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TO: ALL PARTICIPATING GROUPS IN THE AMERICAN CIVIL RIGHTS MOVEMENT.

FROM: EXECUTIVE COMMITTEE, MISSISSIPPI FREEDOM DEMOCRATIC PARTY.

SUBJECT: VOTING LEGISLATION IN THE 89TH CONGRESS.

On three separate occasions in the seven years immediately past the Civil Rights Movement has come to Washington -- to the President and the Congress seeking federal legislation that would open the processes of political participation to all citizens of our great Democracy.

On all of these occasions, in 1957, 1960 and 1964, the legislation coming from Congress has proved ineffectual and inadequate so far as securing for all citizens their constitutional right to the ballot. We in Mississippi are particularly afflicted by a cumulative pattern of local and state action resulting in the deprivation of all but 6% of the state's Negro citizens of the vote. Conditions of Negro disenfranchisement in our sister states of the deep South differ from Mississippi only in degree.

In this new year and this Congress there is a possibility of the Civil Rights Movement realizing new and effective legislation which will finally open the democratic processes to all Americans. There is appearing in the Nation and in Congress a groundswell of opinion which may be channelled to action which will lay to rest the national disgrace of citizens without votes.

2/ VOTING LEGISLATION

It is the Civil Rights Movement that has produced this climate -- the persistent and courageous work of the Student Nonviolent Coordinating Committee and the Congress of Racial Equality which have for the past four years carried the message of "One Man, One Vote" into the dangerous feudal areas of the South.

The dramatic demonstrations for the ballot now being waged by the Negro people of Alabama with the inspiration and guidance of Dr. Martin Luther King are also serving to direct the public consciousness to the issue of voting.

The Challenges to the seating of the illegally "elected" congressmen from Mississippi which have been brought by the voteless Negroes of Mississippi and are currently pending before the Congress has given the South a rude awakening to the possible consequences of further voting discrimination and created the political climate for the passage and enforcement of effective voting laws. We agree with Mr. Joseph L. Rauh, Jr., of the ADA that the threat posed by these challenges "can be the single most important vehicle to insure voting rights in Mississippi", and indeed, the South.

At this time, we see it as the duty and responsibility of the Civil Rights Movement to militate against any maneuver that would dissipate this pressure by the tokenism of still another fraudulently ineffectual piece of legislation.

3/ VOTING LEGISLATION

We must begin thought about, and work toward, the kind of effective legislation that will enfranchise all citizens. On no account must we again allow ourselves to be diverted into settling our support around any legislation that is clearly and visibly so limited in concept and remedy as to ensure that we shall have to be back in Washington next year seeking further relief.

As you know, two legislative proposals are currently pending in Committee, the one introduced by Rep. John Lindsay (R-N.Y.) and the other by Rep. Joseph Resnick (D-N.Y.). It is incumbent upon us to familiarize ourselves with the contents of these bills. A brief exposition of these proposals follows:

The Republican legislation in effect completely revises extant voting rights laws which place the responsibility to monitor voting practices in the hands of Federal District Courts. It places a limitation of forty days on the court's finding of a pattern or practice of discrimination, after a complaint by 50 persons claiming to have been discriminated against. If the court does not act within 40 days of this complaint, the president is directed to appoint federal registrars. If the court does find a pattern or practice it is directed to appoint federal registrars. Any refusal of local authorities to permit persons registered by the federal registrars to participate in elections automatically results in the Court's voiding of that election. The panel of registrars are to be appointed by the President. Other provisions empower the registrar to implement a maximum literacy standard of the 6th grade and to abolish the use of the poll tax.

4/ VOTING LEGISLATION

The Resnick bill sets up a six man presidentially appointed commission with expedited procedures for determining the existence of a pattern of practice. Once this is established the Commission is empowered to use the full power of the 15th amendment, including appointing federal registrars, prescribing registration forms to be used, suspending literacy tests or any regulation producing further discrimination, to conduct or supervise elections, void elections and if necessary appoint armed federal elections officials.

We understand that there is a complementary Republican bill to be introduced shortly which will invoke the second section of the 14th Amendment to write the concept of "One Man, One Vote" into national legislation by setting up as the only voting qualifications the considerations of age, residence, insanity and conviction for felony.

Further, we understand that the Administration plans to support its own voting rights legislation in this session of Congress. Reportedly this bill has not yet been drafted but in whatever form it takes it will probably be this legislation that will be enacted, with or without the advice and consent of the Civil Rights Movement.

Still, there is much scope for our influencing the range and content of this legislation as it is conceivable but not probable that the Administration will propose legislation in this area that does not have the endorsement and support of the Civil Rights Movement. Whether or not it will reflect

our needs is a different question. We must not allow ourselves to be once more seduced into support of any legislation that fails to do this.

There are strong indications that the Administration's thinking is in terms of legislation that will affect only the "hard-core" areas of the country, and that a formula either has been, or is to be derived that will limit the bill's application to areas in which certain arbitrary percentages of the Negro population is disenfranchised.

For an example it has been suggested that this hard-core legislation may only apply to areas where Negro registration is less than 15%. In other words it would only operate in areas where more than 85% of the adult Negroes are not registered. What would this mean? The inference of such an act would be that the Administration and the Congress takes no responsibility in cases where 84%, 83%, or even 75% of the Negroes in any given area are kept from voting. (Is it only where Negro political denial is almost total that our government will take responsibility?) What would such legislation mean to those counties in the South where Negroes by dint of great sacrifice, determination and courage have managed to get token numbers on the voters rolls. Are these people to be denied federal assistance because of their own efforts?

We appeal to all factions of the Civil Rights Movement to take a principled and practical stand against any legislative proposal based on quotas. We cannot decently and involve ourselves in any percentage and numbers games

with the voting rights of our fellow citizens. Even if this percentage were set at 50% it would constitute a mandate to southern racists to register a half of the eligible Negroes and so remove their registration procedures from the possibility of federal scrutiny. It would still constitute national acquiescence in the South's treatment of Negroes as though they were $\frac{1}{2}$ citizens.

WE DEMAND AND SUPPORT LEGISLATION WHICH ESTABLISHES NO ARBITRARY PERMISSIBLE PERCENTAGES FOR DISENFRANCHISEMENT AND LEGISLATION WHICH PLACES THE INITIATIVE FOR RELIEF INTO THE HANDS OF THE PEOPLE WHOSE RIGHTS ARE BEING ABUSED. THIS LEGISLATION MUST UTILIZE ALL CONSTITUTIONAL PROVISIONS AND GUARANTEES TO ENSURE THE REALIZATION OF THE PRINCIPLE OF "ONE MAN, ONE VOTE" NATIONALLY.

This means that we must think in terms of legislation which will say that federal registration will occur in any community, county or state where the people who are not free to register request it, and where there is a prima facie evidence of voter intimidation, obstruction and subversion of the right to vote.

This is the only kind of legislation that will ultimately be effective, it is what is needed, and it is the only kind of legislation that the Civil Rights Movement should ultimately support. Any lesser bill proposed by anyone will pass or flounder without our support and the resources and energies of the Movement can better and more creatively be utilized in preparing the political situation that will produce meaningful legislation.

7/ VOTING LEGISLATION

It will be a mistake at this time to limit our goals to token half-measures because of "pragmatic" considerations, especially before we are assured that realistically effective legislation is not possible. And if it should prove to be that narrow regional considerations do in fact render the Congress incapable or unwilling to enfranchise all Americans, the Movement's position should not be one of accomodation to undemocratic political tendencies on the part of Congress.

If this be the unfortunate truth, then maybe our role would best be to inform the people that the "political realities" are such that the American people can expect their Congress to pass and implement no legislation that will make democracy a reality here, and by so doing confront the Congress with a nation aroused by its unwillingness or inability to establish full democracy throughout the Country.

JACKSON, MISSISSIPPI

February 21, 1965