

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )

v. )

C O M P L A I N T

DALLAS COUNTY: JAMES G. )  
CLARK, JR., Sheriff of )  
Dallas County, Alabama; )  
BLANCHARD MCLEOD, Circuit )  
Solicitor of the Fourth )  
Judicial District of Ala- )  
bama; HENRY REESE, County )  
Solicitor of Dallas County, )  
Alabama, )  
Defendants. )

Plaintiff, United States of America, alleges that:

1. This action is brought under 42 U.S.C. 1971(a), (b) and (c).

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

3. Dallas County is a political and geographic subdivision of the State of Alabama and is organized and is existing under the laws of that State.

4. James G. Clark, Jr., is the sheriff of Dallas County, Alabama and as such is authorized to enforce the laws of Alabama within Dallas County. He resides in Dallas County.

5. Blanchard McLeod is the Circuit Solicitor of the Fourth Judicial District of Alabama which includes Dallas County and as such is authorized to prosecute violations of the laws of Alabama occurring within Dallas County. He resides in Camden, Alabama, which is in Wilcox County, Alabama.

6. Henry Reese is the County Solicitor of Dallas County, Alabama and as such is authorized to prosecute violations of the laws of Alabama occurring within Dallas County. He resides in Dallas County.

7. Under Alabama law, registration for voting is a prerequisite for voting in any election, including voting for any candidate for the office of President, Vice President, Presidential elector, Member of the Senate and Member of the House of Representatives of the United States.

8. There are approximately 14,400 white persons and 15,115 Negroes of voting age residing in Dallas County. Of these, approximately 9,000 white persons and 250 Negroes are registered to vote.

9. On April 13, 1961, the United States filed an action under 42 U.S.C. 1971 against the registrar of voters in Dallas County claiming that the defendants, in administration of the registration in Dallas County, had discriminated against Negro citizens. On November 15, 1962, this Court entered its findings and conclusions and found that since January 1, 1952 and December, 1960, the registrar of voters in Dallas County had rejected for registration many qualified Negroes. United States v. Atkins, Civil Action No. 2584. It was further found that the new board of registrars had engaged in discriminatory conduct. [An appeal is presently pending in the United States Court of Appeals for the Fifth Circuit.]

10. Early in 1963, members of the Dallas County Voters League, a local organization of Dallas County Negroes whose purpose is to encourage and assist Negro citizens of Dallas County to become registered voters, invited Bernard Lafayette, Jr., a field Secretary for the Student Non-violent Coordinating Committee (hereafter referred to as SNCC), an organization whose purpose is to improve the status of Negro citizens by non-violent means, to Dallas County to assist the local voters' league in their efforts to encourage and assist Dallas County Negroes in becoming registered voters.

11. Pursuant to this request on February 10, 1963, Bernard Lafayette came to Dallas County and with the local voters' league set up a program designed to encourage and assist Dallas County Negroes in becoming registered voters. This program included the establishment of classes or voter clinics in which local Negroes are instructed as to the procedures for registering to vote, the holding of mass meetings to encourage interest in voter registration, the distribution of leaflets and other materials to Dallas County Negroes announcing these voter registration activities; and the keeping of records on the progress of registration of Negroes in Dallas County.

12. As a result of the interest generated by the activities of the SNCC workers and the local voter league, approximately 90 Negro citizens have attended the voter clinics since January 29, 1963, and 400-500 Negro citizens attended each of the two mass meetings held May 14 and June 17, 1963. These meetings were held in local Negro churches, all of which activity resulted in many Negro citizens attempting to register to vote in Dallas County.

13. The registration activities described in paragraphs 11 and 12 were known to the defendants. The mass meeting of May 14 was widely publicized in the local press and agents of defendant Clark observed both of the meetings and were stationed inside and outside the churches during the meetings.

14. On the afternoon of June 17, 1963 Bosie Reese, a young local Negro and Alexander L. Brown another Negro from Birmingham, Alabama who had been assisting Bernard Lafayette and the local voters' league in the described registration activities, were at the Dallas County Courthouse to observe and report to the league the number and names of Negro citizens applying for registration that afternoon. Both were conducting themselves in an orderly manner. They arrived before the registration office was open after lunch. Brown took a snapshot of a Negro who came to register while the office was closed for lunch. After the office opened at about 2:00 p.m. two Negro citizens appeared to apply. Brown left the courthouse, and Reese remained standing in the hall, conducting himself in a quiet and orderly manner. Defendant Clark questioned Reese as to his identity and reasons for being in the courthouse and asked Reese to leave and not loiter, which Reese did. When Brown returned both Reese and Brown went back into the courthouse. Shortly thereafter an unidentified white male asked both of them to leave, which they did. As they neared the exit of the courthouse defendant Clark grabbed Reese and shoved him into the sheriff's office. There he was slapped, kicked and hit by defendant Clark and other law enforcement officials and was questioned by Clark as to whether he worked with Bernard Lafayette. He was then

charged by the defendant Clark for resisting arrest and engaging in conduct calculated to breach the peace. He was then jailed on \$1500 bond, where he remained until Thursday, June 20, 1963, when he was released on \$1000 bond.

15. On the night of June 17, 1963 Bernard Lafayette attended the aforesaid mass meeting at the First Baptist Negro Church, and he spoke urging the Negroes in attendance to register to vote. Agents of defendant Clark, deputies Bates and Suther, were stationed inside the church at the meeting.

16. On the afternoon of June 18, 1963 agents of defendant Clark, deputies Weber and Wright, arrested Lafayette for vagrancy on a warrant issued on the affidavit of defendant Clark. He was taken to jail and remained there and was released on \$500 bond on the morning of June 19, 1963.

17. On June 20, 1963 Reese and Lafayette appeared at Dallas County Court for trial. Defendant McLeod, Circuit Solicitor, prosecuted Lafayette. The trial of Reese was postponed until 10:00 a.m. on Thursday, June 27, 1963. Defendant Clark and his agent, deputy Weber, testified against Lafayette on the vagrancy charge. Defendant Clark had conducted no investigation into the charges of vagrancy. He had only heard reports from unidentified sources that Lafayette was begging for money at the mass meetings and Lafayette was not employed. Lafayette was acquitted.

18. The detention, arrest and prosecution by the defendants of Lafayette and Reese and the continuing threat of prosecution of Reese on June 27, 1963 by the defendants were and are without legal justification and/or excuse and were and are for the purpose of intimidating,

threatening, and coercing Negro citizens of Dallas County from applying for registration to vote and for the purpose of preventing and discouraging these Negro citizens and other Negro citizens from encouraging and instructing and assisting Negro citizens in Dallas County to register to vote.

19. Unless restrained by an order of this Court, the defendants will continue to engage in unlawful acts the same or similar to those described in this Complaint and they will continue to go forward with the prosecution of Reese on the charge for which he was arrested on June 17 and will by such unlawful conduct continue to intimidate, threaten, coerce, prevent, hinder, penalize interfere with and discourage Negro citizens of Dallas County from registering to vote and to vote in elections for candidates for federal office.

WHEREFORE, plaintiff respectfully prays:

That this Court issue a preliminary and permanent injunction enjoining the defendants, their agents, servants, employees, and all persons in active concert or participation with them from:

- (a) Intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and vote in Dallas County, Alabama, for candidates for federal office, or punishing any person for having registered or attempted to register

to vote and vote for any such candidate;

(b) Striking, threatening to strike, arresting, threatening to arrest, holding in custody, prosecuting or attempting to prosecute any person in the Courts of the State of Alabama for the purpose of interfering with the right of any Negro citizen to become registered or to vote in Dallas County and to vote for candidates for federal office, or for punishment for having previously registered or voted, or engaging in any act or practice which would deprive any Negro citizen of Dallas County, Alabama of any such right or privilege;

(c) Proceeding with the prosecution, failing to return the bond monies or release the sureties on the bond in connection with the prosecution of Bosie Reese in the courts of the State of Alabama on the charges for which he was arrested on June 17, 1963.

That t That this Court retain jurisdiction of this action for the purpose of affording the relief prayed for and any other relief that is or may become appropriate;

and grant to the plaintiff the costs and disbursements  
of this action.

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ROBERT F. KENNEDY  
Attorney General

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BURKE MARSHALL  
Assistant Attorney General

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VERNOL R. JANSEN, JR.  
United States Attorney

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JOHN DOAR  
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