

[1965, Oct.]

# REAPPORTIONMENT



# OF MISSISSIPPI.

Mississippi Freedom  
Democratic Party.

Extracts from an article by W.C. Shoemaker, Daily News Staff  
writer. :-

19  
A civil rights group Tuesday (Oct. 19th) asked a federal court to throw out apportionment of the Mississippi Legislature and congressional election.

The suit, filed in US District Court, also asked that federal judges appoint a "special master" to reapportion the state and that a new election be ordered to select state representatives and senators.

The suit was filed at noon Tuesday by the FREEDOM DEMOCRATIC PARTY and Peggy J. Connor of Forrest County, Anna E. Taylor of Forrest County, Augusta Wheadon of Lowndes County, Ralthus Hayes of Holmes County, Catherine Crowell of Lauderdale County, Henry J. Kirksey of Hinds County, Elijah Conwell of Bolivar County, and Alma Cargogie of Holmes County.

Defendants were listed as Gov. Paul B. Johnson, Atty. Gen. Joe Patterson, Secretary of State Heber Ladner, House Speaker Walter Sillers, and Senate President Pro Tem George Yarborough.

The suit asked a three judge court to declare that current apportionment violates the 14th and 15th amendments to the US constitution and to declare the state constitution sections and laws dealing with apportionment be declared unconstitutional.

Until the case can be heard on its constitutionality the suit asked the federal court to stop state officials from carrying on legislative business or holding any election to choose a member of the legislature. "

CORRECTION On page 3, fourth paragraph down, the suit is said to have been filed on October 15th. This is wrong. The suit was in fact filed on October 19th.

## REAPPORTIONMENT

Background From the time Mississippi became a Territory in 1798 county lines were drawn. This was to help with the government of the territory. Adams County was the first county to be set up, followed by Jefferson and Claiborne. At first whites outnumbered Negroes, but by 1875 it was the other way round. Mississippi had elected a Negro Congressman; throughout the State there were many Negroes holding public office.

But 1875 marked the end of Reconstruction. Negroes were now to be discouraged from voting by beatings, lynchings and fraud. This went on for 15 years. In 1890 the white "Democrats" felt strong enough to write laws to stop Negroes from registering to vote. They called a Convention.

The counties sent delegates to this Convention. They were called "black" or "white" counties, according to which race was in a majority. One Negro delegate came to that Convention, even though 189,000 Negroes were then registered in Mississippi.

The men who called the Convention made sure that Negroes would not be represented. They also gave more votes to the "white" counties than to the "black" counties. The idea was simple: Negro sympathisers would be kept to a minimum.

This was one of the first cases of power of this sort going to one section of the people. People - white people - were not represented on the basis of population. It was a matter of their interests.

### The rise of the Urban class

Subsequently, a large number of people, Negro and White, came to live in towns. The population of these towns grew faster than that in the rural areas. On the other hand the number of legislators representing townspeople did not increase.

Rural voters came to have more and more power. They were, with only a few exceptions, white people. By 1960 a situation had arisen whereby 4,000 people in one district elected one representative to the State House. Another district with 52,000 people was allowed the same representation - one legislator in the House and no more.

The Supreme Court acts

Until quite recently the same kind of situation existed in other parts of the country. The change came with a decision by the U.S. Supreme Court. The Court decided that people should be equally represented. From now on, it said, legislators should represent about the same number of people.

The principle of "One Man one Vote" had been established.

What Mississippi does

In 1962 Mississippi made an attempt to reduce the power held by rural voters. Very little change resulted from this effort. Two years later the Legislature considered a new reapportionment plan. Many legislators didn't like the plan, and it was put aside.

But reapportionment was not forgotten. There remained the possibility of the courts pressing the issue if Mississippi didn't act.

"We do not want the Federal courts to do this job for us", said Governor Paul Johnson during September. He announced that the State Legislature would take up reapportionment in December.

The Sunday edition of the Jackson Clarion Ledger published the proposals for reapportionment. They were the same as those presented to the 1964 session of the Legislature.

The "Mississippi Plan"

Under this plan, the populations of the five Congressional Districts are levelled. All five districts number somewhere in the region of 400,000. To achieve this the district lines are altered; counties which were in the second district are now in the first district, and so on.

The Committee which drew up the plan, began with a State where one district (the 2nd) has a potential Negro voting majority, and ends up with none.

The second district becomes a district with a White voting majority of 20,000.

### The F.D.P.'s suit

Reapportionment in Mississippi has never been a simple issue of correcting the balance of power between urban and rural populations. For the racists it gives another opportunity to maintain, and increase, the white domination of the State.

Historically reapportionment in the South has meant gerry-mandering votes.

The reapportionment issue provided the FDP with a chance to break this tradition. The FDP could argue that a State which was unable to comply with the Civil Rights Bill of 1964 and the Voting Rights Bill of 1965, could not fairly reapportion itself.

Again, a body with a history of laws aimed at suppressing the Rights of Negroes, could not legally reapportion the State, when it was, itself, illegally elected. In addition there was the question whether a Legislature could reapportion itself and then remain in office a further two years. Elections for the two State Houses come in Nov. 1967.

These were some of the factors that determined the filing of a suit before Judge Harold Cox on October 15th.

### The suit:

As well as asking for reapportionment to be determined by the courts, the FDP suit demanded:

1. The unseating of the Miss. Legislature.
2. The holding of free and open elections after reapportionment, and after large numbers of Negroes had been registered.
3. The quickening of registration by using mobile registration units, and by imposing longer hours for registration offices.

The suit was approved at the State Convention, Jackson, October 3rd, and has been signed by people from each Congressional District.

F.D.P. office,  
Jackson - October.



APPENDIX

I. Eligible voters by District

1st District: 149,435 whites  
53,430 Negroes  
(17 counties)

white maj. 96,005

2nd District: 145,531 Whites  
159,282 Negroes  
(24 counties)

Negro maj. 13,751



3rd District : 149,322 Whites  
101,600 Negroes  
(13 counties)

White maj. 47,722

4th District: 107,970 Whites  
56,329 Negroes  
(12 counties)

White maj. 51,282

5th District: 193,970 Whites  
50,955 Negroes  
(16 counties)

White maj. 143,025.

.....

2. Eligible voters by District, proposed by the State Committee on Census and Reapportionment.

1st District: 138,305 Whites  
18 93,457 Negroes  
(counties)

White maj. 44,848

2nd District: 109,251 Whites  
80,849 Negroes  
(16 counties)

White maj. 28,402



3rd District: 146,269 Whites  
95,683 Negroes  
(14 counties)

White maj. 50,586

4th District: 140,692 Whites  
92,440 Negroes  
(16 counties)

White maj. 48,252

5th District: 190,092 Whites  
49,435 Negroes  
(16 counties)

White maj. 140,657