

REPORTS THE CHALLENGE
COMMISSION ON RELIGION & RACE



“I question America”

Mrs. Fannie Lou Hamer—1964 Democratic Convention



THE CHALLENGE: ITS HISTORY

August 27, 1964, Atlantic City staged a birthday party that for sheer noise probably will never be topped. Bands played, rockets shattered the night sky in celestial red, white and blue and uncounted thousands of on-the-scene celebrators were joined by uncounted millions more on television.

It was an extravaganza, all for Lyndon Baines Johnson, who had just accepted the world's most dubious birthday present, the Presidential nomination, on the last night of the Democratic National Convention. A torrent of sound ushered the President from Convention Hall to the balcony outside where the tumult of other well-wishers greeted him from the packed plaza below.

He was on the balcony only 13 minutes, because several hundred young men and women, who were winding up a 100-hour vigil, weren't singing "Happy Birthday." They were singing "We Shall Overcome." The wistful, moving anthem nearly drowned out the traditional birthday song.

The President managed a smile, but America's most glittering celebration collapsed in a heap.

The previous Saturday, the afternoon of August 22, a group of people from Mississippi staged an extravaganza of their own, watched by millions on live national television for three hours. The occasion was the convention seating challenge of the infant Mississippi Freedom Democratic Party, four months old, crying for justice long before, politically speaking, it was dry behind the ears. At precisely 3:37 P.M., its appeal to the conscience of a party and the ears and eyes of a nation began.

Aaron Henry, a Clarksdale druggist whose store was blasted in 1963—by a lightning bolt, officials decided—made his points quietly and quickly. The then chairman of the FDP delegation noted that his group's interests were "identical" with the national party's (the implication being that the interests of the regular all-white state delegation were not). Next, he noted that 94 percent of the eligible Mississippi Negroes had been denied the right to participate in the political process back home. Almost as an afterthought, he added the 30-plus church bombings and hundreds of cross burnings.

Mrs. Fannie Lou Hamer, of Ruleville, in the Delta, then competing for a Congressional seat held by the same man since the Forties, in a near whisper and without notes, recalled losing her job after 18 years because she tried to register to vote. She pleaded that her party be seated at the convention; if not, she said, "I question America."

After her came slender, dark-haired Rita Schwerner, a widow of two months, who spoke about her husband's disappearance and then, straight-backed, walked to her seat in the FDP delegation, her face on the brink of shattering. (A man should not be asked to strip open his wounds before a summer afternoon audience.) The only sound was the rattle of cameras.

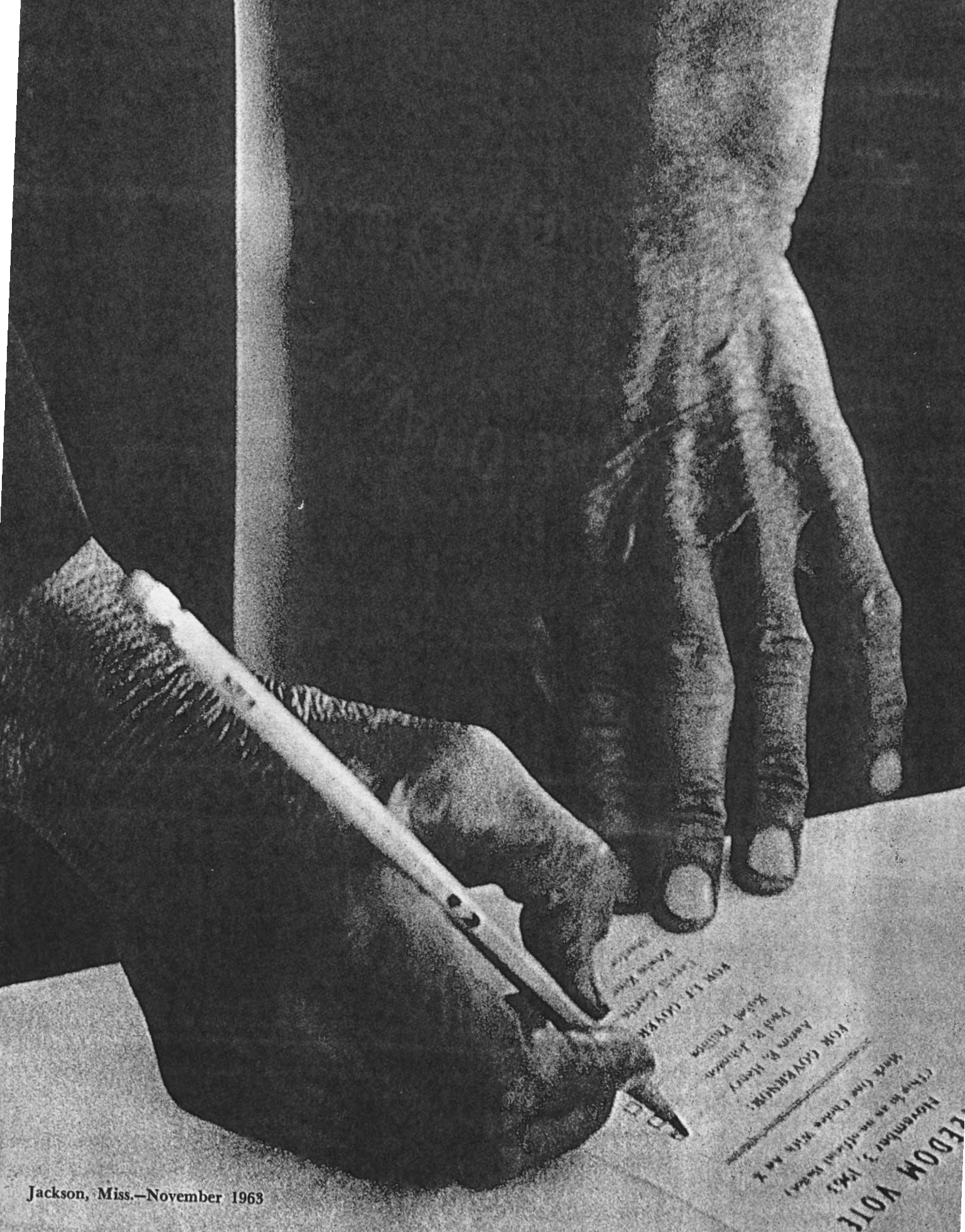
There were other witnesses—Martin Luther King, Jr., on crutches because of an ankle injury, asking, "Is there a choice?"—who came forward to add their voices to what Dr. King called the "desperate moral appeal" of the Freedom Party.

When they were through, it was early evening. The Freedom delegation stood, and suddenly, all around them, there was a surge of applause that became an ovation.

They waited for three days before the Credentials Committee came back with its decision on the seating: The Freedom delegates were welcomed as "honored guests," Aaron Henry and the Rev. Ed. King were made delegates-at-large, the regulars had to take a loyalty oath and there would be a special committee to "aid" state Democratic organizations in keeping the party promise of open participation.

A floor fight was thus averted. There were those who said the Freedom Party had achieved more than they had a right to expect; there were others, within the FDP ranks, who called the White House-wrought compromise a "sell-out." As a matter of fact, the FDP appearance at the convention was itself a milestone in national politics. The National Council of Churches' representative, who testified during that Saturday TV spectacular, said of the FDP: "It . . . is nothing less than the most dramatic grassroots development of responsible citizenship in our time." For the Freedom Party, Atlantic City was a way-station on a road that began in 1961.

After the Freedom rides of that year, the decision was made to attack the tradition—built up like Mississippi silt over the decades after Reconstruction—that the Negro could be kept emasculated as long as he was kept politically silent. So, voter registration for Mississippi's black, second-class citizens began, first in the southwest part of the state, then in the northern Delta country. (The advance has been painful and slow. Some 22,000 Negroes were registered in 1960—out of a voting-age population of some 423,000. As of the summer of 1965, four years and at least five murders after the campaign started, the number



Jackson, Miss.—November 1963



VOTE
KING
+
HENRY
Jobs
+ Food

of those registered has grown about 6,500.)

1963 produced Medgar Evers' death, an event which focused the nation's shock on its number one political cancer. It also produced a mock election in Mississippi which set the tone for the 1964 Summer Project. In November, while white Mississippians voted for a white governor, black Mississippians voted for their own man: Aaron Henry. More than 83,000 Negroes throughout the state voted, all but a few for the first time in their lives.

The Freedom Party was established in Jackson, the state capital, on April 26, 1964. The party was open to all races. A "Freedom" voter-registration application was drawn up, a much-simplified version of the booby-trapped regular form. Party apparatus was organized at precinct meetings in 26 counties in July; 35 county conventions followed. Efforts to participate in regular county party activities were rebuffed, but before Atlantic City, a number of Democratic organizations in other states lined up in support of the FDP.

The die was cast July 28, at the state fairgrounds in Jackson. Mississippi's regular Democrats recessed the state convention until after the national meeting, without committing their electors to President Johnson. When the FDP went to Atlantic City, the verdict was already in: Mississippi's Democrats had to be collared before they bolted to Goldwater, if there was a single chance to save them. The eventual compromise was foreordained.

Newsmen, faced with a routine convention, reacted to the four-night battle over who would sit in the Mississippi seats like women at a fire sale. One television man literally was tossed on a wave of reporters into the Mississippi huddle on the second night. As expected, the seating debate produced the convention's only real news. Thursday night, just before the birthday party, it was all over. The challengers had had their day in court and four nights of prime TV time. Before dawn Friday morning, they vacated their shabby hotel at the north end of town and were gone.

The *New York Times*, commenting on the convention, observed that the challengers were not so much a political party as a protest movement with its main strength being "moral." That strength carried the challenge to the voting practices in Mississippi to a new forum during the winter: the U.S. House of Representatives.

The FDP spent the fall working for President Johnson's election, during a campaign in which going all the way with LBJ merely compounded the dangers of being Negro in Mississippi. The challengers nominated state and Congressional candidates. They were barred from the official ballot, so, once again, the FDP held an election of its own.

It was on its summer appeal and its fall effort that the FDP based its assault on the House of Representatives. The credentials were substantial: there was the whole history of discrimination and intimidation, already documented in Atlantic City, and, beyond this, they had worked

to elect the President of the United States.

The FDP went after the five white Mississippi Congressmen, holding that they should be barred from their seats because of election discrimination and that the House itself was constitutionally required to keep the seats open since they were contested. The challengers also tried to get the seats for three of their own candidates.

They failed. This time, however, there were gains. When the House reconvened January 4, liberal Congressmen headed by Democrat William Fitts Ryan of New York, had as a first order of business Ryan's "Fairness Resolution." The proponents refused to support the three women—Mrs. Hamer, Mrs. Annie Devine and Mrs. Victoria Gray, but in going for the different goal of investigating the election of the five Mississippians, they got more than anyone hoped for: 149 Congressmen voted against seating the white Mississippians, a staggering accomplishment in light of the fact that Administration forces turned out to avoid a showdown. Of even greater consequence, the investigation itself was set in motion.

That investigation, made in the spotlight of national publicity, produced a Gibraltar of evidence that Mississippi's election processes were fraudulent.

It looked, after Selma and the President's "We Shall Overcome" speech, as though 1965 might just be the year when voting abuses in the South would be torn out by the roots. In the weeks and months that followed, it became clear that that first-glance optimism was unwarranted. The issue turned on whether political equality should come through the seating challenge or the slower workings of a new voting law.

It was May 17, two months after the President's appeal to the joint session of Congress, before the Senate passed a voting bill. It was July 9 before the House acted. A tortuous House-Senate conference dragged the issue through July, despite the disintegration of the Dixie bloc which held up the 1964 Civil Rights Bill, a much stickier issue than the 1965 law. The President put his signature on the voting rights law, finally, at the beginning of August.

It has been a long and bloody road from the fearsome beginnings in southwest Mississippi in 1961. Certainly, conditions under which Negro Mississippians vote will continue to improve. The challengers who sang "We Shall Overcome" at the birthday party in Atlantic City have made a point, if not THE point.

In a sense, they are victims of the slow, legal process which they wish to join. But if they are victims, so, too, like the Democratic Party in Atlantic City, is the American government. Like that convention, it is faced with the truth required of a literal reading of the Declaration of Independence. It is difficult to be pure, and that is the course which the challengers have asked their government to take.

THE CHALLENGE: VOTING RIGHTS AND CONGRESS

In a report to the President of the United States last May 18th, the U. S. Commission on Civil Rights stated:

"The 15th Amendment of the United States Constitution commands that no person shall be deprived of the right to vote by reason of race or color. This requirement of the Constitution which is binding in every state has, in substance, been repudiated and denied in Mississippi. Since 1875, Negroes in Mississippi have been systematically excluded from the franchise by legislative enactment, fraud and violence."

Nearly 100 years ago, the 14th and 15th Amendments were added to the Constitution of the United States in an effort to give full citizenship and voting status to the freed slaves. The state of Mississippi gave the Negro the franchise on the same basis as the white man, ratifying the 14th and 15th Amendments in 1870 as a prerequisite to coming back into the Union. In 1867, more than 60,000 Negroes were on Mississippi's voting rolls.

By 1892, there were only 8,500 Negroes registered.

What happened between 1867 and 1892 is a nightmare in the American Dream. For more than a generation, in reprisal to Reconstruction, Mississippi turned life for the Negro into hell. It was a period of lynchings, armed attacks, economic harassment and other crimes—efficiently calculated to keep the Negro away from the ballot box. The theory worked perfectly. With the opposition crushed, white Mississippians drafted a new constitution which was never submitted to the voters for ratification. The new instrument simply disenfranchised the Negro by establishing literacy qualifications which few were able to pass and poll taxes which the majority couldn't afford to pay. Since 1890, these various devices and a number of other refinements have kept more than 90 percent of Negro Mississippians in what amounts to a condition of servitude.

By now, it would seem that Mississippi's efforts to keep Negroes from the polls have been well enough documented. The U.S. Department of Justice has lawsuits in no less than 30 of the 82 counties. There have been at least five murders since 1961: Herbert Lee, Medgar Evers (whose alleged killer reportedly is a special deputy sheriff) and Chaney, Schwerner and Goodman (whose alleged murderers include the chief law enforcement officers of Neshoba county). And there is the first-hand experience, sometimes brutal, of hundreds of young people and clergymen.

The Mississippi challenge has become far more than an expression of Mississippi Negroes to participate in the political processes of their state and nation.

The Constitution provides that "Each House shall be the judge of the elections, returns and qualifications of its own members. . . ." (Article I, Section 5). Throughout the years each House of the Congress has had to decide whether certain of its members were duly elected and qualified to hold office. Congress has formalized in a series of rules (called Title 2 of the United States Code, Sections 201, et. seq.) the procedures which are to be followed when challenging the validity of a Congressman's or Senator's election.

The Negroes of Mississippi, following these procedures, have challenged the election of all five of their Congressmen. The challengers assert that the five Congressmen were illegally elected because Negroes were systematically excluded from the election processes. Even if the five Congressmen are themselves free of any wrongdoing, the challengers argue, their elections must be voided because they are the fruits of an unconstitutional system.

For many Americans, the Mississippi challenge must seem a new and highly unorthodox procedure. In reality, however, there is nothing new about it. For, in over 40 election contests in the past, the House of Representatives has set aside election results where Negro citizens were excluded from the voting process. The first of these occurred in 1867. Two years later, the House unseated six southern Congressmen, four from Louisiana alone, because their victories had been achieved only by massive intimidation and violence against Negro voters. In 1889 and again in 1895, Congress unseated nine of its members because their elections had been the fruits of fraud, violence and intimidation.

After the turn of the century, as was pointed out earlier, such "legal" devices as the literacy test, the poll tax and the "grandfather clause" eliminated almost all southern Negroes from the voting rolls and so eliminated the need for violence and intimidation at the polls. Consequently, no serious challenges have been brought against southern Congressmen by southern Negroes in this century until this year.

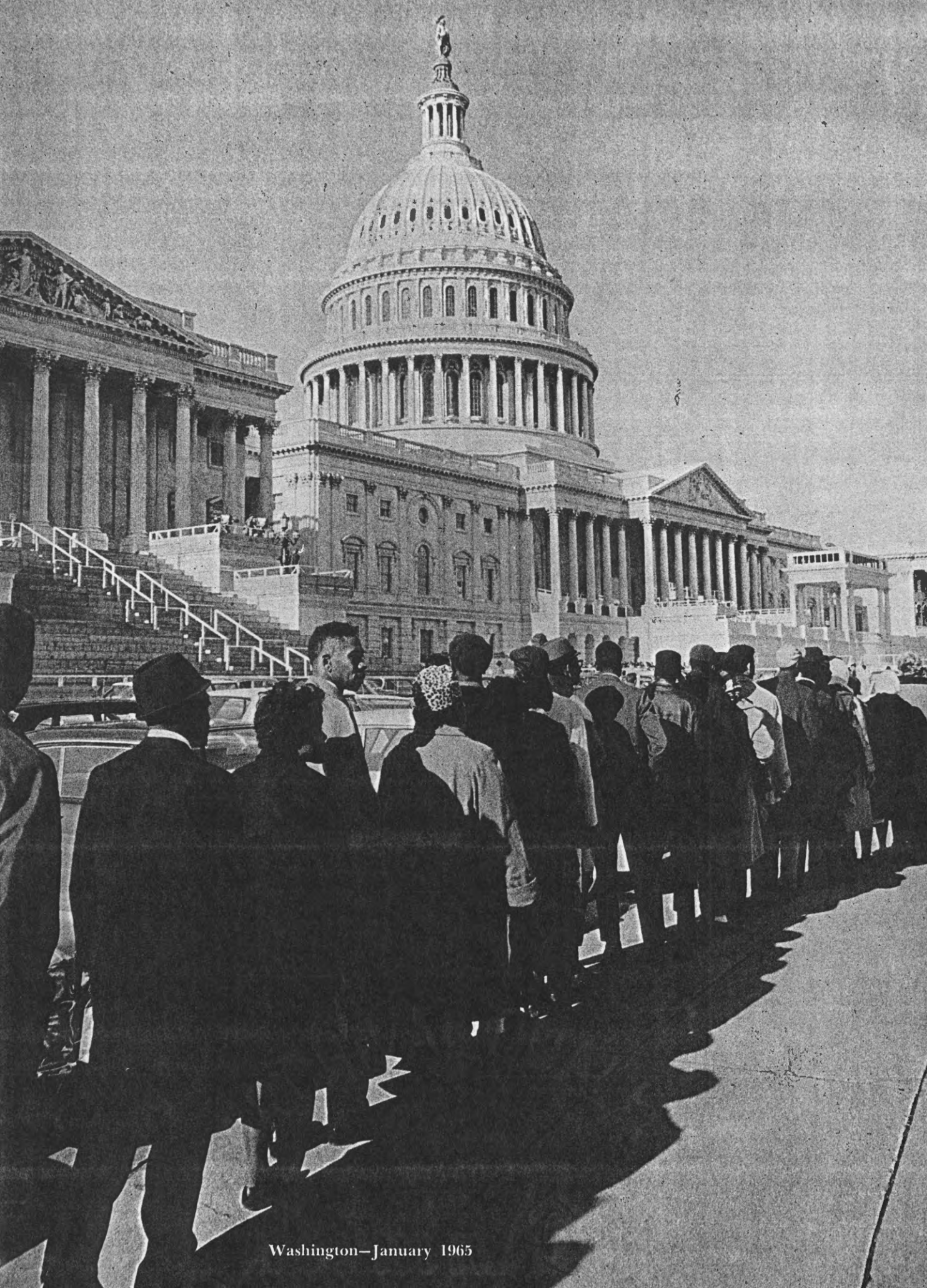
Now the Negro citizens of Mississippi have asked Congress to uphold the 15th Amendment by unseating those Congressmen who have been elected by a state which, as the Civil Rights Commission stated, has repudiated and denied that amendment. The test is whether Congress will put its own house in order.





At the doors of Congress—January 1965





Washington—January 1965

CHURCHMEN AND THE CHALLENGE

Hundreds of clergymen spent the summer of 1964 in the state of Mississippi on an errand of mercy for which there was no precedent in the history of this country. They, along with hundreds of other young men and women, were challenging a root evil in Mississippi society, voting discrimination against Negroes.

The churchmen shared the Negro's lot, lived in his home, broke the same bread, steamed in the same heat, walked the same miles and was visited by the same (perhaps worse) hatred. When they bled, and there were two such incidents, it turned out that the color was the same.

The 1964 Summer Project was a watershed for the church. The church's representatives went to war, non-violently but quite literally just the same. Along the way, the beginnings of change took shape in Mississippi, and a section of this nation's people were given hope. Not incidentally, many in and out of the religious community were reassured that the church was not always just a talker but a tough, durable campaigner.

The Summer Project didn't begin in the summer; it didn't even begin in 1964. It started after a Federal court cited the Circuit Clerk of Forrest county for contempt in 1963. But for all historical purposes, the Summer Project began January 22, 1964, on a cold, rainy morning in Hattiesburg, home of 53,000 people, two colleges and the Forrest county seat. Visitors in town that day included 51 clergymen.

Registration, said one observer in Hattiesburg in those days, "is a complicated affair." A Negro did not simply walk in the door, apply and be granted status as a voter. It required courage and more than a little moral support to get him to the courthouse in the first place. Once there, his penmanship might disqualify him. If that didn't do it, he might fail a stiff test interpreting a portion of the Constitution. Even then, he faced a 30-day wait before the registrar notified him whether or not he had passed. There was the economic pinch of the poll tax (if you make only five or six dollars a day, you understand what paying a two-dollar poll tax means). And there was the prospect of reprisal, because the applicant's name was printed in the newspaper.

In 1963, the U.S. District Court in Hattiesburg ordered Forrest county Circuit Clerk Theron Lynd to register 43 specified Negroes. Not satisfied with the speed with which Lynd complied, the Student Nonviolent Coordinating Committee, which had been working in Mississippi since 1961, cemented interested rights workers from other organiza-

tions throughout the state into the Council of Federated Organizations (COFO) and decided to turn on a real voter campaign. The first target: Hattiesburg.

Other groups were invited. Four religious agencies responded: The United Presbyterian Church's Commission on Religion and Race, the Presbyterian Interracial Council, the Episcopal Society for Cultural and Racial Unity and the Rabbinical Assembly of America.

Freedom Day was set for January 22, the week when Hattiesburg citizen Paul Johnson became Mississippi's 54th governor and inaugurated his administration with the statement that "Mississippi is a part of this world, whether we like it or not."

The record time for a civil rights demonstration in Mississippi was 15 minutes, so the more than 100 rights workers and clergymen who went down to the courthouse on Freedom Day didn't expect to stay there long. But authorities, with an eye on Hattiesburg's national image, elected to sit out the first round. The demonstrators walked in the rain all day, under the vigilant guard of the police. The same thing happened the next day and the next. Civil rights leader Bob Moses, a thorn in Mississippi's flesh since 1961, was picked off by the police the first day and jailed, but during that first week, the ministers were treated, by normal standards, like honored guests.

It was clear that Hattiesburg wasn't conceding the civil rights struggle, but officials assumed, untypically, that if there was no confrontation, everybody would quietly go away and civil rights could be given a decent burial. The clergymen decided to stay; more were summoned. Hattiesburg promptly and efficiently changed the rules. January 29, one week after the demonstrations began, the first nine clergymen were arrested. It was the first blood Mississippi drew from Yankee churchmen in 1964.

What began as the Hattiesburg Ministers Project, largely under Presbyterian sponsorship for the first few months, but later under the National Council of Churches' Commission on Religion and Race, went on for the rest of the winter and spring and became a major front in the Summer Project campaign. Ministers served on a rotating basis, as volunteers paying their own way or backed by the churches. They demonstrated in support of the Negroes who tackled the courthouse, they canvassed for voting applicants and they worked, where they could, with the white community. They became so generally hated that no one was much surprised when a rabbi from Cleveland, Ohio, was beaten with tire irons—while whites watched—

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VOTERS
REGISTRATION



in a widely publicized attack in the second week of July.

Before 1964 was over, hundreds of clergymen enlisted in the challenge to Mississippi's notions of justice. The work they began goes on in the National Council's Delta Ministry, one of whose three major sites is Hattiesburg.

One of the very first ministers arrested in Hattiesburg that morning two Januarys ago reacted to what he called the "pitched battle" over the elementary right of citizens to vote this way:

"Has everyone lost their minds, or has something akin to the demonic come into being? What do you call it when one person looks at another person and refuses to admit that what he sees is a real human person with elementary rights?"

"I have no doubt but that I saw the Church of Christ come alive in the Hattiesburg situation. Here the Church did what its Lord did: it came into the world. Here, the Church left its comfortable sanctuaries . . . most of all, here the Church stopped crying 'peace, peace' when there is no peace. The Church realized that there's a war

going on—and acted accordingly."

As recently as mid-1962, before the assault on county registrar offices really got under way in Mississippi, there were, by official U. S. estimates, a total of 22 Negroes registered as voters in Forrest county. Twenty-two out of about 7,500 Negroes eligible. By the end of 1964, the 22 had grown to 236. Justice Department action led to a new Federal court order last June 15, and since then, according to the Circuit Clerk's office, Negroes have been "coming in steadily." A safe guess is that more than twice, perhaps closer to three times, as many Negroes are on the rolls as there were at the beginning of 1964.

Based on the most recent estimate of eligibility, 10 percent or less of the over-21 black population in Forrest county is in the mainstream of the American political process. Ironically, it is one of the largest numbers in Mississippi (what effect new, more lenient state voting requirements will have remains to be seen). It took rights workers, the courts and the nation's clergymen to get Forrest county this far.

A CALL TO ACTION

In June of this year the General Board of the National Council of Churches passed, by a vote of 77 to 16, a policy statement entitled "Equal Representation is a Right of Citizenship." The Statement affirmed the Board's belief in these words:

"When the founders of our nation declared, 'All men are created equal and are endowed by their Creator with certain inalienable rights,' they perceived and expressed a profound truth about the nature of man, which earlier generations had not the social experience or political opportunity to discover. In the Christian view man is a child of God who is loved by His Heavenly Father, and who is called to love his brother as a member of God's family. As such he is also a son of God who is of infinite value in God's sight and who, in obedient response to His will, values all other human beings as sons of God with dignity and the freedom of action of such sonship.

"If the right to vote is denied, or if the vote itself is diluted, then to that extent the membership of the voter in civil society is diminished and his political personhood is impaired. He becomes less of a 'man' than his fellows, and loses to them some portion of his right to help determine his civic destiny. This is a moral question and ultimately a theological one,

concerning which the National Council of the Churches of Christ may not remain silent."

"If the right to vote is denied, or if the vote itself is diluted. . . ." The General Board was not engaging in idle speculation when it wrote those words, for the Congress of the United States has before it in this Session various resolutions which would seek to dilute the vote and a Congressional challenge which raises squarely the problem of the denial of the vote. *The Commission on Religion and Race is, consequently, issuing a call to action to all churchmen asking them to urge their congressmen to act upon these two matters in the light and the spirit of the General Board's statement.*

THE REAPPORTIONMENT AMENDMENTS AND THE DILUTION OF THE VOTE

The Congress has before it now a number of proposed Constitutional Amendments all of which seek to overturn the recent "One Man, One Vote" decisions of the Supreme Court which prohibits a state from establishing election districts for either house of its legislatures which are not substantially equal in population. The proposed Amendments would seek to allow one house of a State Legislature to be apportioned on a basis other than equal representation. The Commission and the General Board believe

that the effect of these proposed Amendments would be to dilute the vote of Negroes and other city dwellers in the North and to dilute or deny the vote of Negroes in the South. The Southern states, we fear, would "freeze" one House of their legislatures so that, even if Negroes finally achieved the right to vote as a result of the new Voting Rights Bill, they would be unable to change the segregationist composition of the legislatures of their states.

We ask, therefore, that you call upon your senators and congressmen urging them, in the strongest terms, NOT to support any proposed amendments on reapportionment.

THE MISSISSIPPI CHALLENGE AND THE DENIAL OF THE VOTE

The Constitution of the United States gives to each House of the Congress the *sole* responsibility of determining whether or not its members have been properly elected and are entitled to serve in the Congress. Throughout our history the Congress has been called upon time and again to pass upon the validity of one of its member's claim to his seat. In over forty election contests in the past, the House of Representatives has set aside election results because Negroes were excluded from the voting process either by being denied the franchise or by not having their votes counted honestly.

The House of Representatives has before it now a Challenge to the seating of all five of the Congressmen from the State of Mississippi.

The Challenge is based upon a massive amount of indisputable—and uncontradicted—evidence taken from cases brought by the Department of Justice, from reports of the United States Commission on Civil Rights, and from hundreds of depositions. This evidence proves that the Negro citizens of Mississippi were systematically excluded from the political and electoral processes of the State through the operation of unconstitutional registration and election laws and through the use of intimidation, terror and violence.

The Challengers, members of the Mississippi Freedom Democratic Party, have scrupulously followed all of the procedures for filing challenges required by statute, and now the Challenges are under consideration by the House's Subcommittee on Elections.

The Commission on Religion and Race fears that the House will attempt to ignore the crucial issues raised by this challenge by "burying it in committee" and, therefore, calls upon churchmen to urge their congressmen to demand that the challenge be brought before the entire House, and to urge them to vote for the unseating of the five congressmen from Mississippi.

We are not asking that anyone else be seated in the place of these five Congressmen. If Congress votes to unseat them, then their seats would be declared vacant, and new elections, in which the Negro citizens of Mississippi would have to be allowed to vote, would be held.

Some people have argued that the Mississippi Challenge ought not to be pressed at this time. Rather, they say, we should let the Voting Rights Bill go into effect and see if that doesn't solve the problem raised by this challenge. While the Commission earnestly hopes that the Voting Right Bill of 1965 will alleviate most of the gross injustices which underly the Mississippi Challenge, we believe it offers no excuse to the Congress to shirk the high Constitutional duty imposed upon it by the Challenge. There are, we think, four reasons for supporting the Mississippi Challenge now:

1. Whatever the Voting Rights Bill might do in the future, the Commission, after having examined much of the evidence presented by the Challengers and having read their brief, believes that the inescapable fact is that these present Congressmen were elected under a system that ruthlessly and unconstitutionally excluded over 90% of the Negro citizens of the State of Mississippi from the ballot. We support the Challenge, in other words, because it is right.

2. This Challenge is the fruit of the labors of countless Mississippi Negro citizens. It has been brought to its present stage at great cost. Some who have stood by this Challenge from the beginning have been jailed, some beaten, many lost their jobs. The Challenge is both a testament of courage and a declaration of determination on the part of many Negro citizens of Mississippi.

3. The House has a Constitutional duty to decide Contested Elections whenever they are properly brought before them. Regardless of the merits or demerits of the Mississippi Challenge, the House ought not to shirk its Constitutional responsibility, however painful that might be. Here is a case where the old injunction, "Put your own house in order" must be taken literally.

4. By taking the route of the Challenge, the Mississippi Negro has witnessed to his belief that his just grievances can be overcome through the orderly processes of law. He is, in effect, fighting his battle for civil rights in the courts and not in the streets, in spite of the fact that all too often the courts of Mississippi have failed to "do justice" to the Negro. For us to fail to support this Challenge would be to contribute to his further disillusionment in the orderly processes of law.

COMMISSION ON RELIGION AND RACE REPORTS

is designed to keep interested persons and organizations informed of what the churches are doing in the current struggle for full human rights for all our citizens. With primary attention being given to the activities of the National Council of Churches' Commission on Religion and Race, it will also deal with denominational and inter-religious efforts to advance the goals of the freedom revolution. Additional copies are available at 15¢ each; 100 copies or more at 10¢ each. Payment must accompany order.

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