

ARKANSAS PROJECT --- SNCC
700 West 9th Street
Little Rock, Arkansas

SPECIAL REPORT: FRAUD IN THE 1965 ARKANSAS SCHOOL BOARD ELECTIONS

Negro candidates ran for seats on School Boards across the State of Arkansas on September 28, 1965. Of the thirty who ran, all but one were defeated. (That one was opposed by another Negro.) If the experience of the Negro candidates whom the Student Nonviolent Coordinating Committee (SNCC) backed is representative--and we know of no reason why it is not--then it is probable that most of those defeats involved fraud, and that Negroes would have won many of those contests but for fraud. This report, compiled with the aid of SNCC field secretaries in each of the cities, is an account of the unconstitutional practices which brought defeat to Negro candidates in four Arkansas cities: Forrest City, Gould, West Memphis, and Helena.

It ought to be noted that, pursuant to Arkansas Statutes Annotated 3-1003, representatives of the candidates in non-primary elections, such as the school board election, are only permitted to enter the polling place after the polls close, to observe the counting of the ballots. In several of the cities below, however, the candidates had their supporters stationed outside of the polling place to keep count of the number of persons, voting, etc. In this report, when we say "poll-watchers," it is to these people alone that we refer--those who were observing from outside the polling place. When we say "representatives," we refer only to those persons observing the counting of the ballots from inside the polling place.

FORREST CITY

Mr. Truman Bolden and Mrs. Odessa Bradley, the first Negro candidates for school board in Forrest City's history, were defeated by about four to one. Forrest City is 47.1% Negro. The following reports from Negro residents of Forrest City help explain why this happened.

1. Mrs. Lula Fye acted as a representative of one of the candidates at the Ward One polling place, at the old First National Bank Building. She reported two incidents:

(1) While she was waiting for the voting to end, she witnessed a group of Negroes enter the polling place, and hand their registration cards to one of the election judges. The judge waited until it was after 6:30 p.m., the time the polls close, to tell them that they were at the wrong polling place. By then, it was too late for them to vote at all.

(2) After 6:30 p.m., she and Mrs. Ford, the other Negro poll-watcher, attempted to enter the polling place, pursuant to Arkansas Statutes Annotated 3-1003 to observe the counting of the votes. Although she and Mrs. Ford showed their authorization slips from the candidates, one of the judges, Mr. Wallace Pierfore, told them that his orders were that they were not to be allowed in. They then returned to the Freedom Center on 114 Cox Street, where Mrs. Ford called the County Clerk to complain about this. They were finally admitted to the polling place, but only twenty minutes after the polls closed. This is particularly significant because Ward One is predominantly Negro.

2. Mrs. Georgia Lee Ford was the other representative mentioned above. In addition to her actions as recorded above, Mrs. Ford reported the following two incidents:

(1) She witnessed after the polls were closed that a group of Negroes were turned away, having been told that it was too late to vote. Subsequent to this, a well-dressed white woman drove up and was permitted to vote.

(2) She witnessed that the election judge who was calling out the ballots to the clerks called out the names "Lindsey" and "Sharp" (the white candidates) when Bolden and Bradley were marked on the ballots. She was afraid to complain about it there.

3. Mrs. Ann Jones witnessed the following when she entered the Ward One polling place discussed above to cast her ballot. A white man in a blue suit, identity unknown, would ask Negroes who couldn't read if they wanted to vote for the Negro candidates. When they said that they did, he would mark their ballots for Sharp and Lindsey.

4. Mrs. Johnson also witnessed incidents as described immediately above.

5. Mrs. Carnell Young was a poll-watcher (that is, outside the polling place) at the Courthouse. She said that the election judges were not helping people to mark their ballots who were unable to read and write, as they were opposed to do by law, but were letting other people mark them.

6. Mr. Wilbur Roberts was a representative for the candidate inside the Arkansas Power and Light Building polling place. He was told by the judges to take a seat which was located where he was unable to see.

GOULD

In Gould, a town 82% Negro, Mr. A.B. Allen, a Negro, was defeated by Mr. Know Bitely, by more than three to one. . . Fraud occurred at each of the three polling places in the school district. At City Hall: Poll-watchers for Mr. Allen maintained a watch outside of the polling place throughout the day. They counted the number of white and of Negro voters who entered the polling place, and made a list of the names and ballot numbers of most of the Negro voters there: A total of 272 persons voted in that polling place. The judges' total, however, comes to 288. Moreover, of the 272 observed, 218 were Negroes, and 54, whites. Yet the judges' outcome for this polling place was: Allen, 150; Bitely, 138. (Incidentally, only 28 whites live in Ward 3. City Hall was the polling place for Ward 3 residents only.)

Also at City Hall, Mrs. Carrie Dilworth, Mr. Allen's representative at the counting of the ballots, reported the following:

(1) Eighteen stubs were found in the ballot box. This is in violation of Arkansas law, which requires that the stubs (which contain both the ballot number and the voter's number) to be placed in a separate, sealed stub box. The stubs were replaced in the ballot box when the counting was completed.

(2) Fourteen bad ballots were found, marked with check marks outside the boxes. The judges called the County Clerk, Mr. Goyen, who said that they should be counted anyway. Five were "given" to Allen, and nine to Bitely.

(3) The judges said that 314 people voted, yet only 288 ballots were counted, and none thrown away.

At the Youth Center: Here, the judges awarded 25 votes to Allen, and 304 to Bitely--a total of 329 votes. Poll watchers for Mr. Allen, however counted a total of only 243 voters -- 30 Negroes, and 213 whites.

At Douglass Store: The judges said that there were 7 votes for Allen, and 220 for Bitely. Yet 12 people who are willing to sign affidavits that they voted for Mr. Allen.

According to Mr. Goyen, the County Clerk, there are a total of 993 eligible voters in the district. Probably no more than about 250 of these voters are whites. If the tally of the poll-watchers is accurate, 267 whites were counted at City Hall and the Youth Center. Most of the 127 voters at the Douglass Store, in addition, were white, consequently it appears likely that more white votes were cast than there were white voters eligible.

More generally, observers at more than one polling place reported:

(1) Many Negroes were being sent to a polling place which was not the one designated for their place of residence. People who lived in the same house were sent to different polling places.

(2) Many white people entered the polling places several times.

(3) Howard Holtoff, head of the Gould City Council, attempted to intimidate Negroes into voting for Bitely. One man was told by Holtoff after he voted that he could go to Mr. Allen if he ever wanted to borrow money again. (The man had not told Mr. Holtoff how he voted.)

(4) The election judges were taking away the permanent registration slips from Negro voters. Also, the judges would not allow a number of Negroes to vote until they produced these slips, although other voters were allowed to vote without them.

WEST MEMPHIS

In the West Memphis-Hulbert school district, Negro candidate Milton Meux received only 166 votes. His two white opponents, Robert Buck Jr., and O. C. Haley, received 1,608 votes and 209 votes, respectively. West Memphis is 41.2% Negro. The election was characterized by a large number of missing ballots. A rigidly enforced system of segregation at the polling place made relatively simple the task of eliminating the ballots of Negro voters.

2. West Memphis SNCC field secretary Vernon Crutchfield reported:

(1) He witnessed a Sheriff's deputy enforcing segregation on the lines at the polling place. (The segregated lines were depicted in a front page photograph in the West Memphis Evening Times of September 28, 1965.)

(2) The deputy discriminated against Negro voters by allowing as many as ten white voters into the polling place for every Negro voter.

2. Mrs. Bennet reported that she saw election officials telling Negroes whom to vote for.
3. Mr. Floyd Peete reported that the ballot boxes were segregated on the basis of race.
4. Mr. B. J. Yarbough reported that some Negroes were denied the right to vote because they didn't bring their registration cards to the polling place, while whites were not asked to show registration cards.
5. Mr. Amos Jackson reported that he saw ballots being taken from Negro voters.

Two representatives of the candidates reported irregularities in the count.

1. Mr. Eddie F. Carter, a poll-watcher and representative of Mr. Meux at the West Memphis Junior High School polling place, reported:

- (1) He was not allowed into the polling place at the beginning of the count.
- (2) A ballot box was removed from the polling place before he was allowed to watch the count.
- (3) Almost a thousand ballots are unaccounted for at this polling place. Mr. Carter maintained a watch outside of the polling place from 12:05 p.m. until 6:30 p.m. on election day, and counted 569 Negro voters. He did not keep count of the number of white voters, but estimates that there were about twice as many white voters as Negro voters. Yet when the ballots were counted at this polling place, the official result was given as: Bucks, 366; Meux, 140; Haley, 71; and one bad ballot -- a total of 578 votes. The September 28, 1965 Evening Times reported that at 11 a.m., 440 votes had been cast at this polling place. In other words, according to the Evening Times and Mr. Carter's actual count, a total of 1009 votes were cast, exclusive of those cast between 11 a.m., and 12:05 p.m., and not counting any white votes cast after 12:05 p.m. This indicates that a rather massive vote fraud took place at this polling place.

2. Mr. R. Anderson Montague, a representative of Mr. Meux at the Dabbs Elementary School polling place, reported that the ballots were counted in two separate rooms simultaneously there, making it impossible for him to observe the counting of all the ballots. A request that another authorized representative be admitted to observe in the second room was denied by the judges.

HELENA

In the election to the Helena-West Helena school district. Negro candidate Joel Hines was defeated by William B. Stratton, 3,150 to 722. The city of Helena is 55.9% Negro; West Helena is about 53% Negro. The election was characterized by attempts at indirect intimidation and irregularities in the voting and counting of the ballots. James Hill, a SNCC field secretary in West Helena, personally witnessed most of the incidents below.

At the Arkansas Street Fire Station:

- (1) Unfamiliar white people were seen entering this polling place to vote in the course of the day. SNCC observers felt it was likely that many of these persons were voting illegally.
- (2) There was an excessive police presence at this polling place, in a heavily Negro neighborhood, such as to amount to an attempt at indirect intimidation of Negro voters.
 - * A policeman sat inside of the polling place throughout the day
 - * During part of the day, a police dog was left unchained and unattended in a police car parked immediately outside the polling place. The windows of the car were left open, and the dog ran back and forth in the car, snarling and barking at voters.
 - * Throughout the day, a great number of police cars were stationed in front of the polling place. County Sheriff Hickey and City Sheriff Ross visited the polling place during the day.
- (3) A number of Negro voters were asked to return home to obtain their permanent registration slips. Voters are not required by law to have these slips in order to vote.
- (4) The judges accompanied most Negro voters into the voting booths and watched them vote, violating the secrecy of their ballots.

At the DeSoto Motel:

- (1) Representatives of the candidates arrived at about 6:20 p.m., ten minutes before the polls were supposed to close, to find that the ballots had already been removed from the boxes, and were separated into two piles.

(2) A representative of the candidates was told by a judge or clerk that they would have to check with the Sheriff before deciding whether she could be admitted. While they were waiting for word from the Sheriff, a police car appeared out front, and the officer unrolled a window in front of a police dog inside, and left the dog unattended. Subsequently, the judges and clerks spoke harshly to the representative, and she was too frightened to watch the counting closely.

In West Helena, many election judges were seen moving from one polling place to another during the voting, leading to the suspicion that illegal activities were being coordinated.

CONCLUSIONS

The events recounted above lead to the conclusion that the elections were characterized by: (1) illegal white voting; (2) attempts at harrassing and disqualifying Negro voters through the registration slip requirement; (3) destruction or manipulation of the ballots cast by Negro voters; (4) deliberate misrecording of ballots cast for Negro candidates; (5) segregation; and (6) attempts, direct or indirect, at intimidating Negro voters.

In each of the cities discussed above, a number of Arkansas statutes were violated. Recourse to the state legal process, however, is generally futile. This is so because these illegal practices do not represent isolated, accidental instances, but a deliberate policy, the purpose of which is to render Negro votes meaningless. This policy has the approval, tacit or outright, and the support, implicit or explicit, of the political and judicial figures who are responsible for enforcing these laws.

The County Board of Election Commissioners, for example, to whom appeal must be made in the first instance, is the same body which appoints the election judges and clerks who were responsible for the frauds in the first place.

Similiar problems arise in going to court. The judges are usually either dependent on, or otherwise sympathetic to, the political organization whose representatives have stolen the election. Even were the judges wholly disinterested and unprejudiced, the judicial process would still remain costly, cumbersome and usually ineffective.

But action can be taken on the Federal level, as well as (or, indeed, instead of) the state level--for these practices are breaches as well of the Fifteenth Amendment to the Constitution, and of the Federal laws enacted for its enforcement.

The latest Federal law that these actions violate is the Voting Rights Act of 1965 (Public Law 89-110), Section 11 (a) of which makes it a Federal crime for anyone to (among other things) fail to tabulate, count, and report the vote of any qualified voter in any election. But this law will be as meaningless as all the earlier Civil Rights Acts which "protected" voting rights--unless the Federal Government enforces it fully, aggressively, and promptly. It is not enough for the FBI to ask a few questions the day after, and to send another report to Washington. Affirmative Federal action must be taken before the frauds take place, to ensure that the elections are honest and free. The Attorney General ought to seek injunctions prior to the election (pursuant to Sec. 12 (d) of the Voting Rights Act) whenever there is any ground for believing that electoral fraud might take place. And a presumption ought to exist that there will be fraud wherever Negroes run against whites in places where Negroes are a substantial proportion of the population, and where Negro candidacies and voting are unusual.

The presence of Justice Department representatives, FBI agents, Federal Marshalls, or other Federal observers at the polling places at the time of the election would be more useful than any prosecutions after the fact. The mere presence of such Federal officials would probably suffice to ensure fair elections. Should this assumption prove false, the time would perhaps have come to begin thinking about removing the election proceedings from local hands altogether.

Authority already exists for many of these actions. To the extent that it is lacking, explicit statutory authority ought to be sought. And if it is said that adequate staff is lacking for these actions, it is the obligation of the Administration to see to it that a sufficient allocation is obtained for the Civil Rights Division of the Justice Department to guarantee vigorous enforcement of all of the provisions of the Voting Rights Act all over the South. There is no reason why the battle for adequate funds for the enforcement of Congress's laws ought to be any less urgent than that to enact them in the first place.

The Constitution does not say "The right of citizens to vote shall not be denied except when it is too much trouble, or politically inexpedient for the Federal Government to prevent it." The Constitution is unyielding: "The right of the 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."

The effect of a failure on the part of the Federal Government is predictable. Until now, many Negro Arkansans have maintained their faith that the ballot box is the way to secure social justice. The continued denial of effective suffrage can be expected to erode that faith. And with disillusionment with the political process will come the heightened sense of alienation from American society that prevails in the ghettos of the North. There can be no assurance that, in such circumstances, the cities of Arkansas will be immune to eruptions of violence such as have stunned the cities of the North.

Time is running out. The Federal Government must demonstrate now, that, nearly a hundred years after the ratification of the Fifteenth Amendment, it is determined to see to it that the right to vote is not made meaningless by frauds, subtle or obvious, such as have been used in last week's election in Arkansas.

October 5, 1965