

21.9.3

*Lordsburg*

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF MISSISSIPPI; ET AL.,

Defendants.

CIVIL ACTION NO. 3312

ANSWERS TO INTERROGATORIES OF STATE OF MISSISSIPPI;  
MRS. PAULINE BASLEY, CIRCUIT CLERK AND REGISTRAR OF  
CLAIBORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND  
REGISTRAR OF COAHOMA COUNTY; T. E. WIGGINS, CIRCUIT  
CLERK AND REGISTRAR OF LOWNDES COUNTY.

PURPOSE OF LAWS 1890, 1954, 1960, 1962

DECREASE IN NEGRO REGISTRATION 1890 - 1954

ANSWER TO INTERROGATORIES NUMBERS 2(a) AND 4(a) AS TO THE SPECIFIC FACTS ON WHICH THE UNITED STATES BASES THE ASSERTION CONTAINED IN PARAGRAPH 16 OF THE COMPLAINT THAT ONE OF THE CHIEF PURPOSES OF THE MISSISSIPPI CONSTITUTION OF 1890 WAS TO RESTRICT THE NEGRO FRANCHISE AND TO ESTABLISH AND PERPETUATE WHITE POLITICAL SUPREMACY AND RACIAL SEGREGATION IN MISSISSIPPI, AND AS TO THE FULL FACTUAL BASIS FOR THE ASSERTION CONTAINED IN PARAGRAPH 17 OF THE COMPLAINT THAT SECTION 244 OF THE MISSISSIPPI CONSTITUTION OF 1890 WAS DESIGNED TO ACCOMPLISH THIS PURPOSE

The factual basis for the allegation that the purpose of the Mississippi Constitution of 1890, and specifically Section 244 of that Constitution, was to restrict the Negro franchise and to establish and perpetuate white political supremacy in Mississippi is as follows:

A. QUALIFICATIONS FOR VOTERS UNDER THE CONSTITUTION OF 1869 AND UNDER THE CONSTITUTION OF 1890.

Under the Mississippi Constitution of 1869, which remained in effect until 1890, the qualifications for a voter were that he be<sup>1/</sup>

- (1) A male citizen of the United States;
- (2) Twenty-one years of age or older;
- (3) A resident of the State six months and of the county (one month);
- (4) Registered to vote;
- (5) Not disqualified by reason of insanity, idiocy, or conviction of certain crimes.

On February 5, 1890, the Mississippi Legislature passed a statute calling for the convening of a constitutional convention to revise and amend the present state constitution.

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<sup>1/</sup> P90-1. Mississippi Constitution of 1869. Article VII, Section 2.

or to enact a new one.<sup>2/</sup> On August 12, 1890, the convention opened<sup>3/</sup> and by November 1, 1890 a new constitution was adopted.<sup>4/</sup>

New qualifications for voters required that each elector<sup>5/</sup>

- (1) Be a male citizen of the United States;
- (2) Be twenty-one years of age or over;
- (3) Be a resident of the State two years and of the election district or municipality one year;
- (4) Be registered to vote;
- (5) Be not disqualified by reason of insanity, idiocy, or conviction of certain crimes;
- (6) Be able to read any section of the State Constitution, or be able to understand it when read to him, or to give a reasonable interpretation of it.
- (7) Have paid all taxes by February of the year in which he desires to vote and produce evidence of payment. This includes payment of an annual poll tax of two dollars.

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<sup>2/</sup> P90-3. Laws of 1890, Chapter 35.

<sup>3/</sup> P90-4. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 3.

<sup>4/</sup> P90-5. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 637-638.

<sup>5/</sup> P90-2. Mississippi Constitution of 1890. Article XII, Sections 241, 243, and 244.

A complete re-registration of all voters in the state in accordance with the new qualifications was required before the first election following January 1, 1892.<sup>6/</sup>

This new constitution was not submitted to the electorate for ratification.<sup>7/</sup>

B. POPULATION AND REGISTRATION STATISTICS FOR THE PERIOD

In 1870 Negroes constituted 53.7% of the population of Mississippi. This percentage increased to 57.5% in 1880 and to 57.6% in 1890.<sup>8/</sup> In 1890 55.5% of the persons eligible to vote in Mississippi were Negroes.<sup>9/</sup>

C. A PURPOSE TO DISCRIMINATE AS SHOWN BY THE HISTORY OF THE CONVENTION OF 1890

1. Documents Upon Which the Government Relies To Show Purpose

For the period immediately preceding the Constitutional Convention newspaper articles quoting persons who subsequently became delegates provide the only available background information on developments leading up to the adoption of the Constitution of 1890. These articles are admissible because

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<sup>6/</sup> p90-2. Mississippi Constitution of 1890. Article XII, Section 244.

<sup>7/</sup> P90-6. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 628. The concluding sentence in the Journal for November 1, 1890, reads as follows: "This Constitution, adopted by the people of Mississippi in Convention assembled, shall be in force and effect from and after this, the first day of November, A.D., 1890."

<sup>8/</sup> C - 8. Negroes in the United States. Department of Commerce and Labor, Bureau of the Census. (Washington, D.C.: Government Printing Office, 1904), p. 109.

<sup>9/</sup> C - 2. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1896 and 1897. (Jackson, Mississippi: The Clarion-Ledger Print., 1897), p. 67.

these persons were not only delegates but also draftsmen of the constitution.

The proceedings of the Convention itself were recorded in the official Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. This journal is a condensed record of daily minutes, resolutions, proposed amendments, voting tabulations and several committee reports. It does not contain speeches made by delegates or debates on the floor of the Convention or in committee meetings.

A resolution submitted August 14 to the Convention directed that copies of the Daily Clarion-Ledger be furnished as reports to all delegates.<sup>10/</sup> However, because a large number of the delegates were already subscribing to the Daily Clarion-Ledger and using it as their unofficial Convention report, this resolution was tabled.<sup>11/</sup>

For the period during which the Convention met, August 12 through November 1, 1890, the Clarion-Ledger, a Jackson Mississippi, newspaper did publish a daily coverage of the Convention which included the complete texts of some speeches and significant quotations from other speeches made by delegates to the Convention.<sup>12/</sup>

The accuracy of the Clarion-Ledger as the unofficial journal of the Convention is attested to by the fact that

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<sup>10/</sup> P90-7. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 23.

<sup>11/</sup> P90-13. The Clarion-Ledger. Jackson, Mississippi. August 21, 1890, p. 3.

<sup>12/</sup> P90-14. The Clarion-Ledger. Jackson, Mississippi. July 31, 1890, p. 4, col. 3.

the state printer, R. H. Henry Company, Jackson, which printed the Daily Clarion-Ledger, also printed for all delegates, by order of a Convention resolution on August 18, 1890, copies of the rules, all amendments, articles and resolutions submitted to the Convention.<sup>13/</sup>

Post-Convention documents are limited to six sources: Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890, which reunion was held in 1910; Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890, which reunion was held in 1927; the Publications of the Mississippi Historical Society, a publication sponsored by the State of Mississippi; Mississippi Constitution of 1890, An Address Delivered to the Mississippi State Bar Association in 1923 by Judge R. H. Thompson; the Clarion-Ledger, described above; and Mississippi Constitutions, a text by George H. Ethridge.

The first three sources in the preceding paragraph are official publications, as their publication and printing was sponsored by the State of Mississippi,

The address to the Mississippi State Bar Association was made by a former delegate to the Convention; the Clarion-Ledger article appeared immediately after the Constitution had been adopted; and Mississippi Constitutions was written by an Associate Judge of the Supreme Court of the State of Mississippi.

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<sup>13/</sup> P90-8. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 59.

See the following cases for authority for the admissibility of these documents: Hall v. St. Helena Parish School Board, 197 F. Supp. 649 (E.D. La., 1961), aff'd 368 U.S. 515 (1961); Davis v. Schnell, 81 F. Supp. 872 (S.D. Ala., 1949), aff'd. 336 U.S. 933; Dallas County v. Commercial Union Assurance Co., 286 F. 2d 388 (5th Cir., 1961; Wisdom, J.); Morris v. Lessees, 7 Pet. 553, 558 (1883; Story, J.).

2. The Background and Setting in Which The Constitutional Convention was Called.

a. White Control of State Political Positions Prior to and Including 1890.

Prior to and during the Constitutional Convention practically all important Mississippi federal, state, county, and local governmental positions were occupied by white citizens.

Other than in the State Legislature, Mississippi Negroes occupied fewer than ten positions as United States Congressmen or in Mississippi state government during the period from 1875 to 1890.<sup>14/</sup>

In 1890 there were no Negroes among the 40 members of the Mississippi State Senate and four Negroes among the 120 members of the State House of Representatives.<sup>15/</sup>

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<sup>14/</sup>C - 5. Biennial Report of the Secretary of State to the Legislature for the Years 1898 and 1899. pp. 174-190.

<sup>15/</sup>C - 1. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1888 and 1889. (Jackson, Mississippi: R. H. Henry, State Printer, 1890), pp. 5-8.

b. Statements of the White Political Leaders Regarding the Convention.

Judge Chrisman of Lincoln County, in a speech to the Convention reported in the Clarion-Ledger, September 11, 1890, commented on the methods by which white men had regained control of political positions in Mississippi after 1875:<sup>16/</sup>

Sir, it is no secret that there has not been a full vote and a fair count in Mississippi since 1875 -- that we have been preserving the ascendancy of the white people by revolutionary methods. In plain words, we have been stuffing ballot-boxes, committing perjury and here and there in the State carrying the elections by fraud and violence until the whole machinery for elections was about to rot down.

According to the Clarion-Ledger, October 24, 1889, J. Z. George, United States Senator from Mississippi, addressed a gathering of citizens at the hall of the Mississippi House of Representatives. He said:<sup>17/</sup>

OUR FIRST DUTY, THEREFORE,

when we meet in convention, is to devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government, under the control of the white people of the state.

As early as 1876 there was growing pressure to revise the Constitution of Mississippi by a constitutional convention. Judge R. H. Thompson, a delegate to the 1890 Convention, later summed up this movement in an address to the Mississippi

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<sup>16/</sup>P90-15. The Clarion-Ledger. September 11, 1890, p. 1, col. 1.

<sup>17/</sup>P90-16. The Clarion-Ledger. October 24, 1889, p. 1, col. 3.



State Bar Association:<sup>18/</sup>

Several ineffectual efforts were made between 1876 and 1890 to have a Constitutional Convention called; these efforts failed because a majority of the white people seemed firmly convinced that a convention would be powerless to so far disfranchise the Negroes as to give the white people a majority of the electors of the state. . .

Seventeen days after the statute calling for the Constitutional Convention was passed, Judge S. S. Calhoun, later elected President of the Convention, wrote an article for the Times Democrat. The Clarion-Ledger, March 6, 1890, reprinted this article.<sup>19/</sup>

That the Negro fought for the Union is true, but he fought for his freedom. He has been awarded what he fought to obtain, and with his pension, and there was no warrant in his expecting to share in the governing power, nor was there any such promise or previous design. To so share will jeopardize his own future and that of the whites.

If he brings his own reason to bear on his condition he must see that his future is better assured without the ballot.

c. Election of Delegates to the Constitutional Convention.

The delegates to the Convention were to be elected by the people: 120 according to the apportionment for the State House of Representatives, and 14 from the State at large.<sup>20/</sup>

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<sup>18/</sup>p90-19. Thompson, R. H. Mississippi Constitution of 1890 - An Address Delivered to the Mississippi State Bar Association. (Biloxi, Mississippi: 1923), p. 3.

<sup>19/</sup>p90-17. The Clarion-Ledger. March 6, 1890, p. 2, col. 1.

<sup>20/</sup>p90-3. Laws of 1890, Chapter 35.

The election was held on July 29, 1890.<sup>21/</sup> Although over 57% of the population of Mississippi was Negro,<sup>22/</sup> only one of the 134 delegates elected was a Negro.<sup>23/</sup>

3. The Proceedings of the Constitutional Convention of 1890.

a. Opening Address of the President of the Convention.

The Constitutional Convention of 1890 was opened with an address by the President of the Convention, S. S. Calhoun.

He told the delegates:<sup>24/</sup>

. . .[W]hen any of the five distinct races encounter each other in the matter of government. . .from the instinct implanted in its nature, it desires to be in the ascendancy.

This is so true, so general, such a historic fact that it may be said to be a law of God. This shows the difficulty of one of the problems you have to encounter.

This ballot system must be so arranged as to effect one object, permit me to say -- for we find the two races now together, the rule of one of which has

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<sup>21/</sup> P90-38. Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890, (1927). (Jackson, Mississippi: Premier Printing Co., 1928), p. 48.

<sup>22/</sup> C-8. Negroes in the United States. Department of Commerce and Labor, Bureau of the Census. (Washington, D.C.: Government Printing Office, 1904), p. 109.

<sup>23/</sup> P90-39. Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890, (1927). (Jackson, Mississippi: Premier Printing Co., 1928), p. 53.

<sup>24/</sup> P90-9. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 10-11.

always meant economic and moral ruin;  
we find another race whose rule has  
always meant prosperity and happiness  
to all races.

What does the instinct of self-  
protection require us to do? We  
have been twenty-five long years  
endeavoring to have strictly homol-  
ogous political relations between  
those races. We have failed.

. . .

That is the great problem for which  
we are called together; that is the  
great question for you to solve, and  
the outside world is looking anxiously  
and our sister States of the South are  
looking at the solution we arrive at  
in reference to that question.

b. Committee Resolutions.

The Convention established several committees to write  
the new constitution. The thirty-four member Franchise  
Committee made the following resolution on August 15:<sup>25/</sup>

Resolved that it is the duty of this  
Com. to perform its work in such a  
manner as to secure permanent ~~white~~<sup>26/</sup>  
intelligent rule in all the depart-  
ments of the state government and  
without due violence to the true  
principles of our republican system  
of government. . . .

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<sup>25/</sup>P90-47. Quoted by J. S. McNeilly in "History of the  
Measures Submitted to the Committee on Elective Franchise,  
Apportionment, and Elections in the Constitutional Convention  
of 1890," Publications of the Mississippi Historical Society.  
(Oxford, Mississippi: Printed for the Society, 1902), p. 133.

<sup>26/</sup>P90-45. In the original handwritten copy of the res-  
olution the word "white" appears and is crossed out; the res-  
olution which was adopted by the Franchise Committee does not  
contain the word "white". "Minutes of the Committee on Elec-  
tive Franchise, Apportionment, and Election," from the papers  
of Charles K. Regan, Secretary of the committee, in the  
Mississippi Department of Archives and History, Jackson,  
Mississippi.

On the 44th day of the Convention, the Preamble Committee submitted the following resolution:27/

WHEREAS, There are in the State of Mississippi, and some other of the States of the United States, in approximately equal numbers, two distinct races or types of mankind, the white and the negro; and

WHEREAS, These two races, though friendly and homogeneous for all business and industrial purposes, are widely separated by race instincts and prejudices in all political and social matters; and

WHEREAS, We are without any well founded hope of a change, in respect to the political relations of the two races, but, in our opinion, they will ever be divided in all political contests in the main, on race lines, rather than on economic and other questions of common interest to them; and

WHEREAS, With such a condition, the one race or the other must have charge and control the governments of such States, and to do so there will be ever recurring conflicts of greater or less magnitude between them; and

WHEREAS, A government thus maintained, existing and resulting upon such a condition, Must of necessity be without permanence, efficiency or stability; and

WHEREAS, Such condition of insecurity is not only a great political or social evil, but also greatly impedes all industrial development; and inasmuch as the white people only are capable of conducting and maintaining the governments of such States, giving security

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27/ P90-10. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), pp. 303-304.

and protection to the whole people and property thereof, the negro race, even if its people were educated, being wholly unequal to such great responsibility, if they should come into control of such governments; therefore be it

Resolved, By the people of the State of Mississippi, in this, its Constitutional Convention assembled, that it is our deliberate judgment and opinion that the true and only efficient remedy for the great and important difficulties arising out of the conditions set forth in the foregoing preamble, lies in the repeal of the XV Amendment of the Constitution of the United States, whereby such restrictions and limitations may be put upon negro suffrage, by the several States, as may be necessary and proper for the maintenance of good and stable governments therein;

Resolved, That we request that the Congress of the United States cause to be submitted to the several States, a proposition to repeal said XV. Amendment of the Constitution, and that we will cheerfully accept as a condition to such repeal such reduction in representation in the House of Representatives of Congress from Mississippi as may be reasonable and just in view of the diminution of the number of voters in the State consequent upon such repeal of said XV. Amendment.

Resolved, That the Senators and Representatives in Congress from Mississippi, are requested to bring these resolutions and preamble to the attention of Congress.

c. Statements by Delegates.

The Clarion-Ledger of September 18, 1890, reported a speech to the Convention by W. S. Eskridge, of Tallahatchie County, in which he said:<sup>28/</sup>

We stand confronted, sir, with 70,000 male adult negroes in this State in

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<sup>28/</sup>P90-18. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 1, col. 3.

excess of the white vote, a majority which if organized and handled by adroit and courageous leaders, might at the ballot box, at any election, by taking the white votes unawares, overthrow the present civil government. It is to prevent such a danger, and to guard against such a calamity that we are assembled here this day. How is this end to be accomplished? Only, in my judgment, by such an adjustment of the basis of suffrage as will secure to the white race a fixed and permanent majority. The white people of the State want to feel and know that they are protected not only against the probability but the possibility of negro rule and negro domination. They demand this at our hands, it is for this they have sent us here, and nothing short of this will satisfy them, or excuse us. The remedy is in our hands, we can if we will afford a safe, certain and permanent white supremacy in our state.

According to the Clarion-Ledger of September 18, 1890, Mr. Witherspoon, floater delegate representing Kemper, Lauderdale and Clarke Counties, stated on the floor of the Convention:<sup>29/</sup>

There is no question that, in this state, the powers of government are politically and constitutionally lodged in the Negro race, and that the paramount object of this Convention is to transfer it to and vest it in the white race, and this could be accomplished in either of four ways: To abolish [the] 15th Amendment, or lodge political power in certain individuals, or by an educational or property qualification, or to lodge political power in certain localities  
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Mr. Melchoir of Bolivar County stated in his resolution a recognition of purpose for the convention:<sup>30/</sup>

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<sup>29/</sup>p90-19. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 3, col. 4.

<sup>30/</sup>p90-46. "Printed Proposition Number 261, for the Constitutional Convention of 1890," from the papers of Charles K. Regan, in the Mississippi Department of Archives and History, Jackson, Mississippi.

Whereas the manifest intention of this  
convention to secure to the State of  
Mississippi 'white supremacy'. . .  
(Clarion-Ledger, September 25, 1890)

The following eight statements were reported in the  
Clarion-Ledger by its special correspondent to the Convention,  
J. L. Power.

Mr. McGehee of Franklin County stated:<sup>31/</sup>

I will agree that this is a govern-  
ment of the people, by the people,  
and for the people; but what people?  
When this declaration was made by  
our forefathers it was for the Anglo  
Saxon people. That is what we are  
here for today to secure the suprem-  
acy of the white race. (September 18,  
1890)

Mr. Boyd of Tippah County stated:<sup>32/</sup>

The right of suffrage is inherent in  
the Caucasian race and cannot be  
taken away. (September 11, 1890)

Mr. Yerger of Washington County stated:<sup>33/</sup>

There may be some in his section who  
will not approve it; but all we ask  
is a fair show for the Anglo Saxon  
and he will come to the front when-  
ever he has opportunity. (Septem-  
ber 11, 1890)

Mr. Bell of Kemper County stated:<sup>34/</sup>

We are embarked in the same ship of  
white supremacy, and it is freighted

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<sup>31/</sup> P90-20. The Clarion-Ledger. Jackson, Mississippi.  
September 18, 1890, p. 3, col. 3.

<sup>32/</sup> P90-21. The Clarion-Ledger. Jackson, Mississippi.  
September 11, 1890, p. 5, col. 3.

<sup>33/</sup> P90-22. The Clarion-Ledger. Jackson, Mississippi.  
September 11, 1890, p. 5, col. 4.

<sup>34/</sup> P90-23. The Clarion-Ledger. Jackson, Mississippi.  
September 11, 1890, p. 5, col. 4.

with all our hopes. (September 11, 1890)

Mr. Miller of Leake County stated:<sup>35/</sup>

[H]ence I appeal to my brethren and representatives of the white counties to stand by the report of the [Franchise] committee, and let us have the questionable, and shameful methods of controlling the ballot box stopped, these methods are demoralizing to our young men and there is a general outcry that they must cease. I believe the plan as reported by the Committee will effect this great reform. The Committee say they believe it will do so, and still leave the State under the control of the whites. (September 18, 1890)

Judge Calhoon, President of the Convention, stated:<sup>36/</sup>

We want them [the Negroes] here, but their own good and our own demands that we shall devise some means by which they shall be practically excluded from government control. (September 18, 1890)

Mr. E. Mayes from Lafayette County, who was representing the state at large, in referring to the report of the Franchise Committee, stated:<sup>37/</sup>

I said, that, if the objective were to pass a Constitution which would secure the control of the State to the Demo-

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<sup>35/</sup> P90-24. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 2, col. 4.

<sup>36/</sup> P90-25. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 3, col. 2.

<sup>37/</sup> P90-26. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 1, col. 3.



cratic party, that also was impossible; but, that if the objective were to create a Constitution which would secure the control of the State virtually to the white people in the State that could be done, and Sir, I believe it can be done, and I believe that this report will do it. (September 18, 1890)

Mr. Boothe of Panola County, stated:<sup>38/</sup>

But suppose the hand of the white man in the black counties is lifted, and the negro is guaranteed a free ballot and a fair count and avails himself of it, and there is no limitation upon suffrage, what would be the result? The gentleman from Tippah might come here as a member of the Senate or House from his county, but he would be confronted by a negro President in the other end of this Capital and be rapped down by a negro Speaker in this hall. (September 18, 1890)

d. Discussion of a Constitutional Interpretation Test.

An interpretation test was proposed in the Convention. This would require a voter to be able to read, or to understand, or to give a reasonable interpretation of any section of the Mississippi Constitution.

According to the Clarion-Ledger, September 18, 1890, Mr. Eskridge, opposed this section in the Convention:<sup>39/</sup>

On the basis of the census of 1880, there is eleven per cent illiteracy amongst the white race, whilst with the blacks the per cent is seventy-six. This scheme [the reading aspect of the test] would therefore

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<sup>38/</sup> P90-27. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 2, col. 2.

<sup>39/</sup> P90-28. The Clarion-Ledger. Jackson, Mississippi. September 18, 1890, p. 1, col. 4.

disfranchise only eleven whites in 100, whilst it would reduce the black vote 76 in 100. The advantage therefore in favor of the whites would be very considerable.

My objection to this qualification [the understanding clause] I will state very briefly. I fear sir, it will lead to trickery and fraud. The people of the State are looking to us and expecting at our hands to settle the suffrage question on such a basis as will establish beyond doubt white supremacy and place the State above trickery and fraud at the ballot box. This is in our power to do if we have but the courage and manhood to do it.

Adopt this qualification and it places in the hands of the officer who is to apply the test the power to defraud and to disfranchise.

On September 11, 1890 the Clarion-Ledger reported that Judge Chrisman from Lincoln County stated:<sup>40/</sup>

. . .I stop to say that the proposition that in 1895 a man shall be able to read the Constitution, or be able to understand any clause of it when read to him, stamps the whole scheme of the Committee with disfavor. It don't look honest, straight-forward or manly. It looks like a farce to make a registration officer decide whether a voter rightly interprets a clause of the Constitution. If the register [sic] decides that the voter rightly interprets the clause, he is a qualified voter. If he does not understand it he cannot register. This section, the meaning of which has been the subject of learned and dissertation [sic] by the Storys, the Marshalls, and the Sharkeys on the bench, are to be

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<sup>40/</sup> P90-29. The Clarion-Ledger. Jackson, Mississippi. September 11, 1890, p. 1, col. 1.

submitted to the voter who cannot read for construction, and upon the decision of a registration officer as to whether he correctly construes its meaning depends the right of the citizen to vote.

It looks as if it was intended that if a register [sic] wanted the man to vote he would read him some such clause as Slavery except as a punishment for crime should be forever prohibited. 'Do you understand this?' 'Oh yes.' But if he did not want him to vote he would read him the interstate clause or the section forbidding the Legislature to pass ex post facto laws and demand a construction.

In a letter to the Natchez Democrat, republished in the Clarion-Ledger of October 9, 1890, the Honorable G. T. McGehee, delegate from Wilkinson County, was willing to compromise:<sup>41/</sup>

Not willing to rest under any such imputation, I write to disclaim the paternity of anything so vague in its application and uncertain in its effect. I was a member of the subcommittee who drew up the Franchise clause throughout. When, however, I found that the white counties would agree to nothing more stringent, I with the other black county men took it on the principle that 'half a loaf is better than no bread.'

A Clarion-Ledger editorial for October 9, 1890, stated:<sup>42/</sup>

Mr. McLean of Grenada, was right when in condemning this section he said, that 'the people sent the delegates to the Convention to secure white supremacy, not by a trick or artifice, not by fraud, strategem, or subterfuge. but by brave, open, honest and honorable methods; that this section was a fraud upon its face and the trail of the serpent was on

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<sup>41/</sup>P90-30. The Clarion-Ledger. Jackson, Mississippi. October 9, 1890, p. 2, col. 2.

<sup>42/</sup>P90-31. The Clarion-Ledger. Jackson, Mississippi. October 9, 1890, p. 4, col. 2.

it all; that the mephitic vapour which arises from the section actually stinks in the nostrils of an honest man and makes one feel like stuffing the registration books.'

Despite the opposition to it, the interpretation test was adopted.<sup>43/</sup> The section of the Constitution proscribing the interpretation test was reaffirmed by the Convention in late October when a motion was made to reconsider it.<sup>44/</sup> The Clarion-Ledger of October 30, 1890 summarized the various positions of the supporters of the interpretation test:<sup>45/</sup>

Several reasons may be given why the Convention refused to rescind the 'Understanding Clause' of section 5; Stubbornness on the part of a few delegates; the belief that the clause would work well on the part of others; fear by some that if the 'Understanding Clause' were rescinded that the whole of Section 5 would be repealed; the belief by many that it would exclude from the polls all negroes who could not read; and still others hope that no white Democrat will be denied a vote under it.

The Clarion-Ledger of December 18, 1890 reprinted an interview with Governor John M. Stone of Mississippi by a Memphis Appeal-Avalanche reporter in December 1889; Governor Stone said in part:<sup>46/</sup>

There is some dissatisfaction about that understanding clause in Section 5, but

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<sup>43/</sup> P90-11. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), p. 269.

<sup>44/</sup> P90-12. Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Mississippi: E. L. Martin, 1890), pp. 542-545.

<sup>45/</sup> P90-32. The Clarion-Ledger. Jackson, Mississippi. October 30, 1890, p. 4, col. 2.

<sup>46/</sup> P90-33. The Clarion-Ledger. Jackson, Mississippi. December 18, 1890, p. 5, col. 1.

not a great deal. The newspapers made a great deal of fuss about it; still I don't think it will do any great harm; of course much depends upon the way in which it is administered.

D. A PURPOSE TO DISCRIMINATE AS SHOWN BY POST-CONVENTION STATEMENTS.

1. Subsequent Comments by Delegates.

In 1910 a reunion of the survivors of the Constitutional Convention was held at the State Capitol Building in Jackson.<sup>47/</sup> The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890, the official journal of the meeting, contained a speech by Mayre Dabney, delegate from Warren County, who restated the purpose of the Convention:<sup>48/</sup>

It was understood in advance of the call for that Convention, that the primary purpose of it was to adopt some provision in our organic law which would secure to the State a good and stable government, freed from the incubus of Republican or negro rule from which we had suffered since the adoption of the 1869 constitution. . . . All understood and desired that some scheme should be evolved which would effectively remove from the sphere of politics in the State the ignorant and unpatriotic negro. This was recognized as a necessity in the establishment of a State government under which we could live and prosper.

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<sup>47/</sup> P90-35. The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890. (1910)

<sup>48/</sup> P90-36. The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890. (1910)

Referring to one of the clauses most effective in the disfranchisement of the Negro, Dabney stated:<sup>49/</sup>

By Section 243 of the Constitution it is provided that no criminal proceedings shall be allowed to enforce the collection of the poll tax. . . This provision, of course, is in furtherance of the franchise plan of the constitution and is intended to keep negroes from being forced to pay poll taxes, thus making voters of them. There have occasionally been suggestions by persons who have not lived in the 'black counties' that this provision should be repealed in order to raise revenue by collecting the poll tax from negroes. Such a course would, I think, be suicidal and destroy the whole work for which the Convention of 1890 was called and would at once jeopardize the excellent State government now completely in the control of the white people of the state.

In 1927 on the thirty-seventh anniversary of the adoption of the Constitution the surviving members of the Convention met at Jackson.<sup>50/</sup>

According to the minutes of this reunion: "The delegates were called to order by Edgar S. Wilson. He stated on that day, thirty-seven years ago, the Constitutional Convention of 1890 enacted an organic law which gave Mississippians Anglo-Saxon government, and adjourned."<sup>51/</sup>

The publication of this reunion also contained the following three speeches by former delegates:

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<sup>49/</sup> P90-37. The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890. (1910)

<sup>50/</sup> P90-40. The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890. (1927), p. 5.

<sup>51/</sup> P90-41. The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890. (1927), p. 5.

Judge R. H. Thompson, Chairman of the surviving delegates, discussed the achievement of their convention:52/

It was no easy task for the convention to which we were delegates to enact a state constitution practically eliminating from the electors of the State at least eight-tenths of its colored people, citizens of the United States, in the face of the fifteenth amendment to the constitution of the United States, providing that 'the right of a citizen of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

The fifteenth amendment to the Federal Constitution was not violated by our State Constitution in the enactment of which we only circumvented by Anglo-Saxon ingenuity. There is not a word in the constitution of 1890 which discriminated against the colored people; race characteristics alone can be said to have been causes of disfranchisement.

N. C. Hathorn from Covington County praised the delegates as:53/

Men whose mighty intellect always yielded to the thought to do something worthwhile for the democracy and white supremacy of Mississippi, without fraud, intimidation, or bloodshed....They were men of far-seeing vision, with an eye single to the progress and development of Mississippi, through white supremacy.

One of the delegates from Grenada County, William C. McLean, observed that:54/

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52/ P90-42. The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890. (1927), p. 11.

53/ P90-43. The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890. (1927), p. 17.

54/ P90-44. The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890. (1927), pp. 28-30.

[T]he burning, all-absorbing question before the convention was, how to make the State of Mississippi safe politically, for the white people....With this provision [Fifteenth Amendment] in the Federal Constitution the gravity of the situation can well be imagined, when the effort was made to practically disfranchise the negro race. The members of that committee for three full weeks were engaged in debating this momentous issue.

...out of the mill was ground the franchise article in our present constitution, which will ever protect us from an irresponsible class.

It was perfectly well understood in that convention that our civilization depended upon the supremacy of the white race in Mississippi....The supreme question before that convention was how to meet these conditions, and has been well said, while we could not defeat the right of the colored man to vote on account of 'race, color, or previous condition,' we belted the whole circle of expedients in legislating against his habits and weaknesses, and, without infringing the provisions of the Constitution of the United States, we provided for perpetual white supremacy in the State of Mississippi....

The purpose of the Constitutional Convention of 1890 was later discussed by key delegates. Judge Thompson, from Lincoln and Jefferson Counties, recalled in an address to the Mississippi State Bar Association:<sup>55/</sup>

There is scarcely a conceivable scheme having the least tendency to eliminate the Negro vote that was not duly considered by the Committee on franchise

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<sup>55/</sup> P90-50. R. H. Thompson. Mississippi Constitution of 1890 - An Address Delivered to the Mississippi State Bar Association. (Biloxi, Mississippi: 1923), pp. 16-17.



and as well by all the delegates to the convention. It is regrettable that all the suggestions on the subject considered by the Convention were not recorded; had they been preserved the record would be a monument to the resourcefulness of the human mind.

Judge Thompson concluded that some sections of the Constitution had suffered from the delegates' preoccupation with the suffrage question. He also said:<sup>56/</sup>

It [Constitution of 1890] grants too much power to the Chief Executive, caused in part no doubt by confidence in the ability and integrity of the great and good man, John M. Stone, then Governor of the State, and in part by an apprehension of inability to so diminish the negro vote as to absolutely secure the election of Democratic legislatures; coupled with confidence in the efficiency of the electoral scheme devised for the election of Democratic governors.

He also commented on the popular reaction to the Convention:<sup>57/</sup>

From the time of the approval of the statute providing for the Convention until its work was practically accomplished, the newspapers of the state were burdened with letters from all sorts of people, making suggestions as to ways and means to defeat the Negro vote...

The suggestions unmistakably showed, however, that the people of the state were thoroughly awake to the necessity of relief from the then existing conditions.

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<sup>56/</sup>P90-51. R. H. Thompson. Mississippi Constitution of 1890 - Address Delivered to the Mississippi State Bar Association. (Biloxi, Mississippi: 1923), p. 32.

<sup>57/</sup>P90-52. R. H. Thompson. Mississippi Constitution of 1890 - An Address Delivered to the Mississippi State Bar Association. (Biloxi, Mississippi: 1923), p. 10.

In an article written for the Publication of the Mississippi Historical Society in 1902 J. S. McNeilly, a former delegate and member of the Franchise Committee of the Constitutional Convention said:<sup>58/</sup>

The first thought of the men who directed the overthrow of carpet-bag and negro rule in 1875 was a Constitutional Convention, to devise an organic law that would guard the state against any possible recurrence of that state of confusion and calamity. (p. 129)

Symptoms of the diseased political condition grew so acute that the demand for suffrage restriction to effect an electorate under which there could be white supremacy through honest elections became quite imperative. (p. 130)

...This was of the first importance -- that devices of such grave import and novel character be placed in the organic law of the state by a practically united and common assent. It was with a full realization of this primal duty in the construction of a plan that the (franchise) committee entered upon the long and arduous labor. The insistence of the black county delegates for a drastic restriction of suffrage, and the tenacity of white counties against radical infringement upon inherited privileges and white manhood, were met to measure strength on patriotic grounds. The inspirations of a common peril commanded the two forces to fuse their antagonisms. (pp. 132-133)

...The first step in its (the suffrage problem) solution was legislative apportionment creating a majority of white constituencies -- the legal basis and bulwark of the design of white supremacy in a State with an overwhelming and a growing negro majority. That achieve-

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<sup>58/</sup>P90-48. J. S. McNeilly, "History of the Measures Submitted to the Committee on Elective Franchise, Apportionment, and Elections in the Constitutional Convention of 1890." Publications of the Mississippi Historical Society. (Oxford, Mississippi: Printed for the Society, 1902), pp. 129-140.

ment would guarantee the law-making branch of government, and place the election of United States Senators above legal or partisan impeachment. (p. 133)

. . .

...The end was obtained by increasing the Legislature's representative branch thirteen members, with allotment of the increase to the white counties. The majority thus effected was added to by carving several legislative districts out of white sections of black counties. (p. 134)

. . .

...Having provided for complete and lawful security of the legislature department and incidentally of the election of United States Senators, as the basis of white supremacy, the value and advantages of the representative apportionment were then extended to the other two branches of the state government -- the executive and the judiciary. This was accomplished by the adoption, in the (franchise) committee, of the novel 'electoral plan' ...contained in Section 140 of the Constitution....

The design of the legislative apportionment, with its electoral supplement, was to erect an impregnable barrier to any possible organization of the negro majority, by extraneous force or by internal faction, for political dominance. (p. 135)

The integrity of the State government being effected through the apportionment and the electoral plan, the committee had on its hands the question of limiting the suffrage privilege. For effect upon the county governments this was to the black counties the most pressing consideration of the whole problem. The delegates from those counties generally favored an alternative educational -- a reading and writing -- or a property qualification. And such a provision was

adopted in the committee, but voluntarily rescinded on account of the extreme opposition of the minority membership. In lieu of it the 'understanding' clause was adopted...Section 244 of the Constitution. The suffrage was further restricted by the requirement of an unusually long local residence.

...What has proved the most effective instrumentality of negro disfranchisement is the two dollar optional poll tax prerequisite, which persons otherwise competent as electors may elect to pay or not according to their desire to qualify for exercise of the voting privilege. These provisions were supplemented by the further one of making registration to close four months before an election.... (p. 136)

These several suffrage requirements combined were deemed sufficient for the end in view, as they have so proved in even the blackest parts of the State. They have, as they were intended, reduced the negro majorities to a negligible political quantity. (p. 137)

Concisely and correctly summed up, of the two ills Mississippi chose the lesser. She has exchanged an organic malady for a functional disorder. The Convention substituted a desiccated for a diseased electorate. The ensuing ills of the present state are within the check and correction of the white citizens. (p. 138)

## 2. Subsequent Comments by Historians and Newspapers.

Subsequent commentaries were explicit about the racial purpose and effect of the interpretation test. In an editorial entitled "An Admitted Fact" the Jackson newspaper which served as the unofficial journal for the Convention stated, in reference to a speech of Senator Ingalls in the United States Senate:<sup>59/</sup>

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<sup>59/</sup>P90-34. The Clarion-Ledger. Jackson, Mississippi. December 25, 1890, p. 4, col. 4.

The Clarion-Ledger regrets that the exact language of Senator Ingalls and quotations are not published. If he undertook to prove by editorials from this paper that the Constitution [convention] was called to restrict suffrage -- negro suffrage, if you please -- his efforts were vain and labor useless for that was very generally admitted.

All the plans published before the assembling of the Convention; all those offered during its sitting, and ninety per cent of the speeches made, were arguments in favor of restricting the negro vote. That was the one thought of the people and the delegates of the Convention, and but for the hope that some scheme might be adopted to place the political control of the State in the hands of the white people, the Convention would not have been assembled.

Let Ingalls chew his cud till his jaws are tired, and make the most of the action of the Convention. The purpose for which it assembled, the restriction of suffrage, was largely accomplished. The people would have been satisfied with nothing less.

In changing the organic law so as to give the white people control of the government, without the necessity of 'heroic campaigns,' the Convention did not expect nor desire to please such men as Mr. Ingalls, and our people are indifferent to their ravings now as they were to their wishes then. The white people of Mississippi will control the affairs of the State. Mr. Ingalls can quote this in his next speech.

In Mississippi Constitutions (1928), George H. Ethridge, an associate judge of the Supreme Court of Mississippi, discussed various sections of the Constitution of 1890. Referring to Section 241, he stated:<sup>60/</sup>

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<sup>60/</sup>P90-53. George Ethridge. Mississippi Constitutions. (Jackson, Mississippi: Tucker Printing House, 1928), p. 424.

It is said that this section while it does not discriminate against any person or race, it discriminates as to their character and nature.

. . .

This is one of the methods of disfranchising the negro, because the ignorant negro more often committed these offenses than members of the white race. Although the constitutional convention could not discriminate against the race under the Fifteenth Amendment, it could discriminate against the criminal tendencies of that race and did so as a means of getting rid of the evil effects of the Fifteenth Amendment.

Referring to Section 244, Judge Ethridge explained: <sup>61/</sup>

Of course, a person who cannot read would be largely at the mercy of the registrar in testing his understanding of the constitution. The registrar could pick out any section he desired and read it to him and call on him to explain it.

He said that Section 251: <sup>62/</sup>

...was a part of the scheme to acquire white supremacy, and the convention was searching the field of expedients for methods to accomplish that end, which this section was one of the factors in obtaining.

Judge Ethridge also discussed the apportionment plan contained in Section 254 of the Constitution of 1890: <sup>63/</sup>

On account of the large negro population in some of the counties compared to whites the voting strength

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<sup>61/</sup> P90-54. George Ethridge. Mississippi Constitutions. (Jackson, Mississippi: Tucker Printing House, 1928), p. 429.

<sup>62/</sup> P90-55. George Ethridge. Mississippi Constitutions. (Jackson, Mississippi: Tucker Printing House, 1928), p. 435.

<sup>63/</sup> P90-56. George Ethridge. Mississippi Constitutions. (Jackson, Mississippi: Tucker Printing House, 1928), p. 439.

of a county is no real index of its population for negroes do not often participate in the general elections and under the primary election law each party must nominate its candidates by a primary and only the party represented by the whites has such a primary. It is probable that originally the convention was apportioning members of the legislature according to race population and that it was a part of the scheme of guaranteeing honest and capable government by having the legislature at all times under the control of the white counties, that is, counties in which the white population predominates. As has been seen in the article on franchise we had a great problem of maintaining honest and efficient government in the state while the ignorant, vicious and transient negro could vote and under the federal act readmitting Mississippi to the Union it was somewhat doubtful whether the Congress would acquiesce in any scheme that would deny the negro the right to vote.

. . .

Therefore it was wise to provide for such apportionment as would secure the control of the legislature by the intelligent and patriotic white race.

In apportioning representatives by creating flatorial districts the same result could be accomplished, thus guaranteeing white supremacy in the legislature even should the franchise provisions prove ineffective. By other sections the elective votes were provided for and in case a candidate did not get both the popular vote and the electoral vote the election of the governor and other state officers were elected by the house of representatives thus making provision for white supremacy in the executive department.

In reference to Section 256 Judge Ethridge said:<sup>64/</sup>

This is one of the sections providing for white supremacy in the state. It grouped the counties in such a fashion that the white votes as then located, would at all times be enabled to control the legislature.

The qualification of an educational nature, as well as all the others can be overcome in time, but if the people preserve their knowledge of the past and love free, orderly government under wise and patriotic white men, they will preserve these contrivances which guarantee white supremacy in the state government although so far the suffrage qualifications have operated effectively and it has not been necessary to resort to legislative election under these other sections to accomplish that purpose.

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<sup>64/</sup> P90-57. George Ethridge. . . Mississippi Constitutions. (Jackson, Mississippi: Tucker Printing House, 1928), p. 445.



ANSWER TO INTERROGATORY NUMBER 2(b) AS TO THE  
NAME AND OFFICIAL CAPACITY, IF ANY, OF EACH  
PERSON WHO THE UNITED STATES CLAIMS WAS  
MOTIVATED BY A PURPOSE TO RESTRICT THE NEGRO  
FRANCHISE AND TO ESTABLISH AND PERPETUATE  
WHITE POLITICAL SUPREMACY AND RACIAL SEGREGA-  
TION AND THE SPECIFIC MANNER OR MEANS BY WHICH  
SUCH PURPOSE WAS EXECUTED OR PUT INTO EFFECT.

The name and official capacity of each person who  
was motivated by this purpose and the specific manner  
or means by which such purpose was executed or put into  
effect are as follows:

S. S. Calhoun,	- President of the Constitutional Conven- tion, delegate from Hinds County, Attorney and Judge.
J. L. Alcorn,	- delegate from Coahoma County, and Attorney.
B. H. Allen,	- delegate from Tishomingo County.
A. Arrington,	- delegate from Jones County and member of the Mississippi House of Representatives.
Jno. A. Bailey,	- delegate from Lauderdale County.
Jno. R. Baird,	- delegate from Sunflower County.
W. L. Bassett,	- delegate from Neshoba County.
Thos. P. Bell,	- delegate from Kemper County, and Attorney.
Jas. R. Binford,	- delegate from Montgomery County.
H. I. Bird,	- delegate from Lawrence County.
W. A. Boyd,	- delegate from Tippah County.
D. Bunch,	- delegate from Yazoo County.
R. B. Campbell,	- delegate from Washington County.
J. P. Carter,	- delegate from Perry County.
J. B. Chrisman,	- delegate from Lincoln County and Judge of Circuit Court of Mississippi, Seventh District.
R. A. Dean,	- delegate from Lafayette County and member of Mississippi Senate.

W. M. Denny,	-	delegate from Jackson County.
Geo. G. Dillar,	-	delegate from Noxubee County and member of Mississippi Senate.
Geo. L. Donald,	-	delegate from Clarke County and Sheriff of Clarke County.
G. W. Dyer,	-	delegate from Panola County.
Jas. W. Edwards,	-	delegate from Lowndes County.
Wm. S. Farish,	-	delegate from Issaquena County and District Attorney of Mississippi, Fourth District.
D. S. Fearing,	-	delegate from Hinds County.
J. W. Fewell,	-	delegate for State-at-Large.
Geo. J. Finley,	-	delegate from Marshall County.
J. D. Fontaine,	-	delegate from Pontotoc County.
T. S. Ford,	-	delegate for State-at-Large.
J. Z. George,	-	delegate for State-at-Large and Senator in the United States Congress.
F. M. Glass,	-	delegate from Attala County.
N. D. Guerry,	-	delegate from Lowndes County.
A. B. Guynes,	-	delegate from Copiah County.
D. T. Guyton,	-	delegate from Attala County.
F. M. Hamblett,	-	delegate from Quitman County.
J. G. Hamilton,	-	delegate from Holmes and Yazoo Counties.
T. L. Hannan,	-	delegate from Choctaw County.
W. P. Harris,	-	delegate from Hinds County.
T. T. Hart,	-	delegate from Hinds County.
N. C. Hathorn,	-	delegate from Covington County.
Jno. Henderson,	-	delegate from Clay County.
Elliot Henderson,	-	delegate from Harrison County.
P. Henry,	-	delegate for State-at-Large and member of the Mississippi Senate.
C. K. Holland,	-	delegate from Calhoun County.

H. S. Hooker,	- delegate from Holmes County.
R. G. Hudson,	- delegate for State-at-Large.
Thos. D. Isom,	- delegate from Lafayette County.
J. H. Jamison,	- delegate from Noxubee County.
D. S. Johnson,	- delegate from Chickasaw County.
J. H. Jones,	- delegate for State-at-Large and member of the Mississippi Senate.
Walter L. Keirn,	- delegate from Holmes County and Levee Commissioner for Holmes County.
James Kennedy,	- delegate from Clay County.
J. Kittrell,	- delegate from Green County.
W. J. Lacey,	- delegate from Chickasaw County.
R. C. Lee,	- delegate from Madison County.
S. D. Lee,	- delegate from Oktibbeha County and President of Mississippi Agriculture and Mechanical College.
T. P. Lee,	- delegate from Yazoo County.
Geo. H. Lester,	- delegate from Yalobusha County.
W. F. Love,	- delegate from Amite County.
E. J. Marett,	- delegate from Marshall County.
Edward Mayes,	- delegate for State-at-Large and Chancellor of the University of Mississippi.
Monroe McClurg,	- delegate from Carroll County.
Will T. McDonald,	- delegate from Benton County and member of the Mississippi Senate.
F. J. McDonnell,	- delegate from Monroe County.
J. H. McGehee,	- delegate from Franklin County.
G. T. McGehee,	- delegate from Wilkinson County.
F. A. McLain,	- delegate from Amite and Pike Counties.
Wm. C. McLean,	- delegate from Grenada County.
J. S. McNeily,	- delegate for State-at-Large.

Isaiah T. Montgomery,	- delegate from Bolivar County.
Jordon L. Morris,	- delegate from Wayne County.
H. L. Muldrow,	- delegate for State-at-Large.
J. R. Murff,	- delegate from Monroe County.
T. V. Noland,	- delegate from Wilkinson County and member of Mississippi House of Representatives.
J. W. Odom,	- delegate from DeSoto County.
S. E. Packwood,	- delegate from Pike County.
J. K. P. Palmer,	- delegate from Scott County.
A. J. Paxton,	- delegate from Washington County.
C. O. Potter,	- delegate from Union and Pontotoc Counties.
Sam Powel,	- delegate from DeSoto County.
J. R. Puryear,	- delegate from Tate County and member of Mississippi House of Representatives.
Chas. K. Regan,	- delegate from Claiborne County.
L. P. Reynolds,	- delegate from Alcorn County.
L. I. Rhodes,	- delegate from Lee County.
W. C. Richards,	- delegate from Lowndes County.
S. W. Robinson,	- delegate from Rankin County.
J. P. Robinson,	- delegate from Union County.
J. J. Rotenberry,	- delegate from Yalobusha County.
J. S. Sexton,	- delegate for State-at-Large.
Jno. M. Simonton,	- delegate from Lee County.
H. F. Simrall,	- delegate from Warren County.
Murray F. Smith,	- delegate from Warren County.
W. F. Spence,	- delegate from Hancock County.
H. M. Street,	- delegate from Lauderdale County and member of the Mississippi House of Representatives.

T. W. Sullivan, - delegate from Carroll County and member of Mississippi House of Representatives.

E. O. Sykes, - delegate from Monroe County.

Allen Talbot, - delegate from Benton and Tippah Counties and member of the Mississippi House of Representatives.

R. H. Taylor, - delegate from Panola County.

R. H. Thompson, - delegate from Lincoln and Jefferson Counties.

Steve H. Turner, - delegate from Itawamba County.

T. S. Ward, - delegate from Madison County.

Olivar C. Watson, - delegate from Winston County.

W. C. Wilkinson, - delegate from Copiah County.

Frank K. Winchester, - delegate from Adams County.

Wm. D. Witherspoon, - delegate from Lauderdale, Kemp, and Clarke Counties and member of the Mississippi House of Representatives.

W. P. Wyatt, - delegate from Tate County.

Each of the 104 delegates named in the preceding list was motivated by the purpose of restricting the Negro franchise and of establishing and perpetuating white political supremacy and racial segregation in Mississippi to the extent that each of them voted in favor of adopting the proposed Constitution of 1890.<sup>1/</sup>

The vote of each of these delegates for the adoption of the Mississippi Constitution was the specific manner and means by which such purpose was executed.

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<sup>1/</sup> P90-59,  
Journal of the Proceedings of the Constitutional  
Convention of the State of Mississippi. (Jackson,  
 Mississippi: B. L. Martin, 1890), pp. 637-638.

ANSWER TO INTERROGATORY NUMBER 4 (b) and (c) AS TO THE NAME AND OFFICIAL CAPACITY, IF ANY, OF EACH PERSON WHO THE UNITED STATES CLAIMS DESIGNED SECTION 244 OF THE MISSISSIPPI CONSTITUTION OF 1890 TO ACCOMPLISH THE PURPOSE OF RESTRICTING THE NEGRO FRANCHISE AND ESTABLISHING AND PERPETUATING WHITE POLITICAL SUPREMACY AND RACIAL SEGREGATION IN MISSISSIPPI, AND AS TO THE PARTICULAR MEANS OR MANNER BY WHICH THIS DESIGN WAS ACCOMPLISHED OR PUT INTO EFFECT.

The name and official capacity, if any, of each person who the United States claims designed Section 244 of the Mississippi Constitution of 1890 to accomplish the purpose of restricting the Negro franchise and establishing and perpetuating white political supremacy and racial segregation in Mississippi are as follows:

R.C. Patty  
Z.B. George  
W.T. Martin  
Sam Powel  
R.G. Hudson  
G.H. Lester  
W.C. Richards  
J.A. Blair  
J.S. McNeily  
J.B. Boothe  
J.M. Simonton  
J.M. Street  
R.A. Dean  
Monroe McClurg  
H.S. Hooker  
W.H. Morgan  
G.T. McGehee  
J.R. Binford  
T.P. Bell  
J.R. Puryear  
L.P. Reynolds  
C.K. Regan

One of the duties of the Committee on Elective Franchise, Apportionment, and Elections was to draw up the qualifications for electors in Mississippi. The proposal made by this committee regarding voter qualifications was adopted by the Convention, <sup>1/</sup>and the proposal became Article XII, Section 244, of the Mississippi Constitution of 1890.

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P 90-58

<sup>1/</sup> Journal of the Proceedings of the Constitutional Convention of the State of Mississippi. (Jackson, Miss. E.L. Martin, 1890), P. 269-270.

Each of the persons named in the preceeding list was a member of the Franchise Committee who voted in favor of adopting Section 244 of the Mississippi Constitution.

The vote cast by each of these persons in favor of adoption of Section 244 was the particular means by which the design of restricting the negro franchise and establishing and perpetuating white political supremacy and racial segregation in Mississippi was accomplished.

ANSWER TO INTERROGATORY NUMBER 7 AS TO THE FACTUAL BASIS FOR THE ASSERTION AND ALLEGATIONS MADE IN PARAGRAPH 21 OF THE COMPLAINT THAT DURING THE PERIOD FROM 1899 TO APPROXIMATELY 1952, WHITE POLITICAL SUPREMACY IN MISSISSIPPI WAS MAINTAINED AND PROMOTED BY THREE METHODS AMONG OTHERS; NEGROES WERE NOT ALLOWED TO REGISTER; TO VOTE; LITERATE NEGROES WERE REQUIRED TO INTERPRET SECTIONS OF THE MISSISSIPPI CONSTITUTION; NEGROES WERE EXCLUDED FROM DEMOCRATIC PRIMARY ELECTIONS.

The factual basis for the assertion and allegations made in Paragraph 21 of the Complaint that during the period from 1899 to approximately 1952, white political supremacy in Mississippi was maintained and promoted by three methods among others is as follows:

I. STATEMENTS BY NEGROES WHO WERE NOT ALLOWED TO REGISTER TO VOTE.

Appendix A includes record of the experiences of Negroes who were refused registration in Mississippi counties during the period from 1890 through 1955.



## II. STATISTICS FOR THE PERIOD 1890 THROUGH 1952

In 1899 there were approximately 140,000 registered voters in Mississippi. Of this total approximately 18,000 or 13% were Negroes.<sup>1/</sup> At this time Negroes constituted over 57% of the voting age population of the State.<sup>2/</sup>

During the period from 1899 through 1952 Negroes constituted at least 45% of the total population of the State.<sup>3/</sup> As late as 1952 over 41% of the voting age population in Mississippi were Negroes.<sup>4/</sup> Certain registration books of six Mississippi counties for periods prior to 1953 have been photographed and examined. Among these counties are Grenada, Hinds, Jefferson Davis, Panola, Quitman and Tunica.

<sup>1/</sup> C-4. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899. (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 171.

<sup>2/</sup> C-6. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899. (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 154.

<sup>3/</sup> C-17. U. S. Census of Population: 1960. General Population Characteristics, Mississippi. Final Report PC(1)-26B. U. S. Bureau of the Census. (Washington, D. C.: Government Printing Office, 1961), p.26-26.

<sup>4/</sup> C-15 and C-16. U. S. Census of Population: 1960. General Population Characteristics, Mississippi. Final Report PC(1)-26B. U. S. Bureau of the Census. (Washington, D.C.: Government Printing Office, 1961), pp. 26-27 and 26-30.

The registration statistics from these books show the percentage of Negroes registered to vote in Mississippi has declined steadily during the last seventy years, although the rate of illiteracy among Negroes of voting age decreased steadily during the same time. In 1899 the rate of illiteracy was approximately 53%.<sup>5/</sup> By 1952 it was less than nine per cent.<sup>6/</sup>

A. In Grenada County between 1892, the year of the state-wide re-registration, and 1896, 303 Negroes became registered to vote.<sup>7/</sup> The registration books for the City of Grenada, where almost 40% of the county population reside, indicate that between 1896 and 1948, a period of more than fifty years, less than seventy Negroes have become registered.

B. In Hinds County only about 226 Negroes registered in this county between 1892 and 1934.

The registration books also indicate that during the next registration period, 1934 through 1940, only 117 Negroes registered to vote, a decrease of 40%.

Another new registration period extended from 1941 through 1949. During this time approximately 1,450 Negroes in Hinds County registered to vote. Of this total, only 175

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<sup>5/</sup> C-9. Negroes in the United States. Department of Commerce and Labor, Bureau of the Census. Bulletin 8. (Washington, D. C.: Government Printing Office, 1904), p. 136.

<sup>6/</sup> E-67. Statistical Data on School Session, 1952-1953. Mississippi Department of Education, Division of Administration and Finance, p.1.

<sup>7/</sup> C-3. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899. (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 167. (page 2 of Exhibit C-3)

were registered between 1941 and 1945. The majority of the increase was due to the registration of war veterans who applied between 1946 and 1948. in 1946, 390 Negroes were registered; in 1947, 651; and in 1948, 185; by 1949, the number of Negro registrants for the year had dropped to 56.

C. In Jefferson Davis County the registration books for 16 precincts indicate that from 1905 through 1922, 847 Negroes became registered to vote. In 1923 a re-registration was held. By 1934, the end of this registration period, the Negro registration had dropped to 289, a decrease of more than 65%. By 1948, the Negro registration for these same 16 precincts had increased to only 520. Thus, from 1903 to 1948 Negro registration dropped over 39%.

In another precinct in Jefferson Davis County there were 21 Negroes registered to vote during the registration period 1905 through 1922. In 1948 there were only two Negroes still registered.

D. In Panola County, registration books show that in the ten year period between 1876 and 1885, at least 1,600 Negroes registered to vote. In 1896, after the state re-registration, the number of registered Negroes in the county was 114<sup>8/</sup> and by 1899 had increased to 385.<sup>9/</sup> In 1963, there were 2 negroes registered.

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<sup>8/</sup> C-2. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1896 and 1897. (Jackson, Mississippi, 1897), p. 67. (page 2 of Exhibit C-2)

<sup>9/</sup> C-3. Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899. (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 168. (page 3 of Exhibit C-3)

E. In one Quitman County precinct over 200 Negroes were registered between 1877 and 1890, a period of 14 years. A re-registration was made in 1892. For the years 1892 through 1950, a period of 57 years, Negro registration totaled less than 160 persons.

F. In Tunica County, Tunica precinct had at least 57 Negroes registered from 1899 to 1904. After a re-registration in 1919, no Negroes appeared on the books of that precinct. By 1928 in all precincts in the county there were only six Negroes registered. The poll books for 1946 through 1952 show only four Negroes registered during that period.

### III

#### WHITE PRIMARY ELECTIONS IN THE STATE OF MISSISSIPPI

In 1902 the legislature of Mississippi made mandatory the primary election system as the method for choosing candidates for public offices. 1/

In 1903 Major J. K. Vardaman, candidate for governor, asked that none but white Democratic voters be allowed to participate in the primary.2/ The Hinds County Democratic Executive Committee resolved in 1903 as follows:

Be it resolved by the Democratic primary election held in Hinds County on the 6th day of August, 1903 for the purpose of nominating candidates for State, District, County, and County District Offices and if a second primary election becomes necessary that the same be held on the 27th day of August, 1903 and that said election be held and governed by the laws of the State of Mississippi. All white Democrats possessing the qualifications required by law and the State Democratic Committee are allowed to participate in said elections.3/ (emphasis added)

In 1903, the Fayette County Democratic Executive Committee prohibited Negroes from voting in the primary:

The Fayette County Democratic Executive Committee met yesterday and decided to print the names of all State, National, and District candidates on the ticket without any charge.

White democrats only will be allowed to vote the primary. 4/ (emphasis added)

1/ Miss. Session Laws, 1902, Ch. 66.

2/ The Clarion-Ledger, July 24, 1902 p. 4.

3/ The Clarion-Ledger, July 7, 1903, p. 1.

4/ The Clarion-Ledger, July 16, 1903, p. 1.

WHITE PRIMARY (Continued)

The Democratic State Executive Committee met in 1907 and resolved that the primary elections for State offices should be for white persons only. The following is a report of this meeting: (emphasis added)

The Democratic State Executive Committee met yesterday at noon in the Senate chamber for the purpose of naming the dates of the Democratic primary for the nomination of candidates for the Fall election.

On motion, a committee was appointed headed by Chairman Lomax to draft a form for ballot to be used in the primary and the other members were Messrs. Haley and George.

The committee on resolutions - Messrs. Sterling, Fant, Rainey, and George submitted the following report which was adopted:

Resolved that the primary election for the selection of the nominees of the Democratic Party to be held on the first day of August 1907 and the second primary to be held on Thursday the 27th day of August, 1907.

Resolved, in addition to the qualifications prescribed by law for the voters in said primaries, all voters therein shall be white democrats. 57

The State Democratic Executive Committee met on August 10, and 11, 1915 to discuss the August 3, 1915,

5/ The Clarion-Ledger, June 6, 1907, p. 3.

WHITE PRIMARY (Continued)

primary election. Various resolutions which were proposed with respect to the integrity of this election indicate that it was understood that primary elections were only for white persons. A resolution by L. C. Hollum which was unanimously passed read, in part, as follows:

Whereas, said resolutions in a general way and without any foundation in fact unjustly reflect on the white democratic elections in this state, and. . .

Be it resolved by the State Democratic Committee that we hereby declare the election just concluded an honest and patriotic expression of the choice of the white democrats of Mississippi for the nominees to the various offices voted on.

Be it further resolved, that we heartily congratulate all the defeated candidates from Governor down for the manner in which they gracefully accepted the verdict registered on August 3rd by the White Democrats of Mississippi . . . . 6/

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6/ Minutes of the Democratic Executive Committee of Mississippi - August 10-11th, 1915. J. M. McBeath chairman. Douglass Robinson-Secretary Pro Tem. Mississippi - State Department of Archives.

Regulation adopted by the State Democratic Executive Committee on July 1, 1922, for holding Democratic Primary Elections on August 15 and September 5, 1922 state, in part, as follows:

That only white Democrats who are duly and legally qualified electors that voted the Democratic ticket in the presidential election of 1920, or who would have done so had they gone to the election, or been legally entitled to vote in that election, BE ALLOWED TO VOTE IN SUCH PRIMARY. 7/

In 1944 the Supreme Court of the United States held that prohibiting Negroes from voting in "white primaries" was unconstitutional. Many Negroes returning from World War II decided to vote on July 2, 1946, in the Democratic primary election for United States Senator. Senator Theodore Bilbo who was renominated to the Senate in this primary, testified before a Special Senate Committee in 1946 as follows:

Please let me call your attention to the fact that this is the first Democratic primary held in Mississippi in 56 years where the Negro citizens of this State have offered or attempted to vote, and you can readily appreciate the keen interest that was aroused throughout the state among the white Democratic voters as well as the great opposition such attempt aroused in the minds of all the people of this State. 8/

7/ Regulations adopted at meeting in Jackson, Miss. on July 1, 1922. Robert Powell, Chairman; W. F. Lawrence, Secretary.

8/ Hearing Before The Senate Special Committee to Investigate Campaign Expenditures, 1946, 79th Congress, 2nd Session p. 333.



WHITE PRIMARY (Continued)

Efforts were made by party officials to prevent Negroes from voting in the July 2, 1946 primary election in Mississippi.

George Butler, a member of the State Democratic Executive Committee, testified before the Senate Committee.

Back in the old days the State Democratic executive committee, by resolution, at each election specified that only white Democrats should be permitted to take part in the Democratic - in the Democratic primary.

[Butler then proceeds to discuss a meeting of the State executive committee in 1946 to decide how to deal with Negro voters in the July 2 primary.]

The opinion of the majority of the committee was - I think all of them, in fact - certainly all of those who were lawyers, who had studied these cases and listened to our report - thought that under the Texas case and the Georgia case that if the Negro possessed all the qualifications enumerated in the statute, was duly registered, and so forth and so on, that he had a legal right to vote. I think it was the unanimous opinion- although nothing was spread on in this about it - that they didn't want him to vote, therefore, he wouldn't vote, and we thought the best thing to do was to say nothing and not agitate the matter one way or another and let matters take their course, and so that course was pursued. 9/

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9/ Hearing Before the Senate Special Committee to Investigate Campaign Expenditures, 1946, 79th Congress, 2nd Session  
P. 371-372

WHITE PRIMARY (Continued)

Senator Bilbo, the senior Senator from Mississippi, was quoted as saying during the 1946 campaign:

Mississippi is white. We got the right to keep it that way and I care not what Tom Clark and Hugo Black say . . . . I'm calling on every red-blooded American who believes in the superiority and integrity of the white race to get out and see that no nigger votes.<sup>10/</sup>  
[Use all the power, the legal power, lawful power and persuasion. <sup>11/</sup> ]

Senator Bilbo delivered a speech over a state-wide radio hook-up the night of July 1, 1946, in which he said:

The eyes of the Nation will be upon Mississippi tomorrow. In other elections many white citizens of the State have failed for various reasons to go to the polls and exercise the greatest privilege of American citizens--the privilege of voting. But, on tomorrow, in Mississippi's white senatorial primary election, it is vitally important that every white Democratic man and woman should make every sacrifice, and that nothing should hinder them from participating in this primary election. <sup>12/</sup>

<sup>10/</sup> Article by Harry Henderson and Sam Shaw, *Colliers*, July 6, 1946.

<sup>11/</sup> Senator Bilbo, in his testimony before the Senate Special Committee, verified this quote but said that this additional clause had been omitted. See p. 350.

<sup>12/</sup> *Hearings*, p. 382.

## WHITE PRIMARY (Continued)

Many Negroes who went to the polls on July 2, 1946, were not permitted to vote in the primary. For example, a bailiff from Harrison County stated that he turned all Negroes away from the polls under instructions from the election commissioners.<sup>13/</sup> Some Negroes were warned before the primary not to attempt to vote. For example, the Mayor of Greenwood in Leflore County called in two Negroes to pass along the warning that any Negroes who tried to vote would not be protected.<sup>14/</sup>

In 1947, the Mississippi Legislature enacted laws to require that persons in order to vote in a primary election be in accord with the principles of the party holding the primary.<sup>15/</sup> Any person may be challenged at the polls as to his qualifications and accord with the principles of the party.<sup>16/</sup>

From 1948 on, the Democratic party of Mississippi excluded Negroes from primaries by framing statements of party principles that Negroes could not subscribe to.<sup>17/</sup> For example, in 1952 the Mississippi Legislature passed a resolution setting out and endorsing the principles and resolutions adopted by the Democratic State Executive Committee on March 18, 1952.<sup>18/</sup> The principles include opposition to FEPC legislation, opposition to anti-poll tax legislation, opposition to federal anti-lynching laws, advocacy of segregation

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<sup>13/</sup> Testimony of Eaton Garriga in Hearings Before Senate Special Committee, p. 298.

<sup>14/</sup> Testimony of Shelby S. Steele, Hearings, pp.250-263.

<sup>15/</sup> Mississippi Session Laws, 1947, Ex. Ch. 17.

<sup>16/</sup> Section 3129, Mississippi Code Ann.

<sup>17/</sup> Resolutions of Mississippi Democratic Party, 1948, 1952, 1960.

<sup>18/</sup> Session Laws of Mississippi, 1952, Ch. 464.

WHITE PRIMARY (Continued)

of the races, and opposition to the repeal or modification of the segregation laws of the State.

In the August 1955 primaries numerous Negroes, even though registered, were denied the right to vote in the Democratic primary. Mr. Tom J. Tubb, Chairman of the State Democratic Executive Committee, was quoted as follows:

We don't intend to have Negroes voting in this primary but we also intend to handle it in a sensible orderly manner. We don't want any incidents.

The Negroes are better off that way than trying to vote out here in the country and being taken out behind the barn and given a whipping like some of these country boys plan to do. 19/

Tubb conceded that where the state pays the cost of the primary, as in Mississippi, Negroes cannot be denied the right to vote under the usual qualifications.

But we usually run our own affairs down here. If they vote, they will get their ballots challenged and they will be thrown out of the party.

Negroes have pretty good sense and we shouldn't have any trouble with them. It should not take night riding or beatings for them to use their own good judgment. 20/

In Mr. Tubb's home county, Clay County, where he was County Democratic Executive Committee Chairman as well as State Democratic Executive Committee Chairman, there were only 12 Negroes registered to vote in 1955. The election officials were told to challenge Negro voters and the lone Negro who showed up to vote in the primary election on

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19/ New York World Telegram, New York, New York, Aug. 2, 1955.  
20/ State Times, Jackson, Mississippi, Aug. 3, 1955, p. 1.

### WHITE PRIMARY (Continued)

August 2, 1955, was told his vote would be challenged and did not vote. The same thing was happening in Humphreys County where there were only 38 qualified Negro voters. Negroes were required to write answers to questions concerning their views on segregation, etc., and then were not permitted to vote in the August, 1955 primaries. In Claiborne County Negroes were not permitted to vote in the 1955 primaries and, in fact, Claiborne County maintained a white primary until the Congressional election on June 5, 1962. In Montgomery County there were only 10 Negroes registered to vote in 1955 but their names were listed only on the general election poll books and not the primary poll books pursuant to instructions of the County Democratic Executive Committee. Negroes were also not permitted to vote in primary elections in 1955 in Lowndes County and in Sunflower County.

The specific information on these white primaries is set out below.

NEGROES NOT PERMITTED TO VOTE  
PRIOR TO 1955

SUNFLOWER #12

County Seat: Indianola, Mississippi

65044	1953 or 1954	When he tried to vote in the primary election of 1953 or 1954 by placing his ballot in the ballot box, George Waxer, Town Marshall, challenged his and his wife's ballot, and put them in two envelopes. These were then put under the ballot box.
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WINSTON #37

County Seat: Louisville, Mississippi

80000	7-2-46 Denied White Men	He was twice not allowed to vote on 7-2-46 in a Democratic Primary Election for U. S. Senator. Four unidentified white men would not let him enter the polling place, although he was a registered voter, on either of his two attempts that day.
80002	7-2-46 Refused White Man	Although he was registered to vote, he was twice refused permission to vote in the Democratic Primary of 7-2-46 to choose a U. S. Senator by unidentified white men.

CLAIBORNE #39

County Seat: Port Gibson, Mississippi

11031    Late 40's    In the late 1940's or early 1950's he  
         Early 50's    went to the polls to vote but was told  
         Denied        he didn't vote in the Democratic Pri-  
         Beardon        mary; that it was in November when he  
         (Deceased)      could vote.



HARRISON #79

County Seat: Gulfport, Mississippi

The following events, 24000 - 24014, occurred: Pass Christian

24000	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24001	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24002	7-2-46 Denied Elec. Off'1	Although a qualified Negro voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24003	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24004	7-2-46 Denied White Men	He went with wife to vote in primary. Was stopped at City Hall by a crowd of men. Was knocked down and prevented from entering and voting. Was threatened with death if he tried to vote that day.
24005	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24007	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24008	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24009	7-2-46 Denied Elec. Off'1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

HARRISON #79 (Continued)

24011	7-2-46 Denied Elec. Off*1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24012	7-2-46 Denied Elec. Off*1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
24013	7-2-46 Denied Elec. Off*1	He had registered to vote and had voted in City Primary on 6-4-46. He tried to vote in Senatorial Primary of 7-2-46 and was told by Election Official, Garriga, that no Negroes were permitted to vote. Turned around and left.
24014	7-2-46 Denied Elec. Off*1	Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

NEGROES NOT PERMITTED TO VOTE IN PRIMARY AND  
GENERAL ELECTIONS IN MISSISSIPPI SINCE MARCH, 1955

BOLIVAR COUNTY #1

There is an all Negro precinct in Bolivar County in the all Negro town of Mound Bayou, Mississippi. When the ballot box was received from the county officials by the election officials at Mound Bayou it contained a written challenge signed by each of the candidates for office in the county. This occurred at the August 2, 1955 Primary and again at the Run-Off Primary on August 23, 1955. The challenge was identical each time except for the dates and signers thereof. It was addressed "To the Managers Designated to Hold the Primary Election To Be Held August 23, 1955, at the Mound Bayou Election Precinct, Bolivar County, Mississippi."

The candidates challenged each and every person who attempted to vote at the Mound Bayou Precinct on the grounds, among others, that the registrants at that precinct were not in accord with the statement of the principles of the Democratic Party declared by the State Convention of the Democratic Party of Mississippi, held March 18, 1952, a copy of which was attached to the challenge and which also appears in HCR No. 7, Chapter 464 of the Acts of the 1952 Legislature. Among other principles is the principle which follows:

BOLIVAR COUNTY # 1 (Continued)

"We believe in the segregation of the races and are unalterably opposed to the repeal or modification of the segregation laws of this State, and we do not favor the practice of non-segregation."

There were approximately 295 registered voters in the Mound Bayou Precinct in 1955.

The following Negroes were informed that Negro votes were challenged.

6000 - Aug. 2, 1955	- Served as election official
6012 - Aug. 2 and Aug. 23, 1955	- Served as election official
6002 - Aug. 2, 1955	- Served as election official - Read the challenge to Negro voters of the precinct
6004 - Aug. 23, 1955	- Served as election manager
6005 - Aug. 2, 1955	- Read the challenge to Negro voters of the precinct
6009 - Aug. 2 and Aug. 23, 1955	- Served as election official

# TUNICA #8

The following Negro citizens of Tunica County were deterred from voting in Tunica County at the Tunica County Courthouse.

- |       |                                       |  |
|-------|---------------------------------------|--|
| 72009 | 4-18-55<br>Deterred<br>White woman    | Voted in county election in 1955.<br>Attempted to vote in 1960 presidential election but was advised not to by a white woman clerk in courthouse.  |
| 72004 | Aug., 1955<br>Deterred<br>Judge Lowe  | Was not permitted to vote at poll until he got poll tax exemption certificate. When he obtained one, a county judge, apparently an election official, made him take an oath before allowing him to vote, the oath consisting of whether he believed in segregation and was a member of NAACP. He was told his beliefs were counter to those of the Democratic Party and his vote could be challenged and not counted, but was permitted to vote. After the primary he was threatened economically by Alec Perry, a white planter. Perry said if any Negro on his farm voted he would mechanize the farm and lay Negroes off. Marvin Watson, a white merchant, told him that the white people would run Tunica County and could do without his business. Paul Phillips, Editor of Tunica Times Democrat, told him the paper would no longer carry Grant's column. |
| 72006 | 1956<br>Deterred<br>Election official | Voted at Tunica County Courthouse in 1956 in a state election. James Watson, Herbert Ammons, Ivory Grant and Joseph Grant also voted. She was asked whether she was a member of the NAACP by an election official. Her ballot was contested and placed in a box for challenged votes. Ammons was fired, Watson and his wife lost their jobs, Mrs. Grant transferred to smaller school soon thereafter.   |

HUMPHREYS COUNTY #10

V. B. Montgomery, the Chairman of the Executive Committee of the Democratic Party of Humphreys County in 1955 said that Negroes who appeared to vote at the Belzoni Precinct on August 2, 1955 were asked questions along the following lines:

1. Are you a member of the Democratic Party?
2. Do you believe in and do you want to see continued our southern traditions and heritage?
3. Are you in accord with the principles of the Mississippi Democratic Party?
4. Are you in accord with the laws of Mississippi relating to separate schools for races?

There were 38 qualified Negro voters in Humphreys County in 1955, 33 of whom lived in the Belzoni Precinct. Negroes who attempted to vote in the August 2, 1955 primary were asked these questions and were not given ballots. No Negroes were permitted to vote on August 2 and none tried in the run-off on August 23, 1955.

The following Negroes who attempted to vote on August 2, 1955 at the courthouse in Belzoni indicate the way Negroes were denied the right to vote:

HUMPHREYS COUNTY # 10

- 27000     8/2/55     He went alone to vote and on arriving he saw a number of other Negroes waiting to vote. When he was permitted to enter the polling area he gave his poll tax receipts to an election official who then gave him a list of questions to answer. The questions asked were (1) are you a member of the Democratic Party?; (2) do you believe in segregation?; (3) do you believe in the democratic form of government? (4) do you believe in miscegenation?, and other questions. He wrote answers to the questions and returned the sheet to the election official who read his answers and told him he was not qualified to vote. He then left and told the Negroes outside the polling area to go away as he did not feel there was any use in them trying to answer the questions.
- 27001     8/2/55     Went with 5 others to vote in primary. Was given a list of questions to answer. The questions concerned whether or not he believed in segregation in schools and swimming pools and explain miscegenation and do you believe in it, and other questions. He did not try to answer them. When he left he told the other Negroes waiting outside they might as well leave. They all then left. Other Negroes there were Mason Payne, Professor Griffin Byrd, Professor L.L. Knowles and Willie Henry Browder.
- 27003     8/2/55     Went with other Negroes to vote. After presenting his poll tax receipts his right to vote was immediately challenged by Gladstone Mortimer, a white man. Mortimer handed him a sheet of questions among which were: (1) are you a member of the Democratic Party? (2) Do you believe in segregation of schools, parks, and public places? (3) what is meant by miscegenation? He wrote out the answers to the questions and gave them to an election official who told him he had not qualified and did not give him a ballot. Knowles then left and told the other Negroes who were waiting that he did not think there would be any use in their attempting to vote.

SUNFLOWER COUNTY #12

Barry Wood, Jr., one of the managers of the Democratic Primaries held on August 2, and August 23, 1955 told the F. B. I. that a printed card regarding the challenging of Negro voters was received along with the other election material from the Circuit Court Clerk in Indianola. He said that during the first primary, five Negroes voted and all were challenged. They were Dr. C. C. Battle, John H. Lee, McKinley Holmes, Frank May, and Mary Lyles. During the second primary only two Negroes appeared to vote and John H. Lee voted without challenge while Dr. Battle was again challenged. He remembers that Dewitt Lovelace, Billy Barrett and Hugh French challenged one or more voters by merely saying "I challenge that vote." The challenged votes were put in envelopes and not considered by the election managers in tallying the vote. As far as he knows no white persons were challenged because of non-membership in the Democratic Party at either primary in his box.

The following Negro citizens of Sunflower County have had their votes challenged when they attempted to vote:

67005	67091
67044	67102
67087	67103
	67144



MONTGOMERY COUNTY #19

Mrs. William Edward Crenshaw, the Deputy Circuit Clerk of Montgomery County, told the F.B.I. on September 19, 1955, that she prepared the poll book called the general election poll book, which included the names of qualified Negro voters, and she was then directed by the Democratic Executive Committee to prepare a primary poll book, from which the Negroes were excluded as not being members of the Democratic Party in Mississippi.

WEBSTER #23

The following Negro citizen was not permitted to vote in Webster County.

78000	1955 White Man	Tried to vote in 1955 at the town hall in Mathiston, Miss. Was told he couldn't by an unknown white man. Has paid poll tax every year since he registered.
78000	1959 Noriss Brooks	Tried to vote in 1959 gubernatorial primary. Marshall Norris told him to see Vernon Brooks who was running the election. Brooks advised him not to vote. He left and hasn't attempted to vote since.

YALABOBUSHA Co. # 24

The following Negro was deterred from voting in Yalabobusha County.

- 81007 (1) In two elections in the late 1950's, the judge at the polling place took his ballot away after he had marked it but before he could put it in the ballot box.

In 1959 on the Saturday before the primary election he found a sign on his business door which read " You is getin to smart trin to vote. Mr. Harris. Have youre name took off them Bookes - Real soon like - an straiten yore friens".

- (2) On the Monday before the 1959 primary he found another sign on his door which read: "Nigger get yore votin done before Tuesday." In Jan. 1960 he applied to Mr. Evans for an exemption certificate. It was given to him but only after Mr. Evans had told him, "Well I tell you Jimmy, we don't mind you votin. If I let you vote, others would want to and that wouldn't work." He has never voted since.

CLAY CO. #29

Thomas Tubb, the Chairman of the Mississippi State Democratic Committee and of the Clay County Democratic Committee personally requested the various election officials in Clay County to challenge all Negro voters on his behalf at the August 2 and August 23, 1955 primaries. He did this because he believed that Negroes were not members of the Mississippi Democratic Party. His legal basis for the challenges was Sections 3129 and 3170 of the Mississippi Code of 1942. He said there were only 12 Negroes registered to vote in Clay County in August of 1955 and he knew of only one Negro challenged during the two primaries in 1955, and this Negro did not vote after being told his vote would be challenged.

LOWNDES CO. #32

In Lowndes County Negroes voted without incident in the August 2 1955 primary but all the Negroes who attempted to vote in the August 23, 1955 primary were challenged. The circumstances and locations of the places where these challenges occurred and the reasons for these challenges are listed below.

44000	Aug. 23, 1955 Poll official at College Precinct Columbus	His ballot was challenged by a white man named Harris on the grounds that he was not a member of the Democratic Party. It was placed in an envelope by poll officials with a slip of paper Harris gave him stating the grounds for challenge on nonmembership in the Democratic Party. His wife accompanied him and was similiarly treated
44001	8/25/55 Columbus	Went to Bell Lumber Company Precinct to vote with her husband James L. Allen; White man named Harris challenged their votes on grounds they were not members of Democratic Party; ballot was placed in envelope with a challenge slip.
44002	8-23-55 A poll official at Bell Lmbr Precinct Columbus	His ballot was placed in an envelope, rather than the ballot box, by a lady official. There was a yellow slip of paper in the envelope.
44006	August 23, 1955 Poll official at Commun- ity Center Columbus	Went with his wife. As he was to put his ballot in the box, a young white man stepped up to him and said he challenged his vote. His ballot was put in an envelope and he thinks his name was written on the envelope.
44007	August 23, 1955 Poll official at Bell Lmbr. Co. Columbus	A lady official took his ballot as he was putting it in the box, told him it had been challenged and placed it in an envelope.

LOWNDES CO. #32 (CON'T)

- 44009    8-23-55    His vote was challenged by a white  
Poll    man because he was not a member of  
official at the Democratic Party. His ballot  
College    was placed in an envelope rather  
Precinct    then the ballot box. The paper with  
Columbus    the challenge was placed in it. He  
went to vote with his wife Lucille  
Brewer.
- 44010    Aug. 23    She went to vote with her husband,  
1955    Jack Brewer. Her ballot was challeng-  
Poll    ed by Dr. John Olliver because she  
Official at was not a member of the Democratic  
College    Party. It and a paper with the  
Precinct    challenge were taken by a poll official  
Columbus    and placed in an envelope rather than  
the ballot box. Mrs. Bush, a poll  
official, Mr. Watson, the bailiff and  
Ida Harris, another Negro, were identi-  
fied as being present.
- 44017    Aug. 23    She gave her ballot to a lady sitting  
1955    by the ballot box. A white man gave  
Poll    the lady a yellow slip which the lady  
official at put with the ballot in an envelope  
Bell Lmbr. Co.  
Columbus
- 44073    Aug. 23,    She was given a ballot; after she  
1955    marked it but before she put it in the  
Official    ballot box an unknown white male gave  
at Commun- her a yellow slip of paper which she  
ity Center    took to be a challenge. Her ballot  
Poll.    was placed in an envelope with the yellow  
Columbus    piece of paper.
- 44019    Aug 23,    The white lady official took his ballot  
1955    and placed it with a yellow piece of  
Poll    paper in an envelope. Wrote something on  
official at the envelope and put it with others. He  
Bell Lmber. appealed this action with Professor  
Co.    Robert E. Hunt and Mrs. Hunt to a com-  
Columbus    mittee.
- 44020    Aug 23,    His ballot was placed in an envelope  
1955    by the poll official rather than in  
Poll    the ballot box.  
official at  
Bell Lmbr. Co.  
Precinct.  
Columbus

LOWNDES CO. #32 (CON'T)

44021	Aug 23, 1955 Poll Official at Bell Lmbr. Co. Columbus	Her ballot was not placed in the box but was taken by an election official and placed in an envelope which was placed on the table.
44022	Aug 23, 1955 Poll official at Bell Lmbr. Co. Columbus	Went to vote with Lemon Dickerson, Rev Saulsberry, Sadye, Guyton, Ellen Magby, Nannie Ree Gordon. Her ballot was put in a white envelope by the lady official.
44023	Aug 23, 1955 Official at College Precinct Columbus	Her ballot was challenged by an unidentified white male because she was not a member of the Democratic Party. It was taken by the poll official and placed in an envelope. With her ballot was a slip of paper given to her by the man.
44024	Aug 23, 1955 Poll official at Bell Lmbr. Co. Columbus	Her ballot was taken by the poll official and placed in an envelope. She observed this was not done to ballots cast by whites.
44025	Aug 23, 1955 Poll officials at Bell Lmbr. Co. Precinct Columbus	His ballot was placed in an envelope which contained a piece of colored paper by the poll official. He observed that ballots cast by white people went into the ballot box.
44026	Aug 23, 1956 Poll officials at Bell Lumber Precinct Columbus	His form was placed in an envelope with a yellow piece of paper in it by the poll official. He observed this was not done to ballots cast by whites. He was told by a lady official that his ballot would be counted.

LOWNDES CO. #32 (CON'T)

- 44027    8-23-55    His ballot was placed in an envelope rather than in the ballot box. The envelope was placed on the table with other white envelopes. He observed this was not true of whites.  
Poll  
official  
at Bell  
Lmbr. Co.  
Precinct  
Columbus
- 44028    Aug 23,  
1955    Her marked ballot was taken by the lady official and placed in a white envelope rather than in the ballot box.  
Lady  
official  
at Bell  
Lmbr. Co.  
Poll  
Columbus
- 44029    Aug 23,  
1955    She gave her marked ballot to the lady who gave it to a white man who wrapped it in a yellow piece of paper and put it in an envelope. The envelope was placed on a table.  
Poll  
official  
at Bell  
Lmbr. Co.  
Columbus
- 44030    8-23-55    He went to vote with his wife Susie. He was given a ballot, marked it in a booth and started to give it to the person at the ballot box. An unidentified white male challenged this ballot. His ballot was taken by an official and placed in an envelope with a slip of yellow paper. The envelope was sealed, his name was written on it and it was placed on a table rather than in the box. The same thing happened to his wife.  
Poll  
official  
at  
Bell Lmber.  
Co.  
Precinct  
Columbus
- 44031    Aug 23,  
1955    Accompanied by Nannie Ree Gordon, Helen Dickman, Ellen Magby, John Dickerson, L. C. Erby and the Reverend Mr. Saulsberry, she went to vote. Her marked ballot was placed by the lady official in a white envelope which already had a yellow slip of paper in it. This was done to all those person with her except Rev. Saulsberry who when he observed what was happening put his ballot in his pocket.  
Columbus



LOWNDES CO. #32 (CON'T)

- 44032 Aug. 23, 1955  
Poll official  
College Precinct  
Columbus  
Her ballot was challenged by a white lady working at the polls because she was not a member of the Democratic Party. The poll official took the ballot and a yellow slip of paper with the challenge written on it and put them in an envelope rather than in the box.
- 44033 Aug. 23, 1955  
Official at Bell  
Lmbr. Co.  
Columbus  
Accompanied by Augusta Whendon. She marked her ballot and it was placed in a white envelope by a white lady. The envelope was placed on the table with a group of other envelopes.
- 44034 Aug. 23, 1955  
Democratic Executive Committee  
Columbus  
He appeared before the committee. He was informed his ballot was challenged on these grounds: (1) He was not a member of the Democratic Party; (2) he did not believe in states rights; (3) something about loyalty or patriotism. He answered the challenge but was informed later by Circuit Clerk Cockrhan that his ballot was not counted.
- 44034 Aug. 23, 1955  
Poll official  
at Bell  
Lmbr. Co.  
Columbus  
The ballots of his wife and himself were placed in separate envelopes by the lady sitting at the table and their envelope was placed with similar envelopes.
- 44040 Aug. 23, 1955  
Poll official  
at College Precinct  
Columbus  
The poll official placed her ballot in an envelope after it was challenged by a white man, unknown to her, on the grounds that she was not a member of the Democratic Party. She determined the basis of the challenge by reading a yellow slip of paper he handed her. The slip was placed in the envelope with her ballot.
- 44041 Aug. 23, 1955  
Official at Bell  
Lmbr. Co.  
Poll  
Columbus  
Accompanied by Sadye M. Guyton, Nannie Bee Gordon and others, she attempted to vote. Her ballot was placed in a white envelope after she handed it to the poll official. This happened to those accompanying her.
- 44042 Aug. 23, 1955  
Poll official  
at Bell  
Lmbr. Co.  
Columbus  
He saw his ballot put in a white envelope.

LOWDES CO. #32 (CON'T)

44043	Aug. 23, 1955 Poll official at College Precinct Columbus	Her ballot was challenged by the poll official giving her a slip of paper with her ballot on the grounds that she was not a member of the Democratic Party. It was taken and put in an envelope by the poll official.
44044	Aug. 23, 1955 Poll official at College Columbus	Her ballot was challenged by an unknown white male on the grounds that she was not a member of the Democratic Party. It was then placed in an envelope by the poll official. Also present was Maggie M. Moore, Ida Dixon and Veneta Logan, all Negroes.
44052	Aug. 23, 1955 Poll official at Bell Lmbr. Co. Columbus	When he saw other Negroes ballots being challenged he put his ballot in his pocket and left.
44054	Aug 23, 1955 Poll official at Bell Lmbr. Co. Poll Columbus	After she and her husband voted, their ballots were placed in separate white envelopes which appeared to have another slip of paper in them. The lady official wrote each of their names on the appropriate envelope.
44055	Aug. 23, 1955 Poll official at Bell Lmbr. Co. Columbus	He and his wife's ballots were taken by a lady official, placed in an envelope and put on the table. Each of their names were written on the appropriate envelope.
44058	Aug. 23, 1955 Poll official at Bell Lmbr. Co. Precinct Columbus	His ballot was placed in an envelope, rather than in the ballot box, by the poll official. He observed this was not the case with white voters.
44059	Aug. 23, 1955 Poll official at Bell Lmbr. Co. Precinct Columbus	Her ballot was placed in an envelope by the poll official. This was not done to ballots cast by white persons.

LOWDES CO. #32 (CON'T)

44060	Aug. 23, 1955 Poll official at Bell Lmbr. Co. Columbus	She went with friends to vote. Her ballot was taken by the lady, placed in a white envelope and put on the table with others.
44061	Aug. 23, 1955 Official at Bell Lmbr. Co. Poll Columbus	Went with her husband. His ballot was taken by an official and put in a white envelope then put on a table.
44062	Aug. 23, 1955 Official at Bell Lmbr. Co. Poll Columbus	Accompanied by his wife. His ballot was placed with a yellow or pink slip of paper which a white man gave the lady sitting at the box into a white envelope. The envelope was put on the table.
44065	Aug. 23, 1955 Official at Bell Lmbr. Co. Poll Columbus	Accompanied by Melissa Harrison. Her ballot was taken by a white lady by the ballot box and placed in an envelope. The envelope was placed in a pile with other similar envelopes.
44067	Aug. 23, 1955 Poll official at Bell Lmbr. Co. Columbus	His ballot was taken by a white lady, placed in an envelope in which seemed to be a yellow slip of paper.

CLAIBORNE COUNTY #39

The following Negro registered voters in Claiborne County were not permitted to vote in primary elections in Claiborne County on the grounds that Negroes were not in harmony with the principles of the Democratic Party of the State of Mississippi. Negro registered voters also experienced difficulties and denials when they attempted to vote in general elections in Claiborne County. These denials continued until the Congressional election primary on June 5, 1962. These denials occurred at the places noted in Claiborne County.

- |       |   |  |
|-------|---|--|
| 11036 | Aug. 1955<br>McFatter<br>Russell<br>Jordan<br>Port Gibson | They went to the Town Clerk's office to vote. Mr. McFatter said they were not Mississippi Democrats, that they would have to subscribe to the state's belief in state's rights and separation of the races, and that if they did so swear, they might be subject to prosecution for perjury. They left without voting. |
| 11035 | Aug. 1955<br>McFatter<br>Russell<br>Jordan<br>Port Gibson | When they went to the polls to vote, one official said they were not Mississippi Democrats and that they would have to sign a statement affirming their support of states' rights, separation of the races and the Mississippi Constitution. They would not do this and were not permitted to vote.                    |
| 11024 | Aug. 1955<br>Mann and 2<br>other white<br>men<br>Pattison | When he presented himself to vote, Shelby Mann asked him several questions including whether or not he believed in fair employment practices. When he said that he did, Mann said that disqualified him since the state Democratic Party did not.  |

CLAIBORNE COUNTY #39 (Continued)

11019	About Aug. 1955 Fox Hermanville	He went to the polls and asked for a ballot. Russell Fox challenged his vote, saying he knew Mr. Jones wasn't in harmony with the Democratic Party because of his being President of the NAACP.
11034	About Aug. 1955 White Man Port Gibson	An election official said Rev. Spencer was not a member of the Mississippi Democratic Party, and could not join without signing an affidavit saying he was not a member of the NAACP. The official also said he would bring perjury charges against him if he did sign the affidavit. He did not sign and he did not vote. .
11014	About Aug. 1955 White Man Port Gibson	She went to City Hall to vote. A white man there asked if she was a member of the NAACP. She said she was, and he said there was no way in the world for her to qualify to vote.
11004	1955 or 1956 Hasting Allen and A White Man Port Gibson	When he and his wife, both registered voters, presented themselves at the polls, he was asked if he knew the Constitution and then to sign an affidavit about membership in integrated organizations. He was told that if he did sign and was a member of such an organization, he would be prosecuted for perjury. Then he was told that they'd keep the vote in a sealed envelope until they checked his memberships and that they'd get the law after him if he belonged to any. He and his wife left without voting.
11029	About Nov. 1956 Rush Hermanville	He was told he could not vote because his name was not on the list they had at the polls.

CLAIBORNE COUNTY #39 (Continued)

11015	About Nov. 1956 White Man Port Gibson	He went to City Hall alone to vote. One of the officials at the polls said he would have to wait until an officer came. He did not say what officer. He waited for an hour and no-one had told him he could vote - so he left.
11026	About 1956 Fox Mann Rogers Pattison	He and another Negro, Floyd Rollins, attempted to vote in the Democratic Primary. They were told they could not vote because they were not members of the Democratic Party.
11025	1950's Mann Pattison	Went to polls with several other Negroes. Shelby Mann said Negroes couldn't vote, that there were too many of them and if they all voted, they would take over.
11025	Mid 1950's Mann Fox Jones Pattison	Went to polls with several other Negroes. They were told they couldn't vote without filling out a form about organizations they belonged to and promising to support the Democratic Party.
11025	Mid 1950's Mann Pattison	Went with four other Negroes to vote in the primary. Shelby Mann said they couldn't vote in the primary, that they would have a meeting and let them vote as they saw fit.
11032	Mid 1950's Mann Fox	He went to the polls and told Mann he wanted to vote. Mann asked him a number of questions and then told him he was not a qualified voter.
11031	Mid or late 1950's Fox Mann Pattison	Rep. Fox questioned him about his beliefs on fair employment practices and segregation and then refused to let him vote.
11019	Between 1956 and 1960 Unknown Hermanville	Went to polls with wife but were told they could not vote.

CLAIBORNE COUNTY #39 (Continued)

- 11019    Between 1956    He and his wife went to the polls  
         and 1960    to vote, but they were not permitted  
         White Person    to. A white person at the polls  
         Hermanville    told him his name was not in the  
                        precinct book.
- 11017    Mid 1950's    He and another Negro man went to  
         White Man    the polls to vote, but a white man  
         Port Gibson    named Russell (Fox) who was there  
                        said they could not vote.
- 11023    Aug. 1959    Mr. Hastings challenged his vote  
         Hastings    when he went to the polls. Dr.  
         Fox    Morris was brought before a com-  
         Gage III    mittee which questioned him about  
         Vaughan    his views on civil rights and state's  
         Port Gibson    rights, etal. Rep. Fox informed him  
                        that he was under oath and subject  
                        to the laws of perjury. Mr. Hastings  
                        then told him that he could vote  
                        only by placing his ballot in an  
                        envelope along with other challenged  
                        ballots. Dr. Morris left.
- 11029    Aug. 1959    Galloway challenged his vote, say-  
         Galloway    ing he was a Republican despite  
         Justice of    Patton's stating he was a Democrat.  
         the Peace,  
         Slaughter  
         Hayes  
         Hermanville
- 11024    1959    He went to the polls to vote, but  
         Mann    Shelby Mann said his name was not  
         Pattison    on the voting list and refused to  
                        permit him to vote.
- 11031    About    Mann told him he could only vote on  
         Aug. 1960    a Constitutional Amendment, nothing  
         Mann    else. Mann said there were questions  
         Pattison    he would have to ask him to see if  
                        he was really a Democrat but that he  
                        would have to go to Port Gibson to  
                        get them and then ask him in the  
                        afternoon.

CLAIBORNE COUNTY #39 (Continued)

11019	Nov. 1960 Justice of the Peace, Slaughter Hermanville	Went to polls with wife and both voted, but Justice of Peace wrote his name on both their ballots.
11024	Nov. 1960 Mann Pattison	He presented himself at the polls, but Shelby Mann said his name was not on the voting list and declined to permit him to vote.
11029	Nov. 1960 Hermanville	The ballot he was given and cast at this election had the Justice of the Peace's initials on it.



SIMPSON COUNTY #57

The following Negro citizens of Simpson County were not permitted to vote in elections in Simpson County.

64006	8/2/55 Mendenhall	Went to vote and was prevented from doing so because name not in poll book. Was exempt because of age from payment of poll tax.
64007	8/2/55 Mendenhall	Went to vote in primary. Was prevented from doing so because name not in poll books. Was told this was so because poll tax receipts were from two different precincts.
64010	8/2/55 Mendenhall	Went to vote in primary. Was prohibited because name not in poll book. Was told name was omitted because poll tax receipts were from two different precincts.
64011	8/2/55	Went to vote in primary. Was denied right to vote because name not in poll book. Had poll tax receipts. Explanation offered was that receipts listed two different addresses.
64029	8/23/55 Mendenhall	Was challenged when attempted to vote in primary. Was allowed to vote but believes his ballot was kept separated from other ballots.
64012	1955 or 1956 Martinsville	Went to vote in an election. At polling place, a white person advised him that if he voted someone would make trouble. Didn't vote. Has never voted.
64014	1955 or 1956 Martinsville	Went to vote and was told by white person at polling place, "They are waiting for you in there. There is going to be trouble." Did not vote. Has voted in all other elections.
64001	1956 Martinsville	Went with 3 othersto vote. Was told that he had better not try to enter polling place. He did not try to vote.

SIMPSON COUNTY #57 (Continued)

64002	1956 Saratoga Eubank Sullivan	Went with wife to vote. Was told, outside poll place, by white man, Mr. Buck Eubank, that he had better not go inside. Also advised not to vote by Mr. Mel Sullivan. Did not attempt to enter polling place.
64003	1956 Saratoga Eubank	Went with husband to vote. Was prevented from doing so by white man, Buck Eubank, who told her and her husband not to enter polling place.
64004	1959 Martinsville	Went to vote with husband in Gubernatorial election. An unknown white man told her not to vote. She left.
64024	Nov. 1956 Saratoga Jones	Was told by Mr. Joseph Jones who was in charge of polls that he could not vote because he was listed as "white" on the list of qualified voters.
64026	Nov. 1957 Saratoga Eubank	Went to vote and was told that Negro votes were not being taken. Told this by Mr. Buck Eubank.
64026	Nov. 1960 Saratoga Sullivan	Went to vote and was told Negro votes were not being taken. Told this by Mr. Mel Sullivan.

NOXUBEE COUNTY #65

The following Negro citizen of Noxubee County was not permitted to vote in Noxubee County.

52004	11/6/56	Not permitted to deposit ballot for
	Mrs.	general election in ballot box.
	Morris	

#### IV. STATEMENTS IN UNITED STATES SENATE COMMITTEE HEARING

In 1946 a special investigation of the campaign of Theodore G. Bilbo, United States Senator for Mississippi, was conducted by the Senate Special Committee on Campaign Expenditures, 1946 United States Senate, Seventy-Ninth Congress. The following quotations are statements made by witnesses to the Special Committee.

Mr. Clifford R. Field, Circuit Court Clerk of Adams County, testified:<sup>1/</sup>

The Chairman: What other restrictions did you place on the colored applying to register, in contrast to the whites, other than the requirement as to the production of the poll-tax receipt?

Mr. Field: The only other thing I did was to ask them to read the section of the constitution of the State of Mississippi where it explains the election of the Governor of the State of Mississippi. I did not require that of the whites, but I did require it of the colored.

The Chairman: Why did you make the exception?

Mr. Fields: I didn't require it, that is, I have no other reason than that they were colored.

Mr. C. E. Cocke, of Washington County, who was in 1946 and still is the Circuit Court Clerk of Washington County, testified:<sup>2/</sup>

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<sup>1/</sup>  
WS-1 Hearings before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946. United States Senate, Seventy-Ninth Congress, Second Session. (Washington, D. C.: Government Printing Office, 1947), p. 205.

<sup>2/</sup>  
WS-2 Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946. p. 178.

Mr. Wyman (Counsel for the Committee): Did you ask any of these individuals (Negroes) whether they could read, prior to the time you questioned them?

Mr. Cocke: I did.

Mr. Wyman: And did they satisfy the requirement of being able to read?

Mr. Cocke: They said that they could.

Mr. Wyman: But after that you questioned them?

Mr. Cocke: I did.

Mr. Wyman: Do you remember, Mr. Cocke, ever having made a statement that no matter how they answered these questions, that they were disqualified?

Mr. Cocke: I think I told them in short words that they would have a hard time convincing me, I believe I made that statement.

The Negroes were not allowed to register to vote in Mississippi is illustrated by the testimony of Negroes in the hearings. Nathaniel H. Lewis of Pike County, Mississippi, testified that on June 14, 1962, he, with four other Negroes, tried to register to vote:<sup>3/</sup>

....and then he asked me who was the President of the United States and who was the Vice President of the United States, who was the Secretary of State, and who was the Secretary of Labor, and how was the President of the United States elected, and how was the Secretary of State elected, and how was the Governor of Mississippi elected, and he wanted to know what was on the ballot, and after a little he says, 'Lewis, you go and brush up on your civics and come back'....

Senator Bridges (Styles Bridges of New Hampshire); The questions that he asked you, how many of them did you answer correctly, do you think?

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<sup>3/</sup>  
WS-3. Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946.

Mr. Lewis: All of them but one, to be sure.

Senator Bridges: Which one was that?

Mr. Lewis: He asked me what was on the ballot.

Four other Negroes, two from Walthall County and two from Pike County, also testified that they were asked similar questions by the circuit clerks when they tried to register.<sup>4/</sup>

The refusal to permit Negroes to register to vote was often much less sophisticated. Five Negroes—one from Walthall, Hinds, Franklin and Winston Counties—testified that when they went to try to register in their respective counties they were simply not permitted to do so.<sup>5/</sup>

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<sup>4/</sup> WS-4.-WS-7. Testimony of Samuel B. O'Neal, Pike County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 140-141; testimony of Napoleon B. Lewis, Pike County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 120-121; testimony of Venton Simmons, Walthall County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 279-280; testimony of Timothy Dillon, Walthall County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 281-282.

<sup>5/</sup> WS-8-WS-12. Testimony of A. G. Price, Walthall County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 225-226; testimony of J. B. Raiford, Walthall County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 283-284; testimony of Willis D. Hamm, Marshall County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 317-320; testimony of Ezell Singleton, Franklin County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 124-125; testimony of Cleavis Gladney, Winston County, Mississippi, Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, pp. 213-215.

One of them, Ezell Singleton, Branton, Mississippi,  
testified:<sup>6/</sup>

I don't know exactly the date, but it was in June that I went up to the circuit clerk's office at Brandon, and I told her I wanted to register, and she told me to go upstairs and turn short to the left, and there was a man up there to take care of all veterans. So I went up there, and I asked the gentleman in the office there, I told him I wanted to register, and he told me to sit down, and he talked with me awhile and then he asked me who sent me up there, and I told him I came on my own hook, and he got up from behind his desk, and started toward me, and I stood up, and he stopped, and he told me if I didn't want to get into serious trouble for me to get out of his office. So I did.

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<sup>6/</sup>  
WS-13. Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, p. 124.

V. STATEMENTS BY MISSISSIPPI GOVERNMENT OFFICIALS

The following statement reported in the Daily Clarion-Ledger, July 11, was made in 1907 by John Sharp Williams, candidate for Senator of the United States from Mississippi. He subsequently won the election:<sup>1/</sup>

Instead of disfranchising the negro as we now do to such an extent that Governor Vardaman and I in running for office today and other men in running for office are paying no more attention to the negroes in Mississippi than they are to the mules tied up by those negroes. Instead of disfranchising the negroes by words of circumvention as we do I would like to be able to read in plain words upon the constitution of the state of Mississippi the electoral franchise in this state shall be exercised by all persons 21 years of age of pure white blood.

His opposing candidate, Governor James Vardaman, made the following statement in the same year; according to the April 27 issue of The Saturday Evening Post:<sup>2/</sup>

The Negro should never have been trusted with the ballot. He is different from the white man. He is congenitally unqualified to exercise the most responsible duty of citizenship. He is physically, mentally, morally, racially and eternally the white man's inferior. There is nothing in the history of his race, nothing in his achievements of the past nor his promise for the future which entitles him to stand side by side with the white man at the ballot-box.

This inestimable privilege was thrust upon the negro snatching him out of his twenty thousand barbaric years and placing him shoulder to shoulder with the heir of all the ages. This was a stupendous blunder, worse than any crime, and the sober second thought of the nation should correct it.

<sup>1/</sup> WS-14. The Daily Clarion-Ledger. Jackson, Mississippi. July 11, 1907, p.6.

<sup>2/</sup> WS-15. Quoted by Harris Dickson in "The Vardaman Idea," The Saturday Evening Post, Vol. 179, No. 43, April 27, 1907.



We must repeal the Fifteenth and modify the Fourteenth Amendment to the Constitution of the United States. Then we shall be able in our legislation to recognize the negro's racial peculiarities, and make laws to fit them. This would leave the matter precisely as was intended by the fathers of the Republic.

During the peak of this same campaign for election to the United States Senate, John Sharp Williams spoke about his own views and those of his opponent, James Vardaman:<sup>3/</sup>

Now, ladies and gentlemen, it seems to me curious that any man in the state of Mississippi could ever have imagined even that there could be any issue between the gentleman from LeFlore County and myself upon the question of the desirability of white political supremacy and undesirability of black political domination. (applause) I dare say there is not in this audience a man fool enough to believe that there can be any issue between him and a Yazoo County white line red shirt Democrat upon that question.

The gentleman tells you that there, the white man must rule and must rule by law. My reply is that the white man is ruling and is ruling by law. The federal judges and not Governor Vardaman or myself, the Supreme Court of the United States have issued this opinion to the world.

He tells you that the negro ought to have nothing to do with politics, and that the negro has no right which the white man must be bound to respect as far as politics go. Does he imagine that this is a novel and new sentiment to a man of my political service, to a man of my environment, or to any of you?

3/ WS-16. The Daily Clarion-Ledger, July 4, 1907.

In 1914, Vardaman, who was then United States Senator, said on the floor of the Senate, according to the Congressional Record of the Senate of the United States.<sup>4/</sup>

As Governor of my State I am sure I exerted myself as much to protect the negro in the enjoyment of his life, his liberty, the pursuit of happiness, and the products of his own toil as any executive in America has ever done. He does not vote much in Mississippi, but I really think he votes more than he ought to vote, if he votes at all. I do not think it was ever intended by the creator that the two races should live together upon equal terms -- enjoy equal political and social advantages. One or the other must rule.

In his campaign for re-election in 1946, Senator Theodore Bilbo, the senior senator from Mississippi, urged the circuit clerks to disqualify Negro applicants by the use of the interpretation test.<sup>5/</sup>

The poll tax has nothing to do with the negro not voting in the State; the real thorn in their imaginary crown -- placed there by the Negro lovers of the north -- is section 244 of the State's Constitution, which provides that before anyone can register he must be able to read, or explain after it is read to him or her, the provisions of this Constitution. The circuit clerks are under oath to protect the provisions of that Constitution, and if there is a single man or woman serving in this important office who cannot think up questions enough to disqualify 'undesirables' then write Bilbo or any good lawyer and there are a hundred good questions which can be furnished.

During the same campaign, Senator Bilbo said:<sup>6/</sup>

The poll tax won't keep 'em from voting. What keeps 'em from voting is section 244 of the constitution of 1890, that Senator George wrote. It says that a man to register must be able to read and explain the constitution when read to him. . . And then Senator George wrote a constitution that damn few white men and no niggers at all can explain. . .

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4/ WS-17. Congressional Record of the Senate of the United States, Sixty-third Congress, Second Session, Vol. 51.

5/ WS-18. The Jackson Daily News. Jackson, Mississippi, May 28, 1946. Verified by Senator Bilbo in testimony during Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, Seventy-Ninth Congress, Second Session, p. 348.

6/ WS-19. Quoted by Harry Henderson and Sam Shaw in Colliers. July 6, 1946. Verified by Senator Bilbo in testimony during Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, p. 205.

## VI. MISSISSIPPI NEWSPAPER COMMENT

The decline in Negro registration in the State was recognized as early as 1903. The Clarion-Ledger of July 16, 1903 report that:<sup>7/</sup>

The probable total registration of the state today including those who have registered for the August primary is in the neighborhood of 100,000 of which none exceeding 20,000 are colored. Despite the oft-expressed fear that the Negro is trying to get back into politics no information of this kind is shown on the registration book, a very small number qualifying for citizenship who are really entitled to do so. County registrars have kept the Negroes off the books by strict enforcement of the understanding clause in the Constitution.

7/ WS-20. The Clarion-Ledger. July 16, 1903, p.8.

ANSWER TO INTERROGATORY NUMBER 10 (a) AS TO THE FACTUAL BASIS FOR THE ASSERTION CONTAINED IN PARAGRAPH 27 OF THE COMPLAINT THAT THE PROPOSED AMENDMENT TO SECTION 244 OF THE MISSISSIPPI CONSTITUTION OF 1890 WAS DESIGNED TO PERPETUATE IN MISSISSIPPI "WHITE POLITICAL SUPREMACY," A RACIALLY SEGREGATED SOCIETY, AND THE DISFRANCHISEMENT OF NEGROES.

The factual basis for the assertion contained in Paragraph 27 of the complaint that the proposed amendment to Section 244 of the Mississippi Constitution of 1890 was designed to perpetuate in Mississippi "white political supremacy," a racially segregated society, and the disfranchisement of Negroes is as follows:

1. In June 1951, the United States Court of Appeals for the Fifth Circuit made it clear that the interpretation portion of section 244 could not be used as a registration requirement where the applicant could read.<sup>1/</sup>

2. In 1952 the Mississippi Legislature passed a joint resolution proposing an amendment to Section 244 of the Mississippi Constitution of 1890 which provided that as a prerequisite for registration to vote the applicant must be able both to read and to give a reasonable interpretation of any section of the Mississippi Constitution.<sup>2/</sup> The proposed amendment was submitted to the voters in a general election and was not adopted.<sup>3/</sup>

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<sup>1/</sup> Peay v. Cox, 190 F 2d 123, (Fifth Cir., 1951).

<sup>2/</sup> P.54-1, Mississippi Laws, 1952, Ch. 454.

<sup>3/</sup> A-54, Defendant's admission in Answer to Complaint on behalf of the State of Mississippi p.5 par. 24.

3. In its next regular session on April 24, 1954, the Legislature, again adopted a similar resolution to amend Section 244.<sup>4/</sup> The proposed amendment required that an applicant for registration be able to read and write any section of the Mississippi Constitution and give a reasonable interpretation thereof to the county registrar and, in addition, that the applicant be able to demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.<sup>5/</sup> The proposed amendment also required for the first time in Mississippi that persons applying for registration must make a sworn written application for registration on a form to be prescribed by the State Board of Election Commissioners.<sup>6/</sup> Persons who were registered to vote prior to January 1, 1954, were expressly exempted from the new, more stringent requirements.<sup>7/</sup>

4. On May 1, 1954, the Mississippi Legislature created a twenty-five member Legal Education Advisory Committee.<sup>8/</sup>

5. According to the Clarion-Ledger of August 1, 1954, in July, the Legal Educational Advisory Committee, together with Governor Hugh White, met with a group of Mississippi Negro leaders to discuss preserving a

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<sup>4/</sup> P.54-2. Mississippi Laws, 1954, Ch. 427.  
<sup>5/</sup> P.54-2. Mississippi Laws, 1954, Ch. 427.  
<sup>6/</sup> P.54-2. Mississippi Laws, 1954, Ch. 427.  
<sup>7/</sup> P.54-2. Mississippi Laws, 1954, Ch. 427.  
<sup>8/</sup> P.54-3. Mississippi Laws, 1954, Ch. 420.

voluntary equal but separate public school system in Mississippi. The Negroes rejected the proposal and as a result Governor White called "for an extraordinary session of the Legislature to convene on September 7 to consider submitting to the people a constitutional amendment empowering the Legislature, by two-thirds vote of both houses, to abolish the public schools, or to authorize counties and separate school districts to abolish the schools if efforts are not to force integration of the races in the schools and this becomes the last resort to prevent integration." <sup>9/</sup>

6. On August 13, 1954, according to the Clarion-Ledger of that date Governor White expressed the view that: <sup>10/</sup>

There is no thought among the Advisory Committee to abolish the public schools . . . . But the constitutional amendment must be passed as a weapon to hold over Negro heads to keep them from trying to force integrated schools upon Mississippi.

7. During the same summer, 1954, white citizens councils were formed in Mississippi. The purpose of these organizations was the maintenance of racial segregation in the state. <sup>11/</sup>

In a circular of the Association of Citizens Councils of Mississippi, which sets forth the committees to be formed in local citizens councils,

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<sup>9/</sup> P.54-6. The Clarion-Ledger. Jackson, Miss. August 1, 1954. P. 16, col. 2.

<sup>10/</sup> P.54-7. The Clarion-Ledger, Jackson, Miss. August 13, 1954. P. 1.

<sup>11/</sup> P.54-17. Robert B. Patterson. The Citizens' Council Annual Report. (Winona, Mississippi: Association of Citizens' Councils of Mississippi, 1955), p. 1.

the duties of each committee are stated: 12/

1. Political and Elections Committee - Screens all candidates in local and state elections against those who might be seeking the negro vote. If necessary, organize a white private election, within our group, to combat the negro bloc vote (as our old white primary). Discourage negro registration by every legal means.
2. Information and Education Committee - Gather information pertaining to segregation from all over our nation. Seek facts to present to our people. Educate all citizens, black and white, to the advantages of segregation and the dangers of integration. Handle press, radio and speakers. Coordinate with other similar organizations.
3. Membership and Finance Committee - Seeks white patriotic voters for membership. We must mobilize public opinion.
4. Legal Advisory Committee - Anticipates moves by agitators and devises legal means for handling any problem that may arise. Provides legal council for all members.

We will be in a position to support any national organization that we feel sanctions our ideals. If all eighty-two counties in Mississippi and the South were to organize, as we are doing, what would our possibilities be?

8. An extraordinary session of the Mississippi Legislature convened September 9, 1954. 13/

9. In September 1954, the Legal Education Advisory Committee of the Mississippi Legislature submitted its statement of policy: 14/

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12/ P.54-18. "What is the Citizens' Council?" (Winona, Miss.: Association of Citizens' Councils of Mississippi, 1954).

13/ P.54-19. Journal of the Senate of the State of Mississippi, Extraordinary Session, 1954 p.3.

14/ P.54-20. Journal of the House of Representatives of the State of Mississippi, Extraordinary Session, 1954, p.14.

The Committee conceives its duty to be to devise the means and methods by which separate schools for the race shall be maintained in this state and to submit such plan to the legislature for its action thereon.

It was the sense of the committee that its first most important task is to determine what amendments to the state constitution are necessary to enable the legislature to effectively deal with the problem of segregation and integration in the public schools brought about by the decision of the Supreme Court of the United States of May 17, 1954, declaring that the doctrine of separate but equal facilities has no place in the education system of the nation, and that separate schools for the white and colored races based solely on race is in violation of the Fourteenth Amendment to the Constitution of the United States, therefore when a state undertakes to furnish education opportunities to its citizens [they] must be furnished to all regardless of race or color and without discrimination, thus abolishing our present school system set up under Section 207 of the constitution which provides: "separate schools shall be maintained for children of the white and colored races."

10. In September 1954, the Legislature adopted the resolution proposing a constitutional amendment to empower the Legislature to abolish the public schools or to authorize counties and separate school districts to abolish the schools. <sup>15/</sup>

11. On September 13, 1954, the work of the Citizens' Councils of Mississippi was acknowledged on the floor of the Mississippi House of Representatives. Mrs. Wilma B. Sledge, of Sunflower County, where the Citizens' Council was founded, stated: <sup>16/</sup>

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<sup>15/</sup> P.54-4. Mississippi Laws, 1954. Ex. Ch. 39.

<sup>16/</sup> P.54-21. Journal of the House of Representatives of the State of Mississippi, Extraordinary Session, 1954, pp. 47 - 49.



The Citizens' Councils are a wide-spread group of local organizations composed of reliable white male citizens who believe that segregation is not discrimination and are organized for the sole purpose of maintaining segregation of the races. These councils will maintain segregation through unity of purpose, consolidation of public opinion, and utilization of all legal means available.

Each council accepts the responsibility of preventing integration of the races within its immediate territory. Should a consolidation of councils be necessary for concerted action, a centralized state control could be established within a matter of hours. This is true despite the fact that the combined membership has grown within the past two months to the extent that it is now numbered by the thousands.

All segregation problems confronting the respective councils are thoroughly studied by appropriate committees, and any action recommended have the complete sanction of legal advisors who are also members of the organization.

. . . In maintaining segregation, all city, county and state officials will receive complete support from their councils. Our Congressmen will receive like support.

All of Mississippi's law enforcement officers will be given any assistance they request.

Agitation promoted or fomented by out-of-state individuals and organizations will be nullified.

Candidates for offices at all levels will be carefully screened by the political committees.

. . . They (the councils) seek to educate all citizens, both black and white, to the advantages of segregation and the dangers of integration.

The spontaneous growth of the councils is indicative of the fact that they are predicated on law, order and decency for both races.

But segregation will be maintained.

. . . Every state in the South has been watching Mississippi. This is our decision and your pattern for the preservation of our way of life.

Ladies and Gentlemen, I am sure you agree with me that such motives and methods are laudable, timely, and imperative. They deserve the sanction and participation of all who are willing to mutually pledge their lives, their fortunes, and their honor to the preservation of an unsullied race. To falter would be tragic; to fail would be fatal. These will neither falter or fail.

12. Between October 28, 1954, and November 2, 1954, as indicated by newspaper reports, it was a matter of common knowledge throughout Mississippi that the purpose of the amendment to section 244 was to perpetuate the disfranchisement of Negroes. This fact was recognized by newspapers widely circulated and read in Mississippi.

The Jackson Daily News reported on October 28, 1954, a speech by Mr. Robert Patterson, Chairman of the Association of Citizens' Councils of Mississippi, who stated:<sup>17/</sup>

The amendment is intended solely to limit Negro registration.

In the same newspaper on November 1, 1954, the following comment appears: <sup>18/</sup>

The amendment would raise voting requirements and its proponents admit it is designed to check the increasing number of Negro ballots.

The Clarion-Ledger on November 7, 1954, quoted a pre-election editorial in the Natchez Times

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<sup>17/</sup> P.54-8. Jackson Daily News. Jackson, Miss. October 28, 1954.

<sup>18/</sup> P.54-9. Jackson Daily News. Jackson, Miss. November 1, 1954.

regarding the proposed amendment to Section 244:<sup>19/</sup>

As for the "dictatorial" powers which would be granted the registrar, we cannot get overly excited. An elected official usually reflects the wishes of a majority of the electors and he carries out local customs as a means of political preservation.

On election day, November 2, 1954, at least two such explanations were made in the Clarion-Ledger, the morning paper. On page one appears: <sup>20/</sup>

And the second [the proposed amendment to section 244] tightened up voting requirements and discouraged if not prevented further qualification of negroes for voting.

On the fourth page Charles M. Hill stated in his political column: <sup>21/</sup>

However, there is a steady upturn of registration by negroes for the ballot. The constitutional amendment which appears on the ballot . . . is supposed to be a guard against that.

13. On November 2 the amendment to Section 244 of the Mississippi Constitution was submitted to and ratified by the voters of the state. <sup>22/</sup>

14. On November 3, 1954, the Clarion-Ledger reported: <sup>23/</sup>

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<sup>19/</sup> P.54-10. The Clarion-Ledger - Jackson Daily News. Jackson, Miss. November 7, 1954.

<sup>20/</sup> P.54-11. The Clarion-Ledger. Jackson, Miss. November 2, 1954. p. 1.

<sup>21/</sup> P.54-12. The Clarion Ledger, Jackson, Miss. November 2, 1954. p. 4.

<sup>22/</sup> P.54-22. Mississippi Official and Statistical Register, 1950-1960. p. 392.

<sup>23/</sup> P.54-13. The Clarion-Ledger. Jackson, Miss. November 3, 1954. p. 1.

With 347 precincts reporting the vote was 17,317 for the amendment to change the laws for qualification of voters to provide for reading and interpreting the state constitution as a requirement for the new registrants amendment is plainly aimed at negro voters and the provisions would not apply to those already qualified.

The Meridian Star reported the same day: <sup>24/</sup>

Slowly mounting returns today gave a 19 to 1 lead to a proposed amendment to restrict negro voting in Mississippi.

The Gulfport Daily Herald stated on November 4, 1954: <sup>25/</sup>

Mississippians will have to know how to read and write before they can register to vote under a constitutional amendment approved in Tuesday's general election.

The amendment was aimed at placing new restrictions on Negro voters. Previously, the only restrictions was that applicants be able to read or understand the constitution when it was read to them.

The Clarion-Ledger also reported on November 4: <sup>26/</sup>

Mississippi voters defeated a similar amendment just two years ago. Reasons for the shift in public opinion, resulting in approval of the amendment Tuesday, are too well known to need discussion. Chief among the recent events and developments inspiring this shift of public opinion was the U. S. Supreme Court's decision outlawing segregation in the public schools even when equal facilities are provided.

We believe that under existing conditions and prospects our people were wise to approve this amendment. It should prove an effective weapon in the fight to retain segregation in and out of the schools.

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<sup>24/</sup> P.54-14. The Meridian Star. Meridian, Miss. November 3, 1954. p. 1.

<sup>25/</sup> P.54-15. The Daily Herald. Gulfport, Miss. November 4, 1954. p. 1.

<sup>26/</sup> P.54-16. The Clarion-Ledger. Jackson, Miss. November 4, 1954.

15. On December 21, 1954, the people of Mississippi ratified the constitutional amendment which authorized the Legislature to abolish the public school system.<sup>27/</sup>

16. In January 1955, another extraordinary session of the Mississippi Legislature was called for the purpose of inserting in the Constitution the amendment to section 244 and that the amendment to authorize abolition of the public schools. Both amendments were inserted during this session.<sup>28/</sup>

17. In August, 1955 the annual report of the Citizens' Council stated in reference to the adoption and ratification of the two Constitutional amendments:<sup>29/</sup>

The first major accomplishment by the first project undertaken by our Councils on a state level was the passage of the Constitutional Amendment to raise voter qualifications in Mississippi. Although this same amendment failed to pass in 1952, it passed by a tremendous majority when the people of Mississippi through the Citizens' Councils, were informed of the necessity and reason for the passage of this amendment. It is impossible to estimate the value of this amendment to future peace and domestic tranquility in this state.

Our next major effort was the school amendment. On December 21st of last year the people of Mississippi passed the amendment that gave the Legislature the power to abolish the public schools as a last resort in order to prevent racial integration in these schools. In passing this amendment we told the world in no uncertain terms that before we would submit to integration we would abolish our schools and set up state-supported private schools. Against

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<sup>27/</sup> P.54-23. Mississippi Official and Statistical Register, 1956-1960. p. 397.

<sup>28/</sup> P.54-5. Mississippi Laws, 1955, Ex. Ch. 132, 133.

<sup>29/</sup> P.54-17. Robert B. Patterson. The Citizens' Council Annual Report (Winona, Mississippi: Association of Citizens' Councils of Mississippi, 1955), p. 1.

organized opposition, the Citizens' Councils threw their strength behind the passage of this bill. The Council officers felt that if integration came to Mississippi our schools would automatically be destroyed, and we felt that this amendment was merely a legal statement of principle and fact that expressed the sentiment of the people of Mississippi.

18. The effect of the Amendment to Section 244 of the Mississippi Constitution was to disfranchise Negroes who applied to become registered to vote.

In Warren County, where a study was made, Negro registration between 1947 and 1955 totaled over 1900.

In March, 1955 the amendment to Section 244 of the Constitution was put into operation.

For the entire period, March , 1955 through 1962, Negro registration in Warren County has not exceeded 265.

A similar situation exists in Hinds County, Mississippi, where Negro registration for one year, 1954-1955, prior to the implementation of the Amendment to Section 244, exceeded 800.

For the entire seven-year period, 1955 through June, 1962 Negro registration has remained under 1250 persons.

ANSWER TO INTERROGATORY NUMBER 15(a) AS TO THE FACTUAL BASIS FOR THE ASSERTION THAT THE PURPOSE OF SECTION 241-A OF THE MISSISSIPPI CONSTITUTION WAS TO SUBJECT THE VAST MAJORITY OF NEGRO CITIZENS OF VOTING AGE IN MISSISSIPPI TO THIS ADDITIONAL REQUIREMENT WHEN THEY ATTEMPT TO BECOME REGISTERED VOTERS; AND TO EXEMPT THE MAJORITY OF THE WHITE CITIZENS OF VOTING AGE IN MISSISSIPPI FROM THIS REQUIREMENT SINCE THEY ARE ALREADY REGISTERED VOTERS, AND TO PROVIDE AN ADDITIONAL DEVICE WITH WHICH REGISTRARS COULD DISCRIMINATE AGAINST NEGRO CITIZENS WHO SEEK TO REGISTER TO VOTE--A MEANS OF DISCRIMINATION WHICH WOULD MAKE DETECTION MORE DIFFICULT.

The factual basis for the assertion that the purpose of Section 241-A of the Mississippi Constitution was to subject the vast majority of Negro citizens of voting age in Mississippi to this additional requirement when they attempt to become registered voters; and to exempt the majority of the white citizens of voting age in Mississippi from this requirement since they are already registered voters, and to provide an additional device with which registrars could discriminate against Negro citizens who seek to register to vote--a means of discrimination which could make detection more difficult is as follows:

The nature and sequence of legislative events affecting Negroes in Mississippi was as follows:

November 1959 - A Mississippi Advisory Committee for the  
United States Civil Rights Commission  
was established.

January and

February 1960 - The Congress of the United States considered and debated the proposed Civil Rights Act of 1960 providing, among other things, for the authority of the Attorney General to inspect and copy voter registration records upon his demand and for the appointment of federal referees in cases involving voter discrimination.

February 10,  
1960

- A bill was introduced into the Mississippi Legislature which would amend the Constitution to permit the Legislature to determine the qualifications for grand and petit jurors. Under Article 26 of the Mississippi Constitution a grand or petit juror had to be a qualified voter.<sup>1/</sup>

February 18,  
1960

- The Mississippi Advisory Committee announced that its prime target would be Negro voter registration throughout the state.<sup>2/</sup>

March 3, 1960

- The Mississippi Legislature by joint resolution condemned the proposed 1960 Civil Rights Act. The Legislature commended Senators Eastland and Stennis for their fight against the proposed Civil Rights Act.<sup>3/</sup>

1/ P60-1. H.C.R. No. 23. Journal of the House of Representatives of the State of Mississippi, Regular Session, 1960. p. 109.

2/ P60-25. The Clarion-Ledger. Jackson, Mississippi. February 18, 1960. p. 1.

3/ P60-17. Mississippi Laws, 1962, Ch. 510.



March 10, and  
22, 1960

- Ten bills were introduced into the Mississippi House of Representatives that would tighten up provisions against trespassing and demonstrations such as sit-ins, in public places and inciting the commission of such acts.<sup>4/</sup>

March 24, 1960- A bill was introduced in the Mississippi Senate to permit registrars to destroy registration records.<sup>5/</sup>

March 28, 1960 - At least thirteen important segregation bills were introduced into the Legislature; two were to amend the Constitution to require that electors be of good moral character;<sup>6/</sup> three were to amend the Constitution to eliminate written applications to vote;<sup>7/</sup> three were to amend the Constitution to eliminate the provision that the Legislature must maintain a public school system and to make the maintenance of a school system discretionary;<sup>8/</sup> one bill would permit the district Boards of Trustees to close the schools;<sup>9/</sup> and four

4/P60-2-P60-5. H.B.'s 431, 432, 433, 490, 556, 557, 558, 559, 560, 595.

Journal of the House of Representatives of the State of Mississippi, Regular Session, 1960. pp. 266, 267, 326, 327.

5/P60-6. S.B. 1883. Journal of the Senate of the State of Mississippi, Regular Session, 1960. p. 319.

6/P60-7. S.C.R. 147 (Ch. 550). Journal of the Senate of the State of Mississippi, 1960. p. 351

7/P60-8. S.C.R. 139, 142, 146. Journal of the Senate of the State of Mississippi, 1960. p. 350-352.

8/ P60-9, P60-10. S.C.R. 143 (Ch. 547), H.C.R. 57, H.C.R. 58. Journal of the Senate of the State of Mississippi, 1960. p. 350. Journal of the House of Representatives of the State of Mississippi, 1960. p. 391.

9/P60-11. S.B. 1923 (Ch. 316) Journal of the Senate of the State of Mississippi, 1960. p. 340.

bills would make it perjury under state law to make false statements to any federal authority.<sup>10/</sup> These last four bills named the Civil Rights Commission and the Federal Bureau of Investigation specifically.

April 12, 1960 - A concurrent resolution commending the determined stand of the Government of the Union of South Africa in maintaining its firm segregation laws was introduced in the Mississippi Legislature.<sup>11/</sup>

April 13, 1960 - The Mississippi Legislature approved voter application destruction bill.<sup>12/</sup>

April 28 and May 5, 1960 - The Legislature of Mississippi passed a joint resolution to amend Article XII of the Mississippi Constitution of 1890 to include a new section (Section 241-A) which added the voter qualification of good moral character.<sup>13/</sup>

May 2, 1960 - The Mississippi Legislature approved a resolution to amend the Constitution so that grand and petit jurors need not be qualified electors.<sup>14/</sup>

10/P60-12. S.B. 1921, H.B. 732 (Ch. 255), H.B. 733 (Ch. 263), H.B. 734 (Ch. 56). Journal of the Senate of the State of Mississippi, 1960. p. 340. Journal of the House of Representatives of the State of Mississippi, 1960. p. 383.

11/P60-13. H.C.R. 67 (Ch. 519). Journal of the House of Representatives of the State of Mississippi, 1960. p. 536.

12/P60-14. Journal of the House of Representatives of the State of Mississippi 1960. p. 564.

13/P60-18. Mississippi Laws, 1960, Ch. 550.

14/P60-15. Journal of the House of Representatives of the State of Mississippi, 1960. p. 992.

- May 5, 1960 - Mississippi Legislature approved the resolution to amend the Constitution to add the good moral character requirement. It also approved the proposed amendment authorizing the Legislature eliminating the requirement that public schools be maintained and permits the maintenance of public schools at the discretion of the Legislature.<sup>15/</sup>
- May 6, 1960 - The Civil Rights Act of 1960 was approved.
- November 8, 1960 - The proposed addition to Article XII requiring good moral character as a prerequisite to voting, was submitted to and adopted by the voters.<sup>16/</sup> Section 241-A as adopted gave the Legislature power to enforce the provisions thereof by appropriate legislation.
- May 17, 21, and 22, 1962 - The Mississippi Legislature adopted legislation implementing Section 241-A.<sup>17/</sup> Section 3235 of the Mississippi Code was amended to add:<sup>18/</sup>

Except that any person registering after the effective date of this Act shall be of good moral character as required by Section 241-A of the Mississippi Constitution.

15/P60-16. Journal of the House of Representatives of the State of Mississippi 1960. p. 934.

16/P60-24. Mississippi Official and Statistical Register, 1960-1965. p.402.

17/P60-19 - P60-23. Mississippi Laws, 1962, Ch. 569,571,572, 573,575.

18/P60-23. Mississippi Laws, 1962, Ch. 575.

At the same time, Section 3209.6 of the Mississippi Code was amended to require the defendant State Board of Election Commissioners to include in the application forms spaces for information showing the good moral character of the applicant for registration.<sup>19/</sup>

Two new laws were also enacted relating to the good moral character of the applicants: one requiring publication of the names and addresses of all applicants; the other providing the procedure by which qualified electors, by affidavit, could challenge the good moral character of any applicant for registration.<sup>20/</sup>

The purpose of the proposed amendment and package legislation was a matter of common knowledge in Mississippi. Newspaper reports and comments made this purpose clear. Mr. W. F. Minor, Mississippi correspondent for the New Orleans Times-Picayune, reported in that paper on April 3, 1960:<sup>21/</sup>

While Congress moves toward passage of a civil rights bill to help Negroes in exercising their voting right in the South, Mississippi's legislature last week was working on new barriers to keep Negroes from voting.

The segregation strategists in the Legislature apparently were keeping an eye on the civil rights bill to find loopholes which they use to get around the law if it does pass.

19/P60-19. Mississippi Laws, 1962, Ch. 569.

20/P60-21, P60-22. Mississippi Laws, 1962, Ch. 572, 573.

21/P60-26. The Times-Picayune. New Orleans, Louisiana. April 3, 1960.

But, there apparently will still be some conflict between the voting provisions of the federal bill and the state laws.

The latest move of the legislative segregation forces is to wipe out all provisions in the state law and constitution requiring the keeping of permanent public records on voter registration applications.

#### Registration Study

This seems to be the state's answer to the federal law - if there are no records, how can the federal government prove Negroes are victims of discrimination?

But, one provision of the civil rights bill has a requirement for keeping records in elections of federal officials for 22 months. It's uncertain how this would affect the new state voter registration strategy. . . .

Also part of the new strategy is the requirement that a voter must be of 'good moral character' to qualify to register.

In 1952, the people voted down a constitutional amendment which would have added the 'good moral character' requirement to voter registration.

The objection to the proposal was that the circuit clerk of a county would be the sole judge of a person's moral character as a prerequisite to voting. . . .

Another article by Mr. Minor appeared in the Times-Picayune on April 13, 1960, pointing out: 22/

With one eye on the public enactment of a new Civil Rights bill by Congress, the Mississippi Senate moved Tuesday to permit voter registrars to destroy records of rejected Negro voter applications.

The bill, which still faces House action, was rushed through the Senate shortly before it adjourned Tuesday. Explanation of the purpose of the bill was made while the Senate was still in an executive session called to confirm several gubernatorial appointments.

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22/ P60-27. The Times-Picayune. New Orleans, Louisiana. April 13, 1960

But one Senator said later, 'If this bill is going to have any effect, it must be passed before the President signs the Civil Rights Bill.'

The Jackson Daily News reported in October, 1960:<sup>23/</sup>

Voter approval of five proposed constitutional amendments of which three deal in the racial issue would help 'to protect our way of life'. Governor Ross Barnett said Monday.'

Barnett said he hopes voters will give 'such strong endorsement of these proposals that there will remain no doubt as to Mississippi's position on these vital matters'.

On October 27, 1960, five days before the election, the Jackson Daily News stated:<sup>24/</sup>

The Citizens' Councils of Mississippi has added its endorsement to three constitutional amendments appearing on the Nov. 3 election ballot.

The amendments favored by the councils are those pertaining to juror qualifications, providing the legislature with additional authority in public education and strengthening voter registration qualifications.

A statement of endorsement by Bob Patterson, executive secretary, stated:

'The state executive committee of the association of Citizens' Councils of Mississippi urges the people of Mississippi to vote for these amendments as they provide additional defenses against the domination of Mississippians by alien pressure groups and agitators'.

The State Sovereignty Commission, the state's watchdog agency against racial strife, has already backed the three amendments, as has Gov. Ross Barnett.

The Mississippi chapter of the NAACP is among the few groups which has announced opposition to the amendments.

<sup>23/</sup> P60-28. The Jackson Daily News. Jackson, Mississippi. October, 1960.

<sup>24/</sup> P60-29. The Jackson Daily News. Jackson, Mississippi. October 27, 1960.

ANSWER TO INTERROGATORY NUMBER 18(a) AS TO THE FACTS UPON WHICH THE UNITED STATES WILL RELY TO PROVE THE ASSERTION CONTAINED IN PARAGRAPH 66 OF THE COMPLAINT THAT THE PURPOSE OF EACH OF THE FOLLOWING ACTS OF THE LEGISLATURE OF MISSISSIPPI OR ANY ONE OR COMBINATION OF THEM IS TO DETER, PREVENT, DELAY AND HARASS NEGROES AND/OR TO MAKE IT MORE DIFFICULT FOR NEGROES IN THEIR EFFORTS TO BECOME REGISTERED VOTERS, TO FACILITATE DISCRIMINATION AGAINST NEGROES, AND/OR TO MAKE IT MORE DIFFICULT FOR THE UNITED STATES TO PROTECT THE RIGHT OF ALL ITS CITIZENS TO VOTE WITHOUT DISTINCTION OR DISCRIMINATION BASED ON RACE OR COLOR:

H. B. 900; REG. SESS., 1962  
H. B. 901; REG. SESS., 1962  
H. B. 905; REG. SESS., 1962  
H. B. 822; REG. SESS., 1962  
H. B. 904; REG. SESS., 1962  
H. B. 903; REG. SESS., 1962

The facts upon which the United States will rely to prove the assertion contained in Paragraph 66 of the Complaint that the purpose of each of the Acts listed in the preceding paragraph, of the Legislature of Mississippi or any one or combination of them is to deter, prevent, delay and harass Negroes and/or to make it more difficult for Negroes in their efforts to become registered voters, to facilitate discrimination against Negroes, and/or to make it more difficult for the United States to protect the right of all its citizens to vote without distinction or discrimination based on race or color is as follows:

Plaintiff will rely on the record of all litigation brought by the United States under 42 U.S.C. 1971 and Title III of the 1960 Civil Rights Act within the State of Mississippi since 1960 as proof of notice to the State of Mississippi and its legislature that the United States government intended to enforce the command of the Fifteenth Amendment within the State of Mississippi.

1. Governor Ross Barnett, in a speech to a joint session of the Mississippi Legislature on January 3, 1962, stated:<sup>1/</sup>

Since you met here in 1960, the so-called "Justice" Department of our own government has invaded certain counties and municipalities of our State and has become an active party to the harassment of our elected officials and of our people. The United States Attorney General has been directly responsible for the filing of federal lawsuits against certain duly-elected officers of this State under the now rather moth-eaten misnomer of "Civil Rights." He would create turmoil in our State.

During the past year, our State has been made a regular racetrack for so-called "Freedom Riders." These questionable characters, coming to us from the violence-plagued areas of the nation, have made repeated and deliberate attempts to inflame our people. They have deliberately violated our laws. They have refused to obey law enforcement officers. They came into our State to breach the peace, and hundreds of them succeeded in doing so.

Our public officials and law enforcement officers are to be commended for the manner in which they have handled these law violators from other states. Our Sovereignty Commission has done a most effective job, too, in working closely with our officials and our peace officers.

\* \* \*

We must protest every invasion. We must fight every inch of the way. We must let the entire nation know that we are proud of our conservative position and that we will not become a part of the blind mob that is rushing our nation into international, one-world Socialism-- or worse.

2. In 1962 Negro citizens and organizations conducted a voter registration drive in Mississippi for the purpose of increasing the number of Negroes eligible to vote in the 1962 primary elections.

1/ P62-23. Journal of the Senate of the State of Mississippi, 1962. p. 19-20.



3. In 1962 Negroes were candidates for the office of representative to the Congress of the United States for the first time since Reconstruction.<sup>2/</sup>

4. The Mississippi Legislature, during 1962, proposed and/or in some instances passed laws relating to candidates for office:

a. Under the Constitution of 1890, any qualified elector was eligible for public office.<sup>3/</sup> A Constitutional amendment adopted by the Legislature gave the Legislature authority to specify additional qualifications for holding office.<sup>4/</sup> This amendment was ratified by the electorate of Mississippi in the general election of 1962.

b. Another bill adopted by both Houses provided that all individuals comprising governing authority of municipalities be elected through a city-wide vote rather than by individual wards.<sup>5/</sup>

The Tupelo Daily Journal, on March 2, 1962 discussed this measure:<sup>6/</sup>

2/ P62-24. The Tylertown Times. Tylertown, Walthall, Mississippi. May 31, 1962. Also, according to the Jackson Daily News, 1954 was the first year since Reconstruction that (a) Negroes had served on a Washington County, Mississippi jury; (b) Negroes had run for any public office in Jefferson Davis County, Mississippi. The Jackson Daily News, Jackson, Mississippi. April 13, 1954 and April 27, 1954.

3/ P62-1/ Mississippi Constitution of 1890. Article 12, Section 250.

4/ P62-3. Mississippi Laws, 1962. Ch. 640.

5/ P62-4. Mississippi Laws, 1962. Ch. 537.

6/ P62-25. The Daily Journal. Tupelo, Mississippi. March 2, 1962.

The Senate Thursday adopted a provision aimed at preventing the election of Negroes to city boards of aldermen.

Under the bill, which now goes to the House, aldermen would be picked in city-wide votes rather than in ward elections.

Sen. Bill Caraway of Leland, author of the measure, said wards in a few Mississippi cities may soon have enough Negro voters to swing elections.

c. Formerly the county political executive committees were required to appoint precinct managers from among supporters of all the candidates, whenever possible.<sup>7/</sup> House Bill 443 (Ch. 565) eliminated this requirement.<sup>8/</sup>

The Morning Advocate, on May 11, 1962, observed:<sup>9/</sup>

The Mississippi Senate approved a bill Thursday to help prevent Negro poll workers serving in primary elections.

The House-passed bill was put through the Senate in the absence of reporters, who were out while the chamber met in a executive session. The bill was called up and passed before newsmen could re-enter the chamber.

"The less you say about it to the press the better," one Senator was heard to remark.

The bill permits county executive committees to name poll managers, removing a feature that the managers must be selected from among the backers of leading candidates.

On March 1, 1962 the Delta Democrat-Times stated:<sup>10/</sup>

<sup>7/</sup> P62-2. Mississippi Code of 1942. §7505.

<sup>8/</sup> P62-5. Mississippi Laws, 1962, Ch. 565.

<sup>9/</sup> P62-26. The Morning Advocate, Baton Rouge, Louisiana.  
May 11, 1962/

<sup>10/</sup> P62-27. The Delta Democrat-Times. Greenwood, Mississippi,  
March 1, 1962.

Mississippi law is constantly changing to ward off racial integration threats.

One law undergoing such a change now concerns appointment of persons to manage voting precincts during elections.

The present law carries a provision that county Democratic executive committees equally distribute precinct manager posts among supporters of all candidates for the chief offices to be filled.

The House of Representatives, mindful that two Negroes are running for Congress, voted overwhelmingly Wednesday afternoon to delete the provision and the Senate is expected to follow suit.

No reason was given for the deletion during House discussion, but it was generally known that it stemmed from the candidacies of Negroes Robert Smith of Jackson and Theodore Trammell of Clarksdale.

d. Senate Bill 1580 (Ch. 566) proposed increased qualifying fees for candidates for political party nominations and certain general elections candidates.<sup>11/</sup>

e. House Bill 991 would have increased the number of petitioners needed to place a candidate's name on the ballot when he was not nominated by a political party.<sup>12/</sup>

f. Senate Bill 1706 (Ch. 567) required candidates in primary elections to qualify 60 days before the primary.<sup>13/</sup>

g. Senate Bill 1943 provided for the nomination of county and county district officers by convention rather than by popular primary elections.<sup>14/</sup>

<sup>11/</sup> P62-6. Mississippi Laws, 1962, Ch. 566

<sup>12/</sup> P62-16. H.B. 991. Passed in House, May 11, 1962. Did not pass in Senate.

<sup>13/</sup> P62-7. Mississippi Laws, 1962, Ch. 567.

<sup>14/</sup> P62-17. S. B. 1943, Introduced in Legislature, March 27, 1962. Did not pass.

h. Senate Bill 2093 provided that the participant in a primary election cannot oppose the party nominee in the general election or sign the petition of an opponent.<sup>15/</sup>

Although not all of these measures were enacted in Mississippi law, they indicate a desire by members of the Mississippi Legislature to tighten requirements for candidacy for public office and to provide for stricter supervision of candidates by party executive committees.

5. During the 1962 Session, the Mississippi Legislature also attempted to implement with four bills, the 1960 amendment to Section 264 of the Constitution which eliminated the requirement that a grand or petit juror be a qualified elector.<sup>16/</sup>

6. On April 10, 1962, The United States was granted a temporary injunction by the Court of Appeals prohibiting Theron C. Lynd, Circuit Clerk and Registrar of Forrest County, Mississippi, from discriminating against Negro applicants for application.<sup>17/</sup>

15/62-18. S. B. 2093. Introduced in Senate. April 19, 1962  
Did not pass.

16/a-P62-8. Mississippi Laws, 1962. Ch: 308;

b-P62-19. H.B. 720. Passed in House, May 24, 1962, Did not pass in Senate;

c-P62-20. S. B. 1536. Introduced in Senate, January 15, 1962, Did not pass.

d-P62-21. S. B. 2009. Introduced in Senate, April 10, 1962, Did not pass.

17/P62-28. United States v. Lynd, 301 f. 2d 818 (5th Cir. 1962) (Reh. den. 5/21/62).

On April 17, 1962 a series of registration laws was introduced into the Mississippi House of Representatives.

A comparison of the findings of fact and the orders in the Lynd case with the bills introduced into the Legislature immediately following shows the following:

Finding of Fact: Many white applicants were not required to fill out application forms; other white applicants were given assistance in filling out applications; others were not rejected for filling out the form incorrectly.<sup>18/</sup>

Order: The registrar must give Negroes the benefit of the same type of assistance he gives to white persons.<sup>19/</sup>

Legislative Action: One bill was introduced which required that all blanks on the application form be correctly and completely filled out, and that no assistance be given to applicants by the registrar.<sup>20/</sup>

Finding of Fact: Negroes were not given the cause or reason for the rejection of their applications for registration.<sup>21/</sup>

<sup>18/</sup> P62-29. United States v. Lynd, 301 f. 2d 821. (5th Cir. 1962)(Reh. Den. 5-21-62)

<sup>19/</sup> P62-28 and P62-30. United States v. Lynd, 301 f. 2d 818, 823 (5th Cir. 1962)(Reh. Den. 5-21-62)

<sup>20/</sup> P62-9. Mississippi Laws, 1962. Ch. 570

<sup>21/</sup> P62-29. United States v. Lynd, 301 f. 2d 821 (5th Cir. 1962)(Reh. Den. 5-21-62)

Legislative  
Action:

A bill was introduced which provided that the registrar not give reasons for rejection to applicants except that when the rejection was solely for lack of "good moral character," this fact might be written on the rejected application form.<sup>22/</sup>

Finding of Fact: Obviously qualified Negroes were rejected, including six with bachelor's degrees and three with master's ddgrees.<sup>23/</sup>

Legislative  
Action:

Several bills were introduced to change the qualifications for voters. The 1960 amendment to Section 244 of the Mississippi Constitution was implemented by inserting a good moral character requirement into laws regarding eligibility to vote in general and primary elections.<sup>24/</sup> It was further implemented by changing the application form to provide a space for the determination of moral character.<sup>25/</sup> Another bill required the publication of names and addresses of all applicants for registration.<sup>26/</sup>

22/ P62-10. Mississippi Laws, 1962. Ch. 571

23/ P62-29. United States v. Lynd, 301 f. 2d 821 (5th Cir. 1962)(Reh. Den. 5-21-62).

24/ P62-11. Mississippi Laws, 1962. Ch. 575

25/ P62-12. Mississippi Laws, 1962. Ch. 569

26/ P62-13. Mississippi Laws. 1962. Ch. 572

One bill permitted third parties to challenge the good moral character of any applicant, after the publication of his name. This bill also provided that the registrar would arrange and conduct a hearing to determine the moral character of challenged applicants.<sup>27/</sup>

Finding of Fact: Negroes whose applications were rejected were required to wait six months before re-applying, although there was no statutory basis for this requirement.<sup>28/</sup>

Legislative  
Action:

A bill which would establish a six-month waiting period was introduced and passed in the senate.<sup>29/</sup>

In its investigations and litigation in Mississippi, the United States was using Mississippi poll books to help discover patterns of racial discrimination in voting.

A bill included in the 1962 package legislation removed from the Mississippi poll books the column indicating the race of the voter.<sup>30/</sup>

<sup>27/</sup> P62-22. Mississippi Laws. 1962. Ch. 573

<sup>28/</sup> P62-29. United States v. Lynd, 301 f. 2d 821 (5th Cir. 1962)(Reh. Den. 5-21-62)

<sup>29/</sup> P62-22. S. B. 1927

<sup>30/</sup> P62-15. Mississippi Laws, 1962. Ch. 574

ANSWER TO INTERROGATORY NUMBER 18(a) AS TO THE  
NAME, ADDRESS, AND OFFICIAL CAPACITY OF EACH PER-  
SON KNOWN TO THE UNITED STATES TO HAVE BEEN  
MOTIVATED IN THE ENACTMENT OF EACH OF THESE ACTS  
OF THE LEGISLATURE, BY SAID PURPOSE.

The name, address, and official capacity of each  
person known to the United States to have been motivated,  
in the enactment of each of these Acts of the Legislature,  
by said purpose, have not as yet been ascertained.



ANSWER TO INTERROGATORY NUMBER 18(b) AS TO THE  
SPECIFIC MANNER OR MEANS BY WHICH SAID PURPOSE  
WAS EXECUTED OR PUT INTO EFFECT.

The United States has not yet ascertained the specific manner or means by which said purpose was executed or put into effect.

ANSWER TO INTERROGATORY NUMBER 18(c) AS TO THE  
NAME AND ADDRESS OF EACH PERSON THE UNITED STATES  
PLANS TO CALL AS A WITNESS OR OTHERWISE USE ON THE  
TRIAL OF THIS CAUSE TO PROVE THE ABOVE-MENTIONED  
ALLEGATIONS OF PARAGRAPH 66 OF THE COMPLAINT.

The United States has not yet ascertained the name  
and address of each person whom it plans to call as a  
witness or otherwise use on the trial of this cause to  
prove the above-mentioned allegations of paragraph 66 of  
the Complaint.

ANSWER TO INTERROGATORY NUMBER 18(d) AS TO THE  
SPECIFIC DOCUMENTS WHICH THE UNITED STATES  
INTENDS TO USE TO PROVE THE ALLEGATIONS OF SAID  
PARAGRAPH 66 OF THE COMPLAINT

The specific documents which the United States intends to use to prove the allegations of said paragraph 66 of the Complaint are as follows:

- (1) Mississippi Laws, 1962.
- (2) Journal of the Senate of the State of Mississippi, Regular Session, 1962.
- (3) Journal of the House of Representatives of the State of Mississippi, Regular Session, 1962.
- (4) Mississippi Constitution of 1890.
- (5) Mississippi Code of 1942.
- (6) United States v. Lynd, 301 F.2d 818 (5th Cir. 1962)
- (7) The Daily Journal, Tupelo, Mississippi.
- (8) The Morning Advocate, Baton Rouge, Louisiana.
- (9) The Delta Democrat-Times, Greenwood, Mississippi.