

WASHINGTON OFFICE
STUDENT NONVIOLENT COORDINATING COMMITTEE
107 RHODE ISLAND AVENUE
WASHINGTON, D. C.

THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY CHALLENGE TO UNSEAT THE MISSISSIPPI CONGRESSMEN

The MFDP is challenging the constitutional validity of the 1964 elections which sent the five Mississippi Congressmen to the House of Representatives. A successful conclusion of the challenge will do two very important things: Since the basis of the challenge is discrimination in the electoral system of the state, it will force new and open elections for the Mississippi Congressional seats under conditions of universal suffrage. And, more important for other areas of the Deep South, it will underscore the Nation's determination to protect Negro voting rights in the South. If the Mississippians are unseated, as they can be, then other Southern states will be under pressure to avert a similar situation and will have no alternative but to take steps on a local level to end abuse of Negro voting rights.

BACKGROUND:

In the summer of 1961, the Student Nonviolent Coordinating Committee went into Mississippi to begin working with the Negro population on voter registration. The feeling for the right to vote was so strong that when their activities were thwarted by the white legal authorities, they began to develop their own political structures. The MFDP was formed on April 24, 1964, at a convention of 300 delegates who came from areas across the state of Mississippi. The MFDP, with the help of SNCC and other civil rights groups, continued their activities to gain voting rights throughout the summer. It was while engaged in this work that Michael Schwerner, James Chaney, and Andrew Goodman were murdered.

At the Democratic National Convention in Atlantic City in August, 1964, an MFDP delegation sought to be seated as the legitimate representatives of Mississippi in place of the regular all-white delegation. Not only were the MFDP delegates pledged to support the Convention's nominees (in contrast to the white delegation), but they were in fact the delegation which actually represented the people of Mississippi, as only the MFDP held meetings and elections open to all persons without regard to race.

The Convention chose to reject the MFDP claim but offered a compromise whereby two persons, chosen by the Convention, would be seated as delegates at large. This compromise was rejected by the MFDP, although many individuals and organizations had urged its acceptance.

Many persons fail to understand why the compromise was rejected. The MFDP delegates felt that, had they accepted the compromise, they would have in effect indicated that they were not the true representatives of the people, in direct opposition to the basis of their claim to be seated. Furthermore, if the Convention had selected the two persons to sit at-large, the delegates would have been a party to the very kind of tokenism that MFDP had been organized to combat. SNCC field-secretary Bob Moses best expressed the MFDP reasons for rejecting the compromise when he states, "The whole point of the MFDP is to teach the lowest sharecropper that he knows better than the biggest leader exactly what is required to make a decent life for himself."

The next step was an attempt by MFDP candidates Mrs. Fannie Lou Hammer, Mrs. Annie Devine and Mrs. Victoria Gray, to get on the ballot for the November, 1964, elections as independent candidates. The attempt was unsuccessful. The MFDP then decided to hold Freedom Elections throughout Mississippi using voting requirements of age and residence. In that election the Freedom candidates, including President Johnson and Vice President Humphrey, received over 70,000 votes. In the regular state election, Johnson-Humphrey received less than 50,000 votes.

On the opening day of Congress, January 4, utilizing a procedure different from those of the formal Challenge, William Ryan (Dem., N.Y.) announced his intention to introduce a resolution asking the white Representatives from Mississippi to stand aside until the merits of the MFDP challenge could be determined. Although Ryan was parliamentarily blocked from introducing his resolution, 149 Congressmen voted against Carl Albert's motion to seat the white Mississippians. This vote encouraged the MFDP to seriously continue the Challenge.

Basis for Challenge and the Steps Taken

The elections held in Mississippi were in violation of the Constitution and the laws of the U.S. and therefore should be voided. Mississippi has blatantly violated the 14th and 15th amendments by mass disenfranchisement of the Negro population. Mississippi has also been in continual violation of a Federal statute passed in 1870 which stipulates that she would be admitted to representation in Congress on the condition that the then existing constitutional qualifications to vote would "never be amended or changed so as to deprive any citizen of the right to vote."

The challenges to the Mississippi congressmen were filed in accordance with a formal Statute of Congress, Title 2 of the U.S. Code, Secs. 201-226, which outlined the procedures to be followed for contesting elections. The Notice of Challenge was served on the contested members and with the Clerk of the House on December 4. Thirty days later the Mississippians answered these notices. The MFDP then had forty days in which to gather evidence and take testimony with use of Federal subpoena power. Over one hundred lawyers from throughout the United States went into Mississippi to take these depositions, which amounted to over 15,000 pages of evidence. These were taken from over 600 local Negroes and voter registration workers and well document the patterns of intimidation and terror suffered by Negroes seeking to vote. The Contestees then had a forty day period to gather evidence in their behalf.

All evidence was then submitted to the Clerk of the House. On June 2 the Clerk, reluctant to print the record because of objection from former Mississippi Governor J.P. Coleman, attorney for the Mississippi Congressmen, finally yielded to the pressure of Challenge supporters and agreed to reproduce the testimony in its entirety. The printed record will be presented to the Sub-Committee on Election and Privileges of the House Committee on Administration. Each side then has a thirty day period to file briefs.

The sub-committee must consider the issue and make a report in the form of a simple resolution requiring a majority vote. According to the Rules of the House, the Committee on Administration is required to report out all contested election cases within six months after the convening of Congress, which in this case should be - but will not be - July 4.

Current Situation

To aid in the Challenge, the Student Non-Violent Coordinating Committee organized a lobby of students and other persons from throughout the nation. These persons are here to lobby with the Congressmen from their own Congressional Districts during the period of June 13 through July 4. While lobbying, an attempt will be made to gain a committment from Congressmen that when the issue reaches the Floor of the House, they will vote to unseat the illegally selected Mississippi Representatives.

The MFDP feels that the Congressmen from Mississippi would like to stall any action until the next session when the issue will have lost its sense of urgency. Thus, all Congressmen will be asked to use all the pressure necessary to see that this matter is reported out to the full House no later than mid-July. When the students finish with the lobby, some will be going to Mississippi to work on projects with the MFDP. Others will return home to build additional support in their congressional districts.

Many Congressmen believe that by supporting the Ryan Resolution and by favoring the still pending Voting Bill they have done all that was expected or necessary. If the Challenge is defeated, however, Mississippi Negroes would have little reason to believe the nation's commitment to the principle of "one man, one vote"-nor would white Mississippi.

This summer many people are going South to work with MFDP. Still others are building support in their own communities by contacting their Congressmen and by gaining the support of local groups for the Challenge. Many groups have already come out in support of the Challenge. They include:

The American Civil Liberties Union
Americans for Democratic Action
California Democratic Council
Colorado State Committee of the Democratic Party
The Congress of Racial Equality
The Coordinating Council of Community Organizations (Chicago)
4th General Assembly of the Unitarian Universalists Associations
Louisiana Committee of Concerned Citizens
The Michigan State Democratic Party
National Catholic Conference for Interracial Justice
National Council of Churches (Commission on Religion and Race)
New York City Council
New York Committee for Democratic Voters
Northern Student Movement
San Jose City Council (California)
The Southern Christian Leadership Conference
The Southern Conference Educational Fund
Southern Student Organizing Committee
The Student Nonviolent Coordinating Committee
The Students for A Democratic Society
UAW Local 136 X, AFL--CIO

Washington, D.C.
June 13, 1965