

THE CONGRESSIONAL CHALLENGE: WHAT IT IS AND WHY IT SHOULD BE SUPPORTED

The Mississippi Freedom Democratic Party (MFDP)

The MFDP was formed in April, 1964, by those who realized that newly gained voting rights for Negroes in Mississippi would be meaningless unless Negroes could actively participate in politics at the local, state, and federal levels.

The MFDP is dedicated to the ideals that in order both to counter the moves of segregationists and to solve the social and economic problems of the Deep South, voters must be educated, local leaders found, sympathetic candidates located and supported, and realistic platforms and programs developed. Newly registered Negroes must have full-scale involvement in the democratic processes if meaningful changes in their daily lives are to be made.

The MFDP, though predominantly Negro, is a political party open to all. Unsuccessful attempts were made early in 1964 to integrate the Mississippi Democratic Party. Participation in caucuses and conventions at the local, county, and state levels was prevented, usually illegally. The MFDP then organized its own conventions and ultimately sent a delegation to the Democratic National Convention in Atlantic City to challenge the seating of the 'regular' Mississippi delegation. This move secured the ruling that the 'regulars' would not be seated at the next national convention unless the state Democratic Party is integrated.

Excluded from the State Democratic Party, the MFDP decided to run its own candidates for Congress and some state offices. However, their candidates were arbitrarily excluded from the official ballot and registered Negroes had no alternatives to racist candidates. Therefore, the MFDP held Freedom Elections in which some 60,000 Mississippi Negroes voted. This led to the Congressional Challenge.

The Congressional Challenge

Successful MFDP candidates in the Freedom Elections filed briefs in the House challenging the validity of the Mississippi elections and urged that the seats of the Mississippi delegation be declared empty. It was further argued that the House should require Mississippi to register its Negroes and hold open and honest elections as a pre-condition of regaining its representation. These briefs were filed with the Clerk of the House on 4 December. On 4 January, when the House convened, 140 representatives voted against temporary seating of the Mississippi contingent pending the outcome of the Challenge.

At the present time, statutory procedures for challenges of elections are being followed. The notice of Challenge which was served on contested members on 4 December was answered by the Mississippians in 30 days. The MFDP then had 40 days in which to gather evidence and take testimony with use of federal subpoena power. So did contestees. (The MFDP lawyers took sworn testimony from about 700 Mississippi

Negroes and submitted 15,000 pages of depositions.) The material collected has been submitted to the Clerk of the House, who, with attorneys from both sides, will decide what material will be printed and submitted to the Sub-committee on Elections and Privileges of the House Administration Committee. Each side then has 30 days to file a brief based on the material. Then the Sub-committee must consider the issue and report out by 4 July, at the latest, in the form of a simple resolution that one party or another, or neither, should be seated. This requires a majority vote. Finally, the House as a whole must vote on the resolution. It then has final say for it may either approve or reject the resolution. The MFDP wishes to void the election of 1964 and secure a resolution that free and open elections be held, following a period of registration, before delegates from Mississippi will be seated.

Statutory basis of the Challenge

The elections in Mississippi in 1964 were in violation of the Constitution of the United States and are therefore void. Mississippi has blatantly violated the 14th and 15th Amendments by mass disenfranchisement of the Negro population. Mississippi has also altered voting regulations in violation of an 1870 federal statute forbidding such action. Well-known tactics have been used and condoned by both officials and private citizens to prevent Negroes from challenging voting laws and registration practices. At present, only about 25,000 Negroes out of a total of 450,000 eligible are registered to vote.

The MFDP merely asks the House to exercise its prerogative to determine its own membership and refuse to grant representation to a state whose practice of discrimination is inconsistent with the democratic ideals of the United States.

Why the Challenge deserves our support

The two main reasons why House members should unseat the Mississippi delegation are:

(1) The Challenge has a sound legal and moral basis. Elections in Mississippi cannot be considered democratic since both Negro candidates and Negro voters are systematically excluded. The Constitution specifically forbids what has been practiced in Mississippi. The House of Representatives has the power to determine its membership and there is a basis in law for modifying or denying the representation of states which prevents eligible citizens from voting.

(2) The Challenge is an especially powerful, yet limited, way of forcing the federal government to ensure Mississippi's Negroes complete political freedom. It is a fact that Mississippi has done everything in its power to resist de-segregation. Even after Negroes are registered to vote, it is certain that there will be continuing harassment by Mississippians to keep them from sharing political power. The Challenge is a means of curtailing official disobedience of federal law. If the Challenge is successful, the state will have to demonstrate that free elections are being held. These elections will be the key to increased political participation by the Negro. In holding these elections Mississippi will be forced to change its ways and will have to prove that in fact it has changed.

The New Voting Bill and the Challenge

It is likely that a Voting Bill with the potential to enable huge numbers of Negroes in the Deep South to register to vote will soon be passed. The key idea of the Challenge is to force Mississippi to hold truly democratic elections immediately, or lose representation in the House. (It should be noted that the Federal courts have already established the precedent of cutting short the terms of state office holders in reapportionment cases, for example, in New York, Connecticut, and Virginia.) The Voting Bills in the Senate and House at this time do not contain provisions for free elections following federally supervised registration. Unless a Free Elections amendment is added to the Voting Bill, it is quite clear that its passage does not render the Congressional Challenge passe. It is almost certain that only the Challenge will secure free elections immediately.

How to secure a favorable vote in the House

The answer to this question is complicated, though the goal is simple, namely securing a majority in support of the Challenge in the House of Representatives.

Individuals should inform their congressman that Mississippi's representatives must be unseated. This can be done by phone, telegram, or letter, or by a visit when he is in the district.

Members of organizations which are involved with social issues, like churches and labor unions, should attempt to interest members to write letters. Attempts should be made to have state-wide and regional conventions or meetings pass resolutions supporting the Challenge. Individuals in political party organizations (county and state central committees, state legislatures) should write letters and pass resolutions also.

To persuade groups or influential individuals to support the Challenge, duplicate this information and attempt the widest possible distribution.

ACT NOW: THE HOUSE VOTE MAY COME IN LATE JUNE TO LATE JULY. TIME IS SHORT. THINK IN TERMS OF THE WHOLE STATE: A MAJORITY IS NEEDED AND THERE ARE MANY VOTES FROM THE SOUTH TO OVERCOME.

For aid in planning a project write to MFDP, ~~1325 P Street~~, N.W.
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