

M E M O R A N D U M

CONGRESS OF RACIAL EQUALITY
 38 Park Row
 New York, New York
 April 8, 1965

The following MFDP memo is a little dated, but was reproduced for distribution because it contains much relevant information. G.S.

MFDP MEMO ON LOBBYING

SECOND STATE OF CONGRESSIONAL CHALLENGE - JANUARY 17, 1965

WHAT DO WE ASK CONGRESSMEN TO DO

Very simply, UNSEAT THE MISSISSIPPI CONGRESSMEN. There is already massive evidence of Mississippi's blatant violation of the constitution by officially sanction disenfranchisement of her Negro citizens. Our lawyers are in Mississippi taking depositions regarding the wide spread terror and intimidation which supports the racist political structure of the state.

On the basis of the facts, already well known, we want adommitment from congressmen that when the issue reaches the Floor of the House they will vote against the seating of the illegally selected representatives from Mississippi.

WHEN WILL THE MATTER BE REPORTED TO THE HOUSE FOR A VOTE

The Committee on Elections can report back to the House anytime within the next six months--or if they so choose, never report back. You know the composition of the Committee; seven southern Democrats: Ashmore (SC), Chairman, Abbitt (VA.) Waggoner (La.), Perkins (Kentucky), Gibbons (Fla.), Davis (Ga.). There is obviously very little we can expect from this committee. We therefore should be prepared with commitments for unseating to meet all emergencies.

ORGANIZING FOR CONGRESSIONAL SUPPORT

There are many ways to line up support. All or some of the following suggestions might be valuable for your local community.

1. Letters to congressmen congratulating them, or rebuking (gertly) as the case may be, on their vote on the fairness resolution; and asking for future support.
2. Visits to congressmen at their home office, or a home delegation coming to see them in Washington.
3. Contact State Democratic and Republican Committees, State Legislatures, City Council, prominent individuals for resolutions of support which could be publicly announced.

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4. Enlist other political, civic, church union organizations to pass resolutions of support and publicize action.
5. Mass petition drive and letter writing campaign.
6. Large public meetings in support of the challenge. FDP will supply speakers.

ANY MEANS WHICH WILL KEEP THE CHALLENGE IN THE PUBLIC EYE

QUESTIONS YOU SHOULD BE PREPARED TO ANSWER

Q. What is the basis of our challenge?

- A. The elections held in Mississippi were in violation of the constitution and the laws of the U.S. and are therefore void. Mississippi has blatantly violated the 14th and 15th amendments by mass disenfranchisement of the Negro population through the use of government procedures and by terror intimidation and economic reprisals. Mississippi has also been in continual violation of a federal statute passed in 1870 which stipulates that she would be admitted to representation in Congress on the condition that the then existing constitutional qualifications to vote would "never be amended or changed so as to deprive any citizen of the right to vote.

Evidence: Of the 500,000 Negroes in Mississippi who met age and residency requirements, only 22,000 (about 5%) are registered to vote. While 500,000 or 67% of whites of voting age are registered.

Q. Why should a northern congressman vote for unseating?

- A. There is ample evidence to prove the unconstitutional exclusion of Negroes from the right of the ballot. The racist political structure of Mississippi is well known. The lawlessness of this state is an American problem, one which every northern congressman knows. The moral issue being clean, the congressman should also be aware of the total political significance. As long as the southern Democrats are unchallenged and allowed to build up seniority rights, they will be a bottle neck to all progressive legislation. These men have provided roadblocks to legislation aimed at alleviating the entrenched problems of housing, employment, and education. They have been in opposition to all public housing, all foreign aid, all mass transit, all school aid, area redevelopment and public power facilities, the Peace Corps, the War on Poverty, Public libraries for rural areas, any change in immigration laws and for speeding up deportation and exclusion procedures, and of course all civil rights legislation. Northern congressmen can be reminded of their horror of the race riots and that only through the passage of legislation alleviating the problems of the northern ghettos can there be hope.

Q. If one supports the FDP challenged, doesn't that also mean recognizing our contestants rights to sit in Congress.

- A. No, the first step must be voiding the elections and unseating the purported congressmen. The seating of our candidates would be an independent

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judgement made by congress once the unseating takes place.

Q. What is the basis for seating the three MFDP candidates?

A. Our candidates did qualify for the regular elections by gathering petitions with 1,000 valid signatures of registered voters, which meets the requirements of Mississippi law. These petitions were capriciously rejected by the Secretary of State. It is our contention that a legal void was created and the elections run by the Freedom Democratic Party were the only free and Democratic elections held in Mississippi. On this question avoid getting into debate. If asked, present our viewpoint and that we feel a credible legal argument is made, and really the question is now one of political judgement. Also, we are now only asking congressmen to support the unseating of the Mississippi congressmen. - emphasis added - G.W.

Q. In order to be entitled to use statutory procedure don't you have to be a claimant in the election?

A. No, the statute reads: "Whenever any person intends to contest an election to the House of Representatives..." Also, Mrs. Hamer, Devine and Gray are valid contestants on the basis that their petition to be on the ballot were illegally denied.

Q. When the Fairness Resolution was defeated, didn't that end the challenge?

A. No, they are two separate acts. Through the statutory procedure, once we file our Notice of Challenge, it then automatically becomes business of the House Sub-committee on Elections of the House Administration Committee. The Fairness Resolution only aided us in focusing attention on the Challenge.

Q. Why don't we file our suit against Mississippi election through the courts?

A. Article I of the Constitution specifically says that the House of Representatives "shall be the Judge of the Elections, Returns and Qualifications of its own Members."

PLEASE KEEP THE WASHINGTON OFFICE INFORMED REGULARLY ON LOCAL CONGRESSIONAL ACTIVITIES.

Additional information may be obtained from the MFDP office in Washington. Maxine Skurka in the National Office of CORE can supply you with the voting position of your Congressmen on the January 4th attempt to unseat the Mississippi regulars. Send his name and state on a self-addressed postcard. G.W.