

[1962, April]

Dave

Dear Mrs Devine,

I trust you're doing
fine.

Yours,
Bill

MISSISSIPPI
POLITICAL
HANDBOOK

By William L. Higgs

PREFACE

This handbook was completed during a residence fellowship at Brandeis University under the auspices of the Florina Lasker Program in Civil Liberties and Civil Rights.

I wish to thank the students, faculty, and administration of Brandeis for their assistance, and to acknowledge the cooperative help received from other colleges and universities.

William L. Higgs
Waltham, Massachusetts
April, 1962

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I. INTRODUCTION

This manual is written for two purposes. First, it is intended to be a brief reference book for the serious student of Mississippi politics. Second, it is hoped that the handbook will meet the purpose of informing the average Mississippi citizen of the governmental and political structure under which he lives.

The problem that colors political affairs more than any other in Mississippi is race relations. The principle of total segregation has a firm commitment by almost all of the present officers in the governmental and political organization of the state. For this reason the race relations problems will be stressed within the covers of this handbook.

This small volume is particularly designed for use as a text in Mississippi government classes and voter registration schools in Mississippi.

It is sincerely hoped that everyone who takes the time to read through the manual will benefit himself and his fellow man from an increased knowledge and awareness of the political structure and forces that constitute government in Mississippi.

II. VOTING AND ELECTIONS

A. Who Can Vote

In order for a person to vote in Mississippi in any election, local, state, or federal, he must first be a "qualified elector." A qualified elector is defined as an inhabitant of the state who, by the date of the general election (normally, the first Tuesday after the first Monday in November) of the year in which he offers to vote, will be 21 years of age or older, has lived two years in Mississippi and one year in

the election district (precinct) in which he offers to vote, has been duly registered as an elector by passing a test requiring him to read, write, and interpret any section of the State Constitution and to give a reasonable statement of the duties of a citizen, and has paid poll taxes on time (i.e. on or before February 1 of each year) for the two (2) preceding years unless he was excused from paying them. One should particularly note that the Mississippi State Constitution has a total of 285 sections, some of which are extremely difficult, long, and tedious. It should also be noticed that the circuit clerk, who is by virtue of his office the registrar of voters, has the power to decide whether or not one has passed the test. The test may be taken any number of times, though it is advisable for one wishing to take it again to wait a day or two. (The legislature is now considering a limit of one try every six months.) A recent federal law does require that the circuit clerk keep a permanent record of all tests given. And the federal law also provides relief through the federal courts if the circuit clerk applies the test unfairly. (See the form in the appendix for complaint to federal civil rights agencies.)

One should also observe that the crucial date is that of the general election, which is always on the first Tuesday after the first Monday in November. In other words, if a person is 21 on or before that date, then he may vote in that general election and in all primary elections leading up to that general election.

A primary election is an election normally held from a few days to several months prior to a general election. Its purpose is to select candidates of particular political parties to run in the general election. Of course, in practice in Mississippi there is only one political party of serious consequence, the Democratic Party. For this reason the selection of the Democratic Party candidate in the Democratic primary is actually the real election. Except in special cases the Democratic primary is held the

first Tuesday after the first Monday in August, followed by a second primary (run-off election) three weeks later. A run-off is always held when no one candidate gets an absolute majority of all votes cast; or, in the cases of municipal officers, justices of the peace, constables, and state representatives in some counties (e.g. Hinds County), a candidate is elected when he receives a majority of all votes cast divided by the number of positions that are to be filled. For example, if five men are running for constable and there are two constable positions to fill and if 10,000 votes are cast (each voter casting two votes, which is the number of positions to be filled), and if a candidate receives 2,501 votes, then he has an absolute majority of 10,000 votes (the total number cast) divided by two (the number of posts to be filled) which is 5,000. 2,501 is an absolute majority of 5,000. State law provides that there is no run-off in the general election. In other words, the top man wins in the general election.

A person may not vote--either in a general election or a primary election preceding a general election unless he has registered four (4) months prior to the general election, which cut-off date is the first week in July. (A bill is now pending in the legislature to also require registration at least one month before a primary election.)

A poll tax of \$2 is generally required to be paid by every person in the state of Mississippi who is between the ages of 21 and 60 years, except (primarily) for persons in the armed services, who may receive an exemption certificate. (Some counties require \$3.) This means that in order for a person on becoming 21 to vote and to continue to vote every year thereafter, he must pay a poll tax beginning with the one payable in the month of January immediately after he becomes 21. Note that poll taxes are paid in January through February 1. (and sometimes also in the December preceding). Poll tax receipts must be presented at the polls when voting. (See appendix for a sample poll tax receipt.)

There are some U. S. Supreme Court decisions that indicate that Mississippi's Constitution interpretation test and requirements of the payment of poll taxes by election time may be unconstitutional as in violation of the Fifteenth Amendment to the United States Constitution.

If the citizen moves from one precinct to another or from one county to another, then he must wait a year before he can vote again. For this reason many people continue to vote in the same precinct or town even though they live elsewhere. In this manner they continue to vote without interruption. It is suggested, however, that one should change his registration with the circuit clerk whenever he moves to a new district; and it might be advisable to wait to make this change until a year in which no important election is being held.

It is of major significance that poll taxes may be paid by anyone for any other person. The important thing is that the taxes are paid and not who pays them. In other words, one or more persons can legally collect a thousand separate \$2 from a large number of people and go down to the courthouse and pay their poll taxes for them. (See the poll tax payment form in the appendix.) One should also remember that neither registration nor payment of poll taxes is a condition of doing one or the other; the two are completely independent. You may register without paying your poll tax. You may pay your poll tax without registering. But both are necessary in order for one to be a qualified elector and thereby to be able to vote.

After one becomes 60 years of age, he is no longer required to pay poll taxes. Therefore, a person who has just become 60 may vote at the next election if he has only paid the poll tax for the last year. If he is 61 or over, no poll tax is required at all and he may vote merely by registering with the circuit clerk (if he has not already done so).

To repeat: one may register at any time; however, one may pay his poll taxes only during December and the following January up through February 1.

(Theoretically it would seem that one might be able to pay any future poll taxes whenever he desires. But in practice the poll taxes are normally not received until at least December.)

B. The Conducting of the General Election

The general election is conducted on a state-wide basis by the State Board of Election Commissioners, which consists of the Governor, The Secretary of State, and the Attorney-General. Every even year in September the State Board of Election Commissioners appoints three (3) election commissioners for each county to conduct the general election in that county. These county election commissioners are important primarily because they have the power to examine the registration and poll books and to decide what persons are properly registered and are qualified voters. They also appoint the general election managers and clerks for each voting place. Three sets of books are kept for each precinct or voting district. The registration book is a permanent record of those persons who have passed the "literacy" tests and other requirements for registration. (All books are kept in the circuit clerk's office.) The names of those persons on the registration book who are qualified electors (i.e. have also paid their poll taxes) are then transferred to the general election poll book and the primary election poll books, which books are then taken to the various voting places and are used at the polls. An entry is made beside each person's name in the poll book as he votes. If his name does not appear in the poll book, he may not vote automatically but must prepare his ballot subject to further checking. If a person's name does not appear on the poll book, he should nevertheless go ahead and vote. The county commissioners of election also appoint persons to hold the election at each polling place in the county. The commissioners have the power to hear all appeals from the circuit clerk's refusing or denying a person's registration. An appeal from their decision may be taken to the circuit court and finally to the State Supreme Court.

C. The Conducting of the Primary Election

The primary election machinery is on a state-wide basis under the supervision of the state executive committee of the particular party that is holding the primary. Since in Mississippi the Democratic Party is the only significant party, the Democratic Party will be used as the example. The State Democratic Executive Committee furnishes to each county Democratic executive committee the names of all state and state district candidates who have qualified for the Democratic Primary elections and also furnishes a sample of the official ballot to be used in the election.

The county Democratic executive committees are always in charge of the actual grass-roots holding of the primary election. The county committee acts exactly as the board of county election commissioners acts, except that it has no power to revise the registration or poll books. In particular, the county committee has the power to appoint all managers and clerks of elections at the various polling places throughout the county. For obvious reasons, such as patronage (political jobs) and the influencing of elections, the control of these jobs is quite important.

D. Becoming a Candidate

There are several principal things which must be done for one to become a candidate for office in the Democratic primary. The prospective candidate must give his name, accompanied by a filing fee, to the secretary of either the State Democratic Executive Committee or the county Democratic executive committee (depending upon whether or not he is running for a state or state district office, or a county or county district office), sign an affidavit stating that he has read the State Corrupt Practices Act, and sign an affidavit that he has not been a member of certain subversive organizations. Candidates for state or state district offices file these affidavits with the Secretary of State. Candidates for county or county district

offices file with the circuit clerk of the county. The fees are: \$100 for a state-wide office, \$50 for a state district office, \$7.50 for a state senator (except where there is only one county in the district) and for state representative when there is more than one county in the district, \$5 for county-wide offices, and \$2.50 for county district offices. (These fees may shortly be increased under a bill pending in the State Legislature.) A candidate must qualify at least sixty (60) days prior to the primary election. A candidate for Governor or Lieutenant Governor or United States Senator must be at least 30 years of age. Other state-wide officers such as the Secretary of State must be at least 25 years of age, as must also United States Representatives and State Senators. Supreme Court judges must be at least 30 years of age; and other judges, except the justices of the peace, must be at least 26 years of age. All other officers including constables, municipal officials, state representatives, county supervisors, etc., must only be qualified electors. (The age at the time of taking office is what counts.)

A person may, however, qualify for office as an independent candidate and run in the general election by filing a petition with either the state or county board of election commissioners (depending upon which office is sought). If a state-wide office is involved, 1,000 qualified electors must sign the petition; if a Congressional district, 200 qualified electors; if a circuit or chancery court district, 100 qualified electors; if a county-wide district, a senatorial or flatorial district or a municipality of a thousand or more people, 50 qualified electors; and if a county district or a municipality of under 1,000 people, 15 qualified electors. The petition must be filed at least 40 days prior to the general election in November. The candidate can have participated as a voter or as a candidate in the prior primary election of any party immediately preceding the general election in which he desires to run. In

effect, this provision gives a second chance to run candidates for a particular office.

E. Times of Elections and Voting Hours

The polls open at eight o'clock in the morning and close at six in the evening, except that in cities having 1,000 or more registered voters, they open at seven in the morning. The general election is always held each year the first Tuesday after the first Monday in November. The primary election for the election of State officials, except for judges, is held every four (4) years on the first Tuesday after the first Monday in August, and the second primary is held three weeks later. The next such election will be in August, 1963. The primary election for Congressmen at the present time is held on the first Tuesday after the first Monday in June of even numbered years, the second primary being held three weeks later if necessary. Elections for judges and United States Senator (whenever a Senator's six-year term expires) are held at the same time as the Congressional elections. Chancery, Circuit, and county judges are elected every four (4) years, the next election being in 1962. Supreme Court judges are elected as their eight-year terms expire. The election for the senate seat now held by Senator John Stennis will be in 1964, and the election for that of Senator James Eastland in 1966.

F. Election Costs

The expenses for the holding of primary elections are paid out of the county treasuries, unless the party holding the primary failed to receive one-third of the total vote cast in the entire state in the preceding Presidential election. The general election costs are paid by the counties in all cases.

III. PARTY ORGANIZATION AND POLITICAL CAMPAIGNS

A. In General

In Mississippi a candidate is nominated for the general election in November by winning the party primary election, usually held several months earlier. Since, as mentioned before, the Democratic Party is for most purposes the only significant political party in the State, the person who wins the Democratic Party primary election is normally elected automatically at the general election in November to the office to which he was nominated in the Democratic primary election. In other words, winning the Democratic nomination is the same as winning election to the office. The actual Democratic primary election process has been described in the preceding section. It is the purpose of this section to deal with the party machinery that conducts party affairs in general and the Democratic Party primary elections in particular.

B. The Precinct Convention

Normally during the month of February, March, or April of years in which the President of the United States is elected, the Chairman of the State Democratic Executive Committee (or the State Democratic Executive Committee as a whole) names a date at least ten days in advance setting the time for holding "precinct elections." These elections are held at the usual voting place in each precinct or voting district and are usually held on Tuesday. They must begin at ten o'clock in the morning by law. The county Democratic executive committee appoints certain persons to act as temporary chairman and temporary secretary of the precinct convention and entrusts the various delegate credentials (certificates of election to the county convention) and other papers to them. At these precinct conventions, all qualified electors in the precinct may assemble and elect

delegates to the county convention, which is ordinarily held a week or more later. The precinct convention normally elects anywhere from one to six delegates, depending upon the size of the precinct. Frequently, however, these one to six votes are split into half votes with alternates for each half vote. This means that a precinct with two votes might send eight (8) people to the county convention, made up of four half votes and four alternate half votes. The precinct convention is a sovereign body and as such adopts and operates under its own rules. It is at this point that a knowledge of parliamentary procedure, quick thinking, and aggressiveness can result in the election of favorable delegates. Conversely, a lack of any of these three qualities will frequently result in defeat. Rump conventions in which a dissenting group holds its own meeting are not unknown. In this case, of course, the county convention would decide which delegation to recognize as the official one.

In the precinct convention, the temporary chairman presides over the election of a permanent chairman and a permanent secretary. The permanent chairman then presides over the election of delegates to the county convention. At times, resolutions are introduced and are acted upon by the precinct convention. They have no legal effect and only express the sentiments of the voters in that precinct.

A majority vote prevails in all cases, unless different rules of procedure have been accepted by prior majority vote.

C. The County Convention

At the county convention, which is usually held in the courthouse a week or more after the precinct convention, the delegates elected by the precincts assemble, with the chairman of the county Democratic executive committee presiding. The program of the county convention has normally been arranged by the county Democratic executive committee. At the county

convention the delegates first hear a keynote address by some prominent political figure of the state. They then ordinarily proceed to elect delegates to the state convention, following the same procedure as was used in the precinct conventions, i.e. electing two delegates with one-half vote and two alternate half-vote delegates for each vote in the state convention allocated to that particular county. By law each county receives twice as many votes in the State Democratic Convention as it has seats in the State House of Representatives. (For example, Hinds County in 1960 had four seats in the State House of Representatives. It therefore had eight votes to be cast by 16 delegates with one-half vote each or by 16 alternate delegates in case of the inability of the 16 regular delegates.) The county convention then proceeds to resolve itself into five (5) caucuses consisting of the precinct delegates from each supervisor's district. These caucuses nominate three (3) candidates for the new county Democratic executive committee. The county convention then reconvenes and considers all the nominations. Nominations may also be made from the floor as in the case of nominations for delegates to the State convention. (Frequently a nominating committee reports a full slate of candidates for delegates to the State convention. Often this slate is elected without opposition. This need not be so.) Finally, the convention proceeds to elect the new county Democratic executive committee of 15 members, normally ratifying the earlier nominations from the five caucuses of the supervisor's districts. However, to repeat, everyone has the right to nominate additional candidates from the floor. The county convention will frequently adopt resolutions, which, however, have no legal effect.

D. The County Democratic Executive Committee

At this point will be considered briefly the county Democratic executive committee. This fifteen-man body meets two weeks before any

Democratic primary election and appoints the managers in charge of each polling place in the county. This is a valuable patronage power. Also the manager frequently assists the electors in voting when they have any difficulty. By law the county Democratic executive committee is required to appoint managers evenly among the supporters of the candidates for those offices which are the leading contests. (This law may have been repealed by the legislature at the time of this printing.) And if there is any doubt as to which offices are most contested, then the positions are apportioned among the supporters of the candidates for the highest office. By law every candidate has the right to have at least one of his supporters observe the conduct of the election at each polling place and at the canvassing (counting) of the returns. This is an important right, since it assures a degree of fairness in the election. The CDEC (County Democratic Executive Committee) is in charge of canvassing the returns and declaring the results of all Democratic primary elections. The committee also has certain powers as to acceptance or rejection of a voter's ballot. Such a decision, however, is made in the first instance by the manager at the precinct polling place. The CDEC, as does the SDEC (State Democratic Executive Committee), serves for four years until the next convention.

E. The Congressional District Caucus

The delegates elected in the 82 county Democratic conventions throughout the state then assemble a week or more later in separate caucuses held in each of the state's five Congressional districts. These caucuses then proceed to elect, subject to the approval of the upcoming State Convention: (a) four regular delegates and four alternate delegates (representing a total of two votes) to the National Democratic Convention; (b) three members of the SDEC; and (c) one candidate for Democratic Presidential Elector.

F. The State Convention and the State Democratic
Executive Committee

A week or more after the last Congressional district caucus is held (the five caucuses are normally held one after the other about a week or so apart), the State Democratic Convention is convened in Jackson, the state capital. The convention is opened by the chairman of the SDEC, who presides until a permanent chairman of the convention is chosen. This procedure may vary and is not rigidly prescribed by law. The permanent chairman then may appoint various committees to prepare different resolutions and other proposals. (In 1960, for example, the Unpledged Electors program was prepared in committee and presented to the convention which proceeded to adopt it. This, however, was done at the reconvened State Democratic Convention subsequent to the Democratic National Convention in Los Angeles. The reconvened State Democratic Convention then proceeded to put up two slates of Presidential electors, one pledged to the National Democratic nominees, Kennedy and Johnson, and the other unpledged to any particular nominees.) The convention ratifies the earlier election by the Congressional district caucuses of the 40 delegates to the national convention (representing 10 votes) and ratifies the election of the 15 men to the new SDEC. The State Democratic Convention also elects delegates to the Democratic National Convention having a total of the remainder of the votes to which the State of Mississippi is entitled. The State Convention also adopts a platform, which by law states the position of the Mississippi Democratic Party. This platform is frequently in opposition to that of the National Democratic Party.

In addition to the earlier-mentioned duties of the SDEC, this body has general charge of the supervision of the Democratic primary elections on a state-wide basis. It is also technically in charge of the campaigns for election of all state-wide and state-district Democratic

candidates in the November general elections. However, since in Mississippi the Democratic nomination is tantamount to election, this latter function is only performed during Presidential campaigns. A similar campaigning function is the responsibility of the CDEC, though this almost never occurs and for the same reason.

G. Mississippi Political Campaigns

In Mississippi, because of the effect of the Democratic primary, political campaigns are normally waged within the Democratic Party among factions backing particular candidates in the Democratic primary. Formal party campaigns in the general election are non-existent, and campaign machinery is formed on an ad hoc personality basis. For example, one refers to "the Coleman organization" or to "the Eastland organization." It would seem that there is a great need today in the State of Mississippi for something more than mere individualism in political organizations. This situation results in an election decided by personalities and not by issues.

The Mississippi Corrupt Practices Act of 1935, as amended, technically covers the campaign activities of all candidates. However, it is rarely observed in practice, and its violation is even less frequently punished. A brief reading of some of its unrealistic provisions readily shows the reason for its lack of enforcement. For example, a limit of \$25,000 is placed upon expenditures that may be made by a candidate for Governor of the state. Seasoned political observers in Mississippi have estimated that at least as much as \$250,000 is frequently spent on such a campaign.

H. Note on Municipal Elections

A rudimentary municipal Democratic executive committee is in charge of holding municipal primary elections. A municipal election commission holds the general election. Their functions generally coincide

with those of their county counterparts.

IV. MISSISSIPPI GOVERNMENTAL STRUCTURE

A. State Government

1. The Executive Branch

Mississippi state government is divided into the traditional three branches, the executive, the legislative and the judicial, and is constantly increasing its other area of state and governmental activity, that of state boards and commissions. This administrative area might be called the fourth branch of state government. Each of these branches will be considered separately.

The head of the executive branch and the chief executive officer of the State is the Governor . In Mississippi the Governor does not have as firm a control over the executive establishment as he does in many other states. Here the Lieutenant Governor, the Secretary of State, the Attorney General, the State Auditor, the State Treasurer, and several other less important state-level executive officials are all elected by the people in the general election every four years, concurrently with the election of the Governor. These officials are largely independent of the Governor and on occasion openly oppose him. However, the very large number of administrative agencies and boards, such as the Highway Patrol and the Board of Trustees of Institutions of Higher Learning, are wholly or largely subject to the Governor's appointive and removal powers. Therefore, he is quite powerful for this reason and frequently makes very advantageous use of this patronage. The Governor's power of pardoning convicts is not an unimportant one and has frequently been used to his substantial advantage. The Governor also has control of the National Guard, which may be used to enforce the State's law. He, as in most states, has the veto power. If he disapproves a bill passed by both

houses of the Legislature, he vetoes it, and the bill may then be passed over his veto only by a two-thirds vote of both houses. He also has the power to convene the legislature in special session. This is normally done every two or three years, in addition to the regular session, which convenes in January of every even year. The Governor has many additional powers as a result of the common arrangement in Mississippi of making him chairman of several boards by virtue of his office (ex officio), such as the State Budget Commission and the Agricultural and Industrial Board.

The Lieutenant Governor succeeds the Governor upon his death or absence from the state. He presides over the State Senate and has the very important power of appointing the committees of the Senate. He is an ex officio member of several boards and commissions.

The Secretary of State supervises the corporation laws, is in charge of election returns and certification, and is responsible for the publication and storage of various types of state documents and reports. The Attorney General has a staff of approximately ten attorneys. His is one of the more important elective state offices. His duty is to enforce the laws of the state by advising local law enforcement officers, such as the sheriffs and chiefs of police of municipalities, and, when necessary, to resort to the courts for judicial enforcement of the state laws. His office also assists in drafting legislation and in advising the Governor and other state agencies. He represents the State of Mississippi in all courts and defends all agencies of the state. The State Auditor of Public Accounts and the State Treasurer, respectively, audit the accounts of the various state agencies and pay the warrants issued upon the state treasury. There are various other minor elective state-wide offices, the most important of which is the Superintendent of Education, who exercises general control over the state's segregated system of public schools.

2. The Legislative Branch

The legislative branch of the state government is composed of the two houses, the House of Representatives and the Senate. The House consists of 140 members; the Senate, 49. House members are normally elected from a particular county, though there are a few "floterial" districts comprising more than one county. Senators are elected from senatorial districts which normally comprise two or more counties.

The House of Representatives is presided over by the Speaker of the House, who is elected by the House itself every four years in January after the general election. This official is extremely powerful, as he may (and does) succeed himself repeatedly. He appoints all committees of the House, including the all-powerful House Rules Committee (which decides what bills shall be considered by the full House); he decides to which committee a bill should be referred; and he decides whom to recognize from the floor; and he has still many other important powers. Many political observers consider this office in its present form subject to abuse.

In Mississippi there is no majority or minority party. Therefore, leaders who are considered to represent the viewpoint of the administration (the Governor) are often grouped together and those who are frequently opposed to the administration are grouped together. All present members of the legislature are Democrats. The legislature meets every two years, always convening in January of each even-numbered year. Frequently a special session is called by the Governor prior to the regular session in January. Sessions normally last from two to four months. State representatives receive \$3,000 for each regular session (every even year), plus \$22.50 for each day of a special session, plus \$100 per month except months in session, plus liberal travel allowances.

The State Senate, as mentioned earlier, is presided over by the Lieutenant Governor. This official has powers similar to the Speaker of

the House except for the very important exception that he does not have the power to appoint the Senate Rules Committee. These bodies, like their counterparts in the U. S. House of Representatives, control the flow of legislation to the floor. They may defeat a bill simply by refusing to permit its consideration, and normally a two-thirds vote is required to reverse the rules committee. The State Senate also has some confirmation power over the Governor's appointments, but these are of little consequence.

3. The Judicial Branch

The judicial system of the state is antiquated in many respects and will be considered at this point for state, county and city levels of government. The state's ~~eighty-two~~ counties are each divided into five supervisor's districts, each district having at least one justice of the peace and at least one constable. The justice has jurisdiction of all civil cases involving fines of up to \$200 and of criminal cases that are only misdemeanors involving less than one year in jail. The justice court does not keep a word-by-word record of its proceedings, and only the final results are recorded. Ordinarily the justice court does not have a jury. The constable is the lowest law enforcement officer of the state and is responsible for enforcing the law in his supervisor's district. He attends the justice court, delivers its papers, and carries out its judgments. He is assisted by the sheriff in many cases. Many counties in the state have county courts. These courts have general jurisdiction over all cases involving up to \$3,000, and all criminal and civil matters on appeal from justice courts. Cases appealed from justice courts are re-tried in the county court, where either party (or, in a criminal case, the defendant alone) may have a full twelve-man jury, if he desires.

The state's basic trial courts are the circuit court and the chancery court.

The circuit court is the court of general residual jurisdiction and corresponds to the English Common Law Courts in which the judge states the law and the jury applies it to the facts. The circuit court handles all matters in which only damages are involved and many special types of cases such as appeals from the board of supervisors of a county or the municipal board or city council of a municipality. There are nineteen (19) circuit court districts in Mississippi. The circuit court also has jurisdiction over all criminal matters (unless, of course, a misdemeanor is involved, in which case the case goes first to the justice of the peace court and may then be re-tried in its entirety in the circuit court. However, this re-trial takes place in the county court if there is one, and the circuit court hears appeals from the re-trial in the county court). A jury trial may always be had in the circuit court. A circuit court judge is elected for a four-year term and, with one exception, circuit court districts comprise two or more counties.

Of equal standing with the circuit courts are the chancery courts. However, these courts are presided over by chancellors who are elected and serve in a similar manner as circuit judges, but who sit always, except for a minor exception, without a jury and themselves decide not only the law but also the facts of a case. Their jurisdiction extends to special classes of cases, such as those involving land, domestic relations, wills and estates of deceased persons, incompetent persons, and minors, suits for injunctions to prevent people from doing certain things, and suits in general for particular types of relief such as creating a drainage district or extending the city limits. There are 17 chancery court districts in Mississippi.

The State Supreme Court consists of nine judges, who normally sit in groups of five each. Cases are heard from September through June on Monday of each week. The court hands down its opinions at the beginning

unemployment compensation payments and apparently is going to have jurisdiction over the new federal manpower retraining programs designed to retrain persons now out of jobs while paying them the equivalent of unemployment compensation as they are being retrained. All of the above programs are substantially financed by federal funds.

Another sort of state agency is the State Sovereignty Commission, with the Governor as the chairman. This body has as its function the preservation of the segregated system of society that exists in the state. It employs investigators and keeps files on many citizens of the state who differ with the official state policy of segregation.

B. County Government

The governing body of each of the 82 counties is the board of supervisors. One supervisor is elected from each of the five supervisor's districts of every county. The board has such general powers as hiring a county police force, deciding upon the boundaries of the various voting districts in the county, hearing appeals from the county tax assessor, authorizing the submission of various bond issues for the approval of the electors of the county to construct various projects such as county parks and hospitals, and levying county taxes. Each supervisor has jurisdiction over the roads in his district and maintains a road shop for this purpose. This gives him extensive political power in his district, since he decides whose roads will be paved.

Another important county official is the county superintendent of education. He has jurisdiction over the county schools and over the various 16th section lands of the county, which are set aside for the benefit of the schools. He decides who rents the lands and for what price.

The sheriff is a third county official. In addition to being chief law enforcement officer of the county, he is also the tax collector.

He enforces the law in the county and executes all orders of the various courts that apply to people of property in the county. One of his deputies attends sessions of both the county and circuit courts. He has jurisdiction over the county jail. His compensation is through fees for all services that are performed by his office, varying from the collection of real estate taxes to the holding of a particular person in jail. There are several sheriffs in the state of Mississippi who make over \$100,000 a year legally. In addition to his legal income, through his law enforcement powers he has the discretion of whether or not to raid illegal liquor-selling places in his county. This means that he has a lever whereby he can extort payments from the owners of these illegal businesses. This is considered to be a common practice.

The county tax assessor is another official of importance. It is up to him to assess the value of the various pieces of real estate in the county (subject to appeal to the board of supervisors) and to apply to this assessment the rate of taxation that has been fixed by the board of supervisors. This tax is then, of course, collected by the sheriff's office.

Two more very important county officials are the circuit clerk and the chancery clerk. The circuit clerk handles all papers involving the circuit court. He also has charge of issuing marriage licenses and, most important, of registering voters and keeping the election books. It is with him that all persons running for county or county-district office must qualify. To repeat: It is in his office that all persons must register to vote. And under the present state law, it is up to him to decide whether or not a person has satisfactorily completed his registration tests. The judgment roll is also kept in his office. It is in this book that all judgments of the circuit court and decrees of the chancery court may be entered so as to tie up the real estate (land) of the

particular person who has lost a law suit. His office is open every day of the week except, in some counties, on Saturday; and he or one of his deputies is required by law to register any person who comes into his office during those times and who has the required qualifications. It is against state law as well as federal law for him to delay the registration process in any way.

C. Municipal Government

The governing body of a municipality in Mississippi may be either a city commission, a city council, a board of selectmen, or a city manager together with his city council. All of these forms except the city manager form generally have a mayor who is the chief executive officer of the municipality. In general, however, the governing body meets frequently enough (usually weekly) so that it can exercise general and final supervision over most activities of the municipality.

There is also the city clerk, who may be appointed or who may be elected, depending upon the municipality. This official is responsible for registration of voters in the city. In other words, a voter living in the city must not only register with the circuit clerk of the county but, after registering first with the circuit clerk, must register with the city clerk of the municipality. This official keeps the minutes and the record of the proceedings of the city governing body, and the various election books of the city.

There exists usually a city tax collector and a city tax assessor, all under the absolute jurisdiction of the governing body of the municipality.

There is generally a city police chief, who has jurisdiction over the police department and of arrests for all crimes and misdemeanors that might be committed within the city limits.

There is normally a municipal court presided over by a city judge in which misdemeanors committed inside the city are tried. This court hears not only traffic violations, but also such other matters as charges for breach of peace. This municipal court is almost exactly like the justice court mentioned earlier. It normally does not have a jury and is not a court of record. And if one is convicted here, he has a right to a complete retrial before a full twelve-man jury on appeal to the county court, if that county has one, or to the circuit court, if that county does not have a county court.

Each municipality may also have a city prosecuting attorney who represents the city in criminal cases before the municipal court and frequently before the county and circuit courts. Each municipality almost always has a city attorney who represents the municipality in general legal matters. He frequently will serve as prosecuting attorney in small municipalities.

V. THE ROLE OF THE FEDERAL GOVERNMENT

A. Present Law

The basic protection of the citizen from either the state or from private citizens stems from the Thirteenth, Fourteenth and Fifteenth Amendments to the federal Constitution. The Thirteenth Amendment abolishes slavery and involuntary servitude. (It would seem that many of Mississippi's large farmers are open to civil rights complaints based upon peonage charges founded on the Thirteenth Amendment and the federal criminal statutes enacted to enforce the Amendment.) By and large the Due Process of Law Clause of the Fourteenth Amendment requires that in state courts everyone be given a fair trial. Also the Due Process Clause protects the rights of citizens to free speech, freedom of the press, freedom of assembly, freedom to petition

the government for redress of wrongs, and other similar guarantees that are normally thought necessary to a free and democratic society. The Equal Protection Clause of the Fourteenth Amendment guarantees to each citizen the equal protection of the laws even to the extent of his not being required to attend any segregated facilities of a public nature, be they schools, buses, parks or libraries. The Fifteenth Amendment declares that the right of a citizen to vote shall not be denied or abridged on account of race, creed, or color.

Aside from the Constitutional Amendments, there are many federal statutory laws both of a criminal nature and of a civil (damage suit) nature. The criminal provisions commonly provide for from one-to ten-year imprisonment penalties and substantial fines as penalties to be imposed upon either state officials or private citizens who deprive citizens of their civil rights. The civil statutes generally provide that any citizen who has been deprived of his civil rights may sue for damages the person or official who caused the deprivation. But the important thing to note, as will be explained in detail in the following paragraphs, is that these federal laws are almost totally ineffective as a result of the federal juries -- both the federal grand jury (indictment) and the federal petty jury (trial) -- and of the local federal district judges, who are almost completely in sympathy with the segregationist position.

B. The Law in Action

1. Executive and Administrative Action

Through his Constitutional duty to enforce the law the President of the United States has extremely wide powers in the area of civil rights. By means of his executive orders, President Kennedy has already taken steps to eliminate discrimination in firms that receive large government contracts (through establishing The President's Committee on Equal Employment

Opportunity). It is expected that in the near future he will exercise his powers to prevent discrimination in federally assisted housing of whatever nature and kind. But the President's powers extend much further. He could end the still extensive segregation that exists in the State National Guard and in the Army Reserve. He could require the withholding of all federal aid to schools and colleges which are segregated. He could require the withholding of federal aid to hospitals and other such facilities assisted by federal funds. He could order local federal marshals to enforce the federal civil rights laws. His power in the fields of welfare and unemployment compensation and of employment offices are wide and varied. His powers over the Small Business Administration, which controls the granting of federal loans, could be used to aid the Negro in Mississippi. And there are many other executive powers. Also every ten years the President has the power under existing federal statutes to decrease the representation in the House of Representatives of states that deny their citizens the right to vote. This authority is given by section two of the Fourteenth Amendment to the Constitution. However, it has never been used.

The Attorney General of the United States, through his Civil Rights Division of the Justice Department, has broad powers in the area of civil rights. The Division is charged with the responsibility for enforcing all federal civil rights laws, including the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution. This office has recently been extremely active in attempting to secure the right to vote for the Negro citizens of Mississippi. However, in large measure the efforts have only been slightly successful. There has been only a relatively small increase in Negro registration as a result of the Civil Rights Division's activities. The Division also prepares proposed legislation for consideration by Congress in the civil rights field.

Though the federal laws to prevent discrimination in all forms and to protect voting could normally be quite effective when vigorously enforced by the Civil Rights Division, such is not the case at present. This is a result of the complete inability of the Division to obtain even an indictment -- much less a conviction -- of a white person who has denied a Negro citizen his civil rights. The normally all-white jury simply will not indict or convict him. And even in cases which do not require a jury, such as school integration litigation, the federal district judges themselves use such methods as delay and outright refusal to follow the decisions of the Supreme Court of the United States. In short, the law of the land cannot be effectively enforced in the federal district courts in Mississippi.

Fortunately, the U. S. Fifth Circuit Court of Appeals, which has jurisdiction over Mississippi and five other Southern states, has taken a different view and has insisted upon compliance with the U. S. Supreme Court's decisions. But an appeal to the Court of Appeals takes time, and it is frequently impossible to appeal because of the expense and the inability to obtain legal counsel. There are at present only four Negro attorneys in the state of Mississippi; and, as a result of local pressure, almost no white attorneys will even dare consider taking a civil rights case. The lower state courts at times not only provide no remedy in fact for a denial of civil rights, but instead, as in the recent "freedom rider" cases, have actually been used to enforce the state's unconstitutional policy of segregation. An eventual appeal to the Supreme Court of the United States has thus far been effectively denied by reason of delay in the lower state courts, whether or not justified. As a matter of practice, an appeal, either by way of certiorari (review as a matter of grace), or by way of direct appeal (review as a matter of right), to the United States Supreme Court from the Mississippi State Supreme Court, has been largely

illusory, since the United States Supreme Court hears only a very small percentage of appeals from state supreme courts. [For example, the United States Supreme Court did not hear the appeal by Clyde Kennard from his 1961 conviction for allegedly assisting in stealing several sacks of chicken feed. (The admitted burglar and thief went free.) Kennard had just earlier tried to enter the all-white Mississippi Southern College.⁷ On occasion the Mississippi Supreme Court will courageously overturn a denial of civil rights by a lower state court.

Of great importance is an agency created in 1957 by Congress, the United States Commission on Civil Rights. The Civil Rights Commission was directed to investigate all denial of civil rights of citizens in the United States, in particular denials of the right to vote. The Commission was then to prepare a report and submit it to the President and to Congress, along with recommendations as to what legislation, Presidential action, Justice Department action and other things should be done to further secure the civil rights of all citizens. This the Commission has done. It prepared a small but effective report in 1959. Several of its recommendations were enacted into law in the form of the 1960 Civil Rights Act. Then in 1961 it prepared a five-volume, extremely comprehensive report dealing with the five areas of voting, education, employment, housing, and administration of justice. These volumes may be obtained from the Commission at 726 Jackson Place, Washington 25, D. C. The Commission is open at all times to receive complaints involving violations of civil rights. It frequently investigates them itself but almost always also refers them to the Justice Department's Civil Rights Division for FBI investigation. Since the Kennedy Administration came into office in January of 1961, the Civil Rights Division of the Justice Department has been most active and interested in exercising its duty. In its day-to-day operations the Civil Rights Commission is under the administrative control of the Staff Director, at the

present time Mr. Berle Bernhard. As a longer range matter, the Commission itself exercises full control. The Commission is composed of six members, three Democrats and three Republicans; one of the six is the chairman and one the vice-chairman. It meets approximately once a month.

A further word might be said at this point about the organization of the Civil Rights Division of the U. S. Department of Justice. It is one of five divisions within the Justice Department and has, as does the Civil Rights Commission, about 75-100 employees, approximately half of whom are attorneys. It is divided into several sections which consider specific problems. The Assistant Attorney-General in charge of the division at present is Mr. Burke Marshall. The Division receives complaints directly, and complaints may be sent to it addressed to: Civil Rights Division, United States Department of Justice, Washington 25, D. C. It has at its disposal the investigating services of the Federal Bureau of Investigation and makes free use of these services.

Therefore, in general, when one has a complaint that his civil rights have been violated, either by a state or local official or by private persons, he should send a complaint both to the Civil Rights Commission and to the Civil Rights Division. At the present time both take prompt action to assist the complainant.

Another office should be mentioned at this time, the Special Assistant to the President in Charge of Civil Rights. This position is now held by Mr. Harris Wofford, Jr., whose office is in the Executive Office Building, Washington, D. C. He is a member of the White House Staff and is, perhaps, the President's chief advisor on civil rights matters. He heads the sub-Cabinet committee on civil rights, which coordinates the Kennedy Administration's civil rights activities. He has extensive jurisdiction in the field of preparing executive orders and general civil rights pronouncements by the President. He is also extremely influential

in forming the civil rights program of the Kennedy Administration presented to Congress.

2. The Congress

The second major area of civil rights power is the Congress itself. Though there has been an evident need for much more civil rights legislation in order to protect adequately the rights of all citizens of the United States, particularly the rights of the Negro in many Southern states, Congress has rarely been able to act, largely as a result of a Republican-Southern Democrat coalition. In 1957 and 1960, when some civil rights legislation was passed, it was only over the most vigorous and, to a great extent, effective opposition of the Southern Representatives and Senators. The Southern Delegation occupies the chairmanships of most of the Congressional committees, including almost all the positions of leadership in the Congress. Through these positions of power they are largely able to prevent any civil rights legislation from even coming to a vote on the floors of either house of Congress. This is particularly true in the Senate, where the filibuster (the right to talk without limit) is used when passage of some civil rights legislation seems imminent. For example, the position occupied by Senator James O. Eastland of Mississippi as chairman of the Senate Judiciary Committee has effectively blocked large numbers of proposed civil rights bills from ever reaching the floor of the Senate. It is claimed that no civil rights bill has ever been reported out of the Judiciary Committee during the many years he has been chairman. The only way such legislation has been enacted is the procedure of bypassing his committee by amending a totally unrelated bill pending before the Upper House. In this manner the 1957 and 1960 Civil Rights Acts passed the Senate.

3. The Federal Courts

The Federal Courts, primarily the U. S. Supreme Court, have led the way in the governmental struggle for civil rights in this country. The

landmark case of Brown v. Board of Education in 1954 established the principle that segregated public schools and other public facilities are in violation of the Equal Protection Clause of the Fourteenth Amendment, and are, therefore, unconstitutional. Subsequent cases have applied this principle to parks, libraries, public restaurants, airports, bus and train terminals, and many other facilities. The U. S. Supreme Court has yet to decide how far the principle extends, though the recent sit-in cases now before the Court should provide some answers. But resort to the federal courts remains the most effective remedy for the citizens deprived of his civil rights.

In Mississippi the recent use of the three-judge court procedure with two out-of-state circuit judges (i.e., the bus terminal cases) has proved very effective in those cases involving the constitutionality of a state statute. In this manner the local federal district judge can be outvoted 2 to 1. However, in recent months the U. S. Supreme Court has limited the use of this procedure.

IV. SOME WAYS OF HELPING ONESELF

There are many ways in which the Negro citizen can help to alleviate his condition. First, perhaps, he should realize that he is not getting those things to which an American citizen is entitled. Certainly he does not have to be told this. However, consulting such official publications as the 1960 Federal Census will reveal such things as the fact that the average white family income is three times as much per year as that of the average Negro family. The 1960 Census shows that approximately two out of three Negro homes do not even have access to any toilet facilities or only have access to an outdoor privy. The Census further shows that approximately four out of five Negro homes have no access to facilities in which to take a shower or a bath. Such statistics as these are

quite revealing. For example, they show further that in order to pay the poll taxes for the man and the wife -- a total of \$4 -- a median Negro family must sacrifice a full day's income -- 1/365 of its \$1440 yearly income. In short, these figures show that the poll tax is a real economic barrier to Negro voting in Mississippi. The 1960 Census publications concerning Mississippi may be obtained from the Superintendent of Documents, Washington 25, D. C.

The Statistical Abstract of the United States, published in 1961, also reveals figures comparing Mississippi with other states. This book may be obtained for \$3.50 from the Superintendent of Documents, Washington 25, D.C.

It is also very important for the Negro citizen to speak out in protest of his condition. The First and Fourteenth Amendments to the U. S. Constitution protect his right to do this. He should write letters to the President, the Attorney-General, and to various members of Congress urging that something be done to help relieve his condition, such as the passage of legislation abolishing the poll tax and the literacy test so that he can vote.

And it is important not only to speak out against oppression and injustice, but actually to exercise peacefully those freedoms guaranteed by the Constitution of the United States such as registration to vote, paying one's poll tax, speaking freely, gathering together in free assembly to discuss political problems, carrying on political activity, and circulating petitions protesting injustice and deprivation of rights. These petitions may be presented to the President, to the Congress, and to other responsible government officials -- federal and state.

It is also important to realize that many, perhaps most, white persons in the state are almost totally unaware of the true condition of the Negro, as a result of the almost complete separation of the two groups.

This, therefore, presents an educational problem. Thus, it is very important that the Negro citizen speak to his white neighbor concerning politics and ask him for his help and his advice in these matters. The Negro citizen need only take the advice that he considers good, but free discussion is the beginning of true understanding and good will.

It is also important to contribute to and cooperate with those organizations that stand for the cause of civil rights for all citizens. Membership and active participation in the peaceful and lawful activities and programs of such organizations assist materially in promoting the elimination of the injustice, unequal opportunity, and oppression that presently exist.

It is particularly true that "Mississippi" is a magic word in the United States and throughout the world. Mississippi is the symbol of racism in the United States. It is the symbol of the absence of democracy and freedom in the very nation that presents itself as the champion of democracy and freedom. What happens in Mississippi is important everywhere. Therefore, it follows that peaceful and lawful protest activity in Mississippi puts great pressure on the national government to help correct the wrongs that exist in the state and in other areas of the country. Following this reasoning, it is important that the press be kept fully informed so that free and mass coverage may be had. Perhaps the most important principle of all is that inaction leads to further suppression and that peaceful and lawful action in the form of attempts to assert one's Constitutional rights is the surest method of all to actually obtain them. In short, one has to stand up for his rights. A word of caution should be added: that one at all times be peaceful and obey the state law, except, of course, when it violates the paramount United States Constitution or federal law. And even then the action should be done in such a way as to peaceably bring the unconstitutional state law before the state or federal courts for decision.

Civil Rights Violation Complaint

(Note: Send one copy to the U. S. Commission on Civil Rights, 726 Jackson Place, Washington 25, D. C. and send one copy to Civil Rights Division, U. S. Justice Department, Washington 25, D. C.)

My name is _____ and I live
(Give full name)
in _____. I can be
(Give full address)
reached at this phone number: _____. I work as a
_____.
(Give occupation)

I wish to make a formal complaint of the following occurrence:

(Give exact details of what happened, giving times, places, names, and all other circumstances, using the back of this sheet and other paper if necessary.)

Signed: _____
(sign here)

[Note: If possible and safe, have complaint notarized. Send air mail as soon as possible after occurrence. If very urgent call the Civil Rights Division of the U. S. Justice Dept. at Re78200 in Washington, D. C.]

Poll Tax Payment

If you wish to pay a Poll Tax, please indicate below for whom you are paying, and attach check or money order for the amount of \$2.00 each, payable to the Sheriff of _____ County, Mississippi.
(The fee will be \$3.00 in some counties.)

1. Name _____	Address _____
2. Name _____	Address _____
3. Name _____	Address _____
4. Name _____	Address _____
5. Name _____	Address _____
6. Name _____	Address _____
7. Name _____	Address _____
8. Name _____	Address _____
9. Name _____	Address _____
10. Name _____	Address _____
11. Name _____	Address _____
12. Name _____	Address _____
13. Name _____	Address _____
14. Name _____	Address _____
15. Name _____	Address _____
16. Name _____	Address _____
17. Name _____	Address _____
18. Name _____	Address _____
19. Name _____	Address _____
20. Name _____	Address _____
21. Name _____	Address _____
22. Name _____	Address _____
23. Name _____	Address _____
24. Name _____	Address _____
25. Name _____	Address _____
26. Name _____	Address _____
27. Name _____	Address _____
28. Name _____	Address _____
29. Name _____	Address _____
30. Name _____	Address _____

Sample Poll Tax Receipt

1961-Poll Tax Receipt-1961
Hinds County, Mississippi

Jackson, Miss. 1-5 1962

Received of Jones, John S.,

Address 877 Avon St. Voting Receipt No. 12 655
Precinct Ward

The Sum of Two and No/100 Dollars \$2.00

Poll tax for Year 1961, As per H. B. 206,
Laws of the Regular Session 1950

J. R. Gilfoy,
Sheriff & Tax Collector
By

Reproduced below is a facsimile of the form currently in use for registration:

Sworn Written Application for Registration

(By reasons of the provisions of Section 244 of the Constitution of Mississippi and House Bill No.95, approved March 24, 1955, the applicant for registration, if not physically disabled, is required to fill in this form in his own handwriting in the presence of the registrar and without assistance or suggestion of any other person or memorandum.)

1. Write the date of this application: _____
2. What is your full name? _____
3. State your age and date of birth: _____
4. What is your occupation? _____
5. Where is your business carried on? _____
6. By whom are you employed? _____
7. Are you a citizen of the United States and an inhabitant of Mississippi? _____
8. For how long have you resided in Mississippi? _____
9. Where is your place of residence in the district? _____
10. Specify the date when such residence began: _____
11. What is your prior place of residence if any? _____
12. Check with oath you desire to take: (1) General _____
(2) Minister's _____ (3) Minister's wife _____ (4) If under 21 years at present, but 21 years at date of general election _____
13. If there is more than one person with the same name in the precinct, by what name do you wish to be called? _____
14. Have you ever been convicted of any of the following crimes: bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy? _____
15. If your answer to question 14 is "Yes," name the crime or crimes of which you have been convicted, and the date and place of such conviction or convictions: _____
16. Are you a minister of the gospel in charge of an organized church, or the wife of such a minister? _____

17. If your answer to question 16 is "Yes," state the length of your residence in the election district: _____
18. Write and copy in the space below, Section _____ of the Constitution of Mississippi:
(Instruction to Registrar: You will designate the section of the Constitution and point out same to applicant.)
19. Write in the space below a reasonable interpretation (the meaning) of the Section of the Constitution of Mississippi which you have just copied:
20. Write in the space below a statement setting forth your understanding of the duties and obligations of citizenship under a constitutional form of government.
21. Sign and attach hereto the oath or affirmation named in Question 12.

(The applicant will sign his name here.)

State of Mississippi

County of _____

Sworn to and subscribed before me by the within named _____
_____ on this the _____ day of _____ 19__.

(County Registrar)

Mississippi Political Calendar 1962-1966

1962:

- April 6 Last day on which candidate can qualify for June 5 Democratic primary.
- June 5 Democratic primary for representatives in Congress, State Supreme Court judges whose 8-year terms expire, circuit judges, chancery judges, and county judges.
- June 26 Second primary (run-off) election, if necessary.
- July 6 Last day on which one may register and vote in either the primary or the general election. (But see Section II-A above.)
- September 27 Last day on which an independent candidate may qualify for the November 6 election by having a petition filed in his behalf.
- November 6 General elections for Representatives in Congress, State Supreme Court judges whose 8-year terms expire, circuit judges, chancery judges and county judges.

1963:

- January 1 through February 1 1962 Poll Tax payable.
- June 7 Last day to qualify as a candidate in the August 6 Democratic primary at which candidates for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney-General, Superintendent of Education, all three public service commissioners, Land Commissioner, Supreme Court Clerk, Commissioner of Insurance, Commissioner of Agriculture, state senators and members of the state House of Representatives, district attorneys, clerks of the circuit and chancery courts, sheriffs, coroners, assessors, surveyors, members of the boards of supervisors, justices of the peace, constables, county attorneys, and all other officers to be elected at the general state election are nominated.
- July 5 Last day to register to vote in primary or general election. (But see section II-A above.)
- August 6 The Democratic primary.
- August 27 The Democratic second primary.
- September 26 Last day on which an independent candidate may qualify for the November 5th general election by a petition filed in his behalf.
- November 5 The general election. (There is no second primary, the top man wins.)

1964:

January 1 through February 1	1963 Poll Tax payable.
April 4	Last day on which a candidate can qualify for June 3rd Democratic primary.
June 3	Democratic primary for Representatives in Congress, State Supreme Court judges whose 8-year terms expire, circuit judges, chancery judges, and county judges. The United States Senate seat now held by Senator John Stennis is also up at this election.
June 24	Second primary (run-off) election, if necessary.
July 4	Last day on which one may register and vote in either the primary or the general election. (But see section II-A above.)
September 25	Last day on which an independent candidate may qualify for the November 4th general election by having a petition filed in his behalf.
November 4	The general election for all officials nominated at the June 3rd primary and for Presidential electors to elect the President and Vice-President of the United States. (Note: The precinct, county, state, and national Democratic conventions will be successively held from January through July of this year.)

1965:

January 1 through February 1	1964 Poll Tax payable.
February 8	Last day to register to vote in either the May 8th primary or the June 8th general election for municipal officials. (Note: A few municipalities have different election dates.)
March 12	Last day to qualify for May 8 Democratic primary for municipal officials
April 30	Last day for independent candidate to qualify for June 8th general election.
May 11	Democratic primary elections for municipal officials.
May 18	Second primary (run-off) election for municipal officials.
June 8	General election for municipal officials.

1966:

The political calendar for 1966 is the same as that of 1962 except that the United States Senate seat of Senator James Eastland is up.

Some Sources of Additional Information

1. The 1960 census reports for Mississippi contain much material about the state that is broken down by race, such as population figures for all governmental districts down to towns and supervisor's districts. These may be obtained from the U. S. Superintendent of Documents, Washington 25, D. C.
2. The 1961 Civil Rights Commission's Report contains invaluable information on the areas of discrimination in voting, education, housing, employment, and justice. Write the U. S. Superintendent of Documents, Washington 25, D. C.
3. The Mississippi Blue Book contains much good information about the state. It is published every four years and lists, among other things, all officials elected at the 1959 state-wide general election. It may be purchased from the office of the Mississippi Secretary of State.
4. The Digest of Election Laws of Mississippi is a small, green pamphlet of 32 pages that is the most useful of all resource materials. It may be had free at the office of the Mississippi Secretary of State.
5. Volumes 1, 2, 3, and 3A of the Mississippi Code of 1942, Recompiled, are, together with the Mississippi Supreme Court Reports, the final authority as to the state law concerning Mississippi politics. Every Mississippi lawyer has sets of these volumes.

Some Statistical Facts

1. Mississippi's population of 2,178,141 is 42.3% Negro. 748,266 are white persons 21 or over; 422,256 are Negro 21 or over. Pp. 23, 29 and 30 of 1960 Census book, "General Characteristics of Population -- Mississippi."
2. Mississippi's county-by-county racial population breakdown is as follows:

<u>Counties</u>	<u>Population All Persons</u>		<u>Counties</u>	<u>Population All Persons</u>	
	<u>Number</u>	<u>Percent Non- White</u>		<u>Number</u>	<u>Percent Non- White</u>
Adams.....	37,730	49.5	Leflore.....	47,142	64.6
Alcorn.....	25,282	13.2	Lincoln.....	26,759	31.2
Amite.....	15,573	54.2	Lowndes.....	46,639	38.1
Attala.....	21,335	44.7	Madison.....	32,904	71.8
Benton.....	7,723	46.7	Marion.....	23,293	33.9
Bolivar.....	54,464	67.8	Marshall.....	24,503	70.4
Calhoun.....	15,941	27.3	Monroe.....	33,953	35.4
Carroll.....	11,177	58.2	Montgomery.....	13,320	44.8
Chickasaw.....	16,891	38.5	Neshoba.....	20,927	28.2
Choctaw.....	8,423	29.9	Newton.....	19,517	33.6
Claiborne.....	10,845	76.0	Noxubee.....	16,826	71.9
Clarke.....	16,493	39.4	Oktibbeha.....	26,175	43.7
Clay.....	18,933	51.3	Panola.....	28,791	56.4
Coahoma.....	46,212	68.3	Pearl River.....	22,411	23.2
Copiah.....	27,051	52.0	Perry.....	8,745	27.6
Covington.....	13,637	34.8	Pike.....	35,063	43.9
De Soto.....	23,891	61.3	Pontotoc.....	17,939	19.1
Forrest.....	52,722	28.0	Prentiss.....	17,949	12.2
Franklin.....	9,286	40.9	Quitman.....	21,019	63.3
George.....	11,098	11.6	Rankin.....	34,322	37.3
Greene.....	8,366	23.0	Scott.....	21,187	38.3
Grenada.....	18,409	49.2	Sharkey.....	10,738	69.8
Hancock.....	14,039	16.1	Simpson.....	20,454	35.2
Harrison.....	119,489	16.1	Smith.....	14,303	22.7
Hinds.....	187,045	40.0	Stone.....	12,013	24.4
Holmes.....	27,096	72.0	Sunflower.....	45,750	67.8
Humphreys.....	19,093	69.8	Tallahatchie.....	24,081	64.4
Issaquena.....	3,576	67.1	Tate.....	18,138	57.6
Itawamba.....	15,080	5.8	Tippah.....	15,093	18.3
Jackson.....	55,522	19.6	Tishomingo.....	13,889	4.9
Jasper.....	16,909	50.3	Tunica.....	16,826	79.2
Jefferson.....	10,142	75.5	Union.....	18,904	17.5
Jefferson Davis.....	13,540	54.8	Walthall.....	13,512	45.1
Jones.....	59,542	25.9	Warren.....	42,206	46.8
Kemper.....	12,277	60.7	Washington.....	78,638	55.2
Lafayette.....	21,355	33.9	Wayne.....	16,258	35.7
Lamar.....	13,675	16.3	Webster.....	10,580	25.0
Lauderdale.....	67,119	35.0	Wilkinson.....	13,235	71.2
Lawrence.....	10,215	37.8	Winston.....	19,246	43.6
Leake.....	18,660	43.4	Yalobusha.....	12,502	44.3
Lee.....	40,589	25.3	Yazoo.....	31,653	59.4

3. Years of school completed by persons 25 years old and over, by color, for the state, 1960, in percent:

	None	1 to 4	5 and 6	7	8	9 to 11	12	13 to 15	16 or more
The state	3.8	15.0	12.1	6.9	13.7	18.7	17.3	6.9	5.6
White	1.2	5.9	7.6	5.6	14.4	23.0	24.6	9.9	7.7
Negro	8.4	31.3	20.2	9.1	12.4	11.1	4.2	1.6	1.8

Median income in 1959 of families, by color, for the state, urban and rural, 1960:

<u>White</u>				<u>Negro</u>			
The State	Urban	Rural Nonfarm	Rural Farm	The State	Urban	Rural Nonfarm	Rural Farm
\$4,209	5,493	3,719	2,610	1,444	2,100	1,271	974

1960 Census, "General Social and Economic Characteristics -- Mississippi," pp.118, 132.

4. Plumbing facilities of housing units with nonwhite household heads, for the state, 1960:

<u>Subject</u>	<u>The State Total</u>
All occupied units.....	207 611
Toilet facilities	
Flush toilet, exclusive use.....	62 160
Flush toilet, shared.....	7 570
Other toilet facilities or none.....	137 881
Bathing facilities	
Bathtub or shower, exclusive use.....	44 991
Bathtub or shower, shared.....	2 207
No bathtub or shower.....	160 413

1960 Census, "Housing - Mississippi," p. 13.

5. Personal Income, Per Capita, by States, 1959:

<u>State</u>	<u>Per Capita (dollars) 1959</u>
<u>United States</u>	2,166
<u>New England</u>	2,396
Maine.....	1,768
New Hampshire.....	2,010
Vermont.....	1,789
Massachusetts.....	2,444
Rhode Island.....	2,156
Connecticut.....	2,817
<u>Middle Atlantic</u>	2,543
New York.....	2,736
New Jersey.....	2,608
Pennsylvania.....	2,222
<u>East North Central</u>	2,337
Ohio.....	2,328
Indiana.....	2,102
Illinois.....	2,610
Michigan.....	2,253
Wisconsin.....	2,116
<u>West North Central</u>	1,978
Minnesota.....	1,962
Iowa.....	1,953
Missouri.....	2,145
North Dakota.....	1,526
South Dakota.....	1,476
Nebraska.....	1,981
Kansas.....	1,994
<u>South Atlantic</u>	1,804
Delaware.....	2,946
Maryland.....	2,343
District of Columbia.....	2,943
Virginia.....	1,816
West Virginia.....	1,635
North Carolina.....	1,485
South Carolina.....	1,332
Georgia.....	1,553
Florida.....	1,980
<u>East South Central</u>	1,424
Kentucky.....	1,514
Tennessee.....	1,521
Alabama.....	1,409
Mississippi.....	1,162
<u>West South Central</u>	1,764
Arkansas.....	1,322
Louisiana.....	1,575
Oklahoma.....	1,786
Texas.....	1,908

Personal Income, Per Capita, by States, 1959 (cont'd):

<u>State</u>	<u>Per Capita (dollars) 1959</u>
<u>Mountain</u>	1,994
Montana.....	1,955
Idaho.....	1,782
Wyoming.....	2,149
Colorado.....	2,123
New Mexico.....	1,833
Arizona.....	1,959
Utah.....	1,848
Nevada.....	2,745
<u>Pacific</u>	2,562
Washington.....	2,271
Oregon.....	2,171
California.....	2,661
Alaska.....	2,550
Hawaii.....	2,139

Statistical Abstract of the United
States, 1961, p. 307.

6. The figures on pages 31 and 307 of the 1961 Statistical Abstract of the United States show that the average white citizen would still receive less yearly income per capita than the national average even if all of the state's total income were given only to its white citizens -- \$2,010, as against the national average of \$2,166.