

MITCHELL SCORED ON A RIGHTS MOVE

Sanctions Election Law for Mississippi That Aides Said Excluded Blacks

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By FRED P. GRAHAM

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WASHINGTON, Sept. 23—Attorney General John N. Mitchell has permitted a new Mississippi election law to go into the statute books, reportedly despite advice from his civil rights staff that the law is designed to prevent the election of Negro candidates.

An attorney for a civil rights group in Mississippi charged today that Mr. Mitchell's action was part of an effort to "sabotage" a provision of the Voting Rights Act of 1965 that gives the Attorney General the power to invalidate newly enacted election laws in the Deep South by simply asserting that they would undercut Negroes' voting rights.

The Justice Department asked

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Congress to drop the provision from the law this year, but Congress refused.

The lawyer, Armand Derfner, of the Lawyers Constitutional Defense Committee, announced in Jackson, Miss., that the action would be challenged in the courts.

According to reports from lawyers within the Justice Department's Civil Rights Division, the chief of the division, Assistant Attorney General Jerris Leonard, informed Mississippi officials of the action on Monday after conferring with Senator James

Eastland, Democrat of Mississippi, but without informing the staff of lawyers who had commended that the law be declared invalid.

Justice Department spokesmen would not comment on reports that the action had been taken against the advice of the staff lawyers. But a spokesman said that Mr. Mitchell had invoked the voting rights law on several occasions to invalidate southern laws, and that Mississippi officials had been informed that the Justice Department might still contest the new law in court if further developments showed that it

olated the rights of Negroes. Negro candidates were elected.

The Mississippi election law in question has been called the "Evers bill." It was rushed through one house of the State Legislature in 1968, when Charles Evers, the black civil rights leader, ran ahead of six white candidates in a special election to fill the House seat left vacant after John Bell Williams was elected Governor of Mississippi.

Defeated in a Runoff

Mr. Evers was defeated in a runoff against a lone white candidate. Had he been running in a general, rather than a special, election, he would have been elected because the law provided that the candidate who received the most votes won without a runoff.

In the subsequent general election of 1969, at least nine

On April 6, 1970, the Legislature passed a new law that would eliminate party primaries and would provide for a two-step general election in which all candidates would run without party labels. Under the law, only the two highest vote-getters could compete in the general election.

Mississippi officials submitted the new law to Mr. Mitchell under a provision of the Voting Rights Act requiring that changes in election laws by states in the Deep South shall not become effective unless the state either wins a court ruling that the laws do not have the purpose or effect of continuing discrimination, or submits the law to the Attorney General for review.

If 60 days pass and the At-

torney General has not objected, such a law goes into the statute books without the need for court approval.

Last Monday, the 60th day after having received the Mississippi law, Mr. Leonard sent a letter to Attorney General A. F. Summer of Mississippi saying that Mr. Mitchell would not object to the law. Mr. Leonard said that the 60-day period was too short for the Justice Department to make a final determination, although it had solicited facts "from various knowledgeable sources in Mississippi" during its inquiry.

He said that the action was being taken because the available facts "do not conclusively establish that the present acts are afflicted with a racial purpose." Mr. Leonard noted that the law did not go into effect

until next year and that the Government could still challenge the law in court.

On Monday, the Justice Department's Information Office passed the word orally to some reporters but did not release the text of the letter.

Mr. Derfner said in a telephone interview today that Mr. Mitchell's decision not to object to the law gave Mississippi a practical advantage since the law would now remain valid unless declared void by a court.

A Memorandum Sent

Lawyers in the Justice Department's Civil Rights Division, who said they did not want to be identified by name, said today that the matter had been submitted to the Voting and Public Accommodations Section, headed by Gerald W.

Jones. The section reportedly sent Mr. Leonard a memorandum stating that the law would have the purpose or effect of diluting Negroes' voting strength and should not be allowed to become valid.

When Mr. Jones learned from the department's Public Information Office on Monday that Mr. Mitchell had let the law pass, his unit reportedly staged a heated discussion with Mr. Leonard. Such stormy sessions took place within the Civil Rights Division last year after the Government revoked a school desegregation order in Mississippi.

Mr. Jones referred all questions today to the Justice Department's Public Information Office. Mr. Leonard, who is in the South, could not be reached for comment.