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MISSISSIPPI
CHALLENGE

IN SUPPORT OF FAIRNESS RESOLUTION

On January 4th, when the new Congress is seated, five white Mississippians, four Democrats and one Republican, will present themselves to be sworn in. They will be challenged by other Congressmen on their right to be seated on the basis that the vast majority of Negroes in Mississippi were not allowed to participate freely in the state elections. Three women, Mrs. Fannie Lou Hamer, Mrs. Victoria Gray, and Mrs. Annie Devine also claim three of the five seats on the grounds that they were elected in "Freedom" elections, open to all citizens of Mississippi.

The House of Representatives, constitutionally, has the right to determine whether the five men from Mississippi are entitled to be seated in the United States Congress. The Commission on Religion and Race of the National Council of Churches supports the fairness resolution challenging the right of the five white Mississippians to take their seats until a thorough investigation has been completed into the procedures by which they were elected.

The state of Mississippi continues for the most part to be intransigently opposed to the free exercise of the franchise by its Negro citizens. We believe that a thorough and impartial investigation would result in the invalidation of the Mississippi state election procedures and the disqualification of those elected.

At the same time, while we support the courageous efforts of Mrs. Hamer, Mrs. Gray, and Mrs. Devine to dramatize the plight of the Negro in Mississippi, and while we support their right to challenge the seating of the white Mississippians, we cannot in conscience support their attempt to take the seats themselves. For while we believe the five white Mississippians have no valid legal claim to these seats, neither at this time do the three women from Mississippi, since their election was extra-legal. Their attempt, we feel, clouds the clear issue of the legality of the present election system in that state.

We urge the House of Representatives to conduct a thorough investigation into the election of the five prospective Congressmen, and to take the actions needed to secure the right of every qualified citizen of Mississippi to vote in federal elections.

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12/22/64

~~New File~~: Mississippi
Challenge

THE RYAN FAIRNESS RESOLUTION

December 30, 1964

Whereas, Article I, Section 5, of the Constitution of the United States provides that "each House shall be the judge of the elections, returns and qualifications of its own members"; and

Whereas, the 14th and 15th amendments to the Constitution forbid the denial of the right of citizens to vote on account of race or color; and

Whereas, between 90 and 95 percent of all Negroes, 21 years of age and a resident in the state of Mississippi, are not registered to vote and did not vote in the November 1964 election for members of Congress from Mississippi, due in at least substantial measure to violence, terror, discriminatory testing, economic reprisal and similar measures, and

Whereas, the Congress in the Act of February 23rd, 1870, warned the state of Mississippi that wholesale denial of the vote to her Negro citizens would result in a loss of her representation in this body, and

Whereas, relying on the foregoing, the validity of the election of Messrs. Abernathy, Whitten, Williams, Walker and Colmer, respectively, from the First, Second, Third, Fourth and Fifth District of Mississippi is hereby challenged,

Resolved that the question of the right of Messrs. Abernathy, Whitten, Williams, Walker and Colmer to be seated in the 89th Congress shall be referred to the Committee on House Administration, when elected and said committee shall have the power to send for persons and papers and examine witnesses under oath in relation to the subject matter of this resolution; and be it further

Resolved that in view of the prima facie case of widespread violations of the 14th and 15th Amendments resulting from the fact that between 90 and 95 percent of all Negroes, 21 years of age and resident in the state of Mississippi, are not registered to vote and did not vote in the November 1964 election, Messrs. Abernathy, Whitten, Williams, Walker and Colmer shall not be sworn at this time and the question of their being sworn shall be held in abeyance until the House shall finally decide the question of the right of each of said Messrs. Abernathy, Whitten, Williams, Walker and Colmer to be seated in the 89th Congress; and be it further

Resolved that the Committee on House Administration shall make its report to the House of Representatives not later than 260 days following adoption of this resolution, and be it finally

Resolved this challenge is separate from, but not in derogation of, whatever fights flow from the challenge of the Mississippi Freedom Democratic Party under Title II, U.S. Code, Section 201, et seq.