

FACT SHEET on MISSISSIPPI FREEDOM DEMOCRATIC PARTY'S
STATUTORY CHALLENGE AND CONTEST OF MISSISSIPPI'S 5
SEATS IN THE HOUSE OF REPRESENTATIVES, served Dec. 4, 1964

The challenge and statutory contest of the 5 persons claiming Mississippi's seats in the House of Representatives by virtue of the primary and general elections of 1964 was begun on December 4, 1964 by the Mississippi Freedom Democratic Party and its candidates for 3 of Mississippi's seats.

As reported in the New York Times fo December 5, 1964, pursuant to Title 2, United States Code Sections 201-226, Freedom candidate Mrs. Victoria Gray served statutory notice on Representative William M. Colmer, Mrs. Annie Devine served the statutory notice of contest on Representative-elect Prentiss Walker, and Mrs. Fannie Lou Hamer served notice on Representative Jamie L. Whitten. If the challenge is successful, special elections will be called to fill the other two seats presently claimed by Representatives Thomas G. Abernathy and John Bell Williams.

Freedom candidates, elected in the special election conducted by the MFDP, were unconstitutionally and illegally barred from the ballot in the so-called regular Mississippi elections and the procedures of the MFDP election were the only constitutional procedures observed in the state.

The challenge is based upon the primary fact that 95% of constitutionally eligible Negro citizens are denied the right to vote in Mississippi and are systematically excluded from all the political processes of the state, in violation of the constitutional provision that the House of Representatives be elected by all of the people. 42% of Mississippi's electorate was barred from voting in 1964.

A further ground for the challenge is that since 1890 Mississippi has openly nullified the condition upon which it was re-admitted to representation in Congress, that is, the good faith ratification of the 14th and 15th Amendments to the Constitution and the condition that no qualifications for voting expressly forbidden by the Constitution be added to Mississippi's own Constitution or laws.

The process of the challenge requires outside support independent of the internal politics of the Congress. Those challenged on December 4 have 30 days in which to answer; then the statute provides for 90 days of taking evidence on the factual allegations in the notices, 40 days by the challengers, 40 days by the challenged, and 10 days by the challengers. This evidence on the denial of the vote to Negroes will be taken in Mississippi in January and February. Then the evidence is sent to the House of Representatives where all or some part of it is printed. Then the challengers have 30 days to file a brief, and the challenged 30 days to reply. Then the controversy goes to Subcommittee on Elections and Privileges and it may have formal public hearings and present a resolution to the House.

On the opening day of Congress, January 4, 1965, a resolution will be introduced on the floor of the House resolving that in fairness to those disenfranchised, no person claiming the seats from Mississippi shall be allowed to take the oath or sit until this contest or challenge is decided by the House.

(over please)

SNCC GROUPS AND THEIR FRIENDS AND SUPPORTERS MUST, IN THE LAST THREE WEEKS IN DECEMBER DO THE FOLLOWING:

1. Disseminate to as wide an audience as possible the real issues
2. Create local interest which will influence Congressman to support FDP
3. Contact congressmen when they are home at Christmas and urge them:
 - A. to support the challenge and the delayed seating fairness motion
 - B. to co-author or vote for the delayed seating fairness resolution
 - C. to request a roll-call vote on all issues concerning the contest

Delegations are being organized by Friends of SNCC Groups- contact your local SNCC group or arrange your own delegation in other areas. Try to take a returned Mississippi volunteer on your visit.

4. Report to MFDP at 1353 U St, NW, Washington DC on the interviews.
5. Devise a form for publicizing whatever support your congressman may give and publicize the challenge in all your organizations and groups
6. Request personally of the press, radio and television media that they report the progress of the challenge
7. DEVELOP A CAMPAIGN OF LETTER WRITING and PETITIONS OF SUPPORT TO THE CHALLENGE AND DELAYED SEATING RESOLUTION TO CONGRESSMEN IN WASHINGTON; TO HOUSE COMMITTEE ON ELECTIONS, AND TO SPEAKER McCORMACK
8. Distribute this fact sheet, SNCC pamphlet "Subversion of the Right-to Vote", facts of challenge to friends in other congressional districts.
9. Urge prominent community figures to support challenge, publicize statements, and GO TO MISSISSIPPI TO OBSERVE EVIDENCE TAKING

For further information, contact local SNCC group or Fay Stender, 2608 Milvia St., Berkeley

Copies of actual notice with 30 pages of documentation may be borrowed to show the congressmen.

Remember: Statutory notices detail laws and physical acts denying Negroes the vote. 100,000 of Mississippi's 400,000 eligible voters registered with MFDP. 28,000 Negroes were permitted to register by the state of Mississippi.