

**ORGANIZATION, OPERATION
AND PROCEDURE**

CIVIL RIGHTS DIVISION

**DEPARTMENT OF JUSTICE
WASHINGTON, D.C.**

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F O R E W O R D

Welcome to the Civil Rights Division.

In my first conversations with new attorneys, I tell them that I have only three rules: be on time in the mornings; know the files and keep them orderly; and clear your desk before you leave on a trip.

Publication of this manual seems an appropriate occasion to mention several more fundamental matters.

The Department of Justice is a law enforcement agency. We who are charged with the enforcement of civil rights laws work in a particularly sensitive field. The issues with which we deal daily are of deep concern to the nation. Often they involve firmly committed aspects of human motivation and behavior. Frequently they involve questions, both legal and political, which strain the fabric of our institutions. Confrontation with these issues will demand the utmost of your personal and professional resources, particularly your judgment, objectivity, calmness, legal skills, and your ability to obtain, digest, and evaluate evidence. If we meet the issues, if we enforce the law, then the word becomes the deed and confidence is maintained in our institutions.

Because we are a large law firm, representing the biggest and most important client of them all -- the United States Government, -- in a sensitive area of law enforcement -- we have a special responsibility to operate in a tightly-run, coordinated manner. We must speak with a single voice with words which are well considered. We must exercise restraint in our dealings outside the Division. You must work closely with those in the Division who have more experience and hold positions of broader responsibility. Most of your assignments will leave you a large measure of discretion; with others, where tight discipline is needed, the scope for discretion will necessarily be limited. But in each case, you should follow instructions carefully and complete the job promptly.

The demands of restraint and orderliness should not stifle initiative. Successful law enforcement depends on the front-line lawyers -- the man in the field, or the attorney who recommends the action to be taken in the first instance. The initial responsibility for the conduct of cases -- the marshalling of facts, the drafting of pleadings, the writing of briefs -- rests with the front-line attorneys. Every attorney in the Division must take the initiative for developing cases, for moving items along expeditiously.

And so, not the least of the tasks demanded of you by your job is to accommodate the requirement of restraint, discipline and control with the competing requirement of individual initiative, and to satisfy both.

The Department of Justice has the highest reputation, which is in large measure a product of the day-to-day contacts made by its attorneys. Every attorney here should pursue the highest ideals of public service, and by doing so, maintain for the Department and for the Civil Rights Division the continued respect of the people with whom we deal and of the nation at large. We have

earned a reputation as a competent, proud and lively Division. Our attorneys are professionals who perform their work with confidence and competence. All I ask is that you do your best to keep that reputation.

JOHN DOAR
Assistant Attorney General
Civil Rights Division

P R E F A C E

The purpose of this Manual is to introduce new attorneys to their work in the Civil Rights Division and to serve as a guide for all attorneys to the operations and procedures of the Division. New attorneys should read the Manual carefully when they first enter on duty; and all of us should refer to it for guidance when we are asked to carry out new assignments.

This is the first edition of the Manual. At best it is an imperfect document; and experience will undoubtedly suggest improvements which can be made. As you work with it, please make a note of your suggestions for editorial and substantive changes. A second edition will be published in 1967 incorporating the improvements indicated by experience.

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I. ORIGIN, FUNCTIONS AND ORGANIZATION

The Civil Rights Division, created after the passage of the Civil Rights Act of 1957, enforces the Civil Rights Acts of 1957, 1960 and 1964, the Voting Rights Act of 1965, and those provisions of the Criminal Code prohibiting deprivations of civil rights by persons acting under color of law and in conspiracy with others. Our duty to enforce these statutes carries with it authority to request, direct and review investigations by the Federal Bureau of Investigation; institute civil actions and grand jury proceedings; and conduct appellate proceedings.

A. Front Office

The Division is run by Assistant Attorney General John Doar. (Office: Rm. 1145, Main Building.) Mr. Doar is a graduate of California Law School. In 1960, he left New Richmond, Wisconsin, to accept an appointment as First Assistant to Mr. Harold Tyler, then the Assistant Attorney General of the Civil Rights Division. He continued to hold that position under Mr. Burke Marshall and succeeded Mr. Marshall in 1964. Mr. Doar is responsible for all activities of the Division and its attorneys.

Stephen J. Pollak serves as Mr. Doar's First Assistant. His office is directly opposite Mr. Doar's in Room 1145. Mr. Pollak graduated from Yale Law School in 1956 and entered private law practice with the Washington firm of Covington and Burling. In 1961, he joined the staff of the Solicitor General. In 1964, he became Deputy General Counsel for the Poverty Program. In April 1965, he accepted the appointment as First Assistant to Mr. Doar.

As the First Assistant, Mr. Pollak is concerned with the day-to-day productivity of the Division. This means he is concerned that the work of the Division gets done in a lawyer-like manner and on time. He also has particular responsibility for all matters concerning legislation and administration.

St. John (Slim) Barrett serves as Mr. Doar's Second Assistant. He is a Californian, and a law graduate, class of 1948, of the University of California, Berkeley. Mr. Barrett served as Deputy District Attorney for Alameda County, California, from 1948 to 1954. In 1954, he joined the Department of Justice as a member of the Criminal Division's Civil Rights Section. With the creation of a separate Division for Civil Rights later in 1957, Mr. Barrett became its Second Assistant.

As the Second Assistant, Mr. Barrett concentrates on the preparation and trial of the pilot cases handled by the Division. He has had broad experience in equity cases and understands what is needed to plead, prove and brief in a case. He has particular responsibility for matters involving schools and crimes.

The front office staff may be supplemented by special assistants--especially promising young lawyers hired for a year or two commitment to undertake special assignments, and to assist in the front office review process.

It should be emphasized that the front office is open to all attorneys at all times. The easiest time to see either Mr. Doar or Mr. Pollak is in the early evening.

B. The Sections

The Division is divided into six sections. Four are geographically organized trial sections--Southeastern, Southwestern, Eastern and Western in addition there is an Appeals and Research Section and an Administrative Section.

The geographic sections are responsible for bringing to trial and trying all civil rights cases within the Division's jurisdiction, including voting, public accommodations, public facilities, employment, police misconduct, and school desegregation matters.

1. Southeastern Section

Area: Alabama, Georgia, Florida and South Carolina

Authorized Strength: 32 Attorneys
5 Research Analysts

Acting Section Chief: Frank M. Dunbaugh

Deputy Section Chief: John Rosenberg

2. Southwestern Section

Area: Louisiana, Mississippi

Authorized Strength: 32 Attorneys
5 Research Analysts

Section Chief: D. Robert Owen

Deputy Section Chief: James Turner

3. Eastern Section

Area: Canal Zone, Puerto Rico, Virgin Islands, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Michigan, Ohio, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, and Rhode Island

Authorized Strength: 7 Attorneys
1 Research Analyst

Section Chief: Maceo W. Hubbard

Deputy Section Chief: Frank Schwelb

4. Western Section

Area: Alaska, Arkansas, Guam, Hawaii, Indiana, Wisconsin, Illinois, Missouri, Minnesota, Iowa, Oklahoma, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Texas, Utah, Arizona, Nevada, California, Oregon, and Washington.

Authorized Strength: 7 Attorneys
1 Research Analyst

Acting Section Chief: Gerald W. Jones

5. The Appeals and Research Section, headed by Section Chief David L. Norman, Deputy Section Chief Alan Marer, and with an authorized strength of 17 attorneys and a research analyst, handles all of the Division's cases in the United States Circuit Courts of Appeal and all petitions for certiorari to the United States Supreme Court. Appeals and Research also has responsibility for researching questions of law which arise in the trial sections and for researching and drafting proposed legislation and supporting materials.

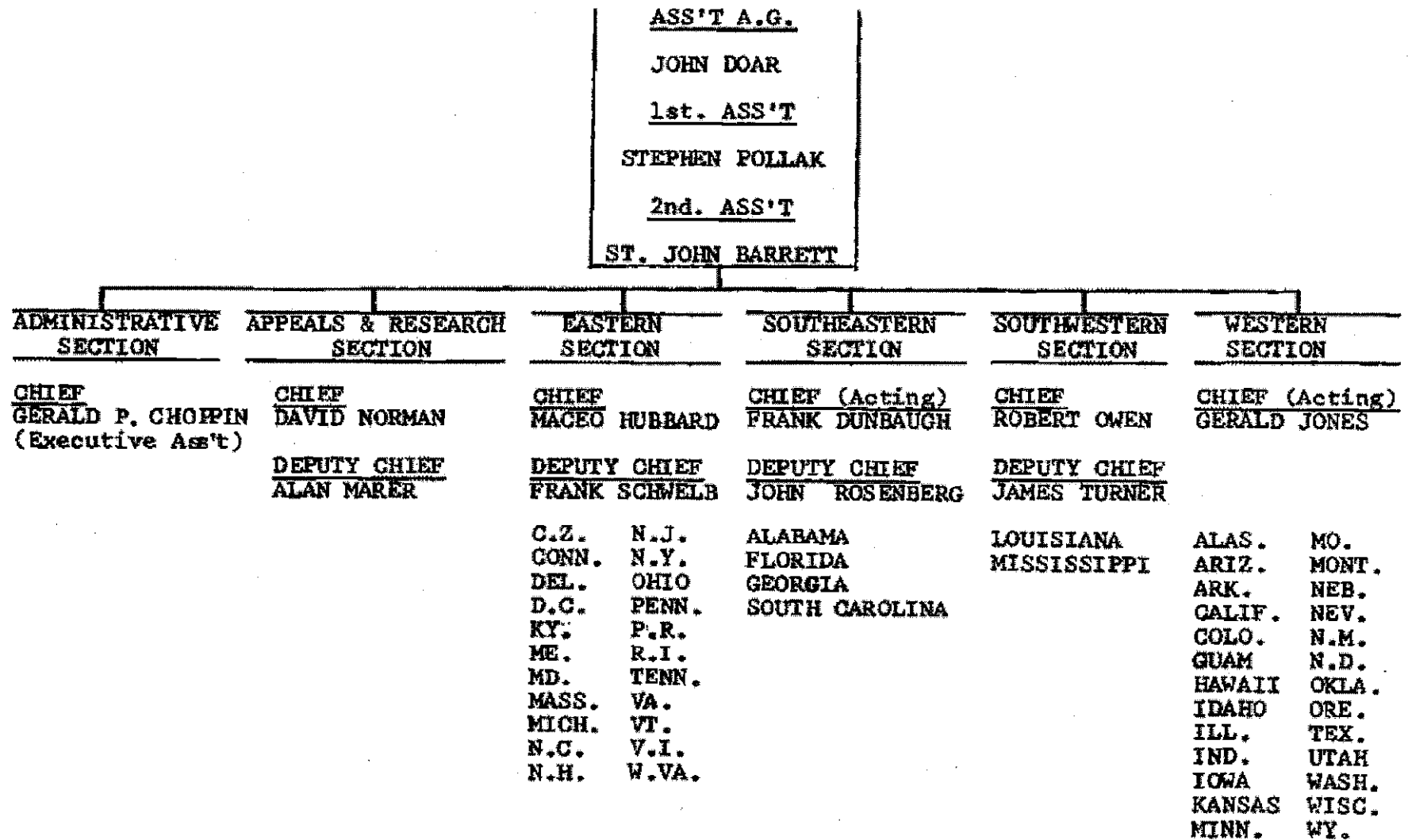
6. The Administrative Section, under the direction of the Executive Assistant, supervises all clerical personnel, including Dockets, Files, and the Secretarial, Editorial, and Records Units, and is in charge of budget, space and other general administrative matters.

Section Chief: Gerald P. Choppin

Administrative Assistant: Catina M. Egroff

Executive Aide: Charles M. Charuhas

ORGANIZATION CHART
CIVIL RIGHTS DIVISION



II. DEVELOPMENT AND LITIGATION OF A CASE

A. General

As stated in the foreword, it is your responsibility as a Civil Rights Division attorney to develop cases. Information concerning possible violations of civil rights laws may come to you from any source -- citizen mail, word of mouth or newspapers. If you think a matter is worth pursuing, you should first determine whether the Division has taken any steps in connection with it, a determination which can be readily made through use of our docketing and index system (See Section V, Sub. C infra). If nothing has been done, you should in most circumstances prepare a preliminary investigation request for the FBI. The purpose of such an investigation is to determine if a basis exists for a thorough investigation. If the results of the preliminary investigation are positive, then the business of gathering the facts and developing a case begins in earnest.

A substantial part of your work as a Civil Rights Division attorney will most likely be devoted to gathering facts. Three methods available to you are (1) interviews by yourself and other attorneys; (2) FBI investigation, and, (3) analysis of records. Each of these methods requires skill and finesse in its own way. You must master them.

Interviews:

Interviewing can be much like examining a witness on the stand. It is excellent training in the art of eliciting information.

Think through as much as possible before an interview what you want to find out. Remember that leading questions in an interview are subject to the same basic objection as in a courtroom -- the witness may be answering what you want to hear and not the truth.

FBI Requests:

The Bureau is a highly skilled, highly professionalized investigative organization. It is extremely important that you develop sound judgment as to when and how the Bureau's investigative resources can be utilized to good advantage. In drafting requests, keep in mind the human factor -- that an agent will be handed your request and expected to do a good job on it. You will help him do a good job by being as specific as possible in describing what you want done, and why.

Records Work:

In voting cases from United States v. Beinville Parish to United States v. Dallas County Executive Committee, in jury exclusion cases, and in school cases we have found that records analysis provides the cornerstone to our proof. Our development of cases is based on the maxim that we win on "their records and our witnesses."

You should make every effort to determine what relevant records exist. Examine them. Get to know them and their function as well as if you prepared them yourself. Figure what they can prove for you. Program their photographing and analysis. Finally, determine how the information in them can be best presented to the trial court.

If your investigation reveals a violation of federal civil rights laws, you should draft a complaint and a memorandum to be sent from your section chief to Mr. Doar telling him why he should sign the complaint. This "justification memorandum" should fully set out the evidence on which your case rests. You should make no statements in it unless you are sure you can prove them in their entirety.

B. Complaints

1. Police Misconduct

While in the field, you may receive a complaint of police misconduct. If the misconduct appears to involve a substantial violation of 18 U.S.C. 242 or 241, such as the imposition of summary punishment, an unlawful search and seizure, or the coercion of a confession, you should do the following:

Interview the complainant for full details, taking comprehensive notes of the interview.

Confer with your Section or Unit Chief. If it is decided that further investigation is warranted, prepare a request for a preliminary investigation, passing on any names of witnesses or other pertinent details from your interview of the complainant. You should not instigate the investigation yourself by telephone to the Bureau either in the field or in Washington unless specifically authorized.

As soon as stenographic help or dictation equipment is available, dictate a full memorandum summarizing the interview with the complainant. Transmit this to your Section Chief.

In making the preliminary investigative request, follow the procedure outlined in Section II, Sub Part C "Investigations by the FBI," infra.

In interviewing the complainant, keep the following considerations in mind:

If the complainant was the victim of, or an eyewitness to, the police misconduct, learn every detail possible from him. If he was not a witness, the interview can be limited to the general nature of the violation and the identities of any witnesses or persons who might have further, more complete information regarding the violation.

If the complainant allegedly suffered injuries, observe them yourself and determine the identities of any other person who has observed them. Ascertain whether the victim has had or plans to have medical treatment. Ask if there are persons who might testify that the victim had no injuries prior to

the assault. The injuries should be photographed immediately, in color, by the Bureau, so you must include this in the request and if the injuries are graphic, it is your responsibility to see that your section chief makes sure that the report is completed. The reason for this is obvious. You cannot go back and do the job later.

Determine whether any of the victim's clothing or other property was damaged during the assault. Any articles that are bloodstained, torn, broken or soiled should be preserved in such condition, and should be observed and obtained by the Bureau as evidence. The possibility of bloodstains on automobile seats, building floors, or similar places, should not be overlooked. Damage to buildings in a search and seizure case may be particularly significant. Make sure that no repairs are made before the Bureau can preserve the evidence, or photographs thereof, for future study for use.

The description of the place where the offense occurred may be important. If the victim would not likely have been at the situs of the offense but for the occurrence of the offense, (e.g., the basement of a jail), thoroughly explore all descriptive details with him. Colors, sounds, temperatures, textures, the number of steps from one place to another and any other pertinent data may be relevant to show that the victim was actually there.

If the victim or witness does not know the identities of the offending officers, obtain detailed descriptions. Such data should include not only the usual matters of height, weight, coloration, hair, age and clothing, but also any other identifying characteristics, such as mannerisms of speech, smoking habits, nervous practices, scars, etc. It is also important to record everything allegedly said by any of the officers at any time. Evidence later developed may tend to identify certain of the officers by what they said.

Obtain a detailed description of any instruments used by the subjects, such as a blackjack, club or gun. Not infrequently a defendant officer will deny having had possession of any instrument at the time he dealt with the victim. A detailed description of the instrument used, made soon after the incident, if later proved to be accurate, can be compelling evidence in corroboration of the victim's story.

Ascertain the identities of as many other witnesses as possible. If the complainant does not know their names, obtain their descriptions, the locations of places they frequent, the names of other people who might be acquainted with them, and the times and places of other contacts with the complainant.

Evaluate the complainant as a potential witness.

Advise the complainant that he may be contacted by the Federal Bureau of Investigation for another interview.

This list represents only a limited number of general suggestions. Each interview must be tailored to the particular case. The main purpose is to learn the full details while the event is fresh in the complainant's mind. Facts relating to the personal history and background of the victim can always be elicited later.

You need not, of course, follow the above procedure everytime somebody complains of police misconduct. If the complaint does not appear to involve a substantial violation, you might refer the complainant to the Federal Bureau of Investigation, or suggest that he incorporate the full details in a letter to the Department of Justice. If the alleged violation appears to be a state or local matter, and not a federal violation, explain the limits of federal jurisdiction so that the victim does not have an expectation of federal involvement that cannot be fulfilled.

2. School Desegregation

a. Complaints Under Title IV

Under the terms of Title IV, complaints of discrimination or segregation in public schools must be in writing and signed by a parent or group of parents wanting their children to attend the segregated school. (If the complaint concerns a college, it may be signed by the student.) The complaint must advise (the exact words are not important) that the parents' children are being deprived by a school board of the equal protection of the laws or, if the individual is in college, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin. Complainants should be advised of these requirements. No particular form is required. The complaint need not be under oath.

When you receive a complaint of racial discrimination in public education, you should first determine:

i. Is the complaint signed by the parent of a child who allegedly suffered racial discrimination or, in the case of a college, by a student or applicant?

If the complaint is not signed, a letter should be prepared advising the complainant of the legal necessity of signature.

ii. Does the complaint set forth in sufficient detail that the discrimination is based upon race, color, religion, or national origin, as required by Title IV?

iii. Does the complaint relate to an outstanding court order or pending lawsuit with respect to racial discrimination by the school agency? This information can be obtained by consulting the monthly issues and the annual summary of the Southern School news, as well as the press clipping files of the Civil Rights Division Editorial Unit. Where there is a pending lawsuit, it may be appropriate to intervene. See Below.

iv. Is there sufficient time, generally no less than thirty days, before the commencement of the next school semester to permit completion of a preliminary investigation so that the Department may take action that will be effective for the forthcoming semester?

Insufficient Time - If there appears to be insufficient time to conduct an FBI investigation in time for the forthcoming school term, the attorney should immediately bring the case to the attention of his Section Chief. If warranted by the complaint, the Department of Justice or the United States Attorney may contact the school officials immediately to seek assurances regarding the coming semester.

If the allegations set forth a violation of the statute, the complaint is signed by the victim, and there is no outstanding court order or private lawsuit, you should prepare a memorandum to the Bureau requesting a preliminary investigation. A letter of acknowledgement need not be sent to the complainant. The Bureau interview will serve as a sufficient response.

When the investigation is completed, you should prepare a memorandum summarizing the pertinent findings together with your recommendations.

b. Investigation Under Title IV

All FBI requests and other memoranda or correspondence relating to school complaints will be routed by the Section Chief through the Second Assistant.

At the time the Bureau request is prepared, an investigation folder should be set up if one is not already set up. In addition to copies of incoming and outgoing correspondence, you should see that this folder includes copies of newspaper clippings and other factual information which the Division already has gathered concerning the particular school system.

Upon receipt of bona fide complaints, the FBI should be requested to make a Preliminary Investigation which should at least include an interview of the complainant to determine:

- i. Pertinent personal history and background information;
- ii. Full details regarding the alleged discrimination against the complainant or his minor child;
- iii. All information the complainant has regarding the operation of the pertinent school or school system on a racial basis, and the identities of any other persons who have sought school enrollment or assignment on a non-racial basis;
- iv. Full details of any other efforts made by the complainant, or others on his behalf, by petitioning local school authorities or otherwise, to rectify the alleged discrimination and the ability or inability of the complainant to bring legal action on his own behalf, or through some interested organization. In this connection, the complainant should not be asked whether, in his opinion, he is able or unable to sue, inasmuch as an answer would be a legal conclusion. He should, however, be asked for general information regarding his employment, whether he owns his home and automobile, and if so, to describe them. Also, the investigation should ascertain how many dependents the complainant supports and whether the complainant is a member of any civil rights organization that provides legal counsel in this type of case.

You may wish to include in the preliminary investigation an interview of school superintendent or other administrator responsible for the operation of the school involved. In some cases, it will be appropriate to delay contacting school officials until the results of the interviews with the complainants are in. This may facilitate a more detailed and productive interview with the officials. Confer with your unit or section chief on this.

c. Intervention Under Title IX

Where there is a pending private suit, the Attorney General has a right to intervene in cases of general public importance under Section 502 of the Civil Rights Act of 1964 regardless of the ability of the private parties to prosecute their own cause. In such circumstances, you should:

i. Prepare an interim reply to the complainant stating that the Department of Justice is inquiring to determine what action, if any, should be taken on his complaint.

ii. Obtain full details regarding the pending lawsuit. The pleadings should be on file in your section, but if they are not, obtain copies directly from the clerk or through the United States Attorney and set up an investigation folder.

iii. After the pleadings and factual information have been assembled, you should prepare a memorandum summarizing for your Section Chief the critical data and recommending what course the Department should follow. Possibilities are: Direct contact with the plaintiff's attorneys to obtain further details and background; contact by the United States Attorney with defendant's attorney to determine whether they intend seriously to contest the lawsuit; preparation of motion to intervene.

iv. The Attorney General is authorized to intervene only in a case "of general public importance." In considering whether this standard is met, you should take into account at least the following factors. Are the resources of the government needed if the case is to be successful? Will the case make new law? Are the plaintiffs well represented? Will our position support the plaintiff's position, or undercut it? How many people will be affected by the decision? Will our intervention lead to more pressure on the government to occupy the field in the particular type of case?

If the school agency against which the complaint is directed is already operating under a court order, inquiry should be made to determine if the complaint indicates noncompliance with the order or that the order is significantly below current judicial standards. In either event, it is normally the responsibility of the private attorneys who obtain the court order to initiate contempt proceedings or to update the order. If that course appears unsatisfactory, intervention should be considered under the criteria discussed above.

3. Public Accommodations and Facilities

a. Complaints

The Division is self starting in the area of public accommodations.

In addition, complaints of racial discrimination or segregation in hotels, restaurants, theaters and other places of public accommodation need be in no particular form and may be oral. On receiving such complaints, you should first determine whether the questioned conduct is prohibited by any provision of state law. If the state provides a remedy, refer the complaining parties to the appropriate state agency. Immediately after referring a complainant to a state agency, write a brief letter to the agency advising them of the referral and requesting that you be advised as to what action, if any, is taken upon the complaint.

If no state law prohibits the discrimination in places of public accommodations and the complaint appears to involve a violation of Title II of the Act, you will want to prepare a request for a preliminary investigation. (See infra.)

Under the terms of Title III of the Civil Rights Act of 1964, complaints of discrimination or segregation in public parks, libraries, auditoriums, recreational areas and similar facilities must be in writing and signed by the complainants. A complainant should be advised of these requirements. The writing need not be in any particular form. It need not be under oath, but should be signed. It is sufficient if it sets forth the nature of the discrimination in the public facility involved. A complainant is not to be interviewed until he has submitted a complaint in writing.

b. Preliminary Investigation

On a request for preliminary investigation in connection with a public accommodation or public facility complaint, the Bureau has been instructed to make the following investigation:

Interview the victim or victims.

Interview other witnesses whose identities are furnished by the victim or victims.

Interview the proprietor, manager or supervisor of the particular accommodation or facility for full details regarding acts of interference. Interview employees of personnel having knowledge of acts of interference. In addition to obtaining details regarding the immediate incident complained of, determine whether the personnel of the accommodation (or facility) are aware of other acts or threats of interference of harassment directed against either personnel or users of the facility to discourage its use on a nonracial basis.

Determine what complaints have been made to the local police regarding the acts of interference and what, if any, action has been taken in response.

If persons seeking to use the accommodations or facilities on a non-discriminatory basis have been arrested, the Federal Bureau of Investigation will interview the arresting officers and determine the nature of disposition of the charges.

Identify and interview those who committed the acts of interference.

Some public accommodation cases, for example private club cases, call for information beyond that asked for in the standard request.

4. Equal Employment

a. Complaints and Initial Action

The enforcement provisions of Title VII of the Civil Rights Act of 1964 proceed on several underlying principles. First, initial reliance is placed on state remedies where they exist. Second, the enforcement role of the Equal Employment Opportunity Commission authorized by the statute is almost totally confined to the area of conciliation and persuasion. Third, where court action becomes necessary, it is to be conducted by the aggrieved individual, or, in those cases where there is a "pattern or practice," of discrimination, by the Attorney General.

The Division has a major responsibility for court enforcement of Title VII in cases referred by EEOC, in cases initiated by the Attorney General on his own, and through interventions in private actions.

The EEOC Commission machinery is set in motion by complaints. Charges must be in writing and sworn to by the aggrieved person, but written charges may also be filed by members of the Commission when they have reasonable cause to believe that a violation of the Title has occurred.

The initial enforcement phase differs depending upon whether there is a state or local law prohibiting the particular questioned practice.

Where there is no such law, the Commission is required to furnish the respondent -- the employer, labor organization or employment agency -- with a copy of the charge and to conduct an initial investigation. The Commission may not at this point make the charge public. If the investigation reveals that there is reasonable cause to believe the charge is true, the Commission is required to undertake efforts to eliminate the unlawful practice, by informal methods including conferences, conciliation and persuasion. Nothing said or done as part of these settlement efforts may be made public, without the consent of the parties, nor may such words or acts be used as evidence in a subsequent proceeding.

Where there is a state or local fair employment law, individuals may be totally precluded from invoking any provision of Title VII. Such a situation would arise where the Commission chooses to exercise its power to enter written cession agreements with state or local agencies under which the Commission agrees to refrain from processing charges in specified cases or classes of cases. The existence of such an agreement means the federal court enforcement provisions of Title VII are foreclosed to aggrieved individuals. The Commission has authority to rescind such an agreement whenever it determines that it no

longer serves the interest of effective enforcement of Title VII.

You should determine whether any session agreements have been entered covering the area for which you have responsibility.

Where the Commission is unable to conciliate the complained of conduct, it may refer the matter to the Attorney General for suit.

b. Procedure on Receipt of Complaints

In the case of complaints received directly by this Division, the following procedure should be followed:

The complaint should be acknowledged promptly. It is imperative that complaints be handled expeditiously so that complainants can be advised of their rights before the expiration of the rigid time limitations imposed by Title VII.

A copy of race complaints should be referred to the Federal Bureau of Investigation with a request for a preliminary investigation. Sex complaints are referred to EEOC for investigation and appropriate action.

A copy of the complaint should be sent to the Equal Employment Opportunity Commission.

When the report of the preliminary investigation is received, it should be evaluated to determine whether the case warrants a full investigation by the Department with a view to filing a suit in federal court. Substantial or open defiance of federal law, receipt of a number of complaints from a single plant, independent knowledge we may have of the intransigent nature of the employer or union, are some of the instances where we might conclude that there was a "pattern or practice" justifying court proceedings.

If we decide to proceed with a full investigation, EEOC should be advised.

All requests by private parties for advice as to whether certain businesses, labor unions or employment agencies or types of conduct are covered by Title VII should be referred to the EEOC.

c. Referrals from Equal Employment Opportunity Commission

When a case is referred from EEOC, a letter should be prepared immediately acknowledging the referral and the receipt of the Commission's investigation files. A copy of the letter of acknowledgment and a Xerox copy of EEOC's transmittal letter should be sent to Mr. Pollak, who has substantial responsibility for employment cases.

The EEOC materials should be assigned to an attorney who should prepare a memorandum for his Section Chief, evaluating the materials and recommending how the case should be handled. We need to know whether EEOC's files

reveal a strong enough case to justify the immediate preparation of a complaint; whether more investigation is needed; and, if so, of what nature and where it can best be initiated by an attorney contacting the firm or union to determine the kinds of records available and the degree of cooperation which we will get, or by a FBI request. The memorandum should describe relevant materials in the EEOC file and give an idea, if possible, of the reliability of the investigation. The legal theory of any proposed case should be included. A copy of this evaluation memorandum should be sent to Mr. Pollak who will meet with the Section Chief and the attorney to plan the further handling of the case.

d. Judicial Discretion

Once a suit is filed, three matters are committed initially to the court's discretion.

1. Upon application of the plaintiff, the court may appoint an attorney to represent him and permit the action to be commenced without the payment of fees, costs or security. The statute does not, however, expressly provide for compensation to the appointed attorney.

2. Upon timely application, the court may grant the Attorney General leave to intervene if he certifies that the case is of general public importance.

3. Upon request, the court may stay further proceedings for not more than 60 days pending the termination of state or local proceedings, or Commission efforts to obtain voluntary compliance.

Title VII authorizes the district courts to grant equitable relief upon a finding that a defendant has intentionally engaged in or is intentionally engaging in an unlawful employment practice. The courts have power not only to enjoin such practices, but also to order appropriate affirmative action such as reinstatement or hiring, with or without back pay. The awarding of reasonable attorneys' fees is authorized, a provision intended in part to deal with the compensation of appointed counsel. Should a defendant fail to obey a court order, the Commission is authorized to bring proceedings to compel compliance. Aside from proceedings to enforce its investigative powers, this authority is the limit of the Commission's statutory power to take a matter to court. In the event of a criminal contempt proceeding, the defendant, upon request, is entitled to a jury trial.

e. Litigation by the Attorney General

The Attorney General may intervene in suits brought by private individuals if he certifies that the case is of general public importance. In addition, the Attorney General may initiate suits on his own motion, on referral from EEOC, or upon receipt of a complaint, when he has reasonable cause to believe that a person or group of persons is engaging in a pattern or practice of resistance to the full employment of Title VII rights. What constitutes a "pattern or practice?" Senator Humphrey is responsible for the most authoritative explanation, in the legislative history of the 1964 Act (110 Cong. Rec. 13776, daily ed.):

Such a pattern or practice would be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business discriminated, if a chain of motels or restaurants practiced racial discrimination throughout all of a significant part of its system, or if a company repeatedly and regularly engaged in acts prohibited by the statute.

The statute provides that the district court "shall" exercise jurisdiction in suits instituted by the Attorney General. Thus, stays pending proceedings before a state or local agency or pending some action by the federal commission are not contemplated. The statute further provides that the Attorney General may request a three-judge federal court to hear the case, with expedited hearing and determination of the case shall be expedited, and appeal directly to the Supreme Court.

C. Investigations by the F.B.I.

In requesting the Federal Bureau of Investigation to conduct preliminary or full investigations, you should not include a single memorandum request concerning more than one matter or case. If the requested investigations in two or more matters are inter-related, cross-references should be used for the Bureau's convenience and two separate memoranda should be prepared.

Where the subject of an investigation is an official, and the allegation relates to racial discrimination in the conduct of his office, the name of the officeholder need not be used in the caption. It suffices to give the official title. If there is a specific victim, his name should be set forth after the subject's. However, if the violation is directed against a class of persons (as in voting discrimination cases) then no victims need be named.

After the subject and victim, one of the descriptive titles listed, *infra*, pp. 16-18, should be set forth. Because these descriptive titles are used for statistical purposes, no variation in wording should be made. After the descriptive title, the more general characterization of the case should be set forth in capital letters. The appropriate characterization for each title is also given on the attached list. The characterizations are those used by the Federal Bureau of Investigation. They determine the routing of the investigative request within the Bureau.

If the initial investigative request is made over the telephone, the attorney should advise the Federal Bureau of Investigation how the Civil Rights Division intends to caption the particular case, i.e., the name of the victim, the subject, the descriptive title, and the characterization.

After a matter has been captioned, the same caption should be used in all subsequent communications with the Federal Bureau of Investigation. You should not use the caption that may be given the case in court, e.g., an investigative request should not be captioned United States v. Jones.

Every oral request for investigation should be followed by a confirming written memorandum to the Federal Bureau of Investigation from the Civil Rights Division. If you wish to make a request while in the field, you should obtain authorization from your Section Chief. The Section Chief should direct a brief memorandum to the Federal Bureau of Investigation confirming that the oral request for investigation has been made, giving its nature and scope, but not setting forth any more detail that can conveniently be put in a brief memorandum. The confirming memorandum should call attention to any particular items of the investigation that are other than routine.

A confirmation memorandum must be sent within 24 hours, except if the request is made between 5 p.m. Friday and 5 p.m. Sunday, in which case, the memorandum must be dispatched before 5 p.m. Monday.

Certain types of memoranda to the Federal Bureau of Investigation, specified below, should be prepared for the signature of the Assistant Attorney General, but may be signed by the Section Chief. Such memoranda are not to be reviewed beyond that level unless the Section Chief determines that in a particular case front office approval of the decision to investigate is warranted. Using a Southwestern Section request as an example, the signature should be "JD by DRO." The memoranda to be so treated include:

Requests for preliminary investigation of a public accommodations matter.

Requests for preliminary investigation of a public facilities matter.

Requests for preliminary investigation of a routine summary punishment matter.

Requests for prints of records not involving substantial expenditures.

The same rules apply to memoranda confirming prior oral requests to the Bureau. Any requests for investigation of a summary punishment matter in connection with riots or demonstrations should be reviewed and signed by the Assistant Attorney General or the First Assistant. Requests of a unique or unusual nature and any request which would require a substantial commitment of personnel by the Bureau should be sent to the front office for approval and signature. Section Chiefs are responsible for determining when a request comes within these categories. In all cases where investigative requests are signed by the Section Chief without further review, a copy should be forwarded to the Assistant Attorney General's office for information.

You should see that the memoranda are properly captioned. The following are examples of proper captions.

Registrar of Voters of Elmore
County, Alabama, Subject;
Voting Discrimination
CIVIL RIGHTS; ELECTION LAWS

Henry Smith, et al., Subjects;
 John Jones, et al., Victims.
 Voting Intimidation, Elmore County, Ala.
 CIVIL RIGHTS; ELECTION LAWS

Albert Brown, et al., Birmingham, Ala.
 Police Officers, Subjects;
 Ed Smith, Victim.
 Summary Punishment
 CIVIL RIGHTS

In preparing requests for investigation by the FBI, you should use the following captions as appropriate:

1. CIVIL RIGHTS - is the characterization which should be listed on request for investigations of the following:

Summary Punishment
 Coercing Confession
 Denial of Police Protection
 Unlawful Search
 Unlawful Arrest
 Unlawful Detention
 Deprivation of Property
 Due Process (Miscellaneous)
 Equal Protection (Miscellaneous)
 Jury Discrimination
 Conspiracy Against Rights
 Housing Discrimination

2. CIVIL RIGHTS; ELECTION LAWS - is the characterization which should be listed on request for investigations of the following:

Voting Discrimination
 Voting Intimidation
 Voting Records Demand
 Compliance with Voting Rights Act of 1965
 Intimidation of Examiners

3. ELECTION LAWS - is the characterization which should be listed on request for investigation of the following:

Election Laws

4. EXTORTION LAWS - is the characterization which should be listed on request for investigation of the following:

Extortion

5. EMPLOYMENT - GRA of 1964 - is the characterization which should be listed on request for investigation of the following:

Employment

6. BOMBING MATTERS - is the characterization which should be listed on request for investigation of the following:

Bombing

7. CONTEMPT - is the characterization which should be listed on request for investigation of the following:

Criminal Contempt

8. RACIAL MATTERS - is the characterization which should be listed on request for investigation of the following:

| | |
|---------------------------|------------------|
| School Segregation | |
| Public Accommodations | (Lodging) |
| " " | (Eating) |
| " " | (Entertainment) |
| " " | (Gas Station) |
| " " | (Miscellaneous) |
| Public Facility | (Transportation) |
| " " | (Park) |
| " " | (Swimming) |
| " " | (Tennis) |
| " " | (Golf) |
| " " | (Library) |
| " " | (Museum) |
| " " | (Auditorium) |
| " " | (Stadium) |
| " " | (Hospital) |
| " " | (Building) |
| " " | (Miscellaneous) |
| Interstate Transportation | |
| " " | (Air) |
| " " | (Bus) |
| " " | (Rail) |
| " " | (Miscellaneous) |
| Breach of Contract | (Miscellaneous) |
| Federal Function | (Miscellaneous) |

D. Commencement of Suit

1. Justification Memorandum to Section Chief

If, in the attorney's opinion, in conference with his Section Chief, an investigation reveals a violation of federal law within the jurisdiction of the Civil Rights Division, the attorney should prepare a jurisdiction memorandum, a complaint and a certificate of public importance (where required by law) to be sent from his Section Chief to Mr. Doar. Where intervention is proposed, a brief memorandum of points and authorities in support of intervention should be included. If the Section Chief approves the complaint, he signs it. This is the critical act in the institutional setting of filing a complaint on behalf of the United States.

You will not sign the complaint. But your name and signature will be on all subsequent pleadings. When an attorney puts his signature on a complaint, he guarantees its accuracy and fairness.

2. Filing Complaint and Notification

The attorney who drafted the complaint will vary likely be responsible for the further preparation of pleadings, briefs and motions. All such matters should be undertaken only with the aid and approval of the Section Chief. All letters addressed to judges relating to the case should be reviewed by the Section Chief. Briefs should bear the names of the Assistant Attorney General and of all attorneys who significantly assisted in their preparation.

Whenever a law suit is being filed, the Section Chief should advise the Public Information Office and forward a copy of the complaint. A copy of the complaint and accompanying pleadings or motions must be forwarded immediately to the Section Docket Clerk also for appropriate docketing.

If Mr. Doar approves the complaint, he signs it and forwards it, together with the justification means, to the Attorney General. If the Attorney General approves, he signs the complaint and the certificate of public importance.

The complaint, once signed, may be filed either by a Division attorney or by a United States Attorney. The practice varies depending on the circumstances, but the United States Attorney must always be advised before the filing as he will sign it too.

E. Appeal Procedure

Whenever a final order is entered by a district court in a case to which the government is a party, the attorney to whom the responsibility for that case has been assigned should, upon being notified of the order, prepare a memorandum advising the Assistant Attorney General of the decision and its possible implications. If the government has prevailed in the district court, but the other side takes an appeal, the file should be transferred temporarily from the geographical section to the Appeals and Research Section under cover of a copy of the memorandum to the Assistant Attorney General explaining the decision. The Appeals and Research Section is responsible for preparation of the government's brief on appeal.

If the government is not successful on one or more of the issues in the case, the trial attorney to whom the case has been assigned should prepare a memorandum from his section chief to the Chief of the Appeals and Research Section. This memorandum should contain a summary of the evidence presented by the government at the trial, a brief discussion of the legal issues involved in the case, and should point out the errors committed by the district court. The trial filed should accompany this memorandum.

The Appeals and Research Section is responsible for preparing a memorandum from the Assistant Attorney General to the Solicitor General advising him of the decision and of our recommendations regarding appeal. This memorandum should consist of five parts: (1) a statement of the status of the case and

the time limits governing appeal; (2) a statement of the issue or issues to be raised on appeal; (3) a statement of the facts which the government proved or attempted to prove at the trial; (4) a discussion of the legal and factual issues; and (5) our recommendation regarding appeal and reasons therefor. The reasons for our recommendation are usually set out in the section discussing the issues. This memorandum is forwarded through the First or Second Assistant to the Assistant Attorney General for his review and approval.

If the Solicitor General authorizes an appeal, it is the responsibility of the appellate attorney who prepared the appeal memorandum to see to it that notice of appeal is filed, that the record is properly docketed in the Court of Appeals, and that only those portions of the record which are relevant to the appeal are designated for printing. All this must be done within the time limits set forth in the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure and also according to the rules of the circuit involved. These rules should be consulted carefully at each step, especially the circuit rules. Where the Solicitor General has not decided whether to authorize an appeal and time is running short for filing of a notice of appeal, it should be filed anyway in order to protect the government's right to appeal, but only with the approval of Mr. Doar or the First Assistant. Thus, between the eighth and fifth day prior to the expiration of the time limit for filing a notice of appeal, the United States Attorney should be reminded that unless he hears to the contrary, a "protective" notice should be filed.

The Appeals Section is also responsible for preparing government briefs as appellee. A draft of the government's brief should be made available to the First Assistant at least two weeks prior to the filing date.

Should the government lose in the court of appeals or before a three-judge district court, the Appeals and Research Section is responsible for the preparation of a memorandum to the Solicitor General advising him of the adverse decision and recommending whether or not certiorari should be sought or an appeal taken. If the Solicitor General approves, a draft petition for a writ of certiorari or a jurisdictional statement should be prepared and transmitted to the First Assistant for delivery to the Solicitor General. The clerk of the court of appeals must be notified to transfer the record to the Supreme Court within the time limits set by the rules.

Procedures similar to the above are followed where other extraordinary writs are sought, such as a writ of mandamus to a court of appeals or to a district court.

All papers filed in the Supreme Court are reviewed by the Solicitor General. Drafts should be prepared far enough in advance to allow time for this review.

Whenever the court of appeals or the Supreme Court remands a case to have an order entered or further hearings on the issues, the Appeals attorney should return the entire case file immediately with a short memorandum of the remand. The docket room should be notified that the case has been returned to the district court.

The Appeals and Research Section also has the responsibility of advising the Assistant Attorney General of any private cases on appeal or certiorari in which this Division may have an interest in participating as amicus curiae. Attorneys in the geographical sections are responsible for notifying the appeals section of district court decisions in private cases. The appeals section reviews all private cases in order to determine those in which the government may have an interest. If it is decided that amicus participation is called for, a memorandum should be prepared from the Assistant Attorney General to the Solicitor General, similar in form to an appeal memorandum. The memorandum should also state the special reasons for our amicus participation. If the Solicitor General agrees, the appeals section prepares the brief.

Note: Memoranda to the Solicitor General must be prepared immediately so that decisions can be made in time to allow careful attention to the drafting of briefs.

F. Designation of Counties for the Assignment of Examiners Pursuant to the Voting Rights Act of 1965

Counties are designated for federal examiners under the Voting Rights Act of 1965 when there is substantial evidence that local voting officials are not making a bona fide effort to comply with the Fifteenth Amendment, including the taking of steps necessary to cure the effect of past discrimination. Through November 1, 1966, a total of 46 had been designated for examiners.

Each geographical section is responsible for determining which counties within its jurisdiction should be recommended for examiners. The format for the justification memorandum should be as follows:

I. Registration by Race

Give the latest statistics.

II. Determination of Discrimination

Set out any court cases concerning voting discrimination within the county. Set out the status of any suits which have not come to decision.

III. History of Resistance to Federal Law

Set out practices of the county registrar which in the past have produced discrimination.

IV. Compliance with the Voting Rights Act of 1965

Set out information dating from August 6, 1965.

V. Restrictions on Opportunity for Negroes to Register Before Next Election

Include here, for example, a count of the number of registration days remaining before the next election and the number of Negroes who have not yet registered. Compare opportunities made available in past for white persons.

VI. Present Policies of State and Local Officials and Community Leaders

Include herein any expressed state policies concerning voting, together with state and local policies concerning public accommodations and other aspects of civil rights.

Obtain and review a copy of a justification memorandum submitted for one of the 46 counties presently designated for examiners.

If there is no pertinent information relating to a heading, delete it. Care should be exercised throughout the justification memorandum to identify statements which have not been established either by a court finding or by the filing of a civil or criminal complaint. Open investigations should only be referred to as such. Unproven allegations of intimidation, for instance, should not be included. The tone of the memorandum should be factual - use nouns and verbs, no adjectives.

When the Attorney General designates a county for examiners, the front office is responsible for seeing that the certification is properly published in the Federal Register on the following day. The procedure to be followed is:

- (1) The original is signed by the Attorney General. The two copies are stamped and initialed by Mrs. Egroff as certified copies of the original.
- (2) The original and two certified copies are then carried to the office of the Federal Register in the Archives Building. Our contacts there are:

Mr. Lawshe
Archives Building
Room 404

Mrs. Rosenberg
Archives Building
Room 400(C)
Code 13, Ext. 36703

The press deadline is 12:00 noon for the following day, but under pressure this can sometimes be flexible.

The front office also notifies the Civil Service Commission as quickly as possible of the names of certified counties. The Commission has to obtain office space in the county. Generally, they will have been given an informal advanced warning. It publishes the location of this space and the hours of the office in the Federal Register at the same time as the certification is printed. Except in extraordinary circumstances, the Commission should program so as to open for business on the following Monday.

As soon as the Commission plans are known, the geographical section should prepare and submit to the Assistant Attorney General a request to the Federal Bureau of Investigation notifying them of the details of the anticipated operation in the certified county and requesting them to observe the registration on the opening day and daily thereafter until instructed further. This request should include the date and time of opening, and the names of examiners.

Once certification is made, it is the responsibility of the appropriate geographical section to

Have an attorney available to advise the examiner during the first week of operation. The attorney need not confine his work to the county involved but he should keep in touch with the examiner on a spot check basis and should make personal contact with the chief examiner before the office opens. The attorney should not discuss his work with the press nor should he attempt to assist the examiners in the performance of their duties.

Advise the Assistant Attorney General on a daily basis as to the progress of registration and any difficulties incurred.

As soon as possible, prepare a memorandum directing the FBI to stop observing the operation. This is a matter of judgment. If this recommendation is not made within three days after the office opens, the Assistant Attorney General should be consulted.

Examine on or before the 26th of each month the application forms and report such findings to the Assistant Attorney General. This is especially important during the first month of operation.

G. Miscellaneous Matters Relating to the Development of Cases

1. Disclosure of Information in Department of Justice Files

The Attorney General has prescribed regulations (paraphrased here) relating to the production or disclosure of material or information in the files of the Department of Justice.

a. No attorney in the Civil Rights Division shall, without the prior approval of the Attorney General, produce or disclose, in response to a subpoena, order, or other demand of a court or other authority any information or material contained in the files of the Department of Justice or any other information or material acquired as a part of the performance of his official duties or because of his official status.

b. Except as provided in paragraph iv, whenever a demand is made upon an attorney for the production or disclosure of information or material contained in the files of the Department of Justice or of any other information or material acquired as a part of the performance of his official duties or because of his official status, he shall immediately notify the Attorney General (through the Assistant Attorney General in charge of the Civil Rights Division) of such demand. If possible, the Attorney General shall be notified before the

attorney replies to, or appears before the court or other authority.

c. The attorney upon whom the demand has been made shall appear and inform the court that he is prohibited from producing or disclosing the information or material demanded without the prior approval of the Attorney General, and that the demand has been or is being referred for the prompt consideration of the Attorney General. The attorney shall provide the court with a copy of the governing regulations (Part 16 of Title 28 of the Code of Federal Regulations) and shall respectfully request the court to stay the demand pending the receipt of instructions or directions from the Attorney General.

d. Whenever such a demand is made upon an attorney by a court while he is appearing before, or is otherwise in the presence of that court, the attorney shall immediately inform the court that he is prohibited from disclosing information without the prior approval of the Attorney General. He should then offer to refer the demand for the prompt consideration of the Attorney General. Unless the court withdraws the demand the attorney shall provide the court with a copy of these regulations and shall respectfully request the court to stay the demand pending the receipt of instructions from the Attorney General.

e. If the court or other authority declines to stay the effect of the demand in response to a request pending the receipt of instructions or directions from the Attorney General, or if the court rules adversely on any claim of privilege that may be asserted in conformity with these regulations or with instructions or directions issued by the Attorney General pursuant thereto, the attorney upon whom the demand shall have been made shall respectfully decline to produce or disclose the material or information demanded. (See United States ex rel. Touhy v. Ragen, 340 U.S. 426)

2. Production of Documents - Witness Statements

It is often necessary to prepare copies of witnesses' statements which are required to be shown to defendants pursuant to 18 U.S.C. Section 3500, and to deliver such copies to defense counsel for their use. In many instances such statements are turned over to defense counsel prior to the completion of the witnesses' testimony, and remain in the custody of defense counsel for substantial periods of time.

On a number of occasions defense counsel have retained the copies supplied or made their own copies. In one case, a witness's statement later was introduced in private civil litigation; in another, numerous statements, including some taken by the Federal Bureau of Investigation, were found in the possession of a prisoner in a federal penitentiary.

Subdivision (b) of Section 3500 provides that such statements are to be delivered to the defendant "for his examination and use." The attorney should construe the term "use" as limited to the trial itself.

Thus, whenever copies of statements are supplied in compliance with a defense motion under Section 3500, the court should be requested to direct defense

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counsel to make no copies, and promptly to return such statements to the Government. In addition, such statements, or copies thereof, should be marked as Government exhibits for identification when turned over to defense counsel.

3. Subpoenas of F.B.I. Agents

Whenever you receive information from the Federal Bureau of Investigation that an agent has been served with a subpoena to testify in a state grand jury proceeding, a state criminal trial, or civil trial, you should call the matter to the attention of your Section Chief. The Section Chief shall, in turn, bring the matter to Mr. Doar's personal attention, or, in his absence, to the personal attention of Mr. Pollak or Mr. Barrett.

On being informed of a subpoena to the Bureau, the Section Chief should see that the full text of the subpoena is immediately obtained (by telephone if necessary) and that copies of all pertinent Federal Bureau of Investigation reports and witness statements (including anything that might be responsive to the subpoena) are obtained. After a preliminary determination of the course to be followed, based upon discussion with Mr. Doar or Mr. Pollak or Mr. Barrett, the Section Chief shall be responsible for obtaining any additional information necessary to a final decision. This may involve a telephone call either by a Division attorney or the United States Attorney to the attorney who obtained issuance of the subpoena in order to determine what testimony is sought.

Any opinion letter, either directly to the local officials or attorneys who issued the subpoena or to a United States Attorney, stating our position about the subpoena, should be prepared for Mr. Doar's signature. These policy guidelines are to be followed in determining the course to be taken:

Under Justice Order 324-64, 28 C.F.R. §16.1-16.3, an FBI agent is without authority to disclose the contents of any official file or information sought by subpoena until he has received specific instructions from the Attorney General to do so. The obligation of the agent is not to testify as to the contents of files or to produce files without prior approval. Where the agent follows this directive, he is immune from contempt. Boske v. Comingore, 171 U.S. 459. A litigant seeking to compel disclosure must attempt a personal service on the Attorney General and obtain a contempt order if he resists.

The Department's policy with respect to disclosure was expressed by the Solicitor General in a Memorandum to the Supreme Court in Parham v. California (Oct. Term 1963, No. 955 Misc.):

[T]he Department's practices and policies with respect to state court requests for the production of documents in its files have become crystallized in the light of experience in the ad hoc handling of such matters. It is now our policy ... to honor ... requests by state courts where, as here, the document involved would be producible under the Jencks Act if the prosecution were in a federal court (and is also

producible under state law), and where no other overriding consideration of policy...opposes a grant of the request.

On the other hand, where the producibility of a requested document under the Jencks Act or state law is doubtful and may involve questions of fact necessitating a voir or dire hearing of testimony (cf., e.g., Campbell v. United States, 360 U.S. 343), or where, such issues aside, the production of a requested document may involve consideration of a federal need for continuing confidentiality, the Department's policy is to evaluate the circumstances surrounding each request in determining what action should be taken in the interests of justice, including the need shown in the particular case.

One important factor in evaluating the circumstances surrounding each request is the type of evidence sought. The following distinctions are relevant:

(1) Eyewitness Testimony - Whenever an agent is subpoenaed into either a state or federal court to testify regarding relevant facts to which he was an eyewitness, the only questions that need to be considered are whether his testimony will: (a) involve disclosure of confidential Bureau procedures; (b) involve disclosure of an informant; (c) interfere with an active Bureau investigation; or (d) interfere with pending or anticipated Department of Justice litigation. If none of these result, the agent should be authorized to appear and testify. Thus, there is no reason why an agent who witnessed an assault should not testify in a state court regarding what he saw as long as this Department does not have an active investigation or case relating to the same matter--and even then, we might well decide that there is no reason to prevent the agent's testimony in the private suit.

(2) Testimony respecting investigation--Whenever the agent is subpoenaed to testify, not to what he directly witnessed, but regarding what he did in investigating a particular matter we will ordinarily not authorize him to testify. Thus, if the purpose of his testimony is to show that the Bureau conducted a diligent investigation and did not come up with anything incriminatory against one or the other parties in a private suit, we will not authorize his testimony.

(3) Subpoena duces tecum for statements of witnesses--Ordinarily we will resist responding to a subpoena duces tecum in a private suit calling for written statements that the Bureau has obtained from witnesses. This is true even though the statements are signed and hence would be competent evidence in the private suit. Exceptions may be made where failure to produce a statement could result in a miscarriage of justice in the private suit. This might occur where the Bureau has a written statement of a witness that directly contradicts his testimony in the private suit and where his testimony would stand unimpeached unless the statement were produced.

(4) Subpoena duces tecum for Bureau files--A subpoena duces tecum requiring production of investigative reports or files in a private suit will always be resisted.

If, based upon consideration of these policy guidelines, it is decided to permit the Bureau to respond to the subpoena, both the Bureau and the appropriate United States Attorney should be so advised. The United States Attorney should be instructed to be present in court or have an assistant present when the agent appears to testify. The attorney should interview the agent and review any pertinent reports or records before his appearance.

If on the other hand, it is decided to resist the subpoena, a motion to quash should be prepared and filed in the court that issued the subpoena, either state or federal. The text of the motion should be prepared or approved by this Division. Generally, the motion to quash should not rest upon a claim of executive privilege or federal immunity. If filed in a state court, the motion should rely on state law requiring that unreasonable and oppressive subpoenas be quashed. We can urge that a subpoena is "unreasonable and oppressive" because it does not call for legally competent evidence, that production of the evidence would interfere with a federal function, and any other reasons that may be pertinent. As an alternative to quashing the subpoena, our attorney should seek an order limiting the scope of the agent's testimony.

If a motion to quash is denied, a determination of the further course of action should be made in consultation with Mr. Doar or, in his absence, with Mr. Pollak or Mr. Barrett. Either the agent will be permitted to testify or an outright claim of executive privilege must be made. An alternative to having the agent appear and refuse to answer questions would be to file an injunction suit in federal court if there is a basis for doing so. For instance, such a suit could be filed where the state court seeks to compel the agent to testify about alleged false statements made to the Bureau in order that the Bureau's informant can be prosecuted in state court for having given false information to the Bureau.

If the subpoena is not quashed and its enforcement has not been enjoined, then the subpoenaed agent must appear in court in response to the subpoena. If it has been determined that he should not testify or that he should not produce subpoenaed records, a memo should be prepared to be sent to the Attorney General advising him of this decision and the reasons for it. The attorney in this Division who is handling the matter should also prepare a petition for a writ of habeas corpus to obtain the release of the agent in the event he is held in contempt and remanded to custody. If the subpoena is issued by a state court, a petition to remove the contempt proceeding to a federal district court should also be prepared.

4. Release of Information in Criminal Proceedings

In general, all inquiries of the press should be referred to Mr. Doar or the Department's Public Information Officer. The following guidelines apply to the release of information to news media from the time a person is arrested or is charged with a criminal offense until the proceeding has been terminated by trial or otherwise.

At no time may an attorney furnish any statement or information for the purpose of influencing the outcome of a defendant's trial.

An attorney, subject to specific limitations imposed by law or court rule or order, may make public the following information:

The defendant's name, age, residence, employment, marital status, and similar background information.

The substance or text of the charge, such as a complaint, indictment, or information.

The identity of the investigating and arresting agency and the length of the investigation.

The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of the arrest.

Disclosures should include only incontrovertible, factual matters, and should not include subjective observations. In addition, where background information or information relating to the circumstances of an arrest would be highly prejudicial, and where the release thereof would serve no law enforcement function, such information should not be made public.

The attorney should not volunteer for publication any information concerning a defendant's prior criminal record. However, this restriction is not intended to alter the policy that, since federal criminal conviction records are matters of public record permanently maintained in the Department of Justice, such information may be made available in response to a specific inquiry.

Because of the particular danger of prejudice resulting in statements in the period approaching and during trial, public utterances ought strenuously to be avoided during that period. Any such statement or release will be made only on the infrequent occasion when circumstances absolutely demand a disclosure of information and should include only information which is clearly not prejudicial.

The release of certain types of information generally tends to create dangers of prejudice without serving a significant law enforcement function. Therefore, the attorney should refrain from discussing:

Observations about a defendant's character.

Statements, admissions, confessions, or alibis attributable to a defendant.

References to investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests.

Statements concerning the identity, credibility, or testimony of previous witnesses.

Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

You should take no action to encourage or assist news media in photographing or televising a defendant or accused person being held or transported in federal custody. You should not make available photographs of a defendant unless to do so serves a law enforcement function.

The above rules are not intended to restrict the release of information concerning a defendant who is a fugitive from justice.

If the attorney believes that, in the interest of the fair administration of justice and law enforcement, information beyond these guidelines should be released in a particular case, he should request permission from Mr. Doar.

III. ANSWERING MAIL:

In the first quarter of fiscal year, 1966, the Division handled more than 23,000 pieces of incoming mail. A table setting forth the number and types of mail received appears following this page. Each letter deserving a reply should receive one. The reply should be both prompt and responsive. The task of answering correspondence is not an easy one, nor is it always pleasant. However, it is the major means by which the Division explains its actions to the public; and the job must be done. It will test your self-discipline, your efficiency and your carefulness to see that the job is well done.

Incoming mail for attorneys will generally relate to previous correspondence, a case, or a matter. If an attorney is assigned correspondence to answer, he should, in his reply, refer to the incoming letter by date and subject matter. In responding to letters accompanied by enclosures, the letter writer should refer to and identify the enclosures. Avoid stilted, legalistic terminology and the passive tense.

Examples:

In writing to laymen, avoid using words and phrases such as "on the premises," "allegation," or "venue."

Instead of "it is suggested," write "we suggest."

Instead of "the receipt is acknowledged," say "we acknowledge," or "we wish to acknowledge."

In drafting a letter for the personal signature of the Assistant Attorney General or the First Assistant, the writer should use the first person singular rather than the editorial "we" or the passive tense. The tone of the letter should be the same as if it has been dictated by the Assistant Attorney General.

A. Citizen Mail

Citizen mail sent directly to the Department of Justice involving neither inquiry nor complaint, but merely expressing views or providing information will generally be acknowledged by the Correspondence Unit with a definitive reply within two weeks.

Letters to the Department which are abusive in tone and contain neither a specific complaint nor pertinent information, need not be acknowledged.

Letters critical but not abusive of Department action or policy will be acknowledged. There is no necessity, however, to thank the correspondent for his views, or even to express appreciation for his interest in writing. A courteous, non-committal response, such as the following, might be appropriate:

It is always of interest for this Department to receive the views of those who have knowledge of matters with which the Department is concerned.

Where the correspondent has commended some action or policy of the Attorney General or any Division in the Department, it is entirely appropriate to thank him or express appreciation on behalf of the particular official to whom the letter is addressed. All expressions of thanks, however, should be moderate in tone.

1. Inquiries

Generally, if an inquiry is answerable, the reply letter should restate the question before setting forth the answer. If the inquiry cannot be answered by the Department, it is unnecessary to rephrase the question. If the inquiry is ambiguous, the attorney should endeavor to restate the issue in what he believes to be meaningful terms. No language should be used which might be interpreted as critical of the literary competence of the writer, such as "we assume you meant to ask such-and-such" or "apparently this was what you meant."

Factual information requested, such as the citation of cases or statutes, should, if readily available, be provided. If, however, an appreciable amount of time or effort would be required for the Department to obtain or assemble the information requested, the writer should be advised that the Department does not have such information "available" or "available for distribution." If it is not possible to provide the information requested it is appropriate to say the Department "regrets" being unable to comply with the request.

The Correspondence Unit answers all requests for available printed information.

2. Complaints

As a general rule, all letters which complain of something the writer

believes violates federal law or which ask for action by the Department should be answered. This policy applies even if there is abusive language in the complaint or if the attorney believes the allegations are plainly insubstantial.

Generally, the attorney should not restate the substance of a complaint; rarely will any restatement satisfy the correspondent as a fair synopsis of his complaint. Furthermore, the restatement serves no purpose if, as is often the case, the Department's response is that "there is no violation of federal law" or "the matter will receive our careful consideration."

If the conclusion is that the Department can take no action, it is well to explain the limits of the Department's jurisdiction. For example:

We have carefully considered your letter. The information you have given does not indicate any violation of federal law.

Where the Department is unable to take any action, the correspondence should be referred to another organization, such as a Bar Association or Legal Aid Society, only if it clearly appears that the complainant would be assisted by such a group. If such a suggestion is made, a number of organizations should be listed, including the local offices of Legal Aid, ACLU, LCDC, etc.

There is no need to express regret that the Department is unable to take any action. The phrase "unable to take any action" or "without authority to take any action" is preferable to such phrases as "unable to assist."

Where the complainant's letter does indicate a possible violation of federal law, as under Titles III or IV of the Civil Rights Act of 1964, the Correspondence Unit will prepare standard interim replies advising the writer that:

This matter will receive our careful consideration. Should it develop that a violation of federal law is involved, the Department will take appropriate action.

The letters themselves will then be sent to the sections for handling.

3. Prisoner Letters

Letters from prisoners in state penitentiaries or county jails will, in the absence of exceptional circumstances, be answered by the Correspondence Unit and the replies will be reviewed and signed by an attorney in each section designated for that purpose.

4. Letters from Mental Patients

Letters from patients in mental institutions, and from persons who are obviously suffering some mental disturbance, should receive the same consideration and courteous response as letters from other citizens. These letters

will be answered in the Correspondence Unit and reviewed and signed by an attorney in each section. The response should be directed to the patient himself and not to the head of the institution. In the case of repeated letters from the same correspondent, it may be appropriate to respond as follows:

We have received your letter of October 1, 1966, in which you explain the circumstances of your detention in the Mendocino State Hospital. We can add nothing to our previous reply of June 15, 1966.

After such an answer has been sent, any further repetitive letters from the same correspondent may be filed without acknowledgment.

B. Congressional, White House and Attorney General Mail.

For purposes of administrative control and special handling congressional referrals include: 1) all mail sent to the Department from Congressmen for direct response by us to the writer with copies to the referring Congressman; and 2) all mail for which Congressmen request appropriate information from us for their own response to the writers.

White House referrals include only that mail to which is attached the standard routing cover with instructions for answering. The mail addressed to the President and routed to us with the informal penciled notations on the correspondence itself is handled as regular citizen mail.

Attorney General referrals include only that mail which the Office of the Attorney General or Deputy Attorney General sends to the Division with special instructions for response and signature.

The Correspondence Unit keeps administrative control on all such referrals by making xerox copies of them: one is retained by the Unit which publishes a daily list of outstanding referrals; the other accompanies the original to the appropriate sections and attorneys. It should be attached by the typist to the Chrono copy of the reply which the messenger returns to the Correspondence Unit. The "matching copies" of such referrals are used to adjust the "due list."

All such correspondence forwarded to the Civil Rights Division is to receive either a definitive reply or interim acknowledgment within 48 hours of receipt excluding weekends and holidays.

Whenever it appears that a definitive reply will require more than 48 hours to prepare, the Correspondence Unit sends interim acknowledgments to the Congressman, and in some instances to the White House.

The attorney assigned to prepare the reply should do so at least a full day before the deadline, so as to allow sufficient time for review.

1. White House Mail

In answering White House mail, the response should begin with such language as, "President Johnson has asked me to thank you for . . ."; "on behalf of President Johnson, thank you for . . ."; or if it is really inappropriate to express appreciation, "President Johnson has asked me to reply to . . ."; or even "Your letter to President Johnson has been received." It is not necessary to say that the President has referred the letter "for reply" or "for consideration, and acknowledgment," or for any other disposition. Phrases such as "the White House has referred," the "the White House has asked," or any other reference to the White House as though it were a person should be avoided. The reply should be written in a clear, concise, responsive style. The letter should be friendly, cooperative, sympathetic in tone, and free from technical legal terms and "double talk."

Replies to controlled White House referrals are prepared for the signature of the Assistant Attorney General.

2. Congressional Mail

Replies should not contain extended legal discussion. The reasons supporting an answer, if not requested, ordinarily need not be given. Requests for detailed information, however, should be treated with considerably more indulgence than would be accorded similar requests from private citizens.

The attorney's answer should indicate the dates of the Congressman's referral letter and of the original inquiry. A sample reply is:

Reference is made to your memorandum to the Attorney General dated May 11, 1965, with which you transmitted a letter of May 2, 1965, addressed to you by John Jones of Chicago, Illinois. In his letter, Mr. Jones inquires . . .

The concluding portion of the reply should not offer services, by stating for example, "We will be glad to furnish any future information you may desire." Replies for Congressional referrals are prepared for the signature of the Assistant Attorney General.

3. Attorney General Mail

Replies to this mail should be prepared for the signature of the person designated on the routing slip.

The rules pertaining to the preparation of White House and Congressional mail also apply to the preparation of responses to Attorney General referral mail.

Every two weeks we are required to submit a listing of all delinquent Attorney General referral mail to the Assistant Attorney General for Administration. It is important, therefore, that reply be made within at least two weeks.

C. Handling and Reviewing Responses:

All letters prepared in the Civil Rights Division should be written for Mr. Doar's signature or for Mr. Doar's signature "By" the Section Chief or the attorney preparing the letter. Each attorney is responsible for seeing that all work which he sends to a reviewer is neatly and accurately typed and proofed.

All persons preparing, initialing, or signing official mail or other material are understood to approve fully both the form and substance thereof, to vouch for the accuracy of all statements thereto, and to recommend to the Assistant Attorney General the action represented thereby.

Initialing

Outgoing correspondence will not be signed until it has been approved and initialed as follows:

- 1) Letters - Approved and initialed on the left margin of one yellow file copy by the staff member who prepared the letter.
- 2) Telegram and Intra-Division Memoranda - Initialed by the preparing and approving official on the original.
- 3) Intra-Department Memoranda - When blue office memorandum paper is used, the preparing and approving official should initial on the left margin a copy marked for the particular Division or Department file, and the transmitting official should initial the original. In each case, the date of the initialing should be noted.

If letters or memoranda are rewritten, the original writer should initial the revision unless the material has been so altered that it is, in effect, no longer the work of the original writer, in which case the rewriter should initial or sign in lieu of the original writer.

Reviewers should place their initials on material they approve.

Copies

The correct number of carbon copies, as required by standard procedures outlined in the Secretary's Manual, should be prepared. Whenever there is a copy made for the Division file, no white "come-back copy" should be made for the writer of the reply.

Unanswerable Mail

The Division will make every effort to provide answers for all mail, except if:

- a. there is no name or address given;
- b. the correspondence is clearly disrespectful or blasphemous;

- c. the correspondence is from a "repeater," once he has been informed that further correspondence with the Department will serve no useful purpose.

Unanswerable mail should be sent through the Section Chief to the First Assistant for transmission to the DJ files. A memo of explanation should accompany all Congressional, White House or Attorney General referrals handled in this way.

IV. SERVICES AND FACILITIES AVAILABLE TO ATTORNEYS IN WASHINGTON

A. Secretaries

Secretaries are prized possessions (most attorneys share a secretary.) It is essential that they be used effectively to aid attorneys in turning out a good work product. Some general rules to be followed are:

Dictate whenever possible; it may not initially be the fastest method, but it will soon become so.

Think through what you have to say before beginning to dictate.

Dictate, if possible, at a fairly steady rate and include punctuation.

When giving your secretary something new to do, clearly explain its purpose.

Require your secretary to proof read everything she does.

Require her and train her to be fast and accurate both in her typing and her shorthand. Proficiency in secretarial skills will benefit both her and you.

Make sure that she possesses and uses the Manual for Secretaries. You can best do this by being familiar with the Manual yourself.

B. Overtime for Secretaries

If you know in advance that you will require typing or stenographic assistance after 5:30 p.m., you must first receive clearance from your Section Chief; then call Mrs. Egroff in the Administrative Section so that personnel can be recruited. Such calls should be made as early in the afternoon as possible. When a secretary is asked to do overtime at night, the attorney responsible should remain at his office until his work is done, and should see that the secretary has adequate transportation to her home. Secretaries should not be left alone to complete the job.

C. Dictating Machines

Dictating machines are available for use by attorneys. In using them, be sure to start with a fully erased recording belt; speak clearly and slowly; put instructions for your secretary at the beginning; and punctuate.

D. Secretarial Unit

There are two Secretarial Units in the Civil Rights Division, one located in Room 1345 of the main building and the other, located on the thirteenth floor of the Indiana Building. These units are set up for on-the-job training to assist our clerical personnel to become competent legal secretaries.

E. Research Analysts

The Division employs college graduate girls as research analysts. Their function is to assist in the preparation of cases, and other projects by performing research and other tasks necessary to the project but not requiring legal training. For example, in the civil cases in Alabama in which we challenged jury exclusion practices, research analysts did much of the records analysis which showed the number of Negroes who had served. Research analysts maintain the statistics in our registration and observer program.

If you need the services of a research analyst you should consult your Section Chief.

F. FTS Telephones

A good part of an attorney's work for the Division may be done on the telephone, and thus every effort should be made to understand fully the government phone system. Through the Federal Telecommunications System (FTS) attorneys may place official business calls from their offices to any phone in the country at relatively inexpensive rates to the government. There are two methods for placing calls: (1) Dial 100 when the FTS operator answers, say, for example, "This is Justice, identification code 33-1502. I would like to call a non-government [or government as the case may be] phone in Selma, Alabama." The operator will reply to the effect "Dial area code and number," and give you a line. If the place you are calling is a large city, you will probably be given a direct line, in which case you will be instructed to dial the local number only. (2) Dial 8 for direct access to an FTS line. After obtaining a dial tone, dial code and number. Only other government FTS phones can be immediately reached on direct access lines. To call commercial numbers you must be relayed by a distant FTS operator.

When placing official long distance telephone calls to and from commercial telephones over the FTS network, you must give the FTS operator the Department of Justice identification number 33-1502.

For detailed instruction for use of the FTS system, consult the "FTS Telephone User Guide."

G. Reproduction Service

The Division maintains a high speed Xerox machine in the main building, and a small machine in the Indiana Building. For any job done on the high speed machine the attorney must fill out DJ-2, Requisition for Printing and Reproduction, and submit it to the Administrative Section, for approval. Your secretary has received instructions for preparing reproduction requests.

H. Messenger Service

Messenger service is provided for official business. Messengers are directed not to run personal errands. Regular trips are made between the Indiana Building and the main building. Requests for pickups or deliveries outside the Department must be arranged through the Administrative office.

I. Library

The Civil Rights Division has two libraries, in Room 1333 of the Main Building and on the 13th floor of the Indiana Building. The facilities are limited; only by the careful and conscientious co-operation of all members of the Division can the books available meet the needs of everyone. Through inadvertence or carelessness books are too often kept in individual offices for unreasonable periods of time. Attorneys should not take out of the library, at one time, all books they are likely to use in preparing a case, but only those for which they have immediate need. Those using library facilities should be solicitous of the needs of other attorneys. Since offices are locked after working hours and during the time attorneys are out of the city, books kept in an attorney's office during these periods are not available for use by persons working at night or on week-ends.

In consideration of the needs of others and in order to make it possible for all to meet the deadlines of the Division's heavy caseload, the following rules should be strictly observed:

1. There are two copies of the reporters; one is a shelf copy and the other a loan copy. Do not under any circumstances remove a shelf copy from the library. These shelf copies are for research in the library and for use of all members of the Division for checking purposes.
2. Check out all the books you borrow. Large cards are available for this purpose.
3. Borrow only those library books for which you have immediate need.
4. Do not remove pages from looseleaf services.
5. Before leaving the city, be sure every book you have borrowed is returned to the library.
6. When taking a book from another attorney's office, recharge the book to yourself.

The two Division libraries contain copies of recent congressional records, law reporters, law dictionaries, the U.S. Code, legislative histories of enacted civil rights laws, and files on pending and proposed legislation.

If these facilities and materials are inadequate, you may always use the large Department library located on the fifth floor of the Main DJ Building.

J. Editorial Unit

The Civil Rights Division Editorial Unit collects information from the news media, indexes it and files it for future use by the Division's attorneys. The Unit also compiles and distributes to all attorneys a daily summary of civil rights news.

Each attorney should see that documents containing useful information are routed through the Editorial Unit. Items to be indexed by the Unit should be appropriately tagged. For this purpose, stenographers are supplied with blue paper slips bearing the notation "Editorial." The tag should be stapled along side the pertinent item.

Documents marked for indexing include Federal Bureau of Investigation reports, copies of Civil Rights memoranda, citizen letters, magazines, newspapers, or any other material containing information for future reference.

Items should be tagged even if the document cannot be filed in the Editorial Unit. If a document is headed for the Department of Justice file, the Editorial Unit can, nonetheless, index it for future reference or, if it is of sufficient importance, make a photocopy. The following types of information should be flagged:

Names and addresses of local Negro leaders generally, and white civil rights leaders,

The identity, activities and statements of local officials that might be pertinent to civil rights,

The reputation of particular local officials, especially law enforcement, schools, voting, and concerning other matters pertinent to civil rights,

Information on segregation in public accommodations and public facilities,

The identities of local business leaders, newspapermen, ministers, and other citizens in Deep South communities who might play a part in resolving racial problems, and,

Any Ku Klux Klan or other segregationist activity.

The list does not purport to be a complete catalogue of matters to be brought to the attention of the Editorial Unit.

The Unit digests and cross-references the material received. Each item of information is synopsisized in triplicate on 4 x 6 cards. The files are conveniently cross-referenced as follows:

State and County and Date - These cards are arranged geographically by the state and county to which the information relates. With respect to each county, the cards are arranged chronologically.

Thus, an interested attorney will have a concise chronological summary of all information in the Civil Rights Division files relating to the county and bearing on civil rights matters.

Subject and County and State - The second set of cards is kept according to subject matter. Thus, an attorney has readily available all information in the Division on Public Accommodations (Lodging) or on any other of the descriptive title subjects indexed. This system includes not only information from news articles but also from Federal Bureau of Investigation letterhead memoranda, attorneys' memoranda, citizen letters, and all other sources of information that come to the attention of the Division's staff.

Name or Organization and Sequence Number - In addition to the synopsis cards arranged by geography and subject matter, there are cards arranged under the following categories:

1. Law enforcement officials;
2. Other officials;
3. Helpful whites (Mississippi, Alabama, Louisiana and rural Georgia, only);
4. Local Negro Leaders;
5. Racial violence and intimidation;
6. Demonstrations; and
7. Active segregationist groups and individuals.

For example, an attorney interested in identifying and learning about Negro leaders in Forrest County, Mississippi, can be given a single index card on which he will find references to all factual information in the Editorial Unit relating to such leaders. Similarly, if the attorney wants all references to material on a particular individual, he will find these on the index card for that individual. Civil Rights Division attorneys are encouraged to call the Editorial Unit for any possible information or news items that may be relevant to a case or matter.

News clippings are not included in the permanent Department of Justice files. Clippings mailed to the Department are not blocked but are sent directly to the Editorial Unit in the Indiana Building (187 x 2156).

K. Print Shop

The Department's print shops, in the basement floor of the main building, do mimeograph, ITEX and Bruning work. We use their facilities in preparing trial briefs and briefs for the courts of appeal, as well as other suitable multiple reproduction jobs. The shops do printing work for the entire Department, so it is important to get your material into the mill as early before your deadline as possible. Work is not sent directly to the print shops, but to Mrs. Greene in the Department's Transcription Section, via the Administrative Section of the Division. If you have the opportunity, you should familiarize yourself with the shops' operation, for in a last minute rush to put out a brief or in the preparation of exhibits, it is often valuable to know their capacities and limitations.

V. FILES

One of Mr. Doar's cardinal rules is to know the filing system.

A. The Department of Justice (DJ) Files

In general, most incoming matter passes first through the Department of Justice Record Administration Office, then to the Civil Rights Division Mail Room, to the docket clerks in the various sections, and finally to the individual attorneys.

The Records Administration Office is charged by the Attorney General with the responsibility of managing the mail and files of the Department. Certain basic rules have been established to insure effective operations.

All official incoming mail must be routed through the RAO for numbering, assignment, control, and routing. Whenever mail is delivered directly to you by interdepartmental messenger, it must be immediately routed to the RAO for official incorporation into the Department's record system. After the item has been processed, it will be returned to you through your section docket clerk to insure its entry into the Division's record system.

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This dated block stamp with red numbers and assignment indicates that the item on which it is placed has been incorporated into the Department of Justice records. If a piece of mail does not have this stamp, it should be sent to the Records Administration Office immediately.

All outgoing mail and memoranda are routed by our messenger through the Records Administration Office for official dispatch. A yellow record copy of each outgoing letter or memo must accompany the outgoing item. This copy is date-stamped and routed to the Department files, attached to the incoming letter which it answers. When an outgoing letter relates to several files, copies must be furnished for each file. Should you for any reason dispatch outgoing official mail, you must immediately send record copies of such mail to the Records Administration Office, with the notation: "mailed by _____, Civil Rights Division, _____".

Name

Date

Classification numbers and assignments are placed on all Department mail and documents in accordance with instructions from the Division's Administration Office. If a wrong number or assignment is shown on a piece of mail, you should draw a pencil line through the number and write in black pencil the correct number above it. (Do not change a Records Administration Office file number in red.) The item should be routed to Records Administration Office through our Central Dockets Office.

Requests for changes of classification assignments must be cleared through our Administrative Office.

Always use correct classification numbers on outgoing mail and on memo requests to FBI for investigations. Whenever doubt exists as to the number, check with your section docket clerk or the Central Dockets Office.

Never remove material from the official Department files. If it is necessary that an item be removed, contact the Records Administration Office through our Central Docket Office.

Never insert mail or documents into official Department files. Route the loose items through your section docket clerk to Records Administration Office for filing. If the file is in your possession attach the item to it and return both.

Original official mail, FBI reports, pleadings, and documents of all types must be filed in the Department's official files. Official mail is filed temporarily in the Division files. At the termination of the hearing or trial these items must be forwarded immediately to the Records Administration Office for incorporation into the Department's official files.

Attorneys should not take to the field original incoming unanswered citizen mail; take copies, instead. If it is necessary to take the original, clear this with the Central Docket Office and the Records Administration Office.

Mail received in the Records Office is opened and blocked with a Department of Justice file number. This number generally consists of three parts (e.g., 166-1-26). The first number indicates the alleged violation of federal law involved; the second number indicates the particular federal judicial district in which the violation occurred or will be tried; the third number is a consecutive sequence number. Thus, the Department of Justice file number, subdivided, reads: VIOLATION-DISTRICT-SEQUENCE.

The first figure, referring to the alleged violation of federal law, is assigned from a master classification list. Violation numbers pertaining to matters within the jurisdiction of the Civil Rights Division include:

- 144 - Police Misconduct. (Violations of 18 U.S.C. §§241, 242 and 594)
- 146 - Ku Klux Klan Materials; subdivided by organization and state (The Internal Security Division also receives copies of FBI Reports and Memoranda on the Klan.)
- 166 - Discrimination and Intimidation in Voting (Title I of Civil Rights Acts of 1957, 1960, 1964, i.e., 42 U.S.C. §1971) (For files on Voting Rights Act of 1965 see below.)
- 167 - Discrimination in Public Accommodations (Title II).
- 168 - Discrimination in Public Facilities (Title III).
- 169 - Public School Segregation (Title IV).
- 170 - Equal Employment Opportunity (Title VII).
- 171 - Miscellaneous Discrimination

- 173 - Jury Discrimination.
- 174 - Military Voting Discrimination.

166 - Files on Voting Rights Act of 1965

1. 166-012-1 - Justification Memoranda For the Appointment of Federal Examiners.

Justification memoranda to the Attorney General on the appointment of federal voting examiners (and memoranda from the Attorney General with respect thereto) should have two file numbers. The original of the memoranda should have the number 166-012-1 for the Attorney General's files; the copies should have the regular DJ file number assigned to the subject county file for 42 U.S.C. 1971(a) material (e.g., Jones County, Mississippi justification memoranda - 166-41-32).

A copy of the Attorney General's Certification and the Federal Register reprint should be filed both in the Attorney General's file and the county file.

Supporting and underlying papers should also be filed in both files.

2. 166-012 - Policy on Voting and Elections.

All materials on policy, procedures and courses of action on voting and elections under the Act, but not pertaining to a specific state or county, should be filed under DJ number 166-012.

3. Compliance and Challenge Materials.

a. 166 - DISTRICT-SEQUENCE

All materials (letters, memoranda, Bureau Reports and miscellaneous documents) on compliance and challenge procedures under the Act pertaining to specific counties should be filed, like the justification memoranda, under the regular DJ numbers for those counties for 42 U.S.C. 1971(a) materials.

b. 166-0-STATE NUMBER (15-21)

All state materials on compliance and challenge procedures under the Act not pertaining to a specific county should be filed under the following general DJ numbers for states:

- 166-0-15 Virginia
- 166-0-16 North Carolina
- 166-0-17 Georgia
- 166-0-18 South Carolina
- 166-0-19 Louisiana
- 166-0-20 Mississippi
- 166-0-21 Alabama

If there is any doubt as to whether a paper should be filed in the county file or statewide file copies should be made with appropriate DJ numbers and filed in both files.

Other violation numbers over which the Civil Rights Division has some jurisdiction are:

- 50 - Peonage and Slavery.
- 84 - Extortion and Blackmail (minority groups).
- 93 - Habeas Corpus Matters (state prisoners).
- 95 - Bombing (unless otherwise connected with a specific civil right and categorized under the appropriate subject-matter number).
- 141 - Mutiny, Mistreatment of Crew, Abandonment in foreign port (18 U.S.C. 2191, 2193, 2195).

The second figure in the DJ number usually indicates the federal judicial district involved. There can be, however, an "017" designation in the second position indicating Bureau Reports and Memoranda which require no action. Thus, DJ 167-017-41 would be an FBI Memo on the general public accommodations matter in the Southern District of Mississippi.

A "0" in the third position indicates a miscellaneous file for citizen mail. Thus, DJ 167-41-0 would be a letter on a general public accommodations matter in the Southern District of Mississippi.

For cross reference, the Records Administration Office maintains a records card system for each piece of mail, arranged by DJ number, and an index card system for each case and matter, arranged alphabetically by name of subject and victim. All material relating to this same issue, matter, complaint, or case will be given this same Department of Justice number. New material is clipped into a Department of Justice file and all subsequent related material is added.

By order of the Attorney General, all Justice Department files must be kept at the departmental level by the Records Office; they may be kept only temporarily at the office level. All DJ files required by an attorney for daily use should be returned to the Records Branch every thirty days, in order that they may be "recharged", i.e., brought up to date by the inclusion of new material received by the Records Office since the file was last transmitted. If a file will receive only periodic, sporadic, or occasional use by an attorney, it should be returned to the Records Administration Office until needed.

B. Civil Rights Division Files

In addition to the main DJ files the Division maintains its own working files on all matters under investigation or in litigation. These files are maintained on a geographic basis in each section.

Trial files should be complete. In cases of any size, it is wise to send for a copy of the docket sheet in the clerk's office where the case is pending. This should be checked to see that we have all papers. The docket sheet itself should be attached to the inside left-hand page of the pleadings folder

and the entries upon it supplemented as we learn of them. The procedure of checking the clerk's office to see that we have all papers should be done automatically immediately before trial.

The attorney to whom a case has been assigned is responsible for seeing that the trial file is in first class shape at all times, containing no loose papers, every interview, every pleading. Indeed, every attorney who has occasion to work with the trial file should take this responsibility on himself. The number of cases handled by the Division and the pressures under which the trial file is put to use necessitate that it be kept in perfect order. A description of files maintained in the Division and an example of each follows:

1. Voting

a. Voting Enforcement File

The Voting Enforcement file will be a red jacket which contains everything in the county in the appropriate subfile on registration, voting, or elections. It will not contain interference in criminal matters relating to these subjects.

(1) Investigation

The Investigation subfile will contain items such as statistics, attorneys' survey reports, attorneys' interviews, justification memoranda for examiners, correspondence with registrars or their attorneys either by us or by the Civil Service Commission. If the county is an examiner county, the file should also contain a copy of the published certification in the Federal Register and you will be responsible for the file to contain accurate information as to the times and places examiner offices are open in the particular county.

(2) Examiner Lists

The Examiner Lists file will be broken down into two parts; one for the county lists, the other for the municipal lists, and all corrections to both lists. If more than one municipality is in the county, add a separate subfile for each municipality list. These files should contain nothing but examiner lists and corrections thereto, except they should contain, attached to the lists, the transmittal letter from the Civil Service Commission.

(3) Elections Subfile

The Elections subfile will contain all preparatory information by attorneys for an election. This will include lists of candidates, attorneys' surveys, attorneys' interviews or any FBI investigations we make prior to or after the election. This file should also contain all the observer reports from the Civil Service Commission. Each election will have a separate subfile, and as indicated by the format, the file should contain what election it is, i.e., First Primary, Second Primary, General or Special Election, and the date of such election.

b. Voting Trial File

Each Voting Trial File is kept in a separate red jacket. Private suits which we are following, as well as our own litigation, are kept the same way with the same subfiles. The only difference in the subfiles will be that private litigation red jackets will have white tabs and Departmental litigation trial files will have no tabs.

(1) Pleadings Subfile

The Pleadings subfile should contain a complete record in the case. This will include all pleadings, motions, affidavits and orders, filed in the case. In some of our larger cases we have gone through several draft pleadings prior to filing suit. If these pleadings are important to keep a record of, a subfile on draft pleadings should be set up in addition to the pleadings file. The pleadings file should contain no duplicates of any pleading.

(2) Investigations Subfile

The Investigation subfile will contain all the results of the investigation by the FBI, all interviews by our attorneys.

(3) Briefs Subfile

The Briefs subfile contains each brief filed by all parties to the litigation. It also contains draft briefs or memoranda prepared for the attorneys use in connection with oral argument, or legal memoranda to the United States Attorneys. Any draft brief in the Briefs file should be clearly marked as such.

(4) Correspondence Subfile

The Correspondence file is the most useful file in knowing what is going on in the case. This file should contain the complaints of victims; FBI requests; justification memoranda for filing a suit; all correspondence with attorneys for the defendants, the clerk of court, the United States Attorneys, or the judge, about the case; and a record of all telephone communications to or from these people. For example, if Mr. Hauberg calls to Washington and advises that the case is on the docket for a certain date, the telephone record should be made of that and immediately placed in the Correspondence file. A good correspondence file can give you an immediate chronology of the entire litigation, from the investigation stage through the filing of post-trial briefs.

All of the Trial Files, whether it be Voting, Schools, Public Accommodations, etc., will be set up and maintained exactly as is described on this page.

Obviously, there will be documents which come in that are not listed in the discussion of what goes into which file, but a sufficient

description of the types of information therein has been given so that you should have no trouble in deciding which subfile the document should be placed in.

Example of Voting Files

a. Voting Enforcement (Red Jacket) Grenada County, Mississippi

(Subfiles)

- | | |
|------------|--|
| (1) Voting | Investigation Grenada County, Mississippi |
| (2) Voting | Examiner Lists (County) Grenada County, Mississippi |
| (3) Voting | Examiner Lists (Municipal) Grenada County, Mississippi* |
| (4) Voting | Elections, 1st Primary 7/6/66 Grenada County, Mississippi |

If municipal add name of city, set up separate file for each election.

b. U.S. v. John Doe, et al. (Red Jacket) Grenada County, Mississippi

(Subfiles)

- | | |
|--------------------|---|
| (1) Pleading | U.S. v. John Doe Grenada County, Mississippi |
| (2) Investigation | U.S. v. John Doe Grenada County, Mississippi |
| (3) Briefs | U.S. v. John Doe Grenada County, Mississippi |
| (4) Correspondence | U.S. v. John Doe Grenada County, Mississippi |

* Note: Place name of city in parenthesis, separate file for each city.

2. Public Accommodations

a. Public Accommodations File

This red jacket contains a subfile for each public accommodations investigation in the county. The material should be organized in the file alphabetically, by subject.

(1) Investigations Subfile

Everything concerning this investigation goes into this file. In the event litigation results, the file will be taken apart and placed in the appropriate subsection of the Trial File.

b. Public Accommodations Trial File

The Public Accommodations Trial File is set up exactly as the trial file in Voting.

Example of Public Accommodations Files

a. Public Accommodations (Red Jacket) Grenada County, Mississippi

- | | |
|-----------------------------|------------------|
| (1) Public Accommodations | Investigation |
| Grenada County, Mississippi | Mack's Drive Inn |

(Each subject has separate file.)

b. Trial Files (set up same as in Voting)

3. Public Facilities

a. Public Facilities Files

The Public Facilities file red jacket will contain a subfile for each public facilities investigation, by subject. The material should be arranged alphabetically.

(1) Investigation Subfile

An Investigation subfile will be set up for each subject. The file will contain all matters received which relates to the investigation of a particular facility.

In the event of litigation, the particular subfile will be taken apart and placed in the appropriate trial file folder.

b. Public Facilities Trial File

The Public Facilities Trial File is set up exactly as the trial file in Voting.

Example of Public Facilities Files

a. Public Facilities (Red Jacket) Grenada County, Mississippi

- | | |
|-----------------------------|------------------------|
| (1) Public Facilities | Investigation |
| Grenada County, Mississippi | Zvey Memorial Hospital |

(Each subject has separate file.)

b. Trial File set up same as in Voting.

4. Schools

a. School Enforcement File

The School Enforcement File will be a red jacket which contains a separate subfile for each school district within the county.

(1) Investigation Subfile

The Investigation file will contain all information relating to the particular school district for which the file is set up. This will include attorney information, HEW information, FBI information.

b. School Enforcement Trial File

The School Enforcement Trial File is set up exactly as the trial file in Voting.

Example of School Files

a. School Enforcement (Red Jacket) Grenada County, Mississippi

- (1) Schools Investigation
 Grenada Municipal School District

(Set up investigation file for each school district in the county)

b. Trial File - same as voting file.

5. Employment

a. The Employment File

The red jacket which contains the Employment file will have a general investigation file and an investigation file for each subject investigation.

(1) General Investigation Subfile

The General Investigation file will contain any material in the county relating to employment picked up by attorneys in the field, transmitted to us by EEOC, by the FBI, by any other agency, or from any source. However, when an FBI request on a Title VII employment matter goes out or we receive a case referred from EEOC, a separate subfile is set up. (See number 2, below.)

(2) Investigation Subfile

Investigation files, by subject (i.e., The Hatbox Factory, Jackson, Mississippi, or The Brotherhood of Locomotive Engineers), will be set up when an FBI request goes out for a Title VII investigation or when the case is referred to us from EEOC. After this occurs, any information relating to the subject goes into the special subject file rather than the General Investigation file.

b. Employment Trial File

The Employment Trial File is set up exactly as the trial file in Voting.

Example of Employment File

a. Employment File (red jacket) Grenada County, Mississippi.

- | | |
|---|--|
| (1) Employment | General Investigation Grenada County, Mississippi |
| (2) Employment Grenada County, Mississippi | Investigation Hat Box Factory |

(A subfile is set up for each subject - if FBI request goes out or referral of case from EEOC.)

b. Trial File (same as Voting File)

6. Interference

a. Interference File

The Interference File is a little bit more complicated than any of the other files maintained by the Section. In most instances, the red jacket will contain a General Interference file in which all interference matters will be placed. You should note carefully that this is the only file established which will contain more than one file number. In addition to the General file, when specific investigations or observations are requested, or take place, you will set up subfiles relating to the specific subject matter. These will be schools, marches and demonstrations, voting, public accommodations, public facilities, and employment. Every Interference file will contain a General subfile. Some Interference files will contain one or more of the other subfiles listed.

The Interference file, within its subfiles, will contain criminal matters as well as civil matters and intelligence information. It will contain all criminal matters (except the garden-variety criminal cases) in connection with the exercise of rights involved in schools, public accommodations, public facilities, employment, marches and demonstrations.

(1) Interference - General Subfile

The General Interference file will contain all intelligence-type information, Klan-type information, not otherwise filed under Robert Ackerman's system; information which we receive in the county relating to conduct which does not amount to a violation of federal law, interference information relating to schools, marches and demonstrations, voting, public accommodations, public facilities and employment.

Separate subfiles will be set for these categories at a point when the Department takes any kind of affirmative action in a particular matter, such as a request for investigation or a request for observations of demonstrations and picketing. Many of your county interference files will contain only this one general subfile.

(2) Interference - Schools Subfile

This subfile will be established when some affirmative action is taken by the Department to investigate interference with the right to attend public schools on a desegregated basis. This might be a 241 investigation, an obstruction of justice investigation under 1509, as, for example, in Grenada, Mississippi, investigation of shooting into the home or bombing the home of a Negro whose children are enrolled in a formerly all-white school, etc. If a major investigation is undertaken, as for example, in Grenada, on the 1509 violation, you may set up an additional school subfile relating to this particular investigation.

(3) Interference - Marches and Demonstrations Subfile

When major demonstrations are occurring in a county and we ask the Bureau to observe or to keep us apprised of the situation by close liaison with law enforcement officials, the Marches and Demonstrations subfile should be established. This subfile will be basically a chronology of events and, more than anything else, will contain telephone communications from the Bureau and letterhead memoranda from the Bureau.

(4) Interference - Voting Subfile

This subfile will contain all interference matters relating to the investigation of the Voting Rights Act or prior civil rights acts on voting. For example, the Dahmer case would initially go into this interference voting subfile. It was investigated under 241 and under Sections 11(b) of the Voting Rights Act of 1965. Also, interference with the examiners operation would go into this subfile.

(5) Interference - Public Accommodations Subfile

This subfile is self-explanatory in light of the above discussion.

(6) Interference - Public Facilities Subfile

As above.

(7) Interference - Employment Subfile

As above.

b. Interference Trial File

The Interference Trial File is set up exactly as the trial file in Voting.

The kinds of suits which will comprise an Interference Trial File would be suits like the one against the City of Grenada, or against the law enforcement officials in Philadelphia or against the Klan in Bogalusa. These trial files will all be civil suits. When an interference matter develops into a criminal prosecution and a trial file is set up, that particular trial file will be part of the Criminal Trial file. (See 7 below.)

Example of Interference Files

a. Interference (red jacket) Grenada County, Mississippi.

- | | |
|------------------|-----------------------------|
| (1) Interference | General |
| | Grenada County, Mississippi |

This will be only file in many of the counties

- | | |
|------------------|-----------------------------|
| (2) Interference | Schools |
| | Grenada County, Mississippi |
| (3) Interference | Marches and Demonstrations |
| | Grenada County, Mississippi |
| (4) Interference | Voting |
| | Grenada County, Mississippi |
| (5) Interference | Public Accommodations |
| | Grenada County, Mississippi |
| (6) Interference | Public Facilities |
| | Grenada County, Mississippi |
| (7) Interference | Employment |
| | Grenada County, Mississippi |

b. Trial File (set up same as in Voting)

7. Criminal

a. Criminal File

The red jacket of the Criminal file will contain a separate subfile for each subject or group of subjects involved in the same criminal investigation. There will be criminal matters arising out of marches and demonstrations, but these will be maintained in the Interference file. The Criminal file (aside from the Trial Files) contains only the garden-variety criminal case unrelated to the exercise of specific rights over

which we have jurisdiction, such as schools, employment, voting, etc. Mainly, it will be summary punishment cases and forced confessions.

(1) Criminal Investigation Subfile

A separate subfile for each garden-variety criminal case will be set up. The same for 243, and peonage and servitude.

b. Criminal Trial File

The Criminal Trial File is set up exactly as the trial file in Voting.

Every criminal prosecution instituted by information or indictment will have a separate Criminal Trial File.

Example of Criminal Files

a. Criminal (Red Jacket) Grenada County, Mississippi

- | | |
|-----------------------------|--------------------------|
| (1) Criminal | Sub: Grady Carol |
| Grenada County, Mississippi | Victim: John Doe, et al. |

This is used for garden-variety 242, 243, and peonage or servitude cases, not 242 cases arising as part of a massive interference episode such as in Grenada or Bogalusa. Those 242 cases will be part of the interference file.

b. Trial File (same as in Voting)

If an interference matter develops into criminal case - the Trial File will be set up as a Criminal Trial File. All interference trial files will be civil cases.

8. Juries

a. Jury File

The red jacket for the Jury File will contain an Investigation folder which will hold all the information which we have on Jury Investigations which have not formally been instituted under Section 243. 243 investigations will be in the Criminal file, set up by subject.

b. Jury Trial File

The Jury Trial File is set up exactly as the trial file in Voting.

Example of Jury Files

a. Jury (Red Jacket) Grenada County, Mississippi.

- (1) Jury - Investigation
Grenada County, Mississippi.

- b. Trial File (Same as Voting File)

9. Housing

a. Housing File

The red jacket for the Housing file will contain an Investigation which will hold all the information we have on housing in the state. Thus far, under the Presidential Order, we get practically no information on this subject. Consequently, there will be few, if any, of these files set up.

b. Housing Trial File

The Housing Trial File is set up exactly as the trial file in Voting.

Thus far, there have been no Housing cases in the Division under the Presidential Order.

Example of Housing Files

- a. Housing (Red Jacket) Grenada County, Mississippi.

- (1) Housing - Investigation
Grenada County, Mississippi

- b. Trial File (Same as Voting File)

10. Closings

There will be one manila folder in each county marked Closings. A copy of each closing memorandum of a matter which is in the county will be placed in this file. All documents with respect to matters which are closed must be taken out of the file and sent up to the Records Division (DJ File) for closing. We plan to use a docket sheet showing where the document has gone, so recall of the document after closing will be easy.

All of the closing problems will be easy except in the Interference file. Sometimes you may wish to retain certain documents from a particular matter in the Interference file for intelligence information. You have two choices; do not close the file, or make xerox copies of the documents involved in the closing and place those in the Interference file.

Example of Closings Files

Closings, Grenada County, Mississippi

This will be a single manila folder containing a copy of all closing memos in the county.

11. State-wide

a. State-wide Investigation File

The red jacket in the State-wide file will be set up for each of the nine categories for which county files have been established, if there is information to go into the category.

Typically, the most used of these state-wide categories will be Voting and Schools. The State-wide Voting File will contain all the FBI statistical reports, examiner statistics furnished on a state-wide basis, and any status report on the state or a portion thereof which is prepared by the Section or Division.

The State-wide School file would typically contain the state-wide information furnished to us by HEW and status reports on school matters in the state or if the report covers the entire Division, a copy would go in this file. The other files would typically contain only status reports, i.e., Dorothy Shelton's various summary reports on interference matters would go into the State-wide Interference file.

b. State-wide Miscellaneous

The State-wide Miscellaneous file will contain several subfolders. At the present time, it should contain the following subfolders:

(1) Federal Programs

The Section and Division pick up various information about federal programs throughout the States of Louisiana and Mississippi, such as welfare, Head Start, Manpower Training, and development community action, etc. All this information should go into this Federal Programs subfile.

(2) Civil Rights Organizations

Occasionally, we get information relating to broad plans of civil rights groups in a state or the locations of various people in the civil rights organizations. This information should go in the Civil Rights Organization subfile. In addition, from time to time we receive case dockets and summaries from LCDC, Inc. Fund, or other legal organizations. These will be circulated for county information purposes, but the full docket and summary itself will go into this Civil Rights Organization subfile.

(3) United States Attorneys Reports

Each United States Attorney sends to us on a monthly basis a report on his docket. A separate subfile will be set up for each docket for these United States Attorneys reports.

(4) Legislation

This subfile will contain copies or information about the Government's role in legislation passed by the state legislature.

c. State-wide Trial File

These files are set up the same as the Voting file. The various trial files will encompass our litigation involving state-wide voting suits, tuition grant cases and private litigation of a state-wide nature such as apportionment suits, which we are following.

Example of State-wide Files

a. State-wide - Mississippi - Investigation (red jacket)

| | | |
|-----|------------|-----------------------|
| (1) | State-wide | Voting |
| (2) | State-wide | Public Accommodations |
| (3) | State-wide | Public Facilities |
| (4) | State-wide | School |
| (5) | State-wide | Employment |
| (6) | State-wide | Interference |
| (7) | State-wide | Criminal |
| (8) | State-wide | Jury |
| (9) | State-wide | Housing |

Note: These subfiles will be set up only when needed.

| | | | |
|----|-----|----------------------------|------------------|
| b. | (1) | Federal Programs | Mississippi |
| | (2) | Civil Rights Organizations | Mississippi |
| | (3) | U.S. Attorney Reports | S.D. Mississippi |
| | | U.S. Attorney Reports | N.D. Mississippi |
| | (4) | Legislation | Mississippi |

c. Trial Files (same as in Voting)

C. Dockets System

The docket system is the analogue in the division to the Records Office for the Department of Justice.

In the Central Dockets Office all materials sent to the Division are sorted and routed to respective offices, sections, or units. Mail usually comes from two sources - the Records Office and other divisions. The mail is stamped on arrival, counted and sorted into five categories:

1. Pleadings
2. Captioned Mail
3. FBI Reports
4. FBI Memoranda
5. All other correspondence

All mail, except that in the last category, is sent directly to the dockets clerks in the respective sections. The other correspondence is processed initially by the Correspondence Unit and all appropriate materials are forwarded to the dockets clerks in the sections. [See Division Memorandum No. 66-4 for operations of the Correspondence Unit.]

1. Docket Numbers

The dockets clerk assigns to certain materials (cases and matters, as explained below) a docket number, which is a completely separate classification from the blocked Departmental filing number described above. Whereas the DJ system is based primarily on subject matter, the Divisional dockets system is based solely on geography. The docket number, like the DJ number is composed of three figures, but it indicates STATE-COUNTY-SEQUENCE. (Thus, #1-005-20 indicates the twentieth matter for Lowndes County, Alabama) Materials may have both a DJ number and a docket number, or a DJ number only.

2. Docket Cards

The dockets clerk records certain identifying information from incoming and outgoing materials onto docket cards. These cards are of two types:

a. Case cards. These are set up for each case in which the Division participates and for selected private suits. All "docketable items," i.e., pleadings and substantive materials pertaining to the case, are recorded, in summary statements, on these case cards. These cards, in effect, become useful chronological histories of the cases.

"Docketable items" for cases usually include the institution of the case (filing of complaint or information or return of indictment), all subsequent pleadings, motions, notices, orders and other documents filed or entered in the case, depositions taken, hearings and/or trials held and judgments of courts.

b. Matter cards. These are set up for substantive materials on specific topics, incidents, situations, and places which are significant and usually under investigation by the Department, but have not evolved into cases.

Each new matter, like each new case, is assigned a docket number and all subsequent material pertaining to that place and subject is recorded, in summary statements, on that "matter card."

"Docketable items" for matters usually include the initial item occasioning the card (citizen complaint, Bureau Report, etc.), FBI Reports, official correspondence to and from state or local officials and attorneys involved in the matter and Division memoranda reflecting investigation of the matter.

The attorney assigned to the case or matter is responsible for having all outgoing "docketable items" assigned a docket number and recorded on the docket card. He should instruct the secretary to direct copies of the pleading, memoranda, and the like, to the dockets clerk for appropriate recording. He should also be sure that all incoming "docketable items" have been docketed.

The docket cards are filed in numerical order (i.e. geographically) in each section.

3. Indexes

Each docket clerk also maintains a subject-matter index, as a cross reference for the docket cards, as follows:

Voting - Matters and cases are filed alphabetically by state and county involved.

Public Accommodations and Public Facilities - Matters and cases are filed alphabetically by state and county, and subdivided by name of establishment.

Schools - Filed alphabetically by state and county; subdivided by school system.

Police Misconduct - Filed alphabetically by name of victim.

Employment - Filed alphabetically by state and county; subdivided by name of employer.

Jury Discrimination - Filed alphabetically by state and county.

Discrimination in Military-Voting and Elections - Filed alphabetically by state and county.

No docket number is assigned, no docket card is made and no index is made for general incoming materials which do not pertain to a specific case or matter.

VI. TRAVEL

A. Authorization

Travel must be approved in advance by your Section Chief and by the Executive Assistant. Whenever possible, travel should be by means of a common carrier. The use of personally-owned automobiles will be authorized only under special circumstances. Coach or tourist accommodations should be used for all air travel and for rail travel within 250 miles of Washington, D. C.

B. Living Expenses: Per Diem Allowance and Advance

Each attorney is paid a \$16 per diem allowance for travel time. This per diem is meant to cover all living expenses such as meals, lodging, laundry and the like. Attorneys may obtain an advance on their travel allowance by submitting a request together with their travel authorization to the Administrative Office. Initial advances will be in the neighborhood of \$50. Continuing advancements can then be mailed to you in the field as your travel time accrues.

C. Chargeable Travel Expenses

You will be reimbursed beyond the per diem for any expenses of an official nature which you incur. Such expenses are, for example, pay phone calls, parking expenses (you pay your own parking tickets), equipment rental, and taxi fares. You must keep a record of such expenses, and where appropriate, obtain receipts. Upon your return you must itemize all such expenses on your travel voucher.

D. GTR's

Transportation on common carriers is procured by means of Government transportation requests, (GTR's) obtainable in booklet form from the Administrative Office. Attorneys are responsible for making their own travel arrangements. Transportation request forms are to be used only for official travel. Where, for personal reasons, a traveler uses an indirect route on accommodations superior to those authorized, he should pay cash for the excess amount including the applicable share of the Federal transportation tax.

E. Car Rentals

Each attorney is furnished a credit card from one of the major auto rental agencies. You are required to rent compact cars without air conditioning at the lowest rates whenever such cars are available. You are encouraged to use GSA cars or GSA-procured commercial cars where possible.

F. Travel Vouchers

Upon your return you must submit a travel voucher to the Administrative Office. This voucher will list and briefly explain all expenses relating to your trip for which the government must pay. This will include a daily breakdown of the miles driven in a rental car.

You must submit together with your travel voucher all tickets used on your trip, your automobile contract, and any receipts for travel expenses you incurred.

G. Use of Government Facilities in the Field

Attorneys are accorded officer's privileges at all military installations. Lodgings at military bases cost a dollar or two per night, and you are urged to take advantage of this arrangement where possible. If you use military lodgings, your per diem rate is out to \$8.80 per day, but you are separately reimbursed for the cost of lodging.

H. Courtesy to U.S. Attorney

Whenever arriving in a judicial district on an official trip for the Division, you should call the United States Attorney for that district and tell him generally what you are doing. This is an important courtesy. While in the district you should be as cordial as possible to the U.S. Attorney, advising him generally of your plans and the nature of your assignment.

I. Calling In

While in the field, someone, preferably both your secretary and your Section Chief, should know where you are or how you can be reached at all times. You should call in to your Section Chief at least once a day.

J. Use of Telephone in the Field

If you wish to call a government number, you should use FTS lines. The FTS system maintains operators in most cities during business hours. Their number will be listed in the local directory under United States, Federal Telecommunications System.

If you are not in a city having an FTS operator, call the FTS operator in the nearest such city, charging the call to our main Washington number, 737-8200.

U.S. Attorney's offices are equipped with direct access FTS lines.

If you wish to call a non-government number in a distant city, you must ask the local FTS operator to connect you with an FTS operator in the city being called. She in turn will dial the local number.

If you have difficulty getting through on FTS, call direct, charging to 737-8200; if you are calling someone in the Division, call person-to-person collect.

K. General Conduct in the Field

Attorneys in the field are expected to be hardworking professionals doing their job honestly and efficiently, and with circumspection. You should dress and act accordingly.

L. Trips for Wives

Attorneys are encouraged to take their wives with them on trips. The Division, unfortunately, defrays none of the added costs.

M. General Travel Suggestions

You may find it useful to carry a small pocket memo book appropriate for taking notes and listing telephone numbers. An hour spent in calling relevant phone numbers from various sources in the Division can save much time in the field. Include such numbers as home phones for Division personnel, numbers of U.S. Attorneys, and numbers of attorneys and other persons with whom you have contact in your area.

You should keep a running account of your official expenses and daily auto miles. Also, keep all tickets, auto contracts and receipts together. The sooner your travel voucher is filled out after returning to Washington, the easier it will be and the fewer expenses you will forget.

Some attorneys find it convenient to carry a national credit card particularly for purposes of check-cashing.

Attorneys are encouraged to keep a diary of their work, particularly while on travel.

VII. WEEKEND DUTY

Each weekend an attorney in each section will be designated by the Section Chief on a rotating basis as the duty officer for that section. If you are selected your name will be given to the Federal Bureau of Investigation and the Civil Rights Duty Officer, as the person to call should any problems arise in the territory for which your section is responsible.

You will be notified a few days in advance when your duty will occur and you should submit your name and telephone number to Mr. Doar's secretary before 5:00 P.M. on the Friday before the duty weekend. If you are going to be unreachable for more than an hour during the weekend, you should advise the Division Duty Officer.

At the time you submit your name as the section duty officer, you should request the name and telephone number of the Division Duty Officer. The Bureau will make reports to Section Duty Officers as appropriate. During the weekend, you should be prepared to advise your section chief and the Division duty officer, on a continuing basis, of any problems arising in the section.

The Division duty officer (either Mr. Doar, Mr. Pollak or Mr. Barrett) will have the name and telephone number of all section duty officers to contact them in the event of an emergency.

APPENDICES

I. A DESCRIPTION OF WORK IN THE CIVIL RIGHTS DIVISION

II. POLICY CORRESPONDENCE

Examples of correspondence sent to public officials explaining Department policy in certain areas.

III. DEVELOPMENT AND TRIAL OF CASES

Examples of interviews, FBI requests and analysis, negotiation letters, affidavits, justification memoranda, pleadings and briefs.

IV. SIGNIFICANT COURT DECISIONS

I. A DESCRIPTION OF WORK IN THE
CIVIL RIGHTS DIVISION

The Civil Rights Division has a small but distinguished alumni. One of them is Bud Sather, now counsel for the Governor of Wisconsin. His description of his work in the Division may give you a better glimpse of what you may expect and later on help you to measure your performance.

Synopsis of Experience With
The Department of Justice

I have served as an attorney with the Civil Rights Division of the Department since April, 1961. During this period my salary has progressed from \$5,355 to \$10,250. In October 1963 I received the Justice Department's Sustained Superior Performance Award.

My assignments have included extensive investigative work, the preparation and trial of civil cases in Federal District Courts, negotiating and dealing with public officials and Negro leaders in the South, serving as special representative of the Justice Department in tense racial situations, and organizing and supervising office personnel. These assignments have required me to spend about one-half of my time traveling in the South.

Trials

I have participated in numerous trials in Federal Courts involving the right of citizens to vote free from discrimination and intimidation. In these cases the defendants against whom injunctions are sought generally are public officials such as registrars of voters and law enforcement officers. The proof in these trials usually requires the presentation of from 25 to 60 witnesses and several thousand exhibits. These trials are complicated by the adversity of many of the white witnesses and public officials upon whose testimony the government must rely. The presentation of these cases usually requires trial staffs of from four to six attorneys. I have been chief counsel in six of these trials. A description of the trials in which I have participated is set forth following this synopsis.

Briefs

The complexity of the evidence presented at these trials requires the submission of voluminous trial briefs which analyze the evidence and argue its significance in support of proposed findings of facts, conclusions of law and decrees. I have been responsible for the preparation and submission of these briefs. This has included the coordination of the staffs of attorneys and clerical personnel, the writing of substantial portions of the briefs and reviewing portions written by the assisting attorneys. I have also written briefs relating to motions to strike and to dismiss, and have assisted in preparing the factual arguments in appellate briefs.

**Oral
Arguments**

While working with the Justice Department I have participated in the argument of motions before Federal Judges. I have argued motions to dismiss, motions to strike, motions for the inspection and copying of defendants' records, and presented final arguments on the evidence. My work has included assisting my superiors in appellate arguments which they conducted before the Fifth Circuit Court of Appeals. As a trial attorney I have also participated in numerous pre-trial and post-trial conferences with Federal Judges, opposing counsel and defendants.

Discovery Procedures

I am experienced in the use of the discovery procedures. I have participated in more than thirty depositions and have taken the depositions of defendant registrars and other public officials. It has been necessary for me to draft and file Rule 34 motions which sought to obtain court orders permitting the inspection and photographing of the defendants' records. I am familiar with the use of written interrogatories and have found it necessary to answer written interrogatories propounded by the defendants in practically every case in which I have participated. For example, in U.S. v. Penton, et al., (Montgomery, Alabama) where I analyzed and supervised the preparation of 15,000 documents for trial, it was necessary for me to prepare answers to defendants' interrogatories totaling 334 pages.

Pleadings

I have had considerable experience in preparing pleadings including complaints, motions for preliminary injunctions accompanied by affidavits, and related motions such as requests for the setting of trial dates and requests for judgments. These cases also involved the preparation of requests for admissions and stipulations.

Negotiations

Prior to filing the complaints in cases on which I have worked I have met with local officials and their attorneys and with members of the state attorney general's office in an attempt to obtain voluntary compliance with the federal law. I have conducted similar negotiations and conferences with local public officials when the Justice Department has sought to inspect and photograph various public records without obtaining court orders. My experience has also included negotiations entered into with defendants who failed to comply with injunctive orders issued by a Federal Court.

Investigations

A substantial portion of my work has been involved in conducting investigations. I estimate that I have interviewed and obtained statements from well over one-thousand persons, over fifty of which I prepared as affidavits to accompany various pleadings. On a number of occasions I have supervised investigations which were being conducted by from four to eight attorneys in preparations for trials or in situations involving racial tensions where it was necessary to make immediate determinations as to whether violations of federal laws were occurring.

On more than twenty-five occasions I have inspected the voter registration records of various counties at the respective county court-houses and assisted in the supervision of FBI agents whose duty it was to photograph the documents which I designated. My investigative work has included the preparation of detailed written requests of the FBI to conduct investigations and the analysis of the investigative reports returned by the FBI.

Records Analysis

I have had a great deal of experience in the analysis of public records. Most of these documents consisted of voter registration records and particularly a four page application for registration to vote. I have analyzed well over one-hundred thousand such application forms. In the spring of 1961 I was assigned to investigate possible discrimination in the registration of voters in Montgomery, Alabama. This assignment required me to organize and analyze more than 15,000 four page documents.

As a result of my experience in this case I was instrumental in establishing a system for records analysis and processing presently used in all voting discrimination cases conducted by the Justice Department.

Exhibits

It has been necessary for me to prepare or supervise the preparation of documents as exhibits to be used in trials. My experience in preparing exhibits also includes the preparation of statistical charts, photographic displays and notebooks which graphically illustrate the results of records analysis.

Personnel Management

In performing these duties with the Justice Department I have often been responsible for the organization and supervision of trial staffs, investigative staffs and clerical staffs. In assisting in the development of the Civil Rights Division's records processing section I have received experience in interviewing prospective employees, in office management and in handling personnel problems.

Special Assignments

Since I have worked for the Justice Department I have periodically been assigned to perform special duties during tense racial situations. For example, for two weeks in October 1962, following the riot at the University of Mississippi occurring with the admission of James Meredith, a Negro, I was assigned the responsibility for Meredith's security. It was my duty in this assignment to organize and direct a team of U.S. Marshals in the guarding of Meredith and to act as liaison between Meredith and the press, the University, the Army, and the Justice Department. While performing this task I was generally responsible directly to the Deputy Attorney General or to several different Assistant Attorneys General assigned at various times to work on this integration problem.

In April 1963, I was assigned to observe racial strife in Greenwood, Mississippi, to determine whether violations of federal laws were occurring as the result of acts of coercion and intimidation against Negroes participating in a voter registration drive. In addition to dealing with local white and Negro leaders I was responsible for requesting FBI investigations of complaints and apparent violations of federal law and preparing affidavits. Resulting from these investigations, the Department filed suit, U.S. v. City of Greenwood, against the city of Greenwood, its mayor, fire commissioner, police chief, city prosecutor; and against Leflore County, its county attorney and deputy sheriff, seeking injunctive relief against interference with voter registration and with voter registration activities of SNCC, including activities under the First Amendment of free speech and free assembly.

II. POLICY CORRESPONDENCE

Periodically letters are sent to various public officials explaining Department policy in a certain area, such as the appointment of federal examiners or our responsibilities in connection with the elctions.

Four such letters are attached:

1. Letter to Mr. Elount, Chairman of the City Commissioners Committee on Community Affairs of Montgomery County, Alabama explaining the appointment of federal examiners.
2. Letter to Circuit Clerks and Registrars in Mississippi explaining the criteria for designating counties for the appointment of examiners. Similar letters were sent to the Registrars in Alabama, Georgia, Louisiana, North and South Carolina, and Virginia.
3. Letter to Mr. McWilliams of The Mobile Press Register explaining the basis for our authority and our responsibilities in connection with elections.
4. Letter to Probate Judges and Chairmen of County Democratic Executive Committees in Alabama explaining the provisions of the law and the obligations of federal and state officials in the conduct of elections. Similar letters were sent to election officials in Louisiana and Mississippi.

November 4, 1965

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JD;pb

DJ 166-2-11
#1-101-1

AIR MAIL

Mr. Winston M. Blount, Chairman
City Commissioners Committee on
Community Affairs
Montgomery, Alabama

Dear Mr. Blount:

This acknowledges your telegram regarding the appointment by the Attorney General of federal examiners in Montgomery County. I apologize for the delay in responding, but I wanted to give you all of the facts.

Our negotiations with the Montgomery County registrars of voters were carried on with Mr. Crossland, who is the Circuit Solicitor and the attorney for the registrars. We raised with Mr. Crossland two very substantial problems about the registration practices in Montgomery County which were the subject of complaints received by the Attorney General. The first problem involved the practice of the Board of Registrars in following a registration schedule which limited registration to the precincts most of the time and which resulted in the use of two registration days each month at the courthouse solely for members of the Armed Services, Merchant Marines, Red Cross and affiliated organizations. The second problem was the refusal by the Board to register applicants who state that they cannot read and write. In our view both of these practices were inconsistent with the Fifteenth Amendment and the Voting Rights Act of 1965. The attorney for the Board took the firm position that the Board would not change these practices.

The federal court has twice found that the Board of Registrars has engaged in a pattern of discrimination against Negroes in the registration of voters. The first finding was in November 1962; the second in December 1964. The evidence is beyond dispute that in the years prior to the time the Board was brought before the federal court registration was held for the general public in the county courthouse every day of the week and on Saturdays between the months of June and February; and on the first and third Mondays of each of the months of February, March, April and May. Registration was never held in the precincts and was never limited at the courthouse to members of the Armed Forces. We found, for example, that in 1960 the Board held approximately 160

cc: Records
Chrono
Doar
Dunbaugh Trial File Attorney General

registration days for the general public, all at the county courthouse in Montgomery.

In contrast, in the registration schedule followed by the Board in 1964, which was also a presidential election year, the Board held approximately 74 registration days, 58 of which were at the courthouse for the registration of the general public, 14 were held in the precincts, and at least two at the courthouse for members of the Armed Forces. In 1965 through August, the Board held 65 registration days; 37 in the precincts, 16 at the courthouse for members of the Armed Forces, 12 at the courthouse for the general public. Its schedule for the rest of the year permits registration for the general public at the courthouse on 9 days, at the courthouse for members of the Armed Forces on 8 days, and in the precincts on 21 days. There was no registration at all for the general public at the county courthouse during the months of May, June and July.

The restriction of holding registration two days each month at the courthouse for members of the Armed Forces serves only to delay the registration of voters. For example, during the first eight months of 1965 there were 16 registration days for members of the Armed Forces; less than twenty persons applied. Negro citizens who did not qualify as members of the Armed Services sought to apply to register on some of these days and were advised that applications from the general public could not be taken on those days even though no applicants were in the office at the time.

A comparison can be made with the registration schedules of other counties which are much smaller in population than Montgomery. Madison County which, by the 1960 census, has about 50,000 fewer residents than Montgomery County, has a registration schedule which permits registration on 162 days each year in the county courthouse. Calhoun and Etowah Counties, which each have a population of about 95,000 (Montgomery County has about 169,000) are authorized to register members of the general public on 80 days each year at the courthouse.

The impact on prospective Negro applicants of the changed registration schedule is demonstrated by the fact that the vast majority of Negroes apply for registration at the county courthouse and not in the precincts. For example, in March 1965 when there were two registration days at the courthouse for the general public, two for members of the Armed Forces, and four registration days in the precincts, 259 Negroes applied at the courthouse (none on Armed Forces days) and 24 Negroes applied in the precincts; 29 white applicants applied at the courthouse, including two on Armed Forces days, and 44 applied in the precincts.

The present Montgomery schedule came about by a special act of a special session of the legislature in the fall of 1964. It was said that a change was needed because the 1960 census showed that Montgomery had increased in population and could not operate in the schedule previously provided for it.

when it was a smaller county. But, with the Montgomery County Board of Registrars under federal court injunction requiring the registration of all qualified voters without regard to race, the legislature drastically decreased rather than proportionately increased the number and availability of registration days.

The attorney for the Board of Registrars takes the position that the Board has no discretion to adjust its schedule but, a general law in Alabama provides that the boards of registrars shall adopt rules and regulations for the expeditious receipt of applications.

Furthermore, it is clear, in my opinion, that a county may not constitutionally by custom or practice, by administrative rule, or through a local act of the legislature, materially reduce the number of days that citizens can apply to register following a finding by a federal court that there has been for a long period of time a pattern and practice of racial discrimination in registration for voting in the county.

After the Attorney General appointed examiners, some mention was made of a letter which I wrote to Rev. Jesse Douglas on June 14, 1965. I would like to explain to you the circumstances which brought about that letter. Rev. Douglas had complained to us that 76 Negro laundry workers were not able to be registered during the noon hour of the two registration days at the courthouse in April 1965. This complaint came to us following several successful days of registration by the Negroes at the courthouse in February or March. It also came following an injunction issued by Judge Johnson directing the Board to cease discriminating. It has never been my practice to run back into federal court on every complaint that a local board of registrars may not be operating in strict compliance with an injunction. In all cases, we have to investigate and establish the facts for ourselves. Even when the facts are clear, it is our inclination to attempt to resolve the matter by conciliation. Accordingly, we decided to reply to Rev. Douglas and to urge him to attempt to work out this problem with the Board. I did say that on the whole the Board had been doing pretty well. At that time, in comparison with the Boards of Registrars in Dallas, Lowndes and some other counties in Alabama, it had been doing well.

However, the situation has changed considerably since then. In May, June and July the Board of Registrars did not meet at all for the purpose of receiving applications from members of the general public. In August the Congress of the United States passed the 1965 Voting Rights Act which, if it said anything, said that the country intended once and for all to put discrimination in voting behind it. The President has directed the Attorney General to enforce this law in order to insure that all citizens have an opportunity to register and vote before the next election. Under those circumstances, the Department of Justice had to review the performance of the Montgomery Board in all aspects, including whether or not they were fairly and expeditiously registering citizens. For the reasons that I have outlined, we decided that they were not.

When the Voting Rights Act of 1965 was passed, the Attorney General sent a letter to the Montgomery County Board of Registrars explaining the Act and enclosing a copy of it. The Board then adopted the practice of asking applicants whether they could read or write, and if the applicants stated that they could not, the Board rejected them. We pointed out to the Board's attorney that these rejections are unlawful practices under the Voting Rights Act; but he held to his interpretation that it was not an unlawful practice. This is a difference in interpretation of the meaning of the law which will in time be resolved by the courts. But the Board's attorney was not willing to register these applicants, as other county registrars have done, subject to removal should the courts later decide that his interpretation was correct.

There are in Montgomery County approximately 20,000 eligible Negro citizens who are not registered to vote. When you consider the history of discrimination which the federal court has found to have existed in Montgomery County, it is only proper by way of correction of violations of the Fifteenth Amendment that these unregistered citizens should have an opportunity to become registered prior to the next state-wide primary elections. They would not be given that opportunity under the practices persisted in by the Montgomery County Board of Registrars.

You will be interested to know that since examiners have been appointed in Montgomery County, 7,450 Negroes have applied to register, 7,294 have been listed by the examiners.

Both the President and the Attorney General have expressed the principle that examiners will not be appointed in any county unless it is necessary to bring about compliance with the Constitution and laws of the United States. You may be assured that examiners are not appointed without careful investigation and without a finding of necessity.

I have spent some time laying these facts before you because I have the highest respect for your views. I would appreciate very much hearing from you on this or any other subject involving the progress of or problems in Montgomery County.

Sincerely,

JOHN DOAR
Assistant Attorney General
Civil Rights Division

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C.

January 8, 1966

I was encouraged to learn that many registrars appreciated receiving my letter of August 7, 1965, explaining the provisions of the Voting Rights Act of 1965 and enclosing copies of the Act and Civil Service regulations. In that letter I referred generally to my responsibility to designate particular counties for the appointment of examiners to handle the registration of Negro citizens where it is clear that present efforts to comply with federal law are insufficient to assure prompt registration of all eligible citizens.

Since that time, I have acted to designate 36 counties in four states for the appointment of federal examiners. Nineteen of those counties are in Mississippi.

I have found that many local officials appreciate a more detailed explanation of the criteria which Congress has directed me to follow in designating counties for the appointment of examiners. For this reason, I wish to explain further the operation of the Act and our respective responsibilities under it.

The Congress of the United States in Section 6 of the Voting Rights Act directed me as Attorney General to designate counties for the appointment of examiners where, in my judgment, the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment. In making that determination, I am to consider, among other factors, whether the ratio of non-white persons to white persons registered in the county is reasonably attributable to violations of the Fifteenth Amendment and, if so, whether local registration officials are making bona fide efforts to comply with that Amendment.

Our first step, then, is to determine the present ratio of non-white persons to white persons registered. If this ratio is close to the ratio of non-white persons to white persons over 21 in the county, and if there is no other evidence of violations of the Fifteenth Amendment, that county is not considered further. If, on the other hand, there is an appreciable disparity in these ratios, then I look further to determine whether this disparity is attributable to violations of the Fifteenth Amendment. If discrimination is revealed by our review of the history of registration in the county, I then ascertain what efforts are being made by local circuit clerks and registrars to comply with the Fifteenth Amendment.

Compliance with the Fifteenth Amendment means not only that local officials may not practice distinctions based upon race, but that they are under a duty to take affirmative steps to correct the effects of past discrimination. Last March the Supreme Court stated unanimously in United States v. Louisiana, 380 U.S. 145:

The court has...the duty to
render a decree which will as

far as possible eliminate the discriminatory effects of the past, as well as bar like discrimination in the future.

In evaluating steps that a circuit clerk and registrar has taken, I want to know first whether all tests and devices have been suspended as required by the Voting Rights Act.

The rule established by Congress in the Voting Rights Act is that no qualified applicant for registration can be rejected for inability to read and write. This means that the registrar and his clerks must provide assistance to all applicants as needed. Where I find that the local practice continues to require literacy or to deny the assistance needed by applicants, it is my responsibility under the Act to designate the county for assignment of federal examiners.

Second, I ask whether the registrar has adapted his application procedures to insure that all persons eligible under the Act have an opportunity to become registered and to vote at the next significant state-wide election. In this regard, the following questions are relevant:

1. Have old practices which delayed or discouraged the registration of potential voters been abandoned?
2. Have any new practices been adopted which will tend to discourage the registration of potential voters?
3. Are citizens who seek to register to vote being treated fairly and courteously?
4. What steps have been taken to accommodate the number of eligible persons who are not yet registered?

If I find that discrimination is presently being practiced, then examiners must be appointed. I am confident that all local officials understand this.

But, there may be some misunderstanding about the obligation of a local registrar to conduct registration so as to provide a full opportunity for those who have not had the opportunity to register.

In the past, registration in Mississippi has been geared to the ordinary increment of white citizens becoming of age and moving into the county. These citizens could take advantage of the opportunity to register throughout the year, or in many cases, throughout several years, before the books were closed for an important election, by going to the registrar's office at any time the courthouse was open. Furthermore, registration in each voting precinct in the county is provided for by statute so as to fully accommodate the unregistered

citizen. Thus, registration has always been a very simple and easy exercise of citizenship.

There should be no misunderstanding about the obligation of local registrars to conduct registration so as to correct the effects of past discrimination. The steps that a registrar must take will, of course, vary depending upon the conditions and the registration history in that county. For example, where there has been a history of discrimination, a county with 10,000 unregistered adults has more to do to correct the effects of past discrimination than a county with 1,000 unregistered adults.

Finally, in conducting registration, if it makes good sense to be open during longer hours, or during some evenings, or on Saturdays; or to employ extra clerks, or to hold registration in the precincts, then I believe you should do so. Of course, you will want to make certain that the exact times and places of registration are given proper publicity so that all those who are not registered will be informed and can take advantage of the opportunity.

In sum, in evaluating any county in the areas covered by the Voting Rights Act, I want to know what steps have been taken to correct the effects of past discrimination. You will recall the words of President Johnson in signing the Voting Rights Act: "Under this Act if any county in this Nation does not want federal intervention, it need only open its polling places to all of its people."

If you should have additional questions, please call upon any of our attorneys in the Department of Justice. I wish to re-emphasize that I want to be as helpful as possible in bringing about compliance with the Voting Rights Act of 1965.

Sincerely,

Nicholas deB. Katzenbach
Attorney General

March 26, 1966

Mr. Charles McWilliams
The Mobile Press
Mobile 9, Alabama

Dear Mr. McWilliams:

This will acknowledge your letter of March 10, 1966. Since many of your questions relate to the authority of the Attorney General in connection with state and local elections, I would like to outline for you the basis of that authority.

On August 6, 1965, the President of the United States signed into law the Voting Rights Act of 1965. The Act provides remedies for violations of the Fifteenth Amendment of the Constitution -- violations which neither certain counties, certain states, nor the federal government seemed able up to then to correct.

When President Johnson signed the Act, he praised Congress for acting swiftly in passing the Act, and assured Congress that he intended to act with equal dispatch in enforcing the Act. He made it clear that he considered it to be the responsibility of the entire nation to see that no further election occurred in which any of our citizens would be unable, on account of racial discrimination, to participate equally in the selection of their elected officials.

On March 7, 1966, the Supreme Court of the United States, in an opinion which was unanimous on this point, upheld the validity of those sections of the Voting Rights Act providing for the suspension of literacy tests and other devices as prerequisites to voting, and for the appointment of federal examiners where in the judgment of the Attorney General, acting pursuant to standards established by Congress, such action is necessary to enforce the command of the Fifteenth Amendment. The Supreme Court, in the last paragraph of its opinion, stated:

After enduring nearly a century of widespread resistance to the Fifteenth Amendment, Congress has marshalled an array of potent weapons against the evil, with authority in the Attorney General to employ them effectively....Hopefully, millions of nonwhite persons will now be able to participate for the first time on an equal basis in the government under which they live. We may finally look forward to the day when truly, 'the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account race, color, or previous condition of servitude'.

As the court pointed out, under the 1965 Voting Rights Act, the Attorney General has given very specific responsibilities, both as to the registration of voters and as to the conduct of elections.

In providing for the appointment of federal examiners to register persons, Congress specified that one of the factors the Attorney General should take into consideration is whether substantial evidence exists that bona fide efforts are being made within the local community to comply with the Fifteenth Amendment. When President Johnson signed the Act, he made it clear that if any county anywhere in this nation does not want federal intervention, it need only open its polling places to all of its people.

Accordingly, in carrying out my duties under the Act, I have been guided by the principle that where local communities will effectively enforce the Fifteenth Amendment, there will be no need for the federal government to intervene.

I have conveyed this principle to appropriate state and local officials. Several days after the Act was passed, I sent a letter to each of the chief registrars in the areas covered by the Act, explaining the Act's provisions and significance regarding the duties of the local registrars. Since that time, I have followed registration closely in the areas covered by the Act in order to determine whether the Fifteenth Amendment is being complied with. Under my instructions, lawyers in the Department of Justice have maintained a continuing evaluation of the progress of compliance with the Fifteenth Amendment through periodic contacts by agents of the Federal Bureau of Investigation with local registration officials. I am pleased to report that in most instances local officials have been cooperating fully. Generally there has been a remarkable degree of local compliance with the requirements of the Act.

As a result of this compliance, a large number of qualified Negro citizens have been registered and will be eligible to vote for the first time in the forthcoming elections this year, throughout the entire area covered by the Act, including Alabama. In Alabama alone the registration of qualified Negroes has risen from slightly more than 100,000 to almost 230,000. This, coupled with the invalidation of the poll tax requirement by a three-judge court in Montgomery, and subsequently by the Supreme Court in Harper v. Virginia State Board Elections, decided March 24, 1966, makes it apparent that a great number of qualified Negro citizens will have the opportunity for the first time to participate in all phases of the state's political processes. Indeed, Negroes have qualified as candidates for county and state offices.

The 1965 Act also gives the Attorney General certain responsibilities affecting the conduct of local elections in three general areas covered by the Act. First, I am called upon to review changes in the election practices and procedures to see that in a municipality, county, or state covered by the Act no new requirements or procedures are enacted or administered that have the purpose or effect of denying the vote to anyone on account of his race.

Second, I am charged with the enforcement of criminal statutes against persons who threaten, intimidate, or coerce voters, prospective voters, or persons who assist such voters.

Third, I have the responsibility to designate federal observers if needed in counties where federal examiners are serving. There are eleven counties in Alabama in which federal examiners are operating. The Act authorizes me to assign persons to enter and attend any place for holding an election and to enter and attend at any place for tabulating the votes cast, both for the purpose of observing whether persons entitled to vote are being allowed to vote and whether their votes are being properly tabulated.

In determining whether federal observers should be appointed in any particular area, I will continue to be guided by the basic principle that the federal government should be involved in the conduct of local elections as little as possible. However, I must also give great weight to the overriding objective of the Act -- which is to provide all qualified citizens an opportunity to register and to provide them with a full and free opportunity actually to vote. Consequently, the use of observers in any particular county will turn upon whether state and local officials are actually providing that opportunity.

In addition, even in counties where no examiners are functioning in states covered by the Act, I have a responsibility to see that the elections are freely and fairly conducted in accordance with the Act. The Act authorizes the Attorney General to institute civil actions seeking to require local officials to permit persons qualified under the Act to vote and to require the proper counting of such votes.

These law enforcement responsibilities require me in areas covered by the Act to become closely familiar with all of the legal, procedural and administrative aspects of local elections. Thus, for several months the Justice Department has been studying election laws and procedures in the various states covered by the Act. In counties where there is evidence of past discrimination, for example in counties where examiners are serving, the Department of Justice has begun to gather information concerning the dates and times of elections, the offices to be filled, the locations of polling places, the names and responsibilities of poll officials, the forms and mechanics for conducting the elections, the method of tabulating the results of elections, the names and race of the candidates for the various offices -- information which is relevant in making an assessment as to whether substantial evidence exists that bona fide efforts are being made by local officials to insure that the elections will be conducted freely and fairly.

We are not collecting this information in areas not covered by the Voting Rights Act because I have no responsibility to do so in such areas with respect to state and local elections. Of course, federal authority with respect to federal elections is nationwide and numerous investigations have been conducted in the past into possible election irregularities, including investigations in 1960 in Illinois and elsewhere. As in all investigations by the Department of Justice, such work is done by the Federal Bureau of Investigation.

You asked how we expect to establish the race of the candidates. This is done by interview or by observation.

You asked how the Department of Justice plans to use this information. We plan to use it and the other information I described above to cooperate with and to assist local and state officials to insure free and fair elections; and to help us in assessing whether bona fide efforts are being made by state and local officials to meet the requirements of the Fifteenth Amendment.

If all officials at all levels and the great body of citizens work together to insure compliance, I am confident that the hope expressed by the Supreme Court that millions of non-white Americans will participate on an equal basis in the government under which they live will soon be a reality.

Sincerely,

Nicholas deB. Katzenbach
Attorney General

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C.

April 23, 1966

The Voting Rights Act of 1965 imposes duties and responsibilities upon both the Federal Government and the principle election officials in areas covered by the Act with respect to federal, state and local elections. On the basis of the experience of the Department of Justice, I am satisfied that the great majority of election officials in affected areas desire to comply with the law. Consequently, it is my aim to make the provisions of the law and the respective obligations of the federal and state officials involved as clear as possible. I will, thus, be writing letters to appropriate officials as elections approach in the areas covered by the Act.

Under the Voting Rights Act, all eligible citizens are to have a free and fair opportunity to vote and to have their votes accurately counted and tabulated. The Congress of the United States has given me certain responsibilities with respect to registration of voters and relating to the integrity of elections.

As a result of widespread compliance with the Voting Rights Act and the invalidation of the poll tax requirement, a large number of Negro citizens has been registered and will be eligible to vote in the forthcoming elections this year, throughout the entire area covered by the Act, including Alabama. In Alabama alone the registration of Negroes has risen from slightly more than 100,000 to almost 240,000 persons. It is apparent that a great number of Negro citizens, thus, will have the opportunity for the first time to participate fully in the electoral process. With respect to the integrity of elections, Congress has charged the Attorney General with certain responsibilities, particularly in the counties where federal examiners have been appointed. Because this is true, I would like to set forth the standards of the Department of Justice in the discharge of these statutory responsibilities and what you can therefore expect of the Department in connection with the enforcement of the Act.

Under the Act you continue to have the primary responsibility to see that all eligible persons are allowed to vote without distinction of race or color. I believe that you will assume and carry out this responsibility. If this is done, there will be little need for federal action in connection with these elections.

As to my responsibilities as Attorney General of the United States, I am required:

To review changes in election requirements and procedures to see that no new requirements or procedures are enacted or administered by the election officials that have the purpose or effect of denying to anyone the right to vote on account of his race;

To institute legal proceedings, if local election officials do not comply with the Act, to insure that persons qualified to vote under the Act are in fact permitted to vote and have their votes properly counted;

To enforce civil and criminal sanctions against persons who threaten, intimidate, or coerce potential voters or other persons who are assisting or aiding persons to vote, or against persons who engage in fraudulent election practices including the mutilation, alteration or destruction of election records.

The Department of Justice will be prepared to meet these responsibilities under a three-step program.

First, in cooperation with local law enforcement officials, the FBI and the Department of Justice have been and will be prepared for and will respond to any incidents of violence or intimidation against prospective voters or other persons who are assisting or aiding persons to vote. I know that the Bureau can depend upon you to report promptly any such incidents that come to your attention.

Second, the Civil Service Commission will staff its 31 federal voting examiners' offices to receive any complaints from persons who declare that they have been denied the right to vote or have their votes counted. These offices will be open on May 3 and on the two days following the closing of the polls.

This is undertaken in compliance with requirements of Section 12(e) of the Voting Rights Act of 1965. This Section specifically provides for examiners to be available for the receipt and processing of complaints of persons who state they have been denied the right to vote. Any person who is eligible to vote is entitled to make a complaint to a federal examiner in the county that he has not been permitted to vote.

If the examiner determines that a complaint is well-founded, he is required to notify the Attorney General of the United States of his finding. Upon receipt of such notification, the law provides that the Attorney General may seek a court order "providing for the marking, casting and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto."

Addresses of the 31 offices are as follows:

Dallas County
Selma
Orrville

Autauga County
Prattville
Marbury

Hale County
Greensboro
Moundville

Lowndes County
Fort Deposit
Hayneville

Marengo County
Demopolis
Putnam

Perry County
Marion
Uniontown

Wilcox County
Alberta
Camden
Pine Apple

Montgomery County
Montgomery
Mt. Meigs

Elmore County
Wetumpka
Eclectic
Elmore

Greene County
Eutaw
Boligee

Jefferson County
Birmingham
Bessemer
Fairfield
North Birmingham
Powderly
Wylam
Trondale
Homewood
Tarrant

Third, Congress has directed that federal observers be sent to those counties in which the Attorney General finds there is a need to determine firsthand whether persons entitled to vote are being allowed to vote and whether their votes are being properly counted and tabulated. The authority to use federal observers extends only to counties which have been designated for federal examiners. To date, federal examiners have been appointed because there has been non-compliance with registration requirements, but the authority to designate federal examiners extends to non-compliance affecting voting as well.

In order for me to determine to what extent there may be need for federal observers, I have gathered and will continue to gather information about the local election procedures and practices in order to make an appraisal of the success of efforts by local officials to comply with the Act.

Some of the factors which are important to me in making my appraisal in a particular county include:

1. Is the county prepared to deal with the rather sharp increase in the number of new voters? Measures already adopted in some areas of the state indicate that action has been taken to meet this need. In certain counties additional polling places, voting machines and boxes

have been added to accommodate the expected increase in the number of voters. Additional officials have been appointed to handle these added facilities.

2. Is the county prepared to deal with the further fact that some of these new voters will need assistance at the polls? Since literacy requirements for voting in Alabama have been suspended under the Voting Rights Act, some voters will need such assistance and Alabama law makes provision for it. In many areas, local officials are already informing prospective new voters of the procedures which will be followed on May 3, 1966, and are providing assistance to them in familiarization with procedures where paper ballots are used, as well as procedures where voting machines are used.

Some officials are accomplishing this by distribution of sample ballots and the display of voting machines, or models and diagrams of the voting machines, placed at convenient locations so that any citizen may become familiar with the candidates and the voting procedures.

3. Have local officials made public commitments that the elections will be conducted freely and fairly?
4. Does the published list of eligible voters contain the names of all persons eligible to vote and are such persons assigned to the proper polling place?
5. Have the polling officials which have been designated by the appointing boards been fairly chosen from the lists submitted to them by candidates -- particularly in areas where there is a substantial increase of Negro voters?
6. Have the registration rolls been properly purged of persons who have died, moved away, or otherwise become disqualified?
7. Are there grounds for believing that eligible persons will not have their votes counted because of their race or color?
8. Is there substantial evidence of bona fide efforts to comply with the Fifteenth Amendment in elections held in the county since the passage of the Act? This item will have more significance after the May 3rd election,

as that is the first statewide election in Alabama
since the passage of the Act.

Again, I want to thank you for your cooperation in the past. If you have any questions or if there is any way the Department of Justice can be of assistance to you, please feel free to call upon our United States Attorney or write to the Civil Rights Division.

Sincerely,

Nicholas deB. Katzenbach
Attorney General

III. DEVELOPMENT AND TRIAL OF CASES

Preparation of cases for trial and the trial itself involve extensive investigation and analysis of the records to determine that discrimination exists; negotiations with local officials to try to obtain voluntary compliance with federal law; preparation of the evidence, organization of the trial staff, and presentation of the testimony and documentary evidence at the trial; writing the trial brief; and appealing the decision, if necessary.

There follows examples of interviews, FBI requests and analysis, negotiation letters, affidavits, justification memoranda, pleadings and briefs. We have relied heavily on our experience developed under Sections 1971(a) and 1971(b). These examples will give you an idea of the past work of the Division in the voting discrimination area. The experience and form developed there are still useful and are utilized in other cases brought by the Division.

DEVELOPMENT AND TRIAL OF CASES

| | |
|---|---|
| Interviews | Interviews of rejected Negro applicants in Elmore County, Alabama. |
| FBI Request | Request for FBI investigation to determine the standards and procedures which have been applied to white registrants in Elmore County, Alabama. |
| Analysis of FBI Report | Analysis of the results of FBI investigation of intimidation of Negroes seeking to register to vote in Wilcox County, Alabama. |
| Negotiation Letter | Letter to the attorney for the registrar of Marshall County, Mississippi, setting forth the discriminatory acts and practices of registration officials and seeking voluntary compliance with federal law. |
| Affidavit | Affidavit of Ralph W. Allen, SCLC voter registration worker in Dawson (Terrell County), Georgia. |
| Justification Memorandum | Justification memorandum in <u>United States v. Bruce</u> , a 1971 (b) suit in Wilcox County, Alabama. |
| Pleadings | Complaint, notice of motion and motion for preliminary injunction in <u>United States v. Mayton</u> , a 1971 (a) suit brought against the registrars of Perry County, Alabama. |
| Rule 34 Motion | Notice of motion and motion for production of records, documents and papers under Rule 34 in <u>United States v. Cartwright</u> , a 1971 (a) suit brought against the registrars of Elmore County, Alabama. |
| Organization of Trial Staff | Staff assignments for <u>United States v. Hines</u> , the Sumter County, Alabama 1971(a) suit. |
| Trial Briefs | Trial briefs in <u>United States v. Louisiana</u> , <u>United States v. Hines</u> (the Sumter County, Alabama 1971(a) suit), and <u>United States v. Alabama</u> (the Alabama poll tax suit). |
| Proposed Findings of Fact, Conclusions of Law and Decree | Proposed findings of fact, conclusions of law and decree in <u>United States v. Mayton</u> , the Perry County, Alabama 1971(a) suit. |

Justification for Appeal

Justification for appeal in United States v. Ford, a 1971(a) suit in Choctaw County, Alabama.

Appellate Brief

Appellate brief in United States v. Board of Education of Greene County, Mississippi.

INTERVIEWS

Investigation and trial work in voting discrimination cases, and in other suits brought by the Civil Rights Division, necessitate numerous interviews to determine whether discrimination exists and to select witnesses for the trial. As part of the investigation of registration practices and procedures in Elmore County, Alabama, 40 rejected Negro applicants were interviewed. An analysis of those interviews and some of the accompanying statements are attached.

On the basis of these interviews, the FBI investigation and a thorough analysis of the records, a voting discrimination suit, United States v. Cartwright, was brought under Section 1971(a).

John Doar
Civil Rights Division

AAS:mhs
72-2-32 8208

Arvid A. Sather
Civil Rights Division

Investigation of Rejected Negro Applicants,
Elmore County, Alabama

I. Conclusion

While in Elmore County in late November, 1962 for the photographing of the Elmore County registration records, I interviewed 40 Negroes who have applied for registration to vote and were rejected since January, 1960. Attached are the statements obtained from the interviews.

Based upon these interviews and a thorough analysis of the registration records, I recommend that a suit be filed immediately and a motion for a preliminary injunction be made immediately after receiving the report from the F.B.I. of the investigation of white applicants in Elmore County. The F.B.I. request is being prepared and should be transmitted to the F.B.I. on about January 23, 1962.

Pursuant to these recommendations I have prepared a complaint and justification memorandum which are attached to this memorandum. The information set forth in the justification memorandum, which includes the registration statistics for Elmore County, is not repeated in this report. Generally, the Board of Registrars has virtually ceased registering Negroes since January, 1960 and as a result has and is continuing to reject many qualified Negro applicants.

II. Board Procedure

These interviews with the rejected Negro applicants show that the registrars meet on the legal registration days from about 9 a.m. to 4 p.m. in their office in the back of the Probate Office at the Courthouse in Wetumpka, Alabama. Negro applicants are required to complete their forms at a table in the lobby of the Probate Office and from two to four Negroes are permitted to apply at one time. White applicants fill out their forms in the registrar's office and it is probable that they are taken in larger numbers. There are indications that the complete segregation which now exists was less strict prior to 1960.

About half of the Negroes interviewed were given no instructions when they received their forms, but some were told not to talk or help each other and some Negroes were told which pages of the form to fill out or not to fill out.

Applicants appear to be given sufficient time to complete their forms. However, the registrars refuse to give them any assistance. They will not tell applicants whether they should sign the Oath or Supplemental Oath even when

asked the specific question. They refuse to explain the meaning of any words on the form or what a question means. The Board applies the application to Negroes as a strict examination.

When the applicants return their application forms to the registrar they are told in almost every case that they will either hear from the Board or that they should return on the next registration day to find out. The Board does not notify Negro applicants that they have been rejected. Those who return to the Board are usually told that the Board hasn't passed on their applications yet or else they are told that their applications cannot be found. A few have been told that they were rejected because they didn't complete their forms properly but the Board refuses to tell them what was wrong with their applications. The Board does not permit an applicant to re-apply until a 90-day waiting period has expired.

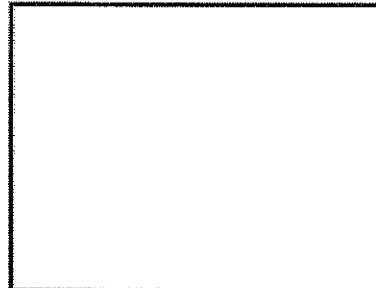
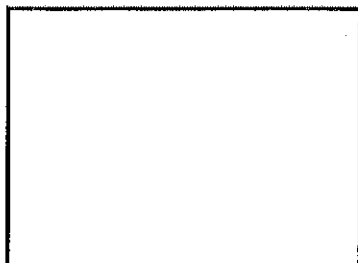
III. Board Standards

The Board made available for photographing the registration books back to 1952; accepted applications back to June, 1961; and the rejected applications back to January, 1960, (it appears some of the rejected Negro applications filed in 1960 and 1961 are missing). These have all been analyzed and it is apparent that Negroes are rejected for any error or omission on their application forms. They are rejected for failure to sign the Oath and even for failure to answer Supplemental Oath--Q1 (previous registration) and Q3 (present employment). The application form could not be used as a stricter examination than it is now being used for Negroes.

Over 95% of the white applications since 1960 have been accepted and almost all of them are perfect. My experience in analyzing the Alabama application form compels me to conclude that practically all of the white applicants are receiving assistance. For example, all applicants answer Q5b (relating to date of residence in precinct) correctly, and most write a negative response to Supplemental Oath. Q2 (prior convictions) and Q4 (applicant knows nothing to disqualify him), both of which do not even require responses by the applicant. This perfection has not been found before, except in Choctaw County where the F.B.I. investigation revealed unlimited aid and assistance to white applicants.

IV. Specific Interviews

The following ten interview statements are good examples of the experiences Negroes have encountered in trying to register in Elmore County:



V. The Elmore County Board of Registrars

The Board is composed of J. B. Sanford, Chairman, Frank Strong and Roscoe H. Wideman, both members. All three have been on the Board since at least May, 1960. We have no records which show the composition of the Board prior to May, 1960. Although Sanford is the Chairman it appears that Strong controls the action of the Board and that he is the representative of the powers that be in the County. When I talked to the circuit solicitor, Carlee, about photographing he immediately called Strong and made the arrangements without consulting anyone else. Strong was the only registrar to appear when the records were photographed.

Several Negroes in their interviews stated that both Sanford and Wideman were friendly and indicated to the Negroes that they appeared to qualify for registration. However, they stated that the other registrar (Strong) had to act on their applications and at least once stated that only Strong had the power to put them on the registration books. Strong also has the reputation with many Negroes of being a "tough" person to deal with when registering.

A. A. Sather
Dec. 2, 1962

[redacted]
Elmore County

Directions: Detailed directions were not obtained from this person. However, she lives only a few blocks further down from [redacted]. Continuing on that highway, see their interviews, the interviewee [redacted]

Interviewee's address is [redacted]

Background: Interviewee is 50 years old and has lived in Elmore County for [redacted] years. She was born in [redacted] [redacted]. She is married and [redacted] has never been arrested.

Interviewee [redacted]
[redacted]
[redacted]

Registration: Interviewee applied for registration once, the first Monday in August, 1962. She went to the courthouse in Wetumpka with [redacted]. They went to the courthouse about 3 P.M. and asked the lady about registering to vote in the probate judge's office. They referred her to a registrar and they went into the office to talk to him but he was reading an article to another white man and asked them to wait outside. They waited about 30 minutes in the probate judge's office at which time the men went outside but the two ladies waited in the lobby.

The registrar then brought out an application form and pencils and had the four of them fill out their forms. The four persons, according to the interviewee, sat at the same table on the right hand side as you enter the probate judge's office. The registrar went back into the office and came out when the interviewee and the others had finished filling out their forms.

The two men finished first and handed their applications in to the registrar. The two women continued filling out their forms and re-reading them. The interviewee took the longest and she checked it over several times before turning it in. She stated she had a hard time filling it out because she wears glasses and it was very dark in the corner where she was sitting so she had a difficult time reading it.

The interviewee was given no instructions when given the form but was merely told to fill it out. She was confused about signing her name on page 3 of the application form and asked the registrar where she was supposed to sign on that page. He told her "Here", and then took his whole hand and merely swept it all across the page. He did not point out any specific place on the

[REDACTED]

page where she was supposed to sign. She also asked whether or not she had signed in all the places but he merely avoided answering that question and saying "Sign here" and moved his hand across the page. At this time the witness had already signed the Supplemental Oath before asking this question and after this answer she stopped and started re-studying page 3 figuring out where she should sign it. She believed that after this she signed either in the first part or under the line in the Oath on page 3. She then turned her application form in.

After the women had finished this they went out and saw the two men who had filled out forms with them and told them that they had to sign their names in certain places on page 3 of the form and the men hadn't signed their names so they went back to see if they could sign them then. She did not go in with them and did not observe what happened.

Before leaving the interviewee asked when they would hear about their application forms and was told by the registrar to come back on either the first or third Monday and then they would hear about it. They observed no other Negroes applying at the same time nor any white people. There were two registrars there and the man who gave them the forms was the smaller one (apparently Sanford). The fellow who asked them to wait was the big, heavyset registrar, (apparently Strong). Interviewee does not know any of the registrars by name.

The interviewee and [REDACTED] returned to check on their application forms on the third Monday in September. They went to the courthouse at approximately 3:40 P.M. after the interviewee had gotten out of school. They talked to the heavyset registrar (apparently Strong) and he asked them what they wanted. They told him they had come back to check on their application forms to see whether they had passed and were registered. He told both of them that they closed at 4 P.M. and that he didn't have time to check on their applications as it was just a few minutes before 4 o'clock. He told them to come back later.

The interviewee never heard from her application form and they never returned to fill out another form.

Evaluation: This person would make an excellent witness. She has a good appearance and a very good, likable personality. Her education is very high.

Sather
December 1, 1962

[redacted]
Elmore County, Ala.

Directions [redacted]

Background. Interviewee is [redacted] years old and has lived in Elmore County all of her life.

The interviewee is married [redacted] Her husband's name [redacted] interviewee has never been arrested.

Registration. Interviewee first attempted to register approximately six years ago in 1956. She went to the courthouse in Wetumpka with two other people. [redacted] who is a teacher in Elmore County [redacted] and [redacted] who is presently in [redacted] who is a teacher at Elmore [redacted] also was with them.

They went in and talked to a registrar and received application forms which they filled out. When they finished they handed it back to the registrar. They told them that they would send out the certificates later. The interviewee did not hear and went back approximately one month later along with the other people who applied and were told that they could not find their application forms.

When the interviewee applied she was told she had to have two white people to vouch for her. [redacted] who is a salesman [redacted] etc. had previously mentioned to her that he would vouch for her if she wanted him to. Later when she wanted him to vouch she was ill and didn't get the chance to go down so she never got any white people to go down and vouch for her.

The interviewee next attempted to apply sometime in 1961 when she went to the courthouse in Wetumpka alone. She asked one of the registrars if she could fill out another application form but was told she could not because it was 3:45 and that it was too late.

The interviewee next went back to attempt to apply on July 2, 1962, to the courthouse in Wetumpka. She went with [redacted] (also interviewed) at about 9 a.m. When they arrived at the Probate Judge's office there were no white people or Negroes there trying to register as yet. They talked to

[redacted]
Elmore

Mr. Wideman and asked him if they could apply for registration. He told them that he didn't know the combination to the lock where the applications were kept and asked both of them to have a seat and wait until the person who knew the combination came.

Both of them waited for about an hour till about 10:00 o'clock when one of the registrars, a heavy-set man, (apparently Mr. Strong) came in and opened the file cabinets. The lady in the office came to the door and told both of them that the man was here now and they could probably get their forms to apply. They went to the registrar and he gave them each a application form and he asked them each to have a seat at the table in the outside lobby in the Probate Judge's office.

The heavy-set registrar gave them the application forms but gave them no instructions. He told each of them to sit on opposite sides of the table. They did not ask any questions since the interviewee believed that it was an examination from her experiences approximately six years ago and interviewee believes that Mr. Wideman told them that they were not supposed to ask any questions while they were filling out their form. The interviewee seemed a little bit in doubt as to whether Mr. Wideman or Mr. Strong gave her the application form.

The door to the registrars office was open and every now and then one of the registrars would come to the door and look out at where they were applying. It took the interviewee approximately 10 minutes to fill out her application form. When she was finished she carried it into the heavy-set registrar and gave it to him. She had read over the supplemental oath where she was supposed to sign in the presence of the registrars and, therefore, did not sign this portion of her form. When she took it to the registrar she asked them if it was not right that she was supposed to sign those places in their presence. They stated that was all right and she then signed it at the desk in the registrars office. She indicated that she only did this in the supplemental oath and I did not question her as to whether or not she filled out the oath. [redacted] had signed hers at the table and therefore, merely turned it into the registrar.

After she completed signing the interviewee gave her form to the registrar, the heavy-set one. The interviewee asked him how long it would be before they would know whether they passed. He stated that someone was coming in the afternoon who would look at it and that if the application form was all right, they would mail them a certificate and if it was not all right, they would hear nothing.

The interviewee and [redacted] heard nothing from their application forms so both of them returned in September (interviewee thought it was the first Monday). They went to the courthouse in Wetumpka and went to the registrars office where they talked with Mr. Wideman (interviewee believes his name is Whiteman). [redacted] asked Mr. Wideman about the applications and was

Elmore County

told by him that there must have been something wrong with them if they didn't receive a certificate of registration. The interviewee then asked Mr. Wideman what was wrong with their applications. He said that he was not allowed to tell them what was wrong with their applications.

Both of them then asked if they could fill out another application form. It was almost four o'clock in the afternoon and Mr. Wideman told them that they could not fill out another form because it was too late, and secondly they had to wait 90 days from the date of their rejection.

Apparently they talked to Mr. Wideman in the outside of the Probate Judge's office because the interviewee could see two registrars in the registrars office sitting with a white lady in between them. Interviewee said it appeared to her that the two registrars were helping this white lady in going over her application form with her.

Evaluation. This person would make an excellent witness. She has a good educational background and presents herself very well. She has a good physical appearance and is able to speak up and gives the impression that she is an intelligent person.

Sather
November 30, 1962

[redacted]
Elmore County, Ala.

Directions Interviewee lives in [redacted]

Background. Interviewee is [redacted] years old and has lived in Elmore County all his life [redacted]

Interviewee [redacted]

Registration. Interviewee has filled out three application forms but has never heard from the board.

The first time that he attempted was approximately July 1961 (one of his applications is dated 7-10-61). He went to the courthouse with [redacted] at approximately 9:30 or 10:00 in Wetumpka. They went into the Probate Judge's office and inside of this office to the right is where the registrars office is located. They talked to one of the registrars and were told to wait until a second registrar arrived. At approximately 20 minutes later the registrar (second) arrived and told them to come into the registrars office and fill out their application forms. They were given application forms and were seated at a table at opposite ends. While they were filling out their form, four white people also came in to apply, one was a retired colonel. All these applicants filled out their forms at the same time although a colored lady later arrived and was told to wait until the interviewee and [redacted] finished their forms.

They were given no instructions in filling out their forms but were put at opposite ends of the table and told not to talk to each other. When they finished they turned in their application to the registrar who told them that he could not act on them until the chairman Mr. Strong was there. He told them that they would hear later about their application. They never heard concerning this application.

[redacted]
Elmore

The interviewee returned next in August 1961 to check on his previous application since he had never heard about it. He again went to the registrars office in Wetumpka about 9:30 in the morning with [redacted]. They talked to the same two registrars who were there at the time of their application back in July. Interviewee told them that they had applied approximately 30 days previously and wanted to know how their applications came out. At first the registrars checked through the registration books and could not find their names and then told them that they hadn't had time to post all of the names yet. They then began to look through a file cabinet which contained application forms. They told the interviewee and [redacted] they couldn't find their application forms. After stating they couldn't find their forms, they offered them two more forms to fill out, (one of interviewee's rejected applications was dated 8-21-62). While the two were filling out their application forms, one of the registrars told [redacted] that they had found his application form and that it had passed and had been signed by two of the registrars. They told him that there was no need in filling out the other one.

After the interviewee had finished filling out his form, the registrars told him that they would check his form while he was there. One of the registrars looked over his form and said it looked all right to him and then passed it over to the other registrar who then inspected the form. Both of the registrars signed the application form while the witness was there. He stated that he saw them sign part of the application form. He believed that it was the part showing that he had been accepted as a registrant. The registrars then told the interviewee that he would hear within a certain period of time, which the interviewee does not remember. They stated that they could not do anything until Mr. Strong came as he was the only man who could put a registered person on to the registration books. The interviewee and [redacted] then left.

The interviewee never heard from his previous application form. He next went back with his wife to the registrars office in Wetumpka at the courthouse in the early part of 1962. His wife went with him but she did not try to register since she had already registered in [redacted] County, Alabama. The interviewee told one of the registrars (apparently not Strong) that he wanted to check on his application filed in 1961. They met the registrar out in the front part of the Probate Judge's office and the doors were then closed. The registrar told him that Mr. Strong was in and that he would be out in a few minutes and asked him to wait for him. They told him to wait out on the benches in the open part of the lobby which is directly in front of the entrance to the courthouse and in front of the door to the Probate Judge's office. Interviewee waited for about two and one-half hours. Finally, he saw through the door in the Probate Judge's office and saw Mr. Strong come out and walk across the office several times. He could see this through the Probate Judge's door and after seeing Mr. Strong walking by the door several times he went back in to check on his application. The same registrar was there and said that Mr. Strong would be back in a few minutes.

Elmore

The interviewee and his wife waited about 30 minutes more when Mr. Strong finally came by again. He asked Mr. Strong about his previous application and Mr. Strong told him that he had not had time to look for it and called the other registrar to accompany him. The other registrar and Mr. Strong went about 20 feet away from where the interviewee was standing over by the entrance to the Probate Judge's office and talked for a few minutes. Then Strong came by again and the interviewee asked him if he could check on his application form. Strong again told him that he did not have time to check on it. An argument ensued after this and the interviewee told Mr. Strong that he thought his job was chairman of the board of registrars and that he thought he could at least tell him about his application. Strong again put him off and the interviewee told him that he would like to know so he could fill out another form if he didn't pass. Strong told him that he did not have another application anyway even if he told him. Strong then told the interviewee that they had places for fellows like him. The interviewee was mad by this time and told Mr. Strong that they had places for fellows like him who didn't do their job. At this time the interviewee's wife began to cry so the interviewee took his wife out of the courthouse and they left.

Interviewee next went back and filled out another application in approximately June or July of 1962. He was not certain of this date. He did recall he was going to the for his physical and he was going by the courthouse and since it was registration day he thought he would stop and try to register. He went into the courthouse and the registrars office alone and talked to the two registrars. Mr. Strong was not present at the time. They gave the interviewee an application and he sat at a table outside of the registrars office in the main part of the Probate Judge's office. He was given an application form and a pencil but was given no instructions as to what to fill out or not to fill out on his application form. After he completed his application form he turned it into the same registrar that gave it to him. This registrar looked over his application form (it sounded like it was Sanford) and said that it appeared to be okay. He did not say anything to the interviewee about hearing or being notified about the application and the interviewee left without asking him about this. The interviewee has never heard from this application nor gone back again to check on it.

Evaluation. The interviewee is

truth. I did have the impression that he was trying to be sincere and honest and on the whole felt that he would be a very good witness. I believe he

[redacted]
Elmore

would be a very good witness on the basic point on having gone down and tried and having gone back and tried and because of his education and [redacted]

[redacted]

During the interview the interviewee stated that he had written the Department of Justice concerning his inability to get registered. He received a form written letter dated November 26, 1962 stating that they had given careful consideration to the information he furnished but since there was no disclosure of a violation of a criminal statute, the Department had no authority to take action in his matter.

I checked letter and it didn't concern voting.

AAB.

A. A. Sather
Nov. 19, 1962

[redacted]
Elmore County, Ala.

Directions. Proceeding past [redacted]

Background. W lives at [redacted]

[redacted]
She

was born and raised in Elmore County.

[redacted]

Registration. W is not registered although she has made several attempts to become a voter.

The first time the interviewee attempted to register was either in 1960 or 1961, about June. She went to the courthouse in Wetumpka with her [redacted] both of [redacted] Alabama. The W believes they were served by Registrar Weidman, that he gave them the blanks and told them to be seated in the hallway. There were white people at the table inside the registrar's office and some of them were also out in the outer office where the W filled out her form. The registrar told them to take their time and fill them out as good as they could but he told them he could not help them. All three of the Negroes filled out their forms and then turned them in to a registrar, at which time they were informed that they would need a voucher. There was a white man there from near Lake Martin who said that he would sign for them and he did vouch for them. The registrars did not tell the W when they would hear but just told them that that was all. The W left and never heard anything from that application.

The W went down several times after this in 1961 and estimates that she filled out three forms during that year. The large registrar--Mr. Strong--told the W that she had to wait three or six months after she had filled out the one form before completing another. She went alone on these occasions. One time she asked what had happened to her prior application and was told by the registrar that it had been rejected and was given another form to fill out. The W asked why it had been rejected and the registrar said, "We can't tell you." She was also instructed that she should take the time and fill out the form carefully and that the registrars would not be able to help her. There seemed

[redacted]
Elmore County, Ala.

to be white people filling out forms practically each time she was there and they would always complete their forms in the main registrars' office, whereas the Negroes always sat just outside the office in the main portion of the Probate Judge's office. In 1962 she saw [redacted] Alabama filling out a form and was told by her that it was the third one she had filled out. She also saw [redacted] Alabama filling out a form.

On February 19, 1962 the W went alone to the courthouse in Wetumpka and talked to Mr. Weidman about her previous applications. He did not give her any satisfaction as to what had happened to them and merely told her to fill out another form. When the W finished her form she gave it to the large registrar--Mr. Strong--and he looked it over and then laid it down on the desk. The W asked him if she should wait but was told to go ahead. W never heard anything from this application.

The W went back in April 1962 and talked to the registrar, Mr. Sanford. She asked about her application and was told by him that "they (she did not know who this referred to), had been in here on us about the registration of Negroes and we had to put some on the list. Your name might be on the list but if it isn't you should come back later." W waited until the voters' list came out and hers was not on it.

The W next returned alone on May 7 to the courthouse in Wetumpka to the registrars' office and talked to Mr. Weidman. There was a white lady in the office at the time and she was telling him that she didn't get a chance to vote in the Primary because her name wasn't on the list. Mr. Weidman went to the drawer where they apparently keep the rejected applications and Mr. Strong said that it couldn't be in there. The outcome of their discussion was that the white lady had to fill out another blank and was upset about it. The registrars also gave the W another form to fill out. When she finished she laid it on the table where the registrars were and asked the large registrar--Strong--when she would hear. In a rather cross statement he said, "If you are paying someone to send it out you will hear." She asked if she should wait and was told, "You can wait if you want to." After a few minutes she left. The W never heard from this application.

The W went back on August 13, 1962 and talked to Mr. Weidman and Mr. Sanford. She asked about her applications and these registrars looked for it. They looked in the drawer and found several of the W's applications but said they were all filed in 1961, and that they did not find any from 1962. They asked her if she wanted to make out another form and she said "No, not until you find those I filed in 1962." She gave the dates to them on which she had filed her applications but they merely stated that they could not find them. She then left.

W has not been back again to try since August 13.

[redacted]

Elmore County, Ala.

Evaluation. W has given [redacted]

[redacted]

She seems

sincere and honest [redacted]

[redacted]

A. A. Sather
Nov. 20, 1963

[redacted]
Elmore County, Ala.

Directions. Proceeding on [redacted]
[redacted]

Background. Interviewee is the husband of [redacted]
[redacted]

Interviewee owns a [redacted] home [redacted]
[redacted]

Interviewee was registered while he was in [redacted]
and he voted in every election except for possibly one missing one year between
[redacted]

Registration. Interviewee has attempted to register in Elmore County
once and was unsuccessful.

He attempted to register in approximately the first part of April 1962.
He noticed at the Little Drug Store a sign stating that the next registration
day was the last possibility to register for the next election. He went with
his wife approximately one week after seeing the sign to the registrar's office
in the courthouse in Wetumpka to apply for registration. He also saw [redacted]
[redacted] and [redacted] in the office applying for registra-
tion.

He believes that he talked to Registrar Weidman. He was given an applica-
tion form to fill out which he filled out in the outer office of the registrar's
office. One time there was a portion of the application form which requested
his signature in the presence of registrars. He was confused about this and
his wife went up and asked the registrars and obtained no satisfaction from
them. He then went up and asked the registrars about this and was told to fill
it out as he saw it or something to that effect. He also recalled having to
move when he was filling out his form but does not recall whether it was to
the inner portion of the registrars' office or merely to move on the inside of

[redacted]
Elmore County

the probate judge's office where they were filling out their forms. When he was finished he gave his application form to Registrar Strong. The registrar said nothing, merely took the application form and the interviewee left. There were a number of white people filling out forms in the inside of the registrars' office and just a few on the outside where the Negroes were seated.

The week following filling out his application form he heard nothing so he went back and talked to Mr. Strong in the registrars' office and told him that he came to get his voting certificate. Mr. Strong then pulled out the drawer and looked at the stack of applications then said that his application had not been processed. The interviewee then went back one week later and asked once again about his application form and was told that it had not been processed. He then asked whether or not he could pick up his certificate at the office rather than having them mail it to him as he was in town every day. The registrar merely told him that "you have your address on the application form and they will mail it to you."

The interviewee then became concerned because of the oncoming election in which he wanted to vote. He did not feel that the application was going to qualify him under the impression created by Mr. Strong. He then went to find out who the other members of the registration board were and then went and talked to Mr. Sanford whom he knows. Mr. Sanford said that he would go over and check about the application, but when he went back to the store which Mr. Sanford runs he found out that Mr. Sanford and his wife had gone to the hospital. He then went to talk to [redacted] who owns the store near his home. He was told by [redacted] to talk to Mr. Weidman, the other registrar. When he talked to Mr. Weidman he was referred back to Mr. Strong and obtained the impression that Mr. Strong passed on the applications and did the book-keeping and that it was more or less Mr. Strong's decision as to whether or not he would be registered. By the Primary time he had heard nothing.

The next time he went back to see Mr. Strong was after the Primary and it was about September 1. When he went back, Mr. Strong pulled out a file and looked over some applications, took an application form out and stepped away several feet and peered at it and then stated to the interviewee, "[redacted] you didn't pass." The interviewee then explained that his wife had also applied and asked whether or not she had passed. The registrar stated "We don't give you that information, we tell her." The interviewee then left.

After the interviewee had talked to Mr. Weidman he wrote to the Republican Party headquarters in [redacted] to get information as to the fact that he had been a voter there and the number of times he had voted. He showed the return letter which indicated that he had voted every year except possibly one from 1930 to 1959 to Judge Cousins, the probate judge, and was told by Judge Cousins that he did not have anything to do with that part of it--that he just received the papers from the board when they finished with them. He also showed this letter to Sheriff Haley who said that he didn't have anything to do with it.

[REDACTED]

Haley commented to the interviewee that the letter showed that he was no longer eligible to vote since January 1, 1962. The interviewee explained to the sheriff that that was because if you hadn't voted for two years in [REDACTED] you were automatically removed from the rolls, but that he was not showing him the letter for that purpose but to show that he had been a qualified voter and had attempted like a good citizen to vote in the elections where he was eligible to.

Evaluation. This interviewee would make a very good witness. It is evident by talking to him that he is very knowledgeable and has had a great deal of experience in life.

[REDACTED]

A. A. Sather
Nov. 20, 1962

[redacted]
Elmore County, Ala.

Directions. Proceed out [redacted]
[redacted]

Background. Interviewee is [redacted]
[redacted]

Interviewee [redacted]
[redacted]

Registration. Interviewee attempted several times unsuccessfully, to register in Selma, Alabama. This was during the 1950's. She has attempted once in Elmore County which was also unsuccessful.

Interviewee attempted to register in Elmore County in 1962, approximately February. She went with her husband, [redacted] to the registrars' office at the courthouse in Wetumpka. She also found [redacted] applying at the registrars' office. She received her application form at the registrars' office and was told to fill out her form in the outer office, the main portion of the probate judge's office. She was given no instructions and told that they were not supposed to tell each other anything. Her husband asked a question of the registrar which he would not answer. While they were filling out their form the registrars had to close for lunch hour and they were told they would have to move to complete their application forms. From the description of the room, it was difficult to determine exactly where they were moved, but it seemed that they did not go inside the registration office. It was crowded at this time and there were about five or six white people applying. The interviewee stated that she sat down with [redacted] at a table at the opposite end at which some white people were sitting. But after they sat down the white people got up and moved to another table where they completed their application form.

While interviewee was filling out her application form she read in several places where the application form was to be signed in the presence of the members of the board. She did not know whether or not she should sign this portion of the application while seated filling out the form and went to one of the registrars and asked if it was true that it had to be signed in the presence of

[REDACTED]
Elmore County, Ala.

one of the members of the board. The board member told her that he could not tell her anything and she should do what she thought was necessary to fill out the form. She went back to the table and completed the form by signing in those places. When she finished she passed in her application to the registrar who said nothing to her, and so she and the other Negroes left.

Her husband later went back and tried to find out about the form. While he was finding out about his own form he asked the registrar whether his wife had passed and was told by the registrar she would have to come down to find out about it herself.

The interviewee has not been back to attempt to register, or to find out about her form.

Evaluation. Interviewee would make an excellent witness. She is an older individual but for her age has an outstanding command of her memory and ability to express herself. She seemed to be an extremely wise person and it was a pleasure to interview her.

A. A. Sather
Dec. 2, 1962

[redacted]
Elmore County, Ala.

Directions. Proceeding out of [redacted]

Background. Interviewee is [redacted] years old. [redacted] He is [redacted]

arrested [redacted]

Registration. Interviewee has applied once for registration and this was while [redacted] It was on March 5, 1962 when he went to the courthouse in Wetumpka at about 10 A.M. He was alone and he did not observe any other Negroes applying but there were about four white people who came in and appeared to apply for registration.

When he walked into the registrar's office he was asked by Mr. Strong, "What do you want, boy?". Interviewee told him that he wanted to register and he was given an application form and told to go to the outside office to the probate judge's lobby and fill out his form at the table.

Strong instructed interviewee not to fill out page 4 of the application. There was a white lady sitting at this table filling out an application form and she wasn't finished yet. When the interviewee went out to the table Mr. Strong called to her and told her to come into his office and fill out the application form.

Interviewee described the atmosphere as a little tense with Mr. Strong. He asked him no questions and when he finished he took the application form back into the room and gave it to Mr. Strong, who said nothing, but the interviewee believes he put an X on the form and then slid it under some other applications he had on his desk.

[redacted] asked Strong when he would hear from his application and Mr. Strong said he would hear within a week. Interviewee was on 20 days leave at the time and he had not heard anything at the end of a week so he called back to the probate judge's office to find out about his application the next week.

[REDACTED]

A lady answered the phone and he asked for Mr. Strong. She told him that he would be back next Monday (the third Monday) and said that he would have to call him at his house if he wanted to talk to him. The interviewee called Mr. Strong at his house but he was not there and he talked to his wife. She said she did not know anything about the application or about the registration process and that he should call back. Interviewee called back in a couple days and talked to Mr. Strong. He asked Mr. Strong about the application and was told that if he passed he would hear from the Board in a couple days. The interviewee never heard from the Board.

Interviewee stated that it took him approximately 15 minutes to fill out his application form. While he was filling out the form a white lady and a white man came by the table and stopped and asked him if he needed any help. He said they seemed like very nice people, and they merely seemed to be passing by and did not seem as though they worked there. The interviewee told him No, Sir.

While interviewee was filling out his form the door to Mr. Strong's office was open and he said that he could clearly see a white lady inside the office receiving help in filling out her form. She had something wrong with her form and was told by Mr. Strong to change it.

Interviewee stated that his father knew Mr. Strong, and vice versa. He thought that Mr. Strong knew him and his family.

Evaluation. I believe this person would make an excellent witness. He is short and has a slight build. He seems sincere and expresses himself well.

[REDACTED]

tration process. I believe this person is a good one to contact periodically because he seemed very interested [REDACTED] and although he is very young he seems dynamic and intent on putting in some hard work to accomplish this.

A. A. Sather
Jan. 27, 1963

[redacted]
Elmore County, Ala.

Directions. Interviewee lives in [redacted]
[redacted]

Background. Interviewee was born [redacted]
She has lived in Elmore County all her life.
[redacted] [redacted]

Registration. Interviewee tried to register on two occasions, and on the second occasion merely completed her first application form which she filled out several days before. The registration books indicate that she was accepted for registration but the interviewee was not aware of this and she has never been notified. The Board Action on the application is not signed but her application is filled out perfectly.

Interviewee believes she tried to register about November 1961. She went to the county courthouse in Wetumpka with her husband, [redacted] at about 1:30 p.m. She could not remember what office she went to in the courthouse.

Interviewee saw no other Negroes applying on that day but did see some white people applying in the registrar's office. They told a man in the registrar's office that they wanted to register to vote and he gave them application forms to fill out. She saw some white people in the registrar's office at that time, but could not tell whether or not they were filling out application forms.

Interviewee and her husband were told to go and sit at a table in the lobby of the office, not in the registrar's office but immediately outside. The interviewee was given no specific instructions as to filling her form out except that they should fill them out. They were told about not helping each other.

The interviewee and her husband sat at the same table and while they were filling out their application forms the interviewee's husband asked her a question pertaining to herself, something to do with her date of birth. She said that her husband later said that he thought he could ask her this because he was just asking information about his wife. The registrar, different from the one who gave them the application forms (apparently Mr. Strong), came out to the registrar's office after they had been talking to each other and told them that they would have to leave and come back at another time and fill out their forms because they were talking to each other. Interviewee said he was kind of mean. The interviewee then explained to the registrar that both of them worked and wanted to fill out their forms on that day because they did not

know what opportunity they would have later. The interviewee said that she would stand and fill out her application form so that he would be sure they were not talking and helping each other. She then stood up and wrote against the wall the remainder of the time that she filled out her application form. This man said it was all right and then he went back into the registrar's office and they continued to fill out their forms.

While she was filling out her form she heard some of the white people in the registrar's office talking and it was about their registration forms. As she recalls, it was something to do with the white person having lived some other place and was asking something of the registrar about it. She inferred that it sounded like they were giving the white people help in filling out their forms, but was reluctant to say anything and also said that it was quite a while ago and she could not remember the exact details at this time.

The interviewee could not remember for sure whether or not she completed her application form on this occasion but she believes that she did. Her husband did not finish filling out his form and he could not remember why but believes it was because they were closing. The interviewee was not sure either, but the husband came through while I was interviewing them and both of them believed it was because they closed before he could complete his form.

The interviewee went back to the registrar's office with her husband within a couple weeks and they talked to the same man who had originally given them their application form. This person was not Mr. Strong from the description she gave me. The second time they went there were two men there, both of them registrars, and they both treated the interviewee and her husband very nice. Interviewee told one of them that they had been down before and were not able to finish and that they would like to finish their application forms at this time. She told the other man what their names were and he looked up their application forms and gave them to them. He instructed both of them to sit down at the table where they usually fill out their forms. He did not explain anything to them about their application forms other than that they were to fill them out.

I showed the interviewee her application form and asked her why she had signed it underneath the oath. She stated that she was not instructed to sign there but just thought that she should. She said she did not ask any questions. She did not see any white people or Negroes applying on that second date.

When the interviewee and her husband finished they turn their application forms in to the registrar. One of them looked at it and said he thought it was all right and they would have to go through someone else before they were accepted.

The interviewee definitely remembers asking when they would hear whether or not they had been accepted and did not remember the answer but believes that she was told that they would hear within a certain number of months. The interviewee has never heard from these applications.

[redacted]

Interviewee never went back to apply again. She stated that she was working for a very ill woman last year who since then has died and therefore did not find time to go back and check on her application.

Evaluation. I believe this person would make a good witness. She is [redacted] but can express herself well and has good handwriting. She filled out a perfect application form and according to the registration book has been accepted for registration on the basis of this form. However, she has never been notified, does not know she is registered, and believes she is not registered to vote at this time. I did not explain to her that the book shows that she is registered and she still believes she is not a registered voter.

Sather
November 30, 1962

[redacted]
Elmore County, Ala.

Directions. Interviewee lives in [redacted]

[redacted]

Background. Interviewee is [redacted] years old and was born and raised in Elmore County. He has lived there (Elmore County)

[redacted]

[redacted]

Interviewee was [redacted]

[redacted]

[redacted]

The interviewee [redacted]

[redacted]

[redacted]

Registration. Interviewee is not registered in any county at this time. He once tried in [redacted] but was told that he was not a resident and since that time has attempted to register in Elmore County.

The first time he applied was in 1961 in July. He went to the courthouse in Wetumpka with [redacted] at about 9:30 or 10:00 in the morning. When they got into the courthouse they talked to registrar and were told to wait until the other registrar came in. Finally, the other registrar came in and they were given an application form and seated at a table in the registrars office. They were told not to talk to each other. There were several other white people and Negroes applying at the same time.



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While the applicant was filling out his application, he asked one of the registrars what precinct or beat he lived in as he did not know. The registrar told him that he was not supposed to give him that information but told him that he was in beat 3.



After he finished his application form, he turned it into the registrar who sounded as though it was Mr. Wideman. When Wideman looked at his application form he told him that he was not supposed to fill out the application for registration and that was for the registrars to do. Wideman then erased that part of the application form and the application for registration where the interviewee had signed his name in parts AR1 and AR2.

Wideman looked over the application form closely and said that he couldn't find anything wrong with it. He then gave it to Registrar Sanford who was present who looked it over for about the same period of time (ten minutes) and said that it looked all right to him too.

The witness stated that he was alone with the registrars at this time and was told by Sanford that they had a Chairman of the Board who tried to keep colored people from registering. This registrar told the interviewee that they couldn't keep colored people like him down, people who had college educations. Sanford stated that they couldn't keep them down because more people like him with good educations and background would just continue to keep coming in.

While the interviewee was there they did not sign the application form but the registrars told him that they didn't see any reason why he should not be registered. They told him that two of the registrars could pass him but only the chairman could put him on the registration books. They stated that if they passed him without working with the chairman, the chairman would just think they were being smart.

In August of 1961 the following month he returned to the registrars office and talked to registrar Wideman again. He told the registrars that he had been there the last month and applied and ~~wanted to~~ check on his application to see how he came out as he had not heard.  was with him and also told the registrars that he wanted to check on his application. They searched for both of their applications and said that they couldn't find them so they gave both of them new application forms to fill out.

While he was filling out his application form, the registrar found  original application form and told him that he had already passed the application and that it was signed. He took the new application form from the interviewee and tore it up and told him that he would be notified in 30 days.  agreed to this because there was no sense in filling out another application form if the other one had already been accepted. Interviewee never did hear from this application form.

[redacted]
Elmore

In July 1962, the interviewee returned to the registrars office about 11:00 in the courthouse in Wetumpka. He walked into the registrars office and was asked by one of the registrars, Mr. Strong, what he wanted. The interviewee stated that he wanted to check on his application form which he made out a year ago. He told Strong that he thought they had passed his application and that it had been signed and he was curious why he wasn't listed on the registration rolls.

Strong seemed to be irritated with the statements made by the interviewee and asked him "how do you know that it had been signed". Interviewee told him that he had returned and the registrars showed him that they had signed it. Strong turned to the other two registrars who were present and told him that he thought they weren't supposed to give information out about the applications. Both of the registrars agreed and denied having told anything to the interviewee. Strong then told the interviewee that the application did not pass. He looked into his drawer and into a group of application forms and wrote something on one of the application forms. The interviewee believed he wrote something on it about "didn't pass".

Strong then started arguing with him and accused him of coming in here with a bunch of lies and a big story. The interviewee got into a discussion with Strong and explained to him that he didn't come down with a bunch of lies and that he had no reason to come in and lie to him. Strong told him that if he wanted to he could appeal to the court but that he was supposed to do that 30 days from the period he was rejected, however, Strong told him that he would waive that period if he wanted to appeal. He then told the interviewee that if he didn't want to appeal to the courts he could appeal to the Justice Department and the Civil Rights boys as he dealt with them all the time.

After some discussion Strong gave the interviewee another application form and told him he could fill out another one. Interviewee went outside in the lobby to the Probate Judge's office where he was told to fill out his application form. He was given no instructions as to what out and what not to fill out on the form and he asked no questions. There were no other Negroes applying. When he finished, he turned in his application form to Strong who looked it over. Strong dwelled over question relating to previously being denied registration and the interviewee stated that he could see him looking at that question at a period of time as he did not seem to appreciate the answer which was put down by the interviewee. I believe that it was something to the effect that he had never heard. At that time Strong told him that they weren't grading the applications right then because they were busy. He told the interviewee that they would notify him or if he was back down that way that he could come in and check on his application form. The interviewee said that he would come in to check on his form.

The interviewee returned in a few days with [redacted] He went into the registrars office and talked to Mr. Strong and told him that he had come into check on his application form. Strong pulled out the file and looked at

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the applications. He wrote something on the application form of apparently the interviewee and said that his application form did not pass so he could come back in 90 days and take the examination again. The interviewee left and left in the registrars office to apply. The interviewee has never heard anything further from the Board nor has he been back to try and fill out another application form.

Evaluation. The interviewee makes a good appearance and he seems to be alert and intelligent.

A. A. Sather
Nov. 20, 1962

[REDACTED]
Elmore County, Ala.

Directions. This interviewee lives at [REDACTED]
[REDACTED]

Background. Interviewee is [REDACTED] years old and [REDACTED]
[REDACTED]

[REDACTED] He has lived in Elmore County all his life, [REDACTED]
[REDACTED] has never been arrested.

Registration. Interviewee has attempted to register on three occasions, and has filled out a form on each occasion but has never heard from the registrars.

The first interviewee attempted to register was in August 1961. He went to the courthouse alone to the registrar's office in the probate judge's office where he talked to Registrar Sanford. He was given an application form and told to sit at a table just outside the registrars' office in the main probate judge's office. He didn't ask any questions but the registrar did explain to him what portions of the application form should be filled out. He returned the application form to the registrar after completing it and was told that he would hear in a few days whether or not he passed. He never heard from that application.

The next time he attempted to register was in November of 1961 when he went to the courthouse in Wetumpka with [REDACTED] Once again he talked to Registrar Sanford. They were all given applications. When he was given his application Mr. Sanford told him that someone was getting on them about not passing Negroes but that he wanted to do his part and that he was giving them the blanks to fill out. The three of them were told to sit at the table in the main probate judge's office just outside the registrars' office. They were told by the registrar to do no talking. At one time while filling out his form there was a certain question on the application which the witness could not get any sense out of and could not determine whether or not he was supposed to fill it out, so he asked the registrar whether or not they were supposed to fill that question out. The registrar did not answer his question but merely told him to get through with the application because there were other people waiting. He turned it in to the registrar and explained to the registrar that on the last occasion when he applied he was told that he would hear of the outcome of his application and he never heard and that he

[redacted]
Elmore County, Ala.

was wondering what would be the procedure on hearing about this one. The registrar told the interviewee that he would hear in a few days. The interviewee never heard regarding his application.

The interviewee next applied approximately January 1962 when he went with [redacted] who was a teacher at Elmore County [redacted] but apparently lives [redacted] now although her home and child are still in Elmore County). They went to the courthouse in Wetumpka and again talked to Registrar Sanford who gave them application forms and told them to sit at the table just outside the registrars' office in the main portion of the probate judge's office. Three of the Negroes waited while the other three filled out their forms as they would only permit three to fill out forms at one time. The registrar informed them to be as quiet as possible and not talk while filling out their forms. No one asked any questions. When they finished they gave the applications to the registrar and were told by him that they would hear in a few days. Interviewee never heard from this application.

The interviewee never applied at another time nor subsequently returned to the board.

Evaluation. Interviewee should make a good witness. He appears to have a good, forthright approach, and [redacted]
[redacted]

Thirty-six additional interview statements
are part of the investigative report but
are not included here.

FBI REQUEST

In order to determine the standards and procedures which have been applied to white registrants and to obtain white witnesses in voter discrimination cases, the FBI was asked to interview white registrants about their registration experiences. An example of such a request for investigation is the attached request in United States v. Cartwright, previously titled United States v. Strong, involving white registrants in Elmore County, Alabama.

A suit was filed on the basis of the results of this investigation, interviews with rejected Negro applicants and an analysis of the records. A permanent injunction was issued in which the Court found a pattern and practice of discrimination and granted freezing relief.

REQUEST FOR INVESTIGATION

U.S. v. Strong, et al.

Elmore County, Alabama

(Copy #6)

Director
Federal Bureau of Investigation

Jan. 17, 1964
BM:AAS:mhs
72-2-32
#8208

Burke Marshall
Assistant Attorney General
Civil Rights Division

Request for Investigation, U.S. v. Strong, et al.
(Elmore County, Ala.)

A. Introduction

On July 19, 1963, this case was filed by the United States in the United States District Court for the Middle District of Alabama. This suit was brought under 42 U.S.C. 1971(a). Two copies of this complaint are attached for your information. We expect to try this case no later than March 1964. Information obtained from this investigation will be used in preparation for trial of this case and presented in the hearing.

The principal purpose of this investigation is to determine the standards and procedures which have been applied to white registrants in Elmore County, Alabama from 1960 to the present. This investigation is similar to those which your Mobile Office has previously conducted in other counties in which the standards and procedures applied to white registrants were established.

B. Registration Background

There are about 12,510 white persons and 4,808 Negroes of voting age in Elmore County. Of these, about 10,368 white persons and 280 Negroes are registered to vote. From January 1, 1952 to December 31, 1959 the Board of Registrars registered 4,421 white persons and 330 Negroes. From January 1, 1960 to December 1, 1963 the Board registered 1,748 white persons and seven Negroes. At least three of these Negro registrants were never told they were registered or given certificates of registration. Many qualified Negroes have been rejected. Between January 1960 and November 1962 alone, the Board rejected at least 13 applications filed by Negroes who are college graduates, 8 with some college, 20 by high school graduates and 29 with from 9 to 11 years of education. During this period the Board rejected a Negro teacher with a master's degree, the Negro Home Demonstration Agent for Elmore County and a Negro disabled veteran with the Bronze Star and Purple Heart and who has completed one year of college. The applications of all of these applicants showed them to possess the substantive qualifications and none of the disqualifications for registration to vote under Alabama law.

Records analysis and interviews with Negro applicants have revealed that since at least January 1960 the Board of Registrars has used the application form as a strict test for Negro applicants and that Negro applicants are rejected for technical, formal and inconsequential errors or omissions on their forms. Negroes are refused assistance by the registrars in filling out their forms and are not given instructions regarding the completion of their forms. Negroes are not administered the Oath nor are they instructed to sign the Oath. However, they are rejected for failure to sign the Oath. Rejected Negroes are not informed of their rejection unless they inquire at a later date about the Board Action on their forms and then they are not informed of the specific reason for their rejection.

It appears that beginning about 1960 or 1961 the Board began to reject some white applicants but these rejections constitute a small percentage of the total number of white persons who applied during the period. The Court in similar circumstances in adjacent Montgomery County found that such rejections were a sham. Analysis of the accepted application forms of white persons show that practically all of the applicants have filled out perfect application forms. It is apparent from this analysis and from our experience in other counties with the use of the application form that many of the white persons received assistance in the completion of their forms and that practically all of the registrants received instructions relating to the filling out of their forms. The attached information sheets set forth some of these indications of aid and assistance revealed by the registration records.

C. Race Identification

The race cannot be ascertained in the registration records for 150 of the 214 applicants who have been rejected by the Board since January 1, 1960. It is requested that you identify the race of these persons whose names are set forth in Attachment A. Copies of their rejected applications are also attached in case information contained on their forms will assist you in identifying these persons. These forms are numbered corresponding to the person's number in the attachment. (Return these forms accompanying your investigative report.)

Please limit as much as possible the number of contacts made to establish the race identifications. It may be necessary later to elicit the testimony of these persons if the parties are unable to stipulate to the race of the rejected applicants. It is preferred that post office employees or other persons connected with the federal government be used to establish the race identifications. (Your agents have used post office employees for this purpose in a number of Mississippi counties, including Pike, Lowndes, Claiborne and Jeff Davis.) In addition to the race of

those applicants set forth below, include in your report the name, address and occupation of the person who identifies each applicant and how that person knows the race of the applicant (for example, he knows the applicant or knows the area in which the person lives to be inhabited solely by persons of a specific race).

D. Investigative Request

It is requested that you obtain responsive statements from fifty-three of the white persons who are listed as prospective interviewees in Attachments B, C, and D. It is requested that signed statements be obtained whenever possible. (Signed statements have been of great assistance in presenting at the hearing the information obtained in the investigation.) Copies of the application forms needed to conduct this investigation are attached to this request. A tab is attached to each form indicating the respective interview or interviews in which the form is to be used. These application forms constitute part of a government exhibit to be introduced at the hearing of this case and it is requested that no marks be placed upon them and that they be returned to us with your report in this investigation.

Attachment B consists of twenty-four separate information sheets each of which relates to a prospective interviewee who was registered in 1963. Please obtain at least twenty responsive statements from this attachment with preference given to the order in which the prospective interviewees are listed. Attachment C consists of twenty-eight separate information sheets each of which relates to a prospective interviewee who was registered in 1962, 1961 or May 1960. Please obtain at least twenty-two responsive statements from this attachment with preference given to the order in which the prospective interviewees are listed. Attachment D consists of eleven separate information sheets each of which relates to a prospective interviewee who has been rejected since January 1960 and subsequently registered except for one person who apparently has not reapplied. Please obtain a responsive statement from each of these prospective interviewees. If the requested number of responsive statements cannot be obtained in an attachment then additional persons should be interviewed in the other attachments in order to obtain the requested fifty-three interviews.

The information sheets contain comments based on a thorough analysis of the application of each interviewee and of other applicants, particularly those applying on the same day as the interviewee. These comments set forth an analysis of the application form including a description of these indications of assistance found on the interviewee's application form. These sheets also seek information in addition to that set forth below in the general request. These information sheets are for use by interviewing agents and should not be exhibited to the interviewee.

An index for attachments precedes the attachments. Footnotes to this index set forth those interviews for which it is requested that the same agent participate in several particular interviews.

Most of the information sheets request that certain handwriting specimens be obtained from the interviewees. Please return these specimens to the Department with the report of your investigation.

Each person should be interviewed for the following information in addition to that sought in the attached information sheets. The interviews should not be limited to the specific information sought by the request where it appears during the interview that additional facts would be relevant to the purpose of this investigation. Also, the agents should interview persons other than those listed as prospective interviewees when it becomes apparent that these other persons have important information relating to the purpose of this request, except in the case of the defendant registrars.

1. The following background information should be obtained from the interviewee even though some of the information is set forth in the information sheets and on the interviewee's application form.

- (a) Address and telephone number.
- (b) Age and period of residence in Elmore County.
- (c) Present occupation.
- (d) Educational background.
- (e) Military service.
- (f) Prior arrests or convictions.
- (g) Marital status (including husband's name and occupation).

2. Determine if the interviewee was ever previously registered, and, if so, where and when. Determine how many times the interviewee has applied (or attempted to apply) for registration to vote in Elmore County. (If the interviewee has applied or attempted to apply on occasions other than those discussed in the interviewee's information sheet, obtain the information sought in this investigation also for these other occasions.)

3. Where did the interviewee go to register. If he states he went to the registrar's office in the county courthouse, he should be asked sufficient information concerning the description of the registrar's office to substantiate his belief that he applied in the registrar's office. (Several of your agents at the Mobile Office are familiar with the Elmore County Courthouse through photographing registration records at the courthouse on three different occasions. These agents should familiarize the agents conducting the interviews with a description of the registrar's

office and courthouse to enable the agents to question the interviewees fully about the place of application and places in the courthouse where various events during the registration process occurred. Your investigations in other Alabama counties established that white persons have registered at places other than the courthouse, such as in their homes or places of employment.) If the interviewee did not go to the courthouse, full details should be obtained regarding where and when he applied, who was present and under what circumstances his form was filled out and submitted. (During the remainder of this request it is assumed he applied at the county courthouse.)

4. Did someone accompany the interviewee to the courthouse. If so, who was this person (or persons) and what is the interviewee's relationship with that person (for example, is he a fellow employee, employer or a relative). About what time of day was it and on what day of the week. (Under law the Board meets on the 1st and 3rd Monday each month, and also the first week in July, 30 days in precincts during October and November in odd-numbered years, and 10 days in January on even-numbered years.) How did the interviewee know that he could apply at that time and place. If he saw a notice, where was it and what did it say. If someone told him, who and under what circumstances. Where did the interviewee go in the courthouse and how did he learn that this was where he could register. (Presently no signs are posted in the courthouse pointing out the place where the registrars meet. The registrars meet in a room in the Probate Office to the left of the main entrance as one enters the courthouse on the first floor. This room is to the right after entering the Probate Office and the door is marked "Commissioner's Office". The board keeps its records in this room. Your agents have worked in this room which is next to the vault where your agents set up their camera. White applicants fill out their forms in the registrar's office. Negro applicants fill out their forms in the Probate Office next to the entrance to the Probate Office from the hallway.) If the interviewee works during the normal registration hours, what arrangements did he make with his employers or with the registrars (or other county officials) to enable him to apply on this occasion.

5. What occurred when the interviewee arrived at the registration office. Did he know any of the registrars; if so, which ones, and how does he know them; if not, how did he learn which persons were the registrars. (The names of the Elmore County registrars since January 1960 are listed in Section B below. The registrar who appears from the form to have processed the interviewee is listed in the information sheet. The registrars signing the Board Action on page four of the form were probably present as the applications appear to have been acted upon on the date they were submitted.) Did the interviewee have to wait before receiving

his form from the registrar, and, if so, how long, where and why did he have to wait. Were other persons also applying for registration. If so, about how many and where were they (for example, were they at tables, how many at each table, how many were filling out forms, how many were waiting). Were the registrars in the same room as those filling out forms. How many registrars were there and where were they in the room in relation to those persons who were applying. Where did the interviewee fill out his application form in relationship to the other applicants and to the registrars. (The number of persons who were registered on the day that the interviewee applied is set forth in the information sheet. The totals for some of these days are high indicating a great deal of activity in the registrar's office on these dates.)

6. Ascertain in detail the procedures experienced by the interviewee in registering to vote and in particular the contacts with the registrar from the time the interviewee first talked to the registrar until the interviewee left the courthouse.

(a) Ascertain the circumstances under which the interviewee received the application form. What conversation did he have with the registrar (or any other person). Did the registrar ask him his name, where he lived, where he was born, how long he had lived in Elmore County, whether he had been in the service, where he worked, how old he was, whether he had been arrested or convicted of any offenses (Q2 of the Supplemental Application for Registration and Oath on page three requires the registrar to affirmatively establish whether the applicant has been convicted of a disqualifying offense) or any other questions relating to the interviewee's qualifications. Did the registrar ask the interviewee whether he had ever been registered to vote before. (State law requires the Boards to notify any Alabama County where an applicant is currently registered that the applicant has registered in another county.) Did the registrar go over the four pages with the interviewee and show him which parts should be filled out and which parts should not; did the registrar indicate to the interviewee how to answer certain questions which were difficult or confusing; and did the registrar provide any other instructions. Did the registrar tell the interviewee where to sit to fill out the form. What, if anything, did the registrar tell the interviewee to do when he became confused or did not understand a question on the form. (If the interviewee recalls no instructions, determine if he was told that the form was a strict examination or that he could not talk to anyone or ask any questions.)

(b) What occurred while the interviewee's application form was filled out. Did the interviewee talk to the registrar or any other person while filling out his form, and, if so, who, when during the registration process and what was the nature of their conversation. Did the interviewee find any of the questions

confusing, ambiguous or difficult to understand, and, if so, did he discuss them with the registrar or another person, who and what was the nature of their conversation. (For example, your investigations in other Alabama counties have shown that applicants are often confused about the question relating to date of residence in state, county and precinct. The question is worded in a confusing manner, many persons are not sure of what "bona fide" or "residence" mean or they are not sure whether the answer requires the date when they came to the state and county or when the required period for legal residence had elapsed. Applicants are confused about listing duties and obligations of citizenship as they think there may be certain specific ones to be listed. Many applicants are confused by the question about giving aid and comfort as it is grammatically ambiguous and many also find the question relating to the priorities of the duties and obligations difficult as many persons do not know what "secular" means and some are not sure of the meaning of "priorities". Applicants also fail to list their name or address in an answer because they have listed it at other places on their form and they feel it is not necessary to list again. Records analysis and investigations have shown that applicants in other counties will leave questions on the form unanswered or incomplete or list incorrect answers and leave them unchanged unless they discuss the questions and answers with a registrar or another person. This has been true with the well-educated as well as the poorly educated, and particularly with the latter. The information sheets focus on those parts of the interviewee's application forms which indicate possible assistance, but investigations have shown that much of the assistance received by an applicant often may not be determined from the form alone.) Did the interviewee, while filling out his application, take it to a registrar and talk to him about the form or did a registrar come to where the interviewee was filling out his form, and, if so, what was the conversation between the interviewee and the registrar. Did the interviewee refer to an application form which was already completed while filling out his form. In those cases where the interviewee did not fill out his form, determine who filled out the form, why this procedure was followed and where the form was filled out with respect to other applicants. Determine whether the registrar was present when this procedure was followed and whether the registrar had knowledge this procedure was being used. Ascertain the exact procedure followed which enabled the person who filled out the form to obtain the personal information about the interviewee. Determine how long it took the interviewee to complete the filling out of his application. If other persons were also applying, ascertain what procedures were being followed with respect to these other persons. (For example, did the registrar walk among them and talk to them or give them instructions or assistance as they needed it; did the registrar make any statements to the whole group or did members of the group converse together while filling out their forms.)

(c) What occurred when the interviewee finished filling out his application form. What did the interviewee do with his form. Did he hand it to a registrar (or another person); did the registrar ask the interviewee if he was finished; where was the person to whom the application was turned in. When the interviewee handed in his form, did the registrar look over the first two pages of the form; did the interviewee discuss anything about his form with the registrar; did the registrar point out any parts which were incomplete or incorrect; did the registrar ask the interviewee to reread any parts of his form or whether he really meant to answer any question as he did; did the interviewee make any changes or additions on his form after he first went to the registrar to turn in his form. Was the interviewee informed by the registrar after turning in his application form whether his application had been accepted or rejected (see paragraph 8 below); if not, was the interviewee told when and how he would later learn whether his application was accepted or rejected. Was the interviewee given any information by the registrars about whether he would have to pay poll tax, and where and when poll tax was to be paid.

(d) Determine when during the registration process and under what procedures the interviewee signed on the dotted line under the Oath on page three of the application form. (This signature is discussed in detail in the information sheets.) Did this occur when the interviewee first received his application form, while he was filling out his form or when he was turning it in to the registrar. Did the interviewee swear to and sign the Oath in the presence of the registrar who signed the Oath indicating that such procedure was followed. (That portion of the Oath filled out by the registrar reads above the Oath -

STATE OF ALABAMACOUNTY.
Before me,, a registrar
in and for said county and state, personally
appeared an applicant for
registration as an elector who being by me
first duly swore [emphasis added] deposes and
says: ...

-and below the Oath -

Sworn to and subscribed before me in the
presence of the Board of Registrars [emphasis
added] this day of
19.....[signature of registrar] member of
the Board of Registrars for
County.)

Did the registrar indicate to the interviewee that he should sign on the dotted line under the Oath; did the registrar tell the interviewee he was under oath when he signed his name; did the registrar

know the interviewee was signing the Oath and did he observe the interviewee sign his name under the Oath. Determine why the interviewee signed this dotted line under the Oath (for which there are no instructions on the form indicating that portions should be filled out and signed by the interviewee). Determine whether the interviewee discussed the necessity of filling out any part of page four (containing the Action of the Board and Examination of Supporting Witness) or of producing a supporting witness before the Board to vouch for him, and, if so, with whom and what was the nature of the conversation. (The Elmore County Board has not required a supporting witness to sign the applicant's form or for that part of the form to be filled in as do some boards.) Determine if the interviewee discussed with the registrar who he should list as the two references in answer to one of the questions on his form; whether the registrar suggested who he should list as his references; or whether the registrar stated any requirements for the references, such as that he be a resident of Elmore County or a registered voter in Elmore County.

7. After leaving the office having submitted his application, did the interviewee return to the registrar's office (or go to any other office) in connection with his registration. If so, develop full details including for what purpose he returned, whether anyone advised him to return, when and where he went, and what occurred.

8. When, how and from whom did the interviewee receive his registration certificate. If he received it when he applied, determine what procedure was followed by the Board in checking the form and approving the application (the approval of two members is required by state law) in filling out the certificate of registration and giving it to the interviewee. Did the interviewee see the registrars sign the Board Action on his application form and sign the certificate of registration. If the interviewee did not receive his certificate when he applied, did he receive it in the mail; did someone bring it to him, and, if so, who; or did he have to return to receive it, and, if so, how did he learn that this was required of him, to which office did he go and from whom did he obtain his certificate. Determine if the interviewee has a certificate of registration and if he does, inspect the certificate and record the beat number, date of issuance and names of the registrars who signed the certificate. (A copy of a certificate is attached to the application of Charles Boyer, D-1).

9. What precinct does the interviewee live in. When he filled out his application form, did he discuss his precinct number with anyone, and, if so, when during the registration procedure, with whom and what was the nature of the conversation. If not, how did he learn what precinct he lives in. (The interviewee listed his precinct number in answer to the question on his form - "(b) When did you become a bona fide resident of Ward or precinct ...")

What precinct and box does the interviewee vote in. Has the interviewee voted in any election since January 1, 1960 and, if so, on what occasions. Does the interviewee pay poll taxes, and, if so, what procedure has he followed in paying these taxes (where, when and how much). If the interviewee is exempt, what is the reason for his exemption, did he have to see anyone other than the registrars to obtain this exemption, and, if so, who, where, when and what procedures were followed.

E. Background Information on Registrars

Your report dated October 11, 1963, reflects that the current Elmore County Board of Registrars (which took office in October 1963) consists of Frank Strong of Wetumpka, Chairman; Mrs. Frances Elizabeth L. Cartwright of Wetumpka and Fred Formby of Tallassee, members.

From at least May 1960 to about April 1963 the Board of Registrars consisted of J. B. Sanford, Chairman; R. H. Wideman and Frank Strong, members. From about May 1963 to October 1963 the Board consisted of Robert M. Alton, Sr. of Tallassee, Chairman; and M. L. Hardin of Eclectic and Frank Strong of Wetumpka, members.

The registrars prior to 1960 are not known. (No accepted applications prior to June 1961 except for May 1960 and no rejected applications prior to 1960 have been made available to the government. They apparently have been destroyed.)

Determine the names and periods of service of all persons who have served as registrars in Elmore County since January 1952. Also determine with respect to those persons who have served as registrars since May 1960 the following information: Address; approximate age; occupation (if retired, then occupation prior to retiring); official positions which have been held (elective and appointed), other than membership on the board of registrars, and periods of such positions; marital status and occupation of spouse and official positions held by spouse, including period of such positions. The defendant registrars should not be contacted to obtain this information and it is preferred that the information be obtained from someone other than prior registrars if possible.

I N D E X T O A T T A C H M E N T SA T T A C H M E N T A

Attachment A consists of a list of the names and addresses of specific rejected applicants who are numbered A-1 through A-150. This list immediately follows this index. The application forms for these applicants are numbered correspondingly from A-1 to A-150 and accompany this request.

A T T A C H M E N T B

This attachment consists of information sheets for twenty-four prospective interviewees. These information sheets are listed below. The application forms referred to in these information sheets are numbered correspondingly and accompany this request.

| <u>Number</u> | <u>Name</u> | <u>Address</u> | <u>Date of Application</u> |
|---------------|-------------|----------------|----------------------------|
| B-1 | | | 10-21-63 |
| B-2 | | | 10-21-63 |
| B-3 | | | 10-21-63 |
| B-4 | | | 10-21-63 |
| B-5 | | | 10-21-63 |
| B-6 | | | 10-21-62 |
| B-7 | | | 10-15-63 |
| B-8 | | | 10-15-63 |
| B-9 | | | 10-14-63 |

| <u>Number</u> | <u>Name</u> | <u>Address</u> | <u>Date of Application</u> |
|---------------|-------------|----------------|----------------------------|
| B-10 | | | 10-14-63 |
| B-11 | | | 10- 9-63 |
| B-12 | | | 10- 9-63 |
| B-13 | | | 10- 7-63 |
| B-14 | | | 9-16-63 |
| B-15 | | | 9-16-63 |
| B-16 | | | 9-16-63 |
| B-17 | | | 9-16-63 |
| B-18 | | | 2- 4-63 |
| B-19 | | | 2- 4-63 |
| B-20 | | | 1-21-63 |
| B-21 | | | 2- 4-63 |
| B-22 | | | 10-19-63 |
| B-23 | | | 10- 9-63 |
| B-24 | | | 10-17-63 |

ATTACHMENT C

This attachment consists of information sheets for twenty-eight prospective interviewees. These information sheets are listed below. The application forms referred to in these information sheets are numbered correspondingly and accompany this request.

| <u>Number</u> | <u>Name</u> | <u>Address</u> | <u>Date of Application</u> |
|---------------|-------------|----------------|----------------------------|
| C-1 | | | 4-20-62 |
| C-2 | | | 4-16-62 |
| C-3 | | | 4-16-62 |
| C-4 | | | 4-10-62 |
| C-5 | | | 4- 2-62 |
| C-6 | | | Apr. 1962 |
| C-7 | | | 5-10-62 |
| C-8 | | | Mar. 1962 |
| C-9 | | | Mar. 1962 |
| C-10 | | | 2- 5-62 |
| C-11 | | | 1-25-62 |
| C-12 | | | 11- 6-61 |
| C-13 | | | 11- 6-61 |

| <u>Number</u> | <u>Name</u> | <u>Address</u> | <u>Date of Application</u> |
|---------------|-------------|----------------|----------------------------|
| C-14 | | | 11- 6-61 |
| C-15 | | | 10-19-61 |
| C-16 | | | 10-16-61 |
| C-17 | | | 10- 9-61 |
| C-18 | | | 9-18-61 |
| C-19 | | | 8- 7-61 |
| C-20 | | | 5-16-60 |
| C-21 | | | 5-16-60 |
| C-22 | | | 5-16-60 |
| C-23 | | | May 1960 |
| C-24 | | | 1-22-62 |
| C-25 | | | 1-30-62 |
| C-26 | | | 2-19-62 |
| C-27 | | | 10-19-61 |
| C-28 | | | 5-16-60 |

ATTACHMENT D

This attachment consists of information sheets for eleven prospective interviewees. These information sheets are listed below. The application forms referred to in these information sheets are numbered correspondingly and accompany this request.

| <u>Number</u> | <u>Name</u> | <u>Address</u> | <u>Dates of Applications</u> |
|---------------|-------------|----------------|--|
| D-1 | | | Acc. Nov. 1961 Rej. 8- 7-61 |
| D-2 | | | Acc. 4-20-62 Rej. 4- 2-62 Rej. 1-20-62 |
| D-3 | | | Acc. 4-20-62 Rej. 4- 2-62 Rej. 1-20-62 |
| D-4 | | | Acc. Apr. 1962 Rej. (Not given) |
| D-5 | | | Acc. 5-16-60 Rej. (Not given) |
| D-6 | | | Acc. 6-17-63 Rej. 1-31-62 |
| D-7 | | | Acc. Jan. 1963 Rej. (Not given) |
| D-8 | | | Acc. 10-21-63 Rej. 1-26-60 |
| D-9 | | | c, Acc. 4-16-62 Rej. (Not given) |
| D-10 | | | Acc. 1- 2-62 Rej. 10- 1-61 |
| D-11 | | | Acc. 8-21-61 Rej. 1-26-60 |

Footnotes to Index

- 1/ At least one of the agents who participates in interviews B-1, B-2 and B-3 should be the same for all three interviews.
- 2/ At least one of the agents who participates in interviews B-5 and B-22 should be the same for both interviews.
- 3/ At least one of the agents who participates in interviews B-14 and B-15 should be the same for both interviews.
- 4/ At least one of the agents who participates in interviews C-1, D-2 and D-3 should be the same for all three interviews.
- 5/ At least one of the agents who participates in interviews C-12 and C-13 should be the same for both interviews.
- 6/ At least one of the agents who participates in interviews C-15 and C-27 should be the same for both interviews.
- 7/ At least one of the agents who participates in C-20, C-21 and C-28 should be the same for all three interviews.

ATTACHMENT A

Race Identification of Rejected Applicants

| <u>Number</u> | <u>Name</u> | <u>Address</u> |
|---------------|-------------|----------------|
|---------------|-------------|----------------|

A-1

A-2

A-3

A-4

A-5

A-6

A-7

A-8

A-9

A-10

A-11

A-12

A-13

A-14

A-15

A-16

A-17

A-18

NumberNameAddress

A-19

A-20

A-21

A-22

A-23

A-24

A-25

A-26

A-27

A-28

A-29

A-30

A-31

A-32

A-33

A-34

A-35

A-36

A-37

NumberNameAddress

A-38

A-39

A-40

A-41

A-42

A-43

A-44

A-45

A-46

A-47

A-48

A-49

A-50

A-51

A-52

A-53

A-54

A-55

A-56

A-57

NumberNameAddress

A-58

A-59

A-60

A-61

A-62

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A-65

A-66

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A-70

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A-79

NumberNameAddress

A-80

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NumberNameAddress

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A-114

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A-119

A-120

A-121

A-122

NumberNameAddress

A-123

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A-135

A-136

A-137

A-138

A-139

A-140

A-141

A-142

NumberNameAddress

A-143

A-144

A-145

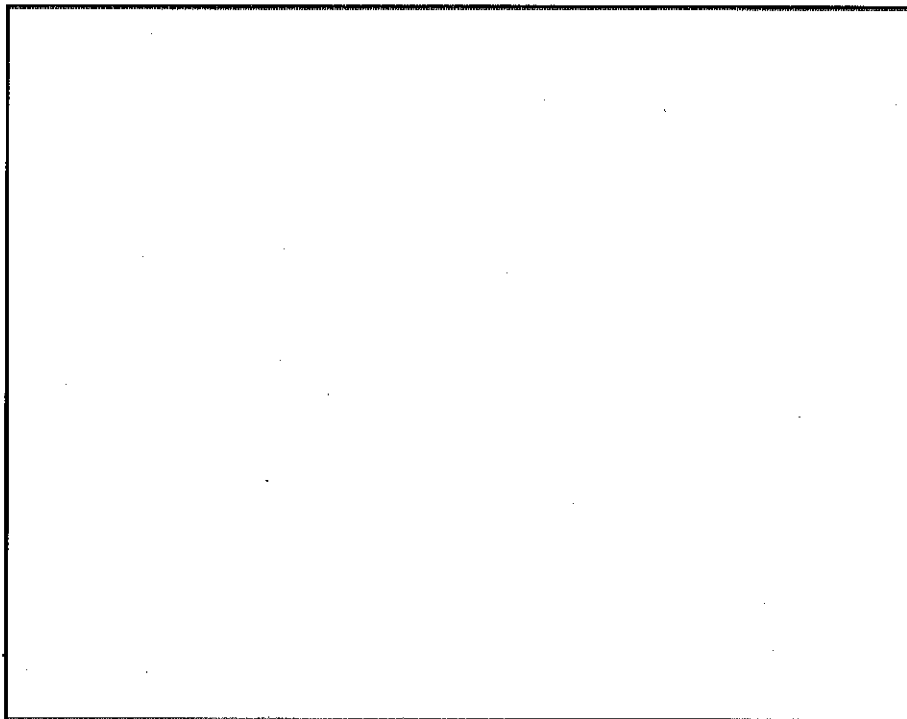
A-146

A-147

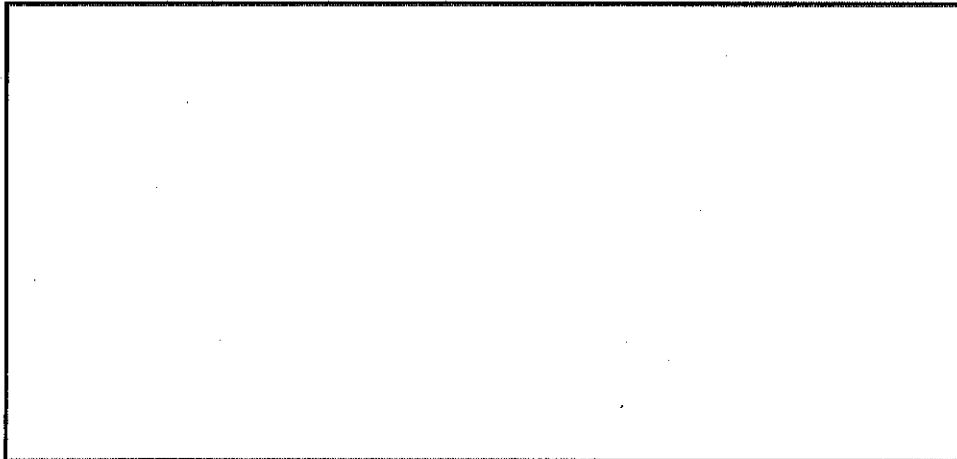
A-148

A-149

A-150



B-1.



The interviewee appears to have a very limited education and to be of marginal literacy. His application form is filled out in practically unreadable writing and the spelling is very poor. It is very possible that his literacy is so low that he is not capable of reading or understanding even the simple portions of the application form. Determine whether the interviewee filled out his own form and whether he can read. Request the interviewee to write his name and to write from dictation the duties and obligations of citizenship which appear on his application:

Obey the law of our Country

Request the interviewee to read aloud Q20a on his application form and list any words he cannot pronounce or which he pronounces incorrectly. If he can read this question ascertain what he understands the words "priority" and "secular" to mean as used in this question. If the interviewee states he cannot read or write because of a physical disability, question the interviewee further in order to determine the truth of such an assertion by the interviewee.

Our experience has shown that persons of low education and literacy are not able to fill out this complicated application form without assistance. Determine the instructions and assistance the interviewee was given regarding the filling out of his application form. The answers to several questions on the interviewee's application form appear to have been changed. See the second signature in the Application for Registration at the top of page one, Q1, Q3, Q4, Q5, Q5a, Q11, Q20 and Q21. Where a person such as the interviewee appears to be of very marginal literacy and where there are numerous changes on his form (and these changes are all correct) it is very possible that assistance was afforded the applicant in filling out his form. Determine under what circumstances these changes were made in the answers on the interviewee's form.

[redacted] also applied on 10-21-63 and was registered. His application is attached for use in this and his own interview. Both applicants work at [redacted] and it is probable that they applied together. The answers to several questions on these forms are very similar. Both listed identical duties and obligations of citizenship on their forms:

B-1

[redacted] cont'd.)

[redacted]
"Obay the low our Contry"

[redacted]
"Obay the law of our Country"

Both applicants listed identical answers to Q11 on their forms: "High School 7th grade"; and the answers in the Supplemental Application and Oath are very similar. Considering the circumstances it is very unlikely these similarities are the result of mere chance. Ascertain the circumstances surrounding these similarities in the answers on these two applications. In particular, determine whether they filled out their forms together by assisting each other, what contacts they had with the registrars or other persons while filling out their forms (both are of such low literacy it appears certain they would require assistance in filling out perfect forms); and if they worked together or with a third person. Determine if the registrar had knowledge or should have had knowledge of the procedures they followed. [redacted] also applied on 10-21-63 and was registered (his application is attached for use in this and his own interview) as did [redacted] (his application is attached for use in this interview). Both of these persons also work at the [redacted] and it is very possible all four applicants applied together. Determine which, if any, of these applicants applied together, what procedure was followed with respect to those who applied together and what contacts the interviewee had with these other three applicants when he applied.

Determine in detail the instructions the interviewee was given concerning the filling out of page three of his application form. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with the limited education of the interviewee could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrars to fill out, unless the applicant received specific instructions on what parts should be completed. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicate that the information and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Strong signed under both Oaths verifying that this procedure was observed. These signatures indicate that Strong probably processed the interviewee when he applied.

Q2 of the Supplemental Application and Oath does not require a negative response, but one appears in the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with a

([] cont'd.)

registrar. Q4 which does not require a negative response is also answered. Determine under what circumstances these portions of the Supplemental Application and Oath were answered.

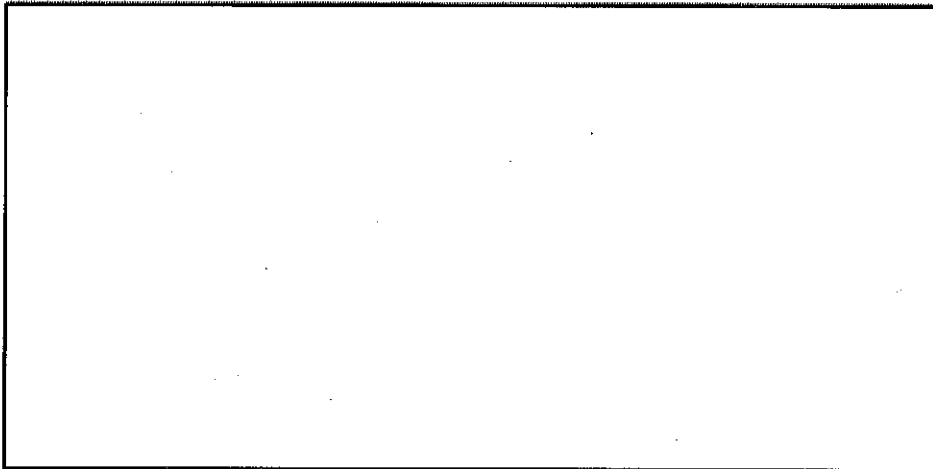
Ascertain whether the interviewee knows what precinct he lives in, what precinct he is registered in and the box number he votes in. Determine whether when his form was filled out his precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If he did not discuss his precinct with anyone determine how he learned what precinct he lives in. The answer to Q5b on his form states he became a resident of precinct 5 (box 2) on [] his date of birth.

Obtain full details on how, when and from whom the interviewee received his certificate of registration. If he received his certificate when he applied, ascertain the procedures followed; particularly whether the registrar or another person checked his application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at his form before he received a certificate and whether the registrars filled out the certificate of registration in his presence.

The Board registered twenty-one white persons and no Negroes on 10-21-63. This date fell on the third Monday of the month which is a regular registration day.

At least one of the agents who participates in the interview of [] [] should participate in this interview unless it is preferred to interview both of these persons simultaneously.

B-2.



The interviewee appears to have a limited education and to possess low literacy. His application form is filled out in poor writing but there are no errors or omissions on his form. Our experience has shown that persons of low education and literacy are not able to fill out this complicated application form without assistance. Determine the instructions and assistance the interviewee was given regarding the filling out of his application form.

[redacted] also applied on October 21, 1963 and was registered. His application is attached for use in this and his own interview. Both applicants work at the [redacted] and it is probable that they applied together. The answers to several of the questions on their forms are very similar. Both listed identical duties and obligations of citizenship on their forms:

[redacted]:

"Obay the law of our Country."

[redacted]:

"Obay the law our Country."

Both applicants listed identical answers to Q11 on their forms: "High School 7th grade"; and the answers in the Supplemental Application and Oath are very similar. Considering the circumstances, it is very unlikely these similarities are the result of mere chance. Ascertain the circumstances surrounding these similarities in the answers on these two applications. In particular, determine whether they filled out their forms together by assisting each other, what contacts they had with the registrars or other persons while filling out their forms (both are of low literacy and probably required assistance in order to fill out perfect forms); and if they worked together or with a third person, determine if the registrar had knowledge or should have had knowledge of the procedures they followed. [redacted] also applied on October 21, 1963 and was registered (his application is attached for use in this and his own interview) as was [redacted] (his application is attached for use in this interview). Both of these persons also work at the [redacted] and it is very possible all four of these persons applied together. Determine which, if any, of these applicants applied together, what procedure was followed with respect to those who applied and what contacts the interviewee had with these other three applicants when he applied.

B-2

[redacted] cont'd.)

Determine whether the interviewee filled out his own form and whether he can read. Request the interviewee to write his name and to write from dictation the duties and obligations of citizenship which appear on his form and which are listed above. Request the interviewee to read aloud Q20a on his application and list any words he cannot pronounce or which he pronounces incorrectly. If he can read this question ascertain what he understands the words "priority" and "secular" to mean as used in this question. If the interviewee states he cannot read or write because of a physical disability, question the interviewee in order to determine the truth of such an assertion by the interviewee.

Determine in detail the instructions the interviewee was given concerning the filling out of page three of his application form. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with the limited education of the interviewee could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrars to fill out, unless the applicant received specific instructions on what parts should be completed. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicate that the information and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Strong signed under the Oaths verifying that this procedure was observed. These signatures indicate that Strong probably processed the interviewee when he applied.

Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with a registrar. Q4 which does not require a negative response is also answered. Determine under what circumstances these portions of the Supplemental Application and Oath were answered.

Ascertain whether the interviewee knows what precinct he lives in, what precinct he is registered in and the box number he votes in. Determine whether when his form was filled out his precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If he did not discuss his precinct with anyone determine how he learned what precinct he lives in. The answer to Q5b on his form states he became a resident of precinct 9 (box 1) on September 12, 1963.

Obtain full details on how, when and from whom the interviewee received his certificate of registration. If he received his certificate when he applied

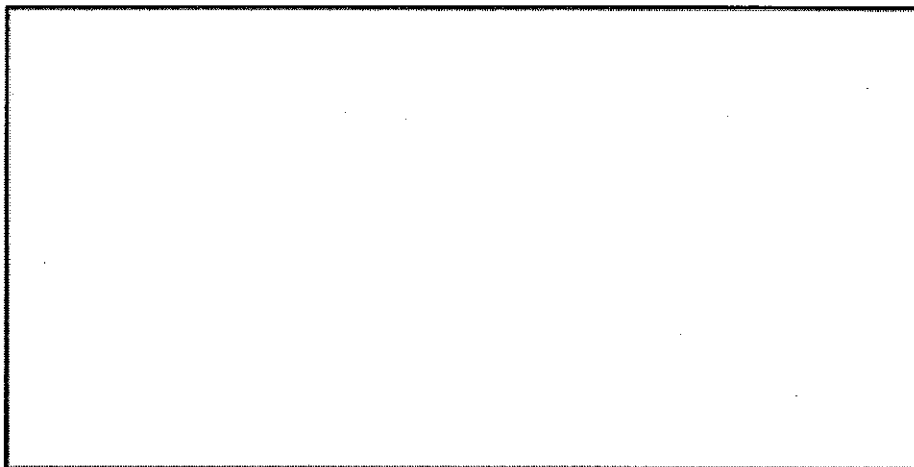
([redacted] cont'd.)

ascertain the procedure followed; particularly whether the registrar or another person checked his application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at his form before he received a certificate and whether the registrars filled out the certificate of registration in his presence.

The Board registered twenty-one white persons and no Negroes on [redacted] 1963. This date fell on the third Monday of the month which is a regular registration day.

[redacted] At least one of the agents who participates in the interview of [redacted] should participate in this interview unless it is preferred to interview both of these persons simultaneously.

B-3.



The interviewee appears to have a limited education. His application form is filled out in fair handwriting and there are several errors on the form (the answer to Q10(2) is "no" instead of "married" or "single" and the answer was omitted to Q18(10)). Our experience has shown that persons of low education are not able to fill out this complicated application form without assistance. Determine the instructions and assistance the interviewee was given regarding the filling out of his application form. The answers to several questions on the interviewee's application form appear to have been changed. See the answer to Q1 and Q13(5a). (Also several answers appear to have been traced over; for example Q3(15), Q5(17), and in Supplemental Application - Q1 and "nothing" under Remarks.) Where a person of limited education makes changes in the answers on his form (and these changes are all correct) it is very probable that he received assistance in filling out his application. Determine under what circumstances these changes were made in the answers on the interviewee's form.

Establish whether the interviewee filled out his own application. Request the interviewee to write his name and to write from dictation the duties and obligations of citizenship which are listed on his form:

"Obay the law. Uphold the Law of Government."

Request the interviewee to read aloud Q3a(20a) on his application form and list any words he cannot pronounce or which he pronounces incorrectly. If he can read this question ascertain what he understands the words "priority" and "secular" to mean as used in this question.

[redacted] and [redacted] applied and were registered on the same date as the interviewee. These applications are attached for use in this interview if necessary. [redacted] are also listed as prospective interviewees.) All of these persons work at the [redacted] and it is possible that they applied together. There are very close similarities in the answers on [redacted] forms but the interviewee is not unusually similar to those of the other three. Determine which, if any, of these applicants applied together, what procedure was followed with respect to those who applied and what contacts the interviewee had with these other three applicants when he applied.

B-3

[redacted] cont'd.)

Determine in detail the instructions the interviewee was given concerning the filling out of page three of his application form. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with the limited education of the interviewee could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrars to fill out, unless the applicant received specific instructions on what parts should be completed. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicate that the information and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Strong signed under the Oaths that this procedure was observed. These signatures indicate that Strong probably processed the interviewee when he applied.

Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this question with a registrar. Q4 which does not require a negative response is also answered. Determine under what circumstances these portions of the Supplemental Application and Oath were answered.

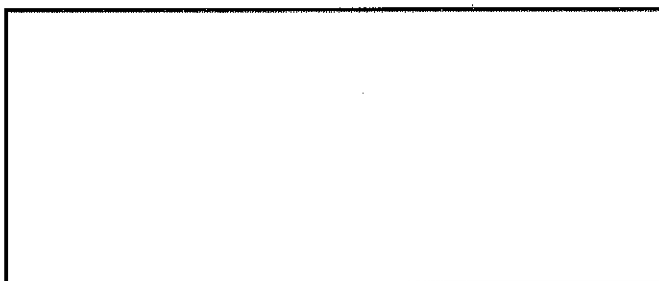
Ascertain whether the interviewee knows what precinct he lives in, what precinct he is registered in and the box number he votes in. Determine whether when his form was filled out his precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If he did not discuss his precinct with anyone determine how he learned what precinct he lives in. The answer to Q13b(5L) on his form states he became a resident of precinct 9 (box 1) on October 13, 1961.

Obtain full details on how, when and from whom the interviewee received his certificate of registration. If he received his certificate when he applied ascertain the procedures followed; particularly whether the registrar or another person checked his application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at his form before he received a certificate and whether the registrars filled out the certificate of registration in his presence.

The Board registered twenty-one white persons and no Negroes on [redacted] 1963. This date fell on the third Monday of the month which is a regular registration day.

At least one of the agents who participates in the interviews of [redacted] [redacted] should participate in this interview unless it is preferred to interview these persons simultaneously.

B-4.



The interviewee appears to have a limited education (determine the number of years of schooling) and appears to possess low literacy. His application form is filled out in poor writing and several simple words are misspelled. (For example, "Wetumpka" for Wetumpka - Q1 and others; "Grad" for grade - Q19(11); and the duties and obligations of citizenship are listed in Q8(20) - "Obey State Law of Untis tate.") Still the interviewee's form contains no errors or omissions. Our experience has shown that persons of low education and literacy are not able to fill out this complicated application form without assistance. Determine the instructions and assistance the interviewee was given regarding the filling out of his application form.

The answers to several questions on the interviewee's application form appear to have been changed. See the answers to 8a(20a), Q13a(5a) and Q7(19). (Q7(19) was observed on the original application form by Mr. Gabel of our office as having been changed. (This change is barely noticeable on the attached copy.) Where a person appears to be of marginal literacy, such as the interviewee, and where there are changes on his form (and these changes are all correct) it is very probable that assistance was afforded the applicant in filling out his form. This is particularly true in the case of the interviewee where he corrected Q7(19) and Q82(20a) on his form. These are probably the most confusing and difficult questions on the application. The necessity of assistance for these corrections may become more apparent when the interviewee is questioned about Q8a(20a), (see below). Determine under what circumstances these changes were made in the errors on the interviewee's form.

Determine whether the interviewee filled out his own form and whether he is of marginal literacy. Request the interviewee to write his name and to write from dictation the following duties and obligations of citizenship:

Obey the law of the State and United States.

Request the interviewee to read aloud Q8a(20a) on his application form and list any words he cannot pronounce or which he pronounces incorrectly. If he can read this question, ascertain what he understands the words "priority" and "secular" to mean as used in this question. If the interviewee states he cannot read or write because of a physical disability, question the interviewee further in order to determine the truth of such an assertion by the interviewee.

Determine in detail the instructions the interviewee was given concerning the filling out of page three of his application form. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with the limited education of the interviewee

B-4

([redacted] cont'd.)

could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrars to fill out, unless the applicant received specific instructions on what parts should be completed. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicates that the information and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Strong signed under both Oaths verifying that this procedure was observed. These signatures indicate that Strong probably processed the interviewee when he applied.

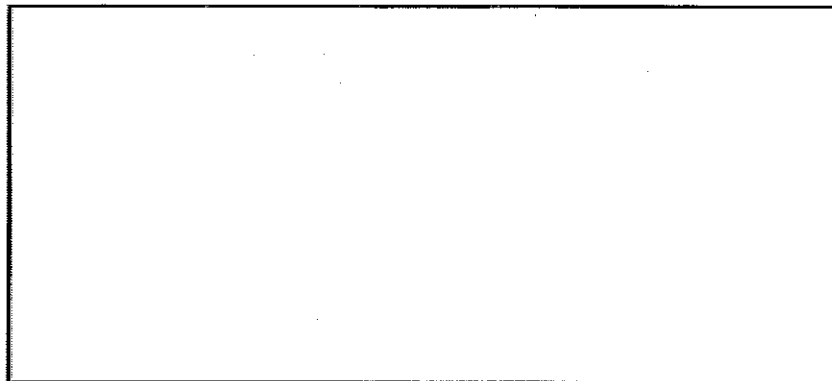
Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with a registrar. Q4 which does not require a negative response is also answered. Determine under what circumstances these portions of the Supplemental Application and Oath were answered.

Ascertain whether the interviewee knows what precinct he lives in, what precinct he is registered in and the box number he votes in. Determine whether when his form was filled out his precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If he did not discuss his precinct with anyone determine how he learned what precinct he lived in. The answer to Q13b(5b) on his form states he became a resident of precinct 8 (box 1) in 1962.

Obtain full details on how, when and from whom the interviewee received his certificate of registration. If he received his certificate when he applied, ascertain the procedure followed; particularly whether the registrar or another person checked his application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at his form before he received a certificate and whether the registrars filled out the certificate of registration in his presence.

The Board registered twenty-one white persons and no Negroes on October 21, 1963. This date fell on the third Monday of the month which is a regular registration day.

B-5.



The interviewee appears to have a limited education. (Determine the years of formal education the interviewee has had.) Still his application form is filled out in good handwriting and contains no errors or omissions.

Determine whether the interviewee filled out his own application and whether he is literate. Request the interviewee to write his name and to write from dictation the duties and obligations of citizenship which are listed on his application:

"Uphold the Law"

Request the interviewee to read aloud Q21a(20a) on his application form and list any words he cannot pronounce or which he pronounces incorrectly. If he can read this question ascertain what he understands the words "priority" and "secular" to mean as used in this question. If the interviewee states he cannot read or write because of a physical disability, question the interviewee further in order to determine the truth of such an assertion by the interviewee.

Our experience has shown that persons of limited education are not able to fill out this complicated application form without assistance. Determine what instructions the interviewee was given concerning the filling out of his application form.

Determine in detail the instructions the interviewee received concerning the filling out of page three of his application. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with a limited education could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrar to fill out, unless the applicant received specific instructions on what parts he should complete. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicate that the information and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Formby signed under both Oaths verifying that this procedure was observed. These signatures indicate that Formby probably processed the interviewee when he applied.

[redacted] cont'd.)

Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with the registrar. Note that Q4 which does not require a negative response has also been answered. Determine under what circumstances these portions were answered on the interviewee's form.

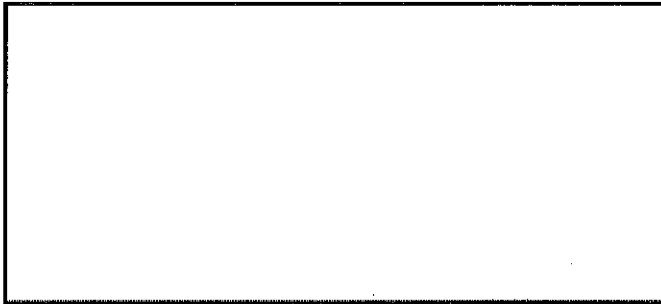
Determine whether the interviewee knows what precinct he lives in, what precinct he is registered in and the box number he votes in. Determine whether when his form was filled out his precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If he did not discuss his precinct with anyone determine how he learned what precinct he lives in. The answer to Q6b(5b) on the interviewee's form states he became a resident of precinct 16 (Box 2) in 1962.

Obtain full details on how, when and from whom the interviewee received his certificate of registration. If he received it when he applied ascertain the procedures followed; particularly whether the registrar or another person checked his application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at his form before he received a certificate and whether the registrars filled out the certificate of registration in his presence. (The Board Action on page four of the interviewee's application has not been filled out.)

On October 21, 1963 the Board registered twenty-one white persons and no Negroes. This date fell on the third Monday of the month which was a regular registration day.

The application form of [redacted] is attached for use in this interview. She applied on October 19, 1963 and was registered. Although she applied several days before (apparently during precinct registration), she may have on one or more occasions gone to register with or otherwise accompanied her husband, the interviewee, to register. Determine what knowledge the interviewee has with respect to his wife's registration and whether they ever accompanied each other to the place of registration. [redacted] is listed in this attachment as a supplemental prospective interviewee.

B-6.



The interviewee appears to have a limited education. His application is filled out in poor handwriting and numerous words are spelled incorrectly on his form (see particularly the spelling in the duties and obligations of citizenship listed in answer to Q12(20)). Otherwise his application contains only one minor omission (names known but omitted in answer to Q15(3)). Our experience has shown that persons of low education are not able to fill out this complicated application form without assistance. Determine what instructions and assistance the interviewee was given regarding the filling out of his application form.

Determine who and under what circumstances the "High ... Fire Sta." was written in the answer to Q1 of the Supplemental Application and Oath. This appears to be the interviewee's previous voting place in Montgomery County. This part of the answer appears to have been written by a person other than the person who filled out the application form.

Establish whether the interviewee filled out his own form and whether he can read. Request the interviewee to write his name and to write from dictation part of the duties and obligations of citizenship which appear on his form:

Vote, Participate in community activities. Support
your government.

Request the interviewee to read aloud Q12a(20a) on his application and list any words he cannot pronounce or which he pronounces incorrectly. If he can read this question ascertain what he understands the words "priority" and "secular" to mean as used in this question. If the interviewee states he cannot read or write because of a physical disability, question the interviewee in order to determine the truth of such an assertion by the interviewee.

Determine in detail the instructions the interviewee was given concerning the filling out of page three of his application form. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with the limited education of the interviewee could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrars to fill out, unless the applicant received specific instructions on what parts should be completed. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicate that the information

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and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Strong signed under the Oaths verifying that this procedure was observed. These signatures indicate that Strong probably processed the interviewee when he applied. The writing instrument used by Strong to sign under the Oath appears to be the same as that used by the person filling out the application. The writing instrument used by Strong to sign at the bottom of the Supplemental Application and Oath appears to be different than he used in the Oath. Determine what procedures were followed to have resulted in this difference.

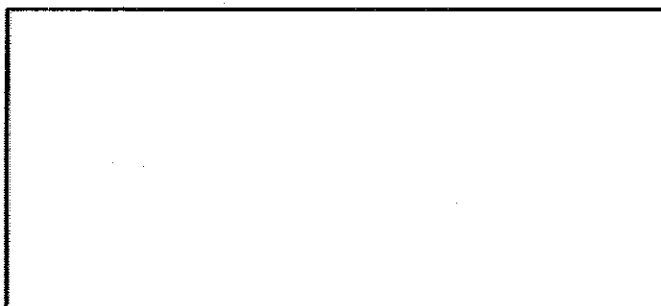
Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with the registrar. Note that Q4 which does not require a negative response has also been answered. Determine under what circumstances these portions were answered on the interviewee's form.

Determine whether the interviewee knows what precinct he lives in, what precinct he is registered in and the box number he votes in. Determine whether when his form was filled out his precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If he did not discuss his precinct with anyone determine how he learned what precinct he lives in. The answer to Q17b(5b) on his form states he became a resident of precinct 9 (box 2) on January 29, 1963.

Obtain full details on how, when and from whom the interviewee received his certificate of registration. If he received it when he applied, ascertain the procedures followed; particularly whether the registrar or another person checked his application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at his form before he received a certificate and whether the registrars filled out the certificate of registration in his presence. (The Board Action on page four of the interviewee's application has not been filled out.)

On October 21, 1963 the Board registered twenty-one white persons and no Negroes. This date fell on the third Monday of the month which was a regular registration day.

B-7.



The interviewee appears to have a limited education. (Determine the extent of her formal education.) However, the interviewee's application is filled out in fairly good handwriting and contains no errors or omissions. Our experience has shown that persons of limited education are not able to fill out this complicated application form without assistance. Determine the instructions the interviewee was given concerning the filling out of her application.

Determine whether the interviewee filled out her own form. Request the interviewee to write her name and to write from dictation the duties and obligations of citizenship which appear on her form:

"abide by the laws and constitution."

Request the interviewee to read aloud Q9a(20a) on her application form and list any words she cannot pronounce or which she pronounces incorrectly. If she can read this question ascertain what she understands the words "priority" and "secular" to mean as used in this question. If the interviewee states she cannot read or write because of a physical disability, question the interviewee further in order to determine the truth of such an assertion by the interviewee.

Determine in detail the instructions the interviewee received concerning the filling out of page three of her application form. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not possible that a person with a limited education could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrar to fill out, unless the applicant received specific instructions on what parts she should complete. Determine whether the interviewee signed on the line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and Supplemental Application and Oath indicate that the information and signatures placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Strong signed under the Oath and Supplemental Application and Oath verifying that such a procedure was observed. These signatures indicate that Strong probably processed the interviewee when she applied.

Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with the

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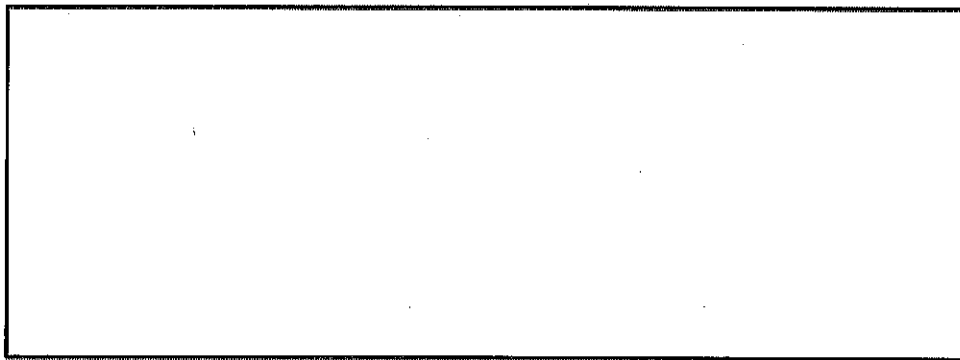
registrar. Q4 which does not require a negative response is also answered. Determine under what circumstances these portions were answered on the interviewee's form.

Determine whether the interviewee knows what precinct she lives in, what precinct she is registered in and the box number she votes in. Determine whether when her form was filled out her precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If she did not discuss her precinct with anyone, determine how she learned what precinct she lives in. The answer to Q14b(5b) on the interviewee's form states she became a resident of precinct 18 (box 2) in 1957.

Obtain full details on how, when and from whom the interviewee received her certificate of registration. If she received it when she applied, ascertain the procedures followed; particularly whether the registrar or another person checked her application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at her form before she received a certificate and whether the registrars filled out the certificate of registration in her presence. (The Board Action on page four of the interviewee's application has not been filled out.)

On October 15, 1963 the Board registered five white persons and no Negroes. This date fell on the third Tuesday of the month and was not a regular registration day. It is believed that the Board was conducting precinct registration on this date as they are authorized under law to do in odd number years. If the interviewee did not apply at the courthouse, determine where she applied, when during the day she applied, who else was present and the other details set forth in the general request relating to where the applicant applied, persons present and physical arrangements for processing the applicants. Determine how the interviewee learned she could apply at this time and place.

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The interviewee appears to have a limited education. Her application form is filled out in fair handwriting and it contains no errors or omissions. Our experience has shown that persons of limited education are not able to fill out this complicated application without assistance.

[redacted] also applied on October 15, 1963 and was registered to vote. He is the husband of the interviewee. His application form is attached for use in this interview. The answers on these two application forms are very similar and the handwriting is so similar that it appears that both forms were filled out by the same person. Both forms contain virtually identical duties and obligations of citizenship:

[redacted]:
"Obey all laws uphold Constitution."

[redacted]:
"Obey all laws uphold Constitution."

The same references are listed on both forms (compare Q6(21) on interviewee's form to Q4(21) on husband's form); and other similar answers on both forms, especially in the Supplemental Application and Oath. The handwriting appears to be identical on both forms. For example, compare the writing in Q1 on both forms; interviewee's Q5(20) to husband's Q3(2); interviewee's Q6(21) to husband's Q4(21); the [redacted] in interviewee's Q1 to same word in husband's Q5a(2a) and the yes and no answers on both forms. Full details should be ascertained regarding these similarities, how they occurred, what is the explanation for them and whether the registrar was aware of the procedures followed in filling out the forms.

The forms do not reveal who may have filled them out. If they were filled out by the same person it appears as though that person filled out both forms completely, including the signatures for the applicants. This fact indicates that the applicant who did not fill out a form may not have been present or else may be illiterate. This person was selected as the interviewee because her form shows her to have a 7th grade education while her husband appears to have a 9th grade education. The interviewee is more likely to not have filled out her form. However, one of the main purposes of this interview is to obtain the information from the person who did not fill out a form. Thus, if it appears from this interview that the husband did not fill out his form then also interview the husband with respect to the full information regarding his registration which is sought in this interview from the wife. Determine whether the

B-8

cont'd.)

interviewee filled out her own application and whether she possesses marginal literacy or is illiterate. Request the interviewee to write her name and to write from dictation the duties and obligations of citizenship which appear on her form and which are listed above. Request the interviewee to read aloud Q5a(20a) on her application form and list any words she cannot pronounce or which she pronounces incorrectly. If she can read this question, ascertain what she understands the words "priority" and "secular" to mean as used in this question. If the interviewee states she cannot read or write because of a physical disability, question the interviewee further in order to determine the truth of such an assertion by the interviewee. (This appears to be one of the more important interviewees. The validity should be determined of any reason put forward by the interviewee which constitutes a legal justification for her not filling out her form, if such was the case.)

Determine in detail the instructions the interviewee was given concerning the filling out of page three of her application. This is a difficult and confusing page and yet the applicant's portions are filled out correctly. It is not probable that a person with limited education could fill out page three perfectly (including one part containing no instructions that the applicant should fill it out) and also be able to determine which spaces should be left blank for the registrar to fill out, unless the applicant received specific instructions on what should be completed. Determine whether the interviewee signed on the dotted line under the Oath. This line is signed even though there are no instructions on the form directing the applicant to sign on this line. Ascertain whether the Oath was administered or pointed out to the interviewee and whether the interviewee swore to and subscribed to the Oath in the presence of a registrar. The printed statements under the Oath and the Supplemental Application and Oath indicate that the information placed on page three by the applicant should be sworn to and subscribed to in the presence of a registrar. Registrar Formby signed under both Oaths verifying that this procedure was observed. These signatures indicate that Formby probably processed the interviewee when she applied. (Note that all of these statements pertaining to page three are also applicable with respect to the husband's application.)

Q2 of the Supplemental Application and Oath does not require a negative response, but one appears on the interviewee's form. The statement under Q2 requires the registrar to question the applicant regarding any disqualifying convictions. Determine whether the interviewee discussed this matter with the registrar. Q4 which does not require a negative response is also answered in this portion of the application. Determine under what circumstances Q2 and Q4 were answered.

Ascertain whether the interviewee knows what precinct she lives in, what precinct she is registered in and the box number she votes in. Determine whether when her form was filled out her precinct number was discussed with a registrar or another person, and if so, when during the registration process, with whom and what was the nature of the conversation. If she did not discuss her precinct with anyone, determine how she learned what precinct she lives in. The answer to Q10b(5b) on her application form states she became a resident of precinct 8 (box 2) in 1942.

[redacted] cont'd.)

Obtain full details on how, when and from whom the interviewee received her certificate of registration. If she received it when she applied, ascertain the procedures followed; particularly whether the registrar or another person checked her application form and discussed errors or omissions on it with the interviewee. Ascertain if more than one registrar looked at her form before she received a certificate and whether the registrars filled out the certificate of registration in her presence.

The Board registered five white persons and no Negroes on October 15, 1963. This date fell on the third Tuesday of the month which is not a regular registration day. It is believed that the Board was conducting precinct registration on this date as they are authorized under law to do in odd numbered years. If the interviewee did not apply at the courthouse, determine where she applied, when during the day she applied, who else was present and the other details set forth in the general request relating to where the applicant applied, persons present and physical arrangements for processing the applicants. Determine how the interviewee learned she could apply at this time and place.

Fifty-five additional information sheets
comprising 192 pages are part of the
original request but are not included here.

ANALYSIS OF FBI REPORT

When the FBI has completed the investigation and submitted a report, it is necessary to analyze the report, to organize the information in order to determine what facts have been established, and to evaluate those facts. An example is the following analysis of an FBI investigation of intimidation of Negroes seeking to register in Wilcox County, Alabama.

This investigation and analysis resulted in the filing of United States v. Bruce, pursuant to Section 1971(b). This suit sought to enjoin public officials and private citizens in Wilcox County from coercion and intimidation for the purpose of interfering with the right of Negroes to register to vote. The district court granted the defendants' motion to dismiss, giving no reason for the dismissal. We appealed and the Fifth Circuit reversed and remanded. The trial has not yet been held.

ATTACHMENT BThe Nature and Origin of the Petitions

On Thursday, May 30, 1963, Lonnie Brown was told by the clerk while he was in the Alberta Post Office that she had a letter for him. The letter was not in his postal box and he received it from the clerk and had to sign a card which he believed was to show that he had received the letter (apparently it was a registered letter but Brown did not check the card acknowledging receipt to see who was to receive the receipt). This letter contained four petitions. All the petitions were similar to each other except for the different signatures at the bottom of each of the petitions. These petitions read as follows:

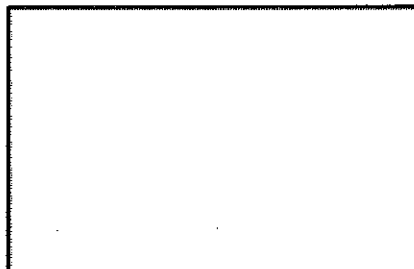
"Alberta, Ala.

_____, 1963

To: Lonnie Brown
Alberta, Ala.

THIS IS NOTICE TO YOU, YOUR AGENTS, REPRESENTATIVES AND EMPLOYEES:
UNDER TITLE 14, SECTION 426, Code of Alabama of 1940, to stay off any premises and lands, owned or controlled by us, and not to trespass at any time.

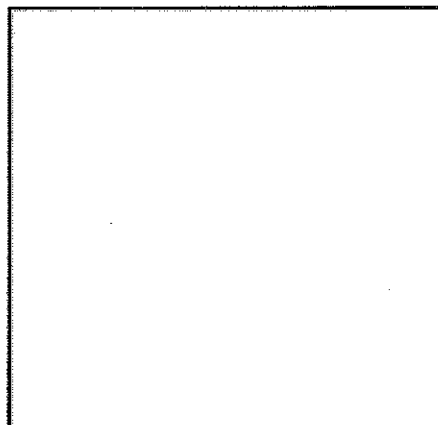
These petitions were photographed by the FBI, copies of which can be found in the Wilcox County 1971(b) Investigation file. The Bureau contacted practically all of the white persons signing the petitions. These petitions were signed by the white persons listed below. Each name is followed by the signer's address as reflected by the FBI report dated 6-28-63, and the page number of the report where the statement of the signer is set forth. (On pages 14 and 15 of the report the signatures are listed as they appear on the petitions. However, these are in some cases inconsistent or less complete than those reflected in the agents' interviews. Where this occurs it is footnoted.) These signatures appear below in the order in which they appear on the respective petitions. The petitions are numbered for our reference purposes. This number corresponds to the FBI photo identification number.

Petition No. 1

[Catherine, Ala.-FBI Rep. p.56]
 [Catherine, Ala.- " " p.54]
 [Catherine, Ala.- " " p.47]
 [Prairie, Ala.- " " p.49]
 [Prairie, Ala.- " " p.50]
 [Catherine, Ala.- " " p.45]
 [Catherine, Ala.- " " p.57]
 [Pine Hill, Ala.- " " p.58]

(Footnotes to Petition No. 1)

- 1/ Petition signed "W. H. Bruce".
- 2/ Petition signed as [redacted]
- 3/ This signer is listed on page 14 of the FBI Report as [redacted] (phonetic)".
- 4/ Petition signed as [redacted]
- 5/ Petition signed as [redacted]
- 6/ This signer is listed on page 14 of the FBI Report as [redacted] (phonetic)".
- 7/ Petition signed as [redacted] and listed on page 14 of the FBI Report as [redacted]

Petition No. 2

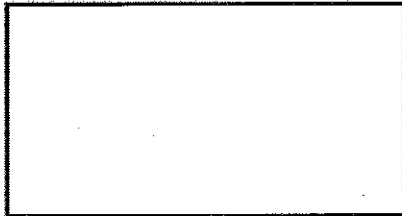
[Lamison, Ala.- FBI Rep. p.30]
 [Lamison, Ala.- " " p.32]
 [Lamison, Ala.- " " p.33]
 [Lamison, Ala.- " " p.34]
 [Lamison, Ala.- " " p.52]
 [Lamison, Ala.- " " p.36]
 [Lamison, Ala.- " " p.53]
 [Lamison, Ala.- " " p.44]
 [Lamison, Ala.- " " p.42]
 [Lamison, Ala.- " " p.43]
 [Lamison, Ala.- " " p.27 & 28]
 [Lamison, Ala.- " " p.20]
 [Lamison, Ala.- " " p.26]

(Footnotes to Petition No. 2)

- 1/ This signer is listed on page 14 of the FBI Report as [redacted]
- 2/ Petition signed as [redacted]
- 3/ Petition signed as [redacted]
- 4/ [redacted] signed this name (see FBI Report p. 27) but her husband, [redacted] an aged invalid, instructed his wife to sign the petition (see FBI Report p. 28).
- 5/ This signer is listed on page 15 of the FBI Report as [redacted]

Petition No. 3

[Prairie, Ala. FBI Rep. p.37]
 [Millers Ferry, Ala.- " " p.22]
 [Prairie, Ala.- " " p.63]
 [Catherine, Ala.- " " p.25]
 [Catherine, Ala.- " " p.23]

Petition No. 4

[
 all of whom live at Gastonburg,
 Ala. - See FBI Report, pages 38,
 40 and 41]
 [Gastonburg, Ala.- FBI Rep. p.59]
 [Gastonburg, Ala.- " " p.61]

(Footnotes to Petition No. 4)

- 1/ It appears that the petition is signed [redacted]
 followed by "by [redacted] the first name being
 unreadable.
- 2/ The petition is signed [redacted]

The evidence indicates that all four petitions originated from the same source. They are all exact duplicates in their wording and it appears from the reproductions we received from the FBI that each was prepared as an original document.

The report does not contain a description of the petitions and does not indicate any similarities or differences in the quality of the paper used, the appearance of the printed portions or the similarities or differences in the ink used by the signers or in the dates written in the upper right-hand corner of each petition. However, comparisons of the reproductions indicate that each is an original document. Petition No. 1 has a written correction in the word "of" in the second line of the body of the petition. The "r" was written over a typed "r". The other copies are typed correctly with respect to this letter. Also, when superimposing the four petitions over each other, none are identical in the spacing and positioning of the various letters. (When superimposing these reproductions the photographic scales placed in the reproduction by the FBI are identical which shows that each petition was photographed at the same focal ratio). Observation of the letter type on each petition indicates that each one was typed on the same typewriter. For example, the "3" in "1963" found in the upper right-hand corner of each petition is identically defective. So, too, is the capital "S" in the first line of the body of each petition, as well as the "2" in the second line, and the "W" in the third line.

Each of the four petitions was distributed in a different part of northern Wilcox County. It also appears that each petition was circulated by a different person (see below). Yet, Brown received all four petitions in one letter indicating that they were all returned to one person or group of persons. The

FBI Report does not indicate to whom they were returned. However, from the facts it must be concluded that these petitions were originated, circulated and mailed to Brown at the instigation of one person or one particular group. The interviews with the signers also confirm this.

The information relating to each petition is set forth below, Lonnie Brown was interviewed by Sather following the FBI investigation. The facts obtained from this interview are also set forth where pertinent.

Interviews relating to Petition No. 1

This petition was signed by 8 white persons, 5 of whom live at Catherine, 2 at Prairie View and 1 at Pine Hill (Prairie View is 8 miles south of Alberta and Pine Hill is 22 miles southwest from Alberta). Of these 8 signers, 3 own land over which Brown had to pass to make his debit collections. These were

[redacted] Brown may also have passed over [redacted] to make collections but Brown is not sure of this.

This petition was circulated by W. Henderson Bruce. Bruce stated in his interview with the FBI agents that he played a part in initiating the notice to the Negro Insurance Agent Lonnie Brown. He would not say who else played a part in initiating the notice. Bruce also stated he initiated the notice and set forth the reason for his action. (See FBI Rep. - p. 54)

Other interviews confirm Bruce's action. These statements reflect the following:

[redacted] About one month ago, W. H. Bruce showed him a petition to a Negro insurance man named Brown telling him to stay off the property of the persons who had signed the petition. Mr. Bruce asked him if he wanted to sign the petition....He does not know that Brown has ever been on his property. Bruce is the only person who mentioned the petition to him, and he does not know what was behind Bruce's asking him if he wanted to sign the petition. (FBI Report p. 47)

[redacted] Approximately one month ago he was in the store of his brother, [redacted] Prairie, Alabama, when W. H. Bruce contacted him and showed him a petition ordering a Negro insurance man named Brown to stay off of the property of the persons who signed this petition. Bruce told him that this individual was an agitator and had been stirring up trouble among the Negroes in Wilcox County, and asked him if he would like to sign the petition....He has not discussed this petition with anyone other than Bruce, and knows of no one other than Bruce who was interested in getting signatures on the petition.

[redacted] (signed statement): "I do not allow anyone, white or colored to cross my property without my permission, and when W. H. Bruce asked me if I would sign an order to this insurance man telling him not to trespass on my property, I voluntarily signed it....Bruce had this order at Catherine and he is the only person who has mentioned it to me." (FBI Report p. 45)

The remaining four signers refused to give information relating to who circulated the petition or asked them to sign.

The pertinent information we have relating to each of the signers of Petition No. 1 (listed alphabetically below) is as follows. Each person identified a signature as theirs except for [redacted] who declined to give a statement.

1. W. Henderson Bruce (FBI Report p. 54)

He is about 60 years old and is a farmer and cattle raiser. He lives in the Catherine vicinity.

Bruce admitted taking part in initiating the petitions. He signed second in order on the petition.

Bruce stated the reason he initiated the petition was that Brown had bothered his laborers while they were working, has left gates open, and has a reputation as a troublemaker. He states Brown never received permission to go on his property.

Bruce stated that Collier (President of Insurance Co.) later contacted him and Bruce gave permission to Collier for an agent to go on Bruce's land if Collier personally recommended him.

[Lonnie Brown is not aware of which collections necessitated him to pass over Bruce's land. Brown does not know W. H. Bruce and is not aware of having ever talked to Bruce. Brown denies that he left gates open. Brown also cannot recall contacting Negroes while they were working except in those cases set forth below.]

2. [redacted] (FBI Report p. 56)

He lives at Pine Hill and is the [redacted] in Thomasville and also farms. He signed eighth in order on the petition.

[redacted] states he never met Brown but signed the petition because he understood Brown was stirring up trouble among his laborers.

[Lonnie Brown does not know nor has he ever heard of [redacted] Brown is not aware of ever having trespassed [redacted] land nor is he aware of who their "laborers" are.]

3. [redacted] (FBI Report p. 49)
[redacted] refused to give any information to the FBI.
He signed fourth in order on the petition.

[Lonnie Brown does not know this [redacted] by name. Brown believes that it was necessary for him to enter the land of a person or persons named [redacted] to collect from 5 debits. See Attachment A, p. 6. Brown does not know how many [redacted] this involved or their given names.]

4. [redacted] (FBI Report p. 57)
[redacted] is 55 years old and lives near Catherine. He owns a "small amount" of property and is engaged in cattle raising. He signed seventh in order on the petition. [redacted] stated that about 4 weeks before he signed the petition he ordered a Negro insurance agent off his property. He later signed the petition because he thought this was the same person he had earlier ordered from his property.

[Lonnie Brown does not know this [redacted] and his name is not familiar. Brown is sure [redacted] never told him to leave [redacted] property because the only two people who have ordered him to stay off their land during a conversation was one of the [redacted] and [redacted]

5. [redacted] (FBI Report p. 56)
[redacted] about 45 years old, is a farmer and cattle raiser and owns property in and around Catherine. He signed first in order on the petition. [redacted] states he signed the petition because Brown entered onto his property without permission, left gates open which permitted cattle and horses to escape and that Brown has a reputation as a troublemaker.

[Lonnie Brown states he believes that he can identify [redacted] However, he has never had any dealings with [redacted] and never recalls talking with him. Brown states he did not leave gates open on [redacted] property because for the two collections which Brown made on [redacted] property he had to pass through only cattle gaps - not gates. See Attachment A, p. 9.]

6. [redacted] (FBI Report p. 47)
 48 years old, is a cattle farmer and rents property, and has lived in Catherine all of his life. He signed third in order on the petition.
 [redacted] states he has one Negro tenant living on his land. He does not know Brown and does not know if Brown has ever gone on his property. His property is posted and he has on several occasions ordered both whites and Negroes off his land. Bruce asked [redacted] if he wanted to sign the petition and he signed because he wants no one on his property.

[Lonnie Brown states he has heard [redacted] name but does not know him and could not recognize him. He has never talked to [redacted] Brown entered onto [redacted] property to collect from one debit. See Attachment A, p. 10.]

7. [redacted] (FBI Report p. 50)
 70 years old, has lived in Prairie, Alabama, since 1949. He owns 640 acres of land on which he raises cattle and has one Negro tenant. [redacted] signed fourth in order on the petition.
 [redacted] was asked by Bruce to sign the petition when he was in the store owned by [redacted] brother. Bruce told [redacted] that Brown was an agitator and stirring up trouble among the Negroes in Wilcox County. [redacted] was in a hurry, read the petition and signed it with no further discussion. [redacted] does not know whether Brown has ever been on Wiltsie's property.

[Lonnie Brown does not know [redacted] and did not previously know his name. Brown does not believe that he has trespassed on any property owned by [redacted].]

8. [redacted] (FBI Report p. 45 - signed statement)
 [redacted] is 57 years old, is in the cattle raising business and has lived in Catherine for the past 25 years. [redacted] signed sixth in order on the petition.
 [redacted] states he owns a small tract of property in Catherine and his Negro servant lives on it. He states that Bruce asked him to sign the petition and he signed it because he doesn't let whites or Negroes cross his property without his permission.

[Lonnie Brown states he knows where [redacted] lives but he could not recognize him if he saw him. Brown trespassed on [redacted] property to collect from one debit. See Attachment A, p. 11.]

Interviews relating to Petition No. 2

This petition was signed by 13 white persons all of whom live at Lamison, Alabama. (Lamison is in Wilcox County and is located 12 miles southwest of Alberta.) Of these 13 signers only one, [redacted] owned land over which Brown had to pass to make collections.

The FBI interviewed all 13 signers but there are no facts in the report which indicate who circulated this petition. Two interviewees, [redacted] and [redacted] stated they signed the petition at the request of a friend but declined to give the name of this person. The other signers refused to give information relating to who circulated the petition.

The pertinent information we have relating to each of the signers of Petition No. 2 (listed alphabetically below) is as follows. Each person identified a signature as theirs except for [redacted] who declined to give a statement.

1. [redacted] (FBI Report p. 52)

[redacted] is a home builder and also owns several hundred acres of land near Lamison, Alabama. He signed [redacted] in order on the petition.

[redacted] stated he does not know Brown but heard that he was agitating the Negroes. He did not hear that Brown was trying to get Negroes registered to vote. No Negroes live on [redacted] property.

[Lonnie Brown does not know [redacted] and could not recall having ever heard his name.]

2. [redacted] (FBI Report p. 36)

[redacted] is employed by the State Soil Conservation Department. He owns about 180 acres of land in the vicinity of Lamison. This land is posted and no Negroes live on it. He signed [redacted] in order on the petition.

[redacted] stated he heard that Brown was a racial agitator and he did not want him on his property.

[Lonnie Brown does not know [redacted] and could not recall having ever heard his name.]

3. [redacted] (FBI Report p. 26)

She is an unemployed widow. She signed [redacted] in order on the petition.

[redacted] stated she does not have Negroes residing on her property and does not know Lonnie Brown. She stated that she signed the petition as a favor to an old friend.

[Lonnie Brown does not know [redacted] and could not recall having ever heard her name.]

4. [redacted] (FBI Report p. 29)
[redacted] signed [redacted] in order on the petition. [redacted] is a [redacted]. He stated he signed the petition because of his principles and because he has had things stolen from his property and he wants no one on it. [redacted] has no Negroes living on his property.

[Lonnie Brown does not know [redacted] personally and has never talked to him. He does know that [redacted] has an office on Highway 5 and has heard the Negroes state that they were going to [redacted] office for [redacted] purposes.]

5. [redacted] (FBI Report p. 42)
She declined interview. She signed [redacted] in order on the petition.

[Lonnie Brown does not know [redacted] and could not recall having ever heard her name.]

6. [redacted] (FBI Report p. 30)
[redacted] is co-owner with his brother of 1,300 acres of pasture land and timberland. No Negroes live on this land. [redacted] also operates a service station at Lamison. He signed first in order on the petition. [redacted] states he is in the process of posting his property and putting locks on all gates. He has found his gates left open. [redacted] does not know if Brown has ever been on his property. He has never heard of Brown participating in voter registration activities.

[Lonnie Brown does not know [redacted] personally but he recognizes him by his name. About the end of 1962 or early 1963 Brown bought a used tire from a Negro at [redacted]. [redacted] was present but Brown did not deal directly with him. Brown does not recall purchasing gas at this service station nor can he recall any other conversations or dealings with [redacted].]

7. [redacted] (FBI Report p. 34)
[redacted] is a [redacted] producer and owns about 180 acres of land near Lamison, Alabama. No Negroes live on this land. He signed [redacted] in order on the petition. [redacted] states he signed the petition to stop Brown from interfering with his employees during their work. He has whites and Negroes who cut pulpwood three days a week. [redacted] states Brown would drive up and his Negro employees would go and gather around [redacted] and sometimes get in his car and drive off with him. [redacted] thought Brown was trying to get his workers to work on a nearby big dam project but after those jobs were filled the interruptions

continued. [] states he [] on other people's land and sometimes he has authority to keep trespassers off from the property he is cutting on.

[] states he never heard that Brown was working on voter registration activities.

[Lonnie Brown states the story told by [] is false. [] states he never recalls collecting from pulpwood workers when they were on the job and never recalls talking to workers when they were on the job. Brown stated that in light of the conditions in Wilcox County he was very particular about who he talked to about registering to vote and under what circumstances. He did not talk to employees of white persons and in the few instances he may have, it was not while they were working. The policy of the company is not to collect from persons while they are working. Brown at the time of the petitions had two exceptions to this rule and only because the Negro debits (both maids, see below) requested he collect at the places of their employment. Brown does not know []

8. [] (FBI Report p. 32)
is a [] who lives in a house on the edge of Lemison. She signed [] in order on the petition.

She has a small farm back of her house which is worked by a Negro who lives off from her property. [] states that Brown used her private driveway without permission to call on the Negro when he was in the field behind her house. She states she became afraid because Brown and several other Negroes would congregate in the field behind her house when she was alone.

[Lonnie Brown does not know this woman or where she lives. Brown is unaware of the facts given by [] However, he states that he often collects from Negroes when they are in the field working on their farms. It could be possible that Brown has used [] driveway and talked to a Negro behind her house. However, he cannot recall facts similar to these and cannot place where this might have happened.]

9. [] (FBI Report p. 53)
is employed as the []
County. He lives at Lemison, Alabama and owns property in both Wilcox and Marengo Counties. One Negro lives on his property. [] signed [] in order on the petition. [] states his land is posted but that he signed the petition to make sure Brown did not trespass on his land without [] permission. He does not know if Brown has ever trespassed on his property.

[] said he did not know Lonnie Brown but he heard that Brown was "stirring up the Negroes".

[Lonnie Brown does not know [] and could not recall having ever heard his name.]

10. [] (FBI Report, pp. 27 & 28)
[] and his wife live in a house trailer. He is an []
[] He owns the land immediately surrounding the house trailer. No Negroes live on this land. [] signed at the request of a friend. He instructed his wife to sign his name for him. The signature appears [] in order on the petition.

[Lonnie Brown does not know [] or his wife and could not recall having ever heard their names.]

11. [] (FBI Report p. 44)
[] lives at Lamison, Alabama and is a conservation officer for the State. He signed [] in order on the petition. He declined to give any information.

[Lonnie Brown does not know [] and could not recall having ever heard his name.]

12. [] (FBI Report p. 43)
[] is a farmer who lives at Lamison and whose address is [] Thomaston, Alabama. He signed [] in order on the petition. He declined to give any further information.

[Lonnie Brown does not know [] He believes he had to cross onto [] land to collect from one debit. See Attachment A, p. 9]

13. [] (FBI Report p. 33)
[] owns property near Lamison, Alabama. He also works as a [] He signed [] in order on the petition. He declined to give any further information.

[Lonnie Brown does not know [] and could not recall having ever heard his name.]

Interviews relating to Petition No. 3

This petition was signed by five white persons. Two live at Catharine, two at Prairie and one at Millers Ferry. Of these, one and possibly two others owned land over which Brown had to pass to make collections.

The FBI interviewed all 5 signers but there are no facts in the report which indicate who circulated this petition. One interviewee, W. H. Parsons,

said he heard about the petition being circulated and went to the place of business of an individual to sign it. He refused to state whose place this was. The other signers refused to give information relating to who circulated the petition or asked them to sign the petition.

The pertinent information we have relating to each of the signers of Petition No. 3 (listed alphabetically below) is as follows: Each person identified a signature as theirs except for [redacted] who declined to give statements.

1. [redacted] (FBI Report p. 25)

She declined to be interviewed. [redacted] signed [redacted] in order on the petition.

[Lonnie Brown does not know [redacted] and could not recall having ever heard her name.]

2. [redacted] (FBI Report p. 37)

[redacted] stated he personally advised Brown to stay off his land and then declined further interview. [redacted] signed [redacted] in order on the petition.

[Lonnie Brown gave the following information:

Brown talked to [redacted] on Monday, May 27th, three days before he received the petitions. Brown is sure it was on Monday because that is when he collects in Prairie, Alabama.

Brown went alone to [redacted] house to collect a debit from [redacted] who works [redacted] Jr. Brown has made this collection at [redacted] house regularly (usually twice a month) for the past two years. [redacted] never talked with [redacted] during this time but on some occasions they would say or nod hello to each other when meeting. [redacted] never asked Brown what he was doing there. Brown collected from [redacted] at [redacted] request.

[redacted] appears to be a farmer of about 40 years of age. Brown estimates he is in the middle or lower middle class economically. [redacted] is married and has children. [redacted] lives about 100 feet from a public gravel highway.

Brown always drove his car into the driveway and parked behind [redacted] house. He would then go through the carport and knock on the back door. [redacted] would usually answer and would then pay Brown at the door. Brown did not enter [redacted] house except on a few occasions when there was bad weather. Then [redacted] would ask him to step inside the door while she paid him. Brown never had any difficulty while collecting from [redacted] at [redacted] house.

On May 27th, Brown drove into the driveway. He saw [redacted] sitting on his pickup truck and it appeared as though he was driving out to the pasture. Brown

drove up behind the truck approaching at the truck's 5 o'clock position. [] turned and looked through the rear window at Brown. Brown felt that something was different than usual. Brown stopped a few feet away from the truck. [] got out of his truck and walked over to Brown's car. [] appeared to be stern but not mean or mad.

A conversation ensued which took about 3 or 5 minutes. Brown spoke first and asked if [] was there.

[] said - yes. Brown then asked if he could see her. [] then started to talk. Brown can't remember the exact sequence of the conversation but remembers that [] told him the following.

[] told Brown that they [] didn't specify who were circulating a petition to keep Brown off from their property. The only other name [] mentioned was a [] and he mentioned that Brown should see him before he goes on [] land.

[] stated that as long as Brown was connected in this activity [] didn't state what activity they wouldn't want him on their land. [] told Brown he was turning their people against them and that the Negroes liked things the way they were.

[] remarked to the effect that he didn't mind if Brown went to New York to make a speech. [Brown thought he was referring to the statement he made before the mass meeting in Selma, Alabama relating to the voter registration drive in Wilcox County.]

[] also stated why did Brown call the FBI agents about the shooting and didn't he have any confidence in local law enforcement officers.

Brown replied that he wasn't trying to turn anyone against them, that he was only trying to get Negroes registered to vote. Brown told [] why he wanted to be registered - that he was a member of the Army reserves and that he could be called at anytime and may have to give his life for his country - that he paid taxes the same as [] and that he should have an opportunity to vote for those who would represent them in the government.

[] said that as long as he had signed the letter, Brown should not go on his property. Brown left without talking to [] This conversation was conducted at normal tones and neither became excited.]

3. [redacted] (FBI Report p. 22)
[redacted] states he has 15 or 16 Negro families living on his property. He states he knows Brown that he has been on [redacted] property. [redacted] signed second in order on the petition.

The FBI report sets forth the following: "He stated that he considers Brown a Negro agitator who is coming on his property and other landowners' property and stirring up trouble among the Negroes. He stated that this interferes with the harmony on his land and for this reason he does not desire to have Brown at any time to come on his property."

[Lonnie Brown says he is not sure which [redacted] this is but that he has never had any previous difficulty with any of the [redacted] nor has he discussed this matter with any of them. Brown has heard that another [redacted] believed to be a cousin of those who signed the petition was asked but refused to sign the petition and warned that it would only lead to trouble. (One of the lines on the petition is left blank.)

Five Negro debits were affected by the [redacted] signatures. See Attachment A, p. 6.]

4. [redacted] (FBI Report p. 63)
[redacted] stated he had heard of the investigation, had consulted an attorney and declined to give any information. He signed [redacted] in order on the petition.

[Lonnie Brown is not sure of the identity of the different [redacted] See the information obtained from Brown as set forth under [redacted] #3, directly above.]

5. W. H. Parsons (FBI Report p. 23)

Parsons does not own any land but supervises land for his [redacted] No Negroes live on this land. Parsons signed fifth in order on this petition.

Parsons stated that he signed the petition because several weeks ago [about 6/12/63] on two Mondays, approximately two weeks apart he learned that Lonnie Brown had carried a number of his Negro workers to Selma, Alabama. Parsons stated he had no advance knowledge of this and as a result he was unable to get his quota of pulpwood cut and thus lost money. He does not know if Lonnie Brown has ever been on the land he supervises.

[Lonnie Brown knows Parsons. In 1958 or 1959 Parsons was the contractor for a person who bought pulpwood from Brown. Parsons cut the timber. Brown could recall no further conversations or dealings with Parsons since then.

Brown is sure the story by Parsons is false. Brown has not taken any pulpwood workers to Selma. Brown has gone to only one mass meeting in Selma and on that occasion [redacted] and [redacted] (who does not work for Parsons) were the only persons accompanying him. Brown does not know if some of Parson's employees have tried to register. However, he is certain that he did not carry them to Camden. Brown has only carried older persons up to register. He knows all of them and none of them work for Parsons.]

Interviews relating to Petition No. 4

This petition was signed by three white persons all of whom live at Gastonburg, Alabama in Wilcox County. Brown went onto each signer's land in order to make collections.

The FBI interviewed the two signers and two of the three [redacted]. The interview with [redacted] (FBI Report p. 59) indicates that this petition was circulated by the [redacted]. The statement shows that the [redacted] all approached [redacted] concerning the signing of the petition. [redacted] (FBI Report p. 61) stated he was solicited to sign the petition for [redacted] and that he signed the petition more as a favor to [redacted].

The pertinent information we have relating to each of these signers of Petition No. 4 (listed alphabetically below) is as follows. Each person identified a signature as theirs except in the case of the [redacted] which is explained below.

1. [redacted] (FBI Report p. 61) signed [redacted] in order on the petition. He has Negro families living on his land but he does not know Brown and is not aware whether Brown had ever entered onto his property. [redacted] states he signed the petition more as a favor to his neighbor, [redacted] who had solicited his signature. He also had been told that Brown was an agitator, which he considers one who was out at the present time to get the sympathy vote. [redacted] had also heard that Brown had recently complained to the FBI about white persons firing shots at his home. [redacted] had brought this incident to Brown's attention during their discussion. See above] [redacted] claims Brown scattered "B.B.", around his house. For this reason he considered Brown an agitator and does not want him on his property.

[Lonnie Brown believes this person is a [redacted] for Wilcox County. Brown believes he could recognize him but he does not know him personally and has ~~never~~ talked with him. Brown believes he had to enter [redacted] land to collect from three debits. See Attachment A, p. 8.]

2. [redacted] (FBI Report pp. 38, 40 & 41)
He was not available to be interviewed at the time this investigation was conducted.

(b) [redacted] stated he did sign the petition and was unable to say who signed [redacted] on the petition. He states he was in favor of the petition because of the agitation caused by Brown among the Negroes. He states that in recent months Brown has been going and coming frequently on [redacted] land during day and night and this had caused them to resent his frequent trespassers. [redacted] also said there had been a great deal of cattle rustling in recent years by Negroes in Marengo and Wilcox Counties. These frequent trespasses by Brown have lead [redacted] to think that Brown may be involved in this cattle rustling.

(c) [redacted] He declined to give any statement other than that he had personally advised Brown a few weeks before that he should not come onto [redacted] property. He did not identify who had signed the petition for the [redacted]

[Lonnie Brown entered [redacted] property to collect from [redacted] Brown can recognize the [redacted] but he does not know [redacted] by [redacted] given names.

Brown had a conversation with [redacted] on either Monday, May 20, 1963 or Thursday, May 23, 1963. Brown had stopped at [redacted] (Negro) on Highway 28 near Gastonburg. It was about 1:00 p.m. and there were 3 or 4 Negro laborers at the store. (Brown later came to believe these persons worked for [redacted]) Brown gave these laborers several leaflets announcing Rev. L. L. Anderson's talk to a meeting in Wilcox County of the Negro voter registration group on May 24, 1963.

After Brown gave the laborers these leaflets he went into a cotton field behind the store where he talked to [redacted] While talking to them one of the [redacted] came around behind the store and called Brown over to him.

[redacted] asked Brown if he was Lonnie Brown to which Brown stated he was. [redacted] then told Brown

that they didn't want him to go on the [redacted] land anymore. Brown asked him where their land was. [redacted] told him that he could find out and then left. [redacted] was alone and there was no further conversation.]

3.

[redacted] (FBI Report p. 59) signed [redacted] in order on this petition. He stated he signed this petition because he has had cattle stolen from him recently and when all of [redacted] approached him about signing they suggested to him that Brown was involved in the cattle rustling.

[redacted] has also been advised that Brown had recently made a false report to the FBI claiming that his house had been shot at by white landowners. He stated it was determined that no shots had been fired at Brown's residence. [redacted] considers Brown a troublemaker.

[redacted] does not know Brown or know whether any of Brown's debts were on his land. He also stated that he was aware that 28 persons or so had signed the petitions.

[Lonnie Brown recognizes [redacted] and has seen him occasionally since 1957 while collecting his debts on [redacted] land. However, Brown has never talked to him. Brown entered onto [redacted] land to collect from two debts. See Attachment A, p. 10.]

ATTACHMENT A.Negro Accounts Affected by the Petition

The F.B.I. was requested to obtain the names of the Negro accounts handled by Lonnie Brown which were affected by the petition signed by the white persons. The F.B.I. interviewed Brown's [] and [] and were provided with the names of 41 Negroes, 18 of whom paid for policies covering more than one person in their household. Brown was questioned concerning each of these accounts and he could not recall (he had no records to which he could refer) the names of any additional Negro accounts affected by the petitions. Brown's collections averaged about \$320.00 weekly and the petitions affected about \$50 of this amount, or about one sixth of the total amount.

The following information was obtained from Brown regarding each of the Negro accounts affected. These Negroes are arranged according to the white landowner who affected their account by his signature on the petition. The following information was obtained solely from Brown and is based upon his best recollection. Brown would drive to the place of collection listed below (except where noted to the contrary) and when it was wet he would usually walk unless there was an improved road available.

1. Negro accounts affected by the signature of []

(1) []

Gastonsburg, Alabama.

Collected at debit's house since 1958 or 1959.

Debit of \$4.50 per month; monthly collection.

(Brown is not sure whether this debit lived on []

[] land-- [] but he is sure he had to cross over the [] land to reach the debit. This required crossing through a pasture, containing cattle and through 3 gates. He also collected from [] No. 3 below, when making this collection as they lived only 1/4 of a mile apart.)

(2) []

(and others in family)

Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of \$3.50 a month; monthly collections.

(This debit owned his own home but Brown had to cross over the [] land to reach the debit.

This required crossing through a pasture containing cattle and through 2 gates. Brown often walked over to collect from [] No. 18 below, after collecting from this debit. [] lived about 1/4 of a mile away.)

- (3) [redacted] (and others in family)

Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$3.40 a month; twice a month collections.

(This debit owned her own home, had to cross over the [redacted] land to reach the debit. This required crossing through a pasture containing cattle and through 4 gates. Brown also collected from [redacted] No. 1 above, when making this collection as they lived only 1/4 of a mile apart.)

- (4) [redacted]

Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.00 a month; monthly collections.

(This debit lives on [redacted] property.

This required crossing through a pasture containing horses, and possibly cattle, and through one gate.

The debit lives about 100 feet from highway #5 and Brown always walked to his house.)

- (5) [redacted] (and others in family)

Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$15 a month, collected quarterly (son's education policy) and debit of \$1.20 collected monthly.

(This debit owns his own house but Brown had to cross over the [redacted] land to reach the debit. This required crossing through a pasture containing cattle, and through 2 gates. Brown usually went directly from this debit to [redacted] No. 14 below, and [redacted] No. 15 below, to collect from them as they live near this debit.)

- (6) [redacted]

Catherine, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.16 a month, collected once a month.

(This debit lives on the property of [redacted] right next to the highway. Still it was necessary for Brown to cross through a pasture containing cattle, and through 1 gate. Brown always walked to this debit's house. This debit lives near [redacted] No. 8 below, and Brown collected from both at the same time.)

- (7) [redacted]

Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$5.00 a month, collected once a month.

(This debit lived at the same house as [redacted] No. 10 below, which was on the property of the [redacted])

[redacted] This required Brown to cross through a pasture containing cattle, and through 1 cattle gap and a gate.)

(3)

[redacted]
Gastonia, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.50, collected once a month.

(This debit lives on the property of the [redacted])

This required Brown to cross through a pasture containing cattle and through 2 gates. This debit lives near [redacted]

[redacted] No. 6 above, and Brown collected from both at the same time.)

(9)

[redacted] (and others in family)

Gastonia, Alabama

Collected at debit's house for last 3 years and a sub-agent collected from 1957 to 1960 from this debit.

Debit of about \$1.62 collected once a month.

(This debit lives on the property of the [redacted])

This required Brown to cross through a pasture containing cattle and through 1 cattle gap and a gate. This debit lived in the same pasture as Nos. 10, 12, 19 and 7 listed under [redacted]

(10)

[redacted]
Gastonia, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.50 a month, collected once a month.

(This debit lives on the property of the [redacted])

This required Brown to cross through a pasture containing cattle and through 1 cattle gap and 1 gate. This debit lived in the same pasture as Nos. 9, 12, 19, and 7 listed under [redacted]

(11)

[redacted]
Gastonia, Alabama.

Collected at debit's house since 1957.

Debit of about \$1.68 a month; collected once a month.

(This debit owns her own home but Brown had to cross over the [redacted] land to reach the debit.

This required crossing through a pasture containing cattle and through 4 gates. This debit lives near [redacted]

[redacted] No. 1 above, and [redacted]
No. 3 above.)

(12)

[redacted]
Gastonia, Alabama.

Collected at debit's house since 1957.

Debit of about \$1.04 a month; collected once a month.

(This debit lives on the property of the [redacted])

This required Brown to cross through a pasture containing cattle and through 1 cattle gap and 1 gate. This debit

lived in the same pasture as Nos. 9, 10, 19 and 7 listed under Strother Bros.)

(13)

[redacted]
Gastonburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$28 a year; collected once a year in about October.

(Brown believes this debit lives on the property of the [redacted] Brown is sure he had to cross over property to reach this debit. This required Brown to cross through a pasture containing cattle and through 3 gates.)

(14)

[redacted]
Gastonburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$7.00 a month; collected once a month.

(This debit owns her own home but Brown had to cross over the land of the [redacted] to reach the debit. This required crossing through a pasture containing cattle and through 1 gate. Brown made this collection after Cornelius Graves, No. 5 above, and went from this debit to [redacted] No. 15 below. They all live in the same area.)

(15)

[redacted]
Gastonburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$4.52 a month; collected once a month.

(This debit owns her own home, but Brown had to cross over the land of the [redacted] to reach the debit. This required crossing through a pasture containing cattle and through 1 gate. Brown made this collection after having collected from [redacted] No. 5 above, and [redacted] No. 14 above, all of whom live near this debit.)

(16)

[redacted]
Gastonburg, Alabama.

Collected from debit since 1957. Since about 1960

collected at present house of debit but prior to this collected at the present home of [redacted]

[redacted] (No. 14 above) where this debit then lived.

Debit of about \$4.00 a month; collected twice a month.

(This debit lives on the property of the [redacted])

This required Brown to cross through a pasture containing cattle, and through 1 gate and over steps over a fence.

In about 1961 [redacted] told Brown that the [redacted] did not want him to drive through the pasture when it was wet because this pasture would scar easily when muddy. Thereafter, Brown walked to this debit when it

was wet. The information pertaining to [redacted]
No. 14 above, applied to this debit from 1957 to about
1960.)

(17)

[redacted]
Gastonburg, Alabama.

Collected from this debit at the home of [redacted] debit's
[redacted] where she lived. Has made this collection since
about 1960.

Debit of about \$3.60 a month; collected once a month.

(She has lived with [redacted] No. 16 above, when
he lived at his father's and also where he presently
lives. The statement pertaining to access to [redacted]
[redacted] is also applicable here.)

(18)

[redacted]
Gastonburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.92 a month; collected once a month.

(This debit owns her own home but Brown had to cross
over the land of the [redacted] to reach the debit.
This required crossing through a pasture containing
cattle and through 4 gates. Brown often walked to this
debit after collecting from [redacted] No. 2
above, who lived about 1/4 of a mile away. He also went
directly to this debit on some occasions.)

(19)

[redacted]
Gastonburg, Alabama.

Collected from this debit at the house of [redacted]
No. 12 above, where the debit lived.

Brown has made this collection since about 1960, when she
began to live with [redacted]

Debit of about \$1.16 a month; collected once each month.

(This debit lives with [redacted] No. 12 above, and
the same statement pertaining to the access to that debit
also applies here.)

2. Negro accounts affected by the signature of a [redacted]
[redacted] both signed the
petition. Brown does not know either of these persons but
believes the following debits were affected by one of the two
[redacted] signatures.)

(1)

[redacted] (and others in family)

Catherine, Alabama.

Collected at debit's house since 1957.

Debit of about \$4.52 a month; collected twice a month.

(Brown believes this person lives on land owned by a

[redacted] This required Brown to cross through a
pasture and through 1 gate. Brown walked to the debit's
house. This debit lives close to [redacted] No. 2
below, and [redacted] No. 5 below.)

(2)

[redacted]
Catherine, Alabama.

Collected at debit's house since about 1958.

Debit of about \$5.35 a month; collected once every two months.

(Brown believes this person lives on land owned by a

[redacted] This required Brown to cross through a pasture and through 1 gate. Brown walked to this debit's house. This debit lives close to [redacted]

[redacted] No. 1 above, and [redacted] No. 5 below.

Brown believes that this debit's daughter-in-law works for one of the [redacted])

(3)

[redacted]
Prarie, Alabama.

Collected from debit's house since about 1957 or 1958.

Debit of about \$3.00 a month; collected once a month.

(This debit lives on property owned by a Negro.

However, it was necessary for Brown to cross through

a pasture he believes was owned by a [redacted] and

to go through two gates to a pasture. Brown walked to this debit's house.)

(4)

[redacted]
Prarie, Alabama

Collected from debit's house since 1957.

Debit of about \$8.00 a month; collected twice a month.

(This debit owned his own home. However, the debit's

daughter once told Brown that it was necessary to cross

through a pasture owned by a [redacted] There is a road

to the house which has recently been partially gravelled.

It is necessary to pass through a pasture containing cattle and through two gates.)

(5)

[redacted]
Catherine, Alabama.

Collected from debit's house since about 1960.

Debit of about \$2.40; collected twice a month.

(Brown believes this debit lives on land owned by a

Henderson. This required Brown to cross through a

pasture and through one gate. Brown walked to this

debit's house. This debit lives close to [redacted]

[redacted] No. 1 above, and [redacted] No. 2 above.)

3. Negro accounts affected by the signature of [redacted]

(1)

[redacted]
Gastonburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$1.64 a month; collected once a month.

(This debit lives with [redacted] No. 3 below,

and same statement as to her applies here.)

(2)

[redacted]
Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.96 a month; collected twice a month.

(This debit owns her own home. However, it was necessary for Brown to go through a pasture owned by [redacted] This pasture contained cattle and Brown had to go through 3 gates.)

(3)

[redacted]
Gastonsburg, Alabama.

Collected at debit's house since 1957.

Debit of about \$2.80; collected once a month.

(This debit either owns her own home or else it is owned by [redacted] No. 2 above. [redacted]

No. 1 above. Lives with this debit and they are located near [redacted] It was necessary to go through a

pasture owned by [redacted] This pasture contained cattle and Brown had to go through gates.)

4. Negro accounts affected by the signature of [redacted]

(1)

[redacted]
Prarie, Alabama.

Collected at debit's house since about 1959.

Debit of about \$1.28 a month; collected twice a month.

(This debit lives on the property of [redacted]

This required crossing through a pasture containing cattle and through 1 gate. Brown believes that this debit sometimes works for [redacted]

(2)

[redacted]
Prarie, Alabama

Collected at debit's place of employment (home of [redacted] since 1957.

Debit of about \$1.25 a month; collected once a month.

(This debit works as a maid for [redacted] and at the request of the debit Brown has collected at her place of employment since at least 1961. For a description of this collection and Brown's encounter with [redacted] see Attachment B, Part II - [redacted]

5. Negro accounts affected by the signature of [redacted]

(1)

[redacted]
Catherine, Alabama.

Collected at debit's house since 1957.

Debit of about \$4.00 a month; collected ~~twice~~ a month.

(This debit lives on property owned by [redacted]

This required Brown to cross through a pasture containing cattle. However, Brown did not have to pass

through any gates because the entrance to the pasture is a cattle gap.)

(2)

Catherine, Alabama.

Collected at debit's house since 1957.

Debit of about \$1.50 a month; collected once a month.

(This debit lives on property owned by [redacted] and next to [redacted] No. 1 above. The same information applying to [redacted] relating to means of access to her house, applies to this debit.)

6. Negro accounts affected by the signature of [redacted]

(1)

Arlington, Alabama.

Collected at debit's home since 1957.

Debit of about \$3.06 a month; collected once a month.

(This debit lives at the same house as does [redacted] No. 2 below. Brown believes this is on land owned by [redacted] This debit lived adjacent to a public gravel road and Brown did not need to cross over any other property of [redacted].)

(2)

Arlington, Alabama.

Collected at debit's house since 1961.

Debit of about \$2.16 a month; collected once a month.

(This debit lives at the same house as does [redacted] No. 1 above. The same statement relating to the means of access to [redacted] home also applies here.)

7. Negro accounts affected by the signature of [redacted]

(1)

Alberta, Alabama.

Collected at debit's house since 1957.

Debit of about \$5.24 a month; collected twice a month.

(This debit lives on property owned by [redacted] However, she lives next to the highway and it was not necessary to cross over other land except that where the debit lived.)

(2)

Alberta, Alabama.

Collected at debit's house since 1957.

Debit of about \$1.25; collected once a month.

(This debit lives on the property of [redacted] It was necessary for Brown to cross through a pasture containing cattle and through 1 gate. This debit lived near the highway and Brown walked to the debit's home.)

8. Negro accounts affected by the signature of [redacted]

(1) [redacted]

Gastonburg, Alabama.

Collected at the debit's house since 1957.

Debit of about \$.57 a month; collected once a month.

(Brown believes that this debit lives on the property of [redacted] but states that the property may belong to [redacted] or to a [redacted]. It was necessary for Brown to cross through a pasture containing cattle and through one gate.)

9. Negro accounts affected by the signature of [redacted]

(1) [redacted]

Catherine, Alabama.

Collected at debit's house for about 8 months.

Debit of about \$3.00 a month; collected twice a month.

(This debit lives on property owned by [redacted]. It was necessary for Brown to cross through a pasture (believes no cattle) and through one gate. Brown walked to this debit's house.)

10. Negro accounts affected by the signature but by which signature is unknown to Brown.

(1) [redacted]

Catherine, Alabama.

Collected at debit's house since 1957.

Debit of about \$1.72 a month; collected once a month.

(Brown does not know whose land he crossed over to reach this debit. Brown went to debit's house behind [redacted] Store in Catherine. Brown had to go through one gate but the area was not a pasture and there were not animals in the enclosure.)

(2) [redacted]

Prarie, Alabama.

Collected at debit's house for a little less than one year.

Debit of about \$4.00 a month; collected once a month.

(Brown does not know whose land he crossed over to reach this debit. However, it was necessary for him to cross through a pasture containing cattle and through 2 gates.)

(3) [redacted]

Catherine, Alabama.

Collected at debit's place of employment (home of a white person) since at least 1960.

Debit of about \$4.00 a month; collected once a month.

(Brown is not sure who this debit is employed by. He thought it was [redacted] but the F.B.I. statement

shows he lives in Lamison and the debit is employed in Catherine. Brown would go to the back door where the debit is employed as a maid. He would be paid at the back door by the maid and never entered the house.)

11. Negro accounts listed in the interview with [redacted] which Brown does not think was affected by any of the signatures to the petition.

(1)

[redacted]
Gastonsburg, Alabama.

Collected at debit's house.

Debit of about \$6.00 a month; collected once a month.

(Brown does not think he passed over any of the signatures' land since the fall of 1962 to reach this

debit. Prior to 1962 this debit lived near [redacted] and he then crossed land owned by the [redacted] in the fall of 1962 the debit's house burned and the debit lived with a relative until the debit's new home was completed in early 1963. The debit now lives on his own land adjacent to a public gravel road.)

NEGOTIATION LETTER

Prior to filing a voting discrimination case, and other civil suits such as school desegregation cases, it is the policy of the Justice Department to try to obtain voluntary compliance with federal law. These negotiations are conducted in person and by correspondence. An example is this letter from Mr. Burke Marshall to Mr. Fant, the attorney for the registrar of Marshall County, Mississippi, setting forth the discriminatory acts and practices of registration officials and seeking to obtain satisfactory assurances of voluntary compliance with federal law.

An agreement was reached with the registrar, but subsequent investigation disclosed that discrimination was continuing in the form of assistance to white applicants. A complaint was filed under Section 1971(a), United States v. Clayton.

BM:jle 6182
72-40-25

September 8, 1961

L. G. Fant, Jr., Esq.
Holly Springs
Mississippi

Dear Mr. Fant:

Thank you for your letter of September 5, 1961, requesting that I write you directly concerning the registration problems in Marshall County, Mississippi. I have received the same request from General Patterson.

Last June, in an effort to resolve this problem, I called the attention of General Patterson to the following facts:

In Marshall County there are approximately 20 Negroes registered out of a voting age population of over 7,000. On the other hand, some 3,500 of the approximately 4,350 white residents of voting age in the county voted in the primary held in 1959. Two Negro colleges are located in the county, and we have evidence that highly educated Negroes have been denied the right to register and vote.

After a careful investigation including interviews with Negro citizens who have unsuccessfully attempted to register, we have evidence that the registration officials in the county have engaged in racially discriminatory acts and practices depriving Negro citizens of the county of their right to register to vote without distinction because of race or color. These acts and practices include refusals in various ways to be available to accept applications at all, refusals to process applications, the arbitrary rejection of applications without any stated reason, and the discriminatory administration of the Mississippi constitutional interpretation test.

| | |
|-------------------------|------------------------|
| cc: Records | Mr. Doar |
| Chrono | Mr. Putzel |
| Attorney General | Trial File (Room 1140) |
| Deputy Attorney General | |

Upon these facts I informed General Patterson that the Department of Justice had a responsibility under the Civil Rights Act of 1957 and 1960 to prevent the continuing discrimination against Negro applicants to register in Marshall County in the future and to insure the fair registration of Negro voters. It is our sincere desire to do this without litigation if possible, but if this is to be accomplished, it must be done by voluntary action by the registration officials which is sufficient to put Negroes eligible to vote in the county on an equal footing with white citizens eligible to vote who have been registered to vote in the past.

Upon the evidence available to us, I believe that it is my responsibility to ask for specific assurances from the registrar that his office would be as available and as prompt to process registration applications from Negro applicants in the future as it has been in the case of applications from white voters in the past, and that the same standards would be applied in the processing and determination of eligibility for Negro voters in the future as have in the past been followed in the case of white voters now on the rolls.

In addition, in order to make sure that these assurances are followed, I believe that I have a duty to ask for permission to make regular examinations of the registration process through examination of the registration records.

Finally, you will understand that it would be necessary in some manner to make the Negro citizens of Marshall County aware of an unqualified intention on the part of the registrar to register Negro applicants on the same basis as white citizens now on the rolls have been registered in the past.

In considering this matter, I believe that you should be aware of the fact that I first brought these facts and my request to the attention of General Patterson on June 16, that I wrote to him again about it on July 10, again on August 1, and finally called him shortly before Labor Day. I know that he is very busy and of course recognize that you have not in any way been involved in the delay in obtaining any decision from the registrar in Marshall County. Nevertheless, I feel an obligation in view of the importance of the right to vote and the periodic occurrence of elections to press you for an early decision whether the kind of assurances I have requested appear to you to be possible.

In order to save time, I feel that you also are entitled to know that General Patterson has asked for the names of particular Negroes who have been refused the right to register and that I have taken the position in this instance--in accordance with general Department policy not limited to this kind of case--that we cannot, except as required by court order, supply the names of persons giving information to the Department of violations of federal law.

I would greatly appreciate hearing from you at your earliest convenience. I appreciate your willingness to take this up with the registrar.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

A F F I D A V I T

Affidavits are often attached in support of motions. This affidavit of Ralph W. Allen, SCLC voter registration worker, was attached to a motion for a preliminary injunction filed in United States v. Matthews, under Section 1971(b).

A consent judgment was entered enjoining the Sheriff of Terrell County, Georgia, his deputies and the Chief of Police of Dawson from refusing reasonable police protection and from surveilling, interrogating, arresting prosecuting, or threatening to arrest or prosecute any person for the purpose of preventing or discouraging him from registering or voting or as punishment for having voted.

A F F I D A V I T

STATE OF GEORGIA }
COUNTY OF DOUGHERTY) SS

On this 10th day of August, 1962 RALPH W. ALLEN, being first duly sworn, says as follows:

My name is RALPH W. ALLEN. I am a white person and live at 204 East Foster Street, Melrose, Massachusetts. I was born in Melrose and was 21 years old on July 15, 1962. I am single. I am a high school graduate of the Hebron Academy in Hebron, Maine. I have attended Trinity College for two years in Hartford, Connecticut, where I have majored in English. I am in the Marine Corps Platoon, Leaders Platoon. I have attended a Marine Corps six-week summer camp last summer and after attending another summer camp and graduating from a college I will receive a commission in the Marine Corps providing that I complete my course satisfactorily.

I have never been arrested prior to the experiences this summer. In high school I was president of the senior class, in the Glee Club, and received an award for public speaking and the senior class leadership award. I was on the varsity football team for three years, and on the swimming team for two years. In college I was on the swimming team my freshman year and sang for one and one-half years in the Trinity College Pipes.

My mother and father are both living, and I have one sister and a younger brother. My mother is a housewife and does part-time work as a sales clerk and my father is executive manager of Hvestex Corporation, which processes synthetic rubber.

I have been a student all my life but have spent my summers working. I have worked at a boys' camp, worked as a bricklayer's attendant, one year in asphalt and construction work, one year waiting tables.

My roommates at Trinity College were members of the Committee organized to defend equality and in March 1962 I joined this group which consists of about 30 or 40 students and a faculty adviser. The purpose of this group was to analyze and try to help remedy problems of equality in the North with special emphasis on local situations. It was primarily concerned with discrimination against Negroes and Puerto Ricans. I also was a member of the committee to save Benjamin Reid, a Negro who was convicted of killing another Negro and sentenced to death. There were five or six students and five professors on this committee from our school and about three professors from other schools.

The committee organized to defend equality at our school is a member of the Northern Student Movement which has chapters on numerous campuses in the northeastern part of the United States. This group held a book drive in the spring of 1962 to acquire books for Miles College in Birmingham. After the books had been obtained the Movement had no way of getting them to Birmingham so after school was out I volunteered to take them to Birmingham in a trailer on my car. I took the books to Atlanta.

When I got to Atlanta I went to the Student Non-violent Coordinating Committee. I knew about this group as the Northern Student Movement had raised money for SNCC activities and SNCC members had attended some of the Northern Conference meetings. When I reached Atlanta I intended to work with SNCC during the summer. The SNCC organization was glad to have me.

At first I worked in the Atlanta office stuffing envelopes, typing letters, and other similar tasks.

About June 20, I was sent by the executive secretary, to work in Albany. In Albany, I lived at the home of Mr. and Mrs. Jackson, Negroes, and began the process of surveying the prospective SNCC voter registration projects in the counties in southwestern Georgia. I stayed in Albany about 10 days working on this project and on a local voting registration project which was beginning in Dougherty County. Locally, myself and other SNCC members were setting up an organization of local Negro students who would conduct a house-to-house voter registration drive. We also attended meetings where members of the Southern Christian Leadership Conference instructed how to hold citizenship schools. We intended to set these schools up in the counties covered by the Southwest Georgia Voting Registration Project. These schools were to teach Negroes the structure of their local, state and federal government, and how to apply for registration and help teach them how to read and write. We also discussed and made arrangements to start our voter registration drives in the surrounding counties.

The goal of this project was to set up permanent structures of local people who would carry on the voting registration drives in these counties, and also to participate with the local organizations in encouraging Negroes to register. We planned to help canvass Negro areas to encourage Negroes to apply to register, to help instruct the Negroes where and how to apply for registration, and to transport those who wished to apply for registration to the registration office. We helped to set up meetings of those Negroes who were interested in the voting registration drive in their counties.

One of the counties selected by SNCC in which to encourage voting registration was Terrell County, Georgia. A local organization composed of local Negroes had been set up around the end of last year. Charles Sherrod, a SNCC

field secretary, helped the local people set up their voting drive. I and other SNCC field workers went to Terrell County to help the local people conduct their drive. Other young people who live in Albany, which is near Terrell County, also volunteered their services to help in this voting drive.

I stayed in Albany until July 2, when I was assigned by the SNCC staff in Albany to work in Terrell County on the voter registration drive which was then in progress there. I was to live at Mrs. Carolyn Daniel's house in Dawson, Georgia. There were about five SNCC workers staying there at the time I arrived. They were all Negroes except for myself.

I started to work on the afternoon of July 2, when I canvassed the area around Mrs. Daniel's home with five other SNCC workers. On July 3, I canvassed the same area with several other workers and we also canvassed several areas near the business district in Dawson.

The SNCC workers and volunteers from Albany would meet each morning from about 9:00 to 10:00. We would discuss the day's schedule and any difficulties we were having. We would then canvass Negro areas from 10:00 a.m. until about 2:00 p.m., when we would return to eat where we were staying. Then we would go out and canvass again from about 3:00 p.m. until about 6:00 p.m. In the evening we would have another meeting and discuss the work of that day.

On July 4, we had our usual meeting and we decided to canvass the Negro housing project in Dawson. This canvassing took us until about noon when we crossed the street and started to canvass another street which was just to the left of main street when entering Dawson from the North. At approximately 11:00 a.m., I was walking toward the commercial district of Dawson in the process of canvassing for voter registration. I was with Jerome Snider, Joseph Pitts, Enoch Moore, and Willie Lovett, all Negroes and all of Albany. The

Chief of Police, Mr. Cherry pulled up diagonally in front of us and got out of his car. He asked me for my identification. I showed him an armed forces identification card, driver's license, a Trinity College identification card and Red Cross donation card. He asked me what I was doing in Dawson. I replied that I was working on voter registration for the Student Non-Violent Coordinating Committee. The Chief of Police then told me to get into his car. I asked if I was being arrested, and if so, what for. The Chief of Police said he was arresting me and asked me if I was trying to give him any trouble. I answered that I was not trying to cause trouble, but I merely wanted to know why I was being arrested. The Chief said he was arresting me for investigation. I then got into the car and he drove me to the Sheriff's office in the Court-house.

At the Sheriff's office, Mr. Cherry called Chief Deputy Matthews on the telephone. Deputy Matthews arrived a few minutes later. He questioned me as to who sent me to Terrell County, what I was doing there, and where I was staying. In the course of the questioning he used abusive language. I told him I was working with the Student Non-Violent Coordinating Committee on voter registration. I also told him I was living with Mrs. Carolyn Daniel on First Avenue.

At the end of the questioning Deputy Matthews told Police Chief Cherry to lock me up, saying that they were going to investigate me all down the line.

I was then taken across the street to the County Jail and locked in a cell until approximately 5:00 p.m., when I was led from my cell by Chief Cherry to be questioned by F.B.I. Agent O'Roark. After Mr. O'Roark finished questioning me, Chief Cherry then returned my identification and released me, saying that he would not be responsible for me if I was going to go walking around in

"nigger town." He promised me no protection and told me I should get out of town.

I was released about 5:00 p.m., and went back to Mrs. Daniel's house where I ate. I went to the voter registration meeting at Sasser that evening. It was a typical meeting with the usual reports on voter registration activities in other counties by people working in those counties, reports on the activity in Terrell County and we sang hymns, freedom songs, read Scriptures and prayed. About 30 people were there.

On July 5, we had our usual meeting in the morning and then went back to the Negro housing project to see persons we had contacted before. We talked to them about voter registration and talked to them about registering. We then split up into two groups, one of four workers and another of two. Pitts and I canvassed together. We started canvassing the houses on Main Street across from the project. At the first house a Negro lady was taking care of some white children. We talked to her for about 5 or 10 minutes. A few minutes later a white man drove up in a 1955 or 1956 Ford with the registration tag 77-501. He got out of his car and came at Pitts, shouting, what are you doing here. He then hit Pitts on the head with his cane and ordered us off the property. We told him we were working on the voter registration project. I told him that we wished to cause no disturbances and that we were only trying to inform people about their constitutional right to vote. The man said he did not care what we were doing and hit me in the head with his open hand. Pitts and I both left.

We continued canvassing around that area and returned to the home of Mrs. Daniel at approximately 2:00 p.m. We called Mr. C. B. King, a Negro lawyer from Albany, and asked him how to register a complaint under local

procedures and whether we should do it. He said yes that we should get it on the record. I then called the police in an attempt to file a complaint against the man. We were told to call the sheriff's office. I did so, and they told us to call the police office. We called Mr. C. B. King again and he told us to go down and see the sheriff. We walked down to the sheriff's office and were told by the sheriff, Mr. Z. T. Matthews that he could not help us unless we had a warrant. He refused to hear our story and referred us to Mr. Daniel English, a Justice of the Peace.

Joseph Pitts and I then went to the police station to make sure of the procedures and found it empty. We waited for approximately 30 minutes for someone to arrive. No one showed up and then we set out for the home of Mr. English. On the way, both Chief Cherry and Sheriff Matthews pulled up beside us in the sheriff's car as we were walking down the street. The sheriff got out of his car while the Chief of Police called me over to the car. Chief Cherry then reminded me of his promise to give me no protection and refused to listen to anything regarding the incident with the white man. He then told us to get out of here. Pitts and I then proceeded to the home of Mr. English. We climbed to the porch and knocked on his door. Minutes later Mr. English came to the door and shouted, nigger get off my porch. Down here we treat niggers like they are supposed to be treated. I don't believe that Mr. English meant that I had to leave but Pitts and I left the porch anyway.

While here all of SNCC and volunteers sometimes get together on Saturdays and do some type of work together so that we will get to know each other better and also to help raise money for the project. While I have been here I have helped pick cucumbers in Sumter County, and painted a Negro's house. We plan to pick cotton when it is ready later this summer.

Monday night, July 9, I drove around to pick up people who had been staying in Albany for the week and to go to our respective counties. I was stopped by the police in Dougherty County for having only one headlight, and taken to jail. I told them that I was working for SNCC and I was charged for having one headlight out and an invalid license. I was found guilty of the headlight charge but had a hearing set on the charge of an invalid license, at which Mr. C. B. King represented me. I waited in jail for one week for driving without a headlight and was also fined \$12.00. Then I had a hearing on my license charge and was found innocent.

I got out of jail in the afternoon of July 18, and went that evening to Terrell County to attend the voter registration meeting at a church near Sasser. I went with Sherrod and persons from other counties. During the meeting I was speaking on voter registration when a siren sounded.

Mr. Z. T. Matthews entered the church with about 5 or 10 white men and they wandered around the rear of the church. They had hats on and all had something in their hands, either a flashlight or a billy club. About five had guns on them. I was speaking from the front and could see everything clearly.

When I finished I introduced Sherrod. He got up to speak and the sheriff interrupted him and said that he wanted to say something. He told us that he had come to find out what was going on. He said that he wanted to make sure that we were not doing anything subversive. Sherrod assured him that the meeting was open to all and the sheriff continued to insist that it was too secret to be an open meeting and asked why no one had invited him. And he also noted the absence of a preacher in the church and said he wanted everyone's name before he left. Sherrod was then allowed to continue his talk, while the sheriff and the other white men eventually drifted outside the church. They interrupted the meeting for approximately one-half hour.

After his talk Sherrod informed the people that they had the right to withhold their names from the sheriff, if they wished, and then pointed to a SNCC worker, Kathleen Conwell, a Negro, to take down the names of those who wished to give them.

However, as the people were leaving the church, the sheriff and his men asked them their names and addresses, and where they were employed. I then went to Lucius Holloway's home where I stayed the remainder of my time when in Dawson.

On July 19, Thursday, Eugene Oliver, a Negro, and I canvassed around through the Salter section and also recontacted some of the people we had talked to earlier around Mrs. Daniel's house.

On July 20, while Eugene Oliver and I were walking north on Main Street on our way to the home of Mr. Holloway, Deputy Sheriff Dunaway came up beside us and asked Eugene for his identification. This happened at about the corner of East 9th and Main Street. Eugene gave it to him and the deputy asked him the whereabouts of Joseph Pitts. Eugene said that Pitts was in Albany. The Deputy then asked us when we were going to hold another mass meeting. I told him that we were planning to hold another meeting the following Wednesday, and he said that he would be there. I told him that he would be welcome as everyone else was welcome. The Deputy then left us although we noticed a police officer was sitting in his car across the street in the parking area observing us as we crossed East 9th Street and walked down by the A & P. As Eugene and I crossed the entrance to the parking lot of the A & P a white man in his car pulled in front of us and cut off our line of progress. He got out of the car and asked what business we had in town. We told him we were working on voter registration and he told us we had better get out of town. He then said that

we were going to be found in the bottom of the river, and cursed us. Most of his remarks were directed toward me, but at one point he turned to Eugene and said that goes for you too.

Soon after, another man drove up in a truck. He stated that he owned the service station on the corner of 9th and Main Streets and that we were not to speak to "his niggers" again. I told him that he had no right to tell us whom we could speak with. He and the other man continued to impede our path in spite of the fact that we asked several times to be excused. He told us that they had something to say and that we should listen. Finally, they let us go warning us to get out of town and telling us that they would see to it that we left.

As we walked away I turned and started to copy down the registration number of the truck in which the second man had arrived. When I did this the man who had arrived first reached into the back window of his car and pulled out a jack with which he threatened to hit us if we turned around again. The first arrival then followed us to Holloway's house after picking up a passenger somewhere nearby. I believe a police officer watched this whole affair from across the street. I saw the officer before we were stopped by these two men.

After getting back to Holloway's on the 20th, we called several of the people who said they would go down to apply for registration. We tried to arrange transportation for them to go down on Saturday, the 21st.

On Saturday, July 21, Eugene left about 10:30 to talk to people who had been willing to try to register that day. I went and got Mr. and Mrs. Murphy who drove us to the Courthouse. First, we drove to the project and picked up four other fellows who wanted to apply. We went to the entrance across from the post office. As we were going up the stairs, I noticed that the sheriff,

and Deputy Dunaway, and about four white men were in the doorway. They told us we had to leave, but we went through the doorway anyway. I told the sheriff that the people had come to apply to register to vote and asked the sheriff where the office of the voter registrar was located. By this time we had made our way into the Courthouse and were looking for the office of the registrar. I believe Sheriff Matthews told us that the office was downstairs and Deputy Dunaway told us it was around the corner outside. We had been told prior to this that the registration office was beside the sheriff's office and we were trying to make our way down to that part of the Courthouse. Meanwhile, however, as more white men gathered in the Courthouse lobby, we were edged back out the door. The six Negro applicants and I conferred outside at the bottom of the stairs and I told them I would go inside to find the office where they could register. As I got to the Courthouse door, the sheriff began ordering me to leave, but I went inside anyway and found the office of the registrar by inquiring at a door marked Tax Collector.

Upon my asking if this was the office where one could register to vote, I was told cordially that it was. I then left the office and returned to the doorway of the Courthouse where I motioned to the others to come in. I told them where the office was to apply for registration. While I was motioning to the group the white men were around me and one older man in back was talking to me. I remember the gist of the statements were that our Negroes don't need your help to come down here, that they get along better without you. He was talking to me the whole time but I can't remember what he said. The Negroes then passed the sheriff and the other men who had gathered in the lobby of the Courthouse and went towards the Tax Collector's office. I walked in with the group. The sheriff told me that I could not enter the office with the applicants. By then I was surrounded by the group of white men. This included the

sheriff, Chief Deputy Matthews, Deputy Dunaway and the other men. Someone said I would be beaten and found in the river. I tried to leave and finally succeeded in getting away long enough to look into the office to make sure that all of the Negroes had gone from the office. I tried to make my way outside. When I got outside I told the people who had tried to file applications to register what had happened. The four applicants who had arrived with me in the Murphy's car then got back into the car and we drove to their homes in the Negro housing project in the north side of town. A police car and a sheriff's car followed us back to the project.

Later, I left the project to go to the Courthouse to meet Shorter and his group of Negroes who were going to apply that morning. I got to the Courthouse and they were not there so I continued on to Holloway's.

When I got to 11th Street - called Railroad Street - a truck came around the corner behind me and bore down on me as if it was attempting to run me over. It was the same truck from the gas station that had driven up to me on the day before. I ran toward the railroad tracks on the right hand side of the road where the ground was too rough for the truck to follow. The driver of the truck then got out and asked me what business I had in Dawson. I told him that I was in a voter registration project with SNCC. He kept moving close to me and eventually we were next to the street. He told me that I should get out of town and asked me if I understood him. He then told me something to the effect that our niggers are satisfied here. Look there. He pointed to a colored boy who had accompanied him in the truck. There is a good gas station nigger. He's got no complaints and makes a good week's pay. He then went on to curse me and told me that his brother-in-law should have killed me. I believe he meant one of the men who had threatened me the day before. He then went on to

ask me if I lived with "niggers", if I slept with them and why I had come into someone else's town and told them what to do and how to run their affairs.

He was about three or four feet away and he finally told me that he was going to fight me. I told him that I would not fight him because I don't think that it would solve anything. He replied saying, you will fight me. Then he hit me in the head with his fist, knocking me a few steps to the right. I straightened up and put my hands behind my back. The man hit me in the head again knocking me to the ground. I got up and he threw me back to the ground ripping my shirt. He then began to kick my head. I started covering up and trying to move away. A couple of times he paused and asked me questions such as, are you going to get out of town? I did not answer. He was kicking me hard but I think he could have kicked me harder if he had wanted to. Then two other white men arrived. When the two white men got there one put his foot on my neck and the other two continued to kick me. At one point a colored woman drove by, slowed down, and they started yelling at her and she speeded up. When they were kicking me one of the new arrivals asked me what I was doing and why I had come here. I told them - for justice. They kept kicking me. They stopped kicking. The fellow who had his foot on my neck had a knife in his hand. He asked the others whether they should kill me right there or give me a chance to get out of town. The first man said -- "No. They had broken my ribs already. They should let me go." They stood back and let me get up. I walked toward the corner and when I got to the corner on the other side of the tracks, I ran. The truck came by again, but I had gotten into the backyard of the first house on the other side of the tracks. I continued through the backyards to the Holloways. I did not have any broken bones from the beating, but I was seriously bruised and had a very bad headache that night.

The next day, July 22, I went to Birmingham by bus to get my car which had been repaired. I drove back alone and arrived in Albany the morning of the 23rd. I stayed in Albany all of that day and spent the day making reports on voter registration work and attending a SNCC meeting on the SW Georgia voting registration project which was held with James Foreman and field representatives. I attended a mass meeting of the Albany Movement that evening.

On July 24, I worked on my car and returned to Dawson to Holloway's house where I was to stay. Eugene Oliver was with me. I canvassed that afternoon in the area of Holloway's house.

While canvassing we met Melissa Hicks who invited us to attend Bible School with her the next day at the Salter's Church. She explained that it involved mostly children but that there were teenagers there.

On July 25, Eugene and I attended the Bible class with Melissa Hicks in the morning. We read out of the Bible with the other people in the class for about an hour. This class was composed of about six or seven teenagers. We had a recess during which we talked in the yard to about 10 or 15 persons -- answering their questions on voter registration work and recent events in Albany. After the recess we returned to the class again and sang hymns and religious songs.

While I was singing I saw a white man drive up to the church and talk with a Negro woman outside. I don't know this woman but she was an adult and I believe was either an instructor in the Bible class or was attending adult Bible class being taught by Mr. Sykes. She came in and spoke briefly with Mr. Sykes who was the head of the Bible class and who is also principal of the Negro high school, Carber High, in Dawson. Sykes talked with the woman briefly while everyone was singing. After the singing was over Eugene and I returned

to the teenage Bible class. Mr. Sykes then called us out and requested us to leave the Bible school. He said it would jeopardize the people there if I was to stay. He said the white folks and the colored folks don't mix. I told him I thought anyone would be welcome in the church. He just requested me to leave again. Mr. Sykes saw us when we first arrived about one and one-half hours before this conversation. He said nothing to us then. After supper we started making arrangements for transportation for people to the voter registration meeting at Mt. Olive Baptist Church in Sasser, Georgia. About 8:15, Eugene Oliver, Carrie Boston, Ruby Walton and I were driven to the meeting by John Moon. It was dark when we got to the church. There were police and sheriff cars parked in front of the church and white men were milling about. John Moon let us out and said he was not going to attend. As we got out at the church the white men started moving toward us. They seemed to form two lines and we had to walk between them. There was a group of them standing on the outside steps and we had to weave our way through them. They made comments to all of us as we went in. It was hard to distinguish them but a man at the bottom of the stairs said, hey, you white son of a bitch, come here. I told him I had business inside. Deputy Dunaway was beside me on the steps at that time. As I was entering the church I saw flashlights over by the cars where the Negroes parked on the side of the church. They were flashing them on the license plates and into the windows of the cars.

We went in and I went down to the front row on the left hand side facing the rostrum and sat next to three white men who I later discovered were reporters.

Sherrod was reading the Scripture when we came in. While he was reading the white men outside the church started to come through the door and milled

around in the back of the church. They were roughly dressed, like they had just come out of the fields. They kept their hats on, many of them were smoking, and they talked among themselves. Practically all of them had flashlights. The only ones who I recognized were the Sheriff Z. T. Matthews, his Deputy, Mr. M. E. Matthews, and Mr. Royce Dunaway. All three of them wore guns.

After Sherrod finished with his Scripture reading, he turned the meeting over to Lucius Holloway. Holloway said this was a voter registration meeting and that everyone was welcome. The sheriff then said he wanted to say something. He walked down in front of the group and started to talk. I don't remember what he said at first but after some comments he seemed to notice the reporters were writing down everything he said. He turned to them and asked them who they were. Each stood up individually and stated who they were and what papers they worked for. After that the sheriff told them to take down everything just as he said it. The sheriff said that they had received a lot of bad publicity from Yankee newspapers and said something to the effect that it hadn't been reported accurately. Mr. Sitton and Mr. Shipp both explained they were fellow Georgians just like the sheriff.

The sheriff then talked to the meeting at some length. I don't remember all of the conversation, but I recall him stating that for 100 years the Negroes had lived peacefully in Terrell County and that they didn't need any outside help or have anybody to come in and disrupt their affairs. He said that he wasn't against anybody registering to vote as long as they were qualified. Then he asked how many there were qualified. He singled out Mr. Edwards and Lucius Holloway and asked them if they had had any trouble registering. The sheriff also talked about this being a secret meeting and that he had to know what was going on. He also said that before an election you weren't

allowed to register. Later he changed it to say you could only go down on a Monday. About that time Deputy Matthews took up a lull in the conversation and told the group that nobody needed anyone from Massachusetts to take them down to register to vote. By this time he was talking right to me and standing about five feet away from me. He was slapping his 3-cell flashlight in the palm of his hand. He asked me if everybody was registered to vote where I came from and why I didn't register people to vote where I came from. He told me that no white person would walk down the street with me. I made no replies to his comments except I said that most of the people were registered where I came from.

The sheriff then told me that he was going to have to ask me to leave the county and said he would not protect me. He said the white citizens were irritated at a white man living with colored people.

The sheriff then started talking to the group and asked them a series of questions. Some of these were: is anybody dissatisfied; is there anybody here who has been refused the right to vote; and is there anybody who has been refused any of their rights.

About this time Deputy Matthews then took over the conversation. He said some comments to the group and then started talking to Sherrod. He was about four feet away from him. He asked Sherrod where he was from. Sherrod answered. He asked why he had to come down to stir up trouble. Sherrod told him he wasn't trying to stir up trouble, that he was only trying to encourage people to register to vote.

Next the sheriff asked people from Terrell County to stand up. People did this. He also asked for the people from other counties to stand up. The sheriff then spoke some more about outside agitators.

One of the law officers then asked for the names of those who were attending the meeting. Holloway said they would be willing to give their names but told the group that no one had to give their name if he didn't want to. Some of the people gave their names and the deputy as well as some other people went around to the Negroes individually and asked them for their names.

After a while the sheriff finally returned the meeting to Holloway.

During this time the other white men were milling about the church. I saw two of them talking to Mr. Edwards for quite a while. I saw a man addressing Carrie Boston and Ruby Walton. I don't know what he said. After the meeting started again, there were reports on voting registration in nearby counties. Penelope Patch (the only other white worker in the registration drive who was present at this meeting) and another girl told about the registration drive in Lee County. Mr. Mays also gave a report regarding activities in Lee County. I was called upon to tell about the registration drive in Terrell County. I told them about last week's activities -- where we had worked, progress we had made with the people we had talked to about the attempts to register on July 21, and about my beating and the Bible School incident. I don't recall what happened after this but the meeting ended by all of us singing We Shall Overcome. As I left the church, one of the white men said to me. The only trouble with you mister is you should have been born black. We will be seeing you again. There were several other comments similar to this made to me by these white men. The white men were flashing lights on us and in our faces as we were walking to our cars. I got into Charles Jones' car, a SNCC field representative and as we were leaving we saw the reporter's car on the road to the highway. It looked like it had a flat tire. We slowed down and Mays, who was in another car, stopped. The reporters were standing

by their car. Sherrod, Eugene Oliver and I drove to Holloway's where we were staying that night..

Thursday, July 26, we worked on reports at Holloway's house and Sherrod, Holloway and myself discussed the procedures we had been following in the drive. We decided then to switch more of our efforts from door-to-door canvassing to a renewed drive to strengthen the organization of the Voter Registration Drive. We felt this would be more productive because our attempts to get Negroes to apply through canvassing was running into difficulties.

On Friday, July 27, we worked on reports and records in the morning and returned to Albany that afternoon to again meet with the Executive Secretary of SNCC, Mr. Foreman.

On July 28, we met with SNCC people in Albany. That afternoon we went to Lee County to attend the voter registration meeting at the Shady Grove Baptist Church that evening and also talked to SNCC voter registration workers in Lee County.

On Sunday, July 29, I remained in Albany in the morning and worked on reports. I also attended a mass meeting. I also went to Dawson with Sherrod and visited the Holloway house, and returned to Albany.

On July 30, Monday, I returned to Terrell County at about noon with Sherrod, Ruby Doris Smith and Reginald Robinson, all Negro SNCC workers. Then we went to Holloway's house and called people who had tried to apply before to see if they would try again that day. The Negroes in the project, some who had tried to apply on July 21, said they would try again that day. Carrie Boston also said she would try again. Reginald, Ruby, Sherrod and I went to the project to pick up the fellows who were going to apply. When we got to the project, there were about 8 people who wanted to go and apply. We split

into two groups. Four went in the car with Sherrod and myself while the other four walked to the courthouse with Ruby and Reginald. I drove to the courthouse and parked the car about a block away. We went in the front door. The four fellows walked directly into the Tax Collector's office. Sherrod and I stood immediately outside the office.

After about two or three minutes Deputy Sheriff Dunaway walked up to me and said he had a warrant for my arrest. It was about 4:00 p.m. He told me he was arresting me for vagrancy and that Chief of Police Cherry had signed the warrant. He had a paper in his hand and indicated it was the warrant but he did not show it to me and I did not ask to see it.

Dunaway asked me to follow him, and I did, across the street to the county jail. I didn't ask any questions and he just locked me into a cell. About 15 to 30 minutes later Sherrod yelled up to me from somewhere else in the jail. He told me that they got him too for the same charge. Later that afternoon someone brought Sherrod up and locked him in the cell beside mine.

I stayed in jail approximately 4 days. The morning following the arrest the sheriff and Deputy Dunaway brought us to the courthouse before the Justice of the Peace, Daniel English. They asked us if we wanted a commitment hearing or whether we wanted them to set bail. We told them we wanted a commitment hearing and Sherrod was then permitted to call a Negro lawyer, C. B. King.

On Friday evening about 6:00 p.m. the sheriff came and unlocked Sherrod's and my cells and led us to the office where we met James Foreman and C. B. King. Foreman, Sherrod and I signed bonds for the release of Sherrod and myself. The bond was for \$500 apiece. The sheriff told us we were going to have our hearing on August 17, I believe at the courthouse before Judge Geer.

As we left the courthouse there were newsmen around who were talking to

us. After they left, groups of white people started to gather around us. We were standing by Mr. Foreman's car while Mr. King was going back to the sheriff's office to see how I could get my car which had been impounded while I was in jail.

The white people started to make comments so we decided it was better to leave for Albany without getting my car that day.

On August 4 I attended a meeting of the SNCC voter registration workers in the morning in Albany. That afternoon I returned with Ruby Doris Smith, Sherrod and Cordell Regan to Dawson. We left the car at Mrs. Daniel's house and Sherrod and I walked to the police station to try and get my car. No one was at the police station so we walked down to Main Street to a corner where police officers usually can be found. As soon as we started to walk on Main Street cars started following us and by the time we got to where there were some policemen there were about three cars following us. I tried to talk to the police but they ignored me. One of the cars drove up while I was beside the police and the driver, a white man, asked me if I wanted a ride and I told him no and he repeated the question again. He told me he would give me a ride anywhere I wanted to go. He then told me to get in here. I again refused and tried to get the policeman's attention. The policeman refused to look at me or pay any attention to the two white men in this car. They just continued to lean against a car parked on Main Street and look in another direction. Finally, the car left. Then the police officer answered my question. He told us that we could find Chief Cherry in the Sheriff's office. We left for the sheriff's office and the car with the two white men continued to follow us including the truck which the white person had been driving when I was beaten up. Sherrod and I went to the sheriff's office where the chief of police told me to go to

the Ford Motor Company to get my car. We had to go back down Main Street. We finally got to the Ford Motor Company and several cars were following us. I paid \$18 for my storage charges. We got in my car and started to drive to Lucius Holloway's where I had been staying. As soon as we pulled out of the garage the same truck continued to follow us and one police car took up behind him. The truck left within two blocks of Holloway's and the police car when we were one block away. At Holloway's we called Cordell Regan and then left for Albany. We left in my car. Just before I reached Sasser a state patrol car stopped me. It was about 4:00 p.m. It was a state patrol officer, Braswell, and another statetrooper in uniform. They asked to see my driver's license and registration card. They told me to get out and come to the back of the car. I showed it to them and there was some conversation. They asked why I had 1961 tags on my car and I told them in Massachusetts they were only issued every two years. I showed my 1962 registration certificate which shows that I had paid for my registration. They also asked me how long I had been living in Georgia. I told them two weeks because I had been in Alabama two weeks ago. They asked me where I was living and I told them at that moment I was staying with friends in Albany. They asked me how long I had known the people in Albany. I told them I had known them since the beginning of the summer. They pointed out the registration number on my certificate was written in pencil. Then they asked me if I was working. I said I had a temporary job. They asked me where I was working and I told them I worked for SNOC on voter registration. At that point they told me to follow them. They said that as long as I was working in the State of Georgia I should have gotten a Georgia registration certificate and Georgia driver's license. I told them they were wrong because I had six weeks to register my car in the State of Georgia and thirty

days to get my Georgia driver's license. I told them that I had already been charged in Albany with the same offense and that I had been released after a hearing. I told them that I knew the law of Georgia as it had been explained by Attorney C. B. King during the hearing. They told me to follow them back to Dawson.

We got to the sheriff's office and I went in alone with the officers. We again went through this matter about the validity of the charges with the sheriff and the patrolman. Here they looked up some information in a little handbook and asked me about a 1962 registration sticker. I told them it had peeled off my windshield and I had not had time to replace it. Officer Braswell then told me I spent too much time minding other people's business and I don't have time to mind my own. Then Braswell again asked me about my driver's license. I told him there was a thirty-day visitor's period. He said but you are working, aren't you and if you are not working you are a vagrant. I told him I was working and gave him the information on this which I had given before. I told them I thought the thirty-day period still applied to me and told them about my previous arrest and subsequent release in Albany. Officer Braswell then gave me a ticket and said I was charged with an improper license and improper tag. He then turned me over to the sheriff. Officer Braswell told me that the fines were \$50 for each offense. I told them I wanted to call my lawyer and they allowed me to call Mr. C. B. King. His line was busy so as I left the office to go to the jail, I talked with Sherrod and gave him my ticket and asked him to contact Mr. King.

I indicated to them that I was not going to pay the fine at that time so the sheriff took me to jail. I was locked in my cell from until Saturday until Sunday noon.

Mr. Foreman came and I was released on bail of \$100. I didn't sign any bond and I don't know if anyone did. They told me I could get a hearing anytime and that I would be expected in court sometime in December. There was no trouble when I left the jail that day.

I stayed in Albany all of Sunday, August 5.

Monday morning, August 6, I met James Bevel, who works with the Southern Christian Leadership Conference, Sherrod and another white person, who is a free-lance photographer. We went to Dawson and contacted people who had previously indicated they wanted to register. These people said they were either busy or that they would try to register by themselves with the exception of one lady who wanted to go and apply. All of us took this lady down and the photographer went into the office with her. The white secretary in the office dashed out and went into the sheriff's office. The Negro woman continued to fill out her application and the Tax Collector and the photographer left the office; and the Tax Collector went into the sheriff's office. Apparently she was afraid of having her picture taken. When Bevel was bringing us to the courthouse that same truck which had been driven by the men who beat me up on July 21st and which had been used to follow me a number of times in Dawson, followed us a few blocks and then left us at the courthouse.

I have received some money from the registration fund which was created from money which was earned by the SNCC people and the volunteers who worked on certain Saturdays and from money forwarded from SNCC headquarters in Atlanta. I spent the money for transportation costs. The other necessities which I have needed have been furnished to me by the local people who wish to help us in our work in the voting registration drive.

I am not working on the voting registration drive for the purpose of

earning money. I do it out of a moral conviction about the democratic standards of our nation.

To encourage Negro registration I have done the following activities in my work:

- (a) canvassed Negro areas for people who wish to apply
- (b) encourage people to go to the voter registration meetings.
- (c) carried people up to register and helped them when I could to find the proper office in which to apply
- (d) I have instructed people how to fill out the application forms and the procedure they will go through to fill out the form.
- (e) I have participated and spoken to the voter registration meetings in Terrell County. Instructed people in their government and how it operates.
- (f) helped occasionally with voter registration activities on the organizational level.

I have not taken part in any of the demonstrations in the Albany Movement. I have attended mass meetings and spoken at them as a guest and have not been an active participant in the Albany Movement but have devoted my efforts entirely to the voter registration project.

RALPH W. ALLEN

Subscribed and sworn to
before me this 11th day
of August, 1962

Kathryn C. Campbell
Notary Public

My Commission expires: 9/14/64

JUSTIFICATION MEMORANDUM

Prior to the filing of a suit, or before the certification of a county for the appointment of federal examiners, it is necessary to submit a factual justification for the suit to enable the Assistant Attorney General of the Civil Rights Division and the Attorney General to evaluate the facts before authorizing the suit or the certification. The following justification was prepared before United States v. Bruce was filed.

This action sought to enjoin public officials and private citizens in Wilcox County, Alabama from coercion and intimidation for the purpose of interfering with the right of Negroes to register to vote, in violation of Section 1971(b). The suit was dismissed and the Department appealed the dismissal. The Court of Appeals reversed and remanded. The trial has not yet been held.

Burke Marshall
Assistant Attorney General
Civil Rights Division

John Doar
First Assistant

November 15, 1963
JD:AAS:jmn
72-3-47
14,005

United States of America v. W. Henderson Bruce, et al.
(Wilcox County, Ala.)

We are ready to file suit under 42 U.S.C. 1971(b) in Wilcox County.

1. Nature of the Suit

This action is brought to enjoin twenty-nine white residents of Wilcox County, Alabama, from intimidating and threatening Negroes for the purpose of preventing Negroes in Wilcox County from registering or attempting to register to vote. No Negroes are registered in Wilcox County and we are awaiting trial of the 1971(a) suit pending there - U.S. v. Logue, et al.

The defendants in this suit signed four letters mailed to Lonnie Brown, a Negro insurance agent, ordering him to stay off their property. Since Brown had to pass over the land of about nine of the white signers in order to make collections from Negro policyholders, it was concluded by his company that he could no longer adequately perform his business and, as a result, he was transferred to work in another area of Alabama by his employer. Brown is a leader in the Negro voter registration drive in Wilcox County and the difficulty he has encountered is public knowledge among Negroes in Wilcox County. The effect has been to discourage Negroes from attempting to register or to participate in voter registration work.

Extensive investigation has revealed that the sole purpose of the letters to Brown was to intimidate, threaten and coerce Brown and other Negroes in Wilcox County from participating in voter registration work.

cc: Records
Chrono
Doar
Trial File (1345)

2. Brown Has Been Active in Voter Registration Work

The registration statistics for Wilcox County are:

| | <u>White</u> | <u>Negro</u> |
|-----------------------|---------------------|--------------|
| Persons of voting age | 2,624 | 6,085 |
| Persons registered | 2,810 ^{1/} | 0 |

On April 1, 1963, Lonnie Brown and his wife applied for registration to vote at the county courthouse in Camden, Alabama. They were the first Negroes to apply for registration in Wilcox County in more than fifty years.

In January 1963, Brown began to publicly urge Negroes in Wilcox County to apply for registration to vote. He was instrumental in organizing the Wilcox County Civic League, the purpose of which is to encourage Negroes to become registered voters. This group met from two to four times a month from February through June 1963. Brown spoke at Negro church meetings encouraging Negroes to participate in the registration drive; he talked personally to about 150 to 200 Negroes in the county about voter registration; he distributed leaflets encouraging Negro participation in the registration drive; he carried Negroes to the courthouse to apply; and he spoke briefly at a registration rally at Selma about the activity in Wilcox County. His statements at this rally were reported on page one of the Selma Times-Journal, a daily newspaper which is widely distributed in Wilcox County. As a result of the registration drive, about thirty Negroes have applied for registration to vote since April 1, 1963. They have all been rejected by the Board of Registrars.

3. The Letters Created Difficulty for Brown and Have Had the Effect of Intimidating, Threatening and Coercing Negroes and Interfering in their Right to Register to Vote

It was necessary for Lonnie Brown to leave his job in Wilcox County as a result of the letters. About forty-one policyholders from whom Brown

1/ The figures indicate more white persons are registered than are eligible. This discrepancy probably results from the failure to purge all voters from the rolls who die or move away. From experience in similar counties, it is estimated that more than 90% of the white persons of voting age are currently registered in the county.

collected about one-sixth of his premium payments live on land or can only be reached by crossing land owned by one of the white letter signers. Because of this problem, Brown's employer assigned him to work in Clarke County, Alabama, about eighty miles from his home. His family still lives at their home in Wilcox County and Brown spends the weekends with them.

Lonnie Brown is 32 years old, has lived in Wilcox County all his life, is a veteran, has thirteen years of education and has never been in any previous difficulty. Many Negroes in Wilcox County know Brown was active in voter registration work and were aware of the risks which this involved. It is inevitable that these Negroes interpret Brown's experience as a warning from the white community about Negro participation in voter registration activities. Since Brown's transfer became public knowledge in June, no further meetings were held by the Civic League and following early July no Negroes applied for registration until four attempted during October 1963. Whereas, the registration drive was successful prior to July, it has since ceased. The difficulties experienced by Brown appear to be one of the significant reasons for this decline in the Negro voter registration drive.

4. White Persons Signed the Letters for the Purpose of Intimidating, Coercing and Threatening Negroes and to Interfere with the Negro Voter Registration Work

The interviews with the white persons who signed the letters revealed that they did not have a legitimate reason to sign the letters.

- (a) Of the nineteen signers who gave a reason for signing, eleven stated that the sole reason or one of the reasons they signed was because they heard Brown was an agitator or troublemaker.
- (b) Several landowners stated they signed because Brown was interfering with their laborers. The facts given by these signers appear to be unrealistic, the signers' laborers were interviewed and their statements completely refuted the statements of the signers, and Brown denies the facts given by the signers.
- (c) Four signers stated they signed because gates were being left open on their property and they believed Brown was responsible. Twenty-five Negroes, the access to whose

homes were affected by one of the white person's signatures, were interviewed. They used the same access way as Brown, as did other persons such as salesman, doctors, etc. None of the landowners had complained to these Negroes about the gates being left open, yet they would be the logical persons to talk to if the problem existed. The Negroes didn't believe this was a problem. One of the landowners giving this reason had cattle gaps rather than gates.

- (d) Several said they signed as a favor to a friend or neighbor. Others merely stated they just didn't want persons on their land or a similar reason which did not explain why they singled out Brown to give such an extraordinary notice to.

In cases where Brown has been crossing over a signer's land, he has used these access ways in practically all cases at least once a month since about 1958. He never had any difficulty similar to this prior to his work in voter registration work. None of the Negroes interviewed knew of any time Brown had improperly used the access ways or left gates open.

Included among the defendant signers are the new Chairman of the Board of Registrars (appointed September 30, 1963) - A. L. Wall; a county commissioner - George Pendley, Sr.; and three persons known to have been members of the Executive Committee of the Wilcox County Citizens Council in 1958 - James Strother, Henderson Bruce and James Ratcliffe.

Three of the letter signers are not listed as defendants. W. H. Parsons is deceased [redacted] who signed as a favor to an old friend and [redacted]

5. Conclusion

The facts in this case show that there is no valid reason for the action taken by the white persons who signed the letters. It is apparent that their purpose was to prevent Lonnie Brown and other Negroes in Wilcox County from attempting to become registered voters and from working to encourage other Negroes to become registered voters.

PLEADINGS

This Complaint, Notice of Motion and Motion for a Preliminary Injunction and attached affidavits were filed in United States v. Mayton. Also included is a subsequent application for an order requiring the defendants to show cause why they should not be held in civil contempt.

The complaint sought to enjoin officials from discriminating in the registration of voters in Perry County, Alabama, in violation of Section 1971(a). The subsequent show cause application sought citations of civil contempt against these officials for violations of the injunction which was issued.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

NEELY B. MAYTON, JOHN ALLEN
BLACKBURN, FLOYD BAMBERG, as
Registrars of Voters of
Perry County, Alabama; and
STATE OF ALABAMA,

Defendants.

CIVIL ACTION NO. _____

C O M P L A I N T

Plaintiff, the United States of America, alleges that:

1. This action is instituted by the Attorney General in the name of the United States pursuant to the provisions of Part IV of the Civil Rights Act of 1957 (42 U.S.C. 1971, 71 Stat. 637), as amended by the Civil Rights Act of 1960 (74 Stat. 90).
2. This Court has jurisdiction of this action under 42 U.S.C. 1971(d) and 28 U.S.C. 1345.
3. The State of Alabama is joined as a party defendant pursuant to Section 601(b) of the Civil Rights Act of 1960.
4. The Board of Registrars of Perry County, Alabama (hereafter referred to as the Board) is an agency of the defendant State of Alabama. The Board consists of three members. Neely B. Mayton is the Chairman of the Board. John Allen Blackburn and Floyd Bamberg are members of the Board. These three defendants (sometimes referred to hereafter as the defendant Board members) reside in Perry County, Alabama.

5. Under Alabama law registration is a prerequisite to voting in any election. In Alabama, registration is permanent.

6. Defendant Board members, as registrars of voters of Perry County and as agents of defendant State, receive and pass upon applications for registration to vote. They determine whether or not each applicant is qualified to register to vote.

7. In Perry County, Alabama, there are approximately 5,202 Negroes and 3,441 white persons of voting age. Of these, approximately 257 Negroes and 3,100 white persons are registered to vote.

8. The defendant State and the defendant Board members and their predecessors in office, in conducting registration for voting in Perry County, Alabama, have engaged in racially discriminatory acts and practices which include, but are not limited to, the following:

- (a) Meeting at irregular hours and unscheduled places to avoid receiving and passing upon registration applications of Negroes;
- (b) Refusing to receive registration applications of Negroes;
- (c) Failing and refusing to act upon registration applications of Negroes;
- (d) Failing and refusing to inform Negro applicants of the action taken on their applications;

- (e) Refusing to permit Negro citizens whose applications for registration have been denied by failure of the Board to act to file any further application for registration;
- (f) Refusing to permit Negro citizens whose applications for registration have been formally denied to file another application for at least a year from the date of the previous application;
- (g) Applying different and more stringent registration qualifications, requirements, procedures, and standards to Negro applicants than to white applicants for registration in determining whether or not such applicants are qualified to register and to vote;
- (h) Using the application form and questionnaire as an examination or test for Negro applicants but not for white applicants;
- (i) Refusing to register qualified Negro applicants.

9. The acts and practices described in paragraph 8 of this Complaint have deprived Negro citizens in Perry County, Alabama, of their right to register to vote without distinction of race or color.

10. The deprivations of rights referred to in paragraph 9 of this Complaint have been and are pursuant to a pattern and practice of racial discrimination.

11. The defendants will, unless restrained by order of this Court, continue to engage in the acts and practices described in this Complaint.

WHEREFORE, plaintiff prays:

1. That this Court make a finding that the acts and practices of the defendants as described in this Complaint were and are racially discriminatory and constitute deprivations of the rights secured by 42 U.S.C. 1971(a), and that such deprivations were and are pursuant to a pattern and practice of discrimination.

2. That this Court issue a preliminary and permanent injunction enjoining the defendants, their agents, employees, and successors, and all persons acting in concert with them, from:

- (a) Engaging in any act which would deprive any citizen in Perry County, Alabama, of the right to register and to vote without distinction of race or color;
- (b) Engaging in any act which would delay, prevent, hinder or discourage Negro citizens in Perry County, Alabama, on account of their race or color, from applying for, and becoming, registered voters;
- (c) Applying different and more stringent registration qualifications, requirements, procedures, and standards to Negro

applicants for registration than those which, during the period of discrimination, were applied to white applicants for registration in determining whether or not such applicants were or are qualified to register and to vote in Perry County, Alabama.

3. That this Court order the defendants to place upon the current voter registration rolls of Perry County, Alabama, and otherwise register, all Negroes shown by the evidence to have applied for registration in said county and who possessed at the time of their applications the qualification requirements applied by the defendants to white applicants who became registered during that period.

4. That this Court grant such additional orders as will insure the fair, equal, and non-discriminatory administration of registration procedures and standards in Perry County, Alabama.

5. That this Court grant such additional relief as justice may require together with the costs and disbursements of this action.

/s/ Robert F. Kennedy
 ROBERT F. KENNEDY
 Attorney General of the
 United States

/s/ Burke Marshall
 BURKE MARSHALL
 Assistant Attorney General

/s/ Vernol R. Jansen, Jr.
 VERNOL R. JANSEN, JR.
 United States Attorney

/s/ John Doar
 JOHN DOAR, Attorney
 Department of Justice
 Washington, D. C.

A F F I D A V I T

STATE OF ALABAMA }
COUNTY OF PERRY } SS:

On the 21st day of August, 1962, Edward Turner, being first duly sworn, says as follows:

My name is Edward Turner. I am a Negro. I am 32 years old and live at Route 1, Box 9, Marion Alabama. I have been married for eight years and have four children. I studied brickmasonry for two years at Alabama A.&M. College and am a brickmason. I was born and raised in Perry County and have always had my residence here. I served two years, 1952 and 1953 in the Army Engineers and got an honorable discharge. While I was in the Army, I served for 10 months in Korea at Pusan and Masan and received a bronze star unit citation. I have never been arrested. I own an acre of land in Perry County and am having a house built on it. I am not a registered voter.

I first attempted to register in 1954. I went with about five other Negroes. The registrar gave me a form, I filled it out and turned it in. He looked it over and told me I didn't pass.

I next attempted on about the third Monday in December, 1961. I went up with my wife and my brother, Albert Turner.

We asked Mrs. Jackson in the Probate Judge's office where (ET) we could register. She referred us to the Tax Assessor's office where we were referred to the Tax Collector's office and told they didn't know where the Board was. We went up to the Clerk's office on the second floor where we were told that the Board met in different places in the Courthouse. No one knew where they were that day.

My wife left for work but my brother and I learned from Mr. Richardson, a Commissioner I know, that the chairman of the Board of Registrars was in the hall of the Courthouse. It was around 10:00 a.m. We asked the chairman, Mr. Mayton, if he could give us a registration test. He said, no, that one registrar could not give the test alone. He said that if we wanted to try again at around 2:00 p.m., maybe there would be another registrar there then. I asked Mr. Mayton when we could try again in case we couldn't get back after dinner that day. He said that the Board always met on the first and third Mondays of each month. He said we could come back on the third Monday in January, 1962 as the first Monday fell on a holiday.

I left and returned to the Courthouse at around 2:00 p.m. that same day and was told that the registrars had left for the day.

I went back on the third Monday in January, 1962, with my wife, Gladys, and my brother, Albert, at around 9:00 a.m. or 9:30 a.m. Mrs. Jackson in the Probate Judge's office said that the registrars weren't in but that we could wait downstairs if we wanted to. We waited downstairs for about fifteen or twenty minutes and Mr. Mayton arrived. He said he couldn't give us the test by himself. A few minutes later, some white ladies, about two I think, and a white man arrived and Mr. Mayton gave us all tests. We all began filling them out and a few minutes later Mr. Blackburn, another registrar, arrived. When I finished my application, I handed it in to the first registrar, Mr. Mayton. He looked it over and stated he couldn't pass on it until the Board met. The other registrar didn't say anything. Mr. Mayton told me I could come around again at about 2:00 p.m. that day and maybe I could find out. He said, that, in any case, I would get a notice in the mail if I passed. We left.

I went back that same day at about 2:00 p.m. and no one was there. I never received any notice or heard from that application.

We returned to the Courthouse on Monday, June 18th, 1962, at about 9:00 a.m. My wife and I met my brother, Lee Curtis Turner, Linton Rutledge and Reverend Davis, all Negroes, and we found Mr. Mayton there that day. My wife and I had taken the test in January, 1962, and Rutledge said he had taken his back about 2 years ago. During our talking with Mr. Mayton that day, we asked to take the test but when we told Mr. Mayton that we had already taken one before, he said that he couldn't give us another one until they passed on the first one and that if he did we might pass both and be registered twice. He also told us he couldn't pass on our applications then because he was alone and only the Board could pass on applications. A group of us were talking with Mr. Mayton and at one point, when someone asked him how soon the Board usually passed on applications, he said that he couldn't say, that it might be very soon or it might be in forty years, that the Board only met twice a month and that they probably hadn't gotten to the three of our applications. He told us he didn't know when we could find the Board together to pass on our applications and that he didn't have the power to call them together for that.

I had seen Mr. Blackburn, the registrar, out front and Rutledge and I had asked him to come in so that maybe the two registrars together could pass on our applications. Mr. Blackburn said he would come in and he did. But Mr. Blackburn didn't stay in the office. He and Mr. Mayton went for a coke and I didn't see Mr. Blackburn any more that time.

After Mr. Mayton came back in about five minutes, some more Negroes came in and he had to go upstairs to get more application forms. Willie Nell Avery

and James Avery were there and Mr. and Mrs. Ward and their daughter. Mr. Mayton didn't give Mr. and Mrs. Ward applications because they said they'd already filled one out.

At about 11:00 we finally left.

On Monday, July 2nd, I went down to the Courthouse with some of my friends and by about 9:30 a.m. there were at ET least 18 other Negroes there. We waited but the Board never came. It was almost 11:00 a.m. and I went to work.

I haven't been back since.

/s/ Edward Turner
EDWARD TURNER

Subscribed and sworn to
before me this 21st day
of August, 1962.

/s/ Hampton D. Lee
NOTARY PUBLIC

My Commission expires:
Oct. 1965

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NEELY B. MAYTON, JOHN ALLEN
BLACKBURN, FLOYD BAMBERG, as
Registrars of Voters of
Perry County, Alabama; and
STATE OF ALABAMA,

Defendants.

CIVIL ACTION No. _____

NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION AND FOR A
FINDING OF PATTERN AND
PRACTICE PURSUANT TO
42 U.S.C. 1971(e)

To each party and to the attorney of record for each party herein:

PLEASE TAKE NOTICE that on _____, 1962, at _____, _____, or as soon thereafter as counsel can be heard, at the courtroom of the United States District Court in the _____ Building, City of _____, Alabama, the plaintiff will present to the Court his motion for a preliminary injunction enjoining, during the pendency of this case, the defendants, their agents, employees, successors, and all persons in active concert or participation with them, from engaging in any act or practice which involves or results in distinctions based on race or color in the registration or voting processes in Perry County, Alabama, and specifically ordering said defendants:

1. To meet for a full day on every registration day specified by the Alabama law and to receive applications for registration to vote on all such days; and if regular registration days are insufficient to receive and process applications from all persons appearing to register, to meet and receive applications on such additional days as are necessary;

2. To post the hours and place of each meeting in a conspicuous public place in the Perry County Courthouse for at least one full week preceding the meeting;
3. To receive and process all applications for registration in the order of the applicant's appearance without regard to race or color;
4. To receive on each registration day the applications of the maximum possible number of those appearing to register but in no case less than 75 applications if such number of persons appear to apply for registration;
5. To pass on each application for registration filed and to notify each applicant of the action on his application for registration, whether accepted or rejected, within a reasonable time not to exceed two weeks; and if the applicant is rejected, to notify the applicant of the specific reason or reasons for his rejection;
6. To permit rejected applicants to re-apply for registration as often as they desire;
7. To accept as a supporting witness, if such is required of any applicant, any legal resident of the county, and to accept any legal resident of the county as a reference whose name is submitted as such;
8. To register all applicants who meet the following qualifications:
 - (a) He is a citizen of not less than
21 years of age;
 - (b) He has resided in the State two years,
in the county one year, and in the
precinct three months;
 - (c) He embraces the duties and obligations

of citizenship as demonstrated by his willingness to take and sign the Oath;

- (d) He is not disqualified by reason of bad character, conviction of a disqualifying crime, insanity or idiocy; and
- (e) He is able to demonstrate his ability to read and write by answering questions on the application form and questionnaire.

- 9. To assist Negro applicants in the completion of the application form to the same extent they have assisted white applicants in the past;
- 10. To cease using the application form as an examination or test for Negro applicants and to cease rejecting Negro applicants for formal, technical and inconsequential errors on their application forms; and to use such application form only as an information sheet for obtaining data relating to the Negro applicant's qualifications as such form has been and is being used in registering white applicants;
- 11. To make available to representatives of the United States Department of Justice all Perry County voter registration records, papers and documents at any and all reasonable times;
- 12. To file with the Clerk of this Court, a copy to be served upon the plaintiff, a monthly report on or before the 4th day of each month showing the name, address, and race of each person who has applied for registration in Perry County during the reporting period, the disposition of each such application, and if rejected the exact reason or reasons therefor;

13. To register forthwith as electors all Negro citizens shown by the evidence to have applied for registration in Perry County and to be qualified under the qualifications, requirements and standards by which white applicants have been registered in the past; and to take all necessary steps to advise the Probate Judge of Perry County that such Negro citizens have been registered in order that he, for such of these Negro citizens who have paid their poll taxes or are exempted from the payment of poll taxes by reason of age or military service, shall certify them as qualified electors who shall be eligible to vote in any election in Perry County held after the entry of this judgment, including the general election in November 1962.

The plaintiff will also move this Court to make a specific finding that the acts and practices of the defendants constitute deprivations of the right of Negro citizens, otherwise qualified, to register and to vote without distinction of race or color in violation of 42 U.S.C. 1971(a) and that such deprivations have been and are pursuant to a pattern and practice of racial discrimination.

The plaintiff's motion will be based on the affidavits attached hereto and made a part hereof, the pleadings and documents on file in this case, and testimony and other evidence to be offered at the hearing on this motion.

/s/ Vernol R. Jansen, Jr.
 VERNOL R. JANSEN, Jr.
 United States Attorney

/s/ David L. Norman
 DAVID L. NORMAN

/s/ Arvid A. Sather
 ARVID A. SATHER
 Attorneys
 Department of Justice
 Washington, D. C.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Plaintiff | : | CIVIL ACTION NO. 2881 |
| | : | |
| vs. | : | APPLICATION FOR AN ORDER REQUIRING |
| | : | NEELY B. MAYTON, JOHN ALLEN |
| NEELY B. MAYTON, JOHN | : | BLACKBURN, AND FLOYD BAMBERG TO |
| ALLEN BLACKBURN, FLOYD | : | SHOW CAUSE WHY THEY SHOULD NOT BE |
| BAMBERG, AS REGISTRARS OF | : | HELD IN CIVIL CONTEMPT. |
| VOTERS OF FERRY COUNTY, | : | |
| ALABAMA: AND STATE OF | : | |
| ALABAMA. | : | |
| | : | |
| Defendants | : | |

The United States, plaintiff herein, applies to the Court for an order requiring Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg to show cause, if any they have, why they should not be held in civil contempt of the preliminary injunction issued by this Court on November 15, 1962.

In support of this application, the United States alleges and shows to the Court the following facts and circumstances:

1. On the 27th day of August, 1962, the United States filed in this Court a complaint for an injunction against the Board of Registrars of Perry County, Alabama and the State of Alabama to have this Court issue a preliminary and permanent injunction ordering the defendants to cease engaging in racially discriminatory acts and practices in the registration for voting process in Perry County, Alabama which had deprived and were depriving Negro citizens of Perry County, Alabama of their right to

register and to vote without distinction of race or color. In support of the motion for a preliminary injunction, sworn affidavits of twelve Negroes detailing their efforts to register to vote were attached to the motion.

2. The hearing of the preliminary injunction was originally set by the Court on Friday, September 14, 1962 at 9:30 a.m. On the 29th day of August, 1962 notice of the time and place of the hearing was given to the defendants. During the first week of September, 1962 the hearing on the preliminary injunction was indefinitely postponed by the Court. On the 12th day of September, 1962 the defendants filed their answer to the complaint. On the 24th day of September, 1962 the hearing on the preliminary injunction was reset by the Court for the 10th day of October, 1962 at 11:00 o'clock a.m. On the first day of October, 1962 the hearing was reset by the Court for 2:30 p.m. on Friday, October 26, 1962, and notice to the parties was issued on the 4th day of October, 1962. Thereafter, at the request of the plaintiff, the Court changed the time of the hearing from 2:30 p.m. on October 26 to 10:00 a.m. on October 26 and the motion came on for hearing at that time at Mobile, Alabama.

3. At the hearing of the plaintiff's motion for a preliminary injunction, five witnesses testified and the parties stipulated to the testimony of another four witnesses of the plaintiff, three of whom were ready and available to testify on behalf of the plaintiff. In addition, the Court received in evidence census figures of Perry County and registration records of Perry County, including copies of 455 applications to register to vote filed with the Board of Registrars between April 20, 1959 and October 26, 1962, registration books and qualified voters lists. The

Court also accepted for consideration the sworn affidavits of the twelve Negroes whose affidavits were attached to the motion. These Negroes were present at the hearing but were not called to testify. At the close of the hearing, the Court directed the parties to submit a proposed preliminary injunction by 5:00 p.m. on November 2, 1962. This direction of the Court was complied with by the parties.

4. On November 15, 1962 the Court filed findings of fact and conclusions of law. Finding of fact No. 3 stated that since at least 1959 the defendant Registrars, Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg, have engaged in acts and practices which have had the purpose and effect of depriving Negroes of their right to register without distinction of race or color. Conclusion of law No. 6 stated that in accordance with finding of fact No. 3 an injunction will issue. On November 15, 1962 the Court ordered that Neely B. Mayton, John Allen Blackburn and Floyd Bamberg and the State of Alabama be enjoined and restrained from:

1. Engaging in any act or practice which involves or results in distinctions based on race or color in the registration of voters in Perry County, Alabama.
2. Failing to meet, receive, and process applications for registration to vote on the days and at the times and places specified by the laws of the State of Alabama.
3. Receiving and processing all applications for registration in the order of the applicant's appearance without regard to race or color.
4. Failing to pass on each application for registration within a reasonable time.
5. Failing to notify in writing each applicant of the action taken on his application for registration, whether accepted or rejected, within a reasonable time; and if rejected, the specific reason or reasons for his rejection.

6. Refusing to permit rejected applicants to reapply for registration as often as they desire, provided such rejected applicant applies after a waiting period of sixty days from the date of his rejection.

7. Failing to register all applicants who meet the following qualifications:

- (a) He is a citizen of not less than twenty-one years of age.
- (b) He has resided in the State two years, in the county one year, and in the precinct three months.
- (c) He embraces the duties and obligations of citizenship.
- (d) He is not disqualified by reason of bad character, conviction of a disqualifying crime, insanity or idiocy, habituation to drink, or dope addiction.
- (e) He is able to demonstrate his ability to read or write by answering the questions on the application form and questionnaire.

8. From rejecting applicants for formal, technical and inconsequential errors or omissions in their application forms.

5. The order of this Court since its issuance on November 15, 1962, has been and is now in full force and effect. Neely B. Mayton, John Allen Blackburn and Floyd Bamberg, and each of them, at all times since at least November 17, 1962 have had notice and knowledge of the terms thereof.

6. On November 26, 1962, the order of November 15, 1962 was personally served on each member of the Board of Registrars of Perry County; to wit, Neely B. Mayton, John Allen Blackburn and Floyd Bamberg.

7. At the hearing on the plaintiff's motion for preliminary injunction, the plaintiff proved that the history of registration of voters in Perry County, Alabama, between 1954 and October 26, 1962 was as follows:

(a) There are approximately 3,441 white persons of voting age and approximately 5,202 Negroes of voting age in Perry County. Of these persons of voting age, as of November 15, 1962, approximately 100% of the white persons of voting age were registered to vote, and 245 or about 5% of the Negroes were registered to vote.

(b) Since April, 1959, four different persons have served as Registrars of voters in Perry County, Alabama. Neely B. Mayton and John Allen Blackburn served during this entire period while Floyd Bamberg replaced J. Clarence Bolling as a member of the Board in November, 1959.

(c) Between April 20, 1959 and October 26, 1962, the Board of Registrars of Perry County registered 453 persons. The defendant Registrars, Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg, registered 410 of these persons, all of whom are white persons. No Negro was registered in Perry County, Alabama, from at least April 20, 1959 to August 5, 1962. No white applicant was denied registration from at least April 20, 1959 to August 5, 1962.

(d) During the period which the present defendant Registrars have been in office and up to and including October 26, 1962, the date of the hearing of the plaintiff's motion for a preliminary injunction, the application forms submitted by white applicants show that the application form was not used as a test or examination for white applicants and they were not rejected for errors or

omissions in the information given on their application forms.

(e) During the term of the present defendant Registrars of Perry County, and up to and including October 26, 1962, the defendant Registrars assisted white applicants in filling out their application forms and pointed out to them errors and omissions in their application forms and afforded white applicants the opportunity to correct and complete their application.

(f) During the term of office of the present defendant Registrars white applicants were not required as a prerequisite to registration to furnish a supporting witness or a voucher to appear before the Registrars or to contact the Registrars on behalf of the white applicants. The Examination of Supporting Witness portion of the application forms of white applicants was not filled out and was not used in the registration process. White applicants were not restricted as to what persons they could list as references who had knowledge of the applicants' residence.

(g) During the term of office of the present defendant Registrars white applicants were not required as a prerequisite to registration to read or take orally or to fill in or subscribe to the Oath or the Supplemental Application For Registration, And Oath on page three of the application form.

(h) During the term of office of the present defendant Registrars white applicants were not required to appear personally before the Registrars in order to apply for registration. White applicants were permitted to fill out application forms at their homes and elsewhere outside the presence of any Registrar. The present defendant Registrars delivered application forms to white persons at their places of employment to be filled out and later returned to the Registrars. The Registrars gave third persons application forms to be delivered to white applicants to be filled out and later returned to the Registrars.

(i) The official records of the present defendant Registrars show that on certain days among those days when white persons were registered to vote, the following numbers of white persons were registered:

| | |
|------------------|----|
| April 16, 1962 | 33 |
| March 19, 1962 | 21 |
| February 5, 1962 | 26 |
| April 18, 1960 | 23 |
| March 7, 1960 | 26 |
| February 1, 1960 | 27 |

(j) The affidavits and testimony of Negroes in this case, including the affidavits attached to this application, show that from and including 1954 to October 26, 1962, twenty Negroes made at least seventy-four attempts to register to

vote in Perry County and that none was registered. Of these twenty Negroes, nine attended college, five others graduated from high school and two completed the 10th grade.

8. In nine other counties in Alabama, each of which has a three-member Board of Registrars as does Perry County, substantial numbers of persons have been registered as voters during one registration day. The table which follows shows the highest number of voter registration applications filed in a single day in each of these counties between 1960 and 1962:

| <u>COUNTY</u> | <u>TOTAL POPULATION 1960</u> | <u>DATE</u> | <u>NUMBER OF APPLICATIONS FILED</u> |
|---------------|------------------------------|-------------|-------------------------------------|
| CHOCTAW | 17,877 | 2- 1-60 | 64 |
| ELMORE | 30,524 | 2- 5-62 | 73 |
| CLARKE | 25,738 | 2- 5-62 | 83 |
| WINFCE | 22,372 | 2- 5-62 | 66 |
| CONECUH | 17,762 | 2-18-60 | 84 |
| MONTGOMERY | 169,210 | 4-21-58 | 227 |
| DALLAS | 56,667 | 2- 5-62 | 82 |
| BULLOCK | 13,462 | 9-18-61 | 78 |
| MACON | 26,717 | 2-19-62 | 125 |

The dates of application, except those relating to Macon and Bullock Counties, were taken from page three of the application forms reflecting the date the applicants signed the oath or the supplemental oath; the dates for Macon and Bullock Counties were obtained from official reports of the respective boards of registrars filed with the United States District Court for the Middle District of Alabama pursuant to court order, all as is more particularly set forth in the affidavit of Arvid Sather,

Attorney, Department of Justice, attached hereto and incorporated by reference in this application.

9. Since November 17, 1962, Neely B. Mayton, John Allen Blackburn and Floyd Bamberg have violated and disobeyed and continue to violate and disobey the aforesaid judgement and order of this Court in that Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg, as Registrars of Perry County, have engaged in racially discriminatory acts and practices in the registration for voting in Perry County, Alabama, in direct violation of the said order of this Court all as is more particularly set out as follows: Between November 15, 1962, the date of the entry of this Court's injunction, and January 6, 1963, the defendant Registrars, Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg, have received applications for registration to vote in Perry County on three regular registration days. These days were November 19, 1962, December 3, 1962 and December 17, 1962. On these three days more than three hundred Negro citizens of Perry County appeared at the Registrars' office in the Perry County courthouse at Marion, Alabama to attempt to register to vote. On these three days the defendant Registrars permitted only seventeen Negroes to file applications for registration to vote. Of these seventeen Negroes only one had been accepted for registration to vote as of January 6, 1963. As is fully set forth in fifteen affidavits by Negroes who attempted to register between November 15, 1962 and January 6, 1963, which affidavits are attached hereto and incorporated by reference in this application, the following occurred on these three days:

- (a) On November 19, 1962, the defendant Registrars permitted applicants to fill out and submit application forms from about

9:30 a.m. to 12:30 p.m. On this day more than sixty Negroes appeared at the office of the defendant Registrars for the purpose of registering to vote. The defendant Registrars permitted seven Negroes to fill out and submit applications one at a time on that day. The following table lists the applicants who were permitted to apply for registration on November 19, 1962 and the results of their applications as of January 6, 1963:

| <u>Name</u> | <u>Age</u> | <u>Education</u> | <u>Occupation</u> | <u>Result of Application</u> |
|---------------------|------------|------------------|------------------------------------|------------------------------|
| Lee Curtis Turner | 24 | 3 yrs. college | brick mason | not notified |
| Gladys Turner | 29 | 2 yrs. college | nurse's aide | rejected |
| Adelaide Jones | 32 | H.S. grad. | housewife | rejected |
| Albert Turner | 26 | B.S. degree | Brick mason | rejected |
| Ollie Rayborn | 33 | Master's degree | county home demonstra- agent | accepted |
| Oliver Edwards, Jr. | 30 | 7th grade | farmer | rejected |
| Sadie Goree | 42 | H.S. grad. | housewife | rejected |

(b) On December 3, 1962, the defendant Registrars permitted applicants to fill out and submit application forms from about 10:15 a.m. to 1:15 p.m. On this day more than one hundred thirty Negroes appeared at the office of the defendant Registrars for the purpose of registering to vote. The defendant Registrars permitted six Negroes to fill out and submit applications one at a time on that day. The following table lists the applicants who were permitted to apply for registration on December 3, 1962, and the results of their applications as of January 6, 1963:

| <u>Name</u> | <u>Age</u> | <u>Education</u> | <u>Occupation</u> | <u>Result of Application</u> |
|-------------------|------------|------------------|-------------------|------------------------------|
| Walter Mae Harper | 56 | 7th grade | housewife | not notified |
| Rev. Ed. Bradley | 50 | college grad. | minister | not notified |
| Willie Nell Avery | 25 | H.S. grad. | insurance agt. | not notified |
| Linton Rutledge | 27 | H.S. grad. | insurance agt. | not notified |
| Jessee Melton | 25 | H.S. grad. | farmer | not notified |
| Ernest Norfleet | 59 | 7th grade | farmer | not notified |

(c) On December 17, 1962, the defendant Registrars permitted applicants to fill out and submit application forms from about 10:00 a.m. to 12:00 o'clock noon. On this day more than two hundred thirty Negroes appeared at the office of the defendant Registrars for the purpose of registering to vote. The defendant Registrars permitted four Negroes to fill out and submit applications one at a time on that day. The following table lists the applicants who were permitted to apply for registration on December 17, 1962, and the results of their applications as of January 6, 1963:

| <u>Name</u> | <u>Age</u> | <u>Education</u> | <u>Occupation</u> | <u>Result of Application</u> |
|--------------------|------------|------------------|-------------------|------------------------------|
| Gertrude Moore | 25 | 10th grade | secretary | rejected |
| Mary D. Turner | 24 | H.S. grad. | factory worker | rejected |
| Rev. Stephen Davis | 28 | 3 yrs. college | minister | not notified |
| Edward Turner | 32 | 2 yrs. college | brick mason | not notified |

10. The acts of the defendant Registrars, Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg and each of them is

(a) Permitting only one applicant at a time to fill out an application form when there are Negroes waiting to apply for registration;

- (b) Closing the registration office and ceasing to receive applications at midday when there are large numbers of Negroes waiting to apply for registration;
- (c) Refusing to receive applications for registration in the order of the appearance of applicants;
- (d) Refusing to register Negro applicants who demonstrate that they meet the qualifications established by the decree of the Court;
- (e) Using the application form as a strict examination or test;
- (f) Rejecting Negro applicants for formal, technical, and inconsequential errors or omissions in their application forms;
- (g) Refusing to give Negro applicants any assistance in filling out their application forms;
- (h) Failing to pass upon the applications of Negroes within a reasonable time after such applications are filed;
- (i) Failing to notify Negro applicants of the action taken on their applications within a reasonable time after such applications are filed;
- (j) Refusing to notify Negro applicants whose applications are rejected of the specific reasons for such rejection;
- (k) Requiring Negro applicants to read aloud and answer oral questions concerning the Oath and to fill out page three of the application form which contains the Oath and Supplemental Application for Registration, And Oath, without assistance;
- (l) Requiring Negro applicants to list a white person as a reference on the application forms;

(m) Requiring Negro applicants to list as references on their application forms persons who are registered voters in Perry County and persons who are not related to the applicants;

(n) Requiring Negro applicants to secure one or more persons listed by the applicants as references on their applications to appear personally before the Registrars and to execute the supporting witness portion of the application form;

(o) Refusing to adopt any reasonable rules or regulations for the expeditious receipt of applications for registration;

are discriminatory acts and practices based on race in the registration for votings in Perry County, Alabama, and are in violation of and in contempt of the November 15, 1962 order of this Court.

WHEREFORE, plaintiff requests this Court to enter an order requiring Neely B. Mayton, John Allen Blackburn, and Floyd Bamberg to appear before this Court at a time and place to be fixed by this Court to show cause, if any they have, why they should not be held in civil contempt of this Court's order of November 15, 1962.

/s/ Vernol R. Jansen, Jr.
VERNOL R. JANSEN, JR.
United States Attorney

/s/ John Doar
JOHN DOAR
Attorney, Department of Justice

/s/ Arvid Bather
Arvid Bather
Attorney, Department of Justice

A F F I D A V I T

STATE OF ALABAMA)
) SS:
COUNTY OF PERRY)

On the 22nd day of August, 1962, Gladys Turner, being first duly sworn,
says as follows:

My name is Gladys Turner. I am a Negro. I am 28 years old and my
address is Route 1, Box 9, Marion, Alabama. I finished two years of college
at Alabama State where I studied secondary education. I work as a Nurse's
Aide. I have never been arrested. I am married to Edward Turner and have
four children. I have lived in Perry County all my life. I am not registered
voter.

I first went to try to register with my husband and Albert Turner at the
courthouse in Marion on the third Monday in December, 1961. We asked in the
Tax Assessor's office and they sent us upstairs to the courtroom but the
Board of Registrars wasn't there. My husband tried another office upstairs
but that was wrong too. We came back downstairs and went to the Probate Judge's
office. A woman in there told us that she didn't know where the Board met but
that they met on the first and third Mondays of each month. We started to
leave and she called to us in the hall and told us that the Board wouldn't meet
that day because there was voting the next day. I went to work.

On the third Monday in January, 1962, I again went with my husband and
his brother, Albert Turner, to try and register to vote. We went into the
Probate Judge's office and asked Mrs. Jackson if the Board was there and if
it would be alright for us to go down to the basement and wait for them. My
husband had found out that they usually met down there. She said she didn't

think there was anybody there but that we could go down and wait if we wanted to. The three of us went on down and after a little while Mr. Mayton, the Chairman of the Board, arrived. We said that we would like to register. He said that there wasn't anybody but him there and that there had to be one more registrar present before he could give the test. He said he wasn't sure if another registrar was coming or not. He waited and a few minutes later two white ladies and, I think, a white man came in. Mr. Mayton gave us all tests. While we were filling out the tests, Mr. Blackburn, another registrar, came in. We asked Mr. Mayton about our ward and precinct and he answered our question. We finished and passed our papers in. We asked Mr. Mayton how could we know whether or not we passed. He said if we did pass we would receive a slip in the mail. We left and I went to work.

We didn't hear anything from the Board so in June, I think, my husband and I went back. A lot of Negroes we know planned to be there that day. We met Lee Curtis Turner, Linton Rutledge, and Reverend Davis at the courthouse at about 9:00 a.m. and went into the Probate Judge's office. Mr. Mayton was in the courthouse that day and we talked to him first in the Probate Judge's office and also in the registration office in the basement. Mostly, we were asking about our old applications we had already taken and about whether or not we could take new application tests. During the conversation, Mr. Mayton told us that he didn't know whether we had passed the test in January or not, that they didn't write to people to let them know whether they passed or failed, that there was no set time for passing on applications and that the Board probably just hadn't gotten around to our applications yet. At one point, we asked if he would either pass on our old applications or let us fill out new ones. He told us that he couldn't pass on applications alone and that

we couldn't fill out a new application until the Board had passed on the old ones. Reverend Davis told Mr. Mayton that he was registered in Tuscaloosa and only wanted to vote in Perry County. Lee Curtis Turner said he hadn't filled out a form before. Mr. Mayton gave them both forms.

Somebody had talked to Mr. Blackburn, another registrar, out front and asked him to go down with Mr. Mayton so they could pass on our old applications. After a while, Mr. Blackburn came in, asked Mr. Mayton if he would like a coke, and they left. Mr. Mayton was back pretty soon but Mr. Blackburn wasn't with him. They didn't pass on our applications.

Nine or ten other Negroes were there that day. I guess most of them hadn't taken the test before because it seemed like Mr. Mayton gave them mostly all tests. I saw no white applicants that day.

At about 11:00 a.m., while most of those others were still taking their tests, I had to leave to go to work.

I have not been back since.

Gladys Turner
GLADYS TURNER

Subscribed and sworn to
before me this 22nd day
of August, 1962.

/s/ Annie B. Lewis
NOTARY PUBLIC

My Commission expires:
December 10, 1964

Eight additional affidavits by Negro applicants which are
attached to the original motion are not included here.

A F F I D A V I T

STATE OF ALABAMA)
) SS:
COUNTY OF PERRY)

On the 22nd day of August, 1962, Edmond Woods, being first duly sworn, says as follows:

I am Edmond Woods. I am a Negro. I am 74 years old. I was born and raised in Perry County and have lived here all my life. I live about 13 miles North of Marion, Alabama, and my address is Route 1, Box 138. I finished the fifth grade in Perry County in about 1901. I can read and write. I have always farmed and I also used to hire out my truck for carrying pulpwood. I retired about three years ago. I owned a 124 acre farm until a few years ago when I gave 72 acres to my children. I still farm about three acres. I have been married twice. I had eight children with my first wife. I remarried after she passed away and have had seven children with my second wife. Three of them are now teachers. I haven't been arrested except back in 1904 for carrying an old Bulldog pistol I had bought for 75 cents.

I have never been registered to vote, but I have applied several times in Perry County. The first time I applied was about 1954 when I went to the courthouse in Marion with Arlis Martin and my son James H. Woods. We talked to Mr. Jessie Pools, Mr. Walter Lockhart, and a third person. They were the registrars then. There were about four or five other Negroes applying. The registrars gave each of us an application form and after we filled them out and gave them back to the registrars they told us we would hear from them in a few days. I never heard.

The next time I applied was about 1956. I applied at the Woodfin Tucker Store when the registrars were registering the people in our precinct. I went with Edna Woods, Clara Osbourn, and I think Clifton Osbourn was with us. They are Negroes. We talked to Mr. John Allen Blackburn who was a registrar. We were given application forms and we filled them out. When I gave my form back they told me I would hear from them in a few days. I never heard.

The next time I tried was in the fall of 1961. I read a notice and was also told by my brother they would be registering at the Johnson Store, the old Tucker Store. I went to the store in the morning on the day I thought they were registering there. The store was closed and a notice on the door said the next day was when the registrars would be there. My wife and I went back the next day and Mrs. Johnson told us the registrars weren't there. I looked for the notice on the door and it was gone.

The next time I applied to register was in January 15, 1962. I went to the courthouse in Marion with my son James H. Woods. About 8 A.M. I saw Mr. John Allen Blackburn, one of the registrars, in the hallway of the courthouse. I asked him where did the Board of Registrars meet. He told me they didn't have no place, just where they got together, and he said he didn't know where they would get together that day. We left the courthouse and went back about 9:30. I asked the janitor Mr. Fritt, a white person, if the registrars were in. He told me they were, that they were in the basement through the Probate Judge's office. My son and I went to the basement and found Mr. Blackburn, Mr. Mayton, and Mr. Bamberg, the registrars. There were also about five white persons and three Negroes filling out forms. Mr. Blackburn gave us forms and we filled them out. We turned our forms back

to Mr. Mayton. He glanced over them and handed them to Mr. Blackburn who also glanced over them. Mr. Mayton then told us we would hear from him in a few days.

I didn't hear anything so I went back on the first Monday in February. My wife went with me. We went about nine o'clock and found the three registrars in the basement. They gave my wife an application form and I waited while she filled it out. While I waited three Norfleets, Negroes, and about ten white persons came in. When my wife turned in her form I asked Mr. Mayton if they had passed on my application. He said no, that I had to bring in the people I had given as references on my form. I told him I thought it was his job to contact the men I had listed. He said no, that wasn't his job, he couldn't do that, that I had to get them in myself. I asked him if I could get a written statement from those men, would he accept it. I explained that these men were working men and I didn't think they would have time to leave their jobs for this. He said no, he might want to ask them some questions. I asked him if I could get a written statement from Mr. Jeff Blackburn the President of the Marion Bank and Trust Company, or Mr. W. A. Steward the Chairman of the Board of the bank. Mr. Mayton said no. I asked if I could fill out a new form and list different references, persons I thought could come in. He said no, he could not let me fill out another form. He said I wouldn't be allowed to fill out another form for twelve months.

The two registrars, Mr. Blackburn and Mr. Bamburg, were sitting next to Mr. Mayton and listening to the conversation. I have known Mr. Blackburn all of my life and also Mr. Bamburg who lived near me when he was a child. I know both of them known me well.

When I filled out my form I wasn't told anything about the persons I

listed as references having to come in. I listed two white men who I know well. One is Mr. Fred Bamburg who is an uncle of one of the registrars. The other person is Mr. Charlie Monts who is in the logging and pulpwood business. Before I filled out my form I asked both of them if I could list them as references. They said it was alright. I didn't say anything to them about them having to go in to the Board. After the registrars told me these men had to come in I talked to them about going in. I saw Mr. Monts in the afternoon after I had talked to the registrars, and he said he would go in. Later he told me he went in about 2 P.M. the same day I had asked him but that the registrars had gone. My wife talked to Mr. Bamburg and he was going to go in that same day. Later I talked to him and he said he was sorry but he couldn't get off work on the day he said he would go in.

I went back to the Board again with my wife on the third Monday in February. It was in the morning and we found the three registrars below the Probate Judge's office. Reverend Banks, a Negro, was there and there were several white persons filling out forms. I talked to Mr. Mayton and he told us they couldn't pass on our applications until our references came in. He told us they hadn't come in yet. My wife asked if she could fill out another form and list some different people as references. Mr. Mayton said no, she could only fill out one every twelve months. At one time when they were talking Mr. Mayton said she had to have someone listed who knew her. She told him that Mr. Blackburn, the registrar who was sitting next to Mr. Mayton, knew her. Mr. Blackburn then said he knew me, Edmond, but that he didn't know my wife. We left and haven't been back to the Board since then.

Subscribed and Sworn to before
me this 22nd day of August, 1962

/s/ Edmond Woods
Edmond Woods

/s/ Annie S. Lewis

NOTARY PUBLIC

My Commission Expires;

December 10, 1964

A F F I D A V I T

DISTRICT OF COLUMBIA)
) SS
CITY OF WASHINGTON)

ARVID A. SATHER, being first duly sworn, says:

1. I am an attorney for the Department of Justice and I am one of the attorneys representing the plaintiff, the United States of America, in the case of United States of America v. Neely B. Mayton, et al.

2. I am informed and believe that on December 19, 1961, Special Agents of the Federal Bureau of Investigation inspected and copied those registration records made available to them by the Perry County Board of Registrars; that included among these records were 283 Applications for Registration, Questionnaire and Oath filed with the Perry County Board of Registrars between February 1959 and December 1961, and eight registration books which contained cumulative lists of registered voters in Perry County, by race, and entitled "Names of Registered Voters," for 1958 and for 1960. After analyzing these records it is my belief that no Negroes have been registered to vote in Perry County from at least February 1959 to December 1961. Of these 283 Applications for Registration, Questionnaire and Oath photographed by the Federal Bureau of Investigation, 281 applications were accepted and the applicants were listed as registered voters on the registration books photographed by the Federal Bureau of Investigation. All of the applicants who filed these 281 applications are shown by the registration books to be white persons. Two applications were not listed as having been accepted for registration, one having been filed by Rev. A. Edwards Banks, a Negro, whose application was marked "rejected" and one application filed by Robert Louis Hogue, whose race

has not been determined, and whose application was marked "Hold for Investigation."

3. Under my supervision affidavits were secured from Edward Turner, Gladys Turner, Linton Charlie Rutledge, Richard Ward, Rosa Belle Ward, Edmond Woods, Mittie L. Woods, Lula Mae Ford, Reboykin Jackson, Bessie Ester Rawls, Ernest Norfleet, and Rev. Sammie Luther Johnson. These affidavits were obtained for the purpose of presenting them to the United States District Court for the Southern District of Alabama in connection with a motion for a preliminary injunction. On the basis of these affidavits, I have formed a reasonable belief that the defendants in this case have engaged in, and continue to engage in, acts and practices which are racially discriminatory and which have deprived and are depriving Negro citizens in Perry County of their rights and privileges to register and vote.

4. I believe that such conduct on the part of these defendants violates the provisions of 42 U.S.C. 1971(a) and that such acts and practices of the defendants constitute a pattern and practice of discrimination; that such conduct on the part of the defendants has deprived Negroes, who are qualified under the requirements and standards which have been and are being applied to white applicants, in Perry County of their right to register to vote.

5. I believe that unless restrained by this Court, the acts and practices of the defendants, which have prevented and are preventing qualified Negro citizens from registering to vote, have caused and will continue to cause irreparable injury, loss, and damage to the plaintiff, the United States of America, in that the effect of such acts and practices on the part of the

defendants is to prevent and discourage Negro citizens in Perry County, Alabama, who are eligible, from exercising their right to vote.

/s/ Arvid A. Sather
ARVID A. SATHER, Attorney
Department of Justice

Subscribed and sworn to before

me this _____ day of August, 1962.

Notary Public

My Commission expires

A F F I D A V I T

STATE OF ALABAMA)
COUNTY OF PERRY) SS:

On the 6th day of January, 1963, Albert Turner, being first duly sworn says as follows:

My name is Albert Turner and I am a Negro. I live at Route 1, Box 8, Marion, Alabama. I am 26 years old. I was born in Perry County, Alabama on February 29, 1936 and have lived here all my life. I am married to Evelyn Turner and we have three children. I have a B.S. degree from Alabama A & M College where I majored in vocational trade education and minored in history. I am a brick mason. I have never been arrested.

I am not registered to vote in Perry County. I have tried to register several times and in about February, 1962 I filled out an application form but never heard from the registrars.

On November 19, 1962 at about 8:30 a.m. I went to the courthouse at Marion, Alabama to try to register. I was with some other Negroes and we went to the Probate Judge's office where a lady told us they weren't registering downstairs anymore but were upstairs. We went upstairs and waited in the room the registrars later used. While we were waiting I went downstairs for a short while and saw Mr. Mayton in the hallway but didn't speak to him. Later Edward Turner came upstairs and said Mr. Mayton told him to wait in the courtroom. We all went to the courtroom and waited.

The registrars came upstairs at about 9:20 a.m. and they called the first person about 9:30 a.m. There were about 25 negroes waiting in the courtroom when Mr. Mayton stepped out of the door to the registrars' room and

said they were ready to start and that they would take one at a time. Lee Curtis Turner got up and went into the registrars' room. I thought they would take us in a group like they had before. When I applied back in about February there were at least nine people filling out application forms at one time, in the room below the Probate Judge's office. I came there early to apply so I could get to my job. I was working on the construction of a church on the other side of Selma about 45 miles away. There were about five of us who were sitting near the door to the courtroom who had to get to our jobs. The registrars didn't seem to be taking us in any particular order, so I explained to those sitting around us that some of us had jobs we wanted to get to. I asked them if it would be alright if those of us with jobs could go in first. No one seemed to disagree.

I was the sixth person to apply. It was about 11 a.m. that I went in after Mr. Mayton called for another person. After I got in the registrars' room Mr. Mayton asked me to read the Oath out loud. When I finished he asked me if I understood what I read and whether there was anything I didn't understand about it. He told me I had to sign the Oath and that I should go into a room next to the registrars' room and fill out the whole form.

I was alone in the other room and it took me about thirty minutes to fill out my form and check it over. I signed the Oath and filled out everything on the first three pages I thought I should fill out. I took the form back to the registrars and asked them if I should fill out any part of page four and explained to them that the board action and supporting witness parts both read like someone else should fill them out. One of the registrars said he wasn't supposed to tell me anything about filling out the form but that I was right. Mr. Mayton read over my form and asked me who were the persons I

had listed as witnesses on my form and where did they live. After I answered him he told me the board would write me and tell me what action they had taken on my application.

I asked Mr. Mayton if I had to bring my witnesses in and he said I would have to if they were going to get up there as he didn't know anything about them. From the way he talked I thought I had to have my witnesses come in. I asked if I could get them then and Mr. Mayton said it would be alright.

As my witnesses I listed Lawrence Johnson a retired county agent and Lee Jones who runs a grocery store in Marion, both Negroes. I drove to Lawrence Johnson's home in Marion and he was about to go to the courthouse to vouch for Miss Ollie Rayborn. I followed them back to the courthouse and while Lawrence Johnson was vouching for Miss Rayborn I went into the registrars' office and asked if Lawrence Johnson could also vouch for me. Mr. Mayton said he could if he wanted to. I went into the hall and waited until Miss Rayborn came out around 11:45 a.m. I went back into the office and Lawrence Johnson filled out the supporting witness part of my form. I asked Mr. Mayton if I should get my other witness Lee Jones and he asked if I could get him there in five minutes. I said I could and I arrived back with Lee Jones a few minutes after twelve noon.

The registrars asked Lee Jones about his education, whether he was a qualified voter, how long he had been voting and several other questions. I asked Mr. Mayton if Lee Jones had to fill out any part of my form and he said yes. I got my application form and went to a small table on the other side of the office. I looked over the form and couldn't find anything for Lee Jones to fill out. I asked him to sign his name. He asked me where and I told him I wasn't sure but I supposed he should sign near Lawrence Johnson's signature. After he signed I took the form back to Mr. Mayton and told him I couldn't

find anything for Lee Jones to fill out so I just had him sign his name near Lawrence Johnson's signature. Mr. Bamberg then took my form and asked Lee Jones if he had read over what he had signed, whether he understood it and agreed with what Lawrence Johnson had written on my form, whether he had known me ten years like Lawrence Johnson and whether he realized the importance of what he had signed. They then told us that was all. It was after twelve noon by then and too late for me to get to my job so I didn't go to work that day.

About two weeks later I received a letter from the board of registrars saying my application had been rejected and denied. A copy of that letter is attached to this statement. I haven't found out the reason why I was rejected.

/s/ Albert Turner
Albert Turner

Subscribed and Sworn to before
me this 6th day of January, 1963.

/s/ Hampton Lee
NOTARY PUBLIC

My Commission Expires: October 6, 1965

A F F I D A V I T

STATE OF ALABAMA }
COUNTY OF PERRY } SS:

On the 6th day of January, 1963, Willie Nell Avery, being first duly sworn, says as follows:

My name is Willie Nell Avery and I live at Route 1, Box 150, Newbern, Alabama. I am a Negro. I was born in Sardis, Alabama in Dallas County on April 9, 1937. I moved to Perry County in November, 1961, and have lived here since then. I graduated from Keith High School, Orrville, Alabama in 1955. I am married to James Avery who teaches school in Perry County. I am a housewife and also work as an insurance agent for the United Insurance Company. I have never been arrested or convicted of any crimes.

On November 19, 1962 I went alone to the courthouse in Marion to try to register to vote. It was about 9:30 a.m. when I got to the courthouse where I met some Negroes who told me that they were registering on the second floor. I went upstairs to the courtroom and waited for a chance to apply. At one time that morning there were about fifty Negroes waiting in the courtroom. I didn't see any white people waiting that day. About 12 o'clock noon the registrars told us they would see us in two weeks and then left.

I worked that afternoon until about 3 p.m. when I picked up my husband at his school. We went to the courthouse to see if any of the registrars were in and if so whether we could apply. We got to the courthouse at about 3:25 p.m. and went to the second floor and found the courtroom empty and the door to the room where the registrars had been that morning locked.

I went back to the courthouse again on December 3, 1962 to try and register.

I got there about 9 a.m. and went to the courtroom on the second floor where I sat and waited with other Negroes. At one time there were about 100 Negroes sitting in the courtroom waiting. At about 10 a.m. a registrar came to the door of the courtroom and looked in. He told us that he couldn't begin taking people until one of the other board members arrived. At about 10:20 a.m. one of the registrars came to the door and said they wanted just one person and I believe Mrs. Harper, a Negro, got up and went in. They didn't take us in any order. We went in as we wished. While I was waiting I went out and stood in the hallway near the registrars office. One of the registrars opened the door to their office and said they were ready for one more person. I went in.

When I got inside the office the registrar gave me an application form and asked me to read the Oath out loud. I read it. He took the application back and I believe he signed under the Oath. He closed the form and handed it back to me and told me to go into another room and fill it out. The door to the other room is in the registrars office and it was closed. I started to go into that room but the registrar told me to wait until the person in there came out. I waited in the registrar's office and about ten minutes later a Negro came out of the other room. The registrar told me to go in and fill out my form but not to fill out the Action of the board on the back of the form. In the room I found a table and one chair. I read over all of the form and filled out all of it that I thought I was supposed to. It took me about fifteen minutes.

When I finished I took the form back to the registrars and one of them read it over. He asked me if I had listed two colored people as references on my form. I told him that both of them, James Carter and Mr. Billingsle were

colored. He gave the form to the other registrar who also read it over. The second registrar then asked me if I didn't know any white person in Perry County and I told him no. They asked me how long had I lived here and I told them I moved to Perry County in November, 1961. Then they asked me a lot of questions. They asked me what was my husband's name, where did I buy my groceries, bank my money, whether my husband and I filed our income tax jointly or separately and who did we get to fill out our income tax returns. They asked me whose place I lived on. I answered all of their questions.

During this time Ernest Norfleet, a Negro, came into the office to apply. They had him read the Oath and he mispronounced some of the words. A registrar asked him the different meanings between the words he had pronounced and those on the form. He didn't know and they asked me. I told them. When Ernest Norfleet was going into the other room to fill out his form a registrar told him he had to list one white person and one colored person as references and the colored person couldn't be related to him. They told me they had forgotten to tell me this before I filled out my form and that they had asked me all those questions to see whether I knew any white person in Perry County. A registrar asked me what moral turpitude meant and I told him I thought it meant dealing with the opposite sex and had to do with low character. Before I left they told me again I had to have a white person and a colored person listed as references. One of the registrars suggested I put down the name of a white person and then go and tell him that I had used his name as a reference before they contacted him. I told them I couldn't do that. I didn't change my references.

I hadn't heard from the board by the next registration day, December 17, 1962. The registrars didn't tell that my references had to go in to identify

me, but I heard from other Negroes who applied that they were required to have their references appear before the registrars. I thought it must be necessary to have the references go in so I asked Mr. Billingsie, the man I work under, to go up on December 17. I went with him to the courthouse on that day about 9 a.m. and after the registrars arrived and had taken the first person to apply, Mr. Billingsie went into the office to identify me. I waited in the hallway. About ten minutes later, he came out and told me they had put him in a room by himself and told him to fill out the supporting witness part of my form. Both of us left the courthouse then.

Later that same morning I took Ruby Tubbs, a Negro, to the courthouse so she could try to register. I went upstairs with her and saw Mr. Carter in the hallway. He said he had gone in and signed as my reference that morning. I was in the hallway when the registrars left at about 12:15 p.m. There was still a large number of Negroes waiting in the courtroom. The registrars didn't say anything, but just locked up and went downstairs.

I still haven't heard from the board whether I have been registered or not.

/s/ Willie Nell Avery
Willie Nell Avery

Subscribed and Sworn to before
me this 6th day of January, 1963

/s/ Hampton D. Lee
NOTARY PUBLIC

My Commission Expires: October, 1965

STATE OF ALABAMA)
)
PERRY COUNTY) IN THE BOARD OF REGISTRARS
)
) OF PERRY COUNTY, ALABAMA

It is the order, judgment and decision of this Board that the application of Albert Turner for registration as an elector be and the same is hereby denied and rejected.

This the 3 day of December 1962

/s/ N. E. Maejori
Board Member

/s/ Floyd Bamberg
Board Member

Board Member

You may make new application in 60 days.

A F F I D A V I T

STATE OF ALABAMA)
) SS:
COUNTY OF PERRY)

On the 6th day of January, 1963, Reverend Stephen Tucker Davis, being first duly sworn, says as follows:

My name is Reverend Stephen Tucker Davis and my address is P. O. Box 74, Uniontown. I am a Negro. I am 28 years old and was born in Montgomery County, Alabama on October 17, 1934. I have completed three years of college, two at Daniel Payne College in Birmingham, Alabama and one year at Stillman College in Tuscaloosa, Alabama. I am married and have two children. I moved to Uniontown in Perry County in December, 1960 and have lived here ever since. I also own a lot in Tuscaloosa County. I am a minister in the African Methodist Church and pastor two churches in Uniontown, Alabama. I have never been convicted of a crime.

I was registered to vote in Tuscaloosa County, Alabama in October 1958. I filled out an application for registration in Perry County in June, 1962 but have never heard from it.

On December 3, 1962 I went to the courthouse in Marion to try to register to vote. I arrived at the courthouse at about 11:15 a.m. and a Negro in the hallway told me they were registering upstairs. I went upstairs and saw about 130 Negroes seated in the courtroom waiting to apply. I went into the courtroom and sat and waited. When I went into the courtroom someone told me they were taking one person at a time and that the third person was in the office then. I waited until about 12:45 when I left the courthouse and went to the cafe to get lunch.

I returned to the courthouse about 1:20 p.m. and met Mr. Mayton leaving the courthouse. Some Negroes were also leaving and one of them told me that registrars had closed and told them they would see them in two weeks.

I went back to the courthouse to apply for registration on December 17, 1962. I got there about 11 a.m. and found a large crowd of Negroes waiting in the courtroom. I didn't go into the courtroom but stood in the hall near the registrars' office. After I stood there about five minutes someone told me there was a person in the registrars' office at that time. About five minutes later the Negro who was in the office came out. One of the registrars came to the door of his office and said that another one can come in. I went in.

There were two registrars there and no one else was in the office. One of the registrars gave me a form and turned to the Oath on the form and asked me if I could read it. I said yes. He told me to read the Oath out loud. He held the form for me and after I had read the Oath he asked me if I understood what it said. I told him I did. He then said I would have to sign it where I was supposed to sign. Then he pointed to the question in the Questionnaire which requires you to list two persons who have knowledge of your residence. The registrar said I had to list one white and one colored person there. The registrar told me to go into the room next to the office and I went in and filled out my application. There was a desk and one chair in the room.

When I finished I went back to the registrars' office and asked the registrar about the question which requires the applicant to list the number of the ward and precinct in which he lives. I wasn't sure of the number of my ward and precinct and I asked him if he could tell me what it was. He told

me they had orders not to help anybody fill out their application but to let them fill them out for themselves. He didn't tell me the number of my ward or precinct.

The registrar took my application form and turned to the question where I had listed my references. He asked me if one of them was white. I said yes, that Mr. Ballard was, that he operated the Pure Oil Service Station in Uniontown. I told him the other reference, Mr. A. M. Hayden, was Negro. The registrar told me that was all. I asked him when I would hear from the application. He told me as soon as my references came in to identify me. I asked him if he meant I had to bring those two persons into his office to identify me and he said yes.

Mr. Hayden had come to Marion on business with me and he was waiting for me in the hallway. I went out and got him to come in and identify me. I introduced Mr. Hayden to the registrar and Mr. Hayden told him he was there to identify me. The registrar then showed Mr. Hayden where he was supposed to fill out a part of my form. He then sent Mr. Hayden into another adjoining room different from the one where I had filled out my form. I went back to the hallway and waited for Mr. Hayden.

I haven't asked Mr. Ballard to go in to the registrars and identify me. I have not heard from the registrars yet whether my application has been accepted.

/s/ Stephen Tucker Davis
Stephen Tucker Davis

Subscribed and Sworn to before
me this 6th day of January, 1963.

/s/ Anita S. Lewis
NOTARY PUBLIC

My Commission Expires:
December 10, 1964

A F F I D A V I T

STATE OF ALABAMA)
)
 MOBILE COUNTY)

I, ARVID A SATHER, being first duly sworn, say:

1. I am an attorney with the United States Department of Justice, and I am an attorney of record in the case of United States v. MAYTON, et al, No. 2881, in the United States District Court for the Southern District of Alabama.

2. Under my supervision, a study was conducted of Voters Registration Records of various counties in Alabama for the purpose of determining the highest number of Voters Registration Applications filed in a single day in such counties during the past three years. The results of this study are as follows. The population figures below were obtained from tables published by the U. S. Census Bureau:

| <u>COUNTY</u> | <u>TOTAL POPULA- TION 1960</u> | <u>DATE</u> | <u>NUMBER OF APPLI- CATIONS FILED</u> |
|---------------|------------------------------------|-------------|---|
| CHOCTAW | 17,870 | 2- 1-60 | 64 |
| ELMORE | 30,524 | 2- 5-62 | 73 |
| CLARKE | 25,738 | 2- 5-62 | 83 |
| MONROE | 22,372 | 2- 5-62 | 66 |
| CONEQUH | 17,762 | 2-18-60 | 84 |
| MONTGOMERY | 169,210 | 4-21-58 | 227 |
| DALLAS | 56,667 | 2- 5-62 | 82 |
| BULLOCK | 13,462 | 9-18-61 | 78 |
| MACON | 26,717 | 2-19-62 | 125 |

The above dates, except those relating to MACON and BULLOCK COUNTIES, were taken from Page 3 of the application form reflecting the date the applicant signed the oath or the supplemental oath. The dates for MACON and BULLOCK COUNTIES were obtained from the official reports of the respective Boards of Registrars filed with the United States District Court for the Middle District of Alabama pursuant to Court Order.

3. The records of four of the above counties, CHOCTAW, MONROE, BULLOCK and MACON, indicate that in these counties the Registrars require the Supporting Witness portion of the application form also to be filled out.

4. This affidavit is made in support of Plaintiff's application for an order to show cause in the case of United States v. MAYTON, et al, No. 2881, in the United States District Court for the Southern District of Alabama.

/s/ Arvid A. Sather
ARVID A. SATHER

Sworn to and subscribed before
me this 8th day of January, 1963.

/s/
NOTARY PUBLIC, Mobile County, Alabama

Twelve additional affidavits by Negro applicants which are
attached to the original motion are not included here.

RULE 34 MOTION

Because of the large number of documents involved in proving voter discrimination cases, and in other suits brought by the Division such as jury discrimination cases, discovery devices are used extensively. Preparation for trial in these cases often includes the taking of depositions, the preparation of motions for the inspection and copying of records, extensive analysis of the records and documents, the preparation of written interrogatories and answers to interrogatories, and the preparation of requests for admissions. The following Notice of Motion and Motion for the Production of Records, Documents and Papers Under Rule 34 were filed in United States v. Cartwright, the 1971(a) suit brought against the registrars of Elmore County, Alabama.

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CIVIL ACTION NO. 1957-N

ROBERT Z. ALTON, SR., FRANK)
STRONG, M. L. HARDIN, as)
Registrars of Voters of)
Elmore County, Alabama; and)
STATE OF ALABAMA.)

Defendants.)

NOTICE OF MOTION AND MOTION
FOR PRODUCTION OF RECORDS.
DOCUMENTS AND PAPERS UNDER
RULE 34

To: The defendants and to the Attorneys for the defendants.

PLEASE TAKE NOTICE that on November 7, 1963 at 9:30 a.m. or as soon thereafter as counsel can be heard, or at a date and time to be fixed by the Court, at the courtroom of the United States District Court in the Post Office and Federal Court Building, Montgomery, Alabama, plaintiff will move this Court, pursuant to Rule 34 of the Federal Rules of Civil Procedure, for an order requiring the defendants and their agents to produce for inspection and copying or photographing by the plaintiff the following documents in their possession or control which contain evidence relating to the subject of this action:

(1) All applications for registration: accepted, rejected and pending, filed with the Board of Registrars of Elmore County, Alabama, since January 1, 1952:

(2) all books, papers, or other documents which contain lists of qualified voters and registered voters of Elmore County, Alabama which have been compiled or used by the Elmore County Board of Registrars and/or the Judge of Probate for Elmore County except for those relating to the period from January, 1954 to November, 1962:

(3) copies of all lists of qualified voters and/or registered voters of Elmore County, Alabama, which have been filed with the Secretary of State of the State of Alabama:

(4) copies of all notices of acceptance or rejection which have been prepared and/or mailed to applicants who have applied for registration to vote in Elmore County since January 1, 1960:

(5) copies of all rules and regulations which were adopted by a Board of Registrars of Elmore County and have been in effect at any time since January 1, 1952:

(6) copies of all notices relating to the times and places for the registration of voters in Elmore County which have been posted in a public place or have been printed in a newspaper since January 1, 1960.

This motion is based upon the documents in this case and upon the attached affidavit of Arvid A. Sather.

/s/ Arvid A. Sather
ARVID A. SATHER, Attorney
Department of Justice

CERTIFICATE OF SERVICE

I certify that on October 12, 1963 I mailed a true copy of the above notice and attached affidavit via United States Air Mail, postage prepaid, to Honorable Richmond Flowers, Attorney General, State of Alabama, Montgomery, Alabama, and Honorable Glen Carlec, Circuit Solicitor, Elmore County Courthouse, Wetumpka, Alabama

/s/ Arvid A. Sather
Arvid A. Sather

AFFIDAVIT

CITY OF WASHINGTON)
DISTRICT OF COLUMBIA)

I, Arvid A. Sather, having been duly sworn, say:

1. I am an attorney of record for the plaintiff, United States of America, in the instant case of United States v. Robert M. Alton, Sr., et al. I am familiar with the complaint and with the facts underlying the complaint in this action.

2. On November 27, 1962, the plaintiff photographed certain registration records of Elmore County which were made available to the plaintiff. About 739 accepted application forms were photographed. The registration records show that about 20 of these applications were filed in May 1960, that about 150 were filed from June, 1961 through December, 1961 and that the remaining accepted applications photographed were filed during 1962, prior to November 27, 1962. About 169 rejected applications were photographed and the registration records reveal that about 11 were filed in 1960, about 33 in 1961, about 59 in 1962 and the dates of applications are not revealed by the records as to the remaining rejected applications. Mr. Frank Strong, a member of the Elmore County Board of Registrars, who was present when these records were photographed, was unable to state whether the accepted and rejected application forms made available were all of the forms filed since January, 1, 1960, nor could he state in whose possession or control were the application forms not made available, including those filed prior to 1960. The plaintiff also photographed the lists of qualified voters for Elmore County published

on the even years from 1952 to November 1962, and the registration books containing the names of persons registered to vote from 1952 to November 1962, except for the books relating to females registeres in 1952 and 1953.

3. There are about 12,310 white persons of voting age in Elmore County of which about 9,943 or 79.4% are registered to vote. There are about 4,500 Negroes of voting age in Elmore County of which about 278 or 5.7% are registered to vote.

4. In Elmore County, Alabama, citizens as a prerequisite to registration to vote are required to fill out to the satisfaction of the Elmore County Board of Registrars a printed application form provided to the applicants by the Board.

5. Between January 1, 1960 and November 1, 1962 at least 103 applications for registration were filed by Negroes in Elmore County and of these 93 or 95% of the applications, were rejected by the Board. Of the rejected Negro applications 13 were submitted by college graduates, others by Negroes with some college training. 20 others by high school graduates and 29 others by Negroes with 9 to 11 years of education. At least 21 Negro veterans of the Armed Forces were rejected. During this same period, 1,303 applications for registration were filed by white persons in Elmore County and of these, 71 or 9% of the applications, were rejected by the Board. Since November 1, 1963, additional applications have been filed by Negroes in Elmore County and have been rejected by the Board of Registrars.

6. The application forms which have been filed with the Elmore County Board of Registrars since January 1, 1953 will provide the names and other pertinent information concerning persons who have applied with the Elmore County Board of Registrars and were rejected or accepted for registration

to vote. It may also be determined from the rejected applications the basis upon which the applicants were refused registration. All of these application forms will assist in showing the procedures and standards which have been applied to Negro and white applicants since 1952.

7. The lists of persons who have registered to vote or who are qualified to vote in Elmore County as set forth in the registration books, lists maintained by the Probate Judge, reports made to the Secretary of State of the State of Alabama, or as set forth in other documents will assist in identifying the number and names of persons who have been registered to vote in Elmore County, the periods during which they were registered and their race.

8. The rules and regulations of the Boards of Registrars, notice of acceptance and rejection and public notices regarding times and places of registration will further reveal the policy of the Board in processing applications for registration in Elmore County.

9. All of the records described in this motion constitute, or contain evidence, material and relevant to this action, in that the complaint alleges certain racially discriminatory acts and practices by the defendants in processing applicants for registration to vote in Elmore County, Alabama. For this reason the inspection and copying of these records are necessary to enable the plaintiff to properly prepare this case for trial.

/s/ Arvid A. Sather
Arvid A. Sather

Sworn to and subscribed before me
this 22nd day of October, 1963
/s/ Louis E. McDonough
Notary Public in and for the
District of Columbia

My commission expires: July 31, 1967

23030

ORGANIZATION OF TRIAL STAFF

The trial attorney is responsible for the preparation of evidence, the organization of the trial staff and the presentation of testimony and other evidence during the hearing. The following staff assignments for United States v. Hines (the Sumter County, Alabama 1971(a) suit) are an example of trial staff organization.

Following the trial in this case, the Court issued a preliminary injunction granting freezing relief.

ASSIGNMENTS

A. Sutin

(1) Trial:

- (a) Plan and execute the organization of the Counsel Table during the hearing (including the coordination of the outside witness work and the inside records work being conducted during the hearing, organizing the exhibits, briefs and offers of proof at the table and monitoring their presentation during the trial, and taking of trial notes when possible).

(2) Pre-Trial:

- (a) Complete in final the three statistical charts relating to accepted and rejected applicants and numbers of persons registered.
- (b) Prepare Dearman's race identification list to be used in his examination.
- (c) Contact on Monday the FBI with respect to 302's and having photographing agents available on Tuesday.
- (d) On Monday check with marshals regarding the subpoenas served and see that returns of service will be made by trial time.
- (e) On Monday check with Clerk of Court to assure he will have original depositions on race identification.
- (f) Determine if facilities can be obtained in Post Office Building for trial day for Joyce's typewriter so she can type there during the day, as needed.
- (g) Prepare witness folders (including insertion of extra copies of forms) as assisted by others.
- (h) Typed list of schools in Sumter County, by race.

A S S I G N M E N T S

B. Kelly

(1) Trial:

- (a) Select the original application forms to be used in the examination of the witnesses. (Work out several plans for identifying the accepted original forms found in the bound volumes to cover the various eventualities regarding the restrictions we may encounter in their use. Prepare to execute these different plans.)
- (b) Review the forms filed with the Board since 2-10-64, when we last photographed, to determine:
 - (i) Race identification of applications filed since 2-10-64. Accepted applicants should be determined from registration books and rejected from application forms. Those whose race can be determined from application forms or who have been identified because their names appear on 1964 voter list and have thus been identified need not be identified again. Prepare list for those to be identified for Joyce to type for identifications by witnesses and officials who testify.
 - (ii) Standards applied as to grading application form and use of voucher requirement, particularly with respect to the use of the new form. Be able to submit a report at noon break and have examples to substantiate the report for use in examination of registrars.
 - (iii) Prepare statistics on accepted and rejected since 2-10-64. Keep track of those whose race has been identified in order to keep a running statistic of those accepted and rejected by race of those identified.
- (c) Identify the original accepted application forms to be used in exhibits on errors and omissions and applications filled out by persons other than applicants (see Exhibit list). Prepare to identify these as circumstances require.

(2) Pre-Trial:

- (a) Prepare in final summaries of Board of Education Reports.
- (b) Select accepted application forms for errors and omissions and filled out by persons other than applicant exhibits (see Exhibit list).

ASSIGNMENTS

C. Landsberg

(1) Trial:

- (a) Determine what witnesses have answered subpoena and furnish information to Sutin as soon as possible.
- (b) Prepare Negroes for testifying who have not previously been prepared.
- (c) Interview white witnesses not contacted by Sutin and Sather prior to hearing.
- (d) Interview David Jones and other Negroes as necessary.

(2) Pre-Trial:

- (a) Prepare for offer of proof the expected testimony of certain Negroes relating to their educational opportunities.
- (b) Assist Sutin in final check of exhibits prior to the trial day.
- (c) Complete voucher study of Negro applicants and prepare for determination in trial any race identification necessary with respect to these vouchers.
- (d) Work with Norman on preparation of white and Negro witnesses.

ASSIGNMENTS

D. Auth

(1) Trial:

- (a) Type race identification list as obtained by Kelley on recent applicants.
- (b) Stand by for typing as necessary.
- (c) Take trial notes as time allots.
- (d) Have lunch for crew at noon break.

(2) Pre-Trial:

- (a) Type tables of education and registration statistics.
- (b) Type expected testimony of certain Negro witnesses on educational opportunities.
- (c) Type addition to Brief on State as a Party and see if it can be commercially stenciled and mimeographed on Monday.
- (d) Type miscellaneous lists and other work.

ASSIGNMENTS

F. Sather

(1) Trial:

- (a) Presentation of evidence (testimony of witnesses, submission of briefs, exhibits and offers of proof).

(2) Pre-Trial:

- (a) Preparation of order of proof (witnesses, exhibits, etc.) and the information to be elicited from the witnesses.
- (b) Outline and prepare presentation of the following matters:
 - (i) Admissability and relevancy of copies of registration records, original records, depositions (including possible objections by the plaintiff), and all other exhibits.
 - (ii) Dismissal of the State as a Party.
 - (iii) Offers of proof on education issue.
- (3) Contact Judge Dearman on Monday and assure his presence at the hearing. Also inform him he need not bring 1953 registration books.
- (4) Prepare cross-examination of registrars and examination of Judge Dearman.

Remaining Projects

- (1) Determine order of witnesses and the testimony to be elicited from them (including the preparation of witness folders and organization of extra copies of application forms).
- (2) Prepare expected testimony of certain Negro applicants relating to education information.
- (3) Prepare race identification for Dearman's testimony.
- (4) Records studies:
 - (a) Voucher study of Negro applicants and race identification of these vouchers.
 - (b) Select accepted white applications since 1954 which were (i) filled out by person other than applicant and (ii) applications which contain multiple errors and omissions.
- (5) Study race identification depositions prior to introduction into evidence for portions which may be objected to.

EXHIBITS

| <u>Pl. Ex. #</u> | <u>Description</u> | <u>Ident.</u> | <u>Admitted</u> |
|------------------|---|---------------|-----------------|
| 1 | Accepted Negro application forms (Xerox copies) | | |
| 2 | Rejected Negro application forms (Xerox copies) | | |
| 3 | Accepted White application forms (Xerox copies) | | |
| 4 | Rejected White application forms (Xerox copies) | | |
| 5 | Registration Books, 1932 through 1940 (Xerox copies) | | |
| 6 | Registration Books, 1940 through 1953 (Xerox copies) | | |
| 7 | Registration Books, 1954 through 1964 (Xerox copies) | | |
| | 1961 Card Index of Registered Voters maintained by Office of Probate Judge of Sumter County (Xerox copies) | | |
| | Census Statistics showing persons of voting age in Sumter County, by race, from 1890 to 1960 | | |
| | 1964 List of Registered Voters for Sumter County (from Probate Judge) | | |
| | Accepted application forms from 1954 to present (original forms-Probate Judge and Board of Regs.) | | |
| | Rejected application forms, 1954 to present (original forms-Board of Regs.) | | |
| | Current Registration Book (original book-Board of Regs.) | | |

| <u>Pl. Ex. #</u> | <u>Description</u> | <u>Ident.</u> | <u>Admitted</u> |
|------------------|--|---------------|-----------------|
| | Proclamation of the Supreme Court of Alabama relating to the adoption of the new application form (photographic copy) | | |
| | Letter from Secretary of State to the Boards of Registrars relating to the use of the new application forms and the monthly reports regarding the use of Insert III's (photographic copies) | | |
| | Old application forms used in Sumter County since about 1868 (photographic copies) | | |
| | Depositions on Race Identifications (Requires designation of the specific portions which may be objected to by the plaintiff.) | | |
| | Board of Education Reports, 1900 to present (Xerox copies) | | |

BRIEFS AND OFFERS OF PROOFSubmittedDESCRIPTION

- (1) Brief relating to the dismissal of the State as a party.
- (2) Statistics Table - Number of accepted and rejected applicants from 1954 to present by race and by year.
- (3) Statistics Table - Number of persons registered from 1932 to present by year and by race including a summary table showing the total number of persons registered during the period, by race.
- (4) Statistics Table - Number of persons of voting age by race, number of persons registered by race and percentages.
- (5) Summaries of statistics in the Board of Education Reports for every fifth year from 1900 to present.
- (6) Summaries of expected testimony of certain Negro applicants relating to the educational opportunities provided to them in Sumter County.

TRIAL BRIEFS

Trial briefs summarize the voluminous and complex evidence presented in voting discrimination and other cases. Attached are the table of contents from three trial briefs: United States v. Louisiana, United States v. Hinds (the 1971(a) suit in Sumter County, Alabama), and United States v. Alabama (the Alabama poll tax suit).

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

UNITED STATES OF AMERICA,

PLAINTIFF,

versus

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. CUPPER, JR.,
DIRECTOR AND EX OFFICIO SECRETARY OF THE
BOARD OF REGISTRATION OF THE STATE OF
LOUISIANA,

DEFENDANTS.

TRIAL BRIEF IN SUPPORT
OF PLAINTIFF'S APPLICATION
FOR DECLARATORY JUDGMENT
AND PERMANENT INJUNCTION

LOUIS LACOUR,
United States Attorney.

BURKE MARSHALL,
Assistant Attorney General,
JOHN DOAR
DAVID NORMAN
FRANK DUNBAUGH
Attorneys,
Department
of Justice

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OUTLINE OF BRIEFPage

I

NATURE OF THE ACTION. 1

The United States seeks a judgment declaring the invalidity and enjoining the enforcement of the Louisiana interpretation test for voter qualification. 1

The United States sues under 42 U.S.C. 1971. 1

The suit is properly heard by a three-judge court under 28 U.S.C. 2281-84. 1

Louisiana law requires that applicants for voter registration be able to understand and interpret any section of the state or federal constitutions. 2

The purpose and effect of the test is to discriminate against Negroes. 3

II

THE PARTIES

The United States has standing to bring this suit under 42 U.S.C. 1971 (a) and (c) 3

The State and the members and director of the Board of Registration are properly made defendants by virtue of their power and duty to regulate the administration of the voter qualification laws 4

III

THE HISTORY OF THE ADOPTION OF
THE INTERPRETATION TEST ESTABLISHES
ITS DISCRIMINATORY PURPOSE. 4

In 1890 Negroes constituted 50% of Louisiana's population and 50% of the Louisiana electorate 4

In 1898 a new state constitution was adopted 5

The 1898 constitution included a "grandfather" clause. 6

By 1910 Negro voter registration in Louisiana fell to less than 1% of the total electorate. 8

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| In 1915 the grandfather clause was declared unconstitutional by the United States Supreme Court | 8 |
| In 1921 Louisiana adopted another Constitution | 8 |
| The 1921 Constitution replaced the grandfather clause with the interpretation test | 9 |
| The convention delegates and the public understood the interpretation test to be a substitute for the grandfather clause | 9 |

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| Between 1921 and 1946 Negro registration never rose above 1% of the total electorate, although Negroes constituted better than one-third of Louisiana's population throughout those years | 12 |
| In 1944 the United States Supreme Court invalidated the white primary | 13 |
| B. Beginning of Negro Enfranchisement: 1946-1956 | 13 |
| Between 1946 and 1956 the percentage of registered voters who were Negroes rose from 1% to 15% | 13 |
| In the decade following World War II Negroes increased the efforts to become registered, and brought many lawsuits to achieve their objective | 14 |
| C. The Reaction--Anti-Negro Activists Urge the Use of the Interpretation Test | 15 |
| The Supreme Court's school desegregation decision caused Louisiana to establish the Joint Legislative Committee on Segregation. The Committee's principal officers were William Rainach and William Shaw | 15 |
| In January 1956 Rainach and Shaw organized the Association of Citizens Councils | 16 |
| During 1956 Rainach and Shaw helped organize local citizens councils throughout the State | 17 |

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| The Association of Citizens Councils published and widely distributed a pamphlet urging voter purges and strict application of the interpretation test | 17 |
| Between 1956 and 1959 Rainach and Shaw traveled the State urging voter purges | 20 |
| In 1956 voter purges brought about substantial reductions in Negro registration in eight parishes | 20 |
| Periodic registration brought about complete reregistration in many parishes starting on January 1, 1957 | 21 |
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1. Plaquemines Parish

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| Whites invariably passed the test; Negroes with good interpretations failed | 35 |
| The registrar assisted whites in writing their interpretations | 36 |
| 2. East Feliciana | 37 |
| Negroes purged | 38 |
| Of those who have taken the test, 54% of the Negroes and 3% of the whites have failed | 39 |
| Highly qualified Negroes have been rejected; whites have been accepted without the test or with a test in form only | 39 |
| 3. Webster Parish | 40 |
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| The registrar does not give the test to persons she knows | 41 |
| Highly qualified Negroes have been rejected | 42 |
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| Negroes purged | 44 |
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CONSTITUTIONAL 69

| | |
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| The interpretation test measures no skill which the state may except laymen to possess | 70 |
| The discriminatory setting in which the test was revitalized renders it unconstitutional | 71 |
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IN THE
UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

versus

CIVIL ACTION NO. 63-609

BERNARD G. HINES,
WILLIAM S. HOLMAN, RUBY P. TARTT,
MEMBERS OF THE BOARD OF REGISTRARS OF
SUMTER COUNTY, ALABAMA; AND STATE OF
ALABAMA,

DEFENDANTS.

BRIEF IN SUPPORT OF
PLAINTIFF'S FINDINGS OF
FACT, CONCLUSIONS OF LAW
AND DECREE

MACON L. WEAVER
United States Attorney

BURKE MARSHALL
Assistant Attorney General
DAVID L. NORMAN
ARVID A. SATHER
JONATHAN B. SUTIN
BRIAN K. LANDSBERG
Attorneys,
Department
of Justice.

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REQUIREMENT

14

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White Voucher Rule

14

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registration unless they
had a white voter to vouch
for them

14

2. For white applicants the
supporting witness require-
ment was treated as a mere
formality

19

3. The white voucher rule is
unconstitutional

20

4. The defendants have taken
no steps to correct the
discriminatory effect of the
white voucher rule

22

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Discrimination Under the
Supporting Witness Requirement

28

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falls far more heavily upon
Negroes

28

2. Since 1960, the registrars have
continued to assist white
persons to obtain the signatures
of supporting witnesses and
have denied such assistance to
Negroes

29

3. When Negroes apply, the
registrars adhere rigidly to
their rules under the voucher
requirement; they waive those
rules with white applicants

33

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discriminatory effect of
these practices

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IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF,

versus

CIVIL ACTION NO. 2255-N

THE STATE OF ALABAMA AND
PERRY O. HOOPER, Judge
of Probate of Montgomery
County, Alabama,

Defendants.

PLAINTIFF'S TRIAL BRIEF

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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. 2866

BRIEF OF
THE UNITED STATES

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PROPOSED FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECREE

The following Proposed Findings of Fact, Conclusions of Law and Decree were submitted in United States v. Mayton, a 1971(a) suit in Perry County, Alabama. A preliminary injunction was issued by the Court enjoining the Board from engaging in any act or practice which results in discrimination; failing to meet, receive and process Negro applications; failing to notify the applicant of the Board's action on his application; refusing to allow Negroes to reapply after the 60-day waiting period; and rejecting Negroes for inconsequential errors or omissions.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2881

PLAINTIFF'S PROPOSED

FLOYD BAMBERG, as Registrars of
Voters of Perry County, Alabama; and
State of Alabama,

Defendants.

1. This suit was filed on August 27, 1962 under the Civil Rights Act of 1957, as amended (42 U.S.C. 1971). The complaint charged the defendants; the State of Alabama; Neely B. Mayton, John Allen Blackburn and Floyd Bamberg, as Registrars of Voters of Perry County, Alabama with having engaged in racially discriminatory acts and practices in the registration of voters. On August 27, 1962 the plaintiff filed a motion for a preliminary injunction and for a finding of a pattern and practice of discrimination pursuant to 42 U.S.C. 1971. This motion was accompanied by the affidavits of twelve Negro applicants who have unsuccessfully applied for registration to vote in Perry County, Alabama. A hearing on this motion was held before this Court on October 26, 1962 at which the plaintiff presented the testimony of witnesses and produced documentary evidence.

2. Perry County, Alabama as of the 1960 Census had a voting age population of 8,643 of which 3,441 were white persons and 5,202 were Negroes.

3. Totals by race of all persons listed in the 1962 voter registration books of Perry County, Alabama, which totals are set forth in the respective registration books and subscribed to by the registrars, show there are 4,192 registered white persons and 245 registered Negroes in Perry County. The 1958 voter registration books of Perry County similarly show there are 4,315 registered white persons and 262 registered Negroes.

4. Since April 1959, four different persons have served as registrars of voters in Perry County, Alabama. Neely Mayton and John Allen Blackburn, present registrars, served during this entire period, while Floyd Bamberg, presently a registrar, replaced J. Clarence Bolling as a member of the Board in approximately November, 1959.

5. Between April 20, 1959 and August 5, 1962, the Board of Registrars of Perry County registered 435 persons. The current Board has registered 410 of these persons. The registration books and qualified voters lists of Perry County show that all of these registrants are white persons. No Negro has been registered to vote in Perry County, Alabama, from at least April 20, 1959 to August 5, 1962.

6. Since at least 1959 the defendants have engaged in a variety of acts and practices all of which have had the purpose and effect of depriving Negroes of their right to register without distinction of race or color. The defendants have denied registration to Negroes on account of their race by one or more of the following practices:

- (a) Negroes have attempted to apply for registration at the courthouse in Marion, Alabama but have been unable to find the Board of Registrars on regular registration days and during normal working hours. Some of these Negroes inquired but were unable to learn from various

County officials in the courthouse where and when the Board of Registrars of Perry County was meeting.

- (b) Negroes have not been permitted to fill out and submit applications for registration on regular registration days for the asserted reason that only one registrar was present and two or more registrars must be present to receive applications.
- (c) Negroes applying for registration have been required to appear personally before the Board while it was in session to fill out their own application forms.
- (d) Negroes who have submitted applications for registration have been required by the Board to have one of the persons listed on their application forms as references who have knowledge of their residences to appear personally before the Board to vouch for them. These applicants were not informed of this requirement prior to filling out their application forms and when they later learned of this requirement the registrars refused to permit the applicants to change their references or to fill out another form and list different references.
- (e) Negroes who have submitted applications to the Board of Registrars have been unable to learn whether their applications have been accepted or rejected. Some Negroes who have inquired of the registrars as to when they could learn of the action on their applications have been told to return on a specific registration day. When these Negroes returned on that date they were unable to locate a registrar or were told by a registrar that the Board had not yet acted on their applications. Other Negroes who have inquired of the registrars

as to when they could learn of the action of the Board on their applications have been told by the registrars that the registrars did not know when they would be able to act on the applications.

- (f) Negroes whose applications have been acted upon by the Board have been rejected on the grounds that the applicants did not fill out their application forms properly - that the applicants made errors or omissions in the information or answers given by them on their application forms.
- (g) Negroes whose applications have been rejected have not been permitted to reapply by submitting new applications until the expiration of twelve months following the date of their rejected applications. Other Negroes who have applied for registration and who have never heard from the Board regarding their applications have not been permitted to reapply on the grounds that their applications are still pending. One Negro who applied in October 1960, and two other Negroes who applied in approximately 1958 were all refused the opportunity to reapply for registration in June 1962 on the ground that their applications had not been acted upon and were still pending before the Board.

7. Since at least April 1959 the defendants have used the following qualifications and procedures to facilitate the registration of white persons in Perry County, Alabama:

- (a) White persons have not been required to appear personally before the Board of Registrars while it was in session in order to apply for registration. White applicants have been permitted to fill out application forms at their homes outside the presence of a registrar

and at times and places where the Board was not in session. Registrars have delivered application forms to white persons at their places of employment to be filled out and later returned to the Board. Registrars have given third persons application forms to be delivered to white applicants to be filled out and later returned to the Board.

- (b) The registrars have given aid and assistance to white applicants in the completion of their application forms, and, have permitted white applicants to receive aid and assistance from others. Two white witnesses who are illiterate had their application forms filled out for them; one by a registrar, and the other by his wife in the presence of a registrar.
- (c) The applications for registration submitted by white persons have been accepted by the Board without requiring white applicants to furnish information other than that contained on their application forms. White persons have not been required to take orally or fill out and subscribe to the Oaths on page three of the application form. White applicants have not been required to have other persons appear personally before the Board to vouch for them or to fill out and sign the Supporting Witness portion found on page four of the application form.
- (d) The Board has acted regularly and promptly in accepting the applications for registration submitted by white persons.
- (e) White applicants have been notified either personally by a registrar or by receipt of a certificate of registration by mail that they they have been accepted for registration.

(f) The application form has not been used as a test or examination for white applicants and they have not been rejected for errors or omissions in the information or answers listed on their application forms. Of the 281 accepted applications filed by white persons between April 1959 and December 1961, 244 or 87% contained errors or omissions in the information or answers given on their application forms. Many of these forms contained multiple errors or omissions.

8. The acts and practices of the defendants as set forth in Finding of Fact No. 6 above have deprived Negro citizens in Perry County, Alabama, of the right to register and to vote without distinction of race or color. Such deprivations of rights have been and are pursuant to a pattern and practice of discrimination.

9. From the affidavits filed with this Court, the testimony adduced at the hearing and from a review of the voter registration records of Perry County, Alabama which have been introduced into evidence, the Court specifically finds that the Negro applicants listed in Appendix A, attached hereto and incorporated herein, applied for registration to the Board of Registrars of Perry County, and that each has been denied registration solely on account of his race or color, and that each is qualified to register to vote under the laws, practices, customs and usages followed and applied by the Board of Registrars of Perry County, Alabama.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NEELY B. MAYTON, JOHN ALLEN
BLACKBURN, FLOYD BAMBERG, as
Registrars of Voters of Perry County,
Alabama; and State of Alabama,

Defendants.

CIVIL ACTION NO. 2881

PLAINTIFF'S PROPOSED
CONCLUSIONS OF LAW

1. This Court has jurisdiction of this action under 42 U.S.C. 1971(a) and 28 U.S.C. 1345.
2. The Attorney General is authorized to institute this action on behalf of the United States under 42 U.S.C. 1971(c) to obtain preventive relief against acts and practices by the defendants which would deprive other persons of rights and privileges secured by 42 U.S.C. 1971(a).
3. The State of Alabama is properly joined as a party defendant pursuant to Section 601(b) of the Civil Rights Act of 1960, 42 U.S.C. 1971(c).
4. Acts and practices of the defendant registrars and their predecessors which violate 42 U.S.C. 1971(a) are also the acts and practices of the defendant State. Civil Rights Act of 1960, Section 601(b).
5. 42 U.S.C. 1971(a) forbids any distinctions in voting process, including registration for voting, based upon race or color.

6. The racially discriminatory acts and practices of the defendant, as set forth in Findings of Fact Nos. 6 and 8, constitute deprivations of the right secured by the Fourteenth and Fifteenth Amendments to the Constitution of the United States and by 42 U.S.C. 1971(a); namely, the right to register to vote and to vote without distinction of race or color. These deprivations have been and are pursuant to a pattern or practice of racial discrimination within the meaning of 42 U.S.C. 1971(e).

7. Negro citizens of Perry County, Alabama, are "otherwise qualified by law to vote" within the meaning of 42 U.S.C. 1971(a) if they possess all of the qualifications and none of the disqualifications under Alabama law, or those qualifications and disqualifications actually applied by the Board of Registrars of Perry County in registering other persons.

8. The Negro citizens of Perry County listed in Appendix A are qualified by law to vote as found in Finding of Fact No. 9.

9. Under 42 U.S.C. 1971(c) this Court is authorized to order the defendants to register specific individuals where the Court has found that such individuals are qualified to register to vote and have been discriminatorily denied the right to do so.

10. Under the laws, practices, customs and usages of Perry County, Alabama, an applicant for registration must meet the following, and not different or more stringent, qualifications, requirements and standards as prerequisites to becoming registered to vote:

- a. He is a citizen of not less than 21 years of age;
- b. He has resided in the State, County, and precinct the required period;
- c. He is not disqualified by reason of bad character, conviction of a

disqualifying crime, insanity, or idiocy; and

- d. He is literate and is able to demonstrate his literacy by answering some of the questions on the application form - the "Application for Registration, Questionnaire and Oath."

11. Under the Fifteenth Amendment and 42 U.S.C. 1971(a) the State of Alabama and the Registrars of Voters of Perry County, Alabama, have a duty to process the applications for registration to vote in Perry County without regard to race or color. Where, as is established by the evidence in this case, there has been a pattern of racial discrimination in the registration process over a period of years, during which white persons freely became permanently registered to vote, the defendants may not adopt new and more stringent requirements the effect of which will be to seal the discrimination into the voting system.

12. The requirement that applicants for registration in Perry County whose applications are rejected may not reapply for registration to vote within a twelve month period is in violation of the Fourteenth and Fifteenth Amendments to the Constitution of the United States.

13. The arbitrary rejection by the defendants of applications for registration to vote on technical, insubstantial, and inconsequential grounds without advising applicants of the specific mistakes and permitting them to correct their mistakes is a denial of due process of law and an abridgment of the privileges and immunities of citizens of the United States under the Fourteenth Amendment to the Constitution of the United States.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

NEELY B. MAYTON, JOHN ALLEN
BLACKBURN, FLOYD BAMBERG, as
Registrars of Voters of Perry County,
Alabama; and State of Alabama,
Defendants.

CIVIL ACTION NO. 2881

PLAINTIFF'S PROPOSED DECREE

Pursuant to the Findings of Fact and Conclusions of Law entered this date:

1. This Court finds specifically that the defendants have engaged in acts and practices which have deprived Negro citizens in Perry County, Alabama of the right secured by 42 U.S.C. 1971(a), and that the deprivation of this right has been pursuant to a pattern and practice of discrimination.

2. It is ORDERED, ADJUDGED AND DECREED that the defendants, the State of Alabama; Neely B. Mayton, John Allen Blackburn and Floyd Bamberg, individually and as members of the Board of Registrars of Perry County, Alabama, their agents, officers, employees, successors in office and all persons in active concert with them be and each is hereby enjoined from engaging in any act or practice which involves or results in distinctions of race or color in the registration of voters in Perry County, Alabama. Specifically each of said persons is enjoined from:

- a. Applying different and more stringent registration qualifications, requirements, procedures, and standards to Negro applicants for registration than those which have been applied to white applicants since at least April 1959 in determining whether or not such applicants were or are qualified to register to vote in Perry County, Alabama.
- b. Using a form of application or questionnaire different from and more stringent than that which has been used in registering white persons in Perry County, Alabama between April, 1959 and October, 1962.
- c. Using the application form - the "Application for Registration, Questionnaire and Oath" - for any purpose different from that which for which it has been used in registering white persons since at least April, 1959. Specifically, the application form shall not be used as an examination or test for any applicant and no applicant shall be denied registration for making errors and omissions in completing his application form.

STANDARDS

3. It is further ORDERED, that the defendants, their agents and successors, in conducting the registration of voters in Perry County be required to apply hereafter to each applicant for registration to vote in Perry County, Negro and white alike, the following qualifications:

- a. He is a citizen of not less than 21 years of age;
- b. He has resided in the State, County, and precinct the required period;
- c. He is not disqualified by reason of bad character, conviction of

a disqualifying crime, insanity or idiocy; and

- d. He is literate and is able to demonstrate his literacy by answering some of the questions on the application form - the "Application for Registration, Questionnaire and Oath."

4. It is further ORDERED that said defendants, in applying the above qualifications shall comply with the following standards:

- a. Applicants who possess these qualifications must be registered, and it is the duty of the Board to determine whether the applicants possess these qualifications.
- b. If from the information contained on the application form the registrars are unable to determine whether the applicant possesses the qualifications of citizenship, age, or residence as set forth above, or if they are unable to determine whether the applicant is disqualified by reason of bad character, conviction of a disqualifying crime, insanity or idiocy, then the registrars should obtain the necessary information either by pointing out the deficiency to the applicant and permitting him to supply the necessary information on his application form, or by questioning the applicant and noting the necessary information on his form. If information supplied by the applicant on his application form disqualifies him under any one of the above grounds, the registrars shall call this fact to his attention to insure that the information is correct.
- c. The applicant possesses the qualification that he be literate if he is able to read and write. If the applicant's answers on the application form are legible and his answers on the application

form demonstrate that he read those questions which he answered, then he has satisfied the requirement that he be able to read and write. This determination must be one of reasonableness and fairness. The application form cannot be used as a test for the purpose or to form the basis of rejecting applicants. Instead it must be used as a means to obtain essential information to facilitate the registration of applicants.

PROCEDURES

5. It is further ORDERED that the defendants shall in order to insure the fair and reasonable opportunity of all applicants, white and Negro alike, to apply for registration to vote in Perry County, Alabama, and to insure the registration of all qualified applicants without unreasonable delay, observe the following procedures:

- a. Meet for a full working day on every registration day specified by law of the State of Alabama and receive applications for registration during such days;
- b. Post in a conspicuous public place in the Perry County Courthouse at least seven days prior to every meeting a notice of the time and place at which the Board will meet for the purpose of accepting applications for registration;
- c. Receive and process all applications for registration in the order of the appearance of the applicants;
- d. Receive on each registration day the applications of the maximum possible number of those appearing for the purpose of applying for registration and to maintain the facilities and procedures

which will permit at least fifteen applicants to fill out application forms simultaneously.

- e. Pass on each application for registration filed and notify each applicant of the action by the Board on his application for registration, whether accepted or rejected, within a reasonable time not to exceed ten days; and if the applicant is rejected, to notify the applicant of the specific reason for his rejection, such as the applicant's failure to meet the requirement of literacy.
- f. Permit persons to apply without placing any limitation, except the period of notification provided for in this decree, on the number of times or the period within which an unsuccessful applicant may reapply for registration during any given period of time.
- g. Every person seeking to apply for registration, whether or not he is known to any of the registrars, shall be permitted to fill out and submit an application form. If the registrars deem it necessary to confirm any information given by the applicant it is the duty of the registrars, and not the applicant, to confirm such information. The applicant shall not be required to give as reference persons known to the registrars or to produce a voucher, supporting witness, or reference to appear before the Board.

SPECIFIC REGISTRATIONS

- 6. It is further ORDERED that the said defendants, within ten days of the date of this decree place upon the current and permanent registration rolls

of Perry County, Alabama, and any official copies thereof, the names of the Negro citizens listed in Appendix A, attached hereto and incorporated herein, unless, however, within the ten-day period defendants by affidavit, show to the Court that any such person should not be placed upon the rolls by reason of death, removal from the county, conviction of a disqualifying crime or subsequent registration, and

- a. Within ten days of the date of this decree each person listed in Appendix A shall be notified that his name has been placed on the permanent Voter Registration Rolls of Perry County, Alabama, by mailing such person the appropriate certificate of registration.
- b. The defendants shall file with the Clerk of this Court within fifteen days from the date of this decree a written report reflecting their compliance with this paragraph.

REPORTS AND RECORDS

7. It is further ORDERED that the defendants submit to the Clerk of this Court in writing and a copy thereof to the plaintiff on or before the tenth day of each month after the date of this decree and until further order of this Court, a report as to their progress in receiving and processing applications for registration during the preceding calendar month. This report shall include:

- (1) The dates and places applications were received during the preceding report period and the hours during which the registrars were available to receive applications.
- (2) The action taken by the Board on applications for registration during the preceding report period which with respect to accepted applications

will state the name and race of the applicant, date of application and the date the certificate of registration was mailed out, and with respect to rejected applications, the name and race of the rejected applicant, date of application, a duplicate copy of the notification of rejection, the reason therefor, and the date on which such notification was mailed to the applicant.

8. It is further ORDERED that said defendants preserve all applications for registration, registration books and other records relating to registration in Perry County, Alabama and make these records available for inspection and photographing by agents of the United States at any and all reasonable times.

The costs incurred in this proceeding to date are hereby taxed against the defendants.

Done this _____ day of _____, 1962.

APPENDIX A

| <u>Name of Applicant</u> | <u>Address</u> | <u>Source</u> |
|--------------------------|---------------------------------------|---------------|
| Avery, James | Rural Route 1 Newberne, Alabama | Testimony |
| Moore, David B. | Uniontown, Ala. | Testimony |
| Rayborn, Ollie M. | Marion, Alabama | Testimony |
| Ford, Lula Mae | Rural Route Marion, Alabama | Affidavit |
| Jackson, Reboynkin | Route 1, Box 176 Newberne, Alabama | Affidavit |
| Johnson, Rev. Sammie L. | Route 1, Newberne, Alabama | Affidavit |
| Norfleet, Ernest | Route 1, Box 160 Newberne, Alabama | Affidavit |
| Rawls, Bessie E. | Rural Route 1 Newberne, Alabama | Affidavit |
| Rutledge, Charles L. | P.O. Box 23 Marion, Alabama | Affidavit |
| Turner, Edward | Route 1, Box 9 Marion, Alabama | Affidavit |
| Turner, Gladys | Route 1, Box 9 Marion, Alabama | Affidavit |
| Ward, Rosa B. | Uniontown, Alabama | Affidavit |
| Ward, Richard | Uniontown, Alabama | Affidavit |
| Woods, Edmond | Route 3, Box 138 Marion, Alabama | Affidavit |
| Woods, Mittie L. | Route 3, Box 138 Marion, Alabama | Affidavit |
| Banks, Rev. A. Edwards | Centerville St. Marion, Alabama | P's Ex. 8-282 |
| Hogue, Robert L. | Route 1, Box 256 Marion, Alabama | P's Ex. 8-283 |

JUSTIFICATION FOR APPEAL

Prior to appealing a decision, it is necessary to obtain authorization for the appeal from the Solicitor General. The factual justification for appeal enables the Assistant Attorney General and the Solicitor General to evaluate the facts before authorizing an appeal.

The following justification for appeal was submitted for United States v. Ford, a 1971(a) suit in Choctaw County, Alabama. Although the District Court issued a permanent injunction favorable to the plaintiff, an appeal was authorized on the grounds of inadequate relief. A notice of appeal was filed on June 11, 1964.

To : David L. Norman

Date: June 2, 1964

From : Arvid A. Sother

Subject : Appeal of District Court Decision in U.S. v. Ford et al.

Judge Thomas issued his decision in this case on April 13, 1964. The notice of appeal should be filed by June 11, 1964 if an appeal is to be taken.

Statistics - Choctaw County, Alabama

(a) Persons Presently Registered
February 5, 1963

| | <u>Persons of</u> <u>Voting Age</u> | <u>Persons</u> <u>Registered</u> | <u>Percent</u> <u>Registered</u> |
|-------|--|-------------------------------------|-------------------------------------|
| White | 5,192 | 3,527 | 71% |
| Negro | 3,982 | 176 | 4.4% |

(b) Applications Acted Upon from -
November 9, 1959 to February 5, 1963

| | <u>Total</u> | <u>Accepted</u> | <u>Rejected</u> | <u>Percent</u> <u>Registered</u> |
|-------|--------------|-----------------|-----------------|-------------------------------------|
| White | 784 | 782 | 2 | 99% |
| Negro | 302 | 42 | 260 | 14% |

Pleading Background

This suit was filed on June 15, 1962 and was tried before Judge Thomas on February 20, 1963. The Court issued its decision 14 months after the trial of the case.

Decision of the Court

The findings of the Court are brief and general. Included in part of them the Court finds the above statistics, finds the substantive qualifications for registration under Alabama law to be the requisite citizenship, age, residence, literacy, good character, embracing of the duties and obligations of citizenship and lack of any disqualifications, and finds that from November 1959 to February 20, 1963 "The defendants engaged in racially discriminatory practices in conducting the registration of the voters in Choctaw County."

The only practices of discrimination specifically found by the Court were:

- a. permitting assistance to white applicants while not to Negroes;
- b. failing to tell Negroes the reason for their rejection;
- c. failing to notify applicants within a reasonable time of their rejection.

The Court's Orders are very brief and general. They enjoin the defendants from:

1. engaging in any discriminatory practices;
2. rejecting applicants for errors or omissions when the information is contained elsewhere on the form;
3. using the form as an examination unless the standards are filed with the Court;
4. rejecting applications for lack of good character, other than convictions, without notice and hearing;
5. failing to act on the application within a reasonable time;
6. failing to notify the applicant within a reasonable time and if rejected the specific reason for the rejection.

Recommendations

I would recommend an appeal in this case for the following reasons:

1. The Relief Provided Is Inadequate.

(a) The use of the form as a test.

The evidence presented during the trial clearly demonstrated that the application form is not used as a test or examination for white applicants. Testimony ranged from illiterate white registrants to substantial assistance to literate white applicants. The Decree makes no provision that similar standards be applied to Negroes in the future. Furthermore, the decision envisions the use of the application form as a test if the registrars file the standards they desire to use with the Court. The decision thus permits the form to be used to determine the applicant's ability to read and comprehend and not merely as a test of the applicant's literacy.

Failure of the Court to restrict the use of the application form as an examination is particularly significant because of the new application form recently adopted by the State of Alabama. Although the Court did not have the question of the new form before it, if we accept the decision as rendered, it will be difficult for us to later attack the use in Choctaw County of the tests provided for in the new form.

(b) The Oath.

The evidence shows that the defendant registrars use the Oath as a device for the rejection of Negroes. The registrars do not administer the Oath to Negroes or clearly instruct them to sign the Oath. White applicants are instructed to sign the Oath and thus are not rejected for their failure to sign. The Court's decree and the findings of fact fail to provide for the enjoining of this discriminatory practice. The Oath also appears on the new application, although it is not as deceiving on the new form since the line for the signature of the applicant is designated. However, many applicants will still fall victim to not signing the line under the Oath if the Oath is not administered to them or if they are not instructed to sign. Negro applicants in Elmore County and Perry County have already demonstrated this.

Even though previous decisions in Alabama and fairness itself require that the registrar as the Oath giver administer the Oath to the applicants, Judge Thomas refused to pass on this issue.

(c) Supporting Witness Requirement

The registrars in Choctaw County require applicants for registration to have someone sign their application form as a supporting witness. The evidence presented at the trial of this case showed that this requirement is a burden upon Negro applicants and that Negroes are rejected for their failure

to obtain a supporting witness. The requirement is used unreasonably for Negroes. They are required to have a witness sign each application form regardless of how many times they have previously obtained the signature of a supporting witness on rejected application forms. The evidence shows that white persons are not required to obtain supporting witnesses in that supporting witnesses are obtained for white people when the applicants fail to obtain them, that courthouse personnel vouched for about 50% of the white applicants and that white applicants are permitted to take their application forms out of the registration office in order to secure the signature of a supporting witness. Negro applicants are not treated similarly. The Court failed to consider this issue of discrimination in its Decree.

(d) Summary

The evidence of the acts and practices of discrimination discussed above is very strong in the record in this case. The relief the Court has granted is inadequate to eliminate these practices of discrimination.

We have just completed an extensive supplemental hearing in Perry County. This supplemental hearing was necessary because the original Decree did not face up to the issues of discrimination which were proved at the hearing on the preliminary injunction in that case. The relief in this Decree in this case is even less than that granted by the Judge in Perry County; it is just a repeat of the Dallas County Order. If we accept this Decree as it now stands it will necessarily mean future supplemental hearings if Negroes are to obtain the right to vote in meaningful numbers in Choctaw County. If we wait for a supplemental hearing in Choctaw County it will merely mean further delays for the registration of qualified Negroes in this county and very probably weaker evidence upon which to request fuller and more adequate relief. This hearing was a hearing on a permanent injunction for which the relief granted is not adequate.

2. An Order Requiring Negroes to be Registered.

We requested the Court to register 49 Negro applicants who filed 99 application forms. The forms of these applicants showed the applicants all to be qualified under state law and to be well qualified under the minimal standards which were proven to have been applied to white persons during the period of proven discrimination. The Court refused to make any finding with respect to these applicants and granted no relief with respect to our request that they be ordered placed on the rolls.

In all cases we have tried before this Court the Court has refused to order Negro applicants placed on the rolls. This is a strong case of discrimination, and if ever equity would require an Order that the defendants register certain Negro applicants forthwith, this case should require it. If we are to ever confront Judge Thomas in the Court of Appeals concerning the

District Court's duty to order persons registered, I see no reason why it should not be at this time in this suit.

3. Enforcement Provisions of the Decree

The Court has made no provisions for the enforcement of its Decree. The Court has not required that any periodic reports be filed with it and has not provided the plaintiff with any means of monitoring the actions of the Board of Registrars.

If the Court is intent upon the enforcement of its Decree in Choctaw County it would have made provisions for some type of reporting or inspection by the plaintiff. We have already experienced the frustrations in Perry County of not being able to determine periodically the progress being made by the Board of Registrars. It is very expensive and consumes a great deal of energy to try to piece together the progress of the registration through the procedure of interviewing local Negroes. It also leaves the Board of Registrars with a sense of independence, that they still are not accountable to the Court or to the plaintiff for their actions.

4. Costs

The Decree makes no provisions for the awarding of costs and it is apparent that unless this matter is taken up in a higher Court, we will never be granted costs in this case. There is no justification for the plaintiff to bear the costs in the preparation and presentation of the evidence in this case. The defendants should be made to bear the costs of their discrimination to as great an extent as the law permits.

5. Dismissal of the State as a Defendant.

Judge Thomas dismissed the state as a party in this suit. He recently dismissed the state as a defendant in the Perry County case on the oral motion of the Assistant Attorney General for the State of Alabama during the hearing on the contempt proceedings. It appears that the state will be dismissed in every action of this nature in this District Court until the Court of Appeals lays down some guidelines to be followed in dismissing the state as a party. The law appears to be very unclear on this issue. U.S. v. Duke, et al., is contrary to the recent cases permitting the dismissal of the state but does not set forth clearly the circumstances under which the state should be bound by the ensuing injunction. It would therefore appear advisable to raise the issue of the dismissal of the state in this case before the Court of Appeals.

6. The Alternatives

The only alternative to the appeal of this case appears to be through the provisions of 42 U.S.C. 1971(e). This is assuming that the Court found the requisite pattern or practice of discrimination necessary to invoke this provision of the statute. Paragraph 6 of the findings of fact states that the defendants have engaged in racially discriminatory practices in conducting the registration of the voters. This appears to be sufficient to invoke 1971(e). Applications of Negroes under 1971(e) can shift the burden of future registration in Choctaw County entirely to the Federal Court. This undoubtedly would require further litigation (and probably in the Court of Appeals) to establish the standards the Court is required to apply under a 1971(e) proceeding. Regardless, the results would be further delay. From our experience in Perry County, I feel that we would achieve faster and more adequate relief by obtaining a strong injunction if possible in the Court of Appeals rather than following the circuitous route of 1971(e). 1971(e) appears to have been designed primarily as an alternative means for the registration of Negroes when the defendants themselves are recalcitrant and refuse to observe orders issued by the Court either through failure to register persons who are qualified or through resignation from office rather than a substitute to an effective injunction by the Court.

The greatest danger in relying solely on 1971(e) in this case is that we are not sure of how the Courts will interpret their duty under 1971(e). Many problems regarding the use of 1971(e) have not been resolved. Some of the basic ones are now pending in U.S. v. Blackburn et al., before the Fifth Circuit. If that decision had been rendered strongly in our favor at this date there might then be some merit to considering relief through 1971(e) rather than appealing the Decision in this case, but that has not happened.

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APPELLATE BRIEF

The following appellate brief was submitted in United States v. Board of Education of Greene County, Mississippi, a Section 1971(b) suit.

The contract of a Negro school teacher was not renewed after she had given an affidavit in support of an application for a temporary restraining order in the George County 1971(a) case. The complaint charged that the reason for the failure to renew her contract was the filing of the affidavit and her involvement in the suit, for the purpose of intimidating her and other Negroes in the free exercise of their right to register. The District Court held that the government had failed to prove that the discharge was done with the "purpose" of interfering with the right to vote. The Court of Appeals affirmed that decision.

No. 20,212

In the United States Court of Appeals
for the Fifth Circuit

UNITED STATES OF AMERICA, APPELLANT,

v.

BOARD OF EDUCATION OF GREENE COUNTY, MISSISSIPPI, OSCAR
GORDON BOUNSAVILLE, WILLIE ELI BROWN, DOUGLAS WAR-
ENDOLPH DAUGHDRILL, LEWIS M. HENDERSON, CARLOS MC-
LAIN, INDIVIDUALLY, AND AS MEMBERS OF THE BOARD OF ED-
UCATION OF GREENE COUNTY, MISSISSIPPI, EVANS J. MARTIN,
INDIVIDUALLY, AND AS SUPERINTENDENT OF EDUCATION OF
GREENE COUNTY, MISSISSIPPI, APPELLEES.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

BRIEF FOR APPELLANT

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