

To: The Provinces

Date: July 27, 1964

From: Barney Frank, Jackson FDP Staff

Re: Arguing with the Red Queen about Precinct Meetings

Apparently, several newspapers and radio stations have refused ads for FDP meetings on various "legal grounds." As reported to us, these grounds are more than usually specious and, if they represent the sort of advice local lawyers are in the habit of giving, we should all rejoice that they won't represent us.

Our present legal status is this: we are in the process of organizing a political party substantially along the lines prescribed by the Mississippi laws. Last week we submitted an application to Secretary of State Ladner for registration as the official Democratic Party of Mississippi. (We think big.) He rejected our application on the grounds that it was incomplete and, on rechecking the relevant statute, we found that it was. The law requires that applications be submitted after the organizing process is completed, i.e. after the precinct meetings, county meetings, and state convention. Thus, ever anxious to please, we will resubmit our application after the state convention.

It is not entirely outside the realm of possibility that this will be rejected as well. There are several areas where we will not be complying with the law, generally because circumstances make it impossible--e.g. where we cannot get the regular polling place for the meeting. In other cases--such as the requirement that meetings begin at 10:00 a.m., which can only have been put in to discourage the participation of undesirables who have to work for a living--we are deviating from the statute on principle. Whether or not these are grounds for rejecting our application is the "quasi-judicial responsibility of the Secretary of State" (Ladner's words to me in a phone conversation). If any deviation from the legal requirements automatically meant rejection, there would probably be no real political parties in the state (as, of course, one might argue there are not). Certainly, in their exclusion of registered Negro voters from precinct meetings in June, the regular Democrats committed breaches of both the spirit and letter of the law far more serious than any that could be charged to us.

To turn to the first of the opposition arguments, it makes literally no sense to cite Ladner's rejection of our first application as a basis for rejecting our ads. He turned us down because we had not yet completed our cycle of meetings. This means that, under Ladner's reading of the law, a party's first series of meetings have to be held before it has been registered. When the media say that they will not allow us to advertise because we have not yet registered, they are saying that we cannot take the steps necessary to become registered until we already are registered. (Getting dizzy?) In fact, since the law calls for public advertisement by a party that wishes to become registered, it is the people who turn down our efforts to do so who are hindering the operation of the law.

The argument that our ads cannot be carried because they pertain to meetings which do not meet all legal requirements is no more

plausible. We have already noted Ladner's assertion of his "quasi-judicial responsibility" to pass on applications. For a newspaper to take it on itself to reject our ads as unlawful is, then, a usurpation of Ladner's authority. Far from protecting the law, the opposition is once again subverting it. Moreover, this is not a criminal statute. There are no penalties that attach to those who violate it except rejection of an application for registration. No one can incur any criminal penalties from this process, and no paper that carries an ad exposes itself to any danger whatsoever--except of course from the Klan, which ain't our problem.

Finally, these meetings are public meetings being held by citizens of the United States for political purposes. As such, they are not only lawful, they are protected by the Federal Constitution: specifically the First and Fourteenth Amendments which protect the rights of free speech and peaceable assembly for petitioning for redress of grievances (and if anybody ever had grievances, it's the FDP constituency). We have a perfect right to hold meetings and call them precinct meetings, nominating conventions, coronations, seances, or whatever we damn well please, as long as we defraud no one (and there is no admission charge).

I realize that neither of these non sequiturs is any more preposterous than much of the hogwash regularly purveyed by these people, and they are unlikely to be persuaded by our rebuttal--especially since they were obviously only looking for excuses in the first place. Nevertheless, any objections of this sort should be answered by registered mail, with the arguments suggested here. Then send copies of all correspondence to David Wolf for our "look what the clowns have done now" file.

Yours in Freedom,

Alice