

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA :  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 JAMES GRIGGS RAINES, DIXON : CIVIL ACTION NO.  
 OXFORD, ROSCOE RADFORD, :  
 REGISTRARS OF TERRELL COUNTY, :  
 GEORGIA, F. LAWSON COOK, SR., :  
 and MRS. F. LAWSON COOK, SR., :  
 DEPUTY REGISTRARS, :  
 :  
 Defendants. :

COMPLAINT

The United States of America, Plaintiff, brings this suit against James Griggs Raines, Dixon Oxford, and Roscoe Radford, members of the Board of Registrars of Terrell County, Georgia; F. Lawson Cook, Sr., and Mrs. F. Lawson Cook, Sr., Deputy Registrars, and alleges that:

1. This action is brought under Part IV of the Civil Rights Act of 1957 (P.L. 85-315, 71 Stat. 634, 42 U.S.C. Sec. 1971) to obtain preventive relief against acts and practices by the defendants which would deprive other persons of rights and privileges secured by subsection (a) of 42 U.S.C. 1971, namely the right and privilege of citizens of the United States who are otherwise qualified by law to vote at any election by the people in the State of Georgia to be entitled and allowed to vote at all such elections without distinction of race or color.

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

3. Defendants James Griggs Raines, Dixon Oxford, and Roscoe Radford are the members of the Board of Registrars of Terrell County, Georgia, and defendants F. Lawson Cook, Sr., and Mrs. F. Lawson Cook, Sr., are Deputy Registrars of Terrell County. The defendants aforesaid held the offices previously mentioned at the time the applications by Negro citizens to register to vote which are involved in this Complaint were made or were pending. In their official capacities the defendants are and have been

responsible for the registering in that county of qualified persons who desire to vote. Defendants are citizens of the United States and of the State of Georgia and while discharging the duties of the offices aforesaid were acting under color of law of the State of Georgia.

4. Defendants kept separate records by race as to applicants for registration, and used differently colored cards for white and Negro applicants and registered voters.

5. In the year 1956 the white citizens of voting age in Terrell County, Georgia, numbered approximately 3,233 and the Negro citizens of voting age approximately 5,036. On or about July 20, 1956, the white citizens registered to vote in Terrell County numbered 2,679 while the Negro citizens registered to vote numbered 48.

In the year 1956 the white citizens of voting age in Georgia numbered approximately 1,559,975 and the Negro citizens of voting age approximately 621,576. In that year, the white citizens registered to vote in Georgia numbered approximately 1,057,513, while the Negro citizens registered to vote numbered approximately 156,880.

6. Under the provisions of the Constitution of the State of Georgia, all citizens of the State qualified as to age and residence and not laboring under any of the disabilities named in said Constitution are entitled to register as electors and to vote in all elections in said State who come within either of the two classes therein provided for, namely (1) all persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or (2) all persons who can pass a literacy test, that is to say, who can correctly read in the English language any paragraph of the Constitution of the United States or of the State of Georgia and correctly write the same in the English language when read to them by any one of the registrars.

7. Under the provisions of the statutes of the State of Georgia, registration is a prerequisite to voting at any election by the people in the State. The statutes pertaining to registration require as a prerequisite to registration to vote that after an applicant applies for registration he shall pass a literacy test if he seeks to qualify on the basis of literacy, or an examination based upon certain standard questions

if he seeks to qualify on the basis of his good character and his understanding of the duties and obligations of citizenship under a republican form of government.

8. The current provision of said registration statutes applicable to the administration of the literacy test is Section 17(a) of the Georgia Voters' Registration Act of 1958, approved March 25, 1958, the pertinent part of which reads as follows:

"(a) If the applicant applies for registration and seeks to qualify on the basis of literacy, the Board shall submit to him a section of the Constitution of Georgia or of the United States and the applicant shall be required to read it aloud and write it in the English language. If the applicant reads the section intelligibly and writes it legibly, possesses the other necessary qualifications and is not disqualified for any reason, the card shall be marked approved and the applicant shall be considered a registered voter. Otherwise, the registration card shall be marked rejected."

9. On and after the times defendants assumed their offices, they have engaged and are continuing to engage in acts and practices designed and intended to deny the right to vote to Negro citizens of the United States who are otherwise qualified by law to vote at any election by the people in the State of Georgia and Terrell County, solely on account of their race and color. The acts and practices as hereinafter more fully set forth include arbitrary and discriminatory delay in handling applications of Negroes for registration; the arbitrary refusal to register Negroes who demonstrate themselves to be fully qualified to register; and the discriminatory application of more difficult and more stringent registration standards to Negro applicants from those applied to white applicants.

Said acts and practices were and are further designed and intended by defendants to perpetuate the disparity referred to in paragraph 5 between the registration of white citizens and Negro citizens in the State of Georgia and in Terrell County.

10. During the period beginning in October 1956 and extending to February 1958, a number of Negro citizens of Terrell County, Georgia, applied for registration to vote. Among said Negro citizens were the following, who applied on the dates set forth opposite their names:

	<u>Date Applied</u>
Bertha M. Hall	October 27, 1956
Grace Boyd Gibson	November 3, 1956
Marjorie Moore Turner	November 30, 1956
Alice Bynum	December 7, 1956
James H. Reynolds	December 8, 1956
Manuel J. Hall	March 1, 1957
Alford C. McKenzie	March 22, 1957
Edna M. Lowe	November 19, 1957
Janie Breedlove	November 29, 1957
Eddie G. Lowe	December 3, 1957
Davey Louis Gibson	January 10, 1958
Mary Louise Holloway	January 27, 1958

None of the applications of the foregoing individuals was disposed of until April 7, 1958, which date was set by defendants for all of said Negro applicants to appear to seek qualification to register to vote.

11. In March 1958, while the applications referred to in paragraph 10 hereof were pending, a number of white citizens of Terrell County, Georgia, applied to defendants for registration. All the applications of said white citizens were acted upon and approved in less than two weeks. Among said white citizens were the following, the dates of whose applications to register to vote and of the approvals thereof are set forth opposite their names:

	<u>Date Applied</u>	<u>Date Registered</u>
R. G. Webb	March 11, 1958	March 22, 1958
Mrs. Louise Blythe	March 11, 1958	March 22, 1958
Ed M. Laing	March 12, 1958	March 22, 1958
William Lee Wall, Jr.	March 18, 1958	March 22, 1958
Dave W. Oxford	March 19, 1958	March 22, 1958
Mrs. Dave W. Oxford	March 19, 1958	March 22, 1958
G. R. Wright, Jr.	March 20, 1958	March 22, 1958
James C. Laye	March 20, 1958	March 22, 1958
John C. Goodman	March 20, 1958	March 22, 1958
Mrs. J. F. McLendon	March 22, 1958	March 24, 1958
Mary J. Reese	March 22, 1958	March 24, 1958
Jack Laing	March 24, 1958	March 24, 1958
Betty C. Laing	March 24, 1958	March 24, 1958

12. On March 25, 1958, the Georgia Voters' Registration Act of 1958 became effective. For applicants who do not elect to qualify on the basis of literacy it contains a more difficult and stringent test than was provided under the previous law. Said test, set forth in Exhibit A hereof, contains a list of 30 questions, 20 of which must be correctly answered. The answers to said questions are not set forth in said law.

Under the previous law of Georgia (the Voters' Registration Act of 1949, as amended), for applicants who did not elect to qualify on the basis of literacy provision was made for a less difficult test. Said test, set forth in Exhibit B hereof, contained a list of 30 questions, only 10 of which had to be correctly answered. The answers to 14 of the questions were set forth in the previous law, which made further provision for distribution by the registrars of all the questions and answers to any members of the public.

13. The aforesaid delay in handling the applications of Negro applicants was not accidental, but was for the purpose of depriving them of their right to vote during the period of delay and thereafter; for the further purpose of subjecting them to the more difficult and stringent test of the Georgia Voters' Registration Act of 1958; and for the further purpose of discouraging them and other Negro citizens from attempting to register.

14. On April 7, 1958, the following Negro citizens of the United States and of Terrell County, Georgia, who at that time possessed and now possess all the qualifications and none of the disqualifications under the Constitution and laws of the State of Georgia to register to vote appeared before defendant board members for the purpose of registering to vote, and elected to take the literacy test. They then and there demonstrated to said defendants their ability to read correctly and intelligibly and stood ready to demonstrate to said defendants but were arbitrarily and without legal cause and solely for racial reasons prevented by said defendants from demonstrating their ability to write correctly and legibly, a provision of the Constitution of the State of Georgia or of the United States:

(a) Edna Mae Lowe, who is a teacher of mathematics at Carver High School, Dawson, Terrell County, Georgia, and holds a Bachelor of Science

degree from Fort Valley State College, Fort Valley, Georgia, and a Master of Arts degree in Education from New York University;

(b) Janie Breedlove, who is an elementary school teacher in Terrell County, Georgia, and holds a Bachelor of Science degree from Albany State College, Albany, Georgia;

(c) Davey Louis Gibson, who is a school teacher in Terrell County, Georgia, and holds a Bachelor of Science degree from Albany State College, Albany, Georgia, and is now working for a Master of Arts degree in Elementary School Administration at New York University;

(d) Grace Boyd Gibson, who has been an elementary school teacher in Calhoun County, Georgia, and holds a Bachelor of Science degree from Albany State College, Albany, Georgia.

15. On April 7, 1958, the following Negro citizen of the United States and of Terrell County, Georgia, who at that time possessed and now possesses all the qualifications and none of the disqualifications under the Constitution and laws of the State of Georgia to register to vote, appeared before defendant board members for the purpose of registering to vote, and elected to take the literacy test. He then and there demonstrated to said defendants his ability to read correctly and intelligibly and to write correctly and legibly a section of the Constitution of the State of Georgia or of the United States:

Eddie George Lowe, who attended Tuskegee Institute and who is employed at the United States Marine Corps Supply Center, Albany, Georgia.

16. Notwithstanding the fact that the persons named in the preceding two paragraphs were qualified, and demonstrated or stood ready to demonstrate to defendant board members that they were qualified, to register to vote as aforesaid, they were, on April 7, 1958, arbitrarily and without legal cause and solely for racial reasons, rejected and thus prevented from registering and voting -- Eddie Lowe because of alleged inability to write correctly and legibly and the other individuals, named in paragraph 14, because of alleged inability to read correctly and intelligibly.

17. Defendants in the administration of the literacy test provided by the Georgia Constitution and law have applied different and more stringent registration standards to Negro applicants from those they applied to white applicants.

18. The application of different standards by defendants as aforesaid was not accidental, but was designed and intended by them to discriminate against Negro applicants on account of their race or color.

19. There are reasonable grounds to believe that defendants and their successors will continue to engage in the acts and practices set forth in this Complaint and in other acts and practices for the purposes set forth in paragraph 9 hereof unless enjoined by this Court.

WHEREFORE, Plaintiff prays this Court that after hearing, this Court issue a preliminary and permanent injunction enjoining the defendants, their agents, employees, successors, and all persons in active concert and participation with them from:

(1) following different procedures in the processing or time of processing of applications of Negro citizens to register to vote from the procedures applied to applications of white citizens to register to vote;

(2) failing or refusing, on the ground that the following persons failed to meet the requirements of the literacy test provided by the law of the State of Georgia, to certify to the appropriate county or state official or agency that the said persons are eligible to register to vote in Terrell County: Eddie George Lowe, Edna Mae Lowe, Janie Breedlove, Davey Louis Gibson, and Grace Boyd Gibson.

(3) applying more stringent standards and criteria in the administration of the literacy test or any other test provided by the Constitution and laws of Georgia to Negro applicants in Terrell County from those standards and criteria applied to white applicants for registration.

(4) engaging in any acts, practices, methods, or procedures which discriminate or tend to discriminate against any applicant for registration because of said applicant's race or color.

Plaintiff also prays this Court for any such further relief that the interest of justice requires or that this Court may direct.

By direction of the Attorney General of the United States:

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W. Wilson White  
Assistant Attorney General

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Frank O. Evans  
United States Attorney

EXHIBIT A

EXTRACTS FROM GEORGIA VOTERS' REGISTRATION  
ACT APPROVED MARCH 25, 1958

"Section 2. Notwithstanding any other provisions of this law, any person who was qualified and registered to vote in the 1956 general election shall not be required to reregister under the terms of this law unless such person shall have become or becomes disqualified to vote, by reason of having been purged from the list of registered voters or for any other reason whatsoever, in which event such person shall, in order to become registered to vote, reregister under the terms of this law."

"Section 17. When an applicant appears before the Board of Registrars for examination, the Board shall proceed as hereinafter provided.

"(a) If the applicant applies for registration and seeks to qualify on the basis of literacy, the Board shall submit to him a section of the Constitution of Georgia or of the United States and the applicant shall be required to read it aloud and write it in the English language. If the applicant reads the section intelligibly and writes it legibly, possesses the other necessary qualifications and is not disqualified for any reason, the card shall be marked approved and the applicant shall be considered a registered voter. Otherwise, the registration card shall be marked rejected. If the applicant states that solely because of physical disability, he is unable to read or write, the section shall be read to him by any member of the Board and he shall be called upon to give a reasonable interpretation thereof. The interpretation shall be in the applicant's own words, giving words the significance ordinarily attached to them by a layman of average intellect and attainments. If, in the opinion of the Board, the applicant gives such a reasonable interpretation, possesses the other necessary qualifications and is not disqualified for any reason, the card shall be marked approved and the applicant shall be considered a registered voter. Otherwise, the registration card shall be marked rejected.

"(b). If the applicant applied for registration and seeks to qualify on the basis of his good character and his understanding of the duties and

obligations of citizenship under a republican form of government, he shall be given an examination based upon a standard list of questions as hereinafter provided."

"Section 18. The examination which the registrars shall submit to an applicant who claims the right to register on the basis of good character and understanding of the duties and obligations of citizenship under a republican form of government, shall be based upon a standard list of questions, and the questions on this list and no others shall be submitted to such applicant. In order to ascertain whether an applicant is eligible for qualification as a voter in this classification, the registrars shall orally propound to him the 30 questions on the standardized list set forth hereinafter. If the applicant can give correct answers to 20 of the 30 questions as they are propounded to him, possesses the other necessary qualifications and is not disqualified in any other way, the card shall be marked approved and the applicant shall be considered a registered voter. Otherwise, the registration card shall be marked rejected."

"Section 19. The standard list of questions which shall be propounded to each applicant is as follows:

- "1. What is a republican form of government?
- "2. What are the names of the three branches of the United States government?
- "3. In what State Senatorial District do you live and what are the names of the county or counties in such District?
- "4. What is the name of the State Judicial Circuit in which you live and what are the names of the counties or county in such Circuit?
- "5. What is the definition of a felony in Georgia?
- "6. How many Representatives are there in the Georgia House of Representatives and how does the Constitution of Georgia provide that they be apportioned among the several counties?
- "7. What does the Constitution of Georgia prescribe as the qualifications of Representatives in the Georgia House of Representatives?
- "8. How does the Constitution of the United States provide that it may be amended?

- "9. Who is the Chief Justice of the Supreme Court of Georgia and who is the Presiding Justice of that court?
- "10. Who may grant pardons and paroles in Georgia?
- "11. Who is the Solicitor General of the State Judicial Circuit in which you live and who is the Judge of such Circuit? (If such Circuit has more than one Judge, name them all.)
- "12. If the Governor of Georgia dies, who exercises the executive power, and if both the Governor and the person who succeeds him die, who exercises the executive power?
- "13. (a) What does the Constitution of the United States provide regarding the suspension of the privilege of the writ of Habeas Corpus? (b) What does the Constitution of Georgia provide regarding the suspension of the writ of Habeas Corpus?
- "14. What are the names of the persons who occupy the following State offices in Georgia?
- (1) Governor
  - (2) Lieutenant Governor
  - (3) Secretary of State
  - (4) Attorney General
  - (5) Comptroller General
  - (6) State Treasurer
  - (7) Commissioner of Agriculture
  - (8) State School Superintendent
  - (9) Commissioner of Labor
- "15. How many Congressional Districts in Georgia are there and in which one do you live?
- "16. What is the term of office of a United States Senator?
- "17. What is the term of office of a State Senator?
- "18. What is the county site of your county?
- "19. How does the Constitution of Georgia provide that a county site may be changed?
- "20. What are the qualifications for jury service in Georgia?
- "21. What are the names of the persons who occupy the following offices in your county?
- (1) Clerk of the Superior Court
  - (2) Ordinary
  - (3) Sheriff

- "22. How may a new state be admitted into the Union?
- "23. On what day and how often is the general election held in Georgia at which members of the General Assembly of Georgia are elected?
- "24. What does the Constitution of the United States provide regarding the right of citizens to vote?
- "25. In what Federal Court District do you live?
- "26. What are the names of the Federal District Judges of Georgia?
- "27. Who are citizens of Georgia?
- "28. What is treason against the State of Georgia?
- "29. In what body does the Constitution of the United States declare that the legislative powers granted in such Constitution shall be vested?
- "30. How many electoral votes does Georgia have in the electoral college?"

"Section 31. \* \* \*

"Any other provision of this law to the contrary notwithstanding, no challenge as provided in this section shall be valid as to a person who has registered to vote prior to the effective date of this law on the grounds that such person does not come within either of the classes provided in the two subdivisions of Paragraph IV of Section 1 or Article II of the Constitution of Georgia."

EXHIBIT B

EXTRACTS FROM GEORGIA CODE OF 1957 BY  
TITLE AND SECTION

34-121. Oral examination of applicants on standard questions.--The examination which registrars shall submit to those persons who claim the right to register and vote on the basis of good character and understanding of the duties of citizenship under a republican form of government shall be based upon a standard list of questions, and the questions on this list and no others shall be submitted to each applicant. In each instance where an applicant in this category is examined, the registrars shall keep a record of the questions submitted and the answers given and file the record thus made with the registration card. In order to ascertain whether an applicant is eligible for qualification as a voter in this classification, the registrars shall orally propound to him the 30 questions on the standardized list set forth in the following section. If the applicant can give factually correct answers to 10 of the 30 questions as they are propounded to him, then the registrars shall enter an order declaring him to be prima facie qualified. If he cannot correctly answer the 10 out of the 30 questions propounded to him, then an order shall be entered rejecting his application. (Acts, 1949, pp. 1204, 1212.)

34-122. Procedure on oral examination; standard list of questions.--The registrars shall procure an ample supply of cards or sheets of paper on which shall be printed the standard list of questions set forth below. One of such cards or sheets of paper shall be used in the oral examination of each applicant who seeks qualification as a voter in the classification set forth in the preceding section. The cards shall show in one column the correct answers to the questions, and the answers of the applicant shall appear in a parallel column, so that each question, the correct answer thereto and the applicant's answer will all appear on the same line. If the answer of the applicant to a given question is correct, this fact may be indicated by a check in the applicant's answer column; if the answer is incorrect, the answer of the applicant should be written in said column. It shall be the duty of

the registrars to see to it that the answers in the column showing the correct answers are revised from time to time so that the correct answers will appear in the appropriate column at the time each applicant is examined. The standard list of questions and the present correct answers thereto and the form to be used under this and the preceding section is as follows:

Standard List of Questions

(To be propounded to those seeking to register and qualify as voters under Article II, Section I, Paragraph IV, Subparagraph I of the Constitution [§2-704 (1)].)

Date of Examination.....  
 Name of Applicant.....  
 Address of Applicant.....

Questions	Answer	Answer of Applicant
1. Who is President of the United States?	Name Incumbent	
2. What is the term of office of the President of the United States?	Four years	
3. May the President of the United States be legally elected for a second term?	Yes	
4. If the President of the United States dies in office, who succeeds him?	Vice President	
5. How many groups compose the Congress of the United States?	Two--The Senate and House of Representatives	
6. How many United States Senators are there from Georgia?	Two	
7. What is the term of office of a United States Senator?	Six Years	
8. Who are the United States Senators from Georgia?	Name Incumbents	
9. Who is Governor of Georgia?	Name Incumbent	
10. Who is Lieutenant Governor of Georgia?	Name Incumbent	

Questions	Answer	Answer of Applicant
11. Who is Chief Justice of the Supreme Court of Georgia?	Name Incumbent	
12. Who is Chief Judge of the Court of Appeals of Georgia?	Name Incumbent	
13. Into what two groups is the General Assembly of Georgia divided?	Senate and House of Representatives	
14. Does each Georgia County have at least one representative in the Georgia House of Representatives?	Yes	
15. Do all Georgia counties have the same number of representatives in the Georgia House of Representatives?	No	
16. In what city are the laws of the United States made?	Washington, D.C.	
17. How old do you have to be to vote in Georgia?	18 years old	
18. What city is the capital of the United States?	Washington, D. C.	
19. How many states are there in the United States?	48	
20. Who is the Commander-in-Chief of the United States Army?	The President of the United States	

(The following questions requiring a different answer according to the localities in which the applicant lives, the registrars in printing this list will insert under the column headed "Correct Answer" the correct answer to each question.)

Questions	Correct Answer	Answer of Applicant
21. In what Congressional District do you live?		
22. Who represents your Congressional District in the National House of Representatives?		
23. In what State Senatorial District do you live?		
24. Who is the State Senator that represents your Senatorial District?		
25. In what County do you live?		

Questions	Correct Answer	Answer of Applicant
26. Who represents your County in the House of Representatives of Georgia? If there are more than one representative, name them.		
27. What is the name of the County seat of your County?		
28. Who is the Ordinary of your County?		
29. Who is the Judge of the Superior Court of your circuit? If there are more than one, name one additional Judge.		
30. Who is the Solicitor-General of your circuit?		
Total Correct Answers.....		

The registrars shall keep a reasonable supply of extra copies of the question and answer blanks and distribute them to any member of the public who may request copies. (Acts 1949, pp. 1204, 1213.)