

[JUL 29 1965]

REPORT FROM THE WASHINGTON OFFICE OF FDP

ON THE PROGRESS OF THE CHALLENGE - Mrs. Victoria Gray

Introduction

The Challenge of the five Mississippi Congressmen is entering its final stages. The Challenge was formally begun last December 4th when the five white Congressmen were notified by Negro residents of each of the five Congressional Districts in Mississippi that MFDP was challenging their right to represent the people of Mississippi. The Congressmen were challenged because the elections that put them in office were not free and open to all citizens of the state. Now the Challenge is soon to come to a vote before the House of Representatives. Support for us is being organized throughout the country. If the Challenge is successful, it will show politicians of Southern States that the U. S. House of Representatives will not tolerate the exclusion of Negro citizens from the voting process. This Challenge is a necessary addition to the Voting Rights Bill. Only through the success of the Challenge will Mississippi politicians see that they can no longer keep Negroes from the polls.

*Walter  
Complaint  
letter - Hall  
1/2/65*

Ten of Us Go to Jail

We have found that in Washington, as well as in Mississippi it is necessary to fight for what you think is right. On June 18th, a delegation of Mississippians tried to see the Clerk of the House, Ralph Roberts. We wanted to see him to find out why he was not printing the depositions. MFDP had submitted the depositions to the Clerk on May 17 so that he could print them. On June 2nd, we discussed with the Clerk what parts of the depositions should be printed. On June 4th, the Clerk of the House told an MFDP lawyer and two members of Congress that he would print the depositions. On June 18, it was discovered that the Clerk had not printed any of the depositions and was not sure whether he would print them. It seemed to us that Roberts was trying to delay the printing as long as he could. A long delay could mean that the Challenge would not come up for a vote during this session of Congress.

When we arrived at the Clerk's Office, on June 18, we were told that he was not in. We waited for him but he did not arrive. We then made a written appointment to see the Clerk the next day. When we arrived the next morning for our appointment, we were greeted by policeman. They wrote down our names and took our pictures. The Clerk's office was closed. We felt that this was an odd way for the Clerk to greet people that had made an appointment to see him. About half an hour later, an assistant of the Clerk told us that the office was closed and that Mr. Roberts, the Clerk, had gone to a funeral.

We had gone to great expense to remain extra days in Washington to see the Clerk. Since we had gone to such great trouble to see him, we decided that we would wait until Roberts could get to his office to see us. We waited until 4:30 when we were arrested for "illegal remaining". Those

arrested were: Mrs. Nellie Applewhite (Coila), Mrs. Lillie Willis (Anguilla), Mrs. Mable Weathersby (Liberty), Mrs. Ernestine Washington (Vicksburg), Mrs. Mildred Cosey (Vicksburg), Mr. Roosevelt Vaughn (Starkville), Mr. James Graham (Starkville), Mr. Dave Cattlin Jr. (Vicksburg), Mr. Andrew Hawkins (Shaw) and myself. We were taken to jail. We remained there over the weekend. We were released after \$3000 bond was posted. For your information, the bond set for the member of the American Nazi party who came on to the House floor with his face blackened last January 4th, was only \$20.

On June 28th we appeared in court and found out that the Judge was postponing the case to July 12. One of the reasons for this was that the subpoenas sent to the Clerk, Roberts, and his assistant were "lost".

We finally come to trial on the 12th of July. Mr. Roberts had been sent three subpoenas asking him to appear as a witness. Finally, on the third day of the trial, Roberts did appear. He said that he had known of the appointment made for us to see him. But he said that he didn't see any point in talking to us and therefore told his assistant not to open the office. It became very clear that the Clerk had lied to us, that he had told us different stories and had treated us with disrespect and contempt. With this evidence so clearly stated, the Government decided to drop the charges. It was very clear to everyone attending the trial that our actions in the Clerk's office were right. The Government could not continue to prosecute us for actions so clearly done in good faith and so the charges were dropped.

Today (July 29, Thursday) the Clerk formally referred all the documents pertaining to the Challenge to the Sub-committee on Elections of the House. The depositions have finally been printed.

#### Support Builds for the Challenge

At the end of June, about 250 students came to Washington to personally lobby for the Challenge. They visited Congressmen to inform them of the recent developments concerning the Challenge: The students questioned the Congressmen concerning their stand on the Challenge and urged those who were favorable to pressure the Clerk to print the depositions. Many of the students returned home to organize "grass roots" support for the Challenge. The result of the student lobby and of letter writing campaigns is a growing support for the unseating of the five Mississippi Congressmen. A group of liberal Congressmen, known as the Democratic Study Group, sent a letter to the Clerk of the House urging him to print all the depositions. Thirty-four national organizations belonging to the Leadership Conference on Civil Rights signed a statement condemning the Clerk's attitude toward the Mississippians and urging the immediate printing of all the depositions.

#### Brief

On Wednesday, June 30, seventy copies of the Brief of Contestants were given to the Clerk of the House. The Brief is the legal argument for the unseating of the Mississippi Congressmen written by FDP lawyers. The Argument is based on the undeniable fact that Negroes in Mississippi are not

allowed to register and vote. Included in the Brief is part of the deposition testimony taken in Mississippi last February.

The Clerk did not officially accept the Brief on that day. This is another way of slowing down the process of the Challenge.

No one has questioned the fact that Negroes are denied the vote in Mississippi. Other questions have been asked about the Challenge such as: does the House have the power to unseat the Mississippi Congressmen? and a second question: does the House have the duty to unseat the Congressmen from Mississippi? The Brief answers both these questions with "yes".

In answer to the first question--does the House have the power to unseat the Congressmen--the Brief points to many cases in which Negro citizens of a state challenged the right of a congressmen from their state to sit in the House as their representative. Then, as now, the challenges were based on the clear evidence of Negro disenfranchisement. Forty of the challenges were decided in favor of the Negroes who brought the challenge. It is clear that the House has the power to unseat the Congressmen from Mississippi because it has been done many times in the past.

The second question--does the House have the duty to unseat the Congressmen--is also answered in the affirmative by the Brief. When this same question was asked about a challenge in 1896, this statement was made to the Congress:

The difficulty is that a system exists the principle of which is to disenfranchise the colored voters. It is a system that permits the minority in certain districts to choose the members of the House themselves. Individuals are powerless to oppose it, and it is a DUTY which we owe to this government, and even to the state of South Carolina, to refuse members chosen in such a manner.

Then, as now, Negroes were denied the power of the vote. The House has the duty to unseat the Mississippi Congressmen who were illegally elected and who illegally claim to represent the people of Mississippi.

### Conclusion

The Challenge against the Mississippi Congressmen has been presented to the House. It has met with delay after delay. This is what we thought Southern opposition to the Challenge would consist of. They are afraid of the Challenge coming to a vote in this session of Congress. Earlier in the year, Speaker of the House, Sam McCormack, warned the Mississippi Congressmen when he said: "If there's a vote you'll lose."

All the legal preparation for the Challenge has been completed. Now we must pressure Congressmen to vote in favor of the Challenge. Your presence here in Washington will be the most powerful influence that can be brought in favor of the Challenge. It is our basic right to vote and to participate in the political process that the Congress is deciding upon. 1,00 people from

Mississippi on the steps of the Capitol is a living reminder to Congress that a vote against the Challenge is a vote against the basic constitutional right of every American--the right to participate in the election process. With your presence seen and felt, our grievances should be placed before the American people. Explain this to the people in your county. Tell them that their coming to Washington will do what no one else can do. Their presence on the steps of the Capitol will remind the Congress of the justice and righteousness of the Challenge. The Congress has received all the evidence, and it is now time for them to act.

I will be in Mississippi for the month of August talking to people all over the state about coming to Washington in late August or early September. If you have any questions or suggestions, I can be reached through the Jackson MFDP office. See you soon.

Victoria J. Gray

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#### WASHINGTON COVERAGE OF JACKSON JAILINGS

On Tuesday, June 15th, after the jailing of 472 people in Jackson, Mrs. Gray made a statement to the press concerning the arrests and beatings of the marchers in Jackson. The statement said that the reason for the demonstration in Jackson was "to raise the fundamental question of Democracy--the right to vote and be represented in decisions governing the lives of every citizen." Further she said "this state of institutionalized privation and injustice will continue until all elected officials in the State are answerable at the polls to all citizens of Mississippi." Mrs. Gray attempted to see Mr. Katzenback of the Justice Department to ask both for an immediate legal action to prevent the interference of the police in other demonstrations and also for an investigation of the brutalities suffered by the prisoners while under arrest.

The next Monday, Congressman William Fitts Ryan held a briefing for Congressmen and a press conference at which Mrs. Thelma Glover of Batesville, Mrs. Maggie Gordon of Lexington, Mr. Chris Dixon of Lexington, Gwen Robinson of Laurel, Phyllis Cunningham, Dr. June Finer, and Dr. French, all of the Medical Committee for Human Rights, and Jack Pratt of the National Council of Churches, testified to the brutality, harrassment, and intolerable conditions in the Jackson "concentration camp."

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#### MFLU MEMBERS ASK FOR MINIMUM WAGE LAWS THAT COVER SHARECROPPERS

The House Subcommittee on Education and Labor heard of the conditions of Mississippi from two members of the Mississippi Freedom Labor Union, Mr. Andrew Hawkins and Mr. Aaron German. Both Mr. Hawkins and Mr. German described the low wages, the poor housing, and the debt that is forced on the black sharecropper by his landlord. The Subcommittee was told about the efforts of the MFLU to change the poor conditions that the sharecroppers face each day. Members of Congress heard about the strike that is now covering eight Mississippi counties and the harrassments that come as a result of the strike. Mr. Hawkins and Mr. German urged the Subcommittee to support the demands of the MFLU by broadening the coverage of the minimum wage to agricultural workers. The result of this would be the goal aimed at by the MFLU strike--\$1.25 an hour.

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The testimony of Mr. Hawkins and Mr. German had a tremendous effect on the Subcommittee. After hearing them speak, Congressman Daniels (D-N.J.) made the following statement: "It would appear to the Chair from the two statements that you gentlemen have given, this is nothing short of slavery. We haven't progressed very far from slave days."

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#### MFLU ASKS SUPPORT FROM THE NATIONAL UNIONS

Mr. Andrew Hawkins of Shaw spoke to the AFL/CIO concerning the Mississippi Freedom Labor Union Strike. He asked that the national unions support the strike. At that time, the AFL/CIO felt that they could not support the strike until they spoke to Claude Ransley of the Mississippi AFL/DIO. They did suggest some names of local branches of the union that might support the strike. The Meat Cutters Union of Washington, D.C. has sent down supplies to support the strike.

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#### SENATE SUBCOMMITTEE HEARS PROS AND CONS ON COLEMAN

The Senate Judiciary Subcommittee hearings began a three-day session on Monday, June 12. Testifying against Mr. Coleman's nomination were John Lewis of SNCC; Alan Schiffman of CORE; three parents of Mississippi volunteers--Mr. Light (Bill Light), Mrs. Scattergood (Charlie Scattergood), and Mr. Carver (Ron Carver); and law professors from Columbia and Yale Universities. Since Mrs. Victoria Gray and Mr. Andrew Hawkins were attending their trial at the time, they could not testify in person, but their statements concerning Coleman were read at the hearing.

The opposition to Coleman's appointment to the Fifth Circuit Court of Appeals was based on his past record as ex-governor of Mississippi. In 1963, Coleman, in a campaign speech in McComb, stated that he was the only candidate "with the hope of stemming wide-spread integration and the ability and experience to do it." Those testifying against Coleman pointed to this statement and many others that the ex-governor had recently made as proof that his sympathies lay on the side of segregation. Therefore, the appointment of Coleman to the Fifth Circuit Court of Appeals would result in slowing down the whole process of integration in the South.

When the testimony was finished, the three-man subcommittee consisting of Mr. Eastland, chairman, Mr. Ervin of North Carolina, and Mr. Hruska of Nebraska gave a favorable report on Coleman's appointment. The Senate later approved the appointment by a vote of 76-8.

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#### FEW COMPLAINTS ABOUT SEGREGATED FACILITIES FROM MISSISSIPPI

The Department of Health, Education and Welfare will investigate any adequate complaints made about any services in Mississippi that receive money from the Department of Health, Education and Welfare. This means that all welfare offices, health departments and most hospitals and schools can be complained about if they practice any form of discrimination--segregated hours, segregated waiting rooms, segregated services, etc. Send all complaints to:

James Quigley, Assistant Secretary of Health, Education and Welfare  
Department of Health, Education and Welfare  
Washington, D. C.

Send a copy of the complaint to:  
U. S. Commission on Civil Rights  
1701 Penn. Ave. NW  
Washington, D. C.

The complaint should be made by an organization (FDP, Voter's League, COFO, etc) for the person who has suffered unequal treatment. No complaint forms are needed-- a simple letter to Quigley describing the situation is all that is necessary. One clear instance of discrimination is better than ten complaints that do not show obvious discrimination. The names on the complaint will be kept confidential by the Department of Health, Education and Welfare. So this method of complaint will not cost you your job or your welfare check.

The Department of Health, Education and Welfare has just extended the coverage of the 1964 Civil Rights Law so that the Law includes almost every hospital in the country. Assume that the hospital near you is covered by the Civil Rights Law. Write Complaints NOW. Most of these facilities in Mississippi are still very segregated.

When you do send a complaint, could you send FDP in Washington a copy so that we can follow up from this end.

We hope that when you come up to lobby for the Challenge, you will be able to make some of these complaints in person. When you do go to talk to people about the problems you have in Mississippi, it would be very helpful if you can give them affidavits and written reports of the discrimination that Negroes in Mississippi suffer. Bring written reports about any kind of discrimination in:

- welfare offices
- hospitals
- health departments
- schools
- businesses that hire over 100 people
- businesses that get government money
- federal housing projects

Also bring with you information about any tampering with your mail.

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Also enclosed is a copy of the "Call to Washington". If you need any more copies of the "Call", Jackson has as many as you want. That's it for now. Let us hear from you if you need any information or want to make any suggestions. See you soon.

Keep on pushing,  
Washington FDP