

MEMORANDUM ON MISSISSIPPI SUMMER PROJECT

TO: MEMBERS OF THE UNITED STATES CONGRESS
FROM: COUNCIL OF FEDERATED ORGANIZATIONS
DATE: JUNE 3, 1964

MISSISSIPPI RIGHTS DRIVE PLANNED; STATE OFFICIALS MOBILIZE FOR SUMMER

A massive education, community improvement, and voter registration drive is being launched in the State of Mississippi this summer by the Council of Federated Organizations (COFO), a civil rights coalition comprised of the Congress of Racial Equality, the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, and the Student Nonviolent Coordinating Committee. The National Council of Churches has joined the civil rights groups in this extensive drive. Hundreds of clergymen, students, teachers, lawyers and others will be going to Mississippi to volunteer for this project. (See attached article: NEW YORK TIMES, Sunday, May 17, 1964.)

COFO is concerned about the physical safety of summer volunteers because of Mississippi's long record of violence against civil rights workers. (See attached documented chronology of violence: From April 4, 1963, CONGRESSIONAL RECORD.)

The State has passed five bills designed to halt demonstrations and has other proposals before it which would legalize the blatant harassment of our education and voter registration workers. (See attached: "Mississippi Readies Laws for 'Freedom Summer'")

A powerful police force is being mobilized both locally and statewide by Mississippi law enforcement officials in a response to the summer project. (See attached article: NEWSWEEK, February 24, 1964.)

PROPOSED ACTION TO PREVENT VIOLENCE AND MAINTAIN ORDER

In order to prevent possible violence and chaos -- and to save lives -- COFO is attempting to secure a federal presence in Mississippi before any tragic incidents occur. Public hearings before a panel of ten distinguished Americans are scheduled for June 8th at the National Theatre. Local Mississippians and Constitutional lawyers will testify as to the need for and legality of Federal action. Leaders of the COFO project are attempting to secure an appointment with President Johnson to confer on steps which should be taken. (See attached article: NEW YORK POST, May 27, 1964.)

ACTIONS REQUESTED OF MEMBERS OF CONGRESS

This briefing is an attempt to enlist your help. We are asking you to take the following steps:

1. Attend the June 8th hearings and plan to make a public statement on the basis of the testimony you hear that day.
2. In a few weeks, COFO will be sending you a list of the names of your constituents who will be working with us in Mississippi. We urge that you bring their presence in Mississippi to the attention of your colleagues and that you seek the aid of your colleagues in obtaining Federal protection for your constituents.

3. Contact the Justice Department, in writing, individually or as a group, and urge that the Department take the following specific steps in order to insure that the Constitution is upheld in Mississippi this summer and that summer project volunteers are protected.

- a. Assign several U.S. Marshall in every county or locality where there will be COFO projects designed to secure the constitutional rights for the Negro citizens of Mississippi. (The power of the Attorney General to do this is found uner Section 549, Title 28, U.S. Code; and Section 3053, Title 18, U.S. Code.)

- b. Set up a full-time branch office on a temporary basis in several key Mississippi cities, i.e., Greenwood, Hattiesburg, Jackson, and Batesville. (There are currently U.S. Attorney's offices in the first three cities. It is quite within reason to request that the Justice Department establish fully staffed operations in these cities, as well as Batesville, for the summer.)

- c. Inform, by mail or otherwise, various Mississippi law enforcement officials both on the state and local level of Federal laws regarding intimidation and harm of citizens of the United States who are exercising their Constitutional rights and that the Attorney General make it clear to these officials that prosecution as well as the active use of Federal preventative force will be swift and sure.

- d. Notify Governor Paul Johnson that the Justice Department intends to take whatever means are necessary to guarantee the Constitutional rights of U.S. citizens who are in the state of Mississippi this summer.

- e. Recommend to President Johnson the immediate use of Section 332 of Title 10 of the U.S. Code since it is absolutely apparent that Constitutional rights cannot be currently enforced in any courts within the state of Mississippi and that such deprivations are going on in spite of any actions by the Federal courts. (Refer to section 332 of Title 10 in the Appendix of the Legal Memo attached which refers, in part, to situations in which it is "impracticable to enforce the laws of the United States in any state or territory by the ordinary course of Judicial proceedings." The 1963 report of the Civil Rights Commission states: "The conclusion is inevitable that present legal remedies for voter discrimination are inadequate." One might cite, for example, U.S. v. Lynd, Forest County, Mississippi, instituted in 1960, which has yet to have a final effective decree allowing Negroes to freely register to vote.)

- f. Meet with the leaders of the Mississippi civil rights project and recommend that President Johnson meet with them also.

4. Assign one person in your office to act as a liaison with COFO in the event that incidents similar to those which took place in Canton, Mississippi, this past week occur this summer. We would request that ~~cooperate~~ with the the following procedure if and when incidents occur this summer.
- a. The COFO office in Mississippi will phone the details of any incidents directly and immediately to the COFO office in Washington, D.C. COFO's legal advisers will determine under which statutes the Federal Government has the power to act in any given situation and will relate this information to your office.
 - b. With the attached legal memo to refer to, we would request your office to phone the Justice Department and urge that they take immediate action to bring relief to our volunteers and to resolve the situation.
 - c. The Justice Department will furnish you with a complete report. It has been the history of the Justice Department, in the majority of instances, to reply that they have insufficient information and/or power to act in a given situation. The COFO line to Mississippi should provide fast and accurate details on events in that state. We hope to point out to you, in the attached memo, that the Federal government has the power to act in Mississippi before any incidents occur; there is little doubt that the legal power exists under which the Justice Department may act in the event that Constitutional rights are violated.
 - d. If the Justice Department does not take swift and incisive action in the event of an incident in the state of Mississippi, COFO will request that your office make an additional inquiry upon receipt of the Justice Department report if it appears to be inadequate.

The Council of Federated Organizations sincerely hopes that it will not be necessary to use the above procedure. However, because of our serious concern for the safety of summer project volunteers and because of our apprehension at the visible mobilization of the state of Mississippi in response to the project, we strongly urge you to develop the mechanisms within your own office to respond to our appeal if it is necessary.

It cannot be stated too many times that our basic goal is to obtain Federal preventative action before any more names are added to the list of civil rights martyrs. It is to this that we hope you will direct your efforts at this time by urging the Justice Department to take the steps we have outlined.