

Mississippi and The Chancellor are made parties defendant herein.

IV.

The Mississippi Freedom Democratic Party is primarily a party of Mississippi Negroes who have been refused the right to register and vote by the State, who have been excluded from the Mississippi Democratic Party, and who have banded together to better their way of life through meaningful political activity.

V.

The Mississippi Freedom Democratic Party is a legitimate public and serious political organization with State officers and County and District committees. It represents a firm and determined intent on the part of disenfranchised Mississippi Negroes to participate in the political life of their state.

VI.

From its inception in early 1964 this party has been the target of a conspiracy between officers of the State of Mississippi, including defendant Patterson, and officers of the Mississippi Democratic Party. This conspiracy has been directed toward the frustration of any efforts by The Freedom Democratic Party and others to make the Negro a powerful political force in a State where he represents over 40% of the population.

VII.

An overt act of this conspiracy was the bringing of the injunction suit described above and the securing of the restraint mentioned in Article 3. These acts were only two of a long series of illegal and unlawful activities engaged in by Mississippi State officials, Highway Patrolmen, County Sheriffs, their deputies, County Registrars and City officials; these unlawful and illegal acts were all part of a pattern and scheme to deprive the Mississippi Negro of the right to vote.

VIII.

These illegal and unlawful acts range from the unwarranted traffic arrest of voter registration workers through beatings, both in and out of jails, by peace officers, to murder participated in by County officials and members of clandestine terroristic organizations including the Klu Klux Klan.

The injunction of November 19th, 1964 is illegal and has no authority under law. It can not lawfully seek to limit and restrain the open and legal operation of a political party. The State of Mississippi and its legal twin, the Mississippi Democratic Party, have through devious and extra-legal manipulation over 100 years maintained a one party system in Mississippi which, through this injunction, seeks to maintain an illegal strangle hold on the Negro voter.

X.

Sections 3107 et seq. of the Mississippi Code have no application here. Such Sections are not only unconstitutional as written, but are in the instance of this injunction unconstitutionally applied. This violates plaintiffs rights under Amendments I, XIII, XIV and XV of the Federal Constitution and Title 42 USC §§ 1971, 1983, 1985 and 1988.

XI.

The Mississippi Freedom Democratic Party does not purport or attempt to be the same as the Mississippi Democratic Party; its platform and its candidates are widely different, but the Mississippi Freedom Democratic Party does contend that not only is the Mississippi Democratic Party illegally organized and registered as a "lily white" racial group, that its congressional candidates were illegally elected in 1964.

XII.

This injunction was first brought immediately prior to the announced intent of the Freedom Democratic Party to send its duly elected delegation to the Democratic National Convention. The defendant Chancellor at that time temporarily restrained the Freedom Democratic Party delegation from attending the convention. This ruling was modified when the preliminary injunction was rendered. It is significant that now, as the Freedom Democratic Party challenges the Mississippi Democratic Party congressional delegation under Title 2 USC §§ 201 and 226 as being illegally and improperly elected, the State sees fit to make the injunction permanent. Obviously, the injunction seeks to forbid indirectly and to collaterally attack the statutory challenges being made

December 3, 1964 by the Mississippi Freedom Democratic Party under Title 2 USC § 201 and 221.

XIII.

This injunction is no more than a bald and naked grab for total political domination under color of State Law by the State and the Mississippi Democratic Party. The injunction strikes down all attempts at independent, intelligent and lawful political organization by the Negro citizens of Mississippi. If allowed to stand it will stifle the political life of that State and permanently the protections of the First, Thirteenth, Fourteenth and Fifteenth Amendments to the Federal Constitution in Mississippi.

XIV.

The injunction is too broad and the Statute too narrow to allow such a precedent to stand. Sufficient authority does not exist to allow a State to outlaw a Political Party as this injunction seeks to do. It should be struck down as violative of the Federal Constitution, and as an attempt under color and authority of State Law to deprive the plaintiff and the class it represents of the decency, character, rights, privileges and immunities of National citizenship guaranteed under the Federal Constitution and more particularly Article II and Amendments 1, 13, 14 and 15.

XV.

Plaintiff is entitled to and seeks immediate and adequate relief from this Court. The State of Mississippi has threatened prompt and effective enforcement, through contempt citations, of this State Court injunction. Members, officers and friends of The Mississippi Freedom Democratic Party are fearful that they will be jailed for their political activities, including their current effort, underway on a wide scale, to challenge the Mississippi Congressional delegation under Title 2 USC § 201 and 226. This challenge is due to be made December 3rd, 1964 and may well result in the arrest and imprisonment of persons seeking to thereby exert rights under Federal Law.

XVI.

The entire concept of free speech as protected by the

First Amendment of the Constitution of the United States is endangered by this injunction unless:

1. This Court issues a temporary restraining order prohibiting and forbidding the enforcement by the defendants of the State Court injunction of November 19th, 1964;
2. This Court then proceeds to issue a preliminary injunction enjoining the enforcement by the defendants of the said State Court injunction of November 19th; and
3. This Court finally issues a permanent declaratory judgment under 28 USC § 2201 and 2202 finding the said State Court injunction null, void and of no effect for the reasons set forth above and permanently enjoining its enforcement by the defendants, their agents, officers and employees or anyone acting in concert with them.

XVII.

Plaintiff has no adequate remedy at law and seeks relief through equity under the Constitutional provisions and Statutes hereinabove cited and set forth.

WHEREFORE, petitioner prays that the defendants herein be duly cited and served with a copy of this complaint and be requested to answer same and that there issue herein a temporary restraining order ex parte and without notice restraining the enforcement by the defendants of the Circuit Court injunction of November 19, 1964; and that finally, that this Court issue according to law a permanent declaratory judgment under 28 USC § 2201 and 2202 finding the said State Court injunction null, void and of no effect for the reasons set forth above and permanently enjoining its enforcement by the defendants, their agents, officers and employees or anyone acting in concert with them.

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