

CRC 1.3.18

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

UNITED STATES OF AMERICA,

Plaintiff,

versus

STATE OF ALABAMA and KEITTE
SANDERS YON, DONALD A. CAYLOR
and CHARLES T. THOMAS, Members
of the Board of Registrars of
Bullock County, Alabama,

Defendants.

CIVIL ACTION NO. 1677-N

PLAINTIFF'S BRIEF IN
CONTEMPT PROCEEDINGS

BEN HARDEMAN
United States Attorney

JOHN DOAR (Acting)
Assistant Attorney General
DAVID NORMAN
DAVID MARLIN
EDWARD O'CONNELL
JEFFREY MILLER
Attorneys
Department
of Justice.

TABLE OF CONTENTS

	<u>Page</u>
I. <u>Nature and Background of the Proceeding.</u>	1
II. <u>The Parties.</u>	5
III. <u>Registration from 1954 to July 26, 1962.</u>	5
IV. <u>Registration from August 5, 1962 Thru January 4, 1965.</u>	7
A. Changes in Application Form and Questionnaire.	
B. Registration Statistics.	10
C. The Board is Applying and Enforcing Different and More Stringent Testing Procedures and Standards From Those Applied and Enforced Since 1954.	11
1. Different and More Stringent Standards	11
2. Different and More Stringent Tests	15
3. Discrimination	20
D. The Board Has Rejected Negro Applicants On Account of Technical and Inconsequential Errors in the Application and Registration Process.	21
E. The Board Has Failed To Notify Rejected Applicants That They Have Been Rejected.	24
V. <u>Relief.</u>	27
APPENDICES.	
A. Description of Plaintiff's Exhibits.	
B. Board of Registrars' Reasons for Rejection of Negro Registration Applications, Bullock County, August 5, 1962 - February 3, 1964.	
C. Board of Registrars' Reasons for Rejection of Negro Registration Applications, Bullock County, February 17, 1964 - January 4, 1965.	
D. List of Qualified Voters.	

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

UNITED STATES OF AMERICA,)	
Plaintiff,)	CIVIL ACTION NO. 1677-N
)	
v.)	PLAINTIFF'S BRIEF IN
)	CONTEMPT PROCEEDINGS
)	
STATE OF ALABAMA, et al.,)	
Defendants.)	
<hr/>		

I

NATURE AND BACKGROUND OF THE PROCEEDING

This is a proceeding in civil contempt against the defendant registrars of voters of Bullock County, Alabama. The contempt hearing was held on January 5, 1965.

The original Complaint in this case was filed on January 19, 1961 and the trial was held on March 29 and 30, 1961. At the conclusion of the trial

this Court enjoined the defendants from following the policy of prohibiting supporting witnesses from vouching for more than two applicants each year. The Court required the defendants to submit reports to the Court in April, May and June, and reserved ruling on other issues.

On June 29, 1961, the Court directed the Registrars to file monthly reports for July, August and September.

Following a hearing on September 8, 1961, the Court on September 13, 1961 entered Findings of Fact, Conclusions of Law, and a Decree. The defendant Board members and the State of Alabama were enjoined from engaging in certain specified practices and were ordered to follow certain procedures.

Among the practices enjoined were:

Engaging in any act or practice which involves or results in distinctions based on race or color between Negro citizens and other citizens in the registration for voting and voting processes in Bullock County, Alabama.

Applying or enforcing different qualification tests or standards to Negro applicants in Bullock County from those applied and enforced since 1954 to other applicants in Bullock County.

Rejecting Negro applicants for formal, technical or inconsequential errors in the application and registration process.

Using a form of application or questionnaire different from or more stringent than that used for registering persons in Bullock County prior to March 30, 1961.

The defendants were ordered, among other things, to notify each rejected applicant of the specific reason for his rejection within ten days after his application is processed.

The defendants, on September 21, 1961, moved for an order deleting or modifying that portion of the September 13 injunction which enjoins the defendants from using a form of application or questionnaire different from or more stringent than that used prior to March 30, 1961. The defendants sought a modification of the order permitting them to use the form with the order of the questions re-arranged in twenty different sequences. This motion was denied on November 16, 1961, the Court stating that the use of different or more stringent application forms had been determined to be part of the defendant's pattern and practice of racial discrimination.

On July 26, 1962, the Court granted plaintiff's motion, following a hearing, to order the Registrars to observe explicit requirements in the registration of voters in Bullock County. An applicant was ordered to be registered if he possessed the following qualifications:

- (a) he is a citizen of not less than
21 years of age;
- (b) he has resided in the State two years,
in the county one year, and in the
precinct three months;

- (c) he embraces the duties and obligations of citizenship as demonstrated by his willingness to take and sign the Oath;
- (d) he is not disqualified by reason of bad character, conviction of a disqualifying crime, insanity or idiocy; and
- (e) he is able to demonstrate his ability to read and write by answering questions on the application form and questionnaire.

The defendants were ordered to comply with the following standard, among others, in applying the above qualifications:

If the applicant is literate he possesses the qualification that he be able to read and write. If the applicant's answers on the application form are legible and his answers on the application form demonstrate that he read the questions, then he has satisfied the requirement that he be able to read and write. This determination must be one of reasonableness and fairness. The application form cannot be used as a test for the purpose or to form the basis of rejecting applicants. Instead it must be used as a means to obtain essential information to facilitate the registration of applicants. Rejection notices sent to applicants who are rejected for their inability to read and write shall specifically state that fact.

On November 13, 1964, following an application by the plaintiff, the Court ordered the Registrars to show cause why they should not be held in contempt of this Court's previous orders and why the Court "should not order the registration of all Negro applicants whose application forms show that they

satisfy the standards established by the orders of this Court for the registration of Negro citizens of Bullock County."

II

THE PARTIES

The plaintiff is the United States of America.

The defendants are members of the Board of Registrars of Bullock County, Alabama and the State of Alabama. Donald A. Caylor is chairman of the Board. He has served continuously as a member of the Board since about October 1963 and was substituted as a party defendant and served with the orders of this Court in November, 1963. Keitte S. Yon has been a member of the Board since March, 1960. He was an original defendant in this action. Charles T. Thomas has been a member of the Board since about October, 1963 and was substituted as a party defendant and served with the orders of this Court in November, 1964.

The State of Alabama was made a defendant in this action at the time the complaint was filed and has been a party defendant continuously since that time.

III

REGISTRATION FROM 1954 TO JULY 26, 1962

The Court has found the following facts, among others, concerning the registration of Negroes in Bullock County from 1954 to the date of the last decree, July 26, 1962:

1. There were 9,681 Negroes residing in Bullock County, of whom 4,450 were of voting age.^{1/}

2. In 1960 there were five Negroes registered to vote in Bullock County.^{2/}

3. During the nine years preceding 1960, the number of Negroes registered to vote in Bullock County never exceeded six.^{3/}

4. In 1954 the Board of Registrars refused to permit Negroes to apply to register.^{4/}

5. Between December, 1955 and January, 1957, at least twenty Negroes applied to register but all their applications were rejected.^{5/}

The Court has found the following facts, among others, with respect to the registration of white persons in Bullock County from 1954 to August 1, 1962:

1. There were 3,781 white persons residing in Bullock County, of whom 2,387 were of voting age. There were 2,266 white persons registered to vote in Bullock County in 1960 and during the nine years preceding 1960 there were never less than 2,133 registered white persons.^{6/}

1/ Findings of Fact, para 5, Sept. 13, 1961.

2/ Ibid.

3/ Ibid.

4/ Findings of Fact, para 6, Sept. 13, 1961. See also Sellers v. Wilson, 123 F.Supp. 917 (M.D.Ala., 1954), where this Court enjoined the Registrars from discriminating.

5/ Findings of Fact, para 6, Sept. 13, 1961.

6/ Findings of Fact, para 5, Sept. 13, 1961.

2. From January 1, 1952 through 1960, 367 white applicants were registered to vote. More than 96 percent of all white applicants during this period were registered. These applicants were registered if they possessed the following qualifications:

- a. They were citizens of not less than 21 years of age;
- b. They possessed sufficient residency;
- c. They embraced the duties and obligations of citizenship as demonstrated by their willingness to take and sign the Oath;
- d. They were not disqualified because of bad character, conviction of a disqualifying crime, insanity or idiocy and
- e. They were able to read and write. ^{7/}

IV

REGISTRATION FROM AUGUST 5, 1962 THRU JANUARY 4, 1965

A. Changes in the Application Form and Questionnaire

The copies of the application forms in evidence in this case show that from the end of July, 1962 to February, 1964, the Board of Registrars continued to require applicants for registration to complete

^{7/} Supplemental order of July 26, 1962 .

the four-page form which had been used continuously since 1952.^{8/}

On February 17, 1964, the Board began using a new form and questionnaire which had been prescribed by the Supreme Court of Alabama on January 14, 1964. The new application form included a page labeled "Insert Part III," which consisted of a test to be used as part of the questionnaire. This test contained four questions testing the applicant's knowledge of government, four excerpts from the United States Constitution, one or more of which were to be read by the applicant to the registrar, and a space for the applicant to write from the dictation of a registrar several words from the constitution. The Supreme Court's order provided for twelve of the inserts, a different one to be used each month. A total of twenty-four different questions on government and nineteen provisions of the constitution appeared on the twelve Part III Inserts. The Board used this test with some modification through August 17, 1964, the modification being that the reading and dictation parts were eliminated after July 6, 1964.^{9/}

^{8/} The Board in July or August, 1961, began to use a form in which the questions appeared in different sequences.

^{9/} Three application forms, however, Plaintiff's Exhibits 26-3490, 3491 and 3508, indicate dictation or reading from July 6 to August 17. All of these forms were submitted by Negro applicants who were accepted by the Board.

On August 26, 1964, the Supreme Court of Alabama ordered each Board of Registrars throughout the State to use a revised form of Insert Part III.^{10/} The Board of Registrars of Bullock County began using the revised Insert on September 7, 1964. This new Insert Part III is a different test from that which had been previously used. The test consists of eight questions, four testing the applicant's knowledge of Government and four testing the applicant's comprehension and reasoning ability based on written excerpts from the United States Constitution, and a dictation test administered by the registrars from one or more of the excerpts of the Constitution. There are 100 different forms of this test.^{11/} The revised insert tests are to be administered so that the applicant is to open at random a notebook containing 100 different test forms. The test appearing where the applicant opens the book is to be used by the applicant. The Order further states, "No person shall be considered to have completed this application, nor shall the name of any applicant be entered upon the list of registered voters of any county until after such Insert Part III has been satisfactorily completed and signed by the applicant."

^{10/} Plaintiff's Exhibit 28.

^{11/} Copies of the inserts are in evidence as Plaintiff's Exhibit 19.

B. Registration Statistics

Since July 26, 1962, 576 Negroes and 334 white persons registered to vote in Bullock County. The chart on the following page is a month-by-month total of registration activity from August 5, 1962 through January 4, 1965.^{12/}

^{12/} These totals have been obtained by a count of the application forms filed with the Board and photographed by the plaintiff during this period. The copies of application forms introduced into evidence are numbered consecutively in four series for identification purposes. However, there is not a precise correlation between the total registered and the total numbers, since a few inadvertent errors were made in the process of numbering. Numbers 1218 and 4013 were omitted; the Negro accepted forms include number 3212B.

BULLOCK COUNTY, ALABAMA

Accepted and Rejected Applications of White and Negro Applicants

August 5, 1962 through January 4, 1965

		<u>Total-- Appli- cations</u>		<u>Accepted</u>		<u>Rejected</u>		<u>Percent Rejected</u>	
		<u>W</u>	<u>N</u>	<u>W</u>	<u>N</u>	<u>W</u>	<u>N</u>	<u>W</u>	<u>N</u>
August, 1962	W	8		8		0		0	
	N		73		69		4		5.4
September, 1962	W	2		2		0		0	
	N		37		30		7		18.9
October, 1962	W	13		13		0		0	
	N		64		48		16		25.0
November, 1962	W	5		5		0		0	
	N		24		15		9		37.5
December, 1962	W	10		10		0		0	
	N		31		24		7		22.5
January, 1963	W	4		4		0		0	
	N		19		12		7		36.8
February, 1963	W	17		17		0		0	
	N		28		13		10		35.7
March, 1963	W	1		1		0		0	
	N		18		14		4		22.2
April, 1963	W	3		3		0		0	
	N		8		6		2		25.0
May, 1963	W	4		4		0		0	
	N		11		7		4		36.3
June, 1963	W	4		4		0		0	
	N		28		20		8		28.5
July, 1963	W	9		9		0		0	
	N		95		73		22		23.1
August, 1963	W	2		2		0		0	
	N		38		24		14		36.8
September, 1963	W	13		13		0		0	
	N		21		14		7		33.3
October, 1963	W	40		40		0		0	
	N		23		19		4		17.3

		<u>Total- Appli- cations</u>		<u>Accepted</u>		<u>Rejected</u>		<u>Percent Rejected</u>	
		<u>W</u>	<u>N</u>	<u>W</u>	<u>N</u>	<u>W</u>	<u>N</u>	<u>W</u>	<u>N</u>
November, 1963	W	66		64		2		3.0	
	N		28		20		8		28.5
December, 1963	W	13		13		0		0	
	N		2		1		1		50.0
January, 1964	W	66		63		3		4.5	
	N		35		25		10		28.5
February, 1964	W	21		20		1		4.7	
	N		12		9		3		25.0
March, 1964	W	9		7		2		22.2	
	N		26		17		9		34.6
April, 1964	W	21		21		0		0	
	N		24		16		8		33.3
May, 1964	W	2		2		0		0	
	N		10		5		5		50.0
June, 1964	W	2		2		0		0	
	N		0		0		0		--
July, 1964	W	5		5		0		0	
	N		29		20		9		31.0
August, 1964	W	1		1		0		0	
	N		17		11		6		35.2
September, 1964	W	9		9		0		0	
	N		3		3		0		0
October, 1964	W	37		37		0		0	
	N		43		29		14		32.5
November, 1964	W	4		3		1		25.0	
	N		29 ^{1/}		22		7		24.1
December, 1964	W	1		1		0		0	
	N		6		5		1		16.6
January, 1965 ^{2/}	W	1		1		0		0	
	N		0		0		0		--
Total	W	393		384		9		2.2	
	N		782		576		206		26.3

1/ In addition, there are two pending forms submitted by John Banks and Gertha J. Davis, both Negroes, pending because of lack of a supporting witness.

2/ There are six pending forms submitted by Minnie Publes, Freddie L. Alford, Thomas Rodgers, Orphenia Medlock, Anna P. Cargile, Ted Jackson, Negroes, and one pending form submitted by Charlie M. Drigger, a white applicant.

C. The Board is Applying and Enforcing Different and More Stringent Testing Procedures and Standards Than Those Applied and Enforced Since 1954.

1. Different and More Stringent Standards

This Court's order of September 13, 1961 forbids the application and enforcement of different standards to Negro voter registration applicants in Bullock County than were applied and enforced since 1954 to other applicants in Bullock County. On July 26, 1962, this Court supplemented the previous order by spelling out in detail what the permissible standards were. Despite this Court's clear mandate, the defendant registrars have continued to reject Negro applicants who meet the qualifications and standards previously applied to white persons.

In its 1962 order this Court ordered:

The applicant should be registered if;

- (a) he is a citizen of not less than 21 years of age;
- (b) he has resided in the State two years, in the county one year, and in the precinct three months;
- (c) he embraces the duties and obligations of citizenship as demonstrated by his willingness to take and sign the Oath;
- (d) he is not disqualified by reason of bad character, conviction of a disqualifying crime, insanity or idiocy, and
- (e) he is able to demonstrate his ability to read and write by answering questions on the application form and questionnaire.

The defendant registrars appear to have fairly applied the qualifications listed in (a) through (d) of the above quoted order, since only a handful of applicants were rejected between July 26, 1962 and January 5, 1965 for failure to meet those qualifications. The Board's violation of this Court's injunction rests on its failure to fairly apply the literacy requirement embodied in (e) of the order. Of the 205 Negro applications rejected since July 26, 1962, the reason given by the Board for rejection of 186 is related to the literacy requirement. At least 52 Negroes have filed rejected applications that show them to possess all of the qualifications and none of the disqualifications for voting under Alabama law as applied by the Board to white persons between 1954 and 1960.^{13/}

The standards of literacy that applicants must meet are illuminated by this Court's order of July 26, 1962. According to the Court's order:

4. If the applicant is literate he possesses the qualification that he be able to read and write. If the applicant's answers on the application form are legible and his answers on the application form demonstrate that he read the questions, then he has satisfied the requirement that he be able to read and write. This determination must be one of reasonableness and fairness. The application form cannot be used as a test for the purpose or to form the basis of rejecting applicants. Instead it must be used as a means to obtain essential information to facilitate the registration of applicants. Rejection notices sent to applicants who are rejected for their inability to read and write shall specifically state that fact.

^{13/} These persons, who filed a total of 70 applications, are listed in Appendix D. Not included are qualified Negroes who were rejected and subsequently accepted.

On the application forms of the rejected Negroes listed in Appendix D to this brief the applicants demonstrated their ability to read and write, by legibly and responsively filling out their questionnaires. Of these qualified rejected Negroes, 32 have at least a sixth grade education and are therefore presumptively literate. 42 U.S.C. §1971(c). Thus, Ruth Walker's application of July 15, 1963 can be easily read by anyone who is not seeking an excuse for rejecting it. It shows that she has lived in one precinct in Bullock County since 1921^{14/} and is a housewife with a sixth grade education; she has legibly listed two references in question 21 and has correctly answered the tricky loyalty questions as well as signing the oath. She has a supporting witness. Yet her application was rejected on the grounds of "ILLITERACY Board of Registrars could not read name and other parts of application."^{15/} Her application, a copy of which follows this page, shows that her rejection could not have been in good faith.

Similar treatment was afforded Sorlida King on October 21, 1963. Although Mrs. King is a high school graduate, writes and spells well, and responsively answered all the questions on her questionnaire, her application was rejected. Her rejection notice (which was not mailed

^{14/} Her precise age is not clear on question one, but it is clear from her answer in question five that she was born in 1921.

^{15/} Her subsequent application of October 6, 1963 was accepted.

380 B

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATH

I, Ruth Walker do hereby apply to the Board of Registrars of _____ County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama, and do herewith submit answers to the interrogatories propounded to me by said Board.

Ruth Walker
Name of Applicant

QUESTIONNAIRE

1. State your name, the date and place of your birth, and your present address:

Ruth Walker 8-21-22
Mediant Ala P.O. Box 30

2. Are you married or single: Married (a) If married, give name, residence and place of birth of your husband or wife, as the case may be: Ruth Walker H 8-19-04

3. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years: Mediant Ala P.O. Box 30
Ruth Walker

4. If you are self-employed, state the nature of your business: Housewife

(a) If you have been employed by another during the last five years state the nature of your employment and the name or names of such employer or employers and his or their addresses: Mediant Ala

5. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident: 8-19-21 (a) When did you become a bona fide resident of Bullard

County: 8-19-21 (b) When did you become a bona fide resident of 3 Ward or precinct 1921

6. If you intend to change your place of residence prior to the next general election, state the facts: No

7. Have you previously applied for and been denied registration as a voter: No (a) If so, give the facts:

8. Has your name been previously stricken from the list of persons registered: No

9. Are you now or have you ever been a dope addict or an habitual drunkard: No (a) If you are or have been a dope addict or an habitual drunkard, explain as fully as you can: No

Ruth Walker 7-15-63
(p i)

10. Have you ever been legally declared insane: No (a) If so, give details: _____
11. Give a brief statement of the extent of your education and business experience: 6 Grade
Housewife
12. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude: No (a) If so, give the facts: _____
13. Have you ever served in the Armed Forces of the United States Government: No (a) If so, state when and for approximately how long: _____
14. Have you ever been expelled or dishonorably discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other country: No (a) If so, state the facts: _____
15. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama: Yes
16. Are you now or have you ever been affiliated with any group or organization which advocated the overthrow of the United States Government or the government of any State of the United States by unlawful means: No (a) If so, state the facts: _____
17. Will you bear arms for your country when called upon by it to do so: Yes (a) If you answer no, give reasons: _____
18. Do you believe in free elections and rule by the majority: Yes
19. Will you give aid and comfort to the enemies of the United States Government or the government of the State of Alabama: No
20. Name some of the duties and obligations of citizenship: obey Law
pay tax
- (a) Do you regard these duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict: Yes
21. Give the names and post office addresses of two persons who have present knowledge of your present bona fide residence at the place as stated by you: Ellis Hall Melway as
Willie Mae King Melway Ala

OATH

STATE OF ALABAMA Bullock COUNTY

Before me, _____, a registrar in and for said county and state, personally appeared

Ruth Walker

_____, an applicant for registration as

an elector, who being by me first duly sworn deposes and says: I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are true and correct to the best of my knowledge, information and belief. I do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama; that I do not believe in nor am I affiliated with, nor have I been in the past 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.

Sworn to and subscribed before me in the presence of the Board of Registrars this the 13 day of July, 1963

Member of the Board of Registrars for Bullock County

SUPPLEMENTAL APPLICATION FOR REGISTRATION, AND OATH

STATE OF ALABAMA Bullock COUNTY

Before the Board of Registrars in and for said State and County, personally appeared

Ruth Walker

(Full name of applicant)

_____, an applicant for registration who being by me,

(Any member present may administer oath)

_____, a member of said Board, first duly sworn as follows: "I do solemnly

swear (or affirm) that in the matter of the application of Ruth Walker for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is Ruth Walker, and I have heretofore executed the "Application for Registration, Questionnaire and Oath" submitted to me by the above-named Board of Registrars.

In addition to the information given on said "Application for Registration, Questionnaire and Oath," I depose and state as follows:

1. I was previously registered in the following State and County in the years named No

(If applicant has never been registered in Alabama or any other state, he should so indicate.) No

2. I have never been convicted of any offense disqualifying me from registering.

(Board should call applicant's attention to Section 182, Constitution, and Title 17, Section 15, Code of Alabama 1940. If applicant cannot make foregoing statement, facts shall be ascertained and registration refused, unless fully pardoned and right to vote restored.)

3. My present place of employment is Mechanical Air House

4. I know of nothing that would disqualify me from being registered at this time. Nothing

REMARKS

(Signed)

Ruth Walker

(Name of Applicant)

Sworn to and subscribed before me this the 15 day of July, 1963

H. S. Yen

(Member of County Board of Registrars)

ACTION OF THE BOARD

STATE OF ALABAMA COUNTY

Before the Board of Registrars in session in and for said State and County personally appeared (Name of Applicant)

who executed the foregoing application in the manner and form therein stated. The Board having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, 1901, as amended, and having fully considered the foregoing Application for Registration, Questionnaire, and Oath, and Supplemental Application for Registration, and Oath as executed, adjudge said applicant entitled to be registered and he was duly registered on this the day of 19 in precinct (or ward) in said county.

(Signed) Chairman

(Signed) Member

(Signed) Member

(Note: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member present must vote on each application. Not until this is done may a certificate be issued the applicant.)

EXAMINATION OF SUPPORTING WITNESS

STATE OF ALABAMA BULLOCK COUNTY

Before the County Board of Registrars in and for said State and County personally appeared

Blair Johnson (Name of Witness), who being first duly sworn as follows: "I solemnly swear (or affirm) that in the matter of the application of for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is Blair Johnson, My occupation is Farmer, I reside at Reddick, Ala., My place of business or employment is at Reddick, Ala.

The name of my employer is Blair Johnson. I am a duly registered, qualified elector in 17-1 precinct (or ward) in Bullock County in the State of Alabama. I have known the applicant

Ruth Walker (Give Applicant's name) for 3 years (or months). He is a bona fide resident at

PO Box 300, Reddick, Ala. and to my knowledge has resided thereat for the past years (or months). I know of no reason why he is disqualified from registering under the Constitution and laws of Alabama enacted in pursuance thereof.

Space for further remarks

I know of nothing disqualifying him

(Signed) Blair Johnson

Sworn to and subscribed before me in the presence of the Board of Registrars this the 13 day of July 1963

(Signed) F. S. May (Member of the Board)

Note: This application blank, when duly executed, on the final preparation of the "lists" of persons registered, must be delivered by the Board of Registrars to the Probate Judge of the County, whose duty it is to safely preserve it and all accompanying papers. See Title 41, Section 141, Code of Alabama, 1940.

Ruth Walker 7-15-63 (p. iv)

UNION SPRINGS, ALABAMA

July 15, 1963

NO. 380B - ? ?

The following action has been taken on your application for registration;

Application rejected for the following reasons:

ILLITERACY.

Board of Registrars could not read name and other parts of application.

No notice mailed.

BULLOCK COUNTY BOARD OF REGISTRARS

BY: H. S. - You

Ruth Walker 7-15-63
(p. v)

to her) states "Board members could not read name and other parts of application." A copy of her form follows this page.

Witnesses in this case who applied and were rejected under the old application form showed on the witness stand their ability to read aloud (which ability is not required by this Court's decree), and their forms showed their literacy. Thus, Mrs. Mary Grier, a former teacher with a tenth grade education, was denied registration in January of 1964 although her questionnaire contained no significant errors and was clearly legible. She read to the Court her rejection notice, which stated she was "Illiterate - Board could not read her name."^{16/}

By contrast, Charlie Golden, a white witness at the hearing, was accepted for registration on December 12, 1963. He was unable to read or understand many of the questions on the application form and required and received extensive assistance from the Board in order to complete his questionnaire. Thus, the Board accepted a white applicant who barely met the standards laid down by this court, while rejecting Negro applicants whose performance level was far above that required by this Court.

The adoption of a new application for registration in 1964 did not improve the Board's practice of rejecting as illiterate persons whose forms showed them to be literate.

^{16/} Willie Joe Jackson's three legible and responsive application forms were rejected by the Board in 1963, one for lack of a Supporting Witness, one for illiteracy. As to the third, Mr. Jackson, a Negro, read to the Court his rejection notice: "Applicant was given the Oath to read and could not. He admitted he could not read."

529B

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATH

I, _____ do hereby apply to the Board of Registrars of _____ County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama, and do herewith submit answers to the interrogatories propounded to me by said Board.

x

Name of Applicant

QUESTIONNAIRE

1. State your name, the date and place of your birth, and your present address:

Sorlida King
Midway Rte 2 Box 892 H. Midway Alabama
Sept. 6 1942

2. Give a brief statement of the extent of your education and business experience:

High School

3. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude: (a) If so, give the facts: *no*

4. Have you ever served in the Armed Forces of the United States Government: (a) If so, state when and for approximately how long: *no*

5. Have you ever been expelled or dishonorably discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other country: *no* (a) If so, state the facts:

6. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama: *yes*

7. Are you now or have you ever been affiliated with any group or organization which advocated the overthrow of the United States Government or the government of any State of the United States by unlawful means: *no* (a) If so, state the facts:

8. Will you bear arms for your country when called upon by it to do so: *yes* (a) If you answer no, give reasons:

9. Do you believe in free elections and rule by the majority: *yes*

10. Will you give aid and comfort to the enemies of the United States Government or the government of the State of Alabama: *no*

11. Name some of the duties and obligations of citizenship: *Obedying Law*

Sorlida King
(p. i)

(a) Do you regard those duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict: Yes

12. Give the names and post office addresses of two persons who have present knowledge of your present bona fide residence at the place as stated by you: Mr. Marie Lamar, Rte. 2, Box

178 - H Midway, Ala. Annie Laura Lamar
Rte. 2, Box 100 - H Midway, Ala.

13. Are you married or single: married If married, give name, residence and place of birth of your husband or wife, as the case may be: Johnnie C. King 11/14 Year City

Lanier, Ala.

14. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years: New York, Florida

and Midway, Ala. Sorlida King

15. If you are self-employed, state the nature of your business: no

(a) If you have been employed by another during the last five years state the nature of your employment and the name or names of such employer or employers and his or their addresses: no

16. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident: July 1962 (a) When did you become a bona fide resident of Barlow

County: July 1962 (b) When did you become a bona fide resident of 1-1 Ward or precinct 1961

17. If you intend to change your place of residence prior to the next general election, state the facts: no

18. Have you previously applied for and been denied registration as a voter: no (a) If so, give the facts: _____

19. Has your name been previously stricken from the list of persons registered: no

20. Are you now or have you ever been a dope addict or an habitual drunkard: no (a) If you are or have been a dope addict or an habitual drunkard, explain as fully as you can: _____

21. Have you ever been legally declared insane: no (a) If so, give details: _____

OATH

STATE OF ALABAMA _____ COUNTY

Before me, _____, a registrar in and for said county and state, personally appeared

_____, an applicant for registration as an elector, who being by me first duly sworn deposes and says: I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are true and correct to the best of my knowledge, information and belief. I do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama; that I do not believe in nor am I affiliated with, nor have I been in the past 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.

x Sorlida King

Sworn to and subscribed before me in the presence of the Board of Registrars this the _____ day of _____, 19 63

Member of the Board of Registrars for Bullock County

SUPPLEMENTAL APPLICATION FOR REGISTRATION, AND OATH

STATE OF ALABAMA _____ COUNTY

Before the Board of Registrars in and for said State and County, personally appeared

_____, an applicant for registration who being by me,
(Full name of applicant)

_____, a member of said Board, first duly sworn as follows: "I do solemnly
(Any member present may administer oath)

swear (or affirm) that in the matter of the application of _____ for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is Sorlida King and I have heretofore executed the "Application for Registration, Questionnaire and Oath" submitted to me by the above-named Board of Registrars.

In addition to the information given on said "Application for Registration, Questionnaire and Oath," I depose and state as follows:

1. I was previously registered in the following State and County in the years named no

(If applicant has never been registered in Alabama or any other state, he should so indicate.)

2. I have never been convicted of any offense disqualifying me from registering.

(Board should call applicant's attention to Section 182, Constitution, and Title 17, Section 15, Code of Alabama 1940. If applicant cannot make foregoing statement, facts shall be ascertained and registration refused, unless fully pardoned and right to vote restored.)

3. My present place of employment is Midway, Alabama

4. I know of nothing that would disqualify me from being registered at this time.

REMARKS

(Signed) x Sorlida King
(Name of Applicant)

Sworn to and subscribed before me this the 21 day of Oct., 19 63

(Member of County Board of Registrars)

ACTION OF THE BOARD

STATE OF ALABAMA COUNTY

Before the Board of Registrars in session in and for said State and County personally appeared (Name of Applicant)

who executed the foregoing application in the manner and form therein stated. The Board having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, 1901, as amended, and having fully considered the foregoing Application for Registration, Questionnaire, and Oath, and Supplemental Application for Registration, and Oath as executed, adjudges said applicant entitled to be registered and he was duly registered on this the day of 19 in precinct (or ward) in said county.

(Signed) Chairman

(Signed) Member

(Signed) Member

(Note: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member present must vote on each application. Not until this is done may a certificate be issued the applicant.)

EXAMINATION OF SUPPORTING WITNESS

STATE OF ALABAMA COUNTY

Before the County Board of Registrars in and for said State and County personally appeared

(Name of Witness), who being first duly sworn as follows: "I solemnly swear (or affirm) that in the matter of the application of for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is Benjamin Jordan. My occupation is farming. I reside at R2 Box 904 Midway, AL. My place of business or employment is at R2 Box 904 Midway, AL. The name of my employer is Benjamin Jordan. I am a duly registered, qualified elector in 1-7 precinct (or ward) in Bullock County in the State of Alabama. I have known the applicant Sorlida King (Give Applicant's name) for 6 years (or months). He is a bona fide resident at R2 Box 904 Midway, AL and to my knowledge has resided thereat for the past 6 years (or months). I know of no reason why he is disqualified from registering under the Constitution and laws of Alabama enacted in pursuance thereof.

Space for further remarks

I fill that she is all Right

(Signed) Benjamin Jordan

Sworn to and subscribed before me in the presence of the Board of Registrars this the day of 19

(Signed) (Member of the Board)

Note: This application blank, when duly executed, on the final preparation of the "lists" of persons registered, must be delivered by the Board of Registrars to the Probate Judge of the County, whose duty it is to safely preserve it and all accompanying papers. See Title 41, Section 141, Code of Alabama, 1940.

Sorlida King
(p. iv)

UNION SPRINGS, ALABAMA

October 21, 1963

MC. 529B - ? ?

The following action has been taken on your application
for registration:

Application rejected for the following reasons:

Board members could not read name and other parts of
application.

No notice mailed.

BULLOCK COUNTY BOARD OF REGISTRATIONS

BY: D. L. Taylor

Sorlida King
(p. v)

From July 26, 1962 until the adoption of the new form, 39 applications of qualified Negroes were rejected on grounds relating to literacy; since then 30 applications of qualified Negroes have been rejected on similar grounds.^{17/}

(These figures do not include subsequently accepted applicants). For example, Joseph Lee's application of May 18, 1964 was rejected for "Illiteracy - Board members could not read parts of your application." A close reading of his form fails to disclose a single illegible word except, perhaps, the word "levying", which he wrote from dictation on Part III of the application. Anyone who, as Mr. Lee did, could write from dictation the phrase "Treason against the United State, shall consist only in [levying] war" is clearly literate. A copy of Mr. Lee's form follows this page.

2. Different and More Stringent Tests

This Court, in its order of September 13, 1961, enjoined the Board from:

5. Using a form of application or questionnaire different from or more stringent than that used for registering persons in Bullock County prior to March 30, 1961.

At the time of this decree the Board was using in the registration process a four-page application form prescribed

^{17/} During the former period, six white persons were rejected --- three for their criminal records and three for illiteracy. One of the white persons rejected as illiterate appears to be literate (Pl. Ex. 25-2008). The three white persons rejected under the new form were rejected for insufficient residence.

208C

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATHS

PART I

(This is to be filled in by a member of the Board of Registrars or a duly authorized clerk of the board. If applicant is a married woman, she must state given name by which she is known, maiden surname, and married surname, which shall be recorded as her full name.)

Full Name: Lee Joseph
 Last First Middle
 Date of Birth: October 9, 1928 Sex male Race Caucasian
 Residence Address: St. Francis St. Union Springs, Ala
 Mailing Address: P.O. Box 69 Union Springs, Ala
 Voting Place: Precinct 3 Ward 3 District 3
 Length of Residence: In State 25 yrs. County 25 yrs.
 Precinct, ward or district 35 yrs.
 Are you a member of the Armed Forces? no
 Are you the wife of a member of the Armed Forces? no
 Are you a college student? no If so, where _____
 Have you ever been registered to vote in any other state or in any other county in Alabama? no If so, when and in what state and county and, if in Alabama, at what place did you vote in such county? _____
 Highest grade, 1 to 12, completed 9th Where Corner St. S. Thompson St., Ala
 Years college completed _____ Where _____

PART II

(To be filled in by the applicant in the presence of the Board of Registrars without assistance.)

I, Joseph Lee, do hereby apply to the Board of Registrars of Bulloch County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama and do hereby submit my answers to the interrogatories propounded to me by the board.

- Joseph Lee
 (Signature of Applicant)
 1. Are you a citizen of the United States? yes
 2. Where were you born? Bulloch
 3. If you are a naturalized citizen, give number appearing on your naturalization papers and date of issuance Citizen at Birth
 4. Have you ever been married? yes If so, give the name, residence and place of birth of your husband or wife Mattie Louise Lee 32 Bulloch
 Are you divorced? no

Joseph Lee
 (p. i)

5. List the places you have lived the past five years, giving town or county and state. New York
6 month
Bullock County Ala
6. Have you ever been known by any name other than the one appearing on this application? No If so, state what name
7. Are you employed? Yes If so, state by whom. (If you are self-employed, state this.)
Welsh Company of the South
8. Give the address of your present place of employment Union County Ala.
9. If, in the past five years, you have been employed by an employer other than your present employer, give name of all employers and cities and states in which you worked Florida New York
July 1946 Bullock County Ala
July 1946 Bullock County Ala
July 1946 Bullock County Ala
10. Has your name ever been stricken for any reason from any list of persons registered to vote? No If so, where, when, and why?
11. Have you previously applied for and been denied registration as a voter? No If so, when and where?
12. Have you ever served in the Armed Forces? No If so, give dates, branch of service, and serial number
13. Have you ever been dishonorably discharged from military service? No
14. Have you ever been declared legally insane? No If so, give details
15. Give names and addresses of two persons who know you and can verify the statements made above by you relative to your residence in this state, county and precinct, ward or district Cinda Penn
Joshua Penn
16. Have you ever seen a copy of this registration application form before receiving this copy today? No If so, when and where?
17. Have you ever been convicted of any offense or paid any fine for violation of the law? Yes (Yes or No) If so, give the following information concerning each fine or conviction: charge, in what court tried, fine imposed, sentence, and, if paroled, state when, and if pardoned, state when. (If fine is for traffic violation only, you need write below only the words "traffic violation only.") watching people trouble
City Court 1946 \$10.00

(Remainder of this form is to be filled out only as directed by an individual member of the Board of Registrars.)

PART III

Part III of this questionnaire shall consist of one of the forms which are Insert Part III as herein below set out. The insert shall be fastened to the questionnaire. The questions set out on the insert shall be answered according to the instructions therein set out. Each applicant shall demonstrate ability to read and write as required by the Constitution of Alabama, as amended, and no person shall be considered to have completed this application, nor shall the name of any applicant be entered upon the list of registered voters of any county until after such Inserted Part III of the questionnaire has been satisfactorily completed and signed by the applicant.

Joseph Lee
 (p. ii)

INSERT PART III (4)

(The following questions shall be answered by the applicant without assistance.)

1. What is the chief executive of the United States called? President
2. Name the two major political parties in the United States. Democrat + Republican
3. Who coins money, the state or the United States? Federal Government
4. If the president dies, who takes his place? Vice President

INSTRUCTIONS "A"

The applicant will complete the remainder of this questionnaire before a Board member and at his instructions. The Board member shall have the applicant read any one or more of the following excerpts from the U. S. Constitution using a duplicate form of this Insert Part III. The Board member shall keep in his possession the application with its inserted Part III and shall mark thereon the words missed in reading by the applicant.

EXCERPTS FROM THE CONSTITUTION

1. "The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators."
2. "Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."
3. "All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives."
4. "The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious tests shall ever be required as a qualification to any office or public trust under the United States."

INSTRUCTIONS "B"

The Board member shall then have the applicant write several words, or more if necessary to make a judicial determination of his ability to write. The writing shall be placed below so that it becomes a part of the application. If the writing is illegible, the Board member shall write in parentheses beneath the writing the words the applicant was asked to write.

HAVE APPLICANT WRITE HERE, DICTATING WORDS FROM THE CONSTITUTION.

Treason against the United States, shall consist only in levying war

"Treason against the United States, shall consist only in levying war

Signature of Applicant: Joseph Lee

Joseph Lee
(p. iii)

PLEASE INSERT PART III HERE

PART IV
OATHS

STATE OF ALABAMA

_____ COUNTY

Before me, _____
a registrar in and for said county and state, personally appeared _____,
an applicant for registration as an elector, who being first duly sworn deposes and says:

"I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are 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; that I do not believe in nor am I affiliated with any group or party which advocated or advocates the overthrow of the United States or the State of Alabama by unlawful means. I do further solemnly swear (or affirm) that in the matter of this application for registration I have spoken the truth, the whole truth and nothing but the truth, so help me God."


(Signature of Applicant)

Sworn to and subscribed before me this the _____ day of _____, 19____.

(Signature of Board Member)

EXPLANATION AND REMARKS

(Board members interviewing applicants may place here any special explanations, such as of residence status, or other remarks for purposes of clarification. If person is blind or is otherwise physically handicapped to such an extent that he cannot fill out this application form, the circumstances are to be recorded here, along with an explanation of the method used to determine if the person is, in fact, literate and can spell words and recognize those spelled to him, or can read large block letters and words in the case of persons with sight handicaps.)

PART V
ACTION OF THE BOARD

STATE OF ALABAMA

COUNTY

The applicant, _____, appeared before the board of registrars for said state and county in a regular session and executed the foregoing application in the manner prescribed by law. The Board, having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, as amended, and having fully considered the foregoing application for registration, questionnaire and oaths, adjudges said applicant entitled to be registered and he was duly registered this the _____ day of _____, 19____.

Signed: _____
Chairman

Member

Member

(NOTE: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member must vote on each application. Not until this is done may a certificate be issued the applicant.)

The Applicant, Joseph Lee, due to failure to meet the requirements of state law for registration as an elector, is hereby rejected on this the 18 day of May, 1964.

Signed: _____
Chairman
Charles J. Sherman
Member
R. S. Gordon
Member

PART VI
EXAMINATION OF SUPPORTING WITNESS

(The witness shall be placed under oath to tell the truth, the person administering the oath being a Board member or other person authorized to administer oaths and acting under the direction of the Board.)

Name of Witness Sidney J. ...
Address ...
Place of Voting ...

"I have known the applicant Joseph Lee for 5 years and _____ months
and I have personal knowledge that his place of residence is Union Springs, Ala.

and that he has resided in the State of Alabama at least one year and in Bullock County for at least six months."

Sidney J. ...
Signature of Witness

Sworn to and subscribed before me this the 18 day of May, 1964

...
(Person Administering Oath)
Date 5/18/64

Joseph Lee
(p. v)

USION SPRINGS, ALABAMA

May 18, 1964

NO: 208 C - Joseph Lee

The following action has been taken on your application
for registrations

Application rejected for the following reasons:

Illiteracy.

Board members could not read parts of your application.

BULLOCK COUNTY BOARD OF REGISTRARS

BY: *Wayne*

Joseph Lee
(p. vi)

by the Supreme Court of Alabama in 1952.^{18/} The use of this form continued until February 17, 1964, when an entirely new application, including Insert Part III, appeared. The new form is described in detail on page 8 of this Brief. On September 7, 1964, the Board began using the revised Insert Part III; the Board abandoned the use of the Insert Part III on November 19, 1964, after service of this Court's Order to Show Cause.

The use by the Board of the Inserts Part III violated this Court's order of September 13, 1961. The inserts constitute different and more stringent questionnaires than the old form used in Bullock County. Yet, the testimony of the registrars and of registration applicants, as well as the application forms in evidence and the statistics, prove that, until November 19, 1964, the Board required applicants for registration to fill out the Insert Part III and that the Board used the insert in making its determination of literacy.

With the introduction of the old Insert Part III applicants for registration in Bullock County were for the first time required to answer questions testing their knowledge of government and to read aloud and write from dictation sections of the U. S. Constitution.^{19/} With the use of the revised insert dictation by a registrar of at least one constitutional excerpt was continued and new tests

^{18/} About July, 1961, the Board began using twenty versions of the form --- all with the same questions but each having a different sequence of questions.

^{19/} The supplemental order of the Alabama Supreme Court setting forth the contents of each Insert Part III is set forth in full as Appendix "A" to the opinion of this Court in U.S. v. Parker, Civ. Action. No. 1741-N (December 17, 1964).

of literacy were begun. Applicants were required to answer four questions on government many of which require factual knowledge of local and state government organization and laws^{20/} and many pertain to federal matters.^{21/} The four U.S. Constitutional excerpts and the four questions on which they are based encompass the whole range of federal constitutional government. They are consequently technical and unfamiliar to most laymen. The affidavit of John Doar attached to plaintiff's Application for an Order to Show Cause contains numerous examples of the difficult and technical questions in the revised insert.

Not only were the inserts different and more stringent than the old form, but the manner in which they were used also violated this Court's orders. Mr. Yon testified as to the Insert Part III that:

... if they couldn't write it, read enough, we used that as an overall picture to try to determine whether or not he was literate or illiterate. (Tr. 30).

Not only did the Board use the insert to determine literacy, but before July 2, 1964, this use included an entirely new requirement for Bullock County --- reading aloud. Cecil Tompkins is a Negro with seven years of education whose application was rejected by the Board on March 2, 1964. His rejection notice states that he was rejected for

20/ (31) What is the name of the probate judge of this county?
(33) All poll taxes collected in the state must be used for roads (True or False) (39) How many presidential electors does Alabama choose? (95) There are some municipal taxes that can be levied without a vote of the people. (True or False)

21/ (3) What words were required by law to be on all coins and paper currency of the United States? (75) Name one county, other than the one in which you live, which is in this congressional district.

"Illiteracy. You did not show ability to read." However, his form is filled out responsively in excellent handwriting and spelling and therefore shows on its face an ability to read and write. The real reason for rejection was Mr. Tompkins' purported inability to read excerpts from the Constitution, as is shown by the underlinings of the excerpts in Part III, by the notation "can't read" on the Insert, and by the notation on p.1 of the questionnaire: "He positively cannot read. Writting [sic] OK." This use of an oral reading requirement is in flagrant disregard of this Court's order that if the answers on the form are legible and responsive the applicant "has satisfied the requirement that he be able to read and write." A copy of Mr. Tompkins' form follows this page. While Registrar Yon testified that no one was rejected for failure to read aloud excerpts from the Constitution (Tr. 32), the Board notations and Mr. Tompkins' answers on the form lead to the inescapable conclusion that in the spring of 1964, Negroes were rejected on the basis of their oral reading^{22/}

Mr. Yon testified that the Board agreed not to grade the insert, and that when he saw that Board members had been marking incorrect answers, "I called their attention to it and asked them not to do it any more, because we were not grading by it." (Tr. 9). But, while marking the insert may not have been the Board's general practice, two answers on Major Calloway's insert of August 17, 1964 are

^{22/} For another such Negro form the rejection notice for which states: "Illiteracy. Unable to read excerpts from the constitution," see Pl.Ex. 27-4163.

No previously known at hand. Writing at
1352

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATHS

PART I

(This is to be filled in by a member of the Board of Registrars or a duly authorized clerk of the board. If applicant is a married woman, she must state given name by which she is known, maiden surname, and married surname, which shall be recorded as her full name.)

Full Name: *Tompkins* *Cecil* *Grant*
Last First Middle
Date of Birth: *January 15, 1935* Sex *Male* Race *Colored*
Residence Address: *414 Kenzie St. Union Springs, Ala*
Mailing Address: *414 Kenzie St. Union Springs, Ala*
Voting Place: Precinct *3* Ward _____ District *3*
Length of Residence: In State *29 yrs.* County *18 yrs.*
Precinct, ward or district *18 yrs.*
Are you a member of the Armed Forces? *NO*
Are you the wife of a member of the Armed Forces? *NO*
Are you a college student? *NO* If so, where _____
Have you ever been registered to vote in any other state or in any other county in Alabama? *NO* If so, when and in what state and county and, if in Alabama, at what place did you vote in such county? _____
Highest grade, 1 to 12, completed *7th* Where *Carver High School Union Springs, Ala*
Years college completed _____ Where _____

PART II

(To be filled in by the applicant in the presence of the Board of Registrars without assistance.)

I, *Cecil H. Tompkins*, do hereby apply to the Board of Registrars of *B. C. Co.*
County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama and do hereby submit my answers to the interrogatories propounded to me by the board.

Cecil Grant Tompkins
(Signature of Applicant)

1. Are you a citizen of the United States? *yes*
2. Where were you born? *Montgomery Ala.*
3. If you are a naturalized citizen, give number appearing on your naturalization papers and date of issuance.
Citizen at Birth
4. Have you ever been married? *No* If so, give the name, residence and place of birth of your husband or wife _____

Are you divorced? _____

5. List the places you have lived the past five years, giving town or county and state Union Springs Alabama
Bullock Co.
6. Have you ever been known by any name other than the one appearing on this application? No If so, state what name
7. Are you employed? No If so, state by whom. (If you are self-employed, state this.)
8. Give the address of your present place of employment
9. If, in the past five years, you have been employed by an employer other than your present employer, give name of all employers and cities and states in which you worked Indust. plant 4 weeks
James V. Poe. Bullock Co. Union Springs Ala.
James M. Daniel Union Springs Ala.
10. Has your name ever been stricken for any reason from any list of persons registered to vote? No If so, where, when, and why?
11. Have you previously applied for and been denied registration as a voter? No If so, when and where?
12. Have you ever served in the Armed Forces? No If so, give dates, branch of service, and serial number
13. Have you ever been dishonorably discharged from military service? No
14. Have you ever been declared legally insane? No If so, give details
15. Give names and addresses of two persons who know you and can verify the statements made above by you relative to your residence in this state, county and precinct, ward or district H. O. Williams
John Thomas Union Springs Alabama
16. Have you ever seen a copy of this registration application form before receiving this copy today? No If so, when and where?
17. Have you ever been convicted of any offense or paid any fine for violation of the law? (Yes or No) If so, give the following information concerning each fine or conviction; charge, in what court tried, fine imposed, sentence, and, if paroled, state when, and if pardoned, state when. (If fine is for traffic violation only, you need write below only the words "traffic violation only.") Traffic violation only
City Court. 56.00 in Cost.

(Remainder of this form is to be filled out only as directed by an individual member of the Board of Registrars.)

PART III

Part III of this questionnaire shall consist of one of the forms which are Insert Part III as herein below set out. The insert shall be fastened to the questionnaire. The questions set out on the insert shall be answered according to the instructions therein set out. Each applicant shall demonstrate ability to read and write as required by the Constitution of Alabama, as amended, and no person shall be considered to have completed this application, nor shall the name of any applicant be entered upon the list of registered voters of any county until after such Inserted Part III of the questionnaire has been satisfactorily completed and signed by the applicant.

135C

INSERT PART III (2)

(The following questions shall be answered by the applicant without assistance.)

1. What city is the capital of Alabama? Montgomery, Ala.
2. How old must a person be in order to be eligible to vote in Alabama? 21 years
3. What is the lawmaking body of the United States called? Supreme Court X
4. The Constitution of the United States provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. (True or false) false X

INSTRUCTIONS "A"

The applicant will complete the remainder of this questionnaire before a Board member and at his instructions. The Board member shall have the applicant read any one or more of the following excerpts from the U. S. Constitution using a duplicate form of this Insert Part III. The Board member shall keep in his possession the application with its inserted Part III and shall mark thereon the words missed in reading by the applicant.

EXCERPTS FROM THE CONSTITUTION

1. "The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Every second year by the people of the several states and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature."
2. "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."
3. "The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish."
4. "The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution."

INSTRUCTIONS "B"

The Board member shall then have the applicant write several words, or more if necessary to make a judicial determination of his ability to write. The writing shall be placed below so that it becomes a part of the application. If the writing is illegible, the Board member shall write in parentheses beneath the writing the words the applicant was asked to write.

HAVE APPLICANT WRITE HERE, DICTATING WORDS FROM THE CONSTITUTION.

The judicial power of the United States.

Signature of Applicant: Cecil Grant Tompkins

Cecil Tompkins
(p. iii)

PLEASE INSERT PART III HERE

PART IV

OATHS

STATE OF ALABAMA

_____ COUNTY

Before me, _____
a registrar in and for said county and state, personally appeared _____,
an applicant for registration as an elector, who being first duly sworn deposes and says:

"I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are 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; that I do not believe in nor am I affiliated with any group or party which advocated or advocates the overthrow of the United States or the State of Alabama by unlawful means. I do further solemnly swear (or affirm) that in the matter of this application for registration I have spoken the truth, the whole truth and nothing but the truth, so help me God."

Cecil Yarnall Tompkins
(Signature of Applicant)

Sworn to and subscribed before me this the _____ day of _____, 19____.

(Signature of Board Member)

EXPLANATION AND REMARKS

(Board members interviewing applicants may place here any special explanations, such as of residence status, or other remarks for purposes of clarification. If person is blind or is otherwise physically handicapped to such an extent that he cannot fill out this application form, the circumstances are to be recorded here, along with an explanation of the method used to determine if the person is, in fact, literate and can spell words and recognize those spelled to him, or can read large block letters and words in the case of persons with sight handicaps.)

Cecil Tompkins
(p. iv)

PART V
ACTION OF THE BOARD

STATE OF ALABAMA

COUNTY

The applicant, _____, appeared before the board of registrars for said state and county in a regular session and executed the foregoing application in the manner prescribed by law. The Board, having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, as amended, and having fully considered the foregoing application for registration, questionnaire and oaths, adjudges said applicant entitled to

be registered and he was duly registered this the _____ day of _____, 19____.

Signed: _____
Chairman

Member

Member

(NOTE: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member must vote on each application. Not until this is done may a certificate be issued the applicant.)

The Applicant, Cecil Grant Tompkins, due to failure to meet the requirements of state law for registration as an elector, is hereby rejected on this the 2 day of March, 1918.

Signed: _____
Chairman

Member

Member

PART VI
EXAMINATION OF SUPPORTING WITNESS

(The witness shall be placed under oath to tell the truth, the person administering the oath being a Board member or other person authorized to administer oaths and acting under the direction of the Board.)

Name of Witness Julia P. Grise

Address 204 Locke Ave Union Springs Ala

Place of Voting 3

"I have known the applicant Cecil Grant Tompkins for 3 years and 4 months
and I have personal knowledge that his place of residence is Bullock Co.

and that he has resided in the State of Alabama at least one year and in Bullock County for at least six months."

Julia P. Grise
Signature of Witness

Sworn to and subscribed before me this the _____ day of _____, 19____.

(Person Administering Oath)

Date _____

Cecil Tompkins
(p. v)

Union Springs, Alabama

March 2, 1964

No. 135C - Cecil Grant Tompkins

The following action has been taken on your application
for registration:

Application rejected for the following reasons:

Illiteracy.

You do not show ability to read.

By:

W. A. Clayton
BULLOCK COUNTY BOARD OF REGISTRARS

marked wrong, and this tenth grade Negro's application was rejected. Not only did the Board mark two answers wrong, but one of those answers was correct ("Wash." was the answer to the question "What city is the capital of the United States?") A copy of Mr. Calloway's form follows this page.^{23/}

Although Mr. Yon testified that where Part II did not show literacy the Board attempted to find the applicant's literacy in the insert (Tr. 10), the rejected form of Negro high school graduate Fred McCoy, Jr. indicates the contrary. Mr. McCoy filled out his questionnaire, including the new insert, on November 9, 1964. The Board gave as the reason for his rejection: "Illiteracy - You did not write plain enough for Board to Read it." Although the Board left most of Mr. McCoy's form unmarked, it did underline his name in two places at the top of Part II and underlined the names of his references in question 15 of Part II; these were evidently not written "plain enough." But if there were any doubt as to Mr. McCoy's literacy, his Insert would have dispelled that doubt. Mr. McCoy's answers were not just responsive; he gave correct answers to seven of the eight difficult questions on the Insert. A copy of Mr. McCoy's form follows this page. Thus, the Board uses Insert Part III to resolve doubts about literacy against Negroes, but disregards the insert where it shows that the

^{23/} The given basis for rejection was not errors on the insert but "illiteracy - did not complete application." But Mr. Calloway's form shows his literacy and all significant questions are answered.

262-C

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATHS

PART I

(This is to be filled in by a member of the Board of Registrars or a duly authorized clerk of the board. If applicant is a married woman, she must state given name by which she is known, maiden surname, and married surname, which shall be recorded as her full name.)

Full Name: Calloway Major
 Last First Middle
 Date of Birth: January 21 1937 Sex male Race colored
 Residence Address: P.O. Box 43 Midway Ala
 Mailing Address: " " " " "
 Voting Place: Precinct 1 Ward 1 District 1
 Length of Residence: In State 27 yrs. County 27 yrs.
 Precinct, ward or district 27 yrs.
 Are you a member of the Armed Forces? no
 Are you the wife of a member of the Armed Forces? no
 Are you a college student? no If so, where _____
 Have you ever been registered to vote in any other state or in any other county in Alabama? no If so, when and in
 what state and county and, if in Alabama, at what place did you vote in such county? _____
 Highest grade, 1 to 12, completed 10th Where Merritt High School Midway Ala
 Years college completed _____ Where _____

PART II

(To be filled in by the applicant in the presence of the Board of Registrars without assistance.)

I, Major Calloway, do hereby apply to the Board of Registrars of Ballock
 County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama and do here-
 with submit my answers to the interrogatories propounded to me by the board.

Major Calloway
 (Signature of Applicant)

1. Are you a citizen of the United States? yes
 2. Where were you born? Ballock Midway Ala.
 3. If you are a naturalized citizen, give number appearing on your naturalization papers and date of issuance _____
 4. Have you ever been married? no If so, give the name, residence and place of birth of your husband or wife _____
- Are you divorced? _____

Major Calloway
 (p. i)

5. List the places you have lived the past five years, giving town or county and state New York
Midway Ala.
6. Have you ever been known by any name other than the one appearing on this application? NO If so, state what name
7. Are you employed? NO If so, state by whom. (If you are self-employed, state this.)
8. Give the address of your present place of employment Unemployment
9. If, in the past five years, you have been employed by an employer other than your present employer, give name of all employers and cities and states in which you worked
10. Has your name ever been stricken for any reason from any list of persons registered to vote? NO If so, where, when, and why?
11. Have you previously applied for and been denied registration as a voter? NO If so, when and where?
12. Have you ever served in the Armed Forces? yes If so, give dates, branch of service, and serial number
U.S. NAVY April 4, 1953 June 19, 54
13. Have you ever been dishonorably discharged from military service? NO
14. Have you ever been declared legally insane? NO If so, give details
15. Give names and addresses of two persons who know you and can verify the statements made above by you relative to your residence in this state, county and precinct, ward or district even Jackson
Bird Thomas P.O. Box Midway Ala.
16. Have you ever seen a copy of this registration application form before receiving this copy today? NO If so, when and where?
17. Have you ever been convicted of any offense or paid any fine for violation of the law? yes (Yes or No) If so, give the following information concerning each fine or conviction; charge, in what court tried, fine imposed, sentence, and, if paroled, state when, and if pardoned, state when. (If fine is for traffic violation only, you need write below only the words "traffic violation only.") yes
traffic violation only

(Remainder of this form is to be filled out only as directed by an individual member of the Board of Registrars.)

PART III

Part III of this questionnaire shall consist of one of the forms which are Insert Part III as herein below set out. The insert shall be fastened to the questionnaire. The questions set out on the insert shall be answered according to the instructions therein set out. Each applicant shall demonstrate ability to read and write as required by the Constitution of Alabama, as amended, and no person shall be considered to have completed this application, nor shall the name of any applicant be entered upon the list of registered voters of any county until after such Inserted Part III of the questionnaire has been satisfactorily completed and signed by the applicant.

Major Calloway
(p. ii)

262a

INSERT PART III (8)

(The following questions shall be answered by the applicant without assistance.)

1. What is the lawmaking body of Alabama called? law to registered X
2. Those who shall be convicted of any crime punishable by imprisonment in the state penitentiary shall be disqualified from voting in Alabama. (True or false) True
3. How many states are in the United States? 50
4. What city is the capital of the United States? Wash. X

INSTRUCTIONS "A"

The applicant will complete the remainder of this questionnaire before a Board member and at his instructions. The Board member shall have the applicant read any one or more of the following excerpts from the U. S. Constitution using a duplicate form of this Insert Part III. The Board member shall keep in his possession the application with its inserted Part III and shall mark thereon the words missed in reading by the applicant.

EXCERPTS FROM THE CONSTITUTION

1. "The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves."
2. "The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."
3. "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."
4. "Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States."

INSTRUCTIONS "B"

The Board member shall then have the applicant write several words, or more if necessary to make a judicial determination of his ability to write. The writing shall be placed below so that it becomes a part of the application. If the writing is illegible, the Board member shall write in parentheses beneath the writing the words the applicant was asked to write.

HAVE APPLICANT WRITE HERE, DICTATING WORDS FROM THE CONSTITUTION.

Signature of Applicant: Major Calloway

Major Calloway
(p. iii)

PLEASE INSERT PART III HERE

PART IV

OATHS

STATE OF ALABAMA

Bibb COUNTY

Before me, Charles J. Thorne

a registrar in and for said county and state, personally appeared Major Calloway
an applicant for registration as an elector, who being first duly sworn deposes and says:

"I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are 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; that I do not believe in nor am I affiliated with any group or party which advocated or advocates the overthrow of the United States or the State of Alabama by unlawful means. I do further solemnly swear (or affirm) that in the matter of this application for registration I have spoken the truth, the whole truth and nothing but the truth, so help me God."

Major Calloway
(Signature of Applicant)

Sworn to and subscribed before me this the 17 day of August, 1964

Charles J. Thorne
(Signature of Board Member)

EXPLANATION AND REMARKS

(Board members interviewing applicants may place here any special explanations, such as of residence status, or other remarks for purposes of clarification. If person is blind or is otherwise physically handicapped to such an extent that he cannot fill out this application form, the circumstances are to be recorded here, along with an explanation of the method used to determine if the person is, in fact, literate and can spell words and recognize those spelled to him, or can read large block letters and words in the case of persons with sight handicaps.)

PART V

ACTION OF THE BOARD

STATE OF ALABAMA

Bollock COUNTY

The applicant, _____, appeared before the board of registrars for said state and county in a regular session and executed the foregoing application in the manner prescribed by law. The Board, having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, as amended, and having fully considered the foregoing application for registration, questionnaire and oaths, adjudges said applicant entitled to

be registered and he was duly registered this the _____ day of _____, 19____.

Signed: _____
Chairman

Member

Member

(NOTE: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member must vote on each application. Not until this is done may a certificate be issued the applicant.)

The Applicant, Major Calloway, due to failure to meet the requirements of state law for registration as an elector, is hereby rejected on this the 17 day of Aug, 1965

Signed: _____
Chairman
Charles S. Thomas
Member
W. S. Jan
Member

PART VI

EXAMINATION OF SUPPORTING WITNESS

(The witness shall be placed under oath to tell the truth, the person administering the oath being a Board member or other person authorized to administer oaths and acting under the direction of the Board.)

Name of Witness Burton Gordon
Address P.O. Box 23, P.M. Station, Bollock, Ala.
Place of Voting Ward 4, Bollock, Ala.

"I have known the applicant Major Calloway for _____ years and _____ months
and I have personal knowledge that his place of residence is Bollock, Ala.

and that he has resided in the State of Alabama at least one year and in Bollock County for at least six months."

Signature of Witness

Sworn to and subscribed before me this the 17 day of Aug, 1965

(Person Administering Oath)

Date 8/17/64

Major Calloway
(p. v)

17 11
UNION SPENT ALABAMA
August 17, 1964

NO. 2620— Major Calloway
P. O. Box 43
Midway, Ala.

The following action has been taken on your application
for registration:

Application rejected for the following reasons:

illiteracy

Did not complete application.

SULLOCK COUNTY BOARD OF REGISTRATION

BY: *W. A. Taylor*

Major Calloway
(p. vi)

36-8-5

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATHS

PART I

(This is to be filled in by a member of the Board of Registrars or a duly authorized clerk of the board. If applicant is a married woman, she must state given name by which she is known, maiden surname, and married surname, which shall be recorded as her full name.)

Full Name: McCoy Fred Last McCoy First Fred Middle go
 Date of Birth: Aug. 2 - 1941 Sex Male Race Beland
 Residence Address: PO Box 144
 Mailing Address: Union Springs Ala
 Voting Place: Precinct 3 Ward _____ District _____
 Length of Residence: In State 23 yrs County 23 yrs
 Precinct, ward or district 23 yrs
 Are you a member of the Armed Forces? yes
 Are you the wife of a member of the Armed Forces? yes
 Are you a college student? no If so, where _____
 Have you ever been registered to vote in any other state or in any other county in Alabama? no If so, when and in what state and county and, if in Alabama, at what place did you vote in such county? _____
 Highest grade, 1 to 12, completed 12th Where Union Springs Ala
 Years college completed _____ Where _____

PART II

(To be filled in by the applicant in the presence of the Board of Registrars without assistance.)

I, Fred McCoy, Jr., do hereby apply to the Board of Registrars of Bullhead County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama and do hereby submit my answers to the interrogatories propounded to me by the board.

Fred McCoy, Jr.
 (Signature of Applicant)

- Are you a citizen of the United States? yes
 - Where were you born? Bullhead County Alabama
 - If you are a naturalized citizen, give number appearing on your naturalization papers and date of issuance _____
 - Have you ever been married? yes If so, give the name, residence and place of birth of your husband or wife _____
- Are you divorced? _____

Fred McCoy, Jr.
 (P. 1)

5. List the places you have lived the past five years, giving town or county and state. Bull Lake, Bull Lake County, Idaho
6. Have you ever been known by any name other than the one appearing on this application? no If so, state what name
7. Are you employed? yes If so, state by whom. (If you are self-employed, state this.) Bull Lake County, Haas Road
8. Give the address of your present place of employment Union Springs, Idaho
9. If, in the past five years, you have been employed by an employer other than your present employer, give name of all employers and cities and states in which you worked
10. Has your name ever been stricken for any reason from any list of persons registered to vote? no If so, where, when, and why?
11. Have you previously applied for and been denied registration as a voter? no If so, when and where?
12. Have you ever served in the Armed Forces? no If so, give dates, branch of service, and serial number
13. Have you ever been dishonorably discharged from military service? no
14. Have you ever been declared legally insane? no If so, give details
15. Give names and addresses of two persons who know you and can verify the statements made above by you relative to your residence in this state, county and precinct, ward or district. W. C. Haas, Union Springs, Idaho
W. C. Haas, Union Springs, Idaho
16. Have you ever seen a copy of this registration application form before receiving this copy today? no If so, when and where?
17. Have you ever been convicted of any offense or paid any fine for violation of the law? no (Yes or No) If so, give the following information concerning each fine or conviction; charge, in what court tried, fine imposed, sentence, and, if paroled, state when, and if pardoned, state when. (If fine is for traffic violation only, you need write below only the words "traffic violation only.")

(Remainder of this form is to be filled out only as directed by an individual member of the Board of Registrars.)

PART III

Part III of this questionnaire shall consist of one of the forms which are Insert Part III as herein below set out. The insert shall be fastened to the questionnaire. The questions set out on the insert shall be answered according to the instructions therein set out. Each applicant shall demonstrate ability to read and write as required by the Constitution of Alabama, as amended, and no person shall be considered to have completed this application, nor shall the name of any applicant be entered upon the list of registered voters of any county until after such Inserted Part III of the questionnaire has been satisfactorily completed and signed by the applicant.

Fred McCoy, Jr.
(p. ii)

318 C

INSERT PART III (31)

INSTRUCTION "A"

Immediately after this insert has been selected, applicant shall turn it over and write on the back as instructed by the Board member. The Board member shall read aloud to the applicant, from a duplicate form of this Insert Part III, one or more of the excerpts from the Constitution which appear below, and the applicant shall write on the back hereof that part of the Constitution which is thus read to him. This shall be done before applicant completes any other part of the insert. Applicant is not to be allowed to copy, from the insert or elsewhere, that part of the Constitution which is read to him, but shall write the words read to the applicant by the Board member.

INSTRUCTION "B"

(After complying with Instruction "A," applicant will complete remainder of insert. Applicant shall answer the following questions in writing and without assistance:)

1. In what house of Congress must revenue bills originate? House of Representatives
2. Of which branch of government is a state senator a part?
☐ executive
☒ legislative
☐ judicial
3. What is the name of the probate judge of this county? Judge
4. The right to free public education is guaranteed by the Constitution of the state. (True or False) True

EXCERPTS FROM THE CONSTITUTION

Part 1. No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

Part 2. The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Part 3. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Part 4. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction.

INSTRUCTION "C"

(After applicant has read, not aloud, the foregoing excerpts from the Constitution, he will answer the following questions in writing and without assistance:)

1. Any power not specified in the United States Constitution as belonging to the federal government is supposed to belong to the states or to the people
2. What courts try ambassadors? The Supreme Court
3. One of the above Parts was one of the so-called "Reconstruction Amendments" and provided that a former public official who had fought with the forces of the Confederate States of America could not hold any state or federal office again unless Congress did what? Not of Title - 14th
4. The term "give aid or comfort to the enemies of the United States" is an offense considered as serious as insurrection or treason

I hereby certify that I have received no assistance in the completion of this citizenship literacy test, that I was allowed the time I desired to complete it, and that I waive any right existing to demand a copy of same. (If for any reason the applicant does not wish to sign this, he must discuss the matter with the board of registrars.)

Signed: Fred McCoy, Jr.

(Applicant)

Fred McCoy, Jr.
(p. iii)

PLEASE INSERT PART III HERE

PART IV
OATHS

STATE OF ALABAMA

Bullock COUNTY

Before me, R. H. Cuyler

a registrar in and for said county and state, personally appeared Fred McCoy, Jr.

an applicant for registration as an elector, who being first duly sworn deposes and says:

"I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are 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; that I do not believe in nor am I affiliated with any group or party which advocated or advocates the overthrow of the United States or the State of Alabama by unlawful means. I do further solemnly swear (or affirm) that in the matter of this application for registration I have spoken the truth, the whole truth and nothing but the truth, so help me God."

Fred McCoy, Jr.
(Signature of Applicant)

Sworn to and subscribed before me this the 9 day of Nov, 1960

R. H. Cuyler
(Signature of Board Member)

EXPLANATION AND REMARKS

(Board members interviewing applicants may place here any special explanations, such as of residence status, or other remarks for purposes of clarification. If person is blind or is otherwise physically handicapped to such an extent that he cannot fill out this application form, the circumstances are to be recorded here, along with an explanation of the method used to determine if the person is, in fact, literate and can spell words and recognize those spelled to him, or can read large block letters and words in the case of persons with sight handicaps.)

PART V
ACTION OF THE BOARD

STATE OF ALABAMA

COUNTY

The applicant, _____, appeared before the board of registrars for said state and county in a regular session and executed the foregoing application in the manner prescribed by law. The Board, having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, as amended, and having fully considered the foregoing application for registration, questionnaire and oaths, adjudges said applicant entitled to be registered and he was duly registered this the _____ day of _____, 19____.

Signed: _____ Chairman

Member

Member

(NOTE: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member must vote on each application. Not until this is done may a certificate be issued the applicant.)

The Applicant, Fred McCoy Jr., due to failure to meet the requirements of state law for registration as an elector, is hereby rejected on this the 9 day of November, 1964.

Signed: _____ Chairman
Charles S. Thomas
Member
T. S. - Gay
Member

PART VI
EXAMINATION OF SUPPORTING WITNESS

(The witness shall be placed under oath to tell the truth, the person administering the oath being a Board member or other person authorized to administer oaths and acting under the direction of the Board.)

Name of Witness William J. ...
Address ...
Place of Voting ...

"I have known the applicant Fred McCoy Jr. for 10 years and _____ months
and I have personal knowledge that his place of residence is ...

and that he has resided in the State of Alabama at least one year and in Birmingham County for at least six months."

William J. ...
Signature of Witness

Sworn to and subscribed before me this the 9 day of November, 1964

Charles S. Thomas
(Person Administering Oath)
Date Nov 9, 1964

Fred McCoy, Jr.
(p. v)

UNION COUNTY, ALABAMA

DATE: 11-9-64

NO: 368C

The following action has been taken on your application
for registration:

Rejected:

Illiteracy.

You did not write plain enough for Board to Read it.

By: K. S. Yon
Union County Board of Registration

Fred McCoy, Jr.
(p. wd)

applicant is in fact literate.

The result of the Board's use of the inserts is shown by the statistics. From August 1, 1962 until the use of the inserts began, the Board rejected 24.6% of all Negro applicants. During the period of use of the inserts, the Negro rejection rate rose to 31.6%.

3. Discrimination

The adoption of a more difficult application form as a qualification test is itself racially discriminatory because it freezes the voting structure in Bullock County before past discrimination has been corrected. The order to follow the Board's standards of the 1950's was based on the Court's finding that a pattern and practice of racial discrimination had existed. Use of the Insert Part III tests has continued the pattern.

Continued discrimination is evident in this case from the continuing rejection of qualified Negroes. Negroes who are literate, as demonstrated by their application forms and testimony, are rejected as illiterate.

On the other hand, some white persons have been assisted and accepted even though they have been no more qualified than many Negroes who were rejected. The testimony of Charlie Golden, detailed above, shows the degree to which the Board is willing to assist white applicants.^{24/} Many rejected Negro applicants have not been given comparable assistance.

^{24/} See also Mary Domergue's testimony that she and her husband were permitted to confer with each other and copy from each other's application forms. Mr. and Mrs. Domergue are white.

V.

D. The Board has Rejected Negro Applicants on Account of Technical and Inconsequential Errors in the Application and Registration Process.

The Court in its order of July 26, 1962, enjoined the defendants from rejecting Negro applicants on account of formal, technical and inconsequential errors in their applications. The registrars in Bullock County violated this portion of the injunction.

The practice of rejecting qualified Negro applicants on the ground that the Board was unable to read the name of the applicant is clearly in violation of the injunction. Negroes have been denied registration not for lacking any qualification to vote, but for making the error of writing their name in their own handwriting where the Board subsequently determines it is unable to read the name.

The proof on this practice makes the conclusion incapable that the Board has not registered fairly and in good faith. The Board not only "could not read" names of applicants which are obviously legible, but the Board made no effort to clarify doubts that they may have had about Negro applicants' names.

Consider, for example, the application of Julia Hall, dated September 16, 1963. This application was rejected purportedly on the ground that the registrar could not read "the first name." Mr. Yon had no difficulty with the first name on the stand, but he claimed not to be able to read the last three letters of the name "Hall." A copy of the application of Julia Hall follows this page. Her name appears in 12 places on the form.

I, J. Edgar Hoover do hereby apply to the Board of Registrars of _____ County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama, and do herewith submit answers to the interrogatories propounded to me by said Board.

QUESTIONNAIRE

2. Will you bear arms for your country when called upon by it to do so: Yes (a) If you answer no, give reasons: _____

3. Do you believe in free elections and rule by the majority: Yes

4. Will you give aid and comfort to the enemies of the United States Government or the government of the State of Alabama:

5. Name some of the duties and obligations of citizenship: to pay taxes, to vote, to serve on jury

- (a) Do you regard those duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict: No

6. Give the names and post office addresses of two persons who have present knowledge of your present bona fide residence at the place as stated by you:
- Edw. J. H. [illegible] Off. L. & C.

7. Are you married or single: _____ (a) If married, give name, residence and place of birth of your husband or wife, as the case may be: _____

8. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years: Young, Edwin - 1st

9. If you are self-employed, state the nature of your business: _____

(a) If you have been employed by another during the last five years state the nature of your employment and the name or names of such employer or employers and his or their addresses: _____

10. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident: 1965 (a) When did you become a bona fide resident of 1965 County: Barbour (b) When did you become a bona fide resident of 3 Ward or precinct 1941

11. If you intend to change your place of residence prior to the next general election, state the facts: I can

12. Have you previously applied for and been denied registration as a voter: no (a) If so, give the facts: _____

13. Has your name been previously stricken from the list of persons registered: no

14. Are you now or have you ever been a dope addict or an habitual drunkard: no (a) If you are or have been a dope addict or an habitual drunkard, explain as fully as you can: Let's get Switched to

15. Have you ever been legally declared insane: no (a) If so, give details: _____

16. Give a brief statement of the extent of your education and business experience:

I am a 7 grade man and have an
attest in school. I am a business man.

17. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude: no (a) If so, give the facts: _____

18. Have you ever served in the Armed Forces of the United States Government: no (a) If so, state when and for approximately how long: _____

19. Have you ever been expelled or dishonorably discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other country: no (a) If so, state the facts: _____

20. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama: Yes

21. Are you now or have you ever been affiliated with any group or organization which advocated the overthrow of the United States Government or the government of any State of the United States by unlawful means: no (a) If so, state the facts: _____

OATH

STATE OF ALABAMA Baldwin COUNTY

Before me, James H. Hall, a registrar in and for said county and state, personally appeared

X Julia Hall, an applicant for registration as an elector, who being by me first duly sworn deposes and says: I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are true and correct to the best of my knowledge, information and belief. I do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama; that I do not believe in nor am I affiliated with, nor have I been in the past 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.

X James H. Hall
Sworn to and subscribed before me in the presence of the Board of Registrars this the 16 day of August, 1963.

James H. Hall
Member of the Board of Registrars for Baldwin County

SUPPLEMENTAL APPLICATION FOR REGISTRATION, AND OATH

STATE OF ALABAMA Baldwin COUNTY

Before the Board of Registrars in and for said State and County, personally appeared

X Julia Hall, an applicant for registration who being by me,

(Full name of applicant)

James H. Hall, a member of said Board, first duly sworn as follows: "I do solemnly swear (or affirm) that in the matter of the application of Julia Hall for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is Julia Hall, and I have heretofore executed the "Application for Registration, Questionnaire and Oath" submitted to me by the above-named Board of Registrars.

In addition to the information given on said "Application for Registration, Questionnaire and Oath," I depose and state as follows:

1. I was previously registered in the following State and County in the years named MA

(If applicant has never been registered in Alabama or any other state, he should so indicate.)

2. I have never been convicted of any offense disqualifying me from registering.

(Board should call applicant's attention to Section 182 Constitution, and Title 17, Section 15, Code of Alabama 1940. If applicant cannot make foregoing statement, facts shall be ascertained and registration refused, unless fully pardoned and right to vote restored.)

3. My present place of employment is St. Catherine's Hospital

4. I know of nothing that would disqualify me from being registered at this time.

REMARKS

(Signed) X Julia Hall
(Name of Applicant)

Sworn to and subscribed before me this the 16 day of August, 1963.

James H. Hall
(Member of County Board of Registrars)

ACTION OF THE BOARD

STATE OF ALABAMA COUNTY

Before the Board of Registrars in session in and for said State and County personally appeared (Name of Applicant)

who executed the foregoing application in the manner and form therein stated. The Board having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, 1901, as amended, and having fully considered the foregoing Application for Registration, Questionnaire, and Oath, and Supplemental Application for Registration, and Oath as executed, adjudgeth said applicant entitled to be registered and he was duly registered on this the day of 19 in precinct (or ward) in said county.

(Signed) Chairman

(Signed) Member

(Signed) Member

(Note: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member present must vote on each application. Not until this is done may a certificate be issued the applicant.)

EXAMINATION OF SUPPORTING WITNESS

STATE OF ALABAMA Bullock COUNTY

Before the County Board of Registrars in and for said State and County personally appeared

Julia Hall (Name of Witness), who being first duly sworn as follows: "I solemnly swear (or affirm) that in the matter of the application of Julia Hall for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is Joe E. King, My occupation is gunsmith, I reside at Union Spring, My place of business or employment is at Union Spring.

The name of my employer is Joe E. King I am a duly registered, qualified elector in 3 precinct (or ward) in Bullock County in the State of Alabama. I have known the applicant

Julia Hall for 30 years (or months). He is a bona fide resident at Union Spring

and to my knowledge has resided thereat for the past 30 years (or months). I know of no reason why he is disqualified from registering under the Constitution and laws of Alabama enacted in pursuance thereof.

Space for further remarks

(Signed) Joe E. King

Sworn to and subscribed before me in the presence of the Board of Registrars this the 16 day of Sept 1963

(Signed) C. M. Britton (Member of the Board)

Note: This application blank, when duly executed, on the final preparation of the "lists" of persons registered, must be delivered by the Board of Registrars to the Probate Judge of the County, whose duty it is to safely preserve it and all accompanying papers. See Title 41, Section 141, Code of Alabama, 1940.

UNION SPRINGS, ALABAMA

Sept.
~~August~~ 16, 1963

NO. 462B - ? Hall

The following action has been taken on your application
for registration:

Application rejected for the following reasons:

Board of Registrars could not read first name.

No notice mailed.

EULOCK COUNTY BOARD OF REGISTRATIONS

BY: *L. M. R. [unclear]*

Julia Hall
(p. v)

Hall's application is an example of general practice which prevailed during the period November, 1962 to February, 1964. Sixty of the 144 rejected applications of Negroes filed during this period were rejected in whole or in part for the stated reason that the registrar could not read the applicant's name.^{25/}

That the Board fastened on the illegibility of names purely as a device to reject Negro applicants is demonstrated by the supporting witness procedure. The supporting witness often vouches for the applicant several days or weeks after the application is submitted to the Board. How, if the Board cannot read the applicant's name, can the Board produce the application when the supporting witness comes back alone later to fill out his part of the application? How can the Board in good faith reject an applicant for not being able to read his name when the supporting witness could read it and, in fact, filled in the applicant's name in the supporting witness portion of the form?

Consider the experience of Thomas J. Rodgers, a Negro who has four rejected applications in the files of the Board. His applications of June 17 and July 1, of 1963 were vouched for by Wilma L. Cox. These applications were filled out completely and without errors. The application form filed on June 17 was rejected for illiteracy and the form filed on July 1 was rejected because the Board claimed

^{25/} See Appendix B, N. 3,4,5.

that they could not read Rodgers last name.^{26/} Rodgers applied again on August 5 and was held incomplete on that day on the ground that he did not have a supporting witness and that the Board could not read his last name. Yet, two weeks later, Mr. Penn came in and signed as a supporting witness for this application of Rodgers, at which point the Board rejected Rodgers for illiteracy and their inability to read his last name.^{27/} Rodgers filled out an application again on September 16, 1963 which was held as incomplete for lack of a supporting witness. The supporting witness apparently came in on October 7, 1963 and vouched for Rodgers but the application was then held pending for lack of a birthdate. It was finally rejected on January 23, 1964.^{27a/}

It is impossible to conceive how a member of the Board could subscribe his part of the oath on page three of the old application form without ascertaining the name of the applicant, since the oath begins "Before me, _____, a registrar in and for said county and state, personally appeared _____, an applicant for registration as an elector, who being by me first duly sworn deposes and says:"

It is the duty of the Board, and a duty very simply discharged, to obtain the name of the applicant. Signatures of even the most learned men are often not clear. The

26/ Pl. Ex. 27: 4078, 4082

27/ Pl. Ex. 27: 4106. The Oath date and the Board notice holding this application incomplete are both August 5, 1963. The date on which the supporting witness section was filled out and the date on which the Board Notice rejecting the application was written are both August 19, 1963. However, neither of these two notices were ever mailed.

27a/ Pl. Ex. 27: 4123, 4123A, 4123B

legibility of signatures is not, nor could it be, a standard of literacy or a test of qualification.

It was not until February 1964, when the new application form and questionnaire came into use, that the name rejection device was abandoned. In Part I of the new form the registrars are required to fill in the name of the applicant.

E. The Board Has Failed To Notify Rejected Applicants That They Have Been Rejected

In the Decree of September 13, 1961, this Court ordered the defendants to "notify each applicant whose application is rejected, of the specific reasons for his rejection within ten days after his application is processed." The Board has not complied with this order.

Rejecting qualified Negro applicants who wrote legibly on the ground that the Board could not read their names not only constituted technical and inconsequential rejections but it also gave the Board a "reason" not to notify these applicants of their rejection.

From July 26, 1962 through January 28, 1964,^{28/} 144 applications filed by Negroes were rejected.

^{28/} After January 28 the new application form came into use which requires in Part I the registrars to write the name, address and other information concerning the applicant. The practice of not mailing rejection notices ceased.

The Board's rejection notice as to 98 of the 144 forms stated that the notice was not mailed.^{29/} See, for example, a copy of the rejection notice of Julia Hall, which follows page 21 of this Brief.

Of the 98 rejection notices not mailed, all but 19 relate to application forms substantially completed by the applicant.^{30/} As to the remaining 79 applications, the applicants were considered to be illiterate (with no explanation), or illiterate in that the Board said it could not read the applicant's name and/or other parts of the form.

^{29/} These notices can be found in Pl. Ex. 27. The specific identification Numbers are:

4001	4041	4066	4081	4099	4115	4130
4002	4044	4067	4082	4100	4116	4131
4003	4045	4068	4083	4101	4117	4134
4004	4046	4069	4086	4102	4118	4135
4005	4049	4070	4089	4104	4119	4136
4023	4051	4071	4090	4105	4120	4137
4028	4052	4072	4091	4106	4121	4138
4032	4053	4073	4092	4107	4122	4139
4034	4054	4074	4093	4109	4124	4140
4036	4055	4076	4094	4110	4125	4141
4037	4056	4077	4095	4111	4126	4142
4038	4061	4078	4096	4112	4127	4143
4039	4062	4079	4097	4113	4128	4144
4040	4065	4080	4098	4114	4129	4145

^{30/} The 19 forms that are substantially incomplete are in Pl. Ex. 27. The specific identification Numbers are:

4004, 4005, 4023, 4028, 4036, 4038, 4044, 4049, 4065, 4068, 4077, 4112, 4114, 4118, 4128, 4129, 4139, 4142, 4143.

When this Court ordered the Board to notify rejected applicants of their rejections, it placed a duty on the registrar to ascertain the name and address of the applicant or notify him in person. As was pointed out earlier, many of the names of rejected Negro applicants are actually legible, although the Board claimed they were not. Even as to those names that are not legible, however, the Board should have made sure it had the right name before the applicant left the office.

V

THE RELIEF

In view of the fact that the Board has violated this Court's orders by applying different and more stringent registration requirements, tests, standards, and procedures, by rejecting Negro applicants on account of technical errors, and by continuing to discriminate against Negro applicants, the Board members are in contempt. When the practices of the present Board and the statistics of registration are compared with the practices and statistics prior to the entry of this Court's orders, it can be seen that substantial progress has been made in Bullock County in the registration of qualified voters. For this reason, and because there have been recent changes in the membership of the Board, the plaintiff feels that the relief should be designed to correct existing unlawful practices rather than to punish wrongdoers.

The most significant present road block to fair and non-discriminatory registration in Bullock County is the use of the Insert Part III tests. These tests are far more difficult than any which were previously

applied to voters in Bullock County and for that reason they violate this Court's orders, the Fifteenth Amendment, the Civil Rights Act of 1957, and the Civil Rights Act of 1964. The use of these tests in any manner or for any purpose must therefore be specifically enjoined.

The point was raised at the hearing by defense counsel whether the registration experiences of Negro applicants who recently became twenty one years of age is relevant and admissible in this proceeding. The argument apparently was that in some cases such as U.S. v. Louisiana, 225 F.Supp. 353, and U.S. v. Duke, 322 F. 2d. 759, the courts have required the continued use of prior standards as to those Negroes who met the age and residence requirements during the period of discrimination. There are four reasons why the considerations in those cases are not applicable here.

(1) This is a post-judgment proceeding in which the original judgment was not similarly limited.

(2) Those cases were decided prior to the adoption of the 1964 Civil Rights Act, which forbids the use of higher

standards regardless of when an applicant became eligible by age and residence.

(3) The discrimination continues in this case so that even if the rule had vitality, it would not exclude any applicant in Bullock County.

(4) The rule is not one of admissibility for it is always relevant on the issue of present discrimination to show the recent experiences of all applicants.

That the Insert Part III tests violate the 1964 Civil Rights Act is clear. Section 101 of that Act adds to subsection (a) of section 1971 of Title 42 of the U.S. Code a subsection (2)(A) which provides in substance as follows. No person acting under color of law shall, in determining whether any individual is qualified under State law to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied to other individuals within the same county who have been found by State officials to be qualified to vote.

The Insert Part III tests established new and different procedures and standards for determining literacy from those which have been applied in the past to persons who have been

found qualified to vote by the registrars in Bullock County. Although this violation is not a contempt since the Act was passed subsequent to the judgment, the violation is inescapably before this Court and the Court is therefore bound to include appropriate remedies in its relief. Appropriate relief should include not only a specific order enjoining the use of these tests, but a requirement that the Board register all applicants who have been denied registration as a result of use of these tests.

Inasmuch as the Supreme Court of Alabama twice in 1964 promulgated new and different registration tests and these tests were used in Bullock County in violation of the injunction and the Constitution and laws of the United States, it now seems necessary and proper to include in the relief an order requiring the Board to file with this Court, for the approval of this Court, a detailed description of the precise procedures and requirements the Board intends to use in the future in the registration process. This would include copies of the form and contents of the questionnaire and a precise statement of grading standards. The Board should also be ordered to file a similar plan for approval

if in the future it proposes to change any of the requirements or procedures.

Because the Board has persisted in illegal practices it should be required to resume the filing with this Court of monthly reports on the progress of registration.

The Board should be required to register forthwith all Negro applicants whose applications show them to possess all of the substantive qualifications as set forth in the prior order of this Court. Negro applicants have been illegally rejected on account of technical and inconsequential errors and omissions and by reason of the use of the new and different tests. They should be registered without having to execute new applications. Appendix D sets forth the names of the Negro applicants plaintiff seeks to have registered.

The prior orders of this Court should remain in full force and effect. Finally, plaintiff should be granted its costs incurred in this proceeding.

Respectfully submitted,

JOHN DOAR
Acting Assistant Attorney
General

DAVID H. MARLIN, Attorney
Department of Justice

APPENDIX A
DESCRIPTION OF PLAINTIFF'S EXHIBITS^{1/}

This table sets forth a description of the exhibits introduced into evidence.

<u>Exhibit Number</u>	<u>Description of Exhibits</u>
Pl. Ex. 1	This exhibit consists of a copy of the voter application form dated August 17, 1964 of Major Calloway, a Negro applicant, and a copy of his Board of Registrars rejection notice of the same date.
Pl. Ex. 2	This exhibit consists of a copy of the voter application form dated August 19, 1963 of Lilly S. Crymes, a Negro applicant, and a copy of her Board of Registrars rejection notice of the same date.
Pl. Ex. 3	This exhibit consists of a copy of the undated voter application form of Lilly S. Crymes, a Negro applicant, and a copy of the Board of Registrars rejection notice of November 4, 1963.
Pl. Ex. 4	This exhibit consists of a copy of the voter application form dated January 28, 1964 of Mary E. Grier, a Negro applicant, and a copy of the Board of Registrars rejection notice of the same date.

^{1/} No exhibits were introduced by the defendants.

Exhibit
Number

Description of Exhibits

- Pl. Ex. 5 This exhibit consists of a copy of the voter application form dated October 10, 1964 of Mary Ruth Domergue, a white applicant, which was accepted by the Board of Registrars on the same date.
- Pl. Ex. 6 This exhibit consists of a copy of the undated voter application form of Joseph Lee, a Negro applicant, and a copy of the Board of Registrars rejection notice of May 13, 1964.
- Pl. Ex. 7 This exhibit consists of a copy of the voter application form dated November 19, 1962 of Mertha Sheperd, a Negro applicant, and copies of two notices by the Board of Registrars stating that the form was incomplete on November 20, 1962 and rejected on December 17, 1962.
- Pl. Ex. 8 This exhibit consists of a copy of the voter application form of Mertha Sheperd identical with Plaintiff's Exhibit Number 7 and a copy only of the Board of Registrar's notice of November 20, 1962 stating that the form was incomplete.
- Pl. Ex. 9 This exhibit consists of a copy of the voter application form dated December 17, 1962 of Mertha Shepherd, a Negro applicant, which was accepted by the Board of Registrars on the same date.

Exhibit
Number

Description of Exhibits

- Pl. Ex. 10 This exhibit consists of a copy of the voter application form dated December 12, 1963 of Charlie H. Golden, a white applicant, which was accepted by the Board of Registrars on the same date.
- Pl. Ex. 11 This exhibit consists of a copy of the voter application form dated February 4, 1963 of Willie Joe Jackson, a Negro applicant, and copies of two notices by the Board of Registrars stating on February 6, 1963 that the form was incomplete and on February 13, 1963 that the form was rejected.
- Pl. Ex. 12 This exhibit consists of a copy of the voter application form dated February 13, 1963 of Willie Joe Jackson, a Negro applicant, and a copy of the Board of Registrars rejection notice of the same date.
- Pl. Ex. 13 This exhibit consists of a copy of the voter application form dated November 21, 1963 of Willie Joe Jackson, a Negro applicant, and a copy of the Board of Registrars rejection notice of the same date.
- Pl. Ex. 14 This exhibit consists of a copy of the undated voter application form of Nathaniel Feagin, a Negro applicant, and a copy of the Board of Registrars rejection notice dated January 27, 1964.

Exhibit
Number

Description of Exhibits

- Pl. Ex. 15 This exhibit consists of a copy of the voter application form dated April 6, 1964 of Nathaniel Feagin, a Negro applicant, and a copy of the Board of Registrars rejection notice of the same date.
- Pl. Ex. 16 This exhibit consists of a copy of the voter application form dated October 15, 1964 of Nathaniel Feagin, a Negro applicant, and a copy of the Board of Registrars rejection notice of the same date.
- Pl. Ex. 17 This exhibit consists of the voter application form dated February 17, 1964 of Sherman Baldwin, a Negro applicant, and a copy of the Board of Registrars rejection notice of the same date.
- Pl. Ex. 18 This exhibit consists of four books containing the names of registered voters in Bullock County, Alabama, compiled by the Board of Registrars of Bullock County in 1962 and supplemented by deletions and additions through December, 1964.
- Pl. Ex. 19 This exhibit consists of one hundred blank insert sheets received by the Board of Registrars from the Secretary of State of Alabama and used as Part III of the application form beginning September 7, 1964. Each of the insert sheets is different in its contents, although some questions appear on more than one sheet.

Exhibit
Number

Description of Exhibits

Pl. Ex. 20

This exhibit consists of two letters from the Secretary of State of Alabama to the Chairman of the Board of Registrars in Alabama. The first letter dated February 10, 1964 notified the Boards that a new form was to be used in February, 1964 and requesting the return of the unused prior application forms to the Secretary of State.

The letter further provides:

"You are also requested to return to us, immediately after the last registration session which you hold each month, any unused Insert Part III sheets only with a report on their use during the month. These blanks are to be used until further orders from the Supreme Court. A supply of the report forms for the eleven-month period will be included in the shipment of application forms."

The second letter, dated August 27, 1964 notified the Board that pursuant to an Order of the Supreme Court of Alabama on August 26, 1964 a new revised Insert Part III had been promulgated. This letter set up procedures under which the revised inserts are to be distributed, and further provides:

"These forms are to be used immediately. You will continue to report to the office of Secretary of State your monthly registration on the report form furnished you -- that is important."

<u>Exhibit Number</u>	<u>Description of Exhibits</u>
Pl. Ex. 21	This exhibit consists of a blank form notice used by the Board of Registrars to notify an applicant that his application is being held incomplete.
Pl. Ex. 22	This exhibit consists of an "Answer Aid" distributed by the Sovereignty Commission on September 14, 1964 to be used by the Boards of Registrars in conjunction with the Revised Insert Part III (Pl. Ex. 19). The Answer Aid suggests procedures and correct answers.
Pl. Ex. 23	This exhibit consists of a notebook containing the names, race, and priority number of applicants from November 22, 1963 through December 21, 1964.
Pl. Ex. 24	This exhibit consists of copies of accepted applications for registration to vote filed by white applicants with the Bullock County Board of Registrars from August 1, 1962 through October 19, 1964. There are approximately 380 application forms numbered 1001 - 1380, in chronological order.
Pl. Ex. 25	This exhibit consists of copies of rejected applications for registration to vote filed by white applicants with the Bullock County Board of Registrars from August 1, 1962 to October 19, 1964. There are approximately 3 application forms numbered 2001 - 2003.

Exhibit
Number

Description of Exhibit

- Pl. Ex. 26 This exhibit consists of copies of accepted applications for registration to vote filed by Negro applicants with the Bullock County Board of Registrars from August 1, 1962 to October 19, 1964. There are approximately 540 application forms numbered 3001 - 3540.
- Pl. Ex. 27 This exhibit consists of copies of rejected applications for registration to vote filed by Negro applicants with the Bullock County Board of Registrars from August 1, 1962 thru October 19, 1964. There are approximately 199 application forms numbered 4001 - 4199.
- Pl. Ex. 28 This exhibit consists of an order dated August 26, 1964 supplementing the Order of the Supreme Court of Alabama promulgating and adopting the Application for Registration, Questionnaire and Oath dated January 14, 1964. This Supplemental Order substitutes 100 different inserts (Pl. Ex. 19) for the twelve inserts as Part III of the registration questionnaire.

Appendix B

Board of Registrars Reasons for Rejection of
Negro Registration Applications 1/

Bullock County

August 5, 1962-February 3, 1964

Illiteracy <u>2/</u>	41
Illiteracy - Board Cannot Read Name and/or part of Application <u>3/</u>	33
Board Cannot Read Name or Other Parts of Form <u>4/</u>	18
Board Cannot Read Name <u>5/</u>	9

1/ All of the information included in this chart is derived from Board rejection notices. The form number 4013 was omitted from our numbering system.

2/ Pl. Ex. 27 - 4008, 4009, 4012, 4020, 4021, 4022, 4024, 4025, 4026, 4027, 4029, 4030, 4031, 4042, 4043, 4047, 4048, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4060, 4061, 4062, 4063, 4064, 4066, 4067, 4069, 4071, 4074, 4075, 4076, 4077, 4078, 4079, 4083, 4088

3/ Pl. Ex. 27 - 4073, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4104, 4105, 4106, 4107, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4119, 4135, 4141, 4144, 4145

4/ Pl. Ex. 27 - 4032, 4034, 4037, 4041, 4045, 4046, 4051, 4122, 4125, 4126, 4127, 4130, 4131, 4134, 4136, 4137, 4138, 4140

5/ Pl. Ex. 27 - 4040, 4072, 4080, 4081, 4082, 4086, 4120, 4121, 4124

Gave Up - Cannot Read <u>6/</u>	22
Other <u>7/</u>	22

6/ Pl. Ex. 27 - 4004, 4005, 4010, 4011, 4015, 4016, 4017, 4018, 4019, 4023, 4028, 4036, 4038, 4044, 4049, 4068, 4118, 4128, 4129, 4139, 4142, 4143

7/ Pl. Ex. 27 - Application incomplete - 4001 (Q.4 - blank), 4002 (Q.13,14,15,18,19 - blank), 4003 (Q.9B - 10 marked incorrect), 4039 (Q.8, 18, 3a - blank); Cheating - 4006, 4033, 4035, 4070; No glasses - 4007, 4065; No Supporting Witness - 4059, 4108 (application is also incomplete); Residence - 4050, 4084, 4085; Applicant could not read oath - 4132, 4133; Age - 4103; Insanity - 4014; No birthdate indicated - 4123; Cannot read the Board's reason - 4087.

APPENDIX C

Board of Registrars Reasons for Rejection
of Negro Registration Applications^{1/}

Bullock County

February 17, 1964-January 4, 1965

Illiteracy ^{2/} -	26
Illiteracy - Applicant did not show ability for reading and writing ^{3/}	12
Illiteracy - Applicant unable to read or write-excerpts from Constitution ^{4/}	6
Illiteracy - Board members unable to read answers to parts of application ^{5/}	3
Illiteracy - Board cannot read your writing or you do not write plain enough for the Board to read ^{6/}	8
Other ^{7/}	

1/ All of the information included in this chart is derived from Board rejection notices.

2/ Pl. Ex. 27 - 4147 (gave up), 4158, 4172, 4173, 4174, 4175, 4181 (form not complete), 4182 (form not complete), 4184, 4185, 4176, 4177, 4178, 4186, 4187, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199.

3/ Pl. Ex. 27 - 4146, 4148, 4149, 4150, 4151, 4153 (couldn't read questions), 4154, 4155, 4156, 4157, 4166, 4170.

4/ 4160, 5161, 4162, 4163, 4164, 4165.

5/ Pl. Ex. 27 - 4167, 4168, 4169.

6/ These eight applications are part of Pl. Ex. 27, but do not have specific identification numbers because, by agreement, they were photographed and put in evidence after the hearing. They are the applications of Mary Lee Broaden (11-9-64); Fred McCoy (11-9-64); Nathaniel Woods (11-9-64); Maudie Foster (11-11-64); Lilly Mae Berry (11-16-64); William Otis (11-16-64); Flora Carter (11-20-64); Marion Mason (12-21-64).

7/ Pl. Ex. 27 - 4152=can't read; 4159-criminal conviction; 4171-no glasses; 4179-no supporting witness; 4180-oath incomplete; 4183-criminal conviction; 4188-gave up.

APPENDIX D

LIST OF QUALIFIED VOTERS

<u>Name and Address</u>	<u>Pl. Ex. #27</u>	<u>Dates of Appl.</u>	<u>Board Rejection Notices</u>
Allen, Benzora Rt. 2, Bx 118A Midway	4080	7/1/63	Board of Registrars could not read name. No notice mailed.
Austin, Carrie B. Bx 77, Midway	4166	5/18/64	Illiteracy. Your appl. indicates that you can neither read nor write.
Baldwin, Sherman 642 Johnson St. Union Springs	4146	2/17/64	Illiteracy. You did not show ability for reading and writing.
Boswell, L. J. Bx 155 Fitzpatrick	4134	11/22/63 ^{1/}	Board of Registrars could not read name and other parts of application. No Notice mailed.
Calloway, Otis Bx 43 Midway	4182	8/17/64	Illiteracy. Did not complete appl.
Carter, Flora 600 So. Rooney St. Union Springs		11/20/64	Illiteracy. The Board could not read your writing.
Chilas, Griffin Rt. 1, Bx 20 Hurtsboro	4125	10/21/63	Board member could not read signatures in other Parts of Application.
Colvin, Ada Fitzpatrick	4160	4/20/64	Illiteracy. Unable to read and write excerpts from the Constitution.
Davis, Irene Rt. 1, Bx 156 Union Springs	4175	7/8/64	Illiteracy
Ellis, Alonza Rt. 2, Bx 43 Union Springs	4001	4/2/62	(no date) Questions #8 and Supplement #1 corrected 4/6/62 Failed to see that question #4 was not answered. Held in- complete. 4/16/62: application incomp. Question 4 over- looked.

1/

The date for this application was taken from the Examination
of the Supporting Witness.

Ellis, Alonza continued

Feagin, Nathaniel Rt. 2, Bx 112	4141	1/27/64 ^{2/}	12/17/62 Application held incomplete since 4/16/62 Applicant did not return to complete appl. No notice mailed. Illiteracy. Board could not read name. No notice mailed.
	4158	4/6/64	Illiteracy
	4193	10/15/64	Illiteracy
Fitzpatrick, Willie Bx 482 Union Springs	4194	10/15/64	Illiteracy
Foster, James E. Rt. 3, Bx 212A Union Springs	4088	7/5/63	Illiteracy
Foster, Maudie 512 Waugh St. Union Springs		11/11/64	Illiteracy - Board could not read writing
Gary, Lucinda Rt. 1, Bx 37 Huntsboro	4173	7/7/64	Illiteracy.
Grier, Mary E. 428 Rennie St. Union Springs	4144	1/28/64	Illiteracy. Board could not read name. No notice mailed.
Henry, Leo R. 717 Parker St. Union Springs	4161	4/20/64	Illiteracy - Unable to write excerpts from the Constitution
Holmes, Franchie L. Rt. 3, Bx 12 Union Springs	4104	8/5/63	Illiteracy. Board members could not read name. No notice mailed.
	4111	8/19/63	Illiteracy. Board of Registrar could not read name. No notice mailed.
	4116	9/3/63	Illiteracy. Board of Registrars cannot read name. No notice mailed.

^{2/}

The date for this application was taken from the Board Report.

	4121	9/16/63	Board of Registrars could not read first two names. No notice mailed.
	4124	10/11/63	Board of Registrars could not read first two names, No notice mailed.
	4149	3/2/64	Illiteracy - You do not show ability to read nor write.
	4154	3/16/64 ^{1/}	Illiteracy. Your app. did not indicate that you could either read or write.
Howard, J. B., Jr. Rt. 1, Bx 58 Fitzpatrick	4199	10/19/64	Illiteracy
Ivey, Beasley Rt. 2, Bx 166 Union Springs	4186	10/7/64	Illiteracy
Jackson, Willie Joe ██████████ <i>Rt. 2, Box 122</i> <i>Union Springs</i>	4059	2/4/63	2/16/63 The person who was your supporting witness evidently does not know you. He gave your name as Willie Jack Person, You may return on February 18th and bring with you a witness who knows you well enough to know your name. 2-18-63 - Was given another application when he returned on this date. This application was rejected. No notice mailed.
<i>Rt. 2, Bx 122</i> <i>Union Springs</i>	4060	2/18/63	Illiteracy

^{1/} The date for this application was taken from the Examination of the Supporting Witness.

	4132	11/21/63	Applicant was given the oath to read and could not. He admitted he could not read.
Johnson, Nettie J. 101 Orange St., Union Springs	4187	10/7/64	illiteracy
Jones, Esau Rt. 1, Bx 70 Fitzpatrick	4163	4/20/64	illiteracy. Unable to read excerpts from the Constitution.
Jones, Jessie Rt. 1, Bx 169 Perote	4133	11/21/63 ^{1/}	Applicant was given parts of the application to read and he could not. He admitted he could not read.
Jordan, Benjamin, Jr. Rt. 2, Bx 90A Midway	4064	3/18/63	Illiteracy
King, Sorlida Bx. 89-A Midway	4126	10/21/63	Bd members could not read Names or other parts of appl.
Lee, Annie Bell Rt. 1, Bx 81 Midway	4098	7/15/63	Illiteracy, Board of Registrars could not read name and other parts of application. No notice mailed.
Lee, Joseph Bx 69 S. Prairie St. Union Springs	4168	5/18/64 ^{1/}	Illiteracy. Board members could not read pts. of your app.

^{1/} The date for this application was taken from the Examination of the Supporting Witness.

Lewis, Lonzie Rt. 1, Bx 25 Hurtsboro	4099	7/15/63	Illiteracy. Board of Registrars could not read name and other parts of application. No notice mailed.
Maybell, Kate Rt. 1, Bx 48 Fitzpatrick	4169	5/18/64 ^{1/}	illiteracy. Bd Members were unable to read Pts. of app.
McCoy, Fred <i>P.O. Box 144 Union Springs</i>		11/9/64	Illiteracy. You did not read plain enough for Board to read it.
Monroe, Susan Rt. 2, Bx 125 Union Springs	4155	3/16/64	illiteracy your app. did not indicate that you could either read or write
Nelson, Willie D. 209 Underwood Ave. Union Springs	4189	10/10/64	illiteracy
Penick, Curley Rt. 3, Bx 62 Union Springs	4072	6/3/63	Could not read 1st names. No notice mailed.
Pugh, Ed Rt. 2, Bx 193 Midway	4026	10/15/62	illiteracy
Pugh, Hezekiah Rt. 2, Bx 80B Midway	4054	2/4/63	Illiteracy
Pugh, Lonza Hurtsboro	4130	11/18/63	Board of Registrars could not read name of applicant and other parts of application. No notice mailed.

^{1/} The date for this application was taken from the Examination of the Supporting Witness.

Rodgers, Annie Lee Union Springs	4069	5/6/63	Illiteracy. No notice mailed.
Rodgers, Manford Rt. 1, Bx 164 Midway	4196	10/16/64	illiteracy
Rodgers, Thomas J. Rt. 1, Bx 182 Perote	4078	6/17/63	Illiteracy No notice mailed.
	4082	7/1/63	Board of Registrars could not read last name. No notice mailed.
	4106	8/5/63	You did not bring voucher with you. Board of Registrars could not read last name. No notice mailed. 8-19-63: Illiteracy. Board of Registrars could not read last name. No notice mailed.
	4123A	9/16/63 ^{2/}	You did not give your birth date.
Rogers, Ada Rt. 1, Bx 63 Huntsboro	4174	7/7/64	illiteracy
Sanders, Levi Rt. 3, Bx 9F Union Springs	4030	10/15/62	illiteracy
Scott, Butler Bx 101 Union Springs	4148	2/17/64	Illiteracy. You did not show ability for reading writing.
Seller, Booker Rt. 2, Bx 110 Midway	4055	2/4/63	illiteracy No notice mailed

^{2/} The date for this application was taken from the Board Report.

Stinson, Fannie Rt. 1, Bx 278 <i>Union Springs</i>	4117	9/9/63 ^{2/}	Board of Registrars cannot read name. Illiteracy. No notice mailed.
Tarver, G. W. Rt. 1, Bx 57 Midway	4197	10/16/64	illiteracy
Taylor, Nettie Mae 620 Thomas St., Union Springs	4190	10/10/64	illiteracy
Walker, James Rt. 1, Bx 87 Midway	4031	10/15/62	illiteracy
	4047	1/7/63 ^{2/}	Illiteracy
	4051	1/21/63 ^{2/}	Cannot read first name and other parts of application No notice mailed
Woods, Nathaniel Rt. 3 <i>Union Springs</i>		11/9/64	Illiteracy. You did not write plain enough for Board to read it.
Wright, Johnnie M. Bx 134 Union Springs	4020	10/10/62	illiteracy
Youngblood, Willis Rt. 3, Bx 198EE Union Springs	4109	8/5/63	Illiteracy. Board members could not read name. No notice mailed.
Harris, Lemon PINE GROVE	4086	7/3/63	Board of Registrars could read name. No notice mailed.

2/

The date for this application was taken from the Board Report.