

Suppose that a sheriff murders a man in his own country and then ask yourself what problems does this raise. In order to get a hearing about that murder you have to convene a grand jury which, in the South, in Mississippi, is the grand jury of that county, and it's run by the sheriff. So the murderer runs the grand jury.

If you're the federal government, and you don't want to do that, you bypass the grand jury and you convene a federal grand jury, and that grand jury meets and then refuses to return an indictment. So you go a little deeper and you find out who is on that grand jury and where they come from. If you're in Mississippi, they come from the voting rolls. They came from the same system that you're trying to fight -- that is, the grand jury is impaneled from the state voting rolls. Negroes are excluded to begin with, from those voting rolls. They are the same people who were part of that murder. So how could they be the ones to do the indicting?...

Ask yourself the further question: Suppose the government really wanted to have a hearing about those murders and couldn't use the Neshoba County grand jury and really wanted to use a federal grand jury? Wouldn't they see to it that they had people on that grand jury who really might have a chance of giving a fair decision, and wouldn't they see about how that jury was selected? (Attorney) Arthur Kinoy pointed out to us just recently that the government can do exactly this So I'm asking [you] to ask the Attorney General ... to challenge the President to change the way in which members of the federal grand juries are chosen in Mississippi and to reconvene a new federal grand jury, at least half of whom are Negroes, and then let's see if you can get an indictment in the murder of Mickey and James and Andrew.

Now that murder, I think, is the most political murder that has happened in our country, because it raises the question: Suppose the sheriff does the murder. Then what happens to justice? How do you get a trial? Who holds the hearings? Mississippi raises the question whether the government is an outlaw. Then what happens? Who's ready to take it on? What do you take it on with? Troops? What does that mean? ... Suppose the tools of the FBI can't find it out? Then how do you do it? Mississippi raises basic questions that the society and the national administration are not prepared to answer.

Now what happened at the Atlantic City convention is about to be replayed in the Congress of the U.S. Mrs. Hamer, Mrs. Devine, and Mrs. Gray are going to ask that they be seated as the congresswomen ... from Mississippi; that they represent the people in Mississippi more than Congressmen Whitten or Williams or Winstead.

It's instructive, I think, to look at what happened in Atlantic City because it's going to happen all over again. We came and we wanted to be seated. We said very simply: We should be seated: they should not be seated. Around that question people lined up and down. What the Administration wanted was a loyalty oath from the "regular" Mississippi delegation, and they were willing to use us as pressure to get that loyalty oath. They wanted some way to move the Southerners more into line. Now that's the top brass of the Administration, the guy who runs the country, the President.

Some people wanted that the Mississippi delegation should not be seated -- but they didn't want us to be seated. Then there was us (and here almost everybody ran out) who wanted to be seated, who deserved to be seated. In fact, we are the people who represent Mississippi -- not those other people.

Now the Administration presumably would like to use the congressional challenge to tighten up on seniority. That is, not to oust people from seniority but to make those people who are in seniority posts push through legislation. They've got a lever on them. So they're willing to use us to go that far.

Then presumably there are other people who want to get those people we're challenging ... out of the Democratic caucus. There are some others-- and here you drop way down -- who would like them thrown out of Congress.

And there's us, who feel that we should be seated; and here we loose everybody, because people raise a barrier. They say we can't be seated for legal reasons. I mean, legally we can't be seated. That's what they told us at the convention....

That's exactly how to miss the whole issue. We told them: You say we're not legal because we don't abide by Mississippi's laws, but the laws of Mississippi are illegal. They're outlaws down there. They don't abide by the laws of the U.S. In fact, your Attorney General has just said so. He filed a suit which is now before the Supreme Court which says that Mississippi voting laws are unconstitutional across the board. So what kind of question are you really raising for us when you say that we're not legal? What you're saying is that they have power. Or that you don't want us to have it.

Now those same questions are going to be raised again. Mrs. Hamer? How can she be seared? She's not legal. We'll say we had a freedom vote. Where did you have the freedom vote? We had our own polls. Your own polls? They're not legal either, exactly. Are the other legal? They had the real election. No they didn't! They had the mock election. We had the real election.

But nobody's willing to go that far. Because it rips, it tears the country apart. Our country's a country of law and order....

legality