



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

Vol. III

WASHINGTON, MONDAY, JANUARY 4, 1965

No. 1

House of Representatives

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedent, the Chair is now ready to swear in all Members of the House. The Members will rise.

OBJECTION TO ADMINISTRATION OF OATH

Mr. RYAN. Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from New York rise? Mr. RYAN. Mr. Speaker, on my responsibility as a Member-elect of the 89th Congress, I object to the oath being administered to the gentlemen from Mississippi, Mr. ABERNETHY, Mr. WHITTEN, Mr. WILLIAMS, Mr. WALKER, and Mr. COLMER. I base this upon facts and statements which I consider to be reliable. I also make this objection on behalf of a significant number of colleagues who are now standing with me.

RESOLUTION AUTHORIZING OATH OF OFFICE TO CERTAIN MEMBERS

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 1) which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

H. Res. 1

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentlemen from Mississippi, Mr. THOMAS G. ABERNETHY, Mr. JAMIE L. WHITTEN, Mr. JOHN BELL WILLIAMS, Mr. WILLIAM M. COLMER, and Mr. PRENTISS WALKER.

Mr. ALBERT. Mr. Speaker, the Members-elect whose names are referred to in the resolution are here with certificates of election in due form on file with the Clerk of the House of Representatives

just as all other Members of the House.

Any question involving the validity of the regularity of the election of the Members in question is one which should be dealt with under the laws governing contested elections. I therefore urge the adoption of the resolution.

The SPEAKER. The question is on the resolution.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. ALBERT. I yield for a parliamentary inquiry.

Mr. ROOSEVELT. Mr. Speaker, will the first vote be on the resolution, or on the previous question?

The SPEAKER. If the gentleman from Oklahoma moves the previous question, the vote will be on the previous question.

Mr. ROOSEVELT. Mr. Speaker, if the motion for the previous question is voted down, would it then be in order to offer a substitute or an amendment providing that the five Representatives-elect from Mississippi not be sworn at this time and that the question of their rights to be seated be referred to the Committee on House Administration?

The SPEAKER. The Chair will state that if the previous question is voted down, it would be in order to offer a proper amendment, which the Chair would not pass upon at this particular time, unless that situation arises.

Mr. ROOSEVELT. I thank the Speaker.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. ALBERT. I yield for a parliamentary inquiry.

Mrs. GREEN of Oregon. Since the rules of the House have not been adopted, am I correct in understanding that it would require 20 percent of the Members here to stand for a yea-and-nay vote?

The SPEAKER. The Chair will state that under the Constitution, it would require one-fifth of the Members present to rise to order a yea-and-nay vote.

Mr. ALBERT. Mr. Speaker, I move the previous question on the resolution.

Mrs. GREEN of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were—yeas 276, nays 149, present 1, not sworn 8, as follows:

[Roll No. 3]
YEAS—276

Abbutt	Clawson, Del.	Hagan, Ga.
Adair	Collier	Hagen, Calif.
Adams	Cooley	Haley
Addabbo	Corbett	Hall
Albert	Cramer	Halleck
Anderson, Ill.	Culver	Hamilton
Anderson,	Cunningham	Hanna
Tenn.	Curtis	Hansen, Idaho
Andrews,	Curtis	Hansen, Wash.
George W.	Dague	Hardy
Andrews,	Davis, Ga.	Harris
Glenn	Davis, Wis.	Harsha
Andrews,	de la Garza	Harvey, Ind.
N. Dak.	Delaney	Hays
Arends	Derwinski	Hébert
Ashbrook	Devins	Hechler
Ashmore	Dickinson	Henderson
Aspinall	Dole	Herkouf
Bandstra	Dorn	Hicks
Baring	Dowdy	Hosmer
Bates	Downing	Hull
Battin	Duncan, Tenn.	Hungate
Beckworth	Edmondson	Hutchinson
Belcher	Edwards, Ala.	Ichord
Bennett	Elisworth	Jarman
Berry	Erlenborn	Jennings
Betts	Everett	Johnson, Calif.
Boggs	Evins, Tenn.	Johnson, Okla.
Bolton	Fallon	Johnson, Pa.
Bonner	Fasell	Jones
Bow	Feighan	Jones, Ala.
Bray	Findley	Jones, Mo.
Brock	Fisher	Kee
Brooks	Flood	Keith
Brown, Ohio	Flynt	Kelly
Broyhill, N.C.	Fogarty	Keogh
Broyhill, Va.	Foley	King, Calif.
Buchanan	Ford, Gerald R.	King, N.Y.
Burleson	Fountain	Kirwan
Burton, Utah	Frelinghuysen	Kornegay
Byrnes, Wis.	Friedel	Laird
Cabell	Fulton, Pa.	Landrum
Callan	Fulton, Tenn.	Langen
Callaway	Fugus	Latta
Cameron	Garnatz	Lennon
Carey	Gathings	Lipcomb
Carter	Gettys	Long, La.
Casey	Gibbons	McClary
Cederberg	Goodell	McCulloch
Oeller	Gray	McDade
Chamberlain	Grider	McEwen
Chelf	Griffin	McFall
Clancy	Gross	McMillan
Clark	Grover	McWicker
Clausen,	Gubser	MacGregor
Don H.	Gurney	Machen

Mackay	Pool	Steed
Mahon	Purcell	Stephens
Marsh	Quile	Stubblefield
Martin, Ala.	Quillen	Talcott
Martin, Mass.	Randall	Taylor
Martin, Nebr.	Redlin	Teague, Calif.
Matsunaga	Reid, Ill.	Teague, Tex.
Matthews	Reifel	Thomas
May	Reinecke	Thompson, La.
Meeds	Rhodes, Ark.	Thompson, Tex.
Michel	Rivers, S.C.	Thomson, Wis.
Mills	Roberts	Trimble
Minshall	Robison	Tuck
Miss	Rogers, Fla.	Tunney
Moeller	Rogers, Tex.	Tuten
Monagan	Rooney, N.Y.	Ullman
Moore	Roudebush	Utt
Moorhead	Roush	Vigorito
Morris	Rumsfeld	Waggonner
Morrison	Satterfield	Walker, N. Mex.
Morton	St Germain	Watkins
Moss	Saylor	Watson
Multer	Schneebell	Watts
Murphy, N.Y.	Scott	Weinor
Murray	Secrest	Whalley
Natcher	Seiden	White, Idaho
Nelsen	Shriver	White, Tex.
O'Konski	Sikes	Whitener
O'Neal, Ga.	Sisk	Widnall
Passman	Skubitz	Willis
Patman	Slack	Wilson, Bob
Pelly	Smith, Calif.	Wilson,
Pepper	Smith, Iowa	Charles H.
Perkins	Smith, N.Y.	Wright
Pickie	Smith, Va.	Wyatt
Pirnie	Springer	Young
Poage	Stangers	Younger
Poff	Stanton	Zablocki

NAYS—149

Annunzio	Gilligan	O'Hara, Ill.
Ashley	Gonzales	O'Hara, Mich.
Ayres	Grabowski	Olson, Mont.
Baldwin	Green, Oreg.	Olson, Minn.
Barrett	Green, Pa.	O'Neill, Mass.
Bell	Greigg	Patten
Bingham	Griffiths	Philbin
Bisnik	Halpern	Pike
Boland	Hanley	Powell
Bolling	Hansen, Iowa	Price
Brademas	Harvey, Mich.	Pucinski
Broomfield	Hathaway	Race
Brown, Calif.	Hawkins	Reid, N.Y.
Burke	Helstoski	Rensick
Burton, Calif.	Holtfield	Reuss
Byrnes, Pa.	Horton	Rhodes, Pa.
Cahill	Howard	Rivers, Alaska
Cleveland	Huot	Rodino
Cleaver	Irwin	Rogers, Colo.
Cobelan	Jacobs	Ronan
Conable	Joelson	Roncallo
Conte	Karsten	Rooney, Pa.
Conyers	Karsh	Roosevelt
Corman	Kastenmeier	Rosenthal
Craley	King, Utah	Rostenkowski
Daddario	Kluczynski	Roybal
Daniels	Krebs	Ryan
Dawson	Kunkel	St. Onge
Dent	Leggett	Schruer
Denton	Lindsay	Schleser
Diggs	Long, Md.	Schmidhauser
Dingell	Lowe	Schweiker
Donohue	McCarthy	Shipley
Dow	McDowell	Sickles
Dutski	McGrath	Stafford
Duncan, Oreg.	Macdonald	Stalbaum
Dwyer	Mackie	Stratton
Dyal	Madden	Sullivan
Edwards, Calif.	Mailhard	Sweeney
Evans, Colo.	Mathias	Tenzer
Farbstein	Miller	Thompson, N.J.
Farnley	Minish	Todd
Farnum	Mink	Tupper
Fino	Morgan	Udall
Ford	Morse	Van Deerlin
William D.	Moehner	Vanik
Fraser	Murphy, Ill.	Vivian
Gallagher	Nedzi	Wolf
Gialmo	Nix	Wylder
Gilbert	O'Brien	Yates

PRESENT—1

NOT SWORN—8

Abernethy	Ottinger	Whitten
Colmer	Toil	Williams
Holland	Walker, Miss.	

So the previous question was ordered.

MISSISSIPPI CHALLENGE

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, today at the opening of the first session of the 89th Congress, on behalf of a significant number of colleagues, I objected to the oath being administered to the gentlemen from Mississippi (Mr. ABERNETHY, Mr. WHITTEN, Mr. WILLIAMS, Mr. WALKER, and Mr. COLMER). As we know, the distinguished majority leader later offered a privileged resolution—House Resolution 1—authorizing the administration of the oath to the five "Representatives-elect" from Mississippi and moved the previous question. On a rollcall vote demanded by the gentlewoman from Oregon (Mrs. GREEN) 149 of us voted against ordering the previous question. If the previous question had not been carried, I intended, as the gentleman from California (Mr. ROOSEVELT) explained by propounding his parliamentary inquiry, to seek recognition to offer as a substitute the following "fairness resolution":

H. Res. —

Resolved, That the question of the right of Messrs. ABERNETHY, WHITTEN, WILLIAMS, WALKER, and COLMER to be seated in the Eighty-ninth Congress as Representatives from the First, Second, Third, Fourth, and Fifth Districts of Mississippi respectively, 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 the said Messrs. ABERNETHY, 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. ABERNETHY, WHITTEN, WILLIAMS, WALKER, and COLMER to be seated in the Eighty-ninth Congress; and be it further

Resolved, That the Committee on House Administration shall make its report to the House of Representatives not later than 300 days following adoption of this resolution.

The reasoning behind the "fairness resolution" is succinctly stated in the following preamble which it would have been in order to consider if the "fairness resolution" had been adopted:

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 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 23, 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 upon the foregoing, the validity of the election of Messrs. ABERNETHY, WHITTEN, WILLIAMS, WALKER, and COLMER, respectively, for the First, Second, Third, Fourth, and Fifth Districts of Mississippi, is

hereby challenged:

Mr. Speaker, under article I, section 5, of the Constitution of the United States, the House of Representatives has the solemn obligation to "be the judge of the elections, returns and qualifications of its own Members." The resolution, which I was prepared to offer, asked that the House exercise this constitutional responsibility by refusing to administer the oath to the "Representatives-elect" from Mississippi until the House finally decided the question of the right of the "Representatives-elect" from Mississippi to be seated in the 89th Congress.

This resolution is based upon the unequivocal, the indisputable, the well-known fact that the "Representatives-elect" from Mississippi were elected by an electoral process which violates the 14th and 15th amendments to the Constitution. The 15th amendment to the Constitution guarantees that the right to vote "shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

The right to vote is the essence of democracy. It is the fundamental safeguard of all other rights.

The State of Mississippi has deliberately and systematically denied the right to register and vote to a substantial number of American citizens because of their race. It is no accident that there are approximately 500,000, or 87 percent of the white persons of voting age and approximately 20,000 to 25,000, or only 3 to 6 percent of the Negroes of voting age registered to vote.

According to the Congressional Quarterly, in 1961 the following were the figures for nonwhite registration in each of the five Mississippi congressional districts: First District, 1.3 percent of the nonwhites of voting age registered to vote; Second District, 6.8 percent of the nonwhites of voting age registered to vote; Third District, 9.1 percent of the nonwhites of voting age are registered to vote; Fourth District, 5.1 percent of the nonwhites of voting age registered to vote; Fifth District, 12.3 percent of the nonwhites registered to vote.

The terror, violence and murder perpetrated last summer upon those who attempted to help their fellow citizens exercise their right to vote focused national attention upon the fact that Mississippi tramples upon the U.S. Constitution by denying American citizens the right to vote.

A brief history of the efforts of the State of Mississippi to exclude Negroes from the franchise clearly shows deliberate and consistent violation of the Federal Constitution over the past 75 years.

The Mississippi constitution of 1869 afforded Negro citizens the full right to vote. The next year, in 1870, Congress enacted a statute readmitting Mississippi to representation in the Congress on the condition that Mississippi never amend or change that constitution "as to deprive any citizen or class of citizens of the United States the right to vote."

In 1890 there were in Mississippi 118,890 registered white voters and 189,884 registered Negro voters. In that year, in spite of the 1870 compact with Congress and the 14th and 15th amendment guarantees, Mississippi called a constitutional

convention, the purpose of which was described by U.S. Senator George of Mississippi:

When we meet in convention, [it] is to devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government under the control of the white people of the State.

The record of the convention reflects, as one delegate put it, "the manifest intention of this convention to secure to the State of Mississippi white supremacy."

In order to attain that unconstitutional goal, the convention adopted section 244 of the Mississippi constitution of 1890, which, with later amendments, is still the law of Mississippi and is still being used to disenfranchise Negroes. As originally adopted, the section required that an applicant for registration read any section of the State constitution or understand it when read to him, or give a reasonable interpretation of it. In 1902 a member of the convention's franchise committee commented upon this requirement:

These several suffrage requirements combined were deemed sufficient for the end in view, as they have so proved in even the blackest parts of the State; they have, as they were intended, reduced the Negro majority to a negligible political quantity.

This deliberate unconstitutional purpose was successful. In 1890, 60 percent of the voters were Negro. By 1899, when 57 percent of the adult Mississippi population was Negro, less than 10 percent of the electorate was Negro. In 1903 the Clarion-Ledger of Jackson reported:

County registrars have kept the Negroes off the books by strict enforcement of the understanding clause in the Constitution.

Strict enforcement of section 244 succeeded in disenfranchising Negroes in the first half of the century. However, by midcentury, the vast majority of Mississippi Negroes were literate. In 1954, the Mississippi Legislature adopted a resolution to amend section 244, which originally required:

Every qualified elector shall be able to read any section of the constitution of this State, or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

The proposed amendment tightened the law by requiring that an applicant "be able to read and write any section of the constitution of the State and give a reasonable interpretation thereof to the county registrar." It also required an applicant be able to demonstrate to the "county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government," and that he execute a sworn written application for registration on a form prescribed by the State board of election commissioners.

Moreover, the resolution exempted from new requirements those already registered before January 1, 1954. This exempted about two-thirds of the white population and built in a discrimination which will last as long as the lives of those previously registered.

At the time when this resolution was up for adoption by the Mississippi electorate, the chairman of the Association of Citizens' Councils in Mississippi,

in urging its passage, explained "the amendment is intended solely to limit Negro registration." The resolution passed and was inserted in the Mississippi constitution.

In 1960 further constitutional amendments designed to keep Negroes from voting were adopted. A requirement that a person be of "good moral character" was added. In anticipation of the passage by the Congress of title III of the Civil Rights Act of 1960, which required local officials to keep and make available to the Attorney General records relating to eligibility of persons for voting in Federal elections, legislation was passed authorizing the destruction of records. One State senator said, "If this bill is going to have any effect, it must be passed before the President signs the civil rights bill."

There are other Mississippi laws designed to deny Negroes the right to vote, including the "perfect form" requirement and the laws requiring publication of names and addresses of applicants for registration.

An applicant for registration must, unaided, execute a letter-perfect form. In 1962 the Court of Appeals for the Fifth Circuit granted a temporary injunction in a case against the registrar of Forrest County. The court found that, while white applicants were being registered without forms or with obviously defective forms and with assistance on forms, qualified Negroes were being rejected because of minor errors on forms which they filled out unaided.

In addition, the Negroes were not advised of the reasons for their rejections and arbitrarily were required to wait for 6 months before reapplying.

A more subtle attempt to prevent Negroes from voting is found in section 3212.7 of the Mississippi Code, which provides that, within 10 days after application to register is made and before consideration is given to the sufficiency of the application, the name and address of the applicant must be published in a local newspaper. The information must appear once a week for 2 weeks under a heading "Applicants for registration to vote." In most other States such a publication would not matter. In Mississippi, however, it often brings terror, intimidation, violence, and economic reprisals.

I have discussed unconstitutional laws which Mississippi has enacted and enforced successfully to deny the vote to Negroes. But laws are apparently not enough, for there is also economic reprisal, threats, intimidation and violence perpetrated not only on those Negro citizens who dare attempt to exercise their constitutional rights, but on anyone, Negro or white, who tries to assist his fellow citizens in this endeavor. The tragic events of last summer proved this fact to the Nation—indeed to the world.

The ruthless murder of three courageous young men, whose only purpose was to aid others in their effort to vote, shocked the Nation. We know that officials of Mississippi are implicated in this heinous crime.

According to the Justice Department in McComb, Miss., alone, there were from June to October 1964, 17 bombings of churches, homes, and businesses; 33 ar-

rests; 9 beatings; and four church burnings as a result of voter registration and civil rights activity.

Violence and terror in Mississippi to stop Negroes from voting is not a new or isolated phenomenon. The interim report of the U.S. Commission on Civil Rights issued in 1963 spells it out:

Citizens of the United States have been shot, set upon by vicious dogs, beaten and otherwise terrorized because they sought to vote.

The complaint in an action—Council of Federated Organizations, and others versus Rainey, and others—pending in the Court of Appeals for the Fifth Circuit sets forth an appalling series of acts of terror and violence perpetrated upon Mississippi Negroes who had the courage to attempt to register, and upon those, white and Negro, who courageously aided others in attempting to exercise their constitutional right.

Last summer the Council of Federated Organizations—COFO—organized the Mississippi summer project aimed at increasing Negro registration in Mississippi. Before the program got underway, in order to alert the Nation to the flagrant denial of constitutional rights and to the overt terror and violence in Mississippi, hearings were held on June 8, 1964, in Washington before a panel of distinguished Americans. The transcript of these hearings appeared in the CONGRESSIONAL RECORD on June 15 and 16, 1964.

In these hearings statistics became people and the deprivation of constitutional rights became clear. Let me quote part of the testimony of Hartman Turnbow, who described the experience when he and 13 others tried to register to vote:

Mr. FREEDMAN. Did you have any difficulty getting to the registration office?

Mr. TURNBOW. So 14 of us got in our cars. We went to Lexington. We didn't drive our cars up in town. We stopped them outside and we walked uptown.

We didn't walk in a big gang. We walked in twos about 10 or 12 feet apart, so they couldn't say we was demonstrating.

So we was met by the sheriff, Mr. Andrew P. Smith. He met us at the south door of the courthouse. And he stopped us.

So Samuel Block was leading us. And Samuel Block said, "March forward." And Mr. Smith put one hand on his blackjack and the other one on his pistol and said, "None of that goddammed forward stuff here."

So I stepped out the line. I said, "Mr. Smith, we only come to register."

He said, "Well, Turnbow, go around to the north side of the courthouse and stop under that tree and don't go in no big crowd, go in twos."

So we did that, so when we got round under the tree, all 14 of us, and stopped, Mr. Smith, Mr. Andrew P. Smith, the sheriff, he came round there under the tree where we were standing and he looked at us, and he looked at us, he put one hand on his blackjack and the other on his pistol and raised his voice. He said, "All right, now, who will be first?" * * * I said, "I will be first, Mr. Smith." Well, no sooner I said I will be first than Mr. Smith calmed his voice. He said, "All right, Turnbow, go down the side, the edge of the curb and go in the courthouse in the first door on the left, and do what you got to do." I told him, "Yes, sir." I did that. I got in there. The lady—the circuit clerk wasn't in—but the lady was in there. She said, "What do you want?" I said, "I want to register to vote." She said, "Well, you have to see Mr. McLennon about that, and he is not in here." So after din-

ner, about 2 or 3 o'clock, I went back in and he was in. She had told him about it. He said, "What do you want?" I said, "I want to register to vote." He just handed me the form and I filled it out and signed it and handed it back to him. So then after that I noticed the next day the Lexington Herald, a little local paper they write—they had a write up in the Lexington Herald that "Hartman Turnbow was an integration leader," so I noticed that about 2 weeks or a little after that my house was firebombed and shot in all at the same time. And about 3 o'clock in the morning it took place. My wife and daughter, she is 16, they jumped out of bed screaming and hollering that the house is on fire, it had been bombed.

So I woke up—I was kind of hard to wake up—I woke up and my room was full of smoke. So I didn't run out. But they done gone. I raised the window and took my foot and kicked the screen out so the smoke could get out. Then I had a little old .22 Remington sitting over in the corner. I picked it up and pushed the safety off and got it in shooting position and run out. When I run out, I met my wife and 16-year-old daughter coming back to the burning house. And as I run out, I noticed the living room was just full of flames and smoke. I noticed the back bedroom was in flames and smoke. And no sooner I got out in the open with my rifle in my hand, I saw two white men, and one of them no sooner he saw me he shot at me. He must have been shooting an automatic, because the next day we found three .45 hulls laying there where he was standing when he shot at me. So he shot at me the first time. I had my .22 already in position and I just commenced shooting at him right fast. So there was two of them. The first one run—the first white man made the first shot, while the second one run. When I started shooting right fast at him, he broke and run. But while me and this one was on the back were shooting at each other, somebody on the front was shooting all in the front of the house. We got four .45 bullets off the house there and one what hit and went another way we couldn't find. But they shot in front of the house in the house five times. So about 3 or 4 minutes, they all was gone.

Then myself and wife and daughter went to pumping water and we put the fire out. And that is what I got for going to register. Chairman TAYLOR. Have they been all right, or have they had trouble, too?

Mr. TOMKOW. Well, every one—they had different kinds of trouble. Lots of them had been buying gas for their farm tractors on credit, and that was cut out. Also me. But we didn't care about that too much. But everything they could do to us, they did it. They cut the credit off and all that kind of stuff. Some said if we niggers didn't quit that mess they was going to bomb the church and all that kind of stuff.

Mr. Speaker, there is no doubt that Mississippi presents the most flagrant discrimination in voting. Out of Mississippi's 82 counties, 27 have been subject

to suits by the Federal Government. So far in seven separate suits concerning several parts of the State there has been a judicial determination of a "pattern or practice" of discrimination. This systematic discrimination results in Mississippi having by far the lowest Negro registration record of all States. According to the study prepared by the voter education project of the Southern Regional Council as of January 1964, only 6.6 percent of nonwhites are registered to vote in Mississippi. The closest State to Mississippi is Alabama with 18.7 percent of nonwhite registered. The next State is Virginia with 24.8 percent, South Carolina with 30.0 percent, Louisiana with 31.4 percent and so throughout the South to Tennessee which has 64.6 percent of its nonwhites registered.

The facts are well known, and we have the responsibility to act upon them. Congress has exercised this responsibility with honor in the past.

Mr. Speaker, when the infirmity of an election and of the granting by a State of a certificate was well-known and cast serious and substantial doubt upon the right of a "Representative-elect" to sit in the House, the House has refused to seat him pending an investigation and final determination of the question by the House.

Here the presumptive claim of the five gentlemen from Mississippi to be sworn rested on certificates of election issued by State officials who are themselves products and protectors of the same unconstitutional electoral process. It can be fairly assumed that the question of discrimination in voter registration was not considered in issuing the certificates.

The most recent example of the House refusing to swear a Member-elect occurred in the Roush-Chambers case of 1961. The fairness resolution now before the House is derived from that case. Although Chambers held the certificate, he was not sworn. It was generally known that the certificate conflicted with a recount, which showed that our colleague, EDWARD ROUSH, the noncertified candidate, had in fact won. Congressman ROUSH did not receive a certificate from the Governor of Indiana until February 20, 1961, more than a month after the House adopted the fairness resolution. After months of investigation, the administration committee recommended that EDWARD ROUSH, the noncertified party, be declared the victor and sworn.

Mr. Speaker, the world knows that the 15th amendment, as well as the 14th

amendment, has been violated by the Mississippi electoral process which has systematically disenfranchised 90 to 95 percent of all Negroes over 21 years of age—some 40 percent of the total population.

In the face of the most flagrant disregard of our most fundamental constitutional rights, I believe the House in good conscience should not administer the oath to the "Representatives-elect" from the State of Mississippi and that the question of their rights to be seated should be carefully considered by the House Administration Committee.

Without action by this House, the State of Mississippi will persist in frustrating the 15th amendment and continue to condone murder, arson, and other acts of violence to prevent Negro citizens from voting.

The Reverend Martin Luther King recently stated the issue with eloquence:

The conscience of America, troubled by the twin Mississippi tragedies, the presence of violence in the absence of law, can now express itself in supporting this moral challenge to an immoral representation.

The Washington Post editorial entitled "Pretenders in Congress" said on January 1, 1965:

There is overwhelming evidence to show that Negroes indubitably qualified to vote in Mississippi were kept from doing so by a systematic denial of their qualification by intimidation and by outright terror. The State is therefore clearly not entitled to the five members it seeks to have seated in the House of Representatives. And the election of every one of these Representatives was clearly tainted. It is high time for Mississippi to learn that the country is not altogether indifferent to its contempt for the Constitution. And it is high time for the House of Representatives to give some thought to the integrity of its own membership.

Mr. Speaker, in closing I wish to read from a message written by Mr. and Mrs. Robert Goodman after the murder of their son, Andrew, in Philadelphia, Miss.:

In Washington 4 weeks ago, my wife and I in a sense made a pilgrimage to the Lincoln Memorial in the evening and stood in that great shrine looking down past the Washington Monument toward the soft glow of the light around the White House. Full of the awe of a great Nation that surrounded us, we turned to read, emblazoned in black letters on white marble: "It is for us the living to dedicate ourselves that these dead shall not have died in vain."