

[1965]

Department of Justice
Washington

Mrs. Lucy Montgomery
875 Bridlewood Road
Northbrook, Illinois

Dear Mrs. Montgomery:

This will acknowledge your recent communication to the Attorney General regarding the events in Selma, Alabama, during the past few weeks.

The Department of Justice is presently engaged in litigation under the 1957, the 1960, and 1964 Civil Rights Acts in Selma. This litigation includes discrimination in the voting process and intimidation of Negroes for the purpose of interfering with their right to vote.

On February 4, 1965, in the suit against the Dallas County Board of Registrars, the United States District Court for the Southern District of Alabama held that the Registrar of Voters had systematically discriminated against Negro voter applicants. The Court ordered the registrars to speed up the registration process and enjoined the use of a difficult constitutional test. Literacy of applicants, henceforth, is to be determined by the applicants' answers to informational-type questions, such as the name of the applicant, the length of time he has lived in the county, whether he has been previously registered and marital status.

In addition to eliminating the difficult constitutional test and directing the Board to expedite registration, the Court's order now permits Negroes who are rejected by the Board on or after February 5 to apply to the federal court for registration. It further permits all

Negroes who sign up to be processed before July 1, 1965, but who are not processed by the Board by July 10, to apply to the federal court to be registered. Thus, the Court provides a remedy beyond further court proceedings for any future discrimination by the Board. This is in accordance with the 1960 Civil Rights Act.

At the present time, there are three other cases pending against the Sheriff and Circuit Solicitor of Dallas County. These suits claim that these public officials have abused their powers in administering their responsibility to enforce the criminal laws of the State of Alabama for the purpose of intimidating Negroes who seek to register to vote or who peacefully urge the expedition of the registration process. In two of these cases we were unsuccessful in the district court and have appealed from the district court's order. These appeals will be argued in the Fifth Circuit on March 24. In a third case brought on September 4, 1964, against the Sheriff, Circuit Solicitor, Juvenile Judge and Circuit Judge, the United States again claims that these officials have abused their powers -- including the power to arrest -- for the purpose of interfering with Negroes who seek to exercise their right to vote and their rights under the 1964 Civil Rights Act.


In this case the Department took advantage of the provisions of the 1964 Civil Rights Act to obtain an expedited hearing before a special three-judge court. A trial was held by three federal judges in Selma during December. Testimony was taken for seven days. The Government has already filed its brief. The defendants have until February 22 to file theirs. Thereafter, the matter will be decided by that court.

In addition to those cases directed specifically against Selma and Dallas County, Alabama, the Department of Justice filed on January 5, 1964, a voting suit against all 67 counties of Alabama. That suit charged that Alabama's very difficult voting test has the effect of discriminating unfairly against Negro voting applicants. A hearing and a pre-trial conference have been set in this case for March 8 before a three-judge court constituted under the provisions of the Civil Rights Act of 1964.

Finally, the Department of Justice is investigating all incidents in Selma which may involve violations of federal law. If these investigations disclose such violations, appropriate action will be taken.

By the 17th of February, pursuant to the order of the Federal District Court, about 700 persons had signed the appearance book of the Dallas County Board of Registrars, signifying their desire to register to vote; and some 120 persons had been processed. In accordance with the order, all persons who sign the appearance book before July 1 must be processed by the 10th of July; if not, they may apply to the Federal Court to be registered.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Doar".

JOHN DOAR, Acting
Assistant Attorney General
Civil Rights Division