

Student Non-Violent Coordinating Committee  
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Atlanta, Georgia

TESTIMONY OF JOHN LEWIS, CHAIRMAN OF STUDENT NON-VIOLENT  
COORDINATING COMMITTEE BEFORE THE SENATE JUDICIARY SUB-  
COMMITTEE ON THE APPOINTMENT OF JAMES P. COLEMAN TO THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Mr. Chairman and Members of the Senate Judiciary Subcommittee,

I am John Lewis, Chairman of the Student Non-Violent Coordinating Committee. After just having been released a few days ago after ten days in the Jackson, Mississippi, jail, it is with a troubled mind that I come before this committee to testify against the appointment of J. P. Coleman to the Fifth Circuit Court of Appeals. I cannot stress too strongly the opposition of the Student Non-Violent Coordinating Committee to this appointment and I feel that most Americans would join us if they could foresee the results which would ensue from this appointment. Moreover this appointment is an affront and an insult to the Negro people of the South and to all Americans of good will.

Since 1954 our Federal judicial system has been the primary force in preventing a level of violence and bloodshed which the South has not witnessed since the Civil War. We know all too well Mr. Coleman's attitude regarding the 1954 Supreme Court decision, for it was he who said as late as 1963 that if he were elected governor there would be no further integration of the public schools of Mississippi.

Since 1957 the Senate has passed a lengthy series of acts which purport to eliminate centuries of racial discrimination aimed at American Negroes. Now this same body is considering naming James Plemon Coleman to the branch of the United States Courts

which carries the heaviest load of civil rights litigation and holds a position of judicial power over the lives of millions of American Negroes second only to the United States Supreme Court. The results of this action may be predicted with certainty—a complete nullification of all the civil rights legislation which our Congress worked so hard to create.

Moreover this appointment can only result in the retarding of the growth of full citizenship for American Negroes, a policy which I feel neither this committee nor the United States Senate wishes to embrace. Furthermore if the United States Senate chooses to consent to this appointment then it goes on record as favoring the perpetuation of segregation, and all American Negroes will know once and for all just where this body stands on the racial issue. If this body wishes to eliminate or make ineffective past legislation, let it do so by outright repeal so that the American Negro knows where he stands. If this body wishes to ignore the years of suffering, of death, and of dingy prison cells that the Negro has had to face then let it confirm the appointment of J. P. Coleman. But on the other hand, if this body wishes to insure the enforcement of civil rights legislation then it has only one course of action to follow—refuse to consent to the appointment of J. P. Coleman, a vicious and clever segregationist.

If anyone in this room questions the truth of these charges, I direct his attention to the laws of the state of Mississippi which were passed during the period in which J. P. Coleman was governor of Mississippi and over his signature.

We of the Student Non-Violent Coordinating Committee feel that

the record of James P. Coleman speaks for itself as a record of race hatred, prejudice and defiance of the United States Constitution, the Supreme Court and Congress. I would like to point out that as a United States judge, Mr. Coleman would be called upon to interpret the Constitution, laws of Congress and Supreme Court decisions. Will his attitude be the same as it was in 1954 when, as Attorney General of Mississippi, he said that "the Congress of the United States never intended that the Fourteenth Amendment to the Constitution be used as applicable to public schools. Mississippi will maintain segregation in the schools, regardless of the U. S. Supreme Court." **In light** of his past actions can anyone question the result or the course that he would take?

I would like to make it crystal clear to this committee that we reject the argument that Mr. Coleman is the best that Mississippi has to offer. When is it that justice is based on the lesser of two evils? We also feel it is morally wrong for the President to appoint Mr. Coleman as a political pay-off for Mr. Coleman's work during the 1960 Kennedy-Johnson campaign. Moreover we reject the argument that Mr. Coleman has changed his views. For during the 1963 gubernatorial campaign, Mr. Coleman's position was basically the same as his 1957 stand when he ran for Governor. It is hard to see how anyone who has impartially read what Governor Coleman has said and done could arrive at any other conclusion than that Coleman should be taken at his work, that he is a 'segregationist'. His constant and tireless efforts to preserve and strengthen Mississippi's system of segregation are eloquent testimony of his political and social philosophy.

Furthermore we emphatically reject the argument that once a person is appointed to a federal bench he will lose his political biases or

or that he will become fair-minded and impartial. This belief will not stand up under historical scrutiny. Using a person's past background, it has been relatively easy to predict, especially with regard to the lower federal court appointees, what kinds of decisions a particular judge would be inclined to render. Judge Harold Cox of Mississippi is a perfect example of this.

Justice Black, however, is one example many have cited as to the effect a judicial office can have on a person. Supposedly, Black, who was at one time a member of the Ku Klux Klan, was changed into the liberal that he is today by his appointment to the Supreme Court. But historically this is absolutely false. His link with the KKK seems to have been nothing more than an honorary membership conferred upon him by the Klan in the 1920's.

More importantly, his whole record as a Senator prior to his appointment shows him to have been a liberal in both domestic and foreign affairs. He was the only Senator who spoke out in July, 1932, about the "militaristic way" in which the Bonus Marchers had been handled by the federal government. In 1933 he introduced a bill advocating an unheard-of thirty-hour week for workers. He strongly supported Social Security, TVA, and minimum wage laws. By the end of his Senate career, he was acknowledged leader of the Progressives and an ally of Senator LaFollette and Mayor LaGuardia. Black's career certainly cannot be used as a precedent for speculating as to a possible Coleman conversion.

Gentlemen, the issues are very clear--Negro citizens of this nation cannot and will not stand idly by while one of their major forums for seeking redress is eliminated. I feel obligated to put this committee and our nation on notice that the appointment of this outspoken segregationist

is such a denial of justice that it may cause Negro citizens of the deep South, many of whom we work with every day, to lose faith in the judicial process. They may be forced, in the name of freedom, to carry on mass social dislocation and civil disobedience throughout the South.

Gentlemen, the decision is yours. Thank you very much.