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## Correspondence, John C. Stennis, George H. Ethridge, February 5-27, 1948

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*File*

STATE OF MISSISSIPPI  
Department of Justice



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ASSISTANT ATTORNEYS GENERAL

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February 5, 1948

Senator John C. Stennis  
Senate Office Building  
Washington, D. C.

Dear Senator:

I am enclosing herewith a brief as per your letter with reference to House Resolution 29, 80th Congress, pending before the Senate of the United States. This brief has been hastily prepared due to the fact that the bill may come up quickly and if delayed for more full authorities, it might not get before the Senate in time to serve its purpose. You will note from the brief that I have commented on the poll tax and attempted to show that it did not apply to a large class of voters, especially those over 60. I desire to call your attention especially to the appeal provided by Section 248 of the Constitution by which the legality of any proceedings can be tested in the courts. I call your attention also to the Code of 1942, Sections 3224-3230, which provide a judicial hearing on any question affecting the voter's right to be registered and vote. You will note also that I have commented on the fact that the utmost poll tax that can be imposed in any one year does not exceed three dollars per annum or twenty-five cents per month and that the poll tax goes into the educational fund of the county and cannot be used for any other purpose. I think that this matter should be stressed and placed in the Congressional Record and called to the attention of all Senators and Congressmen. I think there is a misunderstanding throughout the North as to the effect of the poll tax and also as to the understanding clause contained in Section 244 of the State Constitution. If a person can read or write then the understanding clause does not come into play and a person may register and vote, but the understanding clause was placed in the Constitution to enable illiterate people to vote if they could understand the provisions of the Constitution when read to them or give a reasonable interpretation thereof. Senator J. Z. George, in his great speech in defense of the Constitution in the first days of January, 1891, shortly after the Constitution was put into effect, justifies and explains the understanding clause and makes it clear that it was for the purpose not of limiting the right to vote, but to enlarge the right so as to permit illiterate but intelligent people who understood the process and purpose of government to register and vote. The understanding of the voter is not left to the registrar alone, but appeal lies from the registrar's decision and the appeal in such case may be appealed even to the

Senator John C. Stennis--2

United States Supreme Court and the Bill of Exceptions taken on the appeal from the board of election commissioners must embrace the evidence as well as the findings. This speech by Senator George began on December 31, 1890, and continued for about three days and occupied pages 617 to 727 in "Mississippi Constitution" and appears in the Congressional Record covering the several days taken in delivering the speech. The speech is a very able one but it will be difficult to get Congressmen and Senators to read it in full. I desire to call your attention especially to the language used by the United States Supreme Court contained in 42 L. Ed. 1015, in which the Mississippi law, as contained on the poll tax and selection of jurors, was upheld. This opinion did not dwell on the right to appeal on the part of the voter or interested citizens and did not refer to Section 248 of the Constitution.

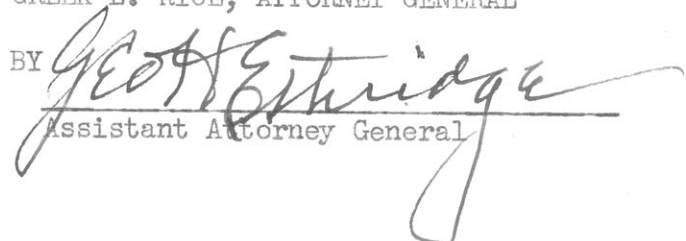
The crux of the whole matter is the absence of power in Congress to legislate on the subject. What matters that are reserved to the states is not clearly comprehended by most people and need to be better understood by even Congressmen and Senators in many instances. The powers reserved under the 10th Amendment are largely indicated in the list of subjects listed in the state codes.

With best wishes and personal regards, I am,

Yours very truly,

GREEK L. RICE, ATTORNEY GENERAL

BY

  
Assistant Attorney General

GHE:jm

Enclosure

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## United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION

February 27, 1948

Judge George H. Ethridge  
Assistant Attorney General  
Jackson, Mississippi

Dear Judge Ethridge:

I am getting right down into the heart of your brief now on the anti-poll tax bill, am finding it very helpful and want to thank you again for sending it to me. It now seems that the Subcommittee is not even going to permit public hearings and the Chairman of the Rules Committee has turned down my request that I be appointed a member of this subcommittee in view of the fact that there was no one on it from the South. I have asked them to hold hearings and to conduct these hearings in the states most directly affected, i.e., those that have poll tax provisions in their law, but have not received a final reply on this request yet.

I just want to thank you again for your good brief and tell you that it is really a help to me.

With kind regards, I am

Your friend,

U. S. S.

JCS: eh