

**SNCC LEGACY PROJECT TESTIMONY ON VOTING AS A CONSTITUTIONAL RIGHT  
BEFORE THE DEMOCRATIC NATIONAL PLATFORM COMMITTEE**

Phoenix, Arizona – Saturday, June 18, 2016

By Robert P. (Bob) Moses

---

In March of 1963, a Field Secretary for the Student Nonviolent Coordinating Committee (SNCC), I testified in the Federal District Court of Judge Claude Clayton in Greenville, Mississippi, my lawyer, John Doar from the US Department of Justice.<sup>1</sup>

A few months earlier, Jimmy Travis, Randolph Blackwell and myself had been greased gunned on the highway outside of Greenwood. Jimmy, driving, caught a bullet in his neck.

In response to this terrorist act SNCC converged on Greenwood, raised food from Chicago, and insisted that families needing food join the right to vote insurgency, march with SNCC to the Courthouse and attempt to register, Greenwood Police arrested and jailed eight SNCC field secretaries.

From the witness stand I stared at the sharecroppers bussed in from Greenwood while attending to Judge Clayton's **constitutional** question: Why is SNCC taking illiterates down to register to vote?

**BECAUSE**, the Nation can't have its cake and eat it too: It can't use politics to deny Black people access to literacy and then turn around and say they can't do politics because they're illiterate.

Today, more than fifty years later, a contemporary "SNCC" action might provoke a **contemporary** constitutional question:

Why is "SNCC" taking convicted felons down to register to vote?

---

<sup>1</sup> U.S. v. City of Greenwood, USDC of Northern Mississippi, filed March 30, 1963

**SNCC LEGACY PROJECT TESTIMONY ON VOTING AS A CONSTITUTIONAL RIGHT  
BEFORE THE DEMOCRATIC NATIONAL PLATFORM COMMITTEE**

Phoenix, Arizona – Saturday, June 18, 2016

By Robert P. (Bob) Moses

---

In that 1963 Mississippi Federal District Court and in Twenty-First Century America, three sets of constitutional combatants engage each other in a power struggle for the right to vote and the right to a quality public school education: Federal Power, State Power, People Power: Three Powers which have struggled with each other across each of three constitutional eras. Each of these eras has distinctive sets of badges:

We can see this in the fate of young black men across the three eras:

**1787 to 1862:** In the first constitutional era young black men are Africans and slaves **too** valuable to lynch or lock up.

**1875 to 1941:** in the second constitutional era southern young black men are second class citizens rounded up by the tens of thousands for “peonage” and shackled to work the coal mines.

**In this our third constitutional era,** mass incarceration

- Fueled by President Nixon’s determination to create a war on drugs as a tool to destroy the Black community<sup>2</sup>;
- Intensified under the Clinton and Obama administrations<sup>3</sup>;
- Decimated the potential black electorate<sup>4</sup>.

The National Democratic Party, authors of all three devastations cannot claim innocence, because, as Baldwin taught us:

---

<sup>2</sup> Legalize It All: How To Win the War On Drugs, Dan Baum, Harper Magazine, April 2016, accessed 06/16/16, <http://harpers.org/archive/2016/04/legalize-it-all/>

<sup>3</sup> Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness, The New Press, 2010. Pp. 55.

<sup>4</sup> Ibid, pp. 239-240.

**SNCC LEGACY PROJECT TESTIMONY ON VOTING AS A CONSTITUTIONAL RIGHT  
BEFORE THE DEMOCRATIC NATIONAL PLATFORM COMMITTEE**

Phoenix, Arizona – Saturday, June 18, 2016

By Robert P. (Bob) Moses

---

**“It is not permissible that the authors of devastation should also be innocent. It is the innocence which constitutes the crime.”<sup>5</sup>**

That said, we are calling on the National Democratic Party to address with us a fundamental question: Who are the constitutional people? What does it mean to be a constitutional person in the United States of America?

On April 22nd, 1820, at the center of the first constitutional era, Thomas Jefferson wrote this to John Holmes about slavery:

**“But, as it is, we have the wolf by the ear, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other.”<sup>6</sup>**

In that era Democrat Presidents decimated Native Americans, confiscated their lands and rode the wolf of slavery. Young black Africans, Insurgent Runaway Slaves, inspired a Revolutionary People’s Movement to destroy the wolf of slavery pushing Abraham Lincoln to begin his 1858 “House Divided” speech with reflections on the two letter word that, in this very election cycle continues to confound this nation.

**“If we could first know where we are and whither we are tending, we could better judge what to do and how to do it.”<sup>7</sup>**

Alas, Lincoln could not construct a “we,” the nation fractured and descended into war.

---

<sup>5</sup> James Baldwin, “My Dungeon Shook: Letter to My Nephew on the One Hundredth Anniversary of the Emancipation,” in *The Fire Next Time*. 1963.

<sup>6</sup> Thomas Jefferson to John Holmes (discussing slavery and the Missouri question), April 22, 1820.

<sup>7</sup> Abraham Lincoln, House Divided Speech, June 16, 1858.

**SNCC LEGACY PROJECT TESTIMONY ON VOTING AS A CONSTITUTIONAL RIGHT  
BEFORE THE DEMOCRATIC NATIONAL PLATFORM COMMITTEE**

Phoenix, Arizona – Saturday, June 18, 2016

By Robert P. (Bob) Moses

---

It took its own sweet time, but Democrats fractured over the same two letter word when, one century after the Civil War, Freedom Summer and the Mississippi Freedom Democratic Party (MFDP), pushed the National Democratic Party to cleanse itself from the politics of white supremacy.

MFDP had come **from** the right state. George S. Boutwell, a senator from Massachusetts who helped craft the Reconstruction Amendments and the laws to enforce them, stated the case:

**“The evidence shows ... that the State of Mississippi is at present under the control of political organizations composed largely of armed men whose common purpose is ...to establish and maintain ... by acts ... of violence, fraud, and murder ... the supremacy of the white-line democracy.”<sup>8</sup>**

In 1875, a decade after the Civil War, a Democratic Party’s “white-line” democracy launched the nation into Jim Crow and Slavery by Another Name.<sup>9</sup>

---

<sup>8</sup> Mississippi in 1875: *Report of the Select Committee to Inquire Into the Mississippi Election of 1875, with the Testimony and Documentary Evidence, in Two Volumes, Vol. I, Washington: Government Printing Office, 1876*, page XXVIII (17), retrieved 06/15/2016, 4:19 p.m., <https://babel.hathitrust.org/cgi/pt?id=uc1.c025383545;view=1up;seq=7>

<sup>9</sup> Slavery by Another Name: The Re-Enslavement of Black People in America From the Civil War to World War II, Douglas A. Blackmon, Doubleday, New York: 2008

**SNCC LEGACY PROJECT TESTIMONY ON VOTING AS A CONSTITUTIONAL RIGHT  
BEFORE THE DEMOCRATIC NATIONAL PLATFORM COMMITTEE**

Phoenix, Arizona – Saturday, June 18, 2016

By Robert P. (Bob) Moses

---

Black youth dropped the curtain on this second Constitutional Era; they initiated and sustained the Sit-In Movement, took it across Alabama and into Mississippi with Freedom Rides, then settled via SNCC across Mississippi and the black belt to organize an earned insurgency for the right to vote. They acted as Constitutional People, citizens of the nation, in defiance of the Supreme Court's Confederate Narrative and its idea that their human rights depended on something as shaky as the laws of the Confederate States. A notion as absurd as Slavery itself. They enacted a People's Narrative, a story involving guarantees of national citizenship and national protection of citizens' rights.<sup>10</sup>

In this our third constitutional era, our questions remain:  
Who are the constitutional people? What does it mean to be a constitutional person in the United States of America?

While those who fought for the Reconstruction Amendments thought they were guaranteeing the right to vote to all citizens, those rights have been deeply undermined by, among others, this Democratic Party. In 1963, Judge Wisdom of the Fifth Circuit Court of Appeals had this to say about the removal, in 1877, of federal troops from the South:

**These events foreshadowed the “lily-white” primary, and marked the emergence of the Democratic Party in the South as the “institutionalized incarnation of the will to White Supremacy.”<sup>11</sup>**

---

<sup>10</sup> Davis, Peggy Cooper; Francois, Aderson Bellegarde; and Starger, Colin P., "The Persistence of the Confederate Narrative" (2015). *New York University Public Law and Legal Theory Working Papers*. Paper 540. [http://lsr.nellco.org/nyu\\_plltwp/540](http://lsr.nellco.org/nyu_plltwp/540) (page 13)

<sup>11</sup> *US v. Louisiana*, 225 F.Supp. 353, 36 (E.D.LA 1963).

**SNCC LEGACY PROJECT TESTIMONY ON VOTING AS A CONSTITUTIONAL RIGHT  
BEFORE THE DEMOCRATIC NATIONAL PLATFORM COMMITTEE**

Phoenix, Arizona – Saturday, June 18, 2016

By Robert P. (Bob) Moses

---

In *Shelby County v. Holder*, Chief Justice Roberts elevated a Confederate Narrative of states' rights over a People's Narrative of universal citizenship, providing a judicial façade for the contemporary "will to White Supremacy."

To reinforce the intent and purpose of the Reconstruction Amendments, and to ensure that all of our citizens, including incarcerated persons, have full political rights, the SNCC Legacy Project, and those of us who commit to organizing earned insurgencies of People Power, champion, in opposition to Chief Justice Roberts, a People's Narrative.

**"That the nation rejected both slavery and its assault on human dignity and altered its slave-tolerating Constitution to give the Federal Government power to protect the People's rights."<sup>12</sup>**

We ask that the National Democratic Party take a revolutionary stance: Confirm the right to vote and make it explicit; adopt in your platform the following statement:

**The National Democratic Party agrees to work for the following Voting Rights Resolution.**

**Voting Rights Resolution**

**Section 1. The People's right of representation being necessary to our republican form of government, the right of citizens of the United States to vote shall not be infringed.**

**Section 2. The Federal branches of government shall protect this right.**

---

<sup>12</sup> Davis, et al., Ibid.

## QUESTION & ANSWERS

**Cornel West** asked Bob Moses what he saw as the grounds for having trust in the Democratic Party?

**Bob Moses:** So just to be truthful, the only grounds, for me, are actually what I think of as "earned insurgencies" that come from the bottom up. I think we have to earn our insurgencies in this country. That was our experience in Mississippi. We had to earn it in three different ways. First, we had to earn from the sharecroppers and the farmers that we were working with, their trust. And it was really simple. Every time we got knocked down, we had to stand back up. And finally, they decided that we meant what we were saying.

We also had to earn something from the national government. You remember the 1957 Civil Rights Act? Johnson was Senate Majority Leader and Eisenhower was president. And that [Act] set up the Civil Rights Division of the Justice Department. Now, that act was about the idea that Tuskegee professors, who qualified under any standard, should be allowed to vote. They didn't have SNCC in mind. But they put in that act that anyone who was acting on behalf of the people trying to vote, that states could not arrest them. So that act gave SNCC a little [of] what I came to think of as a legal crawlspace. It actually enabled us to do the work on the ground. So every time the state of Mississippi locked us up, the Justice Department came and got us out. But we had to earn their trust. It didn't say that they were required to do that. They were permitted to do that. Right. So we had to earn the right to be people that they would go to bat for.

And then we had to earn the right to call on the country to come take a look at itself. We had to earn the right to call on college students from all over the country to come down in [the] face of danger. And as you know, three of them were murdered that summer. But we had to earn the right to do that.

So we need, in this country, earned insurgencies. That is what it will take, I think, to get the political parties, including the Democratic Party, up and moving on these issues.

**Congresswoman Barbara Lee** asked how to make sure the Democratic Party embraces emerging movements -- the Dreamers, The Black Lives Matter's Movement ...

**Bob Moses:** Yes, so I think that the Party could engage with people who are trying to actually have meetings with those people you just named who are trying to start a movement. So it would be really helpful, I think. Courtland Cox is the sort of point person on the SNCC Legacy Committee. And I know that he is planning and trying to bring together people who are involved in those movements and to get people from the progressive wing of the Democratic Party involved in helping. Because you need the voices of the people who are actually doing that work at the table.