

STATEMENT OF THE CONGRESS OF RACIAL EQUALITY

My name is Alan Schiffmann and I represent the Congress of Racial Equality. Mr. James Farmer, CORE's National Director, has asked me to express here today our organization's unequivocal opposition to the appointment of former Governor James Plemon Coleman of Mississippi to the United States Fifth Circuit Court of Appeals.

CORE has maintained for some time now a deep organizational commitment to the struggle for equal rights for the Negroes of Louisiana, Florida, and Mississippi--three states which together with Texas, Alabama, Georgia comprise the Fifth Circuit. From Madison and Gadsden Counties in North Florida to Canton, Mississippi, from bloody Neshoba to Klan-ridden Bogalusa, local Negro groups aided by CORE staff workers, have had to confront massive legal and extra-legal barriers to the exercise by Negroes of their constitutional rights. For ten years now, the Fifth Circuit Court of Appeals has been at the steady stream of civil rights litigation which has come before it promises to grow even greater in the future. Given the Federal Government's present commitment to full and equal rights for American Negroes, and given, in particular, the critical position of the Fifth Circuit Court of Appeals, it seems unthinkable that the Senate of the United States be asked to approve the appointment of an unregenerate segregationist to that bench. Yet this is precisely what you gentlemen are being asked to do.

Since former Governor Coleman is now being described as a moderate in racial matters, it might be well to recall a televised statement he made in 1959 (as reported by the Jackson, Mississippi, Clarion-Ledger of 30 June, 1959):

"I am well aware that a little handful of my political adversaries have tried to destroy my place in the affections of my fellow Mississippians by claiming that I am a 'moderate.' Apparently, these people cannot tell a moderate from a successful segregationist. They have made a great sham of this, and every time they can get a chance they try to stir it up. I ask you to ignore what they say and look at what the record says...I stand on a record of performance and I have delivered the goods. I am not entitled to be called a moderate, and I notice that none of my friends have called me that."

In 1963, during an unsuccessful try for a second term as governor, Mr. Coleman again argued his expertise in flouting the law of the land:

"Former Governor J. P. Coleman Thursday night promised there will be no racial integration of public schools in Mississippi during the next four years if he gets a second term in the governor's office.

"There will be no necessity to abolish the public schools," he promised again Thursday. "Nor will there be any mixing of the races in any of the state-operated educational institutions. This is no task for the amateur or the hothead." (Jackson Clarion Ledger, March 17, 1963).

No Amateur, he!

Again on October 26, 1956, the then Governor Coleman was reported by the Clarion-Ledger to have said, "I do not now favor the Negro voting in Mississippi. He is wholly unprepared to assume this responsibility." One searches the pages of the Clarion Ledger in vain for a statement repudiating this 1956 pronouncement. In fact, the man who campaigned in 1963 on the slogan "For Segregation-Peace-Prosperity" could hardly advocate segregation and repudiate Negro disenfranchisement--the former depends so clearly upon the latter.

Not only was former Governor Coleman an advocate of Negro disenfranchisement, he was one of the architects of the "massive resistance" campaign that followed the 1954 school desegregation decision. For example, on February 21, 1956, Governor Coleman signed an act requiring common carriers to maintain separate waiting and reception rooms for the races traveling in intra-state commerce and prescribing criminal penalties for violation. On April 5 of that same year, he approved an act reorganizing Mississippi's school districts and

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and providing "In all school districts, separate schools shall be maintained or otherwise provided for children of the white and colored races."

On March 29, 1956, Governor Coleman signed into law the act creating the State Sovereignty Commission--the agency through which the state of Mississippi has funneled more than \$193,000 in taxpayers' money to the White Citizens Councils. Finally, on April 5, 1956, the man who is today being considered for a Federal judgeship approved an act which, among other things gave effect to a Senate Concurrent Resolution (Number 125),

"....condemning and protesting the usurpation and encroachment on the reserved powers of the states by the Supreme Court of the United States and declaring that its decisions of May 17, 1954, and May 31, 1955, are in violation of the Constitution of the United States and the State of Mississippi...and invoking the historic doctrine of interposition to protect the sovereignty of this and the other states of the Union."

How does a man who, less than ten years ago, solemnly advocated such nonsense, today merit appointment to the Federal judiciary?

If I may, Gentlemen, I should like at this point to interpolate a few personal observations. I left Mississippi some three weeks ago after spending the better part of a year as a CORE task force worker in Philadelphia, Neshoba County, Mississippi. From Philadelphia, it is, after all, only a short drive to Ackerman, Governor Coleman's home. Today fewer than 5,000 Negroes live in Neshoba County--out of a total population of 21,000. Of the approximately 2,000 Negroes over 21 years of age, probably less than two dozen are registered to vote. Since last summer, one hundred to one hundred fifty Negroes have attempted to register and have failed. Everyone is aware of the fate of the first three civil rights workers to enter Neshoba.

I am the first to have lived through a jailing in that county--on 14 September 1964 I was arrested while accompanying a group of Negroes to the Neshoba County Courthouse to register. Although my case was removed to the Federal Courts, I was tried by a local circuit court, in absentia, and my bail was forfeited! On 12 October 1964, while accompanying a second group to the Courthouse, I was accosted by two men.

In the face of such harrassment, with the prospect of economic or physical reprisal--two churches in Neshoba County were destroyed last year, many Negroes who attempted to register lost jobs, others were beseiged by creditors--it is a wonder that anyone has attempted to register. Of course, the fact that Sheriff Rainey and his Deputy, Cecil Price, still wear their badges and carry their guns, although under two sets of federal indictments, contributes to the atmosphere of intimidation. Gentlemen, the Negroes of Neshoba County have been living under a reign of terror and the man whose appointment you are considering is one of its principal executants.

CORE, the Congress of Racial Equality, urges the Senate of the United States to block the nomination of former Governor Coleman to the Fifth Circuit Court of Appeals. To do less would be unconscionable. At some point in our nation's history, we will have to recognize that if we allow such men to decide the fate of millions of America's Southern Negroes, we are no less accomplices to murder than they. If you vote to approve Governor Coleman's appointment, you will have that on your consciences.

June 29, 1965