

Mississippi Freedom Democratic Party
Washington Office
926 Pennsylvania Avenue SE
Washington, DC

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STATEMENT OF MRS. VICTORIA J. GRAY, ON BEHALF OF THE EXECUTIVE COMMITTEE,
MISSISSIPPI FREEDOM DEMOCRATIC PARTY.

Mr. Chairmen and members of the Subcommittee,

I am Mrs. Victoria Gray, and I represent the Mississippi Freedom Democratic Party which has a membership of more than 100,000 adults of Mississippi. It is with unbelieving and indescribable shock and fear that we learned Friday a week ago of the tragic nomination of former Governor James P. Coleman of Mississippi to be a judge on the United States Fifth Circuit Court of Appeals.

The man who designed and implemented much of the legislative system which still enslaves us, has now been appointed our judge. This man has spent almost all of his adult life advising and planning in one way or another how to continue the suppression and dehumanization of the Negro people of Mississippi. He did this as District Attorney, as judge on the Mississippi Supreme Court, as Attorney General, as Governor, and as representative to the State Legislature. His record is complete, is so extensive that it encompasses almost every type of office in Mississippi and is so consistent with segregation and white supremacy that it is inconceivable that rational men could believe that this man would be an unbiased judge over the rights of the Negro citizens of the states of the Fifth Circuit.

Gentlemen, I have lived in Mississippi for the many years that this man has been a dominant force in the state. I have personally experienced a life that has suffered from his brilliant and able fight for the supremacy of the white man. Senators, I now wish to speak of a matter of which I have personal knowledge, the tragic case of Clyde Kennard, a brilliant Negro ex-serviceman whose initial efforts to get an education in a state institution of higher learning took place during the ex-Governor Coleman's administration. Ex-Governor Coleman gave Mr. Kennard his personal assurance that if he would wait until after the gubernatorial elections had been held he would be able to continue his education at Mississippi Southern College.

Mr. Kennard accepted ex-Governor Coleman's proposal in good faith and after the election had been held, he again attempted to enter. At this time he was arrested on leaving the registration building. He was not informed of the charges until after he had been locked up. The arrest was followed by a withdrawal of his credit which was especially serious for him as he was a poultry farmer. Finally he was arrested and sentenced to seven years in the State Penitentiary on the false charges of instigating the theft of seven bags of chicken feed. Kennard was denied access to medical treatment. Kennard was not given treatment for cancer until just before he was granted a suspended sentence. Kennard died within a few weeks. I do not know what part ex-Governor Coleman played in the final series of events which led to Kennard's death, but it was his agreement with Kennard which triggered these events.

This Congress has indicated its deep concern for enforcing the precious right to vote for those whose sole disqualification has been the color of their skin. This was the promise of the Fifteenth Amendment nearly one hundred years ago. And this is the purpose of the Challenge to the seats of the Mississippi Congressmen, who sit by virtue of the nearly total exclusion of Negro citizens from the registration rolls of my state. Their disfranchisement has been accomplished in part by intimidation, terror, violence, and murder, and in part by legal trickery. Governor Coleman as the author and architect of much of the latter, the Kennard case for example, is intimately familiar with these legal devices.

He formed the notorious State Sovereignty Commission, whose purpose is the preservation of the white supremacist system. It is supported on state funds, and has donated \$193,000 of the money to underwrite the activities of the White Citizens Councils. He helped to organize the Southern governors for the achievement of these same racist goals on a region-wide basis. He signed into law Mississippi's interposition statute, thus codifying a doctrine which is wholly in opposition to the American system of federalism, and Article VI, the Supremacy Clause, of the Constitution. The statute directs the Executive Branch of the Mississippi State Government to decide for itself whether it wishes to comply with Supreme Court desegregation orders. The absurdity of such a notion speaks for itself, and requires no further comment on my part.

Governor Coleman's official actions are a matter of public record. I would like now to turn to a lesser known aspect of his lack of qualifications for the position to which he has been named. It must always be borne in mind that as a judge on the Court of Appeals he will stand in the pathway of the successful implementation of the Voting Rights Bill, for the passage of which this Senate labored mightily, and the Negroes of Mississippi and elsewhere await with high expectations. For that bill provides that when the federal voting examiner registers qualified applicants, the state has a right to appeal the registration of those persons. To avoid the injustice Negroes have received at the hands of district judges such as Cox of Mississippi this appeal is taken directly to the circuit court, that is directly to, I fear, Judge Coleman. It is intolerable that a man who has taken the public position that Negroes should not have the right to vote, will sit in judgement on the qualifications of Negroes who must go to a federal registrar because Governor Coleman's registration laws have made it impossible for them to meet the rigid standards of state registration officials.

But allow me to tell you now what sort of a man we have found Governor Coleman to be, what sort of a man we may find sitting on one of the highest and most dignified appointive offices in the United States. You are probably familiar with the Challenge in the House of Representatives. Governor Coleman has been retained as attorney for the four Democratic sitting members. As such he entered into certain stipulations regarding technical requirements for the taking of depositions. In reliance upon these agreements over 15,000 pages of testimony were gathered. But on June 8, B.B. McClendon, attorney for Republican Representative Walker, wrote to the Clerk of the House of Representatives, on behalf of Governor Coleman and himself. In the letter he urged that the Clerk disregard the stipulations and refuse to print the testimony. The lower House of this Congress has dealt with such behavior in the past, in an election contest involving the seat of Fiorello LaGuardia. When his attorney disregarded stipulations as to the time limits for collecting testimony, and argued in his brief that the depositions taken in reliance upon those stipulations were invalid, the House Elections Committee said:

"...(T)he contestee's attorney joined in the stipulation to waive the requirements of the law...and was afterwards guilty of a breach of legal ethics when he raised the point of lack of diligence."

The Canons of Professional Ethics say that a lawyer's conduct should be characterized by "candor and fairness" and that "it is dishonorable to avoid performance of any agreement" affecting clients' rights. Governor Coleman's apparent role in repudiating stipulations and agreements made with the Mississippi Freedom Democratic Party constitutes professional conduct that is highly questionable from an ethical point of view. It raises the gravest apprehensions as to his suitability to assume a position of highest honor. I, for one, am compelled to speak out against his appointment. Many others have joined me in this protest, for they share my alarm and concern. I cannot emphasize too strongly that this Senate should refuse to approve his nomination, for to give consent to it will be an affront to the judiciary of the United States, and an insult of the grossest nature to the hopes and aspirations of Negroes who for the first time in this century see the prospect of equality and full freedom within their reach.

I repeat that Governor Coleman's official actions are a matter of public record and would close this testimony with a quote taken from a television speech made by Governor Coleman: (Jackson, Clarion-Ledger, June 30, 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...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 some of my friends have called me that."

These, gentlemen, are some of the words and acts of the man who has been nominated to occupy a position that by its nature demands the implementation of the very rights he himself has done a near perfect job of destroying, both for the Negro and for a large portion of the white population of our state of Mississippi. We feel that confirmation of Mr. Coleman will be no less than sanction of continued police state for Mississippi and the states of the Fifth Circuit.

I thank you.