

Mr. Norman

**Suggested Agenda of Conference between Representa-
tives of FBI and Civil Rights Division**

1. Scope of investigation in types of cases frequently investigated. Items which should be covered without specific request.
2. Form of request.
3. Institution of investigations other than upon request of Civil Rights Division.
4. Investigations conducted contemporaneous with the violation.
5. Advising local authorities of the institution of an investigation.
6. Collection and transmittal of intelligence information.
7. Liaison in the field between agents of the FBI and attorneys of the Civil Rights Division.

TO: William J. Holleran, Executive Assistant
Civil Rights Division

FROM: Arvid A. Sather, Attorney

SUBJECT: Requirements for Records Analysis Processing

A. The Purpose of Record Analysis

42

A voting discrimination case brought under U.S.C.

1971(a) cannot be adequately prepared and presented at trial without a thorough study of the voting registration records involved in the case. The records include registration books, qualified voters lists and application forms. Often other records are involved such as separate literacy tests, poll tax records, purge records, etc.

It is through the analyzation of the registration records that we are able to:

- (1) Obtain total statistics by race of those persons who applied for registration and were accepted or rejected during the period covered by the suit.
- (2) Select the white persons and Negroes who are to be interviewed by the FBI; some of which will later be subpoenaed as witnesses to establish the different procedures applied to white applicants than to Negroes in the registration process.
- (3) Show that there has been a discriminatory use of the application forms, constitutional interpretation tests, or other tests, to exclude Negro applicants and that the Negroes face different and more stringent procedures in applying for registration.
- (4) To establish the standard which has been applied to white applicants in the past in order that the court can establish the standard by which Negroes should be registered after the finding of a pattern and practice of discrimination. (See subsection, 42 U.S.C. 1971(a)).

B. The Records Analysis Process

The analysis process varies with each case, since the acts and practices of discrimination vary from one jurisdiction to another and because the registration records themselves vary between jurisdictions. For example, the registration books often establish the race of most of the applicants within one county, but in some counties, no race can be identified by the registration records. Such a situation usually creates a particularly difficult race identification problem, the solution of which must be included in the records analysis process. However, regardless of the differences which exist from county to county and from state to state, the analysis process generally follows similar lines.

The records arrive on microfilm after having been photographed by the FBI. The reels of microfilm must first be indexed to determine what the records include. Then an attorney must survey all of these records in light of the information known about that county. He must then develop a system of processing the records which will extract and organize the essential information contained in the records and in a manner which will overcome any special problems which exist with the records in that case. Analyst typists must then type onto six-ply control cards the essential information on each application form. The attorney must analyze the records to establish the standards which have been applied and to obtain names of potential interviewees. This analyzation must be transcribed onto the respective control cards. The records themselves must then be prepared for use in trial. This requires the reproduction of the records (xerox process) and

their organization in relation to the organization of the control cards. The copies of the control cards must be separated from the carbon packet and each set organized as necessary. Finally, exhibits must be prepared which will be introduced in trial along with these records to illustrate to the court what the records analysis has shown.

Each xerox copy of an application form is assigned a number and that number has been stamped on each of the copies on that application form's respective control cards. Thus, for example, when we arrange one set of control cards chronologically as in the Montgomery County, Alabama, voting case we learned and were able to prove that more than 200 white applicants were processed in one day; and were, therefore, able to ask the court that a similar number of Negroes be processed in the future. Or, as in the Dallas County, Alabama, case, where we arranged a set of control cards by the similarity of answers to one of the questions on the application form calling for a subjective answer, we learned and were able to prove that many had identical answers--that they had been given the answers and that the handwriting on many of these were identical, that the applicant hadn't filled out his own form. To obtain these various facts, it is necessary to organize the sets of control cards in different orders, but it enables us to present a few examples to the court and then list the numbers of these applications which fall in that same category. Our analysis then gains validity for the court or the opponents can check these numbers against the set of registration records which we introduce into evidence.

Only through this procedure can we prove in court by use of one set of registration records the many facts contained in the records.

This process requires a great deal of effort. The Montgomery County, Alabama, case alone demonstrates this fact. This case involved 13,500 application forms, each of which required a control card. A good analyst typist can, on the average, type one control card for an Alabama application form every three minutes. Thus, this case alone required over 800 man hours for the typing of control cards (and another 40 hours to tear the cards apart from the carbon packet). In this case alone, matching the order of the copies of application forms to the order of the packets of control cards and then stamping them required approximately 40 man hours. These were only several of many steps required in the process of the records.

It requires a great deal of work to prepare voter registration records for trial and a thorough preparation of the voting records is necessary to obtain a judgment with full and adequate relief.

C. Records Processing for the Next Year: 1962-1963

We Anticipate for 1962-1963 that it will be necessary to analyze and prepare the voting records in over 100 counties in Alabama, Georgia, Louisiana, Mississippi, North Carolina and South Carolina.

Alabama

In the past year we processed 20,000 records for trial. We tried cases in two counties and filed a suit in a third county. We have 40,000 records in process involving 16 counties and anticipate suits in more than six of these counties this year, one of which has already been filed.

Mississippi

Only recently have we been able to obtain court orders to enable the photographing of registration records. Presently, we have suits in seven counties and an eighth suit involving 6 counties. We have already photographed the registration records in 13 counties and anticipate the photographing in more than 20 other counties during the next year. The record processing for these counties will require the typing of control cards and their processing for more than 200,000 registrants. Last year we processed records for less than 5,000 registrants.

Louisiana

Last year we processed for trial 11,000 application forms and tried two cases. We presently have 4 cases pending and anticipate more suits this year. Already we have photographed 95,000 application forms which have not been processed, have formal records demands pending involving 13,000 applications and anticipate further demands involving 5,000 applications.

Georgia

We did not file or try any voting registration cases in this state last year. However, we processed about 500 records for trial and anticipate the filing of a suit in the near future. We anticipate records demands involving approximately 33,000 application forms.

North Carolina

Registration statistics indicate that in at least ten counties less than twenty percent of the Negroes of voting age are registered to vote. This is an unusually low percentage for Negro registration in this state. Analysis and preparation of the voting records in these counties will involve approximately 22,000 application forms.

South Carolina

Registration statistics indicate that in at least twelve counties ten percent or less of Negroes of voting age are registered to vote. Analysis and preparation of the voting records in these counties will involve approximately 62,400 application forms.

Enforcement

After a judgement has been obtained, the new records in that particular jurisdiction covered by the decision are photographed periodically. These records are also processed similarly to those prepared for trial to determine whether the registrars are applying the standards to Negro applicants which was ordered by the court, and to maintain the registration records so they can be used in future hearings as necessary. Already, of the six jurisdictions in the South where

injunctions have been obtained, the registrars have violated the court orders in four of these counties. This has necessitated further hearings in these cases in which the records have provided the basic evidence for proving the violations. The records work in the enforcement area is beginning to become a major factor in our records processing work load and it will undoubtedly continue to grow until it eventually becomes the main project.

D. Personnel Requirements

Over the past year we initiated and developed the record analysis process and trained a small group of persons who can competently carry out the work required in this process. Presently, we are unable to handle the increased activity which has already occurred, let alone that which will take place in the near future. We have over 100,000 records photographed on which record analysis has not begun and more are being photographed each month. Already we have trial dates in September and November in five voting cases. Preparation for these trials will more than consume all of our available manpower and seriously impair any preparation of records which may be required for the filing of further suits or which are required to conduct further investigation in counties where the facts have not yet been adequately prepared to justify a suit.

Our experience has demonstrated that it takes from three to six months to train a clerk typist into an analyst typist. The work is very detailed and because of the manner in which it is presented in court--it must be of a very high degree of accuracy. One person making numerous errors in gathering and

organizing the information from the records can seriously impair the validity of the analysis and can require many additional hours of checking and reworking of the same records. Well trained competent personnel can free an attorney assigned to prepare a case to enable him to accomplish his portion of the work. Untrained personnel without ability or the proper attitude will only consume the attorney's time in unwarranted supervision.

Under the total picture which now exists, it is becoming critical that we consider the acquisition in the immediate future of additional qualified help upon which the necessary training and orientation to the record process can begin. It will require between 16 and 20 trained analyst-typists to process the volume of records with which we are faced. Only with this additional help will we be capable of meeting the demands for records preparation which has already arisen and which will continue for an extended period of time.

John Dear, Acting Assistant Attorney
General, Civil Rights Division

January 30, 1961

David L. Norman
Voting & Elections Section

Summary of Departmental Action
Under Title III of the Civil
Rights Act of 1960.

In accordance with the request of the Attorney General, I have prepared the following statement summarizing the action we have taken under Title III. I have a notebook containing detailed reports as to the contents of the records in each of the counties where our analyses have been completed. I will be glad to make this notebook available at any time.

We have served demands for the inspection and copying of records in seventeen southern counties. The names of these counties and the dates when the demands were served are as follows:

<u>STATE</u>	<u>COUNTY</u>	<u>DATE</u>
Alabama	Montgomery	May 23, 1960
	Sunter	June 6, 1960
	Wilcox	May 12, 1960
Florida	Union	August 11, 1960
Georgia	Early	May 23, 1960
	Payette	June 6, 1960
	Gwinnett	August 11, 1960
	Debuter	May 16, 1960
Louisiana (Parishes)	East Carroll	May 13, 1960
	East Feliciana	May 23, 1960
	Ouachita	May 23, 1960
Mississippi	Bolivar	August 11, 1960
	Forrest	August 11, 1960
	Leflore	August 11, 1960
South Carolina	Clarendon	June 6, 1960
	Hampton	June 6, 1960
	McCormick	May 12, 1960

Records

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The counties in Florida, Georgia, and South Carolina cooperated with the Department and permitted inspection and

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copying of their records almost immediately after demands were served. The counties in Alabama and the parishes in Louisiana, and two of the three counties in Mississippi resisted, and resort to the courts was necessary. The courts have ruled favorably upon all of our applications for enforcement which thus far have been litigated; including the Court of Appeals for the Fifth Circuit. Four of our applications for enforcement are presently pending in the district courts. 1/

Our analysis of the records in six of the counties 2/ has been completed. With respect to the records in five of the other counties 3/ our analysis is virtually complete. In three other counties 4/ the records have been photographed but have not been analyzed at this time. In three of the counties 5/ the records have not yet been photographed.

In the six counties where analysis has been completed, the records themselves do not contain positive evidence of discrimination. In Webster County, Georgia, for example, no Negroes are registered and apparently none has applied for registration. Thus, the records contain registration cards and documents relating to white registrants but none relating to Negroes. Frequently the records do not reflect the reasons for the rejection of applications. Title III of the Civil Rights Act of 1960 does not require registrars to make records, it merely requires them to preserve those records that are made.

In some instances the number of Negro registrants and the number of rejected applications of Negroes have been so small as to make it impossible to reach any conclusions concerning the possible existence of discriminatory practices in the county. For example, in McCormick County, South Carolina, 49 Negroes successfully registered at about the time our

1/ East Feliciana, Louisiana; Wilcox, Alabama; Bolivar, Mississippi; and Forrest, Mississippi.

2/ The three counties in South Carolina and three of the counties in Georgia; Early, Fayette, and Webster.

3/ Montgomery, Alabama; Gwinnett, Georgia; Union, Florida; East Carroll, Louisiana; East Feliciana, Louisiana.

4/ Leflore, Mississippi; Ouachita, Louisiana; Sumter, Alabama.

5/ Wilcox, Alabama; Bolivar, Mississippi; Forrest, Mississippi.

demand was served. Two other Negro applicants were rejected. Apparently five white persons were rejected but their applications were not preserved. While the records themselves do not show discrimination, we have no satisfactory explanation for the fact that in McCornick County there are about 2600 Negroes of voting age but only 49 are registered to vote, and for several years no Negroes were registered.

In eight of the eleven counties where our analysis of the records is quite complete, the records themselves do not disclose discrimination. Nor do they explain why so few Negroes are registered. With respect to these counties, further investigation and study should be undertaken to discover, if possible, the reasons why only a token number of Negroes, or none at all, is registered to vote. We have found that despite the lack of evidence in the records of discrimination such evidence can be obtained by interviews with Negroes. For example, where Negroes are rejected by the registrar for failure to identify themselves or to interpret the Constitution to the satisfaction of the registrar, such facts might not appear in the records but can be discovered by interviews.

In the other three of the eleven counties 6/, the records give some evidence of discrimination, but additional investigation will have to be made before a definite determination can be made as to whether suits should be filed.

A twelfth county, Ouachita Parish, Louisiana, from which we now have films of the voter-registration records, was the scene of a mass purge of Negro voters in May, 1954. We feel certain that analysis of these records will develop evidence sufficient for the filing of a suit under Section 1971(a) similar to those previously filed involving Washington Parish and Bienville Parish in Louisiana.

The inspection of records pursuant to the authority granted by Title III can be an extremely useful discovery device. There are dozens of counties in the South where fewer than five percent of the Negroes of voting age are registered to vote. It is unlikely that this low percentage is due entirely to apathy, or to the absence of qualified Negroes. Records demands could be made in any of these counties, but priority should be given to those where we have some additional information or complaints concerning discrimination.

6/ East Carroll, Louisiana; East Feliciana, Louisiana; Montgomery, Alabama.

Procedure for Photographing and Analyzing Records

Agents of the FBI photograph the records after presenting the demand letters to the registrars. We originally followed the method of furnishing the agents with a standard set of instructions to guide them as to the nature and number of the records to be photographed. We found, however, that using a standard set of instructions was not the most feasible method since record keeping varies from county to county even within a given state and the nature and extent of the records in each county could not be known in advance. Recently we have followed the procedure of sending an attorney from this office to inspect and then designate the records to be photographed by the FBI. This has proved highly effective.

Originally the films were sent to the FBI laboratory in Washington and prints were made of all the records. However, this procedure was very time consuming and costly since each print costs from eight to ten cents each. We, therefore, purchased two film viewers so that the records can be analyzed without the necessity of printing all the records. The film-viewer method facilitates analyzing, handling, and storing the records.

The Division has employed three clerks to analyze the records under the supervision of an attorney. We believe that the records can adequately be analyzed by non-legal personnel if they are properly trained and closely supervised, and if they can devote full time to this work.

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division

April 17, 1961

John Dear
First Assistant

JDM

Several times recently it has occurred to me that Alabama counties are keeping registration records by race. At this stage, this practice is helpful. However, for the long run it will make it easier for newspaper reporters to find out the number of new Negro registrants.

I don't think we asked Judge Johnson to require the registrars to stop this practice. I wonder whether we made a mistake.

cc: Mr. Herman
Mr. Owen

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John Deor
First Assistant
Civil Rights Division

February 16, 1962

David L. Norman and Arvid A. Sather

**Preparation of Records for Suits to Enjoin
Discrimination in the Registration of Voters**

Our experience in the voting cases we have tried in the past year points up the need for careful analysis and preparation of voter registration records in the counties where discrimination exists. The records form a basis not only for proving discrimination but for obtaining effective relief by establishing the standards and practices previously applied to white registrants.

The analysis and preparation of voting records involves (1) the F.B.I. photographing the application forms and other voting records, (2) personnel of this Division typing a control card for each application, and (3) attorneys analyzing each application and preparing them for use in trial. This process requires a great deal of work and must be carefully planned.

We anticipate for 1962 that it will be necessary to analyze and prepare the voting records in 104 counties in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

Alabama

We presently have the applications in twelve counties and have begun their analysis and preparation. Prior to April we expect to photograph the records in five additional counties, and four more will be added during this year. These 21 counties will involve approximately 45,000 application forms. Birmingham (Jefferson County) is considered separately below.

Mississippi

Bob Owen estimates during 1962 we should obtain the records in at least twenty Mississippi counties. We estimate the twenty counties designated by him will involve the analysis and preparation of approximately 45,000 application forms.

Louisiana

Frank Dunbaugh gave as a conservative estimate the names of eleven parishes in Louisiana where the records will have to be analyzed and prepared this year. These parishes involve more than 86,000 application forms. New Orleans (Orleans Parish) and Shreveport (Caddo Parish) are considered separately below.

Georgia

Registration statistics indicate that in at least thirty counties less than ten percent of the Negroes of voting age are registered to vote. Analysis and preparation of the voting records in these counties will involve approximately 33,000 application forms.

North Carolina

Registration statistics indicate that in at least ten counties less than twenty percent of the Negroes of voting age are registered to vote. This is an unusually low percentage for Negro registration in this state. Analysis and preparation of the voting records in these counties will involve approximately 22,000 application forms.

South Carolina

Registration statistics indicate that in at least twelve counties ten percent or less of Negroes of voting age are registered to vote. Analysis and preparation of the voting records in these counties will involve approximately 62,400 application forms.

Metropolitan Areas

Arrangements are being made for associating a statistician to program the use of record samples in Birmingham, New Orleans, and Shreveport. A sample based upon twenty percent of the records involved in these metropolitan areas will require the analysis and preparation of approximately 41,000 application forms.

3.

The total number of application forms involved in these estimates is 335,700. This is a conservative estimate. It does not include additional counties, for example in Mississippi, where discrimination exists and records will have to be photographed and analyzed sometime in the future. It does not include counties where enforcement problems require the periodic analysis of new application forms. This does not include the initial applications of purged voters in counties where Negro voters have been discriminately purged, for example in Louisiana.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. David L. Norman
Attorney
Civil Rights Division

DATE: March 23, 1962

FROM : Frank M. Dunbaugh
Attorney

FMD:eks
72-012

SUBJECT: Re: Records Analysis of Louisiana Voter Registration Applications

Mr. Parsons has prepared a key of symbols to be used in the recording of data from the Louisiana application forms. A copy is attached for your information.

You will note that the key is geared for a rather comprehensive analysis. This is to insure consistency in recording data throughout the state. It is not anticipated that very many records will be analyzed so thoroughly as is provided for by the key, however, in a given case some records may have to be studied in greater depth with respect to particular parts of the form.

The procedure which we generally intend to use will be as follows:

1. The film will be indexed by one of the clerks who will make a trial file folder for "Registration Records" and give the folder with the index to the attorney to whom the parish is assigned.

The index should include the categories of records found, an estimate of the number of records in each category, the arrangement of records in each category, and their location on the film.

2. The attorney will determine what categories of records, if any, need to be analyzed and in what order. This determination must be based upon his knowledge at the time of the nature of the anticipated suit, the numbers of records in each category and an inspection of the films.
3. The attorney will prepare a tentative program of the proposed analysis which should include the categories to be analyzed, the order, an estimate of the number of records in each category, the percentage of records in each category to be included in a preliminary analysis, how he proposes to expeditiously extract his sample from the records as photographed and how he proposes to number the records. If prints are required he should prepare a request to the FBI for prints specifying the method of reproduction and the size desired.
4. A typist will prepare a 5ply card for each record to be analyzed. This shall show the name, address, ward and precinct, date of birth, and occupation of the applicant as well as the date of application, a designation of the parish, the number assigned to the record, and a designation of the category in which it is found.
5. The attorney will conduct a preliminary analysis. Depending upon the peculiar situation of each parish, this may include a comprehensive analysis of 100% of the Negro and white rejected and the Negro accepted and an analysis of selected errors of 5% of the accepted whites. The attorney should then prepare a report of his findings and a revised program of the remaining analysis indicating what types of errors should be dropped from future consideration and what areas should be explored more thoroughly.

A complete record should be kept of all factors which effect the samples used, what standards are used in each analysis, and which records were subjected to what analysis. This record along with reports of findings and statistical tables should be maintained in the "Registration Records" folder.

We presently have the records from 9 Louisiana parishes. Two (Bienville and East Carroll) have already been tried and we are not immediately involved in enforcement problems involving records analysis. Three are in parishes where we have suits filed. They are:

<u>Parish</u>	<u>Attorney</u>
Jackson	Ossea
Ouachita	Dunbaugh
Plaquemines	Parsons

The records have also been obtained in the following parishes in which it is anticipated that suit will be filed within six months:

<u>Parish</u>	<u>Attorney</u>
Claiborne	Ossea
East Feliciana	Dunbaugh
Red River	Dunbaugh
St. Helena	Parsons

Records demands have been made or will soon be made in five parishes:

<u>Parish</u>	<u>Attorney</u>
Bossier	Ossea
DeSoto	Ossea
Franklin	Parsons
Morehouse	Parsons
Webster	Dunbaugh

Attachment

APPLICATION FOR REGISTRATION FORM

OFFICE OF REGISTRAR OF VOTERS

Ward No. 2

Precinct No. 11

Cert. No. 1

Parish of 5 State of Louisiana

I am a citizen of the United States and of the State of Louisiana.

My name is Mr.-Mrs.-Miss 5 I was born in the State (or country) of 11 Parish (or county) of 5 on the 5 day of 19 in the year 12 I am now 12 years 12 months 12 days of age. I have resided in this State since 14 in this Parish since 15 and in Precinct No. 11 in Ward No. 17 of this Parish continuously since 19 I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is 19 My occupation is 25 My color is 25 My sex is 25 I am not now registered as a voter in any other Ward or Precinct of this State, except 25 My last registration was in Ward 25 Precinct 25 Parish 25 I am now affiliated with the 25 Party.

In each of the following items the applicant shall mark through the words "have" or "not have" or the words "have not" so that each item will show a true statement about the applicant:

- 12 I have (have not) been convicted of a felony without receiving a full pardon and restoration of franchise.
- 32 I have (have not) been convicted of more than one misdemeanor and sentenced to a term of ninety (90) days or more in jail for each such conviction, other than traffic and/or game law violations, within five years before the date of making this application for registration as an elector.
- 3 I have (have not) been convicted of any misdemeanor and sentenced to a term of six (6) months or more in jail, other than traffic and/or game law violations, within one year before the date of making this application for registration as an elector.
- 5 I have (have not) lived with another in "common law" marriage within five years before the date of making this application for registration as an elector.

TURN CARD OVER

- (35) I have (have not) given birth to an illegitimate child within five years before the date of making this application for registration as an elector. (The provisions hereof shall not apply to the birth of any illegitimate child conceived as a consequence of rape or forced carnal knowledge.)
- (36) I have (have not) acknowledged myself to be the father of an illegitimate child within five years before the date of making this application for registration as an elector.

Signature _____

(3)

Sworn to and subscribed before me: _____

(Deputy) Registrar

CHANGE OF ADDRESS

Date _____ Address _____ Ward No. _____ Prec. No. _____ Cert. No. _____
Date _____ Address _____ Ward No. _____ Prec. No. _____ Cert. No. _____

CHANGE OF NAME

I am now Mr.—Mrs.—Miss _____ Date of change _____
Nature of change _____

REMARKS

The following information forms no part of the application but is for use of the registration records:

Parish of _____, State of Louisiana. Date (3) _____, 19 _____
Address (1) _____ Color of eyes (2) _____
Mother's first or maiden name (24) _____ Name of employer _____
Property owner _____ Tenant _____ Boarder _____

ATTACHMENT

The following symbols are used throughout the analysis of the Louisiana Application Card (Form LR-1). Generally these symbols are initial capitals of words which tend to describe the way a particular blank has been treated.

<u>SYMBOL</u>	<u>EXPLANATION</u>
A	<u>Abbreviation</u>
B	<u>Blank space</u>
C	<u>Change</u> - crossed over and corrected answers.
H*	<u>Help</u> - evidence of possible assistance or other handwriting (the asterisk indicates that a comment appears).
I	<u>Incomplete</u> - partially completed, usually an address or date (distinguish from abbreviation)
M	<u>Mark</u> , as where a line is drawn to show that no response can be given.
N	<u>Nonresponsive</u> . The answer is not given in the terms of the question.
Q	<u>Questionable</u> . Ambiguous answer where there is no doubt as to what has been written or marked.
?	<u>Illegible</u> or unclear as to what was meant or written.
S	<u>Spelling</u> is wrong.
T	<u>Transposed</u> . Answer meant for one blank appears in another but related blank.
V	<u>Variation</u> . Where information varies from information appearing in another blank on the card (note the blank number after the V).
X	<u>Wrong</u> in terms of the question such as the wrong parish or the wrong date. See N.

The following are a list of numbered blanks, the kind of answer needing no notation and a symbolization of the problems peculiar to each blank. These symbols are mostly lower case abbreviations of particular words.

<u>Blank No.</u>	<u>DO NOT NOTE</u>	<u>PROBLEMS</u>	<u>Symbols</u>
1	Ward and precinct where card appears or a possible W&P where rejected.		
2	Name of Parish		
3	Date		
4	Address and City	Where other than complete address, put down what there is: P.O. Box Number Route and Box Number Street and House Number Town	p r b s t
5	Name	Failure to designate Mr., Mrs., or Miss either before or in the blank	m
6	State of Birth		
7	County of Birth		
8	Day of Birth		
9	Month of Birth	Use of a number in place of the month	#
10	Year of birth		
11, 12, 13	Correct Age Computation Use 30 day month.	Errors of one or two days	a
14, 15, 18	Date since applicant has been in the state.	Birth or born. All my life or life. Answer in years.	b l y
16, 17	Ward and Precinct		
19	Name of householder	Self or other descriptive answer	D
20	Occupation		
21	Color: Colored Negro Black Brown White		

22.	Sex:		
	Female, Woman		
	Male, Man		
23.	Eye color		
24.	Maiden Name		
25.	Present Registration,	Same parish.	P
	none or other	Misspelling here includes	
	parish	both "no" and "non".	
26,27,28.	Last registration,	State or City or other	
	blank	descriptive answer.	D
	"none"	Same Parish, Ward, and	
	completed	precinct	P
29.	Party	Democrat for Democratic	A
30.	Signature	Printed (lettered)	L
31-36.	Clearly chosen		
	"have not" answer.		

P

~~March~~ March 28, 1962

Mr. Marshall:

Here are some statistics reflecting ~~our~~ our work on the Montgomery County case.

Two attorneys, two law clerks, and ~~two~~ two typists worked three months prior to the trial, full-time ~~evening~~ and overtime, analyzing and preparing the voter registration records. This work included preparing for and ~~answering~~ answering lengthy interrogatories (338 pages), preparing ~~control~~ control cards for all applications, numbering all applications and control cards consecutively, analyzing each application in order to compare the rejected and accepted applications, to discern assistance rendered to applicants by ~~means~~ by registrars, and to determine what "errors" and ~~disqualifying~~ disqualifying information appeared on each application, accepted and ~~and~~ rejected.

During the three months prior to the ~~trial~~ trial, three trips were made by attorneys to Montgomery for the ~~or~~ the purpose of interviewing witnesses, taking depositions, ~~and~~ and for a pre-trial hearing.

Three attorneys and two secretaries ~~from~~ from this Division went to Montgomery ten days before the trial to make the final preparations including getting the records ready, interviewing witnesses, supervising FBI ~~invest~~ investigations, preparing subpoenas and lists of witnesses, ~~and~~ and organizing the order of proof, witness folders, etc. ~~etc.~~

The trial lasted five and one-half days. ~~days~~. During the trial Mr. Doar and Mr. Dunbaugh were also ~~present~~ present in Montgomery to assist in the case, Mr. Doar ~~having~~ having presented the case.

For two weeks after the trial three ~~attor~~ attorneys and two secretaries remained in Montgomery to ~~write~~ write the trial brief which is 310 pages long. Because we ~~are~~ we did our own stenciling and mimeographing we hired ~~three~~ three additional clerks from a private corporation.

Witnesses

The plaintiff's case involved testimony ~~monny~~ of 79 witnesses. The defendants put on 83 witnesses. This ~~is is~~ is a total of 162 witnesses.

Documents

The plaintiff introduced 69 exhibits and the defendants introduced 122. The plaintiff's exhibits included 11,953 applications for registration. Also included were three sets of typed 3 x 5 cards containing the name, address, occupation, education, ward and precinct, date of application, and other identification data, one such card for each application. These sets were:

Set 1 - Race identification.

Set 2 - Arranged alphabetically as a master control index.

Set 3 - Arranged chronologically.

These 3 x 5 cards number approximately 36,000. The defendant's exhibit included approximately 175 documents.

David L. Norman

UNITED STATES GOVERNMENT

Memorandum

Miss General
DEPARTMENT OF JUSTICE

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: April 2, 1962

DRO:ash

FROM : John Doar
First Assistant

72-0

SUBJECT: Records Demand in Mississippi Counties

The following is a summary of the registration statistics and other information concerning registration which we have on thirteen Mississippi Counties. I believe we should write the registrar to obtain the registration records in these counties.

Northern District

Lowndes

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	16,460	1955 - 117	5,869
Negro	8,362	1960 - 63	

We have prepared a Complaint in this County. As yet, we have located only about 10 Negroes who have been rejected for registration; of these, three have had some college training. Some Negroes are being registered, but our present information indicates that well educated Negroes are the only ones who pass the examination. County seat, Columbus.

Sunflower

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	8,785	1955 - 114	4,538
Negro	13,524	1960 - 114	

We have prepared a Complaint in this County. Prior to 1959, Negroes were not permitted to apply for registration. Since that time, four Negroes known to have applied (education, 8th-10th grades) have all been rejected.

Washington

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Whites Registered</u>
White	19,337	1955 - 1,464	10,838
Negro	20,619	1960 - 1, 62	

Negroes are being registered in this County, though our preliminary survey indicates some are rejected. Hodding Carter, Jr., when he was in Washington last year, said that he has on occasion checked the application forms in the registrar's office. He indicated that there were about 10 Negro rejects for every one white reject. The Mississippi Advisory Committee on Civil Rights recently heard testimony in this County. The newspaper accounts reflect that Negro leaders testified that qualified Negroes were being registered. County seat is Greenville.

Lee

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	18,709	1955 - 97	11,053
Negro	5,130	1960 - 200	

Our preliminary survey in this County indicates that some Negroes are registered and some rejected. The registrar uses the constitutional interpretation test. County seat is Tupelo.

Southern District

Madison

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	5,522	1955 - 431	3,521
Negro	10,366	1960 - 607	

Our investigation indicates that Negroes not only have difficulty in registering to vote, but in voting in primary elections. The source of the difficulty at the polls has been "friendly advice" by private individuals telling Negroes not to vote. One Negro was not allowed to vote because his name was not on the poll books. With respect to registration the Negroes presently known to have been rejected have educational backgrounds from the 4th to 10th grades.

Hinds

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	67,836	1955 - 4,089	28,715
Negro	36,138	1960 - 5,000	

In Hinds County the request is based primarily on statistics. A voter registration drive by Negroes has been under way in this County for the past 6-8 months. Our information is that many Negroes have been registered and many rejected during this period. County seat is Jackson.

Pike

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	12,163	1955 - 137	6,731
Negro	6,936	1960 - 207	

We have prepared a Complaint in this County. The FBI interviewed 14 Negroes who have attempted unsuccessfully to register since August 1961. Two had college degrees and seven had completed high school.

Jones

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	25,943	1955 - 872	13,841
Negro	7,427	1960 - ?	

Our information in this County is statistical.

Claiborne

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	1,538	1955 - 111	1,440
Negro	3,969	1960 - 138	

Negroes are not allowed to vote in primary elections in this County. We have recently learned that SNCC has been conducting a registration school in this County. In the past 2 or 3 months about 10 Negroes have unsuccessfully tried to register.

Yazoo

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	7,598	1955 - 81	4,796
Negro	8,719	1960 - ?	

In 1956, most of the registered Negroes were forced to remove their names from the registration rolls. Since that time our information is that there has been little registration activity by the Negro community.

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- 5 -

Warren

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	13,530	1955 - 1099	7613
Negro	10,726	1960 - 1910	

A registration drive has been under way in this County for the past 6-8 months. Our preliminary information is that many Negroes are being registered and many rejected. County seat is Vicksburg.

Rankin

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	13,246	1955 - 33	6865
Negro	6,944	1960 - 43	

We have no specific information on this County except statistics.

Adams

	<u>Population Over 21</u>	<u>Negroes Registered</u>	<u>Persons Voting In 1959 Primary</u>
White	10,863	1955 - 641	6221
Negro	9,340	1960 - 1050	

We have no specific information on this County, except statistics. County seat is Natchez.

Harold G. Greene, Chief
Appeals & Research Section
Civil Rights Division

June 21, 1962

MP:cw

Henry Putzel, Jr., Chief
Voting & Elections Section

72-012

Voting records enforcement actions.

Mr. Doar told me today that Mr. Marshall and he are anxious to have voting records enforcement actions filed promptly upon the expiration of the 15-day period provided for in our voting records demand letter. Accordingly, we should be prepared on the 16th day to file enforcement proceedings unless we have meanwhile been advised that the voting records will be made available. In all, or virtually all, instances where we have had to resort to formal demand proceedings within the past several months and probably longer the state or local authorities involved had previously taken the position that they would not make the voting records available without court orders; so it can usually be assumed that formal proceedings will have to be instituted following service of the demand letters.

We keep track of the dates of demand letters and have them hand-carried to the FBI on those dates. Before the FBI can actually serve the dated demand letters, some days necessarily elapse before the letters are received by the FBI Field Offices and actual service is effected. The FBI has been informing me by telephone, and I shall see that you are promptly notified, of the actual date of service of the demand letter in each instance. Presumably you will at that point initiate steps to have the formal enforcement papers prepared and ready for filing in court on the 16th day unless advice has been received before that time that there will be compliance without court proceedings.

According to our records, demand letters bearing dates as indicated have been sent to the FBI for service upon the voting records custodians in the parish and counties as shown:

ORLEANS PARISH, Louisiana - June 15

HINDS COUNTY, Mississippi - June 19

LOWNDES COUNTY, Mississippi - June 18

I have not as yet been advised by the FBI of any service date but shall let you know when I am.

Records Chrono Mr. Doar

John Doar
First Assistant
Civil Rights Division

Arvid A. Sather
Attorney

August 20, 1963
AAS:rlw
72-1-29
7891

Status of Voter Registration in Perry County, Alabama
Since the Court Decree of November 15, 1962

There have been two categories of applications for or attempts to register since the Decree. Negroes have attempted to register by applying or attempting to apply with the Board of Registrars and some have written letters to the District Court (Judge Thomas in Mobile) requesting the Court to register them under the provisions of 42 U.S.C. 1971 (c).

A Records

The records relating to the applications to the Court are complete and accurate. We have photographed both sets of applications (the 174 in February and 142 in August) and we have photographed the Board's report to the Court relating to the 174 applications processed by the Board in May and June. We have not yet photographed the application forms processed during this special registration nor have we photographed the notices sent to the applicants relating to the Board's action. (These are not yet available to us.)

The records relating to the attempts to apply to the Board and the applications to the Board are incomplete. The Court gave the government no right of inspection nor did it require that the Board report the progress in general registration in its decree. However, the Negro organization in Perry County, the most alert and hardest working I have seen in the state, have kept records as best they could under the circumstances. They took the names of persons who appeared for registration and those who were able to apply. I have dealt with these Negro leaders a great deal over the past year, I am aware which of the Negroes compiled their records and I am satisfied that their information is reliable and the result of a bona fide attempt to maintain as good and as accurate records as possible under the circumstances.

cc: Record
Chrono
Putzel
Trial File
(Rm 1140)

Norman ✓

The incompleteness of their records is that they do not reflect all of the people who have attempted to apply and do not reflect the total number of times each attempted for those listed. From working with their lists and other sources in Perry County I estimate that the total figures set forth below, which are obtained from the Negroes' records, could be increased around 10% and possibly as much as 25% and be more accurate than those set forth. What is represented below is the absolute minimum.

The Negroes' records are also incomplete as there is a gap (no records presently available) for the period from April 15, 1963 through June 17, 1963. The law provides for 5 registration days during this period. Mrs. Virginia Johnson who kept the records prior to July moved recently to Butler, Alabama (Choctaw County) and took her records with her. She may have information relating to this period but it is not now available to us and is not included herein. Thus, the total figures set forth below could again be increased and still reflect the facts accurately. From April to June the Board was often closed, many Negroes had become discouraged (no progress was made with applying to Board or the letters sent to the Court) and so I am sure the attempts on these dates ran around 25 or less per registration day.

B. Motions Pending

At present we have our Contempt - Show Cause Motion, pending and our motion pursuant to Rule 34 for all of the records relating to registration since the Decree on November 15, 1962. The court has set the motions in the Perry County Case for October 3, 1963 at Selma. At present we do not know whether this will include both or only one of these motions.

Our original motion for a permanent injunction is still outstanding.

C. General Registration By Board of Registrars

(1) Statistics

The records reveal that from the Decree, November 15, 1962 through March 18, 1963 at least 476 Negroes made at least 657 attempts to apply for registration by appearing at the

courthouse in Marion, Alabama on a scheduled registration day. As a result of these attempts on the 9 registration days during this period 39 application forms were submitted by Negroes. Of the 39 Negroes who submitted application forms 2 Negroes were registered and the remaining 37 were rejected in that they received notices of rejection or received no notice at all from the Board./1

During these 9 registration days the Board processed only a very small number of those who were waiting to apply and refused to work a full working day - generally working for about 3 or 4 hours.

<u>DATE</u>	<u>NUMBER OF NEGROES PERMITTED TO APPLY</u>
November 19, 1962	7
December 3, 1962	6
December 17, 1962	4
January 7, 1963	6
January 21, 1963	4
February 4, 1963	6
February 18, 1963	0 (only one registrar present)
March 4, 1963	3 (also processed 6 white applicants)
March 18, 1963	3
April 1, 1963	0 (used as a clerical day)
TOTAL	39

The number of white persons who applied during this period is unknown at present.

Records maintained by Negroes reveal that during July, 1963 at least 55 Negroes attempted to apply for registration and 37 of these Negroes submitted applications to the Board (it is not certain whether the 11 applicants on July 5 all submitted forms but they are included as having done so). The Board Action on those who submitted forms is not yet known.

1. Only two, Ollie Rayborn (Home Demonstration Agent) and Edward Turner, are known to have been registered. I regard this as accurate, but it must be stated that as a very remote possibility one or two others may have been registered.

The Board is required to work the first full week of July and the third Monday. Their records for this period is as follows:

<u>DATE</u>	<u>NUMBER OF NEGROES PERMITTED TO APPLY</u>
July 1, 1963 (Mon.)	0 (Board did not receive applications)
July 2, 1963 (Tues.)	0 (Board did not receive applications)
July 3, 1963 (Wed.)	8
July 4, 1963 (Thurs.)	0 (Board did not receive applications on Holliday)
July 5, 1963 (Fri.)	11 (This figure may be inaccurate, it is assumed all listed as appearing were able to apply.)
July 15, 1963 (Mon.)	<u>18</u>
TOTAL	<u>37</u>

The number of white persons who applied during July, 1963 is unknown at present.

(2) Board Practices

It appears certain that the paractices listed in paragraph 10 of our application to hold the defendant registrars in contempt continued until at least March 18, 1963 and probably until May 17, 1963 when the Court issued its new supplemental order. The investigation is not complete at present and it may be that the white voucher rule was dropped before May, 1963 (it is not now in effect) but I doubt it. Two additional practices developed after our contempt application and prior to May.

The Board resorted to rejecting applicants on absurd grounds. For example Walter Mae Harper (Negro) was given the run around by the Board on the action they took on her application. She and witnesses state she was argumentative when they claimed they lost it, however, every indication is that she was not unreasonable. (See her interview) She subsequently received a notice of rejection giving the reason for her rejection as - "Reason: Was very insulting and demanding and it is the opinion of the Board of Registrars that until you attitude changes, you are not a good citizen. You may apply again in sixty days (60) days." I have encountered other such ridiculous reasons for rejection.

Secondly, the Board in April, 1963 began, and has continued since then, to close on registration days for clerical purposes when it is apparent, with the small number of applications they have received and with no election pending, there was no reasonable need for a day of clerical work. The Board was closed on February 18, 1963 (only 1 registrar present); on April 1, 1963 (clerical purposes); I feel certain one of the two days in June (clerical purposes); July 1; July 2; July 4; and August 3 (clerical purposes). Negroes complained to me on occasions from April to June the Board was staying open only one day a month but right now the investigation regarding this period has not yet been completed.

There was a notice in the Marion Times Standard stating the Board would be closed August 5th. We have all the back copies to July, 1962 and now have a subscription. These papers have not yet been reviewed.

Investigation of the Board's practices since the court's order in May has been cursory. However, portions of that order also appear to have been violated based on what information we now have.

Paragraph A has been violated in that the Board has not met for at least two full days each month in order to receive and process applications.

And in respect to Paragraph E of the order the Board has not adopted reasonable regulations necessary for the expeditious receipt and processing of applications. On July 15, 1963 at least 32 Negroes appeared to make application with the Board. There were Negroes waiting in line to apply and not all of them were able to apply. Of these 18 were permitted to apply and possibly several white persons (it is not known for sure whether any applied). This appears to be the performance we can now expect from the Board under the new supplemental Court Order. In sight of the performances in other counties it certainly is not expeditious.

I am sure thorough investigation will reveal continued violations since May of the original order and additional practices which violate the new supplemental order.

D. Special Registration - Processing of Applications to Court by the Board of Registrars under the May 17, 1963 Order of the Court.

In February 173 Negroes (and later one additional Negro) filed applications with the Court under 42 U.S.C. 1971 (c) requesting the Court to register them on the grounds that the Board had denied or deprived them of an opportunity to become registered. The subsequent legal proceedings are set forth fully in our files (relating to our appeal of the preliminary injunction, writ of mandamus, dismissals and the new supplementary Court Order.)

The Negroes were given the opportunity to apply or re-apply, as the case was with the Negro, to the Board on registration days other than those prescribed by State law. The Board filed a report which reveals that the following action was taken on the 174 applicants to the court:

40 Negroes registered
117 Negroes rejected (found not qualified)
17 Negroes failed to appear before the Board
174 Total applied to Court under 42 U.S.C. 1971 (c)

We have not yet reviewed the report (first provided to Jansen on August 18, 1963 although it was submitted by the Board to the Court by July 1, 1963) nor have we been permitted to view any of the applications submitted by the 1957 Negroes.

Investigation (of which little has been yet conducted on this matter) has already revealed three ridiculous rejections. Earnest Norfleet (who has filed two affidavits with with two of our motions and who has attempted to register many times since at least 1960) was rejected because it is claimed he defrauded the Government. He once had to adjust his tax paid relating to the use of farm gasoline, was never charged of any crime, and was regarded by him as not serious. Otherwise, he knows of no other grounds for the rejection and has never been arrested.

Lee Curtis Turner was rejected because of a conviction of one of his relatives who is a very old man. Turner is in his 20's as reflected by his application (which must show he was not previously convicted and which the application and the law require the Board to determine when applicant applies). The Board apparently claims they were confused but any attempt by them to resolve the confusion would have shown them not to have been the same person.

There appears to be no question of the Board's bad faith. Lee Curtis Turner also filed an affidavit and has often sought registration since 1960.

Linton Rutledge was rejected because he "is not a good citizen". He is a high school graduate, an air force veteran and has never been in trouble except I understand his driver license was recently suspended because of traffic violations. McLeod in one of his usually absurd claims thinks Rutledge burned registrar Danberg's barn down some years back when the Board wouldn't register him. There was never an arrest and my personal judgement of Rutledge is that he is a good person. He also gave an affidavit which he attached to our original motion and he has been one of the most persistent Negroes in attempting to register. [To clarify this memo - Circuit Solicitor McLeod has often made very sinister statements and done very serious acts relating to the welfare of Negroes. He claims the 250 Negroes who attempted to register on December 17, 1962 were there because the Government would not give them (meaning Negroes as a whole in Perry County) their farm subsidies unless they tried to register. His actions in Dallas and Wilcox counties also speak for my judgment in his statements.]

It appears certain many of the 117 rejected Negroes were rejected as the result of the bad faith on the part of public officials - particularly the registrars. The records kept by the Negroes showed that among those who were rejected the reasons were generally as follows (I believe there are abbreviations of the full statements appearing on the notices of rejection):

- (a) No supporting witness
- (b) Didn't answer all of the questions
- (c) Answers to the questions weren't satisfactory to the Board.
- (d) Test incomplete
- (e) One or more wrong answers
- (f) Witness not accepted -- not a good witness
- (g) Incomplete
- (h) Court Record (Lee Curtis Turner - see above)
- (i) Defrauded the Federal Government (Norfleet-see above)
- (j) Not a good citizen (Rutledge - see above)

I do not know how verbatim these reasons are but they show the general reasons for rejection. Many of these rejections are veterans, some are teachers, and many have 10th grade education or better.

On August 6, 1963 at Mobile, 142 additional applications were file with the Clerk of Court. On August 16th the Court issued an Order (dated August 15th) relating to these letters. We have photographed these applications and they are generally the same as the 173 filed in February.

The Court found that 77 of the 142 letters were by persons who had previously filed letters in February and who were rejected when they applied under the special registration provided for in the Court Order of May 17, 1963. The Court apparently will review these 77 not as applications but to determine whether the Board was in good faith when they rejected them. The Court will not consider them as proper and sufficient applications under 42 U.S.C 1971 (e).

B Proposed Action

Following the photographing in Mobile (which begins on August 19th) I expect to spend about four days in Perry County obtaining further facts in preparation for the hearing set for October 3, 1963.

Further, I believe the necessary action should be taken to require the Court to consider the 142 letters or applications under 42 U.S.C. 1971 (e) and process them accordingly. This problem will probably arise in every voting suit judgment we receive in the Southern District and thus this portion of the law is very important to securing proper enforcement of the Federal voting laws in this part of the Black Belt.

It appears from a legal viewpoint these constitute applications. If the 5th Circuit feels otherwise we should find out in order that we can make known what the law requires should such requests ever be made by the Department of Justice by Negroes seeking to utilize 1971 (e).