

Testimony of the Student Nonviolent Coordinating
Committee before the House Judiciary Subcommittee
#5 on H.R. 6400

Mr. Chairman and members of the subcommittee, my name is Ralph Featherstone, and I am representing the Student Nonviolent Coordinating Committee (SNCC). SNCC is well known as the front-line civil rights organization in the South. We have more than 200 full time staff workers in the hard core of the South--considerably more than all the other civil rights organizations combined. To say that we have a great interest in this legislation is something of an understatement. At my left is William Higgs who is legal adviser to SNCC.

This subcommittee yesterday morning heard Mr. Roy Wilkins testify for the Leadership Conference on Civil Rights. We agree with Mr. Wilkins that there is need for the amendments which are outlined. However, we do not agree that those four amendments are the most important ones. We strongly feel that the most important--the most necessary--amendment to this bill is one requiring new election in all the areas affected within a short period after the bill has taken effect. Such as no sooner than 6 months, nor later than 9 months after placing of federal examiners.

There are a number of reasons why such a provision is absolutely necessary in this bill.

First, it should be pointed out that many of the states most affected by the bill will not hold state or local elections for the next two or more years. This means that democracy--in its true meaning of government by the people as distinct from the bill's present thrust of only the right to vote--is years away in many of these states.

The states covered by the bill and the dates of their elections are listed in the accompanying supplement.

Second, it has historically been true in the South that the Negro has been denied the right to vote either through violence or intimidation or through restrictive voting qualifications and frequently through both.

For example, in the state of Mississippi, until 1868, Negroes were by law totally excluded from voting. In the reconstruction Constitution of 1868, provision was made for universal male suffrage. However, with the adoption of this Constitution, the Ku Klux Klan and its lynching, murder, mutilation and terror came into being to prevent the then qualified Negroes from voting. These conditions continued until the adoption of the Constitution of 1890, the instrument of the "legal disfranchisement of the Negro".

This Constitution instituted a literacy test, a poll tax, a constitutional interpretation test, selective use of crime disqualifications and unlimited discretion by the voting registrar. Almost every Southern state then followed the lead of Mississippi. Mass violence and terror on such a large scale were no longer necessary to prevent Negroes from voting.

We believe that passage of the bill without requiring new elections will lead directly to a degree of terror and intimidation yet unseen in the civil rights movement. This bill in effect leaves violence and intimidation as the only out for those who would prevent Negro voting.

Third, much of the national revulsion and disgust with racial events in the South concern law enforcement and police brutality. Who can forget the murder of the three civil rights workers in Neshoba County, Mississippi, the murder of James Reeb, and in this same spirit, the refusal of Governor Wallace to do his duty to prevent a potential mass murder on the march from Selma to Montgomery.

Though Governor Wallace's term expires in January of 1967, Sheriff Rainey's in Neshoba County extends to January 1968, and that of Jackson, Mississippi law enforcement officials until July, 1969.

Unless the subcommittee takes forthright action to require new elections in the areas affected by this bill, the problem of civil rights intimidation, violence and terror will increasingly occupy the Congress and the President for the next several years.

Fourth, as so eloquently stated the subcommittee on Tuesday by the distinguished Chairman of the Committee on Education and Labor, the poor black people of the South, who are in the greatest need of the program and benefits of the war on poverty, who need most to be brought into the Great Society, will be waiting on the outside for years after passage of this bill unless a provision for new elections be included. Our experiences with the refusals of the state and local authorities to provide the benefits of federal programs to all--much less under grossly discriminatory conditions to the Negro citizens of the South could fill volumes of testimony. In Mississippi--the poorest state in the nation, whose Negro population is the poorest of the poor--only $\frac{1}{2}$ of the state's 82 counties allow surplus government commodities of any kind to be distributed to any part of the population at any time of the year. The state of Mississippi's own figures for 1960 show that racial discrimination in the use of local school funds reached a point of more than \$100.00 being spent for each white child to \$1.00 for each Negro child. Public housing and urban renewal are virtually non-existent in Mississippi because the state and local governments concluded that these programs would primarily help Negroes. New education legislation to help poverty stricken children will be worse than useless in the hand of a racist city school board in Mississippi which is not subject to the will of the voters until 1969. The community action programs on poverty will be unavailable for years to the poorest of the nation. In short, maybe there was no need to pass the "Great Society" legislation until 1968. Or perhaps it might be as well to attach a provision on it saying, "the benefits of this legislation shall become available only after January 1, 1968". Failure to provide for new election in this bill accomplished exactly the same result--and worse.

All of the above reasons etch out the absolute necessity for language in the bill requiring new elections in the affected areas.

We believe that the precedents and the constitutional authority for such a provision are clear and ample. The 15th amendment's language is certainly broad enough to empower the Congress to enact legislation correcting the future effects of past denials of the right to vote on account of race or color. In the reapportionment cases, federal courts in such states as New York, Connecticut, and Virginia, are requiring new elections and shortening existing legislative terms--current precedent for this proposed amendment. Moreover, the 15th amendment, which is the basis for this bill, contain much more explicit language than the equal protection phraseology of the 14th amendment: and the power of Congress--as distinguished from the federal courts--to enforce the amendment is explicitly stated in Section 2.

We are submitting a quickly prepared supplement of proposed amendments. We feel an amendment is necessary to strengthen the very weak enforcement provisions of the bill found in Section 9. We believe that a provision similar to the power given in the recent bill to void the election and to conduct it under federal direction should be included. Paragraph 2 of the supplement suggests language.

We feel that the problems of intimidation are simply not met by the provision of the bill. Paragraph 3 of our supplement suggests proposed language to deal with economic intimidation by denying the benefits of federal programs to persons impeding others in regard to their right to vote. The proposal is similar to Title 6 of the Civil Rights Act of 1964 and would be particularly effective through, for example, the Community Credit Corporation and other such agricultural programs in the South.

As Congressman Lindsay pointed out Tuesday morning, protections of the bill explicitly do not extend to persons registered under state law. This commission must be corrected. We suggest language in paragraph 7 of our supplement.

On March 19, Congressman Gorman called attention to the fact that the bill does nothing to guarantee the newly registered Negro voters will be able to vote for candidates of their choice, since the affected states and political subdivisions will be left free to circumscribe those persons who may offer themselves for political services. Paragraph 6 contains suggested language to remedy this defect.

Finally, we suggest that the coverage of this bill be increased through the use of a provision somewhat related to that proposed by Congressman Mathias and Lindsay. We point out that the provision we recommend in paragraph 5 of our supplement would meet all cases of pockets of discrimination, whereas the Douglas-Hart type 25% formula would still exclude all pockets of discrimination in which 26% or more Negro voting age population was registered; and it would be impossible to implement. To be specific, Congressman Cramer's example of Columbia County Arkansas, with 32% registration of eligible Negroes would be covered by our suggestion, but not by the Douglas-Hart proposal. The exact figures are even more startling, which we hereby submit. Only 20% of the voting discrimination in Arkansas would be reached by the Douglas-Hart proposal.

In closing, we must emphatically state that we feel that this voting legislation--however strong it may seem--can only be complementary to a proven demonstration by Congress in the Challenge of the Mississippi Freedom Democratic Party. We believe that the Congress must deny seats to those persons who have been sent through white only elections. This voting legislatures diminishes by not the slightest particle the duty of the House to right these specific wrongs that have been carefully laid before it. Moreover, the members of Congress must know that it was precisely the refusal of the Congress to readmit the delegations of the Southern states after the Civil War that largely achieved free and open elections in these states regardless of race or color. Justice in the case of the Mississippi Challenge will ensure that this legislation will be enforced throughout the South from top down by state and local authorities. While this bill has almost insurmountable difficulty in combating intimidation and violence against the Negro voter, the Challenge deals directly and effectively with this blight on our not yet democratic society.

This Concludes our Testimony.