

THE CHALLENGE: ITS HISTORY

August 27, 1964, Atlantic City staged a birthday party that for sheer noise probably will never be topped. Bands played, rockets shattered the night sky in celestial red, white and blue and uncounted thousands of on-the-scene celebrators were joined by uncounted millions more on television.

It was an extravaganza, all for Lyndon Baines Johnson, who had just accepted the world's most dubious birthday present, the Presidential nomination, on the last night of the Democratic National Convention. A torrent of sound ushered the President from Convention Hall to the balcony outside where the tumult of other well-wishers greeted him from the packed plaza below.

He was on the balcony only 13 minutes, because several hundred young men and women, who were winding up a 100-hour vigil, weren't singing "Happy Birthday." They were singing "We Shall Overcome." The wistful, moving anthem nearly drowned out the traditional birthday song.

The President managed a smile, but America's most glittering celebration collapsed in a heap.

The previous Saturday, the afternoon of August 22, a group of people from Mississippi staged an extravaganza of their own, watched by millions on live national television for three hours. The occasion was the convention seating challenge of the infant Mississippi Freedom Democratic Party, four months old, crying for justice long before, politically speaking, it was dry behind the ears. At precisely 3:37 P.M., its appeal to the conscience of a party and the ears and eyes of a nation began.

Aaron Henry, a Clarksdale druggist whose store was blasted in 1963—by a lightning bolt, officials decided—made his points quietly and quickly. The then chairman of the FDP delegation noted that his group's interests were "identical" with the national party's (the implication being that the interests of the regular all-white state delegation were not). Next, he noted that 94 percent of the eligible Mississippi Negroes had been denied the right to participate in the political process back home. Almost as an afterthought, he added the 30-plus church bombings and hundreds of cross burnings.

Mrs. Fannie Lou Hamer, of Ruleville, in the Delta, then competing for a Congressional seat held by the same man since the Forties, in a near whisper and without notes, recalled losing her job after 18 years because she tried to register to vote. She pleaded that her party be seated at the convention; if not, she said, "I question America."

After her came slender, dark-haired Rita Schwerner, a widow of two months, who spoke about her husband's disappearance and then, straight-backed, walked to her seat in the FDP delegation, her face on the brink of shattering. (A man should not be asked to strip open his wounds before a summer afternoon audience.) The only sound was the rattle of cameras.

There were other witnesses—Martin Luther King, Jr., on crutches because of an ankle injury, asking, "Is there a choice?"—who came forward to add their voices to what Dr. King called the "desperate moral appeal" of the Freedom Party.

When they were through, it was early evening. The Freedom delegation stood, and suddenly, all around them, there was a surge of applause that became an ovation.

They waited for three days before the Credentials Committee came back with its decision on the seating: The Freedom delegates were welcomed as "honored guests," Aaron Henry and the Rev. Ed. King were made delegates-at-large, the regulars had to take a loyalty oath and there would be a special committee to "aid" state Democratic organizations in keeping the party promise of open participation.

A floor fight was thus averted. There were those who said the Freedom Party had achieved more than they had a right to expect; there were others, within the FDP ranks, who called the White House-wrought compromise a "sell-out." As a matter of fact, the FDP appearance at the convention was itself a milestone in national politics. The National Council of Churches' representative, who testified during that Saturday TV spectacular, said of the FDP: "It . . . is nothing less than the most dramatic grassroots development of responsible citizenship in our time." For the Freedom Party, Atlantic City was a way-station on a road that began in 1961.

After the Freedom rides of that year, the decision was made to attack the tradition—built up like Mississippi silt over the decades after Reconstruction—that the Negro could be kept emasculated as long as he was kept politically silent. So, voter registration for Mississippi's black, second-class citizens began, first in the southwest part of the state, then in the northern Delta country. (The advance has been painful and slow. Some 22,000 Negroes were registered in 1960—out of a voting-age population of some 423,000. As of the summer of 1965, four years and at least five murders after the campaign started, the number

of those registered has grown about 6,500.)

1963 produced Medgar Evers' death, an event which focused the nation's shock on its number one political cancer. It also produced a mock election in Mississippi which set the tone for the 1964 Summer Project. In November, while white Mississippians voted for a white governor, black Mississippians voted for their own man: Aaron Henry. More than 83,000 Negroes throughout the state voted, all but a few for the first time in their lives.

The Freedom Party was established in Jackson, the state capital, on April 26, 1964. The party was open to all races. A "Freedom" voter-registration application was drawn up, a much-simplified version of the booby-trapped regular form. Party apparatus was organized at precinct meetings in 26 counties in July; 35 county conventions followed. Efforts to participate in regular county party activities were rebuffed, but before Atlantic City, a number of Democratic organizations in other states lined up in support of the FDP.

The die was cast July 28, at the state fairgrounds in Jackson. Mississippi's regular Democrats recessed the state convention until after the national meeting, without committing their electors to President Johnson. When the FDP went to Atlantic City, the verdict was already in: Mississippi's Democrats had to be collared before they bolted to Goldwater, if there was a single chance to save them. The eventual compromise was foreordained.

Newsmen, faced with a routine convention, reacted to the four-night battle over who would sit in the Mississippi seats like women at a fire sale. One television man literally was tossed on a wave of reporters into the Mississippi huddle on the second night. As expected, the seating debate produced the convention's only real news. Thursday night, just before the birthday party, it was all over. The challengers had had their day in court and four nights of prime TV time. Before dawn Friday morning, they vacated their shabby hotel at the north end of town and were gone.

The *New York Times*, commenting on the convention, observed that the challengers were not so much a political party as a protest movement with its main strength being "moral." That strength carried the challenge to the voting practices in Mississippi to a new forum during the winter: the U.S. House of Representatives.

The FDP spent the fall working for President Johnson's election, during a campaign in which going all the way with LBJ merely compounded the dangers of being Negro in Mississippi. The challengers nominated state and Congressional candidates. They were barred from the official ballot, so, once again, the FDP held an election of its own.

It was on its summer appeal and its fall effort that the FDP based its assault on the House of Representatives. The credentials were substantial: there was the whole history of discrimination and intimidation, already documented in Atlantic City, and, beyond this, they had worked

to elect the President of the United States.

The FDP went after the five white Mississippi Congressmen, holding that they should be barred from their seats because of election discrimination and that the House itself was constitutionally required to keep the seats open since they were contested. The challengers also tried to get the seats for three of their own candidates.

They failed. This time, however, there were gains. When the House reconvened January 4, liberal Congressmen headed by Democrat William Fitts Ryan of New York, had as a first order of business Ryan's "Fairness Resolution." The proponents refused to support the three women—Mrs. Hamer, Mrs. Annie Devine and Mrs. Victoria Gray, but in going for the different goal of investigating the election of the five Mississippians, they got more than anyone hoped for: 149 Congressmen voted against seating the white Mississippians, a staggering accomplishment in light of the fact that Administration forces turned out to avoid a showdown. Of even greater consequence, the investigation itself was set in motion.

That investigation, made in the spotlight of national publicity, produced a Gibraltar of evidence that Mississippi's election processes were fraudulent.

It looked, after Selma and the President's "We Shall Overcome" speech, as though 1965 might just be the year when voting abuses in the South would be torn out by the roots. In the weeks and months that followed, it became clear that that first-glance optimism was unwarranted. The issue turned on whether political equality should come through the seating challenge or the slower workings of a new voting law.

It was May 17, two months after the President's appeal to the joint session of Congress, before the Senate passed a voting bill. It was July 9 before the House acted. A tortuous House-Senate conference dragged the issue through July, despite the disintegration of the Dixie bloc which held up the 1964 Civil Rights Bill, a much stickier issue than the 1965 law. The President put his signature on the voting rights law, finally, at the beginning of August.

It has been a long and bloody road from the fearsome beginnings in southwest Mississippi in 1961. Certainly, conditions under which Negro Mississippians vote will continue to improve. The challengers who sang "We Shall Overcome" at the birthday party in Atlantic City have made a point, if not THE point.

In a sense, they are victims of the slow, legal process which they wish to join. But if they are victims, so, too, like the Democratic Party in Atlantic City, is the American government. Like that convention, it is faced with the truth required of a literal reading of the Declaration of Independence. It is difficult to be pure, and that is the course which the challengers have asked their government to take.

THE CHALLENGE: VOTING RIGHTS AND CONGRESS

In a report to the President of the United States last May 18th, the U. S. Commission on Civil Rights stated:

"The 15th Amendment of the United States Constitution commands that no person shall be deprived of the right to vote by reason of race or color. This requirement of the Constitution which is binding in every state has, in substance, been repudiated and denied in Mississippi. Since 1875, Negroes in Mississippi have been systematically excluded from the franchise by legislative enactment, fraud and violence."

Nearly 100 years ago, the 14th and 15th Amendments were added to the Constitution of the United States in an effort to give full citizenship and voting status to the freed slaves. The state of Mississippi gave the Negro the franchise on the same basis as the white man, ratifying the 14th and 15th Amendments in 1870 as a prerequisite to coming back into the Union. In 1867, more than 60,000 Negroes were on Mississippi's voting rolls.

By 1892, there were only 8,500 Negroes registered.

What happened between 1867 and 1892 is a nightmare in the American Dream. For more than a generation, in reprisal to Reconstruction, Mississippi turned life for the Negro into hell. It was a period of lynchings, armed attacks, economic harassment and other crimes—efficiently calculated to keep the Negro away from the ballot box. The theory worked perfectly. With the opposition crushed, white Mississippians drafted a new constitution which was never submitted to the voters for ratification. The new instrument simply disenfranchised the Negro by establishing literacy qualifications which few were able to pass and poll taxes which the majority couldn't afford to pay. Since 1890, these various devices and a number of other refinements have kept more than 90 percent of Negro Mississippians in what amounts to a condition of servitude.

By now, it would seem that Mississippi's efforts to keep Negroes from the polls have been well enough documented. The U.S. Department of Justice has lawsuits in no less than 30 of the 82 counties. There have been at least five murders since 1961: Herbert Lee, Medgar Evers (whose alleged killer reportedly is a special deputy sheriff) and Chaney, Schwerner and Goodman (whose alleged murderers include the chief law enforcement officers of Neshoba county). And there is the first-hand experience, sometimes brutal, of hundreds of young people and clergymen.

The Mississippi challenge has become far more than an expression of Mississippi Negroes to participate in the political processes of their state and nation.

The Constitution provides that "Each House shall be the judge of the elections, returns and qualifications of its own members. . . ." (Article I, Section 5). Throughout the years each House of the Congress has had to decide whether certain of its members were duly elected and qualified to hold office. Congress has formalized in a series of rules (called Title 2 of the United States Code, Sections 201, et. seq.) the procedures which are to be followed when challenging the validity of a Congressman's or Senator's election.

The Negroes of Mississippi, following these procedures, have challenged the election of all five of their Congressmen. The challengers assert that the five Congressmen were illegally elected because Negroes were systematically excluded from the election processes. Even if the five Congressmen are themselves free of any wrongdoing, the challengers argue, their elections must be voided because they are the fruits of an unconstitutional system.

For many Americans, the Mississippi challenge must seem a new and highly unorthodox procedure. In reality, however, there is nothing new about it. For, in over 40 election contests in the past, the House of Representatives has set aside election results where Negro citizens were excluded from the voting process. The first of these occurred in 1867. Two years later, the House unseated six southern Congressmen, four from Louisiana alone, because their victories had been achieved only by massive intimidation and violence against Negro voters. In 1889 and again in 1895, Congress unseated nine of its members because their elections had been the fruits of fraud, violence and intimidation.

After the turn of the century, as was pointed out earlier, such "legal" devices as the literacy test, the poll tax and the "grandfather clause" eliminated almost all southern Negroes from the voting rolls and so eliminated the need for violence and intimidation at the polls. Consequently, no serious challenges have been brought against southern Congressmen by southern Negroes in this century until this year.

Now the Negro citizens of Mississippi have asked Congress to uphold the 15th Amendment by unseating those Congressmen who have been elected by a state which, as the Civil Rights Commission stated, has repudiated and denied that amendment. The test is whether Congress will put its own house in order.

CHURCHMEN AND THE CHALLENGE

Hundreds of clergymen spent the summer of 1964 in the state of Mississippi on an errand of mercy for which there was no precedent in the history of this country. They, along with hundreds of other young men and women, were challenging a root evil in Mississippi society, voting discrimination against Negroes.

The churchmen shared the Negro's lot, lived in his home, broke the same bread, steamed in the same heat, walked the same miles and was visited by the same (perhaps worse) hatred. When they bled, and there were two such incidents, it turned out that the color was the same.

The 1964 Summer Project was a watershed for the church. The church's representatives went to war, non-violently but quite literally just the same. Along the way, the beginnings of change took shape in Mississippi, and a section of this nation's people were given hope. Not incidentally, many in and out of the religious community were reassured that the church was not always just a talker but a tough, durable campaigner.

The Summer Project didn't begin in the summer; it didn't even begin in 1964. It started after a Federal court cited the Circuit Clerk of Forrest county for contempt in 1963. But for all historical purposes, the Summer Project began January 22, 1964, on a cold, rainy morning in Hattiesburg, home of 53,000 people, two colleges and the Forrest county seat. Visitors in town that day included 51 clergymen.

Registration, said one observer in Hattiesburg in those days, "is a complicated affair." A Negro did not simply walk in the door, apply and be granted status as a voter. It required courage and more than a little moral support to get him to the courthouse in the first place. Once there, his penmanship might disqualify him. If that didn't do it, he might fail a stiff test interpreting a portion of the Constitution. Even then, he faced a 30-day wait before the registrar notified him whether or not he had passed. There was the economic pinch of the poll tax (if you make only five or six dollars a day, you understand what paying a two-dollar poll tax means). And there was the prospect of reprisal, because the applicant's name was printed in the newspaper.

In 1963, the U.S. District Court in Hattiesburg ordered Forrest county Circuit Clerk Theron Lynd to register 43 specified Negroes. Not satisfied with the speed with which Lynd complied, the Student Nonviolent Coordinating Committee, which had been working in Mississippi since 1961, cemented interested rights workers from other organiza-

tions throughout the state into the Council of Federated Organizations (COFO) and decided to turn on a real voter campaign. The first target: Hattiesburg.

Other groups were invited. Four religious agencies responded: The United Presbyterian Church's Commission on Religion and Race, the Presbyterian Interracial Council, the Episcopal Society for Cultural and Racial Unity and the Rabbinical Assembly of America.

Freedom Day was set for January 22, the week when Hattiesburg citizen Paul Johnson became Mississippi's 54th governor and inaugurated his administration with the statement that "Mississippi is a part of this world, whether we like it or not."

The record time for a civil rights demonstration in Mississippi was 15 minutes, so the more than 100 rights workers and clergymen who went down to the courthouse on Freedom Day didn't expect to stay there long. But authorities, with an eye on Hattiesburg's national image, elected to sit out the first round. The demonstrators walked in the rain all day, under the vigilant guard of the police. The same thing happened the next day and the next. Civil rights leader Bob Moses, a thorn in Mississippi's flesh since 1961, was picked off by the police the first day and jailed, but during that first week, the ministers were treated, by normal standards, like honored guests.

It was clear that Hattiesburg wasn't conceding the civil rights struggle, but officials assumed, untypically, that if there was no confrontation, everybody would quietly go away and civil rights could be given a decent burial. The clergymen decided to stay; more were summoned. Hattiesburg promptly and efficiently changed the rules. January 29, one week after the demonstrations began, the first nine clergymen were arrested. It was the first blood Mississippi drew from Yankee churchmen in 1964.

What began as the Hattiesburg Ministers Project, largely under Presbyterian sponsorship for the first few months, but later under the National Council of Churches' Commission on Religion and Race, went on for the rest of the winter and spring and became a major front in the Summer Project campaign. Ministers served on a rotating basis, as volunteers paying their own way or backed by the churches. They demonstrated in support of the Negroes who tackled the courthouse, they canvassed for voting applicants and they worked, where they could, with the white community. They became so generally hated that no one was much surprised when a rabbi from Cleveland, Ohio, was beaten with tire irons—while whites watched—