

MISSISSIPPI FREEDOM DEMOCRATIC PARTY

1017 Lynch Street

Jackson, Mississippi

I. Basis for the Development of the Mississippi Freedom Democratic Party and for Challenging the Seating of the Regular Mississippi Democratic Party at the Democratic National Convention.

A. The Mississippi Democratic Party discriminates against Negroes who wish to participate in the party and in state political affairs.

1. The Mississippi Democratic Party has control of the state legislative, executive, and judicial branches in Mississippi. All 49 senators and all but one of the 122 representatives are Democrats. All state executive officials such as governor, secretary of state, attorney general are Democrats.
 - a. The state legislature has consistently passed laws and set registration standards which exclude Negroes from the registration books.
 - b. The state executive was elected to office on the basis of a campaign which was largely directed toward keeping Negroes from registering to vote.
 - c. The state judicial system does not give Negroes judicial relief in voting cases. Only cases carried to the federal courts have resulted in any measure of relief for Negro applicants.
 - d. County registrars are elected to office. All county registrars are Democrats.

Any registered voter can vote in the Democratic primary and attend Democratic Party precinct conventions. Thus exclusion from the right to vote means exclusion from the Democratic Party.

2. The State Democratic Convention is being held in the Jackson Municipal Auditorium and the Heidelberg Hotel. Both of these facilities are segregated.

B. The Mississippi Democratic Party has consistently devoted itself to the perpetuation of segregation, racism, and the oppression of minorities. The party has made it impossible for Negroes of the state or white people who consider all people to be citizens to find it in their interest to participate in the Democratic Party of the state as it is now constituted.

C. Mississippi Citizens who are in sympathy with the goals, platform, and national candidates of the National Democratic Party cannot support these goals, platform and candidates by becoming a part of the Mississippi Democratic Party.

1. The Mississippi Democratic Party platform is in direct opposition to that of the national party.
2. The Mississippi Democratic Party has in party literature stated that it is not a part of the national party.
3. The Mississippi Democratic Party has not supported Democratic presidential candidates in the past and shows indications of refusing to support them this election.

II. The Development of the Mississippi Freedom Democratic Party

Because of these concerns and conclusions, the Council of Federated Organizations (a coalition of all the national and local civil rights and citizenship education groups in the state) decided to aid local citizens in setting up a Democratic Party structure to challenge the existing party and give Negroes an experience in the politics from which they have been excluded. This party will be open to citizens of both races, will encourage political participation on the part of all, and will conform to the platform and support the candidates of the National Democratic Party.

Registrars are being established in every county in the state; registrants will fill out a simplified voting form, the Freedom Registration form, based on the voting application used in several Northern states. No literacy test will be applied to registrants; the only requirement for registration is that the applicant be over 21 and a resident of the state. Over 100,000 people will be registered in this manner. Anyone who is registered is eligible to vote in the Freedom Democratic Party conventions and to take part in party work.

III. Challenging the seating of Mississippi Delegates to the National Democratic Party Convention

The Freedom Democratic Party has been officially established. At a meeting April 26 in Jackson, approximately 200 delegates elected a Temporary State Executive Committee. The Temporary Executive Committee will be responsible for supervising the calling of meetings throughout the state which will parallel the meetings through which the regular party selects its candidates to the National Convention. These meetings will follow the pattern stipulated in the Election Laws of Mississippi as closely as possible.

This pattern is: precinct meetings, which may be attended by anyone who has been registered on the FDP registration books. (They need not be officially registered voters, since in many counties no Negroes have been allowed to register at all.) The precinct meetings will select delegates to the County Conventions, where delegates will be selected to the State Convention. Prior to the State Convention, these delegates will meet by Congressional District Caucus. At this Caucus about half the delegates from the state to the National Convention will be selected; the State Executive Committee will be chosen, also. These delegates will then attend the State Convention, where the rest of the delegates to the National Convention will be selected, the State Executive Committee will be ratified, and the National Committeeman and Committeewoman will be elected.

These delegates will then attend the National Democratic Convention, where they will challenge the credentials of the regular party through the Credentials Committee. In all, 68 delegates will be chosen, the number allotted the regular party. There will be 46 delegates and 22 alternates.

In order to test the regular party, Negroes will also attend the precinct meetings of the regular party throughout the state. The discrimination that is sure to occur, especially in the hard-core areas, will be an additional part of the challenge argument. These precinct meetings will be held June 16.

THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY'S decision to challenge the seating of five unconstitutionally selected representatives to the Congress came in the wake of the refusal by Herbert Ladner, Mississippi Secretary of State, to have the names of FDP candidates placed on the state ballot for the November 3rd elections. Petitions bearing the 1,000 signatures from registered voters required by Mississippi law were ignored by the Secretary of State.

BASIS OF THE CHALLENGE

The MFDP's Notice of Challenge shows that the political process of the State of Mississippi violates the 14th amendment in that Negro citizens comprising some 42% of the voting age population are systematically disenfranchised and deprived of their political rights; it further shows that the MFDP has been subject to official intimidation and suppression from private and public sources within that state. Again, the Notice of Challenge shows that the State of Mississippi has been in continual violation of a federal statute passed in 1870 which stipulated that Mississippi would be readmitted to representation in Congress on the condition that the then existing constitutional qualification to vote would "never be amended or changed so as to deprive any citizen of the right to vote"

The political structure of Mississippi is based, in the words of the Fifth Circuit of Appeals, "on a system of steel hard segregation" which deprives over 400,000 voting age Negroes of their basic right to a ballot. Of Mississippi's 456,620 Negro citizens of voting age, only 28,000 are currently registered; and there are counties all through the state such as Clark County, with 2,988 Negroes eligible to vote where only one Negro has actually been registered.

The MFDP is not merely challenging the individuals claiming to represent Mississippi, but it contends that the restricted political and electoral system in Mississippi has effectively disqualified them from the right to represent Mississippi in the US Congress.

PROCEDURE OF THIS CHALLENGE

The challenges of the contested Congressmen were filed on Dec. 5, 1964, in accordance with Title 2 of the United States Code, Sec. 201, which outlines the exact steps to be followed whenever the right to hold a seat in the House of Representatives is being challenged.

The formal Notice of Challenge was delivered, personally and by mail, to the challenged Congressmen-elect and to the Clerk of the House on December 5, 1964, pursuant to Federal law.

The challenged persons then have 30 days to file their answers to the charges. The contestants have 40 days, beginning on the day answers are served, to use federal subpoena power to take testimony throughout the State of Mississippi to support the charges of the challenges. This testimony will be taken at open, public hearings. The subpoenas must be obeyed under penalty of contempt of court, and if local federal judges refuse to issue subpoenas, immediate emergency appeals can be taken to the higher federal courts.

The contestees then have 40 days to take testimony with the same rights. The contestants then have 10 days to take rebuttal testimony. Then all evidence is formally presented to the Clerk of the House and a decision is made as to how much of this record will be printed by the public printer. The printed record is given to the House Subcommittee on Elections and Privileges. The contestants then have 30 days to file their brief, and the contestees 30 days to answer. At this point the entire challenge is placed before the Subcommittee on Elections and Privileges, which has jurisdiction over the controversy. (over)

THE FAIRNESS RESOLUTION

On the opening day of Congress, prior to the swearing in of members-elect, any Congressman, as a member-elect, can ask that contested members be excused from taking the oath, and in fairness, that no Congressman from Mississippi be seated until such time as the House decides the question of the challenge. The Speaker asks those persons being challenged to step aside while the oath is administered. The formal Fairness Resolution is then presented and voted upon. The success or fail of the Fairness Resolution has no bearing on the outcome of the challenge proceedings outlined on the first page; it only determines whether the Congressmen will sit during the course of the challenge. Such a procedure has precedent, as late as 1961.

APPROXIMATE TIMETABLE OF THE STATUTORY CHALLENGE

- Dec. 4, 1964: The formal challenge is delivered to Mississippi Congressmen.
- Jan. 4, 1965: First day of Congress. A Congressman challenges the right of the Mississippi representatives to be seated, pending decision of challenge.
- Jan. 2-Feb. 10: Challengers use Federal subpoena powers to take testimony in Miss.
- Feb. 10-March 20: Challenged representatives have 40 days to take testimony.
- March 20-March 30: challengers have 10 days for rebuttal testimony.
- May 1-July 1: Challengers have 30 days to file their brief, and the contested representatives have 30 days to answer.
- July 1, 1965: The challenge is put before the Subcommittee on Elections and Privileges. It will make a recommendation to the House on the challenge. Sometime in July, the entire House will vote on the challenge.

BACKGROUND INFORMATION ON THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY

The MFDP was established in April, 1964. Following the refusal of State officials to place the FDP candidates on the ballot, the party decided to run a parallel election in which all citizens who met 14th Amendment criteria and desirous of voting would have an opportunity to do so. The ballot included the Presidential candidates of both major parties, as well as the FDP candidates and their opponents. Ballots were cast from polling places in 53 of the state's 82 counties, while "underground ballots" were mailed in from those counties too dangerous for FDP workers to enter openly.

President Johnson received more than 63,000 votes, a larger vote than he did in the official vote. MFDP candidates for the three Congressional seats:

Mrs. Fannie Lou Hamer	2nd District	33,000
Mrs. Victoria Gary	5th District	10,000
Mrs. Annie Devine	4th District	6,000

The MFDP contend that the only legal candidates qualified to represent Mississippi in the Congress of the United States are the three Congresswomen elected in the Freedom elections, since they were the only ones open to all constitutionally qualified persons in Mississippi this year.