

FACT SHEET AND SUGGESTIONS FOR ACTION ON THE FDP CHALLENGE

The challenges to the contested Congressmen will be filed in accordance with a formal statute of Congress which outlines the exact steps which were followed whenever the right to hold a seat in the House of Representatives is challenged. This statute, Title 2 of the United States Code, sections 201-226, is a formal law of Congress and is not subject to change.

STEP ONE (Dec. 2nd to Jan. 3rd)

The formal challenges must be filed within 30 days after the certification of the results of the elections. The challenges will be served on the contested representatives personally and by mail. They will be in written form and will set forth in full the reasons why the challenges are made, outlining why the Mississippi elections and political system are in total violation of the federal constitution. The challenged Congressmen are requested to reply within 30 days - they must send their formal answers to the challengers by the 2nd of January.

STEP TWO - Opening Day of Congress (Jan. 4th)

Any Congressman may formally challenge the right of the Miss. representatives to be sworn in and take their seats on the opening day of Congress. A group of Congressmen can also introduce a resolution asking that the contested representatives not be seated until the entire statutory procedure is completed. Regardless of the action on the resolution, the statutory challenge continues until the issue is resolved, sometime in late spring or the early summer. (see the following steps)

STEP THREE - (Jan 2nd to Feb. 10th)

After the challenged men have replied in writing, the law allows that the contestants have forty days to use federal subpoena power to take testimony throughout the state of Miss. to support its charges. They will seek to prove that the Miss. elections violated the Constitution and occurred in an atmosphere of terror and coercion. Testimony will be taken in open, public hearings within the state, and the power of subpoena permits emergency appeals whenever the local federal judges refuse this power. Subpoenas must be obeyed under penalty of contempt of court.

STEP FOUR - (Feb. 10th-March 20th)

The challenged men have forty days to take testimony, with the same powers as the challengers. They may or may not use this time.

STEP FIVE - (March 20th-30th)

The challengers then have 10 days to take rebuttal testimony. At the conclusion of this period, all the evidence is formally mailed to the Clerk of the House of Representatives. Both the challengers and the challenged are personally summoned to appear before the Clerk to decide how much of the record shall be printed by the public printer. The printed briefs are then distributed to the House Committee on elections and privileges.

STEP SIX - (May 1st to July 1st)

The challengers have 30 days to file their briefs and the challenged have 30 days to reply.

STEP SEVEN

At this point, the entire challenge is placed before the Subcommittee on elections and privileges. The committee then decides whether or not there will be formal public hearings held on the matter. The committee then submits its report to the entire House for approval or disapproval. These political decisions by the Subcommittee and the House will probably come to a head sometime during July, 1965.

The entire basis for the Challenge is the amount of political support that can be aroused throughout the nation on a local level. The only way in which Congressmen will be moved is through pressure from their local constituents. Thus, the form of action must be direct pressure in the form of letters, petitions, personal visits, and local rallies. This pressure requires the cooperation of the various groups with each Congressional district to coordinate their efforts under the direction of the MFDP. The demands on the Congressmen are as follows:

- 1) To support the Challenge of the Mississippi Freedom Democratic Party,
- 2) To co-author a "Fairness Resolution" reading as follows:
"Be it resolved that the pending the final decision of the House in the contest and challenges to the seats from Mississippi, no person claiming those seats shall be allowed to take the oath until this contest or challenge is decided by the House."
- 3) To vote for the resolution in "2" above.
- 4) To vote to request a roll call vote on all issues concerning the challenge including the Fairness Resolution and the final vote on the Challenge.

It is quite possible that your Congressman will not be willing to do all four of these things. They are listed in the probable order of greatest support for the challenge. Thus if he agrees to do "1" then it follows that he should do the rest. However, he might be willing to do one or more of the four and all attempts should be made to get some commitment.

PROCEDURES

- A) A committee should be formed in the local community-comprised people willing to work. The committee should do the following:
 - 1) Inform Congressmen of the Challenge by the 15th of December.
 - 2) Organize delegations to visit the Congressman at his home
 - 3) Develop a campaign of letter writing, petitions and public rallies designed to demonstrate community support for the Challenge.
- B) Raise funds for the MFDP Challenge - some suggestions:
 - 1) A concert or dramatic presentation which includes the opportunity for an MFDP person to speak
 - 2) Street corner solicitation - prepare materials about MFDP and ask people to contribute in canisters.
 - 3) Mailings - Use organizational mailing lists to inform people of the Challenge and ask for funds.
- C) After the 4th of January it is still essential to keep the pressure on, since the vote will not come until around July. Try to publicize the effort by getting various respected members of the community such as church people, union leaders, local politicians, etc. to release statements to the press.
- D) Keep in constant touch with the MFDP's Washington office - 1353 'U' Street, N.W., 332-7732. Whenever you visit a Congressman be sure and call them to relay what happened and commitment you got from him. Also notify them about rallies and ask to be sent the latest information.
- E) Remember that immediate pressure is urgently needed for January 4, but that the Challenge itself will cover seven months. Good Luck.

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