

Memorandum

TO : Frank M. Dunbaugh
Acting Chief
Southeastern Section

DATE:

FROM : Alexander C. Ross
Attorney

SUBJECT: Removal of Federally Listed
Voters in Clarendon County

I received a call on April 7 from Mr. Billy Fleming, NAACP leader in Manning (Clarendon County), South Carolina. Mr. Fleming said that three persons had come to him with complaints that they had received "proposed removal" notices from the Civil Service Commission in Atlanta stating that they were to be removed from the federal list of voters because they had been convicted of a disqualifying crime - larceny in all three cases. Mr. Fleming insisted that these persons, two of whom he has known for a long time, have never been convicted of such a crime (one had been convicted of drunkenness). Mr. Fleming explained that all three are illiterate and had not responded to the "proposed removal."

Mr. Fleming also reported that there were "rumors that a lot more" federally-listed voters in the county had received similar letters.

Our files show that the three persons involved were listed in October or November 1965 and their names certified to local officials on November 30, 1965. The files further show that on December 17 and February 9, a total of 7 listed voters (but not the three here) were removed because of disqualifying crimes.

On April 8 I called Mr. Timothy Mullis, in the Commission's Atlanta office. He said that in early March he received from the Clarendon Board of Registration a list of 21 persons to be removed for convictions. He stated that a representative of the Commission went to Clarendon County, made inquiry and determined that all but one of the 21 should be removed. This inquiry included a check to see if the person to be removed is the same person that was convicted and an inspection of court records. On March 22 "proposed removal" letters were sent to the 20 persons, giving them until April 1 to respond; no response was received. The time was extended for 5 days, and on April 6, they were officially removed.

Mr. Mullis added that the Clarendon Board of Registrars had recently sent him two more lists containing the names of 35 persons to be removed because of conviction. (It turned out that there were only 15 more names - the third list was a re-capitulation of the first two, sent in by the Republican County Committee.) Mullis stated that he was in the process of checking and removing these persons.

I called Mr. Fleming back and informed him of the procedures involved. I suggested that he try to get people to respond to the Commission's letters if they felt they were being removed unjustly. I also explained that persons who had been removed could be re-instated if it were discovered that they had not been convicted of a disqualifying crime.

On April 13, we received from the Commission's Atlanta office a list of 20 persons who had been removed for disqualifying crimes (housebreaking or larceny in all cases).

On April 19 and 20, Walt Gorman interviewed 8 of these persons and the wives of two others. He concluded that only 3 of the 10 had been convicted of a disqualifying crime.

On April 21, I called Mr. Mullis again. He told me that he had gone to Clarendon County to re-check the first list and check the record list himself. He found that of the 20 removals, 8 had been mistakes, arising out of the fact that someone of the same name had been convicted, but of an age that would make it impossible for it to have been the same person. These persons will be "restored" to the voting rolls (including one who obediently returned his certificate and his "I Am A Registered Voter, Are You?" button).

In addition, 8 of the 15 persons on the second list had been wrongfully proposed for removal. The other seven (4 of which are for convictions) will be removed.

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Of the remaining 12 persons on the first list, Mullis found convictions for 5, wherein the age matches the listed voter's age. He is satisfied that these 5 were correctly removed.

The only remaining problem is that there are persons on each list for whom there is a listed conviction, but with no age indicated that can verify that it's the same person. I discussed this with the Commission and we concluded that the Commission would take further action to be certain about these people.