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IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

THE ASSOCIATION OF CITIZENS
COUNCILS OF LOUISIANA, INC.;
THE CITIZENS COUNCIL OF
ARCADIA, LOUISIANA, INC.; THE
CITIZENS COUNCIL OF GIBSLAND,
LOUISIANA, INC.; JERRY ROUGON
BUTLER, JOHN ALEXANDER BRIDGES,
WALTER LEONARD DANCE, FORREST
RILEY McCALLISTER, JOE A.
REEVES, ROBERT LAMAR TAYLOR,
JR.; JOE BRYANT WILLIAMS, R. C.
WOODARD, PAUL BRITTON PHILLIPS,
J. ROY CASKEY, and HENRY LEON
WALKER, individually, and as
members of the Citizens Council
of Arcadia, Louisiana, Inc.;
LEON FRANKLIN KETTLER, ARCHER
FRANKLIN MERRITT, CHARLES E.
MERRITT, MELVIN RAY MILLER and
HUGH PEARSON, individually and
as members of the Citizens
Council of Gibsland, Louisiana,
Inc.; and PAULINE A. CULPEPPER,
REGISTRAR OF VOTERS OF BIENVILLE
PARISH, LOUISIANA,

Defendants

Filed June 7, 1960

CIVIL ACTION NO.

CA 7881-S

COMPLAINT

The United States of America, plaintiff, brings this civil action against the Association of Citizens Councils of Louisiana, Inc. ("defendant Association"); the Citizens Council of Arcadia, Louisiana, Inc. ("defendant Arcadia Citizens Council"); the Citizens Council of Gibsland, Louisiana, Inc. ("defendant Gibsland Citizens Council"); Jerry Rougon Butler, John Alexander Bridges, Walter Leonard Dance, Forrest Riley McCallister, Joe A. Reeves, Robert Lamar Taylor, Jr., Joe Bryant Williams, R. C. Woodard, Paul Britton Phillips, J. Roy Caskey, and Henry Leon Walker, individually and as members of defendant Arcadia Citizens Council; Leon Franklin Kettler, Archer Franklin Merritt, Charles E. Merritt, Melvin Ray Miller, Hugh Pearson, individually and as members of defendant Gibsland Citizens Council (all of which named individuals are hereinafter sometimes referred to as the "individual defendants"); and Pauline A.

Culpepper, Registrar of Voters of Bienville Parish, Louisiana ("defendant registrar"); and alleges that:

AS AND FOR A FIRST, SEPARATE CLAIM AGAINST
ALL DEFENDANTS EXCEPT DEFENDANT REGISTRAR:

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

2. In Louisiana, registration is a prerequisite to voting in any election by the people.

3. In 1957, Bienville Parish, Louisiana, adopted the permanent registration system under which a registered voter is not required to re-register unless his name is cancelled from the registration rolls in accordance with procedures provided by law.

4. At the time the permanent registration system was adopted as aforesaid, persons who were registered voters in said Parish as of December 31, 1956, were not required to register de novo, but were required only to fill out new registration certificates and transmit them to the office of defendant registrar.

5. Between September 26 and October 9, 1956, and in anticipation of the adoption of said permanent registration system, the individual defendants challenged the registration status of 560 of the 595 Negroes then registered to vote in Bienville Parish.

6. As a result of the foregoing challenges, all of the 560 registered Negroes thus challenged were removed from the registration rolls and thus were not among the registered voters on December 31, 1956, who were transferred to the permanent registration rolls simply by transmitting to the defendant registrar completed registration certificates.

7. Under Section 133 of Title 18 of the Louisiana Revised Statutes of 1950 (hereinafter abbreviated as L.R.S. 18:133), any two registered voters of a parish in Louisiana may execute sworn affidavits stating that, after reasonable investigation and upon information and belief, certain named persons are illegally registered or have lost their right to vote. Upon the filing of any such affidavit, the registrar of voters of the parish is required to notify the person whose registration status is thus challenged by

mailing to him a duplicate copy of the affidavit together with a printed citation requiring him to appear before the registrar within ten days and prove his right to remain on the registration rolls by a written affidavit of three registered voters. If a registrant who is thus challenged fails to prove his right to remain on the rolls, the registrar is required to cancel his name therefrom. The full text of L.R.S. 18:133 is annexed hereto as "Appendix A" and is incorporated herein by reference.

8. Defendant Association is incorporated under the laws of Louisiana. Defendant Arcadia Citizens Council and defendant Gibsland Citizens Council are incorporated under the laws of Louisiana and are domiciled in Bienville Parish, Louisiana.

9. One of the objectives of said organizations was and is to maintain racial segregation in Bienville Parish, Louisiana, and in the State of Louisiana.

10. On September 24, 1956, a joint meeting of defendant Arcadia Citizens Council and defendant Gibsland Citizens Council was held at the American Legion Hall in Arcadia, Louisiana. Said meeting was attended by the individual defendants, among others, and by the following persons who were officers of the defendant Association: William M. Rainach, President; William M. Shaw, attorney; and Raymond Masling, Executive Director.

11. At the aforesaid meeting it was unanimously decided to examine the registration records of Bienville Parish and to execute affidavits of challenge against voters who, in the opinion of those making the examination, were illegally registered.

12. The purpose of executing said affidavits of challenge was to effect the removal of most Negro voters but only a token number of white voters from the registration rolls of Bienville Parish regardless of whether many other white voters might be equally subject to challenge.

13. During the period from September 26 through September 28, 1956, in line with the decision referred to in Paragraph "11", defendant Arcadia Citizens Council and defendant Gibsland Citizens

Council, through their officers, members and agents, and the individual defendants, acting under the authority of L.R.S. 18:133, conducted an examination of some of the Bienville Parish registration records and, upon the basis of said examination, filed affidavits of challenge with the defendant registrar challenging the registration status of 560 of the 595 Negroes registered to vote in the Parish and 45 of the 5284 white persons registered to vote in the Parish.

14. Said examination of the registration records by the individual defendants was confined almost exclusively to the records of Negro voters, and only a token examination was made by them of the records of white voters in Bienville Parish.

15. The affidavits of challenge referred to in Paragraph "13" against Negro voters were based on alleged deficiencies in the registration records of said voters, such as failure to compute age with exact precision, failure to complete registration cards, and failure to properly fill out registration cards, in such respects as inserting the word "Negro" in answer to the question "My color is".

16. The defendants knew or should have known that, except in the latter respect, the same type of alleged deficiencies as those for which Negroes were challenged existed in the registration records of many of the white voters of Bienville Parish who were not challenged.

17. The affidavits of challenge referred to hereinabove were filed by the individual defendants with defendant registrar, but were not made under oath as required by the provisions of L.R.S. 18:133.

18. Copies of the aforesaid affidavits of challenge were mailed by defendant registrar to those challenged along with citations requiring them to appear within ten days to prove their right to remain on the registration rolls.

19. The affidavits of challenge referred to above were filed by the individual defendants for the purpose and with the effect of removing Negro citizens, on account of their race or color, from the registration rolls of Bienville Parish.

20. Defendant registrar refused, contrary to Louisiana law, to

accept counter-affidavits on behalf of those challenged from persons who had themselves been challenged.

21. Since all but 35 of the registered Negroes in the Parish had been challenged, the refusal by defendant registrar to accept counter-affidavits from those who had been challenged made it practically impossible for Negroes who had been challenged to be reinstated to the rolls without registering de novo.

22. As a result of the foregoing acts and conduct of defendants, all of the 560 Negroes who were challenged were removed from the registration rolls of Bienville Parish and were thereby deprived of the opportunity to vote in any election unless they registered de novo.

23. The defendant Association, through its officers, members, and agents, encouraged and participated in the discriminatory challenging of Negro voters of Bienville Parish described hereinbefore by assisting, counselling, and advising the defendant Arcadia Citizens Council, the defendant Gibsland Citizens Council, and the individual defendants in the use of methods and procedures to be followed in making the challenges.

24. Upon information and belief, as of March 31, 1960, there were 5,143 white persons but only 26 Negroes registered to vote in Bienville Parish, whereas at the same time there were approximately 6,120 white persons and 4,475 Negroes of voting age in said Parish.

25. The aforesaid acts and conduct of the defendants deprived citizens of their right to be entitled and allowed to vote without distinction of race or color, all in violation of 42 U.S.C. Sec. 1971, and the Fourteenth and Fifteenth Amendments to the Constitution of the United States.

26. The racially discriminatory challenges described above having been void ab initio, the Negro voters thus challenged were wrongfully removed from the registration rolls and could not legally be required to register de novo as a condition precedent to voting.

27. The aforesaid acts and conduct of the defendants were pursuant to a pattern or practice of racial discrimination by the defendants and others within Bienville Parish, Louisiana.

AS AND FOR A SECOND, SEPARATE CLAIM
AGAINST DEFENDANT REGISTRAR:

28. Plaintiff repeats and realleges the allegations contained in Paragraphs "1" to "27", inclusive, as if the same were more fully set forth herein.

29. From about March 1950 to the date of the filing of this Complaint, defendant registrar has acted as registrar of voters in Bienville Parish, and, pursuant to the laws of the State of Louisiana, said defendant in her official capacity as registrar is and has been responsible for, among other things, registration of all qualified applicants for registration, keeping and preserving all registration records, and cancelling from the registration rolls the names of all voters who lose their right to remain on the rolls.

30. When the affidavits of challenge referred to in Paragraph "13" were filed with the defendant registrar, she knew or should have known that said affidavits related almost exclusively to Negro voters; that the examination of the records referred to in Paragraph "13" was confined almost exclusively to the records of Negro voters; that the purpose of said affidavits of challenge was to effect discrimination based on race or color against Negro voters; and that the said affidavits related to alleged deficiencies equally applicable to many white voters against whom no affidavits of challenge had been filed.

31. Notwithstanding her knowledge as alleged in Paragraph "30" of the discriminatory purpose and effect of said affidavits of challenge, defendant registrar, in response to the filing of the affidavits of challenge referred to in Paragraph "13", and, purporting to act pursuant to L.R.S. 18:133, signed said affidavits of challenge and mailed or caused to be mailed Citations to Appear and copies of the affidavits to the persons whose registration status had thus been challenged, thereby requiring them to respond to said challenges or to register de novo as a condition to their being on the registration rolls.

32. Defendant registrar subsequently cancelled from the registration rolls the names of all of the 560 Negroes thus challenged.

33. By virtue of her acts and conduct as described above, defendant registrar deprived the aforesaid Negroes of their rights secured by 42 U.S.C. Sec. 1971(a).

34. During the period September 1956 to the date of the filing of this Complaint, defendant registrar has continued to make and has maintained distinctions based on race or color in the conduct of her office and in the performance of her functions as registrar of voters of Bienville Parish, Louisiana.

35. There are reasonable grounds to believe that, unless enjoined by this Court, defendant registrar will continue to treat as valid the challenges to voters based on race or color as described in this Complaint, which challenges have resulted in a mass removal of Negro voters from the registration rolls of Bienville Parish; that said defendant will not restore to the registration rolls of said Parish any of the persons whose names were thus removed therefrom unless said persons qualify for registration de novo; and that all of the defendants will continue to engage in illegal acts and practices similar to those set forth in this Complaint.

WHEREFORE plaintiff respectfully prays:

(a) That this Court make a finding that the challenging and removal from the registration rolls of Bienville Parish of Negro voters, as described in this Complaint, constituted a deprivation by the defendants of rights secured by 42 U.S.C. Sec. 1971(a), and that such deprivation was pursuant to a pattern or practice of racial discrimination.

(b) That this Court issue a temporary and permanent injunction:

(1) enjoining defendant Association, its officers, members, and agents; defendant Arcadia Citizens Council and defendant Gibsland Citizens Council, their officers, members, and agents; and the individual defendants, individually and as members and agents of the citizens councils made defendants herein; and any persons acting in concert with any of the defendants named herein having actual notice of this Court's order, from causing or initiating challenges or from filing any affidavits of challenge which have as their purpose or effect discrimination based on race or color against voters, and from

further engaging in illegal acts and practices the same as or similar to those set forth in Paragraphs "10" through "23" of this Complaint;

(2) enjoining defendant registrar, her successors, agents, and employees, from further giving any legal effect whatsoever to the challenges of Negro voters referred to in Paragraph "13" hereof;

(3) enjoining defendant registrar, her successors, agents, and employees, from acting upon or giving any effect to any challenges which might hereafter be made which have as their purpose or effect imposition or maintenance of distinctions of race or color against voters;

(4) enjoining defendant registrar, her successors, agents, and employees, from requiring the Negro voters who were challenged and removed from the registration rolls of Bienville Parish as described in Paragraphs "13" through "22" of this Complaint, to register de novo or to take any further steps whatsoever as conditions precedent to their reinstatement forthwith upon the registration rolls of said Parish.

(c) That this Court appoint a voting referees pursuant to the provisions of 42 U.S.C. Sec. 1971(e) (Sec. 601(a) of the Civil Rights Act of 1960, 74 Stat. 90).

(d) That this Court grant such additional relief as justice may require or as may be required in aid of the jurisdiction of this Court, including the issuance, upon proper application, of instructions where defendant registrar or her successor has reasonable doubts as to the obligations and duties required under this Court's order.

(e) That this Court retain jurisdiction of this action for the purpose of affording the relief prayed for herein.

By direction of the Attorney General of the United States:

JOSEPH M. F. RYAN, Jr.
Acting Assistant Attorney General

T. FITZHUGH WILSON
United States Attorney

APPENDIX A

Section 133 of Title 18 of the Louisiana Revised Statutes of 1950

§ 133. Illegal registration or loss of right to vote;
notice to registrant; erasure of name on
failure to prove right

Upon an affidavit signed and sworn to in duplicate before and filed with the registrar or his deputy by any two bona fide registered voters of the parish, to the effect that after reasonable investigation and on information and belief certain persons are illegally registered, or have lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise, the registrar shall immediately, or, in any event, within forty-eight hours, notify the registrants by mailing to them postage prepaid, at the addresses given in the precinct register, the duplicate copy of the affidavit, together with a printed citation requiring them to appear in person before the registrar or his deputy within ten days from date of the mailing of the duplicate affidavit and citation, which date shall be stated in the citation, and prove their right to remain on the registration rolls by affidavit of three bona fide registered voters in the form as provided in R.S. 18:132. The registrar shall immediately make a similar publication, as provided for in R.S. 18:132, and if the challenged registrants fail, within the same delays provided in that Section, to prove their right to remain on the rolls, as in that Section provided, the registrar shall erase their names from the precinct register.