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MISSISSIPPI FREEDOM DEMOCRATIC PARTY
926 Pennsylvania Avenue S.E.
Washington D.C.

Subject: The Filing of the Brief of Contestants in the Contested Elections of the Mississippi House Delegation

Statement by Victoria F. Chau, MFDP Executive Committee

Date: 1 July 1965

Yesterday afternoon the Challenge to the seating in the House of Representatives of the five white Mississippians entered its final phase. With the filing with the Clerk of the House, Mr. Ralph T. Roberts, of seventy copies of the Brief of Contestants, "Mississippi's Negro citizens embraced a ninety year struggle against the "Mississippi Plan" -- that is, against the publicly avowed and openly pursued policy of disenfranchisement which continues to exclude them from the political life of their state.

Mr. Roberts is bound under the statutes governing contested elections to distribute copies of the Brief to the members of the House Committee on Administration. He is also obliged to forward two copies to each of the contestees. In addition, the MFDP is itself sending copies of the Brief to former Governor T.P. Coleman, Mississippi Attorney General Joseph T. Patterson, and Mr. B.B. McClendon, all three attorneys for the white Mississippians. The contestees now have thirty days in which to file replies. The matter is at last in the hands of the House of Representatives.

The Brief summarizes in detail evidence amassed by the United States Commission of Civil Rights, the Department of Justice, and by the Federal courts--evidence attested to, moreover, by the President and the Congress--that Negroes have been systematically excluded from the electoral process in Mississippi. It also contains excerpts from testimony gathered from within Mississippi earlier this year in accordance with the deposition with the deposition prescribed by statute. The facts are so well known that few, including, apparently, the contestees, would dare dispute them. The issues, then, which face the House of Representatives are, first, Does the House have the power to vacate the seats of the five contested members? and second, Does the House have that obligation? These two questions the Brief answers affirmatively and authoritatively.

As to the first, the Brief points-out that the House has in the past set aside election results in over forty contested elections.

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where Negro citizens were excluded from the voting process. The vast majority of these contests occurred between 1867 and 1900, before the Nation, both north and south, in effect revealed the 13th, 14th, and 15th Amendments. In many instances, contestants were actually seated in his place, because of gross fraud involved in the registering of Negroes. In the Forty-first Congress, 1869-1871, no fewer than four Louisiana Members were unseated because Negro voters had been subjected to violence and intimidation.

The present Mississippi contests have as their goal the unseating of the contested members and the holding of new elections. Again, there is ample precedent for such House action. In the Louisiana cases of Hunt v. Menard in the Fortieth Congress (1867-1869) and Sipher v. St. Martin in the Forty-first (1869-1871), in the South Carolina case of Buttz v. Mackey in the Forty-fourth Congress (1875-1877), and in Alabama case of Smith v. Shelly, Forty-seventh Congress (1881-1883), the sitting Member was seated and new elections were held. Far from creating a new precedent, therefore, a decision to unseat the five white Mississippians would constitute the reaffirmation of one of the most honorable of House traditions. As the committee on Elections of the Thirti-fifth Congress put the matter in White v. Harris "The question is, shall election to the House of Representatives of the United States be free, fair, and open to the whole body of legal electors?" Herein to raise this question is, to answer it: the House has a solemn duty to itself to vacate the seats of the five white Mississippians. To do otherwise would be to fly in the face of the facts, the law, and the very principles upon which this Nation claims to be founded.