

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Voting

UNITED STATES v. LOUISIANA

Selected Papers

Pleadings

- a. Trial brief and Appendix
- b. Proposed Findings of Fact, Conclusions of Law and Decree
- c. Revised Proposed Findings of Fact, Conclusions of Law and Decree

APPENDIX A

Voter Qualification Laws In Louisiana

The Key To Victory In The Segregation Struggle



A Manual of Procedure For Registrars
of Voters, Police Jurors and
Citizens Councils

- Foreword -

Bloc Control — The Goal of the NAACP and the Communists

The Communists and the NAACP plan to register and vote every colored person of age in the South. While the South has slept, they have made serious progress toward their goal in all the Southern states, including Louisiana.

They are not concerned with whether or not the colored bloc is registered in accordance with law. They are interested only in seeing that all persons in this bloc are registered and in using their votes to set up a federal dictatorship in the United States.

They plan to divide the people of the South, and to take us over, state by state, and parish by parish. They would do this by trading the minority block back and forth between our split-up factions until we have sold our heritage of freedom and self-government for a shifting parcel of NAACP and Communist controlled votes.

The Enforcement of Voter Qualifications Laws in Louisiana

At least ninety percent of the bloc that they plan to misuse would have to be registered illegally in Louisiana because ninety percent of them cannot meet the voter qualifications prescribed by law. In fact, ninety percent of this bloc now registered and being used by the NAACP to control some of our elections, are registered in violation of our laws and illegally influencing the election of our officials.

The People, the Officials and the Citizens' Councils in Law Enforcement

It has become vitally important that the people see to it themselves that the Registrars of Voters throughout the state comply fully with the provisions for qualifications of voters set forth in our Constitution and our Statutes.

The ACCL has prepared this manual of legal procedure which Registrars in Louisiana may follow in preventing illegal registration. The manual outlines the methods by which parties who have been registered illegally may be removed by law from the registration rolls.

The consistent use of this manual will be especially helpful to our state and local officials, and local Citizens' Councils in lending the Registrars of Voters the support and guidance that they must have in carrying out the all-important job of enforcing our voter qualification laws.

The Key to Victory

We are in a life and death struggle with the Communists and the NAACP to maintain segregation and to preserve the liberties of our people.

The impartial enforcement of our laws is the KEY TO VICTORY in this struggle.

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A step by step outline of the qualifications for voter registration provided by law, with explanations of each qualification and the penalties for violating same.

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A review of the processes by which:

1. A registrar is required by law to remove illegally registered voters.

2. Any two qualified voters in a parish may institute automatic legal proceedings through the registrar for the removal of unlawfully registered voters in the parish.

3. Any one qualified voter in the state may institute legal proceedings through a District Court for the removal of any unqualified voters in any parish of the state.

IV. Conclusion Page 7

A summation of the reasons that make voter qualification law so necessary and their enforcement so vital to our way of life.

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Legal forms to use in removing unlawfully registered voters from the registration rolls.

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Voter Qualification Laws In Louisiana

INTRODUCTION

"After January 1, 1922, the right to vote in Louisiana shall not exist except under the provisions of this Constitution." This solemn declaration in Article VIII, Section 1 of our Constitution is just another way of saying that the "right to vote" is not a "right" at all. It is a privilege which the State extends only to certain of its citizens having such qualifications as are prescribed in our Constitution and Statutes.

This principle was pointed out with great clarity by the Supreme Court of the United States in the case of *Pope v. Williams* 193 U. S. 621, 24 S. Ct. 573 (1904). The court in that case said:

"The privilege to vote in any State is not given by the federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. . . . It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individuals, in violation of the Federal constitution.

We are all familiar with such requirements as those of age, residence and citizenship. Some remember that not many years ago women were not permitted to vote in forty-seven of the forty-eight states. The nineteenth amendment to the Constitution of the United States was passed to change this. Indeed, every civilized country restricts its electorate by some form of registration qualifications.

The purpose of this pamphlet is to review the qualifications prescribed by Louisiana law and the remedies provided in the event of violation of these laws.

The need for some compilation of our registration laws was suggested by numerous reports of widespread ignorance of, and, in many cases, deliberate and wilful violation

of these safeguards to honest and intelligent elections.

No one would think of encouraging a child of tender years to play with a loaded gun; yet many of our officials and responsible citizens condone and even approve the registration of unqualified and ignorant blocs of voters. The destruction that might be wrought by a child with a gun is, you can be sure, nothing compared to that which can be wrought by bloc voting of an ignorant electorate. Whoever encourages such a practice is not only a poor citizen, he is dangerous and an enemy to you and your family! You as a citizen must be vigilant against this danger which threatens every community in our beloved State.

Registration Qualifications

The qualifications for registration are contained in Article VIII of the Louisiana Constitution and Title 18 of the Revised Statutes of our State. In order to legally register to vote, an applicant must fulfill each of these qualifications. Hence, a registrar before enrolling ANY person as a voter must proceed as follows:

1. **Personal Appearance.** Every applicant shall appear personally before the registrar at a designated place of registration provided by law. No registration made by proxy or at any other place is valid. (Const. Art. VIII, Sec. 1, par. (b); L. R. S. 18:233)
2. **Identification.** Unless the applicant is personally known to the registrar, he must establish his identity. (Const. Art. VIII, Sec. 1, Par. (c)). The registrar may require that the applicant produce two registered voters from his precinct to identify him. (L. R. S. 18:37)
3. **Residence.** The applicant shall establish that he has been an actual resident of the State for two years, of the parish for one year and of the precinct for three months. (Const. Art. VIII, Sec. 1, Par. (a))
4. **Citizenship and Age.** The applicant is, also, required to prove that he is a citizen of the State and the United States and that he is not less than twenty-one years of age. (Const. Art. VIII, Sec. 1 and L.R.S. 18:31). Special methods of proof are provided for foreign born applicants. (L.R.S. 18:38)
5. **Ability to Read and Write.** The applicant shall be able to read and write and shall demonstrate this ability by completing the registration form in his own handwriting, WITHOUT assistance or suggestion from any person OR any memorandum or form. (Const. Art. VIII, Sec. 1, Par. (e); L.R.S. 18:31). Where the applicant does not comply

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strictly with this requirement his registration is illegal and cannot be cured by filing a new application properly filled out. He must register completely. (Op. Atty. Gen. 1942-1944, p. 457.)

6. Persons Unable To Complete Registration Form in Own Handwriting. Exceptions to the requirements of paragraph 5 above are made in the following cases:

- A. If the applicant is literate in a language other than English, he may fill out the registration blank in his native language with the card being translated to him by an interpreter. (Const. Art. VIII, Sec. 1, Par. (c); L.R.S. 18:31.)
- B. If the applicant is prevented from reading or writing by physical disability, the card shall be written at his dictation by the registrar. (Const. Art. VIII, Sec. 1, Par. (c); L.R.S. 18:31.)
- C. If the applicant is an illiterate, he may be permitted to register on demonstrating the following: (*Does not need two witnesses*)
 1. That he is of good character and reputation.
 2. That he is attached to the principles of the Constitution of the United States and of Louisiana.
 3. That he understands the duties and obligations of citizenship under a republican form of government.
 4. That he is well disposed to the good order and happiness of the State of Louisiana and the United States.
 5. That he understands and can give a reasonable interpretation of any section of either the Constitution of Louisiana or the United States when read to him by the registrar.

(It should be noted that these three restrictions are aimed at eliminating all except the physically handicapped and foreign language speaking citizens who are illiterate, and the very intelligent illiterates. Since this is in the nature of an exception to the usual rule, each of the specific qualifications above set forth must be strictly fulfilled. (Const. Art. VIII, Sec. 1, Par. c and d; L.R.S. 18:31 and 36.) In each of the above cases, the applicant shall NOT be registered unless he brings with him two qualified electors of the precinct in which he resides to sign written affidavits attesting the truth of the facts set forth in the application form and the accompanying affidavit. (L.R.S. 18:31 (3).)

7. Character and Understanding. Every applicant must establish that he is of good character and understands the duties and obligations of citizenship under a republican form of government. (Const. Art. VIII, Sec. 1, par. c; L.R.S. 18:31 (2).)

8. Ability To Read and Interpret Constitution. Every applicant other than those described in paragraph 6 above, shall demonstrate his intelligence by reading and giving a reasonable interpretation of any portion of the Constitution of Louisiana or the United States selected by the registrar. (Const. Art. VIII, Sec. 1, par. c; L.R.S. 18:35; *Trudeau v. Barnes*, 65 F. (2d) 563 (1933), certiorari denied 54 S. Ct. 74, 290 U. S. 659, 78 L. Ed. 571.)

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9. Persons Ineligible To Register. The following persons shall not be permitted to register:

- A. Those convicted of any felony who have not been pardoned with express restoration of franchise.
- B. Inmates of any charitable institution except the Soldiers' Home, and the U. S. Marine Hospital at Carville.
- C. Those actually confined in any public prison.
- D. Those who have been interdicted.
- E. Those who are notoriously insane or idiotic, whether interdicted or not.
- F. Deserters from military service, until they have returned to their command and served out their original enlistment.
- G. Persons dishonorably discharged from the military. (Const. Art. VIII, Sec. 6 and L. R. S. 18:42). *until reinstated*

It should be clearly understood that these qualifications are mandatory. No registrar can lawfully waive any of them. (L.R.S. 18:196). Failure to fully qualify makes the registration illegal and subjects anyone violating these requirements, including the registrar, to fine and imprisonment. (L.R.S. 18:221 and 222).

The Removal of Illegally Registered Voters

In a large majority of the parishes in the State, there are at this time, great numbers of unqualified voters who have been illegally registered. They invariably vote in blocs and constitute a serious menace to the community. As a patriotic and loyal citizen, it is your duty to see that the registration rolls in your parish are purged of illegal voters and kept clean in the future. Our laws already provide easy and rapid means for cleaning up a situation such as that now facing the citizens of this State. All that is needed is a little information (which we earnestly hope this pamphlet will provide), courage, intelligence and determination on your part. All civic clubs and patriotic organizations should undertake a campaign to purify the registration rolls in their respective parishes.

The status of the rolls in your parish can be easily determined because they are public records and must be open to inspection by any qualified voter at all times during office hours. Upon written application of twenty-five or more qualified voters of the parish,

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these records shall be opened for copying, photographing, or photostating. (L.R.S. 18:92).

Once the rolls have been inspected and the illegally registered voters ascertained, their removal can be accomplished by any of three methods.

First: The registrar having reason to believe that any person is illegally registered, shall immediately notify the person by mail of the alleged irregularity, sending with the notification a printed citation requiring the registrant to show cause within ten days why his registration should not be cancelled. Publication of this notice shall be made in the official journal. Unless the registrant appears within the time allotted with three registered voters of the parish to make affidavit that he is legally entitled to remain registered, his registration is cancelled. (L.R.S. 18:132 and 244).

Second: Any two registered voters of the parish may make an affidavit before the registrar charging illegal registration. The registrar shall immediately (within forty-eight hours) mail a duplicate of the affidavit together with a citation requiring the one charged to appear within ten days and prove by three registered voters, in the manner described in the preceding paragraph, that he is qualified. Similar publication must be given. If the challenged registrant fails to make the required proof within the prescribed time his registration shall be cancelled forthwith. (L.R.S. 18:133 and 245).

Third: Any qualified voter of the State may proceed against any registrant or registrants illegally registered in the district court of the parish of said registrants to have their names stricken from the rolls. Such proceedings shall be tried by preference before a jury of twelve, nine of whom must concur to find a verdict. No appeal shall lie, except by a person whose name has been stricken. Such an appeal shall be tried in the Court of Appeals, whose judgment is final. All of the proceedings described in this paragraph shall be without court costs. (Const. Art. VIII, Sec. 5).

In an appendix to this pamphlet will be found two suggested forms for use in connection with purging the rolls of unqualified voters. Form "A" is an affidavit to be used by two qualified voters of the parish in challenging illegal registration, when the second method above listed is used. Form "B" is a printed citation to be used by the registrar in connection with either the first or second method.

Conclusion

The time has come when we in Louisiana must purge and purify the registration rolls in our state, or abandon the conduct of our

public affairs to a small clique of corrupt and disloyal political opportunists. In proceeding to clear the rolls of illegally registered voters and in establishing a systematic procedure for registration in your parish, you must be exceedingly careful to observe the legal rights of ALL of the citizens of the parish. The whole purpose of our registration laws is to prevent the registration of ignorant, "bloc" voters who would become the tools and pawns of scheming adventurers. If our laws are intelligently and fairly administered, they will accomplish our purpose automatically. If they are not carefully observed as to ALL registrants, we will soon find ourselves right back in the situation which we are now combatting. We must each realize that our friend or our relative who is unable to legally qualify would be just as great a menace to our State as any other illegally registered person. Discrimination between applicants or registrants cannot be tolerated! The future of our state, our family and future generations will depend to a great extent on how these registration laws are enforced.

APPENDIX "A"

Form LR--17

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

State of Louisiana—

Parish of _____

Personally came and appeared before me

(Deputy) Registrar of Voters in and for the

Parish of _____

State of Louisiana.

and

who being duly sworn, do depose and say:
That they are bona fide registered voters of
this parish: That after reasonable investiga-
tion by them, and each of them, and on in-
formation and belief, that _____

Registered from _____

(Municipal number and street, if any)

To whom was issued registration certificate
No. _____ Ward _____

Precinct _____ of this Parish, is
illegally registered or has lost his or her right
to vote in the precinct, ward or parish in
which they are registered, for the following
reasons: _____

And should be erased from the Official Pre-
cinct Register of Ward _____

Precinct _____, that this affi-
davit is made for the purpose of causing said
name to be erased.

Sworn to and subscribed _____

before me, on this _____
day of _____, 19 _____

(Deputy) Registrar of Voters

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APPENDIX "B"

Form LR--14B

PRINTED CITATION OF NOTICE TO ERASE

State of Louisiana,

Parish of _____

Registration Office

FROM: CITATION TO APPEAR

Registrar of Voters

Parish of _____

State of Louisiana:

TO: _____

You are hereby notified, that on or before

the _____ day of _____

1956, a period of ten days from the mailing
date of this citation, during office hours, you
are to show cause in person, if any you have,
before the undersigned registrar of voters for

the Parish of _____
State of Louisiana; why your name should
not be erased from the Official Precinct Reg-

ister of Ward No. _____

Precinct No. _____

Certificate No. _____

In order to retain your registration you are
required to produce proof that you are le-
gally registered in the manner provided by
the law.

Registrar of Voters

LOUISIANA:

_____ day of _____ 19 _____

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APPENDIX B

Form No. 1

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The United States shall guarantee to every state in this Union a republican form of government. (U. S. Const. Art. IV Sec. 4)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people (U. S. Const. 10th Amendment)

No law shall be passed to curtail or restrain the liberty of speech or of the press. (Art. 1 No. 3 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 2

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. (U. S. Const. 1st. Amendment)

Every person has the natural right to worship God according to the dictates of his own conscience (Art. 1 No. 4 La. Const.)

Any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty (Art. 1, Sec. 3, La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 3

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated (Art. 1 Sec. 7 La. Const.)

No person shall be compelled to give evidence against himself in a criminal case, (Art. 1 Sec. 11 La. Const.)

The military shall be in subordination to the civil power (Art. 1 Sec. 4 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 4

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

No ex-post facto law, nor any law impairing the obligation of contracts, shall be passed; (Art. 4 Sec. 15 La. Const.)

Nor shall any vested rights be divested, unless for purpose of public utility, and for just and adequate compensation previously paid (Art. 4, Sec. 15, La. Const.)

No function shall ever be attached to any court of record, or to the judges thereof except such as are judicial (Art. 7 Sec. 3 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 5

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The Legislature shall provide by law for change of venue in civil and criminal cases
(Art. 7 Sec. 45 La. Const.)

The exercise of the police power of the State shall never be abridged
(Art. 19 Sec. 18 La. Const.)

Prescription shall not run against the State in any civil matter
(Art. 19 Sec. 16 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____
(Over)

Form No. 6

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The Legislature shall provide for the registration of voters throughout the State
(Art. 8 Sec. 17 La. Const.)

No power of suspending laws of this State shall be exercised unless by the Legislature, or by its authority (Art. 19 Sec. 5 La. Const.)

Perpetual franchises or privileges shall not be granted to any person or corporation by the State or by any political subdivision thereof (Art. 13 Sec. 7 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____
(Over)

Form No. 7

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The United States shall guarantee to every state in this Union a republican form of government, (U. S. Const. Art. IV Sec. 4)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, (U. S. Const. 1st. Amendment)

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated (Art. 1 Sec. 7 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward Precinct Address

(Over)

Form No. 8

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people (U. S. Const. 10th Amendment)

No law shall be passed to curtail or restrain the liberty of speech or of the press, (Art. 1 No. 3 La. Const.)

Every person has the natural right to worship God according to the dictates of his own conscience (Art. 1 No. 4 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward Precinct Address

(Over)

Form No. 9

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty (Art. 1, Sec. 3, La. Const.)

No person shall be compelled to give evidence against himself in a criminal case, (Art. 1 Sec. 11 La. Const.)

No ex-post facto law, nor any law impairing the obligation of contracts, shall be passed; (Art. 4 Sec. 15 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward Precinct Address

(Over)

Form No. 10

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The military shall be in subordination to the civil power (Art. 1 Sec. 4 La. Const.)

Nor shall any vested rights be divested, unless for purpose of public utility, and for just and adequate compensation previously paid (Art. 4, Sec. 15, La. Const.)

The Legislature shall provide by law for change of venue in civil and criminal cases (Art. 7 Sec. 45 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward Precinct Address

(Over)

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

No function shall ever be attached to any court of record, or to the judges thereof except such as are judicial (Art. 7 Sec. 3 La. Const.)

The Legislature shall provide for the registration of voters throughout the State (Art. 8 Sec. 17 La. Const.)

The exercise of the police power of the State shall never be abridged (Art. 19 Sec. 18 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Prescription shall not run against the State in any civil matter (Art. 19 Sec. 16 La. Const.)

No power of suspending laws of this State shall be exercised unless by the Legislature, or by its authority (Art. 19 Sec. 5 La. Const.)

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state, (Art. IV Sec. 1, U. S. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 13

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states, (U. S. Const. Art. IV Sec. 2)

The right of the people to keep and bear arms, shall not be infringed
(U. S. Const. 2nd. Amendment)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated (U. S. Const. 4th Amendment)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 14

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The people have the right peaceably to assemble (Art. 1 Sec. 5 La. Const.)

No person shall be compelled to give evidence against himself in a criminal case,
(Art. 1 Sec. 11 La. Const.)

Nor shall any vested rights be divested, unless for purpose of public utility, and for just and adequate compensation previously paid (Art. 4, Sec. 15, La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 15

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

All legislative powers herein granted shall be vested in a Congress of the United States, (U. S. Const. Art. 1 No. 1)

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the congress may from time to time ordain and establish

(U. S. Const. Art. III Sec. 1)

The people have the right peaceably to assemble (Art. 1 Sec. 5 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____
(Over)

Form No. 16

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. (Art. IV Sec. 1, U. S. Const.)

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. (U. S. Const. Art. IV Sec. 2)

Nor shall any state deprive any person of life, liberty, or property, without due process of law (U. S. Const. 14th Amendment)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____
(Over)

Form No. 17

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Every person has the natural right to worship God according to the dictates of his own conscience (Art. 1 No. 4 La. Const.)

No function shall ever be attached to any court of record, or to the judges thereof except such as are judicial (Art. 7 Sec. 3 La. Const.)

Perpetual franchises or privileges shall not be granted to any person or corporation by the State or by any political subdivision thereof (Art. 13 Sec. 7 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 18

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The United States shall guarantee to every state in this Union a republican form of government, (U. S. Const. Art. IV Sec. 4)

Any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty (Art. 1, Sec. 3, La. Const.)

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated (Art. 1 Sec. 7 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 19

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The right of the people to keep and bear arms, shall not be infringed
(U. S. Const. 2nd Amendment)

No law shall be passed to curtail or restrain the liberty of speech or of the press,
(Art. 1 No. 3 La. Const.)

The people have the right peaceably to assemble (Art. 1 Sec. 5 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VII of the Louisiana Constitution, (Form Lit-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward

Precinct

Address

(Over)

Form No. 20

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. (Art. IV Sec. 1. U. S. Const.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. (U. S. Const. 1st Amendment)

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated (U. S. Const. 4th Amendment)

The above qualification test and a registration application form provided for by Section 1 (c), Article VII of the Louisiana Constitution, (Form Lit-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward

Precinct

Address

(Over)

Form No. 21

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people
(U. S. Const. 10th Amendment)

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states, (U. S. Const. Art. IV Sec. 2)

The right of the people to keep and bear arms, shall not be infringed
(U. S. Const. 2nd. Amendment)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 22

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

Nor shall any state deprive any person of life, liberty, or property, without due process of law (U. S. Const. 14th Amendment)

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the congress may from time ordain and establish
(U. S. Const. Art. III Sec. 1)

The military shall be in subordination to the civil power (Art. 1 Sec. 4 La. Const.)

The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 23

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

No person shall be deprived of life, liberty or property, except by due process of law.
(Art. 1, Sec. 2 La. Const.)

The Legislature shall provide by law for change of venue in civil and criminal cases
(Art. 7 Sec. 45 La. Const.)

No ex-post facto law, nor any law impairing the obligation of contracts, shall be passed; (Art. 4 Sec. 15 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

Form No. 24

CONSTITUTIONAL TEST FOR REGISTRATION

Applicant shall read to the Registrar of Voters and give a reasonable interpretation of the following clauses of the Constitution:

No person shall be deprived of life, liberty or property, except by due process of law.
(Art. 1, Sec. 2 La. Const.)

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated (Art. 1 Sec. 7 La. Const.)

No person shall be compelled to give evidence against himself in a criminal case.
(Art. 1 Sec. 11 La. Const.)

(The above qualification test and a registration application form provided for by Section 1 (c), Article VIII of the Louisiana Constitution, (Form LR-1), were received by me from the _____ Parish Registrar of Voters upon my request to register, and I have signed both for acknowledgement and identification with my application to register.)

Applicant for Registration

Ward _____ Precinct _____ Address _____

(Over)

APPENDIX C

STATE OF LOUISIANA

LEGISLATIVE COMMITTEE

BATON ROUGE



SEN. W. M. BARNACK, Chairman
COMMITTEE ADDRESS:
P. O. BOX 400, NEWOR, LOUISIANA

SEN. FORD E. STINSON, Secretary
BATON ROUGE, LA
SEN. L. D. MAPPER
BATON ROUGE, LA
SEN. J. PATTON
BONNETVILLE, LA
SEN. ALVIN V. STUMP
BATON ROUGE, LA
SEN. H. SHAW, General Counsel
BATON ROUGE, LA

May 26, 1958

Mrs. Curtis S. Beard
Lake Providence
Louisiana

RE: Registration of Voters in Accordance
with Laws of the State of Louisiana

Dear Mrs. Beard:

Enclosed herewith are the following:

- 1) Photocopy of recent opinion of the Attorney General of the State of Louisiana relative to the conduct of Registrars and other public officials, a copy of which has already been sent to you direct by Attorney General Jack P. F. Grimillion.
- 2) A set of cards similar to those in use in several parishes in Louisiana in connection with the determination of applicants' knowledge of the Constitution as required by the Constitution and laws of the State of Louisiana. On the back of the card you will find a sample resolution for a police jury which directs the Registrars to comply fully with Louisiana laws. Title 18, L.R.S., requires that the Registrar examine each applicant on his knowledge of the Constitution and also provides penalties in the event these provisions are not complied with.

As you know, the fight to maintain segregation of the races is crystallizing towards an all-out battle to prevent the illegal registration of bloc voters. It is the hope of this Committee that the enclosures will be of some help to you who are on the very front line. For the good of yourself, your community and your State, we strongly urge that you take immediate action to see that our voter registration laws are strictly enforced in your parish.

Sincerely yours,

W. M. Shaw
W. M. Shaw

cc: J. P. Grimillion

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

*Filed
Dec. 28, 1961*

UNITED STATES OF AMERICA,
Plaintiff,

v.

STATE OF LOUISIANA; JIMMIE
H. DAVIS, C. C. AYCOCK, J.
THOMAS JEWEL, AS MEMBERS OF
THE BOARD OF REGISTRATION
OF THE STATE OF LOUISIANA;
AND HUGH E. CUTRER, JR.,
DIRECTOR AND EX OFFICIO
SECRETARY OF THE BOARD OF
REGISTRATION OF THE STATE
OF LOUISIANA,

Defendants.

CIVIL ACTION NO. _____

C O M P L A I N T

rec 72-0-4

The United States of America alleges that:

1. This action is instituted by the Attorney General
of the United States pursuant to the provisions of 42
U.S.C. 1971, as amended, and pursuant to 28 U.S.C.
2201.

2. This Court has jurisdiction of this action
under 42 U.S.C. 1971(d), 28 U.S.C. 1345 and 28 U.S.C.
2281.

72-32-66
DEPARTMENT OF JUSTICE
JAN 8 1962
CIV. RIGHTS
Vol. 4 Elec. Sec.

3. Jimmie H. Davis, C. C. Aycock and J. Thomas Jewel are members of the Board of Registration of the State of Louisiana by virtue of their official positions as Governor, Lieutenant Governor and Speaker of the House of Representatives of the State of Louisiana, respectively. Each of these defendants has an office in Baton Rouge, Louisiana. The Board of Registration is an agency of the defendant State of Louisiana. The office of the Board is in Baton Rouge, Louisiana.

4. Hugh E. Cutrer, Jr., is the Director and Ex Officio Secretary of the Board of Registration and in that capacity is an agent of the defendant State. His office is in Baton Rouge, Louisiana.

5. Under the Constitution and laws of Louisiana, the Board of Registration is required to prescribe by general rules and regulations the method of the administration of the voter registration laws and procedures and the character and forms of records and documents used in the registration process. The Board is authorized to remove, at will, any registrar of voters in the State of Louisiana. It is the duty of the defendant Director, Hugh E. Cutrer, Jr., who was appointed by the Board, to administer the rules and regulations of the Board, and to perform such other duties as may be directed by the Board in connection with the powers of the Board and the promotion of registration of the voters of the State.

6. The right to vote is essential to a republican form of government. It is secured by Sections 2 and 4 of Article I of the Constitution of the United States and by the Fourteenth, Fifteenth, and Seventeenth Amendments thereto.

7. Under Louisiana law, registration is, and has been since at least 1898, a prerequisite to voting in any election. In 42 of the 64 parishes registration is permanent.

8. Each parish in Louisiana has a registrar of voters who is an appointed official and an agent of the defendant State. All registrars of voters in the State of Louisiana since at least 1898 have been white citizens. Under Louisiana law registrars of voters determine whether each applicant for registration is qualified to vote.

9. Prior to the adoption of the Louisiana Constitution of 1898 approximately 44 percent of the registered voters in Louisiana were Negroes. The Constitution of 1898 established literacy and property requirements as conditions prerequisite to voting but exempted from these requirements all persons who were entitled to vote on or before January 1, 1867, and their sons and grandsons. This exemption is hereafter referred to as the "grandfather clause."

10. Under the operation of the "grandfather clause" white political supremacy became a fact in Louisiana. In 1910 only six-tenths of one percent of the registered voters in Louisiana were Negroes.

11. The Louisiana Constitution of 1921 replaced the "grandfather clause" with an interpretation test, a similar "grandfather clause" having been invalidated under the Fifteenth Amendment by the United States Supreme Court in 1915. Article VIII, Section I of the Louisiana Constitution of 1921 provided that a citizen in Louisiana, otherwise qualified, could register to

vote if he were able to read any clause in the Louisiana Constitution or the Constitution of the United States and give a reasonable interpretation thereof. A citizen unable to read and write could qualify if he were able to understand and give a reasonable interpretation of any section of either Constitution when read to him by the registrar of voters. The purpose of adopting this interpretation test was to provide a means by which the disfranchisement of Negroes could be perpetuated. This test was adopted in a state where the public educational facilities were and are racially segregated.

12. From 1921, when the interpretation test was adopted until 1944, the percentage of registered voters in Louisiana who were Negroes never exceeded one-half of one percent. In 1944 the United States Supreme Court invalidated the practice of excluding Negroes from participation in primary elections. Prior to that time, Negroes were not permitted to vote in Democratic primary elections in Louisiana.

13. During the period from 1944 until March 1956, the percentage of registered voters in Louisiana who were Negroes rose from two-tenths of one percent to approximately fifteen percent. Many registrars of voters in Louisiana did not apply the interpretation test during this period.

14. In 1954, following the decision of the Supreme Court declaring unconstitutional the maintenance by states of racially segregated public schools, the Legislature of Louisiana created a Joint Legislative Committee to study means by which white supremacy and racial segregation could be preserved in Louisiana.

This Committee is hereafter referred to as the Committee on Segregation.

15. The Chairman of the Committee on Segregation, William M. Rainach, was a State Senator from a District, the 27th, which has a large population of Negroes, virtually none of whom are registered to vote. While he was Chairman of the Committee on Segregation, William M. Rainach helped to organize the Association of Citizens Councils of Louisiana, which was incorporated in January 1956, and became the president and a member of the Board of Directors of the Association.

16. The purpose of the Association of Citizens Councils of Louisiana was to maintain white political supremacy and racial segregation in Louisiana and to organize local citizens' councils and coordinate their activities to promote these ends. Many such councils were organized in Louisiana.

17. To promote the objectives referred to in the preceding paragraph, the local all-white citizens' councils in at least eleven Louisiana parishes, purporting to act under a procedure authorized by Louisiana law, challenged the registration status and caused the removal from the voter registration rolls of thousands of Negro voters, but virtually no white voters.

18. In promoting the purging of Negro voters as described in the preceding paragraph, the Association of Citizens Councils prepared and distributed literature to local citizens' councils, registrars of voters, and other public officials in Louisiana. This literature included a pamphlet entitled "Voter Qualification Laws in Louisiana -- the Key to Victory in the Segregation

Struggle" urging, among other things, a strict application of the interpretation test as a means of preserving white political supremacy and racial segregation in Louisiana. A copy of this pamphlet is attached hereto as Appendix A and is incorporated herein.

19. During 1958 and 1959 the Committee on Segregation and the Board of Registration held joint meetings for each of the eight congressional districts of Louisiana. These meetings were attended by public officials or their representatives, including the Committee on Segregation, the Board of Registration, the State Attorney General, registrars of voters, district attorneys, sheriffs, and police jury presidents, as well as by officers and members of the citizens' councils, all of whom were white citizens. The purpose of these meetings was to formulate a program for maintaining white political supremacy and racial segregation in Louisiana. The position taken by these state agencies was that the strict application of the interpretation test was the key to maintaining white political supremacy and racial segregation. The counsel for the Committee on Segregation told those in attendance that the interpretation test is a test of native intelligence, not "book learning", and that, "experience teaches -- that most of our white people have this native intelligence, while most Negroes do not." These state agencies distributed to the persons in attendance at these meetings, including the registrars of voters, the pamphlet described in the preceding paragraph, and sets of 24 cards containing constitutional provisions to be used in administering the interpretation test. A copy of

a set of these test cards is attached as Appendix B and is incorporated herein.

20. The Committee on Segregation also sent letters and other materials to the registrars of voters throughout Louisiana urging the registrars to enforce strictly the interpretation test in order to maintain segregation of the races, stressing that the registrars of voters are on the very front line of the battle to maintain segregation. A copy of one such letter from this Committee to a registrar of voters is attached as Appendix C and is incorporated herein.

21. In certain Louisiana parishes, particularly those in which most of the Negro voters were purged from the registration rolls, the registrars of voters began to require applicants for registration and reregistration to pass the interpretation test. In these parishes, white voters who, with almost no exceptions, had not been purged, were not subjected to the interpretation test. In the eleven parishes referred to in paragraph 17, the total number of white voters increased by 1033, while the total number of Negro voters decreased by 8158 between March and October 1956. From October 1956 until December 1960, the number of white voters in these parishes increased by 3264, while the number of Negro voters decreased by 2205.

22. In some of the parishes of Louisiana, including the four largest, the interpretation test has not been applied as a qualification for voter registration. The interpretation test has been applied in at least twelve parishes. In these twelve parishes less than 5 percent of the Negroes of voting age were registered to vote as of December 31, 1960. Throughout the rest of the state, over 35 percent of the Negroes of voting age were registered to vote as of that date.

23. In November 1960, the voters of Louisiana approved an amendment to Article VIII of the Louisiana Constitution which, among other things, changed the interpretation test to require as a qualification for voting that an applicant for registration be able to understand and give a reasonable interpretation of any section of either Constitution. The amendment also requires applicants to read and to write from dictation any portion of the preamble to the Constitution of the United States. The amendment was proposed by the Louisiana Legislature as one of several measures to preserve racial segregation in Louisiana.

24. In October 1961, the Board of Registrars⁷⁶⁷ in cooperation with the Committee on Segregation and the State Sovereignty Commission, adopted a resolution requiring all registrars of voters in the State of Louisiana to enforce strictly the interpretation test.

25. The Constitution and laws of Louisiana providing for the interpretation test vest discretion in the registrars of voters to determine the qualifications of applicants for registration. These constitutional and statutory provisions impose no definite and objective standards upon registrars of voters for the administration of the interpretation test. No requirement exists that answers given to the interpretation test be in writing or that they be reduced to writing. These provisions enable and require the registrars of voters in Louisiana to determine subjectively:

- (a) The manner in which the interpretation test is to be administered;

(b) The length and complexity of the sections of the Constitution to be understood and interpreted by applicants;

(c) What constitutes a reasonable interpretation of any section of the Constitution;

(d) Whether the applicant's understanding and interpretation are satisfactory.

26. The effect of vesting this discretion in Louisiana registrars of voters, as described in the preceding paragraph, has been and is to permit them to deprive otherwise qualified Negro citizens of their right to register and vote without distinction of race or color.

27. The history of the interpretation test, the setting of white political supremacy and racial segregation in which this test was adopted and is enforced, and the discretion which is vested in the registrars of voters in the administration of this test render the interpretation test invalid on its face under 42 U.S.C. 1971(a) and the Fourteenth and Fifteenth Amendments to the Constitution of the United States.

28. The Louisiana Constitution is in excess of 300 printed pages. Its provisions vary widely in subject matter and complexity to include such matters as the requirement that the English language be used in public schools (Art. XII, Sec. 12) and the application of certain debt taxes and water and sewer taxes to the liquidation of certain bonded debt obligations incurred by the City of New Orleans for public improvements (Art. XIV, Sec. 24). Interpretations of certain provisions of the Louisiana Constitution and the

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Constitution of the United States have differed widely even among those learned in the law.

29. There is no rational or reasonable basis for requiring, as a prerequisite to voting, that a prospective elector otherwise qualified be able to interpret certain sections of the Louisiana Constitution.

30. The defendants, unless restrained by order of this Court, will continue to require and permit registrars of voters to use the interpretation test as a qualification for registration for voting.

WHEREFORE, plaintiff prays that, pursuant to the provisions of 28 U.S.C. 2281, a District Court of three judges be convened in accordance with the procedures set forth in 28 U.S.C. 2284, and that said Court:

1. Adjudge, declare and decree that the provisions of Article VIII, Section 1 of the Louisiana Constitution and the laws of Louisiana, insofar as they pertain to the interpretation test, are invalid and in violation of the Fourteenth and Fifteenth Amendments to the Constitution of the United States;

2. Issue a preliminary and permanent injunction enjoining the defendants, their agents, employees, and successors, and all persons in active concert and participation with them having actual notice of the Court's decree, from:

(a) Enforcing and giving any further effect to the requirements of Article VIII, Section 1 of the Louisiana Constitution, and of

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the statutes implementing Article VIII, Section 1, insofar as they pertain to the interpretation test as a prerequisite to voting.

(b) Engaging in any act which would deprive any citizen in the State of Louisiana of the right to register and the right to vote without distinction of race or color.

(c) Engaging in any acts which would delay, prevent, hinder, or discourage Negro citizens, on account of their race or color from applying for registration and becoming registered voters in the State of Louisiana.

3. Issue all such additional orders which will insure the fair, equal, and non-discriminatory administration of registration procedures in the State of Louisiana.

4. Grant such additional relief as justice may require, together with the costs and disbursements of this action.

ROBERT F. KENNEDY
Attorney General of the
United States

BURKE MARSHALL
Assistant Attorney General

M. HEPBURN MANY
United States Attorney

JOHN DOAR, Attorney
Department of Justice

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 2548

STATE OF LOUISIANA; JIMMIE
H. DAVIS, C. C. AYCOCK,
J. THOMAS JEWEL, AS MEMBERS
OF THE BOARD OF REGISTRATION
OF THE STATE OF LOUISIANA;
AND HUGH E. CUTRER, JR.,
DIRECTOR AND EX OFFICIO
SECRETARY OF THE BOARD OF
REGISTRATION OF THE STATE OF
LOUISIANA

Defendants.

MOTION FOR EXTENSION OF TIME

NOW INTO COURT comes the State of Louisiana, Jimmie H. Davis, C. C. Aycock, J. Thomas Jewel, Hugh E. Cutrer, Jr., through Jack P. F. Gremillion, Attorney General of the State of Louisiana and other undersigned counsel, and, reserving all rights to urge any and all exceptions, objections, motions or pleadings, including objections and exceptions to jurisdiction and venue, form and sufficiency of service, and the right to file any and all other motions or pleadings, and appearing herein solely for the purpose of this motion with respect show:

1.

That the defendants herein are duly elected and appointed officials of the State of Louisiana actively engaged in the performance of their official duties.

2.

That the complaint filed herein is quite technical and involved, dealing with many questions of great magnitude and importance to all parties concerned.

3.

That your appearers cannot properly appear and plead to said complaint within the legal delays granted and that an extension of time within which to appear and file appropriate motions or pleadings should be granted.

WHEREFORE, appearers pray that, after due consideration hereof, this motion for an extension of time be granted and that your appearers be relieved from appearing and pleading in any manner to the complaint until the expiration of such time may be fixed by this Court.

Appearers further pray for all orders necessary for general and equitable relief.

JACK P. F. GERMILLION
ATTORNEY GENERAL OF LOUISIANA

CARROLL BUCK
FIRST ASSISTANT ATTORNEY GENERAL

HARRY J. KRON, JR.
ASSISTANT ATTORNEY GENERAL

HENRY ROBERTS
ASSISTANT ATTORNEY GENERAL

WELDON COUSINS
ASSISTANT ATTORNEY GENERAL

JOHN JACKSON
ASSISTANT ATTORNEY GENERAL

THOMAS W. McFERRIN
SPECIAL COUNSEL

BY

THOMAS W. McFERRIN
SPECIAL COUNSEL

ORDER

Premises considered, it is hereby ordered that the appearers named in the foregoing motion be granted an extension of thirty days from date hereof within which to appear and plead in any manner to the complaint filed herein. The right of the appearers will reserve unto them to file any exceptions, objections, motion or other pleadings deemed proper, and including objections and exceptions to jurisdiction and venue, form and sufficiency of service.

Baton Rouge, Louisiana, _____, 1962.

UNITED STATES DISTRICT JUDGE

C E R T I F I C A T E

I hereby certify that a copy of the foregoing motion and order has been mailed to the Honorable Burke Marshall, Assistant Attorney General, United States of America, and Miss Kathleen Ruddell, United States Attorney, at their proper address by United States mail postage pre-paid.

Baton Rouge, Louisiana this _____, 1962.

THOMAS W. MCFERRIN
SPECIAL COUNSEL

Pleading

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	CIVIL ACTION NO. 2548
	:	
STATE OF LOUISIANA; JIMMIE	:	
H. DAVIS, C. C. AYCOCK,	:	
J. THOMAS JEWEL, AS MEMBERS	:	
OF THE BOARD OF REGISTRATION	:	
OF THE STATE OF LOUISIANA;	:	
AND HUGH E. CUTRER, JR.,	:	
DIRECTOR AND EX OFFICIO	:	
SECRETARY OF THE BOARD OF	:	
REGISTRATION OF THE STATE OF	:	
LOUISIANA	:	
	:	
Defendants.	:	
	:	

MOTION FOR FURTHER EXTENSION OF TIME

NOW INTO COURT comes the State of Louisiana, Jimmie H. Davis, C. C. Aycock, J. Thomas Jewel, Hugh E. Cutrer, Jr., through Jack P. F. Crenillion, Attorney General of the State of Louisiana and other undersigned counsel, and, reserving all rights to urge any and all exceptions, objections, motions or pleadings, including objections and exceptions to jurisdiction and venue, form and sufficiency of service, and the right to file any and all other motions or pleadings, and appearing herein solely for the purpose of this motion with respect show:

1.

That on January 11, 1962 this Honorable Court signed an Order granting appearers an extension of thirty days from said date within which to appear and plead in any manner to the complaint filed herein.

2.

That on February 6, 1962 at 10:43 A.M. a copy of the petition was served upon the State of Louisiana, one of the defendants herein, through Jack P. F. Gremillion, Attorney General of the State of Louisiana, a necessary party to be served and to accept service on behalf of the defendant State of Louisiana.

3.

That therefore the defendant, the State of Louisiana, has twenty days after service of the summons within which to appear and answer the complaint served upon Jack P. F. Gremillion on February 6, 1962.

4.

That all of the other defendants herein expressly desire to file their pleadings, exceptions, objections and motions at one and the same time.

5.

That all appearers respectfully request this Court to extend the time provided in its Order of January 11, 1962 hereinbefore referred to, to coincide with the twenty days which the appearer, the State of Louisiana, has in which to file its answer to the complaint under the summons served on Jack P. F. Gremillion, Attorney General of the State of Louisiana, on February 6, 1962.

WHEREFORE, appearers pray that, after due consideration hereof, this motion for an extension of time until February 27, 1962 be granted and that your appearers be relieved from appearing and pleading in any manner to the complaint until the expiration of such time.

Appearers further pray for all orders necessary for general and equitable relief.

JACK P. F. CREMILLION
ATTORNEY GENERAL OF LOUISIANA

CARROLL BUCK
FIRST ASSISTANT ATTORNEY GENERAL

HARRY J. KRON, JR.
ASSISTANT ATTORNEY GENERAL

HENRY ROBERTS
ASSISTANT ATTORNEY GENERAL

WELDON COUSINS
ASSISTANT ATTORNEY GENERAL

JOHN JACKSON
ASSISTANT ATTORNEY GENERAL

THOMAS W. McFERRIN
SPECIAL COUNSEL

BY: SCALLAN E. WALSH
ASSISTANT ATTORNEY GENERAL

ORDER

Premises considered, it is hereby ordered that the appearers named in the foregoing motion be granted an extension of time until February 27, 1962 to appear and plead in any manner to the complaint filed herein. The right of the appearers will reserve unto them to file any exceptions, objections, motion or other pleadings deemed proper, and including objections and exceptions to jurisdiction and venue, form and sufficiency of service.

New Orleans
Baton Rouge, Louisiana, Feb 7, 1962.

E. Gordon West
UNITED STATES DISTRICT JUDGE

CERTIFICATE

I hereby certify that a copy of the foregoing motion and order has been mailed to the Honorable Burke Marshall, Assistant Attorney General, United States of America, and Miss Kathleen Eddell, United States Attorney, at their proper address by United States mail postage pre-paid.

Baton Rouge, Louisiana this 7th, 1962.

SCALLAN E. WALSH
ASSISTANT ATTORNEY GENERAL

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 2548

Division "C"

STATES OF LOUISIANA, JIMMIE
E. DAVIS, C. C. AYCOCK, J. THOMAS
JEWELL, AS MEMBERS OF THE BOARD
OF REGISTRATION OF THE STATE OF
LOUISIANA; AND HUGH E. CUTLER, JR.,
DIRECTOR AND EX OFFICIO SECRETARY
OF THE BOARD OF REGISTRATION OF
THE STATE OF LOUISIANA,

Defendants.

On Motion of State of Louisiana; Jimmie H. Davis,
C. C. Aycock, J. Thomas Jewell, as members of the Board of Registration
of the State of Louisiana; and Hugh E. Cutrer, Jr., Director and Ex
Officio Secretary of the Board of Registration of the State of Louisiana,
sought to be made defendants in the above entitled and numbered cause,
through their undersigned counsel, and in no way acceding to the
jurisdiction of this Honorable Court, but on the contrary denying the
same, moves as follows, to-wit:

To dismiss the action herein because the complaint fails to state a claim against defendants, upon which relief can be granted in that

- (a) There is no justiciable controversy alleged in the pleadings of the plaintiff; and
- (b) There is a lack of indispensable parties under the allegations of the complaint; and
- (c) That this action has been brought in a court of improper venue.

JACK P. F. GERMILLION
Attorney General, State of Louisiana

M. E. CULLIGAN
Assistant Attorney General

JOHN E. JACKSON
Assistant Attorney General

DOROTHY WOLBRETT
Assistant Attorney General

WELDON A. COUSINS
Assistant Attorney General

WILLIAM P. SCHULER
Assistant Attorney General

HENRY J. ROBERTS, JR.
Assistant Attorney General

HARRY J. KRON, JR.
Assistant Attorney General

NOTICE OF MOTION

TO: Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Honorable John Doar
Civil Rights Division
Department of Justice
Washington 25, D. C.

Miss Kathleen Ruddell
United States Attorney for the Eastern District of Louisiana
Federal Building
Loyola Avenue
New Orleans, Louisiana

Please take notice that the undersigned will bring the
above motion for hearing before this court at the United States
District Courthouse for the Eastern District of Louisiana, Baton
Rouge Division on the ¹⁶14th day of March, 1962 at 10 o'clock, in
the forenoon of that date, or as soon thereafter as Counsel can
be heard.

JACK P. F. GRESHILLION
Attorney General

M. E. CULLIGAN
Assistant Attorney General

JOHN E. JACKSON
Assistant Attorney General

DOROTHY WOLBRETT
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Assistant Attorney General

HENRY J. ROBERTS, JR.
Assistant Attorney General

MARY J. EEDN, JR.
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

STATE OF LOUISIANA, ET AL.,
Defendants.

CIVIL ACTION NO. 2548

NOTICE OF TAKING DEPOSITIONS

TO EACH PARTY, and to the attorney of record of each party herein:

Please take notice that the plaintiff herein will take the depositions by oral examination, pursuant to the provisions of the Federal Rules of Civil Procedure, of the hereinafter named witnesses in the offices of Janet L. Parker and Associates, 1211 Louisiana National Bank Building in Baton Rouge, Louisiana, commencing at 9:00 A.M. on Friday and Saturday, March 9 and 10, 1962, and from day to day thereafter until the taking of said depositions is completed:

Hugh E. Cutrer, Director, Board of Registration,
Pentagon Courts, Baton Rouge, Louisiana

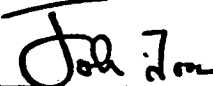
John H. Deer, Executive Secretary, State Sovereignty
Commission, State Capitol, Baton Rouge,
Louisiana

Douglas Fowler, State Custodian of Voting Machines,
Pentagon Courts, Baton Rouge, Louisiana

John S. Garrett, Chairman, Joint Legislative Committee on
Segregation, State Capitol, Baton Rouge,
Louisiana

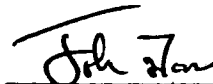
Wade O. Martin, Jr., Secretary of State, State Capitol,
Baton Rouge, Louisiana

These depositions will be taken before Miss Janet L. Parker or some other person duly qualified to administer oaths.


JOHN E. SMITH, Attorney
Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Notice of Taking Depositions on the defendants herein by sending a copy by United States Airmail to the Honorable Jack P. F. Gremillion, Attorney General of the State of Louisiana, State Capitol, Baton Rouge, Louisiana, on this 2 day of March, 1962.



JOHN EGAN, Attorney
Department of Justice