

TESTIMONY ON VOTING LEGISLATION

by MRS. VICTORIA J. GRAY

On March 25, 1965, Mrs. Victoria Gray, from Hattiesburg, Mississippi, appeared before the House Judiciary Committee of the U.S. Congress. Mrs. Gray spoke on behalf of the Executive Committee of the Mississippi Freedom Democratic Party. She had been called by the Committee to help the members decide about the President's proposed voting bill. This is what Mrs. Gray said:

Mr. Chairman, Members of the Committee:

...

I have been instructed by the Executive Committee of the Mississippi Freedom Democratic Party to say that we fully appreciate the speed and urgency with which the President has acted on voting rights. We further appreciate the seriousness of purpose with which leaders of both parties in the Congress have united behind this legislation. However, we do feel that there are four particulars in which this bill can and must be strengthened if it is to do the job effectively.

1. The first recommendation that we make is related to new elections. On Monday, the gentleman from New York, Mr. Powell, appeared before this Committee to urge that provisions for the holding of new elections be written into this legislation. We support this suggestion.

As we are all aware, this is the process followed in cases of legislative reapportionment. Wherever there is the determination that the value of votes in different districts is unbalanced and unequal, whether by gerrymandering or population shifts, the Supreme Court has ruled that new elections must be held following a more equitable and democratic reapportionment of Districts. This appears to us to be both reasonable and just.

Similarly, in cases where there has been a systematic practice of disfranchising huge numbers of the population illegally, thereby keeping them from any participation at all in previous elections, this same principle must be true to a greater degree.

The Negroes in Mississippi and much of the Deep South suffer at this moment under the jurisdiction of elected officials in whose elections we had no part. Can such officials be responsive or responsible to the needs and rights of the Negro people? The sad truth is that these officials have not been, and as long as they are not, the basis for oppression and injustice will remain, and it will be the voteless Negro citizens of the South who will be the victims.

For us in Mississippi, the injustice will be particularly prolonged. In May or June of this year municipal elections will be held throughout the state. This will mean that Mayors, local law enforcement officers, and other officials who have been the visible symbol of brutality and intimidation will be elected for four more years before Negro registration under this new law will be large enough to have any effect on these elections. How effective will this bill be in Neshoba County, Mississippi, if local law enforcement remains in the hands of Sheriff Rainey and Deputy Sheriff Price for four more years? How effective will it be in Selma, Alabama, if Negroes enroute to the Courthouse must pass by Sheriff Jim Clark and his posse?

It is for these reasons that we are asking for speedy relief. We urge that a provision be included that will require the holding of open and democratic elections within six to nine months of the coming of federal registrars to any given area.

Such action is precedent, constitutional and just, and will give opportunity to all politically deprived people to begin real participation in the processes by which they are governed. We urge that you take this under serious advisement.

2. We agree with those who have testified to the need for broadening the reach of the proposed legislation, notably Mr. Roy Wilkins in behalf of the Leadership Conference on Civil Rights, Rep. A.C. Powell of New York and Rep. Lindsay of New York.

While the Mississippi Freedom Democratic Party is of Mississippi, we recognize our deep association and concern with all who have been denied their constitutional right to the ballot. While we appreciate the Administration's concern for areas such as Mississippi where disfranchisement has been almost total, we cannot ask our freedom to the neglect of the Negroes and other minorities in the country who are as afflicted as we are in the deprivation and degradation that is second-class citizenship.

We therefore support Congressman John Lindsay in urging this committee to so amend the voting rights bill as to empower the President to appoint Federal registrars to any area where 50 persons have sworn that they have been denied the right to vote. We believe very deeply that people who have been victimized should be able to petition their government directly for redress of such grievances, and that the initiative should be in the hands of the people, and not solely dependent upon involved political and bureaucratic procedures.

3. The MFDP joins with the 70 member organizations of the Leadership Conference in calling for the total elimination of the poll tax and for the elimination of the provision which necessitates prospective voters to make application to the State before registration by Federal examiners.

The use of various tests and devices to frustrate the desires of Negroes to participate in the political processes in the South is a matter of record and is well-known to you all. In the bill proposed by the administration (H.R. 6400) procedures are created which will make it impossible for one of these devices, the so-called "literacy tests," to be used for purposes of discrimination. However, another equally infamous device for subverting and aborting democratic processes and the right of Negro citizens to register and vote still would survive. I refer to the poll tax. We would urge that a major and necessary amendment to this legislation must be the complete elimination of the poll tax in all those areas affected by this bill, and where the record shows that this device has been used in a discriminatory manner to discourage and obstruct the right of Negroes to register and vote. Any failure of the Congress to do this is to leave untouched one of the very effective techniques which is misused to prevent free access to the vote in the South.

The present bill puts a second hardship on applicants by asking them to go first to the State to prove once again that discrimination exists.

4. It has been our experience in Mississippi that the process of subversion of the right to vote is two-pronged. The first prong is obstruction of the process of registration; this is done, as we have indicated, by a variety of bureaucratic delaying actions and tests. The second prong is the use of economic harassment and physical intimidation to discourage Negroes from attempting to register to vote. This intimidation and harassment usually begins after a Negro presents himself to the local registration official to make application. For this reason the provision in the present legislative proposal which requires a prospective voter to apply to the local registrar first, could be self-defeating. It lays the prospective voter open to great pressure to discourage him from going on to the Federal registrar. We urge that the bill be amended so that prospective voters where the bill applies may go directly to the Federal officials to be registered.

In summation, we are asking Congress, for the reasons set forth, to

1. include the holding of new elections in whatever legislation passed.
2. eliminate the poll tax completely.
3. remove all requirements that would place prospective voters at the mercy of local officials;
4. broaden the law to give local people some initiative in petitioning for assistance in registering to vote.

We thank you.