

[C. MAY 1965]

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
MISSISSIPPI

MISSISSIPPI FREEDOM
DEMOCRATIC PARTY

LAWRENCE GUYOT, Mississippi Freedom Democratic
Party, Chairman, MRS. ANNIE DEVINE,
MRS. VICTORIA GRAY, MRS. FANNIE LOU HAMER,

and
individually and on behalf of all other Negro citizens
and residents of the State of Mississippi; Mississippi
Freedom Democratic Party, by its Chairman, LAWRENCE GUYOT

Plaintiffs,

Versus

PAUL B. JOHNSON, Governor of the State of
Mississippi and as Chairman of the State
Board of Election Commissioners; HEBER A.
LADNER, Secretary of State of Mississippi
and as member of the State Board of Election
Commissioners; JOE PATTINSON, Attorney
General of Mississippi and as member of the
State Board of Election Commissioners;
Municipal Board of Election Commissioners
of the municipalities of _____,

_____, individually and as repre-
sentative of all the Municipal Boards of
Election Commissioners for all the munici-
palities of the State of Mississippi,

Defendants.

COMPLAINT

Plaintiffs, for their verified complaint, say:

PARTIES

A. Plaintiffs:

1. Plaintiffs, LAWRENCE GUYOT, MRS. ANNIE DEVINE, MRS.

VICTORIA GRAY, MRS. FANNIE LOU HAMER _____,

_____, and _____,

are citizens of the United States and residents of the State of Mississippi.

They are members of the Negro race and sue individually and on behalf of all

Negro citizens and residents of the State of Mississippi which class is too

numerous to bring into the Court.

2. Plaintiffs Guyot, Devine, Gray and Hamer are qualified registered voters of the State of Mississippi. Plaintiffs

_____, _____, _____,
and _____, are Negro citizens over the age of
twenty-one and residents of various municipalities through the
State of Mississippi who have been denied their rights under the
Constitution and laws of the United States to register and vote
without discrimination by reason of race or color.

Plaintiffs, _____, _____,
and _____, sue individually and on behalf of all
other Negro citizens of the municipalities of the State of Mississippi
similarly situated.

3. Plaintiffs, MRS. FANNIE LOU HAMER, and _____
AND _____, intend to and desire to run for elective
municipal office in the forthcoming quadriennial municipal elections in
Mississippi. They sue individually and on behalf of all other Negro
citizens of the various municipalities of the State of Mississippi who
intend and desire to run for elective office in the forthcoming municipal
elections.

B. Defendants

4. Defendant, PAUL B. JOHNSON, is Governor of the State of Mississippi.
He is responsible under the laws of that state for commissioning all elective
officials of the State, including the elective officials of all municipalities
in the State. He is the Chairman of the State Board of Election Commissions,

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which Board has general overall responsibility for the conduct of all elections in the State of Mississippi.

5. Defendant, HEBER LADNER is the Secretary of State of Mississippi and is responsible under the laws of the State for receiving the returns of all elections for all elected offices and for certifying the results thereof to the Governor. He is also a member of the State Board of Election Commissions.

6. Defendant, JOE PATTERSON, is the Attorney General of the State of Mississippi and is also a member of the State Board of Election Commissioners.

7. Defendants, Municipal Boards of Election Commissioners of the Municipalities of _____, _____, _____, and _____ have the responsibility and authority to supervise, call and otherwise control the holdings of elections in the aforesaid municipalities. They are sued on their own behalf of and as representative of all the other Municipal Boards of Election Commissioners of the various municipalities of the State of Mississippi.

Jurisdiction

8. The jurisdiction of this Court arises under the Constitution of the United States and in particular under Article IV thereof, and the Fourteenth and Fifteenth Amendments thereto, and under the Laws of the United States and in particular Title 28 U.S.C. Sections 1331, 1343 and 1344, and Title 42 U.S.C. Sections 1971, 1981, 1983.

Cause of Action

9. Under the authority of the laws of Mississippi, the general quadrennial election for all municipal officials in the State is now scheduled to be held on June 8th, 1965. Primary elections preceeding this general election is scheduled to be held on May 11, 1965 and should a second

primary prove necessary, on May 18, 1965. Pursuant to State Statute, the last day under state law to qualify to run as a candidate for the May 11th municipal primary election was March 12, 1965. Pursuant to State Statute, the last day to register to vote in either the May 11th primary or the June 8th general election was February 8th, 1965.

10. Pursuant to State Statutes in order to be eligible to be a candidate for municipal office, or to vote in a municipal election, a citizen of a municipality must be a qualified elector. A candidate for the May 11th primary elections must have qualified as a candidate by March 12, 1965. The final day for an independent candidate to qualify for the June 8th general election will be April 30th, 1965. To so qualify as an independent candidate, the citizens must be nominated by a petition of fifty or more currently qualified electors of the municipality unless the municipality has less than 1,000 inhabitants, in which case fifteen qualified electors are required.

11. These impending municipal elections are totally in violation of the Constitution and laws of the United States. Unless restrained by this Court, they will be conducted under a structure of the State Constitutional provisions and laws unconstitutional upon their face as repugnant to the Constitution of the United States. The laws under which these elections will be held were designed and operate, so as to exclude Negro citizens of the State of Mississippi from registering to vote and voting in elections in that state, including elections for municipal offices. As a result of the operation of these state laws, void on their fact and repugnant to the Constitution of the United States, the Negro citizens of Mississippi have

been virtually and totally excluded from participation in the electoral and political processes of that state.

12. The structure of state constitutional provisions and statutes under which the defendants propose to conduct the quadriennial municipal elections are void on their face and repugnant to the Constitution of the United States. The invalidity on their face of these provisions and statutes under the Constitution of the United States is as follows:

Section 244 of the Mississippi Constitution, as amended, is unconstitutional on its face.

I. (a) Section 244 is vague and indefinite and provides no objective standards for the administration by the registrar of the interpretation test and duties and obligations test.

II. The adoption, enforcement and continued threat of enforcement of a more stringent registration requirement following a period of racial discrimination in the registration of voters—a period during which an overwhelming percentage of white residents were permanently registered and thus forever exempted from this new stringent age of Negro residents who possessed similar qualifications were illegally denied the right to register—makes the constitutional interpretation test and the duties and obligations test devices to perpetuate the discrimination which the Fifteenth Amendment was intended to eliminate.

III. The history of Section 244, as amended, the setting of white political supremacy and racial segregation in which it was adopted and is enforced, the discretion which it vests in Mississippi registrars of voters, the lack of any reasonable connection between the interpretation test and a capacity to vote render it invalid on its face as a device of discrimination in the registration of voters in Mississippi.

IV. - In a state where public education facilities are and have been racially segregated and where those provided for Negroes are and have been inferior to those provided for white persons, an interpretation of understanding test as a prerequisite to voting, which bears a direct relationship to the quality of public education afforded the applicant violates the Fifteenth Amendment.

V. There is no reasonable basis or legitimate state interest in requiring as a prerequisite to voting that applicants interpret certain sections of the Mississippi Constitution.

B. Section 241-A of the Mississippi Constitution is unconstitutional:

(I) It exempts most of the white persons of voting age from, and subjects most of the Negroes of voting age to, the requirement of good moral character.

(II) The legislative history of the character requirement, the setting of white political supremacy and racial segregation in which it was adopted and is enforced, the discretion which it vests in the registrars of voters and the lack of any reasonable, definite and objective standards by which good moral character is to be determined render it invalid as a device which facilitates and perpetuates racial discrimination in the registration of voters in Mississippi.

(III) Section 241-A of the Mississippi Constitution, as amended, vests unlimited discretion in the registrars of voters to determine the good moral character of applicants for registration. This new requirement is vague and indefinite and neither suggests nor imposes standards for the registrar's use in determining good moral character.

C. In addition to the above invalid laws, in May, 1962 the legislature of Mississippi posed an additional package of bills, the purpose and effect of which was to deter, hinder, prevent, delay and harass Negroes and make it more difficult for Negroes in their efforts to become registered voters. This package included House Bill 900, 901, 905, 877, 904, 903.

This package of legislation is unconstitutional:

(a) House Bills 900 and 903:

(1) These statutes facilitate deprivation of the right to vote on account of race or color or by establishing as grounds for disqualification any formal, technical, or inconsequential error or omission by the applicant on the application form.

(II) The purpose and the inevitable effect of these statutes, because they apply prospectively, are to exempt the majority of the white persons of voting age who are presently registered from these onerous requirements and to subject Negroes, few of whom are presently registered, to these requirements.

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(III) The application form is converted into hypertechnical and unreasonable examination. This use of the application form as a hypertechnical examination is an arbitrary and unreasonable restriction on the exercise of the right to vote and it bears no reasonable relationship to any legitimate state interest.

(IV) These statutes vest unlimited discretion in the registrars to determine without reference to any objective standard whether an application form is filled out "properly and responsively." There are no standards imposed on the registrars for determining which questions on the form elicit the "essential facts and qualifications to entitle a person to register to vote."

(V) The requirement that the oath and signature on the application form be signed without assistance or suggestion is arbitrary and unreasonable and is a device to trap applicants into an omission which will serve as grounds for disqualification.

(VI) The prohibition against informing applicants or allowing applicants to learn of the reason or reasons for their disqualification as voters is wholly unreasonable and arbitrary and is contrary to any legitimate state interest and is inconsistent with fundamental principles of democracy.

(b) House Bills 822 and 904.

(1) These statutes which provide for publication of the names of applicants and the challenging of an applicant's qualifications for any reason by any qualified elector vest power and authority in white citizens who are the qualified electors of Mississippi, to harass Negroes, and to delay the registration of Negroes. No objective standard is provided to limit the ground upon which such citizens may challenge the qualifications of applicants for registration.

(II) These statutes impose onerous, arbitrary and unreasonable procedures on prospective electors who are challenged by requiring them to appear and possibly assume the cost of an administrative hearing before their qualifications to vote are determined.

(III) These statutes provide no objective standards whereby registrars may determine qualifications of prospective registrants who have been challenged.

(IV) These statutes, being prospective, exempt which persons, a large majority of whom are presently registered to vote and impose on virtually all of the Negro citizens of voting age in Mississippi, onerous procedural requirements as prerequisites for registration.

(V) These statutes vest the registrars with unlimited power to forestall the registration of qualified Negro citizens by taking the matter under advisement.

(VI) These statutes are arbitrary and unreasonable requirements on prospective electors and bear no reasonable relationship to any legitimate state interest.

(VII) The purpose and effect of these statutes are to give the white community of Mississippi the legal right to pass initially upon the qualifications and character of Negro citizens who seek to become registered voters and to give the members of the white community the opportunity to harass and intimidate Negro applicants for registration whose names are publicized by operation of the statutes.

(VIII) The history of racial discrimination in Mississippi, the legislative setting in which the statutes were enacted, the lack of any reasonable or objective standard for the registration of voters, and the arbitrary character of these requirements which bear no reasonable relationship to any legitimate state interest render them invalid and in violation of 42 U.S.C. 1971, Article I of the Constitution of the United States and the Fourteenth and Fifteenth Amendments thereto.

13. The threatened holding of quadrennial municipal elections throughout the State of Mississippi on May 11, 1965 and June 8, 1965, which, unless restrained by this Court, will continue to be based upon these void and unconstitutional registration laws, which have resulted in the virtual exclusion of the Negro citizens of the State from the registration and voting processes, will deprive the plaintiffs and the class they represent, the Negro citizens of this State, of their fundamental and inalienable right to full and effective participation in the political processes of those governmental bodies which directly affect

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their lives, their liberty and their property in a free and
unimpaired fashion is a bedrock of our political system, and is the
primary means citizens have to exercise their inalienable right to full
and effective participation in the political processes of their government.
This is a right protected by the Constitution and in particular Article IV
thereof and the Fourteenth and Fifteenth Amendments of the United States
Constitution and the laws of the United States. It is a right which
the National Courts are committed to protect.

14. Unless the Court grants the relief prayed for herein, the
holding of the primary elections now scheduled for May 11th, 1965, and
the General Municipal elections now scheduled for June 8, 1965, will
result in the election of municipal officials in all of the municipalities
in the State of Mississippi who will exercise direct governmental power
in these municipalities for a four year period extending until July, 1969.
These municipal officials who will be elected by an electoral from which
the Negro citizens of the State have been virtually excluded from the
right to register and vote because of their race and color, They will
thus hold their office in open violation of the Constitution of the
United States, unless these threatened illegal and unconstitutional
elections are restrained by this Court until such a time as the Negro
citizens of the State will have had a fair and free opportunity to
participate in the election of governmental bodies and officials which
directly affect their most fundamental interests.

15. Unless this Court grants the relief prayed for, the plaintiffs and the class of Negro citizens of the State of Mississippi they represent, will suffer immediate and irreparable injury. The municipal officials who are to be selected at the forthcoming quadrennial elections will be responsible for the educational needs of the citizens of the state, the water supply, the sewerage disposal, the maintenance of streets, parks and other public facilities. They will be responsible for public safety, for the administration of criminal justice in the municipal courts, for the protection of the constitutional liberties of the citizens. They will be responsible for representing the citizens of the State of Mississippi in the many Federal programs designed to meet the pressing economic and social problems of a vast majority of citizens of this State such as the Federal anti-poverty program, the urban renewal program, the public housing program. These functions of the municipal bodies and officials to be elected at the forthcoming elections are indispensable to the lives and welfare of the plaintiffs and the class of Negro citizens of the State. These vital and indispensable functions are presently being performed by officials whom the plaintiffs and Negro citizens have had no voice in selecting. They are and have been performed in a manner wholly discriminatory to the interests and needs of the plaintiffs and the Negro citizens of the State of Mississippi. Unless this Court Grants the relief prayed for, the plaintiffs and the Negro citizens of the State will be imminently threatened with four more years of minority government by local officials from whose selection they have been almost totally excluded and whose functions will continue to be

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performed in a manner wholly discriminatory to the Negro Citizens
of this State in violation of the Constitution and laws of the
United States. The injuries which the Negro citizens of the State
of Mississippi suffer and are threatened with for four more years, if
these unconstitutional and illegal elections are permitted to be held,
are immediately substantial and irreparable. They require the prompt
intervention of a Federal Court of equity.

16. The relief granted herein to protect the inalienable
right of the plaintiffs and the class of Negro citizens they represent
to participate in the processes of municipal government in the State
of Mississippi should include a suspension for the rescheduled
elections of any requirement of state law for the paying of a poll
tax as a precondition for voting in these elections. The denial of
the right to vote to the Negro citizens of the State of Mississippi
through techniques and devices, set forth above, rendered futile
and useless any previous payments of such a tax. Any deprivation
of the right to vote in the forthcoming elections predicated upon
prior failure to pay such a tax would be violative of the Constitution
and laws of the United States. Furthermore, the requirement of a
poll tax was instituted originally and has been utilized consistently
thereafter for the purpose of impeding and restricting the right of
Negro citizens of the State to register and vote because of their
race and color.

17. The plaintiffs have no adequate remedy at law. Under the decisions of the Supreme Court of the United States, and the decision of this Court, the Federal Courts have full equity power to grant the relief necessary to protect the inalienable right of the plaintiffs and the class of Negro citizens they represent to participate in the political processes of their governments.

18. No previous application for the relief sought herein has been made to this Court.

WHEREFORE, plaintiffs pray:

1. That pursuant to the provisions of Title 28 U.S.C. Section 2281, a District Court of three judges be convened in accordance with the procedures set forth in Title 28 U.S.C. Section 2284, and

2. That a judgment issue

a) declaring that the provisions of Section 244 of the Constitution of Mississippi as amended and the statutes implementing said statute are illegal and void on their face as violative of the Constitution and laws of the United States.

b) declaring that the provisions of Section 241-A of the Constitution of Mississippi and its implementing statutes are invalid and void on their face as violative of the Constitution and laws of the United States, and

c) declaring that the following statutes of the 1960 legislature of Mississippi, No. 900, 903, 822 and 904 are invalid and void on their face as violative of the Constitution and laws of

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the United States, and

3. That a permanent and temporary injunction issue enjoining and restricting the defendants, each of them, their agents, representatives and attorneys, and all others acting in concert with them from proceeding in any way with or from holding the quadrennial general municipal elections in the State of Mississippi, now scheduled for June 8th, 1965, as well as the primary elections now scheduled for May 11, 1965 and May 18, 1965, and

4. That the Court issue an order directing the defendants to register as a voter any Negro applicant for registration who possesses the following qualifications for registering to vote:

- a) he or she is a citizen not less than 21 years of age;
- b) he or she has been a resident of the state, county and election district for the period prescribed by Mississippi law;
- c) he or she has not been convicted of any disqualifying crimes enumerated in the Constitution and laws of Mississippi and is not insane;

and

5. That an order issue declaring (a) that the quadrennial general municipal elections for all municipalities in the State of Mississippi be held on a day to be fixed by the Court in the month of October 1965; and (b) that any registered voter in the State of Mississippi who has registered at any time on or before September 30, 1965 may vote in the general election; and (c) that any person desiring to be a candidate in the general election may qualify at any time up to fourteen days prior to the general election; and (d) that any requirements for voting predicated upon a prior payment of poll tax be suspended for this general election or in the alternative if this relief not be granted that all payments of back-due poll taxes be permitted to be made on or before September 30, 1965 without interfering with the right to vote in the

general election;

and (e) that any primary elections for said general elections be

held not later than three weeks preceding the date set for the

general election;

and (f) that any registered voter in the State of Mississippi who

has registered at any time on or before five days prior to said

primary elections be permitted to vote;

and (g) that any person desiring to be a candidate in such

primary elections may qualify anytime up to fourteen days prior

to said elections,

and

6. That a judgement be issued declaring that all present

municipal officials holding office in the State of Mississippi shall

continue to perform for the four month period from June, 1965 through

the date of the General Elections to be held in October, 1965 such

ministerial acts as are essential to the functioning of the various

municipal governments in the State under the supervision of temporary

referees to be appointed by this Court;

and 7. That an order issue directing defendant JOHNSON

to issue, modify or suspend municipal commissions of office as may

be required to implement or comply with the above orders and

judgments prayed for;

and a) for such other and further relief as may be proper

and necessary and that this Court retain jurisdiction of this cause

pending and through the completion of the rescheduled general

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municipal election in the State of Mississippi so that further applications for relief may be made to the Court if required, and 8. that pending the hearing and determination of the complaint herein and the requests for permanent and temporary relief a temporary restraining order be issued restraining and enjoining the defendants herein from proceeding with the primary elections in the State of Mississippi now scheduled for May 11, 1965 and the general election now scheduled for June 8, 1965.

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VI

Defendant Herber A. Ladner is the Secretary of the State of Mississippi and is responsible under the laws of the State for receiving the returns of all elections for all elective offices and for certifying the results thereof to the Governor. He is also a member of the State Board of Election Commissioners.

VII

Defendant Joe Patterson is the Attorney General of the State of Mississippi and is also a member of the State Board of Election Commissioners.

VIII

Defendants Municipal Election Commissioners and each individual member thereof of the Municipalities of Ruleville, Indianola, Drew, Moorhead, Inverness, Sunflower, Rome, and Doddsville, have the authority and responsibility to supervise, call and otherwise control the holdings of elections in the aforesaid municipalities.

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JURISDICTION

The jurisdiction of this Court arises under the Constitution of the United States, and in particular under Article IV thereof, and the Fourteenth and Fifteenth Amendments thereto, and under the laws of the United States, and in particular Title 28 U.S.C. Sections 1331, 1343, and 1344, and Title 42 U.S.C. Sections 1971, 1981, 1983.

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CAUSE OF ACTION

Under the authority of the laws of Mississippi the general quadrennial election for all municipal officials in the State is now scheduled to be held on June 8th, 1965. Primary elections preceding this general election is scheduled to held on May 11, 1965 and should a second primary prove necessary on May 18, 1965. Pursuant to State Statutes, the last day under State law to qualify to run as a candidate for the May 11 Municipal primary election was March 12, 1965. The final day for an independent candidate to qualify for the June 8th General election will be April 30, 1965. To so qualify as an independent candidate the citizen must be nominated by a petition of fifty or more currently qualified electors of the municipality unless the municipality has less than 1,000 inhabitants, in which case fifteen qualified electors are required.

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Pursuant to State Statutes, in order to be eligible to be a candidate for municipal office, or to vote in a municipal election, a citizen of a municipality must be a qualified elector. A candidate for the May 11th primary elections must have qualified as a candidate by March 12, 1965. The final day for an independent candidate the citizen must be nominated by a petition of fifty or more currently qualified electors of the municipality unless the municipality has less than 1,000 inhabitants, in which case fifteen qualified electors are required.

XII

This court on April 8, 1965 has entered Finds of Fact and Conclusions of Law and an Order and Decree for a Permanent Injunction in the case of United States of America v. Cecil C. Campbell, et. al, #GC 633, declaring that the discriminatory acts and practices of defendant Cecil C. Campbell, a defendant herein, and his agents, in violation of the Fourteenth and Fifteenth Amendments of the Constitution of the United States have deprived the class of Negro citizens of Sunflower County, Mississippi of their right to register to vote and to vote without distinction of race or color and that a pattern and practice of racial discrimination in registration and voting exists and has existed in Sunflower County, Mississippi. These Findings of Fact and Conclusion of Law and the Order and Decree of the Court are incorporated herein in full and have the same force and affect as if set forth here in full.

XIII

In accordance with these Finds and Conclusion this Court ordered and Decreed that the said defendant Cecil C. Campbell, Registrar of Sunflower County and his deputies, agents and employees be permanently enjoined from

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engaging in any act or practice resulting in distinctions based on race or color between Negro Citizens and other citizens in the registration for voting process in Sunflower County.

XIX

This Court further ordered and decreed that the Negro Citizens of Sunflower County are entitled to reasonable opportunities to register to vote in accordance with non-discriminatory standards as set forth in the decree and that the Negro citizens of Sunflower County are entitled to an adequate period of time to avail themselves of the protection of this decree. This Court determined that a period of one year would be a reasonable period of time for such purposes.

XV

The threatened holding of municipal election in Sunflower County on May 11, 1965 and June 8, 1965 which unless restrained by this Court will continue to be based upon a pattern and practice of practical total exclusion of the Negro citizens of this county from the registration and voting processes will deprive the plaintiffs and the class they represent, the Negro Citizens of Sunflower County, Mississippi, of their fundamental and inalienable right to full and effective participation in the political processes of those governmental bodies which directly affect their lives, their liberty and their property for a period of four more years. This fundamental right to elect legislators in a free and unimpaired fashion is a bedrock of our political system, and is the primary means citizens have to exercise their inalienable right to full and effective participation in the political processes of their government. This is a right protected by the Constitution and in particular, Article IV thereof, and the Fourteenth and Fifteenth Amendments, as well as, the laws of the United States. It is a right which the national Courts are committed to protect.

XVI.

Unless this Court grants the relief prayed for herein, the holding of the primary election now scheduled for May 11, 1965, and the general municipal election now scheduled for June 8, 1965, will result in the election of municipal officials in all of the municipalities in Sunflower County who will exercise direct governmental power in these municipalities for a four year period extending until July, 1969. These municipal officials who will be elected by an electorate from which this Court has found that the large majority of citizens of the County have been systematically excluded from the right to register and vote because of their race and color, will thus hold their office in open violation of the Constitution and laws of the United States, unless these threatened illegal and unconstitutional elections are restrained by the Court until such a time as the Negro Citizens of the County will have had a fair and free opportunity to participate in the election of those governmental bodies and officials which so directly affect their most fundamental interests.

XVII.

Unless this Court grants the relief prayed for, the plaintiffs and the class of Negro Citizens of Sunflower County they represent, will suffer immediate and irreparable injury. The municipal officials who are to be selected at the forthcoming quadrennial elections will be responsible for the educational needs of the citizens of the County, the water supply, the sewerage disposal, the maintenance of streets, parks and other public facilities. They will be responsible for public safety, for the administration of criminal justice in the municipal courts, for the protection of the constitutional liberties of the citizens. They will be responsible for representing the citizens of Sunflower County in the many Federal programs designed to meet the pressing economic and social problems of a vast majority of citizens of this County, such as, the Federal anti-poverty program, the urban renewal program, the public-housing program.

These functions of the municipal bodies and officials

to be elected on the forthcoming elections are indispensable to the lives and welfare of plaintiffs. These functions are presently being performed by officials whom the

plaintiffs and Negro citizens have had no voice in electing. They are and have been performed in a manner wholly discriminatory to the interests and needs of the plaintiffs and the Negro Citizens of Sunflower County. Unless this Court grants the relief prayed for, the plaintiffs and the

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Negro Citizens of the County will be imminently threatened with four more years of minority government by local officials from whose selection they have been almost totally excluded and whose functions will continue to be performed in a manner wholly discriminatory to the Negro Citizens of this County in violation of the Constitution and laws of the United States. The injuries which the Negro Citizens of Sunflower County suffer, and are threatened with for four more years, if these unconstitutional and illegal elections are permitted to be held, are immediate, substantial and irreparable. They require the prompt intervention of a federal court of equity.

XVIII.

Unless this Court grants the relief prayed for, the threatened elections now scheduled for May 11, 1965, and June 8, 1965, will virtually nullify and render meaningless, in the area of municipal political life in Sunflower County, this Court's own decree and judgment in United States of America v. Cecil C. Campbell, et al, #GC-633, set forth herein. This Court has found that a period of one year is required to permit Negro citizens to register freely to vote in order to overcome the long standing patterns and practice of racial discrimination in voting in Sunflower County perpetrated or acquiesced in by the defendants herein. Unless the imminently pending elections are restrained and order rescheduled at a time as prayed for herein, the defendants will achieve their objective of freezing for at least four more years their pattern and practice of excluding the majority of the citizens of Sunflower County for any participation in the political processes of their municipal governments. This would be an intolerable and unconstitutional result wholly in violation of the spirit and letter of this Court's order and decree in U. S. v. Campbell.

XIX.

The relief granted herein to protect the inalienable right of the plaintiffs and the class of Negro citizens they represent to participate in the processes of municipal government in Sunflower County should include a suspension for the rescheduled elections of any requirement of State law for the paying of a poll tax as a precondition for voting in these elections. The denial of the right to vote to the Negro Citizens of Sunflower County through techniques and devices set forth in the findings of this Court in U. S. v Campbell, rendered futile and useless any previous payments of such a tax. Any deprivation of the right to vote in the forthcoming elections predicated upon prior failure to pay such a tax would be violative of the Constitution and laws of the United States. Furthermore, the requirement of a poll tax was instituted originally and has been utilized consistently thereafter for the purpose of impeding and restricting the right of Negro Citizens of the State and in Sunflower County to register and vote because of their race and color.

XX.

The plaintiffs have no adequate remedy at law. Under the decisions of the Supreme Court of the United States, and the decisions of this Court, the federal courts have full equity power to grant the relief necessary to protect the inalienable right of the plaintiffs and the class of Negro Citizens they represent to participate in the political processes of their governments.

XXI

No previous application for the relief sought herein has been made to this Court.

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WHEREFORE plaintiffs pray:

1. That a permanent and temporary injunction issue enjoining and restricting the defendants, each of them, their agents, representatives and attorneys, and all others acting in Concert with them from proceeding in anyway with or from holding the Quadriennial general municipal elections in Sunflower County, Mississippi, in the municipalities of Ruleville, Indianola, Drew, Moorland, Inverness, Sunflower, Rome and Doddsville, now scheduled for June 8, 1965, as well as, the primary elections now scheduled for May 11, 1965 and May 18, 1965.

2. That a judgment issue declaring,

(a) That the Quadriennial General Municipal elections for all municipalities in Sunflower County, Mississippi be held on a day to be affixed by the Court in the month of October, 1965; and

(b) that any registered voter in Sunflower county who has registered at anytime on or before September 30, 1965 may vote in the General election; and

(c) that any person desiring to be a candidate in the General election may qualify at any time up to fourteen days prior to the General election; and

(d) that any requirements for voting predicated upon a prior payment of poll tax be suspended for this General election, or in the alternative, if this relief not be granted that all payments of back due poll taxes be permitted to be made on or before September 30, 1965 without interfering with the right to vote in the General election; and

(e) that any primary elections for said General elections be held not earlier than three weeks preceding the date set for the General election; and

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- (f) that any registered voter in Sunflower County who has registered at any time on or before five days prior to said primary elections be permitted to vote; and
- (g) that any person desiring to be a candidate in such primary elections may qualify anytime up to fourteen days prior to said elections; and
3. that a judgment issue declaring that all present municipal officials holding office in Sunflower County, Mississippi, shall continue to perform for the four month period from June, 1965 through the date of the General Election to be held in October, 1965, such ministerial acts as are essential to the functioning of the various municipal governments in the County, under the supervision of temporary referees to be appointed by this Court; and
 4. that an order issue directing defendant Johnson to issue, modify or suspend municipal commissions of office as may be required to implement or comply with the above orders and judgment prayed for; and
 5. For such other and further relief as may be proper and necessary, and that this Court retain jurisdiction of this cause pending and through the completion of the rescheduled General Municipal elections in Sunflower County, so that further applications for relief may be made to the Court if required; and
 6. that pending the hearing and determination of the complaint herein and the requests for permanent and temporary relief a temporary restraining order be issued, restraining and enjoining the defendants herein from proceeding with the primary elections in Sunflower County now scheduled for May 11, 1965 and the General Election now scheduled for May 11, 1965 and the General Election now scheduled for June 8, 1965

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Jackson, Mississippi

KUNSTLER, KUNSTLER & KINOY

By _____

Arthur Kinoy
William M. Kunstler

511 Fifth Avenue
New York City, New York

SMITH, WALTZER, JONES & PEEBLES

By _____

Bruce C. Waltzer
Benjamin E. Smith
305 Baronne Street
New Orleans, Louisiana

Morton Stavis
744 Broad Street
Newark, New Jersey

JUST AS THIS SUIT WAS FILED, OTHER SUITS OF POLITICAL INTEREST CAN BE
FILED BY SIMPLY CONTACTING THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY,
507½ Farish St., JACKSON, MISSISSIPPI.

TELEPHONE NO. 948-4038

THIS SUIT WILL BE OF NO IMPORTANCE WHATSOEVER UNLESS PEOPLE REALLY GO DOWN
TO THE COURTHOUSE AND ATTEMPT TO REGISTER FROM EVERY TOWN IN SUNFLOWER
COUNTY. THIS TYPE OF POLITICAL ACTION MUST BE FOLLOWED THROUGHOUT THE
STATE IF THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY IS GOING TO IN FACT
ATTEMPT TO REPRESENT THE PEOPLE THAT THIS COUNTRY HAS EITHER FORGOTTEN OR
WRITTEN OFF.

LAWRENCE GUYOT