

[ca. February 1965]

WASHINGTON NEWSLETTER

DEPOSITIONS TAKING STARTS IN JACKSON - STATE OFFICIALS APPEAR

Over the past four days state officials and white citizen council officers have been submitting testimony under the questioning of Freedom Democratic Party lawyers at the Federal Court House in Jackson, Mississippi. This is the first time since reconstruction that Mississippi Negroes have been able to require testimony from the police, government officials and other members of the white community who oppress them. So far all but the Governor, who has claimed executive immunity have honored the subpoenas. At first we did not hear from Ross Barnett although he was served at his home, Morton Stavis then made an announcement that he was introducing into the record a sworn affidavit about the service which appeared in the Jackson newspapers. The next day Barnett called the Freedom Democratic Party legal office and told Attorney Hugh Manes from Los Angeles that he wasn't served personally and therefore knew nothing about the subpoena, but he just happened to find the summons on his desk today (January 30) and would be glad to make arrangements to appear. This is but one of the many indications over the past few weeks of just how seriously the Mississippi Power Structure is now taking our Challenge.

Hearings began Friday, January 29th, with Heber Ladner, Secretary of State, who spent a total of five hours on the witness stand, and then agreed to return the next day. Ladner did not bring the records which our attorney, Kunstler and Stavis summoned but said he would bring them in within "a reasonable time." This is probably a delaying tactic to keep the records out of the hearings. He declined answering most questions about the near total disenfranchisement of Negroes or on his membership in racist organization "on the advice of counsel." When questioned about his role in keeping the MFDP candidates off the ballot, Ladner after refusing to answer many questions, finally claimed that there was no previous precedent for the running of independent candidates.

Attorney General Joe Patterson admitted that his office has made "not one single investigation" of whether or not Negroes in Mississippi were excluded from the voting process despite the fact that the United States Department of Justice has filed some 60 voter registration complaints. He claimed he was never notified of these actions and therefore had no responsibility, when Mr. Kunstler reminded him that as one of the defendant in United States vs. Mississippi he was served with the government brief.

State Officials and White Citizens Council

Richard Morphey, Director of Public Relations for the Mississippi Association of White Citizens Councils, admitted under oath that they received money from the State Sovereignty Commission, a tax supported agency, to maintain its racist propaganda machine, newspaper and radio broadcast.

Members of the State Sovereignty Commission were also interrogated. Earl Johnston, the Chairman, was tight lipped, but one of his investigators, Andrew Hopkins admitted that the State Sovereignty Commission would not investigate reports by Negroes of voter registration harassment nor was he concerned with "how many Negroes were in fact allowed to register." State Senator Hayden Campbell on the stand admitted his membership in the Sons of Confederate Veterans and the White Citizen's Council. The evidence our lawyers have introduced into the record, with the testimony of these witnesses, has built a solid case showing that the White Citizen's Council, and its dedication to segregation and denial of Negro voting rights is more than just a private organization. Many members of all sections of government are members, it is supported by government agencies and is basically part and parcel of the government.

The first day of hearings Attorney General Patterson tried to have the marshalls clear the courtroom, when Morty Stavis reminded him they were not in charge and that under the law we had every right to hold these as public hearings. Mr. Patterson made no further effort.

During all the sessions the courthouse has been packed with many observers from the FDP. Among special observers have been the five congressmen from Mississippi. On Friday we were honored with the presence of four at one time.

LOCAL DEPOSITIONS

Local Depositions From Favorable Witness

Public hearings are also being held throughout the state with mainly favorable witnesses testifying. Some of the cities being covered are Gulfport, Moss Point, Natchez, Laurel, Batesville, Holly Spring and Canton. Despite the danger of retaliation from the white community, Negroes have been making public statements. This has been a new and important development for the FDP in Mississippi where the party is still enjoined. Only in Canton has there been an incident where the notary public, Hercules Jones, was intimidated by the white community and therefore did not show up for the hearings.

CHALLENGE TO DELEGATION SEEN AS SERIOUS MATTER

Not only does our Challenge continue, but Mississippi and the rest of the south are beginning to realize that January 4th was not just another demonstration and ends there. The following are excerpts from news clippings out of the South:

Jackson Daily News, Thursday, January 28, 1965

"PAUL HOLDING OFF SPECIAL SESSION"

by William Peart, Staff Writer

"The seating challenge against the Mississippi congressional delegation has prompted Governor Paul B. Johnson to delay calling a special session of the legislature this spring.

"A capitol source reported that Johnson has told intimates an immediate session which could involve anti federal government action could damage the delegation's case to retain its seats.

"It was also learned that the congressional delegation decided against introducing a resolution in the House of Representatives Wednesday asking that the seating challenge be dismissed.

"The decision was reached a source reported after House Speaker, John McCormack of Massachusetts warned them privately, 'you will be defeated.'

"Johnson conferred Tuesday, with Congressman John Bell Williams and former Gov. J.P. Coleman, an attorney for the congressmen..."

Jackson Daily News, Saturday, January 30, 1965

"STATE LEADERS PREDICT GAIN DESPITE PITFALLS"

BY Bill Coppenbarger, Staff Writer

"Law and order is going to prevail, Gov. Johnson said, 'particularly for the next six months."

New Orleans Times Picayune, Sunday, January 31, 1965

"CHALLENGE TO DELEGATION SEEN AS SERIOUS MATTER"

by W.F. Minor, Staff Correspondent

"Jackson, Mississippi --No longer is Mississippi political leadership taking lightly the challenge to the seating of the state's five congressmen which was brought on grounds that Negroes were prevented from participating in their election. The formal challenge was made by the Freedom Democratic Party, a civil rights oriented group.

"When the delegation was seated at the opening of Congress official thinking here was that the protest was over. But some saw the seriousness of the situation when 148 members of Congress, without any evidence voted to prevent the Mississippi delegation from taking seats when the Congress convened....

"The drive against Mississippi took on more gravity here when civil rights lawyers from New York took up the case and pulled out an 1851 public statute to require testimony from witnesses in support of their challenge..

"This left such officials as the Attorney General, the Secretary of State and the head of the Highway Patrol in Mississippi no alternative but to answer summons to give depositions.

"When Gov. Paul Johnson came back from the inauguration last week, he made it clear to intimates he realized the seriousness of the challenge and the possibility that the whole House delegation from Mississippi could be ousted.

"Johnson saw fit to tell the people that they should be on their best behavior in preserving the peace so that no incident would mar the chances of the state holding its congressional seats.

"This is what produced a great deal of uneasiness here in Jackson over a threatened march on the Hinds County Courthouse by Negroes in protest of the slaying of an 18 year old Negro by Deputy Sherriff in the jail.

"The evident seriousness of the congressional situation must have been the reason Rep. John Bell Williams, made a hurried trip to Jackson to confer with Gov. Johnson and former Gov. J.P. Coleman, one of the States leading attorneys who represented the delegation...."

PUBLIC HEARINGS IN THE NORTH

The law under which the depositions are being taken makes it possible for depositions to be taken out side of Mississippi. Such depositions can be taken in the presence of or by officials of the State or City. Our lawyers have now decided to use that right and hold hearings in northern cities for the purpose of taking evidence from ex-Mississippians, summer volunteers, lawyers and ministers who have worked on voter registration in Mississippi and have direct knowledge of the hardships encountered. This will be done simulataneously in about 10 cities, including New York, Washington, Detroit, Boston, Chicago, San Francisco, and Philadelphia on Friday, February 12th. A lawyer to head up this project has been assigned in every city and local groups should be able to screen potential witness and develope public interest, both news and attendance, for the public hearing.

CONG. RYAN AND OTHERS CONTINUE SUPPORT OF THE CHALLENGE:

On January 23, Bill Ryan and 25 other members of congress sent a letter, and issued a press statement on same, to Attorney General Nicholas Katzenback urging that U.S. Marshals and FBI agents be assigned to protect volunteer attorneys taking depositions in connection with challenges which are pending in congress, and that federal facilities be made available for the taking of depositions, lastly that the US Attorney in Miss. be instructed to give highest priority to any case where there is a failure to respond to a proper subpoena. The others who signed were Brown, Burton, Cohelan, Corman, Dyal, Edwards, Hawkins, Roosevelt (Cal.), Conyers and Diggs (Mich.), Dow, Farbstein, Gilbert, Halpern, Multer, Powell, Resnick, Rosenthal (NY), Fraser (Minn), Gonzalez (Tex), Green (Oregon), King (Utah), Mink (Hawaii), Nix (Pa.), Reuss (Wis.). It is interesting to note, Mr. Multer, from Brooklyn voted for seating of the Mississippians on opening day.

NORTHERN ORGANIZATIONS

Support groups for the MFDP have been organized since our last meeting in two new key cities where we received little or no congressional support, Baltimore and Pittsburgh. In Baltimore the formation of an ad hoc committee (a press conference announcing) was held Wed., Feb. 3rd. Mrs. Annie Devine was present. Organizations so far represented are Friends of SNCC, SDS (Goucher-Hopkins Chapter), American Jewish Congress, CORE, Baltimore Tutorial Project, Union for Jobs and Income Now, Dissent (Morgan State College), City Wide Democratic Club, Monseignor Healey of the Inner City Program. Their program will include door to door petition drives, a large rally and congressional visits.

In Pittsburgh a similar program is being planned, announcement of which will be made shortly. The group in Pittsburgh will be working out of the local ADA chapter office.

EASTLAND SMEARS FDP ON SENATE FLOOR

To a total audience of Senator Stennis, and Mr. Fannin, who was presiding officer, Senator Eastland took to the floor on February 3rd with a vicious smear attack on the communists, beatniks and sex perverts who are behind the challenge to the Miss. Congressmen. The dialogue often went something like this: Mr. Eastland. "I know of several instances in which members of the group were syphillitic and the Public Health Service had to take charge." Mr. Stennis. "Yes, I heard of that too." Mr. Eastland. "I know of an instance in my hometown in which a Negro woman cut her husband up because of his attention to one of those white girls. I shall say that those people did not realize that they were part and parcel of the communist conspiracy. Those activities were directed by the Communist conspiracy in an attempt to take over the State of Miss. by the Communist Party." Mr. Stennis. "The pattern of operation is certainly the same." Mr. Stennis. "The (outside agitators) were cunning, vigorous, and persistent...But the agitators, the common crowd and the cfumbs, would stay there. They were the ones who would make the trouble. Did not my colleague find a similar pattern of operation." Mr. Eastland. "That is absolutely correct" . . . and so they talked.

MISSISSIPPIANS IN WASHINGTON

During inauguration week, 10 Mississippians plus Mr. Gray, Devine and Hammer were in Washington to attend the Ball, and other functions and to speak at various functions around the Washington, Maryland, Virginia areas.

Mrs. Gray attended the meeting of the Democratic National Committee and no issue was made when she sat up front among the committeemen. The first issue on their agenda was Mississippi, and a committee was formed to implement the Convention decision that no state Dem. Party be represented unless it is "fully" integrated. The MFDP still contends it is the only Democratic Party in Mississippi which upholds the Party's national platform and principles and which is "fully" integrated.

SUB-COMMITTEE ON ELECTIONS REAPPOINTED

Aside from a few Republicans being dropped the new Sub-Committee on Elections and Privileges remains unchanged: Ashmore (DC) Chairman, Abbitt (VA), Waggoner (LA), Perkins (Kent.), Davis (Ga), Gibbons (Fla), all Democrats. The Republicans are Goodell (NY), Curtin (Pa.), Devine (Ohio).