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BLACK VOTER REGISTRATION EFFORTS IN THE SOUTH

John Lewis and Archie E. Allen***

I. Introduction

The history of black political participation in the United States has been one of struggle — pitting blacks against those forces which would continue to enslave and exploit minority groups, much like a game of tug-of-war. Since Reconstruction, as barriers have been broken, new ones have been erected in their place. Perhaps the words of Frederick Douglass in 1857 best describe the issue confronting black people in the South: “If there is no struggle, there is no progress. . . . Power concedes nothing without a demand; it never has and it never will.”

In this brief analysis of black voter registration, it must be understood that political empowerment is not merely a goal in itself, but the key to dramatic changes which the old South has fought and feared for three hundred and fifty-three years. Political empowerment of blacks in the South will alter forever the slave system which, through existing social, economic, and political structures, still casts a shadow over the region. Political empowerment, although presently incomplete, has already brought about changes in the southern climate which seemed impossible five or ten years ago. Through unfettered black political participation, the southern region, still the home of approximately 50% of the nation's blacks, can become a shining example of self-determination and liberation.

A full understanding of the promising, but presently precarious position of black political participation must be based on the historical setting of the enfranchisement process from the period of Reconstruction through the civil rights movement, an overview of current successes and problems, and a projection of needs which must be met if the relatively peaceful revolution now in progress in the South is to have a meaningful conclusion.

II. History of Enfranchisement and Disfranchisement

A. Reconstruction

For a short period after the enfranchisement of southern blacks by the Reconstruction Act of 1867 and the ratification of the fourteenth and fifteenth amendments to the Constitution in 1868 and 1870, the southern electorate was predominantly black. Under the supervision of military rulers in five districts, established to replace the former white southern governments, more than 700,000 blacks were registered to vote within a year.¹

The fifteenth amendment to the Constitution had been proposed by Con-

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1 U. S. COMMISSION ON CIVIL RIGHTS, POLITICAL PARTICIPATION 1 (1968) [hereinafter cited as POLITICAL PARTICIPATION].

gress when it became clear that the provisions of the fourteenth amendment were not sufficiently explicit to guarantee the franchise. Thus, on March 30, 1870, the fifteenth amendment was adopted with the declaration that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."²

In the decade following the Civil War, black citizens played a major role in the reconstructed southern state governments. It seems remarkable in light of the disruption of the region's social, economic, and political institutions and the ill effects of blacks' previous condition of servitude that reconstructed governmental structures functioned at all. However beset with problems, black representation during this period included a majority in the lower house of South Carolina's legislature, three lieutenant governors,³ and other major state posts, such as secretaries of state, speakers of the state houses, superintendents of education, associate justices of state supreme courts, district attorneys, sheriffs, and mayors. Fourteen blacks held seats in the United States House of Representatives and, in 1869, Blanche K. Bruce and Hiram R. Revels were sent to the Senate from Mississippi.⁴ The role of blacks in Reconstruction governments has been aptly described by one noted author: ". . . compared with revolutionary situations in other parts of the world, the Negroes exhibited considerable restraint and intelligence during the transition to their new status."⁵

More than merely achieving statistical representation in reconstructed governments, black representatives helped to accomplish notable improvements in southern life:

They provided for more universal suffrage by removing property requirements for voting; abolished the medieval system of imprisoning people for debt; abolished such cruel and unusual punishments as whipping and branding; reduced the number of crimes for which a man could be executed . . . and established statewide free public school systems (the first in Southern history). Although they did not redistribute the land, they did pass laws to protect the small farmer, and they attempted to institute a rational system of taxes. Nor were these benefits intended exclusively for Negroes. They were vital advantages also to the poor Southern whites. In effect, the Reconstruction state governments were attempting to bring about a peaceful socio-economic revolution in Southern society which would have benefited most Southern whites as well as Negroes. For this they earned the deepest hatred of the Southern ruling class.⁶

The white ruling class of southern conservatives, which bitterly opposed the enfranchisement of blacks, was able to successfully oppose political efforts of blacks and their white sympathizers through tactics ranging from election fraud to murder. Regaining local and state power, conservative whites sought to "redeem" the South, working through a number of extra-legal organizations,

2 U.S. CONST. amend. XV, § 1.

3 Black lieutenant governors held office in South Carolina, Mississippi, and Louisiana.

4 U.S. COMMISSION ON CIVIL RIGHTS, *supra* note 1, at 2-3.

5 E. FRAZIER, *THE NEGRO IN THE UNITED STATES* 136 (1957).

6 R. GOLDSTON, *THE NEGRO REVOLUTION* 119 (1969).

such as the Ku Klux Klan, Knights of the White Camelia, and the White League. The primary militant arm of southern conservatives, the Ku Klux Klan, was a secret society which used terrorist techniques of beating, burning, robbery, and murder. Some of the thousands of murdered victims were selected because of their leadership potential, while others were part of a campaign of random killings to spread general terror.⁷

Fraud and violence took its toll, beginning with Virginia and North Carolina in 1870, as white conservatives regained control of southern state legislatures. By the spring of 1877, Reconstruction governments had been entirely eliminated.

B. *Black Disfranchisement*

When President Hayes withdraw federal troops from the South in 1877, the road was cleared for whites to devise techniques to disfranchise blacks permanently. As one author has described the situation, “. . . within 10 to 15 years after 1867 the premature enfranchisement of the Negro was largely undone, and undone by a veritable revolution.”⁸ For a limited time, there was a revival of black voting in alliances with independent parties like the Virginia Readjusters, the Greenbackers, and the Populists, but this trend only served to culminate in “the final wave of race riots and constitutional disfranchisement.”⁹

Mississippi in 1890 and South Carolina in 1895 were the first states to amend their constitutions to effect black disfranchisement. Between 1898 and 1908, Louisiana, North Carolina, Alabama, Georgia, and Virginia followed in their steps. The effects of disfranchisement efforts were clearly reflected in black voter registration figures:

In Louisiana in 1896 there were 164,088 whites registered, and 130,344 Negroes. In 1900, the first registration year after a new constitution had been adopted, there were 125,437 whites and 5,320 Negroes registered. By 1904 Negro registration had declined to 1,718, and white registration was 106,360. This represented a 96 percent decrease in Negro registration, and a four percent decrease in white.

In Alabama, Mississippi and South Carolina disfranchisement began earlier. In 1883 in Alabama there were only 3,742 registered Negroes out of the 140,000 formerly registered. In South Carolina Negro registration decreased from 92,081 in 1876 to 2,823 in 1898. In Mississippi the decrease was from 52,705 in 1876 to 3,573 in 1898. Systematic exclusion continued up through the present time. Between 1920 and 1930 about 10,000 Negroes voted in Georgia out of a potential Negro electorate of 369,511, and in Virginia the Negro vote at any time in that decade was 12,000 to 18,000 out of a voting-age-or-over and literate Negro population of 248,347.¹⁰

Voter registration in the United States had been historically conducted simply as a means of identifying voters at the polls rather than being used as a requirement for voting. In the latter part of the 19th century, however, the

7 *Id.* at 120-23.

8 V. KEY, *SOUTHERN POLITICS* 356 (1949).

9 A. MEIER & E. RUDWICK, *FROM PLANTATION TO GHETTO* 178 (1970).

10 *BLACK PROTEST: HISTORY, DOCUMENTS, AND ANALYSES* 111 (J. Grant, ed. 1968).

southern states began to utilize registration as a disfranchising device.¹¹ New voter qualifications directed primarily against blacks included the initiation of various forms of literacy tests,¹² demonstration of ability to read and interpret portions of the Constitution, "good character" tests, property qualifications, the payment of a poll tax, and "civic understanding" tests. Residency requirements were lengthened and the list of disfranchising crimes was expanded to include those offenses most often committed by blacks. The vehicle of registration was exclusively placed in the hands of white officials at the state level to prevent black control at the local level.

The final hurdle for blacks who happened to meet the new registration requirements was the white primary system, described as follows by the U.S. Civil Rights Commission:

This . . . declaration by the Democratic Party that only whites were eligible for membership or allowed a voice in the nomination by the Democratic Party was tantamount to election, debarment from the nominating process was the equivalent of disfranchisement. The earliest primaries had been local, informal, and unregulated by law. Statutory recognition and regulation began in the mid-1880's and soon spread throughout the South. Permission was given to the parties either to formulate rules of membership themselves or to impose qualifications beyond those laid down by statute. By 1930, in 11 Southern States the Democratic Party barred the Negro from a share in the nominating process by statewide rule or by rules of the county and city Democratic committees restricting the Negro to nonpartisan and special elections and to general elections, in which his Republican vote was a mere gesture.¹³

C. *Death of the White Primary — 1944*

It was not until the decade of the 1940's that the level of black voter registration began to increase to any significant degree. For many years, the Supreme Court's record had been one of ignoring the issue of whether constitutional disfranchisement violated the fifteenth amendment.¹⁴ In *Smith v. Allwright*¹⁵ the Supreme Court handed down an opinion which declared the white primary unconstitutional under almost any conceivable circumstances — a decision tenaciously followed in subsequent court rulings. During the period 1940 to 1944,

11 L. JACKSON, *RACE AND SUFFRAGE IN THE SOUTH SINCE 1940* 8 (1948).

12 The "grandfather clause" was utilized in conjunction with literacy tests in Louisiana, North Carolina, Alabama, Georgia, and Virginia to assure that illiterate whites were not disfranchised. These exemptions allowed persons, not otherwise qualified, to vote if they were descendants of persons who had voted, or served in the states' military forces before a specified date. The "grandfather clause" was struck down by the Supreme Court in *Guinn v. United States*, 238 U.S. 347 (1915) but other registration devices continued to be utilized to disfranchise blacks.

13 *POLITICAL PARTICIPATION*, *supra* note 1, at 7.

14 *Williams v. Mississippi*, 170 U.S. 213 (1898); *Giles v. Harris*, 189 U.S. 475 (1903); and *Guinn v. United States*, 238 U.S. 347 (1915). The impact of the fourteenth amendment had been narrowed in *Civil Rights Cases*, 109 U.S. 3 (1833), and "separate but equal" segregation was approved in *Plessy v. Ferguson*, 163 U.S. 537 (1896).

15 321 U.S. 649 (1944).

the level of black voter registration in the eleven southern states remained near five per cent of the black voting age population.¹⁶

By 1947, voter registration in the South had increased to approximately twelve per cent of the black voting age population.¹⁷ With the elimination of the white primary, southern whites relied more heavily on the use of literacy tests and, to a lesser degree, the poll tax to bar blacks from the ballot. One noted author has pointed out that while black voter registration more than doubled in a three-year period after *Smith v. Allwright*, white registration in most southern states increased at an even faster rate:

. . . the proportionate number of qualified voters among the whites is still overwhelming. In Florida the ratio is about 14 to 1; in Virginia 20 to 1; and in Louisiana, 100 to 1.

In no State of the South does the Negro population exceed the white, and in no political subdivision of a State does the number of qualified Negro voters exceed the white. In the black belt of Virginia, where the races are about equally divided in number, the white qualified voters outnumber the Negro 6 to 1. In all the other black belts of the South, the ratio in favor of the whites is probably much greater. It would therefore require a stretch of the imagination for anyone to assert that white supremacy is threatened by the present size of the Negro electorate. . . .¹⁸

Black voter registration continued to rise, increasing to twenty per cent of the voting age population in 1952 and, by 1956, leveling off at approximately twenty-five per cent. Although the period of most severe reaction and demagoguery had passed, violence and intimidation were still political factors in the 1950's. One author duo¹⁹ attributes the rise of racial tensions and subsequent slowdown of black voter registration to reactionary aftermath created in the South by the 1954 Supreme Court decision in *Brown v. Board of Education*.²⁰ As they describe it, "Racial tensions grew alarmingly, and white resistance to Negro advancement stiffened in every realm, including the political. Several states adopted new and more demanding voter requirements, and others applied old requirements more strictly."²¹

D. *Birth of the Black Liberation Movement*

While white opposition to black political participation was once again increasing in intensity in the mid-1950's, a new dimension was added to the black struggle for the right to vote. Under the leadership of the dynamic Dr. Martin Luther King, Jr., black people in Montgomery, Alabama rose up and decided to

16 These figures were obtained from U. S. Census Data and G. MYRDAL, *AN AMERICAN DILEMMA* 488 (1944). Throughout this article, registration statistics must be considered "reasonably accurate estimates" because official reports are not uniformly available throughout the South.

17 M. PRICE, *THE NEGRO VOTER IN THE SOUTH* 5 (1957). This statistic includes the 11 southern states and Oklahoma.

18 JACKSON, *supra* note 11, at 25.

19 D. MATTHEWS & J. PROTHRO, *NEGROES AND THE NEW SOUTHERN POLITICS* (1966).

20 347 U.S. 483 (1954).

21 D. MATTHEWS & J. PROTHRO, *supra* note 19, at 17.

take their destiny into their own hands. Utilizing the creative concept of non-violent, passive resistance, the group successfully conducted a municipal bus boycott during 1955-56 which accomplished desegregation of city buses and thrust Dr. King into world prominence as a black spokesman and leader. This successful effort signaled the beginning of the black liberation movement in America — a southern based movement which served notice on the nation that blacks would no longer be dependent upon litigation and legislation to win fulfillment of their rights and aspirations as American citizens.

After the Montgomery bus boycott, black people, who had witnessed that event or otherwise learned of its dramatic impact, initiated similar efforts throughout the South. Within a year, no less than 42 local movements had been organized and had achieved some measure of success in combatting local practices of segregation. The strength of such local movements contributed to the enactment of the 1957 Civil Rights Act,²² through which the 85th Congress gave the United States Attorney General statutory authority to institute suits on behalf of blacks deprived of voting rights. Again, though this was a step forward, "litigation was protracted and successfully reached only a small percentage of counties where Negro registration was being limited."²³ Noting that hundreds of thousands of blacks were still disfranchised in defiance of the fifteenth amendment, the U.S. Commission on Civil Rights, an agency officially created by the 1957 Act to gather evidence on voting violations, recommended to the President and to the Congress that all literacy tests be abolished as prerequisites to voting in federal elections and that federal registrars be appointed to register applicants when local officials failed to do so.²⁴

In a 1959 report of the Southern Regional Council (SRC), Margaret Price described two distinct forces facing blacks of voting age in the South:

On one side is the nation as a whole. Congress has passed the first Civil Rights legislation since Reconstruction. Federal courts have spoken with increasing frequency and clarity on the right of every American to legal equality and justice.

On the other side, stand local custom and resistance to change. In this camp there is a vocal, sometimes violent and threatening element. There are also many political candidates who use racism as a stepping-stone to public office. What these elements lack in national support is offset, at least temporarily, by the fact that they are on the scene. The threat of Main Street often can be more real than the hope of Washington.

The influence of basic national forces indicates that the long range prospect is for a steady, if slow, growth in Negro suffrage in the South. As Negroes improve their educational and economic standing, their interest in voting can be expected to grow. Along with this growth should come an expanded, experienced leadership. If the trend toward urbanization continues, more Negroes can be expected to vote in cities, which are generally more permissive. The existing new federal agencies also may be expected in the long run to encourage more Negroes to exercise their basic civil rights.

However, there seems to be no reason to expect a sudden, dramatic rise

²² 42 U.S.C. § 1971 (1970).

²³ POLITICAL PARTICIPATION, *supra* note 1, at 10.

²⁴ REPORT OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS, at 131-32, 141 (1959).

in the number of Negro voters in the South, for the obstacles which have restricted Negro voting in the recent past are still strong.²⁵

E. *The Civil Rights Movement of the 1960's*

In the latter part of the 1950's even civil rights participants and the closest observers of the southern scene failed to recognize that the black movement's time had come. Whatever the importance of the Montgomery bus boycott the massive wave of sit-in demonstrations in 1960 provided the first decisive break with the pre-eminence of legalistic techniques of social change in the South. Describing the massive movement which culminated in a mixture of success, wholesale arrests, police brutality, mob resistance, and failure, August Meier and Elliot Rudwick observe:

The civil rights movement would never be the same. The Southern college sit-ins set in motion waves of events that shook the power structure of the black community. They made direct action temporarily pre-eminent as a civil rights technique, ended NAACP hegemony in the civil rights movement, speeded up incalculably the whole process of social change in race relations, all but destroyed the barriers standing against the recognition of the Negro's constitutional rights, and ultimately turned the black protest organizations toward a deep concern with the economic and social problems of the masses. Involved was a steady radicalism of tactics and goals. . . .²⁶

Buoyed by the success of the nonviolent sit-in movement and the effectiveness of the Freedom Rides, the attention of the black movement shifted to the political arena. In 1961, the Voter Education Project (VEP) was created under the Southern Regional Council to identify causes of minimal black political participation and to research methods of effecting remedies. Through the major civil rights organizations,²⁷ the VEP initiated a nonpartisan program, channeling funds for local voter registration drives into the eleven southern states. As a result of such increased registration activities, the registration of approximately 500,000 blacks in the period between 1960 and 1964 represented the most dramatic increase rate of any four-year period since Reconstruction.

Legislative acts in the early 1960's added to the impact of the 1957 Civil Rights Act, but did not significantly affect the rate of black voter registration. The Civil Rights Act of 1960²⁸ provided for the appointment of federal voter "referees" to register potential voters when the courts determined that there was a pattern or practice of depriving blacks of their vote in a specified area. A constitutional amendment outlawing the poll tax only in federal elections had been proposed by Congress in 1962 and became the twenty-fourth amendment to the Constitution in 1964. The 1964 Civil Rights Act²⁹ had also as its aim the guarantee of equal access to the ballot. In general, it made

25 M. PRICE, *supra* note 17, at 6-7.

26 A. MEIER & E. RUDWICK, *supra* note 9, at 257-58.

27 Southern Christian Leadership Conference (SCLC), Student Nonviolent Coordinating Committee (SNCC), Congress of Racial Equality (CORE), National Association for the Advancement of Colored People (NAACP), and the National Urban League.

28 42 U.S.C. § 1971(e) (1970).

29 42 U.S.C. § 1971(a) (2) (1970).

. . . unequal administration of voting requirements a federal crime, prohibited the denial of the right to vote on the basis of minor errors or omissions in the process of applying to vote, required that all literacy tests be given in writing and that applicants be able to examine these tests after taking them, and stated that a sixth-grade education must be considered proof of literacy.³⁰

By 1964, 2,074,461 blacks were registered to vote, but the civil rights movement faced staunch southern conservative opposition. The Mississippi Freedom Summer of 1964, a project designed to focus national attention on voting rights violations, again attracted white violence and intimidation which included the torture and beating of two white volunteers and a black civil rights worker in Philadelphia. The summer's activities were climaxed by the presence of the predominantly black Mississippi Freedom Democratic Party (MFDP) at the Democratic National Convention. Utilizing the public forum of the convention, the MFDP vividly documented charges that blacks had been denied voting rights, that voter registration tests were discriminatory, and that blacks had been totally excluded from participation in the precinct meetings and other affairs of the Mississippi Democratic Party. In 1964, only 6.7 per cent of the black voting age population of Mississippi was registered, compared to 70.2 per cent of the white voting age population. In the southern region as a whole, 40.8 per cent of the black voting age population was registered while comparable white rates stood at 63.1 per cent.³¹

F. "Bloody Sunday" and the Voting Rights Act

The black southern voting rights movement came to a head on Sunday, March 7, 1965, when a small but courageous band of demonstrators, including old women and young children, attempted to dramatize denial of the right to vote by marching from Selma to Montgomery, Alabama. Witnessing the event via the mass media, millions of Americans were stunned and world-wide opinion was galvanized by the bloody event which followed. Typical of news coverage were these comments from the *London Times*:

At least 67 Negroes were injured, some of them seriously, in Selma yesterday when state and local law enforcement officers waded into them with clubs, bullwhips, and ropes beneath a smoke-screen of tear gas as they set out for the state capitol of Montgomery as a protest over difficulties in registering for the vote.

Mr. John Lewis, the chairman of the student nonviolent co-ordinating committee, was in the hospital today with a possible fractured skull, and 17 other Negroes were detained with broken arms or legs or other injuries. One of Selma's doctors said the Good Samaritan Hospital looked last night as though there had been a moderate disaster, and a hospital official was

30 D. MATTHEWS & J. PROTHRO, *supra* note 19, at 19.

31 Voter Education Project (VEP), Southern Regional Council, Inc. From 1962 to 1970 the VEP was a program of the Council. In June, 1970, the VEP separated from the Council and became an independent, private, nonprofit corporation.

quoted as saying there was a great deal of pain and suffering among the wounded, most of whose injuries appeared to be the result of heavy blows.³²

One week later, the President of the United States appeared before a special session of Congress to urge speedy enactment of voting rights legislation. In the text of his speech was the long overdue acknowledgment that "in many places in this country men and women are kept from voting simply because they are Negroes." He further asserted that: "No law we now have on the books . . . can ensure the right to vote when local officials are determined to deny it."³³ On August 4, 1965, after four months of contemplation by Congress, the Administration's voting rights bill was finally passed, and was subsequently signed into law by the President on August 6.

The Voting Rights Act of 1965,³⁴ covering six southern states (Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia) and 40 counties in North Carolina,³⁵ banned all forms of literacy tests and any similar devices which had been used to deny citizens the right to vote in federal, state, local, general, or primary elections. Authorizing direct federal action, the act provided for the appointment of federal examiners to qualify voters in those areas where tests and devices had been suspended and for federal observers to monitor elections in those areas.

While the 1965 Voting Rights Act eliminated the perennial technical barriers to the ballot, the power of the Act could only be measured by a strong federal commitment to enforcement. According to the records of the Civil Service Commission, by December 31, 1967, 150,000 blacks had been registered by federal action. In those areas of the South where examiners were dispatched, notable progress occurred, but it was obvious that extreme forms of intimidation, harassment, and denial of the right to vote were present in far more than the 58-county area designated for remedial action. Thus, while the 1965 Voting Rights Act was the century's most significant legislative measure dealing with the enfranchisement of blacks, its positive effects were still limited to a degree by federal reluctance to institute full enforcement. The use of the poll tax as applied to state elections was struck down as unconstitutional in 1966 by the Supreme Court in *Harper v. Virginia State Board of Elections*.³⁶ Black voting right gains in the mid-1960's thus set the stage for the registration of hundreds of thousands of southern blacks.

III. Progress Since Enactment of the 1965 Voting Rights Law

With the elimination of the literacy test, some observers expected an immediate rush to local registrar offices which would culminate in several million

32 London Times, March 9, 1965.

33 111 CONG. REC. 4294 (daily ed. March 15, 1965).

34 42 U.S.C. §§ 1971, 1973-73p (1970).

35 Section 4 of the Act suspends the use of literacy tests and other specific prerequisites to registration or voting in any state or political subdivision where any such test or device was in effect in November, 1964, and where less than 50 per cent of the black voting age population voted in the November, 1964, election. In addition to coverage in the South, the formula, in 1965, applied to Alaska, three counties in Arizona, one Hawaii county, and one Idaho county.

36 383 U.S. 663 (1966).

new black voters. Such expectations obviously did not take into account the degree of oppression to which black people had been subjected and the capacity of a racist system to continue to dominate the psyche of an oppressed people even after physical barriers to full potential participation had been removed. The observations of Margaret Price, made a decade earlier, accurately pinpoint a major cause of reluctance on the part of blacks in refusing to register following passage of the Voting Rights Act. These observations are still applicable and accurate in parts of the South in 1972:

No one can know . . . to what extent the system of segregation has deadened initiative and civic interest. After being deprived of first class citizenship and the ballot for so many years, ignored by the white community except in a menial capacity, and cut off from policy-making bodies, Negroes as a group could not be expected to develop a strong sense of civic and political responsibility overnight.

. . . After decades of discrimination, there remains a natural reluctance to test the new policy. . . . Most people, whatever their color, can experience only so many rebuffs before withdrawing into a protective state of inaction.³⁷

Even in 1965, there were fewer than 100 black elected officials in the 11 southern states, making it difficult for black voters to see compensation for risking the displeasure and perhaps retaliation of the white community upon whom they were still, in many ways, dependent. The notion that "politics is white folks' business" had been prevalent in black communities since the turn of the century. Reinforced by lynchings and other forms of unspeakable violence, the quotation, "bread before ballots" struck a responsive chord.

A. Voter Registration

Despite the almost total conditioning to the contrary, many black people did respond to the newly opened doors to the political arena. According to the statistical estimates of the Voter Education Project, more than a million and a half black voters have become registered to vote in the South since 1966. This fact alone is significant, but there are other, more dramatic, indices to suggest that southern politics has begun to be reshaped by the infusion of black participation.

B. Black Elected Officials

One of the most visible results of increased black political participation is the number of black elected officials in the South today. From a figure representing fewer than 100 in 1965, the number of black elected officials will have increased tenfold by the end of 1972. Of the 2,264 black elected officials in the United States as of March, 1972,³⁸ 873 were southern officeholders. As black voter registration increased following the enactment of the voting rights law, the number of black elected officials increased also as follows: 1966 — 159;

³⁷ M. PRICE, *supra* note 17, at 30.

³⁸ This information was supplied by the Joint Center for Political Studies, Washington.

December, 1968 — 385; November, 1970 — 644; and August, 1971 — 735.³⁹ Thus, as registration increased, more black candidates were given incentive to run for office and many were elected. This, in turn, stimulated further registration efforts.

While the influence of increased black representation has hardly affected the political structures of national politics, southern politics at the local and state levels have undergone a degree of transformation. A VEP breakdown of positions held by southern black officeholders indicates that blacks hold six state senate seats and 41 positions as state representatives. 111 positions held by blacks are at the county level, including commissioners, supervisors, councilmen, and election commissioners. Blacks hold 425 municipal offices, including 31 mayors, and 372 councilmen, aldermen and commissioners. 176 blacks hold elected positions on school boards (many other blacks holding *appointive* school board positions), and the remaining 117 black officials occupy law enforcement positions ranging from judges to justices of the peace.

The increase of black representation can be most vividly illustrated at the state level in Mississippi, where black voter registration has increased from 28,500 in 1964 to over 300,000 today. Ten years ago, there were no black elected officials in Mississippi. Today, Mississippi, with a total of 128, leads the southern states with the largest number of black officeholders. In the Mississippi general elections of 1971, a record number of 309 black candidates sought public office at all levels. Although the election results reflecting defeat for 237 black candidates were disappointing to many persons, the victories of 72 black candidates at the beat and county levels represented a net increase of 34 new black officials. Elected to public office in 1971 were 7 members of county boards of education, 16 members of election commissions, 1 state representative, 5 county-wide officials (including a tax assessor and a circuit clerk), and 46 county beat-level offices.

C. *Southern Electoral Activity — 1971*

Although 1971 was considered an "off year" in terms of national electoral politics, elections throughout the South produced an historic increase in the number of elected offices held by blacks. From Virginia to Texas, black incumbents were highly successfully in winning re-election to office and emerging candidates gained valuable experience and broke new ground by winning many posts previously held only by whites. The import of these recent gains is obvious in such communities as Gretna, Florida, which has a predominantly black local government for the first time since Reconstruction, and Sandersville, Georgia, which now has a black majority on the city council. For the first time in the history of the South, black officeholders were elected in 1971 to seats on municipal governing boards in Georgia, Florida, Tennessee, South Carolina, and Texas.

Two of the most significant victories in the South in 1971 were the election of black supervisors in Surry and Charles City counties in Virginia—an event which gives black officials the balance of power on the two boards. An editorial by the *Richmond Times-Dispatch*, describing white reaction to the election

³⁹ Statistics furnished by Voter Education Project, Inc., Atlanta.

results in these predominately black counties, stated that there had been "no shock waves" or "outbursts of indignation or umbrage from the white power structures that have traditionally controlled the county governments." The editorial continued that there had been expressions of goodwill and pledges of cooperation.

D. Transformation of White Politics

Increased voter registration and black political participation have also brought about the beginnings of change in white southern political life. The atmosphere of southern politics has undergone a vivid transformation which, again in 1971, was illustrated by the decline of racist demagoguery and the rise of reason in campaigns conducted by white politicians who recognize the ever-growing importance of the black electorate. Even in areas where blacks do not constitute a majority of the population, their numbers represent a significant and often decisive political force — a lesson which has not been lost to governors, mayors, and other white politicians across the South.

E. Mississippi — Opening the "Closed Society"

Again, the transformation of southern politics might be best illustrated in Mississippi — a state known in the past for its brutal record of oppression and denial of basic rights to black citizens. It was in Leflore County, Mississippi, for example, that the Voter Education Project initiated its first local registration campaign in 1962. At that time, only 250 black people were registered although blacks outnumbered whites in that county by a margin of 13,567 to 10,274. When civil rights workers supported by VEP funds first attempted to organize in the county seat of Greenwood, they were arrested and harassed by local police, attempts were made at endangering their physical well-being, and local black families were afraid to give them lodging in their homes or be associated with them in any way. Nine years later, after effective organizing and the determination of a few local black leaders, black political organizations have built a formidable base. Voter Education Project officials, returning to Leflore County, found that registration had increased from 250 in 1962 to 9,400 in 1971, with blacks holding 50 per cent of the ballot power. Local police provided traffic coordination at the site of a large mass rally in Greenwood as the VEP speakers, in contrast to the first VEP effort, received one of the most exhilarating welcomes on their two-week tour of the state.

As the 1971 VEP tour covered the state of Mississippi, it became obvious that the "closed society" had begun to open its doors to the knock of the black ballot. Across the delta and throughout the state, VEP workers were given official receptions and police escorts in towns where, as civil rights workers and organizers in the 1960's, they had been harassed and arrested as Freedom Riders, outside agitators, and troublemakers.

In several towns, white politicians came out to black voter registration rallies and mass meetings to woo prospective votes. This activity contrasts sharply

with past images of white officials in Mississippi who, at best, refused to be concerned with black voting rights. One of the most dramatic moments of the VEP Mississippi tour came in Belzoni, a small town known for its reputation of violence against blacks exercising the franchise.

In Belzoni in 1954, Rev. George Washington Lee, a local NAACP president, was killed because of his voting rights activity. The United Press gave this background on the Lee death:

The Reverend Lee was shot, allegedly on the day he refused a request from a white citizen that he remove his name from the voters' registration list. In that death, first of three race killings in Mississippi this year, Lee reportedly was driving down a Belzoni street when a car in which two white men and a Negro were riding suddenly came from behind and a shotgun blast shattered the Negro's car.⁴⁰

A coroner's inquest returned a verdict of accidental death and made no reference to the wounds in Reverend Lee's face. A black grocer, Gus Courts, Lee's successor to the NAACP position, was told to resign his post, was forced to move his grocery store, and upon refusing to remove his name from the voting rolls, was shot and seriously wounded in November, 1955. T. V. Johnson, a black undertaker, was also advised to remove his name from the Belzoni rolls if he desired continued credit. With such recollections, the VEP workers planned their 1971 visit to Belzoni with a degree of apprehension and caution.

Meeting on a sweltering summer evening, the VEP officials were startled when the mayor of Belzoni, a middle-aged white man, interrupted the program as he entered the black church, strode to the front of the building, shook hands with the speakers, and welcomed them to Belzoni. Analyzing why the mayor of Belzoni had come out to welcome the tour members, Georgia State Representative and VEP Board Member Julian Bond noted that over half the town's registered voters were black and concluded, "He didn't come to that church to see us, but to have the black people of Belzoni see him see us. He likes being the Mayor of Belzoni. He wants to go on being the Mayor of Belzoni."

Belzoni was not the only town where white candidates or officials came out to make political hay with the crowds drawn by the VEP tour. In Moss Point, Mississippi, the white sheriff was one of the guests seated on the otherwise all-black speakers' platform. In Amite County, another area with a history of racial violence, the white sheriff and his deputies attended a black church rally and, when local candidates were called upon to stand and introduce themselves, the sheriff took the floor, saying, "I don't think I have to introduce myself since most of you know me. I really don't come down here to make no political speech or nothing. I am the sheriff of Amite County and I'm running for re-election. I believe if you get a good man in office, you should keep him. If you see fit to vote for me, I'd appreciate it very much."

In an interview with one newspaper reporter accompanying the VEP Mississippi tour, the press secretary to Mississippi Governor John Bell Williams expressed no surprise when told that white officials had been attending black

40 M. PRICE, *supra* note 17, at 21.

registration gatherings. His comment was, "If the blacks hadn't registered, things wouldn't have changed one iota, but now these mayors know they'll be ex-mayors if they don't look after those votes."

Since June, 1971, the Voter Education Project officials have toured rural and urban areas in eight of the eleven southern states. In cotton fields, pool halls, school gymnasiums, churches, auditoriums, and on city streets, the reaction of local black communities has been one of welcome and enthusiasm. With few exceptions, white officials and law enforcement offices have made a public effort to provide courtesy police escorts, provide security protection, and otherwise cooperate with the visiting voter education workers. Throughout the tours, local black officials were in the forefront, proudly representing their communities as they welcomed the visitors. Throughout the South, change is in the air and clearly visible to observers who have witnessed the black struggle for the right to vote over the past decade and a half.

F. Selma: A New Symbol

Since "Bloody Sunday" in 1965, Selma, Alabama has been regarded as the historic symbol of massive resistance to black voting rights. Dallas County, of which Selma is the county seat, is a black-majority county in which only 2.1 per cent of the eligible blacks of voting age were registered prior to the 1965 Voting Rights Act. Since 1965, the black registration level has reached 67 per cent.

The real significance of the increase of black voter registration in Dallas County was demonstrated in the August, 1972 municipal elections, in which black candidates won five of the ten seats on the Selma city council. Because the chairman is white, blacks do not constitute a majority on the council, but the black electorate has obviously come a long way since Selma was the battleground which gave birth to the Voting Rights Act only seven years ago.

IV. Remaining Barriers to Black Political Participation

Although the principal legal barrier, the literacy test, has been removed, it would be a serious error to assume that black struggle for the right to vote has accomplished its objectives. The South remains a region of contradiction in which blacks have made progress, but barriers to full participation are formidable and easily documented.

A. Voter Registration

The enormity of the unfinished task of registering potential black voters is exemplified by the rough approximation that as of 1972 over 2.5 million blacks are still unregistered in the eleven southern states.⁴¹

⁴¹ This VEP estimate includes black youth enfranchised by the twenty-sixth amendment to the U.S. Constitution in 1971. Of the estimated 6,350,000 young people in the South in 1972 between the ages of 18 and 25, blacks total over 1,400,000.

Current estimates of voter registration statistics indicate that previously published data on black registration levels were somewhat high. This discrepancy was caused by the utilization of the 1960 census data as a basis for projecting the estimate of voting age population. The current estimates, including eighteen year-olds in the voting age population and utilizing the 1970 census data, indicate voter registration levels for ten of the eleven southern states as follows:⁴²

VOTER REGISTRATION IN THE SOUTH
(August, 1972)

State	Percentage of Black VAP* Registered	Percentage of White VAP* Registered
Arkansas	80.89	61.39
Alabama	54.68	78.52
Florida	52.87	64.65
Louisiana	56.64	77.72
Mississippi	59.37	69.66
N. Carolina	44.38	60.60
S. Carolina	45.84	49.73
Tennessee	65.55	67.30
Texas	68.16	56.76
Virginia	52.04	59.62
*Voting Age Population		

Voter registration levels in North and South Carolina remain well below the 50 per cent level, the formula which was used in the South to determine the need for protective coverage under the 1965 Voting Rights Act. Only in Arkansas does the percentage of blacks registered exceed the percentage of white registration.

To understand why approximately 2.5 million blacks are still unregistered in 1972, it is necessary to probe beneath the sometimes illusory rhetorical image of a "new South." While there is some validity to the image, it would be dangerous for the black liberation struggle and for the Nation at large to conclude that, since a law has been enacted, its enforcement and full political participation of minorities will automatically follow. A climate of fear and intimidation is still far too prevalent in the South. Rather than simplify the process of political involvement, efforts are constantly being made to again turn back the hands of time and impede black political progress.

Violent acts and assassinations do not occur as frequently as they once did, but sporadic acts of violence and political murders have not been eliminated. Since Mississippi was used to exemplify change and progress, it is only fair to show the other side of the coin and document the contradictions.

Lynchings and murders are commonly regarded as part of the savagery of past decades in Mississippi, but this odious form of barbarity continues into the

42 At the time of publication, complete statistics for Georgia had not been compiled.

1970's. In a five day period in May, 1971, the murders of five black persons, allegedly by white assailants, were reported in the delta of Mississippi. The most widely publicized of this series of murders was the death of eighteen year-old Jo Etha Collier, a high school student from Drew who was slain on the night of her graduation.

Civil rights workers and voter registration organizers regarded the Mississippi murders of 1971 as acts of political assassination, having a direct relation to the black movement's political organizing efforts. As Julian Bond explained in a press conference during the 1971 VEP Mississippi tour, "The alleged murderers may not have said, 'Let's kill this young lady,' but I think they knew full well that an incident of terror, with no rhyme or reason behind it, would strike fear into the hearts of black people and make them hesitant about attempting to register to vote. In this state, where there is an upsurge of black voter registration, it is obviously upsetting to some of the white people."⁴³

It was true in Mississippi that white harassment accelerated at a corresponding rate with the intensification of black voter registration activity. During the spring and summer of 1971, registration workers organizing in black communities were shot at, arrested on false traffic charges, and had their auto tires slashed. At one point, a minister and a nun were threatened at gunpoint. Such incidents are indicative, not only in Mississippi but throughout the South, that there are yet many whites who apparently feel they can abridge the rights of blacks and not be brought to justice.

Perhaps the remaining single greatest deterrent to black voter registration and political participation is the threat of economic reprisal. Since slavery, the southern power structure has capitalized on the economic dependency of blacks. The sharecrop system, instituted after the period of Reconstruction, continues to be a device of economic exploitation in rural areas throughout the South. In addition to the obvious economic controls exercised by whites in the area of employment and housing, whites who control welfare checks, Social Security benefits, food stamps, farm loans, Medicare, and mortgages have a very real weapon with which to threaten blacks who would "step out of line" and register to vote.

As the Voter Education Project distributes allocations and provides technical assistance to local community voter registration groups, it requires the submission of a weekly report of activities, progress, and problems. In recent years, these local project reports indicate that the fear of economic reprisal is the reason most often given by black people for refusing to register. The mere threat of economic sanctions is often sufficient to discourage black enthusiasm for voter registration; and the problem is further compounded in that it is usually quite difficult to *document* charges of discrimination. The difficulty of documentation and the fact that the burden of proof lies with the victimized prospective black registrant make it unlikely that legal remedy and redress will be effected. Thus, the threat of reprisal, underscored by an occasional loss of job or eviction from a house, is in fact a very real barrier to the ballot.

Economic reprisal is also a factor which affects areas of black political

43 Voter Education Project press conference, Jackson, Mississippi; June 23, 1971.

participation beyond the stage of voter registration. Recent complaints received by the VEP illustrate that the candidacies of black political aspirants and the actual turnout of registered voters for elections can also be threatened. For example, a school board candidate in Louisiana was charged with fraudulently obtaining food stamps. The frequency with which such charges of violations of administrative regulations coincides with active black political involvement constitutes a pattern of harassment in many areas of the South. In another example, the black candidate was not directly attacked, but a daughter was threatened with dismissal from her job. In the "plantation areas" of the South, many blacks who would leave the fields to register or to vote, do so at the risk of their jobs. Of course, political activity would never be publicly described as the reason for the termination.

Often the hours kept by registration offices coincide with working hours, making it virtually impossible for persons of any race to register without losing time from their work. In most of the southern states, registration is conducted only at the county courthouse, requiring round-trip travel of 40 or 50 miles or more for residents in outlying areas of rural counties. The lack of dispersed registration centers, the reluctance of election officials to appoint deputy registrars, and the absence of mobile registration stations also contribute to the suppression of initiative on the part of potential black registrants.

Even in 1972, it is still common to find blacks throughout the South who are seemingly apathetic, contending that "politics is white folks' business" and they "don't want to be involved in that mess."

Relative to past decades, it is easier in the 1970's to educate the unregistered black masses by pointing to black political successes and achievable short-range goals. The problem, however, of overcoming the psychological effects and after-effects of oppression is a lingering one.

In addition to the real and psychological barriers confronting prospective black registrants, harassment and hostility are still encountered in offices of the local registrars. The technique of harassment and the degree of hostility may vary, but reports documenting administrative barriers to the ballot are received by the VEP from most of the southern states. Irregular hours are one means of discouraging persons who may have traveled far and who may have only a short time to register. In many places, registrars' offices are open only a few days each month, adding to the difficulty of organizing effective black registration drives. Delaying devices such as the practices of registrars opening registration offices late and closing early, taking prolonged lunch breaks, and keeping blacks waiting in line are commonly reported. In some instances, registration schedules have been found to be unannounced and unavailable to black citizens. Another form of harassment is the requirement that black applicants produce documentation of place of residence or proof of age. (Even though the only age requirement is that applicants must be over eighteen, many elderly blacks have been initially denied the opportunity to register until they could document the year of their birth.)

The voter registration program of the Voter Education Project is generally one of supporting local organizations which, with the assistance of a small grant,

conduct intensive four-to-eight-week citizenship education and registration drives. These efforts culminate in the last weeks with dramatic increases in the number of black registrants in the target communities. During such peak periods of black registration, several local registrars have instituted unusual regulations, allowing only one applicant inside the office or the building. In a few instances, registrars have not only intensified slowdown tactics, but have closed their offices completely, citing the unusual volume of paperwork as the reason. During a VEP tour of Arkansas in June, 1972, voter registration activities were planned to coincide with rallies and speaking engagements, but in one location, the registrar publicly announced on the morning of the arrival of the VEP team that the registration activity would not be permitted.

In Mississippi, voter registration workers in 1971 found themselves facing a more serious administrative challenge. Numerous complaints charged that local registrars had greeted blacks with disrespect and outright hostility and abuse. The most serious threat to black progress, however, was that of re-registration. Supposedly guided by State redistricting requirements, election officials in many counties decreed that all registered voters, including those who had not yet voted, had to re-register in order to be able to participate in the fall elections—a decision which affected over 40 per cent of Mississippi's registered black voters.

Since county registrars could, and in many counties did, simply transfer the names of voters from one district list to another, an obvious effect of re-registration was to intimidate black voters.

For blacks, the trip to the courthouse recalls centuries of oppression and degradation which continue to the present. Since whites had not faced barriers of discrimination and hostility at the hands of local officials and registrars, they had little difficulty in making the decision to re-register. Thus, given the geographic application of the ruling (an area with large concentrations of blacks), the only conceivable purpose of re-registration was an attempt to roll back the advances which blacks had made in recent years.

Citing those forces responsible for re-registration, the VEP charged that the federal government had abdicated its responsibility for enforcement of the 1965 Voting Rights Act. VEP testimony before a congressional subcommittee evaluating the implementation of the Voting Rights Act in Mississippi underscored that the policy of re-registration had been implemented by county officials without the required prior approval of the Justice Department—an obvious and direct violation of the Act. In other cases, as the testimony indicated, the Justice Department had reviewed and approved the plans after the fact and “too late to impress black citizens in Mississippi that the government is committed to protecting their rights.”⁴⁴

The Voter Education Project was one of several organizations which officially requested federal intervention to protect the rights of black Mississippi citizens who, in 1971, were still being deprived of their rights. It was recommended that the July 2 voter registration deadline be extended and that federal

⁴⁴ Testimony of John Lewis, *Hearings Before the Civil Rights Oversight Subcommittee (Number 4) of the House Committee on the Judiciary*, ser. 8, at 244 (1971).

examiners be sent into every county which fell under the requirement of re-registration.

During the period from August 23 through September 17, 1971, federal examiners were stationed in five local Mississippi offices to continue the registration of potential black voters who had been denied the opportunity to register during the regular period. Although the federal presence was welcomed by blacks in the South who had not received much-needed assistance from federal examiners in several years, the examiners were sent into only three counties in which blacks had experienced problems. A Justice Department official, when asked why only three counties were chosen for examiners, stated, "We don't go into that . . . We make a recommendation to the Attorney General. He decides where or if he should send in examiners, but we never give the reasons as to why."

Despite the limitations of the effort, the presence of federal examiners in Mississippi in 1971 had a positive effect. During the four-week period of operation, the examiners registered a total of 1,311 persons in Tallahatchie, Humphries, and Madison counties.

The VEP testimony before the Civil Rights Oversight Subcommittee of the U.S. House of Representatives also summarized the feeling of isolation and frustration felt throughout the South:

Black people have a sense of hopelessness because they feel they have nowhere to turn for justice. For one fleeting moment, in the sixties, blacks found encouragement and a sense of hope from the intervention of the federal government in support of civil rights and equal opportunity.

. . . To continue the passive enforcement level which now exists is to seriously jeopardize the fundamental rights of two-and-a-half million unregistered blacks. To refuse to remove the remaining obstacles is to condemn these people to continuing second class citizenship.⁴⁵

After a series of hearings, conferences, and investigations, the bipartisan Civil Rights Oversight Subcommittee issued a full report in January, 1972, which was highly critical of voting rights enforcement by the U. S. Department of Justice.

The subcommittee reported that the Department of Justice did not properly enforce the Voting Rights Act. According to the findings, the Department of Justice did not seek to enjoin enforcement of nonenforceable changes affecting voting in Mississippi and failed to adequately protect the rights of persons registered by federal examiners. The subcommittee stated that the Justice Department should have objected to the re-registration process in Mississippi and criticized a Justice Department policy which tolls the running of the 60-day consideration period of proposed changes in states covered by the Act.

The subcommittee recommended:

. . . that the Department of Justice promptly seek judicial relief where a jurisdiction covered by the Voting Rights Act of 1965 knowingly enforces a change affecting voting which has not been precleared—particularly where the change would have a substantial impact on the voting rights of many people.

45 *Id.* at 244-45.

. . . that the Department of Justice in determining whether a change affecting voting will have the effect of discriminating on the basis of race or color, apply the standard as Congress intended it and as the Supreme Court of the United States has interpreted it. That standard is not fully satisfied by an indication that the administration of the change affecting voting will be impartial or neutral. Rather, that standard can only be fully satisfied by determining on the basis of the facts found by the Attorney General to be true whether the ability of minority groups to participate in the political process and to elect their choices to office is augmented, diminished, or not affected by the change affecting voting in view of the political, sociological, economic, and psychological circumstances within the community proposing the change.

. . . that the Department of Justice clearly demonstrate a no-nonsense policy of enforcement by utilizing civil and criminal sanctions in certain cases where the action of State or local officials openly flouts the provisions of the Voting Rights Act.⁴⁶

B. Polling Procedures

Having become registered to vote, black voters continue to face other barriers. Commonly reported problems include the omission of black voters' names from registration lists, crowded lines of voters in predominantly black precincts, harassment of voters, refusal to assist illiterate black voters, intimidation and exclusion of poll watchers, and the furnishing of incomplete or erroneous instructions to black voters.

While many of the most blatant forms of harassment occur primarily in rural areas of the South, urban centers also present problems for the black voter. In Atlanta, for instance, only days before the state primary elections on August 8, 1972, county officials announced changes in inner-city polling places which would have had the effect of disfranchising many predominantly black citizens. Only after a coalition of community, civil rights, and political organizations raised a public protest and initiated legal action in the U. S. district court did county election officials agree to institute special measures to minimize confusion and provide more adequate notification to voters who were inconvenienced by the administrative changes.

C. Balloting Errors

In 1971, the Voter Education Project instituted a study of black balloting in the Mississippi general election in order to determine the extent to which black ballots were disqualified and to document the causes of disqualification. From interviews with black candidates, voters, managers, clerks, election commissioners, and a study of poll watchers' reports, the following conclusions were reached:

In some areas of Mississippi, fifteen per cent of the ballots apparently cast by blacks were improperly marked and were disqualified. The fact that many black voters were casting their ballots for the first time and consequently were unaware

⁴⁶ CIVIL RIGHTS OVERSIGHT SUBCOMMITTEE, REPORT ON ENFORCEMENT OF THE VOTING RIGHTS ACT OF 1965 IN MISSISSIPPI, at 14-15 (1972).

of the correct procedures accounted for not only the loss of the individual vote, but for the defeat of several black candidates. In some instances, black voters may have been hesitant to ask for assistance from white election officials or may not have known that assistance was available. Whatever the reason, many black candidates for county positions who lost by margins of four to six hundred votes could attribute their losses to mismarked ballots. At the beat level, where races were much closer, a mismarked ballot loss of 40 to 50 votes apparently resulted in the defeat of black candidates.

Some examples of common errors which resulted in the disqualification of ballots were voting for two candidates for the same office, marking in the wrong spaces, double marking for the same candidate, confusion about independent candidates (since many independent candidates were black, a common error was to vote for the first independent listed), and the writing in of candidates' names, (a practice not permitted under Mississippi regulations).

D. Assistance to Illiterates

While some of the mismarked Mississippi ballots may be attributed to the lack of familiarity of balloting procedures and election regulations, several poll watchers reported deliberate mismarking of ballots by election managers providing "assistance" to illiterate black voters. The report of one Mississippi poll watcher in 1971 stated:

An illiterate black came into the polls. After the book was signed by a white observer he followed the illiterate black into the poll booth. My fellow poll watcher (black) followed and said, "The voter has the choice of a white or black helper." The white observer told her to mind her own business. The illiterate black, unknowing of his right, left the booth and the white observer remained in the booth with the ballot to fill it out at his own discretion.⁴⁷

Although it is unlikely that many blacks left the booth to allow the managers to mark the ballots, it is quite possible that they were unable to prevent the assisting manager from mismarking their ballots. In a 1971 report from a precinct in Shelby, Mississippi, this problem is illustrated:

It became obvious early in the day that illiterate voters simply had no choice in the voting booths. Whenever an illiterate voter (or even one who could read or write but had trouble understanding the machine) would present himself to vote, the machine operator would ask if he needed help, join him in the booth, and vote for him. Many of the people knew well the candidate they preferred (often they carried a sheet with them diagramming the inside of the booth, with the positions of the appropriate levers outlined) but no matter what they said, it was the machine operator and he alone who decided on the levers. Occasionally, an operator "assisting" a voter would accidentally brush back the curtain far enough so that observers standing well back could watch what occurred inside. In this way, other

⁴⁷ This narrative is contained in an unpublished 1971 Mississippi General Election Survey of the Voter Education Project, Inc., Atlanta.

poll watchers were able to see operators enter false choices for illiterates as indicated by the handouts they carried.

Numerous instances cited by poll watchers indicated that white election officials gave erroneous instructions to black voters, knowing that the ballots would be disqualified.

E. Interpretation of Election Laws

In many instances, election laws and regulations are so vague and complicated that attorneys may disagree as to their interpretation. In the final analysis, however, the content of the law is less important than the common practice of local election officials who administer the regulations. Generally, when election laws were in question in Deep South states, white voters were often given the benefit of any doubt while black voters were subjected to the most demanding interpretations.

The report of the Voter Education Project researcher who studied the 1971 Mississippi general elections stated:

When Attorney General Sumner went on television right after the election to say that "this has been the fairest election in the history of Mississippi," he was telling the truth. Observation of the voting process on election day bears this out. It became quite obvious that even many of the white managers and clerks were often unaware of correct procedure since it probably never had been followed.⁴⁸

F. Diluting the Black Vote

In 1972, black voters, candidates, and officials must constantly guard against attempts to dilute the power and influence of the black vote. In the name of "broadening the tax base," "progress," and "growth and development," black voters are threatened by an increasing number of at-large elections, gerrymandering, consolidation, annexation, and other devices which would have the effect, if not the intent, of disfranchising blacks.

V. The Future of Black Political Participation

Continued voter registration efforts in the South are a must if further black political progress is to be made. Until some form of universal registration is implemented for the Nation, greater attention must be given to the simplification of the registration process. The utilization of deputy registrars conducting house-to-house campaigns, the programming of mobile registration units for rural areas, the placing of registrars in every high school and institution of higher education, the extension of registration hours to accommodate the working class, and the desegregation of personnel in registration offices are only a few methods to increase political participation.

48 *Id.*

Aside from easing the technical restrictions and improving the accessibility of registration offices, new and creative educational programs must be devised to stimulate, motivate, and arouse the black masses to an even greater awareness that the ballot can be a weapon for change. Reemphasizing the struggle and suffering of the courageous participants of the civil rights movement and those who died in the battle for the right to vote is but one means of encouraging greater advances.

A. Black Belt Counties

In 102 black majority counties throughout the South, there is great potential for increased black participation. Historically, discrimination against blacks and denial of voting rights have been strongest in areas where the ratio of blacks to whites is highest. Most of the counties currently described as the Black Belt are situated in a rough arc extending from southeastern Virginia to east Texas. It is in this so-called Black Belt that systematic efforts must be conducted to register black voters, stimulate the candidacy of blacks, and educate citizens to use the ballot in a sophisticated manner. In only four of the black majority counties⁴⁹ have blacks been elected to posts where they constitute a majority on the county's governing board.

B. Black Youth Vote

The potential of the black youth vote, if fully realized, could be a major factor in southern politics. In the 1960's, it was the young people, mostly black college youth, who initiated the black revolution. Through the vigor, creativity, and commitment of another generation of black youth, cadres of organizers could again have a dramatic impact in politicizing the South's remaining 2.5 million potential but unregistered black voters.

C. Black Elected Officials

Impressive though the current number of black elected officials may appear, the sad fact is that blacks are poorly represented in proportion to their numbers in all areas of the South. Compared to the number of white officeholders, the percentage of black elected officials remains small.

The number of black elected officials will continue to increase, expanding the need for special programs of assistance to officeholders who have few resources with which to meet the demands of their offices. Having been long denied access to the political process, black officials often find it difficult to secure the cooperation of white officials as they seek to develop meaningful programs to benefit their constituency. The Voter Education Project has attempted to meet some of these needs through internships for black officials, the creative use of workshops and conferences on issues pertaining to public office, and programs providing direct

⁴⁹ Greene County, Alabama; Hancock County, Alabama; Charles City County, Virginia; and Surrey County, Virginia.

research, information, and technical assistance to black officials. Plans are being developed and funding is being sought for a comprehensive, South-wide program of assistance which would extend far beyond the ground which has been broken by the meager resources available through the VEP technical assistance programs.

D. Voting Rights Enforcement

Since 1965, white officials in the South who would stand to lose most from a dramatic shift in the racial composition of their electorate have waged an unholy war to cripple the enforcement provisions of the Voting Rights Act and have sought to eliminate the law completely. In the face of these inequities the role of the Justice Department in many instances has been limited to that of a fire-fighting capacity, responding only to the dictates of public pressures or outrage.

There is indeed a pervasive sickness inherent in a Nation which espouses a creed of democracy and equal opportunity under the law and yet continues to deny the legitimate aspirations of its minority groups who would claim voting rights as first-class citizens.

At this precarious point in the development of black political participation, to reverse the protective phases of the 1965 Voting Rights Act as amended would reenact the hideous reversal of voting rights protection witnessed after Reconstruction. The need at the present is to extend the Voting Rights Act and to increase the enforcement capabilities to protect minority rights, not just in the limited area now covered, but throughout the South and the Nation.

Black people, facing daily harassment and powerlessness, have a sense of hopelessness in 1972 because they feel that they have nowhere to turn for justice. For one fleeting moment, in the sixties, blacks found encouragement and a sense of hope from the intervention of the federal government. Since those days, the weight of the federal government has not been felt in a meaningful way. Although hundreds of thousands of blacks still face registration difficulties and more serious difficulties in casting a meaningful vote, the federal government refuses to address itself to these needs. It is time for a public rededication of effort and commitment on the part of federal enforcement agencies to an affirmative program of enforcement.

E. Political Strategies of Sophistication

With the increasing number of black elected officials, black representatives must arm themselves with sophisticated political strategies which will enable them to win victories for their constituencies even though their numbers may be relatively small. An example of this potential may be seen in Tennessee, where a "black caucus" was organized in the almost equally divided bipartisan Tennessee House of Representatives. The "black caucus," composed of six members of the House, withheld support for partisan measures and became the decisive balance of power between the Democrats and Republicans. This move was described by a local newspaper in Nashville, Tennessee, as "the first effective black show of law-making power in modern times in the Deep South." As a result, the black caucus

was successful in winning debate on and passage of at least eight measures which they had sponsored. In addition, the activities of the caucus were directly responsible for the passage of at least ten other measures of importance to the black community of Tennessee.

F. Responsibilities of Political Parties

The major American political parties are the vehicles which have most to gain from extending the franchise. Both major national political parties, the Democrats and the Republicans, have, at some point in history, enjoyed the almost total allegiance of black support. At the beginning of this century, blacks were consistently Republican and it was through the Democratic Party that the white primary system was initiated. Today, the roles are reversed, but, until recently, neither party has initiated serious efforts to extend the franchise to the Nation's minority groups.

In 1968 only 5.5 per cent of the delegates to the Democratic National Convention and only 2.4 per cent of the delegates and alternates to the Republican National Convention were black.⁵⁰

According to statistics contained in a study by Dr. Charles S. Rooks, the black support in the 1968 presidential election amounted to more than fifty per cent of the entire Democratic vote in six southern states and over thirty per cent in the other five states.⁵¹ In every state of the Old Confederacy the proportion of the 1968 Democratic presidential vote cast by blacks was from two to four times larger than the proportion of the population constituted by blacks.

Since 1968, black representation in state delegations to the 1972 Democratic Convention has more than doubled, increasing from 209 to approximately 450. In 1972, blacks made up nearly fifteen per cent of the Democratic delegates.⁵² An assessment of the black Democratic Party delegate representation by the Joint Center for Political Studies concluded:

In terms of the standards set by the McGovern Commission—minority group delegate representation in reasonable relationship to the group's presence in the population—the delegate selection process has been successful in representing blacks in the delegations to the Democratic Convention.

Only in Oklahoma is there a smaller percentage of blacks in a state delegation than in 1968. In 12 states black representation increased dramatically over the 1968 Democratic Convention—Alabama (from 4% to 27.0%), California (5% to 18.8%), Florida (7% to 12.3%), Louisiana (18% to 43.2%), Maryland (6% to 13.2%), Massachusetts (3% to 11.8%), Missouri (4% to 12.3%), North Carolina (6% to 20.3%), Ohio (3% to 17.6%), South Carolina (13% to 34%), Tennessee (11% to 32.7%), and Virginia (6% to 28.3%).⁵³

⁵⁰ G. ROOKS, SOUTHERN BLACK REPRESENTATION AT NATIONAL PARTY CONVENTIONS 1 (1972).

⁵¹ *Id.*

⁵² JOINT CENTER FOR POLITICAL STUDIES, REPORT ON BLACK POLITICS '72, Part 1, at 19 (1972).

⁵³ *Id.*

A Voter Education Project study, conducted by Dr. Charles S. Rooks, went a step further to suggest that if party loyalty is used as a determinant rather than population percentage, southern blacks were still drastically underrepresented at the 1972 Democratic Convention. Dr. Rooks notes:

In the 1968 presidential election, almost all black voters in the South cast their ballots for the Democratic candidate. This black support amounted to more than half of the entire Democratic vote in six southern states and over 30 per cent in the other five states. This is far more than the percentage of blacks in the populations of these states. In fact, in every state of the Old Confederacy the proportion of the 1968 Democratic presidential vote cast by blacks was from two to four times larger than the proportion of the population constituted by blacks. There was, of course, a serious third party candidate in the 1968 presidential election and this resulted in fewer southern whites voting for the Democratic ticket than in the past.

Considering the strength of the southern black vote for the Democratic Party in 1968, should the Democratic Party reward this support by giving blacks greater representation in southern state delegations than they would have in the party's present plan of representation according to population size? The answer should be yes. But should the Republican Party largely exclude southern blacks from their convention and dismiss this group of voters because they appear to be captives of the Democratic Party? The answer should be no.⁵⁴

Although it is true that only a fraction of the southern black vote was cast for the Republican presidential ticket in 1968, Dr. Rooks suggests that Republicans should not lightly dismiss the southern black vote as an impregnable Democratic preserve. He points out that, where a Republican candidate such as Arkansas Governor Winthrop Rockefeller has been judged a better candidate than the Democratic nominee, blacks have demonstrated a willingness to vote Republican. In the Arkansas 1968 gubernatorial election, 95 per cent of the blacks who voted supported Rockefeller. While Arkansas was perhaps the most dramatic example of blacks voting Republican, Dr. Rooks documents that it has also happened in southern cities such as Greensboro, Birmingham, and Atlanta. Dr. Rooks concludes that "it would appear in the [Republican] party's interest to involve blacks and consider black interests in a full and meaningful way. To fail to do this might have the effect of almost forcing blacks to continue their support for the Democratic party."⁵⁵

The manner in which both major parties address themselves to these concerns will ultimately determine, in the words of Dr. Rooks, "whether the American Political System can cure itself of its traditional racist ills and move close to the ideal of democracy which is supposed to be at the heart of this country's politics."⁵⁶

54 Rooks, *supra* note 50, at 3, 4.

55 *Id.* at 9.

56 *Id.* at 12.

VI. Conclusion

The decade of the seventies will be a crucial period in the black struggle for political empowerment in the South. In the past seventeen years, a revolutionary social and political movement, the black liberation struggle, has drastically changed the nature of southern politics. Standing on the threshold of political empowerment and self-determination, the promise of democratization is bright, but the sense of hope kindled by the fiery days of the civil rights movement is tempered by the reality that the voting rights battle is a constant one which must be waged without a moment's relaxation.

Early in the 1960's the civil rights movement instilled in many people the dream that, through disciplined nonviolent action, this Nation could be transformed into what was described as the Beloved Community—a community of justice, a community of compassion, a community at peace with itself. Basic to this dream was the belief that change was possible—a belief which has been reinforced time and again by the minor political miracles which have occurred in the South in recent years. Although at times it has been difficult to discern motion and progress in the long struggle for black political empowerment, it is crucial that dreams be kept alive and that a continued struggle be waged.

The transformation of southern politics will ultimately also mean the transformation of national and international politics. In recent years, many of the voices raised in opposition to minority civil and voting rights have been southern politicians who are also the strongest proponents of military might and oppressive foreign policies. The process of black political empowerment is a movement for change—a movement which will no longer tolerate and support political leaders whose stock-in-trade is genocide and oppression. Oppressed black people in the South have identified strongly with oppressed peoples around the world and, with the realization of their own political liberation, will not perpetuate international politics of enslavement and exploitation. Thus black political participation brings with it the promise of a new form of politics, injecting a new sense of ethnics in the American political arena.

Political power alone obviously cannot free a people who have been enslaved for hundreds of years. Political power cannot bring an instant solution to the problems of mankind, but a new form of politics — the politics of hope — can be one means of reaching the Beloved Community. Through politics, it may again be possible to place the problems of the poor and the problems of America's minority groups back on the American agenda. Utilizing all available resources in programs of voter registration, citizenship education, community organizing, youth mobilization, and legal action to advance black political participation, it can be demonstrated that politics does make a difference.

Black political participation in the South has created a new image to replace the stereotype of the southern politician. Black candidates and black politicians are in the process of building a political system which has won and can continue to hold the respect of young people, the dispossessed, and the alienated.

Just as the Beloved Community must be all-inclusive, political strategies in this decade must include the development of meaningful alliances and coalitions

which include blacks, poor whites, Chicanos, Puerto Ricans, and American Indians whose resources have all been exploited by the same social, economic, and political structures. The power of the ballot must be used as a tool to redirect the priorities and the tremendous resources of this Nation, not to oppress, but to uplift; not to divide, but to bring together all segments of our society; and not to enslave, but to set free. Ultimately, the liberation of black people through political action will mean also the liberation of all Americans. As Dr. Martin Luther King, Jr. often tried to teach, the destiny of all men is intertwined and none shall be free until all are free.

This overview of the black struggle for the right to vote underscores the fact that advocates of change and self-determination must be prepared to wage a long and determined struggle — not just for a few months or even a few years, but, if necessary, for a lifetime. With such a commitment, progress can be achieved, with each step moving closer to the realization of that new world — that Beloved Community.