

What happened on the House Floor January 4th: There has been some confusion about the attempts to unseat the "regular" Democratic congressmen from Mississippi (complicated by incorrect reporting in the San Francisco Chronicle). The following is an outline clarifying the events.

1) As the Mississippi congressmen-elect were to take the oath, Rep. William F. Ryan (Dem-NY), asked that they step aside in light of their dubious right to the office. Ryan planned to present a prepared "Fairness Resolution" to the House. This resolution asked that the right of the five to hold office be referred to the Committee on House Administration, and that they not be sworn in until the House had decided on their right to be seated.

This resolution was based on Article I, Section 5 of the Federal Constitution, and on the 14th and 15th Amendments. It had the full support of:

American Jewish Congress
American Veterans Committee
Americans for Democratic Action
Anti-Defamation League of B'nai B'rith
Catholic Interracial Council
Commission on Religion and Race,
National Council of Churches
Congress of Racial Equality
Council for Christian Social Action
Nat'l Catholic Conf. for Interracial
Justice

United Church of Christ
I.U.E.
Jewish War Veterans
NAACP
Nat'l Council of Catholic Women
Nat'l Student Association
Presbyterian Interracial Council
Southern Christian Leadership
Council
S.N.C.C.
Urban League

House Speaker McCormack then called on Rep. Carl Albert, House Majority Leader to move that the Mississippians be seated. Ryan asked whether such a motion if passed would nullify his resolution. He was told it would. A roll call vote was called on whether the Albert motion would be voted on immediately. This motion was passed 276 to 148. The Albert motion was then passed.

The Ryan "Fairness Resolution" never reached the House floor.

2) The three MFDP Freedom Vote contestants, Mrs. Gray, Mrs. Hamer, and Mrs. Devine, sought access to the floor of the House, not declaring their right to replace the Mississippi congressmen-elect in the contested seats, but as contestants who wished to avail themselves of the business of the Congress during the period of contest so that in the event that contest was decided in their favor they would have sufficient background to function effectively. This right was granted to principals in past contested elections both by precedent and by House Rule XXXII. The three were turned away at the door by Chief Schamp of the Capitol Police.

3) The Ryan Fairness Resolution, as seen in the text, does not rely on the separate challenge of the MFDP's which is based on Title 2 of U.S. Code, Section 201, et. seq. This Statute allows "any person" to challenge an election on the grounds of intimidation and exclusion of eligible voters. There is considerable background and precedent for the use of this Statute; it has been used a number of times since its enactment in 1851, often resulting in the setting aside of an election and the seating of a contestant. The contestant, moreover need not have been an official in the election. There is a possibility that the candi-

dates elected on the Freedom Ballot may be entitled to the contested seats on the grounds that there was no racial discrimination in their election.

4) The seats are still in contest. There is a prescribed challenging procedure to be carried out by both sides. The first step was taken by the three MFDP candidates who filed a "Notice of Intention to Contest Election Pursuant to Title 2 U.S.C. Sec. 201." The challenged members had to reply within 30 days.

On January 4, former-Governor of Mississippi Coleman personally handed the replies of the four challenged Democrats to Mrs. Hamer, Mrs. Gray, and Mrs. Devine outside the House building.

What Happens Now

The MFDP candidates have a period of 40 days within which to use federal subpoena to take testimony throughout the state of Mississippi in support of their challenge. This period for full public testimony will run until approximately February 10. This is a crucial period.

The challenged representatives then have 40 days to take what testimony they want. If they do, this period will take until March 20. Further legal submissions of all parties will take until July. At this point the entire question is put before the Subcommittee on Elections and Privileges of the House. The Subcommittee may or may not hold formal public hearings: it will then vote and present its position in a resolution to the House. The challenge will come to a head sometime in July.

Jeff Freed, Chairman of the S.F. State College Friends of SNCC accurately anticipated what was involved in the MFDP Challenge. Writing in December, 1964, he said "The whole challenge is a precedent-setting action; there has been no other time in American history when the people of the United States have directly challenged the right of Congressmen to represent them. This is not an impeachment proceeding... this is a conflict between the will of the people and the practices of organized politics in the United States...this Challenge will probably become the major domestic issue in 1965 in the area of civil rights."

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