

COPY

HOUSE OF REPRESENTATIVES
CONGRESS OF THE UNITED STATES

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In the Matter of the
Contested Election of

THOMAS GERSTLE ABERNATHY
in the First Congressional
District of Mississippi;

JAMIE L. WHITTEN
in the Second Congressional
District of Mississippi;

JOHN BELL WILLIAMS
in the Third Congressional
District of Mississippi;

PRENTISS WALKER,
in the Fourth Congressional
District of Mississippi;

WILLIAM MEYERS COLMER
in the Fifth Congressional
District of Mississippi.

DEPOSITIONS OF

FANNIE LOU HAMER
ANNIE DEVINE
VICTORIA JACKSON GRAY

Taken by Contestants Pursuant to Title 2,
United States Code, Sections 201 et seq.
and Notice dated March 27, 1965

at
M. W. Stringer Grand Lodge, 1072 Lynch
Street, Jackson, Mississippi

on

Saturday, April 3, 1965

before

WILLIAM E. MILLER II, Notary Public
in and for Hinds County, State of Mississippi

I N D E X

WITNESSES:

P-a-g-e

FANNIE LOU HAMER

Examination by Vernon A. Moore

3

ANNIE DEVINE

Examination by Hugh R. Manes

44

VICTORIA JACKSON GRAY

Examination by Emerson L. Darnell

63

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1 FANNIE LOU HAMER,
2 called as a witness on behalf of the contestants, who, being
3 first duly sworn by the Notary Public to tell the truth, the
4 whole truth and nothing but the truth, was interrogated and
5 testified as follows:

6 EXAMINATION BY MR. MOORE:
7

8 Q. Mrs. Hamer, would you please state your full name?

9 A. Mrs. Fannie Lou Hamer.

10 Q. What is your birthdate, Mrs. Hamer?

11 A. October 6, 1917 I was born.

12 Q. Are you a resident of the State of Mississippi?

13 A. Yes.

14 Q. How long have you resided in Mississippi?

15 A. 47 years.

16 Q. In what county do you live?

17 A. I exist at 626 East Lafayette Street, Ruleville,
18 Mississippi.

19 Q. What county is that in?

20 A. Sunflower County.

21 Q. How long have you been in Sunflower County?

22 A. 45 years.

23 Q. Are you married, Mrs. Hamer?

24 A. Yes.

25 Q. What is your husband's name?

26 A. Perry Hamer.

1 Q. Do you have any children?

2 A. Yes.

3 Q. How many? A. Three girls.

4 Q. Are your three girls presently living with you?

5 A. Yes.

6 Q. With reference to that address that you just gave,
7 can you describe the house for us?

8 A. Well, a very small three-room hut with one big pecan
9 tree to the right. It's very ragged.

10 Q. And all five you live in that three-room house?

11 A. Yes.

12 Q. Incidentally, you are a member of the Negro race, are
13 you not? A. Yes.

14 Q. Are you registered to vote in the State of Mississippi,
15 Mrs. Hamer? A. Yes, I am a registered
16 voter.

17 Q. When did you become a registered voter?

18 A. January 10th, 1963.

19 Q. Was that the first time that you took the registration
20 test?

21 A. No. I taken the first literacy test August 31, 1962.

22 Q. Tell me, Mrs. Hamer, -- you were past 40 in August
23 1962 -- why didn't you take the test before then?

24 A. Well, actually, from being a child, as long as I can
25 remember, at first I wanted to be white because in the area where
26 I live the white people are the only people that get enough

1 food and have enough clothes to wear, so at first I wanted to
2 be white, but as I got older I discovered it wasn't in being
3 white, but it was something wrong with the system. So then I
4 wanted to do something about it, but I didn't know what, and it
5 was in August of 1962 I went to the church one Sunday and our
6 pastor announced there was going to be a mass meeting there on
7 Monday night. I went to the church on Monday night and Bob
8 Moses from the Student Nonviolent Coordinating Committee was
9 present and also Jim Foreman, Reggie Robinson and quite a few
10 other young people and they was talking about voter registration.

11 James Bevel was there and he preached from the 12th
12 Chapter of St. Luke on discerning the signs of the time and they
13 tied it into voter registration, so they asked then who would go
14 down on Friday and try to register and I was one of the persons
15 of the 18 that went down.

16 Q. In August of 1962 were you working?

17 A. Yes.

18 Q. What kind of work did you do?

19 A. I had worked as a timekeeper and share cropper 18
20 years on this plantation, W. D. Marlow, 3.

21 Q. What kind of hours did you work?

22 A. Actually it wasn't hours, it was determined from the
23 time the sun -- when it got light enough for us to see we would
24 be in the field and then we stayed there until it was dark. We
25 didn't have just hours to work.

26 Q. Did you work on Saturday?

1 A. Yes.

2 Q. Did you work on Sunday?

3 A. No, we didn't work on Sunday but by Sunday we was too
4 tired to do anything else.

5 Q. Is the registrar's office open on Sunday?

6 A. No. In fact, it's not open now on Saturday.

7 Q. So you finally went to town to register to vote in
8 August of 1962?

A. Yes.

9 Q. And what happened to you, what was the result of your
10 test?

11 A. Well, actually, there was 18 of us went down there on
12 a bus and we was met there by highway patrol men and city
13 officials and just plain people with prejudice on them; by the
14 guns, you know that they was prejudiced. When we went to the
15 inside of the courthouse the registrar asked us what did we
16 want to do. We told him we were there to register to vote. He
17 sent all of the people out but two and I stayed inside and Mr.
18 Ernest Davis from Ruleville, he stayed inside, and all the other
19 people was ordered out, and we taken this literacy test.

20 He said couldn't but two people take it, and we taken
21 this, I taken this test, something I had never seen before, and
22 after we had to fill out this form, you know, like write the
23 date of this application and what is your full name and by whom
24 are you employed. That means you was fired by the time you got
25 back and all.

26 "Are you a citizen of the United States and an inhab-

1 itant of Mississippi?" and all of those things. But after that
2 then the registrar brought a black book there and he gave me the
3 16th Section of the Constitution of Mississippi.

4 Q. Incidentally, you went to school in Mississippi, did
5 you not? A. Yes.

6 Q. Did you ever hear about the Constitution of the State
7 of Mississippi when you were in school?

8 A. I didn't know they had a constitution until the 31st
9 of August 1962.

10 Q. When you were a schoolgirl and in Mississippi schools,
11 did any teacher ever tell you that you had the right to vote?

12 A. No, they didn't because I don't think they knowed it.
13 In fact, I know they didn't mention it.

14 Q. While you were in school did anybody ever encourage
15 you to vote and exercise the privileges and rights of citizenship?

16 A. No.

17 Q. So in August of 1962 when these gentlemen, including
18 Bob Moses, came to you this was really your first introduction
19 to voting; is that right?

20 A. That is true.

21 Q. Did the other 16 people who went with you get a chance
22 to register that day?

23 A. The other 17 did. They had a chance to fill out the
24 literacy form as best they could, but when we started back to
25 Ruleville, the same highway patrolmen that we had noticed when
26 we was at the courthouse and some of the city police officials

1 stopped us and we was turned around and carried back to
2 Indianola where the bus driver was charged with driving a bus
3 the wrong color and they charged him \$100 -- from 100 down to
4 50, they finally cut down to \$30 and 18 of us had enough money
5 to pay his fine. Then we went to Ruleville.

6 Q. So you all went back home after that?

7 A. Yes.

8 Q. How long did that little episode take?

9 A. Well, I would say in less than two hours we had got
10 to Ruleville and I had gone back to the plantation four miles
11 east of Ruleville where I had worked for the 18 years. And when
12 I got there, then my oldest daughter and one of my husband's
13 cousins met me and told me how mad Mr. Marlow was that I had gone
14 to try to register; and she told me that she believed I would
15 have to leave. So during the time she was talking, my husband
16 walked up and when he told me what the man had said I began to
17 get nervous. I walked in the house and sat down on my little
18 girl's bed and then Mr. Marlow came and he asked my husband,
19 did he tell me what he had told him to tell me, and when he said
20 that I walked out. And Mr. Marlow asked me hadn't I been to the
21 courthouse and I told him I had.

22 Q. Did you, in fact, lose your job?

23 A. Yes. He told me that I would have to go back that
24 same day and withdraw or I would have to leave.

25 Q. Did you go back and withdraw?

26 A. No. I told him I wasn't trying to register for him,

1 I was trying to register for myself. So I had to leave that
2 same night.

3 Q. Where did you go after you left Mr. Marlow's planta-
4 tion?

5 A. I went back to the little town of Ruleville and to
6 Mr. and Mrs. Robert Tucker.

7 Q. While you were staying with Mr. and Mrs. Robert Tucker
8 did anything happen there?

9 A. Yes. Before the 10th of September my husband came out
10 there and he was very nervous. He said he believed something
11 was going to happen because he had noticed at the office be-
12 fore he had got paid off, he saw buckshot shells with plastic,
13 you know, over the shells, was covered with plastic, and you
14 know we know that you don't hunt anything in September, so he
15 carried me to Tallahatchie County. And I was in Tallahatchie
16 County on the 10th of September when they fired 16 bullets in
17 Mr. and Mrs. Robert Tucker's house trying to kill me.

18 Q. Who were Mr. and Mrs. Robert Tucker?

19 A. They are some people that live in Ruleville, and Mr.
20 Tucker is one of the persons who had tried to -- no, he hadn't
21 taken the literacy test because he couldn't read. He wasn't
22 allowed to take it. But that same night they shot in Mrs.
23 Tucker's house, two girls was shot at Mr. Herman Sisson's in
24 Ruleville. They also shot Mr. Joe McDonald who had worked on
25 voter registration.

26 Q. What happened to the two girls who were shot?

1 A. They didn't die. They are still living but one of the
2 girls was shot in the head and, in fact, the pellet went inside
3 under her skin. That was shot in Ruleville. They thought she
4 was one of the voter registration workers, but she wasn't. She
5 was there to spend the night with her grandfather so she could
6 come to Jackson the next day to go to school, college here in
7 Jackson.

8 Q. Did you find out the results of that test?

9 A. Yes. I went back on the 4th of December in 1962 and
10 the registrar said that I didn't pass that test.

11 Q. So what did you do then?

12 A. I told him I would be there every 30 days until I
13 passed the literacy test. I told him he couldn't have me fired
14 again because I was already fired, and I taken the literacy test
15 again.

16 Q. When did you take it again?

17 A. The 10th of January 1963 I went back to see about it
18 and I had passed the literacy test.

19 Q. And so thereafter you were a registered voter in
20 Mississippi?

A. That's right.

21 Q. Incidentally, when did you move into the home which
22 you now occupy?

23 A. The 2nd day of December 1962.

24 Q. What happened to Mr. Hamer on Mr. Marlow's plantation?

25 A. Well, after I was fired and my husband attempted to
26 move, like I was being forced off the place, Mr. Marlow told

1 him that he couldn't get any of our belongings unless he would
2 help to carry out -- you know, help him to harvest in the beans,
3 the cotton and the other crops that they had to get in, but he
4 told him if he would stay and help him to harvest in everything
5 then he would give him our belongings, but after my husband had
6 helped to finish harvesting in the beans and all, the car was
7 taken and the most of what few things we had had been stolen.

8 Q. So you really did not get all of your possessions from
9 Mr. Marlow's place, did you?

10 A. No.

11 Q. What part of the state is Indianola located in?

12 A. Sunflower County, the home county of Senator James
13 O. Eastland.

14 Q. Is he a senator for the State of Mississippi?

15 A. He is a senator for a few of the people of Mississippi.

16 Q. What is the geographical location of Sunflower County?

17 A. It's located in the "Black Belt" of Mississippi, it's
18 known as. North central part of Mississippi.

19 Q. Is that called the Delta Area?

20 A. The Delta Area.

21 Q. Now, isn't there a fellow up there named Whitten?

22 A. Yes, Jamie L. Whitten.

23 Q. What does he do now?

24 A. He is the congressman from the 2nd District.

25 Q. And he is in Tallahatchie County; is that right?

26 A. Tallahatchie County.

1 Q. Can you describe for us the condition of the people
2 who reside in Mr. Whitten's home county?

3 A. Well, actually, the whole Delta is bad but Tallahatchie
4 County is the worst county, I believe, under the sun, because
5 that is the county I went to after I had been fired and all,
6 and as hungry as I had been, I got hungrier in Tallahatchie
7 County than any other county. The work there is bad because
8 now there is no work for people to do, and from now until May
9 they won't have any work and they won't be able to get commod-
10 ities.

11 They do have welfare cases and they do get commodities,
12 but other people don't.

13 Q. When you refer to "commodities," what are you talking
14 about?

15 A. The government surplus food.

16 Q. Now, is the government surplus food distributed to
17 people in the Delta Area?

18 A. In some of the counties.

19 Q. But not in Tallahatchie?

20 A. Not in Tallahatchie or in LeFlore County.

21 Q. What kind of work is there for, well, let's say ladies
22 to do in Tallahatchie?

23 A. Well, the main source of work for the main income is
24 chopping cotton and picking cotton.

25 Q. Well, the cotton season doesn't last all year, does it?

26 A. No.

1 Q. When does it commence?

2 A. They will start chopping cotton sometime in May and
3 then after they stop chopping cotton, after that season is over,
4 they will begin to gather the cotton which would be in August
5 or September, and then by the last of October and sometimes not
6 that long they don't have any more cotton to gather; then they
7 won't have anything to do from then until May again.

8 Q. So in September or October of each year work stops
9 and there is nothing more to do until May of the following year;
10 is that correct? A. That's right.

11 Q. Now, when these people go out to work in the cotton
12 fields, how much do they get paid?

13 A. They get from \$2.50 to \$3.00 a day. Not an hour.

14 Q. Do they have working hours?

15 A. No, they don't have working hours.

16 Q. When do the cotton workers go to work?

17 A. When they can see in the morning. Very early.

18 Q. As soon as the sun comes up?

19 A. Yes.

20 Q. When do they quit?

21 A. When it's down.

22 Q. Now, do both men and women do this work?

23 A. Yes.

24 Q. And do both men and women receive the same pay?

25 A. Yes.

26 Q. Now, we have been talking here about men and women.

1 What men and women are we talking about?

2 A. Negro men and women.

3 Q. Now, you mentioned that you had some children. Have
4 your children ever worked in the cotton fields?

5 A. Yes.

6 Q. How about the children of all of the Negro men and
7 women in Tallahatchie, do they work?

8 A. Yes.

9 Q. Where do they work?

10 A. In the fields.

11 Q. What time do they go to work?

12 A. The same time that we have to go.

13 Q. If you have a 12-year-old child, would that 12-year-
14 old child work in the cotton fields?

15 A. My daughter was 8 and she was working every day that
16 I worked when I was fired.

17 Q. When your daughter was 8 years old what time did she
18 go to work?

A. When I go.

19 Q. What time does she come home?

20 A. When I come out.

21 Q. Does she get paid? A. Yes.

22 Q. How much does she get paid?

23 A. Well, actually, when I was fired, the land owner was
24 paying a dollar a hundred for us to pick our own cotton and we
25 had picked 1100 that week, but he taken that after I had tried
26 to register.

1 Q. A dollar a hundred what?

2 A. A hundred pounds of cotton.

3 Q. And throughout the season you had picked 1100 pounds?

4 A. No. That week.

5 Q. These children that are working out in the fields,
6 shouldn't they be in school?

7 A. They should be in school but, actually, in the Delta
8 Area they have a split session in school. In July and August
9 when they actually should be at home because it's hot, they
10 have the children in school.

11 Q. Is education compulsory in Mississippi?

12 A. No, it's not compulsory.

13 Q. You mean your 8-year-old daughter doesn't have to go
14 to school? A. No.

15 Q. If she was out working the cotton fields, nobody cared?

16 A. Nobody cared.

17 Q. The truant officer didn't come out to get her?

18 A. No, because actually in the counties across the Delta
19 they would carry the children out on the buses from school to
20 have them to gather cotton and chop cotton. We never did know
21 what become of the money.

22 Q. This is a terrible situation that you have described.
23 That just exists in Tallahatchie doesn't it?

24 A. No, it doesn't just exist in Tallahatchie. It exists
25 in Sunflower County. The only difference is the people do get
26 commodities in Sunflower County for three months.

1 Q. Are these working conditions you have just described
2 common? A. Yes.

3 Q. Do all of the farmers follow this routine?

4 A. Yes.

5 Q. And do all of the Negro sharecroppers follow that same
6 routine? A. That's right.

7 Q. Now, are there Negro famers who are not sharecroppers?

8 A. They do have a few farmers that own their own land,
9 but it's not many that own their own land.

10 Q. How does a sharecropper get paid?

11 A. Well, a sharecropper is a person that works his crop
12 on "halfers." If he makes 50 bales of cotton --

13 Q. Did you say "halfers"?

14 A. Halfers, that's right. If he makes 50 bales of cotton,
15 it's just 25 bales his and 25 belongs to the land owner, but
16 what happens, all the indebtedness comes out of his 25 bales.

17 Q. What indebtedness can there be?

18 A. You know, the white man have to have cars and tractors
19 and fuel and you know all of these kinds of things.

20 Q. You don't make the payments on his cars, do you?

21 A. Well, we don't get nothing out of our cotton, so what
22 could go with it if we don't pay for that?

23 Q. When you produce 25 bales of cotton, don't you get
24 some money for that?

25 A. We have made as much as and had 25 bales, and that
26 was the year before -- two years before I was fired. We got

1 \$200 out of 25.

2 Q. For instance, if you need cotton choppers and if you
3 can't do all the chopping yourselves, is somebody else hired to
4 do it?

5 A. Well, if they hired somebody that still comes out of
6 the sharecropper's part.

7 Q. That comes out of your half?

8 A. Yes.

9 Q. So somebody has to buy cotton seeds, I suppose?

10 A. That's right.

11 Q. And who pays for it?

12 A. All indebtedness comes out of the sharecropper's part.

13 Q. So out of your half you pay for the cotton seeds?

14 A. Everything.

15 Q. You pay for the choppers?

16 A. That's right.

17 Q. You fertilize the land?

18 A. Yes, that's right.

19 Q. You pay for the fertilizer?

20 A. That's right.

21 Q. How much money does that leave you?

22 A. Nothing.

23 Q. In 1962, which was the last year that you worked, do
24 you know how much money your family made?

25 A. They didn't make any. They didn't make one dime.

26 Q. You worked all year, didn't you?

1 A. Yes.

2 Q. Didn't you get some money during that year?

3 A. No. We did get, you know, the funds that they give
4 us with the crop. My family got \$30 a month and other than that
5 they didn't get any money at the end of the year.

6 Q. So the money you got in your hand for the entire year
7 came to about \$360? A. That's right.

8 Q. Do these farmers, the white farmers, have meetings?

9 A. Yes.

10 Q. Have they had a meeting recently?

11 A. Yes. One of my friends told me about that. Some
12 white -- the white community had had a meeting and they decided
13 that they was going to pay this year for 1965 \$1.75 a day. One
14 of the white men said he didn't think it was right, he thought
15 they should pay more and they had a drag-out fight with chairs.

16 Q. Now, a dollar seventy-five cents a day for what?

17 A. For chopping cotton.

18 Q. Is this for the same work you have previously been
19 getting two and a half and three dollars for?

20 A. Yes.

21 Q. Do you know when this meeting took place?

22 A. No, but it's recently, because one of my friends told
23 me.

24 Q. Was it this year? A. Yes.

25 Q. Within the last couple of months?

26 A. Yes.

1 Q. So in the "New Mississippi" your income is going to
2 be reduced from \$3.00 a day to a dollar seventy-five cents a day
3 if these farmers have their way?

4 A. That's right. They kind of got tied up on the end
5 and they didn't make no decision at that meeting.

6 Q. Incidentally, you have been talking about bales of
7 cotton. How much does the farmer get for a bale of cotton?

8 A. Well, actually, you see, that is one of the things
9 that happens, you never get really what the price of cotton is,
10 you don't ever get what the cotton is worth, and in fact we
11 tried to get the seed tickets, you know, so that we would know
12 what the seeds were. We didn't even get that and we never have
13 known exactly the price of what cotton was going for.

14 Q. Are you saying if you get the seed tickets you can
15 tell how much cotton is produced?

16 A. We would know at least how much the seeds were.

17 Q. You get the seeds when the cotton is ginned?

18 A. That's right.

19 Q. So if you knew how much seed you got, you could
20 estimate how much cotton there was?

21 A. That's right.

22 Q. Do you know the market price of cotton?

23 A. Not now. I really don't. I know it was worth more
24 than we was getting.

25 Q. You mentioned some Negro farmers in the Delta owned
26 their own farms. Can they plant as much cotton as the white

1 farmers can plant? A. No, they can't.

2 Q. Are there any restrictions on the amount of cotton
3 the sharecropper can plant?

4 A. Well, actually, that is what I can't understand. I
5 have seen small Negro farmers with their own land and if they
6 have 24 acres, well, they probably couldn't put but 6 or 10
7 acres in cotton, whereas the white man if he has land and some
8 of the farmers would want to, the family of a sharecropper could
9 have 25 or 30 acres and I just don't understand how that
10 difference could be.

11 Q. As long as the Negro farmer was a sharecropper, he
12 could plant as much as cotton as the field would take?

13 A. That's right. Because he wasn't going to get nothing
14 no way.

15 Q. Now, you mentioned that Senator Eastland came from
16 Sunflower County, that was his home county.

17 A. Yes.

18 Q. Does he live on a farm there?

19 A. He has a farm at Doddsville, Mississippi.

20 Q. Does he have people working for him on the farm?

21 A. Yes.

22 Q. Are these Negro people?

23 A. Yes.

24 Q. How do they get along?

25 A. Just like the average Negro in the Delta Area.

26 Q. Did you have occasion to meet one of Senator Eastland's

1 employess recently? A. Yes. In fact, I left one
2 of the ladies from his plantation at my house when I left there
3 yesterday, and I had -- donations had been given to me when I
4 was in California and I had bought her food. She is from Mr.
5 Eastland's plantation and I had bought some other lady's food
6 and paid some rent there in town while I was at home.

7 Q. So you took some contribution money --

8 A. Yes.

9 Q. -- and you gave it to one of Senator Eastland's
10 plantation workers? A. That's right.

11 Q. And you also gave her some food?

12 A. Yes.

13 Q. What else did she need?

14 A. She just said that they was suffering on his planta-
15 tion and she didn't understand why for the first time that he is
16 trying to fix up the houses.

17 Q. So you think then that Senator Eastland knows about
18 the conditions of his employees?

19 A. Yes.

20 Q. Incidentally, you mentioned that somebody told you
21 about this meeting that the white farmers had. Is that person
22 known to you? A. Yes.

23 Q. Can you tell us his name?

24 A. I wouldn't want to reveal his name.

25 Q. Does he work in --

26 A. Yes, he works in Bolivar County.

1 Q. You are a member of the Freedom Democratic Party, are
2 you not? A. Yes.

3 Q. Can you tell us when that political party was estab-
4 lished? A. April 24, 1964.

5 Q. And when did you become active in the FDP?

6 A. April 24, 1964.

7 Q. Now, were you a candidate for Congress in 1964?

8 A. Yes. In the primary election I went to the Secretary
9 of State, Heber Ladner, on the 20th of March in 1964 to qualify
10 for Congress as a candidate. And it was easier for me to
11 qualify to run as a candidate for Congress than it was for me to
12 pass the literacy test to be a registered voter.

13 Q. I think what you just told me is that it is easier to
14 become a congressional candidate than it is to become a voter?

15 A. That's right.

16 Q. Were you on the primary ballot?

17 A. Yes, I was on the primary ballot.

18 Q. What happened?

19 A. After then I wanted to run again as an independent
20 candidate for the general election and they wouldn't let me put
21 my name on the main ballot.

22 Q. Well, to get on the ballot you have to file a
23 nominating petition, do you not?

24 A. That's right. But after the petition was filed and
25 carried before the Secretary of State he said that they had to
26 be certified by the county registrar.

1 Q. You mean you or your party, your campaign workers,
2 circulated the nominating petition?

3 A. That's right.

4 Q. How many signatures did you have to get?

5 A. We had well over 300.

6 Q. Was that more than required by law?

7 A. Yes.

8 Q. And did you file those papers with the proper person?

9 A. Yes.

10 Q. Who did you file them with?

11 A. They was to be filed with the Secretary of State again
12 and after they had to get them certified by the registrars in
13 the different counties, well, some of the places the registrar
14 wouldn't even certify that people was registered in the 2nd
15 District.

16 Q. Well, what the registrar has to do is take the names
17 on the nominating petition and compare them to the voting roll;
18 is that right?

A. That's right.

19 Q. It sounds like an easy enough job. Are you telling me
20 the registrar did not do it?

21 A. He didn't.

22 Q. Well, what became of your nominating petition?

23 A. Well, I wasn't on the ballot, so that is why I had to
24 run in the Freedom Election.

25 Q. You did what?

26 A. I ran against Jamie Whitten in the Freedom Election.

1 Q. What was the Freedom Election?

2 A. The Freedom Democratic Party had a candidate run against
3 the main -- the regular representative from Mississippi and I
4 was from the 2nd District and I ran against Jamie Whitten in
5 the 2nd District. And they also had President Johnson and Vice-
6 President Hubert Humphrey, they had the whole ballot made up
7 just like the regular Democrats in Mississippi and I ran on that
8 ticket.

9 Q. Who won that election?

10 A. We did.

11 Q. Who is "we"? A. President Johnson and
12 Hubert Humphrey had 68,000 votes and I had 33,009 on the
13 Freedom ballot. Jamie Whitten got 49 on it.

14 Q. 4900? A. 49 votes on the Freedom
15 ballot.

16 Q. 49 period? A. That's right.

17 Q. How many votes did Mr. Whitten get on the regular
18 election?

19 A. Well, it didn't mention it because they knowed there
20 was nothing we could do no way.

21 Q. Did the Freedom Democratic Party support President
22 Johnson and Vice-President Hubert Humphrey in 1964?

23 A. Yes, we did.

24 Q. Did the so-called regular Democratic Party support
25 these men?

26 A. No, they didn't. That is the first time that I

1 remember that Mississippi went Republican, all but the Freedom
2 Democratic Party.

3 Q. Now, as I recall, Lyndon Johnson ran against a man
4 named Goldwater. What happened to that campaign in Mississippi?

5 A. Well, everyboy of the whites in Mississippi, all but
6 the workers that was working in Mississippi, was campaigning for
7 Barry Goldwater. There was Goldwater signs on everything that
8 you would see, including cars. Actually, the way we done some
9 of our campaigning in Ruleville, we had some of the children
10 that was kind of smart, and they would get our stickers that we
11 had and when a car would pass, you know, it would have a Johnson
12 sticker stuck on the car.

13 Well, people would be nervous, scratching them off
14 the next morning when they would see it.

15 Q. Well, on November 3rd, 1964 who won the election in
16 Mississippi?

17 A. Well, actually, we supported Mr. Johnson on the
18 Freedom ticket. He did get 68,000 votes.

19 Q. But who got Mississippi's electoral votes?

20 A. Barry Goldwater.

21 Q. So the regular party didn't support Mr. Johnson very
22 staunchly, did it?

A. No, they didn't.

23 Q. And Mr. Johnson lost the State of Mississippi?

24 A. That's right.

25 Q. Now, in the year 1964, do you know who the governor
26 of Mississippi was?

A. 1964?

1 Q. Yes, ma'am. A. Paul B. Johnson.

2 Q. Do you know who Mr. Johnson supported in the race for
3 the presidency?

4 A. It would have to be Goldwater from all the other
5 stands that he takes.

6 Q. Then how about the -- what do you call it here in
7 Mississippi, lieutenant governor? Do you know who he supported?

8 A. I know it would be Barry Goldwater, but I can't recall
9 his name.

10 Q. Did you hear of any of the white officialdom that
11 supported President Johnson?

12 A. Well, I remember one time we went on television at a
13 television station and there was one man that had a little jar
14 there trying to raise funds for the Democratic Party and he was
15 making out worse, it just about looked like, than the Freedom
16 Democratic Party was making out.

17 Q. Do you know if the then Governor Coleman was a member
18 of the Democratic Party?

19 A. I'm sure that he was, but I didn't hear much talk
20 about him during the voting for the president's nomination.

21 Q. As far as you know, the members of the so-called
22 regular Democratic Party did not support the democratic candi-
23 date, Mr. Johnson?

24 A. No, as far as I know.

25 Q. Now, Mrs. Hamer, you have been out of the state quite
26 a bit recently, have you not?

1 A. Yes, I have been out of the state.

2 Q. And when was the last time that you were out of
3 Mississippi?

4 A. Well, I was out of Mississippi -- I came home kind of
5 late February and I stayed at home until March. Then I went
6 back and I came again to Mississippi Monday.

7 Q. So, with reference to February 13, 1965 you have
8 spent some time in Mississippi since that date?

9 A. Yes.

10 Q. Do you recall that certain depositions were taken on
11 behalf of the Freedom Democratic Party in a 40-day period in
12 January and February of 1965?

13 A. Yes.

14 Q. Since your return to the State of Mississippi, what
15 have you noted about the state? Are things different now?

16 A. Yes, it's different because it's worse. On the 7th
17 of March we were here at this same temple, the Masonic Temple,
18 at COFO meeting --

19 Q. Right here where we are now?

20 A. Right here, but it was in the other room.

21 Q. The big auditorium.

22 A. On our way back to Ruleville, Miss Linda Davis there
23 was driving the car, one of the COFO workers in Ruleville. She
24 was driving the car and we had to stop in Cleveland to get gas,
25 and when she stopped I noticed a red car was across the highway
26 from us and it just sat there as long as our car was there, and

1 cars kept coming out by this car but this car didn't move, and
2 finally when Linda pulled out this car pulled out too. And I
3 told her we was being followed.

4 Q. You mean the red car pulled out?

5 A. The red car pulled out.

6 Q. Did you see any people in that red car?

7 A. I could see two people. They was white people, but I
8 told her to try to take a side road, so she turned right and we
9 had to go down one street and back and turn right again and then
10 take another right and came on out through the main street in
11 Cleveland and then take Highway No. 8 again, so you know it
12 looked like we was coming from Rosedale, to dodge that car.
13 That was the 7th.

14 Q. How far is it from Jackson to Cleveland?

15 A. I would say about 118 or -20 miles.

16 Q. When did you first notice that little red car?

17 A. Well, it hadn't actually followed us from Jackson,
18 but, you see, it spotted us, this car, because, I guess, they
19 noticed Linda's car going from Cleveland to and from Ruleville
20 and they spotted this car. They had to know it, because they
21 just sat there as long as the car was under the shed getting
22 gas.

23 Q. Was the car that Linda was driving a COFO workers'
24 car?

25 A. Yes. She uses it.

26 Q. She uses it frequently, does she not?

1 A. Every day.

2 Q. What else had happened after your return to Mississippi?

3 A. Well, after I returned -- that was on the 7th. Then
4 on the 9th of March I spoke in Sunflower, Mississippi but some-
5 thing had happened between that time. It was on the 4th of March
6 the Governor, ex-Governor Ross Barnett spoke in Ruleville.

7 Q. When you were in Ruleville, what did you see there?

8 A. Well, they had signs in every store -- there was one
9 store, other than the Chinaman's, that didn't have the sign in
10 the store -- and it was saying, the white citizens to come out,
11 that Mr. Barnett would be speaking about the sovereignty of the
12 state and the state's rights, and they was inviting white
13 citizens to come out.

14 Q. Wait a minute, you are going too fast for me. Just a
15 picture of Ross Barnett on a poster?

16 A. Yes.

17 Q. And it had some words on it, didn't it?

18 A. That is what it had on it, what I was saying.

19 Q. And Ross Barnett was inviting only white people to come
20 there?

A. Yes, that's right.

21 Q. Did anybody else appear at that meeting?

22 A. Yes. Before night that same day they had allowed a
23 car with a loud speaker, a truck, a sound truck, to go up and
24 down the road and they was urging people, the white people to
25 come out, that Mr. Ross Barnett was going to speak that night
26 at the Community House and he was going to be introduced that

1 night by Senator James O. Eastland.

2 Q. Did the voice from that sound truck actually say those
3 words? A. Yes.

4 Q. Did it invite white people only?

5 A.. That's right.

6 Q. Do you know if Ross Barnett, in fact, spoke that night?

7 A. He spoke all right.

8 Q. Do you know if Senator Eastland introduced him?

9 A. I don't know whether Senator Eastland introduced him
10 or not, but I know Mr. Barnett was there.

11 Q. So, as far as you know, Mr. Barnett did talk to the
12 citizens of Sunflower County?

13 A. Yes.

14 Q. I mean, the white citizens.

15 A. Yes, the white citizens.

16 Q. What happened thereafter?

17 A. Well, I really don't know what he told them, but it
18 was just like lighting a match to a powder keg, because less
19 than 10 hours after he spoke in Ruleville the Freedom Center was
20 burned to the ground in Indianola, Mississippi, which was March
21 5th, because it was, you know, before day.

22 Q. Did you see the fire?

23 A. I didn't see the fire. I saw the building after it
24 had been burned.

25 Q. What was left of it?

26 A. That's right. Just a few bricks.

1 Q. I asked you what was left of it.

2 A. Well, it wasn't anything left that you could -- you
3 know, just the bricks, just a few of the bricks.

4 Q. Was anybody ever arrested as a result of that fire?

5 A. Well, some of the workers was arrested when they went
6 there to see.

7 Q. What kind of workers were arrested?

8 A. The COFO workers.

9 Q. The COFO people were arrested --

10 A. Yes.

11 Q. -- when their own house burned down?

12 A. Yes.

13 Q. Why did that happen?

14 A. I think they said they was going -- I heard some of
15 them saying, I wasn't there when they were arrested, but some
16 of them, they was going to look around and it could be dangerous
17 for them to go up that close to where the fire had been.

18 Q. They were arrested to be protected, weren't they?

19 A. Yes.

20 Q. What happened after that?

21 A. Well, that same night, right that same night after
22 the same ex-Governor Barnett spoke a COFO car was burned in
23 Sunflower, Mississippi, and that night Mrs. King from Sunflower,
24 she talked with me about it too and she said when the fire
25 department came they wasn't trying to put out the car but was
26 washing up the tracks. That, again, was behind Governor Barnett's

1 speech.

2 Q. Well, now, I think you said the COFO house in
3 Indianola was burned down? A. That's right.

4 Q. And a COFO car in the town of Sunflower was burned?

5 A. Yes.

6 Q. How far apart are Indianola and Sunflower?

7 A. I would say maybe 12 miles. It might not be that far.

8 Q. Did anything else happen after Governor Barnett spoke?

9 A. Well, Mrs. McGhee's house in Greenwood, Mississippi
10 in the 2nd District, her house was bombed with 11 quarts of
11 Molotav cokctail bombs. That, too, was behind Governor Barnett's
12 speech.

13 Q. When did that happen?

14 A. The same day that the others was burned.

15 Q. On March 5th? A. That's right.

16 Q. The day after Governor Barnett spoke?

17 A. That's right.

18 Q. What happened to Mrs. McGhee's house?

19 A. They put it out.

20 Q. To your knowledge, did anything else happen in Sunflower
21 County on March 5th, or within a few days after Governor Barnett
22 spoke?

23 A. Well, I am not sure of anything else behind his speech.
24 There might be somebody else knows something, but I do know it
25 was on the 9th then, after this all happened, I went to Sun-
26 flower to speak.

1 Q. May I interrupt for a moment? Do you know a Mrs.
2 Jackson?

3 A. Yes, I think I met Mrs. Jackson. I don't know her too
4 good.

5 Q. Well, do you know a Mrs. Jackson in Ruleville?

6 A. Oh, yes, I know Mrs. Jackson.

7 Q. Was there a cross burning on her property recently?

8 A. Yes.

9 Q. When was that?

10 A. I don't know the date, but I saw the cross.

11 Q. You saw the cross? A. Yes, I saw the cross. They
12 have the cross. They hadn't taken it away. It's at the church
13 now, it's still at the church.

14 Q. Did that happen after you got back to Mississippi?

15 A.. Yes, I think it did.

16 Q. Did you hear that two men in a red car might have set
17 that cross afire?

18 A. Yes, I heard them say it, but I wasn't that close.

19 Q. Now, before I interrupted, you started telling me
20 something about March 9, 1965. What happened then?

21 A. March 9th, 1965, during the time I was at home, I went
22 to Sunflower, Mississippi -- that was after the car had been
23 burned -- and when I began speaking one of the Negro ladies be-
24 gan to nudge me and was whispering to tell me there was some
25 white people coming up out there. And I kept speaking and some
26 of the men got up and went on the outside, so I guess they

1 finally left.

2 Q. Do white people come to your meetings very often?

3 A.. Well, sometimes.

4 Q. What do they come for?

5 A. I don't know. They have been to the little church in
6 Ruleville, the mayor and one of the law officials too, but they
7 haven't been there recently, but these people never did come in
8 that was there on the 9th.

9 Q. What is the next thing you noticed about the "New
10 Mississippi"?

11 A. Well, on the 10th I spoke in Greenwood at the Elk's
12 Hall there and we didn't have any trouble because Silas McGhee,
13 a young man was shot last summer, so we left before the meeting
14 adjourned and we were taking back roads to make it out, so we
15 probably wouldn't be attacked, but on the 11th of March, 1965
16 I went to Greenville, which is known as one of the most liberal
17 towns in Mississippi.

18 Q. What happened in that liberal town?

19 A. Well, when we got to the COFO house it was 17 minutes
20 before 8:00 o'clock. Reverend Anderson from the Delta ministry
21 and one of the COFO workers told me that we could rest awhile,
22 for a few minutes anyway, and they wanted to show us the library
23 that they had there with the books that had been sent to
24 Mississippi. Well, as soon as we were seated, a big white man
25 walked in and he had on a trenchcoat and the minister told me
26 that he was somebody, but I didn't catch the name, but anyway,

1 this big man with the trenchcoat on called the minister,
2 Reverend Anderson and the COFO worker in back and they went in
3 back and when they did come back out this big man kind of bowed
4 and kept going and then the minister told me, says, "Mrs. Hamer,
5 I don't know whether you want to do this or not. That is the
6 chief of police."

7 Q. What date did this occur on?

8 A. This was the 11th.

9 Q. Of what month? A. Of March. The 11th of March.

10 Q. What did you say the chief said?

11 A. He didn't say it to me. He called the minister and
12 one of the COFO workers in back and he talked to them and then
13 he just backed out and kind of bowed and kept going. And as he
14 walked out the minister, Reverend Anderson, said, "Mrs. Hamer,
15 I don't know whether you want to go on and speak or not, because
16 that was the chief and he said that it had been rumored that
17 they was going to bomb the church if you speak." Which is
18 Friendship Baptist Church in Greenville, and they asked me what
19 did I want to do.

20 Q. What did you do?

21 A. I told them that is what I was over there for, I went
22 over to Greenville to speak and I was going to speak and I did
23 speak, and I wasn't bombed.

24 Q. You weren't bombed?

25 A. No.

26 Q. Have you noticed anything else unusual since your

1 return to Mississippi?

2 A. Well, nothing other than people, you know, just steady
3 that had a little work to do is losing the little jobs that they
4 had.

5 Q. Incidentally, it just occurred to me I asked you if
6 anything unusual happened, but what you are describing to me is
7 not unusual, it's the commonplace, isn't it?

8 A. That's right.

9 Q. I am still thinking in terms of California, I guess.
10 Did anything else come to your attention after your return to
11 Mississippi?

12 A. A whole lot of things come to my attention, but it was
13 how people had been treated that had tried to register, that
14 actually had got surplus food prior to 1965, one of the ladies
15 that lives on the street with me, she was turned down because
16 the welfare lady told her she didn't have no stove to cook it
17 on, things like that I have noticed.

18 Q. Now, since your return to Mississippi, you have gone
19 to a lot of places, you have talked in Sunflower, you have
20 talked in Greenwood, you have talked in Greenville, you have
21 moved around in your 2nd Congressional District. What have the
22 people had to say to you about conditions in Mississippi in the
23 2nd District today now?

24 A. They just talk about how horrible it is.

25 Q. Do they tell you that things are better?

26 A. No, because it's not better.

1 Q. In years past, up there in your 2nd District, have
2 you ever heard of people, in particular children, going hungry?

3 A. Yes.

4 Q. Has this happened very often in your past years?

5 A. Yes. My baby girl, this baby girl of mine, is a child
6 that I got out of a car about 10 years ago and she had been
7 burned almost to death and she was suffering from malnutrition.
8 And it's not only that child. There are hundreds.

9 Q. Did you say this was your baby girl?

10 A. Yes. She is not my own child by birth.

11 Q. This is one of your three children?

12 A. I got this child out of a car about 10 years ago.
13 She is 11 now.

14 Q. A little while ago you said you had three children.

15 A. Well, she is mine you know because --

16 Q. That is all right. Is this one of the three children
17 you were talking about?

18 A. Yes, that is one of the three.

19 Q. I am not going to take her away from you. I think you
20 did a good job with her. How did you know this child was
21 suffering from malnutrition?

22 A. The doctor said she was.

23 Q. What did she look like when you looked at her?

24 A. She was very poor.

25 Q. You are saying very poor?

26 A. You know, just had little small -- her limbs was small.

1 looked like there was not much meat on them, just the skin
2 covered over the bone.

3 Q. Kind of skinny? A. Yes, very skinny.

4 Q. Are there any children who look like that today in
5 your 2nd District? A. Yes.

6 Q. You mentioned a little while ago when you were in
7 California you received some contributions. Have you done any-
8 thing with those contributions?

9 A. Yes. They was personal donations that had been given
10 to me but I taken it and when I got to Mississippi I bought
11 families -- like the family down the street from me there is 14
12 of them in the family, I bought them food, and this family from
13 Doddsville and the family out in the rural area and some people
14 from Tallahatchie, I bought food for them.

15 Q. Well, Mrs. Hamer, it is very easy to say that people
16 are hungry and you have to give them money, but can you name
17 names?

18 A. Yes, I can name names.

19 Q. Will you?

20 A. Mrs. Radcliffe at Route 2 -- in fact, if I had time I
21 have a stack of papers that I filled out that's outside in my
22 luggage now of people's names that still need food and clothes
23 because, you see, they don't have anything to eat.

24 Q. You are talking about your 2nd District now?

25 A. Yes, in the 2nd District. This is from Doddsville to
26 Minter City. Mrs. Martha Thurman, my husband has carried her

1 some of the donations over there and she is sick now and that is
2 at Route 2, Box 136, Minter City, Mississippi. And Mrs.
3 Jeanette Scott, Route 3, Box 181, Tutwiler, Mississippi, and
4 this other route is at Doddsville, General Delivery, c/o Senator
5 James O. Eastland, where this lady lives on his place.

6 Q. And that is a lady that you left some money and food
7 and clothing with; is that right?

8 A. Yes, and I also have out in the hall papers that I can
9 show of the people that I help and people that still want help.

10 Q. Well, you got back to Mississippi in late March --
11 I mean late February or early March, did you not?

12 A. Yes.

13 Q. Can you tell us how many people you have called upon
14 since then to distribute your bounty to?

15 A. Well, actually it would take a little while to count
16 but it's quite a few people that I have helped with the donations
17 since I have been back, because I have the names and addresses
18 so I can send it back and I told them that, you know, to write
19 letters to those people.

20 Q. Well, as you went around talking to all these people
21 did they make any comments about how things were in Mississippi
22 today since our depositions had been taken?

23 A. Yes.

24 Q. What did they have to say?

25 A. They just said it was worse.

26 Q. Mrs. Hamer, you have told me that you had a bundle of

1 papers about that thick containing names of people in the 2nd
2 District that need help. You have mentioned a few names. Are
3 these the only people in the 2nd District who need help?

4 A. Those are just the people that I have had a chance to
5 see, but there are thousands of other people that I didn't get
6 to because I didn't get all over the 2nd District.

7 Q. Do you know how many counties there are in the 2nd
8 District? A. Twenty-four.

9 Q. What do you think the conditions are like in each of
10 those 24 counties?

11 A. Well, there might be some places where -- I went to
12 Montgomery County last Sunday -- not Sunday, last Tuesday and I
13 also had some people to come from Tallahatchie County and then
14 the ladies that lived at Doddsville and some of the men at
15 Doddsville, they came after then and it was impossible for me
16 to get around to all of the counties in the 2nd District.

17 Q. Well, as you tour the 2nd District, though, do you
18 see people who are impoverished?

19 A. Yes.

20 Q. Do you see people who are living in three-room huts?

21 A. Yes.

22 Q. Do you see people who are hungry?

23 A. Yes.

24 Q. And what part of the population of the 2nd District
25 does this represent?

26 A. Well, it's still in the, you know, Delta part of the

1 District. There are parts of the 2nd District that is in the
2 hilly part of Mississippi, but this is in the Delta part of
3 Mississippi.

4 Q. Do you think the people in the hilly part are better
5 off?

6 A. Well, in some areas they are doing a little better,
7 not enough to say anything about, but some of the places they
8 do own at least their own land and the people are not suffering
9 like the part in the Black Belt of Mississippi.

10 Q. Incidentally, awhile ago we were talking about the
11 Negro men and women working in the fields and earning two or
12 three dollars a day. Is there other work available for the
13 women?

14 A. Well, in the little town where I exist they have two
15 little factories there but they get white women from different
16 counties. I have noticed car tags there from Tallahatchie
17 County, LeFlore County and other counties, because they won't
18 hire Negroes. Last summer when we did try to get Negro people
19 to work there they did hire four girls, but they are all fired
20 now. They fired the four Negro girls that was working there.

21 Q. Is there any domestic work available, cooking?

22 A. They do have domestic workers, but there has been
23 some of the people that has been fired that was cooks.

24 Q. Before these people were fired, do you know how much
25 money they earned weekly for doing the domestic work?

26 A. \$15.00 a week.

1 Q. For how many hours a week?

2 A. I would say from 11 to 12 hours a day.

3 Q. How many days a week?

4 A. Sometimes 7.

5 Q. Do they get one day a month off?

6 A. I am not sure. I think some of them do. Not all of
7 them.

8 Q. Does your little three-room house have running water?

9 A. No, not inside. I have just a stool, a commode in-
10 side. I have two outdoor faucets and that is all.

11 Q. Do you have to pay somebody for that water that you
12 get?

13 A. Yes. My husband was arrested last year in February
14 because I went to the city hall and told the lady at the city
15 hall it was impossible for me to use 9,000 gallons of water
16 and the mayor of the town said that we wouldn't only have to
17 pay \$44.06 for the 9,000 gallons, but we would have to pay
18 \$5.06 more, plus a \$10.00 fine.

19 Q. Over what period of time did you use this supposed
20 9,000 gallons of water?

21 A. One month.

22 Q. One month? A. Yes.

23 Q. Have you got a swimming pool?

24 A. No. Don't have a bathtub.

25 Q. When do you pay your water bill, incidentally?

26 A. Well, I have to pay the water bill and other bills

1 before the 10th of the month, because if we don't pay it by the
2 10th it would be cut off immediately after the 10th.

3 Q. That happens to everybody, doesn't it?

4 A. Well, not everybody because there is some people can,
5 you know, have a two-month water bill.

6 Q. If you don't pay your bill by the 10th of each month
7 somebody threatens to turn your water off?

8 A. No, they don't threaten. They cut it off.

9 Q. And in the meantime your neighbor down the road can
10 go two months without having her water turned off?

11 A. That's right.

12 Q. How long has this gone on?

13 A. This has been going on since 1962 when I moved to
14 this little house.

15 Q. That was after you became a registered voter wasn't
16 it?

A. Yes.

17 Q.. Mrs. Hamer, I don't have any more questions. Do you
18 have any comments that you would like to make? Have I over-
19 looked anything that you should tell us about?

20 A. Well, I don't know whether this is a comment or not,
21 but for the first time in my life, Mrs. Gray, Mr. Devine and I
22 are challenging not just the congressmen of Mississippi, but
23 this is a case now of right versus wrong, and for the first
24 time in my 47 years I want to see if the Constitution means
25 anything for Negroes or is it just a law for the white people.

26 Q. When do you think you will find out?

1 A. I hope we will know by the 1st of July.

2 MR. MOORE: Thank you very much, Mrs. Hamer.

3 [Whereupon, the witness was excused by the Hearing
4 Officer.]

5 ANNIE DEVINE,

6 called as a witness on behalf of the contestants, who, being
7 first duly sworn by the Notary Public to tell the truth, the
8 whole truth and nothing but the truth, was interrogated and
9 testified as follows:

10 EXAMINATION BY MR. MANES:

11 Q. Would you state your name for the record, please?

12 A. My name is Annie Devine.

13 Q. Where do you live, Mrs. Devine?

14 A. I live at Apartment 347-D, Housing Project, Canton,
15 Mississippi.

16 Q. And where is Canton, Mississippi, in relation to
17 Jackson?

18 A. Canton, Mississippi, is about 22 miles north of
19 Jackson.

20 Q. And what Congressional District is that?

21 A. That is the 4th Congressional District.

22 Q. By the way, are you married?

23 A. Yes. I am separated.

24 Q. Do you have children?

25 A. I have four children.

26 Q. Four children. Are any of those children living with

1 you at this time? A. Two.

2 Q. How old are they?

3 A. Barbara is 20. Alec is 17.

4 Q. Mrs. Devine, what is your profession or occupation?

5 A. Right now I am on the CORE staff and I work in civil
6 rights.

7 Q. How long have you been on the CORE staff?

8 A. Since September of '64.

9 Q. Prior to that what was your profession or occupation?

10 A. Up to April 2nd I worked for Security Life Insurance
11 Company.

12 Q. In what location?

13 A. Canton, Mississippi.

14 Q. And did you leave that employment voluntarily?

15 A. Yes and no. I became involved in civil rights activ-
16 ities and, of course, my supervisor suggested that I give full
17 time to one or the other.

18 Q. And you decided to devote your time to civil rights?

19 A. That's right.

20 Q. Now, Mrs. Devine, have you been connected with the
21 Freedom Democratic Party? A. Yes.

22 Q. In any particular capacity?

23 A. I was on the Temporary Committee or Executive
24 Committee of the Freedom Democratic Party and when we organized
25 as a party I was secretary to the party. I was also secretary
26 on this Executive Committee.

1 Q. And when was it that you first organized the party?

2 A. April 24, 1964.

3 Q. So you have been active in it ever since?

4 A. That's right.

5 Q. Now, calling your attention to the period of 1964,
6 were you a candidate for any office?

7 A. Yes, I was. I ran for the representative of the 4th
8 District in the general election, November.

9 Q. You say a "representative." Would that be a repre-
10 sentative to Congress?

11 A. That's right, congressional representative.

12 Q. And who was your opponent?

13 A. Mr.. Prentiss Walker.

14 Q. And Mr. Walker was the person who was -- or, at
15 least, nominally received the votes on the ballot from most of
16 the people in the District that were allowed to vote?

17 A. I was not allowed to run in the regular Democratic
18 election and so I ran in the Freedom election, Freedom Demo-
19 cratic Party, and Mr. Walker ran as a Republican in the
20 general election.

21 Q. All right. Now, Mrs. Devine, how long have you lived
22 in Canton, Mississippi?

23 A. I have lived in Canton, Mississippi, 45 years.

24 Q. And you are pretty familiar with the conditions of
25 Canton, Mississippi, and Madison County?

26 A. Yes, generally so.

1 Q. Now, you indicated that you were unable to get on the
2 ballot? A. Yes.

3 Q. Was there a time prior to the November election that
4 you attempted to petition to be placed on the ballot?

5 A. Yes, I did. I went to the Secretary of State, Mr.
6 Heber Ladner, and applied and Mr. Ladner informed -- Mr. Ladner's
7 office informed^{me}/that I should go back to my county or my district
8 and get 200 signatures of qualified electors and that is what I
9 did.

10 Q. Now, you are a registered voter?

11 A. Yes, I am.

12 Q. And you were at the time you petitioned to be placed
13 on the ballot? A. That's right.

14 Q. When did you first become a registered voter?

15 A. I became a registered voter May 22, 1963.

16 Q. And how many attempts were made before you actually
17 registered? A. Two.

18 Q. You had to interpret the Constitution?

19 A. Yes. I was asked my -- after I filled out the
20 registration form down to Question 21, the registrar gave me
21 Section 22 to interpret.

22 Q. What section was that, if you remember?

23 A. That has to do with -- I don't know now.

24 Q. You don't remember at this moment?

25 A. I don't remember right now.

26 Q. You remember the number?

1 A. Yes.

2 Q. Now, with regard to the petition, did you take a
3 petition out to the 4th District and attempt to get 200 signa-
4 tures?

A. Yes, I did.

5 Q. And were you able to do that?

6 A. Yes, I was able to get more than 200 signatures.

7 Q. When you got these more than 200 signatures, did you
8 turn them in some place?

9 A. Yes. I went back to Mr. Ladner's office and presented
10 this list of qualified electors and he said that I should take
11 the list -- his office informed me to take the list back to the
12 registrar of the counties and have them certify these people
13 as qualified electors.

14 Q. Now, before we go any further with that, prior to
15 getting these 200 signatures did you approach Mr. Campbell of
16 Madison County in an attempt to obtain the names of registered
17 voters in your District?

18 A. We had the names of registered voters in Madison
19 County already in our COFO office, so we didn't have to try to
20 get those names.

21 Q. You knew pretty well who they were?

22 A. In Madison County.

23 Q. Did you know the names of registered voters in other
24 counties, however?

A. No, I did not.

25 Q. What had to be done, if anything, to obtain the names
26 of registered voters in other counties?

1 A. Well, we had to get workers in those counties to help
2 us get those names.

3 Q. You had to dig up those names by circulating among
4 the people to find out who were registered?

5 A. That's right.

6 Q. To your knowledge, were the county registrars of
7 voters cooperative in terms of furnishing names of registered
8 voters?

A. In some of the counties.

9 Q. It varied from county to county?

10 A. It varied from county to county.

11 Q. In any event, then, after the Secretary of State had
12 told you to go back and have the list certified, what was the
13 next thing that happened?

14 A. After we had gone back and gotten the list we had
15 certified we took this same list back to the Secretary's office
16 and, of course, before we went back to the Secretary's office
17 many of the names that we had gotten, the registrars in the
18 counties disqualified many of these people.

19 Q. And how many did you finally wind up with?

20 A. We finally wound up with the 200 we actually needed,
21 but then the Secretary of State said that we were not qualified.

22 Q. Why weren't you qualified the second time?

23 A. Well, you have to ask Mr. Ladner, because I don't
24 know.

25 Q. He did not make that clear to you as to why your
26 second petition --

1 A. I received a letter from Mr. Ladner's office stating
2 that I would not be able to run in the general election as
3 representative from the 4th District.

4 Q. Was there anything in that letter that indicated any
5 reasons why you could not run?

6 A. It just stated that I was disqualified.

7 Q. So far as you know, you had submitted the signatures
8 on time? A. Yes.

9 Q. Within the limits set for it by law?

10 A. Yes.

11 Q. And the signatures that you had were sufficient and
12 were duly registered voters of the District?

13 A. Yes.

14 Q. In other words, you had complied, so far as you know,
15 with all requirements?

16 A. So far as I know, yes.

17 Q. And you have not been advised even to this date as
18 to any deficiencies in your petition?

19 A. No.

20 Q. Very well. What is the next thing you did, Mrs.
21 Devine, after you learned that you were not going to be placed
22 on the ballot?

23 A. Well, as a member of the Mississippi Democratic Party
24 I felt that I had a right to run for an office if I wanted to
25 and so I ran on the Freedom ticket.

26 Q. Now, it is correct to say, Mrs. Devine, that because

1 the Secretary of State had ruled that you were not qualified,
2 that that meant that you were not to appear on the ballot in
3 the November election; is that correct?

4 A. That's right.

5 Q. And your name did not appear on the ballot; is that
6 correct? A. No.

7 Q. Nevertheless, you did conduct a campaign for office?

8 A. Yes. We in the party made out our own ballot and
9 ran our own candidates.

10 Q. Who were on those ballots, what candidates?

11 A. Mrs. Fannie Lou Hamer from the 2nd District, Mrs.
12 Victoria Gray from the 5th District, and Annie Devine from the
13 4th District; President Johnson and Vice-President Hubert
14 Humphrey, and, of course, Prentiss Walker in my district.
15 Prentiss Walker's name was on my ballot, and, of course, in
16 other districts the electors from there were on their ballots.

17 Q. And, to your knowledge, did Prentiss Walker receive
18 any votes? Were these ballots submitted to the people?

19 A. Yes.

20 Q. On what basis were they submitted to the people?

21 A. They were submitted -- well, I don't know if I under-
22 stand you, but I do know that we pledged to support the
23 Democratic Party, its principles and its nominees and it was on
24 this basis we --

25 Q. Yes. What I meant was: How did the ballots get out
26 to the people so they could cast their votes?

1 A. Well, we distributed these ballots out among people.
2 We had our own polling places. We set up polling places in
3 churches and in our COFO offices and wherever we could.

4 Q. And you publicized it to the best extent that you
5 could?

6 A. The very best way we could and that is through
7 door-to-door canvassing and announcements in churches and like
8 that.

9 Q. In other words, you publicized the dates on which
10 the election was to be held for the Freedom Democratic Party
11 election?

 A. That's right.

12 Q. Now, did that date coincide with the date of the
13 regular election?

14 A. The regular election was on November 3rd, and our
15 elections were held October 30, 31 and 1st and 2nd of November.

16 Q. On three days? A. That's right.

17 Q. And, I take it, you held it on those three days in
18 order to give everybody that wanted to an opportunity to vote?

19 A. That is correct. You see, we did not have access to
20 news media. It was a slower process to get the message out to
21 all the people and get the people in for the vote, because we
22 had to do it by passing around and by announcements in churches,
23 since we could not do it over the radio and because of our
24 limited money finances.

25 Q. Do you have a radio at home?

26 A. Yes, I have a radio.

1 Q. Did you hear any announcements on the radio prior to
2 the election concerning your candidacy?

3 A. Well, not concerning my candidacy, but at the very
4 last minute there was an announcement that the Freedom Demo-
5 cratic Party was running candidates.

6 Q. But they didn't mention anybody's name in particular,
7 I take it, so far as you --

8 A. I didn't get it on my radio.

9 Q. Did you see any announcements in the newspaper?

10 A. I think there might have been. I am not too sure.
11 I am really not too sure about any local paper.

12 Q. In any event, if there was any publicity, I take it,
13 it was not extensive?

14 A. No, it was not extensive as far as the party was
15 concerned.

16 Q. Now, could anybody vote at this particular Freedom
17 Democratic Party election?

18 A. Any person 21 years of age and who had lived in his
19 county or district for 2 years could vote.

20 Q. Those two requirements are the same as in the
21 Constitution of the State of Mississippi are they not?

22 A. That's right.

23 Q. But it does omit other qualifications, among which
24 are the necessity of interpreting the Constitution?

25 A. Yes.

26 Q. Now, then, a white person, if he was so minded to

1 vote in this particular election could have voted?

2 A. Our party was open to all people.

3 Q. To all people? A. All people.

4 Q. On the same basis?

5 A. On the same basis.

6 Q. Now, meantime, was there, to your knowledge, a con-
7 vention held by the National Democratic Party in 1964, last
8 year?

9 A. The National Democratic Party?

10 Q. Yes.

11 A. Yes, there was a convention held by the National
12 Democratic Party at Atlantic City, New Jersey.

13 Q. Approximately when was that, if you remember?

14 A. Around August 24. Something like that.

15 Q. About August 24 of 1964?

16 A. That's right.

17 Q. Did you attend that convention?

18 A. Yes, I did.

19 Q. And were you representing any political organization?

20 A. I was representing the Mississippi Freedom Democratic
21 Party.

22 Q. Were there any other persons attending that conven-
23 tion representing the MFDP?

24 A. There were 68 people from Mississippi.

25 Q. 68 people? A. 68 delegates.

26 Q. Came from Mississippi to represent the FDP?

1 A. Yes.

2 Q. Now, was there an attempt made by the MFDP to be
3 seated --

A. Yes, there was.

4 Q. -- at the convention?

5 A. Yes.

6 Q. Now, I take it, there was some opposition to the
7 seating of your delegation. Would that be a correct statement?

8 A. Yes.

9 Q. Was there a delegation sent by the so-called
10 Mississippi Regular Democratic Party?

11 A. Yes.

12 Q. And could you tell me what, if anything, was the out-
13 come of this contention or this dispute for these seats?

14 A. Well, the outcome -- perhaps the outcome was that the
15 Mississippi Freedom Democratic Party really was saying that we
16 have a right to be seated here and these people do not have a
17 right to be seated, because they do not represent the State of
18 Mississippi. I mean, they do represent the State of Mississippi,
19 but they have excluded 43 percent of the population and it
20 means that that 43 percent did not have an opportunity to vote,
21 to be registered voters and to participate in the government
22 and in electing those people who went to the convention.

23 Now, the Mississippi Democratic Party, regular party,
24 met and agreed before the National Convention that they would
25 not play their hand, they would go to this convention and see
26 what happened and they would come back to the State of

1 Mississippi and hold a convention and decide then who they
2 would support in the Presidential Election.

3 Q. In other words, they weren't going to commit them-
4 selves to President Johnson who had declared himself the
5 candidate for election?

6 A. No.

7 Q. He had declared himself a candidate for election?

8 A. Yes.

9 Q. Everybody knew that and, yet the so-called regular
10 party here in Mississippi decided they were not going to make
11 their support known at that time?

12 A. That's correct.

13 Q. Now, what was the position of the Freedom Democratic
14 Party of Mississippi?

15 A. The Freedom Democratic Party had pledged to support
16 the Democratic Party and its nominees and its principles and
17 we did just that.

18 Q. And they made that pledge before going to the con-
19 vention?

A. That is correct.

20 Q. And it was on the basis of this pledge, this avowed
21 support and the fact that the Freedom Democratic Party, at
22 least, represented all of the constituents of Mississippi --

23 A. That's right.

24 Q. -- that was the basis of the Freedom Democratic
25 Party's claim to those seats?

26 A. That's right.

1 Q. Did the convention seat the FDP delegation?

2 A. No, the convention did not seat the FDP delegation.

3 Q. Now, sometime after the convention, there were some
4 legal proceedings, were there not, involving the Freedom
5 Democratic Party? A. Yes.

6 Q. And the outcome of these legal proceedings involved,
7 as I recall, preventing the Freedom Democratic Party from using
8 the word "Democratic" -- A. Yes.

9 Q. -- in its name? A. That's right.

10 Q. And there was an injunction to that effect?

11 A. That's right.

12 Q. This injunction is still in effect; is that correct?

13 A. We appealed the injunction 15 days after it was made
14 permanent by Judge Robertson Stokes.

15 Q. So, an appeal is now pending?

16 A. That's right.

17 Q. But until that appeal comes out one way or the other,
18 it would still be in effect then; is that true? In other words,
19 it hasn't been changed?

20 A. No, it hasn't been changed.

21 Q. As of this date, anyway?

22 A. That's right.

23 Q. There may be some change later. Now, what was the
24 basis -- or, I should say, the position of the Freedom Demo-
25 cratic Party in the use of the name "Democrat" then and now?

26 A. Well, the State of Mississippi does not want the

1 Negro to organize. First of all, the State of Mississippi does
2 not want the Negro to participate in its political processes,
3 and then the State does not want us to organize and get trained
4 for political education, political participation, and we felt
5 that as citizens we have a right of participation, we have a
6 right to organize, we have a right to have a voice in the
7 government, and we felt that this injunction by the State --
8 it was brought about by the Attorney General Joe Patterson --
9 and we felt that this injunction is just another way of keeping
10 us from becoming integrated in the political process of the
11 State.

12 And so we say we have a right as a political party
13 to call ourselves Democrats and not as a club or just any kind
14 of organization out there which can command political partic-
15 ipation.

16 Q. In other words, it is necessary for people to get
17 together in order to be effective as a voice, is it not?

18 A. That's right.

19 Q. And it was necessary for many Negroes to get together
20 and form a party in which to express ideas?

21 A. That's right.

22 Q. And did you not find it true that in your ability to
23 express ideas and to represent people who were not being
24 represented in Congress you found it necessary to form the FDP?

25 A. Yes, and to keep our name as a political party and
26 not as a club or --

1 Q. Association? A. Yes.

2 Q. Now, insofar as the use of the word "Democrat" is
3 concerned, I take it, that the use of that name was for the
4 same reasons and continues to be for the same reasons as the
5 position which you had at the Democratic Convention last in
6 Atlantic City? A. That's correct.

7 Q. In other words, that you maintain that you are the
8 only organization in this state which truly represents the
9 democratic ideals, Democratic Party ideals as well as the plat-
10 form and the candidates that it represents?

11 A. Yes.

12 Q. Now, just one or two more questions, Mrs. Devine,
13 and this has to do with your candidacy last November. Were
14 you able to get around into the District?

15 A. I made some visits to several counties.

16 Q. Did you have large contributions, a large treasury
17 in which to campaign?

18 A. No, I did not. It was just a matter of doing the
19 best I could. I mean, --

20 Q. Were there any newspapers at your disposal?

21 A. No.

22 Q. Now, was any radio station at your disposal to get
23 out your message? A. No.

24 Q. Any TV programs available to you?

25 A. We had one TV program, one TV something one time.
26 And, of course, it was not because the people of Mississippi

1 was able -- through some other source -- but the people of
2 Mississippi were not able, the people of the Freedom Democratic
3 Party independently were not able to provide TV, radio, news-
4 paper coverage.

5 Q. So, in short, then, there was virtually no way in
6 which you either as a candidate or as a party could communicate
7 with the people, except by word of mouth and through pamphlets?

8 A. That is true.

9 Q. You didn't have any kind of a campaign newspaper or
10 something of that nature?

11 A. Well, we had in our COFO offices and in our FDP
12 offices, we would get out the fact sheets and things like that,
13 pass them out in mass meetings. And through communities.

14 Q. Now, unless you actually would go into a community,
15 Mrs. Devine, was it easy for you to know what other communities
16 were doing in the campaign?

17 A. Not too easy.

18 Q. Is there difficulty of communication in Mississippi?

19 A. There is difficulty in a way.

20 Q. Could you explain to some extent what you mean by
21 that?

22 A. Well, what I mean by that is that there is some
23 difficulty because of the slow process and, you know, facilities
24 and equipment, but we do have -- well, we do have communication
25 but, as I say, it's slow and there is limited equipment and
26 limited personnel to do the work and like that.

1 Q. All right. Now, can you tell us -- since the
2 November election, I take it, the FDP is still active?

3 A. Very active.

4 Q. And I take it you in your capacity as a member of the
5 executive board of the FDP and in other capacities are still
6 active in politics?

A. That's correct.

7 Q. And could you tell us whether there has been, since
8 February 13th, for example, any publicity for the ideas and
9 programs of the FDP in the press of Mississippi?

10 A. Yes, there has been much publicity in the press about
11 the Mississippi Freedom Democratic Party. They refer to us as
12 "that outlawed party."

13 Q. Well, now, that represents a sort of a change,
14 doesn't it?

15 A. What do you mean represents a change?

16 Q. Well, before, let's say, February 13, how did they
17 refer to the Mississippi Freedom Democratic Party, do you recall?

18 A. They seemed to have taken the Congressional Challenge
19 very seriously, but now they say something like that our
20 depositions were completed at a certain time and that, of
21 course, this period that we are going through now is illegal.
22 And, of course, they ignored it. I mean, there has been much
23 talk in the press about what is going on right now.

24 Q. Well, before even these depositions began, do you
25 recall how they referred to the Freedom Democratic Party?
26 Instead of calling it "outlawed," they referred to it in another

1 way, do you remember?

2 A. Yes. They took us very seriously at first. They
3 said we were not legal, but Mr. J. P. Coleman proved that they
4 thought we were legal because he came to us in Washington,
5 D.C., on January 4th and served the briefs to let us know that
6 they intended to go along with this contest.

7 Q. Do you recall the use of the words "so-called Freedom
8 Democratic Party"?

9 A. I have seen it so many times.

10 Q. And was that prior to this challenge that you used
11 to see it so many times?

12 A. Yes, and during the challenge.

13 Q. And you don't see it as much any more do you?

14 A. Yes.

15 Q. You see the word "outlawed" today?

16 A. I didn't see it today but I saw it this week.

17 Q. The word "outlawed"?

18 A. Yes.

19 Q. And do you see the word "outlawed" perhaps more
20 frequently than you see the word "so-called"?

21 A. I didn't see the word "outlawed" before this week.

22 Q. Before this week?

23 A. That's right.

24 Q. That does represent a change then?

25 A. Yes.

26 Q. Mrs. Devine, do you have any other statements or any

1 comments that you would care to make at this time concerning
2 these matters?

3 A. Well, if I can say this, I would like to say that the
4 State of Mississippi has consistently reduced its Negroes to
5 poverty, ignorance, apathy, and they continue to maintain this
6 by intimidations, harassments and the testimony that we have
7 gotten from people during this rebuttal period proves that the
8 State of Mississippi is just as bad now as it was in the
9 beginning.

10 MR. MANES: Thank you very much, Mrs. Devine.

11 [Whereupon, the witness was excused by the Hearing
12 Officer.]

13 VICTORIA JACKSON GRAY,

14 called as a witness on behalf of the contestants, who, being
15 first duly sworn by the Notary Public to tell the truth, the
16 whole truth and nothing but the truth, was interrogated and
17 testified as follows:

18 MR. DARNELL: I would like to enter my appearance at this
19 time. My name is Emerson Darnell and I am a member of the
20 New Jersey Bar. My office address is 219 High Street, Mt.
21 Holly, New Jersey. And my residence is at 130 East Main Street,
22 Moorestown, New Jersey. I am also admitted to practice before
23 the Supreme Court of the United States.

24 And I am appearing here today as agent on behalf of
25 the challengers and specifically Mrs. Victoria Gray. I am very
26 glad that Mrs. Gray could be here today, although she is not

1 feeling well, but she has agreed to testify at this time.

2 EXAMINATION BY MR. DARNELL:

3
4 Q. Mrs. Gray, would you state your full name for the
5 record?

6 A. Victoria Jackson Gray.

7 Q. And are you a member of the Negro race?

8 A. I am.

9 Q. Where is your home?

10 A. Hattiesburg, Mississippi.

11 Q. How long have you lived in Mississippi?

12 A. Well, for the major portion of my life.

13 Q. Were you born in Mississippi?

14 A. I was.

15 Q. Did you go to school in Mississippi?

16 A. Yes.

17 Q. Could you tell us just briefly what your educational
18 background is?

19 A. I finished high school at DePriest Consolidated
20 School in Forrest County. I did a year of college work at
21 Wilberforce University in Ohio. I did a summer or session at
22 Jackson State College and a summer session at Tusagee Institute
23 Alabama.

24 Q. Are you married, Mrs. Gray?

25 A. I am.

26 Q. Do you have any children?

1 A. Three children.

2 Q. Are they all living with you?

3 A. No. I have a daughter who is married and I have two
4 sons who live with me.

5 Q. Now, at the present time, Mrs. Gray, what is your
6 occupation?

7 A. Well, I am with the Mississippi Freedom Democratic
8 Party and I give full time to the party, and presently we are
9 in the process of continuing to solicit support for the
10 Congressional Challenge which we hope will be before the House
11 within the next few months, and this entails, of course, quite
12 a bit of travel in attempting to help people to understand
13 specifically what this Challenge is all about and why there is
14 a challenge; and this, you know, helps them then to determine
15 the importance of the Challenge and also it helps them to see
16 that it isn't just a Mississippi problem but rather that it's
17 a national problem. And so they have a responsibility to this
18 problem.

19 And they in turn then begin to organize in the areas
20 where they live and urge their congressmen to support the
21 Challenge when it comes before the House. I think this is
22 pretty important and it's what I am spending most of my time
23 doing.

24 Q. In which Congressional District do you live?

25 A. The 5th Congressional District.

26 Q. And just briefly where is that District?

1 A. I live in Forrest County, a suburb of Hattiesburg,
2 Mississippi. And this is in south Mississippi.

3 Q. How many counties comprise that district?

4 A. There are 16 counties in the 5th Congressional
5 District.

6 Q. And were you one of the organizers of the Mississippi
7 Freedom Democratic Party?

8 A. Well, yes, I suppose you would call it that. I was
9 certainly among the people, you know, who formed the Mississippi
10 Freedom Democratic Party actually.

11 Q. Now, who is the alleged incumbent for the 5th
12 Congressional District at the present time?

13 A. Mr. Colmer, William Colmer.

14 Q. And is he the man that you are challenging in this
15 proceeding?

 A. He is the person, yes.

16 Q. To go back for a moment, Mrs. Gray, when you were in
17 school in Mississippi do you recall being taught anything in
18 school about your constitutional right to vote? Was this part
19 of the curriculum in your school?

20 A. No, it was not. In fact, quite frankly, I don't
21 remember being taught that I had a constitutional right period.

22 Q. You have been a school teacher at one time in your
23 life, have you not?

 A. Yes.

24 Q. You taught school for how long?

25 A. About three years.

26 Q. And where did you teach school?

1 A. I taught in Jones County, in Perry County, and in
2 Wayne County.

3 Q. And which grade did you teach?

4 A. Elementary. Usually second and third grades. Of
5 course, there was one school that I taught in where I taught
6 primary through the fourth grade there. We had six grades there
7 and two teachers.

8 Q. Do you remember whether at that time there was any-
9 thing taught in that particular school about voting or about
10 constitutional rights?

11 A. There was not. No, there was not.

12 Q. When did you first become interested in your right
13 to vote or to hold political office?

14 A. Well, my first really, you know, real interest in the
15 business of voting -- I don't know exactly how old I was, but
16 I am sure I had reached voting age -- there was an election
17 coming up and I remember walking down the street and I saw this
18 sign in a window on the street where some candidate was appeal-
19 ing to "All White Caucasians, Redblooded Citizens" to vote for
20 him, and I don't know, there was something about this picture
21 here and, you know, the guy was very specific in the kind of
22 person or people that he wanted to vote for him; and I knew I
23 would like to vote, but I knew he wouldn't be the kind of guy
24 that I would like to vote for in the first place; and, in the
25 second place, he wouldn't want my vote anyway.

26 I began to notice then, you know, what the different

1 candidates had to say, what their platforms were, what they
2 figured they had to offer, and it all added up to the same
3 thing. And as much as I felt I wanted to vote, I didn't see
4 any sense in going to the trouble, because there was simply
5 nobody to vote for, and not having been exposed to the processes
6 and what-have-you of government I had not the slightest notion
7 of how people go about changing these things.

8 And so across the years, you know, I was always inter-
9 ested when the election time came up but never really attempted to
10 become registered because I just never saw -- I had never seen
11 anybody that I could vote for even if I could vote.

12 Q. When did you make your first attempt to register?

13 A. I'm pretty sure it must have been April of 1962.

14 Q. And were you successful at that time?

15 A. No, I was not, nor was I successful for the next --
16 well, I don't know really how many times that I went down to
17 attempt to become registered because many times I would go
18 into the registrar's office and he was out and the people in
19 the office said that only Mr. Lynd could administer the
20 application for registration to Negroes, and he was quite
21 frequently out of his office. But I am pretty sure I filled
22 out five applications for registration before I was finally
23 registered in October of 1962.

24 Q. Was that Mr. Theron Lynd?

25 A. Right.

26 Q. T-h-e-r-o-n L-y-n-d?

1 A. Right.

2 Q. What was his official position?

3 A. Well, circuit clerk and registrar, Forrest County.

4 Q. What happened in October of '62 at which time you
5 finally succeeded?

6 A. Well, Mr. Lynd was on trial in September and the
7 Thursday before the trial was to finish I had gone into the
8 office and filled out another application. And during the time
9 of the trial all of my --

10 Q. How many applications had you made up to that point?

11 A. If I remember correctly, there were five.

12 Q. And the litigation you referred to, was that a suit
13 brought by the Department of Justice?

14 A. This was the suit brought by the Department of
15 Justice, yes. And during the trial all of my applications were
16 brought in. There was -- well, Mr. Lynd did not want to pre-
17 sent the application that I had filled out on the Thursday
18 before the trial began, but finally the court ordered that this
19 application should be brought in; and they were used, you know,
20 in trying to get Mr. Lynd to point out what was wrong with one
21 or two of the applications, you know, why hadn't I been
22 registered, and at one point he was handed one of the appli-
23 cations and asked what was wrong with it; so he looked at it
24 and said he didn't see anything wrong with it. And so he was
25 asked then why was I not registered with the application.

26 He said, 'Well, I don't know but there must have been

1 something wrong, but I just can't find it right now."

2 Anyway, when I went back to the courthouse at the
3 end of that waiting period, 30 to 33 days -- I am not sure --
4 I was registered at that time, and I really feel that I would
5 not have been registered probably had these applications not
6 been used during this trial, and they really got him into a
7 lot of trouble, on a lot of the points that he had been
8 terribly technical about.

9 Among one of the things that was brought out as a
10 result of using these applications was that they held it against
11 most of the Negro applicants or all of the Negro applicants
12 because many people did not know their voting precinct. I was
13 among those people, to be very frank. But then it was dis-
14 covered that most of the people -- or the official group in
15 Forrest County didn't really know, you know, too much about
16 voting precincts because they were unable to determine where
17 one precinct left off and another began. They were unable to
18 determine, to say there in court who lived in what precinct
19 according to the geographical area.

20 So the court wanted to know then how you were going
21 to say that we were not eligible to become registered, because
22 we didn't know when obviously nobody in Forrest County knew
23 where one precinct ended and another one began.

24 Q.. Were there some other Negroes registered at the same
25 time, October of 1962?

26 A. Well, not at the exact same time, but I recall that

1 at least two more people were registered somewhere within that
2 period of time. However, the court ordered the registration
3 of 43 people, you know, when they handed down their decision
4 and I was among that 43 that they ordered, but I had already
5 been placed on the roll in October.

6 Q. Have you voted since that time in the elections which
7 have taken place? A. Yes, I have.

8 Q. Now, bringing this matter down to date, Mrs. Gray,
9 do you know how many registered voters there are in Forrest
10 County at the present time who are Negroes?

11 A. Well, I don't know the exact figure, but the last
12 time that I talked with someone about it, there was approx-
13 imately 300. However, I don't know how that goes with Mr.
14 Lynd, because when I was attempting to qualify as an independent
15 candidate in the general election, we were ordered to bring
16 back the names of the people on the petitions to the registrars
17 and have them certify each name. And when Mr. Lynd got through
18 with the Forrest County list we only had 12 people qualified.
19 Negroes that is.

20 Q. Was this the general election of last November?

21 A. Yes.

22 Q. 1964? A. Yes.

23 Q. Now, you have mentioned your attempt to get on the
24 ballot for that election. What is the office for which you
25 were a candidate?

26 A. Representative of the United States. Representative

1 from the 5th Congressional District.

2 Q. Could you tell us something about your efforts to get
3 on the ballot and what difficulties you ran up against?

4 A. Well, we met the state requirements and --

5 Q. Are you referring there to a petition?

6 A. Yes.

7 Q. How many names did you have on your petition?

8 A. It seems to me that I had pretty close to 500.

9 Q. Where did you submit this petition?

10 A. To the office of the Secretary of State.

11 Q. What kind of reception did it get?

12 A. Well, we were informed that these names, as I men-
13 tioned awhile ago, would have to be carried back to the
14 registrars of our respective counties and each name had to
15 be certified.

16 Q. And did you then do that?

17 A. Yes, attempted to do it. And, of course, by the
18 time these people got finished, we didn't have so many names
19 any more.

20 Q. Of course, when I say did you attempt to do it, I
21 am referring to your political workers in the Freedom Democratic
22 Party.

A. Yes.

23 A. Do I understand you correctly that the registrar
24 concluded finally that there were only 12 certified voters in
25 Forrest County?

26 A. Yes, this was it. And when questioned, you know,

1 about this, he pointed out that, you know, that this was it.
2 And, of course, we tried to keep records ourselves of the
3 people who had become registered and it was pointed out to him
4 that we had a much longer list than this. And it was also
5 pointed out -- then he brought in this business about poll
6 taxes, and it was pointed to him this was a Federal election
7 and, thereby, you know, poll taxes were not required as such.

8 And he pointed out that this was the Mississippi law
9 and it was the Mississippi law that he was going to abide by
10 and make his judgments on. And so --

11 Q. At that time, in your opinion, how many Negroes of
12 voting age resided in Forrest County?

13 A. Of voting age, probably, I think, around 7,000.

14 Q. How many names were on the ballot when the ballots
15 were finally prepared in November on the Democratic side?

16 A. Just the names of the people who are now occupying
17 the seats.

18 Q. None of the Freedom Democratic Party candidates were
19 on the ballot?

20 A. No, with one exception. In the 4th Congressional
21 District there was both a Republican and Democrat, you know,
22 running but aside from that --

23 Q. I understand that. Now, at the time of the election,
24 Mrs. Gray, do you know many Negroes voted in Forrest County?

25 A. Well, everyone that -- well, now, you are referring
26 to the general election?

1 Q. I am referring to the general election in November.

2 A. Everyone that could vote that we know anything about.
3 We ran a very effective "Get Out The Vote" campaign. We
4 supported, of course, Johnson and Humphrey for the presidential
5 candidates. We had Forrest County very well organized and by
6 the end of the day, November 3rd, I dare say 99 and 9/100
7 percent of the people who were registered had voted.

8 Q. Now, did they vote in the official election or did
9 they vote --

10 A. In the general election, yes, the official election.

11 Q. What was the Freedom election? Can you tell us a
12 little bit about that?

13 A. The Freedom election was the election that was run by
14 the Freedom Democratic Party. Because we were unable to get
15 our candidates on the ballot, we decided we would hold our own
16 election and this we did. It was run, you know, in the way that
17 Mississippi says the election must be run, though they them-
18 selves never run them that way. They were completely open and
19 any persons who met the requirements could vote. And all who
20 wanted did. I think it is quite interesting that in the
21 Freedom election the president and vice-president received by
22 far more votes than they did in the regular election which, of
23 course, was run by the Mississippi Democratic Party.

24 And I think we should be aware of the fact that
25 even though our election was an open election, due to many
26 limitations, there were many areas in the state which we did

1 not cover, whereas the regular party had all of the resources
2 and everything at their command of the entire state, and yet
3 we polled, as I say, by far more votes for our President
4 Johnson and Vice-President Humphreys than did the regular party
5 with the resources of the entire state at their command.

6 Q. Now, Mrs. Gray, turning for a moment to a somewhat
7 different subject, since the first depositions were taken in
8 this proceeding have you been in Mississippi?

9 A. Yes, I have.

10 Q. Have you been here fulltime or have you been travel-
11 ing?

12 A. No, no, I have not been here fulltime. I am in and
13 out of the state fairly frequently.

14 Q. And in what parts of the state have you traveled since
15 February 13, 1965?

16 A. Well, mostly in south Mississippi from Forrest County
17 down through the Gulf coastal area.

18 Q. Have you been in Jackson County?

19 A.. Yes.

20 Q. And Harrison County?

21 A. Yes.

22 Q. Now, do you know of your own knowledge of any unusual
23 events in those counties which you would like to testify about?

24 A. Well, I could not, you know, testify firsthand
25 information, but I can talk about some of the things that I have
26 been told.

1 Q. Well, you go ahead and tell us what they are.

2 A. That have been going on, you know. For instance, in
3 Moss Point there has been the school board boycott, school boy-
4 cott, and people -- this boycott grew out of the recommendation
5 to the educational officials -- I guess might be one way of
6 stating it -- to really talk to or listen to the needs that
7 the people in the community felt needed some attention. And
8 after they could not get any cooperation from any of these
9 people, then they decided to protest.

10 And, of course, there were arrests and jailings and
11 this sort of thing, and I understand that just last week end
12 there was even some shooting, at least a couple of homes were
13 shot into.

14 Q. At Moss Point? A. Yes.

15 Q. Do you know of any incidents in your own county,
16 your home county, Forrest County, since February 13, 1965?

17 A. Well, I don't know of any specific incidents, but I
18 have been talking with, you know, people from my county and I
19 understand that contrary to the new image that Mississippi is
20 attempting to project, people, you know, in Mississippi have
21 not found any indication of same. It seems that the people
22 are being told that if they attempt to go down to the court-
23 house then they won't have jobs when they get back.

24 Q. Is this in your county?

25 A. Yes, this is in Forrest County. For instance, an
26 example of one place is a poultry plant there in Forrest County

1 that hires most all Negro women at very poor wages really, but
2 these people have been told in no uncertain terms that if they
3 go to the courthouse they won't have jobs; and, of course, this
4 has happened likewise with people who work in private homes
5 and other places of this sort. In other words, they are pro-
6 jecting this image, you know, about improving things. I under-
7 stand that if you do go down to the courthouse you might get
8 registered but then behind the scenes the people whom these
9 people work for make it very clear you better not go there.

10 Q. What does this new image refer to?

11 A. Well, this thing, you know, of Mississippi becoming
12 more moderate in its thinking and at least begining to assume
13 some aspect, you know, of -- well, I don't know whether
14 respectability is the word I want to use, but the governor made
15 a statement sometime in the last couple of months, I guess,
16 where he said that things were going to -- law and order is
17 going to prevail in Mississippi, at least for the next six
18 months. This sort of thing. Heretofore there has not been any
19 statements coming from the governor or other supposedly respon-
20 sible people in this state against the various acts of hostil-
21 ity and brutality that take place in this state. And so it
22 seems that they are trying to project the idea that they are
23 becoming concerned about these things, but at the same time
24 within the state there is no indication.

25 And another example might be, I was coming from
26 Biloxi, maybe a couple of weeks ago now, with a white lady who

1 was down from New York. The highway patrolman came along. He
2 obviously didn't know the composition in the car as he passed
3 at first, but when he got by I guess he did, so he went ahead
4 maybe for a couple of miles or so and then pulled off the highway
5 and he waited until all of the cars between his car and our
6 car had passed. And when we passed he got behind us. The
7 lady made sure she stayed within the speed limit, so he came
8 around us and then started driving about 40 miles an hour.

9 Well, the lady had an appointment in Hattiesburg for
10 3:00 o'clock and it didn't seem that he had any intention of
11 changing his pace, so she decided that maybe she would go
12 around him since she was certain he was only doing about 40
13 miles and the speed limit is 65. And immediately that she
14 went around him he stopped us and he came over and he went
15 through the usual thing, driver's license and identification,
16 registration and what-have-you of the car. And then he wanted
17 to know was she vacationing in Mississippi and she told him
18 yes, you know, "Kind of."

19 And he said very casually, "I will just bet you are."
20 And he let us go. But the point is, you see, there was never
21 any reason for us to be stopped in the first place, and had
22 she been driving alone or had I been driving alone he probably
23 would not have stopped us. But this is the same thing that was
24 happening four or five months ago when a similar thing happened
25 to Mr. Guyot and another young man and myself.

26 We were stopped pretty much on the same note and held

1 up on the highway for at least a couple of hours. So what I
2 am saying is, you see, maybe they do want to do something about
3 it, but we have no indication of it down here where things are
4 happening. The same thing that happened five months ago
5 happened about a week and a half ago.

6 Q. In other words, in your experience since February
7 13, there hasn't been any change?

8 A. Not in my experience, no.

9 Q. Mrs. Gray, one more question: Have you talked to any
10 people in the three counties you visited since February 13
11 about the so-called new image and was there any change in the
12 official attitude or not?

13 A. Yes, I have.

14 Q. What do you conclude from that?

15 A. My impression -- their impression is that if there is
16 a change it's for the worse. We notice that in many cases the
17 police and what-have-you are becoming even more hostile, you
18 know, maybe than they were before. And, as I say, in Forrest
19 County this is something that we knew all along but it wasn't
20 being made so obvious, you know, that better not go down there
21 and this sort of thing. I think this is all part of what is
22 happening and I say if there is any change, the people that I
23 talk with seem to think it's really for the worse, because on
24 the one hand they are saying, "We are going to do this." But
25 on the other hand they have got people back here that see to
26 it why they don't have to do it.

1 Q. Is there anything else you would like to state for
2 the record at this time?

3 A. Well, I can't think of anything specifically, but
4 for whatever it's worth I think the Mississippi Freedom Demo-
5 cratic Party is about the best thing that has ever happened to
6 Mississippi and probably even to this country because it is
7 helping people all around this country to become aware of the
8 fact that Mississippi is a part of America and that every
9 American is responsible for it. And I think this is good
10 because people now realize that Mr. Eastland, Mr. Colmer and
11 people like this not only hamper progress in Mississippi, but
12 they hamper progress all over this country. And I think as
13 they become aware of that it is, of course, going to shorten
14 the time when the Mississippi Freedom Democratic Party will be
15 recognized as the Democratic Party in Mississippi by the
16 National Democratic Party, as well as by the people in Missi-
17 ssippi who compose the Mississippi Freedom Democratic Party.

18 MR. DARNELL: Thank you very much, Mrs. Gray.

19 [Whereupon, the witness was excused by the Hearing
20 Officer.]

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1 STATE OF CALIFORNIA]
2 CITY AND COUNTY OF SAN FRANCISCO] ss.
3

4 I, RUTH E. BENTON, a Certified Shorthand Reporter in the
5 State of California, do hereby certify that the foregoing
6 depositions are true and accurate transcriptions of the
7 depositions taken at Jackson, Mississippi, on April 3rd, 1965.
8
9

10
11 I, WILLIAM E. MILLER II, a Notary Public in and for the
12 said County of Hinds, State of Mississippi, do hereby certify
13 that the foregoing depositions of Fannie Lou Hamer, Annie
14 Devine, and Victoria Jackson Gray were taken before me, in my
15 presence, at the time and place mentioned, they being first
16 duly sworn by me that the testimony they should give in the
17 action aforesaid should be the truth, the whole truth, and
18 nothing but the truth.

19 WITNESS MY HAND and SEAL this _____ day of _____,
20 1965.
21

22 _____
23 WILLIAM E. MILLER II
24 Notary Public in and for the
25 County of Hinds, State of
26 Mississippi