



THURGOOD MARSHALL LAW LIBRARY
UNIVERSITY OF MARYLAND
SCHOOL OF LAW
501 WEST FAYETTE STREET
BALTIMORE, MD 21201-1768

THE VOTING RIGHTS ACT...

the first months

KF
4893
.A86

UNITED STATES
COMMISSION ON CIVIL RIGHTS
1965



Members of the Commission

JOHN A. HANNAH, Chairman
EUGENE PATTERSON, Vice Chairman
FRANKIE M. FREEMAN
ERWIN N. GRISWOLD
REV. THEODORE M. HESBURGH, C.S.C.
ROBERT S. RANKIN

WILLIAM L. TAYLOR, Staff Director

KF
4893
.A86



Letter of Transmittal

THE UNITED STATES COMMISSION ON CIVIL RIGHTS
Washington, D.C., November, 1965.

The President
The President of the Senate
The Speaker of the House of Representatives

Sirs:

The Commission on Civil Rights presents to you this report pursuant to Public Law 85-315 as amended.

The Commission report consists of a summary of the progress made under the Voting Rights Act of 1965, the problems remaining, and the findings and recommendations of the Commission. It is based upon information collected by the Commission staff during field investigations conducted in August, September, and October 1965. We have attached a copy of the staff study.

The Commission finds widespread compliance with the Act but also the need for further action. We urge your consideration of the facts presented and of the recommendations for additional action.

Respectfully yours,

JOHN A. HANNAH, Chairman
EUGENE PATTERSON, Vice Chairman
FRANKIE M. FREEMAN
ERWIN N. GRISWOLD
REV. THEODORE M. HESBURGH, C.S.C.
ROBERT S. RANKIN

Table of Contents

	Page
Letter of Transmittal	iii
Report	1
Findings and Recommendations	3
Findings	3
Recommendations	4
Staff Report	
Introduction	5
Chapter I.	
History of the Voting Rights Act of 1965	6
Chapter II.	
Federal Examiners	14
Chapter III.	
Effect of the Act	23
Chapter IV.	
Responsibilities of the Department of Justice	40
Appendix A.	
Legislative Chronology of the Voting Rights Act of 1965	47
Appendix B.	
Political Subdivisions Designated for Appointment of Federal Examiners	49
Appendix C.	
Sample of Federal Examiner Voter Application Form	51
Appendix D.	
Statistics of Registration Following August 6, 1965	53
Appendix E.	
Litigation Under the Act	74

REPORT

The Voting Rights Act of 1965 suspends, in certain areas, the use of literacy tests and similar devices as prerequisites to registration and voting and provides for the appointment of Federal examiners to register persons who meet valid state voting requirements.

Congress enacted the law because literacy tests in several States had been adopted and used as an instrument for disfranchisement of Negro citizens and because local registrars had otherwise acted in a discriminatory manner.

Earlier laws, including the Civil Rights Acts of 1957, 1960, and 1964, had failed to remedy denials of the right to vote to Negro citizens. These statutes required extensive litigation. Because of resistance to their enforcement, little progress was made in according the right to vote to the hundreds of thousands of Negroes disfranchised in defiance of the 15th amendment.

As early as 1959 the U.S. Commission on Civil Rights recommended to the President and the Congress that all literacy tests be abolished as prerequisites to voting in Federal elections and that Federal registrars be appointed to register applicants when local officials failed to do so. This recommendation, and similar ones in 1961 and 1963, was based upon findings of the Commission that "substantial numbers" of Negro citizens in the South were being denied the right to register and to vote simply because they were Negroes. As a result of this denial an estimated 57 percent - 2,843,000 persons - of the voting age Negroes living in the 11 Southern States were not registered to vote in November 1964.

Within the first six weeks after the Act was signed by President Lyndon B. Johnson on August 6, staff attorneys of the Commission on Civil Rights had visited 32 Southern counties and parishes to study the implementation of the legislation.

The first Federal examiners opened offices in four counties in Alabama, three parishes in Louisiana, and two counties in Mississippi four days after the Act became law. Subsequently, 23 more counties were designated for examiners. By October 30, the examiners had listed 56,789 Negro voters in 20 counties. In counties where examiners had not been assigned, local registrars in Alabama, Georgia, Mississippi, Louisiana, and South Carolina registered more than 110,000 Negroes during the first 10 weeks after passage of the Act.

Even though there has been general compliance with the Act throughout the South, the Commission investigators found some instances of noncompliance in Mississippi and Alabama where registrars refused to register illiterates. The Act requires the registration of any otherwise qualified person even though he may not be able to read or write.

A restricted number of registration days resulted in delays in registration in some Alabama and South Carolina counties.

Fear of physical violence and loss of employment because of registration activity also kept some Negroes from attempting to register. The decrease in organized voter registration efforts when civil rights workers returned to school and jobs and the beginning of the harvesting season were additional factors limiting the number of persons applying for listing and registration.

Based upon the staff report on the implementation of the Voting Rights Act, the Commission submits the following findings and recommendations.

Findings and Recommendations

Findings

1. In many areas of the South there is full compliance with the Voting Rights Act of 1965. In most areas, tests and devices, which have been used in the past to deny Negroes the right to vote, have been effectively suspended. Several problems remain, however, including the continued use of literacy tests in some counties and delays in areas with limited numbers of registration days.

2. During the first two months of the Act, the Attorney General designated examiners only where there were flagrant violations of the Act but not where there were delays arising out of the limited number of registration days provided by State law. More recently, the Attorney General has said that he considers it appropriate to designate examiners where delays are caused by the restricted number of registration days available under State laws or by the refusal of local officials to provide additional days or enlarge registration facilities and has certified a need for examiners in several counties where he has found such delays.

3. The Federal examiner program is being effectively administered by the United States Civil Service Commission. The program has been imaginatively planned, vigorously executed, and closely supervised by the Civil Service Commission. Qualified applicants have been listed within a reasonable time. Those found disqualified and those seeking to challenge listed voters have been accorded speedy and fair review of their cases. The absence of any delay and the courtesy and fairness of the examiners have encouraged previously disfranchised citizens to trust the electoral process.

4. The listing and registration now taking place under the Act, however, is only a preliminary step. There will be no effective test of the Act's effects on voting until the primary and general elections to public and party office in 1966. Resistance to Negro voting can be anticipated. Five States already have challenged the validity of the Act in court proceedings and three of these seek to prevent the names of persons listed by examiners from being placed upon official voting lists.

5. In counties with examiners and in counties where State registration officials are allowing Negroes to register freely, there has been a sharp decline in the high initial rate of Negro registration. This suggests that there will be limited Negro exercise of the franchise unless affirmative steps are taken to inform citizens, heretofore excluded from voting, of registration and voting procedures and the importance of participating in all elections for public and party office.

Recommendations

The Commission believes that the following steps should be taken for effective implementation of the Act:

1. Appointment of Federal examiners in all remaining political subdivisions covered by the Act in which applicants are being turned away by reason of inadequacy of State registration facilities or in which applicants are being disqualified for failure to meet a literacy requirement;

2. Initiation by the Civil Service Commission, within the counties in which examiners serve, of an information program designed to notify all unregistered persons of the qualifications required for registration and the times and places at which they may be listed;

3. Establishment of an affirmative Federal program - as outlined in the Commission's May 19, 1965 proposal - to encourage persons to register to vote by disseminating information concerning the right to vote and the requirements of registration and by providing training and education to foster better understanding of the rights and duties of citizenship and the significance of voting; and

4. Effective preparation, by the responsible Federal officials prior to election day, for possible invocation of all enforcement procedures available under the Act, including the appointment of poll watchers and the announcement of intent to apply all available sanctions.

STAFF REPORT

Introduction

On August 6, 1965 President Lyndon B. Johnson signed into law the Voting Rights Act of 1965. Four days later the first Federal examiners opened offices in three Southern States.

Within the first six weeks after the bill became Federal law, staff attorneys of the U.S. Commission on Civil Rights traveled to 32 Southern counties and parishes to study the implementation of the legislation.

The Commission staff visited 10 Alabama counties, 10 parishes in Louisiana, 11 counties in Mississippi, and 1 South Carolina county where they consulted with some state and county voting officers as well as with Federal voting examiners and representatives of voter registration organizations.

The staff investigators also conferred with John Doar, Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice; Wilson Matthews, Director of the Office of Hearing Examiners, U.S. Civil Service Commission, who has charge of the Federal examiner program; and state supervisory officials of the Federal examiner force.

The Commission attorneys began their field studies six days after the first Federal examiners opened their offices. The visits took them to 13 counties where examiners had been assigned and to 18 nearby counties where there were no examiners, but where the populations and geography were similar.

This report on the implementation of the Voting Rights Act of 1965 briefly summarizes the history of the legislation and presents the results of the staff's survey of the operation of the Act during the first two months after it was signed into law.

CHAPTER I

History of the Voting Rights Act of 1965

The 15th amendment, ratified in 1870, provides that neither the Federal Government nor any State shall deny the right to vote on account of race or color. It specifically authorizes Congress to enforce its provisions by legislation.

Immediately after ratification of the amendment, Congress enacted sweeping legislation to enforce the 15th amendment.¹ The legislation was inadequately enforced after 1875, and by 1894 most of the measures had been repealed.

1890-1957

Prior to 1890 no Southern State had required proof of literacy as a prerequisite to voting. But, early in that decade, a number of these States enacted legislation establishing new voter qualifications, including literacy tests.²

1. Act of May 31, 1870, ch. 114, § 1, 16 Stat. 140; Act of Feb. 28, 1871, 16 Stat. 4313. For a description of this legislation and its history see 1961 Report of the United States Commission on Civil Rights, Vol. I, Voting, pp. 73-75.

2. Literacy was first required as a voter qualification in the seven Southern States affected by the Voting Rights Act of 1965 as follows: Mississippi (1890), South Carolina (1895), North Carolina (1900), Alabama (1901), Virginia (1902), Georgia (1908), Louisiana (1921). See S. Rep. No. 162, pt. 3, 89th Cong., 1st Sess., Voting Rights Legislation, p. 4.

These same States also enacted alternative provisions to assure that illiterate whites were not disfranchised. Thus, white voters in Louisiana, North Carolina, Alabama, Georgia, and Virginia, were exempted from literacy requirements by "grandfather clauses".³ Other provisions allowed illiterates to register if they owned a certain amount of property, could interpret a section of the State constitution read to them by the registrar, could demonstrate an understanding of the duties and obligations of citizens under a republican form of government, or could show themselves to be a good moral character.⁴ The grandfather clause was struck down by the Supreme Court in 1915 (Guinn v. United States, 238 U.S. 347) but the other devices remained and discrimination continued.

The remaining tests were hyper-technical, unnecessarily difficult, or vested broad discretion in the registrars. They bore little relationship to an individual's ability to read or write or to cast an intelligent ballot and were extensively utilized to discriminate against Negroes. Registration officials applying them rejected educated Negroes and registered illiterate whites.

3. "Grandfather clauses" allowed persons, not otherwise qualified, to vote if they were descended from persons who had voted, or served in the States' military forces, before a specified date. La. Const., 1898, art. 197, § 5; N.C. Const., 1868, art. VI, § 4, as amended in 1900; Ala. Const., 1901, art. 8, § 180; Ga. Const., 1877, art. II, § 1, para. IV (1-2); Va. Const. 1902 § 19.

4. La. Const., 1898, art. 197, § 4; Ala. Const., 1901, art. 8, § 181; Va. Const., 1902, § 19; Ga. Const., 1877, art. II, § 1, para. IV (5) as amended in 1908; Ala. Const., 1901, § 180; Miss. Const., 1890, § 244; S.C. Const. 1895, art. II, § 4(c); La. Const., 1921, art. 8, § 1(d).

1956-1964

The Southern Regional Council has estimated that in 1956⁵ 1,238,038 Negroes were registered in the 11 Southern States. According to the 1959 Report of the United States Commission on Civil Rights, this represented only about 25 percent of the nearly five million Negroes of voting age in the region.⁶

Congress has made repeated efforts during the past decade to eliminate unconstitutional Negro disfranchisement. The Civil Rights Acts of 1957, 1960, and 1964, however, were unsuccessful attempts to compel State registration officials to apply their State voting standards fairly. Progress under these Acts was painfully slow, partly because of the intransigence of State and local officials and partly because of the delays inherent in the case-by-case litigation required under these statutes.

Between 1957 and 1964 the Department of Justice brought suits against individual registration officials in approximately 50 southern counties, enjoining them from continuing discriminatory registration practices. Other suits were brought on a statewide basis in Alabama, Louisiana, and Mississippi to attack directly the voter qualification laws and representative registration officials were joined as defendants.

There was a large increase in Negro registration between 1957 and 1964. In 1964 the Voter Education Project of the Southern Regional Council reported an estimated 2,174,200 Negroes, or 43.3 percent of the voting age Negro population, registered in the 11 Southern States.

5. Price, The Negro and the Ballot in the South, p. 9 (Southern Regional Council, Atlanta, 1959).
6. 1959 Report of the United States Commission on Civil Rights, p. 40.

In some areas, however, there was strong resistance to Negro registration. Only 23 percent of the voting age Negroes were registered in Alabama; 32 percent in Louisiana and 6.7 percent in Mississippi. Most significantly, only slightly more than 36,000 Negroes were registered in the nearly 50 counties where the Department of Justice brought the lawsuits. More than two-thirds of those registered were residents of four counties.⁷ The Voter Education Project estimated that 2,843,000 voting age Negroes were unregistered in November 1964 in the same States.⁸

The Commission has made frequent proposals to deal with Negro disfranchisement. In 1959, at a time when no Negroes had been registered as a result of court litigation under the Civil Rights Act of 1957, the Commission reported to the President and the Congress that "substantial numbers of citizens qualified to vote under State registration and election laws are being denied the right to register, and thus the right to vote, by reason of their race or color."⁹

To correct this situation, the Commission recommended that Federal registrars be assigned whenever State officials refused to register citizens qualified to vote in Federal elections.¹⁰

Three members of the Commission determined that voter qualification laws were being employed arbitrarily to deny Negroes the right to vote, and they recommended the elimination of all voter qualifications except those based upon age, length of residence, and legal confinement.¹¹

7. Department of Justice 1964 Status Report, Hearings on S. 1564 before the Senate Committee on the Judiciary, 89th Cong., 1st Sess., pt. 2, 1182-1290 (1965) /hereafter cited as Senate Hearings/.
8. Southern Negro Voter Statistics, release of Voter Education Project of Southern Regional Council dated Nov. 15, 1964.
9. 1959 Report of the United States Commission on Civil Rights, pp. 131-32, 141.
10. Id. at 141-42.
11. Id. at 141-45.

In 1961 the Commission reiterated its belief and recommended that Congress enact legislation which would abolish State voter qualifications except those with respect to age, residence, confinement, and conviction of a crime.¹² A similar recommendation was made in 1963 when the Commission also revived its proposal for the appointment of Federal registrars.¹³

1965

On January 4, 1965, President Johnson proposed in his State of the Union Message that ". . . we eliminate every remaining obstacle to the right and the opportunity to vote."¹⁴

In March, a week after Negro civil rights marchers had been attacked by Alabama law enforcement officers as they attempted to walk from Selma to Montgomery to dramatize their appeal for full voting rights, the President appeared before a special session of Congress to urge speedy enactment of voting legislation and told Congress that ". . . the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes." He added, "No law we now have on the books . . . can ensure the right to vote when local officials are determined to deny it."¹⁵

The Administration's proposal to eliminate barriers to the right to vote was introduced in the House of Representatives on March 17 and in the Senate the following day.¹⁶ The Administration bill contained two central features, similar to proposals previously made by the Commission on Civil Rights, which were designed to attack the problem of systematic discrimination by local voting officials.

12. 1961 Report of the United States Commission on Civil Rights, Vol. I, Voting, p. 139.

13. 1963 Report of the United States Commission on Civil Rights, pp. 28-29.

14. 111 Cong. Rec. 28 (daily ed. Jan. 4, 1965).

15. 111 Cong. Rec. 4924 (daily ed. March 15, 1965).

16. 111 Cong. Rec. 5176, 5227 (daily ed. March 17, 18, 1965).

It provided that all literacy tests and other devices used to deny Negroes their voting rights would be suspended in States where less than 50 percent of the population had been registered or had voted in the 1964 Presidential election.

The proposal also provided for the appointment of Federal examiners who would list voters in designated areas covered by the legislation. It gave the Attorney General of the United States broad discretionary power to designate the counties in which the U.S. Civil Service Commission would appoint examiners.

In determining the political subdivisions to which examiners would be assigned, the Attorney General could assign examiners to any political subdivision from which he had received 20 meritorious complaints alleging voter discrimination or upon a determination that in his judgment examiners were needed to prevent denial of the right to vote in a subdivision.

Although the Administration bill was modified during the more than four months it was considered by Congress, its two central features -- elimination of literacy tests and assignment of Federal examiners -- remained in the final version.

The bill contained a provision dealing with poll taxes - a device which has been used to effect both racial and economic discrimination. The original measure modified State poll tax procedures by allowing new voters to vote if they tendered poll tax payment for the current year within 45 days before an election. The House bill abolished all poll taxes. The Senate-approved measure, however, provided for accelerated court challenge by the Attorney General of State poll tax requirements rather than outright abolition. As finally approved, the bill contained the Senate's proposal for challenging the poll tax and retained the Administration's provision for its payment.

The Attorney General's discretionary power to assign examiners was clarified by a provision that in exercising his discretion he could consider such factors as differences in registration level for whites and nonwhites and affirmative indications of compliance with the law.

The Administration bill required a would-be voter to allege to a Federal examiner that he had been refused registration or found not qualified to register by State officials sometime during a 90-day period before he appeared before the examiner. Some Congressmen argued that in counties where disfranchisement was most acute, registration would continue to be limited by reluctance of Negroes to confront hostile State officials. The Act, as passed, did not contain this requirement.

To assure the proper conduct of an election, Congress added a provision giving the Civil Service Commission authority to appoint, at the request of the Attorney General, poll watchers to be stationed at polling places in examiner counties to observe whether any persons were denied the opportunity to vote and to observe the tabulation of ballots.

The Senate added to the Administration bill a provision dealing with language literacy. It allows a prospective voter to qualify, without taking a literacy test, by demonstrating that he has completed at least six grades in a school under the American flag conducted in a language other than English. This provision will result in enfranchising persons educated in Puerto Rico who now reside on the mainland of the United States.

The Senate began debating the Administration measure on April 13 and approved its version on May 26. The bill was called up in the House on July 6 and passed after three days of debate. The Senate-House Conference Committee reported out its version on August 2. The House approved the Voting Rights Act of 1965 with a 328-74 vote on August 3 and the Senate added its approval by a vote of 79-18 on August 4.¹⁷

17. A chronology of the Act's legislative history, with citations to the Congressional Record, appears as Appendix A to this report.

THE FINAL BILL

The Voting Rights Act of 1965, signed by the President on August 6, suspends all literacy tests and other devices as qualifications for voting in any Federal, State, local, general, or primary election. It applies to the States of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, at least 26 counties in North Carolina, and one county in Arizona. The Act also covers election to political party office.

In effect, the Act requires the registration of any otherwise qualified person even though he may be unable to read or write.

It provides for the assignment of Federal examiners to list voters and poll watchers to observe voting and the counting of ballots in the counties covered by the Act.

Congress found that the payment of poll tax had been used in some areas to abridge the right to vote and directed the Attorney General to initiate immediate suits to test the constitutionality of poll taxes.

The foreign language literacy provision adopted by the Senate was retained in the final bill.

The Act provides civil and criminal sanctions against anyone who interferes with persons seeking to vote and those who urge or help others to vote. It also provides administrative and civil remedies for persons prevented from voting.

CHAPTER II

Federal Examiners

Under earlier laws, court orders to prevent discriminatory practices by local voter registrars could be obtained only after extensive and time-consuming litigation in each county where the practices prevailed. In some instances, the Attorney General had to institute contempt proceedings to enforce the court orders.

The Federal examiner provision of the Voting Rights Act of 1965 avoids the need for extensive litigation to compel reluctant State voter registration officials to register persons without discrimination.

When he signed the Act, the President said ". . . if it is clear that State officials still intend to discriminate, then Federal examiners will be sent in to register all eligible voters. . . . When the prospect of discrimination is gone, the examiners will be immediately withdrawn."

The President added ". . . if any county anywhere in this Nation does not want Federal intervention it need only open its polling places to all of its people."

Proponents of the measure were anxious that the examiner program be administered with impartiality and without partisanship. John W. Macy, Chairman of the U.S. Civil Service Commission, outlined the personal qualities he envisioned for Federal examiners.

"The number of examiners and the specific persons designated will be carefully tailored to the particular circumstances of the local community being served," Mr. Macy assured the Senate Judiciary Committee. "The objective will be to use local residents when feasible. The overriding consideration, of course, will be to employ those people who will be able to function in the best interest of the purpose of this bill."¹

1. Senate Hearings, p. 607. Hearings before Subcommittee No. 5 of the House Committee on the Judiciary on H.R. 6400, 89th Cong., 1st Sess., ser. 2 at 312-13 /hereafter cited as House Hearings /.

The examiners would be persons of "maturity, unquestioned impartiality and integrity," Mr. Macy explained. They would possess the personal qualities of objectivity, patience and tact and they ". . . would have the ability to analyze and decide issues of fact, to exercise sound judgement and to meet and deal effectively with applicants, local officials, and others," Mr. Macy said.²

PREPARATION OF EXAMINERS

Wilson Matthews, Director of the Civil Service Commission's Office of Hearing Examiners, began organizing the examiner program on March 19, the day following the beginning of the legislative hearings. By April 1, an 11-man group had been organized to draft a budget, formulate necessary regulations, define personnel requirements and establish a training course for examiners.

It was decided that the first examiners would be employees of the Civil Service Commission so the Commission could maintain close supervision of the program during the crucial initial months of its operation.

The Civil Service Commission began recruiting examiners during July from among employees of its regional offices in Atlanta, Georgia and Dallas, Texas. On August 4, 65 employees from the Southern offices and 28 employees from the Washington office reported for three days of training in Washington. By late September the Civil Service Commission had selected or trained nearly 200 examiners --- 93 of its own employees, 73 Government employees from other agencies, and 24 civilian volunteers.

The majority of the examiners were college graduates; many had graduate degrees and most of them were experienced Government investigators.

2. Ibid.

The major emphasis of the training course was placed on the importance of impartiality in administering the voter registration program. Lecture and discussion periods were devoted mainly to the appropriate procedures for determining eligibility to vote under appropriate State laws. Members of the staffs of the Department of Justice and the Commission on Civil Rights briefed the examiners on the backgrounds of areas covered by the Act.

On August 10, four days after the Act became Federal law, the first examiners opened offices in four counties in Alabama, three parishes in Louisiana, and two counties in Mississippi. On August 19, examiner offices opened in two more counties in Alabama, two more counties in Mississippi, and one more parish in Louisiana. On September 24, five more Mississippi counties were designated for examiners and on October 1, another Alabama county was designated. On October 29, the Attorney General designated three more counties in Alabama, another county in Louisiana, six more counties in Mississippi, and two counties in South Carolina for the assignment of Federal examiners.

A decline in voter applications following the first weeks of the Act's implementation resulted in a reduction of examiner forces at all offices opened in August. By mid-September, seven of 14 offices were staffed by a single examiner and by the end of the month only the Dallas County office in Selma, Alabama remained on the initial Monday through Saturday schedule while the other 13 offices were open on Saturdays only. On October 23, there were 24 examiners on duty in 18 offices in Alabama, Mississippi, and Louisiana.

EXAMINER PROGRAM IN OPERATION

There was a chief examiner's office in each State. Local offices were staffed originally with two to four examiners, but the initial staffs were increased to five or six examiners during the heavy registration period.

Most of the examiner offices are moderate-sized rooms in U.S. Post Offices or other Federal buildings in county seats or major towns of the counties in which they are located.³

Because the noise and jostling of large numbers of applicants hindered the listing process during the early days of the program, the examiners developed procedures for processing applicants in groups of 15 to 50.

The pattern was to admit applicants in groups which would not overcrowd the office. Each group was instructed in the meaning and purpose of the listing procedure and informed of the importance of answering the questions correctly.

In some offices, applicants were sworn in as a group. One or two examiners supervised and explained questions to applicants who wished to fill out their own forms; others completed forms for applicants who desired assistance. A third group of examiners prepared and issued the certificates attesting the applicant's eligibility or ineligibility to vote.

The form completed by each applicant noted his name, age, address, length of residence, election district, whether or not he already was registered to vote, and whether he ever had been convicted of a crime or declared legally insane. (A sample form appears as Appendix C to this report).

After swearing to the truth of the statements on the form, the applicant signed his name or made his mark.

3. In one county in Mississippi, where no suitable quarters were at first available, motel units were taken by condemnation proceedings until space in a rented Post Office building could be obtained.

PROBLEMS ENCOUNTERED BY EXAMINERS

Crowding

The number of applicants who sought to be listed during the opening weeks of the program far exceeded preliminary estimates. In Dallas County, Alabama, and in Leflore County, Mississippi, examiners and civil rights workers reported that applicants in many cases believed that the Federal examiners would be present in their county for only one day or, at most, a very few days. In these counties, crowds surged into the offices and outer hallways and individuals pushed their way to the examiners' tables as quickly as possible.

In most counties, civil rights workers or community leaders volunteered to keep order in the halls and corridors outside the examiners' offices. In a few counties, the examiners or post office personnel performed this task. In two Alabama counties, civil rights workers suggested the use of nearby churches as assembly points. These workers were permitted to assign priority numbers and accompany applicants to the examiners' offices in small groups so that applicants would not have to stand in the sun and sidewalks outside the offices would not be congested.

Determining Residence

The examiners reported difficulty in determining the correct precinct, beat, or ward in which each applicant lived. In some cases, the only available county maps were 10 to 15 years old and showed landmarks which no longer existed. In a few instances, State registrars refused or were unable to mark the boundaries of political subdivisions within the counties on the examiners' maps. In most rural areas in which examiners are operating, applicants are accustomed to describing their residence by RFD box number. Unfamiliarity with local mail routes handicapped some examiners in determining the residential addresses of applicants.

Illiteracy

In many of the counties in which examiners have been appointed there are high levels of illiteracy among voting age Negroes, especially the elderly. The examiners estimated that illiteracy among applicants ranged from 15 percent in some of the urban areas to 65 percent in some rural counties. This disability made it difficult to determine the correct spelling of the name of an applicant, the location of his residence, and to ascertain other necessary information.

Determining Disqualification for Criminal Conviction

Examiners had difficulty in determining whether applicants had been convicted of crimes which, under State law, resulted in disqualification from voting. Alabama lists 57 such crimes, Louisiana 66. In many cases applicants were able to recall a conviction and the extent of punishment, but could not remember the statutory title or degree of the offense.

THE CHALLENGE PROCEDURE

The Act provides that all challenges to Federal registration lists be filed within 10 days after the lists are posted. Any challenge must be heard and determined by a hearing officer appointed by the Civil Service Commission. By early September, the Commission had selected 16 hearing examiners from eight Government agencies.

On August 31, the first list of persons certified as eligible to vote was posted and sent to State registration officials, attorneys general, and the Department of Justice.

No challenges were filed during the first nine days of the initial challenge period. But, on the final day, 572 challenges were filed in Alabama; 27 in Mississippi; and 29 in Louisiana.

Most of the challenges against specific persons alleged failure to meet residence requirements or disqualifying criminal convictions. Mass challenges, however, were filed against all listed persons in each of the six Alabama counties in which examiners were stationed. According to these challenges, the examiners' lists did not provide enough information to permit State officials to identify the listed persons or to determine whether or not they were disqualified. These challenges were rejected.

Challenge hearings, which are required to be conducted within 15 days after the challenges are filed, were held by 9 hearing examiners chosen from various Federal agencies.

Between September 11 and September 25, the examiners rejected 87 challenges for failure to state valid grounds. Hearings were docketed on 528. Of these, 423 challenges were denied and 105 sustained. Of the 105 applicants successfully challenged, 62 were disqualified for failure to meet residence requirements and 43 for convictions of disqualifying crimes.

All disqualified persons were notified that they had been removed from the registration lists. There were no appeals from the hearing examiners' decisions on the first group of challenges.⁴

4. In addition to the formal challenge procedure, the Act provides that a person may be removed from the list if an examiner determines that he has lost his eligibility to vote. The Civil Service Commission was anxious that the procedure provided for summary removal of listed voters should not be utilized to deprive them of a hearing or encourage other persons to bypass the formal challenge procedure in presenting evidence of disqualification. In fact, one examiner reported that he had been asked by a local law enforcement officer what action the examiners will take when presented with certified copies of criminal judgments against persons bearing the names of listed voters after the end of the first challenge period.

THE EXAMINER AND THE COMMUNITY

A major barrier to Negro registration in the past has been the fear or timidity with which many Negroes approach State voting officials.⁵ Many of the examiners selected by the Civil Service Commission are life-long residents of Southern States with background and training similar to that of State and local officials. Nevertheless, they have treated Negro voter applicants with a warmth and courtesy which has brought them praise from registration workers and the applicants.

One newspaper noted that when examiners address applicants by courtesy titles they are likely to be speaking to "a Negro who may have lived 50 years in the South without ever having heard a white man call him 'Sir'."⁶ When asked to describe the examiner's treatment of applicants, a Negro woman in Wilcox County, Alabama, replied: "People get out their friends because it is so nice."

Examiners reported that they talked with mayors, local law enforcement officials, and State and local registration officials before they opened their offices. They felt that these preliminary conversations helped avoid misunderstanding and friction with the white community.

4. (continued) The Civil Service Commission has been fair and imaginative in dealing with the problem. When examiners receive information indicating a cause for removal of a voter, the voter is notified that he has 10 days in which to produce contrary evidence. If the voter is removed from the examiner's list after the examiner has determined he has lost his eligibility to vote, the individual may reapply for listing immediately. The examiner issues him a certificate of ineligibility and notifies him that he may appeal to the head examiner in the State.

5. See Voting in Mississippi, A Report of the United States Commission on Civil Rights (1965), pp. 21-39, 61 / hereafter cited as Voting in Mississippi /.

6. The Wall Street Journal, Aug. 27, 1965, p. 8.

In a few counties, the examiners explained the listing procedure to Negro community leaders or voter registration organizations before the opening of the Federal office. In each county, representatives of civil rights organizations visited the examiner's office on opening day and frequently thereafter. Civil rights workers assisted the listing procedure by directing applicants to the appropriate office and by helping them furnish proper identification and voting precinct numbers.

CHAPTER III

EFFECT of the Act

The most far-reaching effect of the Voting Rights Act of 1965 was the abolition of literacy tests and other devices as prerequisites to voting in all States which had required them on November 1, 1964, and where it was determined by the Director of the Bureau of the Census that less than 50 percent of the voting age residents were registered or voted in the 1964 Presidential election.

The day the bill was signed into law, the Attorney General determined that 21 States had required literacy tests as a qualification for voting, and the Director of the Bureau of the Census determined that of these 21 States, less than 50 percent of the persons of voting age had voted in the 1964 Presidential election in Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, 26 counties in North Carolina, and one county in Arizona.¹

On August 7, the Attorney General sent letters to registrars in each of the affected States and counties explaining the provisions of the Voting Rights Act and identifying the particular State voting requirements which were suspended by the new law. At the same time, he instituted negotiations with some State governments to encourage voluntary compliance with the law.

1. Federal Register, August 7, 1965, p. 9897. The Director of the Bureau of Census stated that further enumerations were required to determine the exact voting age population of several other counties in North Carolina before it could be determined whether 50 percent of the voting age population took part in the Presidential election of 1964.

The reaction from State officials was immediate. The Governor of Georgia, on August 7, informed the Attorney General that his State would comply with the Act. On August 8, the attorney general of South Carolina advised the registrars of two counties where registration was about to begin that no literacy test was to be used.² On August 10, the Louisiana Board of Registration telegraphed all registrars that they were to comply with the Federal law until it could be challenged in court.³ The following day the Secretary of the Virginia State Board of Elections announced that all registrars were being instructed to complete forms for applicants needing assistance.⁴ The attorney general of Alabama, on August 13, advised the Alabama Secretary of State that county boards of registrars were not to be furnished the new Alabama literacy test forms.⁵

2. The Evening Star, Washington, D.C., Aug. 8, 1965, p. 5.

3. New Orleans Times-Picayune, Aug. 11, 1965, p. 1.

4. Washington Post, Aug. 12, 1965, p. E-3.

5. Mobile Register, Aug. 13, 1965, p. 1.

Shortly after passage of the Federal Act, the attorney general of Mississippi took the position that newly adopted Mississippi registration procedure⁶ did not violate the Voting Rights Act of 1965, even though applicants were required to sign their own forms. In addition, he instituted litigation to prevent circuit clerks from entering the names of persons listed by Federal examiners on the State registration records on the grounds that the Federal listing procedures conflicted with valid requirements of Mississippi law. Subsequently, State officials of Alabama, Louisiana, Mississippi, South Carolina, and Virginia instituted legal proceedings to challenge the Act.⁷

6. Decisions of the United States Supreme Court early in 1965 indicated that Mississippi's registration laws would soon be ruled unconstitutional. See United States v. Mississippi, 380 U.S. 128 (1965); Louisiana v. United States, 380 U.S. 145 (1965). The State enacted legislation in June permitting an applicant to register if he could fill in a brief form showing name, address, date of birth, and fulfillment of residence requirements. Required constitutional changes were ratified in an August 17 referendum. The State attorney general advised local registrars to use the new forms even before the referendum.

7. A summary of all litigation arising under the Act appears as Appendix E of this report.

COUNTIES WITHOUT FEDERAL EXAMINERS

The law's immediate effect was to terminate complaints of discriminatory administration of literacy tests in Virginia, North Carolina, South Carolina, Louisiana, and Georgia and to permit the registration, in New York, of substantial numbers of citizens educated in American-flag Spanish-speaking schools.⁸ By mid-September, voter registration organizations reported that they knew of no testing procedures being used in these five States. At the time of the Commission's investigation, literacy tests were being used in many Mississippi counties as well as a few counties in Alabama. Delay in registration continued to be a major problem in Alabama, North and South Carolina, and parts of Louisiana.

Alabama

Most Alabama registrars have abandoned testing. There are exceptions, however. In Montgomery, Macon, and Elmore counties, for example, the Justice Department, prior to the passage of the Act, had obtained court orders requiring the administration of only a simple literacy test. After passage of the Act, the registrars continued to abide by the court orders rather than follow the Act's provisions which suspended all literacy tests. Montgomery County was designated for examiners on October 1 and Elmore County was so designated on October 29.

8. The New York Times, November 3, 1965, p. 28.

Delay in registration remains a substantial problem in most parts of Alabama. This is caused by the limited number of days provided for registration by State law. Most Alabama counties conduct registration only on the first and third Mondays of each month. There are some exceptions, however. Daily or frequent registration is conducted in the larger cities and a number of additional registration days are designated during certain months in rural counties. Most counties will conduct at least one day's registration in each precinct during October.⁹

Observers supplied the Commission staff with estimates of the numbers of persons attempting to register on registration days in August and September in five Alabama counties near counties with¹⁰ Federal examiners. None of these counties imposed literacy tests.

9. Ala. Code T. 17 §§ 26, 27, 30(1) (1958). Many Alabama counties and cities hold registration pursuant to special acts of the legislature which permit the registrars to hold more or fewer days of registration. See, *e.g.*, Ala. Code Appendix 1965 T. 17 § 128 (1) permitting Saturday closing of courthouses in counties having a population of not less than 55,000 nor more than 60,000

10. Unless otherwise noted these estimates and those for South Carolina were obtained by the Commission from eye-witnesses. Under investigation procedures in use during August and September, the Department of Justice did not require the Federal Bureau of Investigation to count persons standing in lines on registration days but not reached for processing.

Barbour County--Registration is alternated between two towns-- Eufala, the larger, in which there is an active civil rights movement and Clayton, the county seat, where there is not. On August 16, the first registration day after the Act became effective, approximately 600 Negroes stood in line at Eufala to register; 265 were registered and the remainder were turned away or left when they realized they would not be processed. Thirty-five complaints were sent to the Attorney General alleging denials of opportunities to register. On September 20, several hundred Negroes were in line before the registrar's office at Eufala opened. By 9:30 a.m., civil rights workers had handed out priority numbers to the first 227 persons. The board announced it would register no more than that number during the day and police officers began to turn away later arrivals. Several hundred Negroes were prevented from joining the line during the day. On October 4, the board registered all of the 170 Negroes who applied at Clayton.

Butler County--On August 16, 508 applicants lined up outside the registrar's office. Of these, only 107 were processed. Because of the large number not accommodated, the Board of Registration opened the following day and registered 140 applicants, leaving, however, 60 applicants unregistered. On September 6, the next registration day, more than 100 persons were processed but 14 were turned away when the office closed.

Similar problems developed in Choctaw, Crenshaw, and Greene counties during August and September.¹¹

11. COUNTY	AUG. 16	SEPTEMBER 7
	In line/processed	In line/processed
Choctaw	297/100+	155/85 (office closed at 3:30 p.m.)
Crenshaw	175/52	100/63
Greene	275/150	300/100+ (On Oct. 29 Greene County was designated for the appointment of examiners)

South Carolina

South Carolina has suspended its literacy testing procedure throughout the State. The problem of delay, however, is similar to that in Alabama.¹²

South Carolina registers voters on the first Monday in each month in a non-election year. In an election year, registration offices must be open three days each month and may be open for the first fifteen days in May and August. County Boards of Election may open at such additional times and days as they determine in either an election or non-election year.¹³

With only one regular registration day each month, it is apparent that many South Carolina counties will need to take extraordinary measures to permit Negroes to register before the election of party officers scheduled for February, 1966.¹⁴

12. Tests were reported in use in one South Carolina county on the day following signing of the Act. The State, Columbia, South Carolina, Aug. 9, 1965, p. B-1. Staff investigations indicated they were abandoned by the following registration day.
13. S.C. Code §§ 23-53, -63, -65.1, -66 (1962).
14. The Voting Rights Act of 1965 extends to elections in which votes are cast for party office. Section 14 (c)(1). (P.L. 89-110, Aug. 6, 1965, 79 Stat.445).

Barnwell County--On August 7, officials registered approximately 50 of more than 200 applicants. On September 6, more than 700 Negro applicants waited in line outside the registrar's office; 69 Negroes were among the 72 persons registered. The County Board of Registration, after an initial refusal, agreed to accelerate registration. On October 4, 20 extra persons were employed to assist in registration. A Commission staff attorney who observed registration on that day counted 101 persons in the line at its longest; 470 Negroes were processed by 5 p.m. when the office closed. Twenty-nine others arrived shortly after the close of registration because their jobs had prevented them from coming earlier in the day.

Clarendon County--On September 6, 267 persons were registered but another 105 persons were turned away at the end of the day. Approximately 50 left the line earlier when they saw that they would not be processed. On October 4, 367 persons were registered; 32 were turned away. The Attorney General certified the county for examiners on October 29.

North Carolina

Testing for literacy was promptly suspended in those counties which were conducting registration when the Act took effect. North Carolina has two procedures for registering voters. In 11 counties, four of which are covered by the Act, county-wide registration is conducted at a central office daily. In the remaining counties, registration is at the polling place in each precinct from 9:30 a.m. to sunset on the fourth, third, and second Saturdays before each election and at the registrar's home or place of business during these hours on the remaining days of this two-week period.¹⁵

15. N.C. Gen. Stats. §§ 163-31, -43 (1964).

In those counties without daily registration, the first registration since the signing of the Act began on October 9. No complaints about them had been received at the time this report was prepared.

Georgia and Virginia

Georgia and Virginia suspended testing for literacy when the Act became effective. Georgia law provides for daily registration in each county.¹⁶ Virginia has daily registration in urban communities, although registration is limited to one or a few days a month in some rural counties.¹⁷ Scattered complaints of delay in some Virginia counties in early summer met with prompt remedial action by local registration officials.

Louisiana

Louisiana law provides for daily registration in most parishes but permits fewer days in the smaller parishes.¹⁸ In the Louisiana parishes visited by the Commission staff it appeared that no registrars refused to register illiterates. All registrars required that applicants furnish documentary proof of length of residence. Some required back tax receipts, drivers licenses, or similar official documents. Others were satisfied with letters from persons known to the registrars or envelopes addressed to applicants and bearing year-old postmarks. While these requirements sometimes were administered arbitrarily, caused some delay, and required some applicants to apply again after obtaining the needed proof, they were not used as absolute barriers to registration.

16. Ga. Code Anno. §§ 34-604, 34-610-611, 34-625 (Supp. 1964).

17. Va. Code §§ 34-74, 24-76 (1964).

18. La. Rev. Stats. §§ 18:71, :72 (Supp. 1965).

Delay at the registrars' offices was of significant proportions in two of the 10 parishes visited, although unverified reports of slowdowns were received from a few other parts of the State. In Webster Parish, crowding resulted from the very large number of persons who attempted to register, but there was also a bona fide effort to register as many applicants as possible each day. The West Feliciana Parish registrar turned away 10 to 15 applicants a day.

In contrast to the 9 to 25 applicants registered each day in West Feliciana, two of the registrars in other parishes regularly registered 50 or more applicants a day. One registrar estimated she could register more than 200 persons a day. On October 29, the Attorney General designated West Feliciana Parish for the assignment of Federal examiners.

Despite some delays, Negro registration in Louisiana increased more rapidly during August and September than in any of the other States studied.¹⁹

Commission investigators were informed by registrars that the approximate daily rate of Negro registration was as follows: Bienville - 62; Webster - 50; Claiborne - 14-26; and Morehouse - 10. In West Carroll Parish, only 14 Negroes were registered during the entire month of August. At the time of the staff visit, approximately 30 Negroes were in line in Webster Parish and 12 in Bienville, but no lines were observed in Claiborne, Morehouse, or West Carroll Parishes.

19. For registration figures during August and September, see Appendix D to this report.

Mississippi

Registration in Mississippi has moved at a rapid pace since the adoption of the State's new registration law. Registration is conducted daily in all of Mississippi's counties. Most Mississippi circuit clerks requested the simplified registration blanks when the new State legislation was passed early in July and put them to use as soon as they were available. Investigation showed that, despite a continuing dispute between the U.S. Attorney General and the Mississippi attorney general over whether the Act's prohibition against literacy tests meant that applicants could not be required to fill in the new registration forms, local officials, at the time of the staff's mid-August interview, were registering unprecedented numbers of Negro applicants. In five counties still applying literacy tests, circuit clerks adopted the short form literacy tests in July and were registering Negroes at the following rates during the days immediately preceding the staff visit in mid-August:

<u>COUNTY</u>	<u>RATES PER DAY</u>	<u>REJECTS FOR ILLITERACY</u>
Rankin	30-50	5 per day
Holmes	60-70	5 per day
Yazoo	30-60	2 per day
Leake	20-40	2 per day
Amite	5	

Circuit clerks of two counties stated that they registered illiterates. The average daily registration in Scott County was 8-10 Negroes with a high of 64. The circuit clerk of Wilkinson County who used the long form literacy test until the new Mississippi registration law was approved in a referendum on August 17 had registered a total of seven Negroes between April and August 17. During the next nine days he registered 68 Negroes including illiterates.

COUNTIES WITH FEDERAL EXAMINERS

The Federal examiners had listed 27,463 voters by the last week in August. Of these, 11,372 were in Alabama; 8,448 were in Mississippi; and 7,643 were in Louisiana.²⁰

20. See Appendix D to this report.

During the first three weeks (August 6 to August 31) of operation, the examiners listed 40 percent of the voting-age Negroes in the 14 counties where they were assigned. During the three-week period from September 4 to September 25, only an additional 14.6 percent of the voting-age Negroes were listed.²¹

PROBLEMS IN REGISTRATION

The registration of Negro citizens has been prevented or deterred by a number of factors.

Some county registrars in Mississippi and Alabama have violated the new law by refusing to register illiterates. In three such counties visited by Commission investigators, the Attorney General recently authorized the appointment of Federal examiners.

Delay has created a problem in Alabama and South Carolina, principally because these States have a restricted number of registration days. Under ordinary circumstances, such restrictions might not impair the process of voter registration. It does have an unequal effect, however, in those counties where there are a large number of unregistered Negroes.

More Negroes have sought to register since passage of the Voting Rights Act, and this has resulted in a continuing strain on the registration facilities of the affected States. This is especially true in those counties that have active voter registration organizations and large Negro populations.

In many counties far more applicants have applied than can be processed. The experience of being turned away discourages many Negro citizens from returning to try again. The likelihood of not being processed deters many Negroes from applying for registration at all.

In Alabama and South Carolina where registration is scheduled during business hours on Mondays, many people do not leave work to register for fear of losing their jobs. Lunch hour registration is not a feasible alternative, because of the long lines and delays.

21. United States Civil Service Commission, Daily Report on Voting Listing Activity, Aug. 28, Sept. 25.

In some counties in North Carolina, registrars conduct all but three days of registration in their own homes or places of business. Social and psychological barriers are likely to deter Negroes from seeking out a registrar in his exclusively white neighborhood.

In counties with examiners, Labor Day marked the beginning of the sharp decrease in the number of applicants who appeared at the examiners' offices. This reflected the exodus of hundreds of civil rights workers from the South to return to their jobs and college and high school studies. The withdrawal of so many civil rights workers brought many voter registration drives to an almost complete halt. In some counties, however, civil rights workers remained and continued their voter education projects. Labor Day also marked the beginning of the harvest season. During this period, workers are occupied in the fields and there is little or no opportunity to attempt to register to vote. Undoubtedly, the departure of civil rights workers and the harvest season also has affected registration in non-examiner counties.

Racial violence related to civil rights activities is another factor which has limited applications in some counties with examiners. The killing of seminarian Jonathan Daniels in Lowndes County, Alabama, on August 20 and the acquittal of his killer on September 30 appear to have been the single most important factor in reducing Negro applications in that county. It is symbolic of conditions there that a pick-up truck with a rifle visibly displayed has been parked daily immediately outside the examiner's office since the opening of the office. Registration workers in the county have reported increasing threats against their lives and continued efforts to intimidate resident Negro leaders.

The decline in registration following the initial outpouring of applicants also is attributable to lack of political organization and low motivation. Negroes, who for generations have played no part in the political processes of their communities, cannot be expected suddenly to embrace all of the responsibilities of citizenship. Registration drives have been effective in some places. Negroes have been persuaded to attend meetings where registration and voting procedures are explained, and to present themselves for registration, even at the risk of incurring possible disapproval by the white community and by their employers. But while these drives have had a substantial effect, the inhibiting results of mass disfranchisement are not easily overcome. Continued community and governmental activity is necessary so that Negro citizens will learn that the ballot is now available to them.

Ineffective communication has presented problems in counties with examiners. These voter listings have declined because Negroes lacked knowledge of the meaning and effect of the Federal examiners' presence in their communities. The examiners rely exclusively upon the news media and private registration organizations and posters at the examiners' offices to keep the Negro residents informed of the opening, location, and operating hours of their offices.²² Although the Civil Service Commission had prepared to mail notices of the opening of examiners' offices to all residents of the counties where there were offices, the Department of Justice opposed as inappropriate this procedure and any other affirmative effort of the Federal Government to publicize the program in the examiner counties. At present, examiners are not authorized to employ any affirmative program under which residents would be notified of the procedures or purposes of the listing program, apart from posting brief notices in or near their offices.

REGISTRATION STATISTICS DURING AUGUST AND SEPTEMBER

According to information provided by the Department of Justice, Negro registration outside the counties in which Federal examiners were located was, by the end of September, as follows: 12,040 Negroes registered in Alabama; 10,046 in Georgia; 29,213 in Mississippi; 36,219 in Louisiana; and 9,479 in South Carolina.²³

22. Commission attorneys were told by one person that he had not known that examiners had been assigned to his county until he heard about it on a national news broadcast--the Huntley-Brinkley program.

23. See Appendix D, Registration Statistics.

The following table compares the number of Negroes listed by Federal examiners with the number of Negroes listed by State registrars in selected nearby non-examiner counties during August and September.

<u>ALABAMA</u>	<u>a/</u>	<u>b/</u>	<u>c/</u>
<u>Examiner Counties</u>	<u>Voting Age Nonwhite Population</u>	<u>1964 Nonwhite Registration</u>	<u>Nonwhites Listed between Aug. 6 and Sept. 25</u>
Dallas	15,115	320	6,789
Hale	5,999	236	3,242
Lowndes	5,122	0	1,496
Marengo	7,791	295	4,257
Perry	5,202	289	2,460
Wilcox	6,085	0	3,201

	<u>a/</u>	<u>b/</u>	<u>c/</u>
<u>Selected Non-Examiner Counties</u>	<u>Voting Age Nonwhite Population</u>	<u>1964 Nonwhite Registration</u>	<u>Nonwhites Registered during Aug. and Sept.</u>
Bullock	4,450	1,200	292
Butler	4,820	248	334
Choctaw	3,982	252	217
Clarke	5,833	650	265
Pickens	4,373	438	66
Sumter	6,814	375	229
Pike	5,259	273	1,453

STATE TOTALS FOR AUGUST AND SEPTEMBER

Examiner Counties: 21,445
All Other Counties: 12,040

<u>LOUISIANA</u>	<u>a/</u>	<u>d/</u>	<u>c/</u>
<u>Examiner Parishes</u>	<u>Voting Age Nonwhite Population</u>	<u>1964 Nonwhite Registration</u>	<u>Nonwhites Listed between Aug. 6 and Sept. 25</u>
East Carroll	4,183	136	2,487
East Feliciana	6,081	182	1,972
Plaquemines	2,897	96	1,202
Ouachita	16,377	1,744	5,200

<u>Selected Non-Examiner Parishes</u>	<u>a/</u> <u>Voting Age Nonwhite Population</u>	<u>d/</u> <u>1964 Nonwhite Registration</u>	<u>c/</u> <u>Nonwhites Registered during Aug. and Sept.</u>
Bienville	4,077	584	879
Claiborne	5,032	96	587
Madison	5,181	294	1,819
Morehouse	7,208	491	252
Tensas	3,533	60	555
Webster	7,045	803	897
West Carroll	1,389	76	31
West Feliciana	4,553	85	383

STATE TOTALS FOR AUGUST AND SEPTEMBER

Examiner Parishes: 10,861

All Other Parishes: 36,219

<u>MISSISSIPPI</u>	<u>a/</u>	<u>e/</u>	<u>c/</u>
<u>Examiner Counties</u>	<u>Voting Age Nonwhite Population</u>	<u>1964 Nonwhite Registration</u>	<u>Nonwhites Listed between Aug. 6 and Sept. 25</u>
Leflore	13,567	281	5,189
Madison	10,366	218	5,058
Jefferson Davis	3,222	126	967
Jones	7,427	800 <u>f/</u>	1,795

<u>Selected Non-Examiner Counties</u>	<u>a/</u> <u>Voting Age Nonwhite Population</u>	<u>e/</u> <u>1964 Nonwhite Registration</u>	<u>c/</u> <u>Nonwhites Registered during Aug. and Sept.</u>
Carroll	2,704	5	167
Forrest	7,495	236	310
Holmes	8,757	20	1,034
Sunflower	13,524	185	375
Rankin	6,944	unavailable	577
Tunica	5,822	38	217
Wilkinson	4,120	unavailable	153
Yazoo	8,719	unavailable	605
Washington	20,619	2,500	2,062

STATE TOTALS FOR AUGUST AND SEPTEMBER

Examiner Counties: 13,009

All Other Counties: 29,213

a. 1960 Census

b. Figures from the Birmingham News, May 3, 1964.

c. See Appendix D to this report.

d. Figures furnished by Secretary of State of Louisiana showing registration as of October 3, 1965.

e. Figures furnished by Department of Justice. See Voting in Mississippi, p. 70.

f. Estimates supplied by local registration leaders.

CHAPTER IV

Responsibilities of the Department of Justice

The Voting Rights Act of 1965 vests the Attorney General of the United States with broad discretion to decide where the designation of Federal examiners is necessary.

The Act authorizes him to certify a need for examiners in two situations: (1) if he has received meritorious complaints in writing from 20 or more citizens of a county saying that they have been denied the right to register on grounds of race or color; and (2) if, even without complaints from local citizens, "in his judgment... the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment."

In assigning examiners, under this record alternative, the Attorney General may consider the degree of imbalance between white and Negro registration and whether the imbalance appears to result from previous discriminatory practices. He may also consider whether bona fide efforts are presently being made to comply with the 15th amendment requirement that a citizen's right to vote "...shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

To date, the Attorney General has acted only under the second alternative, apparently in the belief that the investigation of the merit of each complaint would be too time-consuming.

Complaints remain an important part of the Department's information-gathering procedure, however. They may prompt the Department to undertake a field investigation of current voting conditions. Their absence may be taken as an indication that former abuses have abated.

DESIGNATION OF COUNTIES

When Attorney General Katzenbach designated the first counties to receive Federal examiners on August 9, 1965,¹ he explained that in each of nine counties in Alabama, Louisiana, and Mississippi, "We have either secured court findings of discrimination, are seeking such findings, or the ratio of white to Negro registration is extremely disproportionate. The percentage of voting age white citizens registered in these counties ranges from 65 percent to a hundred percent and, in some cases, to more than a hundred percent. The percentage of Negroes registered ranges from 2 to 10 percent."²

When he designated five more counties in these States on August 18, the Attorney General noted that each of the counties had "a long history of discrimination against Negro voting applicants." He explained: "We have filed voting discrimination suits against each county under the Civil Rights Acts of 1957 and 1960. But even under the new Voting Rights Act, these counties have continued to discriminate and have given no substantial indication that they will comply with it. Consequently, I believe it is my responsibility under the new Act to designate them as counties to which examiners should be sent."³

1. The counties and dates of designation appear as Appendix B to this report.
2. Department of Justice News Release dated August 9, 1965.
3. Department of Justice News Release dated August 18, 1965.

The Attorney General designated five additional counties in Mississippi to receive Federal examiners on September 24 and explained: "Voting officials in all five counties have, contrary to the 1965 Act, refused to register Negroes on grounds of illiteracy. The 1965 Act specifically forbids, as a test for registration or voting, that an applicant demonstrate the ability to read, write, understand, or interpret any matter'. Despite this provision, Mississippi State Attorney General Joseph T. Patterson on September 9 brought a series of legal actions designed to prevent registrars from registering persons who do not meet state literacy requirements. In view of Attorney General Patterson's action and in view of the fact that many Negro applicants are, therefore, being turned away, we believe it is essential that Federal examiners be assigned to these counties."⁴

An additional Alabama county was designated on October 1.

On October 29, Mr. Katzenbach designated 12 more Southern counties for Federal examiners, including, for the first time, counties in South Carolina. Those designations included three counties in Alabama, one in Louisiana, six in Mississippi, and two in South Carolina.

"In evaluating compliance with the Voting Rights Act, we look for full compliance --- not only the suspension of unlawful literacy tests, but the provision of reasonable access to new applicants," the Attorney General explained.⁵

The Attorney General has sought voluntary compliance with the Voting Rights Act before designating any political subdivision to receive Federal examiners.

4. Department of Justice News Release dated September 24, 1965.

5. Department of Justice News Release dated October 29, 1965.

Answering criticism that he had not authorized enough examiners, the Attorney General told the Rotary Club of Houston, Texas on September 30 that the Department of Justice had "acted quickly and steadily, but we have not acted massively."

"Our aim... is not the widespread deployment of an army of Federal examiners," he explained. "The purpose, rather, is to insure that every citizen can vote, and do so according to normal and fair local procedures." The Voting Rights Act, the Attorney General noted, "... speaks to local officials as well as the Federal Government. If they don't fulfill their responsibilities under the Act we will fulfill ours."

This policy in assigning Federal examiners is grounded upon difficulties the Department of Justice anticipates in connection with voting. In a community such as East Carroll Parish, Louisiana, where Negro voters in the past have been registered directly by court order, they have encountered considerable difficulty at the polls on election day. Their credentials have been challenged and sometimes their names have not been placed on the appropriate voting records.

The Department anticipates similar problems with Negroes who have been listed by Federal examiners rather than by local officials and believes that Negroes registered under normal State procedures will have less difficulty voting.

Furthermore, there are some Negro citizens who have indicated that they wish to register through the normal State registration procedures, rather than under the guardianship of the Federal Government.

In determining which counties to designate, the Attorney General reviews the ratio of white to Negro registration, any history of overt interference with Negro voting or registration, previous litigation, the results of current Federal Bureau of Investigation field investigations, the time necessary to register all qualified and willing Negro applicants at the local registrar's present rate, and the time remaining until the next election. At present, the time from receipt of a field report indicating that circumstances justify the appointment of examiners to a determination by the Attorney General is one month.

DESIGNATION BASED ON ILLEGAL TESTING

In Mississippi, the Attorney General has designated examiners in a number of the counties where local officials have refused to suspend literacy tests. When a community which has violated the Act takes sufficient affirmative action to remedy its default, the examiner's office has suspended operation. For example, in Bolivar County, Mississippi, local officials registered approximately 1,500 Negroes during August and September but refused to register about 200 illiterates. The Attorney General designated Bolivar County for examiners on September 24 but the examiner's office was closed for an indefinite period a few days later when the local registrar agreed to register illiterates.

In Alabama, the boards of registrars in Montgomery and Elmore Counties, refused, during August and September, to register Negroes who could not read or write. Examiners were designated for these counties on October 1 and October 29, 1965.

The Attorney General, however, has not appointed examiners in every county in which there is noncompliance with the Act. As indicated above, the Commission staff was told by the circuit clerks of Rankin, Yazoo, and Leake Counties, Mississippi, during the third week in August, that they were refusing to register Negroes who could not complete the Mississippi application form. Yet examiners were not designated for these counties.

In the first seven weeks after the Act became effective, circuit clerks enrolled 29,213 Negroes under the new Mississippi test. The Attorney General is faced with the dilemma of deciding when the number of persons disqualified for failure to pass a test warrants designating a county in which local registration officials otherwise are registering large numbers of Negro applicants.

DESIGNATION BASED ON DELAY

The Attorney General is also faced with problems of a different nature in counties where local officials have suspended the use of tests or devices but have not registered significant numbers of Negroes. In some places where there has been evidence of a deliberate slowdown (as in Ouachita Parish) the Attorney General has considered the slowdown to constitute a willful refusal to comply with the Act and promptly has certified the need for examiners. In West Feliciana Parish, however, where a similar slowdown was in effect, he withheld examiners until October 29. As indicated in Chapter 3, delay in a number of Alabama counties continued through September and October.

The Attorney General's restraint in the administration of the Act during its opening weeks does not reflect a final determination of policy. In a brief submitted to the United States Court of Appeals for the Fifth Circuit on September 1, the Department of Justice summarized its position: "The registrar should be required to make every reasonable effort to accommodate these applicants at the time they apply. ... This Court ... should require that the registrar take all reasonable steps to insure, wherever possible, each applicant can be given an opportunity to apply on the day he appears for registration."⁶

6. United States v. Ward, Docket No. 21235 (5th Cir., 1965), brief of appellant in support of motion for rehearing.

In the same brief, the Department emphasized that "It is inconsistent with the purpose of the Act for unregistered persons who are qualified under the provisions of the Act, and who wish to register, to be denied the opportunity to do so before the next election --- whether or not the person resides in an area in which there is a Federal examiner."⁷

On October 29, the Attorney General defined more exactly the duty of State registrars to register Negroes, saying "Where masses of unregistered citizens are seeking to register for the first time, local registrars must take the necessary steps to meet this new demand promptly."

SUMMARY

The Attorney General moved slowly in exercising his authority to designate counties for examiners during the early weeks of the new Act. At first he acted only in counties where there was or where he had ample evidence to support the belief that there would be intentional and flagrant violation of the Act. His more recent actions suggest that he will certify the need for examiners whenever applicants cannot register on the day they attempt to do so, even where the overcrowding results from the limited number of days provided for registration under state law.

7. Ibid. The case was decided October 21, 1965. United States v. Ward Docket No. 21235 ___ F2d ___ (5th Cir., 1965); the court adopted the Government's position that each applicant should be given an opportunity to apply on the day he appears for registration.

APPENDIX A Legislative Chronology of the Voting Rights Act of 1965

March 15, 1965	Presidential address to Joint Session of Congress introducing administration bill.	111 Cong. Rec. 4924 (daily ed. March 15, 1965)
March 17, 1965	H.R. 6400 introduced in House of Representatives.	111 Cong. Rec. 5176 (daily ed. March 17, 1965)
March 18, 1965	S. 1564 introduced in the Senate.	111 Cong. Rec. 5227 (daily ed. March 18, 1965)
March 18 - April 1, 1965	Hearings on the Bill before Subcommittee No. 5 of the House Committee on the Judiciary.	Hearings before Subcommittee No. 5 of the House Committee on the Judiciary on H.R. 6400, 89th Cong., 1st Sess., ser. 2.
March 23 - April 9, 1965	Hearings before Senate Judiciary Committee.	Hearings on S. 1564 before the Senate Committee on the Judiciary, 89th Cong., 1st Sess.
April 9, 1965	Senate Judiciary Committee reports S. 1564.	111 Cong. Rec. 7458 (daily ed. April 9, 1965)
April 13, 1965	Debate begins on Senate Bill.	111 Cong. Rec. 7535 (daily ed. April 13, 1965)
May 26, 1965	S. 1564 passes in Senate.	111 Cong. Rec. 11341 (daily ed. May 26, 1965)

APPENDIX B

Political Subdivisions Designated for Appointment of Federal Examiners

June 1, 1965	House Judiciary Committee reports H.R. 6400; refers to Rules Committee.	111 Cong. Rec. 11676 (daily ed. June 1, 1965)
July 1, 1965	House Rules Committee reports H.R. 6411. (House Res. 440)	111 Cong. Rec. 14982 (daily ed. July 1, 1965)
July 6, 1965	Debate begins in House.	111 Cong. Rec. 15073, 15079 (daily ed. July 6, 1965)
July 9, 1965	H.R. 6400 passes House.	111 Cong. Rec. 15716 (daily ed. July 9, 1965)
July 21-29, 1965	Conference Committee meetings.	
August 3, 1965	House adopts Conference Report.	111 Cong. Rec. 18498-99 (daily ed. Aug. 3, 1965)
August 4, 1965	Senate adopts Conference Report.	111 Cong. Rec. 18665 (daily ed. Aug. 4, 1965)
August 6, 1965	President signs Act.	

<u>Alabama</u>	<u>Date of Designation</u>
<u>County</u>	
Dallas	8/ 9/65
Hale	8/ 9/65
Lowndes	8/ 9/65
Marengo	8/ 9/65
Perry	8/18/65
Wilcox	8/18/65
Montgomery	10/ 1/65
Autauga	10/29/65
Elmore	10/29/65
Greene	10/29/65
 <u>Mississippi</u>	
<u>County</u>	
Leflore	8/ 9/65
Madison	8/ 9/65
Jefferson Davis	8/18/65
Jones	8/18/65
Benton	9/24/65
Bolivar	9/24/65
Clay	9/24/65
Coahoma	9/24/65
Humphreys	9/24/65

APPENDIX C

FORM APPROVED
BUDGET BUREAU NO. 50-R359

Sample of Federal Examiner Voter Application Form

APPLICATION TO BE LISTED
UNDER THE VOTING RIGHTS ACT OF 1965

STATE OF ALABAMA

COUNTY OF _____

INSTRUCTIONS TO THE APPLICANT: Please fill out this side of this form. If you need help in answering any question, the Examiner will help you.

1. Name _____
(First) (Middle) (Last)
2. Age _____
3. Address _____
(RFD or Street Number) (Street)

(City or Town) (State)
4. How long have you lived in Alabama? _____
5. How long have you lived at the above address? _____
6. What is your precinct? _____ or ward? _____
7. Are you now (1) on active duty in the Armed Forces of the United States or the Alabama National Guard, (2) an employee of the United States or the State of Alabama, or (3) a seaman or college student? Yes No
8. (a) Are you now registered to vote in Alabama? Yes No
(b) Are you now listed under the Voting Rights Act? Yes No
9. Are you a citizen of the United States and of the State of Alabama? Yes No
10. Have you ever been convicted of a crime other than a traffic violation? Yes No
11. Have you ever been declared legally insane by a court? Yes No

Any willful false statement on this application is a Federal crime punishable by fine or imprisonment.

STOP HERE. TAKE THE FORM TO THE EXAMINER.

I do solemnly swear (or affirm) that the information I have provided is true and correct to the best of my knowledge, information, and belief. I do further personally swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama; and that I do not believe in nor am I affiliated with any group or party which advocated or advocates the overthrow of the government of the United States or of the State of Alabama by unlawful means.

Signature (or mark) of applicant _____

Sworn to (or affirmed) and subscribed before me on this date _____

Examiner _____
United States Civil Service Commission

<u>Mississippi</u> (Continued)	Date of Designation
<u>County</u>	
De Soto	10/29/65
Hinds	10/29/65
Holmes	10/29/65
Jefferson	10/29/65
Neshoba	10/29/65
Walthall	10/29/65
<u>Louisiana</u>	
<u>Parish</u>	
East Carroll	8/ 9/65
East Feliciana	8/ 9/65
Plaquemines	8/ 9/65
Ouachita	8/18/65
West Feliciana	10/29/65
<u>South Carolina</u>	
<u>County</u>	
Clarendon	10/29/65
Dorchester	10/29/65

DO NOT WRITE ON THIS SIDE - FOR USE BY EXAMINER

ADDITIONAL INFORMATION ITEMS

2. If applicant shows his age to be under 21, write in his date of birth. _____
4. If applicant shows that he has not lived in Alabama for one year, will he have lived in Alabama for one year by the date of the next election? Yes No
If yes, write in the date residence began _____
Former Address _____
5. If applicant shows that he has not lived at his present address for six months, will he by the date of the next election have:
Lived in the same county for six months? Yes No
If yes, write in the date residence began _____
Former Address _____
Lived in his precinct or ward for three months? Yes No
If yes, write in the date residence began _____
Former Address _____
Lived in the same city or town for three months? Yes No
If yes, write in the date residence began _____
Former Address _____
7. If applicant answers yes, is his residence in Alabama and in his county for temporary purposes only? Yes No
If yes, write in his occupation _____
8. (a) If applicant shows that he is now registered to vote in Alabama, write in the county where he is registered _____
(b) If applicant shows that he is now listed under the Voting Rights Act, write in the county where he is listed _____ and certificate number if available _____
10. If applicant answers yes, name the crime _____
Where and when convicted? _____
Was the conviction for a disqualifying crime? Yes No
If a disqualifying crime, has applicant been pardoned with restoration of his right to vote? Yes No
If so pardoned, how and when? _____
11. If applicant answers yes, has he subsequently been declared legally sane or competent by a court? Yes No
If yes, when and by what court? _____
- Certificate of Eligibility Issued-No. _____ Notification of Ineligibility Issue-No. _____

APPENDIX D

Statistics of Registration Following August 6, 1965

The following figures show registration since the passage of the Act. They are the latest available at the time of preparation of this report. Registration by State officials was supplied by the Department of Justice; registration by Federal examiners was furnished by the United States Civil Service Commission.

Registration by State Officials, August-September 1965

Alabama ^{a/} County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Autauga	6	73	0	101 ^{b/} 0	9/20/65
Baldwin	32	52	0	0	9/20/65
Barbour	6	671	0	0	9/20/65
Bibb	7	14	0	0	9/ 7/65
Blount	13	5	0	0	9/20/65
Bullock	6	292	0	0	9/20/65
Butler	3	334	0	5	9/20/65
Calhoun	53	379	0	0	9/20/65
Chambers	27	9	0	0	9/20/65
Cherokee	22	0	0	0	9/20/65
Chilton	23	2	0	0	9/20/65
Choctaw	13	217	0	1	9/13/65
Clarke	20	265	0	16	9/20/65
Clay	6	3	0	0	9/20/65
Cleburne	7	0	0	0	9/20/65
Coffee	59	96	0	1	9/20/65
Colbert	30	90	0	0	9/20/65

^{a/} Shows registration statistics reported to the Department of Justice by the Federal Bureau of Investigation as of October 6, 1965. It does not include persons in Dallas, Hale, Lowndes, Marengo, Perry, or Wilcox Counties who were listed by Federal examiners.

^{b/} Applications pending.

Alabama (continued)

County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Conecuh	4	181	0	0	9/20/65
Coosa	16	72	0	0	9/20/65
Covington	35	13	0	0	9/20/65
Crenshaw	18	196	0	2	9/20/65
Cullman	37	0	0	0	9/20/65
Dale	46	456	0	0	9/20/65
Dallas	674	3	2	0	9/20/65
DeKalb	21	0	0	0	9/20/65
Elmore	46	68	0	0	9/20/65
Escambia	13	1	0	0	9/20/65
Etowah	39	272	0	0	9/10/65
Fayette	5	1	0	0	9/20/65
Franklin	15	0	0	0	9/20/65
Geneva	3	102	1	0	8/16/65
Greene	9	458	0	0	9/20/65
Hale	131-51 ^{c/}	0	0	4 ^{c/} 1	9/20/65
Henry	41	343	2	3	9/20/65
Houston	102	86	1	1	9/20/65
Jackson	10	101	0	0	9/20/65
Jefferson	506	2300	0	0	9/27/65
Lamar	2	1	0	0	9/20/65
Lauderdale	42	15	0	0	9/20/65
Lawrence	17	47	0	0	9/20/65
Lee	12	478	0	4	9/20/65
Limestone	16	28	0	0	9/ 6/65
Lowndes	24	3	0	0	9/20/65
Macon	0	0	7 ^{b/}	105 ^{b/}	9/ 6/65
Madison	491	247	0	0	9/14/65
Marion	11	0	0	0	9/20/65
Marengo	211	0	0	0	9/20/65
Marshall	59	2	1	0	9/20/65

^{c/} Combined white and nonwhite figure.

Alabama (continued)

County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Mobile	83	1043	0	28 ^{b/} 7	
Monroe	92	80	0	0	9/20/65
Montgomery	81	220	0	941 ^{b/} 42	
Morgan	66	28	0	0	9/20/65
Perry	84	1	0	152 ^{b/} 0	
Pickens	24	66	0	0	9/20/65
Pike	88	1453	0	1	9/20/65
Randolph	9	12	0	0	9/20/65
Russell	25	262		1 ^{c/}	9/20/65
Sumter	0	229	0	0	9/20/65
St. Clair	52	10	0	0	9/20/65
Shelby	8	0	0	0	9/ 7/65
Talladega	15	4	0	0	9/ 7/65
Tallapoosa	42	48	1	0	9/20/65
Tuscaloosa	145	502	0	0	9/ 9/65
Walker	18	10	0	0	9/20/65
Washington	9	96	0	1	9/20/65
Wilcox	59	0	3	114 ^{b/} 0	9/20/65
Winston	52	0	0	0	9/20/65
Totals	3941	12040	11	85	

Georgia ^{a/} County	Accepted		Rejected		Date of Last Figure
	W	N	W	N	
Appling	2	0	0	0	9/29/65
Atkinson	2	6	0	0	9/ 4/65
Bacon	13	0	0	0	9/29/65
Baker	11	14	1	2	9/18/65
Baldwin	20	7	0	0	9/18/65
Banks	4	12	0	0	9/18/65
Barrow	19	10	0	0	9/18/65
Bartow	15	9	0	0	9/18/65
Ben Hill	13	164	0	0	9/18/65
Berrien	2	2	0	0	9/18/65
Bibb	75-700 ^{b/}	-135	0	0	9/18/65
Bleckley	11	7	0	0	9/ 4/65
Brooks	7	11	0	0	9/18/65
Bryan	0	0	0	0	9/ 8/65
Bullock	36	14	0	0	9/29/65
Burke	10	183	0	0	9/29/65
Butts	2	2	0	0	9/18/65
Calhoun	6	17	0	0	9/18/65
Camden	3	8	0	0	9/29/65
Carroll	50	16	0	0	9/18/65
Catoosa	11	0	0	0	9/22/65
Charlton	9	2 ^{c/} /20	0	0	9/21/65
Chatham	190-16 ^{c/}	-968	0	0	9/29/65
Chattahooche	1	5	0	0	9/18/65
Chattooga	9	0	0	0	9/18/65
Cherokee	7-11 ^{b/}	-3	0	0	9/18/65
Clarke	258	272	0	0	9/18/65
Clay	16	14	0	0	9/18/65
Clayton	188	34	0	0	9/18/65

^{a/} Shows registration statistics reported to the Department of Justice by the Federal Bureau of Investigation as of October 7, 1965.

^{b/} Combines white and nonwhite figures.

^{c/} Applications pending.

Georgia (continued)

County	Accepted		Rejected		Date of Last Figure
	W	N	W	N	
Clinch	4	1	0	0	9/18/65
Cobb	222 ^{b/}		0	0	9/18/65
Coffee	17	1 ^{c/} /15	0	0	9/29/65
Colquitt	23	11	0	0	9/18/65
Columbia	9	8	0	0	9/29/65
Cook	3	2 ^{c/} /18	0	0	9/18/65
Coweta	14	8	0	0	9/18/65
Crawford	7	8	0	0	9/18/65
Crisp	15	309	0	0	9/18/65
Dade	2	0	0	0	9/ 4/65
Dawson	0	0	0	0	9/ 4/65
Decatur	16	47	0	0	9/18/65
DeKalb	358	24	0	0	9/18/65
Dodge	13	1 ^{c/} /0	0	0	9/ 4/65
Dooly	10	23	0	0	9/18/65
Dougherty	491 ^{b/}		0	0	9/18/65
Douglas	13	3	0	0	9/18/65
Early	7	35	0	0	9/18/65
Echols	0	0	0	0	----
Effingham	16	13	0	0	9/29/65
Elbert	4	4	0	0	9/18/65
Emanuel	16	19	0	0	9/29/65
Evans	6	7	0	0	9/29/65
Fannin	12	0	0	0	9/ 4/65
Fayette	5	2	0	0	9/18/65
Floyd	109	42	0	0	9/18/65
Forsyth	0	0	0	0	9/ 4/65
Franklin	5	0	0	0	9/18/65
Fulton	510	223	0	0	9/18/65
Gilmer	0	0	0	0	9/ 4/65
Glascocock	3	1	0	0	9/29/65
Glynn	53	47	0	0	9/29/65
Gordon	8	4	0	0	9/18/65
Grady	17	13	0	0	9/18/65
Greene	3	6	0	0	9/18/65
Gwinnett	68	3	0	0	9/18/65
Habersham	30	4	0	0	9/18/65
Hall	78	42	0	0	9/18/65
Hancock	3	40	0	0	9/18/65
Haralson	7	0	0	0	9/18/65
Harris	45	87	0	0	9/18/65

Georgia (continued)

County	Accepted		Rejected		Date of Last Figure
	W	N	W	N	
Hart	10	3	0	0	9/18/65
Heard	7	0	0	0	9/18/65
Henry	29-10 ^{b/}	-8	0	0	9/18/65
Houston	88	89	1 ^{b/}	0	9/18/65
Irwin	14	2	0	0	9/18/65
Jackson	9	2	0	0	9/18/65
Jasper	4	45	0	0	9/18/65
Jeff Davis	15	8	0	0	9/29/65
Jefferson	16	1693	0	10	9/4/65
Jenkins	8	8	0	0	9/29/65
Johnson	13	7	0	0	9/29/65
Jones	8	10	0	0	9/18/65
Lamar	11	6	0	0	9/18/65
Lanier	3	2	0	0	9/18/65
Laurens	53	69	0	0	9/29/65
Lee	12	14	0	0	9/18/65
Liberty	0	44	0	0	9/4/65
Lincoln	0	8	0	0	9/29/65
Long	8	1	0	0	9/29/65
Loundes	33	16	0	0	9/18/65
Lumpkin	3	0	0	0	9/18/65
McDuffie	7	7	0	0	9/29/65
McIntosh	7	21	0	0	9/29/65
Macon	13	888	0	0	9/18/65
Marion	5	49	0	0	9/18/65
Meriwether	18	17	0	0	9/18/65
Miller	15	66	0	0	9/18/65
Mitchell	29	158	0	0	9/18/65
Monroe	19	16	0	0	9/18/65
Montgomery	8	2	0	0	9/29/65
Morgan	1	0	0	0	9/18/65
Murray	5	0	0	0	8/30/65
Muscogee	396-65 ^{b/}	-89	0	0	9/18/65
Newton	5	8	0	0	9/18/65
Oconee	4	5	0	0	9/18/65
Oglethorpe	6	22	0	0	9/18/65
Paulding	7	2	0	0	9/18/65
Peach	102	241	Some rej.	1 ^{b/}	9/18/65
Pickens	7	0	0	0	9/18/65
Pierce	8	7	0	0	9/29/65

Georgia (continued)

County	Accepted		Rejected		Date of Last Figure
	W	N	W	N	
Pike	4	2	0	0	9/18/65
Polk	11	0	0	0	9/18/65
Pulaski	11	33	0	0	9/18/65
Putnam	9	1	0	0	9/18/65
Quitman	1	26	0	0	9/18/65
Rabun	6	0	0	0	9/18/65
Randolph	11	42	0	0	9/11/65
Richmond	373	324	0	0	9/29/65
Rockdale	6	8	0	0	9/18/65
Schley	0	11	0	0	9/18/65
Screven	9	10	0	0	9/29/65
Seminole	29	222	0	0	9/18/65
Stephens	6	3	0	0	9/18/65
Stewart	1	63	0	0	9/18/65
Sumter	135	1648	0	0	9/18/65
Talbot	17	14	0	0	9/18/65
Taliaferro	14	105	0	0	9/29/65
Tattnall	4	0	0	0	9/29/65
Taylor	9	18	0	0	9/18/65
Telfair	10	12	0	0	9/29/65
Terrell	34	68	0	0	9/18/65
Thomas	26	16	0	0	9/18/65
Tift	31	14	0	0	9/18/65
Toombs	15	9	0	0	9/29/65
Towns	0	0	0	0	8/28/65
Treutlen	1	2	0	0	9/29/65
Troup	85	145	0	0	9/18/65
Turner	23	21	0	0	9/18/65
Twiggs	2	15	0	0	9/18/65
Union	0	0	0	0	8/28/65
Upson	26	5	0	0	9/18/65
Walker	29	3	0	0	9/22/65
Walton	95	314	0	0	9/29/65
Ware	18	27	0	0	9/21/65
Warren	47	47	0	0	9/29/65
Washington	20	59	0	0	9/8/65
Wayne	9	3	0	0	9/29/65
Webster	5	16	0	0	9/18/65
Wheeler	5	4	0	0	9/29/65
White	4	0	0	0	9/18/65

Georgia (continued)

County	Accepted		Rejected		Date of Last Figure
	W	N	W	N	
Whitfield	24	7 ^{b/}	0	0	9/18/65
Wilcox	3	7	0	0	9/18/65
Wilkes	20	55	0	0	9/29/65
Wilkinson	9	1	0	0	9/18/65
Worth	20	40	0	0	9/18/65
Totals	4722	10046	1	12	
		1506 ^{b/}	Some	<u>b/</u>	

Louisiana^{a/}

Parish	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Acadia	18	7	0	0	8/12/65 ^{b/}
Allen	18	5	0	0	8/12/65 ^{b/}
Ascension	11	33	0	0	8/26/65
Assumption	10	27	0	0	8/27/65
Avoyelles	63	177	0	0	9/30/65
Beauregard	10	7	0	0	8/12/65
Bienville	8	879	0	0	9/27/65
Bossier	91	596	2	5	9/29/65
Caddo	99	1600	19	301	9/29/65
Calcasieu ^{c/}	50	61	0	2	8/1-11/65
Caldwell	4	6	0	0	8/25/65
Cameron	4	0	0	0	8/12/65 ^{b/}
Catahoula	13	334	0	2	9/24/65
Claiborne	19	587	3	175	9/29/65
Concordia	25	557	0	0	9/24/65
DeSoto	22	1171	0	0	9/29/65
East Baton Rouge	171	1470	2	0	9/30/65 ^{b/}
East Carroll	390	33	0	0	9/29/65
East Feliciana	269	8	3	0	9/25/65
Evangeline	139	85	1	4	9/ 1/65
Franklin	63	83	0	0	9/29/65
Grant	5	9	0	0	8/26/65
Iberia	86	125	1	0	8/26/65
Iberville	73	831	0	0	8/26/65
Jackson	12	23	0	0	8/25/65
Jefferson	541	383	36	54	8/25/65
Jefferson Davis	0	1	0	0	8/12/65
Lafayette	184	396	0	2	8/18/65

^{a/} Shows registration statistics reported to the Department of Justice by the Federal Bureau of Investigation as of October 6, 1965. It does not include persons in East Carroll, East Feliciana, Ouachita, and Plaquemines Parishes who were listed by Federal examiners.

^{b/} Closed for part of the period.

^{c/} Figure includes August 1-6.

Louisiana (continued)

Parish	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Lafourche	16	17	0	0	8/26/65
LaSalle	34	272	0	0	10/1/65
Lincoln ^{c/}	20	58	0	0	8/1-25/65
Livingston	38	2	0	0	8/26/65
Madison	49	1819	0	3	9/29/65
Morehouse	102	252	0	1	9/29/65
Natchitoches	175	2054	0	0	9/30/65
Orleans	2296	10645	0	0	9/29/65
Ouachita	148	373	2	0	9/29/65 ^{b/}
Plaquemines	closed				
Pointe Coupee	128	1239	0	2	9/25/65
Rapides	237	2035	0	0	9/29/65
Red River	20	646	0	0	9/29/65
Richland	54	103	0	0	9/29/65
Sabine	10	2	0	0	8/25/65
St. Bernard	58	7	1	0	8/25/65
St. Charles	10	6	2	0	8/26/65
St. Helena	70	1070	1	30	9/27/65
St. James	15	81	0	9	9/ 8/65
St. John	13	20	0	0	8/26/65 ^{b/}
St. Landry	15	20	0	0	8/11/65 ^{b/}
St. Martin	60	39	0	3	9/16/65 ^{b/}
St. Mary	67	621	0	1	9/29/65
St. Tammany	143	27	0	0	9/30/65
Tangipahoa	143	842	0	7	9/29/65
Tensas	12	555	0	0	9/28/65
Terrebonne	97	655	0	2	9/30/65
Union	43	74	1	1	9/29/65
Vermillion	54	22	0	0	8/25/65
Vernon	13	3	0	0	8/26/65
Washington	104	1313	1	3	9/30/65
Webster	134	897	0	1	9/24/65
West Baton Rouge	32	489	0	2	9/18/65
West Carroll	193	31	0	0	9/29/65
West Feliciana	54	383	0	6	9/18/65
Winn	10	53	0	1	9/29/65
Totals	7065	36219	75	617	

Mississippi^{a/}

County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Adams	148	767	30	45	9/28/65
Alcorn	48	24	1 ^{b/}	3 ^{b/}	9/28/65
Amite	30	470	0	1 ^{b/}	9/21/65
Attala	36	185	1	2	9/25/65
Benton	7	34	0	53	9/28/65
Bolivar ^{b/}	812	715	69	211	9/28/65
Calhoun	17	31	0	0	9/30/65
Carroll	48	167	2 ^{b/}	4 ^{b/}	9/25/65
Chickasaw ^{b/}	36	203	0	0	9/28/65
Choctaw	24	50	0	0	9/30/65
Claiborne ^{b/}	45	801	0	14	9/21/65
Clarke	77	633	1	2	9/27/65
Clay ^{b/}	73	328	0	12	8/26/65
Coahoma ^{b/}	198	1292	47	342	9/27/65
Copiah ^{b/}	151	959	3	17	9/22/65
Covington	31	39	0	0	9/27/65
DeSoto	140	618	0	43	9/28/65
Forrest	226	310	0	2	9/29/65
Franklin	21	43	0	6	9/29/65
George	33	42	2	0	9/28/65
Greene	23	72	2	0	9/27/65
Grenada	50	322	0	0	9/25/65
Hancock	40	10	0	0	9/28/65
Harrison ^{b/}	162	485	2	4	9/28/65
Hinds ^{b/}	627	1883	38	146	9/29/65
Holmes	39	1034	0	74	9/24/65

^{a/} Shows registration statistics reported to the Department of Justice by the Federal Bureau of Investigation as of October 6 1965. It does not include persons in Leflore, Madison, Jones, or Jefferson Davis Counties who were listed by Federal examiners.

^{b/} Statistics not kept by race; estimate supplied by county registration officials.

Mississippi (continued)

County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Humphreys	29	315	2	46	9/25/65
Issaquena	9	197	1 ^{b/}	4 ^{b/}	9/29/65
Itawamba	25	2	0	0	9/28/65
Jackson	57	211	2 ^{b/}	5 ^{b/}	9/28/65
Jasper ^{b/}	13	274	3	7	9/28/65
Jefferson	Registrar declined to furnish information				
Jefferson Davis	23	579	0	2	9/27/65
Jones ^{b/}	28	86	0	0	9/27/65
Kemper	25	140	0	0	9/28/65
Lafayette ^{b/}	76	383	1	3	9/28/65
Lamar ^{b/}	42	91	0	1	9/29/65
Lauderdale ^{b/}	568	1800	5	1	9/28/65
Lawrence	1	935	0	0	9/28/65
Leake	86	403	0	0	9/29/65
Lee ^{b/}	59	175	0	0	9/29/65
Leflore ^{b/}	137	414	0	0	9/29/65
Lincoln ^{b/}	27	194	0	2	9/28/65
Lowndes	131	596	12	15	9/29/65
Madison ^{b/}	94	282	8	19	8/18/65
Marion	48	334	0	0	9/29/65
Marshall ^{b/}	36	1111	4	12	9/28/65
Monroe ^{b/}	70	253	0	0	9/28/65
Montgomery ^{b/}	25	53	0	1	9/25/65
Neshoba ^{b/}	1	178	7	13	9/14/65
Newton	39	137	0	0	9/28/65
Noxubee	11	0	1	0	9/28/65
Oktibbeha ^{b/}	96	401	5	1	9/28/65
Panola	75	180	4	5	9/21/65
Pearl River	57	91	2	0	9/28/65
Perry	17	137	1	6	9/27/65
Pike ^{b/}	79	807	56	141	9/28/65
Pontotoc ^{b/}	71	48	0	1	9/28/65
Prentiss	24	21	0	0	9/28/65
Quitman	77	498	1	0	9/28/65
Rankin ^{b/}	52	577	0	3	9/28/65
Scott	29	361	0	2	9/28/65
Sharkey ^{b/}	29	283	0	2	9/29/65
Simpson ^{b/}	52	179	0	2	9/28/65
Smith	23	37	1	0	9/27/65
Stone	27	22	0	1	9/28/65
Sunflower	332	375	6	56	9/24/65
Tallahatchie	30	209	0	3	9/28/65

Mississippi (continued)

County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Tate ^{b/}	62	341	2	58	9/28/65
Tippah ^{b/}	32	145	1	3	9/28/65
Tishomingo ^{b/}	38	4	0	0	9/28/65
Tunica ^{b/}	14	217	3	11	9/29/65
Union ^{b/}	41	28	0	0	9/28/65
Walthall ^{b/}	11	36	8	2	9/28/65
Warren	59	106	0	19	9/28/65
Washington ^{b/}	714	2062	12	16	9/28/65
Wayne	9	129	0	0	9/27/65
Webster	30	20	0	0	9/29/65
Wilkinson	35	153	0	6	9/29/65
Winston	76	406	1	23	9/30/65
Yalobusha ^{b/}	10	75	0	0	9/28/65
Yazoo ^{b/}	37	605	1	12	9/28/65
Totals	7040	29213	348	1483	

South Carolina^{a/}

County	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Abbeville	14	32	0	0	9/ 7/65
Aiken	15	11	0	0	9/ 8/65
Allendale	0	511	0	2	9/11/65
Anderson	52	32	0	1	9/ 6/65
Bamberg	3	15	0	0	9/ 6/65
Barnwell	3	69	0	0	9/ 6/65
Beaufort	20	111	0	0	9/ 7/65
Berkeley	22	274	0	0	9/ 9/65
Calhoun	7	366	0	0	9/18/65
Charleston	151	1207	9 ^{b/}		9/ 9/65
Cherokee	16	1	0	0	9/ 7/65
Chester	12	6	0	0	9/ 7/65
Chesterfield	8	3	0	0	9/ 7/65
Clarendon	1	256	0	0	9/ 7/65
Colleton	10	180	15 ^{b/}		9/ 8/65
Darlington	72	430	0	0	9/22/65
Dillon	9	4	0	0	9/ 7/65
Dorchester	0	321	0	0	9/14/65
Edgefield	2	38	0	0	9/ 7/65
Fairfield	12	118	0	0	9/14/65
Florence	69	587	6 ^{b/}		9/11/65
Georgetown	37	147	0	0	9/ 9/65
Greenville	119	123	0	0	9/21/65
Greenwood	32	44	0	0	9/21/65
Hampton	15	197	0	0	9/ 8/55
Horry	33	15	0	0	9/ 7/65
Jasper	4	246	0	0	9/ 7/65
Kershaw	28	530	0	0	9/20/65

^{a/} Shows registration reported to the Department of Justice by the Federal Bureau of Investigation as of October 6, 1965.

^{b/} Figure includes both white and nonwhite.

South Carolina (continued)

	Accepted		Rejected		Date of Last Figures
	W	N	W	N	
Lancaster	9	19	0	0	9/ 7/65
Laurens	7	0	0	0	9/ 7/65
Lee	4	430	0	0	9/18/65
Lexington	63	84	0	0	9/13/65
McCormick	2	24	0	0	9/ 6/65
Marion	4	15	0	0	9/ 7/65
Marlboro	1	24	0	0	9/ 7/65
Newberry	87	99	0	2	9/ 7/65
Oconee	18	4	0	0	9/ 7/65
Orangeburg	64	553	0	0	9/10/65
Pickens	18	3	0	0	9/ 7/65
Richland	134	1085	0	0	9/ 7/65
Saluda	7	9	0	0	9/ 7/65
Spartanburg	32	2	0	0	9/ 7/65
Sumter	2	221	0	0	9/ 6/65
Union	6	8	0	0	9/ 7/65
Williamsburg	4	646	0	7	9/ 8/65
York	29	379	0	0	9/ 7/65
Totals	1257	9479	0	12	

Daily Report on Voting Rights Examining

Date
10/30/65

State and County	No. of Examiners	Applicants			Listed			Rejected		
		Total	White	Other	Total	White	Other	Total	White	Other
Total ALL STATES	25	499	1	498	485	1	484	14	0	14
Total ALABAMA	13	358	1	357	348	1	347	10	0	10
Dallas	1	30	0	30	29	0	29	1	0	1
Hale	1	2	0	2	2	0	2	0	0	0
Lowndes	1	46	0	46	46	0	46	0	0	0
Marengo	1	15	1	14	13	1	12	2	0	2
Perry	1	1	0	1	1	0	1	0	0	0
Wilcox	1	6	0	6	6	0	6	0	0	0
Montgomery	7	258	0	258	251	0	251	7	0	7

68

Daily Report on Voting Rights Examining

Date
10/30/65

State and County	No. of Examiners	Applicants			Listed			Rejected		
		Total	White	Other	Total	White	Other	Total	White	Other
Total LOUISIANA	3	9	0	9	9	0	9	0	0	0
East Carroll ^{a/}	1	0	0	0	0	0	0	0	0	0
East Feliciana ^{a/}	1	0	0	0	0	0	0	0	0	0
Plaquemines ^{b/}										
Ouachita	1	9	0	9	9	0	9	0	0	0

^{a/} No one applied for listing.^{b/} Still closed because of hurricane damage.

69

Daily Report on Voting Rights Examining

Date
10/30/65

State and County	No. of Examiners	Applicants			Listed			Rejected		
		Total	White	Other	Total	White	Other	Total	White	Other
Total ^{a/} MISSISSIPPI	9	132	0	132	128	0	128	4	0	4
Leflore	1	10	0	10	10	0	10	0	0	0
Madison	1	7	0	7	5	0	5	2	0	2
Jones ^{b/}	1	0	0	0	0	0	0	0	0	0
Jefferson Davis	1	2	0	2	2	0	2	0	0	0
Benton	1	11	0	11	11	0	11	0	0	0
Clay	1	22	0	22	22	0	22	0	0	0
Coahoma	2	79	0	79	77	0	77	2	0	2
Humphreys	1	1	0	1	1	0	1	0	0	0

^{a/} Bolivar County certified October 1; no listing activity; examining office closed until further notice, October 6, 1965.

^{b/} No one applied for listing.

70

CUMULATIVE TOTALS ON VOTING RIGHTS EXAMINING^{a/}

Date
10/30/65

State and County	Applicants			Listed			Estimated Potential Applicants	Rejected			Days Examining
	Total	White	Other	Total	White	Other		Total	White	Other	
Total ALL STATES	60,216	1,601	58,615	58,359	1,570	56,789	146,043	1,857	31	1,826	-
Total ALABAMA	31,600	147	31,453	30,146	147	29,999	64,131	1,454	0	1,454	-
Dallas	8,243	9	8,234	7,756	9	7,747	13,645	487	0	487	70
Hale	3,472	4	3,468	3,308	4	3,304	5,518	164	0	164	50
Lowndes	1,813	3	1,810	1,661	3	1,658	4,926	152	0	152	50
Marengo	4,680	90	4,590	4,532	90	4,442	7,020	148	0	148	50
Perry	2,706	5	2,701	2,532	5	2,527	4,161	174	0	174	41
Wilcox	3,581	6	3,575	3,402	6	3,396	5,805	179	0	179	41
Montgomery	7,105	30	7,075	6,955	30	6,925	23,056	150	0	150	22

^{a/} Cumulative data reflect changes to reports from prior days.

71

CUMULATIVE TOTALS ON VOTING RIGHTS EXAMINING^{a/}

Date 10/30/65

State and County	Applicants			Listed			Estimated Potential Applicants	Rejected			Days Examining
	Total	White	Other	Total	White	Other		Total	White	Other	
Total LOUISIANA	12,534	1,439	11,095	12,345	1,410	10,935	27,305	189	29	160	-
East Carroll	2,561	8	2,553	2,499	8	2,491	4,027	62	0	62	50
East Feliciana	2,013	16	1,997	1,994	16	1,978	5,894	19	0	19	50
Plaquemines ^{b/}	2,608	1,396	1,212	2,569	1,367	1,202	2,801	39	29	10	25
Ouachita	5,352	19	5,333	5,283	19	5,264	14,583	69	0	69	41

^{a/} Cumulative data reflect changes to reports from prior days.

^{b/} Closed since 9/9/65 due to hurricane damage.

CUMULATIVE TOTALS ON VOTING RIGHTS EXAMINING^{a/}

Date 10/30/65

State and County	Applicants			Listed			Estimated Potential Applicants	Rejected			Days Examining
	Total	White	Other	Total	White	Other		Total	White	Other	
Total ^{b/} MISSISSIPPI	16,082	15	16,067	15,868	13	15,855	54,607	214	2	212	-
Leflore	5,382	1	5,381	5,278	1	5,277	13,286	104	0	104	50
Madison	5,138	3	5,135	5,097	3	5,094	10,148	41	0	41	50
Jones	1,817	5	1,812	1,802	4	1,798	6,727	15	1	14	41
Jefferson Davis	1,036	4	1,032	1,031	4	1,027	3,067	5	0	5	37
Benton	441	0	441	437	0	437	1,082	4	0	4	26
Clay	693	1	692	687	0	687	3,795	6	1	5	26
Coahoma	1,218	1	1,217	1,180	1	1,179	11,276	38	0	38	26
Humphreys	357	0	357	356	0	356	5,226	1	0	1	26

^{a/} Cumulative data reflect changes to reports from prior days.

^{b/} Bolivar County certified October 1; no listing activity; examining office closed until further notice, October 6, 1965.

APPENDIX E

Litigation Under the Act

The new law has given rise to extensive litigation

On August 7 and 10, pursuant to section 10(b) of the Act, the Attorney General brought suits seeking injunctions against the poll tax requirements of Mississippi, Alabama, Texas, and Virginia. ^{1/}

The Act provides that no court other than the United States District Court for the District of Columbia has jurisdiction to issue injunctions against its enforcement. ^{2/} Notwithstanding this restriction, litigation challenging the Act has begun in a number of State or Federal courts located in the affected areas.

^{1/} United States v. Mississippi, Civ. No. 3791, S.D. Miss., filed Aug. 7, 1965; United States v. Virginia, Civ. No. 4423, E.D. Va., filed Aug. 10, 1965; United States v. Texas, Civ. No. 1570, W.D. Texas, filed Aug. 10, 1965; United States v. Alabama, Civ. No. 2255N, M.D. Ala., filed Aug. 10, 1965.

^{2/} P.L. 89-110, Aug. 6, 1965, 71 Stat. 638.

Actions were brought by voters in New York and Virginia to enjoin registrars and public officials from complying with the standards established by the Act. ^{3/} In Rochester, New York, the Board of Registrars refused to register citizens educated in Spanish-Speaking Schools but otherwise unable to meet State registration requirements. The Attorney General filed a proceeding to enforce compliance with the Act's provisions with respect to citizens educated in American flag schools in languages other than English. ^{4/}

^{3/} In re O'Keefe v. N.Y. County Board of Elections, No. 12412 - 1965 (Supreme Court, N.Y. County) Aug. 12, 1965, originally brought in State court, removed to Federal District Court and dismissed for want of jurisdiction, In re O'Keefe v. N.Y. Board of Elections, 65 Civ. 2254, S.D.N.Y. Aug. 26, 1965; McCann et al. v. Paris, Gen'l Registrar et al. 34 L.W. 2146 (9/21/65) Civ. Act No. 65-C-27-L W.D. Va. dismissed for want of jurisdiction on September 27, 1965, and see Murphy v. Jenkins, (no docket no.) filed September 27, 1965, in the Corporation Court of the City of Lynchburg in which voters seek to enjoin Negroes, newly registered under the Act's standards, from voting.

^{4/} United States v. Monroe County Board of Elections, Civ. No. 11590, W.D.N.Y., Oct. 6, 1965, temporary restraining order issued Oct. 13, 1965.

States (and officials of States) in which Federal examiners have been appointed have sought to contest the Act in sympathetic tribunals. They have brought proceedings in counties with examiners to restrain county registration officials from placing the names of voters listed by the examiners upon State registration books.⁵ This procedure avoids suing Federal officials who would be able to transfer cases against them to Federal courts under Federal removal statutes.^{6/}

5/ Mississippi

Ex rel. Patterson v. Caves, No. 20856, Ch. Court, 2d Judicial District, Jones County, filed, and temporary restraining order granted, Sept. 8, 1965; Ex rel. Patterson v. Daniel, No. 4836, Ch. Court, Jefferson Davis County, filed, and temporary restraining order granted, Sept. 7, 1965; Ex rel. Patterson v. Lamb, No. 14735, Ch. Court, Leflore County, filed, and temporary restraining order granted Sept. 7, 1965; Ex rel. Patterson v. Campbell, No. 18-794, Ch. Court, Madison County, filed Sept. 7, 1965, preliminary injunction issued Sept. 24.

Alabama

Ex rel. Wallace v. Reynolds, Eq. 8489, Cir. Court, Dallas County, filed, and temporary restraining order granted Sept. 11, 1965; Ex rel. Wallace v. Hammond Cir. Court, Lowndes County Eq. ____, filed, and temporary restraining order granted Sept. 11, 1965; Ex rel. Wallace v. Barton, Eq. ____, Cir. Court, Perry County, filed, and temporary restraining order granted Sept. 11, 1965; Ex rel. Wallace v. Knight, Eq. 2131, Cir. Court, Hale County, filed, and temporary restraining order granted Sept. 11, 1965; Ex rel. Wallace v. Dannelly, Eq. 224, Cir. Court, Wilcox County, filed, and temporary restraining order granted Sept. 11, 1965; Ex rel. Wallace v. Westbrook, Eq. 2196 A, Cir. Court, Marengo County, filed, and temporary restraining order granted Sept. 11, 1965.

Louisiana

Ex rel. Gremillion v. Roosa et al, No. 7678, 6th Judicial Dist. Court, East Carroll Parish, /State registrar and Federal examiners both named as defendants/ filed Sept. 2, 1965, case against Federal examiner removed to U.S. District Court for Western District of Louisiana, Civ. No. 11365, on Sept. 3, withdrawn by plaintiff Sept. 8, 1965; Ex rel. Gremillion v. Manning, No. 7200, 6th Judicial District Court, East Carroll Parish, filed, and temporary restraining order granted Sept. 9, preliminary injunction issued Sept. 17, 1965. Ex rel. Lassiter v. Lucky, No. 73643, 4th Judicial District Court, Ouachita Parish, filed Sept. 29 (seeking declaratory judgement only).

6/ 28 U.S.C. §§ 1441 - 1443.

76

On October 21, the Attorney General requested the Supreme Court of the United States to exercise its rarely used original jurisdiction to permit the United States to challenge the actions taken by Alabama, Louisiana, and Mississippi directly in the Court and to consolidate these proceedings with a South Carolina suit^{7/} challenging the validity of the Act which already had been filed there. The Court, on October 25, required these states to respond to this request by November 10. On November 5, however, the Court issued an order denying leave to file a bill of complaint to the Department of Justice in the Alabama, Mississippi, and Louisiana cases, but setting the South Carolina case for argument on January 17, 1966.^{8/}

7/ State of South Carolina v. Katzenbach, No. 22, Original, United States Supreme Court, filed September 27, 1964.

United States v. Alabama, No. 23, Original, United States Supreme Court, Oct. 21, 1964; United States v. Mississippi, No. 24, Original, United States Supreme Court, October 21, 1965; United States v. Louisiana, No. 24, Original, United States Supreme Court, Oct. 21, 1965.

8/ New York Times, November 6, 1965, p. 1, Col. 4.

Cases brought directly against Federal examiners in State courts have been removed to Federal district courts.^{9/} An action to enjoin the Attorney General from enforcing the Act was brought by the registrar of Orleans Parish, Louisiana in the Federal Court in New Orleans.^{10/} A suit was brought by the State of Virginia in the State Supreme Court to enjoin the registrar of Richmond from registering persons under the standards of the Voting Rights Act.^{11/} By October 19, only one plaintiff had followed the procedure specified in Section 14(b) i.e., to seek injunctive relief against enforcement of the Act in the District Court of the District of Columbia.^{12/}

^{9/} Perez v. Rhiddlehoover, 25th Judicial District, Plaquemines Parish, filed, and temporary restraining order issued Aug. 31, 1965, removed to Federal court and restraining order dissolved, Perez v. Rhiddlehoover, Civ. No. 15914, E.D. La. Sept. 3, 1965; State of Louisiana v. Roosa, supra note 5.

^{10/} Gallinghouse v. Katzenbach, Civ. No. 15863 E.D. La., filed Aug. 12, 1965.

^{11/} Commonwealth of Virginia ex rel. Harrison v. Davis, Supreme Court of Virginia, Rec. No. 6264, filed September 29, 1965. Department of Justice motion for leave to appear as amicus curiae, filed Oct. 4, 1965.

^{12/} Morgan v. Katzenbach, D.D.C. Civ. Action No. 1915-65, filed August 9, 1965. (Action for injunction to restrain Attorney General of United States and New York County Board of Elections from enforcing the Act and registering Spanish-speaking citizens.