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

UNITED STATES OF AMERICA,
PLAINTIFF,

CIVIL ACTION NO. 9334

WINNICE J. P. CLEMENT,
REGISTRAR OF VOTERS OF
WEBSTER PARISH, LOUISIANA;
AND THE STATE OF LOUISIANA,
DEFENDANTS.

BRIEF IN SUPPORT OF
PLAINTIFF'S PROPOSED FINDINGS
OF FACT, CONCLUSIONS OF LAW,
AND DECREE

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 9334
)	
v.)	
)	
WINNICE J. P. CLEMENT,)	BRIEF IN SUPPORT OF
REGISTRAR OF VOTERS OF)	<u>PLAINTIFF'S PROPOSED</u>
WEBSTER PARISH, LOUISIANA;)	<u>FINDINGS OF FACT,</u>
AND THE STATE OF LOUISIANA,)	<u>CONCLUSIONS OF LAW</u>
)	<u>AND DECREE</u>
Defendants.)	
)	

I.

NATURE OF THE ACTION

This action was brought by the United States pursuant to the provisions of 42 U.S.C. 1971 to obtain equitable relief from acts and practices of the defendants which have deprived citizens of the United States of the right to register to vote in Webster Parish, Louisiana, without distinction of race or color. More specifically, the acts and practices from which relief is sought are the racially discriminatory administration of the voter qualification laws and the application of increasingly stringent registration requirements so as

to bar Negroes, but not white persons, from registration to vote.

II.

THE PARTIES

The plaintiff is the United States of America. Its standing to bring this suit is established by 42 U.S.C. 1971(a) and (c), which provide in substance that whenever any person has engaged in any act or practice which would deprive others of the right to vote without distinction of race, the Attorney General may institute an action for preventive relief including an injunction or other order.

The defendants in this case are Winnice J. P. Clement, Registrar of Voters of Webster Parish, and the State of Louisiana.

Winnice Clement is the Registrar of Voters of Webster Parish. She became registrar in 1940. As registrar, she is an official and agent of the defendant State. She was appointed by the Police Jury (governing authority) of Webster Parish. She is subject to removal at will by the State Board of Registration (LRS 18:3). Her salary is paid in part by the Parish and in part by the State (LRS 18:5). She is subject to the rules, regulations, and policies of the State Board of Registration (LRS 18:191A).

In Louisiana, registration is a prerequisite to voting in any election [La. Const. Art. VIII, Sec. 1(b)]. As registrar of voters, Winnice Clement must maintain an office for the receipt of applications for registration from persons desiring to become registered voters (LRS 18:72). She must determine whether each applicant is qualified to vote, and she must register those who are qualified (LRS 18:39).

Mrs. Clement resides in Minden, Louisiana, and maintains an office in the Webster Parish courthouse in Minden. Minden is the parish seat of Webster Parish.

The State of Louisiana is made a party pursuant to 42 U.S.C. 1971(c).

III.

WEBSTER PARISH

Webster Parish is located in north-west Louisiana, bordering on the Arkansas state line. It is bordered by Claiborne Parish on the east, Bossier Parish on the west, Bienville Parish on the south, and Columbia County, Arkansas on the north. The total population is 39,701 of whom 26,006 are white persons and 13,695 are non-white. (Pl. Ex. 12B). The Parish seat is Minden. (Pop. 12,785) (Pl. Ex. 12A). Approximately 51.6% of the inhabitants of the Parish live in rural areas (Pl. Ex. 12A).

In 1960 there were 15,713 white persons and 7,045 Negroes of voting age in Webster Parish. (Pl. Ex. 12B). The Parish is on periodic registration; the registration rolls are cleared every four years and a complete re-registration takes place. At the end of the last complete period, on December 31, 1960, there were 12,250 white persons and 130 Negroes registered to vote in the parish (Pl. Ex. 11). Thus, approximately 80.0% of the eligible white persons and 1.8% of the eligible Negroes were registered at that time. At the time this suit was instituted, there were 8,636 white persons (54.9% of those eligible) and 151 Negroes (2.1% of those eligible) registered to vote in Webster Parish. (Monthly Report for January 1963, Ex. D-7).

IV.

PERTINENT PROVISIONS OF LOUISIANA LAW

Under the provisions of Louisiana law (Art. VIII, Sec. 1, La. Const.) in effect during the period 1953 to 1960, the requirements for registration to vote were as follows:

The applicant must be not less than twenty-one years old and

1. be a citizen of the United States and of the State of Louisiana;
2. be a bona fide resident of the State for two years, of the Parish for one

year, and of the Precinct in which he offers to vote for three months preceding the election;

3. be of good character;
4. understand the duties and obligations of citizenship under a Republican form of Government;
5. be able to read and write in the English language or mother tongue, except when registering as an illiterate;
6. complete the standard application form without memorandum or assistance;
7. be able to read any clause in the United States or Louisiana Constitution and give a reasonable interpretation thereof;
8. establish that he is the identical person whom he represents himself to be when applying for registration.

In 1960, the registration laws were amended (Acts 604 and 613) to include the following requirements:

1. read aloud and write from dictation any portion of the Preamble to the United States Constitution;
2. be able to read and write in the English language or his mother tongue [No applicant could register as an illiterate after November 8, 1960].

3. be able to understand and give a reasonable interpretation of any section of either the State or Federal Constitution;
4. execute an affidavit affirming that the applicant will faithfully and fully abide by all of the laws of the State of Louisiana.

In addition to the above, in 1960 the requirements for residence in the State was reduced from two years to one year and in the Parish from one year to six months.

In 1962, the registration laws were again changed to include a requirement that the applicant be able to pass an examination consisting of multiple-choice questions on history, government and citizenship. In addition the new procedures include the use of five different application cards with the questions scrambled. Each applicant is to select one at random.

V.

THE DEFENDANTS HAVE DISCRIMINATED AGAINST NEGRO APPLICANTS FOR REGISTRATION

The defendants have for over six years discriminatorily denied Negroes in Webster Parish the right to register and vote by requiring Negroes, but not white persons, to interpret Constitutional passages;

by denying to Negroes, but not to white persons, the opportunity to apply; and, most recently, by requiring Negroes but not white persons to fill out their application forms completely and correctly without aid or assistance.

A. Statistical Proof of Discrimination

Mrs. Clement began using the oral interpretation test in January 1957, and used it continuously until September 1962, and intermittently thereafter.^{1/}

The result was to reduce Negro voter registration to practically nothing without working any appreciable influence on white registration. At the end of the 1957 - 1960 period Negro registration was reduced to 7.3% of what it had been four years previously, while white registration was still 94.5% of what it had been four years previously.

The following table portrays the decline in Negro registration:

	<u>White</u>	<u>Negro</u>
1960 Voting Age Population ^{2/}	15,713	7,045
Registered Voters:		
October 6, 1956 ^{3/} (end of 1953-1956 period) (oral interpretation test not used)	12,957	1,773
December 31, 1960 ^{4/} (end of 1957 - 1960 period (oral interpretation test used)	12,250	130
January 31, 1963 ^{5/} (last report before suit filed)	8,636	151
December 11, 1963 ^{6/}	11,142	430

^{1/} Deposition of Mrs. Clement, Pl. Ex. 16, pp. 2-10.

^{2/} Pl. Ex. 12B

^{3/} Pl. Ex. 20

^{4/} Pl. Ex. 11

^{5/} Ex. D-7

^{6/} State Board of Registration, Report dated Dec. 11, 1963.

White registration at the present time is comparable to what it had been at approximately the same time in the two previous registration periods.^{7/} Negro registration, however, is less than a quarter of what it had been in early 1956 although somewhat ahead of the January 1960 level.^{8/}

It is impossible to statistically portray the number and rate of rejections by race in the administration of the oral interpretation test because the defendants did not keep any record of the rejections based on the test. Nor will any record show the number of Negroes denied an opportunity to register for the reasons discussed in Section C, infra. The only record of rejections for the 1957-1962 period is the testimony in this case.^{9/} Thirty-one of the thirty-six Negroes who testified were denied registration at least once for failing the

^{7/} In March 1956, there were 12,618 white persons registered in Webster Parish. (Pl. Ex. 20). In January 1960, there were 11,456 white persons registered. (Pl. Ex. 11)

^{8/} In March 1956, there were 1,769 Negroes registered in Webster Parish. (Pl. Ex. 20). In January 1960, there were 117 Negroes registered. (Pl. Ex. 11)

^{9/} Prior to September 1962, the registrars did not keep cards of rejected applicants. (T.137) Pl. Ex. 6 was introduced as containing the cards of persons denied registration between January 1, 1961, and August 9, 1962, (T.6). Analysis reveals that the file merely contains cards of persons who did not meet the legal residence requirement at the time they applied and cards of persons who, upon moving away from the parish, mailed their certificates back to the registrar who kept the certificates with the pulled application cards in this file.

oral test. The other five were not registered for other reasons.^{10/} All of the twenty-seven white registrants who testified registered without even having to take the test.

These registration statistics, taken alone, prove that the defendants have discriminated against Negroes in the registration of voters in Webster Parish, U. S. v. Manning, 205 F. Supp. 172, 174 (W.D. La. 1962).

B. The Oral Interpretation Test Has Been Used as a Device to Discriminate Against Negroes.

1. Defendant Clement required Negroes but not white applicants to interpret a portion of the Louisiana Constitution.

The oral interpretation test was a device used by the defendants for the exclusive purpose of denying Negroes registration, and from 1957 up to and beyond the filing of the complaint in this case, that discriminatory purpose was achieved and maintained with devastating thoroughness.

The oral test was instituted as a requirement for voter registration in Webster Parish at the start of 1957-1960 period. (Deposition of Mrs. Clement, Pl. Ex. 16, p. 10). Mrs. Clement used it continuously

^{10/} Of the five Negro witnesses who did not take and fail the oral test, two failed the application form test in 1963 [Clara Anderson (T.338) and Willie B. Carter (T.297-8)], one could not get into the office in March 1963 because the two registrars were taking Negro applicants one-at-a-time [Christoler Dozier (T.321)], one was turned away five or six times in 1961 by the deputy who refused to process his application [Willie Jones (T.359)], and one was rejected in 1961 when she did not have two witnesses to identify her [Rosie Jackson (T.342)].

until September 1962, when she began administering the multiple-choice test (Id. at 4), but she again used the oral test for a two-month period in early 1963. (T.364)

The oral test was not administered to white applicants, but was almost invariably required of Negro applicants.^{11/} This was true from January 1957, until September 1962, and was also the case when Mrs. Clement used the test in 1963. The following table summarizes the testimonial proof heard in this case in connection with the use of the oral test.

<u>Trans. Page No.</u>	<u>Name</u>	<u>Oral Test</u>	<u>No Test</u>	<u>Passed</u>	<u>Failed</u>
<u>1957-1960</u>					
<u>White Applicants</u>					
350	Milton Dailey (Jan. 1957)		x	x	
351	Evelyn Dailey (Jan. 1957)		x	x	
355	Hattie Morgan (Feb. 1958)		x	x	
356	Herman Morgan (Feb. 1958)		x	x	
336	Lewis Brewer (1958)		x	x	
36	Ollice Deas		x	x	
33	Willie Hubbard (1958)		x	x	
<u>Negro Applicants</u>					
41	Cordella Frazier (1957)	x			x
12	Mabel Leary	x			x
78	Ethel Taylor		x	x	
89	Eddie Morgan (1957)	x		x	
112	T. Ella Reeves (1957)	x			x
167	Willie Mae Allums (Jan. 1957)	x			x
214	Ruby Taylor (1959)	x		x	

^{11/} Because the registrar kept no record of the administration of the oral test (Deposition of Mrs. Clement, Pl. Ex. 16, p.7), the details of its administration can be proven only through oral testimony.

<u>Trans.</u> <u>Page</u> <u>No.</u>	<u>Name</u>	<u>Oral</u> <u>Test</u>	<u>No</u> <u>Test</u>	<u>Passed</u>	<u>Failed</u>
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Negro Applicants Cont'd

224	Atherlean Harris (1958 or 1959)	x			x
255	Lucy Rhone	x			x
273	Clyde Sims (1957)	x			x
279	Zetha Gibson	x			x
288	Clara Brown (1959)	x			x
301	William Bostick (1959)	x		x	
308	Fair Ella Anderson	x			x
337	Jack Allums (Jan. 1957)	x			x
340	Curtis Dowell (Jan. 1957-3 times)	x			x
343	Golden Kinsey (Jan. 1957)	x			x
344	Annie Kirkpatrick (1957-2 times)	x			x
345	Barney Mullen (Sept. 1957)	x			x
345	Barney Mullen (Nov. 1957)	x		x	
346	Cleonia Walker (Oct. 1957)	x			x
349	Dessie Jackson (1957-4 times)	x			x

(An asterik (*) indicates that Mrs. Clement personally signed the applicant's card. This information cannot be shown for the 1957-1960 period because those records are not in evidence.)

1961-1962

White Applicants

36	Ollice Deas (Feb. 1962)		x	x	
118	Ray Hardeway (Sept. 1961)		x	x	
197	Freddie Davis (Feb. 1962)		x	x	
203	Kelsie Putman (Jan. 1961)		x	x	
327	Hemy McTomic (March 1961)		x	x	
328	Ayrton Wood (April 1962)		x	x	
329	James Dickson (1961)		x	x	
330	Darrell Davis (Mar. 1962)*		x	x	
331	Bill Benson (Jan. 1961)		x	x	
332	Patrick Chanler (Sept. 1961)		x	x	
333	Calvin Walker (July 1961)		x	x	
334	William J. Harris (Jan. 1961)		x	x	
335	Will T. Craig (July 1961)		x	x	
353	William Green (April 1962)		x	x	
354	Larry Hornbuckle (June 1961)*		x	x	
357	Sam Munn (June 1962)*		x	x	
358	Virgia Wise (Jan. 1961)		x	x	

Trans.
Page
No.

Name

Oral
Test

No
Test

Passed

Failed

1961-1962 Cont'd

Negro Applicants

12	Mabel Leary (early 1961-2 times)	x			x
12	Mabel Leary (March 1961)	x		x	
46	Harold Heard (1962)	x			x
78	Ethel Taylor (1961-2 times)	x			x
89	Eddie Morgan (Jan. 1961)	x			x
112	T. Ella Reeves	x		x	
154	Ophelia Rhodes (Aug. or Sept. 1961)	x			x
255	Lucy Rhone (Jan. 1961)	x			x
255	Lucy Rhone (Jan. 1961)	x		x	
279	Zetha Gibson (Jan. 1961)	x			x
337	Jack Allums (5 or 6 times)	x			x
343	Golden Kinsey (1962-2 times)	x			x
347	Fred Williams (Jan. 1961)	x			x
347	Fred Williams	x		x	

1963

White Applicants

162	Adele Collinsworth (Mar. 6)		x	x	
235	Patricia Newman (Mar. 6)		x	x	

Negro Applicants

46	Harold Heard (Mar. 7)		x		x
78	Ethel Taylor (Feb. 21) *	x		x	
89	Eddie Morgan (July 19)		x	x	
102	Penn Harvey (March)	x			x
154	Ophelia Rhodes (Jan. 30)		x	x	
186	Willie Mae Mayfield (Mar. 15)	x			x
214	Ruby Taylor (Feb. 22)	x			x
224	Atherlean Harris (Feb. 22)	x			x
279	Zetha Gibson (Feb. 7)*		x	x	
288	Clara Brown (Jan. 16)		x	x	
295	Willie B. Carter (Feb. 11)		x		x
295	Willie B. Carter (Mar. 14)		x	x	
301	William Bostick (Feb. 8)		x		x
301	William Bostick (Feb. 18)		x	x	
308	Fair Ella Anderson (Feb. 25)	x			x
308	Fair Ella Anderson (Feb. 27)		x	x	
338	Clara Anderson (Feb. 20)		x		x
338	Clara Anderson (Mar. 6)*		x	x	
339	Verda Mae Chapple (Feb.)	x			x
340	Curtis Dowell (March)	x			x
341	Janie Lee Henderson (Mar.)		x	x	
342	Rosie Jackson (April 19)		x		x
344	Annie Kirkpatrick (Mar.)	x			x
345	Barney Mullen (Feb. 11) *		x	x	
348	Hervie Lee Wilson (Feb. 2 times)	x			x

Inasmuch as none of the twenty-six white registrants who testified had to take the oral test in order to register, while thirty-one of the thirty-six Negroes who testified were denied registration at least once for failing the oral test, it must be concluded that only Negro applicants had to take the test. This conclusion is supported by the testimony of Mrs. Shaw, the deputy registrar, who said she never gave the oral test to anyone (T. 133)^{12/} Emma McWilliams, an assistant registrar who conducted registration in Ward 2 (the Springhill-Cullen area) in 1961 (T. 239-240), said that she never gave the oral test either. (T. 244)

The only testimony in the case that the test was given to white persons was that of Mrs. Clement. On deposition she first insisted that she gave it to every applicant. (Pl. Ex. 16., p. 12). When reminded that she had told the Civil Rights Commission otherwise, she agreed that at least at rush times she did not

^{12/} Between January 1, 1961, and August 31, 1962, Mrs. Shaw registered twice as many white persons as Mrs. Clement, but fewer Negroes.

Registration Cards Signed by Clement and Shaw

January 1, 1961 - August 31, 1962*

	<u>White</u>	<u>Negro</u>
Clement	1437	41
Shaw	2790	30

*

Pl. Ex. 1 through Pl. Ex. 5

administer the oral test to every one. (Id. at 13). At the trial of this case, during which every white applicant testified to registering without taking the oral test while most Negroes testified to failing it, the defendants offered no testimony at all, from either Mrs. Clement or from white applicants, to contradict the plaintiff's claim that only Negroes received the oral test between 1957 and 1962. Mrs. Clement did say that in 1963 she gave the oral test to both white and Negro applicants (T. 364), but her own deputy contradicted her and said it was given only to Negroes. (T. 151).

As already noted (see table at p. 7, supra), in the first four years during which the test was used Negro registration declined from 1,773 to 130, while white registration showed only an insignificant decline. (12,957 in 1956 to 12,250 in 1960). The effect was the same in the current period as white registration climbed at its expected rate while Negro registration was taken only until the filing of this suit. (Ibid.)

In giving the test to Negroes but not to white applicants, the defendants were using the test in a manner consistent with its purpose as found by the three-judge court in U.S. v. Louisiana (C.A. No. 2548, E.D. La.; Opinion dated Nov. 27, 1963). In that case the court declared the oral test unconstitutional, finding

that the test "is a sophisticated scheme to disfranchise Negroes." (slip opinion at p. 2). The court also said that "(T)he evidence of discriminatory application of the interpretation test is especially well documented and supported by testimony with respect to the following parishes: . . . Webster" (Id. at 31).

2. Highly Qualified Negroes were Denied Registration for having "failed" the Interpretation Test.

Included among the Negroes who could not interpret a portion of the Constitution to the satisfaction of Mrs. Clement were two public school principals, Barney Mullen (T. 345) and Eddie Heard (T. 21). And among the Negroes rejected on the basis of the oral test in the Springhill area in 1961 was Fred Williams, an elementary school principal. (T. 347). It is absolutely incredible that the defendants should find these men unqualified to register and vote although the Webster Parish School Board has found them sufficiently literate and intelligent to discharge the duties of public school principals.

In addition to the three principals, one dentist,^{13/} one insurance salesman,^{14/} and four school teachers^{15/}

^{13/} Dr. Clyde Sims (T. 273)

^{14/} Eddie Morgan (T. 89)

^{15/} Mabel Leary (T. 11); T. Ella Reeves (T. 112); Zetha Gibson (T. 279); Lucy Rhone (T. 255).

testified that they were denied registration upon failing the interpretation test. Eddie Morgan, the insurance salesman, failed the oral test on January 2, 1961, although he had passed it in 1957. (T. 90-91). Mr. Morgan, although unable to pass Mrs. Clement's oral test, was able to discuss the specific content of the Fourteenth and Fifteenth Amendments with the Court during the trial of this case. (T. 96)

Because white applicants did not have to take the test at all, it is not surprising that persons with sixth grade,^{16/} fifth grade,^{17/} and even second grade educations^{18/} were able to register at the same time Negro principals, school teachers, and dentists were being rejected. The registration of these applicants makes plain that many of the Negroes who failed the oral test possessed a higher level of literacy and intelligence than many of the accepted white applicants.

The manner in which Mrs. Clement administered the test betrays her discriminatory purpose and demonstrates

^{16/} Ollice Deas (T. 36); Ray Hardaway (T. 118); Ayrton Wood (T. 328); Patrick Chanler (T. 332).

^{17/} Freddie Davis (T. 197); Bill Benson (T. 331); William Harris (T. 334); Henry McTomic (T. 327).

^{18/} Willie Hubbard (T. 33).

why plainly qualified Negroes could not pass it. She has no pre-selected sections; she just opens the Louisiana Constitution at random, "like soothsayers seeking divine help from the random flight of birds,"^{19/} and requires the applicant to read and interpret whatever appears on the page turned to. (Deposition of Mrs. Clement, Pl. Ex. 16, p. 7-8). She is not always sure of what the section actually says before asking the applicant to interpret it. (Id. at 16). It may deal with revenue and taxation (T. 93), impeachment of the Governor (T. 191), charges of treason against public officials (T. 84), or wildlife and fisheries. (T. 80). The portion to be interpreted may be as long as one full page. (Deposition of Clement, Pl. Ex. 16, p. 8). She may cut the applicant off before he has fully explained himself (T. 91-92); she may deny him an opportunity to read the preceding section in order to understand the assigned portion (T. 274); she may ask the applicant specific questions about the section after the applicant has explained it (T. 191); or she may deny the applicant an opportunity to try because the applicant has not had enough time to really "study" the law since last failing the "test." (T. 80-81).

In resorting to these artifices Mrs. Clement was not administering a test; she was humiliating plainly

^{19/}

U.S. v. Louisiana, C.A. 2548, E.D. La., opinion dated Nov. 29, 1963, at p. 34.

qualified citizens of the Parish who were attempting to exercise a constitutional right. The whimsical manner in which Mrs. Clement administered the test shows that it was nothing more than a little drama to be acted out before the Negro applicant could be denied registration on account of his race.

3. In 1963 the defendants restored the oral interpretation test as a requirement for Negroes, but not for whites, and effectively halted an upswing in Negro voter registration.

The defendants began using the new multiple-choice test and discontinued the oral interpretation test in September 1962. (Deposition of Mrs. Clement, P1. Ex. 16, p. 4). But in February and March of 1963 Mrs. Clement again used the oral test for the purpose of discouraging Negro registration which at that time was quickly increasing.

Mrs. Clement could not indicate the precise time she began using the oral test again. (Deposition of Mrs. Clement, P1. Ex. 16, p. 4). The earliest date on which the test was used as shown in the record is February 21, 1963. (T. 82-84). The 1963 accepted file contains no application forms predating February 21 that do not include the multiple-choice test, and no witness testified to receiving the oral test in 1963 prior to February 21.

The date is important because it indicates that Mrs. Clement's reversion to the oral test came at the height of increased Negro registration which had doubled the number of Negro voters in six weeks. On August 31, 1962 there were 8,349 white persons and 98 Negroes registered in Webster Parish.^{20/} The following table shows the weekly pace of registration by race starting September 13, 1962, the day the new system went into effect, and the sharp decline in Negro registration precipitated by Mrs. Clement's reintroduction of the oral test:

VOTER REGISTRATION BY RACE^{21/}

1962 - 1963

<u>1962</u>	<u>White</u>	<u>Negro</u>
September 13 - 15	1	1
September 17 - 22	2	0
September 24 - 29	10	0
October 1 - 6	28	0
October 8 - November 6 (No registration - books closed)		
November 7 - 10	10	0
November 12 - 17	7	0
November 19 - 24	5	0
November 26 - December 1	9	0
December 2 - 8	2	0
December 10 - 15	11	1
December 17 - 22	10	0
December 24 - 31	7	7

20/

Dft. Ex. 7

21/

P1. Ex. 7

<u>1963</u>	<u>White</u>		<u>Negro</u>
January 1 - 5	5		0
January 7 - 12	6		1
January 14 - 19	10		5
January 21 - 26	12		12
January 28 - February 2	21		14
February 4 - 10	18		21
February 11 - 16	21		27
February 18 - 23	16		11
	W	N	
February 18	<u>3</u>	<u>6</u>	
19	5	2	
20	4	2	
(Use of oral test began on February 21)			
21	1	1	
22	3	0	
23	0	0	
February 25 - March 2	10		4
March 4 - 9	27		4
March 11 - 15	24		18 ^{22/}

Between March 17 and June 25, 174 white persons and 17^{23/} Negroes registered to vote.

It may be seen that Negro registration was dormant until December 24 and began a steady increase on January 14. Thereafter, for a six-week period, it approximately equaled white registration, hardly surprising when it is considered that at that time the number of unregistered Negroes of voting age equaled the number of unregistered

^{22/} Of the eighteen Negro registrants in the week of March 11, thirteen were registered by Mrs. Shaw.

^{23/} Pl. Ex. 7

white persons of voting age.^{24/} On February 21, Mrs. Clement began using the oral test, and for the next three weeks Negro registration fell to approximately 40% of white registration. Thereafter Negro registration returned to a ratio of about one to ten compared to white registration, the approximate ratio that prevailed prior to ~~January 1963~~.

The oral test was anathema to Negroes for over five years prior to September 1962. Its reintroduction in 1963, accompanied by the rejections they came to expect as a result of its use,^{25/} was a sure sign to them that they were thereafter to be denied registration because of their race.

Mrs. Clement was unable to state why she went back to using the oral test. At the trial she said it was due to "pressure" from people of both races who thought the multiple-choice test too hard. (T. 365). On deposition, she said she gave it to elderly people who wanted it instead of the multiple-choice test.

^{24/}

See Table at p. 7 , supra. which shows that on January 31, 1963, there were approximately 7,000 unregistered adults of each race in Webster Parish.

^{25/}

Ten Negroes testified that they took the oral test in 1963. (See Table at p. 12 , supra.) Six failed the test and were not allowed to fill out application forms (Harvey, Anderson, Chapple, Dowell, Wilson, Kirkpatrick); three were given forms to complete and then were rejected (Mayfield, R. Taylor, Harris); and one completed the form and registered (Ethel Taylor).

(Deposition of Mrs. Clement, Pl. Ex. 16, p. 4). But even this latter reason was not the whole of it:

Q. Now, if a person asks for the interpretation test, you give it to them?

A. Yes.

Q. What if they don't ask for it.

A. Well, sometimes I do, either way.

Q. Why sometimes do you give them the interpretation test, even if they don't ask for it?

A. Well, I just do.
(Id. at 5)

Mrs. Clement said she gave the oral test to both white and Negro applicants. (T. 364). However, there is absolutely no evidence in the record that a single white person was ever given the oral test, in 1963 or at any other time.^{26/} We are confident that Mrs. Shaw, the deputy registrar, was telling the truth when she testified as follows:

26/

All the accepted and rejected cards of white persons in the February - March 1963 period have Form 11 test cards attached. (Pl. Ex. 7; Pl. Ex. 8). However, there are six Negro accepted cards in that period that do not have Form 11 cards attached: Pl. Ex. 7-270, 7-282, 7-399, 7-399, 7-416, 7-448. Of these 7-416 is the form of Ethel Taylor, who testified to receiving the oral test on February 21; 7-270 is the form of Annie Mae Ferrell, who registered the same day as Ethel Taylor; 7-282 and 7-448 are the forms of Catherine Plentroy and Beaulah Lewis, school teachers who applied the same afternoon as Willie Mae Mayfield (T. 190). Mrs. Mayfield had the oral test. (T. 191). In addition, no white rejected form is without an attached Form 11 test card, while four Negro rejected forms are without Form 11's (Pl. Ex. 10-N, 10-O, 8-1237, 8-1278). Three of the four are cards of Negro witnesses who testified they received the oral test. (Ruby Taylor, Atherleen Harris, Willie Mae Mayfield). The fourth is dated the same day as Willie Mae Mayfield's form (March 15, 1963; Pl. Ex. 8-1278).

THE COURT: Can you tell us whether or not during that period (February - March 1963) the oral interpretation test was given only to Negroes or to both white and Negroes?

THE WITNESS: I believe they were given only to Negroes during that period of time, but I couldn't be sure about it because I didn't give them. (T. 151).

Eddie Heard, a Negro public school principal who had failed the oral test in 1958, explained to defense counsel why he had made no recent effort to register:

A. My real reason for not going is I think the procedure that we have to go through is basically -- I just don't think you should have to go through it like that. By that I mean, is that we go up there and we might be registered and we might be turned down and we might get multiple-choice and we might get the Constitution. To me that is humiliating -- to me it is. (T. 28)

It is submitted that this reaction of an obviously qualified citizen is only to be expected in light of six years of discrimination, and in fact is the real reason why Mrs. Clement returned to using the oral test in 1963.

C. The Defendants Have Discriminatorily Denied Negroes An Opportunity to Apply for Registration.

Over the last six years the defendants have embellished their discriminatory use of the oral interpretation test with other devices and practices designed to delay and prevent the registration of Negroes. In considering the real effect of these impediments, it must be borne in mind that once a Negro surmounted them, he still confronted Mrs. Clement and her oral test.

1. The Deputy Registrar refused to process the application of Negroes when she was alone in her office.

Mrs. Shaw, the deputy registrar, began working in the registrar's office in 1959. (T. 127) She processed applications and signed application forms as early as April 1959. (T. 128-129; Pl. Ex. 9) She became a full-time deputy in July 1960. (T. 122) The evidence indicates, however, that prior to September 1962, Mrs. Shaw would not process the applications of Negroes if she were alone in the office, although she would process the applications of white persons. This practice insured that no Negro could register without receiving the oral test, or without Mrs. Clement's personal decision

that the applicant need not take the oral test.^{27/}

It will be recalled that Mrs. Shaw never gave the oral test (T. 133); therefore Mrs. Shaw's practice of turning away Negro applicants was an essential element in the defendant's scheme to discriminatorily deny Negroes the right to vote through the use of the oral test.

In April 1961, Mrs. Shaw told Willie Mae Allums, a Negro, that she would have to come back because Mrs. Clement wasn't in the office, (T. 172) although Mrs. Shaw had just finished processing four white applicants without Mrs. Clement being present. (T. 170-171) Indeed, as Mrs. Allums left, another white applicant entered the office. (T. 172) Although Mrs. Shaw was vague as to the precise time she began processing applicants in Mrs. Clement's absence (T. 127-130), she admitted doing it when Mrs. Clement took the books to Ward 1 (the Shongaloo area) (T. 131), which happened early in 1961 (Deposition of Clement, Pl. Ex. 16, p. 27-28), and also in May 1961 when Mrs. Clement went to New Orleans to testify before the Civil Rights Commission. (Pl. Ex. 18, p. 301; T. 131).

^{27/} Mrs. Shaw, who never gave the oral test (T. 133), signed the registration forms of 30 Negroes between January 1, 1961 and August 31, 1962. (Pl. Ex. 1 through 5) It is assumed, therefore, that these applicants registered without taking the oral test at a time when Mrs. Clement was in the office with Mrs. Shaw. However, it may be the case that these are the applicants to whom Mrs. Shaw was referring when she testified that on less than fifty occasions she signed the forms of persons whose registrations were begun by Mrs. Clement. (T. 147)

In July or August 1961, Mrs. Shaw gave an application form to Ophelia Rhodes, a light-skinned Negro who could be mistaken for a white person. (T. 158) When Mrs. Shaw located Mrs. Rhodes' home on the map, she realized Mrs. Rhodes was a Negro, and told her she could not register her and that only Mrs. Clement registers colored people. (T. 155-156) Mrs. Rhodes' testimony is uncontradicted by either Mrs. Shaw or Mrs. Clement.

The practice persisted throughout 1961 and 1962. Willie Jones, a Negro, was denied registration five or six times in 1961 by Mrs. Shaw, who told him only the registrar could accept his application (T. 359). On the other hand, Ray Hardaway, a white registrant, was registered on September 11, 1961 by Mrs. Shaw, who was alone in the office. (T. 119-120) Clara Brown, a Negro, was turned away by Mrs. Shaw about four times in 1962. Mrs. Shaw told her to come back when Mrs. Clement was there because she didn't register anyone. (T. 289-290, 293)

This discriminatory practice prevailed during a time when Mrs. Shaw was bearing the major burden of registering applicants. The following table shows the distribution of registrations by registrar for

the period January 1, 1961, through August 31, 1962: 28/

	<u>Clement</u>	<u>Shaw^{-29/}</u>	<u>Ward 2 Asst. Registrars</u>	<u>Cards Not Signed</u>
Whites	1,436	2,797	2,549	653
Negroes	41	30	48	19

2. The registrars admit Negro applicants to the office one at a time; white applicants may enter four at a time.

Mrs. Clement's office is relatively small, and will accommodate only four applicants at one time. (T. 371). Therefore, as elections draw near, there may be a long wait before an applicant has an opportunity to register. (T. 368). Mrs. Clement, however, has greatly magnified that wait for Negroes by forbidding them into the office other than one at a time, while white persons are accommodated at least four at a time.

Mrs. Clement has posted on the door to her office a sign which reads "Please only one person at a time enter office to register, husband and wife excepted," (T. 370) Mrs. Clement said the sign was posted to

28/ 1. Ex. 1 through Pl. Ex. 5

29/ The record indicates that Mrs. Shaw did not carry this practice beyond September 1962. However, the fact that she signed the forms of only two Negroes in the first eight months of 1962 indicates that the practice prevailed until the new system went into effect. The two forms are those of Luther Wilson (Pl. Ex. 4-1) and Asa Robinson (Pl. Ex. 4-9)

avoid having the applicants put erroneous information on their cards. (T. 370) Whatever the meaning of Mrs. Clement's incredible explanation of the posting of the sign, the rule it announces and the policy adopted by Mrs. Clement are but another method of discrimination against Negro applicants.

In February 1963 Ethel Taylor, a Negro, observed the one-at-a-time rule because years before she had been told to observe it. (T. 83) On February 25, 1963, Nellie Thompson and Fair Ella Anderson, both Negroes, were in the office together; Mrs. Clement sent Mrs. Thompson outside to wait her turn while Mrs. Anderson attempted to register. (T. 313) On February 22, 1963, Ruby Taylor and Atherlean Harris, both Negroes, came to the office together. (T. 225; the date appears on Pl. Ex. 10-N and 10-O) Mrs. Harris observed the sign while Mrs. Taylor unsuccessfully attempted to register. (T. 217-218) When Mrs. Taylor finished, Mrs. Harris went inside. (T. 226) Mrs. Clement gave Mrs. Harris a portion of the Constitution to read, and then left the office for about ten minutes. (T. 227) When Mrs. Clement returned, she listened to Mrs. Harris' interpretation and then gave her a form to fill out. (T. 228) But before Mrs. Harris could complete the card, Mrs. Clement stopped her and said she had taken enough time and that other persons were waiting to register. (T. 228)

Mrs. Harris, who had been in the office no longer than twenty minutes (T. 227, 233), was sent away to accommodate two white persons who were waiting outside. (T. 218-219) She had observed the sign to her disadvantage, had her registration unnecessarily drawn out by Mrs. Clement's absence from the office, and then was sent away by Mrs. Clement without having sufficient time to complete her application form.

Mrs. Clement admits that the sign does not announce a hard and fast rule. (T. 370) And to bear this out, white applicants Patricia Newman and Adele Collinsworth entered the office on March 6, 1963, with two other women and all four simultaneously completed their application forms. (T. 165, 236) But on March 15, nine days later, Mrs. Clement compelled seven Negroes to obey the one at a time rule, although it was late in the day and notwithstanding the presence of both she and Mrs. Shaw in the office. (T. 189, 321-322). On that day Willie Mae Mayfield, a Negro, entered the office at 3:30 p.m., at a time when one applicant and both registrars were inside. (T. 188) Mrs. Clement sent her outside. (T. 189) Six other Negroes, one of them Christola Dozier (T. 321), arrived while Mrs. Mayfield waited in the hall for her turn. (T. 190). Of the seven, three got inside, one at a time, before 4:45 p.m. (T. 321), at which time Mrs. Clement came into the hall and told the four Negroes still waiting

that no more would be accommodated that day. (T. 322) 30/

The experience of these Negroes demonstrates how effectively Mrs. Clement is able to employ her "one-at-a-time" rule to deny them an opportunity even to attempt to apply, while she easily accommodates white applicants under the same conditions.

3. The Defendants required Negro applicants but not white applicants to produce two witnesses to identify them before allowing them to apply for registration.

Five Negro witnesses in this case were denied an opportunity to register when Mrs. Clement told them they needed two registered voters to identify them before she would let them attempt to register. 31/
There is no evidence that any white applicant at any time was required to identify himself in this manner.

In early 1957 Cordella Frazier was denied an opportunity to attempt to register until she could produce two voters to identify her. (T. 42) In 1959

30/ The registrar's office hours are from 8:00 a.m. until 12:00 noon and 1:00 p.m. until 5:00 p.m. (Deposition of Mrs. Clement, Pl. Ex. 16, p. 33).

31/ Cordella Frazier (T. 42); Ophelia Rhodes (T. 156); William Bostick (T. 302); Janie Lee Henderson (T. 341); Rosie Jackson (T. 342).

William Bostick, a Negro school teacher, was required to do the same thing. (T. 302) In 1961 Janie Lee Henderson (T. 341), Ophelia Rhodes (T. 156), and Rosie Jackson (T. 342) were told by the registrar that they would have to get identifying witnesses before she would allow them to attempt to register. When Ophelia Rhodes returned with her two witnesses, they signed her application form on the back. (T. 156; Pl. Ex. 10F) None of the more than 8,000 application forms of accepted white applicants in evidence in this case bear the signatures of identifying witnesses.^{32/} The testimony that these Negro applicants were required to produce witnesses to identify them is undisputed.

That the witness requirement was a sham expressly designed to delay the registration of Negroes is made plain by Mrs. Clement's treatment Ophelia Rhodes. After Mrs. Rhodes produced two witnesses, Mrs. Clement asked her for her driver's license and would not permit her to attempt to register until she went home and got it. (T. 157)

^{32/} Pl. Ex. 1 through Pl. Ex. 5; Pl. Ex. 7.

4. The case of Ophelia Rhodes - A Summary

The experience of Ophelia Rhodes presents a convenient microcosm of the various practices used by the defendants to prevent Negroes from registering to vote.

Mrs. Rhodes is a high-school graduate with two years of college. (T. 154) On her first try in 1961, Mrs. Rhodes found Mrs. Shaw alone in the office. (T. 154) She received an application form without having to produce identification and without having to take the oral test. But when Mrs. Shaw realized that Mrs. Rhodes, who is light-skinned (T. 158), lived in a Negro section she stopped her registration and told Mrs. Rhodes that only Mrs. Clement registers colored people. (T. 156) Mrs. Rhodes returned the next day but again Mrs. Clement was not there. (T. 156) A few days later, Mrs. Rhodes found Mrs. Clement in, but was told by Mrs. Clement to get two people to identify her (T. 156). Mrs. Rhodes left the office and came back with two people, but Mrs. Clement again refused her because she did not have her driver's license. (T. 157) Mrs. Rhodes once again left the office and later returned with her license (T. 157). Then Mrs. Clement gave her a portion of the Constitution to read, but before Mrs. Rhodes finished reading it, Mrs. Clement

said it was 4:00 and time to close the office. (T. 157)

There is no way of knowing how many games of the sort described above have been employed by Mrs. Clement to deny Negroes voter registration because of their race. It is plain, however, that the persistence and variety of these practices demand the broadest possible injunctive remedies from this Court.

D. The Defendants Use the Application Form
As A Test For Negroes But Not For White
Persons

In September 1962 the defendants began administering a written, multiple-choice test and ostensibly became "more strict" on the application form. ^{33/} The record shows that with one exception, no white applicant between September 13, 1962, and June 25, 1963, was denied registration because of "errors" or omissions on the application form, while 24 Negroes were denied registration for that reason in the same period. ^{34/} The defendants could achieve this result only by discriminatorily applying a stricter standard on the application form to Negroes than to white applicants.

1. Negroes are rejected for technical errors on the application form; white persons are not.

a] Statistical proof

As shown in Appendix A, the reject file for the period September 13, 1962, the approximate date the new system went into effect, through June 1963, shows

^{33/} Deposition of Mrs. Clement, Pl. Ex. 16, p. 4, 17.

^{34/} Pl. Ex. 8. An analysis showing the reason for each rejection in the September 1962 - June 1963 period is contained in Appendix A. This analysis of course does not reflect rejections on the oral test, for which records were not kept. (T. 144)

eighty-one white rejects and forty-one Negro rejects. 35/
 All but one 36/ of the eighty-one whites failed the
 multiple-choice test. On the other hand, twenty-four
 of the forty-one Negro rejects passed the multiple-
 choice test, and were still rejected. Between September 13,
 1962, and June 25, 1963, 446 white persons and 137 Negroes
 successfully registered; 37/ thus, as shown in the
 following table, only 0.02% of the white applicants
 were denied registration because of "errors" on their
 application cards while 13.50% of the Negro applicants
 were rejected on that basis.

REJECTIONS ON APPLICATION CARD
SEPTEMBER 13, 1962 - JUNE 25, 1963

	Total Appls.*	Acc.	Failed M-C Test	Failed app. form	% of total who failed App. form
Whites	527	446	80	1	0.02%
Negroes	178	137	17	24	13.50%

*This total cannot include persons denied registration in 1963 for failing the oral test, none of whom were permitted to fill out application forms. (Deposition of Mrs. Clement, P1. Ex. 16, p. 7).

35/ Six of the rejected applications bear no race identification and show either that the applicant failed the multiple-choice test or did not make an effort to complete his application. June 25, 1963, is the day the Webster Parish records were last photographed.

36/ P1. Ex. 8 - 1235, application of Gertrude Matthews dated September 18, 1962.

37/ P1. Ex. 7.

The rate of Negro rejections on the application form is 775 times the rate of white rejections. That this disparity is the result of discrimination against Negroes is made apparent by a comparison of the performances of Negro and white applicants on the multiple-choice test. The latter test is, according to counsel for the defendants, a "fair objective written standard examination for applicants for registration". (T. 5) On this test, the performance of Negroes compares favorable to that of white applicants; 90.5% of the Negroes and 85.5% of the white persons who took the test passed it. ^{38/} Yet twenty-four Negroes failed the application form test that only one white applicant of over five hundred was unable to pass.

- b] Negroes are not shown their "errors" or allowed to correct their cards.

The defendants' discrimination in the use of the application form is made plain by the testimony of Negroes who were rejected because of it.

~~Four Negro witnesses~~¹ described the circumstances under which they were denied registration in 1963 for making "errors" on their application forms. Two of the four were school teachers with college degrees, ^{39/} one

^{38/} Percentages derived from statistics in Table on P. 35 supra.

^{39/} Willie Mae Mayfield (T.186) and Willie B. Carter (T. 295).

was a school cafeteria manager with better than a high school education, 40/ and the other was a motel proprietress. 41/

Willie Mae Mayfield, a Negro, has taught in the Webster Parish school system for 17 years and has completed graduate studies at Southern University and East Michigan University. (T. 186-189) Yet after passing the oral interpretation test on March 15, 1963, (T. 191-193), she was denied registration because of

during which she twice had to explain the portion she read and also had to answer specific questions about it put to her by Mrs. Clement. (T. 191-192)

Ruby Taylor, a Negro who manages the cafeteria at Webster High School (T. 214), had a similar experience. Mrs. Taylor is a high school graduate with four semesters of college, including special training in lunch room management (T. 215). On February 22, 1963, she passed the oral interpretation test (T. 215-220), but was rejected because she crossed out the "have nots" rather than the "haves". (T. 217; Pl. Ex. 10-0) Mrs. Clement told her that she had misread that part of the form and that she would have to come back. Mrs. Taylor asked if she could correct her card, but Mrs. Clement refused her. (T. 217)

Willie B. Carter, a Negro who holds a B.S. degree from Grambling College and has taught in the Webster Parish school system for ten years, received the same treatment from Mrs. Clement on February 11, 1963 (T. 297, 299). Mrs. Carter completed and passed the multiple-choice test, answering all six questions correctly. (Pl. Ex. 10-S(1)) Then she filled out the application form, and by the strictest standard imaginable, did that correctly as well. (Ibid.) Yet she was rejected for not filling in all the blanks on the front of the card (T. 298). The single blank left undone

is the blank for "Residence" in the upper right hand corner. (Pl. Ex. 10-S(1)) Mrs. Clement rejected her for this "error" without telling Mrs. Carter what disqualified her (T. 298), and in spite of the fact that Mrs. Carter's address appears no less than four times on the back of the application form and once on the Form 11 test card. (Pl. Ex. 10-S(1)) 43/

Clara Anderson, a Negro motel proprietress, was rejected on February 20, 1963, because she had not filled out the application form to the satisfaction of the registrar, although she also achieved a perfect six out of six on the multiple-choice test. (T. 338; Pl. Ex. 8-1155). She filled out the form without a mistake but failed to mark the "have-have not" statements. She was not told what her error was and was not permitted to correct her card. (T. 338)

Only a registrar determined to reject could have denied registration to the Negroes whose experiences are described above. Each of them passed either the multiple choice test or the oral interpretation test. Each was denied an opportunity to correct minor mistakes or omissions on the application form.

43/ It should also be noted that the "residence" blank did not appear on the standard application form used prior to September 1962. Thus the approximately 8,000 white persons and 100 Negroes who registered before September 1962, were not required to pass that part of the "test". (Pl. Ex. 1 through Pl. Ex. 5).

c. White applicants receive help in completing their forms or their errors are ignored

We have already noted that only one white person has been denied registration for an error on the application form, and this occurred on September 18, 1962, just a few days after the new system went into effect.^{44/} This alone is sufficient to establish that the defendants do not use the application form as a test for white applicants.

The experience of Arthur LaFitte, a white person with a fifth grade education, (T. 73) illustrates why white persons are not rejected for "errors" on the application form. He successfully registered on December 11, 1962, (Pl.Ex.10C) With respect to the application form Mr. Lafitte testified:

(LaFitte
T. 73)
✓

^{44/} Application of Gertrude Matthews, Pl.Ex. 8-1235. The earliest date on which the multiple-choice test was given was September 13, 1962. On September 11, 1962, two persons applied and neither took the multiple-choice test. (Pl.Ex. 7-192, 7-499). On September 12, one person applied

On cross-examination, Mr. LaFitte specifically recalled that one of his errors was in the blank calling for the parish of last registration. (T.209; P1.Ex.10C). Then he reiterated:

I filled the card out and handed it to her [Mrs. Shaw] and she looked at it and read it over and she said that was right and she said you got this wrong and that wrong and so forth and so on. (T.209-210)

Mr. Lafitte further testified that he attempted to complete an application form in 1958 and was unable to do so:

A. I explained to the Court a few minutes ago the reason I didn't fill it in because I did not understand it and became disgusted with it and shoved it back and walked out. (T.212)^{45/}

Thus it is apparent that Mr. LaFitte needed assistance on the application form in order to complete it, and received it. In fact, it is obvious from the face of his application

Footnote continued from previous page:

and did not take the multiple-choice test. (P1.Ex. 7-91) On September 13, two persons applied and each took the multiple-choice test. (P1.Ex. 7-319, 7-444) all applicants thereafter in September took the multiple-choice test, and presumably were subject to the new "strict" standard on the application form.

^{45/} Defense counsel's suggestion that Mr. LaFitte was actually rejected by the registrar in 1958 (T. 210) is in direct contradiction to the registrar's testimony. Mrs. Clement testified that in the 1957-1960 period she never rejected anyone on the basis of their performance on the application form. (Deposition of Mrs. Clement, P1.Ex. 16, p. 11)

form that the residence blank in the upper right-hand corner was filled by someone other than Mr. LaFitte. (Pl.Ex. 10C). This is the very blank that caused the rejection of Willie B. Carter, a Negro schoolteacher, when she failed to fill it in.^{46/}

The record contains other plain examples of the registrar's favored treatment of white applicants. On November 19, 1962, Mrs. Clement signed the registration form of J. F. Bryan (Pl.Ex. 7-51) As may be seen from the copy of the form set out in Appendix C, Mr. Bryan, a white person, failed to state or stated incorrectly the following:

1. State of birth
2. County or parish of birth
3. Month of birth
4. Day of birth
5. Ward and precinct of continuous residence
(inconsistent with ward and precinct of
registration and with his address)
6. Householder at present address
7. Occupation ("macanace")

Mrs. Clement also signed the form of F. L. Watson on March 11, 1963, although the applicant, who is white, completed the statement of residence as follows:

^{46/} See p. 38 , supra.

I have resided in this State
since _____ in this
Parish since _____ and
in Precinct No. _____ in
Ward No. 4 of this Parish
continuously since 20 yrs.
(Pl.Ex. 7-385)

Four days after Watson's registration, Mrs. Clement
rejected Willie Mae Mayfield, a Negro schoolteacher,
for completing the same statement as follows:

I have resided in this State
since birth in this Parish
since Sept. 1958 and in Pre-
cinct No. _____ in Ward
No. _____ of this Parish
continuously since _____.
(Pl. Ex. 101; see p. 37,
supra.)

The registration of Bryan and Watson cannot be attri-
buted to a rush on the registrar's office; on
November 19, 1962, Bryan was the only applicant for
registration and on March 11, 1963, Watson was one
of only nine applicants, five of whom were regis-
tered by Mrs. Shaw.^{47/}

^{47/} The applications dated March 11, 1963, and signed
by Mrs. Shaw are: Pl.Ex. 7-60, 7-148, 7-472, 7-824,
7-988. On the same day Mrs. Clement signed the fol-
lowing: Pl.Ex. 7-346, 7-384, 7-399, 7-399. (The forms
of Warren Howard and Clara Howard inadvertently were
given the same exhibit number.)

2. The registrars do not consider the application form a test

The real basis for the rejection of applicants because of "errors" but the race of the applicant. It is a basis for rejecting Negroes only, and the registrars in their own testimony have made this clear. Their testimony establishes that if they processed all applications as they say they do, no one could be rejected for improperly completing the form. With one exception this has been the experience of white applicants, but not of Negro applicants.

Although Negro schoolteachers have been rejected for failing to complete inconsequential blanks on the form (see pp. 37-39, supra.), Mrs. Clement described a more reasonable procedure when speaking generally about her

practice in such cases:

Q. Well, now if a person hands you the card and there are blank spaces on it, do you return the card to them and say "you have not completed the card, complete it"; or do you say, "I'm sorry, you failed"?

A. Well, that's the way we're supposed to do, but we wouldn't have over two or three Negroes and very few white people. I pass it back to Negroes and whites, and tell them that their card is not complete.

(Deposition of Mrs. Clement, Pl. Ex. 16, p. 18)

* * * *

Q. Suppose they fill out all the blanks, but then don't mark the "Have-Have not" section and you notice it, would you hand the card back to them and tell them to complete the card?

A. I'm really not suppose to, but I do it.

(Ibid)

* * * *

Q. Do you ever tell them what specifically it is that they failed to do?

A. Well, sometimes I do, not always; they don't ask always. (Id. at 23)

* * * *

With respect to specific parts of the application form Mrs. Clement testified as follows:

1. If the applicant ignores the statements that must be completed by striking out "have" or "have not," she returns the card to him and tells him to read it line by line. (Pl. Ex. 16, pp. 18-19)

2. It makes no difference whether the blank "The name of the householder at my present address is _____" bears the name of a person or the applicant's address. (Id. at 20)

3. The sentence reading "I am not now registered in any other ward or precinct of this state except _____" may be left open entirely and she will accept the card. (Id. at 20-21)

4. She will tell the applicant to place check marks in the sentence reading "My last registration was in Ward _____, Precinct _____, Parish _____." if overlooked by an applicant who had not previously registered. (Id. at 21)

5. She does not reject persons for incorrectly computing their ages down to the month and day. Furthermore she com-

putes it for them if they ask her to do so. (Ibid.)

6. If they fail to state a party affiliation, she returns the card to them and asks them if they would like to state a party. (Id. at 22)

7. If the date or place of birth is incorrectly stated, she will call that error to the attention of the applicant and ask him to correct it. (Id. at 25)

8. If the applicant reverses the order of the county and state of birth, she will call his attention to it and permit him to change it. (Id. at 25-26)

9. She will spell words for the applicant if necessary. (Id. at 17)

Mrs. Shaw, the deputy registrar, also made it clear that applicants are not tested on their ability to fill out the application form. When asked by counsel for the defendants what sort of assistance it is the policy of the office to give, she replied:

If they leave any space, I will tell them they haven't finished and hand the card back to them. (T. 142)

Defense counsel emphasized the point:

Q. If you find a card completely filled out and there are errors on that card, do you hand that card back to them for correction?

A. I have done it. I wouldn't tell them what was wrong. I just tell them it wasn't right and they will have to fix it.

Q. You give them an opportunity to go over that card again?

A. Yes, sir.

Q. If they can't find it, then what is the policy? Do you tell them what is wrong with card?

A. I tell them just to look over it and it isn't right and I give them plenty of time to find it. (T. 143)

Significantly, upon the probing of counsel for the State, Mrs. Shaw refused to say that after applicants have had a second chance she would reject them for incomplete or erroneous application forms. On direct examination, Mrs. Shaw was specific as to why this is so:

Q. You tell them if they make a mistake
and if you hand the card back for
correction, do you give them an
idea what to look for?

A. Yes.

Q. What sort of idea do you give them?

A. I tell them a certain section was not
right.

Q. You might say the householder - "you
didn't get the householder right?"

A. Yes, sir. They might put the address and
I tell them we don't want the address.

(T. 148-149)

If the "have-have nots" are marked incorrectly, Mrs. Shaw asks the applicant what the truth of the matter is and then asks him to change the statements. (T. 150) And Mrs. Shaw said that to facilitate the making of corrections, it is office policy to have applicants complete the forms in pencil rather than ink. (Tr. 149)

The testimony of Mrs. Clement and Mrs. Shaw is entirely consistent with the experience of white applicants as revealed by the record, only one of whom out of over five hundred since September 1962 failed on the application form, but leaves inexplicable the rejection of twenty-four Negroes on any ground other than race. The registrars use the form reasonably as to

whites, unreasonably as to Negroes. Mrs. Clement was asked whether the form is used as a test:

Q. Mrs. Clement, do you presently consider the application form a test, or is it designed to give you the necessary information about the applicant?

A. Well, it's supposed, I imagine, to be both, but I mostly consider it as information concerning the registrant.
(Deposition of Mrs. Clement, Pl. Ex. 16, p. 26)

The defendants therefore should be enjoined to use the form for the single purpose that Mrs. Clement indicates is the only one for which it is ordinarily used.

E. The Defendants Discriminatorily Give Negroes More Difficult Portion of the Preamble to Write Than The Portion Given to White Applicants

The Form 11 test card used by the defendants in connection with the multiple-choice test contains a line on which the applicant must write a portion of the Preamble to the United States Constitution. The record indicates that the registrars selected more difficult portions for Negroes than for white applicants to write, and rejected one Negro school teacher for misspelling^e words that are purposely avoided by the registrars when they administer the preamble test to white persons.

William Bostick, a Negro school teacher with a B.S. degree from Southern University and ten years of teaching experience, was rejected by Mrs. Shaw on February 8, 1963, for misspelling the words "justice" and "domestic" when she dictated a portion of the preamble to him (T. 305). He spelled "justice" as "Juste" and "domestic" as "demested" [Pl. Ex. 10-T(1)]. However, he correctly spelled the words "establish" and "tranquility" and answered six out of six multiple-choice questions correctly.

Mr. Bostick's experience differs from that of white applicants in two respects. White persons do not have to write from dictation; as a general rule, they merely have to copy a portion of the preamble which is printed out on Form 11.^{48/} Moreover, as a result of the registrar's practice, 81% of the white applicants needed only to write "We the people of the United States."^{49/} In contrast, only 36% of the Negro applicants were permitted to write that portion of the preamble.^{50/} Seventy-four of the 178 Negroes who filled out application forms under the new system

^{48/} Deposition of Mrs. Clement, Pl. Ex. 16, p.24.

^{49/} See comparative analysis of portions of preamble required of white and Negro applicants, Appendix B.

^{50/} Ibid.

had to write a portion that included some part of the phrase "establish justice, insure domestic tranquility;" only eighteen of 527 white applicants had any part of that phrase to write. Thus William Bostick was rejected for making an error that 97% of the white applicants could not possibly have made because their test with respect to the preamble was made purposely easier by the registrar.

Floyd Flinton, a Negro applicant denied registration on April 25, 1963 (Pl. Ex. 8-1190), passed the multiple-choice test and has no errors on his application card or Form 11 except that he misspelled each word in the phrase "establish justice, insure domestic" and left the "Residence No." blank in the upper right-hand corner of the LR-1. A rejection on either of those bases could only be a rejection based upon race.

F. The Defendants Have Discriminatorily Raised Their Standards for Registration

It is clear from the testimony and records in this case that the qualifications for registration for white persons in the 1957-1960 period and from January 1961 until September 1962 were as follows:

1. Age
2. Residence in Parish
3. Length of Residence
4. Not disqualified by bad character

5. Literate (that the registrar be able^{51/}
to read the applicant's handwriting)

White applicants today are not required to fill out their registration forms unaided without "errors" or omissions. (See discussion in Section D, subsections 1c & 2, supra.) Since there is no record of any white rejections prior to September 1962, it is clear^{52/} that at no time has the form been used as a test.

The registrar states, however, that since September 1962, she has been "more strict" on the application form.

(Deposition of Mrs. Clement, Pl. Ex. 16, p. 17).

^{51/} In November 1960, the Louisiana Constitution was amended to prohibit the further registration of illiterates, but specifically provided for the retention on the voting rolls of those already registered.

^{52/} Emma McWilliams, who served as an assistant registrar in 1961 before any thought was given to using the form as a test (T. 239), never rejected anyone for any reason. (T. 244). She gave whatever help was necessary to enable the applicant to produce a correct card (T. 248-250), and could not conceive of the form being used for any purpose except supplying information about the registrant. (T. 253). And, apparently, it made no difference what the applicant put on the form. Freddie Davis, a white registrant in 1961, was accepted with a card which reads in part:

"I was born in the State (or country)
of CRAG, Parish (or county) of COUNTY
on the _____ day of ARK in the year 1905.⁴
I am now _____ years, 57 months and 8 days
of age. I have resided in this State
since 1939, in this Parish since 1939,
and in Precinct No. _____ in Ward No. 2
continuously since WEBSTER."

The "have-have not" portion of this card is not done.
(T. 199; P. Ex. 10J)

White applicants were never required to interpret a portion of the Constitution. During the current period when the oral test allegedly was in use, it was not used for white persons and none were rejected because of it.

In September 1962, the defendant registrar put into effect the new multiple-choice "citizenship" test and, in conjunction with this innovation, began to require applicants to copy part of the Preamble to the Constitution of the United States on the "citizenship" answer cards.

The imposition of these new and more stringent requirements, at a time when fifty-three percent of the adult white population and one percent of the adult Negro population were registered to vote is in itself discriminatory as was found in United States v. Louisiana, C.A. No. 2548, E.D. La. 1963.

VI

THE DEFENDANTS HAVE DEPRIVED NEGROES OF THE
RIGHT TO VOTE WITHOUT DISTINCTION OF RACE
PURSUANT TO A PATTERN OR PRACTICE OF DIS-
CRIMINATION - A SUMMARY

The Congress has provided by 42 U.S.C. 1971(e) that where discrimination is found the Court must make a finding whether it has been pursuant to a pattern or practice.

The registration statistics alone in this case demonstrate that the discrimination has been both continuous and substantial and, therefore, has been pursuant to a pattern or practice. Although there were 1,770 Negroes registered in Webster Parish in 1956, there are only 430 Negroes, or 5% of the adult Negro population, registered there now, approximately 300 of whom registered since the complaint in this case was filed. There are 11,142 white persons, over 70% of the adult white population, currently registered.^{53/}

Commencing in January 1957 and continuing at least until the trial of this case, the defendants have consistently engaged in the discriminatory practice of giving the oral test to Negroes but not to white persons, and then rejecting highly qualified Negroes without regard to the answers given.

Since September 1962 the application form has been used simply as a device to discriminate against Negroes.

The adoption of the "citizenship" test in September 1962, when 53% of the white adults were registered and 99% of the Negro adults were not, was

^{53/}Report of the State Board of Registration dated December 11, 1963.

itself discriminatory since the Negroes never had an opportunity to register without it, while white persons did.

By words and actions the defendants have discouraged Negroes from applying for registration and have encouraged white persons to become registered. The witness requirement, the "one-at-a-time" rule, and the deputy registrar's refusal to process Negro applications are devices resorted to by the defendants consistently throughout the last seven years to deny or delay the registration of Negroes.

VII

THE RELIEF

The duty of a Federal Court of Equity is to grant full and adequate relief. In this case--a case arising under the Civil Rights Acts--relief is adequate when it gives full effect to the purpose of the Acts. The purpose of the Acts is plain from a reading of them--to guarantee that all persons will be registered to vote in a fair, non-discriminatory manner.

A. Specific Findings.

In order to provide full and adequate relief in this case the Court must make a finding whether the deprivation of the right of Negro citizens to vote without distinction of race have been pursuant to a

pattern or practice of discrimination. The evidence clearly shows, that this is so in Webster Parish. Such a finding will bring into operation the referee provisions of the Civil Rights Act of 1960 should it ever become necessary to use that procedure. If, after judgment, the registrar continues to reject Negro applicants unjustifiably, the Negro applicants will have an opportunity to apply to the Court for a determination whether they meet the Webster Parish requirements for registration.

The Court should also enter specific findings outlining the procedures and requirements which have been followed by the registrar in the past in registering white persons. Such findings will notify the registrar of the specific requirements she is duty bound under the Federal law to continue to apply to Negro applicants. They will also provide guide lines for a referee in the event proceedings under 42 U.S.C. 1971(e) become necessary. It is clear from the evidence in this case that the white voters were registered under requirements of citizenship, age, residency, and non-conviction of crimes. They were not tested beyond these requirements until the adoption of the "citizenship" test in September 1962.

B. Specific Orders

Prohibitory and mandatory orders should be entered to correct the effect of past discrimination and to insure that the future registration of voters in Webster Parish will be free of racial discrimination.

Although the use of the multiple-choice citizenship test in Webster Parish has been enjoined in the case of United States v. Louisiana, C.A. No. 2548, E.D. La. 1963, this Court should also enjoin the registrar from employing, in the absence of a complete reregistration of voters, any other examinations, procedures, or standards which were not imposed upon the white voters now registered in Webster Parish. Thus, an order should be issued which prohibits the registrar from denying registration to Negro applicants on the basis of errors or omissions on their registration forms unless the applicant refuses to provide the information necessary to establish his qualifications, United States v. Wilder, C.A. No. 8695, W.D. La. 1963. As the Court said in United States v. Louisiana, supra, at p. 51:

The cessation of prior discriminatory practices cannot justify the imposition of new and onerous requirements, theoretically applicable to all, but practically affecting primarily those who bore the brunt of previous discrimination. An appropriate remedy therefore should undo the results of past discrimination as well as prevent future inequality of treatment.

A Court of equity is not powerless to eradicate the effects of former discrimination. If it were, the State could seal into permanent existence the injustices of the past.

The defendants should also be specifically enjoined from using the one-at-a-time rule, the witness requirement, and any other slow-down device designed to delay the registration of Negroes.

Finally, in order for the Court to be assured that race will be excluded as a factor in determining the qualifications of applicants, the registrar should be required to submit monthly reports to the Court and to make the records of the registration office available at all reasonable times for inspection and copying by the plaintiff. Such reports have been ordered in United States v. Alabama, 192 F. Supp. 677 (M.D. Ala. 1961), aff'd 304 F. 2d 583 (C.A. 5, 1962); United States v. Manning, 205 F. Supp. 172 (W.D. La. 1962); United States v. Wilder, Civil Action No. 8695 (W.D. La.); and United States v. Ward, Civil Action No. 8547 (W.D. La.).

In view of the seven-year history of racially discriminatory practices which have been engaged in by the Registrar of Voters of Webster Parish, all of the relief outlined above is essential to insure that Negro citizens will not be forced to face "new and onerous requirements, theoretically applicable

to all, but practically affecting primarily those
who bore the brunt of previous discrimination."

This Brief is respectfully submitted.

Dated: January 19, 1963

EDWARD SHAHEEN,
United States Attorney

BURKE MARSHALL
Assistant Attorney General

JOHN DOAR
FRANK DUNBAUGH

LOUIS M. KAUDER

Attorneys
Department of Justice

APPENDIX A

(Plaintiff's Exhibit 8)

Listed below is the exhibit number of each rejected application form in the Webster Parish file of rejects that post-date September 13, 1962, and a notation whether the applicant failed the multiple-choice test. If the applicant failed the test, the word "test" follows the exhibit number. If the applicant passed the test, an attempt has been made to ascertain what other errors may have caused the rejection and those errors follow the exhibit number.

WHITES ^{1/}		NEGROES
1151 - test	1195 - test	1155 - "haves" undone
1154 - test	1196 - test	1156 - "haves" undone
1158 - test	1197 - test	
1159 - test	1198 - test	1157 - test answers not marked
1161 - test	1200 - test	1163 - no apparent reason
1162 - test	1204 - test	1165 - "haves" on back of card
1164 - test	1208 - test	not filled out; crossed
1166 - test	1209 - test	out "have nots" on front
1167 - test	1210 - test	1170 - no apparent error
		1173 - test
1168 - test	1211 - test	1175 - test
1169 - test	1212 - test	1176 - householder error; Parish
1171 - test	1215 - test	since "Webest"; haves on
1172 - test	1225 - test	front undone
1174 - test	1226 - test	1182 - "haves" mixed up
1178 - test	1227 - test	1190 - no apparent error except
1179 - test	1228 - test	misspelling
1180 - test	1229 - test	1192 - test
1181 - test	1231 - test	1194 - "haves" on front undone
1183 - test	1232 - test	1202 - test
1184 - test	1233 - test	1203 - test
1186 - test	1234 - test	1205 - "haves" undone
1187 - test	1235 - date of application for date of birth	
1188 - test	1236 - test	1206 - "haves" undone

^{1/} The following exhibit numbers bear no race identification:
1152, 1153, 1160, 1185, 1199, 1201, 1230, 1248, 1251.

WHITES		NEGROES	
1189 - test	1238 - test	1207 - "haves" mixed up	
1191 - test	1239 - test	1213 - "haves" undone	
1193 - test	1240 - test	1214 - test	
	1241 - test	1216 - test	
	1242 - test	1217 - "haves" mixed up	
	1243 - test	1218 - "haves" undone	
	1244 - test	* 1219 - test	
	1245 - test	* 1220 - test	
	1249 - test	* 1221 - test	
	1250 - test	* 1222 - test	
	1252 - test	* 1223 - test	
	1253 - test	* 1224 - test	
	1254 - test	1237 - no test card; one line on LR - 1 left blank ^{2/}	
	1255 - test	1247 - test	
	1256 - test	1263 - "have nots" crossed out	
	1257 - test	1265 - test	
	1258 - test	1267 - test	
	1259 - test	1270 - application card not filled out	
	1260 - test	1271 - no state of birth; "haves" mixed up	
	1261 - test	1273 - 3 lines on LR - 1 left blank	
	1262 - test	1278 - no test card; "have nots" crossed out	
	1264 - test	P1.Ex. 10-0 - "have nots" crossed out ^{3/}	
	1266 - test	P1.Ex. 10-N - "have nots" un- done ^{3/}	
	1268 - test		
	1269 - test		
	1272 - test		
	1274 - test		
	1275 - test		
	1276 - test		
	1277 - test		

* Exs. 1219 - 1224 are all applications of Joe Kirk.

2/ Number 1237 is the card of Willie Mae Mayfield, who testified that she was given the oral test and then failed on the application form. (T. 186-194)

3/ Applications of Ruby Taylor and Atherlean Harris. Their forms were not in the file when photographed by Government agents under this Court's Rule 34 Order, but were produced by the defendants after the witnesses had testified that they were given the oral test and then were failed on the application form. (T. 214-234).

APPENDIX B

I. Listed below are the exhibit subnumbers from Plaintiff's Exhibits 7 and 8 of all applications where the portion of the preamble written by the applicant includes some part of the phrase "establish justice, insure domestic tranquility."

P1. Ex. 7 - Accepted Applications, Sept. 1962-June 1963

<u>White Applicants</u>	<u>Negro Applicants</u>
35	76 387 434 464
85	185 389 435 471
99	186 395 437 474
100	273 396 438 475
111	276 397 439 480
152	277 398 440 482
176	278 401 443 488
208	279 406 451 492
216	283 408 452 495
217	288 412 454 772
264	289 421 455 775
337	290 425 456 792
969	291 430 461 818
987	292 433 462 824
1023	
1144	989

P1. Ex. 8 - Rejected Applications, Sept. 1962-June 1963

<u>White Applicants</u>	<u>Negro Applicants</u>
1256	1155 1206
1262	1156 1207
	1163 1213
	1165 1214
	1190 1216
	1194 1224
	1202 1247
	1203 1267
	1270

II. Listed below are the exhibit subnumbers for Plaintiff's Exhibits 7 and 8 of all applications not listed in Part I above and which show that the applicant had to write a portion of the preamble other than "We the people of the United States."

Plaintiff's Exhibit 7

<u>White Applicants</u>					<u>Negro Applicants</u>	
9	85	207	341	1028	266	458
25	97	209	345	1030	272	459
30	106	236	374	1031	284	460
31	107	242	376	1032	296	468
42	148	244	385	1033	388	472
43	149	251	635	1035	390	479
49	158	259	707	1036	393	482
55	160	261	708	1037	405	485
60	161	265	731	1061	415	489
63	169	318	945	1105	423	491
69	176	331	953	1120	428	494
72	178	337	1007	1132	441	497
73	190	338	1021	1138	442	1022
82	206	340	1024	1144	453	1133
					456	1134

Plaintiff's Exhibit 8

<u>White Applicants</u>	<u>Negro Applicants</u>
1158	1157
1164	1170
1166	1175
1198	1192
1200	1205
1209	1218
1215	1222
1231	1223
1250	1271
1252	1273
1255	
1261	

III. Summary

	<u>Total</u>	<u>Had "We</u>	<u>Had "Establish</u>
	<u>Applications</u>	<u>The People"</u>	<u>Justice, Insure</u>
			<u>Domestic Tran-</u>
			<u>quility"</u>
White Applicants	527	427(81.0%)	18 (3.4%)
Negro Applicants	178	64(36.0%)	74 (41.6%)

APPENDIX C

Application form of J. F. Bryan (Pl. Ex. 7-51),
who was registered on November 19, 1962 by Mrs. Clement.
Errors and omissions are circled in red.

STOCK FORM LRS-1-62 M. L. Bath Co., Ltd., Shreveport, La., Lake Charles, La.

FORM OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS

Parish of Webster, State of Louisiana

Ward No. 3

Precinct No. 1

Cert. No. 69

RESIDENCE Minden R 4

I am a citizen of the United States and of the State of Louisiana.

My name is Mr.-Mrs.-Miss J. F. Bryan I was born in the
State (Country) of Mississippi Parish (or county) of Webster on the 11 day of
Jan in the year 1916 I am now 46 years, 9 months and 9 days of age. I have
resided in Precinct No. 3 in Ward No. 1 of this Parish continuously since 1939 in this
State since 1916 and in this Parish since 1939 I am not disfranchised by any pro-
visions of the Constitution of this State. The name of the householder at my present address is Minister R 4
My occupation is Macanace My color is W My sex is M I am not now registered
as a voter in any other Ward or Precinct of this State, except Webster My last registration was in
Ward 1 Precinct 3 Parish Webster I am now affiliated with the Democrat Party.

In each of the following items the applicant shall mark through the word "have" or the words "have not" so that each item will
show a true statement about the applicant.

I have (have not) been convicted of a felony without receiving a full pardon and restoration of franchise.
I have (have not) been convicted of more than one misdemeanor and sentenced to a term of ninety (90) days or more in jail for
each such conviction, other than traffic and/or game law violations, within five years before the date of making this application for
registration as an elector.

I have (have not) been convicted of any misdemeanor and sentenced to a term of six (6) months or more in jail, other than traffic
and/or game law violations, within one year before the date of making this application for registration as an elector.

TURN CARD OVER

I have (have not) lived with another in "common law" marriage within five years before the date of making this application for reg-
istration as an elector.

I have (have not) given birth to an illegitimate child within five years before the date of making this application for registration as
an elector. (The provisions hereof shall not apply to the birth of any illegitimate child conceived as a consequence of rape or forced car-
nal knowledge.)

I have (have not) acknowledged myself to be the father of an illegitimate child within five years before the date of making this ap-
plication for registration as an elector. I do hereby solemnly swear or affirm that I will faithfully and fully abide by all the laws of the State
of Louisiana, so help me God.

Signature J. F. Bryan
(Mrs. P. Clement) Registrar

Sworn to and subscribed before me:

CHANGE OF ADDRESS

Date _____ Address _____ Ward No. _____ Precinct No. _____ Cert. No. _____
Date _____ Address _____ Ward No. _____ Precinct No. _____ Cert. No. _____
Date _____ Address _____ Ward No. _____ Precinct No. _____ Cert. No. _____

CHANGE OF NAME

I am now Mr.-Mrs.-Miss _____ Date of change _____
Nature of change _____

REMARKS

The following information forms no part of the application but is for use of the registration records:

Parish of Webster State of Louisiana Date 11-19 1962
Address Minden R 4 Color of eyes Brown
Mother's first or maiden name Nova Tippit Name of employer Webster Sh Co
Property owner yes Tenant _____ Bourder _____

CERTIFICATE OF SERVICE

I, LOUIS M. KAUDER, certify that, on the 19th day of January, 1964, I served the foregoing trial brief in support of plaintiff's proposed findings of fact, conclusions of law, and decree together with plaintiff's proposed findings of fact, conclusions of law, and decree on Honorable Louis H. Padgett, Jr., District Attorney for Webster Parish, and Harry J. Kron, Jr., attorneys for the defendant Registrar and the State of Louisiana, by mailing copies thereof to them by United States Air Mail, Special Delivery, postage prepaid.

LOUIS M. KAUDER