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Mississippi Report, Sept. 1, 1964

The Democratic Convention is over. In Mississippi, the Summer Project Volunteers stream back to their schools and jobs in the North.

At one level, it is easy to total up the Freedom Democratic Party and Mississippi Summer Project ~~impact~~ score card. Three volunteers were murdered, four shot and wounded, fifty-two beaten, 250 arrested in connection with project work. 13 Negro churches were burned to the ground; 17 ~~churches~~ churches and other buildings ~~was~~ <sup>were</sup> damaged by fire or bombing, 10 autos were damaged or destroyed, and there were 7 bombings in which no damage occurred.

The FBI, in the post Philadelphia period, assigned 136 agents to Mississippi.

47 Freedom Schools attracted 2500 young people as pupils. The Freedom Party registered 100,000 on freedom registration bks. To cap it off, two delegates from the Freedom Party were

seated as delegates-at-large at the Democratic National Convention, and ten or a dozen others came in anyway and stood to watch. Three regular Mississippi ~~local~~ delegates and alternates signed their pledge to support President Johnson and were seated, the rest went home in a huff. *Mississippi's Regular Democratic party has, in effect, seceded.* That is a fairly complete statistical breakdown.

Behind those numbers lies the true story of the Project.

First, it must be noted that the Project did not spring full-blown from the soil of Mississippi. Listeners to KPFA are in the best position to ~~know~~ <sup>heard</sup> know that, for we have ~~presented~~ Dale Minor, <sup>Knight</sup> Elsa Thompson, and Chris Koch doing interviews and reports about Mississippi for several years now.

Robert Moses, ~~was~~ SNCC's man in Mississippi, dates the project's beginnings in 1961; when SNCC field secretaries

began concentrated voter registration work in Mississippi. These projects, involving two or three field secretaries, tested the idea of the summer project on a one town, one county scale. The purpose of the ~~Mississippi~~ field secretary was not to organize pickets and ~~field~~ demonstrations--<sup>a</sup> ~~that would~~ be transient and dangerous activity. He sought to involve a frightened and subjugated Negro community in activity leading to attempts to register to vote. He sought to develop local leadership, looking toward the day when he could move on to the next town or county. With persistence and incredible bravery, these workers laid the basis for the 1964 project and the freedom party. ~~the freedom party~~

The next story to be told is that of the freedom party itself. With the work of three years as a basis, the ~~the~~ summer volunteers began. The success of their work is striking, but it fell short of involving a majority of Mississippi's 900,000 Negroes. Those involved constituted a disproportionate share of Negro professionals, Negro farmers, --Negroes, in other words, who do not have to depend upon the white man for every dime they possess. Negro sharecroppers, domestics, and laborers were mainly frightened to become involved. Those who did venture out were made examples of by the white power structure. This kind of repression is something that the present American ideology, the present American battery of legal remedies, does not allow any room for redressing. The ~~the~~ FBI can protect your life, but it cannot go up to your employer and tell him to hire you back. ~~Even~~ Even if the business that hired you is big enough to come under some federal civil rights provision, years of litigation await each individual who wants vindication. In the meantime, somebody might put a stray bullet through your head, or you might not be able to feed your children.

*whatever effect repression*  
~~For whatever limiting effect this may have had upon the~~ *to limit*

summer project, none can deny ~~it~~ *that the freedom party* has made an impact upon Mississippi society, and upon American politics.

First, let us examine ~~the~~ the effect upon our legal system of the Mississippi litigation. For the first time, an entire state was the scene of a comprehensive program of affirmative and defensive litigation, ~~Mississippi~~ litigation planned as an integral part of ~~the~~ an indignant movement of people toward profound social change.

The goals of this litigation were to bring the white ~~the~~ power structure to a halt in its attempts to stop the movement by criminal prosecution, to lay a basis with court orders for the elementary protection of life required to conduct the movement activity, ~~and~~ to get arrested movement ~~people~~ *workers* out of jail and back on the ~~streets~~ *job* working, and to secure the right of Negroes to register and vote.

Many of these suits are still pending. Let us examine in turn the types of legal action.

First, to bring prosecutions to a halt. Mississippi had prepared well for this summer, with statutes aimed specifically at ~~civil rights~~ and civil rights activity. Statutes prohibited picketing a courthouse, provided for sharing of police resources, restricted leafleting. Attorneys for the movement ~~were~~ were prepared to file suits ~~in~~ in federal court enjoining the operation of these statutes. With respect to some of them, they have done so. With respect to others, there has ~~not~~ as of yet been no need, as the presence of the FBI has restrained local officials from some of the cruder excesses which might have been expected.

Second, the protection of life. The law firm of Kunstler and Kinoy in New York, with experience in ~~the~~ Danville, Savannah,

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centers of civil rights activity,  
and other ~~cases~~, put together provisions of the older civil  
rights laws with the 1964 Civil Rights Act and brought  
omnibus suits on behalf of movement workers and against  
the governor, state highway patrol, Ku Klux Klan and other  
terrorist ~~organizations~~ organizations. These suits are ~~still~~ <sup>not yet</sup>

~~decided,~~ <sup>decided,</sup> ~~pending,~~ <sup>pending,</sup> but ~~even~~ <sup>even</sup> while they are pending, pretrial  
deposition procedures provide a means to keep tabs on the  
opposition and let them know that they are being scrutinized.

The <sup>aspect of</sup> Third in the legal battle is the fight to ~~get~~ <sup>get</sup> movement  
workers out of jail and back on the streets. Again, the  
presence of the FBI kept arrests to a minimum--if 250 can  
be called a minimum. These 250 cases are spread~~d~~, by ones,  
and twos, and dozens, across the length of the state. The  
corps of lawyers present in the state won two great victories  
early in the summer. First, they won an order from the  
U.S. Court of Appeals for the Fifth Circuit setting out  
easy ~~and uncomplicated~~ procedures for removing state prosecutions  
to federal courts. This criminal removal provision of the  
Judicial Code is a little used one dating to the Reconstruction.  
It provides that when a state court defendant ~~feels~~ <sup>knows</sup> that  
he is being and will be denied the equal protection of the  
laws in the state court prosecution, he may file a petition to  
remove his case to federal court. Then, the state must  
~~then~~ go to federal court and either move to remand the case  
back to the state court, or try the defendant under the eyes  
of the federal judge. As soon as the defendant files his  
petition in the federal court, the state court loses all  
jurisdiction over him, and the federal judge must order the  
state to relinquish custody. Under the watchful eye of the  
Court of Appeals for the Fifth Circuit, even Mississippi  
federal judges have begun to comply with this means of getting

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defendants out of jail and admitted to bail swt by the federal judge. In practice, many federal judges have <sup>in the past</sup> just remanded the cases to the state court without hearing. But the Fifth Circuit Court of Appeals has again stepped <sup>in</sup>, and all such remands are stayed, pending decision of the question whether the remand order can be appealed. The Civil Rights Act of 1964 provides that it can be appealed, but there are many cases arising before the act was signed that have to be litigated. The second victory in removal cases was the Fifth Circuit's order that counsel from out of state can ~~represent~~ represent defendants whose cases have been removed to federal court. In Mississippi state courts, out-of-state counsel are challenged as a matter of course, and may not practice; there is no law requiring state courts to admit them, but it is usually done as a matter of comity upon application of the lawyer and his client. But federal courts ~~are~~ do not have to follow state rules, and the Fifth Circuit has rule that courts in its jurisdiction may not follow the state rule.

The final phase of the program of litigation ~~was~~ consisted of voting suits designed to secure to Negroes the right to register. These suits have been pending since 1961, and ~~are~~ were ~~mostly~~ mostly ~~initiated~~ filed on the initiative of the Justice Department Civil Rights Division under <sup>President</sup> Kennedy. The only difficulty is that they are not particularly well-managed suits, to all appearances. As we pointed out earlier, they do not ask relief that is as far-reaching as the civil rights laws allow. Private parties have started, and won, impressive suits in other parts of the South, and the same attorneys are now turning their attention to Mississippi.

Thus, the legal corps of the movement uses all available means provided in the courts, and thereby gives the lawsuit yet

a more important function: legal maneuvering is now a means to create the most favorable legal climate possible for the struggle for social justice.

Having ~~discussed~~ <sup>discussed</sup> the legal side of the struggle, ~~we~~ <sup>let's</sup> look ~~would like to turn and talk of~~ <sup>at</sup> its political aspects. The seating of two Freedom Party ~~and~~ leaders as delegates-at-large in Atlantic City is less than ~~mississippi~~ one had hoped, but <sup>far</sup> more than one had expected. The decision to require the oath from the Regular Mississippi Democrats, and to seat only two Freedom Democrats, appears to have been carved out of the same considerations. It was Lyndon Johnson's way of telling state Democratic organizations that they are not free to openly defect from the national ticket--as Mississippi and Alabama have done. On the other hand, ~~giving~~ giving more play to the Freedom Party would have alienated even more the remaining Southern delegates. ~~That~~ ~~at any rate,~~ is the analysis which appears to make the most sense. The nomination of Humphrey for Vice-President is explicable as a means of pleasing the majority of delegates, among whom Humphrey is ~~very~~ popular. ~~perhaps that~~

~~But~~ ~~the~~ ~~item~~ that stands most forward for attention is the means by which the Freedom Party built its challenge to the regular Democrats. It is a vindication of the validity of grass-roots politicking. For it demonstrates that the political techniques of the Freedom Party can be used on a broader scale, to build a mass political movement across the length and breadth of the South. To do that will require pressure from the administration to avert terror and violence. But it can be done. And the Freedom Party points the way to a new alignment of political parties based on this movement.

FOP in Mississippi Atlantic City

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After Mississippi Supreme Court Justice Brady, former Democratic National Committeeman, ~~Brady~~ got off the plane in Jackson--he had walked out of the convention--he said that the decision on seating had killed the Democratic Party in Mississippi for 190 years. The evidence is that his prediction is overstated. But there is no doubt that the administration may find itself able, as time goes ~~on~~ on, to renounce some ~~Mississippi~~ white Southern support. Both to avoid political double-crosses which are embarrassing, and to take advantage of the political potential of a mass Negro and white freedom movement in the South.

Now, the demands of ~~that~~ that movement may wind up taxing the party which gives it recognition, but that does not appear to be a factor in the choice at present.

What do we need today? The Freedom Party needs support--lawyers must be paid a living wage so they can eat and pay the printer, and the rent; federal presence must be maintained; we must all of us stand with ears attuned to the call for help. For as the reporters join the campaign trail, the eyes of the nation--the mass media--will be able to tell us less and less.

For as reporters join the campaign trail, the mass media will be full of elections and speeches. We will have to work harder to find out what is going on in Mississippi. And when we find out, we will have to press harder to get somebody to do something about it.

Thank you and good night.