

Existence Of Law Does Not Make Compliance Automatic In Alabama

Justice Department Ignores Vote Law

By JERRY DEMUTH

The Justice Department, in the recent elections in Alabama, has again created a difficult situation for itself by its own lack of action under existing laws.

In Dallas County, the seat of which is Selma, racist Sheriff Jim Clark, who was up for re-election, is challenging six ballot boxes from Negro wards which gave him less than 100 votes. His opponent, Wilson Baker, received almost 1500 votes.

The Dallas County Democratic Executive Committee, backing up Clark, has ruled that the ballots are not to be counted because the boxes were not watched by poll watchers all of the time. With these six boxes counted, Baker would win. Without these votes, a runoff between the two would be necessary.

The Justice Department has filed suit to have Baker declared the winner. However, the department did not have federal examiners watch any of these six boxes on election day although it could have done so under the 1965 Civil Rights Act.

The department sent federal examiners into only seven Black Belt Counties in Alabama. But even in these counties at least one-third of the ballot boxes were not watched by federal examiners.

Assistant attorney general John Doar, who heads the department's civil rights division, explained that few examiners were sent to Alabama because the department wanted to give local officials a chance to, of their own accord, conduct fair elections.

This is the same attitude the department took last summer when it sent few federal registrars to southern counties under the 1965 Civil Rights Act. It eventually had to step

up the number, although the total remained inadequate.

Southern counties showed that they could not be trusted to freely register Negroes just as Alabama counties showed that they could not be trusted to conduct fair elections. Negro poll watchers reported white officials wrongly marking the ballot of an illiterate Negro and bid of delaying tactics so one could not immediately assume her duties, but instead had to wait over two hours. But in three counties even federal examiners were prevented from watching polling officials mark ballots for illiterate voters.

The Justice Department has assumed that just the mere existence of a law will make southern counties stop discriminating and act honestly. This attitude is not only wrong but it makes the department purely an agency which tries to persuade officials to change, or which tries to mediate the situation. But by its nature the Justice Department is an enforcing agency, not an instrument of persuasion and mediation.

The department has continually taken this go slow approach, hoping that local citizens and officials will suddenly, without pressure, decide to comply fully with federal laws. It also has preferred minimum enforcement of recent weak civil rights laws to enforcement of older and stronger laws, rooted in the post Civil War Reconstruction Period and written to deal specifically with intimidation of and discrimination against Negroes as still exists today.

The Justice Department has even halted moves toward improving civil rights in the South.

Robert Kennedy, while attorney general, again and again stopped the Civil Rights Commission from holding hearings in Mississippi. The commission wasn't able to hold hearings until just a year ago. Kennedy also forced a

congressional subcommittee to drop its proposals for strengthening the injunctive powers of the Justice Department.

Howard N. Meyer, a former assistant to the U. S. Attorney General, strongly criticized this attitude of the department's in a review of a book by Barker Marshall, Doar's predecessor as assistant attorney general.

Writing in *Commonweal* of December 11, 1964, Meyer, with obvious irritation, stated, "... Mr. Marshall's basic assumption ... seems to be that our federal system requires tolerance of the denial of federal rights, perpetrated or permitted by state officials, for unspecified periods of grace."

It is time for the Justice Department to stop playing patsy with southern racist officials and to begin really acting like the enforcement agency it is supposed to be.

Auto Exhaust Is A Political 'Hot-Potato'

(From The New York Times)

Los Angeles—The hard realities of politics threaten to delay for at least 10 years the presently possible amelioration of an important portion of the growing air pollution problem in the United States.

This is the firm opinion of some of the ranking experts who have been coping with the problem here.

Their reasoning is simple. A major source of smog is automobiles. Starting late next year, federal law will require fume-suppressing equipment on all new cars. But around 90 per cent of the 90 million vehicles on the nation's highways are used cars.