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ANALYSIS AND STATEMENT ON BEHALF OF THE NEGRO CITIZENS OF SUNFLOWER COUNTY, MISSISSIPPI, TO RAMSEY CLARK, ATTORNEY GENERAL OF THE UNITED STATES, GIVEN APRIL 26, 1967 BY A DELEGATION LED BY REPRESENTATIVE WILLIAM F. RYAN AND BAYARD RUSTIN.

1. UNPRECEDENTED SPECIAL ELECTIONS, MAY 2, 1967

On May 2, 1967, as a result of a court decision of historic significance, Negro citizens of Sunflower and Moorhead towns, Sunflower County, Mississippi, will run as candidates for the first time in history. Special elections were ordered by the U.S. Court of Appeals for the Fifth Circuit in an opinion of March 11, 1966, setting aside the June 8, 1965 municipal elections because Negroes had been denied the right to register in time to vote. Negroes will run for most municipal offices in the two towns.

2. THE 1965 VOTING RIGHTS ACT AND THE NEED IN SUNFLOWER COUNTY

Sunflower County is one of the poorest and most resistant to voting rights for Negroes in the South. Seventy percent of the Negroes are unemployed, while most others earn either \$.30 per hour on plantation cotton fields or \$2.50 per day in the homes of the whites.

Despite repeated urgings by Congressmen and others, no federal registrars or poll watchers have been assigned by the Department of Justice to Sunflower County, the home of Senator James O. Eastland, who rules over

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the Senate Judiciary Committee. Yet only 24 percent of the eligible Negroes are registered--3221 out of 14,000--against 85 percent of the eligible whites.

Only the enforcement of the 1965 Voting Rights Act in Sunflower County can close this unconscionable gap. By the end of 1965, after the Voting Rights Act was passed, 43 percent of eligible Negroes in counties having federal registrars were registered. By contrast, only 15 percent were registered in counties without federal registrars. After so many decades of hardened resistance to Negro registration, Sunflower can better accommodate federal registrars than its Negro citizens the slow trail of registering to vote under present conditions.

The following statement, again urging the assignment of federal voting officials to Sunflower County and urging that federal observers be sent in for the special elections of May 2, is made in the name of the Negro citizens of Sunflower County.

3. JUSTICE DEPARTMENT STANDARDS FOR THE APPOINTMENT OF FEDERAL VOTING REGISTRARS

In April of 1966, when a delegation of thirteen Congressmen asked the then Attorney General Nicholas Katzenbach to send voting registrars to Sunflower County, he said, "As long as state registrars make it possible and convenient for people to vote, we do not like to send in federal registrars " (Washington Post, April 17, 1966). A year later it seems appropriate to apply the Attorney General's standards of "possible and convenient" to see if the state has met its burden as required by the Department.

Can the Justice Department still think it "convenient" or even "possible"

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for impoverished rural citizens to visit the registrar's office during their working hours on weekdays, the only time the office is open?

Is it "convenient" or "possible" for land-based, impoverished Mississippi Negroes to make a 50-mile trip in order to register in the county seat?

And, most importantly, after decades of an as yet unbroken pattern of negligible Negro registration, does not the 1965 Voting Rights Act require the assignment of federal voting registrars to Sunflower County?

4. JUSTICE DEPARTMENT VIEWS ON THE SITUATION IN SUNFLOWER COUNTY

The Justice Department has not been altogether insensitive to the grave difficulties facing Negroes seeking to vote in Sunflower County.

On March 30, 1967, Assistant Attorney General John Doar said in a letter to Senator Robert F. Kennedy that the Department was concerned about the availability of registration in Sunflower County, "considering the size of the county," and the fact that the registrar has held registration in only one location in the county. Mr. Doar reported that the registrar has "taken up with the county board" Mr. Doar's suggestion that registration be conducted in other parts of the county. Not surprisingly, the county board has never agreed to a flexible registration itinerary and schedule that would enable those who cannot now reach the county seat to do so.

Encouragingly Mr. Doar added, "We will continue our efforts to see that registration is readily available and convenient to all citizens of the county prior to the elections in Mississippi this year." The situation in Sunflower County, acknowledged by the Department to discourage voting,

provides an opportunity for the Attorney General to show good faith and make "registration...readily available and convenient to all citizens" by assigning voting registrars immediately.

5. INTIMIDATIONS AGAINST NEGROES WHO SEEK TO REGISTER

Despite the clear congressional mandate and some evidence of Departmental concern, the Negro citizen in Sunflower County, if he is able to register, does so at great sacrifice and in the face of justifiable fear for his life and safety, economic intimidation, and loss of his usually meager job. In Sunflower County those who have canvassed to encourage registration for the May 2 special elections and are doing so for the November elections testify that there is a high incidence of loss of jobs among those registered to vote. Typical is the schoolteacher in Moorhead (who has refused to allow her name to be used) who was told outright by the principal of her school that she would lose her job if she voted on May 2.

6. FEAR AMONG POTENTIAL VOTERS

To further document the need for federal presence in the county, Mrs. Fannie Lou Hamer, vice-chairman of the Mississippi Freedom Democratic Party, has issued a list of names which comprise but a cross-section sampling of Sunflower Negroes who have not registered out of fear. She cites Eliza Brizze, who is certain harm will come to her family; Mr. and Mrs. Joseph Powell of the Smith Plantation, who fear eviction; Mrs. Williams, "who is afraid that her home may be blown up and she will be hurt"; Mr. and Mrs. Lee McKiney, who are afraid that harm will come to their children; and Mr. and Mrs. Butler of the Downs plantation, who are afraid of eviction. All of these citizens have said that they will register with a federal

registrar but not with the circuit clerk in Indianola who, like other officials in Sunflower County, represents and, they feel, is beholden to white Mississippi alone because Negroes have been denied any voice whatsoever in government.

"Some people who work," Mrs. Hamer says, "would register to vote on Saturdays, but the circuit clerk's office closes on Friday. In Rome (Mississippi) on April 9," she continued, "I was talking to a group of people about coming to Indianola to register, and they all walked away. The word 'register' frightened them. If federal registrars could come to where the people are, many more people would vote. They would then feel that the federal government is behind them, and that the Voting Rights Act is not just a paper law.

"Because of the absence of federal officials in Sunflower," Mrs. Hamer says, "we must canvass for voters on back roads in the middle of the night, and take our chances. The people wonder about the absence of federal men in the county, when all surrounding counties have not been left ignored the way we have. The people look at Eastland's 5800-acre plantation right here in Sunflower, and they know why we have to canvass in the middle of the night."

At an April 19 press conference held upon his return from Sunflower County, Manhattan Borough President Percy Sutton described the appalling conditions in the Negro communities there and said, "We saw silent children, crowded on top of each other into relatives' homes, children who, with their parents, have been evicted from the rich landed plantations because their parents dared to register to vote."

The lack of federal support to Negro registrants has given the white community a free hand in their intimidations.

7. THE VOTING RIGHTS ACT AND SUNFLOWER COUNTY

The Voting Rights Act of 1965 requires that, once literacy tests have been suspended, voting examiners will be appointed in any political subdivision for which the U.S. Attorney General certifies that either a) he has received twenty or more written, meritorious complaints that residents have been denied the right to vote by officials or laws, or b) he believes examiners are necessary to protect and assure the right to vote, considering 1) if the ratio of non-white to white registered voters has probably been caused by violations of the right to vote, 2) if there is no substantial evidence of good faith efforts to assure the right to vote, and 3) other relevant factors.

The people of Sunflower have complained in the past that they have been denied the right to vote. The Justice Department knows best the rigid pattern of voting discrimination that has been documented in this county. In addition, the inaccessibility of the registrar's office and the unrealistic hours of registration have been cited as two more factors that make registration impossible. Any fair assessment based on the patent discrepancy between the Negro and white registration figures and the obvious lack of good faith efforts on the part of the county requires support of the claim of the Sunflower citizens that federal registrars and voting officials be assigned to their county if Negroes are to register in significant numbers.

8. THE URGENT AND IMMEDIATE NEED FOR JUSTICE DEPARTMENT OBSERVERS IN THE MAY 2 SPECIAL ELECTIONS

There are similarly weighty arguments for the assignment of poll watchers to the special elections on May 2. The Voting Rights Act aside, the federal responsibility for assuring the vote pursuant to the Fifteenth Amendment, and for preventing intimidation and violence to those who would exercise their voting rights, require federal presence in the towns of Sunflower and Moorhead on May 2. There can be no argument that the Attorney General is without the power to send observers to Sunflower and Moorhead towns who will report directly to the Justice Department about federal violations. Justice Department power is especially clear here, where the elections were ordered by the federal courts. There is no other way for the Department to be sure about, much less prevent voting violations.

There will only be one polling place in each town, with a total of three ballot boxes. The number of men needed to cover these two polling places need not be taxing on the Department.

The Justice Department cannot ignore the fact that the appearance of Negro candidates on the May 2 ballots is a startling development of a kind that has always aroused the hostility of the white community. The exercise of the vote by Negroes in other towns and at other times has been met with fraud, intimidation and violence. Last June, when Mississippi Freedom Democratic Party candidates challenged white incumbents for House and Senate seats, fraud and intimidation was the rule at polling places. Certified poll watchers were bodily removed from polling places or barred from the polls. Illiterate voters had their ballots interpreted improperly to them. Campaign posters were hung in polling places on election day.

As important to the voters of Sunflower and Moorhead as the presence of federal poll watchers, is the integrity and objectivity of the men assigned. Other Mississippians with experience in dealing with local Justice Department officials have said, to quote one voter, "These people are as bad as the ones we're fighting."

9. THE UNAVOIDABLE FEDERAL RESPONSIBILITY

The Negro citizens of Sunflower County are entitled to the assignment of federal registrars and poll watchers to their county for the November countywide elections and of Justice Department observers for the imminent elections of May 2. They realize, as the Department must, that their right to vote depends on this federal support.

The summer is beginning in Mississippi, as it is in ghettos across the land. The resentment and upheavals marking other summers in Negro areas are predicted for the coming months. Especially the Negro citizens in the South, who at great risk have taken upon themselves the burden of implementing American principles of justice and freedom, desperately need proof of good faith from their government.

By sending the federal protection that is their right under the law, the Justice Department will be doing justice to American Negroes. And the Federal Government will be augmenting the trust and hope they seek.

By ignoring these valid demands and bowing to racist opposition, the government of the United States will bear a large share of the responsibility for the despair of its Negro citizens.

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