

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 CHARLES E. DUNN,)
)
 Defendant.)
 _____)

C O M P L A I N T

Plaintiff, United States of America, alleges that:

1. This action is brought under 42 U.S.C. 1971 (b) and (c).
2. This Court has jurisdiction of this action pursuant to 42 U.S.C. 1971(d) and pursuant to 28 U.S.C. 1345.
3. The defendant, Charles E. Dunn, is a resident of Selma, Alabama, which is in Dallas County, Alabama. He is the president, chief officer, and manager of the Dunn Rest Home, Inc., which is located in Selma, Alabama. He is responsible for employing and terminating the employment of all persons employed at the Dunn Rest Home.
4. Under Alabama law, registration for voting is a prerequisite for voting in any election, including voting for any candidate for the office of President,

Vice President, Presidential Elector, Member of the Senate and Member of the House of Representatives of the United States.

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

6. On Monday, October 7, 1963, a day on which the Board of Registrars was meeting at the Dallas County Courthouse for the purpose of registering prospective electors, approximately 250 citizens of Dallas County attempted to register to vote at the Dallas County Courthouse. By approximately 10:00 A.M. these 250 persons had formed a single-file line outside the Courthouse and most of them remained in that line until approximately 4:30 P.M. when the Board of Registrars closed for the day. Almost all of the persons waiting in line to register were Negroes. The Board of Registrars permitted approximately 35 persons to fill out applications for registration that day.

7. Mrs. Elnora Gadsden Collins is a Negro woman of 50 years of age. She has been a resident of Dallas County, Alabama all of her life and a resident of Selma, Alabama since 1938. She is not registered to vote. She was employed on January 16, 1963 by defendant Dunn to work at the Dunn Rest Home as a private sitter, and worked there continuously until the morning of October 9, 1963 when her employment was terminated by the defendant.

8. Mrs. Annie Lee Cooper is a Negro woman of 49 years of age. She has been a resident of Selma, Alabama

since April, 1961. She is not registered to vote. She was hired in September, 1962 by the defendant to work at the Dunn Rest Home as a private sitter, and worked there continuously until the morning of October 8, 1963 when her employment was terminated by the defendant.

9. On October 7, 1963, Mrs. Cooper and Mrs. Collins went to the Dallas County Courthouse after they had discharged their duties of employment at the Dunn Rest Home. They arrived at the Courthouse at approximately 3:15 P.M. and joined the end of the line of persons who were waiting to register.

10. The defendant was also present in and about the Dallas County Courthouse on October 7, 1963 and knew that Mrs. Collins and Mrs. Cooper were waiting in the registration line.

11. On October 8, 1963, at approximately 9:30 A.M. Mrs. Cooper - who had previously arranged pursuant to the existing work practices of the Dunn Rest Home to have another person work for her on that day - was notified through a message sent by an agent of the defendant's that her employment with the Rest Home had been terminated.

12. On October 9, 1963, at approximately 7:05 A.M. the defendant called Mrs. Collins into his office at the Dunn Rest Home and informed her that her employment with the Rest Home was terminated.

13. Approximately ten minutes later, as Mrs. Collins was preparing to leave the Rest Home she was recalled into the defendant's office. The defendant attempted to take a photograph of Mrs. Collins, and when she covered her face in an attempt to prevent him from doing so, the

defendant struck Mrs. Collins with a long metal instrument. These blows, one of which was inflicted on her back, the other of which was on her arm, caused severe bruises to her person and tore her clothing.

14. The termination of the employments of Mrs. Cooper and Mrs. Collins by the defendant, and the unprovoked physical assault upon the person of Mrs. Collins by the defendant were and are done for the purpose of intimidating, threatening and coercing Mrs. Cooper, Mrs. Collins and other Negro citizens of Dallas County from applying for registration to vote and for the purpose of preventing and discouraging these Negro citizens from applying for registration.

15. Unless restrained by an order of this Court, the defendant will continue to engage in unlawful acts the same or similar to those described in this Complaint, and he will continue to refuse to employ Mrs. Cooper, Mrs. Collins or other Negro citizens who seek to apply to register to vote, he will continue to threaten or to strike Negro citizens who attempt to register to vote, and will by such unlawful conduct continue to threaten, coerce, prevent, hinder, penalize, interfere with and discourage Negro citizens of Dallas County from registering to vote and to vote in elections for candidates for federal office.

WHEREFORE, the plaintiff respectfully prays:

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

- a. Intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and vote in Dallas County, Alabama, for candidates for federal office;
- b. Terminating, making less desirable, refusing to rehire, or threatening to terminate or make less desirable the employment or conditions of employment of any employee of the Dunn Rest Home or any other place of business owned, operated or controlled by the defendant for the purpose of interfering with the right of any employee to become registered to vote in Dallas County and to vote for candidates for federal office;
- c. Refusing to pay all salaries, monies, and other compensations which were earned or which would have been earned by any employee of the Dunn Rest Home whose employment was terminated by the defendant for the purpose of interfering with that employee's right to become registered to vote in Dallas County and to vote for candidates for federal office;
- d. Striking, assaulting, beating or attempting to strike, assault or beat any person for the purpose of interfering with the right

of that person or any other person to
become registered or to vote in Dallas
County and to vote for candidates for
federal office;

That this Court retain jurisdiction of this action
for the purpose of affording the relief prayed for and
any other relief that is or may become appropriate, and
grant to the plaintiff the costs and disbursements of
this action.

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