

Federal Suit Says Mississippi Aides Barred Some Votes

NYTimes DEC 29 1971

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Special to The New York Times

WASHINGTON, Dec. 28—

The Department of Justice filed a suit today charging Mississippi officials with refusing to count hundreds of ballots in predominantly black Humphreys County in last November's elections.

The department said the suit was the first to be filed in connection with the Mississippi election, which saw a record total of 284 Negroes running for office. Blacks accused whites of widespread harassment, intimidation and violence on Election Day, resulting in the election of only 32 blacks to local offices.

The suit was brought in the Federal District Court in Greenville, Miss. It said county election officials had rejected between 700 and 800 ballots, in violation of state laws and the Voting Rights Act of 1965.

If the charge is upheld, it could affect several contests in the county, which has 2,067 registered voters.

Reaction Is Mixed

The suit, filed by Attorney General John N. Mitchell, charged that officials rejected entire ballots where voters clearly marked the candidates in some races but were unclear in their choices in other contests.

It asked the court for a restraining order to prevent officials from continuing to violate laws.

The reaction to the suit by civil rights leaders was mixed. Rims Barber, education director of the Delta Ministry, an organization of ministers engaged in civil rights activity, called the suit "tokenism to get the Administration off the hook by saying something was done."

Charles Evers, the Negro

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MISSISSIPPI AIDES ARE SUED ON VOTES

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Mayor of Fayette who was an unsuccessful candidate for Governor in November, said the action offered some hope "since there was cheating in every county" and some local elections might be overturned, with blacks being declared the winners.

Mr. Evers and others called on the Justice Department, which had Federal registrars in three counties and observers and examiners in 36 of the state's 82 counties, to investigate the alleged violations.

A department official said other complaints by Negroes were still under investigation. Other complaints include charges of beatings at polling places by policemen as well as white private citizens, arrests and threats of physical violence. In Humphreys County, a black lawyer reportedly was hit in the mouth by a white man.

Commissioners and Clerk

Named as defendants in the suit were the five-member Board of Election Commissioners in Humphreys County and the county circuit clerk, G. H. Hood.

Mr. Hood, reached at his home in Belzoni, said he had not received official notice of the suit and would have no comment on it.

The suit said:

"During the tabulation of the ballots cast for candidates in the Nov. 2, 1971, Humphreys County general election, polling place officials set aside and failed to count the entire ballot where the voter's choice was clear in one or more races on that ballot but unclear in one or more other places on the ballot.

"The Humphreys County Board of Election Commissioners failed to count any votes from these ballots set aside by the polling place officials. Adopting the decision of polling place officials to reject an entire ballot on account of the inability of polling place officials to ascertain the voter's choice in one or more races and where there were other races on the ballot clearly marked to reflect the voter's choice."

Out-of-Town Campaigners

The Mississippi elections drew national attention because of the candidacy of Mr. Evers, the first Negro candidate for Governor. Several national political figures including Mayor Lindsay of New York and Senator Edmund S. Muskie, Democrat of Maine, campaigned for him.

However, while there was only faint hope that Mr. Evers could be elected, there was great expectation that a sizable number of the other black candidates would win. Mr. Evers charged that many of the races "were stolen from blacks."

"I'm not foolish enough to believe they cheated me out of 400,000 votes [his losing margin], but I think they did cheat me out of 100,000. But more importantly now, they cheated a lot of other blacks," Mr. Evers said today.

"The suits won't affect my race, but I'm concerned about all the other races."

Mr. Barber said that a suit filed by the lawyers' Committee for Civil Rights went further than today's action. The committee's suit, filed in Madison County, asked the state court to change the outcome of the elections there and declare blacks the winners.

"The Justice Department suit is nice, but it is a token effort," he remarked. "But if it sets the legal basis for blacks having access to the ballot in the future, we're for it."