote to his parents the day after Mary Caroline drove back to Atlanta with the family friend with whom she had stayed in Durham, and described the past weekend that had "proved to be perfect in every respect." He then confided to them:

This has been my first opportunity to be with Caroline much and it was an exceedingly great pleasure for she has an abundance of the finest qualities I could want in a girl. She is gentle and well-mannered. In fact she put these Duke girls in the shade. The way she has conducted herself through these trying months since Baker left has convinced me she has a great character and emotional stability. As I have told you, we are still living in the shadow of Baker's death and cannot think as clearly as we would like to. I have never been in love exactly but Caroline has a supremely important place in my thoughts and feelings, particularly in the immediate future.¹²⁵

The tone of Jamie and Mary Caroline's correspondence took a more serious turn after her visit to Durham. Jamie admitted that most of his earlier opinions of her had come through W. B., but now he had had the opportunity to observe those qualities about her first-hand. He praised her physical beauty, the beauty of her character, her gentle and well-mannered nature, her thoughtfulness and kindness, and her sense of humor.¹²⁶ Suffice it to say, after April 1941, Jamie was totally smitten with Mary Caroline Lee.

¹²⁵ Jamie Mackay to Mother and Dad, April 23, 1941, Mackay Family Papers, Box 12, File 2.

¹²⁶ Jamie Mackay to Mary Caroline Lee, April 24, 1941, James A. Mackay Papers, Box 29.

CHAPTER IV

MACKAY'S MILITARY SERVICE

1. Enlisting in the Coast Guard and Getting Married

Jamie's prediction about his draft status proved to be very accurate. His draft board notified him to appear for his physical exam on May 28, 1941, and he was classified "1-A" on June 21, 1941.¹ Between the time Jamie finished his last exam at Duke Law School on May 26th and the middle of June, he went down to the beach cottage of Innisfree with his family.

While he pondered what to do about his military service, he was also courting Mary Caroline, who came down for a short visit in early June. He determined that he would rather enlist in the Coast Guard Reserve than serve in the Army because the seamanship training he would receive would be more practical for him than anything he would likely learn in the Army. He didn't make any decision, however, until he had a chance to talk this over in person with Dr. Mackay.

He also spoke with some of the Coast Guard officials in the New Orleans District and learned that if he did enlist, he might very well be initially stationed on a Coast Guard cutter in Panama City. The prospect of being stationed near Beacon Beach was too much to resist, and, so, on June 20, 1941, Jamie enlisted in the Coast Guard Reserve in the New Orleans Training Center.² If he had not enlisted, he would definitely have been drafted into the Army just a few

¹ Local Board No. 2 DeKalb County to James Armstrong Mackay, May 21, 1941, James A. Mackay Papers, Box 21; Local Board No. 2 to James Armstrong Mackay, June 14, 1941, Mackay Family Papers, Box 12, File 2.

² Jamie Mackay to Mary Caroline Lee, June 14, 1941, James A. Mackay Papers, Box 29 ("The idea of going into the army has never appealed to me very much because the training would not be particularly helpful...I am waiting until Dad gets down before I make up my mind."); Jamie Mackay to Mary Caroline Lee, June 16, 1941, James A. Mackay Papers, Box 29 ("The more I think about it, the more I feel like the Coast Guard is the sanest place for me to be."); Jamie Mackay to Mary Caroline Lee, June 21, 1941, James A. Mackay Papers, Box 29 ("Yesterday I enlisted and was ordered to the station across the river [from New Orleans] here in Algiers.").

days later, as his name was included in the group of men in Fulton and DeKalb Counties who were to be drafted on June 25, 26, and 27, 1941.³

Jamie's plans were to serve his initial time as an enlisted man, and then at the earliest possible time, apply for the officer training program in the Coast Guard. In the meantime, he seemed to thrive at meeting different young men from various parts of the country who were of various nationalities.⁴ He wrote several times a week to either Mary Caroline or his parents, detailing his reactions to meeting his fellow servicemen, who were generally about his age, but very few had his college background. Indeed, few had even attended college. He observed that many of them, however, "reflect high intelligence and seem to be well-informed."⁵ He also noted they had "attained an exceedingly high degree of proficiency in profanity."⁶

After his initial training, Jamie was assigned to the 125-foot cutter, USS Boutwell, stationed in Panama City, which did patrol duty along the Gulf Coast, inspecting ships and responding to distress calls from fishing boats. When serving on the Boutwell, he had occasions to visit with their family friend, Major Frank Wood, who lived near their cottage on Beacon Beach.⁷ Jamie also had a great deal of time to engage in his love of reading when he was not on

³ "14th Draft Call Will Take 395 in This Area," *Atlanta Constitution*, June 22, 1941 (listing names of those to be drafted, including James Armstrong Mackay).

⁴ Jamie Mackay to Mary Caroline Lee, June 27, 1941, James A. Mackay Papers, Box 29 ("Next week I am filing my application to take the exam for a commission as ensign or lieutenant (j.g.) junior grade."); Jamie Mackay to Mary Caroline Lee, June 29, 1941, James A. Mackay Papers, Box 29 ("At least 25 or 30 states are represented and various races and nationalities—Jew, Mexican, Negro, Filipino, Polish, French, etc. I tend to be an extrovert in that I like to make broad contacts with people from anywhere and everywhere. I find that I learn new things every day by just listening to others.")

⁵ Jamie Mackay to Mary Caroline Lee, June 29, 1941, James A. Mackay Papers, Box 29.

⁶ *Ibid.* ("I have heard 'goddam' so much that I hardly notice it. More than anything else, I hate to hear the name Jesus Christ used as an exclamation and this is done in nearly every breath by many of the northern boys and some of the southern boys have picked it up.")

⁷ Jamie Mackay to Mary Caroline Lee, July 8, 1941, James A. Mackay Papers, Box 29. Major Wood was a colorful character who became close friends with the Mackay family when they had their cottage "Innisfree" on Beacon Beach. When the Army acquired all of the cottages on Beacon Beach by eminent domain for security purposes in 1941, Major Wood found some nearby property on Courtney Point that he developed for cottages, and allowed Dr. Mackay to have first pick, which became the current Mackay beach cottage on St. Andrews Bay. In this letter, Jamie attached a crudely drawn map of the property on Courtney Point.

duty, and he set a goal of reading two books a week, which he would discuss with Mary Caroline and his parents throughout his correspondence.⁸ More consistently, however, he would express his love for Mary Caroline in his letters, which he sometimes wrote two or three times per day, depending on how hectic his schedule was. He would often combine his profession of love for her with his discussion of his future plans after his military service. For example, in one letter in July 1941, he wrote:

I can't exactly define you, nor can I define myself. I can't explain just why I love you and yet I know that I do...I suppose I love you because in you I find gentleness, integrity, strength, and feminine beauty. You are a girl I can put on a pedestal. You are a person I can trust and respect and love...When I say I can put you on a pedestal I simply mean that you have dignity which is so rare in men or women. Mother and Dad have often told me that the level a man attains is generally determined by the kind of girl he associates with. Well, if this be true, then you are very good company for me for the very thought of you makes me want to be so much better than I am.

...

Another thing is that I am not at all settled as to what I am going to settle down and do for life. If I'm in here for several years I am not at all sure that I'll be willing to take two years to finish law. Several things are running through my mind besides, of course, finishing law. One is to get a job in Atlanta and finish law in night school. Another is to get an M.A. and go into college administration. Another might be to go to Yale or Emory and study religion with a view to either teaching or preaching.⁹

Jamie would demonstrate his idealism in contemplating what he ultimately wanted to do in life. He expressed his "curiosity" about life and "what makes individuals and society tick."¹⁰ He told Mary Caroline that he had "see-sawed between law and the ministry with law always uppermost. But law in many respects is too impersonal and I have too many misgivings about setting myself up as a cleric and lecturing to other people."¹¹

⁸ Jamie Mackay to Mary Caroline Lee, June 27, 1941, James A. Mackay Papers, Box 29; Jamie Mackay to Mary Caroline Lee, August 17, 1941, James A. Mackay Papers, Box 29 (Discussing his transfer to Santa Rosa Island Lifeboat Station, "There is not a whole lot of work to do so I have plenty of time to read and feel around."); Jamie Mackay to Mary Caroline Lee, "Sunday night," (undated, but envelope postmarked September 15, 1941), James A. Mackay Papers, Box 25 ("Getting all this reading done is like a dream come true for I would never had had the time otherwise and reading widens the horizons and gives the mind more windows to look out of.")

⁹ Jamie Mackay to Mary Caroline Lee, July 6, 1941, James A. Mackay Papers, Box 29.

¹⁰ Jamie Mackay to Mary Caroline Lee, August 7, 1941, James A. Mackay Papers, Box 29.

¹¹ Ibid.

In one of his most idealistic letters to Mary Caroline, he discussed his future dreams. In doing so, he also set forth a summary of characteristics that very closely resembled how he would model his future life and be remembered after he died:

Mostly I dream of you for there is nothing or no one I would rather dream about. I don't know what the future has in store for me: success or failure; riches or poverty; fame or mediocrity; health or sickness; joy or sorrow; perhaps a little of everything. I am not ambitious about the future in the ordinary sense of the word. That is there is no tangible goal that I strive toward. But there are dozens of intangible goals that fill my mind and heart. Some of them are: to love and be loved by you; to ever be a learner; to forgive and be forgiven; to have the confidence of those who know me; to be honest and fearless; to be sympathetic and understanding in regard to the frailties and sufferings of people; to be free from hate and prejudice; to be able to contribute something of value to the cause of humanity; to be a helper of the helpless; to be a defender of the defenseless; to be a man who is worthy of my family, W. B., my friends and you.¹²

As in that letter, Jamie would consistently discuss in his letters his memories of W. B. or the Baker family. He would remind Mary Caroline of W. B.'s love of Beacon Beach and the sea, and how Jamie often felt his spirit with him when Jamie was on the water. Similarly, he would mention his desire to live a life of which W. B. would be proud.¹³

Jamie and Mary Caroline would frequently discuss the Baker family with whom Mary Caroline was still close and with whom she would regularly dine, or go to the County Fair, or help pick out the grave memorial marker for W. B.¹⁴ Jamie would often correspond with the

¹² Jamie Mackay to Mary Caroline Lee, "Thursday night," (undated, but envelope postmarked September 23, 1941), James A. Mackay Papers, Box 29.

¹³ Jamie Mackay to Mary Caroline Lee, July 21, 1941, James A. Mackay Papers, Box 29 ("I loved him so much. I just want to say again that I want to reaffirm my determination to live for those things he believed in and lived for....That my tears have mingled with yours has softened them when they could have been so very bitter."); Jamie Mackay to Mary Caroline Lee, November 11, 1941, James A. Mackay Papers, Box 29 ("And that is the way I feel about W.B. I want to so live that people will see in me some of those qualities he had, and in turn I want to transmit some of those qualities to other people...The intangibles he demonstrated in his life are truly tangible to us, so we might well try to make them tangible to other people.")

¹⁴ Mary Caroline Lee to Jamie Mackay, "Friday," (undated, but envelope postmarked September 26, 1941), James A. Mackay Papers, Box 29 (Mary Caroline's dinner with the Bakers last night); Mary Caroline Lee to Jamie Mackay, "Friday Afternoon," (undated, but envelope postmarked October 10, 1941), James A. Mackay Papers, Box 29 (Mary Caroline's going to the county fair with the Bakers tonight); Jamie Mackay to Mary Caroline Lee, November 11, 1941, James A. Mackay Papers, Box 29 (Jamie's discussing his awareness of difficulty for Mary Caroline to help the Bakers select W. B.'s grave marker).

Baker family and visit with them when he returned to Atlanta. His romantic relationship with Mary Caroline was obviously awkward with respect to the Baker family, and he noted as much in one of his letters to Mary Caroline: “I have told the Bakers that I care for you a great deal, but I haven’t exactly told them that I love you as I do. You know how difficult this situation is and surely I would not say a thing which would make things a bit more difficult than they are.”¹⁵

Jamie and Mary Caroline’s romance had blossomed quickly, which Jamie, himself, recognized. “Ours is a strange romance. Do you realize that we have actually been with one another only a little over two weeks?”¹⁶ Indeed, Jamie’s family and others worried that Jamie and Mary Caroline had built their romance on their shared grief over the tragic death of W. B. They were concerned whether this was “a healthy foundation for a life-time commitment.”¹⁷

Meanwhile, Jamie served diligently in the Coast Guard, receiving a series of promotions as he rose from the enlisted ranks through officer training school.¹⁸ Jamie started as the lowest of the low—apprentice seaman. He quickly advanced in rank and responsibilities. He was promoted to seaman second class, seaman first class, coxswain, petty officer second class, petty officer first class, a/k/a boatswain’s mate first class, all before finally getting his commission in mid-June 1942.¹⁹

¹⁵ Jamie Mackay to Mary Caroline Lee, August 22, 1941, James A. Mackay Papers, Box 29.

¹⁶ Jamie Mackay to Mary Caroline Lee, October 12, 1941, James A. Mackay Papers, Box 29.

¹⁷ Betty Mackay Asbury Interview, October 25, 2011. As it turned out, their family and friends had little to worry about. Jamie and Mary Caroline’s relationship would simply grow and deepen until their marriage in September 1942, and beyond. Their marriage would last until Mary Caroline’s death in 1987.

¹⁸ As an indication of his close relationship with the Baker family, when Jamie submitted his application for officer training school, he had three letters of recommendation—Dr. Baker, Major Frank Wood, and Dr. McDermott from Duke Law School. Jamie Mackay to Mary Caroline Lee, “Saturday afternoon,” (undated, but probably in September 1941), James A. Mackay Papers, Box 29.

¹⁹ Jamie Mackay to Mary Caroline Lee, September 4, 1941, James A. Mackay Papers, Box 29; Jamie Mackay to Mary Caroline Lee, “Sunday morning,” (undated, but envelope postmarked November 9, 1941), Mackay Family Papers, Box 12, File 2, (Describing his promotion to coxswain, and reflecting his monthly salary had increased from his initial \$21 per month to now \$60 per month “which is not bad.”); Jamie Mackay to Mary Caroline Lee, December 10, 1941, James A. Mackay Papers, Box 29, (Pay increase to \$72 per month as petty officer second class, a/k/a boatswain’s mate second class); Jamie Mackay to Mary Caroline Lee, April 28, 1942, James A. Mackay Papers, Box 29, (Promotion to boatswain’s mate first class, which will mean an increase in pay of \$12 per month);

He initially was assigned to the USS Boutwell, but in August 1941, he was assigned to the Santa Rosa Lifeboat Station, where he had moments of excitement in rescuing seamen, boarding ships and boats, along with long periods of quiet time.²⁰ Jamie enjoyed his time as an enlisted man, relating to people he normally would not have known.²¹

Of course, Jamie and Mary Caroline's lives were upended on December 7, 1941, when the Japanese attacked Pearl Harbor. He had written her a letter that morning before he had heard of the attack. Then, he wrote her a poignant letter that evening, reflecting on the event:

This is one of those nights of a lifetime. It is one of those nights when you feel that tomorrow will bring a new road to follow, one that you have never travelled before, one that is mysterious, one that leads somewhere but you are not sure. It is a strange road for the landmarks are strange and there are so many new faces passing by.

...

It is as if a thousand people on an ocean liner are drifting in a storm tossed sea and they have lost their bearings and no one aboard knows the least of what may happen. You weep and you know that the world weeps with you... You weep because you know that the cruel circumstances of war will destroy the ability of people to dream great dreams and you know that without those dreams there cannot be great achievements. You know that the inevitable fruits of war are despair and cynicism and crass materialism and

Jamie Mackay to Mary Caroline Lee, June 23, 1942, James A. Mackay Papers, Box 29, (Discussing pleasure of new responsibilities in his job and how Leland will now have to call him "sir" and salute him).

²⁰ Jamie Mackay to Mary Caroline Lee, August 17, 1941, James A. Mackay Papers, Box 29; Jamie Mackay to Mary Caroline Lee, December 27, 1941, James A. Mackay Papers, Box 29 ("The days have been filled with boarding ships and boats. This is an interesting job because you meet all sorts of people and see all sorts of vessels). He also had the chance on liberty to visit with Major Frank Wood and his family and to keep Dr. Mackay updated on Major Wood's purchase of 29 acres of land on Courtney Point in St. Andrews Bay, which would later become the area for Dr. Mackay's second beach cottage. He also regaled the family with stories of Major Wood's grandiose ego, such as relating how some Army "big shots" wanted Major Wood to take over one of the new air fields and said "get Frank Wood if it takes an act of Congress." Jamie Mackay to Family, November 15, 1941, Mackay Family Papers, Box 12, File 2.

²¹ Jamie Mackay to Mary Caroline Lee, September 27, 1941, James A. Mackay Papers, Box 29, ("I would not give anything for the experience I have had as an enlisted man for I have really lived with plain ordinary people who can teach you plenty and furnish you plenty of amusement in the meantime."). In one of his letters, Jamie recounted his involvement early one morning rescuing two men on a barge that had broken loose from the tugboat pulling it in a storm. He and seven of his mates rowed the surfboat to the barge, and with waves breaking over the barge, pulled the two men to safety. "There was nothing heroic about it at all, it was just another job, but you could tell that every man along received an inner satisfaction for having taken those men off the barge and into the warmth of the launch. You knew that here was something more than the moral equivalent to war. It was the moral superior to war, for it took the best a man had to give, with a reward, not of death and destruction, but of life and the preservation of human and natural resources." Jamie Mackay to Family, December 3, 1941, Mackay Family Papers, Box 12, File 2.

that culturally and morally the world will slip back years and years in its age old quest for culture and all that civilization implies.²²

Jamie shared the shock of the Japanese attack with others who knew this would mean the entry of the U.S. into World War II. While he obviously would have preferred that there be no war, he was not one to avoid his responsibilities, even though he had no idea of what was to come. He was determined to pursue his effort to become an officer in the Coast Guard, and he knew that such duty would likely mean he would be sailing on a Coast Guard ship accompanying transports in the Atlantic.

Even though he recognized the tragedy of what had occurred at Pearl Harbor and the tragedies of what likely would occur in the future, Mackay never lost his sense of humor. In recounting to Mary Caroline his experience of listening to the radio news broadcasts on December 7, 1941, he wrote:

Then it all broke so suddenly. One should not make light of such tremendous happenings, but to tell the truth that afternoon was one of the funniest afternoons of my life. What I am trying to say is that the grave news bulletins were sandwiched in between commercials and varied programs so that you felt like you were listening to an ultra super deluxe Fred Waring push button novelty.

The news came, "Japanese bombers have attacked Pearl Harbor and Manila," and then the announcer said immediately, "Are you tired of paying rent?" "If you are, see your nearest bank about an FHA loan." Then a little later the announcer said, "Churchill is expected to declare war on Japan within the hour." Immediately the announcer followed with, "Don't put it off—do your Christmas shopping early." A little later the announcer read the bulletin stating that there were reports of three thousand casualties in Hawaii. Then he said, "One of the most serious problems confronting people today is corns and bunions." It was ludicrous. Some one has said that all humor is simply contrast and the unexpected. To hear the most grave news reports that have reached this country in its history followed by such trivia was one of the most amusing experiences I've had in a long time.²³

Mackay never lost his perspective on seeing the irony in situations. He could recognize both the severity of the tragedy of Pearl Harbor and also the inane materialism of radio

²² Jamie Mackay to Mary Caroline Lee, December 7, 1941, James A. Mackay Papers, Box 29.

²³ Jamie Mackay to Mary Caroline Lee, December 11, 1941, James A. Mackay Papers, Box 29.

commercials sponsoring the news broadcasts. In the early months of the War, however, he focused on carrying out his duties on Santa Rosa Island, taking the test to become a commissioned officer, and continuing his long-distance romance with Mary Caroline. As the pace of the War increased, Jamie and Mary Caroline's relationship became more serious.

Mary Caroline and her mother visited Jamie in Pensacola in late January 1942, for a weekend.²⁴ After Jamie was transferred in late March 1942, to New Orleans to work in the highly confidential de-coding board at Coast Guard headquarters, she visited him for a weekend in mid-April, staying in a hotel, while Jamie stayed in his \$6 per week room at the YMCA.²⁵ The next time they spent any time together was in May, when Jamie went to Atlanta on leave. During this visit home, Jamie and Mary Caroline made the decision to get married.²⁶ Their official

²⁴ Jamie Mackay to Mary Caroline Lee, January 26, 1942, James A. Mackay Papers, Box 29, (Thanking her for the weekend visit by her and her mother in Pensacola.).

²⁵ Jamie Mackay to Mary Caroline Lee, March 20, 1942, James A. Mackay Papers, Box 29, (Advising her of his re-assignment to New Orleans to work in de-coding office); Jamie Mackay to Mary Caroline Lee, March 22, 1942, James A. Mackay Papers, Box 29, (Discussing his comfortable room at the YMCA for \$6 per week, and revealing his reluctance to ask her to marry him until he has obtained a commission as an officer, but urging her to visit him in New Orleans); Jamie Mackay to Mary Caroline Lee, April 14, 1942, James A. Mackay Papers, Box 29, (Thanking her for her weekend visit to New Orleans); Jamie Mackay to Mary Caroline Lee, "Wednesday Night," undated, but postmarked April 15, 1942, James A. Mackay Papers, Box 29, (Discussing how impressed Reverend Melbert was with Mary Caroline on her recent visit and hoping he can employ her as his secretary at the Methodist Church. Jamie expresses his desire that they get engaged soon, but then reflects: "Do you realize that we haven't actually been with each other more than six weeks?" He then cautions her about committing herself to him: "Seriously, I sometimes wonder if it is fair to you to ask you to marry me for I am more or less different. I have all sorts of brainstorms, I don't know exactly which way I'm heading. I may end up living in Oregon or Australia or Valdosta or Panama City. I am not likely to settle down in some little town and manage a shoe store or something the rest of my life. Tell me, do you realize this? Do you realize that I'm a long way from having this life doped out or what I'm cut out to do best? Do you realize I may end up running a labor union or representing some shipping concern as a maritime lawyer or running for congress (emphasis added) or maybe running a bookstore."); Jamie Mackay to Dad, "Monday Night," undated, but probably in May 1942, James A. Mackay Papers, Box 34, (Expressing hope that he will be able to visit Atlanta in coming weekend, and asking Dr. Mackay for advice because he is thinking of becoming formally engaged to Mary Caroline "in the near future.").

²⁶ Jamie Mackay to Mary Caroline Lee, "Saturday," undated, but postmarked May 23, 1942, James A. Mackay Papers, Box 29, (Mentioning how the engagement and wedding rings should be back from the jewelers this weekend); Mary Caroline Lee to Jamie, June 2, 1942, James A. Mackay Papers, Box 29 (Her describing picking up both rings today from the jeweler and showing them to his family); Jamie's brother, Leland, recalled the Sunday dinner at their home when Jamie announced that he and Mary Caroline planned to get married: "Emma Poole, the treasured black lady that worked for our parents, was serving the table. When she heard his announcement, she threw her hands in the air, and in a loud voice said, 'CHILE, you ain't got sense enough to take no woman to bed.' Maybe she was right. This really embarrassed Mother." "The Mackay Family," by Leland Mackay, and in the possession of Betty Mackay Asbury.

engagement did not occur, however, until Mary Caroline visited Jamie again in New Orleans on June 25th, and he gave her an engagement ring made from diamonds that Mary Caroline's mother had given them.²⁷

Both Dr. Mackay and Mrs. Mackay were strongly supportive of the marriage, but they suggested that Jamie postpone the wedding until Christmas when he would have fully paid for the rings and would have saved enough money to provide better for a wife.²⁸ Nevertheless, Jamie and Mary Caroline decided to get married on September 20, 1942 in Glenn Memorial Church, where Dr. Mackay performed the ceremony.²⁹ After a short honeymoon in north Georgia at Connahaynee Lodge in Jasper, Ga., they began their married life in an apartment on State Street in New Orleans, where Jamie was stationed.³⁰

²⁷ Jamie Mackay to Mrs. Lee, June 11, 1942, James A. Mackay Papers, Box 29, (Thanking Mrs. Lee for giving them seven diamonds to use in the setting for Mary Caroline's engagement ring, and expressing hope she can visit New Orleans with Mary Caroline at the end of the month to see the city for the first time); Jamie Mackay to Mary Caroline Lee, June 23, 1942, James A. Mackay Papers, Box 29, (Discussing arrangements for her to stay with Rev. Melbert's family when she comes and mentioning impact of his getting his commission); Jamie Mackay to Mother and Dad, June 26, 1942, Mackay Family Papers, Box 12, File 3, (Describing what a wonderful birthday he had yesterday, noting, "Then Caroline rolled in about nine on the Southerner and I slipped the ring on her finger." Mary Caroline had actually brought the rings with her, but did not wear the engagement ring until Jamie put it on her finger.)

²⁸ Mrs. Beulah Mackay to Jamie Mackay, July 9, 1942, Mackay Family Papers, Box 7, File 2 (Expressing delight at impending marriage, but suggesting waiting until fall or Christmas when he would have more money saved); Rev. Edward Mackay to Jamie Mackay, July 9, 1942, Mackay Family Papers, Box 7, File 2 (Suggesting Christmas would be best time for the wedding because Jamie would have paid off Bennett Jewelers for the rings and would have more of a nest egg accumulated); Rev. Edward Mackay to Jamie Mackay, July 23, 1942, Mackay Family Papers, Box 7, File 2 (same suggestion as previous letter, "I still believe you ought to be out of debt and have a few dollars ahead before you slip the second ring on the fourth finger of the left hand.")

²⁹ "Miss Lee Fiancee of Ens. Mackay," *Atlanta Journal*, August 2, 1942; Jamie Mackay to Mary Caroline Lee, August 21, 1942, James A. Mackay Papers, Box 29 (Informing her he had gotten leave from Thursday, Sept. 18th until Monday, Sept. 28th, "which should be ample time to get thoroughly married."); "Lee-Mackay Wedding Plans Announced Today," *Atlanta Constitution*, September 6, 1942 (Announcing wedding set for September 20); "Miss Lee and Ensign Mackay Marry at Chapel Ceremony," *Atlanta Constitution*, September 21, 1942 (Lengthy article describing the wedding in the chapel of Glenn Memorial Church, noting that Dr. Mackay officiated, Mary Caroline's brother, Dr. Slaughter Lee, "gave his lovely sister in marriage," that Donald Mackay was the best man, that Betty Mackay was Mary Caroline's maid of honor, and that the reception was held at the bride's mother's home on Ridgewood Drive); "Miss Lee is Bride of Ensign Mackay," *Atlanta Journal*, September 21, 1942 (A more descriptive story of the wedding with a picture of Jamie and Mary Caroline, and such language as "The bride's exquisite brunet beauty was accented by her white satin gown, which was overlaid with white silk net.")

³⁰ Jamie Mackay to Donald Mackay, postcard of Connahaynee Lodge, September 21, 1942, James A. Mackay Papers, Box 21; Mary Caroline Mackay to Mother, September 29, 1942, Mackay Family Papers, Box 12, File 3; Mary Caroline Mackay to Mother, September 30, 1942, Mackay Family Papers, Box 12, File 3; Jamie Mackay to

2. Mackay's Military Duties in World War II

Jamie was serving in the Coast Guard's headquarters in New Orleans when he was married in September 1942. He had a variety of responsibilities, including notifying the families of men who were lost or killed in action. He explained that he would visit the family as an official representative of the Coast Guard and express deep concern and sympathy, offering the full assistance of the Coast Guard in helping make adjustments. He described his first visit, which was to a woman about 30 years of age, whose husband of nine years had enlisted right after Pearl Harbor. He was on a ship that was lost at sea in the North Atlantic. After a futile air search and after many weeks, the ship was declared missing and the families notified.

I was notified to call on the family. This I did. At the home I found an attractive woman of thirty with her chin up but obviously emotionally at a breaking point. I said my little piece which was not much. She asked questions she knew I could not answer and which she knew might never be answered. There is little comfort to be drawn from platitudes at a time like this. There I saw and felt the whole agonizing drama of this war. A good home swept away by the release of a torpedo. A good man lost in the line of duty. There was something more than the loss of a man from a good American home represented. It was a universal drama transcending mere military or political boundaries. It was the tragic drama of the world today. When a good man is lost in battle it means the broken heart of some family. I hope that out of the great losses of this war we will learn that the one great cause which is worth fighting for and the cause which will justify our victory is that cause which recognizes the supreme worth of the individual and the home....a cause which will eliminate this sad thing from happening again and again through the generations.

So I have a chip on my shoulder. When I see the inefficiency, and waste, and pettiness, and factionalism, and hypocrisy, and indifference, and hangovers, I take these things personally, because I feel I have a trust to keep with the families of these men and the men who have fallen.³¹

Being in a war can make someone grow up very quickly, but the profundity of Mackay's perspective at the young age of 23 is surprising, though not necessarily inconsistent with some of his previous pronouncements, such as his remarks at the Ponce de Leon ballpark "Citizens' Day"

Family, October 12, 1942, Mackay Family Papers, Box 12, File 3 (Describing how excited Jamie and Mary Caroline were with their apartment on State Street, across the street from Rev. Melbert's house).

³¹ Jamie Mackay to Family, October 12, 1942, Mackay Family Papers, Box 12, File 3.

rally in 1939. Mackay's view of the costs of war would be repeated later when he was a Congressman and part of the small group who urged President Johnson in January 1966, to seek U.N. intervention to find an end to the Vietnam War.³² Mackay, himself, would feel the devastation of the loss of fellow crewmen when the German torpedo killed 31 of the crew on the USS MENGES in May 1944, and when his son-in-law was killed in a helicopter crash in Vietnam in January 1968.³³

³² Letter from 72 Congressmen to President Lyndon Johnson, January 21, 1966, James A. Mackay Papers, Box 22, (The letter requested the President to seek the United Nations' intervention to arrange an effective cease-fire in the Vietnam War. This was not a popular position to take at the time, particularly in the South, but it is interesting to note that Mackay's neighboring Congressman, Charles Weltner, was also a signatory to the letter.)

³³ At the 50th anniversary of the torpedo attack on the USS MENGES, Mackay gave one of the principal talks. In his remarks, Mackay said: "We have deep feelings of sorrow and personal loss because of the deaths of so many shipmates and for each of those who were injured on that fateful night. We survivors who are alive today have experienced fifty more years of life than those who perished...What grieves us is that these young shipmates who died were cut down by that torpedo and time as we know it on this earth stopped for them at that moment...We are ever mindful of the families and friends of the killed and injured and their sorrows and losses which can never be restored in this life...Our nation, our people fought and defeated Hitler's forces and those of Japan on land, sea, and air. We know the reasons for and the result of World War II. There was not such comfort for survivors of those who died or were injured in Vietnam. Our family grieves over the death of our son-in-law who died with forty-one other young men in the worst helicopter crash of that war. The reasons and the results of that war were not clear then or now." "Remarks by James A. Mackay," May 3, 1994, Memorial Service, Woldenberg Park, New Orleans, Louisiana, James A. Mackay Papers, Box 28.

Two years earlier, Mackay had drafted a personal letter to President George H. W. Bush, reacting to some comments Bush had made critical of Bill Clinton's anti-war activities when Clinton was a student at Oxford. It is not clear whether Mackay ever mailed the letter to President Bush, but his feelings are consistent with his views from 1942:

"Dear Mr. President:

This morning you appeared on my TV screen on a clip from your Houston speech in which you said, 'I cannot understand how someone mobilizing anti-war demonstrations in a foreign country when young draftees from the slums and ghettos were fighting and dying.' Perhaps better than any of your critics you have put your finger on why you should not continue as Commander-in-Chief and President.

Bill Clinton was right at age 23 in opposing a war for which no American leader could make a persuasive case. And you, now, at age 67, are right now in saying you don't understand. You don't.

I suggest that you cancel a day of campaigning and walk along the Viet Nam Memorial, look at those 58,000 names of young men who died and notice their comrades keeping their vigil there and their immediate survivors crying because both groups know that these young men died in valor but in vain....

Your evident concern for the draftees from the slums and ghettos denigrated the great volunteers who died in Viet Nam. My son-in-law, Holcott Pride Jones, a Navy medical Corpsman was on the battlefield the last six months of 1967. He wrote me in his last letter that there was no sense to the war policy that forbade returning fire from designated sectors. He died Jan. 8, 1968, en route to R & R, along with 41 others when their marine helicopter crashed and burned in Huang Province. My daughter, was in Hawaii waiting when 6 hours before his expected arrival she received the seering message that he was missing in action. The heartache remains.

In your euphoria over Desert Storm you said, "The Viet Nam era is over!" My daughter said to me quietly, 'Dad, the Viet Nam era will not be over until the last surviving individual who experienced the loss of a loved one is living.' She is right." James A. Mackay Papers, Box 35.

Mackay reported to St. Augustine, Fla. in February 1943, for officers' training for approximately four months—two on land and two at sea.³⁴ Mary Caroline was able to accompany him there. Jamie seemed to relish the economic diversity among the officers who were being trained.³⁵ After completing his training, the Coast Guard transferred Jamie to Galveston, Texas, where he was a commanding officer of a patrol boat, which was a converted, deep-sea fishing yacht. Jamie's duty was to escort mine-sweepers and conduct patrols outside the harbor.³⁶ After about a month, the Coast Guard transferred Jamie to Miami, Fla., to attend Sub-Chasers Training School, where he spent 8 weeks in basic training and then an additional 5 weeks in special training.³⁷ This training was to prepare him to be an officer on a Coast Guard destroyer escort (DE 320), which was being built in Orange, Texas, as he was being trained.³⁸ Jamie and Mary Caroline seemed to enjoy their time in both St. Augustine and Miami because they were able to socialize with several friends, including a college friend of Mary Caroline's

There is no signature on the letter, which may indicate that it was never sent. Nevertheless, it reflects that the insights Jamie Mackay had about the costs of war when he was merely 23 years old remained with him throughout his life.

³⁴ Jamie Mackay to Mother and Dad, February 22, 1943, Mackay Family Papers, Box 12, File 4, (Discussing Mary Caroline's arrival in St. Augustine and her skills in fixing up their apartment).

³⁵ Jamie Mackay to Mother and Dad, March 27, 1943, Mackay Family Papers, Box 12, File 4, ("Every type of man is represented in our ranks—men who were in civilian life—pro-football players, coaches, lawyers, teachers, Congressmen, bureaucrats, engineers, song writers, hotel men, accountants, students, ward-heelers, architects, and many other things. There is one good thing about the military in that it brings all sorts of men together and the exchange of ideas and outlooks resulting is mostly beneficial.")

³⁶ Jamie Mackay to family, June 27, 1943, Mackay Family Papers, Box 12, File 4; Jamie Mackay to family, July 1, 1943, Mackay Family Papers, Box 12, file 4, (Complaining about difficulty in finding apartment for Mary Caroline and him in Galveston, and discussing nature of his general duties without violating censorship rules); Jamie Mackay to Mother and Dad and Betty, undated, but probably sometime in July 1943, Mackay Family Papers, Box 12, file 5, (Explaining that when on duty, he and his crew are able to troll for deep-sea fish, and they regularly catch mackerel and dolphins); Jamie Mackay to Dad, July 7, 1943, Mackay Family Papers, Box 12, File 4, (Similar discussion of success in catching fish while patrolling, and revealing he is getting paid monthly \$166 base pay, \$117 allowances, plus 20% of base pay as extra for sea duty. "My duty is most pleasant.")

³⁷ Jamie Mackay to Dad, August 3, 1943, Mackay Family Papers, Box 12, File 5, (Explaining his new assignment and mentioning that Mary Caroline would join him after spending some time with her mother in Atlanta).

³⁸ Jamie Mackay to Dad, August 6, 1943, Mackay Family Papers, Box 12, File 5.

from Agnes Scott—Sara Lee, who would ultimately marry Jamie in 1993, several years after their first spouses had died.³⁹

3. Service as Damage Officer on USS MENGES, DE-320

Mackay completed his training in Miami by October 2, 1943, then spent a week in Norfolk and three weeks in Philadelphia to complete the remainder of his training. Mary Caroline was able to join him in Philadelphia, where they enjoyed attending some plays, sightseeing, and visiting with relatives in the area, while Jamie waited for his orders to report for duty on the destroyer escort, USS MENGES.⁴⁰ Jamie took his first airplane flight from Philadelphia to Texas, in order to report to his ship that had just been commissioned on October 26, 1943 in Orange, Texas.⁴¹ Jamie described his feelings upon seeing the MENGES for the first time:

I found my ship lying in a little slip of water leading to the Sabine River which flows into the Gulf. There she lay, cold and sleek, beautiful but terrible, loaded with power to destroy and kill—and to protect the lives and cargoes of our merchant fleet. There are a few days widely scattered throughout life which contain the full cup of joy, pain, happiness, or anguish. Yesterday was such a day, not of joy exactly, but of exhilaration. There she was, my ship, clean and new and beautiful—ready and waiting to take me down to the sea.⁴²

³⁹ Jamie Mackay to Leland, Donald, et al, September 5, 1943, Mackay Family Papers, Box 12, File 5, (Discussing how Leland will enjoy undergoing officer training as a Coast Guard ensign in St. Augustine, and encouraging him to date Sara Lee when he is there); Jamie Mackay to Toney, March 7, 1994, James A. Mackay Papers, Box 35, (Discussing upcoming 50th Reunion of USS MENGES' survivors and noting that he had re-married Sara Lee Jackson on December 18, 1993, after being a widower for almost seven years).

⁴⁰ Mary Caroline Mackay to Dad or Mother, September 7, 1943, Mackay Family Papers, Box 12, File 5 (Setting forth Jamie's remaining training schedule); Jamie Mackay to family, October 9, 1943, Mackay Family Papers, Box 12, File 5, (Describing his arduous training in Norfolk); Jamie Mackay to family, October 19, 1943, Mackay Family Papers, Box 12, file 5, (Discussing their time together in Philadelphia and weekend trips to visit friends and relatives, including his former Caravanner companion, Tom Whiting, who was in New Haven); Mary Caroline Mackay to Folks, October 20, 1943, Mackay Family Papers, Box 12, File 5.

⁴¹ Jamie Mackay to Family, October 29, 1943, Mackay Family Papers, Box 12, File 5, (Describing his first flight as allowing him to "appreciate this new age." He went on to state: "The magic carpet of a child's imagination is a model T compared with the Silverliner of Eastern Air Lines.").

⁴² Ibid. The ship was named after Ensign Herbert Hugo Menges, U.S.N.R., who was a naval pilot killed in the Japanese attack on Pearl Harbor. He was involved in flying in Fighting Squadron Six on the USS ENTERPRISE. Invitation to Commissioning Ceremonies of the USS MENGES (DE 320), October 26, 1943, Orange, Texas, Mackay Family Papers, Box 12, File 5.

Jamie was the damage-control officer on the ship with responsibility for recommending repairs and supervising the necessary work. Due to censorship rules, Jamie was never able to describe to Mary Caroline or his family where he was when he was on the MENGES, but the 50th anniversary celebration of the MENGES' survivors in 1994 contained a narrative of the ship's travels.⁴³ Jamie's correspondence, which sometimes would consist of two letters per day, would usually contain generalities about life aboard ship, and he seemed particularly appreciative of the ethnic diversity of the crew. He often noted that he was working with a wide variety of people from different ethnic backgrounds, other than Anglo-Saxon, and he began to gain an appreciation for the cultural diversity of the country.⁴⁴

The MENGES took its "shake-down" cruise to Bermuda, and Jamie noted that the ship had encountered some rough weather along the way that caused a great deal of sea-sickness among the crew. Jamie, however, reported he had avoided the worst of those symptoms and was able to "sleep and eat like a baby."⁴⁵ Jamie would later recall that the initial trip to Bermuda on the rough seas "taught us that anyone sooner or later will get seasick and forever after will remember which is the lee rail."⁴⁶

⁴³ "History of the USS MENGES, DE 320," in program materials for USS MENGES 50th Reunion, May 3, 1994, Woldenberg Park, New Orleans, La., "WORLD WAR TWO USCG WARRIORS OF USS MENGES, DE 320" in possession of Betty Mackay Asbury. (Hereinafter referred to as "50th Reunion Program Materials").

⁴⁴ Jamie Mackay to Mary Caroline Mackay, November 4, 1943, James A. Mackay Papers, Box 29, (Describing his general responsibilities on board ship); Jamie Mackay to Mary Caroline Mackay, November 8, 1943, James A. Mackay Papers, Box 29, (Describing his liberty in unnamed city, but listing old friends from New Orleans whom he had seen); Jamie Mackay to Mary Caroline Mackay, November 8, 1943, James A. Mackay Papers, (Additional discussion of New Orleans' friends, and informing her she should be receiving directly from the Coast Guard a monthly allotment check for \$225, starting in December); Jamie Mackay to Family, January 26, 1944, Mackay Family Papers, Box 12, File 6, ("The enlisted men are a good cross section of America, only I never before realized how predominant the Anglo-Saxon strains are in the south and how many other nationalities are a part of America. Some of the names we have—Moak, Doak, Sell, Tell, Currier, Carriere, Ianucci, Petrosky, Lavonier, LaVigne, Petrolini, Cataloni, Brevaldi, Rinaldi, Cataldo, Bojarski, Lasko, DeYoung, Glassheim, Stajszcak, Yancovich, Jaekl etc. But there are plenty of the familiar names—Dresne, Mason, Morris, Lloyd, Collins, Martin, Sutherland, O'Connor, Lee, Carter, Anderson, Sanders, etc.").

⁴⁵ Jamie Mackay to Mary Caroline Mackay, November 18, 1943, James A. Mackay Papers, Box 29, (The year is not included on the letter, but the content makes clear that it is from 1943.).

⁴⁶ Jamie Mackay to Toney (O. T. Logan ?), March 7, 1994, James A. Mackay Papers, Box 35.

After the trip to Bermuda, and patrolling the area there, the MENGES returned to the U.S., performing additional training exercises in Charleston in December 1943. Jamie and Mary Caroline had the opportunity to be together briefly in Charleston, and then Jamie got a surprise 3-day Christmas pass. Both of them were able to take the train to Atlanta and surprise his parents with a Christmas visit.⁴⁷

Upon returning to the MENGES, Jamie and the crew next went to Norfolk, where they were stationed for about a month in January 1944. Mary Caroline was able to join Jamie in Norfolk for ten days before The MENGES departed for New York City at the end of January.⁴⁸ The MENGES then did its first cross-Atlantic duty, serving as an escort for convoy UGS-38 en route to Gibraltar and Casablanca, arriving in late February 1944.

Jamie described to his family the nature of his duties on the ship as the chief damage control officer, who was also responsible for the maintenance and appearance of the entire ship, “exclusive of the engineering spaces.”⁴⁹ Jamie had about 80 men under his direct command, including another Lieutenant, (j.g.) He attributed his learning to be a good officer to his having previously been an enlisted man.

I think I am learning how to be a good officer. It is really difficult to be one. However, having been an enlisted man is of extreme value because you know what is pretense and what is real leadership. My men work hard gladly in anything I undertake which is more than I can say for a lot of officers. I was pleased to have my CBM [Chief Boatswain’s

⁴⁷ Jamie Mackay to Mother and Dad, December 27, 1943, Mackay Family Papers, Box 12, File 5, (“The visit at home was a pleasant and perfect surprise to me and I’m so glad I was able to keep your Christmas from being ‘boyless.’”); Jamie Mackay to Donald Mackay, Dec. 30, 1943, Mackay Family Papers, Box 12, File 5, (“The unexpected 3 day Christmas at home with the family was indeed a treat. Mary Caroline was already here in this dreary town [Charleston] and when at the last minute we found instead of parting, we were to go home together you can imagine our delight. We had good luck traveling—a Pullman—and a surprise arrival at home.”).

⁴⁸ Jamie Mackay to Mary Caroline Mackay, January 12, 1944, James A. Mackay Papers, Box 29, (Reflecting he is in Norfolk); Jamie Mackay to Mary Caroline Mackay, January 25, 1944, James A. Mackay Papers, Box 29, (“I am walking on air with pride and joy over the success of your visit.”); Jamie Mackay to Family, January 26, 1944, Mackay Family Papers, Box 12, File 6, (“Of course, the reason my spirits are tops is that Mary Caroline has been here for ten perfect and carefree days—days with a balance of hard work and play.”).

⁴⁹ Jamie Mackay to Family, January 26, 1944, Mackay Family Papers, Box 12, File 6.

Mate] tell me that he thought any member of the crew would stand between me and a bullet if they saw it coming my way.⁵⁰

The trip across the Atlantic was totally uneventful. Although they saw plenty of U-Boats, none attacked them.⁵¹ Jamie later commented about the crew's anticipation of seeing the actual city for which the movie, "Casablanca," had been named because they had all watched the movie on board ship when they had previously docked in Bermuda.⁵² The crew had a 5-day liberty in Casablanca, and Jamie's primary reaction to the area was being overwhelmed by the poverty, dirt, and filth all around him that made him "realize all the more what a wonderful place is America."⁵³

The MENGES departed Casablanca on March 1st for New York, arriving on March 18th for a 10-day liberty.⁵⁴ Mary Caroline was able to arrange to be in New York for the time, and they took in the sights, visited with relatives, such as Mary Caroline's brother, Slaughter, and

⁵⁰ Ibid.

⁵¹ Jamie Mackay to Mary Caroline Mackay, undated, but postmarked February 21, 1944, James A. Mackay Papers, Box 29, ("This trip has been as calm a passage as St. Andrews Bay—it is phenomenal and unbelievable."); Jamie Mackay to family, February 24, 1944, Mackay Family Papers, Box 12, File 6, ("The trip across was fantastic. Calm, blue seas, 68 degree weather and radiant sunshine. There were plenty of U Boats along our path but none attacked.).

⁵² Jamie Mackay to Toney (O.T. Logan ?), March 7, 1994, James A. Mackay Papers, Box 35, ("Norfolk to New York equipped us for the first long cruise to Casablanca—a place name that fired our imaginations since we saw the movie Casablanca on the boat deck while at Bermuda.")

⁵³ Jamie Mackay to Family, February 22, 1944, Mackay Family Papers, Box 12, File 6; Jamie Mackay to Mary Caroline Mackay, February 24, 1944, James A. Mackay Papers, Box 29, ("Such poverty you never saw. Life is cheap in all respects. One sailor in our division was murdered and last night another soldier and sailor were murdered—one shot and one stabbed. The filth is indescribable.").

⁵⁴ "History of USS MENGES, DE 320," in "50th Anniversary Reunion Program Materials"; Jamie Mackay to Family, March 18, 1944, Mackay Family Papers, Box 12, File 6, (Describing his joy of finally being back in U.S., being able to take a shower with fresh water, drinking fresh milk, and anticipating Mary Caroline's arrival tomorrow); Jamie Mackay to Family, March 20, 1944, Mackay Family Papers, Box 12, File 6, (Noting Mary Caroline had arrived in New York, and they were able to stay in the Hotel Commodore); Jamie Mackay to Mary Caroline Mackay, March 28, 1944, James A. Mackay Papers, Box 29, (Expressing joy at the time together in New York and seeing the Broadway play, "Life With Father"); Jamie Mackay to Mother, Dad and Betty, March 29, 1944, Mackay Family Papers, Box 12, File 6, (Describing events of the past few days with Mary Caroline in New York, visiting relatives and seeing "Life With Father").

saw the Broadway play, “Life With Father.” Jamie also used this time to call family and friends and to catch up on the mail that had been piling up at the ship’s post office.⁵⁵

One interesting feature of Jamie’s being able to keep up with his family and his brothers, was his father’s decision to institute the “HOME FRONT POST OFFICE,” which was modeled after the FLEET POST OFFICE. Because the Mackay family was so far flung during the war—Edward was a pilot in the Army, ferrying planes around the country; Leland was in the Coast Guard, stationed primarily in the Pacific; and Donald was a Chaplain serving in the Pacific theatre—Dr. Mackay decided that when each of the sons wrote home, he would copy the letters and send them on to his other sons, thus serving as the HOME FRONT POST OFFICE.⁵⁶

4. German Attacks on the MENGES

On or about April 3, 1944, the MENGES left Norfolk with a convoy bound for Bizerte, Tunisia, and this voyage would definitely be more eventful than the previous passage across the Atlantic.⁵⁷ Jamie seemed to anticipate this eventuality, when he wrote his parents on April 1, 1944, and observed: “Am expecting plenty of excitement this trip—you can really hear and see the rising crescendo of events.”⁵⁸

Mackay and his crew saw their first major action on the night of April 20, 1944, when 30 German torpedo bombers attacked Convoy UGS-38, off the North African coast near Algiers.

The Germans sank several ships, including one ammunition freighter, the SS PAUL

⁵⁵ Jamie Mackay to Bill and Betty (Lavicka?), March 21st, 1944, James A. Mackay Papers, Box 29, (Describing his joy at catching up on letters and telephoning family and friends since his return from sea).

⁵⁶ Rev. Edward Mackay to Jamie Mackay, March 19, 1944, Mackay Family Papers, Box 7, File 3, (Discussing his decision to copy all family correspondence and share it with all of his sons, stating, “In the long run it saves labor. I wonder why I didn’t think of it sooner.”).

⁵⁷ “The History of USS MENGES, DE 330,” in “50th Reunion Program Materials” states that the MENGES departed Norfolk on March 30, 1944, bound for Bizerte Tunisia. This date conflicts with Mackay’s correspondence that reveals he was still in Norfolk on April 2, 1944, and that “The ship is ship shape and we’re all set for another voyage which promises to be much more eventful than the last.” James A. Mackay to Mary Caroline Mackay, April 2, 1944, James A. Mackay Papers, Box 29.

⁵⁸ Jamie Mackay to Mother and Dad, April 1st, 1944, Mackay Family Papers, Box 12, File 6.

HAMILTON, which exploded with such violence that it literally lit up the skies. No one survived that sinking, and the 547 dead from the PAUL HAMILTON was the third largest loss of life at sea during the war.⁵⁹ The MENGES shot down one attacking plane and rescued 137 survivors from the USS LANSDALE DD-426, a destroyer sunk by the German attackers. The MENGES also rescued 2 German Luftwaffee airmen.⁶⁰

As the damage control officer, Mackay assisted in organizing the rescue crews. One of the grounds on which he was later awarded the Bronze Star Medal was because of his work that night. The citation noted that Mackay, “so skillfully assisted in the direction of rescue operations that over one hundred oil-soaked, shocked and injured survivors were brought aboard.”⁶¹

Jamie never wrote at that time to either Mary Caroline or his family what he had been through. Military censorship prevented any such discussion.⁶² In writing to Mary Caroline, shortly after this incident occurred, he merely said, “We arrived safely after an eventful trip.”⁶³

⁵⁹ Brian Whetstone, “The Convoy,” at 7, in “50th Anniversary Reunion Program Materials; The picture of the PAUL HAMILTON’s explosion later appeared in the May 22, 1944 issue of **Time Magazine**, under the caption, “Direct Hit.” The Coast Guard photographer, Art Green, was standing next to Mackay when he took the picture. Jamie Mackay to Family, June 20, 1944, Mackay Family Papers, Box 12, File 6, (“To give you an idea of my night life in this theater you might take a look at my favorite news magazine, May 22, and look up the picture captioned Direct Hit. I was standing beside the photographer when he snapped this particular shot. It was quite a memorable evening—one I shall never forget, even if I wanted to.”).

⁶⁰ “History of USS MENGES, DE 320,” in “50th Anniversary Reunion Program Materials.”

⁶¹ R.R. Waesche, Commandant, to Lieutenant (j.g.) James A. Mackay, May 24, 1944, Mackay Family Papers, Box 12, File 6, (Award of Bronze Star Medal cover letter and attached citation).

⁶² Several months later, after Jamie had returned to the U. S., he wrote his brothers, Donald and Leyland and discussed the events of April 20, 1944: “Our voyage across was pleasant enough until we passed the gates of Hercules. In the Med our convoy suffered a vicious attack by JU 88’s. Ships went down and I saw hundreds of men die under tragic circumstances. We take pride in the fact that two of our D Es picked up 90% of the crew of a D D which had been broken in two by an aerial torpedo. Incidentally, the Exec of this D D was rescued. He was Bob Morgenthau and his father Henry [Secretary of the Treasury in the FDR Cabinet] sent each ship a personal check for \$100. I have one of the checks signed by Secretary Morgenthau in my safe as part of the welfare fund.” Jamie Mackay to Donald and Leland Mackay, July 28, 1944, Mackay Family Papers, Box 6, File 4.

⁶³ Jamie Mackay to Mary Caroline Mackay, Saturday—April 22, but postmarked April 24, 1944, James A. Mackay Papers, Box 29; He made a similar comment to his family. Jamie Mackay to Family, April 23, 1944, Mackay Family Papers, Box 12, File 6, (“We arrived safely after an eventful trip and from the looks of things, liberty will be much more interesting than the last time we were over here.”); He apparently tried to send Mary Caroline a cable shortly after the incident that said “ALL WELL AND SAFE.” The cable, however didn’t arrive until April 27th, well after Jamie sent it because he wrote her on April 25th, apologizing for the cable and expressing the hope that it didn’t “frighten you.” James Mackay cable to Mrs. James Mackay, April 27, 1944, James A. Mackay Papers, Box 29 and Jamie Mackay to Mary Caroline Mackay, April 25th, undated but probably 1944, James A. Mackay Papers, Box 29.

The MENGES arrived in Bizerte on April 26, 1944, and Mackay and his crew had 5 days of liberty. They departed Bizerte on May 1, 1944 to escort Convoy GUS-38 to return to the U. S. Shortly after midnight on the morning of May 3, 1944, the German U-Boat U-371 saw the convoy, and particularly the USS MENGES, which had also picked up signs that the U-Boat was near. The U-Boat was under the command of Horst Fenski, a 25-year-old captain, who was considered Germany's leading submarine ace in the Mediterranean.⁶⁴ As the MENGES turned to confront the U-Boat, the submarine fired an acoustic torpedo that ripped into the stern of the MENGES, shearing off its propellers, killing 31 crewmen (including two officers, one of whom was Mackay's roommate and the other of whom was his watch mate), and injuring 23 others. The force of the explosion, however, lifted the stern in an upward position, so that the ship was virtually sealed from in-rushing water and did not sink. It was, however, dead in the water. Captain McCabe did not order any abandonment, but sought to contain the fire and damage, rescue those wounded and ensure that the ship's own torpedoes were secured so that they would not explode, preventing further damage.

As the damage control officer, Mackay played a key role in ensuring that there were no further explosions and that the fire was contained and extinguished. In securing the safety of the ship, some of the rescue crew actually jumped on live torpedoes that had been dislodged aboard the MENGES and disabled them so that they wouldn't explode.⁶⁵ Indeed, the ship's Executive Officer, Lt. Leroy Van Nostrand, singled Mackay out for particular praise when he submitted the "Battle Report" of the submarine attack:

The repair parties under the exceedingly able direction of Lieutenant (j.g.) J. A. Mackay, USCGR, worked tirelessly and efficiently in first ascertaining the damage and then treating the wounded extracted from the wreckage. Their performance was commendable in every respect.

⁶⁴ Brian J. Whetstone, "The Convoy," 14, in "50th Reunion Program Materials."

⁶⁵ Joan Treadway, "Vets commemorate attack 50 years ago," *New Orleans Times-Picayune*, May 4, 1994.

...

It is hereby urged that Lieutenant (j.g.) MACKAY, James A., be cited for his conduct and excellent leadership.⁶⁶

When Mackay was awarded the Bronze Star Medal, the citation specifically noted that one of the grounds for the award was that after the MENGES was torpedoed, Mackay “again distinguished himself by promptly and effectively isolating the damaged part of the ship, thus materially assisting in saving the ship by avoiding fire and the possibility of resulting explosion.”⁶⁷

As the MENGES was dead in the water, the tug HMS ASPIRANT towed it first to Bougie, Algeria to unload the dead and wounded. Then the MENGES was towed to Oran for temporary repairs so that it could ultimately be towed back to the Brooklyn Navy Yard.⁶⁸ During the time in Oran, the damaged stern was cut from the ship, and the repair crew prepared the MENGES for the 4800 mile return through the Mediterranean and across the Atlantic.

⁶⁶ “Battle Report Submitted By Lieutenant Van Nostrand to The Commanding Officer USS MENGES (DE320),” in 50th Reunion Program Materials.”

⁶⁷ R.R. Waesche, Commandant to Lieutenant (j.g.) James A. Mackay, May 24, 1944, Mackay Family Papers, Box 12, File 6, (Cover letter and Citation for Award of Bronze Star Medal); “Lt. Mackay Gets Bronze Star,” *Atlanta Journal*, August 21, 1944.

A related aspect to the damage caused to the MENGES was reflected in the photo that Coast Guard photographer, Art Green, took the next morning of a dead sailor at his station with his body hanging over the rail. (<http://education.eastmanhouse.org/discover/kits/imageNotes.php?id--10>) This photograph, titled “The Dead Coastguardsman At His Station,” and, alternatively, “But You Don’t Have to Come Back,” after the Coast Guard motto: “You have to go out but you don’t have to come back,” became one of the most publicized pictures of the War. The Coast Guard used it as the “centerpiece in a major War Bond drive.” Brian J. Whetstone, “The Convoy,” 17, in “50th Reunion Program Materials.”

During the Reunion in New Orleans on May 3, 1994, one of the attendees, Norman Yancovich, recalled picking up dead sailors when morning came. “But when daylight came, he had one more task to do, a grim one. He had to disentangle from a pipe the body of a man who was killed at his position next to a gun. ‘He came down like he was a wet sack—every bone in his body must have been broken,’ Yancovich said, trying to hold back tears. He still clearly remembers the man’s face. ‘I think only today, with the wreath-laying and the Coast Guard officials there, did we do justice to the ones who died,’ Yancovich said. ‘I feel today that they didn’t die for nothing.’” Joan Treadway, “Vets commemorate attack,” *New Orleans Times-Picayune*, May 4, 1994. Jamie Mackay had hand-written in the newspaper article the name of the sailor as “Joe Sappi.” James A. Mackay Papers, Box 35.

⁶⁸ “History of USS MENGES, DE 320,” in “50th Reunion Program Materials.” The USS PRIDE and USS JOSEPH E. CAMPBELL pursued the German submarine, and after about 27 hours, forced it to be scuttled. They captured Captain Fenski and 50 of the 53 German crew. They were brought to Algeria and held as prisoners, as the PRIDE and the CAMPBELL docked next to the MENGES. Brian J. Whetstone, “The Convoy,” 17-21, in “50th Reunion Program Materials.”

Jamie along with 20 men remained with the ship, while the rest of the crew was put on a Liberty ship and returned to the U.S.⁶⁹ Jamie would be in Oran until June 23, 1944, when the MANGES would be towed back to the Brooklyn Navy Yard. Jamie was unable to let either his family or Mary Caroline know of his situation, but he alluded to “Having an unusual amount of spare time on my hands.”⁷⁰ Apparently, Mary Caroline heard indirectly from someone that Jamie’s ship had been damaged and was tied up for repairs, but Jamie did not break the censorship rules to inform her.⁷¹ Jamie, however, did try to get word to Mary Caroline about his situation through sailors who were returning home.⁷²

The closest that Jamie came to describing his experiences of the German attacks in April and May 1944, was in a letter to his parents, dated June 3, 1944, but not sent until February 1945 in an undated (“Sunday morning”) letter to his mother. In this letter, Jamie engages in a philosophical discussion about the meaning of “time,” and how grateful he is to his parents for

⁶⁹ “Narrative by Gunnersmate 3rd Class William F. Blaylock” in “50th Reunion Program Materials;” “Narrative of Basil Antonakos, Fireman First-Class” in “50th Reunion Program Materials.”

⁷⁰ Jamie Mackay to Mary Caroline Mackay, May 15, 1944, Mackay Family Papers, Box 12, File 6. To indicate how much “free time” he had, he wrote 3 letters to Mary Caroline and one to his parents on May 15, 1944! Mackay Family Papers, Box 12, File 6, and James A. Mackay Papers, Box 29. A few months later, after he had returned to the U. S., Jamie described the attack to his brothers, Donald and Leyland: “On the way out we got it in the end—literally with an acoustic torpedo fired by an enemy sub. Part of our ship was blown off but the right bulkhead held and we didn’t sink. However, we sat helpless in the dead of night for some time before other ships arrived to take up the attack, and we don’t know yet why the sub failed to finish us off. We lost two officers and 29 men. The officers were my room mate and watch partner respectively.” Jamie Mackay to Donald and Leland Mackay, July 25, 1944, Mackay Family Papers, Box 6, File 4.

⁷¹ Jamie Mackay to Mary Caroline Mackay, May 8, 1944, Mackay Family Papers, Box 12, File 6, (“Incidentally, I hope the cablegrams didn’t alarm you—they were sent because it was convenient. I was thinking of you and I wanted you to know I was perfectly well and safe. . . . There are a hundred things I want to tell you but can’t.”); Jamie Mackay to Dad, May 10, 1944, Mackay Family Papers, Box 12, File 6, (“Then censorship prevails as rigidly as ever and those things I care to talk about most cannot be discussed.”); Dr. Edward G. Mackay to Jamie, May 17, 1944, Mackay Family Papers, Box 7, File 3 (“We can only use our imaginations as to the cause of the delay but we understand from an indirect word which came to M.C. that your good ship had been damaged and was tied up for repairs. We have no idea how the damage occurred but again we can use out (sic) imagination knowing that the waters you have been in are not particularly safe, and then too there is always the possibility of collision in the crowded port areas. However, we are relieved to know that you are safe.”).

⁷² Jamie Mackay to Mary Caroline Mackay, May 19, 1944, James A. Mackay Papers, Box 29, (“Think I told you Howard Bentley will call you up when he gets back and give you an account of why I am delayed, where I am, and so forth. By the time you hear from him though I’ll be heading your way.”); Jamie Mackay to Mary Caroline Mackay, May 22, 1944, James A. Mackay Papers, Box 29, (“Things are progressing satisfactorily and by now I hope you have heard from some of my shipmates where I am and why I am here.”).

all they had given him. He discusses his good fortune to marry Mary Caroline, and then speaks of his war experiences:

Out of the night the enemy strikes with skill and daring, and the battle, brief and violent is joined. Men die. Yet the world is still beautiful, the night is majestic, the angels still sing, but men cannot see for the flash of gunfire, they cannot hear for the thunder of the guns. Ships and planes go down. Men are swimming in the water, crying for help. Friend and foe alike swimming in the water, crying for help. To the rescue, save them, it doesn't matter who they are. Save them. They are men. They come aboard trying to believe they are alive. And they are alive. We are not men, we are children a long way from home crying to be rescued. And our father is trying to answer our cry and tell us—"Look on beyond the horizon and you will see the broad uplands, the rolling hills and the majestic peaks of truth and beauty. Look up and keep striving. Time in its mysterious and inexplicable way will take you home."⁷³

Jamie occupied his time in Oran with sightseeing, playing tennis, and watching a lot of movies on board the ship, as it waited to be repaired enough to be towed back to the U. S.⁷⁴ He enjoyed meeting a group of Emory doctors who were stationed there, and had several dinners with them, as well as other opportunities to socialize with them.⁷⁵

Although his ship was on the sidelines during the D-Day invasion, he shared his thoughts about the invasion with Mary Caroline: "The great day is here and our forces are streaming into France according to radio reports every half hour. It is a momentous day in history and the

⁷³ Jamie Mackay to Mother and Dad, June 3, 1944, attached to letter from Jamie Mackay to Mother, "Sunday morning," undated, February 1945, Mackay Family Papers, Box 12, File 9.

⁷⁴ Jamie Mackay to Mary Caroline Mackay, May 23, 1944, James A. Mackay Papers, Box 29, ("Life has been pretty soft for me recently with a good bit of recreation and not a whole lot of work to do."); Jamie Mackay to Mary Caroline Mackay, May 26, 1944, James A. Mackay Papers, Box 29, ("As for movies, I've seen about fourteen in the last fourteen days and they are about to drive me crazy. A few of them have been good but for the most part they are inane in words and music."); Jamie Mackay to Mary Caroline Mackay, June 14, 1944, Mackay Family Papers, Box 12, File 6, ("I am so fed up on movies it is torture to sit through one. I never realized what a bunch of tripe is fed the people by Hollywood. It is probably an exaggeration to say one movie out of ten produced is worth sitting through. Remind me not to go to any when I am home.").

⁷⁵ Jamie Mackay to Mary Caroline Mackay, May 25, 1944, James A. Mackay Papers, Box 29, (He writes about meeting several people from home: Charles Dunaphant, Bill Goodyear, Harry Gibboney, Dr. Frank K. Boland, Jr., and others.); Jamie Mackay to Mary Caroline Mackay, June 7, 1944, James A. Mackay Papers, Box 29, (He had dinner with the "Emory crowd" last night listening to radio reports of the D-Day invasion. "I met a lot more of the Emory doctors—Capt. Harry Crosswell, both the Bolands, Major Burke, Major Parker, and others. Thursday night a bunch of them are coming down for a fried chicken dinner with fresh peach ice cream. They are still raving about the steak dinner we had them to Sunday before last.").

thoughts and prayers of all thoughtful people should be with our men. What happens in the ensuing weeks will vitally affect our lives for years to come.”⁷⁶

Despite the fact that Jamie had been awarded the Bronze Star Medal in May, he did not mention this honor to Mary Caroline for several weeks. When he did reveal it, he downplayed its significance.⁷⁷

By June 23, 1944, the MENGES had been sufficiently repaired that the tugboat, CARIB (AT-82), took it in tow and proceeded through the Mediterranean Sea and across the Atlantic on a 4800 mile journey. The ships had frequent difficulties with the tow cable, and had to stop in the Azores for several days to make necessary adjustments and join up with a returning convoy.⁷⁸ The MENGES finally arrived at the Brooklyn Navy Yard on July 22, 1944.⁷⁹ Jamie described the crossing as “a hectic voyage with tow lines parting and hurricanes chasing us, but we got through safely.”⁸⁰

When the MENGES arrived at the Brooklyn Navy Yard, Jamie was granted a 30-day leave and returned to Atlanta. The Navy then welded the stern of the USS HOLDER (DE 401), whose forward two-thirds had been blown away by an aircraft attack, to the remaining two-thirds

⁷⁶ Jamie Mackay to Mary Caroline Mackay, June 6, 1944, James A. Mackay Papers, Box 29.

⁷⁷ Jamie Mackay to Mary Caroline Mackay, June 14, 1944, Mackay Family Papers, Box 12, File 6, (“There is something I perhaps should have told you and maybe Bentley has if he succeeded in calling you. About five weeks ago I was personally awarded a citation and the Bronze Star Medal by a vice admiral who is in command of all U.S. Naval Forces in this theater. The Admiral came aboard with his staff and made the awards in a brief but impressive ceremony. Roy [Van Nostrand] was also awarded the Bronze Star, which is the most recent decoration authorized by Congress. The skipper and some of the men also received various awards. This is all I can say and I say it only because it may give you and the folks a little pleasure. I have not mentioned it to them and do not intend to as medals are just so much tinsel. The people who give their lives or their loved ones are the people who deserve what little recognition our government can give. Dad will probably get a bigger kick out of the citation than I ever will.)

⁷⁸ When he was delayed in the Azores, he wrote to Mary Caroline to summarize his feelings of what he had been through, without revealing specific details: “As you are learning through bits of information which have leaked through to you I have gotten my fill of adventure on this voyage. It has been an epic adventure for me and much of what has happened has been indelibly burned in my memory. Some of these images are extremely pleasant—others the reverse. I can tell you of some of the former. Through the wild joy and depthless sorrow of these days we have really become shipmates in the truest sense—men working and living and fighting as a unit—this is a fine achievement on a ship in which I take pride.” Jamie Mackay to Mary Caroline Mackay, July 1, 1944, James A. Mackay Papers, Box 29.

⁷⁹ “History of USS MENGES, DE-320” in “50th Reunion Program Materials.”

⁸⁰ Jamie Mackay to Donald and Leland Mackay, July 28, 1944, Mackay Family Papers, Box 6, File 9.

of the MENGES. The repaired ship retained the name MENGES because between the HOLDER and the MENGES, the latter constituted two-thirds of the new ship.⁸¹ Mackay's last service on the MENGES was when he oversaw its final repairs in the Brooklyn Navy Yard and served on its shakedown cruise from September 26-October 14th in Casco Bay, Maine. Jamie was then transferred to the Coast Guard Academy in New London, Connecticut, as an instructor.⁸²

5. New Assignment to Coast Guard Academy

When Jamie reported for duty in New York after his leave, Mary Caroline was able to accompany him, and remain in New York in an apartment while he was assigned to the MENGES.⁸³ When they moved to New London, Jamie anticipated only a short-term assignment of five weeks or so, but then the Commandant of the Academy selected him as an instructor for a term of nine-to-twelve months. Mackay had hoped to return to sea duty, and noted that they had given him this assignment "against my wishes."⁸⁴

⁸¹ "History of USS MENGES, DE 320" in "50th Reunion Program Materials;" "Two Torpedo Blasted Ships Joined Together as One Unit," *Atlanta Journal*, June 13, 1945.

⁸² Ibid.; Jamie Mackay to Mother and Dad, August 25, 1944, Mackay Family Papers, Box 12, File 7, (Informing them he had reported aboard the ship today); Jamie Mackay to Family, August 31, 1944, Mackay Family Papers, Box 12, File 7, (Disclosing that he is aboard ship "keeping watch o'er the workmen"); Jamie Mackay to Mother and Dad, September 10, 1944, Mackay Family Papers, Box 12, File 7, (Stating that the ship was "undocked" today, and the ship has a new crew that they will be training, noting "all of us will be going to new assignments in the next few months."); Jamie Mackay to Mother and Dad, September 19, 1944, Mackay Family Papers, Box 12, File 7, (Informing them that he will be relieved of duty by another officer and transferred to the Coast Guard Academy); Mary Caroline Mackay to Mother, Dad, and Betty, October 5, 1944, Mackay Family Papers, Box 12, File 7, (Reporting that Jamie had been promoted to Lieutenant (s.g.) that includes a pay increase); Jamie Mackay to Mother, Dad, and Betty, October 14, 1944, Mackay Family Papers, Box 12, File 7, (Stating that he had been relieved of duties on the MENGES, and that he will be reporting to the Academy "tomorrow night or Monday.").

⁸³ Jamie Mackay to Family, August 20, 1944, Mackay Family Papers, Box 12, File 7. Jamie and Mary Caroline brought Betty along with them to show her the sights. ("Betty is tired but excited. She won't believe the buildings are so tall and is afraid they'll tumble into the street."); Jamie Mackay to Mother and Dad, August 22, 1944, Mackay Family Papers, Box 12, File 7, (Noting their locating an apartment and listing the various sights they had seen with Betty—Radio City Music Hall, the Rockettes, dinner at Schrafts, the Staten Island Ferry, New York Harbor, and the Statue of Liberty); Jamie Mackay to Mother and Dad, August 27, 1944, Mackay Family Papers, Box 12, File 7, (Listing additional sights they visited: the Metropolitan Museum, the Hayden Planetarium, the Museum of Natural Science and History, Riverside Church, an afternoon and evening in Princeton, and dinner in Greenwich Village.).

⁸⁴ Jamie Mackay to Dad and Mother, October 25, 1944, Mackay Family Papers, Box 12, File 7. Jamie was making \$342 per month in pay and allowances, which gave them a comfortable situation, particularly when they found an apartment for \$40 per month. Jamie Mackay to Dad, October 19, 1944, Mackay Family Papers, Box 12, File 7,

Despite his reluctance, Mackay appeared to enjoy himself in teaching seamanship and damage control to the students at the Academy, who were both reserve cadets and returning officers who attended refresher courses. He particularly enjoyed the opportunity of having the opportunity to be in one place with Mary Caroline after spending two years as vagabonds.⁸⁵ He and Mary Caroline took advantage of their location to scout out various places in New England and to visit Jamie's Aunt Mary (his mother's sister), who lived in the Boston area.⁸⁶

One of the highlights of Jamie's time at the Academy was the weekend he sailed on the Academy's square rigged training ship, DANMARK. He ranked this experience as one of the top days of his military career, "filled to the brim with delight and a sense of fulfillment." As he observed to his family, "Any boy who has lived by or read about the sea has wished that someday he might sail aboard a square rigger and...it is a rare treat."⁸⁷

Jamie, however, did not like all aspects of life at the Coast Guard Academy. He found that many of the men were removed from the reality of the War and had an air of artificial security and economic well-being. He expressed his concern that the "people have no real

(Setting out monthly income); Jamie Mackay to Family, November 1, 1944, Mackay Family Papers, Box 12, File 7, (Noting their excitement over finding an apartment near the Academy).

⁸⁵ Jamie Mackay to Family, November 9, 1944, Mackay Family Papers, Box 12, File 7, ("The primary reason I like this job is that it will mean Mary Caroline and I can have a little place to be together for a while after these last two years as vagabonds."); Jamie Mackay to Mother and Dad, December 7, 1944, Mackay Family Papers, Box 12, File 8, ("Did I tell you that I am teaching Seamanship and some Damage Control? The job of instructing is interesting and pleasant for a change. However, I hope to be heading for the Pacific by August or September 1st.").

⁸⁶ Jamie Mackay to Family, November 16, 1944, Mackay Family Papers, Box 12, File 7, ("Aunt Mary is a sight. She is trying to get us up to Boston nearly every weekend and tries to pay our way everywhere."); Jamie Mackay to Mother, Dad and Betty, November 25, 1944, Mackay Family Papers, Box 12, File 7, (Relating how he and Mary Caroline were spending the weekend in West Hartford with "Uncle John, Aunt Helen and Cousin John."); Jamie Mackay to Family, January 30, 1945, Mackay Family Papers, Box 12, File 9, (Relating how he spent last weekend in West Hartford and plans to spend upcoming weekend in Boston to visit with Aunt Mary).

⁸⁷ Jamie Mackay to Family, November 3, 1944, Mackay Family Papers, Box 12, File 7, (Comparing this adventure to the other top times in his 40 months in the Coast Guard: The day he entered the Coast Guard, the day he reported to his first ship, the day he stepped aboard the MENGES and sailed to sea, the day he left Hampton Roads for Africa on the MENGES, the first glimpse of the Straits of Gibraltar, the safe arrival in New York harbor after a voyage "filled with excitement, violence, and tragedy," and tonight, "my first night aboard a great sailing ship.").

awareness that men are dying or being broken mentally or physically or spiritually by the war.”⁸⁸

He went on to note:

Perhaps this feeling of unrest is something I’ll never quite overcome, because so long as there are men dying when they should be living, so long as there are men hungry when they should be fed, so long as there are people out of step with life, I will wonder why people individually and collectively do not do more to make a better world.⁸⁹

Jamie never lost his sense of idealism, and never capitulated to cynicism, even after enduring the tragedies of the loss of life in the battles in the Mediterranean. Indeed, he set forth his views of what he wanted to see in society after the war ended in a letter to his family:

Well, I’ll start the ball rolling by listing at random some of the things I want to see in the society in which I live.

The right to disagree, to disagree orally or in writing.

The right to meet with others in public.

The right to organize—civic, religious, economic, political groups.

The right to call your home your castle and enjoy it as such.

The right to worship God as you please or the right not to worship if you please.

The right to publish your views and to report facts.

The right of habeas corpus and trial by jury.

The right to vote (this is to be limited by educational and intelligence qualifications).

The right to own property.

These rights to be guaranteed by the government. They are some of the foundation stones of the house of liberty and so long as we safeguard these then we won’t have this terrible regimentation Leland is worrying about.

The following cannot be guaranteed by the government but the government should make an effort to see that these things are fostered.

A good dwelling for every family (by building and zoning ordinances and laws)

Public health (sanitation, malaria control, venereal control, campaigns against tuberculosis, infantile paralysis, cancer, etc.)

Medical care for the individual (whether private or public, the individual must get treatment adequate to his needs and within reach of his income)

The opportunity to get a basic and specialized education (the initiative obviously rests with the individual but society must furnish the instructors)

The opportunity to work at a job and receive pay commensurate with the service rendered—preferably through private enterprise but by public works if necessary.

Leisure time. A reasonable work week and two weeks vacation per year.

These things are desirable for ALL men in our society.

⁸⁸ Jamie Mackay to Family, November 9, 1944, Mackay Family Papers, Box 12, File 7.

⁸⁹ Ibid.

The machine, rapid transit and communication have revolutionized society. All men are neighbors. The world is a community and must be organized by law. Political, economic and military power must be controlled. Law must prevent any minority of men, whether they be politicians, business men or military men, from gaining too much power. We must have government by law and not by men. But the men must make the laws, and the force of aviation alone requires that law be established on an international and unprecedented level. The old notion of laissez-faire is obsolete. Society is too complex to permit this.

It is not regimentation to throw a man in jail if he insists upon driving on the left hand side of the street. It is essential for the safety of the people. Nor is it misguided idealism to strive for an international organization to protect society from the ravages of war, nor is it starry eyed Utopianism to attempt to achieve full employment. I do not like the use of the word Idealism as an epithet. The only thing that will save us from World War three is a wave of Idealism. Certainly a wave of cynicism will not lift society above its present level.⁹⁰

In setting forth his “vision” of what he wanted to see in society, Mackay was drawing on his experiences from participating in the Methodist youth caravan, where he saw the need for fairer housing and public health services for minorities. He also drew on his educational efforts with respect to reducing venereal disease from his days at Emory. With respect to voting, however, Mackay did not believe in the franchise being available to everyone, but wanted it limited in some fashion to those who were qualified by their education and intelligence. In some respects this was consistent with his views expressed in his remarks at Citizens’ Day at Ponce de Leon ballpark in 1939, and was aligned with the belief that citizens needed to be better informed about their government. Ironically, however, his support for excluding people who were not educated or intelligent (however those factors would be measured) would have been the same types of literacy-test measures used in the South to disqualify African-American voters for generations. His views in this area would obviously change over time, as most visibly demonstrated when he was one of only two Congressmen from the Deep South to vote in favor

⁹⁰ Jamie Mackay to Family, February 21, 1945, Mackay Family Papers, Box 12, File 9.

of the 1965 Voting Rights Act that was directly aimed at eliminating such barriers to voting as literacy tests.

In other respects, however, Mackay's sweeping declaration of how he wished to see society would seem to be consistent with what Mackay would favor later in his political career. His view that all people should have access to health care was an early indication that he would favor such legislation as Medicare, when he reached Congress in 1965. Similarly, his belief that government should foster opportunities for everyone to get a basic and specialized education would serve as a foundation for his later efforts in the Georgia legislature to fight against closing Georgia public schools and to oppose the continued segregation of public schools.

Mackay certainly had not given in to a cynical view of politics, and he foreshadowed his later opposition to the type of monopoly of political power that the Talmadge machine exercised in Georgia. It is safe to conclude that he had rejected a view of society that prized laissez-faire economics over government efforts to promote the general welfare of the people. While he supported private enterprise, he stated his view that in a complex society, the "old notion of laissez-faire is obsolete."

Jamie Mackay also gave an early indication that he favored government efforts to foster safety measures to save lives. He would take this perspective throughout his political career in both the Georgia General Assembly and in Congress to advocate measures to reduce traffic deaths. His principal sponsorship of creating the National Traffic Safety Agency in 1966 would be the crowning moment of his legislative career.

Finally, Mackay's early statement in support of "an international organization to protect society from the ravages of war," placed him four-square behind later efforts to establish the United Nations. Mackay was not afraid to view himself as an idealist because he thought only a

wave of idealism could save the world from another world war. Intentionally or not, Mackay was developing his political philosophy that would undergird his future life in politics.

Mackay did not let his formation of political ideas, however, interfere with fulfilling his responsibilities at the Coast Guard Academy. He carried a heavy load of teaching 26 hours of classes a week, and he relished his teaching experience. He explained to his father that “I realize it [teaching at the Academy] is invaluable experience since I am learning daily how to put information and ideas across to men of varied backgrounds.”⁹¹

As the War drew to a close, Mackay pondered his future. He considered possibly returning to school, but he was unsure whether to continue with the law or devote himself to another career. He thought about just getting a job, but was unsure of what type of livelihood he wanted and undecided about remaining in Atlanta.⁹² He asked his father for advice, and Dr. Mackay encouraged Jamie to finish his law school education, either at Emory or Duke, reasoning that such an education would be helpful to Jamie in either becoming a lawyer or taking a position in the business world.⁹³

While Jamie was pondering his future, he was also aware of his future responsibilities as a father. He informed his family in June that Mary Caroline was expecting their first child around Christmas time, and that Mary Caroline would return to Atlanta at the end of the summer so the baby, as he joked, would be “born in the Confederate States of America.”⁹⁴

As late as the end of July, Jamie was expecting to remain at the Academy until the baby was born in December. He then expected to be assigned to sea duty in the Pacific. Following his

⁹¹ Jamie Mackay to Dad, April 4, 1945, Mackay Family Papers, Box 12, File 9.

⁹² Jamie Mackay to Mother, Dad and Betty, June 10, 1945, Mackay Family Papers, Box 12, File 9.

⁹³ Rev. Edward Mackay to Jamie and Mary Caroline, June 16, 1945, Mackay Family Papers, Box 7, File 3.

⁹⁴ Jamie Mackay to Family, June 2, 1945, Mackay Family Papers, Box 12, File 9.

father's advice, he determined to return to law school after the War concluded. He confided: "If Emory would overhaul its law school I might even think of going back to it, but not otherwise."⁹⁵

The sudden end of the War caught Jamie and everyone by surprise. He notified his family that the Coast Guard had ended the entire Reserve training program on August 20, 1945, and he hoped to be discharged by November 1st.⁹⁶ Shortly after this letter, Mackay confirmed that he would be a civilian by November 1, 1945.⁹⁷ By September 26, 1945, Jamie had been discharged from the Coast Guard and was enrolled in Emory Law School.⁹⁸ Thus ended Mackay's distinguished career in the Coast Guard—now he would return to Atlanta to finish his legal studies at Emory and embark on his future legal career.

⁹⁵ Jamie Mackay to Family, July 28, 1945, Mackay Family Papers, Box 12, File 9. (Jamie never explained the nature of the "overhaul" he considered necessary for Emory Law School.)

⁹⁶ Jamie Mackay to Mother, Dad, and Betty, August 20, 1945, Mackay Family Papers, Box 12, File 9, ("We rejoice with you that peace has come...The entire Reserve training program folded today and I expect reassignment within two weeks—probably to the 7th Naval District. There is a strong possibility that I'll be a civilian by November 1st.").

⁹⁷ Jamie Mackay to Betty Mackay, August 29, 1945, Mackay Family Papers, Box 12, File 9, ("I'll be a civilian by November 1st! Hooray.").

⁹⁸ Rev. Edward Mackay to Betty Mackay, September 26, 1945, Mackay Family Papers, Box 6, File 5.

CHAPTER V

FINISHING LAW SCHOOL AT EMORY AND FORMING

GEORGIA VETERANS FOR MAJORITY RULE

1. Returning to Atlanta and Emory

Jamie followed his father's advice. He returned to Atlanta and enrolled in Emory Law School as a second-year student. There is nothing in his papers to indicate his thinking process, but it seems likely that with their first child, Kathy, due to be born in December 1945, the most practical decision was to finish law school at Emory in Atlanta.¹

Jamie and Mary Caroline lived in Mrs. Lee's house at 1245 Ridgewood Drive in the Druid Hills area. Dr. Mackay had been appointed pastor of Glenn Memorial in November 1944, and he and his family had moved into the parsonage at 1221 Clifton Road in Druid Hills.² With the very tight housing market in Atlanta after the War ended, it is logical to assume that Jamie and Mary Caroline decided to live with her mother when they returned to Atlanta, rather than finding some place else to live. The Ridgewood Drive address was also very convenient to Emory Law School, and Jamie and Mary Caroline had a live-in baby-sitter with Mrs. Lee. Furthermore, from the earliest days of Jamie and Mary Caroline's courtship, Jamie seemed to have a very strong, positive relationship with Mrs. Lee, and it remained strong through the years.³

¹ Kathy Mackay was born on December 3, 1945 in Atlanta. Rev. Edward Mackay to Betty, December 4, 1945, Mackay Family Papers, Box 6, File 5.

² Rev. Edward Mackay to Jamie and Mary Caroline, November 26, 1944, Mackay Family Papers, Box 7, File 3.

³ Jamie Mackay to Mrs. Lee, November 19, 1941, James A. Mackay Papers, Box 29, ("I want to thank you for your generous hospitality you showed me when I was home on leave. You made me feel very much at home; the hours spent in your home (not to mention the meals eaten) make me hope that some day I'll not be so rushed for time."); Jamie Mackay to Mrs. Lee, June 11, 1942, James A. Mackay Papers, Box 29, (Thanking her for her gift of seven diamonds for Mary Caroline's engagement ring and encouraging her to visit New Orleans: "You would enjoy the city and I would enjoy your being here."); Jamie Mackay to "Mother Lee," August 1, 1942, James A. Mackay Papers, Box 29, ("I think you know how much I love Caroline, and her family for that matter, and that love is substantial and increasing for it has stood the test of time and distance.").

Although Jamie had been an average student at Emory as an undergrad, he excelled in the law school. In April 1946, he was one of five Emory students chosen to write case comments on recent cases for the *Georgia Bar Journal*.⁴ In January 1947, Mackay was one of six Emory Law students to be appointed to the board of student editors for the *Georgia Bar Journal*, and he was recognized as being among the three highest ranking students in his 3rd-year class.⁵

Jamie took the Georgia Bar exam before he graduated from Emory in March 1947. Only 36 applicants out of 176 passed the bar (21%), so Mackay was demonstrating his legal skills very quickly. Jamie was sworn into the bar in January 1947.⁶

Jamie was obviously a top law student, but he did not limit himself just to studying law when he was at Emory Law School. Jamie actually tried to *make* some law while he was still in law school. He became chairman of a group called Georgia Veterans for Majority Rule and supported a federal lawsuit challenging Georgia's county unit system in August 1946 on the grounds that the county unit system violated the Equal Protection Clause of the Fourteenth Amendment to the U. S. Constitution.

2. Georgia Veterans for Majority Rule and the Legal Challenge to the County Unit System

⁴ "Law Aces Write For Bar Journal," *Emory Wheel*, April 18, 1946.

⁵ "Law Students Write For Bar Journal," *Emory Wheel*, January 16, 1947, (Mackay was recognized along with Mrs. Lucile D. Wells and Paul A. Keenan, Jr. as being the top three students in their law school class. "Selections were made on the basis of scholarship and the ability to write comment.")

⁶ "New Judges Admit Three Bar Fledglings," *Atlanta Journal*, January 12, 1947, (In the article Mackay was described as living at 1245 Ridgewood Dr., married to the former Mary Caroline Lee, and the father of a 13-month-old daughter, Kathleen. The article noted his military service in the Coast Guard and stated that he was set to graduate from Emory Law School in March.); Rev. Edward Mackay to Mrs. Beulah Mackay, undated hand-written note, James A. Mackay Papers, Box 21, ("Good News!! Jamie got word this morning that he passed the Bar Examination. Only 36 out of the 176 passed—21%---Edward.")

Ironically, a law student who was at Emory at the same time, but in another class, was Roscoe Pickett, whom Jamie would later defeat when he first ran for Congress in 1964. Pickett had been a Republican state representative from Pickens County before WWII, and after serving in the Navy, attended Emory Law School. "Native Georgian Is Staunch GOP'er," *Emory Wheel*, August 1, 1946. The article said that "Pickett confidently predicts that within the next 20 years the Republican Party will be widely accepted throughout the South, and he is preparing himself for a place of leadership in that yet-to-come political upheaval." As a matter of fact, Pickett was prescient because less than 20 years later, Barry Goldwater would carry the State of Georgia in the Presidential election—along with Alabama, Mississippi and South Carolina. Pickett, himself, would be Chairman of the Georgia Republican Party when Mackay defeated him in the 1964 race for the Fourth Congressional District.

With the aid of hindsight, it may not seem so unusual that Mackay would lead a group of WWII veterans in challenging Georgia's county unit system as a violation of the Equal Protection Clause of the Fourteenth Amendment. At that time, however, it took an incredible amount of courage publicly to challenge the lynchpin of rural domination in Georgia politics since 1917.

To gain some appreciation for the personal risks that Mackay and his fellow veterans ran, consider that Elbert Tuttle, future chief judge of the Fifth Circuit Court of Appeals, and a leader in Georgia's nascent Republican Party after World War II, also was speaking out against the county unit system in the late 1940's. In response to his opposition, Tuttle's wife, Sara, recalled that they received the only death threat that she ever took seriously, and this was a death threat against a man who would later be the recipient of numerous death threats for his role in leading the dismantling of the Jim Crow system of segregation by the federal courts in the South.⁷

Mackay was a young, 27 year-old veteran, who was in his senior year of law school when he formed the group, Georgia Veterans for Majority Rule, to challenge the county unit system in Georgia. In deciding to take on this crusade, Mackay had been heavily influenced by an Emory political science professor, Dr. Cullen Gosnell. Mackay would later describe Professor Gosnell as a true "tiger in the ivy," who had opposed the county unit system ever since he came to Georgia to teach at Emory. The Neill Primary Act in 1917 enshrined into state law the county

⁷ Anne Emanuel, *Elbert Parr Tuttle: Chief Jurist of the Civil Rights Revolution*, (Athens: University of Georgia Press, 2011), 227: "Despite the intensity of the years of the civil rights revolution, Sara Tuttle would later recall that her husband's work in the late 1940s opposing the county unit system had generated the only threat she took seriously. They had arrived home about midnight from Columbus, Georgia, where Tuttle had given a speech criticizing the county unit system. When the phone rang, Sara answered. The caller told her that her husband had better stop 'or we'll kill both of you.' 'Well, I think that's a little extreme,' she responded. . . . Both Elbert and Sara thought their home was being watched. Moreover, they understood that because of the threat it posed to Talmadge's political empire, Tuttle's stance was inflammatory—and Herman Talmadge's supporters were easily inflamed. Sara called the police and reported the threat. Before retiring, she wrote a brief note to her adult children, Nicky and Buddy, describing the call. In later years she made the story entertaining; she would explain that had they been found dead in their bed, she didn't want the children to think they had killed each other."

unit system for the primary elections in Georgia.⁸ Because the Democratic Party was so dominant in Georgia at that time, winning the primary was tantamount to winning the general election. While the general election for Governor and other general offices would still be determined by popular vote, for all intents and purposes, the winner of the Democratic primary would be the ultimate winner of the office.

Dr. Gosnell first came to Emory in 1927 after receiving his Ph.D. from Princeton. From the very beginning of his teaching career at Emory, Gosnell had been a “consistent and outspoken critic of the state’s county unit system.”⁹ Through his teaching classes, writing articles, and founding both the Emory Institute of Citizenship and the Southern Political Science Association, Gosnell challenged the fairness of the county unit system that discriminated so blatantly against urban voters.¹⁰ Gosnell was also credited with being the inspiration for many of the reforms and changes instituted during Ellis Arnall’s progressive term as Governor of Georgia, such as abolishing the poll tax, lowering the voting age to 18, and adopting fiscal policies that put Georgia on a solvent basis for the first time in many years.¹¹

Jamie later gave credit to Dr. Gosnell for inspiring him and Calvin Kytle to challenge the county unit system in federal court. Speaking of Dr. Gosnell, Mackay wrote, “With courage and tenacity, he argued that the system frustrated and confounded the will of the people, and he spent his life fighting for its abolition. Calvin and I were among the students who joined his crusade.”¹²

⁸ The county unit system was the political arrangement by which state-wide or congressional primaries were determined in the Democratic Party. The six most populous counties had 6 votes each; the next 31 most populous had 4 votes each, and the remaining counties had 2 votes each. For example, in 1946, the 18,635 people who lived in Bryan, Camden and Clinch Counties had as much weight at the polls as the 500,000 people in Fulton County. *Who Runs Georgia?*, 268-69, n. 4.

⁹ Marjorie Duncan, “Retirement of a Reformer,” *The Emory Alumnus* (July 1962): 16.

¹⁰ *Ibid.*

¹¹ *Ibid.*, 49.

¹² *Who Runs Georgia?*, xxiv.

Jamie and Calvin joined the crusade just at the time that some fundamental structures for supporting white supremacy in Georgia were being challenged. For generations, southern states had used the artifice of the “whites-only” primary to deprive African-Americans of any meaningful political voice. Because the Democratic Party was so dominant in the south, whoever won the Democratic primary in Georgia or other southern states was the assured winner of the general election. Additionally, in Georgia, the county-unit system was another vehicle by which the large urban counties were deprived of political power because the smaller, more numerous, rural counties collectively held the political power. Because African-Americans were more concentrated in the urban areas, the county-unit system was another measure effectively used to deprive them of political power.

Fear over the potential political power of African American voters was the underlying theme to the uproar by white citizens who decried the Supreme Court’s decisions invalidating the “white primary” as a means of disenfranchising black voters. In 1944, the U. S. Supreme Court in *Smith v. Allwright* had declared the Texas Democratic Party’s “whites- only” primary to be unconstitutional.¹³ The following year in *Chapman v. King*, the federal court in the Middle District of Georgia followed the Supreme Court’s holding in *Smith v. Allwright* and struck down Georgia’s Democratic Party’s “whites-only” primary as being an unconstitutional act of the state in violation of the Fourteenth, Fifteenth and Seventeenth Amendments. The Fifth Circuit Court of Appeals affirmed this decision in 1946 in a unanimous opinion written by Chief Judge Sibley, holding that the Democratic Party’s primary rules had basically been adopted and enforced by

¹³ *Smith v. Allwright*, 321 U. S. 649 (1944). The Court held that the Texas Democratic Party’s whites-only primary violated the Fifteenth Amendment to the Constitution. In reversing a decision of nine-years earlier with respect to the Texas primary, the Court held that when membership in a private political party “is also the essential qualification for voting in a primary to select nominees for a general election, the states makes the action of the party the action of the state.” 321 U. S. at 664-665.

the State of Georgia, and that exclusion of blacks from voting in the primaries violated the Fifteenth Amendment.¹⁴

When the Supreme Court refused to accept an appeal, Governor Arnall basically accepted the decision. He refused to call a special session of the General Assembly to try to address the constitutional infirmities, so African Americans in Georgia in 1946 were going to be able to register and vote in the Democratic primary for the first time.¹⁵

While the majority of white politicians feared the impact of the new political muscle of African-Americans, Atlanta mayor William Hartsfield, was not one of them. Indeed, he challenged the black leadership in Atlanta to register 10,000 new voters before the July 1946 primary election if they wanted to obtain desegregation of city services, such as gaining membership on the police department and obtaining better public lighting in black neighborhoods. African Americans responded far beyond Hartsfield's challenge and registered over 13,000 new voters in just two months and almost 22,000 overall.¹⁶

Even prior to the July 1946 Democratic primary, however, African American voters in Atlanta had exercised their political clout by voting in a special Fifth District Congressional race in February 1946 to fill an open spot that had been vacated by the incumbent, Robert Ramspeck. Because the open race was not a primary race governed by the Neill Act, blacks could vote, and they did so overwhelmingly in favor of a white woman, Helen Douglas Mankin. Mrs. Mankin was an unabashed liberal Democratic member of the Georgia House of Representatives from Atlanta. Unlike her opponents in the special election, Mrs. Mankin had actively solicited the support of black voters in Atlanta. She scored an upset when black community leaders withheld

¹⁴ *Chapman v. King*, 154 F. 2d 460,464 (5th Cir. 1946), cert. denied, 327 U. S. 800 (1946).

¹⁵ Egerton, *Speak Now Against the Day*, 381-382; Ronald H. Bayor, *Race and the Shaping of Twentieth Century Atlanta* (Chapel Hill and London: University of North Carolina Press, 1996), 21-25.

¹⁶ Bayor, *Race and the Shaping of Twentieth Century Atlanta*, 24; Brooks, *Defining the Peace*, 31.

their official endorsement of her until late on the evening before the special election, thus not allowing her opponents to create negative publicity about the support of the black community for Mrs. Mankin. The last precinct to report its results was the predominantly black precinct, 3-B on Ashby Street. That precinct voted overwhelmingly for Mankin, 963-8 over principal opponent and Talmadge-supporter, Tom Camp. She won the election 11,099-10,329, and the returns from the Ashby Street precinct were generally credited with giving her the victory.¹⁷

Former governor, Eugene Talmadge, who was planning another campaign for governor, reacted viciously to Mankin's victory, referring derisively to Mrs. Mankin as the "Belle of Ashby Street," and warning of the dangers of blacks' voting blocs to determine elections. Indeed, he made Mankin's victory one of the featured issues in his own campaign for governor, targeting her in every speech as being backed with "Jewish money" and by "Communists," calling her a "nigger-lover" and a "tool of the CIO."¹⁸ Talmadge openly denounced Mankin for consorting with blacks and seeking their votes. He ran on a blatant platform of white supremacy, appealing to prejudice against blacks and fears of black voting power. Such appeals resonated in the rural counties of Georgia.¹⁹

The Talmadge forces were so antagonistic to Mankin that they drafted Judge James Davis to run against her in the Democratic primary in July. Davis was an arch-segregationist and a former Klan member, whom Talmadge had previously appointed to the state court bench in DeKalb County. The Talmadge-leaning forces also changed the method for being elected in the Fifth District Congressional race from being the winner of the popular vote for all three counties

¹⁷ Loraine Nelson Spritzer, *The Belle of Ashby Street: Helen Douglas Mankin and Georgia Politics* (Athens: University of Georgia Press, 1982), 71-73; Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005), 32; Bayor, *Race and the Shaping of Twentieth Century Atlanta*, 21-23; Egerton, *Speak Now Against the Day*, 382. (It should be noted that Egerton incorrectly states that Mankin lost the general election in the fall of 1946, rather than the fact that she had lost the July primary.)

¹⁸ Spritzer, *The Belle of Ashby Street*, 84-85.

¹⁹ *Ibid.*, 100-101.

to being the winner of the county unit votes among the three counties. This meant that the candidate who won Rockdale and DeKalb Counties would gain more county-unit votes (eight) than the winner of more populous Fulton County (six).²⁰

When the Ramspeck-chosen Fifth District Executive Committee refused to allow Mrs. Mankin to fill a vacancy on the Committee and altered the method for winning the primary, Mrs. Mankin appointed her own Fifth District Democratic Executive Committee, which included Jamie Mackay as one of her members from DeKalb County, along with Cullen Gosnell. When Mrs. Mankin defeated Davis 53,611-42,482 in the popular vote in the July primary, her District Executive Committee certified her as the winner of the primary to the State Democratic Executive Committee.²¹ The Ramspeck-appointed District Democratic Executive Committee, however, certified Davis as the winner because he had won more county-unit votes by carrying DeKalb and Rockdale Counties. The State Democratic Executive Committee attempted to resolve this controversy by appointing a “Contest Committee” to determine the winner. This special committee compromised by noting the irregularities committed by the Ramspeck-appointed Fifth District Democratic Executive Committee in not permitting Mankin’s appointments to the Committee, and recommending that both Mankin and Davis’ names be put on the ballot as Democratic nominees in the general election in November, subject to the

²⁰ The Neill Act did not require that the county unit system be used in congressional races. Instead, each congressional district was free to determine its own method for determining the winner of the party primary. In congressional races up until that time, the District Executive Committee of the Democratic Party set the rules for determining the winner of the Democratic primary, and the incumbent appointed the members of the District Executive Committee. Congressman Ramspeck since 1932 had had the District Executive Committee establish the popular vote as the method for determining the winner of the Democratic primary in the Fifth District, rather than the county-unit system. The Talmadge-leaning forces on the District Executive Committee, however, changed the rules for the 1946 primary to use the county unit system to determine the winner and refused to permit Mrs. Mankin to appoint anyone to the District Executive Committee. Spritzer, *The Belle of Ashby Street*, 89-96.

²¹ *Ibid.*, 105, 111.

approval of the State Democratic Convention that approved all Democratic nominees for the general election at its meeting in Macon in October.²²

In addition to the county unit controversy in the Fifth congressional district primary, there was also a similar controversy in the Democratic primary race for governor. James V. Carmichael had beaten Eugene Talmadge by sixteen thousand votes, but Talmadge won the gubernatorial primary because he had more county unit votes than Carmichael.²³ Thus, Talmadge's race-baiting, white supremacy platform had successfully won the approval of the vast majority of rural Georgia counties, and the impact of the county unit system was keenly felt by those Georgians who lived in the larger urban areas, especially Atlanta.

Against this background, reformer veterans like Mackay were determined to see that the State of Georgia not lose the previous, positive gains under the Arnall administration. They saw the county unit system as the political vehicle by which arch-segregationists like Eugene Talmadge and James Davis could obtain political office, despite not having the support of the majority of voters. Therefore, Mackay decided to form and lead the Georgia Veterans For Majority Rule, an organization whose goal was to sponsor two law suits to challenge the constitutionality of the county unit system after the July 1946 Democratic primary. With the backing of Mackay's organization, two lawsuits, *Turman v. Duckworth*²⁴ and *Cook v. Fortson*,²⁵

²² Ibid., 110-115.

²³ Complaint in *Turman v. Duckworth*, N. D. Ga., Civil Action # 3013, Exhibit B, National Archives at Atlanta, Record Group 21, Case 3013, AS 11\37\13, Box 1228. (Hereinafter referred to as *Turman v. Duckworth*, N.D. Ga., National Archives)The certified vote count contained in Exhibit B to the Complaint reflected that Carmichael had received 313,389 votes to Talmadge's 297,245, but Talmadge had received 242 county unit votes by virtue of carrying 105 counties. Carmichael had only 146 county unit votes because he had carried only 44 counties. Two other minor candidates rounded out the slate for the Democratic primary. Hoke O'Kelley had received 11,758 votes, but no county unit votes. Former Governor, E.D. Rivers, had received 69,489 votes and 22 county unit votes by virtue of carrying 10 counties. According to Jennifer Brooks, of the 85,000 to 100,000 blacks who voted in the gubernatorial primary, 98% voted for Carmichael over Eugene Talmadge. Brooks, *Defining the Peace*, 32.

²⁴ The full style of the Complaint was *Mrs. Robert Lee Turman and Cullen S. Gosnell v. J. Don Duckworth, Chairman of the Georgia State Democratic Executive Committee; Miss Grace Cannington, Secretary of the State Democratic Executive Committee; THE STATE DEMOCRATIC EXECUTIVE COMMITTEE OF THE STATE OF GEORGIA; Ben W. Fortson, Jr., Secretary of the State of Georgia.*

were both filed in federal court in Atlanta in the Northern District of Georgia on August 8, 1946, approximately three weeks after the July primary.²⁶ The complaint in *Turman* was filed by a team of five attorneys, who were from at least two different law firms.²⁷ The named plaintiffs were Mrs. Robert Lee Turman and Cullen B. Gosnell. In one of the fund-raising letters that the Georgia Veterans for Majority Rule issued, Mrs. Turman was described as one of the founders of the Georgia League of Women Voters and the Atlanta League of Women Voters, and one of the

²⁵ The full style of the Complaint was *Earl P. Cook v. Ben W. Fortson, Jr. , as the duly appointed, qualified, and acting SECRETARY OF STATE OF THE STATE OF GEORGIA; J. Lon Duckworth, CHAIRMAN of the Democratic Executive Committee of the State of Georgia; Grace Cannington, Secretary of the Democratic Executive Committee of the State of Georgia; AND THE DEMOCRATIC EXECUTIVE COMMITTEE OF THE STATE OF GEORGIA.*

²⁶ For some unexplained reason, the plaintiffs in both cases had originally filed the two lawsuits on August 2, 1946, in the Southern District of Georgia in the Brunswick division. *Cook v. Fortson*, S. D. Ga. Civil Action No. 386, National Archives Southeastern Branch, Atlanta, Georgia, Record Group 21, Box 19, Location: AS 12/34/07; *Turman v. Duckworth*, S.D. Ga. Civil Action No. 385, National Archives Southeastern Branch, Atlanta, Georgia, Record Group 21, Box 19, Location: AS 12/34/07.

As confirmation of this earlier filing of the two lawsuits in the Southern District of Georgia, in the files in *Turman v. Duckworth*, N. D. Ga., National Archives, filed in Atlanta on August 8th, there is a letter of August 12, 1946 from the Clerk of the Northern District of Georgia to the Clerk of the Southern District of Georgia, noting that the attorneys for the plaintiffs in those lawsuits had desired the Clerk for the Northern District to retain the original complaints, summons with Marshal's returns of service, and acknowledgement of service by the Governor and Secretary of State, so that they could be presented to the three-judge panel in Atlanta at the hearing on August 16, 1946. The plaintiffs' counsel did not think there would be "time enough to forward them to you and have them returned in time for the hearing." F. L. Beers, Clerk, [United States District Court, Atlanta] to Scott A. Edwards, Esq., Clerk, United States District Court, Savannah, August 12, 1946, *Cook v. Fortson*, N. D. Ga., National Archives.

It is unclear why the plaintiffs would have filed two separate sets of lawsuits in different federal districts, unless they were possibly concerned about the personal jurisdiction over one or more of the defendants, such as Ben Fortson, the Secretary of State, who resided in Wilkes County, which is in the Southern District of Georgia. Because of Fortson's official position, however, Georgia statutes provided that the Secretary of State should be considered to "reside" at the state capitol. (Paragraph 5 of Plaintiffs' Complaint in *Turman v. Duckworth*, N.D. Ga., and page 1 of Complaint in *Cook v. Fortson*, N.D. Ga.). Another defendant, Grace Cannington, was alleged to be a resident of Seminole County in the Middle District of Georgia, so filing in the Southern District might still have presented problems with personal jurisdiction over her. Additionally, the allegations of the Complaint in *Cook v. Fortson*, N. D. Ga., alleged she also maintained a residence in Fulton County, which is in the Northern District of Georgia. (Page 2 of Complaint in *Cook v. Fortson*, N.D. Ga., National Archives. The allegations in Paragraph 4 of the Complaint in *Turman v. Duckworth*, N. D. Ga., however, only noted her residence in Seminole County and were silent about any residence in Fulton County.) Despite this oddity of multiple federal filings, it does not appear that this ever became an issue of concern to the three-judge panel, and it was never discussed in the transcripts that remain in the files of either case in the National Archives Southeastern Branch in Atlanta. The cases filed in the Southern District of Georgia were dismissed voluntarily by consent of all the parties on August 16, 1946, the date of the hearing before the three-judge panel in Atlanta.

²⁷ The following attorneys were signatories to the Complaint: Charles S. Reid, Marshall L. Allison, Harold T. Patterson, William F. Lozier, and the law firm of Tye, Thomson, Tye & Edmondson. Two separate office addresses are listed for the attorneys. It appears that the first four attorneys may have practiced together loosely and shared a common mailing address of 528 Candler Building, Atlanta, 3, Ga. The law firm of Tye, Thomson, Tye & Edmondson appears to have had offices in the same Candler Building, but the specific floor address was not listed. Complaint in *Turman v. Duckworth*, N.D. Ga., National Archives.

founders of the Women's Division of the Democratic Party of Georgia.²⁸ In that same fundraising letter, the other plaintiff, Cullen B. Gosnell, was described as the head of the Political Science Department at Emory, and a Professor of Political Science at Emory since 1927.²⁹

Turman v. Duckworth challenged the county-unit system in the statewide gubernatorial race in the Democratic primary. It alleged that the county unit system in Georgia in the Democratic primary violated the "privileges and immunities" and the "equal protection" provisions of the Fourteenth Amendment to the U. S. Constitution by discriminating against urban-area voters in favor of those voters who resided in rural areas.

On the other hand, the *Cook v. Fortson* lawsuit focused on the Fifth District Congressional Democratic primary in which incumbent Helen Mankin was defeated by Judge James Davis, despite Mankin's having won a majority of the total vote in the three counties in the district. The suit claimed that James Davis won the primary because he won the county unit votes in DeKalb and Rockdale Counties, and that the county unit system violated the "privileges and immunities" provision and the "equal protection" provision of the Fourteenth Amendment to the U. S. Constitution. The complaint was filed by one law firm, but a firm totally different from

²⁸ "Georgia Veterans For Majority Rule," undated, James A. Mackay Papers, Box 26, (The fundraising letter stressed Mrs. Turman's southern roots: "Born in Baltimore, reared in Virginia, and lived in Georgia 45 years (sister of the late John Garland Pollard, former Governor of Virginia); graduated Virginia State Teachers' College, later studied at University of Richmond, University of Georgia, and Emory University; taught first citizenship class for Atlanta Woman's Club soon after women enfranchised; active in PTA work during school years of her three children, beginning when the organization was known as Mothers' Congress; active in Baptist denomination, having held many offices in Baptist Women's Missionary Society and also in Georgia Council of Church Women; one of the founders of Georgia League of Women Voters and also Atlanta League of Women Voters, has held many offices and chairmanships in League including Presidency of Atlanta League for three years and service on Board of National League of Women Voters representing the 9 Southeastern states; one of the founders of Women's Division, Democratic Party of Georgia, has held number of offices in Division; Edited: Studies in Citizenship for Georgia Women, 1924. Home: 37 Camden Road, N. E., Atlanta.")

²⁹ Ibid. (The letter also stressed Gosnell's connection with the South and his strong academic credentials: "Age 53; born in Spartanburg, S. C.; resident of Georgia 19 years; M.A., Vanderbilt University and Ph.D., Princeton University; Professor of Political Science at Emory University since 1927, now head of the Department; founder of Institute of Politics at Furman and also Institute of Citizenship at Emory; member of Southern Political Science Association, American Political Science Association; Georgia Academy of Social Science; and Phi Beta Kappa. Author: Government and Politics of Georgia. Co-author: Democracy in America. Home: 1162 Oxford Road, N. E., Atlanta. (Compiled from Who's Who in America.)")

the legal counsel that had filed the *Turman* lawsuit.³⁰ The plaintiff in the *Cook* case was Earl P. Cook, an engineering student at Georgia Tech and a veteran.³¹

Neither Mackay nor any leader of the Georgia Veterans for Majority Rule (GVFMR) was involved as a named plaintiff or as an attorney in the two lawsuits. Indeed, Mackay had not yet passed the Georgia bar exam and was not yet admitted to practice law. Mackay, however, within a couple of days of the filing of the lawsuits was announcing the fundraising effort by GVFMR to pay for the plaintiffs' attorneys' fees and costs of the suits.³² Mackay was quoted in the press as stating that the lawsuits had been filed at this time because the recent Democratic primary had presented "striking evidence of inequality under the unit rule."³³ Mackay went on to say that the question of majority rule was a fundamental issue in the world today, "and now, as citizen-veterans, we mean to do everything we can to destroy minority rule here in Georgia."³⁴ The quotes in the *Atlanta Journal* article were taken verbatim from the GVFMR's fundraising letter, which emphasized that, as military veterans, the leaders of the organization had seen in other countries:

the poverty, the corruption, the disease, and the decay in moral values that were the product of minority rule....It is our conviction that Georgia's county unit system violates the letter and spirit of the constitution. It is fundamentally wrong that a vote in one county should be made by law equal to 108 votes in another county. We feel strongly that

³⁰*Cook v. Fortson*, N.D. Ga., National Archives. (The Complaint in the *Cook* case was filed by the law firm of Smith Partridge, Field and Doremus, located at 505-11 Grant Building, Atlanta, Ga.)

³¹ "Georgia Veterans For Majority Rule," fundraising letter, undated, James A. Mackay Papers, Box 26. (The letter stresses Cook's military experience and his ties to Georgia. It describes Cook in the following terms: "Age 27; born Troup County; lived in Georgia entire life; graduate Tech High, Atlanta; over 4 ½ years' service in Army Signal Corps, 39 months of which spent in combat duty in Pacific with an infantry division; entered as 2nd Lieutenant and discharged as Major; holder of Bronze Star Medal; now completing education at Georgia Tech, senior electrical engineering. Home: 890 Juniper Street, N. E., Atlanta.")

³²"Vets Press War On Unit System," *Atlanta Constitution*, August 11, 1946; "Hand Leads For Speaker's Post," *Atlanta Journal*, August 11, 1946. Both articles rely heavily on information from the "Georgia Veterans For Majority Rule" fundraising letter mentioned above, particularly in giving the biographical information about the leaders of the group. It is likely, therefore, that the fundraising letter was prepared and distributed contemporaneously with the filing of the two lawsuits, or immediately thereafter. The *Journal* article, however, contained a picture of Mackay and set forth specific quotes from the fundraising letter.

³³ *Ibid.*

³⁴ *Ibid.*

as long as this system persists Georgia is in danger of the same sort of dictatorship we went to war to defeat.³⁵

The fundraising letter, which was signed by Mackay as “Chairman,” went on to lay out the strategy of filing the lawsuit now, rather than earlier, because the recent primary elections had demonstrated how the will of the majority of voters had been frustrated by the county unit system. Therefore, there was now a vivid example of the constitutional harm caused to the plaintiff voters—it was no longer merely an abstract theory. The letter further explained that the GVFMR had undertaken to finance the two lawsuits, and had formed a state-wide veterans group to assist in meeting this responsibility. “It is our firm belief that thoughtful people throughout Georgia will want to share jointly in bearing the costs. We ask their full cooperation. Meanwhile, we have borrowed money to get the suits started.”³⁶

³⁵ “Georgia Veterans For Majority Rule,” undated fundraising letter, James A. Mackay Papers, Box 26. The letter was signed by James A. Mackay, Chairman, and requested that contributions be sent in the name of the organization, whose “temporary address” was 1245 Ridgewood Drive, N. E., Atlanta—the address where Jamie and Mary Caroline were living with Mrs. Lee.

³⁶ Ibid. In addition to Mackay’s signing the letter as “Chairman,” other signatories to the letter were David Calvin Kytile, 2043 Northside Drive, N. W., Atlanta, James M. Crawford, 209 Drexel Avenue, Decatur, Elizabeth Penn Hammond, 217 Westminster Drive, N. E., Atlanta, and Richard T. Brooke, 3221 West Andrews Drive, N. W., Atlanta. The letter then proceeded to list the biographical information for each of the signatories, stressing their military experiences:

“James A. Mackay—Age 27; born Fairfield, Ala.; lived in Georgia 13 years; graduate of Emory University; 52 months’ service as enlisted man and officer, Coast Guard Reserve; holder of Bronze Star Medal and Operations Star as 1st Lieutenant aboard a Destroyer Escort in ETO; now senior at Emory Law School; son of Rev. E. G. Mackay, Pastor, Glenn Memorial Methodist Church. Home; 1245 Ridgewood Drive, N. E., Atlanta.

David Calvin Kytile—Age 26; born Columbia, S. C.; lived in Georgia 15 years; graduate of Emory University; 40 months’ service as enlisted man and officer, Army of the United States; editor-in-chief of MAPTALK, weekly new orientation magazine, Southwest Pacific; holder of Bronze Star Medal and Philippine Medal for military merit; now free-lance journalist. Home: 2043 Northside Drive, N.W., Atlanta.

James M. Crawford—Age 21; born Cornelia and lived in Georgia entire life; graduate Decatur Boys High; 17 months; service as enlisted man, part with Infantry and part with Tenth Armored Division, Army of the United States; now in Industrial Management Department, Georgia Tech. Home: 209 Drexel Avenue, Decatur.

Elizabeth Penn Hammond—Born in Atlanta and lived in Georgia throughout life; graduate of North Avenue Presbyterian School and Agnes Scott College; 40 months’ service as enlisted woman and officer in WAVES; now employed by Southern Bell Telephone & Telegraph Company; daughter of the late Pat Hammond, former managing editor of The Atlanta Constitution. Home: 217 Westminster Drive N.E., Atlanta.

Richard T. Brooke—Age 22; born in Chicago and lived in Georgia 20 years; graduate in chemistry of University of North Carolina; 17 months’ service as enlisted man in Navy; member of Phi Delta Theta, Alpha Chi Sigma (national chemical fraternity), Phi Beta Kappa, and American Chemical Society; now on terminal leave; son of L. S. Brooke, Secretary-Treasurer, Retail Credit Company. Home: 3221 West Andrews Drive N. W., Atlanta.”

The GVFMR eventually moved to its own offices, and began more serious fundraising efforts to gather the \$40,000 necessary to back the two lawsuits.³⁷ The GVFMR established chairmen for each of the Congressional districts in Georgia, as well as chairmen for many of the colleges and universities in Georgia.³⁸ The thrust of the financial appeal was that the county unit system had for years disfranchised urban voters and “by dividing the state into many distinct political segments, made it possible for corrupt politicians to control the votes in our rural areas.”³⁹ Mackay and the GVFMR candidly admitted that they had hurriedly put together the two legal challenges and did not have adequate time before filing the lawsuits to solicit the necessary funding. Therefore, they had to borrow the money, and now needed to pay it back. He also estimated that GVFMR would need to raise \$40,000 to carry the cases through an appeal to the U. S. Supreme Court and to finance “an educational program on the inequities of the system.”⁴⁰

As part of their fundraising efforts the GVFMR sent fundraising appeals to approximately 15,000 Georgians from the “nine-by-nine foot office on the eighth floor of the Forsyth Building.”⁴¹ By late October 1946, the GVFMR had raised less than half of its goal of \$40,000, and much of that had come from contributions “ranging from as little as 20 cents up to \$100.”⁴²

The mailings explained the reason for filing the lawsuits, and one mailing included a series of questions and answers about the lawsuit, such as “Why Are Georgians Questioning the Constitutionality of the County Unit System,” “Why Hasn’t the Constitutionality of This System

³⁷ “Vets Seek Funds for County Unit Test,” *Atlanta Constitution*, September 22, 1946, (article notes that the group had established its offices at 804 Forsyth Building and aimed to raise \$40,000 for the lawsuits challenging the county unit system. The article went on to note that Mackay “has predicted the United States Supreme Court will declare Georgia’s county unit system unconstitutional.”)

³⁸ GVFMR, James A. Mackay, Chairman, to Fellow Georgian, fundraising letter, October 1946, copy furnished by Professor Clifford M. Kuhn, Georgia State University, Atlanta, Ga., and copy in possession of author. The letter also listed the Congressional district chairmen.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Jim Furniss, “Quietly, Determinedly a Handful of Veterans Fights for Abolition of Georgia’s Unit System,” *Atlanta Constitution*, October 27, 1946. The article contained a picture of Mackay, along with Calvin Kytte, Babette Ferst and Hattie Carroll, in their small office stuffing mailings to raise money for the law suits.

⁴² *Ibid.*

Been Tested Before?” “Isn’t Our Representation in the Georgia Legislature Under the County Unit System Like That In Our National Congress?” “Wouldn’t Elimination of the County Unit System Open the Way for Georgia To Be Dominated by A Big City Political Machine?” “Who Have Brought the Suits?” “Who Are the Attorneys for the Plaintiffs?” “Who Are the Attorneys for the Defense?” “How Are the Suits Being Financed?”⁴³

Mackay and the GVFMR received hostile reactions from many people, “violently attacking group members as Communists controlled by the PAC, suggesting they leave Georgia if they didn’t like the system and exuding foul and unprintable epithets.”⁴⁴ The lawsuits clearly disturbed the Talmadge political machine in Georgia. Mackay reported that he had been visited by two young men who told him that they thought Talmadge was a Fascist, offering to solicit for him “a Negro they said they were sure would contribute \$5,000. Mackay says he told them the movement was not against Talmadge but against the system which elected him. A garbled account of this encounter appeared soon after in ‘*The Statesman*,’ Mackay reported.”⁴⁵

It is not clear if the GVFMR ever reached its goal of raising \$40,000 to take the legal challenges all the way to the Supreme Court. Nevertheless, the two cases did ultimately reach the Supreme Court in the fall of 1946. Unfortunately for Mackay and the GVFMR, the federal courts, including the Supreme Court, were not yet prepared to wade into areas they considered to be “political” in nature.

3. The Substance and Results of the Two Lawsuits

⁴³ “Some Questions And Answers On The County Unit System,” September 1946 fundraising appeal by GVFMR, furnished by Professor Clifford M. Kuhn, Georgia State University, a copy of which is in author’s possession.

⁴⁴ Jim Furniss, “Quietly, Determinedly a Handful of Veterans Fights for Abolition of Georgia’s Unit System,” *Atlanta Constitution*, October 27, 1946.

⁴⁵ *Ibid.* *The Statesman* was a weekly newspaper published in the Atlanta suburb of Hapeville with the editor listed as “The People” and the associate editor listed as “Herman E. Talmadge.” *Speak Now Against the Day*, 483. It was considered to be the official “organ” newspaper of the Talmadge political machine. *Who Runs Georgia?*, xxv.

Both the *Turman* and the *Cook* lawsuits challenged the constitutionality of Georgia's county unit system as a violation of the Fourteenth Amendment's right to equal protection. In the *Turman* lawsuit the plaintiffs were represented by Charles S. Reid, a former Chief Justice of the Georgia Supreme Court and former Chairman of the State Democratic Executive Committee. He was assisted by W. D. Thompson with the law firm of Tye, Thompson, Tye and Edmondson.⁴⁶ Given Reid's background, he clearly would have been viewed as a "legal heavy weight" whose involvement would have sent the signal that this was no trivial challenge by an upstart group of young veterans. The basic argument over the inequality of the county unit system was highlighted by the allegation in Paragraph 9 of the Complaint that "it requires 106 plus votes in Fulton County to have the same value as one vote in Chattahoochee County. So also it requires 71 votes in Fulton County to have the same value as 1 vote in Quitman County."⁴⁷ The Complaint sought an immediate order from the federal court in Atlanta to prevent the Democratic Party officials from certifying the results of the July primary to the Secretary of State, preventing the Secretary of State from authorizing the printing of ballots with Talmadge's name as the Democratic nominee for governor, and preventing any Talmadge delegates from being seated at the Democratic Party Convention scheduled for October 12, 1946, that would formally choose the Democratic candidates for statewide office.⁴⁸

In *Cook v. Fortson* the plaintiff was represented by Alex W. Smith, of the law firm of Smith, Partridge, Field and Doremus.⁴⁹ Smith was a past-President of the state's Georgia Bar Association and also someone who would have been considered a "legal heavy weight." The key

⁴⁶ "Some Questions And Answers On The County Unit System," answer to question, "Who Are the Attorneys for the Plaintiffs?"

⁴⁷ *Turman v. Duckworth*, N.D. Ga., National Archives, Complaint, Paragraph 9.

⁴⁸ *Turman v Duckworth*, N. D. Ga., National Archives, Complaint, "Prayers for Relief." The reference to the upcoming Democratic State Convention incorrectly stated that the Convention was to be held on October 12, 1946. The correct date was October 9, 1946.

⁴⁹ "Some Questions And Answers On The County Unit System," Answer to "Who Are the Attorneys for the Plaintiff?"

argument in the Complaint was that a voter in Fulton County only had .0589 per cent of the power of a voter in Rockdale County, and that a voter in DeKalb County only had .2267 per cent of the power of a voter in Rockdale County.⁵⁰ The Complaint requested basically the same type of relief as in the *Turman* Complaint, i.e., preventing anyone but Mrs. Mankin from being placed on the ballot in the general election in November as the Democratic candidate for Congress.⁵¹

At the time these complaints were filed, there was a federal provision that allowed a plaintiff who was alleging that a state statute violated the federal Constitution to request that there be a panel of three federal judges, usually including at least one Court of Appeals judge, to decide the matter, and that any appeal of the panel decision could go immediately up to the U. S. Supreme Court.⁵² Both of the lawsuits requested that a three-judge panel be convened, and both lawsuits were filed together on August 8, 1946 in the federal court in Atlanta.⁵³

From the beginning, the two cases encountered some procedural difficulties. The federal judge in Atlanta who received the complaints was apparently Judge Robert Russell. He was one of two federal district judges in Atlanta, and he noted that the other federal judge, E. Marvin Underwood, was absent from the city, so he had received the complaints. He then disqualified himself because his brother-in-law was Hugh Peterson, a Congressman, who had been a candidate in the July Democratic primary (although not the Fifth Congressional District Democratic primary). He thought that such a relationship made it appear “improper” for him to preside over the cases. He then had the cases forwarded to the senior Judge on the Fifth Circuit Court of Appeals, Judge Samuel Sibley, for disposition.⁵⁴

⁵⁰ *Cook v. Fortson*, N.D. Ga., National Archives, Complaint, Paragraph 17.

⁵¹ *Ibid.* Complaint, Prayers for Relief.

⁵² 28 U.S.C. sec. 380. These expedited proceedings were changed in the mid-1970's so that currently a three-judge panel is available only in cases involving reapportionment. 28 U.S.C. sec. 2284.

⁵³ The *Cook* complaint was Civil Action # 3012 and the *Turman* complaint was Civil Action # 3013.

⁵⁴ Order signed by United States District Judge, Robert Russell, August 7, 1946, *Cook v. Fortson*, N. D. Ga., National Archives. (This Order is contained only in the files for the *Cook* case, and there is nothing similar in the

Both cases were obviously considered as a “package,” even though they had different counsel and slightly different issues. District Judge Frank Scarlett from the Southern District of Georgia, sitting in Brunswick, Georgia, was assigned the case, and he set both cases down for a three-judge panel hearing before himself, Judge Samuel Sibley of the Fifth Circuit Court of Appeals and District Judge Louie Strum from the Federal District Court in Jacksonville, Florida, to be held on August 16, 1946 in the federal court building in Atlanta, Georgia.⁵⁵

The Defendants did not file their Answers to the two Complaints until the day of the hearing on August 16, 1946. The Defendants were represented both by Georgia’s Attorney General’s office and by private counsel appointed as special counsel by the Governor to assist in the defense of the cases. Attorney General Eugene Cook was the lead counsel for the State of Georgia. The Governor had appointed W. S. Mann, the personal attorney for Eugene Talmadge, and John Dunaway, personal attorney for Judge James C. Davis, to assist in the defense of the cases. They were joined by other counsel from the Attorney General’s office and other private counsel.⁵⁶

In filing their responses to the complaints, the defendants stressed that the court should not get involved because the cases were basically raising “political” issues that the Supreme

Turman files. There is also no explanation of how or why Judge Russell’s order is dated August 7, 1946, which was the day before the complaints in both cases are shown to have been filed in the federal court in the Northern District of Georgia in Atlanta. There is also no mention of the fact that both complaints had been previously filed on August 2, 1946 in the Southern District of Georgia in the federal court in Brunswick, Georgia. Nevertheless, Judge Frank Scarlett, who was the federal judge sitting in Brunswick, Georgia, had the cases assigned to him after Judge Russell disqualified himself.)

⁵⁵ The order signed by Judge Scarlett is actually styled as being issued in the *Cook* case filed in the Southern District of Georgia. Judge Scarlett dated the order as of August 8, 1946, but he crossed out the date originally typed on the order of August 2nd. Again, this indicates the confusion caused by the plaintiffs having originally filed the lawsuits in Brunswick, Georgia.

⁵⁶ In the *Turman* case, Victor Davidson and Cleburne Gregory, Jr., both from the Attorney General’s office were on the pleadings. Other private counsel for defendants were Samuel D. Hewlett, E. L. Forrester, C. Baxter Jones, B. Murphy, and E. W. Maynard. *Turman v. Duckworth*, “Answer.” In the *Cook* case, Victor Davidson, Walter Mc Elreath, and William G. Grant were also listed as counsel for Defendants. *Cook v. Fortson*, “Answer.” The number of counsel involved in the case is another indication of the significance the cases had in the eyes of the State.

Court had consistently held were outside the purview of the judiciary.⁵⁷ Indeed, just two months earlier, the U. S. Supreme Court had held that the issue of unequal representation in Illinois Congressional districts was a “political” issue beyond the ability of the judiciary to address.⁵⁸ The defendants also raised some unique defenses to their particular circumstances.

In *Cook*, for example, the defendants set forth in their Seventh Defense the factual saga of what had transpired with Congresswoman Hankin that gave rise to a defense of “mootness” to the effort to have her name placed on the November ballot. The Defendants stressed that the Secretary of State had already prepared and issued to each County’s ordinary the ballots that included the names of both Mrs. Hankin and Judge Davis as the Democratic nominees for the Fifth Congressional District general election. The Defendants, noted, however that this decision was still subject to approval or disapproval at the State Democratic Convention in Macon that was to be held on October 9, 1946. Nevertheless, they urged that the plaintiff, Mr. Cook, would be able to vote for Mrs. Hankin on the November ballot, and, therefore, there was nothing left for the court to decide.

In a somewhat unusual development, at the three-judge panel hearing on August 16, 1946, Mrs. Mankin, through her attorney Houston White, filed a “Motion to Intervene” in the *Cook* case and urged that the plaintiff’s Complaint be dismissed because she had prevailed within the Democratic Party to have her name placed on the November Ballot. She expressly

⁵⁷ *Turman v. Duckworth*, “Answer,” “Third Defense” (“The complaint fails to state a claim cognizable by a court of equity or to allege facts authorizing an injunction, for the reason that the rights asserted by the complainants and alleged to have been violated are political rights and not property rights or civil rights.”) and “Fourth Defense” (“If the acts complained of constitute wrongs, which is denied, any redress therefore must be given to plaintiffs by the legislative and political departments of the government of the State of Georgia, and cannot be afforded them in equity by this court.”); *Cook v. Fortson*, “Answer” “Third Defense” and “Fourth Defense” were almost verbatim the same as in the *Turman* “Answer.”

⁵⁸ *Colegrove v. Green*, 328 U. S. 549, 556 (1946) (Decided June 10, 1946.) (“Courts ought not to enter this political thicket. The remedy for unfairness in districting is to secure State legislatures that will apportion properly, or to invoke the ample powers of Congress. The Constitution has many commands that are not enforceable by courts because they clearly fall outside the conditions and purposes that circumscribe judicial action.”)

waived any complaint against having another candidate's name on the ballot.⁵⁹ The court initially took the matter under advisement, but ultimately denied her motion to intervene.⁶⁰

In *Turman v. Duckworth*, the Defendants also raised a defense of "mootness," but the basis for that defense was the fact that the Chairman and Secretary of the State Democratic Executive Committee had already certified to the Secretary of State all the Democratic nominees for state offices in the November general election, and that the Secretary of State had already distributed ballots to the ordinaries of each county. Therefore, the defendants argued, the Plaintiffs' complaint was filed too late and their prayer for relief to prevent those acts from occurring was now moot.⁶¹

The plaintiffs in both cases filed amendments to their Complaints prior to the hearing, correcting small points, such as confirming that the plaintiffs had voted in the Democratic primary, and altering the request for relief in the *Turman* case, to alleviate the "mootness" defense, by requesting the court to prevent the Secretary of State from providing the results of

⁵⁹ Spritzer, *The Belle of Ashby Street*, 114-116; *Cook v. Fortson*, N.D. Ga., National Archives, untitled pleading, filed by Mrs. Helen Douglas Mankin, to intervene and move to dismiss Plaintiff's Complaint, August 16, 1946. At the hearing, the three-judge panel heard argument from counsel for Mrs. Mankin on the motion to intervene, and both counsel for Plaintiff and for the Defendants objected to her motion for different reasons. Plaintiff's counsel argued that because Mrs. Mankin was not adopting the position of either of the parties, she technically didn't fit the requirements of Federal Rule of Civil Procedure 24 that governed the ability to intervene in an action. The Defendants' counsel argued that she had never properly qualified as a Democratic candidate to run in the primary, and, therefore, she had no basis to claim any rights as a member of the Democratic party. Transcript of Hearing, August 16, 1946, 1-8.

Mrs. Mankin's attorney argued at the hearing: "She has fought within the party, stayed within the party, and both their names are on the printed ballot sheet, and I don't know of any way anybody can take it off." Transcript at 7. Unfortunately for Mrs. Mankin, the State Democratic Party Convention that met in Macon on October 9, 1946, voted to deny her the right to be on the ballot as a Democratic nominee. John Courie, "'Vicious Intimidation' Says Mankin As Party Picks Davis, Waves Club," *Atlanta Constitution*, October 10, 1946, (The Democratic Convention named Davis as the only candidate because Mankin had never properly qualified. Further, at the motion of Roy Harris from Augusta, the Convention said Democratic party membership would be denied to the Secretary of State and any of the county ordinaries who put Mrs. Mankin's name on the ballot); Editorial, "Vets and Votes," *Emory Wheel*, October 17, 1946.

⁶⁰ *Cook v. Fortson*, 68 F. Supp. 624, 626 (N. D. Ga. 1946), cert. denied, 329 U. S. 675 (1946).

⁶¹ *Turman v. Duckworth*, "Answer" "Seventh Defense." In response to this defense, the Plaintiffs filed an Amendment to their Complaint seeking the additional relief that the Secretary of State be enjoined from presenting "the returns of said general election for Governor to be laid before the Senate on the afternoon the two houses of the General Assembly of Georgia shall have been organized." *Turman v. Duckworth*, N.D. Ga., National Archives, "Amendment of Petition or Complaint."

the gubernatorial race to the General Assembly in January for official confirmation. The defendants also filed Motions to Dismiss on the grounds that the State had never consented to be sued.

The three-judge panel held its hearing on August 16, 1946. The cases were basically presented to the court on the basis of the verified pleadings, and the only additional evidence was presented by Secretary of State, Ben Fortson, who testified that he had already sent the ballots to the ordinaries in each county on August 12, 1946.⁶² The transcripts of the hearings in the two cases did not include the legal arguments of the counsel for the parties. This is not unusual because the legal arguments are not considered “evidence” that would form the factual record in the two cases. It does seem a little unusual, however, for there to be a complete absence of legal briefs arguing in more detail the points of law that were crucial to the determination of the cases, such as whether federal courts could or should review on equal protection grounds the state’s interference with equal voting strength of citizens.⁶³

The three judge panel issued its “per curiam” decisions in both cases on August 26, 1946.⁶⁴ In *Turman v. Duckworth*⁶⁵ the court stated flatly, “And we consider that this case is in its general aspects one of party politics, in which courts should not meddle unless the duty to do so is plain.”⁶⁶ The court was also generally critical of the plaintiffs’ challenging the county unit system after the Democratic primary had already occurred: “These voters, voting without protest under it, do not stand well in a belated complaint made after it was too late to have another

⁶² *Turman v. Duckworth*, N.D. Ga., National Archives, Transcript of Hearing, August 16, 1946; *Cook v. Fortson*, N.D. Ga., National Archives, Transcript of Hearing, August 16, 1946.

⁶³ As mentioned previously, the Supreme Court had just decided the *Colegrove v. Green* case a couple of months before the hearing, and it seems a little unusual that the parties would not have submitted legal briefs on the significance of that decision to the situation being challenged in Georgia. If they did submit any legal memoranda, they are not contained in the files for the two cases in the National Archives.

⁶⁴ “Per curiam” means that no one judge is taking responsibility for writing the opinion.

⁶⁵ 68 F. Supp. 744 (N. D. Ga. 1946), cert. denied, 329 U. S. 675 (1946).

⁶⁶ 68 F. Supp. at 747.

primary or even a convention nomination, the time for candidates in the general election to qualify being too close at hand.”⁶⁷ The court then stated that it felt compelled by the Supreme Court’s recent opinion in *Colgrave v. Green* to deny the plaintiffs’ request for equitable relief.

The court went on to discuss the nature of deciding to use the county unit system in the Democratic primary, noting that in *King v. Chapman*⁶⁸ (the Fifth Circuit decision invalidating the “white” primary as illegal state action) the Court of Appeals had found that the State of Georgia had made party primaries part of the election machinery of the State. Nevertheless, the court found that so long as the State had a “rational basis” for its use of the county unit system in running primaries, then there would be no violation of the equal protection provision of the Fourteenth Amendment. The court observed that neither federal nor state systems of government had ever demanded that each voter should have equal voting power, and pointed to the United States Senate and the electoral college as federal examples of arrangements similar to the county unit system. The court further noted that the residents of the District of Columbia had no representation.

As for finding a “rational basis,” the court speculated that the county unit system may enable citizens to decide not to vote because they know in advance how their county is likely to vote, and, therefore, they can avoid losing time at work. The court also acknowledged the justification that the county unit system lessened the chance that more populous areas would control the policies and candidates of a political party.⁶⁹

⁶⁷ *Ibid.* Anticipating this type of argument, the fundraising letters submitted by Mackay and the Georgia Veterans for Majority Rule had indicated that the reason for the timing of the lawsuits after the primaries had been conducted was because now the constitutional harm to the voter-plaintiffs was “real” and not merely speculative. See footnotes 345 and 352.

⁶⁸ 154 F. 2d 460 (5th Cir.), cert. denied 327 U. S. 800 (1946). Circuit Judge Sibley was the author of the *King v Chapman* opinion, finding sufficient state involvement in the party primaries to satisfy the necessary “state action” for a violation of the 15th Amendment.

⁶⁹ 68 F. Supp. at 748.

By using this type of specious logic, it is not surprising that the court rejected the plaintiffs' claims. The court recognized that "It is undeniably true that there is a glaring inequality between Chattahoochee County and Fulton County in representation in the Legislature, and by consequence in applying the county unit rule to a primary."⁷⁰ The court, however, concluded that the remedy for these "exceptional" circumstances is "through changes in the law, rather than by appeal to courts of equity...."⁷¹

In *Cook v. Fortson*⁷² the court also rejected the plaintiff's claims, relying again on the Supreme Court's decision in *Colegrove v. Green*. In doing so, the court questioned whether the state had imposed the county unit system on a congressional primary because the relevant state law left it up to the political parties to determine the method for selecting nominees. This logic, however, would seem to fly in the face of the earlier holding in *Chapman v. King* that the state was involved in Georgia primaries, at least sufficiently as to apply the Fifteenth Amendment to strike down the "white" primaries.

The court then appeared to buy into the "mootness" argument advanced by both the defendants and Congresswoman Mankin, although the court denied her motion to intervene. The court observed that Mankin's name would be on the ballot in the general election. "The plaintiff and those he represents will get exactly what they claim they should have. The double certification is in effect a cancellation of the primary, as respects the two candidates. We cannot speculate on what the State Convention may do in October."⁷³ Of course, given the fact that the rules of the state's Democratic Party required the decisions of the Convention to be governed by

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² 68 F. Supp. 624 (N. D. Ga. 1946), cert. denied, 329 U. S. 675 (1946).

⁷³ 68 F. Supp. at 626.

the county unit system, it should not have come as too big a surprise that the Convention decided to eliminate Mrs. Mankin's name from the ballot in November.⁷⁴

The plaintiffs in both cases filed their notices of appeal to the United States Supreme Court on September 14, 1946. Given the fact that the district court had justified its denial of injunctive relief in both cases on the recent Supreme Court decision in *Colgrove v. Green*, it is a little surprising that neither of the appellants made any serious effort to distinguish that case from their factual or legal situations. The brief for Appellants in *Turman v. Duckworth* simply cited the *Colgrove* decision, and said that the judgment in that case "rested upon reasons not germane to the issues in this case."⁷⁵

In *Cook v. Fortson*, the appellant actually cited the *Colgrove* case in support of his argument for the Supreme Court to accept jurisdiction of the appeal.⁷⁶ The brief then went on to argue that the district court had abused its discretion by relying on the *Colgrove* case because that case "shows upon its face that the rights there involved were the rights of a State, whereas,

⁷⁴ *Turman v. Duckworth*, N.D. Ga., National Archives, "Agreed Statement of Evidence," filed September 14, 1946, (The Statement of Evidence contained all the material evidence presented to the three-judge panel, including the rules and regulations of the State Democratic Executive Committee, including Rule XVII that said, "All proceedings whatsoever in connection with said Primary Election and Convention shall be conducted strictly in accordance with the terms of the Act of the General Assembly of Georgia approved August 14, 1917 and January 1944 with reference to nominations by county units..."). The same rules and regulations were attached as Exhibit A to the Defendants' Answer in *Cook v. Fortson*, National Archives, "Seventh Defense, paragraph 3," but for some unexplained reason that Exhibit A is not contained in the papers of the case in the National Archives. The rules and regulations, however, were contained in the "Bill of Exceptions," 6-12, filed by the plaintiff in connection with his appeal.

Although the Court assumed it likely that Mrs. Mankin's name would be on the ballot in November, it turned out that none of the county ordinaries in the 3 counties of the Fifth Congressional District had actually printed up the ballots because they were waiting for the decision of the Democratic Convention on October 9. They had resisted pressure from Mrs. Mankin to print the ballots, and when the Convention decided that only Judge Davis would be the Democratic nominee on the ballot, Mrs. Mankin was without further recourse. Spritzer, *The Belle of Ashby Street*, 120-125; John Couric, "'Vicious Intimidation' says Mankin As Party Picks Davis, Waves Club," *Atlanta Constitution*, October 10, 1946; John Couric, "Judge Davis Charges Mrs. Mankin Has Communist Backing in Race," *Atlanta Constitution*, October 11, 1946.

⁷⁵ *Turman v. Duckworth*, N.D. Ga., National Archives, "Appellants' Statement As To Jurisdiction, With Acknowledgment of Service," at 10.

⁷⁶ *Cook v. Fortson*, N.D. Ga., National Archives, "Appellants' Statement As To Jurisdiction, With Acknowledgment of Service," at 7.

the rights herein sought to be protected are private rights of citizens of the United States.”⁷⁷

Suffice it to say that neither brief did a very effective job in distinguishing the *Colgrove* decision or in persuasively arguing why the Supreme Court should accept their appeals.

In response to the plaintiffs’ appeals in both cases, the defendants basically argued that the *Colgrove* decision should govern the rejection of both appeals because the Court should refrain from getting involved in “political matters.”⁷⁸ Similarly, they argued in both cases that the Supreme Court should not accept the appeals because the relief requested below was now “moot” because the Georgia Secretary of State had already issued the ballots for the general election, and, in the Congressional race, Mrs. Mankin’s name had been placed on the ballot.⁷⁹

The Supreme Court rejected both appeals on October 28, 1946 in a per curiam decision.⁸⁰ In a somewhat unusual opinion, however, the Court noted that three Justices (Black, Murphy and Rutledge) were in favor of accepting the case on appeal, and Justice Rutledge even went so far as to write a separate opinion supporting the appellants’ right to argue the appeals before the Court. In doing so, Justice Rutledge referred to the decisions below as “somewhat dubious rulings.”⁸¹ Justice Rutledge also noted that on that very same day the Court had rejected the petition for

⁷⁷ Ibid.

⁷⁸ *Cook v. Fortson*, National Archives, “Statement of Appellees of Matters Making Against the Jurisdiction of the United States Supreme Court,” 4-5. *Turman v. Duckworth*, National Archives, “Statement of Appellees of Matters Making Against the Jurisdiction of the United States Supreme Court,” 5-6.

⁷⁹ *Cook v. Fortson*, Ibid. at 5-6 and 9; *Turman v. Duckworth*, Ibid, at 6-7. Of course, at the time the appellees filed their brief in *Cook*, the Democratic State Convention had not yet been held in Macon, and no action had been taken to remove Mrs. Mankin’s name from the ballot. At the Convention, however, the Convention refused to allow Mrs. Mankin to be placed on the November ballot because she had not originally properly qualified for the Democratic primary, and the Convention threatened that if the Secretary of State or any of the 3 counties’ ordinaries put her name on the ballot, they would be dismissed from the Democratic Party. Contrary to the arguments in court that the ballots had been sent to the ordinaries to have Mrs. Mankin’s name as one of the Democratic Party’s nominees, the ordinaries in all the counties had not printed any ballots with Mrs. Mankin’s name because they were waiting to learn of the action of the Democratic Convention on October 9th. John Couric, “‘Vicious Intimidation’ Says Mankin As Party Picks Davis, Waves Club,” *Atlanta Constitution*, October 10, 1946; Spritzer, *The Belle of Ashby Street*, 124.

⁸⁰ *Cook v. Fortson*, 329 U. S. 675 (1946), rehearing denied, 329 U. S. 829 (Nov. 25, 1946).

⁸¹ Ibid., 677.

rehearing in the *Colgrove* case, and he believed that both the appeals in these cases and in the *Colgrove* case should be set down for oral argument and considered on their merits.⁸²

Although Mackay and his cohorts in the Georgia Veterans for Majority Rule must have been disappointed by the Supreme Court's decision, they had laid the groundwork for subsequent Supreme Court decisions that would finally dismantle the county unit system in Georgia and give voters in the Atlanta area equal voting power to rural citizens.⁸³ As with many other issues, Mackay was ahead of his time in seeking political reforms in Georgia. Despite losing the court challenge to the county unit system, Mackay would continue to seek abolition or reform of the county unit system during his entire legislative career in the Georgia House of Representatives from 1950 until he was elected to Congress in the newly-created Fourth Congressional District in 1964.

⁸² *Ibid.*, 678-9. Under the Supreme Court rules, at least four Justices need to be in favor of accepting an appeal in order for the Court to grant certiorari. Normally, however, when the Court decides not to accept a case for review, it will simply issue a per curiam opinion denying the appeal. It is unusual for Justices to write opinions dissenting from the decision on whether to accept a case for oral argument. This likely is because the issue of whether the Supreme Court should avoid "political" matters was a hotly-debated issue within the Court that was not resolved in a manner favorable to the appellants in *Fortson* until the Court's 1962 decision in *Baker v. Carr*, 369 U.S. 186 (1962). It is interesting to note that in Justice Brennan's majority opinion in *Baker*, holding that the challenge to state apportionment decisions "presents no nonjusticiable 'political question,'" 369 U.S. at 706, he specifically noted that "This Court dismissed the appeals in *Cook v. Fortson (Turman v. Duckworth)* (citation omitted) as moot." 369 U.S. at 234.

⁸³ *Gray v. Sanders*, 372 U.S. 368 (1963), (Court struck down Georgia's county unit system as a violation of the Equal Protection Clause of the Fourteenth Amendment.); *Wesberry v. Sanders*, 376 U.S. 1 (1964), (Court held that Georgia's apportionment of Congressional Districts, so that a single Congressman in the Fifth District represented from two to three times as many voters as were represented by Congressmen from other Georgia Districts, grossly discriminated against voters in the Fifth District. The Court did not reach the issue of whether such discrimination violated the Equal Protection Clause because it found the discrimination in violation of Art. 1, sec. 2 of the Constitution that provides that Representatives "shall be chosen by the People of the several States and shall be apportioned among the several States... according to their respective Numbers." 376 U.S. at 17. The *Wesberry* decision resulted in the creation of a new Fourth Congressional District that was carved out of the former Fifth Congressional District, and, most appropriately, James Mackay was the first Congressman elected from the new Fourth Congressional District in 1964.

CHAPTER VI

MACKAY'S ROLE IN CREATING *WHO RUNS GEORGIA?*

1. Mackay and Calvin Kytile's Initial Involvement

After the Supreme Court refused to accept the appeals in the cases challenging the county unit system, Jamie focused on completing his legal studies, passing the bar, and hanging out his shingle in Decatur, Ga. In January 1947, Mackay was admitted to the Georgia Bar.¹ In fact, he was sworn into the legal profession two months before he actually graduated from Emory Law School.² After graduating from Emory Law School in March 1947, he then opened an office in downtown Decatur.³

Before he became totally committed to establishing a legal practice, however, he joined with his friend, Calvin Kytile,⁴ to embark on an adventure for a couple of months that summer. Georgia had just endured the national embarrassment of the 1946 gubernatorial election in which Eugene Talmadge had again been elected to the Governorship on a platform of white racial superiority and anti-big-city rhetoric. Although James Carmichael had the plurality of votes, Talmadge had won more county unit votes in the Democratic primary in July 1946—which was one of the reasons for the legal challenge Mackay and his Georgia Veterans for Majority Rule

¹ "New Judges Admit Three Bar Fledglings," *Atlanta Journal*, January 12, 1947, (Story and picture of Jamie being sworn in to practice law along with Mrs. Jere A. Wells, Jr., and Martin Peabody).

² *Ibid.* At that time, the State of Georgia permitted 3rd-year law students from law schools in Georgia to take the Georgia Bar Exam before they had completed their legal studies. Therefore, there was nothing too unusual about Jamie's being sworn in before he graduated from Emory Law School, except for the fact that the passing rate for the Georgia Bar Exam was very low. Jamie was one of only 36 to pass the exam out of 176 people who took it when he did—a 21% passing rate. Edward Mackay note to Beulah Mackay, undated, James A. Mackay Papers, Box 21.

³ "James A. Mackay Announces the opening of his offices for the General Practice of Law," *DeKalb New Era*, April 10, 1947. The article indicated that Mackay would be associating with his classmate Paul Keenan, but, for whatever reasons, any such association was short-lived. Keenan returned to his home town of Albany, Ga. to practice law and run the family business. Mackay and Keenan, however, remained life-long friends, and there are numerous personal letters from Keenan to Mackay over the years in the James A. Mackay Papers.

⁴ Calvin Kytile had served as Treasurer of the Georgia Veterans for Majority Rule. Another leader of that organization was Elizabeth Hammond, who later married Calvin Kytile. Calvin Kytile interview with John Egerton, January 19, 1991, Interview A-0365, Southern Oral History Program Collection (#4007) University of North Carolina at Chapel Hill Library, Chapel Hill, North Carolina. (Hereinafter Calvin Kytile Interview.)

had helped initiate in August 1946. In the November 1946 general elections, Talmadge easily won election, but died in December 1946, before assuming office.

This development then led to the spectacle of the “Three Governors Controversy,” when Herman Talmadge sought to claim his father’s mantle and physically occupied the Governor’s office. The incumbent Governor, Ellis Arnall, refused to vacate his office until the confusion was resolved, and the newly-elected Lieutenant-Governor, M. E. Thompson, asserted his right to ascend to the Governorship. The Georgia General Assembly elected Gene Talmadge’s son, Herman Talmadge, in January 1947, as Governor, based on some fraudulently prepared and counted write-in ballots (especially in Telfair County, which was Talmadge’s home county, where a significant number of deceased individuals voted in alphabetical order for Herman Talmadge). The Georgia Supreme Court finally put an end to this political circus by declaring that Thompson had the legal right to become Governor, but then set a special election in 1948 for the voters to have the opportunity to decide who should be Governor for the remainder of the term.

Many books and articles have been written describing this crazy period in Georgia’s political history.⁵ Many progressives and liberals in Georgia were stunned by the return to the divisive and racially-charged rhetoric of the Talmadge campaign, and the end of the Ellis Arnall governorship that had appeared to be so reform-oriented and positive for Georgia’s future. An informal group of Atlanta-area liberal reformers came together to commission a survey of key Georgians throughout the state to determine how such a return to the old racially-charged politics

⁵ Egerton, *Speak Now Against the Day*, 386-389; Brooks, *Defining the Peace*, 139-141; Gary M. Pomerantz, *Where Peachtree Meets Sweet Auburn* (New York: Scribner, 1996), 173-175; Scott E. Buchanan, “Three Governors Controversy,” *The New Georgia Encyclopedia*, www.georgiaencyclopedia.org/nge/Article.jsp?id=h-591 (accessed April 15, 2012); Calvin Kytle, “A Long, Dark Night for Georgia?” *Harper’s Magazine*, September, 1948, 55-56; Chris Burritt, “A watershed year for Georgia politics,” *Atlanta-Journal Constitution*, September 6, 1998. For a general overview of the impact of Eugene Talmadge on Georgia politics before his death, see, William Anderson, *The Wild Man from Sugar Creek: The Political Career of Eugene Talmadge* (Baton Rouge: Louisiana State University Press, 1975).

of Georgia could have occurred. They wanted to know what had happened, who and what social forces had caused it to happen, and what they and their organizations might do to make sure it did not happen again.⁶

George Mitchell was the coordinator of the group, and he obtained a \$5,000 grant from the Julius Rosenwald Foundation to conduct this survey, which was to be done in a manner that would not reflect the sponsorship of any of the organizations themselves. The funds from the Rosenwald Foundation, however, were distributed to Mackay and Kytile through the Southern Regional Council. The group had no official name, but was simply referred to as “Our Committee.”⁷

Kytile later speculated that, while several members of the group personally knew Mackay and him, all of the group probably thought well of the young men because they had been leaders of the Georgia Veterans for Majority Rule the previous year.⁸ Of these people, Josephine Wilkins, who had founded the Citizens Fact-Finding Movement in Georgia, knew both Jamie and Calvin the best and recommended them for the job of touring the State and conducting the interviews.⁹

2. Preparing for and Conducting the Interviews

Mitchell worked with Mackay and Kytile on preparing a list of basic interview questions, with the focus on answering the question, “Who runs Georgia?” Mitchell and the other members

⁶ The people requesting this survey were George Mitchell, Executive Director of the Southern Regional Council, Grace Hamilton of the Atlanta Urban League, Alexander Miller of the Anti-Defamation League, Josephine Wilkins of the Citizens’ Fact-Finding Movement; A. T. Walden of the all-African-American Georgia Association of Citizen Democratic Clubs, and Frank McCallister of the Georgia Workers’ Education Service. Kytile and Mackay, *Who Runs Georgia?*, xix.

⁷ Calvin Kytile to Karen Orchard, Director, University of Georgia Press, June 18, 1996, James A. Mackay Papers, Box 26.

⁸ Kytile and Mackay, *Who Runs Georgia?* xx.

⁹ Calvin Kytile to Karen Orchard, Director, University of Georgia Press, June 18, 1996, James A. Mackay Papers, Box 26.

would occasionally meet with Mackay and Kytile if they felt they needed more specific help, but basically the group just waited on Mackay and Kytile's written report. The group met in the Southern Regional Council offices in the old Wesley Memorial Building. Jamie and Kytile always considered George Mitchell as the person to whom they were accountable.¹⁰ As Kytile later remembered the situation: "He [Mitchell] advised us to write with no intent of publication. The committee's members wanted the truth as we saw it; we should write for them as our only readers."¹¹

Shortly after the General Assembly ended in 1947, and after the Georgia Supreme Court had declared M. E. Thompson to be legally entitled to assume the Governorship, Mackay and Kytile began their odyssey of traveling to almost every one of Georgia's 159 counties to meet with the people who could answer their question, "Who Runs Georgia?" They had their first interview on March 31, 1947 in Atlanta with William T. Dean, the President Pro-Tem of the Senate, but the bulk of their interviews were conducted between May 13, 1947 and July 29, 1947.

They drove together throughout Georgia in Kytile's 1942 Plymouth. When interviewing people, they used the pretext that Mackay was a recently-admitted member of the bar who was thinking of getting into politics and that Kytile was a journalist who was collecting material for a potential political novel. They interviewed over 100 individuals—legislators, lobbyists, merchants, bankers, county and state officials, newspaper reporters and editors, doctors, preachers, teachers, farmers, hotel keepers, clerks, factory workers, filling station operators—

¹⁰ Calvin Kytile Interview.

¹¹ *Who Runs Georgia?* xxi.

people who saw “politics variously as a business, a sport, a civic obligation, or a morality play.”¹²

They did not have the advantage of using tape recorders, and they had been admonished by a mutual friend not to take notes during their interviews because that might be too intimidating or distracting. Consequently, after each meeting, they would rush out and hurriedly type out on Kytile’s portable Royal typewriter their memories of what the person had just told them. In doing these interviews in this manner, they had been influenced by their friend and fellow-veteran, Alexander Heard, who was working with V. O. Key, Jr, at that time in interviewing Southern politicians for Key’s seminal book, *Southern Politics in State and Nation*.¹³

The candor of the comments they transcribed is remarkable for its display of crudeness and racial animosity by those they interviewed. Mackay and Kytile’s own descriptions of some of the people they interviewed also reflected that they didn’t intend to publish these interviews because their descriptions often bordered on libel. For example, when they transcribed their meeting with Ralph McGill on May 20, 1947, they noted that McGill’s private life “has been fodder for gossip in Atlanta for some time (his wife is rumored to have a drinking problem)”¹⁴. They also quoted McGill on his view of Herman Talmadge after the Georgia Supreme Court had

¹² Ibid., 3.

¹³ V. O. Key, Jr, with assistance of Alexander Heard, *Southern Politics in State and Nation*, (New York: Alfred A. Knopf, 1949). Heard had been the Savannah, Ga., chairman of the Georgia Veterans for Majority Rule, so he had previously worked with Mackay and Kytile. They would frequently cross paths with Heard during that spring and summer when they were conducting their interviews. *Who Runs Georgia?* 282, n. 7; Mackay Interview, March 18, 1986, transcript, 47. It is certainly plausible that Heard shared with Mackay and Kytile some tips on how to interview politicians. Indeed, Heard later wrote a leading oral history article on this very subject. Alexander Heard, “Interviewing Southern Politicians,” *The American Political Science Review* 44 (December 1950).

¹⁴ *Who Runs Georgia?* 98.

ruled against Talmadge's occupying the Governor's office: "Herman got drunk within two hours after the court decision and stayed drunk for four days."¹⁵

They interviewed Paul and Warren Akin, father and son lawyers in Cartersville, on May 30, 1947. They quoted Paul Akin, whom they described as having been active in Georgia politics for half-a-century, as saying, "You can't get elected in Georgia without money...and you can't get money except from the wrong people.' He said that Herman Talmadge will be a threat as long as he's alive. 'If his alcoholism gets too bad, the crowd that would benefit from his being governor will prop him up and, if necessary, keep him under guard.'¹⁶

They interviewed Ira Butt, the editor of the *North Georgia News* in Blairsville, Ga., on June 7, 1947. They quoted Butt as saying, "All the same, if we didn't have the county unit system, the niggers in DeKalb and Fulton could outvote all the white people in North Georgia. That's the only way M. E. Thompson can beat Herman—with the nigger vote."¹⁷ They discussed with Mr. Butt the fact that in Union County, there was no secret ballot—each ballot had a number that corresponded to the voting stub number of the voter who cast the ballot. When Mackay asked Butt if he didn't think it would be better if they had a ballot that wouldn't permit people to know how a person had voted, "Mr. Butt leaned over. He smiled broadly, and his eyes brightened. 'Why, hell no,' he said laughing. 'I think you oughta know how some of these lyin' sons of bitches vote.'¹⁸

When they scheduled an interview with Robert Elliott, a state representative from Columbus, Ga., and the floor leader for Herman Talmadge, only Kytile interviewed Elliott. He quoted Elliott's view that it would be unlikely to see a viable second party in Georgia at that

¹⁵ Ibid., 99.

¹⁶ Ibid., 118.

¹⁷ Ibid., 137.

¹⁸ Ibid., 137-139.

time: “I wish we could have a second party, but labor’s too weak, and the Negro wants to join the white man’s party. The Negro always wants to do that. He doesn’t want anything for himself. He wants what the white man’s got.”¹⁹ At the conclusion of the interview, as Kytile was leaving, he quoted Elliott as saying, “I wish the niggers and the unions and those white folks you talk about *would* start their own party. I’d like especially to see the niggers have their own party.”²⁰

Robert Elliott’s clear-eyed racism notwithstanding, Mackay and Kytile’s interview with Roy Harris was perhaps the most chilling. Harris was from Augusta, Georgia, and the former Speaker of the House. He was credited with being the most powerful political strategist in Georgia at that time. He had managed three gubernatorial campaigns for Ed Rivers, losing in 1928, but winning in 1936 and 1940. He managed Ellis Arnall’s successful race for Governor in 1942, and then, after a falling out with Rivers and Arnall, he worked hard for Eugene Talmadge in 1946 and was credited generally as responsible for engineering Herman Talmadge’s short stay in the Governor’s office in 1947.²¹ Harris was also the publisher of the newspaper in Augusta,

¹⁹ Ibid., 242.

²⁰ Ibid., 245. In a letter that Kytile wrote for Jamie Mackay’s memorial service, he did not specifically mention Robert Elliott by name, but he talked about the circumstances of Mackay’s reluctance to accompany Kytile to the interview: “The time came for us to interview the House floor leader, whom we knew to be an especially offensive white supremacist, an anti-union lawyer, and an ardent advocate for Eugene and Herman Talmadge. Jamie suddenly said he couldn’t go through with it. Would I please do the interview without him? So, I proceeded alone and only later asked him why he had backed off. ‘I was afraid I might blow,’ he said. ‘That man is a preacher’s son and an Emory graduate. He knows better.’ ‘Don’t the others?’ I asked him. ‘I don’t think so.’ And so I learned another truth about Jamie. Although he could be comfortable with honest people of all persuasions, he could never forgive the educated man—the man who knew better, who used his privileges to exploit the ignorant and defenseless.” Letter from Calvin Kytile, read by Mackay Asbury at Memorial Service for James A. Mackay, Glenn Memorial Church, Atlanta, Ga., July 21, 2004, CD and transcript in possession of Kathy Mackay and author.

Robert Elliott was later appointed by President Kennedy in 1962 to the Federal District Court in the Middle District of Georgia. Taylor Branch recounted the details of Elliott’s hostility to Martin Luther King Jr.’s efforts to lead civil rights demonstrations in Albany, Ga., in the summer of 1962, ordering King to be jailed for defying court orders not to demonstrate. Taylor Branch, *Parting the Waters: America in the King Years 1954-1963* (New York: Simon and Schuster, 1988), 609-639. In 1983, the *American Lawyer* in its July/August edition rated Elliott as the worst sitting federal judge in the United States.

²¹ *Who Runs Georgia?* 18. Harris was also responsible for the exclusion of Mrs. Mankin from the November ballot at the Democratic Convention in Macon on October 9, 1946, including the provision that if either the Secretary of State or any of the ordinaries in the counties of the Fifth Congressional District put her name on the ballot, they would be dismissed from the Democratic Party. John Couric, “‘Vicious Intimidation’ says Mankin As Party Picks Davis, Waves Club,” *Atlanta Constitution*, October 10, 1946.

the *Augusta Courier*, which Jamie considered the “most virulent” of racist newspapers in the State of Georgia.²²

Jamie and Kytile interviewed Harris in the Henry Grady Hotel in Atlanta on July 29, 1947, as one of their last interviews. With respect to whether Georgia would ever have two viable political parties, they quoted Harris as saying,

I don't know whether the niggers will go Republican or not. I do know we're going to have a white man's party in Georgia....The Negro is going to motivate Georgia politics for years to come. Under a two-party system the Negro would be the balance of power. The Negro always goes to the highest bidder. I'm not sure if it would be at all healthy for Georgia to have two parties.²³

The interview with Harris ended with this ominous message:

We can't let the niggers run Georgia. They'll do it, though, if Thompson gets elected next year....I *know* a hundred thousand niggers voted last year because I had my men in every county count the nigger ballots before they were consolidated. If the election was held tomorrow, Herman would win in a walk.

But if five hundred thousand niggers register—and that many could, you know—we might as well go fishing.²⁴

Mackay and Kytile captured the discouraging and frustrating analysis of the political landscape in Georgia in 1947. Based on these interviews, Mackay and Kytile used the background perspectives of former-Governor Ellis Arnall and Philip Weltner, the President of Oglethorpe University and later the executive assistant to Robert Woodruff, the Chairman of the Board of the Coca-Cola Company, to prepare their overview. Neither Arnall nor Weltner wanted to be quoted or named by Mackay and Kytile in their report.²⁵

²² Ibid., xxv.

²³ Ibid., 259.

²⁴ Ibid., 263-264.

²⁵ Ibid., xxii. Philip Weltner was also the father of Charles Weltner, who was elected to the Fifth Congressional District of Congress from Atlanta in 1962. He was only Congressman from the Deep South to vote in favor of the 1964 Civil Rights Act. He was a compatriot of Mackay's when Mackay was elected to Congress from the newly-created Fourth Congressional District in 1964. He and Mackay were the only two Deep South Congressmen to vote in favor of the 1965 Voting Rights Act.

To answer their fundamental question of “Who Runs Georgia?” Jamie and Calvin concluded that “a few executives in a few corporations, together with a few skilled politicians” ran Georgia.²⁶ They identified the economic groups that dominated the state government as the gas and electric utilities, the railroads, the pipelines, the trucking companies, the liquor dealers, the Coca-Cola and Nehi bottlers, the insurance companies, the independent contractors who do business with the State, the textile mills, and the banks. Of these corporate interests, they concluded that the Georgia Power Company had the most influence, and that its chief lobbyist, Fred Wilson, was probably the most influential person in the Capitol.²⁷ They also quoted the description of Fred Wilson by the *Atlanta Journal* as “the most persistent influence for corrupt government in Georgia.”²⁸

Mackay and Kytle concluded that the county unit system was the crucial factor in allowing the corporate interests to dominate Georgia politics. Instead of the major corporations having to be concerned about garnering a majority of votes in Georgia for their favored candidates, they could ignore the heavily-populated areas and concentrate on controlling the rural counties. Each county had its own unique power structure, determining for whom the county would vote and controlling the election procedures, such as where the polls are located, who managed them, how and when the voter registration lists were purged, and even what kind of ballot was used. They reported that they heard about two-hundred strategically located men decided who would be elected Governor of Georgia.²⁹

In terms of motivating voters and the powers-that-be, they concluded that the corporations were motivated by fear of labor unions and that the Talmadge political machine was

²⁶ Ibid., 6.

²⁷ Ibid., 6 and 43.

²⁸ Ibid., 43.

²⁹ Ibid., 17.

motivated by fear of African-Americans being able to vote freely.³⁰ As for special-interest groups, Mackay and Kytle observed that the only non-partisan, state-wide organization interested in the promotion of the general welfare through better government was the League of Women Voters. From a political standpoint, however, the Georgia Farm Bureau had the most clout with active chapters in virtually every county.³¹ The third most politically active interest group they identified was the Georgia Association of Democratic Clubs, made up of African-American leaders in over 60 Georgia communities and comprising a membership of approximately 20,000 people. Mackay and Kytle found the “Negro leadership sensitive, intelligent, and thoroughly responsible.”³²

With respect to the ability of African-Americans to be able to vote freely after the abolishment of the white primary in Georgia, Mackay and Kytle noted that four blacks had been murdered in Monroe County in 1946 and one had been murdered that year in Taylor County after voting. They attributed this racial violence to the inflammatory nature of the 1946 campaign, but then observed that there were also more subtle measures to decrease the black vote, such as slow-down tactics in Chatham County that kept blacks in voting lines from 5 a.m. until after the polls closed. They noted that in many places the polling stations were segregated in order to avoid any confrontations, and they observed that blacks usually voted in the basement or rear of the courthouse or in another building. In Upson County they related that the blacks had to vote in the jail house. In a revealing comment about their own personal perspectives, Mackay and Kytle noted: “The problem of the Negro’s entry into politics, no less than the whole problem of the

³⁰ Ibid., 26.

³¹ Ibid., 54-56

³² Ibid., 57.

Negro and the white man, would be no problem at all if the white man could only bring himself to regard the Negro as a human being.”³³

Mackay and Kyle lamented the fact that apparently it was “easy to buy votes. Apparently the hard thing is to keep them bought.” They discussed the various measures by which votes could be bought and then noted that “the greatest opportunity for fraud comes at the time ballots are counted.” They noted that if a person is really desperate to win an election for his candidate, “he might be able to eat enough ballots to throw the election; one south Georgia lawyer is now known as ‘Billygoat’ for having done just this.”³⁴

After conducting the interviews and making the above over-all observations, Mackay and Kyle offered the conclusions that what Georgia desperately needed was “an educated electorate and a two-party system.”³⁵ Perhaps reflecting their personal frustration at what they had encountered in their statewide journey, they expressed their pessimistic perspective:

And yet, reviewing the things we’ve seen and the talk we’ve heard, we can only believe that the people of Georgia are bound more by their own ignorance than by any system imposed on them....[T]o day it can be said with conviction that the chief reason we have a one-party system and a county unit system is that most of our people want them, and the chief reason we are ruled by a coalition of political hacks and corporate wealth is that the people don’t know enough to care. Our politics is what it is because our people are what they are—and they are either impotent, indifferent, or destructive because of their individual economic circumstance, their allegiance to custom, their spiritual impoverishment, and their ignorance of what works and what doesn’t work for justice in our tragically flawed society.

Money, we repeat, *does* run the politics of Georgia. But this does not refute the fact that ignorance is the root evil.³⁶

As a remedy for this dilemma, Mackay and Kyle urged a statewide program to educate Georgians on what “good government” can be and how “good government” can be achieved.

³³ Ibid., 73.

³⁴ Ibid., 83.

³⁵ Ibid., 85.

³⁶ Ibid., 86.

They suggested that “a nonpartisan program of advancement should be decided on by a policy board composed of known and respected leaders in the fields of politics, human relations, public health, education agriculture, industry and commerce, and so on.”³⁷ Finally, they recommended that a second political party be formed with its own primary system, rather than continuing to fight against the county-unit system in the Democratic Party’s primaries.³⁸ In recognizing the futility of fighting the county unit system within the Democratic Party, Mackay and Kytle were probably reflecting their scars from the beating they had endured in the recent legal challenges to the county unit system.

3. Submission of Report

Mackay and Kytle submitted their report to their “committee” in November 1947. The report had an enigmatic working title of “We Pass” with no explanation of exactly what that phrase meant.³⁹ It was structured into two parts. The first part consisted of an overall narrative of what they had discovered about Georgia politics from the interviews they had conducted. This part ended with their conclusions and recommendations of what needed to be done to improve the state of politics in Georgia. The second part consisted of reports on 65 of the interviews they had conducted, listed according to the dates the interviews were conducted. Each person listed was identified by his or her occupation and the place where the interview was conducted.

Virtually all of the people whose interviews were contained in the report were white men.⁴⁰

When Jamie and Calvin submitted their report in November 1947, they emphasized that they were still making revisions, and they sought the Committee’s suggestions for any revisions,

³⁷ Ibid., 87.

³⁸ Ibid., 88.

³⁹ Professor Clifford M. Kuhn has suggested that the title was a shorthand reference to the phrase, “We Pass on Democracy.” Conversation with author, June 1, 2012.

⁴⁰ The only women who were listed in the report were Lillian Smith, author, Paula Snelling, teacher, Mrs. Henry Nevins, Secretary of the State Senate, and Mrs. Tom Cottingham, a civic leader who was interviewed with her husband. The only African-American was R. W. Gadsden, an educator.

particularly if the Committee thought it might merit being published. Calvin specifically noted that he had suggested to Dr. Mitchell that the Committee convene again in the last week of December and decide at that time whether to publish the report. If the decision were to be affirmative, then Kyle suggested aiming for a release date of February or early March 1948.⁴¹

The Committee never published the report. Kyle and Mackay submitted the draft to the Committee members, and, apparently, some of the members distributed it to other interested people. The draft ultimately fell into the hands of W. O. “Bee” Brooks, editor of the Talmadge newspaper, *The Statesman*, who ran excerpts out of context in several issues, trying to prove that “sinister” forces, backed by money from up North, were up to no good in Atlanta.⁴² Although not officially published at that time, the report took on a certain cachet as being the “most famous unpublished report of Georgia politics because the Talmadge people stole it.”⁴³ Kyle claimed that the clandestine distribution of the draft report probably reached as many people as if the report had actually been published. During the late 1940’s and early 1950’s the Talmadge

⁴¹ Draft copy of *WHO RUNS GEORGIA?* 2, Calvin Kyle Papers, Box 8, Manuscript Collection 731, Manuscripts, Archives, and Rare Books Library, Emory University, Atlanta, Ga. (Hereinafter referred to as Calvin Kyle Papers). Kyle and Mackay had slightly different memories about why they didn’t publish the report. Mackay recalled: “We didn’t publish it because we couldn’t publish it in Georgia and I was not willing for it to be published outside Georgia.” James Mackay Interview, March 18, 1986. Kyle reported: “Brief consideration was given to refining and adapting the summary for publication, and with this in mind copies were submitted to the University of North Carolina Press and to the *Atlanta Journal*. The *Journal’s* publisher, George Biggers, seriously thought about serializing it or publishing it as a Sunday supplement but finally decided otherwise, I believe on advice of the *Journal’s* lawyer. The UNC Press was interested, but wanted me to expand it with commentaries on the politics of other Southern states, to give it regional interest. This I did not attempt to do, partly because I thought it beyond my competence and partly because I’d just taken a job teaching journalism at Emory that was demanding a great deal more time than I’d bargained for.” Calvin Kyle to Karen Orchard, Director, University of Georgia Press, June 18, 1996, James A. Mackay Papers, Box 26.

⁴² *Who Runs Georgia?* xxii; Mackay recalled a slightly different story of how the draft came to be disseminated. He said that the report had been loaned out to a Governor’s aide (presumably Governor M. E. Thompson) and to the Chancellor of the University of Georgia system. Mackay claimed the report was then stolen, and someone made Xeroxed copies. Mackay Interview, March 18, 1986.

⁴³ Calvin Kyle Interview.

newspaper, *The Statesman*, would often publish excerpts of the draft report “accompanied usually by an editorial attack on Atlanta as a seat of sin and revolution.”⁴⁴

Although it may be true that the report was not officially published in its entirety, shortly after it was drafted, Calvin Kytle published the substance of the report in the September 1948 issue of *Harper's Magazine* in an article entitled “A Long Dark Night for Georgia?” He included several of the colorful quotes from individuals who had been interviewed, and noted the issues stressed in the draft report, such as how the county unit system was the mechanism whereby the county courthouse “rings” could control elections and ensure that the money from a small number of corporate interests determined political control of the State. Kytle summed up the distressing picture of Georgia politics: “This fixed, political system is rooted deep in the culture of rural Georgia and perpetuated through ignorance, the psychology and the bad political habits of the mass of Georgia voters.”⁴⁵

The draft report was deposited in the libraries of a few universities, but read by nobody over the years, except for some graduate students. At the urging of one of these graduate students, Kytle contacted the editor of the University of Georgia Press in 1996 to see if it would be interested in publishing this political snapshot of the intersection of economic issues and politics in post-World War II Georgia.⁴⁶ The University of Georgia Press was indeed interested, and the book was finally published in 1998 in almost the same form as the draft from 1947.⁴⁷

⁴⁴ Calvin Kytle to Karen Orchard, Director, University of Georgia Press, June 18, 1996, James A. Mackay Papers, Box 26.

⁴⁵ Calvin Kytle, “A Long Dark Night for Georgia?” *Harper's Magazine*, (September, 1948), 59.

⁴⁶ Calvin Kytle to Karen Orchard, Director, University of Georgia Press, June 18, 1996, James A. Mackay Papers, Box 26.

⁴⁷ Kytle and Mackay wrote their own authors' prefaces, and they added some footnotes to give some perspectives on some of the people and issues discussed in the book. The published book kept all of the interviews, except for the very last interview in the draft, which was with DeKalb County representative, H. O. Hubert, who was interviewed on August 5, 1947. There is no explanation for this omission, but it might have been an editing decision that the strong language quoted from Roy Harris that ended the book was probably a more dramatic way of making the point of how racially backward Georgia was before the onset of the Civil Rights Movement. Other than a few

The book garnered some very positive reviews when it was published, but Mackay put the impact of the book in proper perspective when he wrote in his preface:

Unhappily, one can read the pages that follow and listen to the evening news (I did both yesterday) and conclude that what stamped Georgia politics in the late forties has been enlarged and exported. The name-calling, the negative campaigning, the unregulated solicitation and misuse of campaign funds, the crushing weight of corporate power, the civic passivity and low voter turnout—all have come to typify our national political behavior. It's as if the gallus-snapping, shirt-sleeved demagogues of Georgia's yesterday have merely moved north, acquired Armani suits and new accents, and gone on network television.⁴⁸

It is remarkable that two young men like Mackay and Kytle could have surveyed the political landscape of Georgia in 1947 and written an analysis that rings as true today as it did over 60 years ago. Sadly, if Mackay was disappointed with the political climate and the influence of corporate money on politics in 1998, he would surely be even more depressed with the current environment if he were alive today. Nevertheless, the experience that Mackay gained from meeting so many Georgia political figures in the summer of 1947 surely prepared him to embark on a political career in 1950, when he first ran for public office as a state representative from DeKalb County. The experience must have also solidified his determination to bring about the end of the county unit system in Georgia politics.

4. Post-Report Activities

After completing his efforts in conducting the interviews and submitting to the Committee the report that ultimately became the book, *Who Runs Georgia?*, Mackay focused his attention on developing a law practice in Decatur, Georgia, raising a family with Mary Caroline that consisted of a daughter, Kathy, and a son, Jim, and getting involved in local community activities. Jamie had a general practice of law, which meant basically he handled any type of

chronologically-rearranged interviews, the text of the original draft and the final published version are remarkably consistent.

⁴⁸ *Who Runs Georgia?* xxvii.

legal problem a client may have had. Given his outgoing personality and intelligence, it came as no surprise that he did very well in his practice. In September of 1947, he informed his long-time friend, Shelby Southard, in a tongue-in-cheek manner: “Business is coming into the office at such a rate that I am hopeful of meeting the payments on my new Mercury.”⁴⁹ Similarly, in January 1948, he informed Southard that his legal business had increased so much in the past two months that he was having to work more nights than he and Mary Caroline preferred.⁵⁰ He was also elected as Secretary of the Decatur Bar Association, and, although flattered, turned down the offer of being an assistant-Solicitor because the pay of \$250 per month was just not sufficient to support his family.⁵¹

By April 1949, he had been practicing law for two years and was seeing an increasing growth of clients. He had achieved some successes, such as winning an appeal against the Georgia Power Company in the Georgia Supreme Court, and having success in jury trials for his clients. In one case he and a young Harvard graduate⁵² took the pro bono defense of an African American who was charged with two counts of assault to murder after being arrested when a white couple was attacked at 2 a.m. when parked near an African-American community. The solicitor sought a jail term of twenty years, and because Mackay believed his client’s steadfast denial of any involvement, Mackay put up a strong defense, challenging the Solicitor’s case. The jury returned a verdict of guilty, but only of a misdemeanor, which Mackay considered a major victory: “Jurors will often find a Negro charged with a felony guilty of a misdemeanor if the

⁴⁹ Jamie Mackay to Shelby Southard, September 15, 1947, James A. Mackay Papers, Box 26.

⁵⁰ Jamie Mackay to Shelby Southard, January 18, 1948, James A. Mackay Papers, Box 26.

⁵¹ Ibid.

⁵² This other attorney was most likely Eugene T. Branch, a college classmate of Mackay’s and a graduate of Harvard Law School in 1947, who returned to practice law in Decatur, Georgia, at the same time as Mackay. He and Mackay would remain life-long friends. Branch served as a financial supporter of Mackay’s later political campaigns, including serving as legal counsel for Mackay in 1966, when Mackay unsuccessfully sought to have the state appellate courts order the counting of all the votes in the 1966 Congressional race. Conversation with Susan Branch, daughter of Eugene T. Branch, February 19, 2012.

State has a weak case. I have heard them say that had the defendant been a white man they would have let him go free.”⁵³

Although Jamie did not represent any major corporations, he got a lot of satisfaction from representing “the little guys” in the corporate world, hoping to grow with them over the years. “Growing up with clients appeals to me much more than getting in a firm and inheriting big corporate clients. My gross last year was \$6800. As my practice grows it can become more selective.”⁵⁴ Jamie was also focused on the positive role he could play as a lawyer, and he noted that he was working with other young lawyers in Decatur who were seeking to eliminate “discriminatory and sometimes brutal police practices.”⁵⁵

Mackay was also beginning to get more involved in community affairs. He was actively involved in his father’s former church, Glenn Memorial Methodist Church, on the Emory campus. He was serving on the Board of Stewards at Glenn Memorial, which would be the first of many responsible positions he would hold at Glenn Memorial for many decades. Beyond his church involvement, Jamie was active in the general community, such as serving as one of the county-town chairmen of the DeKalb and Decatur Community Chest in 1949.⁵⁶

The most visible community activity he had, however, was spearheading a movement among DeKalb citizens to change the county’s form of government from a one-man commissioner to a five-commissioner form of government. Mackay led a 35-man group, under the umbrella of an organization called the DeKalb County Civic Committee, that spent the summer of 1949 studying DeKalb’s government and then comparing it with other county

⁵³ Jamie Mackay to Shelby Southard, April 2, 1949, James A. Mackay Papers, Box 26.

⁵⁴ Ibid.; An income of \$6,800 in 1947 is roughly equivalent to an income of around \$70,000 in today’s currency—a decent middle-class income for a young family at that time, but certainly not an extravagant income. Dave Manuel, “Inflation Calculator,” <http://www.davemanuel.com/inflation-calculator.php>. (accessed June 2, 2012).

⁵⁵ Jamie Mackay to Shelby Southard, April 2, 1949, James A. Mackay Papers, Box 26.

⁵⁶ Ibid.; “Decatur-DeKalb Chest Campaign Starts Friday,” *Atlanta Journal*, October 13, 1949.

governments in the State. Mackay then led a series of town meetings to discuss holding a referendum on the question of changing DeKalb's form of government. The goal of this Committee was to gather approximately 12,000 signatures (roughly 10% of the county's population) to petition the DeKalb delegation in the General Assembly to sponsor legislation to allow citizens to vote on the issue.⁵⁷

In 1949 DeKalb was operating under a one-man commissioner, Scott Candler, who had been a power broker for decades. Mackay served as both chairman and vice-chairman of the DeKalb County Civic Committee, and he argued that the 120,000 DeKalb citizens had grown too numerous to be governed by only one commissioner. He urged consideration of a 5-Commissioner form of government similar to Fulton County's, with each commissioner representing about 25,000 people. In a sense, Mackay was re-arguing the need for wider, more democratic representation, just as he had done in challenging the county-unit system, but now he was making this argument on a county-level. He was also drawing on his earlier experiences with the Methodist Youth Caravanners when he analyzed problems of the small towns in Texas and made recommendations to improve those communities.

Throughout 1949 and up to 1950, Mackay spearheaded the effort to change the county's form of government from a one-commissioner monopoly of political power to a multiple-commissioner form that would allow for more diverse input into decision-making. A strong debate occurred during this time with the defenders of the one-commissioner form of government arguing that Mackay's suggested plan would only lead to "bickering" among the commissioners. They also charged that Mackay's plan was an effort by the Druid Hills

⁵⁷ Edwina Davis, "DeKalb Meet Backs Referendum Plan," *Atlanta Journal*, October 11, 1949; Gordon Sawyer, "DeKalb Group Seeks Ballot on Government," *Atlanta Constitution*, October 11, 1949.

community to run DeKalb County.⁵⁸ In response, Mackay argued that “bickering” was a positive sign indicating that any final commission decision would be evidence of group judgment. He further declared that the county’s business activities were growing far beyond the scope of one man to handle effectively. Finally, he argued that the people should be allowed to vote in a referendum on what type of government they wanted for themselves. Therefore, he urged sufficient signatures on the petitions to convince the DeKalb delegation in the General Assembly to support legislation allowing such a voter referendum.⁵⁹

Mackay’s original goal was to obtain signatures of 20 per cent of registered voters, or approximately 8,600 signatures, on the petitions. Members of the DeKalb delegation had promised Mackay that if his group reached that goal, they would introduce legislation asking for the vote. Mackay’s group actually delivered petitions with almost 10,000 signatures, but the DeKalb delegation’s review of the signatures took too long for the legislation to be introduced in a timely fashion in the 1950 legislative term.⁶⁰

Even though Mackay was unsuccessful at that time in reforming the way DeKalb County was administered, he did not simply fade away from the public political spotlight. When one of the members of the DeKalb delegation, O. H. Hubert, resigned to run for a judgeship, Mackay decided in the spring of 1950 to run for the open spot. He ran against a former KKK member, Ben Smith, and he beat him in the Democratic primary.

As Mackay later recalled in an oral history interview with Professor Clifford M. Kuhn:

And I was concerned about race and representative government and all that sort of thing and I had my moment of truth and that is, that it’s not enough just to be a drawing room liberal, you’ve got to get down into the pit if you’re going to really effectively do anything about it. So I went down, as I recall, plunked down my

⁵⁸ “For and Against Referendum DeKalb Issue,” *Atlanta Constitution*, November 3, 1949; Edwina Davis, “Doyal Charge Injected Into DeKalb Issue,” *Atlanta Journal*, November 15, 1949.

⁵⁹ *Ibid.*

⁶⁰ Gordon Sawyer, “Deadline Near on DeKalb Bill,” *Atlanta Constitution*, February 1, 1950.

\$150 as a candidate for the Democratic nomination and life has never been the same since.⁶¹

Mackay was ready to embark on his future political career in 1950. In doing so, he would often draw on the many influences that had affected him. He would be a liberal voice for progressive change for the next eighteen years and beyond in the Georgia political world.

⁶¹ James Mackay Interview, March 31, 1986.

CHAPTER VII

CONCLUSION

This thesis has focused on James Mackay's early years—before he officially entered the political scene in Georgia and in Congress. In many respects the future life of Jamie Mackay is far more interesting than the first thirty-one years, but the events of his first thirty-one years would continually influence his actions throughout his political career and beyond. The open-minded, anti-discrimination attitudes of his parents would be indelibly seared into his make-up. They obviously influenced him as he fought to keep open Georgia public schools in the face of racist threats by Georgia's governors to close the schools if even one school was integrated. Their love of the outdoors and their attachment to their beach cottages on the Gulf of Mexico would undergird Mackay's devotion to saving the environment in Georgia, whether coastal islands or green spaces in the heart of Atlanta.

Mackay's experiences at Emory and with the Methodist Youth Caravan would expose him to new ideas and give him an appreciation for the different cultures in this country. He recognized that although people came from different backgrounds, they shared the same needs and aspirations. He learned at the feet of professors like Cullen Gosnell, and he continued to fight against the county unit system and the Talmadge political machine throughout his five terms in the Georgia General Assembly. Because of the human carnage he had seen first-hand in World War II, he committed himself to making sure to preserve and enhance the values of Democracy. When he was one of the only two deep-south Congressmen to vote for the 1965 Voting Rights Act, he thought about his fellow shipmates who had tragically been killed that early morning of May 3, 1944 on the USS MENGES.

Mackay's early post-War experiences were character-builders as well. He didn't cower in the face of hostile opposition to his efforts to fund the legal challenge to the county unit system in 1946. He didn't win the fight that year, but he didn't give up. Indeed, he helped pave the way for the ultimate legal successes in dismantling the county unit system in Georgia in 1963 and establishing the principle of equal representation in Congressional districts in 1964.

Jamie got a thorough view of the reality of Georgia politics when he and Calvin Kytle toured the State during the summer of 1947. His and Calvin's analyses of the political situation in Georgia that year were thoughtful and insightful. Their proposed solutions may have sometimes seemed a little naïve, but they also had perspectives that were mature beyond their years. Mackay would use his knowledge of Georgia politics to confirm that he was indeed ready to "get down into the pit" and begin his own political career.

Jamie Mackay lived a full and meaningful life. He never gave in to the voices of cynicism or political despair. As rich a life as Jamie had in the period up to 1950, in many respects he had a much richer and more significant life for the next four decades. Mackay made powerful contributions to the political debates in Georgia during the 1950's and early 1960's. He never backed off his democratic principles, and he never flinched in the face of virulent racism. He obviously lost a large number of political battles, but he made sure that the opposition was forced to confront the truth as he saw it.

By the time he won his election to Congress in 1964 he knew how to maneuver through or around political obstacles, as he demonstrated by successfully sponsoring and passing the legislation that created the National Traffic Safety Agency in 1966—against the determined opposition of the auto manufacturers and the Johnson Administration. His creation of district-wide "people's congresses" was a creative way to ensure the active participation of citizens in

their government, and both the national and local press praised this type of initiative. He didn't take the easy way out in voting for controversial legislation, such as the 1965 Voting Rights Act and the legislation that created the Medicare system. Mackay also didn't "duck" the issue of the growing U. S. involvement in the Vietnam War, and he publicly called for President Johnson to seek United Nations' intervention to bring an end to the War—a position that, in hindsight, was clearly correct, but was also a distinct minority opinion in Georgia in January 1966.

James Mackay, however, didn't lick his wounds and cease making positive contributions to his State and country when he realized his political career was over. After his questionable defeat in the 1966 re-election race and the subsequent loss in his 1968 effort to reclaim his seat, Mackay changed course. Jamie used his intelligence, creativity, and determination to found the Georgia Conservancy and become the leading voice for conservation in Georgia for the next 25 years.

Simply put, James Mackay used his life to make a positive contribution to those around him and to society at large. He consistently followed his vision of life that he had articulated as early as September 1941, when he wrote to Mary Caroline, setting forth his goals:

Some of them are: to love and be loved by you; to ever be a learner; to forgive and be forgiven; to have the confidence of those who know me; to be honest and fearless; to be sympathetic and understanding in regard to the frailties and sufferings of people; to be free from hate and prejudice; to be able to contribute something of value to the cause of humanity; to be a helper to the helpless; to be a defender of the defenseless; to be a man who is worthy of my family, W. B., my friends and you.⁴⁵⁴

By any account, James Mackay succeeded in achieving his life's goals. His early life pointed him in the right direction, and like the good sailor that he was, he made sure the wind

⁴⁵⁴ Jamie Mackay to Mary Caroline Lee, "Thursday night," (undated, but envelope postmarked September 23, 1941), James A. Mackay Papers, Box 29.

was always at his back. He inspired many people. He did a great deal of good in his life. He should not be forgotten. He should be remembered and celebrated.

BIBLIOGRAPHY

Manuscripts and Archival Collections

Cook v. Fortson, case no. 386, case file, Record Group 21, Box 19, Location: AS 12/34/07, Southern District of Georgia., Augusta, Georgia, National Archives, Southeastern Branch, Atlanta, Georgia.

Cook v. Fortson, case no. 3013, case file, Record Group 21, Box 1228, Location: AS 11/37/13, Northern District of Georgia, Atlanta, Georgia, National Archives, Southeastern Branch, Atlanta, Georgia.

Kytle, Calvin. Papers. Manuscripts, Archives, and Rare Books Library (MARBL), Emory University, Atlanta, Georgia.

Mackay, Edward G. Mackay Family Papers. Manuscripts, Archives, and Rare Books Library (MARBL), Emory University, Atlanta, Georgia.

Mackay, James A. Papers. Manuscripts, Archives and Rare Books Library (MARBL), Emory University, Atlanta, Georgia.

Turman v. Duckworth, case no. 385, case file, Record Group 21, Box 19, Location: AS 12/34/07, Southern District of Georgia, Augusta, Georgia, National Archives, Southeastern Branch, Atlanta, Georgia.

Turman v. Duckworth, case no. 3012, case file, Record Group 21, Box 1228, Location: AS 11/37/13, Northern District of Georgia, Atlanta, Georgia, National Archives, Southeastern Branch, Atlanta, Georgia.

Interviews by Author

Asbury, Betty M. 26 October 2011; 7 November 2011.

Other Interviews

Kytle, Calvin. Interview with John Egerton, 19 January 1991. Interview A-0365, Southern Oral History Program Collection (#4007), University of North Carolina at Chapel Hill Library, Chapel Hill, North Carolina.

Mackay, James A. Interviews with Clifford M. Kuhn, 18 March 1986; 31 March 1986. Georgia Government Documentation Project, Archives, Georgia State University Library, Atlanta, Georgia.

Newspapers and Periodicals

Atlanta Constitution

Atlanta Georgian

Atlanta Journal

Atlanta Times

Chattanooga Times

Dade County Sentinel

Decatur-DeKalb News Sun

DeKalb New Era

Emory Alumnus

Emory Wheel

Harper's Magazine

New Orleans Time-Picayune

New York Times

Time Magazine

Memoirs and Other Accounts by Contemporaries

Kytle, Calvin. Letter read by Mackay Asbury at Memorial Service for Jamie Mackay. 21 July 2004. C D and transcript in possession of author and Kathy Mackay, 831 Sunset Drive, Rising Fawn, Georgia.

Mackay, Donald. "Chattahoochee Story—Donald and Jamie Mackay." 2002. Copies in possession of author and Betty Mackay Asbury, 914 Clifton Road, Atlanta, Georgia.

Mackay, Leland. "The Mackay Family." Undated. Copies in possession of author and Betty Mackay Asbury, 914 Clifton Road, Atlanta, Georgia.

Program materials for USS MENGES 50th Reunion, 3 May 1994. Woldenberg Park, New Orleans, La. Copies in possession of author and Betty Mackay Asbury, 914 Clifton Road, Atlanta, Georgia.

Books

Anderson, William. *The Wild Man from Sugar Creek: The Political Career of Eugene Talmadge*. Baton Rouge: Louisiana State University Press, 1975.

Bass, Jack. *Unlikely Heroes*. Tuscaloosa: University of Alabama Press, 1981.

Bayor, Ronald H. *Race and the Shaping of Twentieth Century Atlanta*. Chapel Hill: University of North Carolina Press, 1996.

Branch, Taylor. *Parting the Waters: America in the King Years 1954-63*. New York: Simon and Schuster, 1988.

Brooks, Jennifer E. *Defining the Peace: World War II Veterans, Race, and the Remaking of Southern Political Tradition*. Chapel Hill: University of North Carolina Press, 2004.

Egerton, John. *Speak Now Against the Day: The Generation Before the Civil Rights Movement in the South*. Chapel Hill: University of North Carolina Press, 1995.

Emanuel, Anne. *Elbert Parr Tuttle: Chief Jurist of the Civil Rights Revolution*. Athens: University of Georgia Press, 2011.

Dowie, John Alexander. *Zion's Holy War Against the Hosts of Hell in Chicago: A Series of Addresses*. Chicago: Zion Publishing House, 1900.

Gilmore, Glenda Elizabeth. *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950*. New York: W. W. Norton & Company, 2008.

Kruse, Kevin M. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton: Princeton University Press, 2005.

Klarman, Michael J. *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. Oxford: Oxford University Press, Inc., 2004.

Kytle, Calvin and Mackay, James A. *Who Runs Georgia?* Athens: University of Georgia Press, 1998.

May, James W. *The Glenn Memorial Story*. Atlanta: Glenn Memorial Church, 1985.

Pomerantz, Gary M. *Where Peachtree Meets Sweet Auburn*. New York: Scribner, 1996.

Seldes, Gilbert. *The Stammering Century*. New York: Harper & Row, 1928, re-issued 1965.

Spritzer, Lorraine Nelson. *The Belle of Ashby Street: Helen Douglas Mankin and Georgia Politics*. Athens: University of Georgia Press, 1982.

Articles

Brooks, Jennifer E. "Winning the Peace: Georgia Veterans and the Struggle to Define the Political Legacy of World War II," *The Journal of Southern History* 66, no. 3 (August 2000): 563-604.

Buchanan, Scott E. "Three Governors Controversy," *The New Georgia Encyclopedia*, <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-591> (accessed April 15, 2012).

Duncan, Marjorie. "Retirement of a Reformer," *The Emory Alumnus* (July 1962).

Heard, Alexander. "Interviewing Southern Politicians," *The American Political Science Review* 44 (December 1950).

Kuhn, Clifford M. "A Mind-Opening Influence of Great Importance: Arthur Roper at Agnes Scott College." *Southern Cultures*, Spring, 2012.

Kyle, Calvin. "A Long Dark Night for Georgia?" *Harper's Magazine*, September, 1948.

Manuel, Dave. "Inflation Calculator," <http://www.davemanuel.com/inflation-calculator.php>. (accessed June 2, 2012)