

The Right to Vote:  
Summary of Relevant Federal Powers  
History of Federal Action in Mississippi

From the U.S. Constitution:

**AMENDMENT FOURTEEN**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**AMENDMENT FIFTEEN**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Civil Rights Act of 1957

This act, the first of its kind since 1875, established the United States Commission on Civil Rights. The Commission's functions, as outlined in its 1963 Report, include: investigation of complaints charging violations of the Fifteenth Amendment, the study of information concerning legal developments constituting denial of "equal protection," the appraisal of Federal laws and policies with respect to "equal protection," and the submission of interim reports on its activities to the Congress. The Act also authorized the Department of Justice to bring civil suits to end discriminatory voting practices.

Civil Rights Act of 1960

This act strengthened the 1957 act by providing that entire states, as well as individual registrars, could be sued. It also required the preservation of voting records for 22 months and permitted the appointment of Federal referees (to act as "registrars of appeal") in cases where there was a judicial finding of "pattern or practice" of discrimination.

Justice Department Actions in Mississippi

In 1961, the Civil Rights Commission found that "substantial numbers of Negro citizens had been denied the right to vote in 100 counties of 8 southern states." 38 of those 100 counties were in Mississippi, and, in the words of the 1963 Report, "subsequent investigation has indicated that this finding was conservative." Spurred in many instances by voter registration activities within the state, acting often on its own initiative, the Justice Department has brought 17 suits in Mississippi. Six of these involve police or private intimidation, ten are directed toward registrar discrimination, and one "attacks the entire system of registration in Mississippi as being inherently discriminatory."

## Federal Litigation in Mississippi

Date Filed		
July 6, 1961	Clarke	Discrimination in registration. Injunction 2/5/63. Court (Southern Dist. Miss) refused to order Negro reg. on same basis as prior white registration, refused finding of pattern or practice. Decision appealed to Fifth Circuit.
July 6, 1961	Forrest	Discrimination in reg. Court refused to issue injunction. Injunction issued by Circuit Court on appeal. Registrar cited for contempt, found guilty 7/13/1963. Registrar appealed, trial date as yet unset.
August 3, 1961	Jefferson Davis	Discrimination in reg. Court ordered monthly reports from registrar 1/4/63. Registrar applying standards strictly.
August 3, 1963	Walthall	Discrimination in reg. Court gave no decision, but ordered removal from rolls of illiterate white voters called by gov't. 3 Negroes have registered.
Oct. 26, 1961	<u>Panola</u> !	Discrimination in reg. District Court found against the gov't. on all issues. Appealed to 5th Circuit, favorable decision 5/22/64. Court ordered registrar to dispense with interpretation section of application form.
Nov. 17, 1961	Tallahatchie	Refusal to accept poll tax payments and discrimination in reg. District Court refused to issue injunction. 5th Circuit reversed District decision 1/28/63. Issued injunction. Registrar appealed, no trial date set as yet. 5 - 10 Negroes registered.
April 13, 1962	George	Discrimination in reg. Temp. restraining order April 24. Gov't. requested tightened injunction April '63. Court giving registrar opportunity to reconsider rejected applicants before issuing new injunction. 5 Negroes registered since filing of suit.
Aug. 28, 1962	State of Mississippi plus Amite, Clairborne, Coahoma, Leflore, Lowndes and Pike.	Challenge on Constitutional grounds of 2 amendments to State Constitution and 5 statutes dealing with registration procedures plus discrimination by six registrars. The case is still in the discovery stage.



Federal Litigation continued

Date Filed	County	Remarks
Jan 26, 1963	Sunflower	Discrimination in registration. Not tried.
July 16, 1963	Hinds	Discrimination in registration. Court held that closing of books was not discriminatory, but required that applicants be served on a first-come, first-served basis when books opened.
March 2, 1964	Madison	District Court refused to find "pattern or practice", but ordered registrar to equip to handle at least 4 applicants at a time; to register at least 50 applicants a day so long as his services were in demand. Court limited to 25 the number of potential applicants who could stand in line at once.

AFTERWORD

It is obvious to any disinterested observer that the entire system of registration in Mississippi is designed to discourage the Negro applicant. The "Constitutional interpretation (or "literacy") test" and the "duties of a citizen" sections of the application form give the individual registrar an incredibly broad discretion in the acceptance or rejection of applicants. The archaic and complicated poll-tax requirements (they are still legal in all state elections) form a further barrier to an equitable balance of power on the Mississippi registration books. Not until both these requirements are struck down as unconstitutional in fact will there be any hope of free elections in Mississippi. The Civil Rights Commission is considering requesting the appointment of Federal voting referees in every American county with less than fifteen percent of its Negro population registered. If enacted into law, this proposal would affect most of the Black-belt Deep South...it would affect all of Mississippi.

Justice Department litigation in Mississippi must begin in the hostile atmosphere of the Federal District Courts. The Judges who sit on the bench in the Northern and Southern Districts of Mississippi are Federal Judges, but they are also Mississippians - and staunch white supremacists. A truly fair and objective hearing from Judge Harold W. Cox (Northern District) is generally considered to be impossible. Judge Cox is a Mississippian born and bred, and he shares the feelings of most white Mississippians. It is the feeling of most civil rights workers that "equal justice under law" is a farce at any level beneath the Fifth Circuit Court of Appeals.