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[fol. 920] ANSWER TO INTERROGATORY NUMBER 15(a) AS TO THE FACTUAL BASIS FOR THE ASSERTION THAT THE PURPOSE OF SECTION 241-A OF THE MISSISSIPPI CONSTITUTION WAS TO SUBJECT THE VAST MAJORITY OF NEGRO CITIZENS OF VOTING AGE IN MISSISSIPPI TO THIS ADDITIONAL REQUIREMENT WHEN THEY ATTEMPT TO BECOME REGISTERED VOTERS; AND TO EXEMPT THE MAJORITY OF THE WHITE CITIZENS OF VOTING AGE IN MISSISSIPPI FROM THIS REQUIREMENT SINCE THEY ARE ALREADY REGISTERED VOTERS, AND TO PROVIDE AN ADDITIONAL DEVICE WITH WHICH REGISTRARS COULD DISCRIMINATE AGAINST NEGRO CITIZENS WHO SEEK TO REGISTER TO VOTE—A MEANS OF DISCRIMINATION WHICH WOULD MAKE DETECTION MORE DIFFICULT.

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

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

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

[fol. 921] January—The Congress of the United States considered and debated the proposed Civil Rights Act of 1960 providing, among other things, for the authority of the Attorney General to inspect and copy voter registration records upon his demand and for the appointment of federal referees in cases involving voter discrimination.
1960

February 10, 1960—A bill was introduced into the Mississippi Legislature which would amend the Constitution to permit the Legislature to determine the qualifications for grand and petit jurors. Under Article 26 of the Mississippi Constitution a grand or petit juror had to be a qualified voter.¹

February 18, 1960—The Mississippi Advisory Committee announced that its prime target would be Negro voter registration throughout the state.²

March 3, 1960 —The Mississippi Legislature by joint resolution condemned the proposed 1960 Civil Rights Act. The Legislature commended Senators Eastland and Stennis for their fight against the proposed Civil Rights Act.³

[fol. 922] March 19, and 22, 1960 —Ten bills were introduced into the Mississippi House of Representatives that would tighten up provisions against trespassing and demonstrations such as sit-ins, in public places and inciting the commission of such acts.⁴

March 24, 1960 —A bill was introduced in the Mississippi Senate to permit registrars to destroy registration records.⁵

¹ P. 60-1. H.C.R. No. 23. *Journal of the House of Representatives of the State of Mississippi, Regular Session, 1960.* P. 109.

² P. 60-25. *The Clarion-Ledger.* Jackson, Mississippi. February 18, 1960. P. 1.

³ P. 60-17. Mississippi Laws, 1962, Ch. 510.

⁴ P. 60-2—P. 60-5. H.B.'s 431, 432, 433, 490, 556, 558, 559, 560, 595. *Journal of the House of Representatives of the State of Mississippi, Regular Session, 1960.* Pp. 266, 267, 326, 327.

⁵ P. 60-6. S.B. 1883. *Journal of the Senate of the State of Mississippi, Regular Session, 1960.* P. 319.

March 28, 1960 —At least thirteen important segregation bills were introduced into the Legislature; two were to amend the Constitution to require that electors be of good moral character;⁶ three were to amend the Constitution to eliminate written applications to vote;⁷ three were to amend the Constitution to eliminate the provision that the Legislature must maintain a public school system and to make the maintenance of a school system discretionary;⁸ one bill would permit the district Boards of Trustees to close the schools;⁹ and four [fol. 923] bills would make it perjury under state law to make false statements to any federal authority.¹⁰ These last four bills named the Civil Rights Commission and the Federal Bureau of Investigation specifically.

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

⁶ P. 60-7. S.C.R. 147 (Ch. 550). *Journal of the Senate of the State of Mississippi, 1960.* P. 351.

⁷ P. 60-8. S.C.R. 139, 142, 146. *Journal of the Senate of the State of Mississippi, 1960.* P. 350-352.

⁸ P. 60-9, P. 60-10, S.C.R. 143 (Ch. 547) H.C.R. 57, H.C.R. 58. *Journal of the Senate of the State of Mississippi, 1960.* P. 350. *Journal of the House of Representatives of the State of Mississippi, 1960.* P. 391.

⁹ P. 60-11. S.B. 1923 (Ch. 316) *Journal of the Senate of the State of Mississippi, 1960.* P. 340.

¹⁰ P. 60-12. S.B. 1921, H. B. 732 (Ch. 255), H.B. 733 (Ch. 263), H.B. 734 (Ch. 56). *Journal of the Senate of the State of Mississippi, 1960.* P. 340. *Journal of the House of Representatives of the State of Mississippi, 1960.* P. 383.

¹¹ P. 60-13. H.C.R. 67 (Ch. 519). *Journal of the House of Representatives of the State of Mississippi, 1960.* P. 536.

- April 13, 1960 —The Mississippi Legislature approved voter application destruction bill.¹²
- April 28 and May 5, 1960 —The Legislature of Mississippi passed a joint resolution to amend Article XII of the Mississippi Constitution of 1890 to include a new section (Section 241-A) which added the voter qualification of good moral character.¹³
- May 2, 1960 —The Mississippi Legislature approved a resolution to amend the Constitution so that grand and petit jurors need not be qualified electors.¹⁴
- [fol. 924] May 5, 1960 —Mississippi Legislature approved the resolution to amend the Constitution to add the good moral character requirement. It also approved the proposed amendment authorizing the Legislature eliminating the requirement that public schools be maintained and permits the maintenance of public schools at the discretion of the Legislature.¹⁵
- May 6, 1960 —The Civil Rights Act of 1960 was approved.
- November 8, 1960 —The proposed addition to Article XII requiring good moral character as a prerequisite to voting, was submitted to and adopted by the voters.¹⁶ Section 241-A as adopted gave the Legislature power to enforce the provisions thereof by appropriate legislation.

¹² P. 60-14. *Journal of the House of Representatives of the State of Mississippi 1960*. P. 564.

¹³ P. 60-18. *Mississippi Laws, 1960*, Ch. 550.

¹⁴ P. 60-15. *Journal of the House of Representatives of the State of Mississippi, 1960*. p. 992.

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

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

May 17, 21, and
22, 1962

The Mississippi Legislature adopted legislation implementing Section 241-A.¹⁷ Section 3235 of the Mississippi Code was amended to add:¹⁸

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

[fol. 925]

At the same time, Section 3209.6 of the Mississippi Code was amended to require the defendant State Board of Election Commissioners to include in the application forms spaces for information showing the good moral character of the applicant for registration.¹⁹ Two new laws were also enacted relating to the good moral character of the applicants: one requiring publication of the names and addresses of all applicants; the other providing the procedure by which qualified electors, by affidavit, could challenge the good moral character of any applicant for registration.²⁰

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

While Congress moves toward passage of a civil rights bill to help Negroes in exercising their voting

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

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

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

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

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

right in the South, Mississippi's legislature last week was working on new barriers to keep Negroes from voting.

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

[fol. 926] But, there apparently will still be some conflict between the voting provisions of the federal bill and the state laws.

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

Registration Study

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

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

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

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

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

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

With one eye on the public enactment of a new Civil Rights bill by Congress, the Mississippi Senate moved

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

Tuesday to permit voter registrars to destroy records of rejected Negro voter applications.

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

[fol. 927] But one Senator said later, 'If this bill is going to have any effect, it must be passed before the President signs the Civil Rights Bill.'

The *Jackson Daily News* reported in October, 1960:²³

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

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

On October 27, 1960, five days before the election, the *Jackson Daily News* stated:²⁴

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

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

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

'The state executive committee of the association of

²³ P60-28. The *Jackson Daily News*. Jackson, Mississippi. October, 1960.

²⁴ P60-29. The *Jackson Daily News*. Jackson, Mississippi. October 27, 1960.

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

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

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