

AUG 23 1966

FILED

A. DALLAM O'BRIEN, JR.

CLERK

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

ROBERT HICKS,

Plaintiff,

VS.

JESSE H. CUTRER, et al.,

Defendants.

CIVIL ACTION NO

66-225

DIVISION D

MOTION FOR A PRELIMINARY INJUNCTION

On the basis of the verified complaint filed herein, the memorandum in support of the Motion for a Preliminary Injunction, and the supporting affidavit of plaintiff, Robert Hicks, plaintiff moves this court, pending the hearing and determination of his prayers for permanent relief, for the issuance of a preliminary injunction restraining defendants, their employees, agents, successors and all persons acting in concert or participating with them from arresting, incarcerating, prosecuting or otherwise taking any enforcement action against any person pursuant to Article 83 paragraph E of the Municipal Criminal Code of Bogalusa, or in the alternative, plaintiff moves for the issuance of a preliminary injunction enjoining the enforcement of Article 83 paragraph E, in so far as it prohibits parading between the hours of 6:00 p.m. and 9:30 p.m.

COLLINS, DOUGLAS & ELIE
2211 Dryades Street
New Orleans, Louisiana
523-5197

By:

Nils R. Douglas
Nils R. Douglas

RICHARD B. SOBOL
c/o Lawyers Constitutional
Defense Committee
2209 Dryades Street
New Orleans, Louisiana

Attorneys for Plaintiff

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REMARK

DOCUMENT NO.

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OF COUNSEL:

ALVIN J. BRONSTEIN
c/o Lawyers Constitutional
Defense Committee
603 North Farish Street
Jackson, Mississippi

NOTICE OF MOTION

Please take notice that on _____, 1966
at the United States District Court in the United States
Courthouse, 400 Royal Street, New Orleans, Louisiana
at _____, or as soon thereafter as counsel may be
heard, plaintiff will bring the above motion on for
hearings.

Signed:

Nils R. Douglas
Nils R. Douglas
2211 Dryades Street
New Orleans, Louisiana
Attorney for Plaintiff

DATED: August 23, 1966

STATE OF LOUISIANA

PARISH OF WASHINGTON

BEFORE ME, the undersigned authority personally came and appeared:

who after being by me first duly sworn did depose and say:

1) He is plaintiff in a contemplated suit attacking the validity of Article 83 of the Criminal Code of the City of Bogalusa.

2) He is a citizen of the United States and a Negro resident of Bogalusa, Louisiana who has been active in the efforts of the Negro community to obtain equal civil rights, especially through his participation in the Bogalusa Voters League of which he is an officer.

3) From the inception of the Bogalusa Voters League, he has been an active member and he has witnessed the conduct of the Bogalusa city officials aimed at harassing, intimidating and generally discouraging Negroes from the exercise of their rights. It is especially relevant that prior to the adoption of the ban against marching after 6:00 p.m. the Bogalusa Voters League had specifically expressed its intention to march during the evening hours.

4) It is my opinion that the early evening hours between 6:00 p.m. and 10:00 p.m. are the only possible hours of the day for the organization of an effective march to protest grievances. Many Negroes who would like to participate in peaceful parades and demonstrations work until 5:00 p.m. or later, often six days a week, making it impossible to organize marches which will end by 6:00 p.m. Many potential participants, because of religious beliefs, feel that they cannot march on Sunday.

5) It is extremely difficult to plan a march from one end of town to the other during the daylight hours as a result of the restrictions imposed upon the

use of Columbia Road. Since Columbia Road is the main street connecting the two Negro sections of town and it is the street where Crown Zellerbach is located it has especial symbolic value in any parade dramatizing the denial of equal civil rights to Negro citizens. Since the parade ordinance limits the use of Columbia road so drastically it must at least allow marching after the hours of 6:00 p.m. Otherwise it will be impossible for the Negro citizens of Bogalusa to exercise their right to freely assemble for the voicing of grievances.

6) Many Negroes are afraid to enter the streets at night by themselves. (See Hicks v. Knight, Civil Action Number 15727 (E.D. La. New Orleans Division, 1965)) Only recently a Negro man was killed while alone after dark on the streets of Bogalusa. By parading during hours of darkness, the Negro community can most dramatically call the attention of the entire community to the intimidation of their constitutional rights to come and go freely. In addition by walking in groups at night the Negro community is attempting to hasten the day when no Negro will fear to walk by himself down the streets of Bogalusa in daylight or in the dark.

7) The streets of Bogalusa are generally less crowded after 6:00 p.m. than between the hours of 8:00 a.m. and 6:00 P.M. Furthermore, during the hours of darkness, the streets are well lit even in residential areas where street lights are no more than three hundred feet apart.

8) Since football games, other sports events and political rallies are held at night the Negro citizens of Bogalusa do not understand why they are prohibited from parading after 6:00 p.m. Any parade would be orderly and progress from one point in town to another designated location.

9) Within the past three weeks, following the brutal slaying of a Negro resident of Bogalusa, the Negro community was planning to parade after 6:00 p.m. to dramatize the fact that Negro citizens could not be intimidated by such reprehensible and blatant coercion. Any such march would have violated the Bogalusa Criminal Code. The Negro community is confronted with the continuing choice of violating the Bogalusa Criminal Code or surrendering its constitutional rights to freedom of expression. This present choice is extremely distasteful to the Negro community which has too often waited too long for the realization of its constitutional rights.

10) He has read this foregoing affidavit, is familiar with its contents and affirms that the facts contained herein are true to the best of his knowledge, information and belief.

Robert Hicks
ROBERT HICKS

SWORN TO AND SUBSCRIBED

BEFORE ME THIS ¹¹
DAY OF August, 1966.

Charles M. Hughes
NOTARY PUBLIC