

Proceedings
of the
DEMOCRATIC NATIONAL CONVENTION

1964



CREDENTIALS COMMITTEE
ATLANTIC CITY, NEW JERSEY
AUGUST 22, 1964

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MEETING OF THE CREDENTIALS COMMITTEE

DEMOCRATIC NATIONAL CONVENTION

2:55 P.M.
Saturday,
August 22, 1964

Convention Hall
Atlantic City, New Jersey

1 CHAIRMAN LAWRENCE: The committee will please be
2 in order.

3 Ladies and gentlemen, we want to start out in the
4 right fashion by having order. We don't want any side bar
5 conferences around here either in front or in back of the
6 platform. If you want to have any meetings or discussions,
7 get beyond the curtains and don't disturb the meeting. We
8 want to proceed in an orderly fashion.

9 As many of you know, I have been to every Democratic
10 Convention since 1912, when we met in Baltimore and nominated
11 Woodrow Wilson. Never in all that time have we ever come
12 together in greater unity as to the candidates and the plat-
13 form as we have here in Atlantic City. We will nominate
14 Lyndon Johnson for President by acclamation. We will nomi-
15 nate the person he designates as his choice for Vice
16 President by acclamation. And we will adopt a platform
17 written in the context of four years of unparalleled
18 accomplishment by the Kennedy and Johnson Administration, by
19 acclamation.

20 There are no contests for office and little, if
21 any, disagreement on issues. This certainly is as it should
22 be, because we are rightfully proud of the leadership and
23 achievements of the Democratic Administration, and the
24 Democratic Congress, and we are determined that America shall
25 continue to prosper under this leadership for the next four

1 years. It goes without saying that we are dismayed and
2 alarmed at the shenanigans and the actions of the Republicans
3 in San Francisco, and we must make certain that the re-
4 pudiation of that Party at the polls next November is sweep-
5 ing and overwhelming.

6 Therefore, it behooves us all to conduct ourselves
7 in accord with the atmosphere in which we convene. This is
8 not to say that important points will not be raised or
9 that difficult decisions do not lie ahead. It is to suggest,
10 however, that we hear those points and we reach those
11 decisions based on fact and reason, and that we keep upper-
12 most in our minds our united goal, which is a smashing
13 Democratic victory this fall throughout the Nation.

14 While some of these cases are charged with emotion,
15 understandably, it is our duty, as the hearing tribunal,
16 to listen to the arguments dispassionately and to reach a
17 conclusion which is both legal and proper.

18 I pointed out earlier that we meet in an atmosphere
19 of harmony and unity as far as candidates and platform are
20 concerned. We meet also, ladies and gentlemen, on an
21 anniversary, at a time nine months, almost, to the very
22 hour since President Kennedy was struck down by an assassin's
23 bullets. That day we will remember to the end of our days,
24 with sadness and grief that will never be truly solaced or
25 fully removed. But let us remember as well what President

1 Kennedy said and did for this country. Let us remember his
2 efforts to both correct grievances and retain national unity.
3 Let us remember his calm and his reason, his capacity to
4 think beyond the immediate problems to the days ahead, his
5 determination to alert the American people to both the great-
6 ness which this country holds and their individual respon-
7 sibility in helping to achieve that greatness; and let us
8 remember also what has happened in the 275 days since that
9 tragic November noontime.

10 Let us never forget how Lyndon Johnson picked up
11 the torch and has held it high, with no falter on his part
12 and no dimming of the brightness of its glow.

13 We have, ladies and gentlemen, a tremendous
14 obligation to the Party, to the two great Presidents who have
15 led us, to America and to ourselves. Let us bear that
16 obligation with honor and with determination, and seek to
17 resolve the differences brought before us in justice and
18 with reason.

19 Let us conduct ourselves in adherence and in con-
20 cert with the thought expressed in the following words which
21 John F. Kennedy was never able to speak in Dallas nine
22 months ago today.

23 He said, "We in this country, in this generation,
24 are, by destiny rather than choice, the watchmen on the walls
25 of world freedom. We ask, therefore, that we may be worthy

1 of our power and responsibility, that we may exercise our
2 strength with wisdom and restraint; and that we may achieve
3 in our time, and for all time, the ancient vision of peace on
4 earth, good will toward men.

5 "That must always be our goal; and the righteous-
6 ness of our cause must always underlie our strength."

7 Ladies and gentlemen, let me re-read those words
8 written by the President within hours of his passing away:

9 "We in this country, in this generation, are by
10 destiny, rather than choice, the watchmen on the walls of
11 world freedom. We ask, therefore, that we may be worthy of
12 our power and responsibility that we may exercise our
13 strength with wisdom and restraint, and that we may achieve
14 in our time, for all time, the ancient vision of peace on
15 earth, good will toward men. That must always be our goal;
16 and the righteous ness of our cause must always underlie our
17 strength."

18 They are the words, ladies and gentlemen, that we
19 can well be guided by in the hours that lie immediately
20 ahead.

21 Now I want to call to the rostrum the Counsel for
22 the Committee, Mr. Leventhal, who has served in this capacity
23 for many years. No man in our country is better versed in
24 the rules of the Party and the precedents of previous Con-
25 ventions than Harold Leventhal.

Reys/kp
fls pk

REMARKS OF HON. HAROLD LEVENTHAL

GENERAL COUNSEL, DEMOCRATIC NATIONAL COMMITTEE

MR. LEVENTHAL: The committee is gathered today and has before it for consideration four contests and one contest for resolution.

The four contests involve three contests which go to the entire delegations from the State of Mississippi, from Puerto Rico, and from the Territory of the Virgin Islands.

There is also a contest which involves the seating of certain alternates from the State of Oregon.

In addition, we have before us a challenge to the seating of the delegation from the State of Alabama.

In past conventions, the proceedings and deliberations of this committee have been on the basis of a temporary roll which has been certified to the convention by the Democratic National Committee.

This morning, the Democratic National Committee followed a precedent which it had established in 1960, and did not certify any person whose names were subject to a contest or challenge on to the temporary roll.

It is our plan to take these matters up in the alphabetical order of the states involved. We will begin, therefore, with the State of Alabama. We had previously notified the parties involved that, in general, one-half

2 1 hour would be provided for each side in the case of con-
2 tests, except that additional time could be granted upon
3 request. The request was made in the case of Miss ppi
4 for additional time. So, there will be one hour each
5 side.

6 Also, after the presentation, it is in order for
7 members of the committee to address questions to counsel or
8 to other participants, which we hope will not be unduly pro-
9 longed, but which, nevertheless, are in order to indicate
10 the problems or to obtain additional information. Such
11 time, of course, will not be charged against any of the
12 persons involved.

13 If I may, I would like to begin by setting the
14 state for the Alabama matter, and indicate the nature of the
15 problem before this committee.

16 I believe you members of the committee have been
17 furnished with copies of the manual, prepared by the late
18 and esteemed Mr. Clarence Cannon, our Party's Parliamentarian
19 for many years. It sets forth on page 15 the call sent
20 out by the Democratic National Committee for the 1964
21 Democratic National Convention.

22 One of the paragraphs of that call which is par-
23 ticularly involved in the Alabama question appears on
24 page 15. For the benefit of those who don't have a copy
25 handy, I will read it. It is short.

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"Be it resolved by the Democratic National

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Committee that:

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(1) It is the understanding that a State Democratic Party in selecting and certifying delegates to the Democratic National Convention thereby undertakes to assure that voters in the State will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention, and for electors pledged formally or in good conscience to the election of these Presidential and Vice Presidential nominees, under the Democratic Party label and designation..."

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The situation appears to be, in the State of Alabama, that the result of their statutes, the action of the State Democratic Committee, and the voters in a primary last May have combined to reach a result whereby the candidates for the office of Presidential elector under the Democratic Party label will not be pledged formally or in good conscience to the election of the nominees of this Convention, but, in fact, have run on the basis that they are and will remain unpledged.

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May I refer for your consideration to the second paragraph of the call, because I should state that since this call was adopted in 1956 as the recommendation of a special committee which was chaired by former Chairman Steven Mitchell, and which had as Vice Chairman Governor

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1 Battle of Virginia and Senator Humphrey of Minnesota,
2 we have not had this precise question presented, as to
3 what is the consequence if it should appear, indeed, that
4 a state party is unable to give the assurance referred to
5 in the first paragraph of the call which I have just read.

6 In connection with the consideration of this
7 committee as to what may be appropriately developed as a
8 means of handling the problem for your consideration, I
9 call attention to the second paragraph of that resolution
10 which also appears on page 15, and which provides:

11 "(2) It is understood that the Delegates to the
12 Democratic National Convention, when certified by the
13 State Democratic Party, are bona fide Democrats who have
14 the interests, welfare and success of the Democratic Party
15 at heart, and will participate in the Convention in good faith,
16 and therefore no additional assurances shall be required of
17 Delegates to the Democratic National Convention in the
18 absence of credentials contest or challenge..."

19 These last words, "In the absence of credentials
20 contest or challenge," are to be read in the light of
21 Presidents in prior conventions where, in the presence of
22 credentials contest or challenge it was deemed in order by
23 the committee considering the matter to seek assurances from
24 the persons involved that they would support or intended to
25 support the Nominees of the convention.

5 1 The matter of state law being involved, we deemed
2 it appropriate to obtain authentic information as to the
3 picture under the state law. Governor Lawrence requested
4 the Attorney General of Alabama, Mr. Flowers, to please
5 come to this committee meeting to present his understanding
6 of the situation.

7 Is Mr. Flowers in the room?

8 Will you step forward, please, to that table?

9 REMARKS OF RICHMOND FLOWERS,

10 ATTORNEY GENERAL, STATE OF ALABAMA

11 MR. LEVENTHAL: Mr. Flowers, the particular ques-
12 tion is that the Chairman has asked be presented to you as
13 to the state law involved, for purposes of the guidance of
14 this committee, are these: Whether, under the state law as
15 it now exists there can be an opportunity for the voters in
16 the State of Alabama to find a place on their ballot for
17 electors pledged to the nominees of the Democratic National
18 Convention; whether it is possible for those voters in
19 the State of Alabama who wished to vote the Democratic Party
20 ticket can do so and still vote for electors pledged to
21 support nominees of this Convention; and, third, whether
22 there is anything in the state law which would prohibit a
23 delegate to this Convention who was elected to that party
24 office in the primary held in May, 1964, from giving
25 assurance to this Convention of his intention to support the

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1 nominees of this Convention, and if unpledged electors are
2 successful, if there are no Pledged electors, and if an
3 unpledged elector was successful, whether the State law
4 would permit the delegates to this Convention from giving
5 assurance to this Convention, formal assurance to this
6 Convention, that they would at least use all honorable and
7 lawful means available to them to persuade the independent
8 electors, if they are electors, to cast their votes in the
9 electoral college for the nominees of this Convention.

10 Will you please speak, sir, to that situation,
11 and to those questions when you review the situation as
12 it now exists under the laws of Alabama.

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Cantor
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at 3:15

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MR. FLOWERS: Thank you, sir. I have a statement

MR. GOODWIN: Mr. Chairman, I have asked a point of order. We realize that the Chair has every right to have the gentleman speak as he sees fit, and we want to grant the Chair that privilege.

We do want to say right here and now that the gentleman is not an elected delegate from the State of Alabama. He has no elected capacity to represent the State of Alabama.

We have duly represented legal authorities who are here with us who can state this case, and as far as we are concerned we believe that we can present this case.

Now if the chair wants to hear this gentleman from the State of Alabama, to explain the legal proceedings of voting, that is fine, and it is alright with us, but we just want to bring that out as a point of order, that he is not an elected delegate, and we are elected by the people of the State of Alabama to represent them.

A VOICE: Mr. Chairman, we haven't heard a word.

CHAIRMAN LAWRENCE. I wish we could arrange some system whereby a member of the committee or anyone speaking could get to a microphone so that the members of the committee at least, and also the members of the press, can hear what has been said.

In answer to the gentleman, I would like to say,

1 as our counsel pointed out, I am responsible for the
2 Attorney General of Alabama being here. I had occasion to
3 talk with him the other day, and there is considerable
4 confusion on all sides as to what the status of Alabama is.

5 And so I thought that when I asked him, and he
6 agreed to come, that we could get an explanation from him,
7 and when he is finished we will be glad to hear from the
8 gentleman who had the floor just a minute ago. All right,
9 go right ahead.

10 MR. FLOWERS: Thank you, sir. Governor, I am
11 well aware of the fact that many of the delegates here
12 today do not desire to hear my presentation.

13 Ladies and gentlemen: I am Richmond Flowers,
14 Attorney General of Alabama, nominated in a statewide
15 Democratic Primary and elected by a substantial majority
16 from my state. I speak to you today as a National Democrat.
17 No officeholder in Alabama, be they National, State or
18 Local has been more outspoken for the Democratic Party than
19 I have while it was being assailed by the Governor. The
20 titular head of our party in Alabama, for reasons I do not
21 question or care to discuss here today, does not verbally
22 support the national party.

23 However, in early May a Democratic Primary was
24 held in Alabama and ten men ran as loyal Democrats or
25 pledged electors. In this same primary they were opposed

1 by ten other Democrats. Now these pledged electors, if
2 elected, were pledged to vote for the nominee of the party
3 selected at this convention. These candidates were opposed
4 by ten men who were unpledged electors. These candidates
5 stated they would vote for someone who would be helpful to
6 or sympathetic with the South's position of segregation. I
7 worked in this campaign for the pledged electors. The
8 Governor asked the people of our State, as an endorsement
9 of his candidacy for President, to support the unpledged
10 slate. We were defeated overwhelmingly. Shortly after
11 the opposition party nominated the Senator from Arizona,
12 Governor Wallace quit the race for President stating he had
13 accomplished his purpose. Now these electors, that have
14 qualified -- remember this, these electors that qualified --
15 with the State Democratic Executive Committee, run in a
16 Democratic Primary, and were elected by a majority of the
17 Democratic electorate will have their names placed on the
18 ballot under the Democratic Roster in November. These men
19 have been life-long members of the Democratic Party. They
20 are not pledged to vote for or against anyone. They could
21 vote for President Johnson. Frankly, I don't think they
22 would unless they were instructed to do so by the Governor.
23 However, the fact remains they could, if they wanted to.
24 There has been strong speculation that they would resign
25 after this convention and allow Johnson electors to be

1 placed on the ballot. Since our Governor quit the race for
2 President, today in Alabama, I believe the opposition
3 candidate would carry the State. Because of this ridiculous
4 position, the unpledged electors, in my opinion, would like
5 to get off the ballot and allow Johnson electors to take
6 the defeat. I personally wish they would and, I for one,
7 would be happy to work for and campaign to carry Alabama
8 Democratic.

9 Ladies and gentlemen, there is no doubt as to the
10 outcome of this convention. Just as sure as the night
11 follows the day -- President Johnson will be nominated and
12 his choice for Vice President will be nominated by this
13 great body. Today in Alabama there are a great many
14 Democrats that deeply resent their party's situation.
15 Already, there are plans being laid to work harder --

16 CHAIRMAN LAWRENCE: General, if I may interrupt,
17 we might be getting a little far afield. I understand your
18 coming here was to explain the legal situation as it
19 presents itself in Alabama.

20 MR. FLOWERS: Yes, sir. I ask, Governor, if you
21 will, for this delegation to be seated for this reason.

22 These people have run in a Democratic Primary at
23 the same time friends, and this is what is hard to explain,
24 on the same ticket and at the same time that the electors
25 ran. Many of the electors -- many of the delegates to

1 this convention ran on a loyalist ticket. They ran saying
2 that they would go to the convention, they would support
3 President Johnson. They would vote for President Johnson,
4 and they had very heated races.

5 Some of them were successful and some of the
6 delegates that you seek to unseat here today were elected
7 to come here and support President Johnson.

8 When the unpledged electors were elected, the
9 delegates here that you seek to unseat had absolutely
10 nothing to do with that, and under our law, which has been
11 tested in our courts, this is allowable. These electors
12 are not pledged to vote against anyone. They are just
13 exactly what you say, unpledged electors.

14 As far, sir, as assurances, I see no objection
15 whatsoever to the members of this delegation that would
16 like to give you further assurances that they will not
17 support the Republicans, because the electors signed such
18 an oath when they were elected, that they would not support
19 the Republican nominee, and if the members of our --

20 CHAIRMAN LAWRENCE: Or any other independent.

21 MR. FLOWERS: -- or any other independent. Yes,
22 sir, they are pledged to vote for a Democrat. And if you
23 want any further assurances, and it is completely within
24 our law that they would not support the Republican nominee,
25 those that do not want to do what they can for the nominee

1 of this party, sir, I say that then possibly they should
2 not be seated.

3 Bu if a man will run in a Democratic Primary,
4 come here and tell you he will do everything he can do to
5 help the nominee, then I think he should be seated, and
6 that, sir, is my position.

7 CHAIRMAN LAWRENCE: Now we will be happy to
8 hear from the spokesman -- will you stand by, General -- the
9 spokesman for the Alabama delegation. I wish that each
10 person will identify himself as soon as he arrives to talk.
11 I understand we can have a mike brought to them, so it can
12 be carried.

13 REMARKS OF THE HONORABLE EARL GOODWIN,
14 DELEGATE FROM ALABAMA

15 MR. GOODWIN: Mr. Chairman, delegates to the
16 convention, ladies and gentlemen, I am Earl Goodwin, a
17 member of the Credentials Committee elected by the voters
18 of the State of Alabama.

19 I am kind of like the man who is out in strange
20 territory and he got in a poker game and they caught him
21 dealing from the bottom of the deck, and the next day at
22 his funeral the preacher was going through the ceremony
23 and he got to that part and he said, "Is there anybody
24 here who would like to say something about the departed
25 brother?"

1 And there was a strained silence, and finally a
2 man in the back of the room got up and said to the preacher:

3 "If there ain't nobody going to say anything, I'd
4 like to say a few words for Texas."

5 (Laughter.)

6 I am not going to take much of your time. I would
7 like to say a few words for the delegation from Alabama.

8 As you know, down through the pages of history,
9 Alabama has always been recognized as traditionally a
10 Democratic State. There are delegates here who have been
11 chosen by a convention. There are delegates here who have
12 been hand-picked, not from Alabama, from States who have
13 not always been traditionally Democratic.

14 So I say to you folks here and now that you have
15 a better chance of taking the State of Alabama, come
16 November, if you seat this delegation now, and I would hate
17 to see you not seat this delegation, and have them come back
18 and have this come back to you in November to haunt you.

19 So it is in your hands. We ask you to seat this
20 delegation, and I thank you very much.

21 CHAIRMAN LAWRENCE: Does any member of the
22 committee have any questions they would like to ask of
23 either the Attorney General or the gentleman who spoke for
24 the Alabama delegation? Will you rise and announce your
25 name so we can locate you and get a microphone to you. I

1 thought I heard somebody. Apparently not.

2 MR. ENGLISH: Governor, my name is John English
3 from New York. I would like to ask the Attorney General
4 from Alabama the question -- are any of the electors
5 delegates?

6 MR. FLOWERS: No, sir, completely separate ballots.

7 CHAIRMAN LAWRENCE: Are there any other questions?

8 If not, we will move on to the next State. There
9 is a question back there.

10 MR. CASHINS: May I have a microphone.

11 MR. CLARK: Does everybody get a chance to speak
12 if he is announced? I ask for the right to speak, Mr.
13 Chairman. I thought only the committee people here on this
14 committee were supposed to speak. I ask the question. If
15 he is a delegate, I am a delegate, I demand my rights to
16 ask questions and be heard.

17 CHAIRMAN LAWRENCE: Are you a member of the
18 delegation of the committee?

19 MR. CASHINS: I am not a member of the Alabama
20 delegation, sir.

21 MR. CLARK: I ask you to rule him out of order.
22 I am Harry P. Clark from Mobile, a delegate from Alabama.
23 Mr. Chairman, please rule him out of order.

24 MR. LEVENTHAL: I think the point of order is
25 well taken, Mr. Chairman. He has no right to speak except

1 as someone is a witness or is asked questions by members of
2 the committee or is put forward as a witness. I may say --

3 CHAIRMAN LAWRENCE: All right, that is all. We
4 will move on to the next State. In this instance it is
5 Mississippi. Are the representatives here to present the
6 case pro and con for Mississippi? In the case of Mississippi
7 -- order please. Let's not have any of these sideline
8 conferences. Let's keep right to the --

9 MR. CLARK: Mr. Chairman, keep order and we won't
10 do it.

11 CHAIRMAN LAWRENCE: In the case of Mississippi,
12 the committee will hear first from the Mississippi Freedom
13 Democratic Party delegates, and then from the delegates
14 certified by the State committee.

15 Mr. Rauh?

16 MR. RAUH: Mr. Chairman, members --

17 CHAIRMAN LAWRENCE: Ladies and gentlemen, this is
18 Joseph L. Rauh, a committeeman from the District of
19 Columbia, a member of the committee.

20 MR. RAUH: Mr. Chairman, members of the
21 credentials committee, I have only an hour to tell you the
22 story of terror and tragedy in Mississippi. I hope they
23 won't count the time it takes to get the witnesses from
24 over there up here, but we will do the best we can to
25 expedite it.

1 In this hour I shall show you that the Mississippi
2 Freedom Democratic Party is the loyal, legal, and long-
3 suffering body of Mississippi.

4 The first witness is the chairman of our delegation,
5 the president of the N.A.A.C.P. in Mississippi, a successful
6 businessman from Clarksdale, Mississippi, Mr. Aaron Henry.

7 REMARKS OF AARON HENRY

8 MR. HENRY: Mr. Chairman, members of the Creden-
9 tials Committee of the National Democratic Party, when we
10 left home we felt that our appearance before you today, in
11 all probability would lead to our arrest when we return at
12 home, because the Attorney General of our State, Mr. Joe
13 Patterson, has secured an injunction against our attending
14 this very convention.

15 He stated publicly in the event that we came,
16 that we would be cited for contempt and dealt with in that
17 light. But, sir, if jail is the price that we must pay for
18 our efforts to be of benefit to America, to the National
19 Democratic Party, and to Mississippi then nothing could be
20 more redemptive. Since our arrival here, however, we have
21 learned that the injunction has been modified.

22 The position of the Mississippi Freedom
23 Democratic Party is clearly identified on the side of the
24 National Democratic Party. We are willing to work with all
25 loyal Democrats in the State of Mississippi who will work

1 for the election of President Lyndon Johnson. The
2 Mississippi Freedom Democratic Party is great enough to
3 include all loyal Democrats. We want to minimize our
4 differences and maximize our chances for carrying the State
5 of Mississippi and the Nation for President Johnson in
6 November.

7 We feel that by supporting the National Democratic
8 Party, its philosophy, its platform, and its nominees for
9 President and Vice President we, in a real sense, are
10 supporting America and Mississippi. We are supporting
11 America because in our support of the National Democratic
12 Party we support the ideals that make America great. We are
13 very much concerned about the national image of America.
14 We know that as a part of this silhouette is the State of
15 Mississippi. The state has heaped upon America the names
16 of Vardiman, Bilbo, and now Eastland, John Bell Williams,
17 Jamie Whitten and Governor Paul B. Johnson and Lieutenant
18 Governor Carroll Gartin.

19 In a recent statement in reference to the murder
20 of Michael Schwerner, James Chaney, and Andrew Goodman,
21 three civil rights workers that were lynched in our State,
22 Governor Paul Johnson, the head of the Democratic Party, at
23 the Neshoba County Fair in Philadelphia, Mississippi had
24 this to say:

25 "No one in Mississippi condones murder, but we are

1 not going to be run over."

2 He referred to the three men as first generation
3 aliens. Our Lieutenant Governor, Mr. Carrol Gartin was
4 quoted as saying Mississippi had done nothing to apologize
5 for nor be ashamed of. Other speakers listed to appear on
6 this program were Governor Wallace of Alabama, and Barry
7 Goldwater, Jr., son of the Republican nominee for President.

8 Because of the Democratic leadership of
9 Mississippi in the past one hundred years we have become so
10 bogged down in racism that we have a state that has an
11 economic picture that reflects a people 32 per cent of whom
12 earn less than \$3,000 per year; 26 per cent earn less than
13 \$2,000 per year; 51 per cent of the people in the Mississippi
14 Delta where I come from earn less than \$1,000 per year. We
15 have an educational system that has the lowest academic
16 attainment of any state in the Nation. The only reason we
17 are not 51st is because we only have 50 states. When there
18 were 48 states we were 48th. When Alaska came in we
19 became 49th. When Hawaii came in we became 50th. When the
20 Virgin Islands come in we will in all probability become 51st.
21 We seem to have an affinity for the bottom.

22 In the area of justice in the courts 950,000 white
23 and Negro citizens feel that we have no real opportunity to
24 successfully defend ourselves in the courts of our state
25 when we are charged with a crime by any member of the white

1 community. There is always enough evidence to convict a
2 Negro but never enough evidence to convict a white man.
3 The murder of Medgar Evers, and the subsequent trial of
4 Byron de LaBeckworth is a case in point.

5 The contempt held by the Mississippi Democratic
6 Party for this convention is evidenced by the fact it has
7 as one of its legal counsels here, Mr. E. C. Collins who
8 stated in regard to segregation on September 25, 1962:
9 "We must win this fight regardless of the cost in human
10 lives." Since January 1, 1964 over 31 churches have been
11 bombed and burned. These churches were used by Negro
12 religious congregations. There have been 15 known murders
13 of Negroes and whites who were sympathetic to the Negroes'
14 position. The cross burnings, floggings, the shootings
15 number into the hundreds. These gentlemen who sit for the
16 Mississippi Democratic Party, represent the political power
17 of our state, which is the same as the Mississippi
18 Democratic Party. On them is the blood and the responsi-
19 bility for this reign of terror. We of the Mississippi
20 Freedom Democratic Party have tried all we know how to
21 become part and improve the Mississippi Democratic Party.
22 We went to the precinct conventions. In Clarksdale there
23 we arrived before the hour of 10 a.m., the time scheduled
24 for the convention. After the arrival of several Negroes
25 that were clearly in the majority from the standpoint of

1 the number of whites present, the hours of the convention
2 were deliberately set back to give the white delegation
3 president an opportunity to inform their mothers, their
4 fathers, their cousins and their friends in order to swell
5 their delegation with whites so as to negate the presence
6 of Negroes.

7 In other cases Negroes were even denied the right
8 to enter the buildings where the conventions were held.
9 But even if we had been admitted to attend the precinct
10 conventions, this would have meant that only 6 per cent of
11 the Negro citizens of our state would have had the right
12 to participate in the Democratic Party as 94 percent of the
13 Negroes of our state over 21 years of age are denied the
14 right to vote.

15 Only around 20,000 of 450,000 Negro citizens over
16 the age of 21 who desire to be Democrats and vote for
17 Lyndon Johnson are permitted to vote.

18 The members of the Mississippi Democratic Party
19 have -- having been denied the right to participate in the
20 Mississippi Democratic Party, after we were denied the
21 right to participate in the Mississippi Democratic Party,
22 we then organized under laws of Mississippi precinct
23 county districts and state conventions to which all
24 citizens over 21 years of age were invited, black, white
25 and polka-dot.

1 Several white citizens and thousands of Negro
2 citizens sat in these sessions. We adopted resolutions
3 stating that we will support the national party, its
4 philosophy, its platform, President Lyndon Johnson and
5 his nominee for Vice President. We will work for their
6 election.

7 The Mississippi Democratic Party has continually
8 repudiated the National Democratic Party.

9 To this date they have not agreed to support
10 President Lyndon Johnson or work for his election. If you
11 take the time to poll this delegation of the Mississippi
12 Democratic Party, many of them will gladly admit to you
13 today that they are members of the White Citizens Council,
14 the Klu Klux Klan, and the Society for the Preservation of
15 the White Race.

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1 From a Johnson Journal, a campaign newspaper for
2 Governor Paul B. Johnson, head of the Mississippi Democratic
3 Party, I would like to call the following statement to your
4 attention.

5 "The people of Mississippi have rejected decisively
6 the influence of the Kennedy-dominated National Democratic Party.
7 The Mississippi Democratic Party, completely free of the
8 influence of the Democratic Party, and solely an instrument of
9 the citizens of this state, now is safely in the hands of the
10 conservative, responsible majority of Mississippi voters. The
11 Mississippi Democratic Party separated itself a long time ago
12 from the National Democratic Party and has fought consistently
13 everything it stands for."

14 Statements like this by him and other members of
15 the Mississippi Democratic Party perhaps accounts for the
16 absence of Governor Johnson here today. Also the absence of
17 Senator Eastland and Senator Stennis and all the Congressmen
18 from our state. Instead they have sent a Joe Doakes delega-
19 tion here who could not be held accountable for their evil
20 deeds. Don't you forget for a moment that the delegates to
21 this Convention from the Mississippi Democratic Party are
22 being manipulated by Governor Johnson, Senator Eastland and
23 Senator Stennis and John Bell Williams and Jamie Whitten,
24 although physically they are not in this delegation. To
25 vote to seat the Mississippi Democratic Freedom Party with

our loyalty pledged to the National Party and to President Johnson will perhaps be the greatest blow for freedom since the Boston Tea Party.

Thousands of black and white Americans in Mississippi and all over the nation will be affected by your vote here today. Those watching these proceedings who want to know what can you do to help Mississippi, send telegrams to State Democratic Delegates asking that they vote to seat the Mississippi Democratic Party.

The hopes, the dreams, the desires of many Americans will ride on your decision here today. So many times we have had our hopes and dreams for freedom delayed, postponed, deferred. Langston Hughes somehow picked up this frustration in his "What happens to a dream?"

Does it dry up like a raisin in the sun

Does it fester like a sore and then run

Does it stink like rotten meat

Does it crust and sugar over, like a syrupy sweet

Maybe it just sags like a heavy load

or does it explode

The answer is up to you

Thank you kindly for your attention.

(Applause.)

MR. MARKMAN: Mr. Chairman.

CHAIRMAN LAWRENCE: The member from Iowa.

MR. MARKMAN: May I have the privilege of asking

1 just a few pertinent questions of the witness.

2 CHAIRMAN LAWRENCE: Surely, sir. Mr. Markman
3 here wants the opportunity of asking a few pertinent ques-
4 tions.

5 MR. MARKMAN: I understand, Mr. Chairman, this
6 does not detract from the time of Mr. Rauh.

7 CHAIRMAN LAWRENCE: That is right.

8 MR. MARKMAN: Dr. Henry, I just have a few ques-
9 tions which occurred to me. I have been thinking about this
10 a good long time, and I am sure a great many other delegates
11 have from this Convention.

12 My name is Sherwin Markman, a member of the
13 Committee from Iowa.

14 Dr. Henry, isn't the real effort here to dramatize
15 through this Convention the fact that Negroes are excluded
16 from participating in Party affairs in Mississippi? Would
17 that be a fair statement, sir?

18 MR. HENRY: That is perhaps a part of the statement.
19 The real question, however, is our desire to participate in
20 the National Democratic Party and at the exclusion of the
21 Mississippi Democratic Party we felt that this was the only
22 other way we knew how to make our presence known and our
23 feelings felt and ask to be accepted to the National Democratic
24 Party.

25 MR. MARKMAN: Doctor, wouldn't the most -- in mind

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1 with your thinking and the suggestion inherent in my question --
2 wouldn't the most, as a matter of fact the most constructive
3 thing that this Committee and this Convention could do here
4 in Atlantic City would be to take some steps to improve the
5 situation of discrimination which exists, admittedly exists
6 in the regular Democratic Party in the State of Mississippi?

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1 MR. HENRY: I have said, sir, we are willing to work
2 with all of the loyal Democrats who will work for the support
3 of Lyndon Johnson, who will endorse the platform of the
4 National Democratic Party and will support its philosophy,
5 and we certainly would hope that some formula could be worked
6 out wherein all of the loyal Democrats who want to support
7 Lyndon Johnson could work together.

8 MR. MARKMAN: Following on from that, would it be
9 a fair statement really that there is and can be in the long
10 run but one Democratic Party in the State of Mississippi
11 not two or three or more and the ideal ultimate solution would
12 be to have that Party be opened to all regardless of race?

13 MR. HENRY: That is a very fair statement, sir.

14 MR. MARKMAN: Then, sir, if this Committee and this
15 Convention can take positive and meaningful action to insure
16 that that one Democratic Party in Mississippi is open to
17 all, then that would be at least a constructive step for
18 this Committee and this Convention to undertake.

19 MR. HENRY: Yes, sir.

20 MR. MARKMAN: And the issue, would you agree, is
21 not so much here in this Convention, particularly in line
22 of what Governor Lawrence stated, is not so much who sits
23 where in this Convention, but the taking of some constructive
24 action to batter down the doors of prejudice within the
25 Mississippi Democratic Party.

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1 MR. HENRY: I think, though, that it is crucial from
2 the standpoint of Mississippi and the nation that we effect
3 a formula now by which we can minimize our differences and
4 maximize our efforts in electing Lyndon Johnson President
5 come November, and whatever suggestions any of us have in
6 that regard we are certainly open to listen to them, sir.

7 MR. MARKMAN: Thank you, that is all the questions
8 I have, sir, thank you for the privilege.

9 MR. RAUH: I will take a minute of my time.

10 Mr. Henry, isn't it a fact that our Party is open
11 to them and if we are recognized as the Party we will be
12 the Party open to both groups.

13 MR. HENRY: Definitely we are open now.

14 MR. RAUH: Thank you.

15 The next witness is Reverend Edwin King, a native
16 Mississippian, and the National Committeeman for the Mississ-
17 ippi freedom Democratic Party.

18 REMARKS OF REVEREND EDWIN KING

19 MR. KING: Mr. Chairman, and members of the
20 Credentials Committee, I come before you as a white Mississ-
21 ippian, a native of Mississippi, who was elected at the Con-
22 vention of the freedom Democratic Party to be a National
23 Committeeman.

24 My home is Vicksburg, Mississippi. I now live in
25 Jackson. My wife is from Jackson, Mississippi. I went to

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1 college in Mississippi, did my graduate work in freer parts
2 of the nation. I have returned to the Mississippi state
3 and in working for a free society in Mississippi and
4 hope to work through the Democratic Party for that society.

5 There are not many white people openly working
6 this way in Mississippi. We have four white delegates in
7 our freedom delegation here. There are more who would like
8 to have supported us but could not do so for fear of their very
9 lives.

10 I know many Mississippians in the last several
11 years, over 100 ministers and college teachers have been
12 forced to leave the state.

13 This nation is being populated with refugees from
14 the closed society in Mississippi.

15 In Mississippi those who would work for freedom no
16 longer fact just social ostracism or losing their jobs.
17 People this summer who say they oppose church burnings and
18 home bombings, are told, "Your home will be bombed."

19 Ministers are told, "Your church will be burned."

20 Because of my work for freedom in Mississippi, I
21 have been imprisoned, I hve been beaten, I have been close
22 to death, my life has been threatened many times.

23 Only two months ago the most recent attempt of my
24 fellow white Mississippians to murder me was made. At the
25 end of May in Canton, Mississippi, on the road between

1 Canton and Jackson, the car in which I was riding was
2 driven off the road by three carloads of white men.
3 My wife was in the car with me, and several other people.
4 We were going to be murdered that night. Their intentions
5 were very clear. The only reason we were not murdered is
6 that the driver of the car was a teacher at Tougaloo College.
7 He happened to be from Pakistan and although they beat him
8 with police night sticks and bloodied his head, he finally
9 produced a passport and they decided to let us live.

10 They knew very well who I was, what I was doing
11 with the freedom Democratic Party. I was returning from
12 a voter registration rally, a freedom Democratic
13 rally in Canton, Mississippi.

14 We reported the license number and descriptions
15 of some of the men who attacked us 30 minutes after the
16 attack to the police -- to the Mississippi State Highway
17 Patrol who refused to do anything.

18 We reported it to the Sheriff of the county who
19 also refused to do anything and said if we were civil rights
20 workers let the Federal Government take care of us.
21 Mississippi was not going to do it.

22 The Mississippi Democratic Party brags that it
23 controls the State of Mississippi. It certainly controls
24 the police of Mississippi.

25 This is why there are so few whites in our dele-

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1 gation. We are glad we do have several.

2 One issue that is before you today is who represents
3 you, the National Democratic Party. We maintain that the
4 regular Democratic Party from Mississippi does not represent
5 you and your interest. The freedom delegation does.

6 The regular delegation is illegal, it has rejected
7 its national affiliation, it does control the state. The
8 regular delegation does represent the Mississippi Democratic
9 Party and the Government of Mississippi. They have bragged
10 about this.

11 The regular party is the one which would not let us
12 participate in its precinct meetings. It is the party
13 which writes and enforces the voter registration laws of
14 Mississippi. These are laws which in the last three years
15 have seen over 90 percent of the 75,000 Negroes who have
16 dared to go to the Court house and tried to register, over
17 90 per cent have failed the test, and apathy does not keep
18 Negroes from voting.

19 This is the Party which tolerates violence, church
20 burnings and murder as the ultimate weapon to prevent
21 Negro voting. This is the Party which has aided the reign
22 of terror in our state this summer so that we admit honestly
23 to you we do not come before you with delegates from every
24 county in the state.

25 We were not able to hold a county convention in

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1 Neshoba County or precinct meeting in Philadelphia because
2 the church we wanted to meet in was burned to the ground.

3 Three of our workers were murdered in Philadelphia.
4 We do not apologize to you for not being able to hold a
5 county convention in Neshoba county, Mississippi.

6 Governor Lawrence opened this afternoon's session
7 by referring to some of the last words of our late President
8 John Kennedy. Last fall during the first week of November,
9 one of my students at Tougaloo College put a bunker sticker
10 on his car which said, "John Kennedy, 1964 for President."

11 When he left the college campus he was stopped
12 on the highway by Mississippi State Highway Patrolmen,
13 who made him get out of the car, cursed him and severely
14 beat him and told him he would be killed if he did not take
15 the sticker supporting John Kennedy off his car.

16 The delegates who support this kind of power are
17 the delegates from the regular delegation. But we do know
18 that there are thousands of Mississippians, white
19 and Negro who want to see the National Democratic Party
20 represented in our state.

21 We need the Democratic Party in Mississippi. We
22 have always wanted and tried to meet with all Democrats in
23 Mississippi who are loyal to the National Party. It has
24 been our hope this summer to maximize cooperation with all
25 who want Lyndon Johnson to carry our state.

1 But we have been spurned at every point
2 have done, white and Negroes, is to work in every way to
3 minimize party friction and strife, and to maximize the
4 chances for a Johnson victory.

5 The freedom delegation is an open party, open to
6 all races, to all Democrats. The regular delegation is not
7 an open party. They are the closed party of the closed
8 society, they are closed to Negroes and they are closed
9 to white Democrats who would work effectively for a
10 Johnson victory.

11 The regular Mississippi Party is open only to
12 cooperation with the Republicans of Mississippi, to try to work
13 out some way to let Mississippi Democrats vote for Goldwater,
14 and that is the only cooperation they are interested in.

15 We are not here and we have not worked this summer
16 to divide the Democratic Party. We are trying to provide a
17 Democratic Party for Mississippi. A Democratic Party in
18 Mississippi which will support the National Platform, the
19 National Party, and the National candidates, and work for
20 those people it says it is supporting, a Democratic Party in
21 Mississippi that will be proud to stand for the principles of
22 Franklin Roosevelt, Harry Truman, Adlai Stevenson, John
23 Kennedy, and to work for a better America under Lyndon
24 Johnson.

25 We have beseeched, we have implored, we have

dn8

1 supplicated. We have entreated, we have shed our blood. We
2 have tried in every way to assert our rights as citizens and
3 to assume our duties and responsibilities as American citizens.

4 As responsible citizens we want to work through
5 the Democratic Party for the good of our state and the good
6 of our nation.

7 We believe in the Democratic Party. All we ask is
8 your help in claiming our rightful place in this Democratic
9 Party, and helping us to get free elections in Mississippi.

10 When we have free elections in Mississippi we will
11 build a truly liberal, truly loyal Democratic Party, a
12 party in the deep South that you can be proud of.

13 When we have free elections in Mississippi, we will
14 join the main stream, we will reject the extremism which has
15 charred the beautiful name of Mississippi.

16 Thank you.

17 (Applause)

18 CHAIRMAN LAWRENCE: Are there any questions from
19 any member of the Committee of Reverend King?

20 If not, I would like to throw out a suggestion that
21 I think we would save a lot of time and get to the meat
22 of this particular subject if we could confine our testimony
23 pretty much to the question of the election machinery and
24 the forms of election and so forth, and not go into the
25 general subject, the general life of the state of Mississippi.

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1 In otherwords, we are here for the purpose of this
2 Convention, and for the purpose of the election of delegates
3 and the seating of delegates, and the future conduct of the
4 Party in the state. I think we can save a lot of time if
5 we didn't have repetitious testimony on the same subject.

6 MR. RAUH: If Your Honor please--

7 CHAIRMAN LAWRENCE: How many minutes have you got.

8 MR. LEVENTHAL: I have given him 17 minutes.

9 MR. RAUH: If Your Honor please, I must respectfully
10 disagree. It is the very terror that these people are
11 living through that is the reason that Negroes aren't voting.
12 They are kept out of the Democratic Party by the terror of the
13 regular party and what I want the Credentials Committee to
14 hear is the terror which the regular party uses on the people
15 of Mississippi which is what Reverend King was explaining which
16 is what Aaron Henry was explaining and which is what the
17 next witness will explain, Mrs. Fanny Lou Hamer.

18 REMARKS OF MRS. FANNY LOU HAMER

19 MR. HAMER: Mr. Chairman, and the Credentials
20 Committee, my name is Mrs. Fanny Lou Hamer, and I live at
21 626 East Lafayette Street, Ruleville, Mississippi, Sunflower
22 County, the home of Senator James O. Eastland, and Senator
23 Stennis.

24 It was the 31st of August in 1962 that 18 of us
25

1 traveled 26 miles to the county courthouse in Indianola
2 to try to register to try to become first-class citizens.

3 We was met in Indianola by Mississippi men, Highway
4 Patrolmens and they only allowed two of us in to take the
5 literacy test at the time. After we had taken this test
6 and started back to Ruleville, we was held up by the City
7 Police and the State Highway Patrolmen and carried back to
8 Indianola where the bus driver was charged that day with
9 driving a bus the wrong color.

10 After we paid the fine among us, we continued on
11 to Ruleville, and Reverend Jeff Sunny carried me four miles
12 in the rural area where I had worked as a timekeeper and
13 sharecropper for 18 years. I was met there by my children,
14 who told me the plantation owner was angry because I had
15 gone down to try to register.

16 After they told me, my husband came, and said the
17 plantation owner was raising cain because I had tried to
18 register, and before he quit talking the plantation owner
19 came, and said, "Fanny Lou, do you know -- did Pap tell you
20 what I said?"

21 And I said, "Yes, sir."

22 He said, "I mean that," he said, "If you don't go
23 down and withdraw your registration, you will have to leave,"
24 said, "Then if you go down and withdraw," he said, "You will --
25 you might have to go because we are not ready for that in

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1 Mississippi."

2 And I addressed him and told him and said "I didn't
3 try to register for you. I tried to register for myself."

4 I had to leave that same night.

5 On the 10th of September, 1962, 16 bullets was fired
6 into the home of Mr. and Mrs. Robert Tucker for me. That
7 same night two girls were shot in Ruleville, Mississippi.
8 Also Mr. Joe McDonald's house was shot in.

9 And in June, the 9th, 1963, I had attended a voter
10 registration workshop, was returning back to Mississippi.
11 Ten of us was traveling by the Continental Trailway bus.
12 When we got to Winona, Mississippi, which is Montgomery County,
13 four of the people got off to use the washroom, and two of
14 the people -- to use the restaurant -- two of the people
15 wanted to use the washroom.

16 The four people that had gone in to use the res-
17 taurant was ordered out. During this time I was on the
18 bus. But when I looked through the window and saw they had
19 rushed out I got off of the bus to see what had happened, and
20 one of the ladies said, "It was a State Highway Patrolman
21 and a Chief of Police ordered us out."

22 I got back on the bus and one of the persons had
23 used the washroom got back on the bus, too.

24 As soon as I was seated on the bus, I saw when they
25 began to get the four people in a highway patrolman's car,

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1 I stepped off of the bus to see what was happening and some-
2 body screamed from the car that the four workers was in and
3 said, "Get that one there," and when I went to get in the
4 car, when the man told me I was under arrest, he kicked me.

5 I was carried to the county jail, and put in the
6 booking room. They left some of the people in the booking room
7 and began to place us in cells. I was placed in a cell with
8 a young woman called Miss Ivesta Simpson. After I was
9 placed in the cell I began to hear sounds of licks and
10 screams. I could hear the sounds of licks and horrible
11 screams, and I could hear somebody say, "Can you say, yes, sir,
12 nigger?" Can you say yes, sir?"

13 And they would say other horrible names.

14 She would say, "Yes, I can say yes, sir."

15 "So, shy say it."

16 She says, "I don't know you well enough."

17 They beat her, I don't know how long, and after a
18 while she began to pray, and asked God to have mercy on those
19 people.

20 And it wasn't too long before three white men
21 came to my cell. One of these men was a State Highway
22 Patrolman and he asked me where I was from, and I told him
23 Ruleville, he said, "We are going to check this."

24 And they left my cell and it wasn't too long before
25 they came back. He said, "You are from Ruleville all right,"
and he used a curse word, and he said, "We are going to make

dn13 1 you wish you was dead."

2 I was carried out of that cell into another cell
3 where they had two Negro prisoners. The State Highway Patrol-
4 men ordered the first Negro to take the blackjack.

5 The first Negro prisoner ordered me, by orders from
6 the State Highway Patrolman for me, to lay down on a bunk
7 bed on my face, and I laid on my face.

8 The first Negro began to meat, and I was beat by
9 the first Negro until he was exhausted, and I was holding my
10 hands behind me at that time on my left side because I
11 suffered from polio when I was six years old.

12 After the first Negro had beat until he was exhausted
13 the State Highway Patrolman ordered the second Negro to
14 take the blackjack.

15 The second Negro began to beat and I began to work
16 my feet, and the State Highway Patrolman ordered the first
17 Negro who had beat to set on my feet to keep me from working
18 my feet. I began to scream and one white man got up and
19 began to beat me in my head and tell me to hush.

20 One white man -- my dress had worked up high, he
21 walked over and pulled my dress down and he pulled my dress
22 back,back up.

23 I was in jail when Medgar Evers was murdered.

24 All of this is on account we want to register, to
25 become first-class citizens, and if the freedom Democratic

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1 Party is not seated now, I question America, is this
2 America, the land of the free and the home of the brave
3 where we have to sleep with our telephones off of the hooks
4 because our lives be threatened daily because we want to live
5 as decent human beings, in America?

6 Thank you.

7 (Applause)

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1 MR. RUAH: I shall skip the next witness who has
2 an absolutely identical story, in the interest of time, and
3 I will call Mrs. Rita Schwerner.

4 MR. COLLINS: Mr. Chairman, I am State Senator
5 E. K. Collins, and I want to interpose an objection to this
6 witness testifying at this time because she is not a
7 Mississippian. She wasn't in Mississippi, and she is only
8 being put on for passion and prejudice against the delegates
9 here from Mississippi.

10 MR. RUAH: Mr. Chairman, Mr. Collins who just spoke
11 said on September 25, 1962, "We must continue this fight
12 regardless of the cost of human lives." Mrs. Schwerner's
13 husband gave his life for this cause, and I ask that she be
14 heard.

15 MR. COLLINS: Now, Mr. Chairman, in response to
16 that, he doesn't say in what September that is said. I still
17 object to her testifying for the very reason that it is just
18 calculated to prejudice and inflame the people here today.

19 CHAIRMAN LAWRENCE: I think we can rely on the
20 members of our committee -- they are all capable people --
21 to screen out of the testimony any testimony which is not
22 important to the issue and particularly applicable to the
23 issue.

REMARKS OF MRS. RITA SCHWERNER

24 MRS. SCHWERNER: Mr. Chairman, thank you.

25 Members of the Credentials Committee: I am Rita

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2
1 Schwerner, and I am the widow of Michael Schwerner who was
2 killed in Philadelphia, Mississippi, on June 21, of this
3 year.

4 My husband and I went to Mississippi together in
5 January of this year to establish a community center and to
6 work on voter registration. We went to Meridian, where we
7 worked. My husband was very active in the formation of the
8 Mississippi Freedom Democratic Party. As the two of us became
9 more well-known to the people in Meridian, we received many
10 threats upon our lives. We eventually had to get an unlisted
11 phone number because the threats became too terrifying late
12 at night.

13 Starting in February, my husband and Mr. James
14 Chaney started working in the area of Neshoba County, in the
15 formation of the Mississippi Freedom Democratic Party and on
16 voter registration. They were on numerous occasions followed
17 by official cars of the County of Neshoba.

18 Late in the spring, my husband was jailed in
19 Meridian on a phoney traffic charge. When he got out of jail,
20 he told me that the officials of the jail attempted to have
21 him beaten by other white prisoners. The prisoners refused
22 to beat him.

23 The two men with a third, Andrew Goodman, disappeared
24 on June 21 of this year. At the time, I was out of the State
25 for a period of about a week, attending an orientation session

3 1 for summer registration workers, in Oxford, Ohio. I returned
2 to the State of Mississippi about two days after the dis-
3 appearance, in an effort to get somebody to help me to find
4 my husband and his two companions.

5 In the course of this search, I went to Jackson.
6 I was accompanied by Reverend Edwin King, whom you heard
7 speak before you today. We went to the State Capitol building
8 to attempt to see Governor Johnson of Mississippi. The door
9 was slammed in my face by several unidentified men. When
10 they finally agreed to let me into the Governor's office, a
11 Senator Barber of the State Senate spoke with me very
12 rudely, and said I could not see the Governor, then or at any
13 other time, that the Governor was unavailable and he didn't
14 know when he would be available, and I couldn't see him.

15 I then went with the Reverend King to the Governor's
16 Mansion which is only a few blocks away. It happened that at
17 the time we arrived at the Mansion, Governor Johnson was
18 climbing the steps with Governor Wallace of Alabama. We
19 followed after them and when there was a pause in the conver-
20 sation the two men were carrying on with others who were
21 around them, other State officials, the Mayor of Jackson
22 also; Reverend King attempted to introduce me to Governor
23 Johnson. The moment Governor Johnson heard my name and who
24 I was, he turned on his heel and with the Governor of Alabama
25 they walked into the Mansion and slammed the door in my face,

4 1 and I was surrounded by State Highway patrolmen. A Highway
2 patrolman by the name of Harbor told me that I could not see
3 the Governor. They refused to relay my message, and they
4 refused to relay my pleas.

5 When the bodies of my husband and the other two
6 men were discovered some 2-1/2 weeks ago, I was informed of
7 the discovery by the Federal authorities. The State author-
8 ities had in no way tried to do anything to help me. I have
9 not been allowed to see any official report on the condition
10 of the bodies of my husband, or the other two men. No
11 official report has been released for anyone else to see,
12 and I would like you to know that to this day the State of
13 Mississippi and the County of Neshoba has not even sent to
14 me a copy of the death certificate of my husband.

15 Thank you.

16 CHAIRMAN LAWRENCE: Are there any questions any
17 member of the committee might have?

18 All right, we will proceed.

19 MR. RAUH: I will pass over another witness of
20 a similar nature and call the representative of the National
21 Council of Churches, Reverend James C. Moore.

22 A COMMITTEE MEMBER: I may point out we cannot see
23 the witness. All we can see is the press. I think it is
24 more important that the Committee see the witnesses than the
25 press.

5

1 CHAIRMAN LAWRENCE: The witnesses can stand if they
2 wish, if that would be helpful to the Committee members.

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3 REMARKS OF REVEREND JAMES C. MOORE

4 REPRESENTATIVE OF THE NATIONAL COUNCIL OF CHURCHES

5 REVEREND MOORE: I am here in the absence of Dr.
6 Robert W. Spik, who is the Executive Director of the
7 Commission on Religion and Race of the National Council of
8 Churches. His statement you have before you.

9 As many of you know, the National Council of
10 Churches has been active this year and last year, in
11 encouraging and supporting the National consensus which led
12 to the Civil Rights Law.

13 In addition, the Commission has been close to the
14 Mississippi summer project at Oxford, Ohio, where we worked
15 organized the orientation program and in Mississippi where
16 Minister counsellors, lawyers, and other adult volunteers
17 whom we recruited have been serving.

18 We have been at an excellent vantage point from
19 which to witness life in Mississippi. We have seen the effects
20 of the disenfranchisement of 400,000 people. We have seen and
21 have been subjected to some of the harassments resulting from
22 encouraging people in Mississippi to register to vote and
23 participate in a political party.

24 We have also witnessed the birth of the Mississippi
25 Freedom Democratic Party. Our representatives have observed

6 1 precinct meetings and State conventions. That this Party was
2 ornbat all in Mississippi is astonishing.

3 Thatit has grown and spread into so many parts of
4 the State is nothing less than the most dramatic grass roots
5 development of responsible citizenship in our time. Above
6 all, the Freedom Democratic Party is the inspired response
7 of people seeking only the basic right of citizenship.

8 It is a voice asking not to ignore one people for
9 another, but simply to be heard and to be included.

10 In our judgment, the Freedom Democratic Party is
11 a legitimate political force. It is committed to representing
12 all of Mississippi's people. It gives every evidence of
13 being a permanent, constructive influence in the life of the
14 State.

15 Thank you.

16 MR. RAUH: I will call for one minute the Director
17 of the Congress of Racial Equality, Mr. James Farmer.

xxxx 18 REMARKS OF JAMES FARMER

19 DIRECTOR, CONGRESS OF RACIAL EQUALITY

20 MR. FARMER: Mr. Chairman and members of the
21 Credentials Committee, and friends: The Mississippi Freedom
22 Democratic Party is in the same historical position as the
23 underground railroad. It is not underground, it is above
24 ground and it is not seeking to lead people out of the South
25 some place else. It is seeking to lead them into the heart

7 1 of the Nation and the mainspring and mainstream of the
2 Democratic Party and of this Nation.

3 The Freedom Democratic Party is, in my judgment,
4 the only way that Negroes of Mississippi can gain political
5 expression or representation in the foreseeable future. To
6 seat the Mississippi Freedom Democratic Party at this Con-
7 vention will be not only real politics but it will be a
8 symbolic political act. It will be symbolic because it will
9 symbolize the intention of this Party to represent the enfran-
10 chisement of the disfranchised peoples in Mississippi.

11 Now, Goldwater secured his nomination through
12 intense loyalty and support. I think the Democratic Party
13 can win this election only through a loyalty and a support
14 which is even more intense than that which backs Goldwater.
15 That loyalty will not be seen in the regular Democratic
16 delegates from the State of Mississippi. They have made that
17 clear.

18 It will be seen from the Freedom Democratic Party
19 delegates.

20 Now, the eyes of 20 million Negroes are upon this
21 Party, and this Convention, as are the eyes furthermore of
22 many other millions of Americans of good will. They are
23 watching you now. They are watching to see that you can
24 demonstrate to the world that making a political decision on
25 principle and on morality is also sound and viable politics.

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at 4:20

2 MR. RAUH: We call for two minutes the Executive
3 Secretary of the National Association for the Advancement
4 of Colored People, and the Chairman of the Leadership Con-
5 ference on Civil Rights, which represents 80 groups and 40
6 million people in America.

XXXXXXX

7 REMARKS OF MR. ROY WILKINS, EXECUTIVE SECRETARY OF
8 THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
9 COLORED PEOPLE, AND CHAIRMAN OF THE LEADERSHIP
10 CONFERENCE ON CIVIL RIGHTS

11 MR. WILKINS: Governor Lawrence, ladies and gentle-
12 men of the Committee, the National Association for the
13 Advancement of Colored People is well-informed on all the
14 details of life as is lived in Mississippi for black people,
15 a segment of which, and I emphasize that it is merely a seg-
16 ment, has been spread before you this afternoon.

17 I am here merely to say to you that 2,810 delegates
18 to the 55th Annual Convention of the NAACP in Washington, D. C.,
19 in June 1964, unanimously passed a resolution asking this
20 Convention to seat the delegates of the Mississippi Free
21 Democratic Party.

22 Because those 2,800 delegates from more than 40
23 states realized the lot of their people in Mississippi --
24 and I might say for your particular and personal and profession-
25 al interest here, they recognized the lot of the National
Democratic Party in Mississippi, which is that it has no lot

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1 there at all, and that if 900,000 residents of that state,
2 42.3 percentage of the population, heretofore denied any
3 participation whatsoever in Government in that state is to
4 have any opportunity whatsoever to be represented, it must
5 be through the Mississippi Freedom Party and through the
6 political and moral declaration of this Committee.

7 The Democratic Party will have no future in
8 Mississippi, indeed a future more bleak than that it
9 enjoys today, until 42 percent of the population is included.

10 Ladies and gentlemen, you come from political dis-
11 tricts, you come from precincts, you come from counties, you
12 come from states, and you know that you would not tolerate a
13 situation in your state where 42 percent of the population
14 had no voice.

15 I ask you from Iowa, Nebraska and Wyoming and
16 Minnosota and Indiana, and yes, from Georgia and from
17 Louisiana -- I ask you here to apply that political rule, and
18 I ask something else: I ask that you apply the higher rule
19 than political rule, the rule of morality.

20 I ask you to remember that this Nation was founded
21 upon the declaration that Government is by consent of the
22 governed, and that we fought a war with England, a hopeless
23 war, they said, because they had no representation in the
24 English Parliment.

25 I say to you that the black people in Mississippi

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1 have no representation in the parliments of Mississippi.
2 And unless you speak here today, they will have no represen-
3 tation in this parliment, and that you cannot stand for.
4

5 No matter where you come from, no matter what your
6 loyalties are, your first loyalty is to America. You have
7 to vote today, not because I say so, and not because anybody
8 else here says so, but because you cannot tolerate the
9 situation which has been outlined to you.

10 Thank you.

11 CHAIRMAN LAWRENCE: The witness' name was not announc-
12 ed, but I am sure you all know him, Roy Wilkins.

13 MR. RAUH: We call as our last witness, other than
14 some remarks that I would like to make to the Credentials
15 Committee, the Reverend Martin Luther King.

16 REMARKS OF REVEREND MARTIN LUTHER KING

17 SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

18 DR. KING: Mr. Chairman, members of the Credentials
19 Committee, ladies and gentlemen: No state in the Union has
20 gone to such extremes to prevent the participation of Negro
21 citizens in political life as the State of Mississippi.

22 Now white and Negro citizens of good will have
23 come to the National Democratic Party in a desperate moral
24 appeal for recognition and representation in this political
25 Party.

You who must sit here judging their validity as

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1 delegates to this Convention, cannot imagine the anguish and
2 suffering they have undergone to get to this point. They come
3 not to complain of their sufferings, they come seeking the
4 actual fulfillment of their dream for democracy in Mississippi.

5 The seating of the delegation from the Mississippi
6 Freedom Democratic Party has political and moral significance
7 far beyond the borders of Mississippi, or the halls of this
8 Convention, or the shores of this Nation. For here the very
9 idea of representative government is at stake.

10 Can we preach freedom and democracy in Asia, Africa,
11 and Latin America if we refuse to give voice and vote to
12 the only Democratically constituted delegation from Mississippi?
13 The extension and preservation of freedom around the world
14 depends on its unequivocal presence within our borders.

15 Recognition of white and Negro citizens who seek
16 to realize the Democratic process within their home state
17 is essential to the moral health of this Party and this Nation.
18 And what is the alternative to the Freedom Democratic Party?
19 The regular Democrats of Mississippi?

20 Ladies and gentlemen, is that a choice? This is
21 a Party that defied the United States Government and forced
22 the sending of armed forces to get a single Negro into the
23 state university. This is the party that in 1963, allowed
24 only 192 Negroes per month to register, so that it would
25 take 135 years to get one-half of the Negroes eligible to

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1 to register and able to vote, thus making a mockery of the
2 Democratic process.

3 This is the Party which allows an atmosphere of
4 violence and lawlessness to rule the land, and which stands
5 by, calm and unmoved, by the countless murders of citizens
6 seeking to secure civil rights. This is the Party already
7 pledged to defy the Platform of this great National Party.

bow fls.

bow 1 Ladies and gentlemen, if you value your party,
fls 2 if you value your nation, if you value the future of democratic
mick 3 government, you have no alternative but to recognize with full
4 voice and vote the Mississippi Freedom Democratic Party.
5 This is no empty moral admonition. The history of men and
6 of nations has proven that failure to give men the right to
7 vote and to govern themselves and to select their own
8 representatives brings certain chaos to the social, economic
9 and political institution which allows such an injustice to
10 prevail.

11 Finally, this is no mean issue. The recognition
12 of the Mississippi Freedom Democratic Party has assumed a
13 symbolic value. For the oppressed people the world over,
14 seating this delegation would become symbolic of the
15 intention of this country to bring freedom and democracy to
16 all people. It would be a declaration of political independence
17 to under-privileged citizens long denied a voice in their
18 own destiny. It would be a beacon light of hope for all the
19 disenfranchised millions of this earth, whether they be
20 in Mississippi, Alabama, behind the Iron Curtain, flundering
21 in the mire of South Africa, the freedom seeking persons in
22 Cuba, who have now gone three years without elections.
23 Recognition of the Freedom Democratic Party would say to them
24 that somewhere in this world there is a nation that cares
25 about justice, that lives in democracy and that insures the

1 rights of the downtrodden. Thank you.

2 MR. RAUH: Will the delegation of delegates and
3 alternates of the Mississippi Freedom Democratic Party please
4 rise so the Credentials Committee can see them?

5 Mr. Chairman, at this time, as is customary when
6 one side is asked to go first, I would like to reserve the
7 remaining 15 minutes for rebuttal.

8 MR. LEVENTHAL: We have announced that we adopted
9 the rule for this, Mr. Rauh, of having one side make its
10 presentation and then the other. It was the belief that it
11 would be more orderly that way. Thank you.

12 MR. RAUH: I want to register a protest. How
13 was it chosen that we were first, then, and I would not
14 have a chance to rebut the stories of the other side? In
15 Mississippi they tell one story; here they tell another. I
16 want to hear what they say here so that I can read you the
17 record of what they say in Mississippi. I was perfectly
18 willing to go first on the assumption that the normal rules
19 of the group that goes first also has a rebuttal.

20 I ask the committee, I appeal to the committee
21 for assistance in the right of rebuttal to the stories that
22 will be told by groups who are notorious for saying one thing
23 at a Democratic Convention and going home and supporting our
24 opponents. Therefore, I appeal to the Credentials Committee
25 for the right of rebuttal.

1 CHAIRMAN LAWRENCE: You may apply for that if you feel
2 after their presentation if you need it. But we have set
3 the policy for an our for each side. So the Chair rules that
4 you go ahead.

5 CONGRESSWOMAN GREEN (OREGON): I want to join with
6 Mr. Rauh in making a protest over this delegation, because
7 Oregon also has a contest this afternoon, Mr. Chairman, and
8 the Oregon delegation was advised that there would be a chance
9 to serve part of the time for rebuttal. It does not seem to
10 me that the rules of the game should be changed so late.

11 MR. LEVENTHAL: By whom was Oregon so advised, Mrs. G
12 Greeen? I don't think so. That has been our ruling here.

13 CHAIRMAN LAWRENCE: That was not the agreement
14 with Oregon or any other state or territory.

15 CONGRESSMAN DIGGS: I would like to move, Mr.
16 Chairman, that the remaining 15 minutes allocated to the
17 Mississippi Freedom Party group be allotted to them after
18 the testimony of the representatives of the regular Democratic
19 Party.

20 CONGRESSWOMAN GREEN: I second the motion.

21 CONGRESSMAN DIGGS: I move the Committee, Mr.
22 Chairman.

23 CHAIRMAN LAWRENCE: You have heard the motion.

24 Counsel asked me to ask you, Mr. Rauh, if you have
25 concluded your direct testimony other than rebuttal.

1 MR. RAUH: It is entirely unclear when you only
2 have an hour, Mr. Chairman. You have certain things you would
3 say if you did not need it in rebuttal. Therefore, what I
4 was going to do was see how much of the 15 minutes I needed
5 in rebuttal. Any wise lawyer would try to save enough time
6 so he could answer the other side.

7 CHAIRMAN LAWRENCE: How much of your time do you
8 want to take now?

9 MR. RAUH: I would like to reserve my 15 minutes
10 for rebuttal.

11 CHAIRMAN LAWRENCE: We want to be as fair and
12 agreeable as we possibly can with the whole proposition. We
13 will, of course, have to reserve the same opportunity for
14 the opposition.

15 MR. RAUH: Ordinarily the man who goes first in any
16 court I have ever been to has rebuttal. If you want to give
17 them rebuttal, I don't care.

18 CHAIRMAN LAWRENCE: Let us be fair. We are not
19 following strict rules on it. So we will go ahead.

20 Who represents the other side?

21 Senator Collins.

22 CONGRESSMAN DIGGS: Mr. Chairman, did we get a ruling
23 on my motion?

24 CHAIRMAN LAWRENCE: It has been worked out amicably
25 without a motion. All right, Senator.

REMARKS OF E. K. COLLINS, STATE SENATOR
AND ATTORNEY-AT-LAW, DEMOCRATIC NATIONAL COMMITTEEMAN
OF THE STATE OF MISSISSIPPI

MR. COLLINS: Honorable Chairman, Governor Lawrence, Chief Counsel Mr. Leventhal, distinguished Committee on Credentials, ladies and gentlemen: I want to first assure you that Mississippi comes here today without coming to malign anyone, comes here as the regular Democratic Party for almost 100 years in the State of Mississippi.

During those 100 years, only two times have they not supported the National Democratic nominees all the way. I don't believe that there are among you, unless it is Georgia, a single state that can say the same thing.

I say that, ladies and gentlemen, for the reason that we are a Democratic State, at least 90 percent, and we have been all through the years.

Mr. Chairman, it is an honor to be selected as one of the persons who will present Mississippi's right to have the delegates of the Mississippi Democratic Party recognized and seated at this Democratic National Convention.

The Mississippi Democratic Party, as is true in all of the 50 states, is a creature of the Constitution of Mississippi and of its legislature. The statutes organizing and authorizing the creation of the political parties are

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1 plain and explicit. The Mississippi Democratic Party was
2 organized under and by virtue of those statutes and has
3 operated there under for almost 90 years. This is the Party
4 which elected and sent to Congress such men as L.Q.C Lamar,
5 John Sharp Williams, Hubert D. Stevens, and Pat Harrison.

6 The same Mississippi Democratic Party re-nominated
7 in its primary elections this summer our five Congressmen --

8 CHAIRMAN LAWRENCE: Would you stop the hub-bub
9 back there so people can hear? If you are going to have
10 conversations, go beyond the barriers.

11 Go ahead.

12 MR. COLLINS: -- Our five Congressmen and one of
13 our two Democratic Mississippi Senators, the Honorable John
14 Stennis. Two years ago, it re-nominated the Honorable John
15 Eastland, a United States Senator, a Democrat.

16 This same Mississippi Party elected a Mississippi
17 Democratic Party Executive Committee composed of distinguished
18 Mississippians, and designated and elected at precinct,
19 county and district conventions delegates to a state
20 convention.

21 Categorically, I deny that no Negroes attended the
22 precinct and county conventions. But on the other hand,
23 they were elected from precincts and sent to county con-
24 ventions. I assure you that Negroes did attend and fully
25 participated in them wherever they attended. At the State

3
1 Democratic Convention, the Mississippi Democratic Party
2 elected the 44 delegates and 22 alternates to this Con-
3 vention, together with a National Democratic Committeewoman
4 and myself, your new National Democratic Committeeman. The
5 Democratic Party of Mississippi has complied with all of
6 the legal requirements, and I submit that the Mississippi
7 Delegation is entitled to be given its credentials and
8 seated.

9 I recognize full well, ladies and gentlemen, you
10 have the supreme authority to act in this matter as
11 you please. But I respectfully suggest that you do not have
12 the right to invalidate the statutes of the state of
13 Mississippi, and the actions of the majority of its citi-
14 zens by failing to give due recognition to the delegation
15 which they elected in the free exercise of their Democratic
16 prerogatives under the laws of our state.

17 My fellow Democrats, I want to say to you that
18 much has been said today concerning various witnesses and
19 heaping abuse upon the State of Mississippi. As I said,
20 we are not going to do that. We have with us the Chairman
21 of this delegation, Mississippi Delegation, elected by the
22 people, the delegates here, the Honorable Judge Enzer, for
23 more than 20 years a state judge and recently elected to the
24 Supreme Court of Mississippi. I would like to ask Judge
25 Enzer, if he will, to stand.

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1 Gentlemen, something has been said about the
2 Democrats of Mississippi going back and not voting or not
3 putting on the ticket the people that are going to vote for
4 the Democratic nominees.

5 My friends, we have passed, by unanimous vote, in
6 our State Convention, a Resolution guaranteeing to you that
7 the regular National Democratic electors will be placed on a
8 ballot under the heading of whomever this Convention selects
9 as the Democratic President and Vice President, and they
10 will have a chance, the people of the State of Mississippi,
11 to vote for those people.

12 That Resolution is in the hands of the Committee
13 and in the hands of your Chairman.

14 Now, my friends, we can say a lot of things. But
15 the laws are very plain in Mississippi. The laws have been
16 on the books since the days of the reconstruction as to how
17 our parties will operate, how the people will be selected
18 for not only your county and state offices, but will be
19 selected for delegates to precincts, to county and to
20 district caucuses, and to State Conventions. That call was
21 made by the National Party.

22 When it was made on the 21st day of April, 1964,
23 there was a Resolution by the State Democratic Executive
24 Committee calling the precinct caucuses, county conventions,
25 district conventions and state conventions.

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1 We certainly do not accuse the membership of this
2 organization of being Cr...ists though it must be pointed
3 out again that we do not know they are, but we respect-
4 fully submit that it has the support of known Communists,
5 and the Assistant Attorney General will cite you the cases.

6 We earnestly and with complete support, with faith
7 in our cause, urge that the attacks upon the State of
8 Mississippi are designed to divide the people of this great
9 land, not only Mississippi, but the entire nation, and to
10 discredit the nation in the eyes of the world. It has been
11 brazenly stated that to seat the regular Mississippi delega-
12 tion would do violence to the great leaders, past and present
13 of this great Party. This is a smoke screen, a malicious
14 untruth.

15 The great leaders of this party did not and do not
16 engage in slander to achieve an end. I believe now as in the
17 past in representative government, not political power
18 obtained in disregard to state law or on the basis of some
19 alleged abuse of the rights of a group of dissatisfied, power-
20 hungry soreheads.

21 The evidence clearly presented shows in this brief
22 that this claim of abuse or denial of right by this group was
23 carefully planned for the purpose of grabbing power, not to
24 correct any supposed evil.

25 If this Convention sees fit to disregard the state

2 1 laws and representative group from a state of this union,
2 then the Convention system -- and I want you to listen to
3 this, gentlemen and ladies -- the Convention system of select-
4 ing a President and Vice President is forever dead.

5 The precedent is such that all that will be
6 necessary from here on will be for the powers that be to
7 simply announce who they would like to have come to their
8 convention from a particular state. The Democratic Party is
9 a nation-wide party, and certainly there will be disagree-
10 ments among the delegates as to the platform and the candidates.
11 This must be necessarily true if it is a party of the people.

12 We believe that you will agree with us when we
13 say had this group come with supposed claims from some states
14 which had not been under a heavy, continuous propaganda
15 barrage, as has Mississippi, they would be laughed at and
16 properly turned away from this delegation today.

17 To deny the lawful representatives of the vast
18 majority of the people of Mississippi a seat at this Conven-
19 tion is to offer them upon a political cross, not to save this
20 country but to divide it. Certainly a party bearing the all-
21 American name of Democratic shall not engage in such a fool-
22 hardy act of expediency.

23 Ladies and gentlemen of this Committee, if the
24 Democratic Party of the State of Mississippi dies as a result
25 of the action of this Convention, which it most certainly will

3 1 if the representatives of the people are not seated, we may
2 erect a monument thereto on the spacious grounds of our Capitol
3 and inscribe thereon:

4 "Here lies the party of our fathers, which has
5 brought us through times of war and economic distress,
6 killed not by Mississippians, but by people outside
7 of the great State of Mississippi at the great Convention
8 being held in Atlantic City in 1964."

9 Yes, my friends, we are here today as the regular
10 duly constituted delegates of the State of Mississippi. We
11 are here with a resolution as a mandate given to us by this
12 Convention, and we gave you that resolution. We are here not
13 to beg, not to apologize, but to ask that we be given a fair
14 hearing on the law and the facts, and not by some explosive,
15 some story that is concocted simply to cause an unwarranted
16 action.

17 Mr. Chairman, I would now like to call The Honorable
18 R. Griffin, Assistant Attorney General of the State of
19 Mississippi, as my only witness.

20 MRS. CANSON: Mr. Chairman.

21 CHAIRMAN LAWRENCE: What is the name, please?

22 MRS. CANSON: Virna Canson of California.

23 CHAIRMAN LAWRENCE: The name and the state?

24 MRS. CANSON: My name is Virna Canson. I am a
25 delegate, member of the Committee from California. I have two

4 1 questions for Mr. Collins.

2 Mr. Collins, it is my understanding that there are
3 a million people eligible to vote in Mississippi, but less
4 than one-half of them are registered, and that the present
5 Governor was elected by 200,000. This is 20 percent of the
6 electorate, the potential electorate. Do you believe that
7 this is in the best interests of the Democratic Party to
8 have representation elected by 20 percent?

9 MR. COLLINS: The Governor of the State of
10 Mississippi was elected by many more votes than that.

11 MRS. CANSON: How many, sir?

12 MR. COLLINS: The best I remember, some 400,000
13 votes or thereabouts. I don't have the exact number.

14 MRS. CANSON: In a close election such as we may
15 face would this example set by Mississippi be one which you
16 would recommend other states to follow?

17 MR. COLLINS: I don't understand the question. I
18 can't hear.

19 CHAIRMAN LAWRENCE: Can you just pitch your voice
20 a little louder?

21 MRS. CANSON: The question I am asking is essen-
22 tially this. If the degree of representation as is present
23 in Mississippi were followed in other states, what would happen
24 in a close election?
25

5 1 MR. COLLINS: The percentage of people of voting,
2 you said, to all of the people living in the state?

3 MRS. CANSON: No. I am saying, sir, that it is
4 my understanding that 20 percent of your potential electorate,
5 and that is half of those registered, actually voted.

6 CHAIRMAN LAWRENCE: Is that right, that 20 percent
7 of the registered--

8 MRS. CANSON: Twenty percent of the electorate and
9 less than half of those registered voted.

10 CHAIRMAN LAWRENCE: What I think she is saying is
11 that less than half of the people registered voted.

12 MRS. CANSON: That is right.

13 CHAIRMAN LAWRENCE: Is that right?

14 MR. COLLINS: Yes, I think I understand. Well, in
15 reply to that, of course that is kind of like leading a horse
16 to water. You can't make him drink, you know.

17 If they registered and had the right to vote, and
18 if they do not vote, certainly the Democratic Party nor the
19 Republican Party cannot make them go vote.

20 MRS. CANSON: My next question, Mr. Collins, is
21 motivated because I feel that in order to subscribe to the
22 principles of parties one must have certain beliefs.

23 One of the witnesses indicated that a substantial
24 number, if not a majority of your regular delegation, are
25 members of either the White Citizens Council, the Ku Klux Klan
members of EITHER T

1 or the Society for the Preservation of the White Race. Can
2 you divide this for the Committee?

3 MR. COLLINS: Well, the only thing I might say
4 there is the Ku Klux Klan and the Mississippi so-called
5 Freedom Democratic Party are the only two organizations that
6 I know in my state that keep their delegations or their
7 rolls secret.

8 Of course I know that you would say that that
9 might be another slanderous remark on the State of Mississippi,
10 it would cause you to say probably that you would be afraid
11 to make them public or make them available. But both the
12 Ku Klux Klan and this organization, the so-called Mississippi
13 Freedom Democratic Party are both operating outside of the law.
14 That is the reason.

15 MRS. CANSON: Mr. Collins, you do not deny that a
16 substantial majority of your members of this regular delegation
17 may be members of one or more of these three organizations
18 which I have named?

19 MR. COLLINS: I don't know, but I don't believe
20 there are any -- I know there are no delegates up here members
21 of the Klan with us and I don't believe there are any delegates
22 any place in Mississippi that are members of any Ku Klux Klan.

23 MRS. CANSON: Mr. Collins, are you a member of the
24 Ku Klux Klan?

25 MR. COLLINS: Neither the Society for the Preserva-
tion of the White Race. I don't know anything about that

1 society.

2 MRS. CANSON: Are you a member of either of those
3 organizations?

4 MR. COLLINS: No, I am not. Neither am I a member
5 of the White Citizens' Council.

6 MRS. CANSON: Or the Society for the Preservation
7 of the White Race?

8 MR. COLLINS: No, I have already answered that.

9 MRS. CANSON: Do you believe in the principles of
10 these organizations, if they are members of your party?

11 MR. COLLINS: I don't know what the principles are.

12 MRS. CANSON: You do not know what the principles
13 of these organizations are?

14 MR. COLLINS: No. I don't have time to fool away
15 my time with such organizations as that or the Mississippi
16 Freedom for Democrats.

17 MRS. CANSON: Then, Mr. Collins, would you welcome
18 the delegation of the Mississippi Freedom Party into your
19 delegation?

20 MR. COLLINS: No, sir. No, we would not.

21 MRS. CANSON: Thank you.

22 MR. COLLINS: The reason we would not get them in
23 there, because they are illegal, illegally constituted, the
24 same as the Ku Klux Klan.
25

1 CHAIRMAN LAWRE: ; Mr. Rawlings of Utah.

2 MR. RAWLINGS: You quoted from a brief, called our
3 attention to a certain part of your brief. I heard a brief
4 from the Mississippi Freedom Democratic Party. Do you have
5 a brief for the members of the Committee?

6 MR. COLLINS: How is that now?

7 CHAIRMAN LAWRENCE: He is asking you, Senator, do
8 you have a written brief.

9 MR. COLLINS: Yes, sir. We tried to give everyone
10 a copy, if we could, and we will see that you have one.

11 CHAIRMAN LAWRENCE: How many have you got?

12 MR. COLLINS: I don't know, Mr. Chairman. I think
13 we brought 75.

14 CHAIRMAN LAWRENCE: All we required was five.

15 MR. COLLINS: We filed five several days ago and
16 we distributed one, every other one out here as far as we could.

17 CHAIRMAN LAWRENCE: We have the brief. That is all
18 right. Go ahead.

19 MR. MASSEY: Mr. Chairman, I would like to ask a
20 question. Frank Massey, delegate from Indiana.

21 I would like to ask a question of Mr. Collins.

22 Mr. Collins, we have heard testimony before the
23 Committee that there are 450,000 Negroes in Mississippi. Is
24 this correct?

25 MR. COLLINS: I would say somewhere in that

1 vicinity.

2 MR. MASSEY: Do you know, sir, how many of these
3 Negroes are registered to vote?

4 MR. COLLINS: I do not because there is no color
5 on the poll books. I mean it doesn't designate white or
6 colored.

7 MR. MASSEY: We have heard figures of 20,000. Does
8 this seem to be correct?

9 MR. COLLINS: There are more than that, I assure
10 you of that, many more.

11 MR. MASSEY: Are you telling the Committee, then,
12 Mr. Collins, that every Negro of this voting age has free
13 access to the Democratic Party organization in Mississippi?
14 Is that right?

15 MR. COLLINS: Absolutely, just as free as you
16 would have if you moved there.

17 (Laughter.)

18 MRS. AUSTIN: Mr. Chairman, I have several ques-
19 tions for Senator Collins.

20 CHAIRMAN LAWRENCE: The name?

21 MRS. AUSTIN: My name is JoyceAustin from New
22 York.

23 CHAIRMAN LAWRENCE: Mrs. Austin, wait until we get
24 that mike to you.

25 MRS. AUSTIN: Senator Collins, I would like to ask

1 my first question in connection with your state primary law.
2 I believe as your law is presently stated in the primary next
3 month which you will be holding--

4 CHAIRMAN LAWRENCE: I beg your pardon, Miss. It
5 has been suggested that they are picking the voices up better
6 with the so-called shotgun mike, is that correct? Do you
7 think you can? Can you or can you? Go ahead with this mike.
8 You don't need to give an answer.

9 MRS. AUSTIN: My question is with reference to
10 your present primary law, the primary that you will be holding
11 next month. My understanding is that there will be a slate
12 of electors pledged to the candidates that come out of this
13 National Convention if 10 percent of your state convention
14 so determines.

15 I also understand that there can also appear on
16 the ballot a slate of unpledged electors if ten percent of
17 your state convention determines so.

18 Now, doesn't that mean that in the primary you will
19 be holding in September there will be the possibility that two
20 slates of electors will be running, and only that slate of
21 electors that wins the majority of the vote will be the slate
22 that will appear on the ballot in November under the
23 Democratic Party label designation? So actually your resolu-
24 tion that came out of your last convention that was adjourned
25 is really meaningless.

1 MR. COLLINS: No, because the September primary
2 that you are speaking of has already been bypassed because
3 you had to have thirty days notice for the first Tuesday after
4 the first Monday in September. That is passed. That was
5 passed over at the Convention. There will not be--

6 MRS. AUSTIN: There will be no primary?

7 MR. COLLINS: No primary. The National Democratic
8 Electors will go on the ballot without a primary, represent-
9 ing the nominees of this Convention, pledged to them.

10 MRS. AUSTIN: My next question, Senator, is was
11 the state convention open to Negroes of the State of Mississippi
12 and were any Negroes actually in attendance at this convention?

13 MR. COLLINS: They were in attendance as observers.
14 I don't believe there were any elected from the county con-
15 ventions but they were elected from the precincts and went to
16 the county conventions.

17 A long time ago I used to run and I wasn't elected
18 to the state convention many times.

19 MRS. AUSTIN: Was the convention open to Negroes?

20 MR. COLLINS: Yes, absolutely.

21 MRS. AUSTIN: Were there any delegates, Negro
22 delegates, at your state convention?

23 MR. COLLINS: No delegates, because they weren't
24 elected by the county convention, but they were there as
25 spectators.

1 MRS. AUSTIN: My final question, Senator, is:

2 Is not the regular platform of the Democratic Party
3 of the State of Mississippi committed to a completely segre-
4 gated society, and does not your platform call for the repeal
5 of the Civil Rights Act?

6 MR. COLLINS: There was a resolution passed to that
7 effect. We have actually no platform.

8 MRS. AUSTIN: And this is the position of the
9 regular Democratic Party in Mississippi?

10 MR. COLLINS: They passed such a resolution, yes.
11 It is a matter for Congress.

Firshein
fols.
5:00 p.m.

5:00 p.m.
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MISS DAVIDSON: Miss Davidson from Colorado.

Mr. Collins, I would like to ask you, I understand that your Convention was terminated to reconvene in September.

MR. COLLINS: September 9. Yes.

MISS DAVIDSON: Do you have a copy of the resolution or the motion that was passed terminating the Convention?

MR. COLLINS: Yes, I do.

MISS DAVIDSON: Would you read it to me, please?

MR. COLLINS: Yes, I will.

"BE IT RESOLVED at the Democratic Party of the State of Mississippi in convention assembled at Jackson, Mississippi on this the 28th day of July, 1964, that when this Convention adjourns on this day it do adjourn as authorized by Section 2 of Chapter 32 of the laws of the State of Mississippi, Passed at the first extraordinary session of the Mississippi legislature of the year of 1963 until ten A.M. on Wednesday, September 9, 1964, at the Mississippi Colleseum, the City of Jackson, Mississippi, then and there to take any and all other further action that may be deemed proper by such adjourned Convention."

MISS DAVIDSON: Would you please tell us what the reason was for the termination of the Convention and the reason for convening the Convention in September?

MR. COLLINS: That has been one of the customs we

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1 have used in that state.

2 CHAIRMAN LAWRENCE: All right, go ahead, you have
3 22 minutes used up. 22 you have used.

4 Barbara Sylvester from South Carolina.

5 MRS. SYLVESTER: Is it true that the regular
6 Democratic Party of Mississippi is contemplating following
7 Governor Wallace in forming a third party after the November
8 election?

9 MR. COLLINS: No, ma'am, I have never heard that
10 mentioned to me.

11 CHAIRMAN LAWRENCE: All right. Go ahead.

12 MR. COLLINS: Honorable Ruble Griffin, the
13 Assistant Attorney General.

14 REMARKS OF RUBLE GRIFFIN,

15 ASSISTANT ATTORNEY GENERAL OF MISSISSIPPI

16 MR. GRIFFIN: Governor Lawrence, ladies and gentle-
17 men of this Committee, this, of course, is quite an
18 experience for a country lawyer, and I don't think I need
19 to tell you that I am somewhat awed by the situation in
20 which I find myself.

21 I certainly hope, though, today -- let me tell you
22 this first. I feel sorry for you people, certainly you have
23 my sympathy in trying to work out the problems here. And in
24 what I have to say to you I certainly hope that I can shed
25 some light on your problems and not heat. That is not my

dn3

1 intention.

2 Ladies and gentlemen, I come here as an employee
3 of the State of Mississippi. I am employed by the State
4 Attorney General, the Honorable Joe T. Patterson, who is
5 a true loyal Democrat, who I know has campaigned for the
6 nominees of this Convention through the last three elections.

7 As for myself, I have never voted any ticket except
8 Democratic. I failed to vote the first time that I could have,
9 that was the year I turned 21 in 1944 because I was away
10 from home.

11 I had some free clothes that Uncle Sam gave me, and
12 I couldn't get home at that time otherwise I would have
13 voted Democratic then.

14 My mother and father took care of that for us and
15 President ^Roosevelt carried Mississippi.

16 My father reared five sons on a small cattle and
17 cotton farm and my first recollection of any President is
18 that of a Republican. I can remember selling cotton for five
19 cents a pound, I can remember that my father sold a whole
20 truckload of cows one time for \$18.

21 We made very little of the cotton that we sold,
22 the yield at that time was very low. Other crops and live-
23 stock that we had, cattle and hogs, we couldn't even sell.

24 However, we ate well. From the products of our own
25 farm we were able to share food with our neighbors, and I

dn4

1 can tell you now as a Christian, and I belong to no organiza-
2 tions except the American Legion, the VFW and the Baptist
3 Church, and not too regularly in attendance in anything but
4 the church and I go to it every Sunday when I am at home,
5 I am here to tell you now that during those trying times,
6 that we shared the things that we had with our neighbors, as
7 Christians we shared them with our Negro neighbors.

8 This was not done out of a spirit of pity but out
9 of a spirit of Christianity.

10 I well remember the joy that was around the fire-
11 side back home in those trying times when the word came over
12 this battery radio that President Roosevelt had been elected
13 President of the United States, that was back in 1932, I
14 believe it was.

15 Before long, my friends, things began to pick up.
16 We began to get more for our cotton than we had before.

17 We had a market for other products, and nice electric
18 lights supplied by TVA and REA and I come out of north
19 Mississippi, which is a TVA area. The soft coal lamp was re-
20 placed by the nice electric lights.

21 Painted shanties in my part of the country began
22 to be replaced by painted homes, privies by modern plumbing,
23 red cheeks replaced hollow faces. Hot lunches in school re-
24 placed the cold biscuits. That is why I am a Democrat.

25 I come here not only as a lawyer representing my
state of which I am proud, believe it or not, in spite of

dn5

1 all you have heard about it, but I speak to you, my friends,
2 as a Democrat, as one who does not want the Democratic Party
3 to die in the State of Mississippi or any other state in
4 this union.

5 Mr. Rauh in his brief refers to us as traditional
6 Democrats, traditional Democrats. To that indictment I am
7 glad to plead guilty. I am a traditional Democrat.

8 I hope to show to you ladies and gentlemen legally
9 about three or four propositions, that there is but one
10 lawfully constituted Democratic Party in the State of
11 Mississippi, that the name "Democratic" has already been
12 appropriated by the regular and lawful Democratic Party in
13 the State of Mississippi, and it cannot now be used by another
14 group.

15 We have a statute that was passed, I believe it
16 was in the year 1950. If any of you who have looked at our
17 codes I believe it starts at 3107-01 and runs for about
18 the next six sections of the code, and three or four times
19 in there it is provided that when one party has registered
20 a name another party cannot then come in and register
21 under that name.

22 That law is not peculiar to the State of Mississippi.
23 It is used fairly well all over the country. The regular
24 Mississippi Democratic Party which was the only group around
25 at that time, and in fact until just very recently, that used

1 the word "Democratic" in its name, then went in and regis-
2 tered under the name "Democratic."

3 Incidentally it, of course, was the same Democratic
4 party that had been in existence every since reconstruction
5 days.

6 A lawsuit was filed on that statute immediately,
7 not by Democrats but by Republicans. We had two functioning
8 groups of Republicans in Mississippi at that time. Imme-
9 diately after the act was passed, of course, one group beat
10 the other one to the Secretary of State's office, that
11 is where you have to go register your party, and it has to
12 be done by the Secretary of the Executive Committee under
13 the statutes.

14 The other Republican group challenged it in the
15 courthouse. The Supreme Court of the State of Mississippi up-
16 held that statute. The losers appealed the case to the United
17 States Supreme Court, certiorari was denied in the United
18 States Supreme Court.

19 Later they again tried to come back in by filing
20 a suit against the Secretary of State in Federal Court
21 challenging the Constitutionality of the State Act.

22 A three-judge court was convened. The three-judge
23 Federal Court did hold the Act to be unconstitutional under
24 the facts of that case inasmuch as the denied Republican
25 group had been in existence for 72 years, and Judge Reeves,

dn7

1 speaking for the three-judge court, Judge Reeves of the Cir-
2 cuit Court of Appeals stated since they had it for 72 years
3 they couldn't be denied it by the Act.

4 It amounted to a foot race, I am not arguing with
5 Judge Reeves' opinion, either, but the other group appealed
6 the case to the U.S. Supreme Court and the U.S. Supreme
7 Court reversed Judge Reeves, so our Act still stands today.

8 Now, there is a lot of other states that have similar
9 statutes. I found in my research on this subject that the
10 State of Wisconsin had their Act tried out almost like it
11 60-some years ago.

12 Minnesota had a similar statute, Indiana had a
13 similar statute. Now, this group comes in here, and I say
14 in all deference, I don't mean -- I don't come here in rancor
15 and bitterness, believe me I really don't, and say that they
16 should be registered under the name "Democratic."

17 Now, the Act very specifically provides that when
18 you come up to register you should furnish the name of your
19 Executive Committeemen, the Chairman and Secretary thereof,
20 and that it should be filed after the Convention showing who
21 all your people are, your Presidential electors, your State
22 Executive Committee, and what have you.

23 Now, here was all that was filed with the Secretary
24 of State of the State of Mississippi. It says this:

25 "July 20, 1964, Honorable Heber Ladner, Secretary

dn8

1 of State, State of Mississippi, Jackson, Mississippi.

2 "Dear Mr. Secretary:

3 "The present Democratic Party is currently engaged
4 in organizing a political party in the State of Mississippi.
5 We are holding precinct meetings, county conventions, district
6 caucuses, and a state convention which will take place
7 on August 6, in Jackson.

8 "At the state convention and district caucuses, we
9 will elect delegates to the forthcoming Democratic National
10 Convention, as it is our contention that there is no real
11 branch of the National Democratic Party in Mississippi at
12 present.

13 "The group which calls itself the Mississippi
14 Democratic Party has forfeited any claim it might make to
15 such a position by its consistent discrimination against
16 Negro citizens and by its repeated and explicit disavowals of
17 any connection with the National Democratic Party.

18 "We, therefore, request that you register the free-
19 dom Democratic Party as the official Democratic Party of the
20 State of Mississippi, or if this application is insufficient, ad-
21 vise us as to what form a proper application should take.

22 "Signed, Mrs. Annie Devine, Secretary, Temporary
23 State Executive Committee; Edwin King, Temporary National
24 Committeeman."

25 I would challenge anybody that would take even a

dn9

1 casual glance at the statute to say that that is even token
2 compliance with the statute.

3 It does not comply whatsoever. It was filed not by
4 the Secretary or the Chairman of a n Executive Committee, ;
5 it was filed by Mrs. Annie Devine, Secretary, Temporary State
6 Executive Committee, see, they haven't even formed a party
7 yet -- Edwin King, Temporary National Committeeman.

8 In all deference to them, ladies and gentlemen, I
9 beseech you to look at this. Now, this thing was formed
10 for one purpose according to its own contents, it is not formed
11 for the purpose of having another political party in the State
12 of Mississippi. It is formed for a purpose of having a group
13 to represent the State of Mississippi with a National Demo-
14 cratic Party and for no other purpose. As I underst and it
15 if you are going to have a political party you don't just
16 have some kind of a club or an organization that would
17 represent your state with a National Party but you would have
18 a party which gets out and offers candidates in their primaries,
19 not mine, from every office from constable to governor.

20 Now, in this connection I would like to point out
21 this, that certain members of this party, this so-called
22 Freedom Democratic Party, who now claim so much persecution,
23 you -- actually offerred for office in our June primaries the
24 regular democratic party of the State of Mississippi.

25 The one lady who sat here and gave the pitiful story

dn10

1 ran for United States Senator -- I beg your pardon, she ran
2 for Congressman against Congressman Jaimie Whitten, and I
3 have the returns on it but I don't want to bother you with all
4 of this information.

5 A ctually, I think she got, she received 621 votes,
6 it was a small turnout really but Congressman Whitten receivd
7 35,218 votes to her 681, and I am here as a witness and I
8 would state under oath that there is more qualified Negroes
9 in the City of Greenville than she received votes in the
10 whole 23 counties in the district, and Greenville is within
11 the district.

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1 Now, Victoria Jackson Gray of Haddisburg,
2 Mississippi, offered as a candidate for the United States
3 Senate against the Honorable John C. Stennis, and her name
4 was placed upon the ballot even though the record shows
5 Mr. Rauh admits in his brief, that at this very time there
6 -- they were forming this party while they offered to run
7 in the regular Democratic Primary. Mr. Rauh admits that
8 in his brief. At one time he says in there they were form-
9 ing this deal in April. Of course, it was kept a secret,
10 as Mr. Collins has pointed out.

11 Now, Victoria Jackson Gray over the whole State
12 of Mississippi, as I said it was an election, there weren't
13 too many people interested, had received 4,703 votes to
14 173,764 votes and, ladies and gentlemen, I checked with the
15 Circuit Court of Hinds County, that is the City of Jackson,
16 he tells me that he is positive, although there is no
17 record by race, that there are more qualified Negroes to
18 vote in the City of Jackson than Mrs. Gray received state-
19 wide.

20 I come to you, I tell you, I beseech with you
21 and, listen, these people represent no one. If they come
22 here representing any substantial segment of their
23 population, and could prove the things upon us which they
24 have said that we are guilty of, I would say this conven-
25 tion ought to seat them.

2 1 I say we are not guilty of these things, in the
2 first place, and then they represent no one.

3 Now, our statute on how to organize a party is
4 very clear, and it sets out just about four or five steps
5 in it and, incidentally, this same method is used in 25
6 other States. I have checked it here with the Legislative
7 Reference Service of the Library of Congress of January
8 31, 1964, and just to give you a few of them, Alaska,
9 Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii,
10 Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Michigan,
11 Missouri, Montana, on and on, some 25 or more.

12 This same method that we use is used in all of
13 those states, and our statute provides and, incidentally,
14 this is an old statute, it has not been changed substan-
15 tially, as to how you organize a convention since 1906,
16 that is when it first appeared in our code, and I have just
17 gotten a little memorandum here -- I won't read the whole
18 statute to you -- but it provides there that a state
19 convention shall be held by each political party in the
20 state in the year 1952 and every four years thereafter at
21 a time and place to be designated by the state executive
22 committee.

(2) 23 It goes on to tell what the purpose of the con-
24 vention will be. That is to have a state executive com-
25 mittee appoint delegates to this convention, nominate

3
1 candidates for President and Vice President, and the
2 presidential electors, adopt a platform, promulgate
3 principles, and take such other action as shall by the con-
4 vention be deemed necessary.

5 The method of selecting candidates to the state
6 convention is through the precinct and county system. The
7 date of that shall be designated by the state executive
8 committee or the chairman thereof, which meeting is held at
9 10 o'clock a.m. on such date as the usual voting place.

10 The exhibits attached to my brief show that these
11 people did not hold their precinct meetings even in the
12 counties where they held them, and according to Mr. Rauh's
13 brief, they only held them in 35 counties of the 82 in the
14 state.

15 I say to you they don't even have a quorum to
16 have a convention. They didn't hold them at 10 o'clock a.m.
17 in the morning. I don't know why the statute says 10 o'clock
18 a.m. It has just been there since 1906, and that is the
19 way everybody has done it, but they didn't choose to do it
20 at that time.

21 They held their precinct meetings often times at
22 what they called precinct meetings. At the same time they
23 held the county convention. They would go over in the
24 corner, I suppose, and sit there -- and sit around and
25 hold a convention.

4 1 Now, that is substantially the way it is done.

2 The statute provides that each county shall be
3 entitled to representation in the state convention equal
4 to the number of members it has in the lower house of the
5 legislature. We have 122 members of the lower house of
6 the legislature, and I think it would require two-thirds
7 of 122 to have a quorum.

8 I think a simple matter of arithmetic would show
9 there was not even a quorum in their convention.

10 They say they did not have an opportunity to
11 participate. I am sorry, and I apologize to the committee
12 for not getting my brief in to them. I only received word
13 over the weekend when I was asked to appear -- when I was
14 asked to prepare this, and I had to get very busy and get
15 it ready to get it up here, but I went around over the
16 state -- I mean I did not, I take it back, I called around
17 over the state and got up affidavits from some substantial
18 people as to what went on in their various counties. I
19 might take one here from the County of Washington which is
20 the City of Greenville -- put in a plug for Greenville, a
21 very nice city over on the river:

22 "Personally appeared before me, the undersigned
23 authority in aforesaid county and state, Foster S. Davis,
24 who being by me first duly sworn stated on oath that he is
25 an adult residing at 647 Arnold Avenue, Greenville,

5 1 Washington County, Mississippi, a citizen of the State of
2 2 Massachusetts, whose domicile is in Concord, Massachusetts,
3 3 that he is presently employed as a reporter for the Delta
4 4 Democrat Times, a newspaper published by Hodding Carter
5 5 and edited by Hodding Carter, III, in Greenville,
6 6 Washington County, Mississippi, and that he occupied such
7 7 position during the months of June, July and August 1964
8 8 down to the date hereof."

9 "Affiant further states that in his capacity as a
10 10 reporter for said newspaper on the night of Wednesday,
11 11 June 29, 1964, he attended four precinct conventions of
12 12 the Freedom Democratic Party, commencing at 8:00 p.m. being
13 13 the precinct conventions designated precinct one, Greenville,
14 14 Mississippi," and so on, naming several others.

15 "Affiant further states that he knows of his own
16 16 knowledge that at each of said precinct r which he
17 17 attended elections of delegates to the F. Democratic
18 18 Party, party y and district convention. not held
19 19 by secret b were held by open vote."

20 O e provides you have to have it by open
21 21 vote.

22 "Affiant further states that he knows of his own
23 23 knowledge that each of said four precinct conventions
24 24 there was no attempt to determine whether the participants
25 25 therein were qualified electors under the laws of the state

6
1 of Mississippi."

2 I have other affidavits of Washington County to
3 show that Negroes did attend those precinct meetings there.

(3)
4 Let us go over here to Sunflower County,
5 Mississippi. The lady who spoke here a while ago speaks
6 of her mistreatment, Mrs. Hamer, let's see what happened
7 in Sunflower County.

8 Here is a letter that I have that went to Mr.
9 Oscar Townsend of Indianola, Mississippi, who is chairman,
10 an attorney there, a very prominent man, whose integrity is
11 beyond reproach in his community, he is chairman of the
12 County Democratic Executive Committee, and here is the
13 letter from Mrs. Fannie Lou Hamer, 626 East Lafayette
14 Street, Ruleville, Mississippi, and it states Ruleville,
15 Mississippi, June 6, 1964:

16 "The precinct meeting of Ruleville, Mississippi
17 met at 10 a.m. at the Community House," this is a regular
18 Democratic Party, bear in mind, "polling place on the
19 front lawn. The group consisted of eight people. Mrs.
20 Ruby Davis was appointed temporary chairman. Then we voted
21 unanimously that Mrs. R. Davis would be the permanent
22 chairman. The meeting was called to order by the chairman
23 and Mrs. Ruby Davis. She then called for nominations of
24 the secretary. Mrs. McDonald nominated Mrs. Irene Johnson
25 as secretary," and so on, and it goes on and says what they

1 did. That was the point of that convention -- that was the
2 report of that convention to the chairman of the county
3 executive committee.

4 Here is what happened at the county convention.
5 Omitting formal parts of Mr. Townsends affidavit, he
6 states that he received a letter on or about June 18, 1964
7 with the return address of "Mrs. Fannie Lou Hamer, 626
8 East Lafayette Street, Ruleville, Mississippi," appearing
9 thereon, "and that the contents of the letter showed that
10 a meeting was held at 10 O'clock a.m. on June 16, 1964 at
11 the Community House in the City of Ruleville, Mississippi,
12 Sunflower County, purporting to be a precinct meeting."
13 He accepted the letter and then:

14 "Affiant further states that he does not remember
15 the names of the delegates from the Ruleville precinct
16 to the county convention, the regular Democratic Party,
17 but states that either three or four Negro women appeared
18 as such delegates and participated in the affairs of the
19 convention by making motions and voting on other business
20 that properly came before the convention."

21 Then he lists the names of the people who signed
22 the correspondence. Here is the original letter in Mrs.
23 Hamer's own handwriting.

24 We heard from Dr. Henry here this afternoon. He
25 lives up in Coahoma County, Mississippi. Now, let's see

1 what went up there. I have or I had, if I can find it here,
2 I have got so much stuff, a telegram that came in yester-
3 day from Mr. Vince Brocardo, an attorney in Clarksdale,
4 which is the home of Dr. Henry, who stated that he went to
5 the -- that Dr. Henry attended the same precinct meeting,
6 that he attended. Both their names were put up as delegates
7 to the county convention, and he got more votes than Dr.
8 Henry did so, consequently, he went to the county convention.
9 I believe it is said that Mr. Brocardo got about 40 and Dr.
10 Henry about 15. Dr. Henry just got less votes than he did,
11 it is just that simple, ladies and gentlemen, so help me.
12 That is all there is to it, and he comes in here with all
13 of these allegations against people when he went there and
14 participated in our affairs.

15 Now, we have another section of our code, Section
16 3129, which provides in substance about like this: It says
17 that in order to participate in any party's affairs, you
18 must intend to be in accord with the principles of the
19 party and support its candidates. I think that is pretty
20 well universal statute all over the country, to insure
21 some integrity of political parties.

22 Now, these people voted in the Democratic
23 Primary this year, they participated in the precinct
24 election, and the leaders of it, by the way, even ran for
25 office in the regular Democratic Primary.

1 Now, I ask you, have not they gone back on the
2 very pledge they took on the state law to stay with the
3 party to which they were then in, and participating in?
4 There is no way to get around it. It is just that simple.

5 I feel sorry for anybody who might be abused, I
6 really do. I did not grow up in that kind of an affair.
7 As I tell you, I try to live right, I think most people in
8 Mississippi try to live right. I was reared in a Christian
9 home. Today I live in a nice home, in a nice suburb of
10 one of America's cleanest cities, and that is Jackson,
11 Mississippi.

12 I owe, I think, my success to the industry that
13 was instilled in me by my mother and father, and some of
14 the prosperity that I enjoy to the Democratic Party.

15 Ladies and gentlemen, I beseech you to study
16 this matter carefully. Look at this. The people did not
17 organize properly. They cannot use our name. If they go
18 back home they are still -- they will still not be recog-
19 nized. They can put no one's name on the ballot. There
20 is an injunction against them now from operating under the
21 name of the Democratic Party, and, incidentally, I want to
22 make one correction that is in my brief. At the time I
23 drew this brief there was a temporary injunction standing
24 against these people which would have prohibited them
25 from using the word "Democratic" in any fashion acting as

1 delegates or representatives of any party that -- other
2 than that it was usurping the name of the word "Democratic"
3 because that belonged to someone else. That injunction has
4 been modified to one extent, and that was to allow these
5 people to come here to Atlantic City. So when my brief
6 refers to the fact that the injunction is total, it is in
7 error. It was not in error when I wrote it, but it is in
8 error now, and I want to bring that to your attention.

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mjn-1

But here is the thing about it. They are not a registered party. They cannot be a registered party under our state statute, a statute that has been upheld twice in the United States Supreme Court and it has been twice certiorari. It has been upheld in other states.

If you seat these people as your delegates, I ask you now, who shall put the name of President Johnson on the ballot in November? There will be no party in Mississippi to put President Johnson's name on the ballot under the Democratic label. The only way they can put his name on there would be by petition, and we all know that is not effective.

Ladies and gentlemen, I say to you, not as a threat, but as a local Mississippian, and I hope a true American, do not kill our Party. Do not kill our Party. You will kill it if you fail to seat the people, the lawful delegates from Mississippi, which proved it represents the vast majority of the people of Mississippi. You will kill the Party.

We in the South, too, and I do not mean to threat, it is not my intention -- we are kind of akin all of the way across from the Carolinas, and Virginia, and out to Texas. My folks came into Mississippi from Georgia some 130 years ago. Many of my grand-daddies mothers moved on to Texas. We have people in our rural community back home who claim they are kin to Lyndon Johnson and I think they are.

mjn-2

1 I believe that you would do your party harm,
2 you would gain nothing, and I beg of you, and I beseech you,
3 do not kill our Party.

4 Thank you.

5 MR. COLLINS: Mr. Chairman, in final conclusion,
6 let me say that I live in a rather industrial town of Laurel,
7 on the Georgia coast, and as long as I have been voting, the
8 Negroes have voted.

9 CHAIRMAN LAWRENCE: May I interrupt you for a minute.

10 Are there any members of the Committee who would
11 like to ask the Attorney General a question?

12 MR. MADDUX (TENNESSEE): My name is Jerry Maddux,
13 and I am a delegate from the State of Tennessee, and a member
14 of the Credentials Committee.

15 I would like to ask the Attorney General this ques-
16 tion: Did the regular Democratic Party whom you represent
17 follow to the letter of the law the legal procedure establish-
18 ed by law in selecting the delegates to this Convention?

19 MR. GRIFFIN: Even to dotting the "i", sir.

20 CHAIRMAN LAWRENCE: What is that?

21 MR. GRIFFIN: Even to dotting the "i".

22 MR. MADDUX: I have a second question, Mr. Chairman.
23 Did the Freedom Democratic Party whom Mr. Rauh represents,
24 follow to the letter of the law the legal procedure prescribed
25 by law in selecting the delegates to this Convention?

mjn-3

1 MR. GRIFFIN: Mr. Maddux, I tell you as an attorney,
2 with full faith in upholding my profession, that they did
3 not. They didn't even come close to it.

4 MR. MADDUX: This is my third question and I am
5 finished. Are you in position, Mr. Attorney General, to
6 assure the Credentials Committee seated here today that
7 the regular Democratic delegates, if seated in this Conven-
8 tion, will support the Democratic nominees of this Convention
9 in the month of November?

10 MR. GRIFFIN: Mr. Maddux, inasmuch as I am not a
11 delegate myself, I don't think that I should commit anyone.
12 I can tell you this: I know a lot of these people personally,
13 some of them I am meeting for the first time, and in conver-
14 sations with them, I think that they come here in good faith,
15 and not being a delegate or any officer in the delegation,
16 but at the request of the Governor who had requested the
17 Attorney General, as you have heard, and I am not here as a
18 member of the delegation, but I know these people and I
19 believe in their sincerity, and I think that they came here
20 to participate in the affairs of this Convention in good faith.

21 MR. MADDUX: Some comment was made here that a
22 resolution was adopted in your state convention in which
23 some assurances of that nature was given, and I wonder if there
24 is anyone here who could answer the inquiry.

25 MR. GRIFFIN: Senator Collins has a copy of that

mjn-4

1 resolution and he may read it or if he will hand it to me,
2 I will read it.

3 MR. MADDUX: I think that he read the resolution
4 just a moment ago and it is in general terms, and I am
5 wondering now whether or not this Credentials Committee,
6 which has a heavy burden resting upon its shoulders, can
7 have any assurance that the delegates representing the State
8 of Mississippi, can and will support the Democratic nominee
9 in November, and see that the electoral vote goes to the
10 nominee that we come out of this Convention with, and all of
11 us assume will be President Lyndon Johnson.

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MR. GRIFFIN: Mr. Maddox, I would rather that

Senator Collins answer the question, inasmuch as he or Judge Enhort is Chairman of the delegation, and Senator Collins is the National Committeeman.

CHAIRMAN LAWRENCE: All right, Senator.

MR. COLLINS: Mr. Chairman, I would like to read a statement which I think maybe I am authorized to read.

The Mississippi Democratic Party has been the true and faithful friend of the National Democratic Party for almost a century. The ope of every delegate who represents the great State of Mississippi at this convention is that the convention will produce a platform and nominate a leader our people can support. We came to Atlantic City with a desire to travel the Democratic road, which has been traditional in Mississippi. We hope that the actions of this convention allow us to follow that course. We feel this position represents the viewpoint of the vast majority of all of the delegates here.

I am authorized to make that statement for all of the delegates.

MR. MADDUX: Thank you for allowing me to ask the questions.

MR. MASSEY (INDIANA): I would like to ask Senator Collins a couple of questions, if I may.

Senator Collins, the party which you represent here today, was it in existence in 1960?

1 MR. COLLINS: Yes.

2 MR. MASSEY: Did you hold a convention in Mississippi
3 in 1960?

4 MR. COLLINS: Yes, sir.

5 MR. MASSEY: Did that convention adjourn so that
6 the delegates to the national convention could attend that
7 national convention in California in 1960?

8 MR. COLLINS: Yes, I was a delegate.

9 MR. MASSEY: And when you returned to the State of
10 Mississippi, did the convention reconvene?

11 MR. COLLINS: Yes, sir, I believe that is correct.

12 MR. MASSEY: Did not the convention when it recon-
13 vened refuse to support the national ticket of President
14 Kennedy and Lyndon B. Johnson, who were nominated in California?

15 MR. COLLINS: Let me say this. I was a delegate
16 and I had the honor of riding the train, the Lyndon Johnson
17 Special, and I had the honor of introducing the First Lady
18 of the Land in many stops along the route of the train. I
19 wholeheartedly supported President Kennedy out in Los Angeles,
20 throughout Mississippi and I made up money, and I spent my
21 own time and money making many speeches for him.

22 I never voted an unpledged ticket or a Republican
23 ticket in my life. I have voted the straight Democratic ticket
24 all of the time I voted since I have been here, and I voted
25 all but two times. I was overseas during World War II.

1 MR. MASSEY: Is that your answer, Senator Collins?

2 MR. COLLINS: Yes, sir.

3 MR. MASSEY: Is it not a fact that the electors
4 from the State of Mississippi in 1960, as selected by that
5 convention, refused to vote for President Kennedy and now-
6 President Lyndon B. Johnson, and did in fact vote for Senator
7 Byrd?

8 MR. COLLINS: The electors did. I was not one of
9 them. We had a group pledged to President Kennedy, and they
10 came first on the ballot, and they lost the state by 8,000
11 votes after they had put on one of the most widespread
12 campaigns of the Kennedy-Johnson ticket. They only lost by
13 8,000 votes and the Republicans had three slates on the ballot.
14 The Republicans received -- and they were not Democrats --
15 but the Republicans received some, I forget now what it was,
16 but pretty close to the top of the other two.

17 One convention does not hold over to another one,
18 and this is a new convention and a new day and a new year.

19 MR. MASSEY: May I ask one further question? Is your
20 state convention now adjourned?

21 MR. COLLINS: It is in recess.

22 MR. MASSEY: And it will reconvene?

23 MR. COLLINS: On the 9th day of September, as I
24 told one of the others in answer to a question.

25 MRS. KING (WASHINGTON): I am a delegate to the

1 Credentials Committee. I have two questions, to ask. I would
2 like to ask Mr. Griffin first as to the letter which you said
3 was received for application by the Freedom Democratic Party.
4 They asked to have any further information for legal action
5 that they should take on their part. Was this information
6 given to them?

7 MR. GRIFFIN: As far as I know, I don't know of
8 anyone that gave them any. They went to the Secretary of
9 State's office, and I was not there. It is in the brief, and
10 the exhibit shows that they left a post office address in
11 the City of Jackson, and they sent this letter to Mr. Ladner.
12 They did not come to his office. The exhibit to the brief
13 shows that they mailed this letter to Mr. Ladner's office, to
14 the Secretary of State's office, that is, and when he went to
15 reply to their letter, to tell them that they had not
16 complied with the law, it was sent back because the post
17 office box had closed. That is shown by the exhibit to the
18 brief.

19 MRS. KING: Thank you. I have a question of Senator
20 Collins. You stated in the resolution which was passed, that
21 you were going to wait until after this convention to see
22 that the proposed candidate for the Democratic Party as well
23 as the platform as adopted here would be compatible with
24 the State of Mississippi.

25 MR. COLLINS: I believe you misunderstood me. I

1 did not say that.

2 MRS. KING: I would like a clarification on the part
3 of the platform.

4 MR. COLLINS: I don't know what kind of platform
5 they will pass.

6 MRS. KING: I mean the resolution which was passed.

7 MR. COLLINS: The resolution said nothing in it about
8 the platform. Neither did I about it in the resolution.
9 The resolution just guarantees this convention --

10 MRS. KING: There was a statement which you mentioned
11 about the platform.

12 MR. COLLINS: That was just a statement of policy.

13 MRS. KING: The statement of policy regarding the
14 recessing of your convention, your state convention.

15 MR. COLLINS: No, I did not read a statement about
16 the recessed convention whatsoever. We have a resolution.

17 MRS. KING: Something was mentioned about the
18 platform, which would be adopted here.

19 MR. COLLENS: I --

20 MR. LEVENTHAL: She is referring to the resolution.

21 MR. COLLINS: I said the delegation of the State
22 of Mississippi hoped that a platform would come out of this
23 convention, and that a President and Vice President would
24 be nominated that would be satisfactory to all of the people
25 and everybody could go out and support them. That is what

1 I said in essence.

2 MR. KING: Well, how do you reconcile this with
3 the resolution passed against the civil rights plank or
4 rather against the Civil Rights Act? If there is a civil
5 rights plank in our platform, how would Mississippi then react?

6 MR. COLLINS: Well, I could not answer that, because
7 I believe we have 2,157,000 people down there, and I
8 certainly could not do it. I am Chairman of the Judiciary
9 Committee of the Senate. There are hundreds of bills come
10 in there, and hundreds of resolutions, resolving against
11 things that certainly I don't agree with, or the committee
12 does not agree with, and they throw them asunder.

13 MRS. KING: Thank you.

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1 MR. KASTENMEIER (WISCONSIN): Mr. Chairman?

2 CHAIRMAN LAWRENCE: Mr. Kastenmeier, of Wisconsin.

3 MR. KASTENMEIER: Mr. Chairman, I would like to
4 ask Senator Collins, in following up what the gentleman from
5 Indiana asked him, in connection with the reconvening of
6 the Mississippi Convention.

7 If we, as delegates on the Credentials Committee,
8 believe that on September 9th the Mississippi Democratic Party
9 would again repudiate the Democratic National Platform and
10 Lyndon Johnson and his running mate, do you think that not-
11 withstanding that, that we should seat ~~her~~ at this Conven-
12 tion the regular Democratic Party?

13 MR. COLLINS: We have never repudiated anyone
14 down there. It wasn't repudiating before. We don't know
15 what the Platform is, of course. I say this: I can guarantee
16 you that the names of the President and Vice President will
17 be on the ticket under the banner of the National Democratic
18 name.

19 MR. KASTENMEIER: In 1960, the resolution was as
20 follows: That we reject and oppose the Platforms of both
21 National Parties and their candidates.

22 MR. COLLINS: Would you read that again, please?

23 MR. KASTENMEIER: This was adopted on 16 August
24 1960, following the Democratic National Convention in Los
25 Angeles. "(1) We do" -- well, I won't read all of it.

kp 2

1 "We do hereby affirm and declare, (1) that we
2 reject and oppose the Platforms of both National Parties
3 and their candidates."

4 So already the Democratic Party of Mississippi has
5 opposed and rejected Lyndon Johnson, at least as a Vice
6 Presidential candidate, in 1960.

7 MR. COLLINS: They haven't done it in 1964, though.
8 And there was an awful fight about that one. I was
9 there fighting.

10 MR. KASTENMEIER: The point is, if we thought
11 they would, as members of the Credentials Committee, not-
12 withstanding that, do you feel that we ought to seat
13 this regular Democratic Party?

14 MR. COLLINS: Yes, I think this is the only
15 legally constituted party that could be seated. That is
16 something. Let me say this, Mr. Chairman, ladies and
17 gentlemen: We cannot control people from introducing reso-
18 lutions. We cannot control people from going out and
19 making speeches anywhere from Maine to Mississippi, from
20 California to the Carolinas. The people are all making
21 speeches. And there is no one that can stop them.

22 MR. KASTENMEIER: Mr. Chairman, I have one more
23 question for the Assistant Attorney General inasmuch as he
24 is a member of Governor Paul Johnson's cabinet.

25 MR. PATTERSON: I beg your pardon, sir, I am not.

3 1 The Attorney General of the State of Mississippi is elected,
2 2 just like the Governor, and we don't always vote for the
3 3 Governor that gets elected, either.

4 4 MR. KASTENMEIER: You are not disassociated your-
5 5 self, are you?

6 6 MR. PATTERSON: No, sir, I am not disassociating
7 7 myself from Governor Johnson, none whatsoever. I understand
8 8 your question. I didn't mean to be offended by it.

9 9 MR. KASTENMEIER: The question really was in the
10 10 brief prepared by the Mississippi Freedom Democratic Party,
11 11 as late as last week they quote the Washington Post as
12 12 reporting that Governor Johnson stated, "That the Johnson
13 13 Administration was 'shifting, vasculating, crawfish
14 14 government in Washington'". That was August 13th.

15 15 MR. PATTERSON: What year?

16 16 MR. KASTENMEIER: I am wondering whether we can
17 17 expect as a loyal Democrat --

18 18 MR. PATTERSON: I thought he filed that prior to
19 19 August 13th, this year.

20 20 MR. KASTENMEIER: August 13th, that is last
21 21 week. Governor Johnson was quoted as saying that by the
22 22 Washington Post. I don't know whether it is correct or
23 23 not.

24 24 MR. PATTERSON: I will tell you this on behalf
25 25 of Governor Johnson, and I certainly don't attempt to speak

4 1 for Governor Johnson -- as I said, the Attorney General of
2 the State of Mississippi is elected, sir, and we cannot
3 speak for the Governor -- I didn't read that quote from
4 Governor Johnson in any of the local newspapers. That
5 don't mean that he didn't make it. Somebody else may have
6 picked it up somewhere else. But I can tell you this,
7 there most assuredly hasn't been any vote from Governor
8 Johnson that he would vote for Barry Goldwater.

9 MR. KASTENMEIER: At least not yet.

10 MR. PATTERSON: Well, at least not yet. As far
11 as that is concerned, I will tell you this: There has
12 been no suggestion from him that he would vote for any-
13 body else other than the nominees of this Party. Governor
14 Johnson was at the regular Democratic Convention of the
15 Democratic Party of the State of Mississippi when the
16 resolution was passed, whereby this Convention is assured
17 that its nominees names shall appear upon the ballot in
18 the State of Mississippi under the label Democratic. And
19 don't think that doesn't mean a lot in the State of
20 Mississippi, too.

21 MR. KASTENMEIER: Thank you, Mr. Chairman.

22 CHAIRMAN LAWRENCE: All right, Senator.

23 Pardon me.

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2 support the nominees of this Convention and the Platform
3 that will be adopted here?

4 MR. COLLINS: If this Committee -- if this
5 delegation is seated, as National Committeeman, I certainly
6 will. I will do whatever is required of me here and work
7 just as hard as I have heretofore as a Democrat.

8 MR. ENGLISH: You would support the Platform?

9 MR. COLLINS: That would be part of the Democratic
10 process.

11 CHAIRMAN LAWRENCE: How many minutes has he left?

12 MR. LEVENTHAL: He has 12 minutes left.

13 MR. COLLINS: Mr. Chairman, and ladies and gentlemen:
14 I think we have taken enough of your time. We want to thank
15 you for permitting us to submit our case to you. It is a little
16 difficult to try a case under these circumstances, in forums
17 such as this. If it were in a court of law, the rules and
18 regulations would be where you would know how to proceed.

19 On behalf of all of the people of Mississippi and
20 the delegation that we have here, I want to thank you for
21 your courtesy.

22 The decision, as I told you, is in your hands. We
23 know that whatever decision you bring out will be one from
24 your heart, will be fair, and we will do our best to abide
25 by it.

2

1 Thank you.

2 Thank you, Governor.

3 CHAIRMAN LAWRENCE: Thank you.

4 MR. LEVENTHAL: Before the Assistant Attorney
5 General leaves, I wonder if he can leave for us the documents
6 he used in the course of his presentation. We will undertake
7 to return them.

8 MR. COLLINS: We will leave that with you.

9 MR. LEVENTHAL: Very well.

10 CHAIRMAN LAWRENCE: All right, Mr. Rauh.

11 MR. LEVENTHAL: Mr. Patterson, I was referring to
12 the letter, too.

13 MR. PATTERSON: There is one other thing that I
14 forgot, and I hate to hold up the proceedings further.

15 MR. LEVENTHAL: You can supply it later.

16 CHAIRMAN LAWRENCE: As I understand, you just want
17 to make a response with no new material?

18 MR. RAUH: There will be no new material, but there
19 will be argument presented.

20 MR. COLLINS: We will reserve the right, of course,
21 to have rebuttal, if necessary.

22 CHAIRMAN LAWRENCE: Certainly.

XXXXXX

23 REMARKS IN REBUTTAL OF JOSEPH L. RAUH, JR.

24 COUNSEL, MISSISSIPPI FREEDOM DEMOCRATIC

25 PARTY

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MR. RAUH: Mr. Chairman and members of the Credentials Committee: We have just heard that the Freedom Party was like the Klu Klux Klan. I didn't believe I would ever hear that those who have been beaten were like the beaters. What did he say was the reason for that? He said that we had secret files of our registration. There they are, ladies and gentlemen, 63,000 human beings registered in the Freedom Party, right there, available for every member of the Credentials Committee to come up afterwards and look at them.

Mrs. Moses is there and she will show them. We will not give them to the Mississippi people for the very simple reason, you heard Aaron Henry, you heard Mrs. Hamer, you heard the others say what would happen. A man's life is at stake if those are given. But, ladies and gentlemen of the Credentials Committee, you may come and see them. 63,000 people in Mississippi signed up for the Freedom Party, went to precinct meetings, went to county conventions, went to a State Convention.

They said we only had precinct meetings in 35 counties. Isn't it terrible that we were scared to hold one in Neshoba County, where three boys were murdered, one of whose wife was here? Isn't it terrible we couldn't have one there? But we did have them in 35 counties. You heard the representative of the National Council of Churches tell you

4 1 that this was the greatest grassroots action of modern times.
2 And they say we don't have a party. We have a party. We
3 have a party that one can be proud of, people who came and
4 registered with us.

5 Senator Collins said he never heard of anyone in
6 Mississippi who had been denied the right to vote. And yet
7 only six percent of the Negroes, and they are all in there.
8 They want to vote but they can't get the right to vote. It
9 is only this Credentials Committee, by seating the Freedom
10 Party, that will make the right to vote real in Mississippi.

11 Now, ladies and gentlemen, you get a kind of sweet
12 thought. They talk one way in Mississippi and they talk
13 another way here.

14 The Governor and Senator Collins in Mississippi say,
15 "We will fight segregation no matter what it costs in human
16 lives," and they sweet talk here.

17 What do they say in Mississippi? Here is what
18 the Governor says, "Our Mississippi Democratic Party is
19 entirely free and independent of the influence or domination
20 of any national party."

21 Why does he want to come here if they are independent
22 of the party? What is he here for at all? I will tell you
23 why they are here. They are here to warm the seats and keep
24 the Freedom Party from them, because if the Freedom Party is
25 once seated, Mississippi will change. You have it in your

5 1 power to make the greatest change in Mississippi in the
2 history of modern times by making the Freedom Party the
3 real Party in Mississippi. What else do they say down there?
4 Listen to this wonderful Governor Johnson. This is in 1963.
5 "My determination is to do anything I can to get the Kennedy
6 dynasty out of the White House."

7 Our great John F. Kennedy, his major ambition, was
8 to see that John F. Kennedy didn't return to the White House.
9 And he called him, and I say this in all sincerity, Governor
10 Paul Johnson called John F. Kennedy a dim wit. That is the
11 kind of people you are going to seat in this Convention?
12 What does his co-leader of the Party, Ross Barnett, who is
13 also his co-defendant in a criminal contempt case, for
14 trying to violate a court order? What about Ross Barnett,
15 co-leader of this Party? He called our great President,
16 Lyndon Johnson, "a counterfeit confederate who resigned from
17 the South" only this very month.

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1 And what do they say? Ladies and gentlemen, the
2 Democratic Party is the party of minorities. As I look at
3 the Credentials Committee, we are half minority ourselves,
4 first generation Americans. We are some of us Negroes. We
5 are some of us Jews. We are all a minority. And what does
6 this group Johnson and Barnett say about Negroes? Last year
7 Johnson campaigned up and down the State of Mississippi say-
8 ing, "Do you know what the NAACP stands for? Niggers,
9 alligators, apes, coons and possums."

10 Are you going to see the delegation sent by a man
11 like that? I don't believe so.

12 And then you know this recessed convention, who
13 was temporary Chairman? Well, he was the present National
14 Committeeman, which isn't E. K. Collins. He becomes National
15 Committeeman next week, but he is not National Committeeman.
16 George Thomas Brady is, who compared Negroes to chimpanzees and
17 caterpillars. Is that what we are going to do in this Conven-
18 tion? Is that what counts here?

19 Well, I heard them say we could come to all their
20 precinct meetings. I have got a stack of affidavits this high
21 of people who were kept out of precinct meetings.

22 Of course Fannylou Hamer had the nerve to go there.
23 She had the nerve to lay her life on the line, and you heard
24 her here, the beating she took in that prison because she
25 went to a voting school, and she had the nerve to go to a

2 1 precinct meeting, and they say, "See, it is all open. Fanny-
3 lou Hamer was there." Fannylou Hamer, who was beaten, lost
4 her job and then was beaten for the privilege.

5 They say we concocted thesesethings. Do you think
6 Aaron Henry concocted his story? Do you think Fannylou
7 Hamer concocted her story? Do you think Edwin King, a
8 Reverend of the Gospel, concocted his story? I don't believe
9 you believe that at all. But they said our Party is not a
10 legal party. What does it take to be a legal party in
11 Mississippi? Theirs is certainly not a legal party. They
12 didn't have a Negro in the entire state convention.

13 Not only is nobody on their delegation. There
14 wasn't a Negro in the whole state convention. They excluded
15 them all. That illegalizes their party, and on that ground
16 alone they ought not to be seated.

17 What about us? I hope you members of the Creden-
18 tials Committee will spend Saturday night in Atlantic City
19 reading the legal part of my brief, but I haven't so much faith
20 in that that I may just say a word about it.

21 The law is clear that when there are two groups
22 with substantial membership, and we have it right there,
23 you have the right to choose those who work for you, or for
24 your platform.

25 Their platform says repeal the Civil Rights Act.
Ours will say enforce it. They can't possibly support our

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platform, and we all know it. They know it.

The only sweet talk you hear to keep the Freedom Party from the seats, because if the Freedom Party gets the seats here, when they go back to Mississippi, they will build a new Mississippi that will make the Democratic Party proud of it.

(Applause.)

I don't know, sometimes it is the best advocacy not to point out some of the things that happened, but I think this ought to be pointed out. Time and again they were asked -- they were given a chance to pledge Governor Paul Johnson to our great President Lyndon Johnson, and they won't do it.

You know what they are going to do on September 9. The questions that were asked by the delegates from Indiana and the delegate from Wisconsin leave no question.

On September 9 they are coming out for Barry Goldwater, and if we seat them we have just been made monkeys of once again.

Now, wasn't it time enough, didn't it happen?

Bob Kastenmeyer pointed it out to them. He read to them what happened in '60. They had a meeting. They recessed. They came here. They went back. They rejected the President of the United States, John Kennedy. They rejected Lyndon Johnson.

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1 History is repeating itself. They had a meeting.
2 They are going back. They are not going to like out platform.
3 We are going to have a great liberal platform that they are
4 not going to like in Mississippi. If we adopt a platform they
5 did like in Mississippi, we would get licked in the United
6 States of America.

7 We are a legal party. You can't follow the laws of
8 Mississippi if you are a Negro. The laws are made to throw
9 Negroes out of every right in Mississippi. All you can do in
10 a legal way is to do the best you can. And we have done the
11 best we can.

12 We have built registration. We have held precinct
13 meetings where we could, even at risks. We held county con-
14 ventions. We held a state convention, and we pledged but
15 they won't pledge.

16 The biggest hand I got speaking to the Mississippi
17 Freedom Party Convention was when I said this: "The biggest
18 difference between us at this integrated convention and their
19 lily-white one the week before is not that we are largely
20 Negroes, and they were all white. It is that we are for
21 Lyndon Johnson and they are for Barry Goldwater."

22 And when I said "Lyndon Johnson" the house came down
23 because they want to work for him so much.

24 (Applause.)

25 Are you going to throw out here the people who want

5 1 to work for Lyndon Johnson, who are willing to be beaten in
2 jails, to die for the privilege of working for Lyndon Johnson,
3 and then seat some people who come in here and won't even get
4 up and say "I will see that Governor Paul Johnson and Governor
5 Ross Barnett support Lyndon Johnson."

6 Why don't they say it? Because they know they
7 won't. Only last week again Bob Kastenmeyer pointed out,
8 Paul Johnson, that great moderate, called the Lyndon Johnson
9 administration weak, vacillating and crawfishes. Is that
10 support for our party?

11 We are here. We love the Democratic Party. We
12 will work for its candidates. There is no legal problem.

13 If I can get you to read the brief, I am sure,
14 but even if you don't, I assure you as an attorney that you
15 don't have to do under law things that are impossible.

16 We did everything humanly possible and even more
17 because there was a risk. And so, ladies and gentlemen, it
18 comes down to some pretty fundamental things.

19 Will the Democrat Party stand for the oppress
20 or for the oppressed? Will we stand for loyal people
21 those who testified, or the disloyal regular party.

22 And remember, they had their chance. They had their
23 time. They made no effort to contradict these people. They
24 have made no effort to contradict the statements. Of course
25 they can't. They are out of their own mouths.

6 1 I have a two-minute warning. Life is like that
2 when you have so much to say.

3 This is the one moment when we may save
4 Mississippi from a dictatorship as bad as that in any totali-
5 tarian country of America, and I have so much in my heart to
6 say, but the time -- and that is only fair.

7 The Democratic Party cannot fight the white
8 backlash by surrendering to it. The seating of the Freedom
9 delegation is legally and equitably right. The liberal
10 principles on which the Democratic Party has grown great
11 demand that it stand with the Freedom Party at this Conven-
12 tion.

13 The Democratic Party has won over the years when
14 it stood fast for principle. It cannot win this time by
15 hauling down the flags. And let me say one thing more. The
16 question at this Convention: They represent the power struc-
17 ture. Senator Collins is here representing Governor Johnson
18 and the power structure of Mississippi. Your choice is coming
19 down to whether you vote for the power structure of
20 Mississippi that is responsible for the death of those three
21 boys, or whether you vote for the people for whom those three
22 boys gave their lives.

23 And so I say to you in all seriousness and all
24 earnestness these concluding feelings. We will not win this
25 election by hauling down the flag of principle, and what is

1 much more important to me, and I believe to this wonderful
2 Credentials Committee, is that unless we stand up for
3 principle and defeat those people who have given so much for
4 our Party and our President, what is worse than the fact that
5 we won't win is that we won't deserve to win. Thank you.

6 (Applause.)

7 CHAIRMAN LAWRENCE: Do you wish to reply?

8 MR. COLLINS: Yes, sir, very briefly.

9 CHAIRMAN LAWRENCE: You have ten minutes.

10 REBUTTAL REMARKS BY E. C. COLLINS, STATE SENATOR
11 AND ATTORNEY AT LAW, DEMOCRATIC NATIONAL COMMITTEEMAN
12 THE STATE OF MISSISSIPPI

13 MR. COLLINS: Mr. Chairman, Members of the Creden-
14 tials Committee:

15 I think I would be remiss if I did not briefly
16 reply to what eminent counsel has just told you. He told you
17 that there were 63,000 Negroes voting in Mississippi.

18 CHAIRMAN LAWRENCE: He said there was 63,000
19 registered.

20 MR. COLLINS: 63,000 registered in Mississippi.

21 CHAIRMAN LAWRENCE: In these cabinets here.

22 MR. COLLINS: Well, if they are they did not vote
23 for their people back home. But let me say this to you, that
24 Mississippi has never voted Republican since the day it became
25 a state in 1817. We have continuously through the ages voted

1 a Democratic ticket all the way.

2 Two times we did not vote for the national electors
3 in that state. One time they only lost by 8,000 votes, the
4 last election. Prior to that only one other time in 1948.
5 I will say this to the colored people of Mississippi and all
6 the world and I will tell him that I did not represent the
7 interests. I represent the people that are maimed and injured.
8 I have never represented a corporation or some of your inter-
9 ests you talk about in my life, because I don't need to.

10 I will tell you what I did this year for a Negro
11 girl in my county in the State of Mississippi. I received
12 at the hands of twelve men in the jury box more than \$60,000
13 during the year of 1964 for a Negro girl. Now, that is just
14 one of the things that I would like to point out to you that
15 we in Mississippi have fought the battles for those people the
16 same as we do for anyone else.

17 Yes, I know that some people, I know that we have
18 people there like you have in every other state in this union
19 that are not interested in the people that are, as you said,
20 downtrodden, as Mr. Rauh said, downtrodden. But by far and
21 large the biggest hearted people in the world -- and ask the
22 men and women down there if that isn't true -- live down in
23 Mississippi.

24 I will say this about the loyalty of those people
25 down there. We had the highest number of Congressional Medal

1 of Honor winners per capita of any state in the union during
2 World War II and the Korean conflict.

3 My friends, I submit it to you because there is not
4 one scintilla of evidence, legal evidence or otherwise, only
5 emotions to refuse to seat the Democratic delegation that
6 is sent to you by the State of Mississippi.

7 I want to thank you again, and I won't appear any
8 more on here.

9 Thank you.

10 CHAIRMAN LAWRENCE: Now, the next state to be taken
11 up will be the State of Oregon. After the State of Oregon,
12 we will recess until 8:30.

13 Congressman Green, are you ready?

14 Is Mr. Stoll here?
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end of
take 10

REY fols.