

RG 453

Voting Rights Act: 10 years After

(2 of 2)

Jan 1975

The Open Primary Law

There is no evidence that the Mississippi legislature passed the Open Primary law in 1970⁸² as a direct result of the legal difficulties the use of at-large elections had encountered. But there is considerable evidence that the motivation behind that legislation--and its effect if implemented--was to reduce the political power of black voters.⁸³ Because only a plurality was required in the general election, a black independent candidate in theory could win with less than a majority vote if the white vote were divided between a Democrat and a Republican. The Open Primary law eliminated this possibility by throwing all candidates--Democrats, Republicans, and independents--together in an "open primary," followed by a runoff between the two getting the most votes if no one received a majority.

This electoral system has never been put into effect. Although the Attorney General failed to object under section 5,⁸⁴ a Federal court in 1970 ruled that the Attorney General had acted improperly and enjoined the law until it had been resubmitted and cleared under section 5.⁸⁵ The State of Mississippi took no further action until

82. House Bills 362 and 363 (1970 Regular Session), codified as Miss. Code § 23-5-133 et seq. (1972).

83. See Shameful Blight, pp. 139-43 for more information concerning the open primary law controversy.

84. Jerris Leonard, Assistant Attorney General, letter to A. F. Summer, attorney general, State of Mississippi, Sept. 21, 1970.

85. *Evers v. State Board of Election Commissioners*, 327 F. Supp. 640 (S.D. Miss. 1971), appeal dismissed, 405 U.S. 1001 (1972).

1974, when it asked the court to withdraw its injunction. This request was turned down on February 7, 1974,⁸⁶ and the law was again submitted to the Attorney General on February 25, 1974.⁸⁷ Sixty days later he objected.⁸⁸ The letter mentions evidence that "one purpose of the legislation is to deny independent black candidates the opportunity to run for and be elected to office in the general election with a plurality of the votes cast."⁸⁹ But the letter continues, "irrespective...of the purpose of the acts, the effect of their implementation likely will be to minimize the opportunity of black voters to elect a candidate of their choice for a substantial number of district and county-wide offices."⁹⁰ The letter noted that 195 blacks ran as independents in the 1971 general elections.⁹¹

Counties--Single-Member Plans

Because of population changes revealed by the 1970 census and because of the need to replace the abortive at-large election systems, many counties prepared new single-member district plans for the election of supervisors in the early 1970's. The Attorney General

86. Frank R. Parker, attorney, Lawyers' Committee for Civil Rights under Law, Jackson, Miss., letter to David H. Hunter, U.S. Commission On Civil Rights, Nov. 8, 1974, p. 3.

87. Objection letter, April 26, 1974, p. 1.

88. Ibid., p. 4.

89. Ibid., p. 2.

90. Ibid., p. 3.

91. Ibid.

objected under section 5 to the plans for nine of the counties.⁹²
 Suits have been filed against two of these counties--Warren and
 Hinds--to enforce section 5 objections.⁹³ The Federal courts rejected
 the plan of another county--Leflore.⁹⁴ The plans for two other
 counties--Adams and Oktibbeha--were attacked in court as discriminatory
 by civil rights lawyers but were upheld.⁹⁵ Eight counties are using

92. Attala, Sept. 3, 1974; Copiah, March 5, 1970; Grenada, Aug. 9, 1973, not withdrawn, April 2, 1974; Hinds, July 14, 1971 (see Parker Article, p. 406); Leake, Jan. 8, 1971, section 5 submission required by court; Scott v. Burkes, Civil No. 4782 (S.D. Miss., filed Nov. 13, 1970) (see Parker Article, p. 405); Marion, May 25, 1971; Tate, Dec. 3, 1971, Nov. 28, 1972; Warren, April 4, 1971, Aug. 23, 1971 (see Parker Article, pp. 404-05); Yazoo, July 19, 1971 (see Parker Article, p. 404).

93. Warren County: United States v. Warren County, Civil No. 73W-48(n) (S.D. Miss., filed Oct. 31, 1973) (suit to enjoin use of plan objected to). For a description of the plan see Parker Article, pp. 404-05, 420. Hinds County: after the August 1971 primaries were held using the plan which had been objected to the Department of Justice filed suit, United States v. Hinds County Bd. of Supervisors, Civil No. 4983 (S.D. Miss., filed Sept. 17, 1971). The November election was nevertheless held using the same districts. A private suit was filed against the plan on July 25, 1971. Kirksey v. Hinds County Bd. of Supervisors, Civil No. 4939-N (S.D. Miss.). The Kirksey court ordered the county to prepare a new plan, Dec. 26, 1972. The United States suit was dismissed as moot, March 6, 1974. As of Nov. 18, 1974, final decision is awaited in Kirksey. Frank R. Parker, attorney, Lawyers' Committee for Civil Rights Under Law, Jackson, Miss., interview, Nov. 18, 1974. See Parker Article, p. 406.

94. Moore v. Leflore County Bd. of Election Commissioners, 351 F. Supp. 848 (N.D. Miss. 1971), 361 F. Supp. 603 (1972); subsequent redistricting plan by special master approved. 361 F. Supp. 609 (1973), affirmed, No. 73-3090 (5th Cir. Oct. 10, 1974). This case is discussed in detail in the text that follows.

95. Adams County: Howard v. Adams County Bd. of Supervisors, 453 F.2d 455 (5th Cir.), cert. denied, 407 U.S. 925 (1972), modification of plan upheld, 480 F.2d 978 (1973), cert. denied 415 U.S. 975 (1974). Oktibbeha County: plan adopted, Page v. Oktibbeha County Bd. of Supervisors, Civil No. EC 6642 (N.D. Miss. June 7, 1967), suit brought under section 5 and 15th amendment dismissed, Connor v. Oktibbeha County Bd. of Supervisors, 334 F. Supp. 280 (N.D. Miss. 1971).

plans which were not submitted to the Attorney General under section 5 because they were court ordered.⁹⁶ Although county elections will be held again in 1975, four counties still do not have approved plans. No new plans have been submitted to the Attorney General following section 5 objections to the old plans from Attala and Yazoo Counties.⁹⁷ Warren and Hinds Counties are in litigation concerning their plans.⁹⁸

Under the plan adopted by the Leflore County Board of Supervisors but rejected by a Federal district court, the Kellum plan, each district in the 58 percent black county has a black majority.⁹⁹ The court said, "The extent of each majority, however, is diluted in all

96. Coahoma and Forrest. Parker letter to Hunter, Nov. 8, 1974, p. 2. (See suits cited note 80 above). Clay, Harrison, Lincoln, Pike, Wayne, and Winston. Appellant's Jurisdictional Statement, p. 12, n. 7, Connor v. Williams, 404 U.S. 549 (1972). In Connor v. Johnson, 402 U.S. 690 (1971), an earlier stage of the same case, the Court held that "a decree of the United States District Court is not within reach of section 5 of the Voting Rights Act." Ibid., p. 691. Court-ordered plans for 11 other counties have been submitted to the Attorney General and no objection has been made: Bolivar, De Soto, Hancock, Issaquena, Itawamba, Jackson, Lauderdale, Monroe, Rankin, Sunflower, and Washington. Section 5 Printout, as of May 8, 1974; Jurisdictional Statement in Connor case, above.

97. Review of section 5 files, as of Dec. 5, 1974. In addition, the Department declined in April 1974 to withdraw its 1973 objection to Grenada County's plan. The county submitted a new plan Nov. 9, 1974.

98. See note 93 above.

99. Moore v. Leflore County Bd. of Election Commissioners, No. 73-3090 (5th Cir. Oct. 10, 1974), slip opinion, p. 339. For prior judicial history see note 94 above.

but one of the districts when compared to pre-redistricting figures. Significantly, it also appears in terms of registered voters, blacks would have exceedingly slim majorities in some of these districts and minorities in others".¹⁰⁰

With the Kellum plan whites would have a good chance of retaining all five seats (see map no. 12). Instead of the Kellum plan the court adopted the plan prepared by the court-appointed special master, the Holland plan, which provides larger black majorities in four beats by creating one 75 percent white district (see map no. 13).¹⁰¹

Table 12. HOLLAND PLAN FOR SUPERVISORS' DISTRICT, LEFLORE COUNTY, MISSISSIPPI

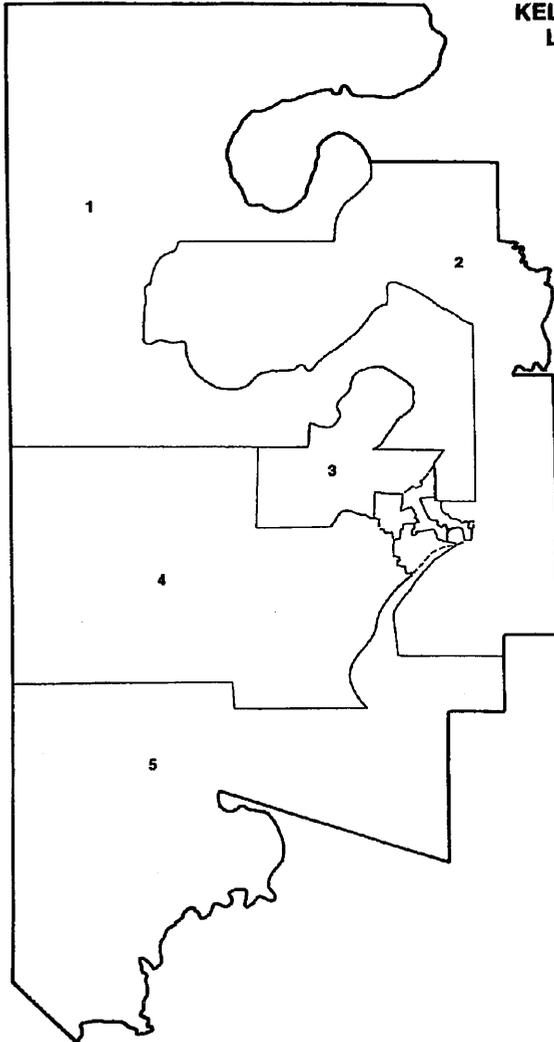
Beat	Total . Population	Voting Age Population	Registered Voters
	<u>Percent Black</u>	<u>Percent Black</u>	<u>Percent Black</u>
1	25 %	19 %	12 %
2	61	55	51
3	67	62	58
4	64	59	50
5	75	70	66

Source: Moore v. Leflore County Board of Election Commissioners, No. 73-3090 (5th Cir. Oct. 10, 1974), slip opinion, pp. 342, 343.

100. Moore v. Leflore County, slip opinion, pp. 339-40 (footnotes omitted).

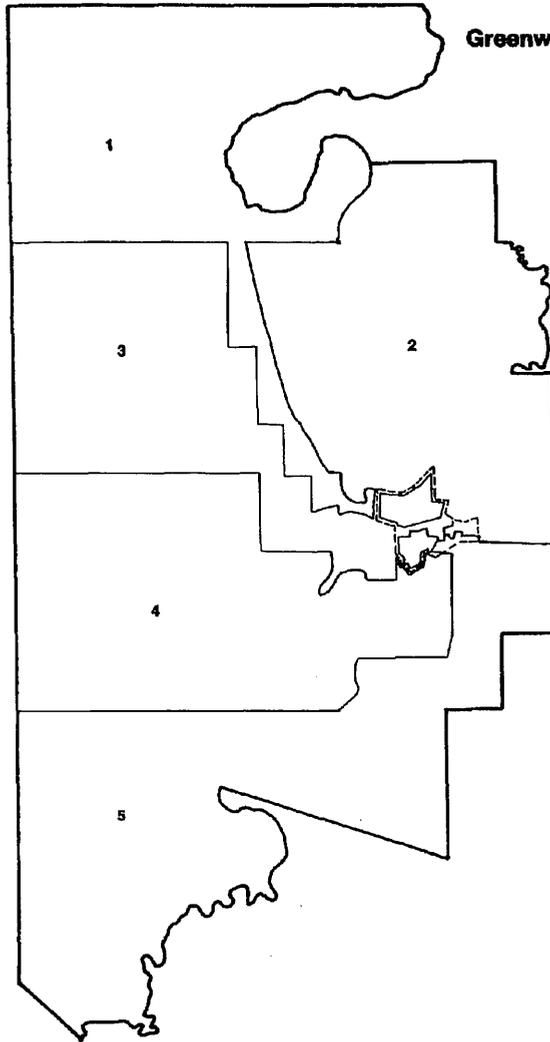
101. Ibid., pp. 337, 342.

**KELLUM PLAN—
Leflore County**



Map No. 12. The Kellum Plan for districts in Leflore County does not create any districts where black candidates would have a reasonable chance of success.

**HOLLAND PLAN—
Greenwood/Leflore County**



Map No. 13. Under the Holland Plan for the districting of Leflore County all beats reach into the city of Greenwood. The black concentration in the southern part of the city is divided among four beats.

Although the Holland plan was preferred by black plaintiffs to the Kellum plan, the plaintiffs would have preferred a plan that would not have fragmented the black concentration in the southeast section of Greenwood, the principal city in the county (see map no. 14).¹⁰² The court considered it necessary to segment the black population of south Greenwood into four districts to satisfy the doctrine--created by the court--that the land area and road mileage of the different districts should be equalized.¹⁰³ This is important, according to the court, because "each district is allotted the same amount of public funds for road and bridge maintenance."¹⁰⁴

This doctrine had previously been followed by the Fifth Circuit in approving a plan for Adams County, which is 48 percent black.¹⁰⁵ The plan provides only one majority black district (67.8 percent).¹⁰⁶ Under the previous districting there was a 75 percent black district that, according to the plaintiff's arguments, could have--consistently with one person, one vote rules--been divided into two new districts having black majorities.¹⁰⁷ Rather than doing this the supervisors fragmented the black district, creating only one district with

102. *Ibid.*, p. 343; Parker, letter to Hunter, Nov. 15, 1974, p. 1.

103. *Moore v. Leflore County*, slip opinion, pp. 343-44.

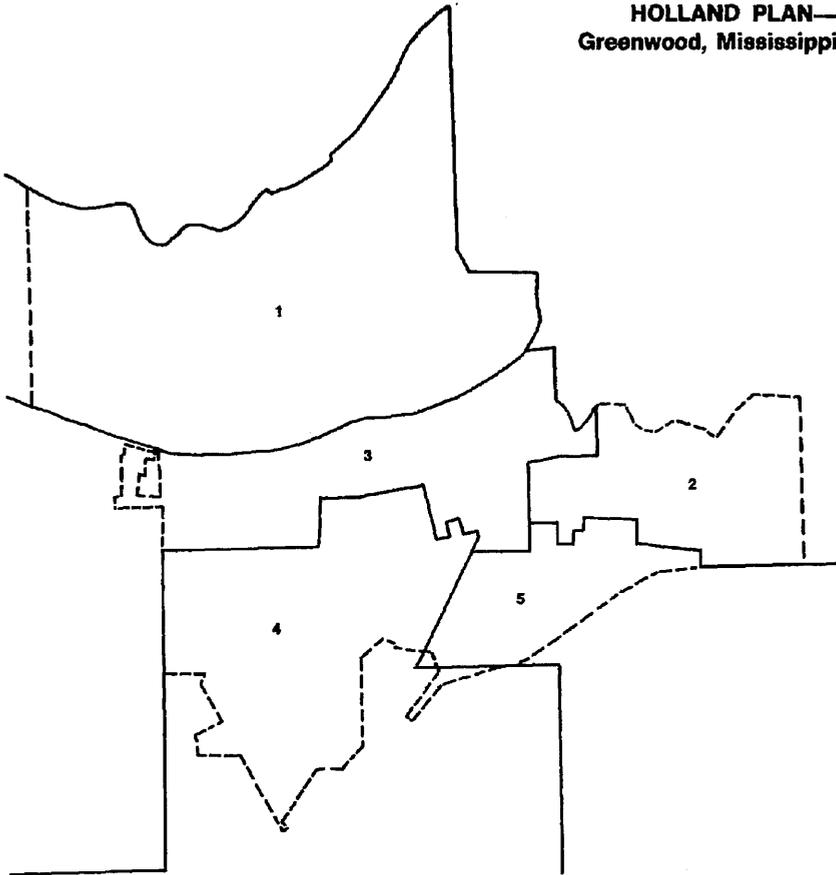
104. *Ibid.*, p. 341.

105. *Howard v. Adams County Bd. of Supervisors*, 453 F.2d 455 (5th Cir. 1972). For subsequent judicial history see note 95 above.

106. *Ibid.*, p. 458.

107. *Ibid.*, p. 457.

**HOLLAND PLAN—
Greenwood, Mississippi**



Map No. 14. The Holland Plan leaves north Greenwood, which is practically 100 percent white, intact in District 1, while the southern part of Greenwood is fragmented among Districts 2, 3, 4, and 5.

a black majority (67 percent).¹⁰⁸ The justification for doing this, which was accepted by the courts, was the need to equalize county-¹⁰⁹ maintained road mileage and area. The result was that each new district contained both rural (predominantly white) and urban (pre-¹¹⁰ dominantly black) territory.

As the Leflore and Adams County cases show, the discrimination worked by the so-called "equi-beat" concept is subtle but it can prevent blacks from obtaining the electoral strength that they might otherwise have. The doctrine could be an invitation to racial gerrymandering in the future.¹¹¹

On September 3, 1974, the Attorney General objected to the redistricting plan for Attala County, which is 40 percent black, because the plan unjustifiably reduced from 64 to 52 the black percentage in the district with the highest black percentage and divided other majority black neighborhoods among three majority white districts.¹¹²

In August of 1973 the Attorney General objected to the Grenada County plan. The Department found that the lines for the 44 percent black county "were drawn in such a way as to fragment the principal area

108. Ibid., p. 458.

109. Ibid., p. 456.

110. Parker Article, pp. 409-10.

111. See Parker Article, pp. 408-18.

112. Section 5 summary, Sept. 3, 1974.

of black political activity in the county, located in the City of Grenada."¹¹³ Although the Department determined that "small alterations"¹¹⁴ in the plan could remedy this problem, the county resubmitted the same plan rather than make the necessary adjustment. The Attorney General refused to withdraw his objection.¹¹⁵

Cities

Blacks have had as little success in electing representatives to city councils as they have to county boards of supervisors. Except for very small towns in which blacks are a large majority, almost no blacks have been elected to city councils in Mississippi.¹¹⁶ The primary reason for this is legislation passed by the Mississippi legislature that was intended to prevent blacks from being elected to city councils and that has generally been effective in doing this.¹¹⁷

The legislation required the cities to elect their council members at large. The cities were given the option of requiring their council members to live in separate wards.¹¹⁸ The prohibition of single-shot voting¹¹⁹ and the requirement of a majority vote for

113. Section 5 summary, Aug. 9, 1973.

114. Ibid.

115. Section 5 summary, April 2, 1974.

116. See appendix 2.

117. Miss. Code, Title 16, sec. 3374-36 (1962), codified as Miss. Code § 21-3-7 (1972).

118. Ibid.

119. Miss. Code § 21-11-15, 23-5-137 (1972).

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election further frustrated black political potential.

In 1962 the Mississippi legislature adopted a number of bills
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designed to prevent blacks from registering to vote and voting.

One of these was the law requiring at-large voting. Because of the renewed black interest in voting and because of continuing shift of the black population in Mississippi from farm to city there was concern that wards in many cities would become predominantly black and that these blacks would be able to elect their own aldermen. Therefore the bill's sponsor argued that the change was needed in order "to
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maintain our southern way of life." Contemporary newspaper accounts were unanimous about the bill's purpose. The February 23, 1962, Jackson Daily News headlined an Associated Press story about the pending legislation, "Bill Would Make It Harder For Negroes To Win Election." The Delta Democrat began its March 1, 1962 story: "The Senate today approved a bill designed to prevent the election of Negroes as city aldermen." The headline read "House Bill Bars Negroes from Aldermen Boards." Similar stories were carried by the Memphis Commercial Appeal and the Jackson Clarion-Ledger.
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120. Miss. Code, Title 16, sec. 3374-36 (1962), codified as Miss. Code § 21-3-7 (1972).

121. See *United States v. Mississippi*, 380 U.S. 128, 143-44 (1965).

122. Statement of Sen. William J. Caraway, quoted in Plaintiffs' Brief, *Stewart v. Waller*, Civil No. EC 73-42-S (N.D. Miss., filed May 3, 1973), pp. 4-5.

123. Copies of these and other articles are included at pp. A-43 to A-54 of Stipulations of Fact Between Plaintiffs and Defendants, *Stewart v. Waller*. The parties agreed that the articles "were written by newspaper reporters who attended the 1962 term of the Mississippi legislature" Stipulation 23.

The effect of the law is as clear as its purpose. In the 1973 municipal elections, considering those of the affected cities whose populations are less than two-thirds black, only two-thirds of 1 percent of the aldermen elected were black in a State that is 37 percent black.¹²⁴ In ward 2 in Macon, 61.1 percent of the registered voters are black. In ward 2 in Moss Point, 54.2 percent of the registered voters are black. In ward 6 in Starkville, 72.3 percent are blacks; in ward 1 in West Point, 86.4 percent.¹²⁵ No blacks have been elected to the city councils of any of these cities.¹²⁶ In Moss Point, Starkville and West Point in the 1973 primary and in West Point in the 1969 primary a black candidate received a majority in each of these wards but lost to a white opponent citywide.¹²⁷ In Macon's history the only known black aldermanic candidate ran in a 1972 special election. Since balloting was all conducted at one polling place using one ballot box, results for the majority black ward are not known. There were, however, more blacks than whites voting from that ward. The black candidate lost.¹²⁸

124. Ibid., Stipulation 26.

125. Ibid., Stipulation 30.

126. Ibid., Stipulation 36 (proposed by plaintiff but not agreed to by defendant). See Political Participation, pp. 218-19 and 1974 Roster, pp. 119-24.

127. Stipulation 31, Stewart v. Waller.

128. Ibid., Stipulation 32 (proposed by plaintiff but not agreed to by defendant).

In 1973 a statewide class suit was brought against the at-large
¹²⁹
voting system of most Mississippi cities. Plaintiffs presented or
offered to present evidence on--among other things--the history of
racial discrimination in Mississippi, on the purpose and effect of the
change to at-large elections, on the failure of whites to slate black
candidates, on racial bloc voting, and on the lack of responsiveness
of white council members to the needs of the black community.
¹³⁰ The
Department of Justice has intervened in the case on the side of the
plaintiffs. On October 24, 1974, a hearing was held on the motions
of both sides for summary judgment. Affected by the suit are at least
¹³²
29 cities and possibly as many as 200, most of which are quite small.

The Attorney General has objected to several more recent changes
introduced by Mississippi cities. An objection was entered in 1972
to the introduction of at-large elections with numbered posts and a
majority requirement in Grenada.
¹³³ Indianola's attempt to use
numbered posts was also objected to,
¹³⁴ as was the incorporation of
¹³⁵
Pearl. The incorporation was later allowed after Pearl agreed

129. Stewart v. Waller.

130. See Plaintiffs' Brief, Stewart v. Waller.

131. Complaint filed, Oct. 18, 1973; amended complaint filed, March 1,
1974.

132. Homer Moyer, attorney for plaintiffs, Washington, D.C., telephone
interview, Dec. 5, 1974.

133. Objection letter, March 20, 1972.

134. Objection letter, April 20, 1973.

135. Objection letter, Nov. 21, 1973.

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to modifications.

NEW ORLEANS, LOUISIANA

The New Orleans City Council is composed of five members elected from districts and two members elected at large.¹³⁷ The electoral system includes majority vote and full-slate requirements.¹³⁸ In 1972, the Louisiana legislature attempted to add a numbered post requirement for the at-large seats, but the Attorney General objected to that change under section 5 of the Voting Rights Act.¹³⁹

Although 45 percent of New Orleans' residents are black, few blacks have been elected to public office in New Orleans. The four recent successful black candidates for citywide offices (court of appeals and criminal district court judges, clerk of criminal district court, and parish school board) were either closely allied to white political leaders or unopposed.¹⁴⁰ Court-ordered reapportionment with single-member districts¹⁴¹ directly resulted in the elec-

136. Staff memorandum, Voting Section, Department of Justice, Sept. 12, 1974.

137. New Orleans, Charter, art. III, sec. 3-102 (1954).

138. L.S.A.-R.S. 18:358, 351.

139. Objection letter, April 20, 1973.

140. Beer v. United States, 374 F. Supp. 363, 374-75, 397-98 (D.D.C. 1974).

141. Bussie v. Governor of Louisiana, 333 F. Supp. 452 (E.D. La. 1971), affirmed with modifications sub nom. Bussie v. McKeithen, 457 F.2d 796 (5th Cir. 1971), vacated and remanded for opinion sub nom. Taylor v. McKeithen, 407 U.S. 191 (1972), appellate court judgment reinstated, 499 F.2d 893 (5th Cir. 1974).

tion of 6 black State legislators from New Orleans. No black has ever been elected to the city council, though blacks have in recent elections sought both at-large and district seats. In 1969, a black ran third, defeating five other first primary candidates to at-large seats, but lost the runoff with 48.2 percent of the vote.

Following the 1970 census, the New Orleans city council passed a redistricting plan on March 2, 1972 (Plan I). Many community organizations opposed the plan--particularly blacks and residents of Algiers, the section of the city located on the "west bank" of the Mississippi River and cut off from the rest of the city by the river. Since Algiers is too small for its own district but has its own interests and needs, it is traditionally attached as a whole to one of the other districts. Plan I divided it among three districts.

After Plan I was enacted and before and during its consideration by the Justice Department, the council deliberated on a number of proposals to increase the size of the council. Two were sent to referenda

142. Election data from Orleans Parish Democratic Executive Committee, Mayoralty First and Second Democratic Primary Elections November 8, 1969 and December 13, 1969 (New Orleans, La., n.d.).

143. New Orleans, Ord. No. 4796 M.C.S. (March 2, 1972).

144. See Allison L. Chapital, Sr., president, New Orleans Branch NAACP, letter to Richard G. Kleindienst, Attorney General, June 20, 1972.

145. See New Orleans States-Item, March 4, 1972, Editorial "Reapportionment Joke," p. 6.

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and both were rejected by the voters.

Plan I was submitted to the Justice Department after the first referendum failed, and on January 15, 1973, the Attorney General objected to it because the district lines appeared to "dilute black voting strength by combining a smaller number of black voters with a larger number of white voters in each of the five districts."¹⁴⁷

Even before the Department's objection, the author of Plan I had developed a new plan that, with slight modifications, was passed by the council and submitted to the Justice Department (Plan II).¹⁴⁸

Plan II combined some features of Plan I and a plan developed by the NAACP, but was bitterly opposed by the NAACP and by the one member of the council whose existing district was majority black.¹⁴⁹

146. Newspaper accounts and subsequent interviews indicate general agreement that the purpose of expanding the council was to permit election of blacks without endangering the seats of incumbent whites. On Nov. 7, 1972, voters defeated a plan which would have created an 11-member council with 9 districts and 2 at-large seats. In the March 20, 1973, special election, voters rejected a plan which would have created a 9-member council with 7 districts and 2 at-large seats. No proposals which would have eliminated the at-large seats were submitted to the voters. Staff interviews, New Orleans, La., Sept. 1974.

147. Objection letter, Jan. 15, 1973.

148. New Orleans, Ord. No. 5154 M.C.S., May 3, 1973. Plan II was submitted to the Justice Department on May 10, 1973.

149. Dr. Joseph Logsdon and Dr. Raphael Cassimere, New Orleans, La., interview, Sept. 13, 1974. See New Orleans Branch NAACP, "Complaint Against the Reapportionment Ordinance 5475 (MCS 5154) of the New Orleans City Council Passed on April 26, 1973 [sic]," June 1973.

On July 9, 1973 the Attorney General objected to Plan II on the ground that it suffered from the same defects as Plan I.¹⁵⁰ In addition, the Department noted that the infirmity of both plans stemmed from the fact that the district lines were drawn lakefront to river, cutting across black neighborhoods. This inevitably tended to submerge blacks in majority white districts. (See map no. 15.)

The council decided to seek a declaratory judgment from the United States District Court for the District of Columbia that the plan was not objectionable on racial grounds.¹⁵¹ At the same time, private citizens filed suit in the New Orleans Federal district court asking that a special master be appointed to redistrict the city in light of the second objection and the approaching election season.¹⁵² In late August both courts ordered the elections scheduled for November and December 1973 postponed.¹⁵³

150. Objection letter, July 9, 1973.

151. Beer v. United States, 374 F. Supp. 363 (D.D.C. 1974), complaint filed July 25, 1973.

152. Jackson v. Council of City of New Orleans, Civil No. 73-1862 (E.D. La., filed July 12, 1973).

153. Jackson v. City Council, Order of Aug. 31, 1973; Beer v. United States, Order of Aug. 14, 1973. Earlier in the month the New Orleans court had decided to hold its proceedings in abeyance until the Washington court had ruled on the substance of the plan. Jackson v. City Council, Order of Aug. 14, 1973.

NEW ORLEANS



Map No. 15. District lines for Plan II for the New Orleans City Council run between lakefront and river and thus cut across the predominantly black neighborhoods, dividing the black population among the five districts.

On March 15, 1974, the district court in Washington dismissed the case, ruling that Plan II, particularly in conjunction with the at-large election of two of the council members, had the effect of diluting black voting strength.¹⁵⁴ "The plan tendered by the city will inexorably have the effect of abridging the right to vote in councilmanic elections on account of race or color....[I]n consequence, the plan will remain under the continuing restraint of Section 5."¹⁵⁵ The city council appealed the ruling to the Supreme Court of the United States.¹⁵⁶

LOUISIANA--OTHER PARISHES

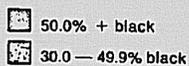
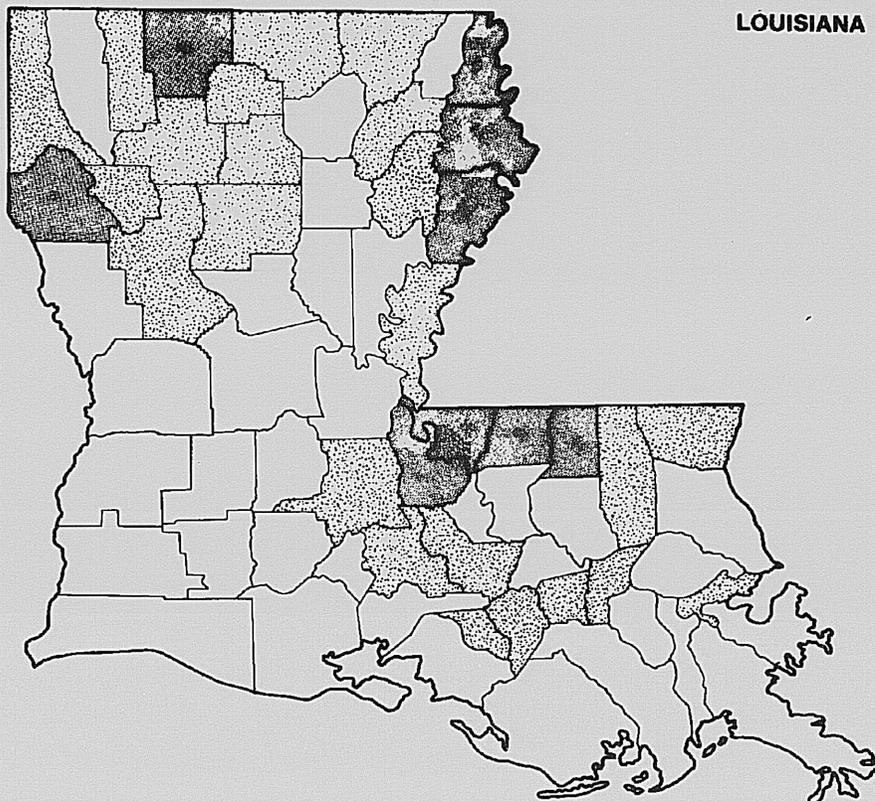
In the election of parish police juries (the equivalent of county councils) and school boards in Louisiana, the vote of blacks has frequently been diluted, or parishes have attempted to implement changes that would have had the effect of diluting the black vote. (See map no. 16 for racial composition of parishes.) These changes have included the use of at-large elections, multi-member districts, and majority and full-slate requirements. In 19 parishes

154. Beer v. United States, 374 F. Supp. 363, 385 (D.D.C. 1974). The New Orleans court declined to "reactivate" the litigation there, which would have reactivated the special master's proceedings. Jackson v. City Council, Opinion and Order of June 24, 1974, affirmed, ___ F.2d ___ (5th Cir. 1974) (order of August 28, 1974).

155. Beer v. United States, p. 402.

156. Beer v. United States, prob. jur. noted, 43 U.S.L.W. 3186 (U.S. Oct. 15, 1974) (No. 73-1869).

LOUISIANA



Map No. 16. Louisiana racial composition.

there have been section 5 objections by the Attorney General either to the districting of the police jury or of the school board or of both.¹⁵⁷ Twelve of these parishes have been involved in litigation¹⁵⁸ concerning section 5 or the racial implications of districting.

In an additional 14 parishes courts have required plans that would

157. Ascension, Parish School Board (PSB hereafter), April 20, 1972; Assumption, PSB, July 8, 1971; Bossier, PSB, July 30, 1971; Caddo, PSB, Oct. 8, 1971; De Soto, Parish Police Jury (PPJ hereafter), Aug. 6, 1971; East Baton Rouge, PPJ, Aug. 6, 1971; East Feliciana, PPJ, Sept. 20, 1971; Dec. 28, 1971, PSB, Apr. 22, 1972; Evangeline, PPJ and PSB, June 25, 1974, July 26, 1974; Franklin, PPJ and PSB, July 8, 1971; Jefferson Davis, PSB, July 23, 1971; Lafayette, PSB, June 16, 1972; Natchitoches, PSB, Sept. 20, 1971; Pointe Coupee, PSB, June 7, 1972; St. Charles, PPJ, July 22, 1971, withdrawn, Sept. 23, 1971; St. Helena, PPJ, Oct. 8, 1971, PSB, Nov. 17, 1972 (objection to staggered terms only); St. James, PPJ, Nov. 2, 1971; St. Mary, PSB, Jan. 12, 1972; Union, PPJ and PSB, June 18, 1971; Webster, PPJ, Aug. 6, 1971, objection withdrawn, Sept. 14, 1971. Orleans Parish, Orleans Parish is encompassed by the City of New Orleans. See discussion above.

158. Bossier, Bossier Parish Voters League v. Bossier Parish School Board (PSB) and Police Jury (PPJ), Civil No. 17802 (W.D. La. June 13, 1972) (single-member plans ordered for both police jury and school board). Caddo, Hargrove v. Caddo PSB, Civil No. 17630 (W.D. La. June 6, 1972). DeSoto, Clark v. DeSoto PPJ, Civil No. 17266 (W.D. La. Jan. 28 and June 8, 1972). East Feliciana, London v. East Feliciana PPJ, 347 F. Supp. 132, (M.D. La. Aug. 8, 1972). Franklin, Ferrington v. Franklin PPJ, Civil No. 17429, Beach v. Franklin PSB, Civil No. 17469 (W.D. La., consent decree Feb. 1, 1972). Jefferson Davis, Briscoe v. Jefferson Davis PPJ, Civil No. 17392 (W.D. La. April 15, 1972). Lafayette, Black Alliance for Progress v. Lafayette PPJ, Civil No. 19163 (W.D. La. Nov. 7, 1974) (section 5 submission required). Pointe Coupee, United States v. Pointe Coupee PPJ, Civil No. 71-368 (E.D. La., filed Oct. 18, 1971). St. Helena, Baker v. St. Helena PPJ, Civil No. 71-336 (E.D. La. Jan. 11, 1972) (consent decree); Baker v. St. Helena PPJ, Civil No. 71-293 (E.D. La. Dec. 1, 1972). St. James, United States v. St. James PPJ, Civil No. 72-277-H (E.D. La. Feb. 2, 1972). St. Mary, United States v. St. Mary Parish, Civil Nos. 18048 and 18178 (W.D. La., filed Aug. 15, 1972). Union, Whatley v. Union PPJ, Civil No. 17019 (W.D. La., filed and decided July 29, 1971) (approves plan objected to under section 5).

be more favorable to black voting strength. In five other parishes court decisions or section 5 decisions have accepted voting plans that apparently dilute the black vote.

159. Beauregard, Murrell v. McKeithen, Civil No. 13206 (W.D. La. April 11, 1972) (Parish Police Jury (PPJ) and Parish School Board (PSB)). Catahoula, Zeigler v. Catahoula PPJ, Civil No. 14289 (W.D. La. May 30, 1972) (U.S. intervenor) (no objection under section 5, May 22, 1972 (PSB)). Concordia, Wactor v. McKeithen, Civil No. 12663 (W.D. La. Jan. 18, 1968) (PPJ and PSB). East Carroll, Zimmer v. McKeithen, Civil No. 13927 (W.D. La. 1971), affirmed, 467 F.2d 1381 (5th Cir. 1972), vacated en banc, 485 F.2d 1297 (5th Cir. 1973); petition for cert. filed sub nom. East Carroll PSB v. Marshall, 42 U.S.L.W. 3374 (U.S. Dec. 3, 1973) (No. 73-861) (PPJ and PSB). Madison, Wyche v. Madison Parish, Civil No. 14053 (W.D. La. April 7, 1969) (PPJ and PSB). Morehouse, Collins v. Day, Civil No. 10397 (W.D. La. March 30, 1971); Brass v. Morehouse Parish, Civil No. 17177 (W.D. La. Nov. 18, 1971) (PPJ and PSB). Ouachita, Turner v. McKeithen, Civil No. 15411 (W.D. La. July 1, 1971), affirmed, 490 F.2d 191 (5th Cir. 1973) (PPJ and PSB). Rapides, LeBlanc v. Rapides PPJ, Civil No. 13715 (W.D. La. June 5, 1972); United States v. Rapides PSB, Civil No. 19209 (W.D. La. Oct. 25, 1973); appeal dismissed as moot, 5th Cir., Oct. 29, 1974; Bradas v. Rapides PPJ, 376 F. Supp. 690 (W.D. La. 1974) (PPJ and PSB). Red River, Huckaby v. Red River Parish, Civil No. 16120 (W.D. La. Aug. 30, 1971) (intervention by blacks) (PPJ and PSB). St. Martin, Angelle v. Eastin, Civil No. 14876 (W.D. La. Aug. 11, 1971) (PPJ); Johnson v. St. Martin PSB, Civil No. 16,965 (W.D. La. June 5, 1972) (PSB). Tensas, Bell v. Tensas PPJ, Civil No. 16670 (W.D. La. Aug. 3, 1971), appeal dismissed, No. 71-2782, (5th Cir. Jan. 3, 1972) (PPJ and PSB). Vernon, Hern v. Vernon PPJ, Civil No. 15635-LC (W.D. La. June 24, 1971) (U.S. amicus curiae) (PPJ and PSB). Washington, Bailey v. Washington PPJ, Civil No. 70-2861 (E.D. La. June 19, 1972) (no objection under section 5, June 7, 1972) (PPJ). Winn, Ferguson v. Winn PPJ, Civil No. 18748 (W.D. La. March 29, 1974) (U.S. intervenor, Dec. 28, 1973) (section 5 submission June 18, 1974) (PPJ).

160. Iberia, Bernard v. Iberia PPJ, Civil No. 15117 (W.D. La. Sept. 21, 1971) (multi-member districts allowed; no objection under section 5, Aug. 14, 1973) (PPJ and PSB). Iberville, no objection, July 30, 1971 (2-member district diluting black vote) (PPJ); Panior v. Iberville PSB, 359 F. Supp. 425 (M.D. La. 1973) (new elections not ordered) (PSB). St. John the Baptist, Troxler v. St. John the Baptist PPJ, 331 F. Supp. 222 (E.D. La. 1971), appeal dismissed, 452 F.2d 1388 (5th Cir. 1972) (multi-member districts allowed) (PSJ). Tangipahoa, Dameron v. Tangipahoa PPJ, 336 F. Supp. 918 (E.D. La. 1971) (multi-member districts allowed) (PSB). West Baton Rouge, no objection, Nov. 19, 1971 (multi-member districts allowed) (PPJ).

Following the passage of the Voting Rights Act of 1965, black political strength in majority black East Carroll Parish grew to the extent that one black was elected to the school board in 1966 and two to the police jury in 1968. The three blacks were elected from single-member districts. As a result, the parish adopted at-large elections for both bodies. The United States District Court for the Western District of Louisiana approved the new at-large system, and section 5 review was not sought. Following the 1970 census the court again approved--over the objection of black intervenors in the suit--the use of at-large elections. Again no section 5 review was sought.

In 1974, the United States Court of Appeal for the Fifth Circuit reversed the lower court's decision. The Fifth Circuit decision

161. Political Participation, p. 217.

162. *Zimmer v. McKeithen*, 485 F.2d 1297, 1301 (5th Cir. 1973).

163. Stanley A. Halpin, Jr., counsel for intervenor in *Zimmer v. McKeithen*, New Orleans, La., letter to Emilio Abeyta, U.S. Commission on Civil Rights, Oct. 2, 1974.

164. 485 F.2d 1297, 1301.

165. *Ibid.*, p. 1302 n. 9.

166. *Ibid.*, p. 1301.

167. *Ibid.*, p. 1302 n. 9.

168. *Zimmer v. McKeithen*, Civil No. 13927 (W.D. La. 1971), affirmed, 467 F.2d 1381 (5th Cir. 1972), vacated en banc, 485 F.2d 1297 (5th Cir. 1973); petition for cert. filed sub nom. *East Carroll Parish School Board v. Marshall*, 42 U.S.L.W. 3374 (U.S. Dec. 3, 1973) (No. 73-861).

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was based on a number of factors. Foremost was the history of racial discrimination in the parish in voting and in other areas. The court noted that between 1922 and 1962 no black resident of the parish had been allowed to register. The appellate court disagreed with the trial court that the removal of barriers "vitiating the significance of the showing of past discrimination." It recognized that "the debilitating effects of these impediments do persist."¹⁷⁰ The court found that the black vote was diluted by the use of at-large elections with majority and anti-single shot voting requirements.¹⁷¹ The court was also influenced by the existence of a "firmly entrenched state policy against at-large elections for police juries and school boards."¹⁷²

Court rulings and section 5 objections have enhanced the voting strength of blacks in a number of other Louisiana parishes and cities.

The Fifth Circuit followed the East Carroll Parish case in upholding a district court ruling that the use of multi-member districts diluted the black vote in 27 percent black Ouachita Parish. The appellate court affirmed the requirement that single-member districts be used.¹⁷³ It also upheld the single-member districts required for

169. See 485 F.2d 1297, 1305.

170. Ibid., p. 1306.

171. Ibid., n. 25.

172. Ibid., p. 1307. That policy was ended by Acts Nos. 445 and 561 [1968] Acts of La. 1001-1002 and 1300-1303. The Attorney General objected to both acts. Objection letter, Sept. 10, 1969.

173. Turner v. McKeithen, 490 F.2d 191 (5th Cir. 1973).

the school board of the Ouachita Parish seat, Monroe, by a district
¹⁷⁴
 court. Although the board had been elected at large since its
 creation in 1900, the lower court found that this voting method diluted
¹⁷⁵
 the vote of the minority residents of this 38 percent black city.

On June 25, 1974, the Attorney General objected to the redistrict-
 ing plans for the Evangeline Parish school board and police jury. Under
 the plan concentrations of black voters were submerged in majority
 white multi-member districts, especially one six-member district. In
 addition, the Attorney General found objectionable "the utilization of
 a majority vote requirement, an anti-single shot requirement, staggered
 terms for school board members and a numbered post system in the 1974
 school board elections."
¹⁷⁶
 A month later the Attorney General objected
 to a revision of the plan that carved a single-member majority black
 district out of the six-member district but otherwise left the original
¹⁷⁷
 plan untouched.

A Federal court threw out an at-large election system with a
 majority requirement and an anti-single shot voting requirement in

174. Carroll v. Monroe City School Board, Civil No. 72-2505 (W.D. La.),
 affirmed without opinion, 483 F.2d 1403 (5th Cir. 1973).

175. Ibid. Suit has also been filed attacking the at-large elec-
 tion of the Monroe City Council. Ausberry v. City of Monroe, Civil No.
 74-424 (W.D. La., filed April 29, 1974).

176. Objection letter, June 25, 1974.

177. Objection letter, July 26, 1974.

Ferriday, a small, majority black town in Concordia Parish. The court approved a single-member district plan and ordered elections to be held using the new plan before the incumbents' terms would otherwise have expired.¹⁷⁸ The same court accepted a plan prepared by black plaintiffs which created five single-member districts, with a sixth councilman¹⁷⁹ elected at large, in Opelousas, which is 51 percent black.

In 1973, the city of Bogalusa, which is 34 percent black, added candidate residence requirements to its at-large system of electing a five-member city council. The Attorney General decided that this change would dilute the potential for black voters to elect the candidate of their choice and objected under section 5.¹⁸⁰

VIRGINIA--ANNEXATIONS

The most significant problems of fair representation for blacks at the local level in Virginia have been the result of annexations in two cities, Richmond and Petersburg. The annexations in both cities

178. Wallace v. House, 377 F. Supp. 1192, 1200, 1201 (W.D. La. 1974), appeal docketed, No. 74-2654, 5th Cir., June 21, 1974. At-large election in the city of Lafayette is also under attack in Federal litigation. Black Alliance for Progress v. City of Lafayette, Civil No. 74-247 (W.D. La., filed March 11, 1974).

179. Perry v. City of Opelousas, 375 F. Supp. 1170 (W.D. La. 1974). The Department of Justice intervened in this suit.

180. Objection letter, Oct. 29, 1973.

resulted in section 5 objections and in litigation which reached the Supreme Court of the United States.

Richmond

Candidates endorsed by the Crusade for Voters, a black civic organization, were elected to three of nine seats in the city's at-large elected council in 1968 as a result of a slight black majority in population. Late in 1969, Richmond annexed approximately 23 square miles of adjacent Chesterfield County. (See map no. 17.) The population of the annexed territory was nearly 50,000, of whom 97 percent were white. The population of Richmond in 1970 after the annexation was¹⁸¹ 58 percent white.

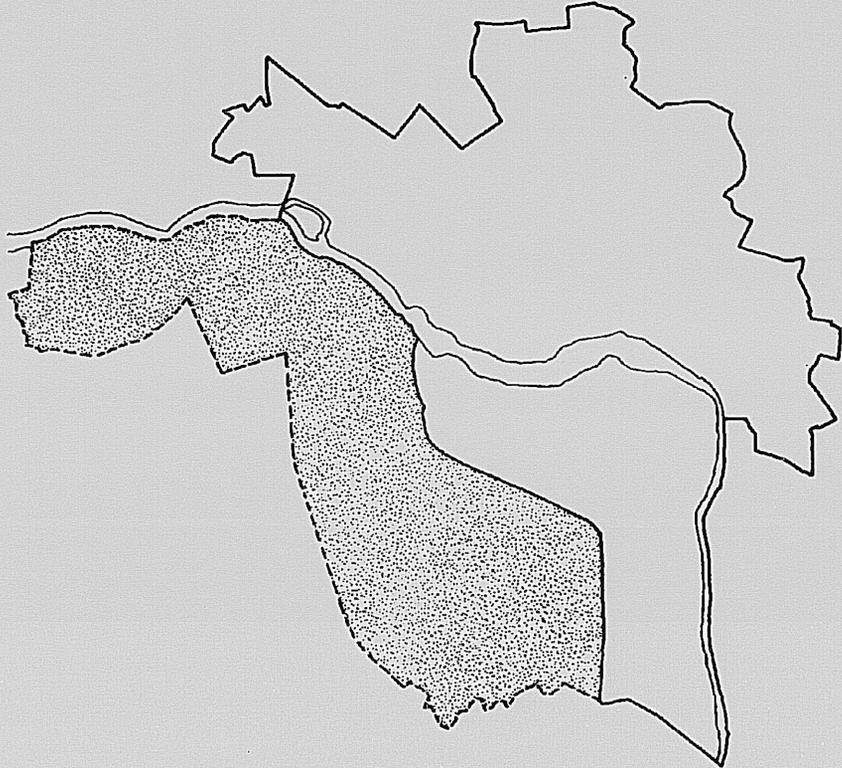
On May 29, 1974, the United States District Court for the District of Columbia, in a suit brought by the city of Richmond under section 5 of the Voting Rights Act, found that the annexation discriminated¹⁸² against blacks both in its purpose and in its effect. The court found that as a result of the black success in the 1968 councilmanic election the white political leadership was concerned lest "the black voting bloc would be able to elect a majority to the City Council in¹⁸³ the 1970 elections." They were convinced "that annexation of part of Chesterfield County was necessary to keep the black population from

181. Prior to annexation, the population of Richmond was 52 percent black. Statistics cited in *City of Richmond Virginia v. United States*, 376 F. Supp. 1344, 1349-51 (D.D.C. 1974).

182. *Ibid.*, p. 1352.

183. *Ibid.*, p. 1349.

RICHMOND



 Richmond annexation.

Map No. 17. Richmond, Virginia annexed 23 square miles of adjacent Chesterfield County, which changed the population of the city from majority black to majority white.

gaining control of the city...."¹⁸⁴ The negotiations with Chesterfield County during 1969 were conducted by Richmond's white mayor, Phil J. Bagley. Council members endorsed by Richmond Forward, a white organization, were invited to attend conferences concerning the progress of the negotiations; the Crusade endorsed councilmen were excluded.¹⁸⁵

Mayor Bagley was quoted on one occasion as saying "As long as I am the Mayor of the City of Richmond the niggers won't take over this town." On another occasion he is reported to have stated "that niggers are not qualified to run the city."¹⁸⁶

The court noted that the concerns expressed during the negotiations confirm the theory that the motivation behind the annexation was to prevent blacks from taking over the city politically:

Richmond's focus in the negotiations was upon the number of new white voters it could obtain by annexation; it expressed no interest in economic or geographic considerations such as tax revenues, vacant land, utilities, or schools. The mayor required assurances from Chesterfield County officials that at least 44,000 additional white citizens would be obtained by the city before he would agree upon settlement of the annexation suit. 187

184. Ibid.

185. Ibid., p. 1350.

186. Ibid., p. 1350, n. 29. As required by law the Commission has offered Mr. Bagley the opportunity to reply to these statements. His reply is included in Appendix 7.

187. Ibid., p. 1350.

Finally, acceptance of the agreement was conditioned "on the annexation going into effect in sufficient time to make citizens in the annexed area eligible to vote in the City Council election of 1970."¹⁸⁸

In 1970 Richmond held its city council election without having submitted the annexation to the Attorney General for review under section 5. The election was thus held illegally. The result of the election was that candidates supported by the white organization continued to hold six of the nine seats.¹⁸⁹

After the Supreme Court said explicitly in the Canton, Mississippi case, that annexations are covered by section 5,¹⁹⁰ Richmond, on March 8, 1971, submitted the annexation for section 5 review. Two months later the Attorney General objected to it.¹⁹¹ Nevertheless, in 1972 Richmond attempted to hold elections using the illegal procedure of 1970. These elections were enjoined by the Supreme Court only a week before they were to be held.¹⁹²

The litigation concerning the annexation has been complex and

188. Ibid.

189. Ibid., p. 1351.

190. Perkins v. Matthews, 400 U.S. 379 (1971).

191. Objection letter, May 7, 1971.

192. Holt v. City of Richmond, 406 U.S. 903 (1972).

193
 continues. The Supreme Court of the United States has noted
 probable jurisdiction of the city's appeal from the ruling of the
 District of Columbia court that the annexation is discriminatory. 194
 The United States District Court for the Eastern District of Virginia
 has before it the question of whether the proper remedy for the illegal
 annexation is deannexation (which is urged by some blacks) or the use
 of single-member districts without deannexation (which is urged by
 the black Crusade for Voters, the Department of Justice, and the city
 of Richmond). 195

Petersburg

Unlike the Richmond annexation, the 1971 Petersburg annexation did
 not present evidence of a purpose to discriminate against black voters. 196
 However, the clear discriminatory effect of the annexation led to a
 section 5 objection by the Attorney General and to a ruling against

193. There have been three related suits. *Holt v. City of Richmond*, 334 F. Supp. 228 (E.D. Va. 1971), reversed, 459 F.2d 1093 (4th Cir.), cert. denied, 408 U.S. 931 (1972) (15th amendment suit); *Holt v. City of Richmond*, Civil No. 695-71-R (E.D. Va., filed Dec. 9, 1971), stay of election granted, 406 U.S. 903 (1972) (further district court action is pending Supreme Court action in *City of Richmond v. United States*) (section 5 suit); *City of Richmond, Virginia v. United States*, 376 F. Supp. 1344 (D.D.C. 1974), prob. jur. noted, No. 74-201, (U.S. 43 U.S.L.W. 3343) (U.S. Dec. 16, 1974) (section 5 suit).

194. *City of Richmond, Virginia v. United States*.

195. *Holt v. City of Richmond*, Civil No. 695-71-R.

196. *City of Petersburg, Virginia v. United States*, 354 F. Supp. 1021 (D.D.C. 1972), affirmed, 410 U.S. 962 (1973).

the city by the United States District Court for the District of Columbia.¹⁹⁷ There are three elements which led to this conclusion. First, before the annexation the city was 55 percent black. Afterward, it was only 46 percent black.¹⁹⁸ Second, city council elections in Petersburg had been held at large with a majority vote required for election. The city declined to adopt single-member districts after the annexation, which would have minimized the dilution of the black vote caused by the increased white population.¹⁹⁹ Third, the court found evidence of racial bloc voting in Petersburg. An "informal white political structure" does not slate black candidates, and voting, in elections where both whites and blacks are involved, is along racial lines.²⁰⁰ Thus the black minority would have little power in city council elections held at large.²⁰¹ The result of the court's determination was the election of city council members from single-member districts in June 1973. Black candidates won a majority of the seats.²⁰²

197. Objection letter, Feb. 22, 1972. City of Petersburg, Virginia v. United States.

198. 354 F. Supp. 1021, 1024.

199. Ibid., p. 1027.

200. Ibid., pp. 1025-26.

201. Hermanze E. Fauntleroy, Jr., vice mayor, Petersburg, Va., interview, July 9, 1974.

202. 1974 Roster, pp. 224-26.

NORTHEASTERN NORTH CAROLINA

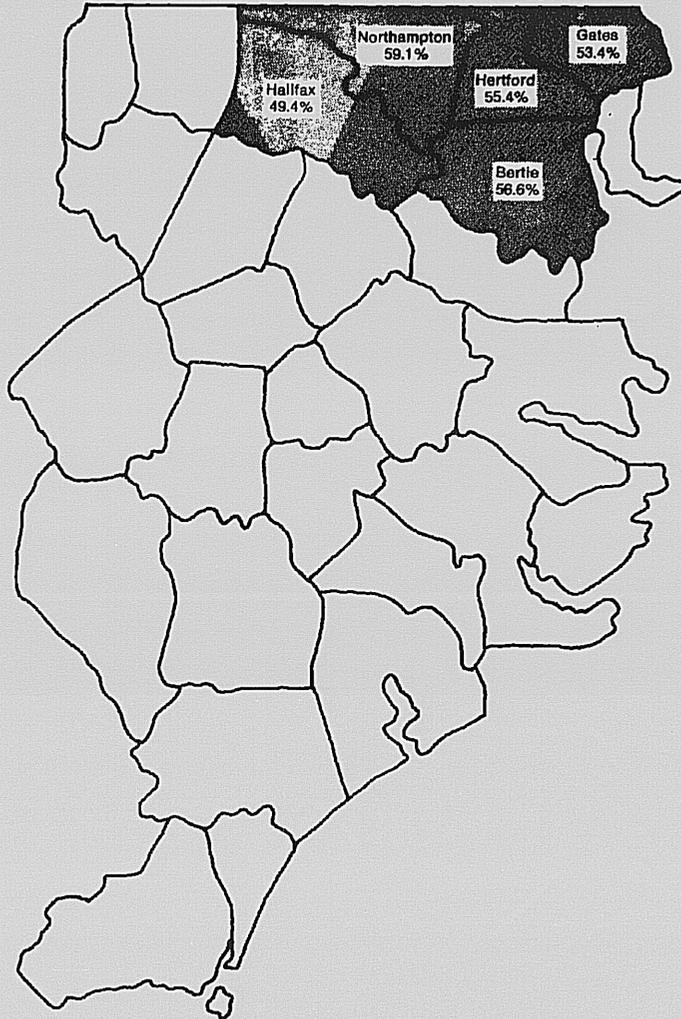
In the counties and towns of northeastern North Carolina--the part of the State with the greatest proportion of blacks--the use of at-large elections has severely limited the ability of blacks to be elected to county commissions, school boards and town councils. (See map no. 18.) While a few blacks have been elected to these positions, the number is far below the proportion of blacks in the total population. In a few instances, possibly discriminatory changes in the method of election have been made without having been cleared under section 5 of the Voting Rights Act.

In Bertie, Gates, Halifax, Hertford, and Northampton Counties, county commissioners are elected at large. In all of those counties except Northampton they must reside in particular districts. ²⁰³ In both Hertford and Northampton Counties one of five commissioners is black. In the other three counties no blacks serve on the five-member ²⁰⁴ county commissions.

203. Bertie Co., Edith Williford, secretary, board of elections, interview, July 10, 1974; Gates Co., Hayes Carter, clerk of court, interview, July 12, 1974; Halifax Co., Marie Page, executive secretary, board of elections, interview, July 11, 1974; Hertford Co., C. L. Willoughby, chairman, board of elections, interview, July 10, 1974; Northampton Co., Barbara A. Wheeler, executive secretary, and R. L. Grant, chairman, board of elections, interview, July 12, 1974.

204. 1974 Roster, p. 165; Earl R. Lewis, commissioner, Hertford Co., interview, July 9, 1974; Wheeler and Grant Interview.

NORTH CAROLINA



Map No. 18. The five counties in northeastern North Carolina discussed in the text are majority, or close to majority, nonwhite. The numbers indicate the nonwhite percentage.

On May 7, 1974, a primary election was held for one commissioner position in Halifax County.²⁰⁵ Since the winner of the Democratic primary in that county has traditionally had little opposition in the general election, victory in the primary is tantamount to election.²⁰⁶ The seat available was for district 1, a rural district which is 72.7 percent black, 18.7 percent white and 8.6 percent Native American (Haliwa Tribe).²⁰⁷ Registration for the district was 1,359 blacks, 1,144 whites, and 275 Native Americans.²⁰⁸ There were four candidates for the position: the white incumbent, one black, and two Haliwas.²⁰⁹ The black candidate Horace Johnson, received a plurality in district 1 and in a run-off in that district would have had a good chance of victory. (See table 13.) With the election held countywide Johnson had no chance of even getting into a primary runoff.

Single-member districts might also have led to the election of a black to the county commission in Bertie County in 1974.²¹⁰ In the fifth district (the seat in contest) the Rev. Leroy Gilliam received

205. 1974 Roster, p. 165, James Gilliam, Windsor (Bertie Co.), N.C., interview, July 10, 1974; Carter Interview; Horace Johnson, Sr., Hollister (Halifax Co.), N.C., July 11, 1974.

206. Roanoke Rapids (N.C.) Daily Herald, May 8, 1974, sec. 1, p. 1.

207. Ibid.

208. Page Interview.

209. Ibid.

210. James Gilliam Interview (James Gilliam is not related to Leroy Gilliam, the candidate.)

178 votes. His white opponent, the incumbent Bennie F. Bazemore received only 104. County-wide, however, Bazemore won easily, 1059 to 779.²¹¹

Table 13. RESULTS OF MAY 7, 1974 PRIMARY ELECTION,
HALIFAX COUNTY, NORTH CAROLINA

Candidate	Vote in District 1	Total Vote
Horace Johnson, Sr. (black)	488	1913
Oliver L. Lynch (Haliwa)	79	280
Thomas W. Myrick (white)	433	4212
W. R. Richardson (Haliwa)	178	778

Source: Roanoke Rapids (N.C.) Daily Herald, May 8, 1974, sec. 1, p. 8.

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Halifax County's residence requirement was adopted in 1971.

It has been implemented without clearance under section 5 of the Voting Rights Act.²¹³ Other counties have made similar changes without obtaining section 5 clearance. Vance County, which is 42 percent nonwhite, adopted in 1966 the use of residence requirements and staggered

211. Williford Interview.

212. Resolution of May 24, 1971. Jean Futrell, secretary to county auditor and former executive secretary, board of elections, Halifax Co., interview, July 11, 1974.

213. Section 5 Printout, as of May 8, 1974.

terms for commissioners; in 1968 it made the same change for school
²¹⁴
 board members. In Pasquotank County, which is 38 percent nonwhite,
²¹⁵
 residence requirements were adopted in 1965.

The county school boards in Bertie, Gates, Halifax, Hertford, and
²¹⁶
 Northampton Counties also are elected at large. Four of the
²¹⁷
 counties each have only one black school member. Northampton
 County has two blacks on its school board, which was expanded from
²¹⁸
 the normal five to seven members in 1970.

At-large election with residence requirements may have prevented
 the election of a Haliwa to the Halifax County school board in the May
 7, 1974, nonpartisan election. The seven-member school board includes
 one black, who was first appointed to the school board in 1970 and
 became the county's first black elected official when he placed third
²¹⁹
 in a six-person field in the 1974 election. In fifth place in the
 election, but not too far behind the third and fourth place candidates,
 was Thomas O. Hedgpath, a Haliwa. In his own district 1, he was the

214. Information provided by Deva W. Paschall, executive secretary,
 board of elections, Vance County, Aug. 15, 1974.

215. Information provided by Mildred W. Umphlet, executive secretary,
 board of elections, Pasquotank County, N.C., Aug. 12, 1974.

216. See note 203 above. 1974 Roster, pp. 172-74, and Gilliam, Carter,
 Page, and Lewis Interviews.

217. Ibid.

218. Wheeler and Grant Interview.

219. Futrell Interview; Dock M. Brown, vice president, Halifax County
 NAACP, Halifax, N.C., interview, July 11, 1974.

top vote getter by a wide margin. (See table 14)

Table 14. MAY 7, 1974 SCHOOL BOARD ELECTION, HALIFAX COUNTY, NORTH CAROLINA (three elected)

Candidate	Vote in District 1	Total Vote
Charles S. Bartholomew (white)	348	3363
Nina W. Beavers (white)	402	4137
Thomas O. Hedgpath (Haliwa)	695	2938
Jessie W. Richardson (Haliwa)	296	1608
Homer G. (Fuzzy) Rose (white)	395	3112
Walter L. Turner (black)	458	3216

Source: Roanoke Rapids (N.C.) Daily Herald, May 8, 1974, sec. 1, p. 8; Page Interview.

At-large election is not the only barrier to minority entry into the Halifax County school board. The county has three school districts, one which corresponds approximately to the city of Roanoke Rapids, one for the city of Weldon and environs, and the county district for the remainder of the county. Residents of the Roanoke Rapids school district elect its board; the Weldon board is appointed. The county school board is chosen by the electors of the whole county.²²⁰ Since 25 percent of the county's residents live in Roanoke Rapids, which is 90 percent white, whites dominate the county school board politically

220. Myron L. Fisher, Jr., superintendent, Weldon Public Schools, interview, July 12, 1974; Page Interview.

even though 63 percent of the county residents outside Roanoke Rapids and Weldon are black or Native American. At least 87 percent of the students of the county district are nonwhite.²²¹

A similar arrangement in Robeson County, which is 31 percent Native American and 26 percent black, was challenged in Federal court by Native American voters. The district court denied them relief, and the case has been appealed to the United States Court of Appeals for the Fourth Circuit.²²²

At-large elections also limit black success in city council elections in northeastern North Carolina. Seven communities in Halifax County have elected councils.²²³ All are elected at large and none has a black member.²²⁴ Similarly, in Bertie County there are no Black council members in the five towns with elected councils, all chosen at large.²²⁵ Three of nine towns in Northampton County with

221. U.S., Department of Health, Education and Welfare, Office for Civil Rights, Directory of Public Elementary and Secondary Schools in Selected Districts: Enrollment and Staff by Racial/Ethnic Group, Fall 1972, p. 996.

222. *Locklear v. North Carolina State Board of Elections*, 379 F. Supp. 2 (E.D.N.C. 1974), appeal docketed, No. 74-1856, 4th Cir., July 23, 1974.

223. Enfield, Halifax, Hobgood, Littleton, Roanoke Rapids, Scotland Neck, Weldon. Page Interview.

224. Ibid.

225. 1974 Roster, pp. 166-71.

226. Windsor, Colerain, Powellsville, Lewiston, and Aulander. Gilliam Interview.

city councils--elected at large--have among them four black council members.²²⁷ In Hertford County, both Ahoskie (42 percent black) and Murfreesboro (39 percent black)²²⁸ have one black on their five-member, at-large elected city councils.

ALABAMA

While 1974 was a year of breakthrough for blacks in gaining seats in the Alabama legislature, there has been no similar breakthrough for local commissions and councils. The legislative increase was primarily the result of the use of single-member districts. City council members and county commissioners are still typically elected at large.

Only four counties in Alabama--Bullock, Greene, Lowndes, and Macon--have any black commissioners.²²⁹ Each of the four is at least two-thirds black. (See map no. 19.) The six other majority black counties²³⁰ elect their commissioners at large. In these counties the

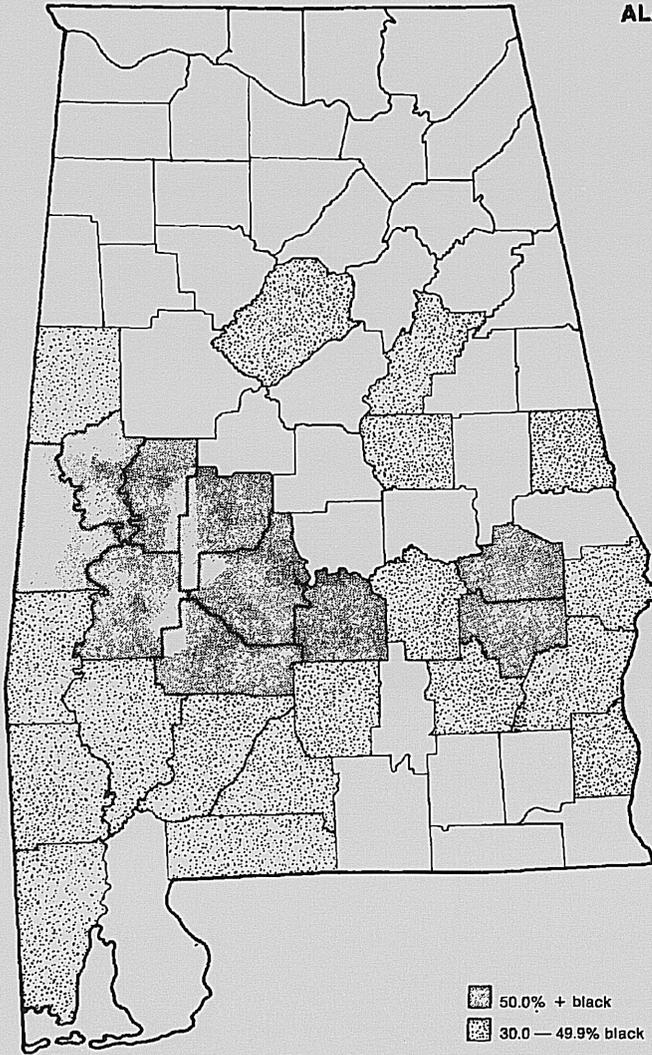
227. Conway, Garysburg (two blacks on council), Gaston, Jackson, Lasker, Rich Square (one black on council), Seaboard (one black on council), Severin, Woodland. Wheeler and Grant Interview; 1974 Roster, pp. 166-71.

228. Viola Perry, secretary to city manager, Ahoskie, N.C., interview, July 11, 1974; Elizabeth Council, clerk, Murfreesboro, N.C., interview, July 11, 1974; Jacob Ruffin, city councilman, Murfreesboro, N.C., interview, July 11, 1974.

229. 1974 Roster, p. 1 and Alexander, telephone interview, Dec. 6, 1974.

230. Dallas, Hale, Marengo, Perry, Sumter, and Wilcox. Information provided by officials of the six counties.

ALABAMA



Map No. 19. Alabama racial composition.

higher proportion of blacks than whites who are below voting age and the lower black registration rates have helped to prevent blacks from electing any commissioners. (See Appendix 1.)

In Dallas County, which is 52 percent black, the county commission consists of four commissioners and the probate judge--the typical arrangement in Alabama counties.²³¹ The commissioners are not only elected at large, but they must also reside in particular districts, which prevents single-shot voting from being effective. In addition, the way the residential districts are drawn underrepresents the main area of black concentration in the county.²³² The district containing most of Selma, which is 50 percent black, contains 27,000 people; one rural district contains only 4,000.²³³ A challenge to the election system in a Federal district court was unsuccessful.²³⁴

No blacks have been elected to county office in 31 percent black Talladega County, where the county commission and school board are both elected at large.²³⁵ Because of the greater number of white voters than black and the unwillingness of whites to vote for a black candidate, blacks do not expect political success in the county until

231. Code of Ala., Tit. 12 § 5 (1958).

232. J. L. Chestnut, attorney, Selma, Ala., interview, Sept. 3, 1974.

233. Henry Sanders, attorney, Selma, Ala., interview, Sept. 4, 1974.

234. Reese v. Dallas County Commissioners, Civil No. 7503-73 (S.D. Ala. Oct. 3, 1973), appeal docketed, No. 73-3756 5th Cir., Nov. 20, 1973. As of Dec. 26, 1974, the appeal was still pending.

235. Hueil Love, attorney, Talladega, Ala., interview, Sept. 7, 1974.

there are single-member districts. A black campaign worker told a Commission staff member that blacks are reluctant to run for at-large seats because there is so little expectation of victory.²³⁶

Blacks in Pickens County have attacked in Federal court the election scheme for county commission, county board of education, and county Democratic Executive Committee.²³⁷ At-large elections with residence requirements have helped to prevent blacks from being elected, although the county is 42 percent black.²³⁸ The judge has ruled that the districts should be equalized but has not passed on whether at-large election with residence requirements discriminates against blacks in Pickens County.²³⁹

There have been only six changes in districting or the method of election for county commissioners in Alabama which have been submitted to the Attorney General under section 5 of the Voting Rights Act.²⁴⁰ Objections were made to the at-large election system submitted by Autauga County in 1972²⁴¹ and by Pike County in 1974.²⁴²

236. Emmett L. Gray, Talladega, Ala., interview, Sept. 7, 1974.

237. Corder v. Kirksey, Civil No. CA 73M1086 (N.D. Ala., filed Nov. 15, 1973).

238. Ed Still, counsel for plaintiffs in Corder v. Kirksey, Tuscaloosa, Ala., telephone interview, Oct. 3, 1974.

239. Corder v. Kirksey, Order of Aug. 21, 1974.

240. Section 5 Printout, as of May 8, 1974.

241. Objection letter, March 20, 1972.

242. Objection letter, Aug. 12, 1974.

In 1969 Pike County changed from electing its four commissioners from single-member districts to electing them at-large while requiring them to live in particular districts. A majority vote was also required. Though passed in 1969, this new electoral system was not submitted to the Attorney General under section 5 until May 1974.²⁴³ The Attorney General believed that blacks might have a better chance of success with at-large election than with single-member districts because of the lack of sufficient black voting strength in any one district. The Attorney General nevertheless objected to the change because of the use of residency and majority requirements. These requirements, together with the continued use of staggered terms, could dilute black voting strength.²⁴⁴

Although blacks in Birmingham, Alabama's largest city, have been more successful politically than blacks in other parts of the State, a suit has been filed challenging the city's at-large method of electing its city council.²⁴⁵ While Birmingham is 42 percent black, only two of the nine council members, or 22 percent, are black.²⁴⁶ The use of numbered posts was eliminated by the Justice Department in 1971,²⁴⁷ but an anti-single-shot requirement²⁴⁸ continues to reduce

243. Section 5 Printout, as of May 8, 1974.

244. Objection letter, Aug. 12, 1974.

245. Coar v. Seibels, Civil No. 748519 S (N.D. Ala., filed May 29, 1974) (pending as of Dec. 2, 1974).

246. 1974 Roster, pp. 3-5.

247. Objection letter, July 9, 1971.

248. Mayor-Council Act of 1955, as amended, sec. 3.01.

the effectiveness of the black vote.²⁴⁹ In the 1971 election 16,000 ballots were voided because fewer candidates were voted for than there were positions available on the city council. Some 97 percent of the voided ballots were from black areas, a Commission staff member²⁵⁰ was told.

The large black population in Birmingham and the substantial number of blacks living in other communities in the county combine to make Jefferson County 32 percent black. The absence of blacks on the county commission can be explained by the electoral system in the county: only three commissioners, elected at large, and elected to designated positions. This electoral system is also before a Federal²⁵¹ court.

Bessemer and Fairfield are smaller cities in Jefferson County that both have substantial black populations. Bessemer is 52 percent black and Fairfield, 48 percent. At-large council elections with a majority requirement in both towns and residency requirements in Fairfield help to explain the current absence of blacks from the council in

249. Dr. Richard Arrington, member, city council, Birmingham, Ala., interview, July 19, 1974.

250. Ibid.

251. *McPhearson v. Green*, Civil No. 74P519 S (N.D. Ala., filed May 29, 1974) (pending as of Dec. 2, 1974).

252
 either city. A suit has been filed against the Fairfield electoral
 253
 system. In 1968 blacks had been elected to 6 of 13 council positions
 in Fairfield. In the 1972 election all eight black candidates lost, even
 though 42 percent of the vote was cast for black candidates. 254
 Adding
 to the dilution of black votes in recent years in both communities has
 been the fact that several white areas have been annexed without pre-
 255
 clearance under section 5 of the Voting Rights Act.

SOUTH CAROLINA

During 1973 and 1974 the Attorney General objected to changes in
 the method of election of the governing bodies of a number of South
 256
 Carolina cities and counties. (See map no. 20.) During the same
 period section 5 objections were also entered to annexations by two cities
 and to a city-county consolidation.

252. Walter Jackson, director, Legal Evaluation Action Project, Birmingham, Ala., interview, July 17, 1974; A.L. Harrison, candidate (subsequently elected), Alabama House of Representatives, Birmingham, Ala., interview, July 16, 1974. Complaint, p. 3, Memorandum in Support of Motion for Summary Judgment, p. 4, Nevett v. Sides, Civil No. 73P529 (N.D. Ala., filed May 30, 1973) (pending as of Nov. 1, 1974).

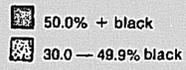
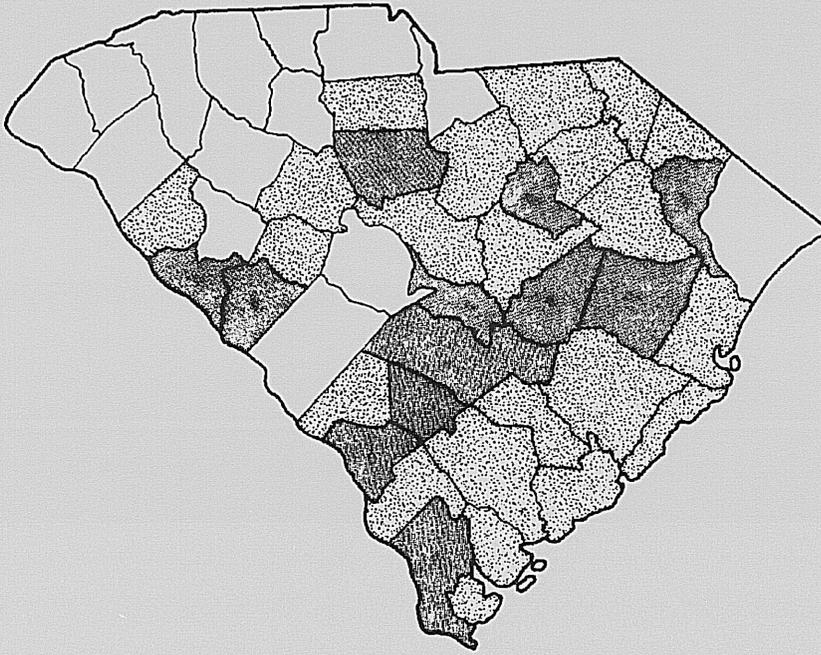
253. Nevett v. Sides.

254. Complaint, p. 4, Memorandum, p. 2, Nevett v. Sides.

255. Jackson Interview.

256. Until a recent amendment to the State constitution there was no provision for county home rule in the State. Act No. 68, [1973] Stat. at large of S.C. 67, amending Art. VIII of the Constitution of 1895, authorized the passage of county home rule charters.

SOUTH CAROLINA



Map No. 20. South Carolina racial composition.

Darlington imposed a majority vote requirement and a candidate residence requirement for city council elections in 1973.²⁵⁷ The Attorney General's objection to the new requirements was based on the fact that elections were already conducted at large in a city with 51 percent black population and the requested change was passed after a near win by a black candidate. The Attorney General found that the statute would increase the number of votes needed to win, increase the likelihood of head-to-head races between blacks and whites with race made a more significant campaign issue, and thereby reduce the effectiveness of concentrated minority voting.²⁵⁸

In January 1974 the Federal district court for South Carolina found the Dorchester County method of electing its seven-member county council--multi-member district with residency and numbered post requirements--in violation of the equal protection clause of the 14th amendment.²⁵⁹ The court ordered the legislature to draw up and submit a valid election plan to the Attorney General under section 5. The proposed plan called for at-large elections and was objected to on April 22, 1974 by the Attorney General.²⁶⁰ Subsequent to the objection, a new single-member plan was drawn up and submitted to the court for

257. Act 117, [1973] Stat. at large of S. C. 140.

258. Objection letter, Aug. 17, 1973.

259. DeLee v. Branton, Civil No. 73-902 (D. S. C. Jan. 2, 1974).

260. R913, adopted Feb. 11, 1974, as received by the U. S. Department of Justice for section 5 preclearance, Feb. 21, 1974. Objection letter, April 22, 1974.

approval, rather than to the Attorney General. In October of 1974 the court approved this plan without requiring the defendants to submit it to the Attorney General.²⁶¹

On September 3, 1974 the Attorney General objected to a plan to stagger the 4-year terms of the six council members in Bishopville. The city currently has no black council members but is 49 percent black. The probable effect of the plan would have been to limit further the opportunity of blacks to elect a candidate, since they are a minority of the population and because the number of positions to be filled at any one time would drop from six to three. The Department found the change to staggered terms particularly offensive because the 1975 election would be the first in which blacks could take advantage of the opportunity to single-shot vote.²⁶²

On the same day the Attorney General objected to Bamberg County's use of residence requirements and staggered terms in the election its new governing body. The Department noted that the potential of blacks (42 percent of registered voters) to elect a representative of their choice that exists when only a plurality is required and single-shot voting is allowed is decreased when residency requirements narrow the field of candidates. The opportunity of a minority candidate is further reduced when staggered terms are superimposed on the residency requirement since it further reduces the field of candidates in any given election.²⁶³

261. DeLee v. Branton, Order of Oct. 7, 1974.

262. Objection letter, Sept. 3, 1974.

263. Objection letter, Sept. 3, 1974.

Later in September 1974 the Attorney General also objected to the use of at-large voting for the same body after he received a petition²⁶⁴ containing 600 signatures in opposition to the at-large system.

The petition questioned the Department of Justice presumption that the at-large system, even when a plurality only is required for election and single-shot voting is allowed, provides blacks a realistic opportunity to elect candidates in the county.²⁶⁵

The Attorney General also objected to the at-large election of county commissioners in Lancaster County. The county's system combined at-large election with the use of staggered terms, majority vote, residency, and numbered post requirements. The Attorney General noted that there is potential in Lancaster County for achieving a black majority district under an equitably drawn, single-member, seven-district plan.²⁶⁶ Because the county had implemented this new system of election in 1972 in violation of the requirements of section 5 the Department brought suit in 1974 to overturn the 1972 elections and to assure that subsequent elections be conducted in compliance with the Voting Rights Act.²⁶⁷

264. Objection letter, Sept. 20, 1974.

265. The objection letter stated that, since the petition was received late in the 60 day period allowed for a section 5 determination, the Department would hold open the possibility of its withdrawing the objection after further consideration of the situation and other issues raised by the black voters.

266. Objection letter, Oct. 1, 1974.

267. United States v. Lancaster County Election Board, Civil No. 74-1528 (D.S.C., filed Oct. 9, 1974) (consent decree, Oct. 11, 1974).

The 1974 Charleston city and county consolidation plan provided for the election of members of the new governing body through the use of multi-member districts, at-large elections, a majority vote requirement, residency requirements, and numbered posts. In September the Attorney General objected to these elements of the plan, though not to the consolidation itself, saying that, with the significant minority population of Charleston and a history of racial bloc voting, methods of election such as those proposed would have an impermissible diluting effect on voting strength. Department of Justice analysis indicated that a fairly drawn plan of single-member districts would allow fair opportunity for the election of black candidates.²⁶⁸ A single-member district plan was adopted immediately following the section 5 objection,²⁶⁹ but the consolidation plan was turned down by the voters in a referendum²⁷⁰ held on November 5, 1974.

Also in September 1974 the Attorney General objected to seven annexations made by the city of Charleston between 1964 and 1974 which were not submitted for section 5 review until July 1974. Eighteen other annexations adopted during the 10 year period and submitted at the same time were not objected to. The Department's analysis

268. Objection letter, Sept. 24, 1974.

269. Armand Derfner, attorney, Charleston, S.C., interview, Nov. 18, 1974.

270. Herbert Fielding, former member, South Carolina house, Charleston, S.C., telephone interview, Nov. 21, 1974.

indicated that the objectionable annexations may have led to the defeat²⁷¹ of candidates supported by the black community in 1971.

Earlier in 1974 the Attorney General had objected to two annexations of predominantly white areas adjacent to McClellanville, a town with only 30 blacks in a population of 304. For racial reasons the annexation excluded a black community of 500 immediately adjacent to²⁷² the town. The Department later withdrew the objection after it received assurance that future annexations will be considered without regard to²⁷³ race or color.

* * * *

While generalizations are difficult over the hundreds of counties and cities covered by the special provisions of the Voting Rights Act, a frequent occurrence is for a local governmental unit to alter its method of election to head off the possibility of minorities' gaining significant political strength at the local level. For example, Richmond, Virginia, brought in additional white voters through an annexation when it appeared that blacks had a good chance to take control of the city government. Numerous Mississippi counties adopted

271. Objection letter, Sept. 20, 1974.

272. Objection letter, May 6, 1974.

273. J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, letter to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, Dec. 23, 1974. The objection was withdrawn Oct. 21, 1974.

at-large elections when black voting strength grew rapidly after 1965. Small towns in Georgia continue to adopt numbered post and majority requirements in an apparent effort to control black voting strength.

What these changes have in common is that they were made by whites in political control. Minority political strength, despite progress under the Voting Rights Act, is not yet able to prevent structural changes that limit the effectiveness of that strength. For example, when the Richmond annexation was agreed to in 1969, three of the nine city council members were black. They were excluded from the negotiations that led to the annexation and had no way to prevent its taking place. The only safeguard of minority voting rights in this situation was section 5 of the Voting Rights Act, enforced by the Attorney General, and the judicial system. In other cities and counties where changes similar in their effect have been made minorities have had even less political strength than had been gained in Richmond by 1969. For example, when Leflore County, Mississippi, adopted at-large election for its board of supervisors and when it later adopted (as required by court order) a single-member district plan that a Federal court found to be racially gerrymandered, there was not even token black representation on the county board of supervisors.

Unfortunately, the years since the passage of the Voting Rights Act do not seem to have led to a diminution of objectionable changes in methods of election at the local level. There were more section 5

objections to changes of this type in 1974 than in any previous year. Moreover, the 1980 census will open a new round of changes that can effect the fairness of representation in local governing bodies.

CONCLUSION

In the 10 years since passage of the Voting Rights Act, minority citizens in jurisdictions covered by the act have finally begun to participate actively in the American political process. The percentage of registered blacks in covered Southern States nearly doubled between 1964 and 1972, and has continued to rise in the three States for which more current data are available. Voter turnout has also increased in Southern States covered by the act. In addition, the number of blacks elected to office in those States has increased substantially, from fewer than 100 in 1964 to 963 in 1974. Much of this change is the result of the Voting Rights Act.

The act provides several interrelated mechanisms to protect the constitutional rights of minority citizens. The suspension of literacy tests and the use of Federal examiners enabled many minority persons to register. Where examiners have not been used, the potential of their use has stimulated registration of minorities. Similarly, the use of Federal observers has helped to ease the entry of minorities into the political process and to protect against discrimination at the polls. These procedures have been supported by the authority of the Attorney General to enforce the act and the 15th amendment through the judicial process.

The section 5 preclearance provision, section 5 of the Voting Rights Act, bolstered by litigation, has enabled the Justice Department to block the imposition of new discriminatory laws and practices in jurisdictions covered by the Voting Rights Act. Although section 5 review was hardly used before 1971, it has become the centerpiece of the act. The long list of objections by the Attorney General under section 5 is testimony to its importance in the progress toward full and effective minority political participation.

In most jurisdictions covered by the act there has been real progress toward achievement of its purposes. In those jurisdictions, however, as well as in areas where there has been little or no progress, minority citizens encounter barriers to free exercise of their political rights. Exclusion from the political process left minorities at a decided disadvantage when the opportunity to participate was finally achieved. The years under the Voting Rights Act have been years of catching up, a process well under way but far from complete.

The data presented in chapters 2 and 3 and the experiences described in chapters 4 through 7 document the persistence of discrimination in the electoral process. And though minority citizens usually are no longer excluded from political participation, the widespread use of racial gerrymandering and manipulation of voting rules detailed in chapters 8 and 9 dilute the effect of their participation and minimize hardwon success at the polls.

The problems facing minority voters, detailed in the report, lead to the conclusion that there is still hostility and resistance to the free and effective political participation of blacks, Native Americans, Puerto Ricans, and Mexican Americans. Where the Voting Rights Act has opened the door to political participation, minorities have stepped across the threshold with both determination and wariness. They experience the electoral process as an obstacle course, still controlled by the people (and in many instances the same individuals) who have long sought to exclude them from effective political participation. They bear the burden of mastering the intricacies of the political process in the face of persistent hostility and the often openly-expressed fear of whites that minorities in political control will treat whites as minorities themselves have been treated.

For the minority citizen, the right to vote is still a precarious right. In conjunction with the persistence of discrimination, the persistence of vulnerability to economic and physical pressure shapes the minority citizen's response to the opportunity to participate. For many minority voters, entering a polling place is crossing into dangerous territory, where personal experience and the shared heritage of centuries tell them they do not belong.

The episodes reported here may seem like isolated instances, for the scattering of details obscures their full impact on minority voters and candidates. An individual in a particular jurisdiction, however, experiences the political process as a whole, and the accumulation of these problems may deter individuals from exercising their political rights.

Consider, for example, the experience of reservation Navajos in Apache County, Arizona. Although they participate in the political process more freely now than before passage of the Voting Rights Act, their progress has been slow and uneven. Those who could read and write English were first enfranchised in 1948. Apache County was only briefly covered by the act in 1965, but the later suspension of literacy tests enabled many Navajos to register. Following the 1970 general election, however, the Arizona legislature required a complete reregistration of voters, and many newly registered Navajos were removed from the rolls.

By the 1972 election Navajo registration had increased substantially, but Apache County did not provide additional polling places. Many voters had to wait long hours in freezing temperatures to vote. Those who obtained ballots often had difficulty reading them and using the voting machine. Since Arizona requires purging if a voter misses one general election, Navajos who were unable to wait to vote, or did not vote for some other reason, were subsequently purged. Though a

notice was sent to voters who were purged, some did not receive it in time to preserve their registration. Others who received the notice were unable to read it.

Despite these problems, one Navajo was elected to the three-member Apache County Board of Supervisors. The county refused to allow him to take office until the Arizona Supreme Court ordered him seated.

Although Navajos residing on the reservation constitute about three-quarters of Apache County's population, the three supervisors' districts are drawn in such a way that all the Navajos are placed in one grossly overpopulated district. The Navajos and the Department of Justice have filed suit against the districting plan. The county's defense in the suit is that Navajos residing on the reservation should not have the right to vote and, therefore, should not be counted for the purpose of creating supervisors' districts. Thus 10 years after the Voting Rights Act enabled most Navajos in Apache County to begin to participate in the political process, their own county government is trying to exclude them from it.

Blacks in Wilcox County, Alabama, have also encountered a variety of obstacles to political participation. Wilcox is a small rural county with a population of 16,000, 60 percent of which was black in 1970. According to previous Commission reports, no black was registered to vote in Wilcox County in 1959, 1961, or 1965. By November 1967, blacks

had achieved a slight majority of the county's registration through the work of Federal examiners appointed under the Voting Rights Act.

Registration is only the beginning of the political process, however. Barriers to political success abound in Wilcox County. At-large elections make it extremely difficult for blacks to win a seat on the county commission. Many blacks are reluctant to go to the white-owned stores that serve as polling places because they fear they will not receive credit at these stores if they vote. During the 1972 election one poll watcher for a black candidate was ordered to leave such a store shortly after the polls opened.

Several events occurred during the 1972 election in Wilcox County which may deter black political activity. The 100-vote lead of a black candidate for county commission was overtaken by absentee ballots. The election for constable was confused and its integrity undermined when the Democratic Party added a number of blacks, without their knowledge or consent, to its previously all-white slate of nominees. They opposed a black slate offered by the National Democratic Party of Alabama (NDPA). In addition, black supporters of the NDPA were not allowed to cast challenge ballots. Such experiences do not encourage political participation.

Minority citizens in other jurisdictions covered by the Voting Rights Act have also encountered difficulties in attempting to exercise the rights protected by the act. Progress toward full political participation is limited by the fact that some of the barriers that continue to deter minority political activity result from abuse of discretion by local officials whose behavior cannot be monitored completely. By fostering the opportunity for minorities to participate in the political process, however, the act lays the foundation for minority participation in the selection of local procedures and personnel. Participation at that level offers some hope of protection against abuse of discretion.

The Voting Rights Act has been an effective law, but the potential of its remedies has not been fully realized. The effectiveness of the act itself in the covered jurisdictions has been limited by the fact that section 5 does not reach discriminatory practices which existed before its coverage took effect. Litigation by the Department of Justice to eradicate such practices has been limited. Also, Federal examiners have not been used in many jurisdictions where minority registration lags substantially behind white registration.

The Voting Rights Act has opened the political process to minority citizens in the covered jurisdictions. Persistent discriminatory barriers, however, undermine both the success of the act and the political system itself. A democratic system depends on the full participation

of its citizens, and until the right of minority citizens to participate
freely is realized the rights of all Americans are not yet secured.

FINDINGS

PROGRESS UNDER THE VOTING RIGHTS ACT

1. Minority political participation in jurisdictions covered by the Voting Rights Act has increased substantially since passage of the act:
 - a. The suspension of literacy tests has facilitated the participation of many minority citizens including those whose facility in English is limited.
 - b. Registration and voting by minorities has increased to the point that their influence is being felt through their ability to elect minority public officials and to determine the outcome of elections between white candidates.

2. Progress toward full enfranchisement of minorities in the jurisdictions covered by the Voting Rights Act is uneven.
 - a. In many areas minority registration lags far behind that of whites and apparently minority turnout is usually lower than white turnout.
 - b. Analysis of the types of offices to which minorities, particularly blacks, have been elected indicates that minorities have not yet gained a foothold on positions of real influence.

- c. There is little evidence of progress in some covered jurisdictions. For example, some counties with substantial black populations have no black elected officials at any level of government.
3. The failure of most State governments in covered jurisdictions to maintain registration and turnout data by race hampers statistical evaluation of progress made by those jurisdictions in enabling minority citizens to register and vote. The failure of the Bureau of the Census to implement Title VIII of the Civil Rights Act of 1964 to obtain reliable estimates of registration by race compounds the problem of inadequate data.

ENFORCEMENT OF THE VOTING RIGHTS ACT

4. Enforcement of the Voting Rights Act has contributed substantially to the progress toward full minority political participation, but its potential has not been fully realized.
 - a. Section 5 preclearance has helped to eliminate new practices which are discriminatory in purpose or effect; however, the effectiveness of section 5 depends on the willingness of the covered jurisdictions to submit changes in electoral laws, practices, and procedures as required by the act.
 - b. Compliance with the submission requirement has been uneven, and the Department of Justice does not have an effective monitoring system to bring to its attention unsubmitted changes.

- c. The use of Federal examiners has stimulated minority registration in the 60 counties to which they have been assigned, but examiners have rarely been used in recent years despite persistent disparities in minority and white registration rates in many counties of covered States.
- d. The presence of Federal observers in five of the covered States has helped to promote fair elections. The effectiveness of the observer program, however, has been limited by the failure to ensure that a substantial number of minorities serve as observers and to adequately inform the public of the presence and purpose of observers.
- e. Litigation by the Justice Department under the Voting Rights Act has helped to eliminate discriminatory practices in some of the covered jurisdictions. Private litigants, however, still bear much of the burden of enforcing the act and challenging discriminatory practices that antedate its coverage.

REGISTRATION

- 5. Few jurisdictions make any affirmative nonpartisan effort to register eligible persons. The burden of registration is borne by individuals or by private nonprofit organizations. Such organizations are hampered by provisions of the Tax Reform Act of 1969 which severely limit foundation financing of nonpartisan voter registration drives.

6. Registration, including the registration of minorities, is hampered in jurisdictions covered by the Voting Rights Act by the fact that registration hours and places are limited, inconvenient, and poorly publicized. The absence or ineffective use of deputy registrars, mobile registration, and weekend and evening hours further limits opportunities to register.
7. Dual registration as practiced in many jurisdictions covered by the act is particularly burdensome to minority voters, who often are not informed of the need to register twice.
8. Few minority persons serve as registrars and a disproportionately small number of registration staff members are minorities.
9. Uncooperative and sometimes hostile behavior on the part of registrars and the failure of registrars to maintain scheduled hours limit the number of minorities who can register.
10. In some jurisdictions, minority registration has been discriminatorily reduced by unequal application of purge requirements to minorities and whites and by inadequate notice to minorities of both the purging and the procedures for reinstatement.
11. Reregistrations have removed substantial numbers of registrants including disproportionate numbers of minorities from the registration rolls. This has had the effect of undermining the objectives of the Voting Rights Act.

VOTING

12. The frequent inability of election officials to locate the names of minority voters on voting lists and numerous failures of these officials to inform minorities of their right to cast challenge ballots curtail the participation of these voters in many jurisdictions covered by the Voting Rights Act.
13. The location of polling places and the inadequacy of voting facilities deter minority voting in many areas.
14. County officials in some States often fail to inform minority voters of polling place changes. Furthermore, notification is rarely made in any language other than English, despite the presence of a substantial non-English-speaking population.
15. Minority and bilingual persons are severely underrepresented among election officials and rarely serve in supervisory positions.
16. Despite the requirement of a bilingual electoral process in certain jurisdictions, materials and assistance including translations of ballots and voting instructions into languages other than English, have been inadequate to ensure the voting rights of Native Americans and Spanish speaking persons in those jurisdictions.

17. Illiterate persons in many jurisdictions are denied their right to cast an effective ballot because of a failure to provide for acceptable and adequate assistance.
18. Abuses of absentee ballot procedures such as permitting ineligible whites to vote absentee and applying unequal requirements for voting absentee have deprived minorities of their voting rights in some of the jurisdictions covered by the Voting Rights Act. Absentee ballots cast in some of these instances have provided the margin of victory for white candidates running against minorities.

RUNNING FOR OFFICE

19. Excessive qualifying fees deter many persons from running for office and have a disproportionate impact on the poor and minorities.
20. Lack of cooperation from some local officials has prevented minorities from running for office and has impeded the candidacies of others.
21. Poll watchers for minority candidates are sometimes excluded from polling places and frequently encounter restrictions on their observing the casting and counting of votes.
22. Minority candidates in some areas have been prevented from campaigning on an equal basis in white communities.

23. Many blacks, excluded from the traditional party structure, have encountered discriminatory restrictions in their efforts to run as independents or third party candidates.
24. Minority political success in some instances has been hampered by abolishing offices, preventing winning candidates from taking office or exercising the full powers of office, and substituting appointment for election in filling certain offices.

PHYSICAL AND ECONOMIC SUBORDINATION

25. Although physical violence against minorities who attempt to register and vote is no longer common, violent episodes have occurred in recent years in Alabama, Louisiana and Mississippi.
26. Acts or threats of economic retaliation continue to deter minorities from registering and voting. Moreover, many minorities are deterred from participating in the political process by fear of economic harm which results from their economically dependent status.
27. The history of physical violence and economic reprisal against minority communities has left widespread fear of retaliation for political participation, particularly among rural Southern blacks.

FAIR REPRESENTATION

28. The use of multi-member districts, instead of single-member districts, especially in conjunction with one or more of the following requirements: majority vote, numbered post, candidate residence and full-slate voting has discriminatorily limited the impact of minority voters in the selection of State legislators in the covered States.
29. Racial gerrymandering of State legislative and Congressional district lines has limited the effectiveness of minority votes in elections for those offices in the covered jurisdictions.
30. The use of at-large elections, in conjunction with numbered posts, candidate residence, majority, and full-slate requirements has resulted in discriminatory dilution of minority influence in the election of local officials in the covered jurisdictions.
31. Practices which appear to be neutral, such as annexation, consolidation, and incorporation, have diluted the voting strength of minorities in the selection of local officials in some of the covered jurisdictions.

RECOMMENDATIONS

Extension of the Voting Rights Act

1. Prior to August 6, 1975 Congress should extend the Voting Rights Act for an additional 10 years.

After August 6, 1975 the States and counties discussed in this report will be able to remove themselves from coverage under the Voting Rights Act. This means that the Justice Department will no longer be able to send Federal examiners and observers to these jurisdictions and that preclearance of changes with respect to voting will no longer be required. Also, if Congress does not take the action urged in the next Recommendation, there is a possibility that some jurisdictions will resume using literacy tests.

Despite progress in all of the areas that were studied, it is clear to the Commission that the protection provided by the Voting Rights Act is still needed. Violations of the rights of minorities continue, and minorities remain disproportionately underrepresented in the voting process and in elective office.

The Voting Rights Act originally provided protection for a 5 year period. In 1970 Congress decided that an additional 5 years of coverage was required. The Commission believes that the act should now be extended

for 10 years. Experiences of the past 10 years clearly show that the barriers which the Voting Rights Act was designed to overcome are not easily eradicated. Earlier estimates of the time required for full achievement of rights guaranteed to minorities under the 15th amendment were unrealistic.

Other factors have helped to persuade the Commission that a 10-year extension is necessary. Section 5, the preclearance provision, is the cornerstone of the Voting Rights Act. Yet its full implementation did not begin until the end of 1971. Even now some jurisdictions either are not fully aware of or fail to comply with its requirements. Second, the most serious problem for minority voters now is practices which dilute the minority vote. The greatest use of section 5 has been in preventing such practices. Following the 1980 Decennial Census, all the States covered by the act will reapportion their legislatures and their congressional districts. County and municipal redistricting will be widespread. Based on the redistricting practices which followed the 1970 census, the Commission believes it essential that section 5 protection be available during the next major period of redistricting. The Commission believes that information available to Congress now amply justifies such action and that no purpose would be served by postponing for 5 years the decision to extend the Voting Rights Act to August 6, 1985.

2. Congress should extend the national suspension of literacy tests for an additional 10 years.

In 1970 Congress enacted a 5 year suspension of literacy tests and other tests and devices. This ban will expire in August 1975. Research by the Commission in areas with large numbers of blacks, Mexican Americans, Puerto Ricans, and Native Americans whose literacy in English is limited indicates that a return to literacy tests would serve no useful purpose and would have a disproportionately adverse impact upon these groups.

3. Congress should amend the Voting Rights Act to provide for civil penalties or damages against State and local officials who violate section 5 of the act by enforcing or implementing changes in their electoral laws and procedures without having first obtained preclearance from the Attorney General of the United States or the District Court for the District of Columbia.

The effectiveness of section 5 preclearance has been limited by the failure of covered jurisdictions to submit all changes in their electoral laws and procedures for review and by the absence of direct procedures to enforce compliance with the preclearance requirement.

An enforcement provision that would assess personal damages against officials who implement unsubmitted changes, without reimbursement from public funds, would foster timely submission of changes. Damages in such cases should be awarded to those who institute proceedings against such officials.

Enforcement of the Voting Rights Act

4. The Department of Justice should strengthen its enforcement of section 5 of the Voting Rights Act, the preclearance provision.

The Department of Justice should assume the responsibility for developing a system which ensures the discovery and systematic review of election law changes. The Department also should take legal action to prevent the implementation of uncleared changes and give greater publicity to the requirements of section 5 to increase the timely submission of changes for the Attorney General's review.

5. The Department of Justice should bring law suits to end discriminatory practices which are not prevented by section 5.

Many of the discriminatory practices which the Commission found were instituted prior to November 1964 and therefore are not subject to the requirement of preclearance. Much of the burden of litigation to remove these practices has fallen on private parties. Where appropriate the Department should initiate litigation.

6. The Department of Justice should direct the Civil Service Commission to send Federal examiners to counties where the minority registration rate is significantly lower than the white rate, registration for minorities is inordinately inconvenient, or purges are burdensome or discriminatory in purpose or effect.

There are numerous counties in which the minority registration rate is significantly lower than the white registration rate. The reasons for this disparity vary but they are rooted in the history of discrimination in voting which is common to the areas studied by the Commission. Similar disparities may exist in areas for which reliable statistics on voter registration by race are not available. In some jurisdictions differences between minority and white registration rates may be slight, but the process of registration still places a discriminatory burden on minorities. In other places overly-strict purge requirements result in the removal of minorities from registration lists after the initial obstacles of registration have been overcome with difficulty. In all these situations a more vigorous program for using Federal examiners under the Voting Rights Act should be instituted in order to facilitate minority registration.

7. The Department of Justice, in situations where time permits, should give advance notice of the use of Federal observers. Federal observers must be identifiable as such to minority voters and include among their

number a higher proportion of minorities.

The Department's practice of not announcing the use of observers until election day and not having observers wear distinctive identification was based on a policy of keeping the Federal presence at elections as unobtrusive as possible. During the past several years the presence of observers has become more widely accepted. Both blacks and whites often consider observers valuable in ensuring a fair election. Greater publicity for the presence of observers at elections can only increase the fairness and appearance of fairness of the elections. One concern of many blacks in areas where observers have been sent is that the observers have been too identified with the white election officials. Increasing the proportion of minority observers would ease this problem.

8. The Department of Justice should take action to ensure that minority citizens whose usual language is not English receive adequate election materials and necessary assistance in their usual languages.

The Voting Rights Act and court cases ensure the right to vote of non-English speaking minority citizens. For this right to be meaningful publicity and election materials must be prepared and made available in the appropriate languages. The Commission found that all too often these requirements were not adequately met. Where necessary the Department should initiate litigation to ensure that the use of a language other than English is not a barrier to voting.

9. The Department of Justice should determine whether there are other jurisdictions which satisfy the criteria of section 4(b) of the Voting Rights Act for coverage under the Act.

Coverage under section 4(b) is based on voter turnout rates and on the use of a literacy test or other tests or devices. Court decisions since 1965 have given a broader interpretation to what constitutes a test or device. It is therefore possible that there are States, or counties within States, that in 1964 or 1968 in fact applied a test or device although they had no statutory literacy test. For example, if a State conducted elections exclusively in English in those years, despite a sizeable non-English speaking population, it may actually have applied a literacy test.

10. If the staff of the Voting Section of the Civil Rights Division of the Department of Justice is inadequate for the implementation of the preceding recommendations and for full enforcement of the Voting Rights Act, the President should request and Congress should appropriate additional funds for the Department of Justice and the Department should increase its allocation of resources to that section.

Additional Recommendations

The Commission's research indicates that some problems which minorities encounter with respect to participation in the political

process are not dealt with or are not dealt with sufficiently by the Voting Rights Act. The following recommendations are intended to remedy some of the conditions that permit discrimination against minorities or that have a discriminatory effect on minorities.

11. Congress should enact a program to enhance the economic independence of all citizens.

One of the basic conditions underlying the slow progress toward complete equality in the political process is the economic dependence of minorities on whites. As long as this lasts minorities will be hesitant or unable to register, vote, and run for office freely. An impersonally administered Federal program, such as a negative income tax, can provide a measure of economic independence to those who are now dependent on local welfare administrators, local farm owners, and other employers, landlords, and creditors.

The Commission found in its 1961 report on voting that economic dependence was a substantial barrier to participation in the political process and recommended the adoption of programs to reduce the dependence which was found. In its 1968 report, Political Participation, the Commission again found a link between economic dependence and the inability to participate fully in the political process and again recommended corrective action. The Commission's research for this report indicates that the problem is still present and that a remedy is still needed.

12. Congress should enact legislation enabling an illiterate voter to receive assistance from whomever the voter wishes.

In some States a person who needs assistance in voting because of limited literacy can be helped only by an election official. In other States there is a strict limitation on the number of voters whom one person can assist. In both cases the result is that a minority voter often must accept assistance from a white election official whom the voter does not trust. The way the person votes--or whether he or she votes--may be affected by this. In some instances election officials have voted against the wishes of the persons receiving assistance. This situation could be remedied if the voter had the right to choose the person who gives the assistance, e.g., a relative, another person who accompanies the voter, or an election official considered more sympathetic.

13. The Equal Employment Opportunity Commission should take action to end discrimination in the employment of registration and election workers, which is prohibited by Title VII of the Civil Rights Act of 1964.

An important method of ensuring that the registration and voting processes are fair to minorities is for minorities to have a significant role in those processes. The Commission has found that the employment of minorities in the registration office and at the polling place is rare. Rarer still is a minority in a supervisory position. While in some

situations remedial action can be taken under voting rights legislation, the Commission believes that a more effective approach to this problem is through the enforcement mechanisms of Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment by State and local governments as well as by private employees. If additional resources are required to ensure full implementation of this recommendation, the President should request and Congress should appropriate the necessary funds.

14. Congress should provide for the awarding of attorney's fees where appropriate in private litigation to enforce the Voting Rights Act or rights guaranteed by the 15th amendment.

Much of the burden of voting rights litigation has fallen on private parties. The litigation is expensive and the individuals and organizations who are parties to it often cannot bear the sustained financial strain. Some Federal courts award attorneys' fees in this type of litigation, but others do not. A provision for attorneys' fees similar to that in Titles II and VII of the Civil Rights Act of 1964 should be enacted.

15. Congress should enact legislation establishing a Federal program to assist State and local governments wishing to improve and modernize their registration programs.

In many of the areas that the Commission studied registration procedures are outmoded, and many of the problems that the Commission found

are the result of inadequate financing of the registration process. Federal financial assistance would allow States and local jurisdictions to experiment with improved methods of ensuring that every citizen who wants to is able to register. One program intended to accomplish this was passed by the Senate in 1973 (section 21 of S. 372, The Federal Election Campaign Act Amendments, 93rd Cong. 1st Sess.).

16. Congress should amend the Tax Reform Act of 1969 to end the restriction on foundation financing of nonpartisan voter registration drives.

The principal burden of increasing registration has always been borne by privately funded nongovernmental organizations. The Tax Reform Act of 1969 taxes partisan political activity by foundations, but it also severely limits foundation financing of nonpartisan voter registration drives. Those portions of the act, 26 U.S.C. § 4945(d) (2) and (f), which limit funding of voter registration drives are not necessary to prevent abuse and have served only to reduce or deny assistance to registration programs.

In addition, Congress should consider establishing a Federal program to support voter registration in areas with persistently low registration.

17. The Bureau of the Census should conduct surveys in specified States and counties to determine the level of voter registration and voter turnout by race and ethnicity.

The Commission first noted in 1959 the lack of information by race on voter registration and turnout. In 1964 Congress passed legislation to help remedy this problem. Unfortunately, the surveys called for by Title VIII of the Civil Rights Act of 1964 have never been undertaken, and reliable data for many of the States and counties considered in this report are unavailable. This lack of data adds to the difficulty of assessing the progress which has been made under the Voting Rights Act and of determining which areas should be subject to more or less intensive enforcement of the act.

18. Congress should enact a program for the collection of information on voter registration, all primary and general elections, and requirements of running for office. Such information should be distributed at United States Post Offices.

In its research the Commission staff frequently heard of persons who wished to run for office but had difficulties finding out such basic information as the filing deadline, petition requirements, and the like. If there were available at each United States Post Office a directory giving the requirements for voter registration and candidacy and showing schedules of registration and elections, minority voters and potential minority candidates would always have a reliable source of information.

STATEMENT OF COMMISSIONER FRANKIE M. FREEMAN

I believe that Congress should abolish literacy tests rather than continue their suspension for ten years. There is ample evidence that the historical purpose of literacy tests and the effect of their administration was simply to exclude otherwise qualified citizens from participating in the political process. When Congress suspended the use of literacy tests in the Voting Rights Act Amendments of 1970 the Commission recommended their abolition and I see no reason to retreat from that position now.

I find the arguments supporting the use of literacy tests misguided. Literacy tests cannot guarantee intelligent and informed voting. Literacy tests guarantee only that a class of citizens, many of whom are victims of unconstitutional discrimination in education, may not participate in their own self-government. How is the Nation's interest in fostering facility in written English served by excluding those who lack it from the political process? It is not. Literacy tests merely work further hardships on citizens, many of them minority citizens, who usually lack access to other means of political influence.

While I personally believe that all Americans should be literate in English, it is obvious to me that inability to read and write English does not necessarily prevent a citizen from casting an informed and intelligent ballot. Every citizen has ample opportunity

to receive as much or as little information on public issues as he or she wishes. The illiterate, like the blind person, may be well informed concerning public affairs through the broadcast media, public meetings, and conversation with family, friends, and co-workers. The non-English-speaking citizen may also have access to print or broadcast media in his or her usual language. Lack of facility in written English does not absolve a person of the responsibilities of citizenship. There is no reason why it should deprive a person of the rights of citizenship.

I believe that Congress has the power under the 14th and 15th amendments to abolish literacy tests. The potential of disfranchisement by literacy tests is a national problem that requires a national solution. The right to vote is too fundamental to be granted or withheld at the whim of States. Why should a citizen qualified to vote in one State be denied that right in another? Americans are a mobile people and the right to move freely from State to State is protected by the Constitution. That a citizen who has been unconstitutionally deprived of equal educational opportunity by one State may then be deprived of the right to vote by another State is contrary to the spirit of a free society. I believe that the right to vote clearly outweighs any State interest in the use of literacy tests.

In the years since literacy tests were suspended, many citizens, particularly members of minority groups, have been able to vote for the first time. I see no reason to jeopardize their participation in the political process by permitting a return to the use of literacy tests. Nor do I see any reason to make their right to vote conditional by merely extending the temporary suspension of literacy tests. As we approach the Nation's bicentennial in a chastened spirit, at a time when many citizens are "turned off" by politics, we can ill afford to exclude citizens who wish to participate in the political process. On the contrary, Congress should exercise its power to encourage the full and free political participation of all citizens, and Congress should begin by abolishing literacy tests.

STATEMENT OF VICE CHAIRMAN STEPHEN HORN

I disagree with Recommendation 2 that "Congress should extend the national suspension of literacy test for an additional 10 years." As legislative assistant to Senator Thomas H. Kuchel (R-Calif.), I was a participant in the drafting of the original Voting Rights Act of 1965. Consequently, I am well aware of the solid and sordid record which has been laid down over the years by this Commission and various committees of the Congress as to the discriminatory misuse of literacy tests. In 1970, Congress suspended such tests nationally for a period of five years.

I do not favor illiterate election officials administering literacy tests which require interpretations of complex sections of state constitutions that neither they nor the Chief Justice of the United States could readily make. Neither do I favor an encouragement of citizen illiteracy in a nation where the ability to read and to write with some minimum level of competence is essential to the securing of employment in a largely technological society.

I would continue the ban for another five years until Congress could make a judgment as to the removal of the vestiges of past discriminatory behavior.

As an educator and a member of the Commission, I have long noted the interrelationship between the trilogy of education, employment, and housing. Without a minimum level of education, there will

be little opportunity for adequate employment in a technological society, and without a job, there is little hope that suitable shelter can be provided for oneself or one's family.

In brief, given the complex issues which confront this democratic Republic, I do not believe that the more illiterates who vote, the better. Neither do I believe that only those with a high school or college education should vote. I do believe, however, that there is a certain minimum level of literacy which a polity that prides itself on effective citizenship has a right to expect. Perhaps the ability to read the average daily newspaper would be a start. Such a standard might be the equivalent of a sixth or eighth grade education, although I am also well aware that some of our youth, especially those who are poor, now are "graduated" from overcrowded high schools even though they can barely read or write.

I believe that the Congress should enact and the President should sign into law a National Adult Literacy Act to assure that adult illiteracy can be wiped out in this decade. Such a program should recognize the particular needs of the Asian-American, Mexican-American, Native-American, Puerto-Rican, and Spanish-speaking communities throughout the country. Instead of the public schoolrooms of American becoming empty and silent at three o'clock in the afternoon, the schools together with the larger firms and unions should be providing opportunities for adults who have not had the benefit, to acquire a minimum competency in English. Our nation and our citizens would be much the better for this commitment.

. . .

With reference to Recommendation 12 that "Congress should enact legislation enabling an illiterate voter to receive assistance from whomever the voter wishes," I am concerned by the possible misuse of such a provision by the corrupt political machines which still dominate a few of the urban and rural areas of the nation. Without careful drafting such a provision would offer a sure and additional way for such machines to check effectively on the casting of votes they have already bought and paid for.

STATEMENT OF COMMISSIONER ROBERT S. RANKIN

I approve of the extension of the Voting Rights Act for ten years. It does not interfere with the freedom to elect but, in effect, serves as a guarantee of the right to vote to many United States citizens. However, by the end of this ten-year period, I hope that future extension of this act will become unnecessary.

With the great majority of the findings and recommendations made by this report I am in agreement. A few I accept without great enthusiasm. I would like to make the following comments:

1. I approve the extension of this Act, not because some irregularities still exist in the South and elsewhere--to some extent they exist nationwide--but for the improvements that have resulted from this Act. This point, to my mind, should have received greater emphasis in the report. As an illustration of this great improvement, I would draw attention to the rapidly decreasing number of complaints that are filed with the Commission that concern the alleged deprivation of voting rights. Ten years ago these complaints were numerous. Today the complaints concern employment, housing and other matters while claims of the deprivation of voting rights are the least numerous of all.

2. I attribute the improvement of voting conditions in the South not only to the Voting Rights Act but to the fact that many citizens in that area recognize on their own volition that the

right to vote belongs to all citizens. I trust that the growth of this feeling will make the extension of the Voting Rights Act unnecessary beyond the ten-year extension.

Now as to some of the subjects considered in this report. Filing fees are not necessarily bad in themselves but become so when they deter the poor of whatever race from running for public office. This observation applies to filing fees in all sections of the United States. I would welcome a broad study of the use of filing fees. Should this study show that they act as a serious detriment in keeping the poor and minority persons from running for office, I would regulate their use, not only in the South but in other sections of the United States as well.

I agree to the abolition of the literacy test for the ten-year period because of the unfair administration of that test for the past hundred years. My solution to this broad problem, however, is not to accept illiteracy but to so improve our educational systems that illiteracy in the United States will disappear. Thomas Jefferson spoke of his awareness of the great value of public opinion, but he wanted it to be an informed public opinion.

I wish there were more interviews with registrars and other election officials that would show their position and attitude toward certain events described in this report. There are frequently two sides to a case. Also even though the description given by one

party to an incident may be accurate, the opinion of the person criticized might be of assistance to the reader in making up his mind as to the true nature and extent of the alleged discrimination.

APPENDIX 1. VOTING AGE POPULATION AND REGISTERED VOTERS BY RACE AND BY COUNTY
FOR LOUISIANA, NORTH CAROLINA, AND SOUTH CAROLINA

Voting age population (VAP) is the number of persons 18 years old or older according to the 1970 census. Registration data was supplied by the respective State Election Boards in the three States which gather such data. The first counties listed in North Carolina are 39 counties covered by the special provisions of the Voting Rights Act. The 61 counties in the second list are not covered. In a number of cases, voter registration appears to exceed 100% of the voting age population. Two possible explanations for this phenomenon are infrequent or inadequate purges of voters who have moved or died, and a substantial increase in the voting age population since 1970 due to in-migration.

Table 1-A. LOUISIANA (as of Oct. 5, 1974)

Parish	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Difference in White Registration Rate Over Black
Acadia	25,706	5,548	24,089	4,837	93.7%	87.2%	6.5
Allen	9,722	2,688	8,838	2,013	90.9	74.9	16.0
Ascension*	16,011	5,188	14,841	4,463	92.7	86.0	6.7
Assumption	7,336	3,728	6,837	3,095	93.2	83.0	10.2
Avoyelles	17,717	5,173	16,476	3,980	93.0	76.9	16.1
Beauregard	11,847	2,390	11,476	1,519	96.9	63.6	33.3
Bienville	5,999	4,324	5,419	3,301	90.3	76.3	14.0
Bossier	30,869	7,092	22,115	3,948	71.6	55.7	15.9
Caddo	98,539	47,861	73,126	23,636	74.2	49.4	24.8
Calcasieu	70,763	17,161	57,802	12,148	81.7	70.8	10.9
Caldwell	4,762	1,197	4,775	899	100.3	75.1	25.2
Cameron*	4,558	316	4,388	271	96.3	85.8	10.5

LOUISIANA (continued)

Parish	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Difference in White Registration Rate Over Black
Catahoula	5,207	1,794	5,318	1,414	102.1	78.8	23.3
Claiborne	6,171	4,949	5,659	3,198	91.7	64.6	27.1
Concordia	8,378	4,562	8,300	3,756	99.1	82.3	16.8
DeSoto	7,341	7,017	6,879	4,943	93.7	70.4	23.3
East Baton Rouge**	131,065	48,107	105,432	30,859	80.4	64.1	16.3
East Carroll	3,230	3,814	3,294	3,238	102.0	84.9	17.1
East Feliciana	5,959	5,509	4,335	3,756	72.7	68.2	4.5
Evangeline	15,069	4,062	16,017	4,420	106.3	108.8	-2.5
Franklin	10,100	4,132	9,608	2,278	95.1	55.1	40.0
Grant	6,995	1,688	7,300	1,066	104.4	63.2	41.2
Iberia	24,398	8,592	21,800	6,543	89.4	76.2	13.2
Iberville	10,007	7,743	9,556	6,859	95.5	88.6	6.9
Jackson	7,603	2,928	6,671	2,291	87.7	78.2	9.5
Jefferson	180,945	21,824	145,281	14,988	80.3	68.7	11.6
Jefferson Davis	14,309	3,126	12,634	2,417	88.3	77.3	11.0
Lafayette	53,378	12,773	47,164	9,803	88.4	76.7	11.7
Lafourche	36,118	3,837	33,748	3,253	93.4	84.8	8.6
LaSalle	7,897	792	8,648	689	109.5	87.0	22.5
Lincoln	15,056	8,991	11,417	3,776	75.8	42.0	33.8
Livingston	19,619	2,068	20,876	2,032	106.4	98.3	8.1
Madison	3,811	4,781	4,258	3,953	111.7	82.7	29.0
Morehouse	12,327	6,959	9,683	4,006	78.6	57.6	21.0
Natchitoches	15,763	7,210	11,856	5,192	75.2	72.0	3.2

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LOUISIANA (continued)

Parish	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Dif- ference in White Regis- tration Rate Over Black
Orleans	236,597	152,650	137,296	83,545	58.0	54.7	3.3
Ouachita	55,320	17,110	39,882	9,365	72.1	54.7	17.4
Plaquemines	11,290	2,907	11,216	1,828	99.3	62.9	36.4
Pointe Coupee	6,901	5,735	6,900	5,028	100.0	87.7	12.3
Rapides*	54,693	18,758	44,268	9,558	80.9	51.0	29.9
Red River	3,622	2,111	4,041	1,757	111.6	83.2	28.4
Richland	8,631	4,472	7,370	2,311	85.4	51.7	33.7
Sabine	9,784	2,056	9,867	1,885	100.8	91.7	9.1
St. Bernard	29,169	1,367	29,265	983	100.3	71.9	28.4
St. Charles	12,451	3,913	11,525	3,452	92.6	88.2	4.4
St. Helena*	2,805	2,709	3,429	2,831	122.2	104.5	17.7
St. James	6,019	4,796	5,851	4,185	97.2	87.3	9.9
St. John the Baptist	7,467	5,688	8,124	5,710	108.8	100.4	8.4
St. Landry	29,218	17,095	28,259	15,477	96.7	90.5	6.2
St. Martin	12,586	5,708	12,748	5,517	101.3	96.7	4.6
St. Mary	25,450	8,698	22,002	6,649	86.5	76.4	10.1
St. Tammany	31,164	6,209	31,557	4,346	101.3	70.0	31.3
Tangipahoa	29,681	10,610	25,725	7,428	86.7	70.0	16.7
Tensas	2,565	3,035	2,877	2,594	112.2	85.5	26.7
Terrebonne	35,434	5,927	27,486	3,416	77.6	57.6	20.0
Union	8,556	3,377	7,926	2,546	92.6	75.4	17.2
Vermilion	23,297	3,093	22,753	3,161	97.7	102.2	-4.5

LOUISIANA (continued)

Parish	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Dif- ference in White Regis- tration Rate Over Black
Vernon	36,572	4,393	13,392	1,116	36.6	25.4	11.2
Washington	18,767	7,171	18,539	5,067	98.8	70.7	28.1
Webster	18,775	7,364	15,891	5,097	84.6	69.2	15.4
West Baton Rouge	5,682	3,856	5,429	3,026	95.5	78.5	17.0
West Carroll	6,872	1,261	6,227	762	90.6	60.4	30.2
West Feliciana	3,004	5,624	1,791	2,136	59.6	38.0	21.6
Winn	7,785	2,808	7,475	2,050	96.0	73.0	23.0
TOTAL	1,644,732	600,425	1,335,027	391,666	81.2	65.2	16.0

* As of July 17, 1974

** As of Feb., 1974

Table 1-B. NORTH CAROLINA (as of Oct. 30, 1974)

County	Covered Jurisdictions		White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Difference in White Registration Rate Over Black
	White VAP	Black VAP					
Anson	8,897	5,914	6,554	2,490	73.7	42.1	31.6
Beaufort	16,511	6,704	12,695	2,960	76.9	44.2	32.7
Bertie	6,381	6,117	5,873	4,764	92.0	77.9	14.1
Bladen	10,774	5,528	8,271	3,420	76.8	61.9	14.9
Camden	2,331	1,066	1,704	522	73.1	49.0	24.1
Caswell	6,727	5,134	4,736	2,911	70.4	56.7	13.7
Chowan	4,297	2,566	3,601	1,415	83.8	55.1	28.7
Cleveland	38,820	7,859	23,451	2,073	60.4	26.4	34.0
Craven	30,947	8,953	15,796	3,827	51.0	42.7	8.3
Cumberland	103,405	30,073	37,311	10,133	36.1	33.7	2.4
Edgecombe	18,412	13,039	12,581	6,824	68.3	52.3	16.0
Franklin	11,275	6,222	9,318	3,788	82.6	60.9	21.7
Gaston	85,746	10,348	52,500	4,885	61.2	47.2	14.0
Gates	2,837	2,510	2,447	2,303	86.3	91.8	-5.5
Granville	12,681	8,252	9,375	4,769	73.9	57.8	16.1
Greene	5,434	3,383	4,405	1,807	81.1	53.4	27.7
Guilford	151,545	38,612	104,498	19,280	69.0	49.9	19.1
Halifax	18,965	13,715	16,206	7,446	85.5	54.3	31.2
Harnett	25,987	6,508	17,558	2,973	67.6	45.7	21.9
Hertford	7,309	7,069	5,356	4,697	73.3	66.4	6.9

NORTH CAROLINA (continued)

County	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Difference in White Registration Rate Over Black
Hoke	4,787	3,656	3,023	1,856	63.2	50.8	12.4
Lee	15,550	3,930	13,356	2,405	85.9	61.2	24.7
Lenoir	23,257	11,265	15,889	6,040	68.3	53.6	14.7
Martin	9,218	6,038	7,960	4,172	86.4	69.1	17.3
Nash	26,195	11,285	18,788	5,764	71.7	51.1	20.6
Northampton	7,326	7,545	5,949	5,911	81.2	78.3	2.9
Onslow	59,373	9,473	18,352	2,734	30.9	28.9	2.0
Pasquotank	11,367	6,052	7,682	2,906	67.6	48.0	19.6
Perquimans	3,443	1,979	2,189	955	63.6	48.3	15.3
Person	11,798	4,574	10,859	3,929	92.0	85.9	6.1
Pitt	34,859	14,152	22,102	5,671	63.4	40.1	23.3
Robeson	24,173	11,539	18,915	10,178	78.2	88.2	-10.0
Rockingham	39,218	8,565	25,363	4,440	64.7	51.8	12.9
Scotland	11,082	4,959	7,468	2,779	67.4	56.0	11.4
Union	29,498	5,491	19,738	2,495	66.9	45.4	21.5
Vance	12,952	7,796	9,101	4,450	70.3	57.1	13.2
Washington	5,393	3,053	3,648	2,004	67.6	65.6	2.0
Wayne	37,041	16,192	20,805	5,838	56.2	36.1	20.1
Wilson	25,016	11,510	17,527	5,926	70.1	51.5	18.6
TOTAL-COVERED JURISDICTIONS	960,827	338,626	602,950	173,740	62.8	51.3	11.5

NORTH CAROLINA (continued)

Uncovered Jurisdictions

County	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Dif- ference in White Regis- tration Rate Over Black
Alamance	53,792	10,151	35,587	4,177	66.2	41.1	25.1
Alexander	11,765	840	11,528	690	98.0	82.1	15.9
Alleghany	5,514	140	5,101	75	92.5	53.6	38.9
Ashe	12,966	120	12,465	78	96.1	65.0	31.1
Avery	8,489	65	6,205	26	73.1	40.0	33.1
Brunswick	11,152	3,834	10,508	3,272	94.2	85.3	8.9
Buncombe	91,020	8,386	58,898	4,287	64.7	51.1	13.6
Burke	37,174	2,679	27,299	1,496	73.4	55.8	17.6
Cabarrus	42,843	6,930	26,834	3,052	62.6	44.0	18.6
Caldwell	33,866	2,032	24,628	1,373	72.7	67.6	5.1
Carteret	18,867	1,987	15,052	1,024	79.8	51.5	28.3
Catawba	55,053	4,450	43,671	3,225	79.3	72.5	6.8
Chatham	14,231	5,229	11,418	3,149	80.2	60.2	20.0
Cherokee	10,723	213	10,239	170	95.5	79.8	15.7
Clay	3,505	32	3,935	22	112.3	68.8	43.5
Columbus	21,120	7,567	16,023	4,663	75.9	61.6	14.3
Currituck	3,523	1,045	3,401	622	96.5	59.5	37.0
Dare	4,617	308	4,604	174	99.7	56.5	43.2
Davidson	56,915	5,371	46,486	4,301	81.7	80.1	1.6
Davie	11,208	1,318	10,332	875	92.2	66.4	25.8

NORTH CAROLINA (continued)

County	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Dif- ference in White Regis- tration Rate Over Black
Polk	7,271	843	6,393	573	87.9	68.0	19.9
Randolph	47,181	3,237	36,407	1,685	77.2	52.1	25.1
Richmond	18,897	6,282	13,580	4,738	71.9	75.4	-3.5
Rowan	52,603	8,979	37,143	4,155	70.6	46.3	24.3
Rutherford	28,820	2,864	19,967	1,353	69.3	47.2	22.1
Sampson	19,579	8,646	16,509	4,830	84.3	55.9	28.4
Stanly	26,402	2,692	20,532	1,557	77.8	57.8	20.0
Stokes	14,421	1,261	15,880	1,281	110.1	101.6	8.5
Surry	32,947	1,506	24,252	1,040	73.6	69.1	4.5
Swain	4,551	127	4,873	52	107.1	40.9	66.2
Transylvania	12,270	598	11,015	427	89.8	71.4	18.4
Tyrrell	1,551	879	1,296	554	83.6	63.0	20.6
Wake	121,160	30,716	96,420	15,857	79.6	51.6	28.0
Warren	4,394	5,209	3,572	3,311	81.3	63.6	17.7
Watauga	17,089	173	11,992	69	70.2	39.9	30.3
Wilkes	30,896	1,560	25,205	1,160	81.6	74.4	7.2
Yadkin	16,049	737	12,449	375	77.6	50.9	26.7
Yancy	8,454	112	8,165	66	96.6	58.9	37.7
TOTAL-UNCOVERED JURISDICTIONS	1,686,985	305,885	1,308,498	176,820	77.6	57.8	19.8
TOTAL STATE	2,647,812	644,511	1,911,448	350,560	72.2	54.4	17.8

Table 1-C. SOUTH CAROLINA (as of Oct. 5, 1974)

County	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Difference in White Registration Rate Over Black
Abbeville	10,194	3,753	6,474	1,826	63.5	48.7	14.8
Aiken	44,176	11,958	30,449	6,487	68.9	54.2	14.7
Allendale	2,653	3,330	2,371	3,087	89.4	92.7	-3.3
Anderson	58,797	10,890	30,805	4,100	52.4	37.6	14.8
Bamberg	4,854	4,896	3,829	2,971	78.9	60.7	18.2
Barnwell	6,561	3,849	6,203	3,357	94.5	87.2	7.3
Beaufort	23,062	9,117	9,221	4,680	40.0	51.3	-11.3
Berkeley	21,880	8,507	14,173	6,547	64.8	77.0	-12.2
Calhoun	3,015	3,362	2,313	2,081	76.7	61.9	14.8
Charleston	113,708	41,640	62,890	29,975	55.3	72.0	-16.7
Cherokee	19,826	3,838	14,139	2,548	71.3	66.4	4.9
Chester	12,611	6,199	7,797	3,130	61.8	50.5	11.3
Chesterfield	14,743	5,873	11,272	4,192	76.5	71.4	5.1
Clarendon	6,440	7,784	5,400	5,197	83.9	66.8	17.1
Colleton	9,854	6,798	7,648	4,587	77.6	67.5	10.1
Darlington	21,865	10,671	16,204	7,163	74.1	67.1	7.0
Dillon	10,494	5,776	6,426	2,969	61.2	51.4	9.8
Dorchester	12,610	6,174	12,641	5,610	100.2	90.9	9.3
Edgefield	5,195	4,167	3,773	2,539	72.6	60.9	11.7
Fairfield	5,584	6,242	3,882	4,162	69.5	66.7	2.8
Florence	37,034	17,632	25,292	10,819	68.3	61.4	6.9
Georgetown	11,098	8,003	8,455	6,717	76.2	83.9	-7.7
Greenville	134,143	22,806	72,773	10,819	54.3	47.4	6.9
Greenwood	24,355	8,015	14,943	3,621	61.4	45.2	16.2
Hampton	5,440	4,204	4,138	3,572	76.1	85.0	-8.9

NORTH CAROLINA (continued)

County	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Difference in White Registration Rate Over Black
Duplin	16,778	7,294	15,093	3,864	90.0	53.0	37.0
Durham	63,164	27,621	43,977	13,715	69.6	50.0	19.6
Forsyth	112,264	29,131	90,153	22,559	80.3	77.4	2.9
Graham	4,071	-	4,277	-	105.1	-	-
Haywood	27,847	499	19,426	284	69.8	56.9	12.9
Henderson	28,051	1,213	21,714	651	77.4	53.7	23.7
Hyde	2,281	1,234	1,992	825	87.3	66.9	20.4
Iredell	40,421	6,924	30,010	2,912	74.2	42.1	32.1
Jackson	14,232	298	11,039	191	77.6	64.1	13.5
Johnston	33,163	7,234	26,776	3,669	80.7	50.7	30.0
Jones	3,630	2,282	3,017	1,799	83.1	78.8	4.3
Lincoln	19,554	1,890	18,864	1,647	96.5	87.1	9.4
Macon	10,785	228	9,657	57	89.5	25.0	64.5
Madison	11,315	71	9,518	48	84.1	67.6	16.5
McDowell	19,172	942	13,618	622	71.0	66.0	5.0
Mecklenburg	178,757	48,424	138,870	26,568	77.7	54.9	22.8
Mitchell	9,193	18	8,708	11	94.7	61.1	33.6
Montgomery	9,888	2,610	8,550	1,532	86.5	58.7	27.8
Moore	19,647	5,432	15,872	2,554	80.8	47.0	33.8
New Hanover	42,992	11,160	31,230	5,852	72.6	52.4	20.2
Orange	35,586	6,082	27,315	4,302	76.8	70.7	6.1
Pamlico	4,326	1,738	3,221	1,053	74.5	60.6	13.9
Pender	6,990	4,442	5,737	2,271	82.1	51.1	31.0

SOUTH CAROLINA (continued)

County	White VAP	Black VAP	White Registered	Black Registered	Percent White Registered	Percent Black Registered	Percentage Point Dif- ference in White Regis- tration Rate Over Black
Horry	34,530	8,726	23,048	5,733	66.7	65.7	1.0
Jasper	3,270	3,667	2,548	2,684	77.9	73.2	4.7
Kershaw	15,260	6,048	11,855	3,251	77.7	53.8	23.9
Lancaster	21,297	5,784	14,091	2,336	66.2	40.4	25.8
Laurens	24,447	7,992	11,590	3,054	47.4	38.2	9.2
Lee	4,922	5,278	4,369	4,262	88.8	80.8	8.0
Lexington	49,784	6,018	40,251	3,458	80.9	57.5	23.4
McCormick	2,099	2,501	1,846	1,492	87.9	59.7	28.2
Marion	9,954	8,348	6,156	4,856	61.8	58.2	3.6
Marlboro	9,850	6,229	6,473	2,990	65.7	48.0	17.7
Newberry	14,220	5,524	10,383	2,007	73.0	36.3	36.7
Oconee	24,137	2,402	12,335	949	51.1	39.5	11.6
Orangeburg	21,074	21,184	16,035	15,190	76.1	71.7	4.4
Pickens	36,979	3,263	19,290	997	52.2	30.6	21.6
Richland	114,182	43,810	59,614	28,555	52.2	65.2	-13.0
Saluda	6,464	2,560	4,575	1,454	70.8	56.8	14.0
Spartanburg	93,606	20,614	51,303	8,417	54.8	40.8	14.0
Sumter	28,903	17,602	14,263	8,772	49.3	49.8	-0.5
Union	14,391	4,583	11,285	3,136	78.4	68.4	10.0
Williamsburg	8,686	10,449	7,083	8,202	81.5	78.5	3.0
York	42,660	11,532	24,398	6,559	57.2	56.9	0.3
TOTAL	1,200,907	429,598	736,302	261,110	61.3	60.8	0.5

APPENDIX 2. BLACK ELECTED COUNTY AND MUNICIPAL OFFICIALS IN SELECTED JURISDICTIONS OF THE SOUTH

Table 2-A. BLACK ELECTED COUNTY OFFICIALS (as of April 1974)--COUNTIES WITH 25 PERCENT OR MORE BLACK POPULATION

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members ^a	Law Enforcement Officials ^b	School Board Members ^c	Others ^d
ALABAMA						
Autauga	6,911	28.3				
Barbour	10,389	46.1				
Bibb	13,812	27.9				
Bullock	11,824	67.4	1	1	2	2
Butler	22,007	40.1				
Chambers	12,637	34.8				
Choctaw	16,589	44.1				
Clarke	26,724	43.8				
Conecuh	15,645	44.7				
Coosa	10,662	35.0				

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a. This includes county commissioners, supervisors, police jurors, and so forth.

b. Law enforcement officials include sheriffs, judges, justices of the peace, constables, and magistrates.

c. This includes only county school board members. Municipal school board members are included in Table 2-B.

d. All other black elected county officials.

Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	Offices Held		
				Law Enforcement Officials	School Board Members	Others
ALABAMA (cont'd)						
Crenshaw	13,188	28.7				
Dallas	55,296	52.2				
Elmore	33,535	28.2				
Escambia	34,906	30.4				
Greene	10,650	75.4	4	2	5	3
Hale	15,888	66.4		2		
Henry	13,254	40.3				
Jefferson	644,991	32.0		3	1	1
Lee	61,268	27.8				
Lowndes	12,897	76.9	1	1		2
Macon	24,841	81.1	3	1	4	3
Marengo	23,819	55.2				
Mobile	317,308	32.3				
Monroe	20,883	45.5		5		
Montgomery	167,790	36.2				
Perry	15,388	58.7			1	
Pickens	20,326	41.7				
Pike	25,038	34.5				
Russell	45,394	45.7				
Sumter	16,974	66.2		16	2	1
Talladega	65,280	30.7				
Tallapoosa	33,840	27.6				
Washington	16,241	29.9				
Wilcox	16,303	68.5	-	<u>18</u>	-	-
TOTAL (counties 25 percent black)			9	49	15	12
TOTAL (all counties)			9	52	16	12

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Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	<u>Offices Held</u>		
				Law Enforcement Officials	School Board Members	Others
GEORGIA						
Atkinson	5,879	32.0				
Baker	3,875	53.0				
Baldwin	34,240	38.0				
Ben Hill	13,171	31.3				
Bibb	143,418	34.5			2	
Brooks	13,739	46.2				
Bryan	6,539	27.2				
Bulloch	31,585	36.3				
Burke	18,255	60.2				
Butts	10,560	43.0				378
Calhoun	6,606	63.1				
Camden	11,334	36.2			1	
Candler	6,412	32.4				
Charlton	5,680	33.7				
Chatham	187,767	33.9	2		2	
Clay	3,636	61.7				
Clinch	6,405	31.7				
Coffee	22,828	25.8				
Cook	12,129	31.3				
Coweta	32,310	31.9				
Crawford	5,748	53.2				
Crisp	18,087	40.3				
Decatur	22,310	41.8				
Dodge	15,658	25.4				
Dooley	10,404	50.1				

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
GEORGIA (cont'd)						
Dougherty	89,639	34.2				
Early	12,682	45.9				
Echols	1,924	25.6				
Elbert	17,262	31.9				
Emanuel	18,189	30.5				
Evans	7,290	35.0				
Fulton	607,592	39.1				
Grady	17,826	35.7				
Greene	10,212	51.8			1	
Hancock	9,019	73.8	2	4	4	3
Harris	11,520	45.0				
Henry	23,724	32.0				
Irwin	8,036	33.4				
Jasper	5,760	49.3				
Jefferson	17,174	54.5				
Jenkins	8,332	44.4				
Johnson	7,727	32.1				
Jones	12,218	38.5			1	
Lamar	10,688	38.7			1	
Lanier	5,031	29.3				
Laurens	32,738	33.7				
Lee	7,044	43.6				
Liberty	17,569	34.2	1			
Lincoln	5,895	46.1				
Long	3,746	31.8				
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Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
GEORGIA (cont'd)						
Lowndes	55,112	29.0				
McDuffee	15,276	39.7			1	
McIntosh	7,371	49.9	1			
Macon	12,933	61.0			1	
Marion	5,099	52.4				
Meriwether	19,461	47.9			2	
Miller	6,397	28.8				
Mitchell	18,956	48.5			1	
Monroe	10,991	46.3				
Montgomery	6,099	34.7				380
Morgan	9,904	45.1				
Muscogee	167,377	25.7				
Newton	26,282	31.1				
Oglethorpe	7,598	37.2				
Peach	15,990	57.1		1		
Pike	7,316	40.4				
Pulaski	8,066	36.8				
Putnam	8,394	48.7				
Quitman	2,180	60.1				
Randolph	8,734	55.7				
Richmond	162,437	29.9	1	1	3	
Schley	3,097	44.8				
Screven	12,591	46.7				
Seminole	7,059	35.0				
Spalding	39,514	26.7				

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
GEORGIA (cont'd)						
Stewart	6,511	64.4			1	
Sumter	26,931	44.4				
Talbot	6,625	67.8	1			
Taliaferro	2,423	63.6				
Tattnall	16,557	30.8				
Taylor	7,865	44.8				
Telfair	11,381	34.5				
Terrell	11,416	59.5				
Thomas	34,515	39.7				
Tift	27,288	26.3				381
Toombs	19,151	26.8				
Treutlen	5,647	32.5				
Troup	44,466	31.8			1	
Turner	8,790	35.2				
Twiggs	8,222	56.3				
Upson	23,505	28.2				
Walton	23,404	27.7				
Warren	6,669	59.1				
Washington	17,480	53.6				
Webster	2,362	58.4				
Wheeler	4,596	30.3				
Wilcox	6,998	31.3				
Wilkes	10,184	47.3				
Wilkinson	9,393	46.1				
Worth	14,770	37.4				
TOTAL (counties 25 percent black)			8	6	22	3
TOTAL (all counties)			8	6	26	3

Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	Offices Held		
				Law Enforcement Officials	School Board Members	Others
LOUISIANA						
Ascension	37,086	26.8	2			
Assumption	19,654	37.3				
Avoynes	37,751	27.6				
Bienville	16,024	46.9				
Caddo	230,184	36.6	4		3	
Catahoula	11,769	29.2				
Claiborne	17,024	50.0				
Concordia	22,578	38.8	2	1	2	
DeSoto	22,764	53.4				
East Baton Rouge	285,167	28.7			1	382
East Carroll	12,884	58.7	2		1	
East Feliciana	17,657	53.8	2			
Evangeline	31,932	27.0				
Franklin	23,946	35.7		1		
Iberia	57,397	27.8				
Iberville	30,746	47.4	2			
Jackson	15,963	32.0				
Lincoln	33,800	40.0	2		2	
Madison	15,065	61.0	3	2	4	
Morehouse	32,463	42.5	2		2	
Natchitoches	35,219	37.1			3	
Orleans	593,471	45.0		2	1	
Ouachita	115,387	27.3	1		3	
Pointe Coupee	22,002	50.3	2	3	1	
Rapides	118,078	27.8				

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
LOUISIANA (cont'd)						
Red River	9,226	42.0				
Richland	21,774	40.6	1		1	
St. Charles	29,550	26.3				
St. Helena	9,937	55.8			1	
St. James	19,733	47.2	1	3	2	
St. John the Baptist	23,813	46.3	1	2	3	
St. Landry	80,364	41.3		2		
St. Martin	32,453	34.8			1	
St. Mary	60,752	28.1		2		
Tangipahoa	65,875	31.3				383
Tensas	9,732	59.1	2	1	1	
Union	18,447	33.3				
Washington	41,987	32.2				
Webster	39,939	31.4				
West Baton Rouge	16,864	43.1				
West Feliciana	11,376	67.1	2		3	
Winn	16,369	30.5	—	—	—	
TOTAL (counties 25 percent black)			31	19	35	0
TOTAL (all counties)			32	19	41	0

Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	Offices Held		
				Law Enforcement Officials	School Board Members	Others
MISSISSIPPI						
Adams	37,293	47.9		2		
Amite	13,763	50.4				
Attala	19,570	40.4				
Benton	7,505	42.0			1	
Bolivar	49,409	61.4	1	3	7	
Calhoun	14,623	26.1				
Carroll	9,397	50.8				
Chicksaw	16,805	35.6				
Choctaw	8,440	28.0				
Claiborne	10,086	74.6	1	4	2	7
Clarke	15,049	35.9				
Clay	18,840	49.4				1
Coahoma	40,447	64.3	1	3	1	
Copiah	24,749	50.3				
Covington	14,002	32.6				
DeSoto	35,885	35.1				
Franklin	8,011	38.8				
Grenada	19,854	43.8				
Hinds	214,973	39.1				
Holmes	23,120	68.1		2	2	5
Humphreys	14,601	64.8				
Issaquena	2,737	62.0	1	5		
Jasper	15,994	46.4			1	
Jefferson	9,295	75.3	2	5	3	4
Jefferson Davis	12,936	50.2				

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Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	<u>Offices Held</u>		
				Law Enforcement Officials	School Board Members	Others
MISSISSIPPI (cont'd)						
Kemper	10,233	54.8				
Lafayette	24,181	27.7				
Lauderdale	67,087	30.8				
Lawrence	11,137	32.1				
Leake	17,085	35.7			1	
Leflore	42,111	57.9				
Lincoln	26,198	30.7				
Lowndes	49,700	32.7		1		
Madison	29,737	62.4		7	2	
Marion	22,871	31.1			1	385
Marshall	24,027	62.0		3	1	2
Monroe	34,043	30.5				
Montgomery	12,918	44.8				
Newton	18,983	27.3				
Noxubee	14,288	65.8	1			
Oktibbeha	28,752	34.8				
Panola	26,829	51.3				
Perry	9,065	26.3				
Pike	31,756	43.5				
Quitman	15,888	57.4				
Rankin	43,933	28.1				
Scott	21,369	33.0				
Sharkey	8,937	64.7		1		
Simpson	19,947	31.4				
Sunflower	37,047	62.8				

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
MISSISSIPPI (cont'd)						
Tallahatchie	19,338	60.2				
Tate	18,544	47.2				
Tunica	11,854	72.7				
Walthall	12,500	40.7				
Warren	44,981	40.8				
Washington	70,581	54.5		1		
Wayne	16,650	32.9				
Wilkinson	11,099	67.6	1	4	2	
Winston	18,406	39.1				
Yalobusha	11,915	40.4				
Yazoo	27,304	53.4				
TOTAL (counties 25 percent black)			8	41	24	19
TOTAL (all counties)			8	41	24	19
NORTH CAROLINA						
Anson	23,488	46.4				
Beaufort	35,980	33.2				
Bertie	20,528	56.6			1	
Bladen	26,477	39.0				
Brunswick*	24,223	29.6			1	
Camden	5,453	37.0				
Caswell	19,055	48.0				
Chatham *	29,554	30.4				

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Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
NORTH CAROLINA (cont'd)						
Chowan	10,764	42.0			1	
Columbus*	46,937	29.7				
Craven	62,554	25.4				
Currituck*	6,976	26.4				
Duplin*	38,015	34.2				
Durham*	132,681	32.6	2		1	
Edgecombe	52,341	47.5			1	
Franklin	26,820	41.7				
Gates	8,524	53.4				
Granville	32,762	43.7				
Greene	14,967	47.0				
Halifax	53,884	48.0				
Hertford	23,529	55.2	1		1	
Hoke	16,436	44.2				
Hyde*	5,571	41.3				
Jones*	9,779	45.1			2	
Lenoir	55,204	36.8				
Martin	24,730	44.9				
Nash	59,122	35.7			1	
Northampton	24,009	59.0	1		1	
Pamlico*	9,467	33.1				
Pasquotank	26,824	37.7				
Pender*	18,149	43.7				
Perquimans	8,351	41.5				
Person	25,914	32.3	1			

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
NORTH CAROLINA (cont'd)						
Pitt	73,900	34.6				
Richmond*	39,889	29.3			1	
Robeson	84,842	25.8			3	
Sampson*	44,954	34.5				
Scotland	26,929	33.8			1	
Tyrrell*	3,806	43.4				
Vance	32,691	42.3				
Warren*	15,810	59.9			1	
Washington	14,038	41.5			1	
Wayne	85,408	33.2			1	
Wilson	57,486	36.8			1	
			—	—	—	388
TOTAL (counties 25 percent black)			5	0	19	0
TOTAL (all counties)			7	2	29	0

* Counties not covered under 4(b) of the Voting Rights Act.

SOUTH CAROLINA

Abbeville	21,112	31.1				
Allendale	9,692	60.1	2			
Bamberg	15,950	54.5				
Barnwell	17,176	41.1				
Beaufort	51,136	32.9	4	2	3	

Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	<u>Offices Held</u>		
				Law Enforcement Officials	School Board Members	Others
SOUTH CAROLINA (cont'd)						
Berkeley	56,199	30.1				
Calhoun	10,780	60.4			2	
Charleston	247,650	31.4	1		2	
Chester	29,811	39.2			1	
Chesterfield	33,667	32.9				
Clarendon	25,604	62.0	2			1
Colleton	27,622	46.8			1	
Darlington	53,442	37.9				
Dillon	28,838	41.5				
Dorchester	32,276	35.1		1		389
Edgefield	15,692	51.6				
Fairfield	19,999	59.4	2	2		1
Florence	89,636	36.4	1		3	
Georgetown	33,500	48.4	1		1	
Greenwood	49,686	28.0	1			
Hampton	15,878	48.9				
Jasper	11,885	57.1	2	1	6	
Kershaw	34,727	31.8			1	
Laurans	49,713	28.4				
Lee	18,323	59.8				
McCormick	7,955	60.3				
Marion	30,270	50.5				
Marlboro	27,151	43.6				
Newberry	29,273	33.1				
Orangeburg	69,789	54.9				

Table 2-A. (continued)

State/County	Population	Percent Black	Governing Body Members	Offices Held		
				Law Enforcement Officials	School Board Members	Others
SOUTH CAROLINA (cont'd)						
Richland	233,868	32.8		3		
Saluda	14,528	33.4			2	
Sumter	79,425	41.7	1			
Union	29,230	28.3				
Williamsburg	34,243	60.9	<u>1</u>	<u>3</u>	—	—
TOTAL (counties 25 percent black)			18	12	22	2
TOTAL (all counties)			18	12	23	2
390						
VIRGINIA						
Accomack	29,004	37.4				
Amelia	7,592	47.2	1			
Brunswick	16,172	58.4				
Buckingham	10,597	44.2				
Caroline	13,925	50.8	2			
Charles City	6,158	74.2	2			2
Charlotte	11,551	39.8				
Cumberland	6,179	47.9		1		
Dinwiddie	25,046	45.6		1		
Essex	7,099	45.0				
Fluvanna	7,621	35.9				
Goochland	10,069	43.5	1			
Greensville	9,604	57.3		1		

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
VIRGINIA (cont'd)						
Halifax	30,076	40.1				
Isle of Wight	18,285	49.5				
James City	17,853	34.9	1			
King and Queen	5,491	50.7				
King George	8,039	26.4				
King William	7,497	42.5				
Lancaster	9,126	38.7				
Louisa	14,004	38.6				
Lunenburg	11,687	43.2				
Mecklenburg	29,426	42.2	2			391
Middlesex	6,295	37.0				
Nansemond	35,166	54.1		1		
Nelson	11,702	28.6				
New Kent	5,300	44.0	1			
Northampton	14,442	52.3				
Northumberland	9,239	39.0				
Nottoway	14,260	40.0				
Pittsylvania	58,789	33.7				
Powhatan	7,696	36.4				
Prince Edward	14,379	36.6	2			
Richmond	5,841	36.6				
Southampton	18,582	54.2				
Surry	5,882	65.5	3			

Table 2-A. (continued)

State/County	Population	Percent Black	<u>Offices Held</u>			
			Governing Body Members	Law Enforcement Officials	School Board Members	Others
VIRGINIA (cont'd)						
Sussex	11,464	63.2				
Westmoreland	12,142	44.2	—	—	—	—
TOTAL (counties 25 percent black)			15	4	0	2
TOTAL (all counties)			15	4	0	2
7-STATE TOTAL (counties 25 percent black)			94	131	137	38
7-STATE TOTAL (all counties)			97	136	159	38

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Sources: U.S. Census, 1970; Joint Center for Political Studies, National Roster of Black Elected Officials
(April 1974).

Table 2-B. BLACK ELECTED MUNICIPAL OFFICIALS IN SEVEN SOUTHERN STATES
BY POPULATION OF MUNICIPALITY (as of April 1974)

State	Population								
	Less than 5,000			5,000 - 50,000			Over 50,000		
	Mayors	Council Members ^a	Others ^b	Mayors	Council Members	Others	Mayors	Council Members	Others
ALABAMA	5	31	0	3	15	1	0	2	0
GEORGIA	1	38	0	0	15	1	1	16	5
LOUISIANA	4	28	5	0	7	2	0	3	0
MISSISSIPPI	7	57	27	0	5	2	0	0	1
NORTH CAROLINA	6	69	3	1	24	0	1	11	2
SOUTH CAROLINA	6	38	0	0	10	1	0	3	0
VIRGINIA	<u>0</u>	<u>11</u>	<u>0</u>	<u>1</u>	<u>17</u>	<u>1</u>	<u>0</u>	<u>10</u>	<u>0</u>
TOTAL	29	272	35	5	93	8	2	45	8

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a. Council members are members of the governing body including vice mayors and mayors pro tem.

b. Others include town marshalls, school board members, and all other elected municipal officials.

Source: Joint Center for Political Studies, National Roster of Black Elected Officials (April 1974).

APPENDIX 3. COUNTIES DESIGNATED FOR FEDERAL EXAMINERS
AND NUMBER OF PERSONS LISTED BY EXAMINERS

State/County	<u>Date of Designation</u> ^a	<u>Number of Persons Listed</u> ^b
ALABAMA		
Autauga	10-29-65	1,333
Choctaw*	5-30-66	
Dallas	8-09-65	9,068
Elmore	10-29-65	1,807
Greene	10-29-65	2,151
Hale	8-09-65	3,617
Jefferson	1-20-66	23,385
Lowndes	8-09-65	3,034
Marengo	8-09-65	5,096
Montgomery	9-29-65	10,438
Perry	8-18-65	2,877
Sumter	5-02-66	25
Talladega*	10-31-74	-
Wilcox	8-18-65	<u>3,678</u>
TOTAL LISTED		66,539
GEORGIA		
Baker*	11-04-68	
Hancock*	11-07-66	
Lee	3-23-67	475
Peach*	11-04-72	
Screven	3-23-67	1,478

* No examiners were sent to these counties.

a. Source: U.S. Department of Justice, "Counties Designated as Examiner Counties,"
Nov. 4, 1974.

b. Source: U.S. Civil Service Commission, "Cumulative Totals on Voting Rights
Examining," June 30, 1974.

<u>State/County</u>	<u>Date of Designation</u>	<u>Number of Persons Listed</u>
GEORGIA (cont'd)		
Taliaferro*	11-04-68	-
Terrell	3-23-67	1,465
Twiggs*	9-03-74	-
TOTAL LISTED		3,418
LOUISIANA		
Bossier	3-23-67	1,605
Caddo	3-23-67	7,432
De Soto	3-23-67	2,332
East Carroll	8-09-65	2,738
East Feliciana	8-09-65	2,129
Madison	8-12-66	663
Ouachita	8-18-65	5,936
Plaquemines	8-09-65	2,808
Sabine*	9-27-74	-
St. Helena*	8-16-72	-
West Feliciana	10-29-65	1,335
TOTAL LISTED		26,978
MISSISSIPPI		
Amite	3-23-67	464
Benton	9-24-65	538
Bolivar*	12-20-65	-
Carroll	12-20-65	926
Claiborne	4-12-66	1,418
Clay	9-24-65	1,523
Coahoma	9-24-65	4,669
De Soto	10-29-65	1,526
Forrest	6-01-67	1,116
Franklin	3-23-67	85
Grenada	7-20-66	1,512
Hinds	10-29-65	13,348
Holmes	10-29-65	4,701
Humphreys	9-24-65	2,268
Issaquena	6-01-67	72

<u>State/County</u>	<u>Date of Designation</u>	<u>Number of Persons Listed</u>
MISSISSIPPI (cont'd)		
Jasper	4-12-66	673
Jefferson	10-29-65	2,070
Jefferson Davis	8-18-65	1,136
Jones	8-18-65	2,408
Kemper*	10-31-74	-
Leflore	8-09-65	8,732
Madison	8-09-65	8,163
Marshall	8-05-67	104
Neshoba	10-29-65	791
Newton	12-20-65	733
Noxubee	4-12-66	2,360
Oktibbeha	3-23-67	400
Pearl River	4-29-74	181
Rankin	4-12-66	1,147
Sharkey	6-01-67	400
Simpson	12-20-65	1,489
Sunflower*	4-29-67	-
Tallahatchie	8-14-71	132
Walthall	10-29-65	1,365
Warren	12-20-65	2,027
Wilkinson	8-05-67	152
Winston	4-12-66	58
Yazoo*	10-28-71	-
TOTAL LISTED		68,687
SOUTH CAROLINA		
Clarendon	10-29-65	3,448
Dorchester	10-29-65	<u>1,206</u>
TOTAL LISTED		4,654

APPENDIX 4. OBSERVATION OF ELECTIONS UNDER THE VOTING RIGHTS ACT OF 1965

State/County	Number of Observers								
	1966	1967	1968	1969	1970	1971	1972	1973	1974
ALABAMA									
Choctaw	-	-	-	-	-	-	-	-	24
Greene	118	-	22	44	40	-	-	-	18
Dallas	96	-	-	-	-	-	-	-	-
Hale	37	-	-	-	25	-	42	-	30
Lowndes	36	-	14	-	34	-	-	-	42
Marengo	208	-	10	-	54	-	-	-	-
Perry	68	-	-	-	-	-	-	-	-
Sumter	38	-	28	-	-	-	-	-	22
Talladega	-	-	-	-	-	-	-	-	54
Wilcox	<u>138</u>	-	<u>24</u>	<u>-</u>	<u>52</u>	-	<u>68</u>	-	<u>44</u>
TOTAL	739	-	98	44	205	-	110	-	234
GEORGIA									
Baker	-	-	18	-	-	-	12	-	-
Hancock	22	-	36	-	-	-	-	-	64
Peach	-	-	-	-	-	-	20	-	-
Taliaferro	-	-	22	-	6	-	12	-	-
Terrell	<u>-</u>	-	<u>16</u>	-	-	-	<u>-</u>	-	<u>-</u>
TOTAL	22	-	92	-	6	-	44	-	64

APPENDIX 4. (continued)

State/Country	Number of Observers								
	1966	1967	1968	1969	1970	1971	1972	1973	1974
LOUISIANA									
DeSoto	-	12	22	-	-	-	30	-	-
East Carroll	40	40	16	-	-	-	-	-	24
East Feliciana	82	56	-	-	-	-	-	-	-
Madison	97	49	21	20	16	42	-	-	20
Ouachita	40	-	-	-	-	-	-	-	-
Plaquemines	58	38	30	-	-	-	-	-	-
Sabine	-	-	-	-	-	-	-	-	12
St. Helena	-	-	-	-	-	-	30	-	-
West Feliciana	<u>80</u>	<u>56</u>	<u>36</u>	<u>-</u>	<u>-</u>	<u>12</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL	397	251	125	20	16	54	60	-	56
MISSISSIPPI									
Amite	-	24	36	5	20	12	-	-	-
Benton	4	12	20	-	-	20	-	-	-
Bolivar	-	20	20	20	18	48	-	-	-
Carroll	10	54	20	6	-	-	-	-	-
Claiborne	22	64	32	-	6	26	38	-	-
Clay	14	12	10	-	-	24	-	-	-
Coahoma	-	40	30	28	16	122	-	-	-
DeSoto	8	8	-	-	-	-	-	-	-
Forrest	-	6	-	-	-	-	-	-	-
Franklin	-	12	26	-	-	-	-	-	-

APPENDIX 4. (continued)

State/County	Number of Observers								
	1966	1967	1968	1969	1970	1971	1972	1973	1974
MISSISSIPPI (cont'd)									
Grenada	-	44	-	-	-	-	-	-	-
Hinds	-	36	44	28	-	-	-	-	-
Holmes	22	66	36	32	10	14	-	-	-
Humphreys	10	38	20	8	-	36	6	-	-
Issaquena	-	18	20	-	-	28	19	-	-
Jasper	11	12	-	-	-	-	-	-	-
Jefferson	14	72	60	12	-	-	-	-	-
Jefferson Davis	12	-	-	-	-	6	-	-	-
Jones	8	8	-	-	-	-	-	-	-
Kemper	-	-	-	-	-	-	-	-	48
Leflore	59	68	22	6	-	34	-	-	-
Madison	24	64	24	16	12	64	47	-	-
Marshall	-	112	40	14	14	219	-	-	20
Neshoba	14	18	-	-	-	-	-	-	-
Noxubee	22	18	32	-	10	120	-	-	-
Oktibbeha	-	36	-	-	-	18	-	-	-
Rankin	6	38	-	-	-	-	-	-	-
Sharkey	-	30	14	-	-	20	-	-	-
Simpson	-	10	-	-	-	-	-	-	-
Sunflower	-	32	-	24	12	66	-	-	-

APPENDIX 4. (continued)

State/County	Number of Observers								
	1966	1967	1968	1969	1970	1971	1972	1973	1974
MISSISSIPPI (cont'd)									
Tallahatchie	-	-	-	-	-	10	-	-	-
Warren	-	-	48	-	-	-	-	-	-
Wilkinson	-	86	62	20	16	38	36	-	-
Winston	4	-	-	-	-	-	-	-	-
Yazoo	-	-	-	-	-	34	-	-	8
TOTAL	264	1,058	616	219	134	959	146	-	76
SOUTH CAROLINA									
Clarendon	118	-	36	-	9	-	50	-	-
Dorchester	40	-	58	-	10	-	55	-	-
TOTAL	158	-	94	-	19	-	105	-	-

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Source: U.S. Department of Justice.

APPENDIX 5. OBJECTIONS UNDER SECTION 5 OF THE VOTING RIGHTS ACT
(As of Dec. 20, 1974)

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page</u> ^a
<u>Registration and Voting</u>			
South Carolina	literacy test, poll tax	Oct. 2, 1967	17
Georgia	assistance to illiterate voters	June 19, 1968	
Webster Co., Ga.	polling place	Dec. 12, 1968	
Georgia	qualification of registration and election workers	July 11, 1968	
Georgia	tests or devices	Aug. 20, 1968	30
Alabama	signature requirement	Nov. 13, 1969	
Mobile, Ala.	signature requirement	Dec. 16, 1969	
Alabama	assistance for absentee registra- tion	Mar. 13, 1970	
North Carolina	literacy test	Mar. 18, 1971	17
North Carolina	literacy test	Apr. 20, 1971	
Jasper County, Miss.	reregistration	June 8, 1971	
Lafayette Co., Miss.	polling place	July 6, 1971	
Caroline, Miss.	polling place	Sept. 10, 1971	
Albany, Ga.	polling place	Nov. 16, 1971	
Marshall Co., Miss.	polling place	Dec. 3, 1971	
Tate Co., Miss.	polling place	Dec. 3, 1971	
Albany, Ga.	election date	Jan. 7, 1972	
Alabama	assistance to illiterate voters	Apr. 4, 1972	
Atlanta, Ga.	polling place	Nov. 27, 1972	106
St. Landry Parish, La.	polling place	Dec. 6, 1972	
Atlanta, Ga.	polling place	Mar. 1, 1973	106
New Orleans, La.	polling place	July 17, 1973	107
Martinsville, Va.	polling place	Apr. 19, 1974	
Newport News, Va.	polling place	May 17, 1974	
Jones Co., Ga.	polling place	Aug. 12, 1974	107
New York Co., N.Y.	polling place	Sept. 3, 1974	
Suffolk, Va.	polling place	Sept. 23, 1974	

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page</u> ^a
	<u>Candidacy</u>		
Mississippi	abolition of office	May 21, 1969	162, 172, 271
Alabama	discrimination against independent candidates	Aug. 1, 1969	162
Alabama	discrimination against independent candidates	Aug. 14, 1972	162
Alabama	abolition of office	Dec. 26, 1972	171
Ocilla, Ga.	filing fees	June 22, 1972	135
Hollandale, Miss.	abolition of office	July 9, 1973	171
Mobile, Ala.	filing fee, petition requirement	Aug. 3, 1973 (Objection withdrawn after modification, Oct. 10, 1973)	134
Clarendon Co., S.C.	abolition of office	Nov. 13, 1973	171
Shaw, Miss.	elective to appointive	Nov. 21, 1973	171
Albany, Ga.	filing fee	Dec. 7, 1973	135
Mississippi	open primary	Apr. 26, 1974	162, 274

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State and Federal Representation

Virginia (State House)	redistricting ^b	May 7, 1971 (Objection withdrawn, June 10, 1971)	241
Virginia (State Senate)	redistricting	May 7, 1971	241
Louisiana (State House)	redistricting ^b	Aug. 20, 1971	235-36
Louisiana (State Senate)	redistricting ^b	Aug. 20, 1971	235-36
Georgia (U.S. House of Representatives)	redistricting	Feb. 11, 1972	230, 231
Georgia (State Senate)	redistricting	Mar. 3, 1972	230, 232

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page^a</u>
<u>State and Federal Representation (cont.)</u>			
Georgia (State House)	redistricting ^b majority requirement, numbered posts	Mar. 3, 1972	230, 232
South Carolina (State Senate)	redistricting ^b majority requirement, numbered posts	Mar. 6, 1972	218
Georgia (State House)	redistricting ^b	Mar. 24, 1972	232
South Carolina	numbered posts ^b	June 30, 1972	216
South Carolina (State Senate)	redistricting ^b majority requirement, numbered posts	July 20, 1973	219
South Carolina (State House)	redistricting ^b majority requirement, numbered posts	Feb. 14, 1974	216-17
Kings County, N.Y. (U.S. House of Representatives)	redistricting	Apr. 1, 1974	221-30
Kings and N.Y. Counties, N.Y. (State Senate)	redistricting	Apr. 1, 1974	221-30
Kings and N.Y. Counties, N.Y. (State Assembly)	redistricting	Apr. 1, 1974	221-30
<u>Local Representation</u>			
Mississippi	county bds. of supervisors: at-large election	May 21, 1969	
East Carroll Parish, La.	police jury and school board: at-large elections	Sept. 10, 1969	297
Copiah Co., Miss.	bd. of supervisors: redistricting	Mar. 5, 1970	275
Portsmouth, Va.	40% vote requirement	June 26, 1970	
Leake Co., Miss.	bd. of supervisors: redistricting	Jan. 8, 1971	275
Warren Co., Miss.	bd. of supervisors: redistricting	Apr. 4, 1971	275
Richmond, Va.	annexation	May 7, 1971	300-03
Marion Co., Miss.	bd. of supervisors: redistricting ^b	May 25, 1971	275
Jeff Davis Parish, La.	police jury: redistricting	June 4, 1971	
Union Parish, La.	police jury and school board: redistricting	June 8, 1971	294
Grenada Co., Miss.	at-large election, residency requirement	June 30, 1971	272
Attala Co., Miss.	at-large election, residency requirement	June 30, 1971	272

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page^a</u>
	<u>Local Representation</u> (cont.)		
Assumption Parish, La.	school board: at-large election, redistricting	July 8, 1971	294
Franklin Parish, La.	police jury: redistricting	July 8, 1971	294
Birmingham, Ala.	numbered posts	July 9, 1971	317
Hinds Co., Miss.	bd. of supervisors: redistricting	July 14, 1971	275
Yazoo Co., Miss.	bd. of supervisors: redistricting	July 19, 1971 ^c	275
St. Charles Parish, La.	police jury: at-large election	July 22, 1971	294
Jeff Davis Parish, La.	school board: redistricting	July 23, 1971	294
Ascension Parish, La.	school board: redistricting ^b	July 23, 1971	
Talladega, Ala.	anti-single shot law	July 23, 1971	
Bossier Parish, La.	school board: redistricting	July 30, 1971	294
North Carolina	numbered posts	July 30, 1971	248
Clarke Co., Ga.	school board: redistricting	Aug. 6, 1971	260-61
DeSoto Parish, La.	police jury: at-large election	Aug. 6, 1971	294
East Baton Rouge, La.	parish council: redistricting	Aug. 6, 1971	294
Pointe Coupee Parish, La.	police jury: redistricting ^b	Aug. 9, 1971	
Webster Parish, La.	police jury: redistricting	Aug. 6, 1971 ^d	294
Warren Co., Miss.	bd. of supervisors: redistricting	Aug. 23, 1971	275
Bibb Co., Ga.	school board: at-large election	Aug. 24, 1971	261
East Feliciana Parish, La.	police jury: at-large election, redistricting ^b	Sept. 20, 1971	294
Natchitoches Parish, La.	school board: redistricting ^b	Sept. 20, 1971	294
North Carolina	numbered posts	Sept. 27, 1971	248
Hinesville, Ga.	majority requirement, numbered posts	Oct. 1, 1971	263
St. Helena Parish, La.	police jury: redistricting	Oct. 8, 1971	294
Caddo Parish, La.	school board: redistricting	Oct. 8, 1971	294
Newman, Ga.	numbered posts	Oct. 13, 1971	263
St. James Parish, La.	police jury: redistricting	Nov. 2, 1971	294
Conyers, Ga.	majority requirement, numbered posts, staggered terms	Dec. 2, 1971	263
Tate Co., Miss.	bd. of supervisors: redistricting	Dec. 3, 1971	275
Mecklenberg Co., Va.	county council: redistricting	Dec. 7, 1971	
East Feliciana Parish, La.	police jury: redistricting ^b	Dec. 28, 1971	294
Waynesboro, Ga.	city council: at-large election, majority requirement	Jan. 7, 1972	

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page</u> ^a
<u>Local Representation (cont.)</u>			
St. Mary Parish, La.	school board: redistricting	Jan. 12, 1972	294
Jonesboro, Ga.	majority requirement	Feb. 4, 1972	263
Petersburg, Va.	annexation	Feb. 22, 1972	304-05
St. Helena Parish, La.	school board: redistricting	Mar. 17, 1972	
Autauga Co., Ala.	bd. of commissioners, school board: at-large election, majority requirement	Mar. 20, 1972	316
Grenada, Miss.	city council: at-large election, majority requirement, numbered posts	Mar. 20, 1972	286
Ascension Parish, La.	school board: redistricting ^b	Apr. 20, 1972	294
East Feliciana Parish, La.	school board: redistricting ^b	Apr. 22, 1972	294
Pointe Coupee Parish, La.	school board: redistricting ^b	June 7, 1972	294
Lafayette Parish, La.	school board: redistricting, ^b staggered terms	June 16, 1972	294
South Carolina	numbered posts	June 30, 1972	
Newnan, Ga.	majority requirement	July 31, 1972	263
Twiggs Co., Ga.	county commissioners: at-large election, residency requirement	Aug. 7, 1972	258
Thomasville, Ga.	majority requirement, numbered posts	Aug. 24, 1972	263
Aiken, S.C.	numbered posts, residency require- ment	Aug. 25, 1972	
Saluda Co., S.C.	creation of new school district	Nov. 13, 1972	
Tate Co., Miss.	bd. of supervisors: redistricting	Nov. 28, 1972	275
Lake Providence, La.	annexation	Dec. 1, 1972	
Harris Co., Ga.	residency requirement	Dec. 5, 1972 (Objection with- drawn, Mar. 30, 1973)	
New Orleans, La.	city council: redistricting	Jan. 15, 1973	289
Cochran, Ga.	majority requirement	Jan. 29, 1973	263
Warren Co., Miss.	bd. of supervisors: redistricting	Feb. 13, 1973	
Cuthbert, Ga.	numbered posts	Apr. 9, 1973	263
New Orleans, La.	numbered posts	Apr. 20, 1973	287

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page^a</u>
<u>Local Representation (cont.)</u>			
Indianola, Miss. McComb, Miss.	numbered posts annexation	Apr. 20, 1973 May 30, 1973 (Objection with- drawn, Sept. 12, 1973)	286
Newellton, La.	annexation	June 12, 1973	263
Ocilla, Ga.	majority requirement	June 22, 1973	290
New Orleans, La.	city council: redistricting	July 9, 1973	260
Sumter Co., Ga.	majority requirement, residence requirement	July 13, 1973	263
Hogansville, Ga.	majority requirement, numbered posts	Aug. 2, 1973	321
Darlington, S.C.	residency requirement	Aug. 7, 1973	275, 276, 282-83
Grenada Co., Miss.	bd. of supervisors: redistricting	Aug. 9, 1973	263
Perry, Ga.	majority requirement, numbered posts	Aug. 14, 1973	263
Thomasville, Ga.	residency requirement	Aug. 27, 1973	299
Bogalusa, La.	residency requirement, anti-single shot law	Oct. 29, 1973	286
Pearl, Miss.	incorporation	Nov. 21, 1973 (Objection with- drawn after modi- fication, Jan. 3, 1974)	263
East Dublin, Ga.	numbered posts, staggered terms	Mar. 4, 1974	321
Dorchester Co., S.C.	county council: at-large election	Apr. 22, 1974	325
McClellanville, S.C.	annexation	May 6, 1974 ^e	263
Fort Valley, Ga.	numbered posts, majority require- ment	May 13, 1974	261
Fulton Co., Ga.	numbered posts, majority require- ment	May 22, 1974	260
Walterboro, S.C.	residency requirement	May 24, 1974	260
Clarke Co., Ga.	school bd.: at-large election, numbered posts, majority require- ment	May 30, 1974	

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page^a</u>
	<u>Local Representation (cont.)</u>		
Louisville, Ga.	numbered posts, majority requirement	June 4, 1974	263
East Dublin, Ga.	staggered terms	June 19, 1974	
Evangeline Parish, La.	school bd. and police jury: ^b	June 25, 1974	294,298
	majority requirement, anti-single shot requirement, staggered terms		
Evangeline Parish, La.	school bd. and police jury: ^b	July 26, 1974	294,298
	majority requirement, anti-single shot requirement, staggered terms		
Lancaster Co., S.C.	school bd.: at-large election,	July 30, 1974	
	numbered posts, majority requirement		
Meriwether Co., Ga.	county commissioners: at-large election, numbered posts, majority requirement	July 31, 1974	
Pike Co., Ala.	residency requirement, majority requirement, staggered terms	Aug. 12, 1974	316,317
Attala Co., Miss.	bd. of supervisors: redistricting	Sept. 3, 1974	275,282
Thomson, Ga.	numbered posts, majority require- ment, staggered terms, extension of terms	Sept. 3, 1974	263,265
Bamberg Co., S.C.	residency requirements, staggered terms	Sept. 3, 1974	322
Bishopville, S.C.	staggered terms	Sept. 3, 1974	322
Bamberg Co., S.C.	county commissioners: at-large election	Sept. 20, 1974	323
Charleston, S.C.	annexation	Sept. 20, 1974	324-25
Charleston Co., S.C.	governing body: at-large election, consolidation, numbered posts, residency requirements, majority requirement	Sept. 24, 1974	324
Lancaster Co., S.C.	county commissioners: at-large election, numbered posts, residency requirements, majority requirement, staggered terms	Oct. 1, 1974	323

<u>Jurisdiction</u>	<u>Type of Change</u>	<u>Date</u>	<u>Page^a</u>
	<u>Local Representation (cont.)</u>		
Sumter Co., Ala. Democratic Executive Committee	anti-single shot requirement	Oct. 29, 1974	
Wadley, Ga. York Co., S.C.	numbered posts, majority requirement county council: at-large elections, residency requirements	Oct. 30, 1974 Nov. 12, 1974	263
	<u>Miscellaneous</u>		
Arizona	procedures for recall	Oct. 9, 1973 (Objection with- drawn, Mar. 15, 1974)	408

Source: Department of Justice and David H. Hunter, Federal Review of Voting Changes: How to Use Section 5 of the Voting Rights Act (Washington, D.C.: Joint Center for Political Studies et al., 1974), pp. 90-97.

- a. Refers to page or pages of this report where the objection is mentioned.
- b. Involved the use of multi-member districts.
- c. Objection withdrawn, Sept. 23, 1971.
- d. Objection withdrawn, Sept. 14, 1971.
- e. Objection withdrawn after assurances, Oct. 21, 1974.

APPENDIX 6. THE VOTING RIGHTS ACT OF 1965
AS AMENDED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1970

PUBLIC LAW 89-110, 89TH CONGRESS, S. 1564, AUGUST 6, 1965

AN ACT To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

TITLE I—VOTING RIGHTS

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on

account of race or color: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964. On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision

of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

Sec. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or

standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

Sec. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States,

with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service or process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and non-privileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress

declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires

with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however*, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a), shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11(a) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their

votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 or this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

Sec. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

Sec. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

Sec. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

Sec. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Sec. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

TITLE II—SUPPLEMENTAL PROVISIONS

APPLICATION OF PROHIBITION TO OTHER STATES

Sec. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement

or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

RESIDENCE REQUIREMENTS FOR VOTING

SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall

provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentees voting in that State or political subdivision.

(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(h) The term "State" as used in this section includes each of the several States and the District of Columbia.

(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

JUDICIAL RELIEF

SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

PENALTY

Sec. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEPARABILITY

Sec. 205. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN
FEDERAL, STATE, AND LOCAL ELECTIONS

DECLARATION AND FINDINGS

Sec. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

(3) does not bear a reasonable relationship to any compelling State interest.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

PROHIBITION

Sec. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

ENFORCEMENT

Sec. 303. (a)(1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

DEFINITION

SEC. 304. As used in this title the term "State" includes the District of Columbia.

EFFECTIVE DATE

SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971.

○

APPENDIX 7
RESPONSES RECEIVED TO LETTERS SENT
PURSUANT TO 42 U.S.C. 1975a(e) (1970)

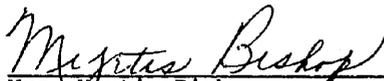
Response to comments on page 73.

According to Myrtis Bishop, the registrar in Madison Parish, Louisiana, she closes the registration office only "on rare occasions for meetings and such, but I always put it in the paper."¹² Zelma Wyche, chief of police of Tallulah, the parish seat, and President of the Madison Parish Voters League, said that the registrar is ready with excuses for closing the office whenever she feels like it, often to the disadvantage of blacks, as for example, during a voter registration drive. Frequently the office is closed¹³ by 4:00 p.m.

12. Myrtis Bishop, interview in Tallulah, La., Sept. 4, 1974.

13. Zelma C. Wyche, interview in Tallulah, La., Sept. 3, 1974.

When this office is being closed for various meetings, conventions, etc., I publish this fact if time permits. Permission is granted by Russell Gaspard and Police Jury President, Joe Thornton. As for the office being closed at 4:00 P.M., this is untrue. Our court-house hours are 8:30 A.M. to 4:30 P.M.



 Mrs. Myrtis Bishop
 Registrar of Voters

Response to comments on page 80.

In Madison Parish the entire registration process is run by one person, the registrar, Myrtis Bishop. Black community leaders and officials have found the registrar to be incompetent, uncooperative, and hostile. One black official stated that her behavior was that of a "vicious racist." In addition to closing the office without notice when it is scheduled to be open, the registrar is charged with harassing black registrants. She is particularly strict in demands for identification. Many blacks, especially the more elderly, do not have adequate identification with them, lacking such things as social security cards or birth certificates. Even blacks who have identification with them have difficulties.

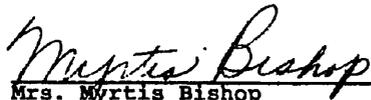
61. Wyche Interview.

61a. Ibid.

True, I am the only person in this office, therefore it is run by one person.

The black community leader most often quoted in this report, Zelma C. Wyche, would find any white registrar to be "incompetent, uncooperative, and hostile." Every since my appointment to the Office of Registrar in 1967, Zelma C. Wyche has attempted almost unceasingly to have me removed from office so that I might be replaced with a black registrar.

The only demands that are made on any person regardless of race is to be able to prove his or her identity. That is why a drivers license is asked for, if not a drivers license then a Social Security Number. People with their identification are not turned away.


 Mrs. Myrtis Bishop
 Registrar of Voters

Response to comments on page 80.

Sometimes she will accept social security cards as sufficient identification. Other times she will require much more and make people go back home three and four times. 62

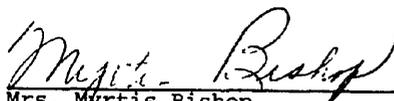
According to another source, Mrs. Bishop often intimidates registrants. A black volunteer in a registration drive took two young blacks to register. One of them, a young woman while filling out the registration form asked the registration volunteer a question, at which point Mrs. Bishop yelled: "I'll answer your questions here...you don't ask anyone for information here except me." ⁶³ In another instance she was involved in a fight with a registrant. ⁶⁴

62. Id.

63. Staff interview in Tallulah, La., Sept. 4, 1974.

64. This incident is described in Chap. 7, Physical and Economic Subordination, pp. 213-214.

When a person comes to register and has their identification with them they are told, "If you need any assistance, I will be glad to help in filling out the form completely if necessary."


 Mrs. Myrtle Bishop
 Registrar of Voters

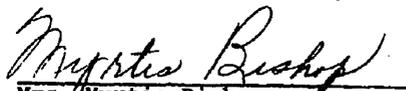
Response to comments on page 183.

A fight involving the registrar of Madison Parish, Myrtis Bishop, and a black woman attempting to register occurred on February 19, 1974. Arnicey Tyson accompanied by her husband, Ramon, and their 3-year-old son went to the courthouse in Tallulah to register. According to an account of the incident sent to the Department of Justice by Mr. Tyson, Mrs. Bishop, after exchanging angry remarks with Mrs. Tyson over the lack of information concerning previous registration, refused to register her. Mrs. Tyson questioned the registrar regarding this refusal at which point the registrar slapped her in the face. Mrs. Tyson then slapped Mrs. Bishop several times at which point Mr. Tyson intervened to separate the two women. Mr. Tyson was then attacked by three men including a deputy sheriff and in the ensuing struggle thrown to the floor, beaten and his clothes torn. The Tysons were then taken to jail and subsequently released on bond.

21. Ramon E. Tyson, letter to Michael Shaheen, Voting Rights Section, U.S. Department of Justice, Wash., D.C., Feb. 20, 1974.

I might add that Arnicey Tyson was registered on February 19, 1974, contrary to the above statement. A copy of her application for registration is annexed hereto.

As the date specifies above, this being eleven (11) months ago, I'd rather you just read the statement I gave the Sheriff's office on February 20, 1974.


Mrs. Myrtis Bishop
Registrar of Voters

44

428

Attachment 1 to response of Mrs. Myrtis Bishop.

Date Feb. 20, 1974 Page No. 1

STATEMENT OF:

Myrtis Bishop
Registrar.

7-14-74

Tuesday afternoon at approximately
3:01 Clock, J. D. Porter came in my
office to pick up a drivers license
that a black man had used to
get his S.S. number from so he
could register to vote. He was still
standing in my office when a black
man & woman came in to register
They were the same people who
came the evening before and she
had been told that I had to
have her social security number
before I would register her. He
was indignant but left shortly.

She brought with her a slip of paper
with the S.S. number written on it.
Normally I would not accept a
number that way, but not wanting
to argue I said nothing. She filled
out her registration form and
when I read that she had been
registered in California I asked if
she had a registration card from
there, she replied no. I then asked
if she knew what ward she
lived in there. She replied no.

Myrtis Bishop

STATEMENT OF:

I then asked if she knew where the place was located or the name of the place, such as school, fire station etc. She still replied no. I asked how long that had been + she replied two years. I smiled + replied + said "you can't remember two years back?" at this she became very excited + called me a "honkey cracker" and that people like me should not be in an office + several things about white folks. I did not have to listen to such so I turned + went to the Sheriff's office + asked Mr. Deekard to come to my office. I turned + returned or started back to my office + she met me shaking her finger in my face + hit me across my nose demanding a registration card. Naturally I slapped her back + told her not. When she came at me with her purse raised + the black man held me by the shoulders + Mr. Porter pinned her against the wall, at which time the man ^{attacked} him, + the woman also picked him + hit him with her purse. After a scuffle with both

Martin Bishop

Date Feb. 20Page No. 3

STATEMENT OF:

of them, Mr. Deekand + Mr. Lewis
put them in jail. I left my office
and went to Dr. Wells office. After
examining me he gave me a sedative
and told me I had to go home and
could not return to work until the
next day.

Mystic Bishop

STATEMENT OF

J.D. "Mike" Porter, Drivers License Examiner, Tallulah, La.

About three P.M., on the afternoon of Tuesday, February 19, 1974, I went into the Registrar's Office for the purpose of picking up an old Drivers License which had been used for the purpose of obtaining a Social Security Number as voting identification. While I was there a negro male and female, along with a child about 4 years of age, came in. ~~xxxxxxx~~ When Mrs. Bishop, the Registrar of Voters, asked if she could help them, the negro female said she wanted to register. Mrs. Bishop handed her a card which she filled out and returned. After the card was returned to Mrs. Bishop she asked if she had voted before. The girl said she had voted in Los Angeles, but she did not have her registration card, nor could she give information as to what precinct she had voted in. Mrs. Bishop handed her a ~~xxx~~ form to sign. The man with her said it was a form to keep her from voting in Los Angeles. At which time, the girl said, "That's alright." Then further statements were made by her such as... that her vote was needed here ... to help clean out this mess ---- to help get people out of offices where they dont belong like this Honkie-cracker here and pointed her finger at Mrs. Bishop.

At that time Mrs. Bishop left the office without saying where she was going. Immediately afterwards the two negros left and turned to the right toward the south door. Just after the got into the hall I heard the man ask the woman if she got her registration card. She said, "No, but I want it."and I'm going to get it." She turned and started back to the office and met Mrs. Bishop near the door. They exchanged words, but I do not know just what was said, but the negro girl struck Mrs. Bishop in the face and ~~xxxxx~~ a scuffel occured, at which time I stepped in front of the negro girl.

J. D. Porter

Date February 19, 1944 No. 2

STATEMENT OF:

J. D. "Mike" Porter, Drivers License Examiner, Tallulah, La.

knocking off my glasses and breaking them
She hit me with her purse/ and I caught her arm. About that time, the

man hit me and knocked my leg from under me, and I fell to the floor.
and Oran Lewis

When I got up Deputy Wayne Deckard arrived and subdued the subjects

J. D. Porter

Attachment 3 to response of Mrs. Myrtis Bishop.

APPLICATION FOR REGISTRATION
 Office of Registrar of Voters
 State of Louisiana
 Parish of Madison

Date 2/19/74 Ward No. 1 Prct. No. 2
 Social Security or Registration Number 5600-88-8929 Municipality: In Out
 Mailing Address 411 Chester Dr Tallulah La

I am a citizen of the United States and of the State of Louisiana and have not been disfranchised by any provision of the Constitution of this State.
 My name is Arneyce (First) NICEY (Maiden or Middle) TYSON (Last)
 I live at 411 Chester Dr (House or Apt. No.) TALLULAH (City or Town) I have resided in this State since JAN 15 73 (Date) in this Parish since JAN 15 73 (date) and at my present address since JAN 15 73 (date)
 The place of my birth is ARK (City) WOEN (Parish, County or Province) (State or Foreign Country)
 The date of my birth is 5 (Month) 6 (Day) 51 (Year) I was last registered as a voter in (Leave blank if none) California (Parish or County) (State)
 I hereby declare my party affiliation to be (Circle one) Democrat Republican - None - Other (Specify)
 Have you been convicted of a felony? Yes [] No [X] If yes, have you received full pardon and restoration of franchise? Yes [] No [X]

Under Louisiana Revised Statutes 18: 270.802, no person shall register falsely or illegally as a voter or make a false statement in an affidavit or other document that he presents for the purpose of procuring himself to be registered or to be retained as a registrant. No person shall knowingly present, for any purpose within the purview of this Chapter, an affidavit or other document containing a false statement.

Whoever violates this Section shall be fined not less than five hundred nor more than one thousand dollars or imprisoned for not less than six months nor more than one year, or both. The penalties shall be doubled for the second or any succeeding offenses of the same character. I have read the statements above. Yes [X] No []

I do hereby solemnly swear or affirm that I will faithfully and fully abide by all the laws of the State of Louisiana, so help me God.

Sworn to and subscribed before me this 19 day of Feb, 1974.
Myrtis Bishop (Deputy) Registrar Arneyce Tyson Applicant's Signature

LR 71

UPON REQUEST, THE REGISTRAR SHALL FURNISH EACH APPLICANT A COPY OF HIS APPLICATION FORM

Copy of Registration Form
Showing that Arneyce Tyson
was registered on
Feb. 19, 1974

- Attachment 4 to response of Mrs. Myrtis Bishop.
OFFENSE REPORT Complainant Mrs. Myrtis Bishop No 4958

Address Registrar of Voters, Tallulah, La. Phone 574-2193

Offense Disturbing the Peace Place of Occurrence Court House

Report received by 3:00 at M. Date 2/19/74 How reported In Person

Date and time offense committed 3:00 P.M.

Time of investigation M. Date 2/19/74
Ramon Elwood Tyson, Jr., 111 Chestnut St., Tallulah, La
Suspects and/or persons arrested Arnicey Tyson, 111 Chestnut St., Tallulah, La.

DETAILS OF OFFENSE (State fully all other circumstances of this offense and its investigation)

At approximately 3:00 P.M. I was in the Sheriff's Office when Mrs. Bishop, the Registrar of Voters, ran into the front office and called me. She said, "Wayne come quick." I went out into the hall. I was a short distance behind Mrs. Bishop and just as I got into the hall I saw her (Mrs. Bishop) and a colored female in the hall just outside the Registrar's Office door. They were exchanging words in a heated manner and I saw the negro girl strike Mrs. Bishop in the face. As I arrived on the scene ~~in~~ a negro man, who was apparently with the girl, stepped up behind the girl and swung at Mrs. Bishop with his fist. I grabbed him and kept him from striking her. He fought back and after an exchange of blows I finally subdued the subject and with the help of Oran Lewis, both subjects were taken to the Madison Parish Jail where they were booked on a charge of Resisting arrest. At that time they caused a further disturbance by using profane language. Subjects were identified as Ramon Elwood Tyson, Jr., 111 Chestnut St. and Arnicey Tyson, 111 Chestnut St.

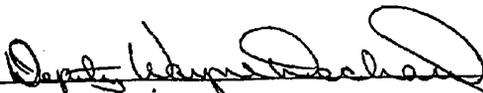
Later in the afternoon the following charges were filed:

ARNICEY TYSON:

Simple battery on the person of Mrs. Myrtis Bishop, bond set at \$1,000.00
Resisting Arrest, bond \$1,000.00
Simple Battery on the person of J. D. Porter, bond \$1,000.00
Simple Criminal Damage, bond \$100.00
Disturbing the peace at the jail, bond \$50.00

RAMON ELWOOD TYSON, JR.:

Simple battery on the person of Myrtis Bishop, bond \$1,000.00
Simple Battery on the person of J. D. Porter, Bond \$1,000.00
Resisting Arrest, bond \$1,000.00
Disturbing the Peace in the Courthouse, bond \$1,000.00

Investigating Officer:  Date 2/19/74



HERBERT J. FEUER, PRESIDENT
 JOSEPH J. PREVITE, SECRETARY
 CHARLES A. AVARELLO
 JAMES F. BASS
 ELIZABETH A. CASIDY
 ELRICH A. EASTMAN
 STANLEY C. KOCHMAN
 ALICE SACHS
 ANTHONY SABOWSKI
 SALVATORE SCLAFANI
 COMMISSIONERS

BOARD OF ELECTIONS
 IN
THE CITY OF NEW YORK
 GENERAL OFFICE, 80 VARICK STREET
 NEW YORK, N. Y. 10013

December 19, 1974

Darby M. Gaudin, Chief Clerk
 Manhattan Borough Office
 80 VARICK STREET
 NEW YORK, N. Y. 10013
 226-2600

Beatrice Berger, Chief Clerk
 Bronx Borough Office
 1789 GRAND CONCOURSE
 BRONX, N. Y. 10437
 299-9017

Gus Gollj, Chief Clerk
 Brooklyn Borough Office
 315 ADAMS STREET
 BROOKLYN, N. Y. 11201
 522-2441

Gloria D'Amico, Chief Clerk
 Queens Borough Office
 77-40 VLEIGH PLACE
 FLUSHING, N. Y. 11357
 380-2600

Edward Grabowski, Chief Clerk
 Richmond Borough Office
 30 BAY STREET
 ST. GEORGE, S. I. 10301
 727-4330

Hon. John A. Buggs
 Staff Director
 United States Commission on Civil Rights
 Washington, D. C. 20425

Dear Mr. Buggs:

In reply to your letter received on December 18, 1974 with regard to Spanish translation of the ballot, please be advised that when the Board was apprised of the alleged errors in our "voting instructions", contact was made with the Department of Justice. Recommended by the State Department was one, Dr. Arsenio Rey.

We immediately contacted Dr. Rey and he re-edited the voting instructions, as well as all other bi-lingual materials sent to the voters. He has consented to work with our Board on all future translations.

As a result of his re-editing, all interested persons were completely satisfied with the bi-lingual materials.

Should you require additional information, please do not hesitate to call me at Canal 6-2196.

Very truly yours,

Betty Dolen
 BETTY DOLEN
 Executive Director

BETTY DOLEN
 EXECUTIVE DIRECTOR
 JOSEPH NEGLIA
 DEPUTY EXECUTIVE DIRECTOR

KATHERINE L. PETROCELLI
 SENIOR ADMINISTRATOR



State of Georgia
 Superior Courts of the Southwestern Judicial Circuit

F. O. DRAWER 784

Americus, Georgia

CHAMBERS OF
 W. F. BLANKS
 JUDGE

LICE, MACON, SCHLEY
 STEWART, SUNTER
 AND WEBSTER
 COUNTIES

December 31, 1974

Mr. John A. Buggs
 Staff Director
 United States Commission on Civil Rights
 Washington, D. C. 20425

Re: Allegations concerning Macon County Primary of 13 August,
 1974, and Run-off of 3 September, 1974

Dear Mr. Buggs:

Thank you very kindly for your undated letter recently received which dealt with certain allegations concerning my conduct in relation to the captioned elections. As usual in such allegations, they are a mixture of truth and fiction, and I will refer to them by number in case you care to discuss further the matters herein related, to wit:

1. As of 1 November, 1974, I became Judge of Superior Court, Southwestern Judicial Circuit, and at that time resigned from the State Election Board and from other pertinent positions. I am in the process of relinquishing my Chairmanship of the Macon County Democratic Executive Committee.
2. It is true that I talked with Lynnmore James and tried to discourage him from running for the office of County Commissioner from the Montezuma District. As you may or may not know, political affairs in a small county are very complex, but I have always exerted my influence in such manner as to try to insure that all public affairs were conducted in a responsible and progressive manner. It is not true that I treated Lynnmore James discourteously, but it is true that I contended that he should not run.
3. It is true that I discussed with Lynnmore James the problems that he would have as the first black man seeking to serve as a County Commissioner, which might diminish his influence with the other Commissioners. The Montezuma District has

fifty percent of the population of the County, pays sixty percent of the taxes of the county, yet, has only one of the five commissioners who govern the County. This is disproportionate, especially since two other commissioner districts have fewer than four hundred registered voters each. The situation is so complex that I doubt that Lynmore James would even appreciate the problem. The county is divided by the Flint River with sixty percent of the population on the East side and forty percent on the West side. In addition, the Marshallville District has commercial and cultural ties with Fort Valley (on the North) and has never supported county-wide movements such as the completion of a county hospital and/or consolidation of schools. This has created a situation where the Montezuma District has been under-represented, and this, in turn, has caused many conflicts over the years.

4. It was, and is my opinion, that Lynmore James was seeking the office in fulfillment of his personal ambition rather than for the furtherance of higher ideals such as construction of a county-wide general hospital, which is the number one need of the population at this time. You probably do not know that there is not a hospital bed in the county for Medicare and/or Medicaid patients. Neither is there presently a decent hospital bed available in the county for a black citizen. The construction of this medical facility has been my Number One priority for a number of years and I certainly did not want Lynmore James to interfere with the accomplishment of this very real and basic need.
5. Macon County, particularly the City of Montezuma, has moved progressively to achieve an accommodation acceptable to both races as is attested by the fact that black citizens are serving as Council Members both in the City of Montezuma and in the City of Marshallville. They also serve as members of the Draft Board, the Board of Jury Commissioners, the Board of Registrars, and many other Boards and Committees, including the Macon County Chamber of Commerce and the Macon County Hospital Authority.
6. It is not true that I said anything about a "dam nigger" either at a public or private meeting. In fact, for many years I have personally refrained from using such terminology and have sought to influence others to cease using words which are offensive to our black citizens. You will find that I have been extremely influential in Macon County, Georgia in supporting a fair deal

Mr. John A. Buggs

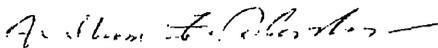
December 31, 1974

Page 3

for all citizens, both black and white. Let it further be said that Iymore James has not been influential in actions taken by many of us to improve race relations. In the run-off there were a number of white citizens who did not vote for Hugh Crook. At the same time, there were an estimated four hundred to five hundred black citizens who did not think that Iymore James was the black man to become the first black Commissioner; therefore, they did not vote for him. In my opinion, it was his failure to attract black-voter support which caused him to be defeated. It should also be noted that the population of Macon County is about sixty-eight percent black, further, that the black voters constitute a majority of those registered. In this race, all voters were urged to consider carefully the respective qualifications of the candidates and to vote for the candidate who they thought would best represent the Montezuma District and best aid in mobilizing the political support necessary to construct our county-wide general hospital.

Please feel free to contact me in relation to any further information you might desire in relation to the subject matter of this complaint.

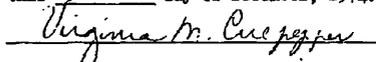
Sincerely,



W. F. Blanks
Judge, Superior Courts
Southwestern Judicial Circuit

WFB/pl

Sworn to and subscribed before me

this 31st day of December, 1974.


Notary Public State of Georgia My
Commission Expires June 3, 1977.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

December 31, 1974

Hon. John A. Buggs
Staff Director
U.S. Commission on Civil Rights
Washington, D.C. 20425

Dear Mr. Buggs:

I have read with great concern the abstract regarding Congressman Badillo's allegations of "...blatant appeals to prejudice..."

I am, to be sure, totally in favor of a system which, strictly and unequivocally, provides absolute accountability for any and all individuals vested with the public trust. Within the framework of our political system, the ways and means of conducting a campaign have, particularly in recent times, received the attention and concern of our entire populace. Campaign literature and/or the public utterings by any political candidate should and must be maintained at the highest moral as well as legal standard.

Consistent with the aforementioned, I state as emphatically as I can, that neither I, nor any one operating under my instructions, and/or knowledge, did at any time before, during, or after the Mayoral Campaign in question, ever partake in the type of scurrilous and reprehensible efforts referred to by Congressman Badillo.

When the literature in question was first brought to my attention in the midst of the 1973 Mayoral Primary Runoff, I denounced it publicly and disassociated myself and my entire campaign organization from the sentiments and the issues with which it dealt.

Furthermore, we made every effort possible, under the circumstances, to track down those responsible for these tactics. In the few cases where we were successful, we ordered the material destroyed.

I would also like to point out that after the Primary Runoff, but during the ensuing Election Campaign, a Committee of the New York State Legislature conducted an investigation into the charges made by Congressman Badillo and held public hearings on them.

My campaign representatives cooperated fully with the committee and testified at the public hearings. The Committee found no connection between me or my campaign and the material in question. Some of the literature was, indeed, untraceable.

My representatives also brought to the attention of the committee unfair and derogatory literature and advertisements against me put out by my opponent's campaign.

If a transcript of the public hearings is available from the New York State Legislative Committee, I urge that any pertinent testimony be included in your final report.

I deplore the type of unfair, undemocratic tactics alleged by Mr. Badillo. I sincerely believe that my many years of public service lend credence to the strong personal feelings I have in this regard.

I trust that this information is responsive to your request. Please don't hesitate to contact me if I can be of further assistance.

Very truly yours,

Abraham D. Beame
Abraham D. Beame
MAYOR

STATE OF *New York*.....

COUNTY OF *New York*.....

On the *31st* day of *December*, 19*74* before me came *Abraham D. Beame*, to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he executed the same.

William J. Tierney
.....
Notary Public

WILLIAM J. TIERNEY
Notary Public, State of New York
No. 31-3983751
Qualified in New York County
Term Expires March 30, 1975



ROLAND COOPER
JUDGE OF PROBATE

MRS. ANNIE LEE BAILEY
CHIEF CLERK

PROBATE COURT OF WILCOX COUNTY

P. O. BOX 220
CAMDEN, ALABAMA 36726

TELEPHONE:
862-4863
AREA CODE 205

December 30, 1974

Mr. John A. Buggs
Staff Director
United States Commission on Civil Rights
Washington, D. C. 20425

Dear Mr. Buggs:

I have your letter concerning the election of constables in Wilcox County in the National Democratic Party of Alabama in the November 7, 1972 Election.

This office can see no reason for complaint by any of those constables elected because this is an outdated position. This office is no more recognized as an office of authority, in as much as they have no duties required to perform and no provisions for payment or fees. To my knowledge the November 1972 Election was the first time any person had run for this office in this County. In that Election 19 constables were elected but only 11 qualified by making bond. Five of those making bond were elected under the NDPA ticket and 6 of those making bond were elected under the Democratic Party ticket. Those 11 constables that posted bond were given the oath of office, however; the 5 constables elected on the NDPA ticket were never technically qualified because their bond was only paid for one year and should have been for the four year term of office.

In as much as the position of constable carries no official capacity, also due to the fact that none had been previously elected, plus the fact that I was new in this office, no cards were issued. I have recently secured certificates for issuing commissions and I have issued commissions to each of those constables whose bonds are in order.

Sincerely,


Roland Cooper



OFFICE OF THE SUPERINTENDENT
442
JAN 9 9:51 AM '75

EAST CARROLL Parish School Board

LAKE PROVIDENCE, LOUISIANA 71254

E. H. WHITE, President J. T. HERRINGTON, Superintendent

January 9, 1975

Mr. John A. Boggs
Staff Director
United States Commission on Civil Rights
Washington, D. C. 20425

Dear Mr. Boggs:

Please find enclosed my reply as requested by you in your letter to me.

Sincerely yours,

J. T. Herrington, Superintendent
East Carroll Parish Schools

JTH:Exh

Enclosure

STATE OF LOUISIANA
PARISH OF EAST CARROLL

BEFORE ME, the undersigned authority, personally came and appeared JAMES T. HERRINGTON, who, being duly sworn, deposed and said as follows:

That he is presently and has been for a period of about four years the Superintendent of Schools for East Carroll Parish, Louisiana; that he is the "Superintendent of Schools" referred to in a staff interview, East Carroll Parish, Louisiana, September, 1974, specifically referred to in Footnote Numbered 37 in the proposed report of the U. S. Commission on Civil Rights; that he has not, to the best of his recollection, been in the Registrar's office of East Carroll Parish, Louisiana, at any time during the year 1974 (presumably the alleged occurrence took place in 1974); that the duties of his office do require that he conduct business with the offices of East Carroll Parish Police Jury, East Carroll Parish Tax Assessor, East Carroll Parish Clerk of Court and East Carroll Parish Sheriff's Department, all of which are or were located on the same floor with and are of no greater distance than 100 feet from the Registrar's Office; that his presence at any time on the first floor of East Carroll Parish Court House would have involved business transactions with one or more of the offices aforementioned, but under no circumstances would his presence there have involved any activities in or with the Registrar's Office, and in no case has his presence in said Court House ever in any manner related to or concerned the activities of the Registrar, any persons who might have been in the office of the Registrar for the purpose of registration, or any persons who might have been at or in the Re-

gistrar's Office for the purpose of assisting others to register.

JAMES T. HERRINGTON

SWORN TO AND SUBSCRIBED before me, Notary, on this the
9th day of January, 1975.

and [Signature]
NOTARY PUBLIC

445
DIRECTOR

JAN 3 1975

PM 3:17

Lake Providence, Louisiana
December 31, 1974

Mr. John A. Buggs
Staff Director
United States Commission on Civil Rights
Washington, D.C. 20425

Dear Mr. Buggs:

I acknowledge your recent communication to me relative to #37. Staff Interview, East Carroll Parish, September, 1974.

In answering this interview, certainly I could have been in the Registrar's office. It is my feeling that this is a public office and as a citizen, I certainly had a right there. I am wondering if Mr. Lane was there to register, and perhaps his presence was not coincidental.

Answering Interview #38, i.d., it is with reluctance that I admit that I do not own the firm that supplies the city's gas. The fact is I am a lowly service man for the Louisiana Gas Service Company, who has served the area of Lake Providence since 1932. Mr. Lane is certainly right that I try to be nice to all customers of the Company - black and white. As for gas cut-offs, the names of the cut-offs are issued to me from the Central Office of the company and I immediately cut off any and all persons who are on the list. This is a strict company policy and if I do not follow their instructions I would have to pay the bill personally.

Since I have become a subject to your study, I would appreciate receiving a copy of the report issued by your Commission when same is completed.

Yours truly,

Lloyd L. Clement
Lloyd Clement

dm

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



ALBERT L. KLECKLEY
MEMBER FROM JASPER COUNTY

HOME ADDRESS:
P. O. DRAWER X
RIDGELAND, S. C. 29131

COMMITTEES:
AGRICULTURE AND CONSERVATION
ETHICS

1446
House of Representatives - State of South Carolina - Columbia
OFFICE
-210R

'75 JA

10:03

January 2, 1975

Mr. John A. Buggs
Staff Director
U.S. Commission on Civil Rights
Washington, D.C. 20425

Dear Mr. Buggs:

I am happy to reply to your letter received December 19, 1974, concerning false and deceitful allegations about the July 30, 1974 run-off primary in Jasper and Beaufort Counties.

I have investigated thoroughly the allegation about Kleckley Gas Company and can assure you that no member of Kleckley Gas Company ever made any statement to voters about not supplying them gas if they did not vote for me. From the information I have received this malicious rumor was started by members of Juanita White's campaign force in order to discredit me and my family. My family has lived in this area since the 1930's and I don't feel that you can find anyone who would have downgraded any member of my family prior to this election. I can assure you also that Kleckley Gas Company would have continued to give the same equal treatment to all persons whether I had won or lost. Many tactics were used and this was just one.

I did ask that one of our drivers come to the Sheldon precinct since that is an area with which I am not familiar and it was just incorporated into District 122. This driver lives in that area and knows most of the people there. He introduced me to quite a few people and many stated that had they known me before they had voted, they probably would have voted for me.

Concerning the allegations about photographic pictures, there were pictures taken outside of the polling place of vehicles only. There was never at any time any pictures taken inside the polling place by me or any of my campaign workers.

Mr. John A. Buggs

Page 2

January 2, 1975

The vehicles that were photographed were thought to be of an agency in this area who thrives solely by federal funds and I was informed was subject to prosecution under the Hatch Act. As a matter of fact, a high ranking member of this agency testified before the S.C. Democratic Party Executive Committee that he was coordinating about fifteen vehicles who were hauling voters to the polls. This same person testified under oath that he approached a person carrying the voters to the polls for me and severely chastized, berated and intimidated this driver into not driving for me.

The last allegation about a black man being asked not to enter a polling place may be true. There were several individuals working for Juanita White which, in my opinion, broke almost every rule in the book. Some would bring the voters to the polling place, usher them inside, tell the poll worker that they were helping the voter and then vote the voter. On numerous occasions I had voters tell me that they would have voted for me had they not been intimidated into letting other people vote them.

The person who I have in mind who possibly could have been asked to leave was a member of this same agency mentioned above. He was extremely adamant and should have been asked to leave, if he wasn't. This person was not a voter nor a resident of District 122 and had no authority nor business in interfering with the voting process. Yet he insisted time and again to follow his own rules. However, there was never at any time any threat of physical violence by anyone connected with me or my campaign.

In conclusion, allow me to reiterate that there was no coercion used by me, my campaign workers or Kleckley Gas Company in the July 30, 1974 run-off primary in District 122. I have heard a lot of sour grapes cried over Juanita White losing. However, these and other matters have been tried before the S.C. Democratic Executive Committee, the State Court system and the Federal Court system. To date, they have held unanimously that there was no wrongdoing on my part, nor by my campaign workers nor by Kleckley Gas Company.

I regret that your Commission staff members did not contact me concerning any grievances or false allegations that they have received. If I had been contacted, I feel sure that any rumor concerning me could have been traced down and found to be false. As you can tell, I too have grievances and could make all types of allegations. Therefore, it is extremely distressing to me that your Commission has not seen fit to investigate completely any and all voting procedures and irregularities. Without an impartial investigation, any report that you may make will in all likelihood, be only the false allegations of a poor loser.

With kindest regards, I am

Sincerely,



Albert L. Kleckley

ALK:bs

Rucker & Richardson,

ESTABLISHED 1919



DIAL 648-4741

118 NORTH EIGHTH STREET

Richmond, Va.

January 6, 1975

Mr. John A. Buggs
 Staff Director
 United States Commission
 on Civil Rights
 Washington, D. C. 20425

Dear Mr. Buggs:

Thank you for the opportunity to respond to "certain materials pertaining to" me regarding the Annexation Litigation of the City of Richmond, Virginia and the surrounding counties of Henrico and Chesterfield, Virginia.

It has always been my policy not to discuss matters currently in litigation (the annexation case will be heard by the United States Supreme Court at an undetermined future date). However, I believe your inquiry merits the attached comments.

Your letter was addressed to my son, Philip J. Bagley, 3406 Wythe Avenue. I am Phil J. Bagley, Jr., 6222 West Franklin Street should you desire to contact me in the future.

Respectfully,

Phil J. Bagley, Jr.
 Phil J. Bagley, Jr.
 Former Mayor of Richmond, Virginia
 6222 West Franklin Street
 Richmond, Virginia 23226

PJB, Jr/v

Enc.

REALTORS

RESPONSE TO CIVIL RIGHTS COMMISSION REGARDING
RICHMOND-CHESTERFIELD ANNEXATION

It should be noted that in the previous Richmond Councilmanic Election, some candidates ran on a platform to expand the boundaries of Richmond, other candidates adamantly opposed annexation (one contributed to an anti-annexation fund), stating publicly that they wanted "No part of annexation."

Near the conclusion of the prolonged annexation trial, I entered the press room as reporter Mr. James Davis of the Richmond Times-Dispatch was talking on the telephone with the chairman of the Board of Supervisors of Chesterfield County. Mr. Davis suggested that I should, as Mayor of the City of Richmond, talk with the chairman to bring the litigation to a close. I agreed and met the chairman in a public restaurant at Southside Plaza to discuss the possibility of terminating the trial. Subsequently, I talked individually to members of City Council who favored boundary expansion to determine their views as to accepting a smaller area than that requested of the court. There was no need to contact those opposed to annexation in any form as I already knew their views as publicly expressed.

I advised city attorneys that a majority of the council, in order to assure an orderly and cooperative transition, were in accord with accepting a lesser area and suggested this possibility be presented to the court for the court's consideration. It should be emphasized the matter was in litigation and any decision was solely up to the court and not within the authority of the city council nor the board of supervisors. The award verdict was made by the Judges of the Annexation Court.

Regarding alledged statements, I testified that the statements attributed to me were ridiculous. One ridiculous statement was alledged to have been made at a football game in Charlottesville, Virginia (hardly a place to issue statements regarding Richmond). To the best of my knowledge, I have never met or talked with this gentleman. I was later informed this gentleman lives in the area annexed.

The second ridiculous statement was alledged to have been made to one of the councilmen who opposed annexation. This gentleman has since resigned from city council stating, "I heard voices telling me to go elsewhere." To the contrary, it is a matter of record that I was the patron of the ordinance to create a Human Relations Commission to develop better race relations. Also, it is on record that I voted for Mr. Cephas (a Negro) for Vice Mayor and that I have voted for Negroes for the School Board, the Planning Commission and many committees and positions. In addition, I ran on the Richmond Forward Slate for election with Mr. Cephas and Mr. Mundle (also a Negro). I would not have voted for them if I had thought they were not qualified for office.

As to motivation for annexation and the contention that Richmond had no interest in economic or geographical considerations, tax revenue, vacant land, utilities or schools, I brand this assertion as a blatant untruth. The City of Richmond presented valid documents and reams of evidence concerning the above items and legally established its right to expand, not only to the Chesterfield Court but also in a previous case against the County of Henrico. Both courts recognized this evidence as justification and the Henrico Court awarded the City a verdict. Unfortunately the price tag was not feasible and gave the City inadequate open areas to develop to justify the cost. The City rejected this award. I submit that if the City only wanted white bodies, we would have accepted the thousands of white citizens involved in the Henrico award at any cost. But the award was rejected because of the exhorbitant cost and absence of adequate open area to develop.

Henrico 16 square miles with 16% vacant.
Chesterfield 23 square miles with 52% vacant.

Henrico 45,300 population with approximately 900 blacks.
Chesterfield 47,000 population with approximately 1380 blacks.

Henrico cost \$55,000,000.
Chesterfield cost \$47,000,000.

From a personal viewpoint, I had no reason nor need to acquire additional voters as I ran first in a field of over twenty candidates in the previous council election and second to top in a field of 24 candidates in the last election. In both elections I received thousands of votes in predominately Negro precincts.

The fact is there is no way Richmond can expand its boundaries without acquiring a majority of white citizens. This is due to the citizen make up of the surrounding counties and not to any design of the City. The allegation that I, as Mayor, would not agree to a settlement without the Supervisors guaranteeing 44,000 white citizens is an out and out falsehood. The fact is the Supervisors, even if they wished, could not guarantee anything as the decision, if any, was to be made by the Judges of the Annexation Court.

One would have to be naive and politically stupid to believe that any one being a party to annexing people against their will would receive the votes of the people annexed.

The case was referred to "a master" of the District Court, who, to this day, has not contacted me in any form to determine the truth. Obviously, the text of the District Court relied on the "Master's" report which resulted in the text being fraught with error.

The case has been appealed and the United States Supreme Court has agreed to a hearing.

Phil J. Bagley Jr.
Mayor
CITY OF RICHMOND, VIRGINIA

TABLE OF CASES

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- Garza v. Smith, 17n.
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- Harper v. Kleindienst, 12n, 27n, 217n, 218n, 219n.
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- Harper v. Virginia State Board of Elections, 4n.
- Harper v. West, 162n.
- Henry v. Coahoma County Board of Supervisors, 272n.
- Hern v. Vernon Parish Police Jury, 295n.
- Holt v. City of Richmond, 303n, 304n.
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- Howell v. Mahan, 242n.
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- Jackson v. Council of City of New Orleans, 290n, 292n.
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RESPONSE OF H. E. MITCHELL TO SUMMARY OF MATERIAL PERTAINING TO ALLEGED ACTIVITIES IN TALLADEGA COUNTY, ALABAMA, DURING JUNE 1974 DEMOCRATIC PRIMARY RUN-OFF

I am the duly elected and presently serving Sheriff of Talladega County, Alabama. I served in this capacity during June 1974.

It is my information that staff personnel of the United States Commission on Civil Rights have interviewed certain persons in Talladega County relative to the Democratic Primary run-off of June 1974. I was a candidate in that election.

I have not been furnished any written information as to any misconduct at any specific voting place, no specific information as to individuals involved, no specific information as to names or identity of witnesses to any such incidents, no specific information as to the names or identity of persons who allegedly committed any acts of misconduct and no specific information as to the time when said alleged acts occurred. It is therefore very difficult, if not impossible, for me to respond to these reported incidents. It would seem that any reasonable interpretation of the Federal statutes would entitle me to at least have information as to the specific time and place when reported acts of misconduct were committed and some information as to the name or identity of the officers who committed the acts and the names of persons who are familiar with the incident. It would seem that anyone with a sense of fairness would agree that at least some limited information should be made available to me so that I can make a response as required by the statute.

The only specific information with which I have been furnished is that the alleged misconduct occurred at the National Guard Armory in Talladega. This voting place was open from 8:00 a.m. to 6:00 p.m. There were ten voting machines in the Armory and 2,765 voted there on June 4, 1974. Information furnished me about the alleged incidents at the Armory was not in writing but given by telephone to my attorney.

I have never authorized, permitted or condoned misconduct, violence or harassment by any officer under my jurisdiction at the June 1974 Primary run-off or any other election. I did not use city police or county deputies in such tasks as putting up posters or handing out leaflets in connection with my campaign and neither I nor anyone under my jurisdiction or acting under the color of my office has ever talked with a black person

or warned them that they would not receive welfare or food stamps if they voted for my opponent. How any intelligent person, whether an informer or the recipient of information, could believe that I have any control over the Alabama Department of Pensions and Securities (welfare and food stamps) is beyond comprehension.

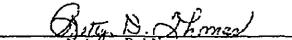
I urgently suggest that the source or sources of information furnished staff personnel of the Civil Rights Commission be investigated more thoroughly. I suggest you will find that one of those sources was a former deputy of my predecessor in office. This informer is black. My predecessor was impeached by the Supreme Court of Alabama in September 1972 and removed from office. I headed the investigation which resulted in the impeachment proceedings.

I have never authorized, permitted or condoned any of the alleged acts of misconduct which are vaguely and indefinitely set forth in the summary attached to the undated letter from the United States Commission on Civil Rights which I received December 19, 1974. I have never participated in any such activities and none of the deputies or personnel under my supervision or control have ever participated in any such acts of misconduct.

I respectfully request that this response be made a part of any published report of the Commission in this matter and in addition request that as much time be spent on investigating the sources of information as to their truth and veracity as has been spent in compiling the scurrilous generalities which I have been furnished.


H. L. Mitchell

Subscribed and sworn to before me this the 15th day of January, 1975.


Notary Public

"The Voting Rights Act: Ten Years After"

Recommendation 19, Page 355a

19. Immediate steps should be taken to conduct a study of voting rights in jurisdictions that are not covered by the Voting Rights Act.

This report has assessed the status of minority voting rights only in jurisdictions covered by the Voting Rights Act. There is reason to believe that minority citizens in other jurisdictions encounter discrimination in the electoral process. In addition to sources cited in the report, the Commission has had representation from the Spanish-speaking community regarding problems of registration and voting as well as other impediments to the exercise of the franchise by Spanish speaking citizens.

The Commission, recognizing that such a study should be accorded the highest priority, voted at its meeting on November 11, 1974 to direct that the study be undertaken no later than January 1975. It is now under way. The Commission will pursue the study in light of its belief that the concerns of language minorities, including those of Spanish speaking background, should be addressed as promptly as possible. However, it may not be completed before Congressional action on this matter is concluded.

Therefore, we further recommend that the Congress not await the Commission's forthcoming report before giving serious consideration to including an amendment to the extension of the Voting Rights Act to cover those language minorities as well as other minorities who, according to preliminary information, require the protection of this law.

STATEMENT ON "THE VOTING RIGHTS ACT: TEN YEARS AFTER"

FOR RELEASE AT 10 a.m. Thursday, January 23, 1975

BY THE U.S. COMMISSION ON CIVIL RIGHTS

We are now releasing "The Voting Rights Act: Ten Years After," an evaluation by the U.S. Commission on Civil Rights of the current status of minority voting rights in jurisdictions covered under the Voting Rights Act of 1965, as amended in 1970.

We have found that the Voting Rights Act has contributed substantially to a marked increase in all forms of minority political participation in the last ten years. The very existence of the act, as well as the specific remedies that it provides, supports minority citizens in exercising their constitutional right to vote.

Proof that the act has worked is the fact that before its passage 10 years ago, there were fewer than 100 black elected officials in all 11 southern States. Today, there are almost 1,000 blacks elected to office in the seven southern States visited by Commission staff.

Nevertheless, though the act has certainly been effective, detailed analysis of recent events reveals that discrimination in the political process has by no means been abolished. Indeed, the promise of the 15th Amendment and the potential of the Voting Rights Act have not yet been fully realized. Furthermore, the potential for the reversal of progress in the absence of the influence of the Voting Rights Act is critical.

During the course of our study, we found that minority registration lags behind that of whites in most areas and that minority citizens have not yet gained a real foothold in being elected to major statewide offices. Moreover, we found little evidence of progress in some jurisdictions covered

by the act. For example, some counties with substantial black populations have no black elected officials.

Many factors have contributed to this lack of progress. Uncooperative and sometimes hostile behavior on the part of registrars and election officials, who are mostly white, deters many minorities from registering and voting. Although acts or threats of physical violence against minorities who attempt to register and vote are no longer common, violent episodes have occurred in recent years in Alabama, Louisiana, and Mississippi. The history of almost 100 years of brutality, along with economic reprisal, however, has left widespread fear of retaliation for political participation among a number of minority citizens.

While the burden of registration is usually borne by individuals or private, nonprofit organizations, we found some jurisdictions which make affirmative nonpartisan efforts to register eligible persons. In many areas, however, registration hours and places are limited, inconvenient, and poorly publicized.

Despite court-ordered requirements of bilingual electoral processes in certain jurisdictions, the translation of ballots and voting instructions has been inadequate to ensure the voting rights of Native Americans and Spanish-speaking persons.

The Commission also feels that the Department of Justice has not always enforced the act as vigorously as circumstances warrant. While the act has helped to eliminate discriminatory practices in some areas through litigation, private litigants bear much of the burden of enforcing it. Also, Justice

does not have an adequate system for monitoring changes in electoral practices and, in recent years, has rarely used Federal examiners to list minority voters for registration.

We also found discriminatory practices which limit the opportunities of minorities to run for elected office. Excessive qualifying fees and lack of cooperation from some local officials have discouraged a number of minority citizens from becoming candidates.

Other violations of the rights of minorities include numerous instances of racial gerrymandering, discriminatory districting, and manipulation of voting rules.

Based on these and other discriminatory actions, the Commission strongly recommends the extension of the Voting Rights Act for an additional 10 years prior to its scheduled expiration on August 6, 1975. One of the major factors that brought us to this conviction is that Section 5, an important part of the act, was not heavily used until 1971.

Section 5 of the act forbids covered jurisdictions to change election laws and practices without clearance from the U.S. Attorney General or the U.S. District Court for the District of Columbia. This has prevented many discriminatory regulations from being put into operation, but even now some jurisdictions either are not fully aware of it or fail to comply with its requirements.

Our second major recommendation is that Congress extend the national suspension of literacy tests for an additional 10 years. A five-year ban of literacy tests and other voting devices will expire in August 1975. Research by the Commission in areas with large numbers of blacks, Mexican Americans, Puerto Ricans, and Native Americans whose facility with written English is limited indicates that a return to such tests would have a disproportionately adverse impact upon these groups. Furthermore it would permit revival of abuses related to literacy tests which constrict opportunities for registration and voting by minority groups.

We also urge the Congress to amend the Voting Rights Act to provide civil penalties or damages against State and local officials who violate it by refusing to submit changes in their electoral laws and procedures. Moreover, the Department of Justice should strengthen its enforcement of Section 5.

We further recommend that the Department of Justice take action to ensure that minority citizens who are not proficient in English receive election materials in their own language.

Justice should direct the Civil Service Commission to send Federal examiners to counties where the minority registration rate is significantly lower than the white rate.

The Commission has additional recommendations intended to remedy some of the conditions that permit discrimination against minorities. Among them are that the Equal Employment Opportunity Commission take action to end discrimination in the employment of registration and election workers.

The Congress should provide for the awarding of attorney's fees where appropriate in private litigation to enforce the Voting Rights Act, and establish a Federal program to assist State and local governments in improving their registration programs. It should also amend the Tax Reform Act of 1969 to end the restriction on foundation financing of non-partisan voter registration drives.

These measures are urgently needed to abolish persisting and pervasive manifestations of discrimination against minorities at the voting booth. The Commission recommends that they be implemented at the earliest possible date.

We welcome the opportunity to answer your questions. Thank you.

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Based on these and other discriminatory actions, the Commission strongly recommends the extension of the Voting Rights Act for an additional 10 years prior to its scheduled expiration on August 6, 1975. One of the major factors that brought us to this conviction is that Section 5, an important part of the act, was not heavily used until 1971.

Section 5 of the act forbids covered jurisdictions to change election laws and practices without clearance from the U.S. Attorney General or the U.S. District Court for the District of Columbia. This has prevented many discriminatory regulations from being put into operation, but even now some jurisdictions either are not fully aware of it or fail to comply with its requirements.

Our second major recommendation is that Congress extend the national suspension of literacy tests for an additional 10 years. A five-year ban of literacy tests and other voting devices will expire in August 1975. Research by the Commission in areas with large numbers of blacks, Mexican Americans, Puerto Ricans, and Native Americans whose facility with written English is limited indicates that a return to such tests would have a disproportionately adverse impact upon these groups.

We also urge the Congress to amend the Voting Rights Act to provide for civil penalties or damages against State and local officials who violate it by refusing to submit changes in their electoral laws and procedures. Moreover, the Department of Justice should strengthen its enforcement of Section 5.

We further recommend that the Department of Justice take action to ensure that minority citizens who are not proficient in English receive election materials in their own language.

Justice should direct the Civil Service Commission to send Federal examiners to counties where the minority registration rate is significantly lower than the white rate.

The Commission has additional recommendations intended to remedy some of the conditions that permit discrimination against minorities. Among them are that the Equal Employment Opportunity Commission take action to end discrimination in the employment of registration and election workers.

The Congress should provide for the awarding of attorney's fees where appropriate in private litigation to enforce the Voting Rights Act, and establish a Federal program to assist State and local governments in improving their registration programs. It should also amend the Tax Reform Act of 1969 to end the restriction on foundation financing of nonpartisan voter registration drives.

These measures are urgently needed to abolish every vestige of discrimination against minorities at the voting booth. The Commission recommends that they be implemented at the earliest possible date.

We welcome the opportunity to answer your questions. Thank you.