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Nos. 23, 24, 25, Original

## In the Supreme Court of the United States

OCTOBER TERM, 1965

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UNITED STATES OF AMERICA, PLAINTIFF  
v.

STATE OF ALABAMA, DEFENDANT

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UNITED STATES OF AMERICA, PLAINTIFF  
v.

STATE OF MISSISSIPPI, DEFENDANT

---

UNITED STATES OF AMERICA, PLAINTIFF  
v.

STATE OF LOUISIANA, DEFENDANT

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BRIEF IN SUPPORT OF MOTIONS FOR LEAVE TO FILE ORIGINAL  
COMPLAINTS AND MOTIONS FOR EXPEDITED CONSIDERA-  
TION

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## **JURISDICTION**

The jurisdiction of this Court to entertain the original complaints of the United States against the States of Alabama, Mississippi and Louisiana rests

on Article III, Section 2, Clause 2, of the Constitution and 28 U.S.C. 1251(b) (2).

#### QUESTION PRESENTED

Whether the Voting Rights Act of 1965 is constitutional insofar as it suspends the provisions of law in Alabama, Mississippi and Louisiana requiring an applicant for voting registration to demonstrate his literacy or his understanding of the duties and obligations of citizenship, authorizes the appointment for those States of federal examiners to certify qualified voters and requires local election officials to place on the State rolls of eligible voters the persons so listed.

#### CONSTITUTIONAL, STATUTORY AND REGULATORY PROVISIONS INVOLVED

Pertinent to all three cases are the Fifteenth Amendment to the Constitution of the United States, and Sections 4(a)–(d), 6, 7, 9, 12(d) and 12(f) of the Voting Rights Act of 1965 (P.L. 89–110, 79 Stat. 437), all reproduced as Appendix A hereto (*infra*, pp. 1a–8a). Also involved are: in the *Alabama* case, Amendment 91 to the Alabama Constitution of 1901, Sections 31 and 32 of Title 17 of the Code of Alabama and the orders of the Supreme Court of Alabama of July 21 and July 26, 1965, all reproduced as Appendix B hereto (*infra*, pp. 9a–17a); in the *Mississippi* case, Section 244 of Mississippi Constitution, as amended in 1965, and Sections 3130, 3164, 3209.6, 3209.7, 3212 and 3235 of the Mississippi Code, as most recently amended, and former Section 3273 of the Mississippi Code, repealed in 1965, all reproduced as Appendix C hereto

(*infra*, pp. 18a-26a); and, in the *Louisiana* case, the relevant portions of Article VIII, Sections 1 and 18, of the Louisiana Constitution, and Sections 31(2), 32, 36 and 191A of Title 18 of the Louisiana Revised Statutes, as most recently amended, all reproduced as Appendix D hereto (*infra*, pp. 27a-36a).

#### STATEMENT

The purpose of these suits is to secure timely compliance with the provisions of the Voting Rights Act of 1965 in Alabama, Mississippi and Louisiana, where implementation of the new federal law has been wholly thwarted, primarily by State court proceedings initiated by the defendant States. Those three States are systematically refusing to place on the appropriate voter registration rolls all persons certified as qualified voters by the federal examiner acting pursuant to the Voting Rights Act—apparently because the examiner, in conformity with the federal law, does not require applicants to demonstrate their literacy or to satisfy any other test suspended by the Act. In effect, Alabama, Mississippi and Louisiana are enforcing their own literacy laws notwithstanding the federal Act. Since the supremacy of the federal law is established by the Constitution, the action of the defendant States must be viewed as a calculated challenge to the constitutional validity of the Voting Rights Act. That is the sole issue before the Court.

As more particularly alleged in the several complaints submitted herewith, Alabama, Mississippi, and Louisiana are covered on a Statewide basis by the Voting Rights Act of 1965 because less than half the adult population of the State voted in the most

recent Presidential election and the State then, as now, made literacy a prerequisite to voting and voting registration, See § 4(a-c) of the Act, *infra*, pp. 1a-3a. Literacy qualifications and similar "tests and devices" in those States then in effect (see Appendices B, C, and D) were automatically suspended on August 6, 1965, when the Voting Act became law and the necessary administrative determinations were made and published. See § 4(a), *infra*, pp. 2a-3a. Another consequence of coverage was that the Attorney General might appoint federal examiners if he received complaints or otherwise concluded that such examiners were "necessary to enforce the guarantees of the Fifteenth Amendment". § 6, *infra*, pp. 3a-4a.

During August 1965, the Attorney General certified the need for federal examiners in six Alabama counties, four Mississippi counties and four Louisiana parishes; they were promptly appointed and assumed their duties. In accordance with the Voting Rights Act, the examiners certified all applicants who met the State voting qualifications which are not suspended by the federal law; they did not require proof of literacy or subject the applicants to other tests prescribed by State law which have been suspended. See §§ 7 and 9(b), *infra*, pp. 4a-7a. Under the new law, the names of persons certified are made public and the examiner's list is transmitted to the local registrar, who is required to place those names on the official State rolls of eligible voters. § 7(b), *infra*, pp. 4a-5a. By the end of September, 1965( after a month and a half of operation), examiners in Alabama, Mississippi and Louisiana transmitted such lists (totalling over 46,000 names) to the appropriate State officials.

Should an unqualified person be certified by the examiner, he may be challenged in an administrative proceeding subject to judicial review. § 9(a), *infra*, p. 6a. But in the three States involved, although some challenges have been filed and sustained, the State officials, for the most part, have neither resorted to the challenge procedure nor transposed the names from the examiners' lists to the official voting rolls. The local registrars have simply declined to honor the federal examiners' lists and, to this day, no person certified by the examiners has been placed on the State lists.

In all but two instances, the local registrar's inaction has been compelled by State court injunctions, obtained by the State, prohibiting them from listing on the official rolls any person certified by the federal examiners. Suits to that end were filed in mid-September in the name of the State, at the direction of the governor, in all six Alabama counties where federal examiners had been appointed, specifically complaining, among other things, that the examiners were listing illiterates in violation of State law. On the same day, the respective circuit courts issued identical injunctions directed to the responsible county officials (the probate judges) unconditionally forbidding them from placing on the voter rolls any person listed by the examiners. In one case (Dallas County), the circuit court has rendered a final judgment declaring the Voting Rights Act of 1965 unconstitutional and permanently enjoining its enforcement.

During the month of September, similar proceedings were instituted by the Mississippi Attorney General (in the name of the State) in each of the four Mississippi counties for which examiners have been appointed, and injunctions directed against the sev-

eral circuit and city clerks (who are the local registrars) were issued in the same month. The orders in terms enjoin them from listing persons certified by the federal examiners who have not been required "to comply with valid non-discriminatory State requirements." Since the examiners have applied all Mississippi voter qualifications except the suspended literacy test, the complaint must be that the examiners have not required completion of the Mississippi registration form which was recently substituted (for general elections, at least) as a test of literacy (see Appendix C, *infra*, pp. 18a-26a) in lieu of the "constitutional interpretation test" challenged in *United States v. Mississippi*, 380 U.S. 128. In any event, the effect of the injunctions is to bar the listing on the States rolls of every person certified by the examiners because the lists transmitted do not specify the qualifications of each individual, albeit they attest that all are qualified under enforceable State standards.

In Louisiana, similar proceedings were initiated in three of the four parishes affected. Suits instituted by the District Attorneys of Plaquemines and Ouachita Parishes are now pending. In East Carroll Parish, the State, through its Attorney General, directly challenged the constitutionality of the Voting Rights Act of 1965 and an injunction has been issued absolutely restraining the local registrar "from placing the names submitted to him by the Federal Examiner on the official voting list for East Carroll Parish and from otherwise implementing the provisions of Public Law 89-110 \* \* \*."

In each instance, the State court order has been

obeyed. Though in terms “temporary” or “preliminary,” the injunctions realistically must be viewed as permanent and final. Cf. *N.A.A.C.P. v. Gallion*, 368 U.S. 16. No step has been taken by the defendants in any of the cases to provoke a hearing “on the merits” or to prosecute an appeal. The United States is not a party and is, therefore, not in a position to affect the course of the litigation.

### ARGUMENT

We do not, at this time, address ourselves to the merits of the cases. The sole burden of our present argument is that the complaints submitted present controversies within the original jurisdiction of this Court and that, in light of the nature of the cases—each involving a direct confrontation between the United States and a State—the importance of the basic constitutional question presented, the absence of factual issues, and the gravity of the injury which would attend substantial delay in the definitive resolution of the controversy, the Court should exercise its jurisdiction by granting the motions for leave to file the complaints and setting them for consideration on an expedited basis.

#### I. THIS COURT HAS ORIGINAL JURISDICTION TO ENTERTAIN THE COMPLAINTS

It is, of course, clear that this Court has original jurisdiction to entertain the complaints if they truly state justiciable controversies between the United States and the States named as defendants. U.S. Const., Art. III, Sec. 2, Cl. 2; 28 U.S.C. 1251(b)(2);

see *United States v. West Virginia*, 295 U.S. 463, 470, and cases there cited. To be sure, the jurisdiction of this Court is not exclusive; as it may (see *United States v. California*, 297 U.S. 175, 187, and cases there cited), Congress has given the district courts concurrent jurisdiction to entertain controversies between the United States and a State. That is done generally by Section 1345 of the Judicial Code and, with specific reference to actions like these, by Sections 12(d) and 12(f) of the Voting Rights Act (*infra*, pp. 7a-8a). But the statutes empowering district courts to entertain such proceedings do not deprive this Court of jurisdiction. Although Section 12(f) of the Voting Rights Act vests jurisdiction in the district courts without reference to this Court, it does not purport to foreclose the original jurisdiction of this Court in a proper case. Nor can the provision be so construed in light of the constitutional basis of this Court's jurisdiction.<sup>1</sup> The only open questions, therefore, are (1) whether the United States is the proper party plaintiff, (2) whether the named State in each case is the proper defendant, and (3) whether an

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<sup>1</sup> Article III provides that "In all Cases \* \* \* in which a State shall be Party, the supreme Court shall have original Jurisdiction." No provision is made for congressional regulation of such jurisdiction—in sharp contrast to cases in which "the supreme Court shall have appellate Jurisdiction \* \* \* with such Exceptions, and under such Regulations as the Congress shall make." It has accordingly been stated that Congress may not limit the Court's original jurisdiction. See *Marbury v. Madison*, 1 Cranch 137, 174; *Martin v. Hunter's Lessee*, 1 Wheat. 304, 332. In light of this constitutional principle, Congress' silence on the original jurisdiction of this Court to enforce the Voting Rights Act in proper cases cannot be interpreted as intended to preclude such jurisdiction.



actual controversy exists between the parties in each instance.

A. The United States has inherent power to vindicate its rights in its own courts without special legislative authorization. See *United States v. California*, 332 U.S. 19, 27; *Sanitary District of Chicago v. United States*, 266 U.S. 405, 425-426; *Kern River Co. v. United States*, 257 U.S. 147, 154-155; *United States v. San Jacinto Tin Co.*, 125 U.S. 273, 278-280, 284-285. Whatever its non-statutory standing to enforce the federal rights of citizens, the United States clearly has the inherent authority and responsibility to vindicate the supremacy of federal law and the integrity of a national program against massive State resistance—an interest quite distinct from that of the individual beneficiaries of the Voting Rights Act. See *In re Debs*, 158 U.S. 564; *Faubus v. United States*, 254 F. 2d 797 (C.A. 8), certiorari denied, 358 U.S. 829; *Bush v. Orleans Parish School Board*, 190 F. Supp. 861, 866 n. 9 (E.D. La.), affirmed *sub nom. New Orleans v. Bush*, 366 U.S. 212; *Bush v. Orleans Parish School Board*, 191 F. Supp. 871, 875-879 (E.D. La.), affirmed *sub nom. Denny v. Bush*, 367 U.S. 908; *Hall v. St. Helena Parish School Board*, 197 F. Supp. 649 (E.D. La.), affirmed, 368 U.S. 515; *United States v. Mississippi*, No. 19,475, 9/25/62 (C.A. 5), leave granted to United States to be joined as respondent, certiorari denied *sub nom. Mississippi v. Meredith*, 372 U.S. 916. That is the essence of these cases. The present complaints do not assert the personal rights of individuals, but the

broadest right of the United States to secure obedience to its law as required by the Supremacy Clause.

There is also a statutory basis for standing in these cases. Under 42 U.S.C. 1971(c), derived from the Civil Rights Acts of 1957 and 1960, the Attorney General is authorized to institute proceedings in the name of the United States to enforce the Fifteenth Amendment.<sup>2</sup> In effect, that is the burden of the present complaints seeking to enjoin resistance to legislation implementing that Amendment. More specifically, the United States is authorized to maintain these suits by Section 12(d) of the Voting Rights Act (*infra*, pp. 7a-8a), which explicitly provides for proceedings by the United States to correct violations of the Act.<sup>3</sup> The validity of such provisions conferring standing is settled by *United States v. Raines*, 362 U.S. 17, and *United States v. Mississippi*, 380 U.S. 128. See, also, *Alabama v. United States*, 371 U.S. 37; *Louisiana v. United States*, 380 U.S. 145.

Thus, it is plain that the United States is authorized to institute these actions in its own name.

B. There can be no sound objection to making the

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<sup>2</sup> To be sure, the section in terms authorizes a suit in the name of the United States to correct violations of Section 1971(a) of the same Title. But the latter provision is coextensive with the Fifteenth Amendment. See *Guinn v. United States*, 238 U.S. 347, 355, 361; *Myers v. Anderson*, 238 U.S. 368, 379.

<sup>3</sup> The several complaints allege at least two violations encompassed by the provision; *viz.*, a violation of Section 7(b) by failing to place on the official voter lists the names of persons certified as qualified by the federal examiners, and a violation of Section 4(a) by continuing to enforce suspended State voter qualifications.

named States the defendants in these cases. At least since *United States v. Texas*, 143 U.S. 621, it has been settled that the States, by joining the Union and submitting to the Constitution, surrendered any claim of "sovereign immunity" as against the national government. And all other constitutional objections were rejected in *United States v. Mississippi*, 380 U.S. 128, 138-141. See, also, *Alabama v. United States*, 371 U.S. 37; *Louisiana v. United States*, 380 U.S. 145. Nor is it arguable here that Congress has foreclosed joinder of the State as a defendant in a suit to enforce the Voting Rights Act of 1965. Compare *United States v. Alabama*, 362 U.S. 602. Indeed, Section 12(d) of the Act explicitly adverts to "an order directed to the State", which presupposes the State as a defendant. The only remaining question is whether, considering the allegations of the present complaints, the named States are *appropriately* named defendants in these cases.

The propriety of filing against the States themselves is clear from the facts recited in the Statement. These suits only incidentally seek to curb the acts of individual registrars. Theirs was not the initiative in resisting the federal law. Their disobedience to it was compelled by orders of State courts issued at the suit of the State. The true controversy in each instance is thus with the State itself, which, pursuant to a Statewide policy, has prevented compliance with the federal law by local registrars. Underlying the controversy is a State decision, reached at the highest level, to resist the Voting Rights Act and continue to apply State voting qualifications sus-

pended by the federal law. In each case, the enforceability of the affected provisions of the State Constitution and statutes—for the State as a whole—is at issue. The burden of the defense (if one can be made) appropriately falls on the State itself. No fully effective remedy can be given until the State, in all its governmental operations, is enjoined from ignoring the supremacy of the Voting Rights Act. In short, the named States are the real parties in interest and it is appropriate that they be held to answer; to hold the contrary “would without justification in reason diminish the power of courts to protect the people of this country against deprivation and destruction by States of their federally guaranteed rights.” *United States v. Mississippi*, 380 U.S. 128, 141.

C. What has already been said amply demonstrates that the true adversaries in these cases are the United States and the respective States. In each instance, the State has taken hostile affirmative action; it is not a mere passive delinquent. The United States and the States made defendants are far from nominal parties, only indirectly involved in the litigation. Compare *United States v. West Virginia*, 295 U.S. 463. Nor is there any doubt that an actual controversy exists between the named parties. In each case, the State itself is openly and actively proceeding without regard to the Voting Rights Act and invoking its own courts to compel disobedience to the federal law by its election officials. The United States, in turn, must resort to judicial proceedings to halt the interference and secure compliance with the Act of

Congress. It is difficult to imagine a more direct and urgent confrontation susceptible of judicial resolution.

We conclude that this Court has original jurisdiction to entertain the complaints submitted herewith. It remains to show that the Court should exercise its jurisdiction in these cases.

## II. THESE ARE APPROPRIATE CASES FOR THE EXERCISE OF THE ORIGINAL JURISDICTION OF THIS COURT

We have already noted that this Court's jurisdiction to entertain these original complaints is not exclusive and that the actions could also be maintained in federal district courts pursuant to Sections 12(d) and 12(f) of the Act. The question is whether this Court should decline to exercise its original jurisdiction and remit the parties to another forum. Several considerations, we submit, counsel against that course.

A. Normally, in cases of concurrent jurisdiction, the plaintiff—here the United States—chooses the forum and, in the absence of some special statutory provision (*e.g.*, permitting removal), his choice is binding, unless the court, applying the principle of *forum non conveniens*, finds that the balance of conveniences as between the parties makes the forum of the plaintiff's choice clearly inappropriate. See 28 U.S.C. 1404(a). No such ground appears in the circumstances. To be sure, the rule is not fully applicable to cases within the non-exclusive original jurisdiction of this Court, with respect to which a more expansive principle of inconvenient forum has

been expressed. Thus, it has been said that leave to file an original action here may be denied in circumstances “where there is no want of” a “suitable” alternative forum; where assumption of original jurisdiction “might seriously interfere with the discharge by this Court” of its other responsibilities; where “‘considerations of convenience, efficiency and justice’” counsel abstention—where, in short, there is “need of the exercise of a sound discretion in order to protect this Court from an abuse of the opportunity to resort to its original jurisdiction.” *Massachusetts v. Missouri*, 308 U.S. 1, 19. See, also, *Louisiana v. Cummins*, 314 U.S. 580; *Georgia v. Pennsylvania R. Co.*, 324 U.S. 439, 464–465; *id.*, 469–470 (dissenting opinion). Yet, here, too, the plaintiff’s decision to invoke the original jurisdiction of this Court is entitled to respect and will not be overridden in the absence of important countervailing considerations.<sup>4</sup>

B. Reasons for declining jurisdiction include the presence of factual issues that could more practicably be determined in a State or lower federal court and the lack of urgency or importance of the case. Cf. *United States v. Texas*, 339 U.S. 707, 715. A prime example is *Massachusetts v. Missouri*—the only case where a majority of the Court actually found that discretionary refusal to exercise its original jurisdiction was warranted—which basically involved the effort of

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<sup>4</sup> We suggest no disinclination on the part of the defendants to acquiesce in the resolution of the controversy in this Court. On the contrary, the State of South Carolina has invoked this forum (see *South Carolina v. Katzenbach*, No. 22, Original, this Term) and the States of Alabama, Mississippi and Louisiana may well agree that a direct adjudication here is desirable.

one State to collect a tax claim against a citizen of another State. There, the Court appears to have been specifically concerned that permitting States to enforce such claims by original actions might flood the Court with a multitude of trivial cases in which it would be functioning as a trial court, thus gravely interfering with the performance of its much more important appellate functions. On the other hand, jurisdiction will be accepted if the plaintiff is "without a proper and adequate remedy" in some other court. *Massachusetts v. Missouri*, *supra*; *Georgia v. Pennsylvania R. Co.*, *supra*, 324 U.S. at 466. Relevant also is the character of the parties. A direct confrontation between a State and the United States itself more properly invokes this Court's jurisdiction than a dispute between lesser adversaries. Indeed, it is noteworthy that the Court has never declined to exercise its original jurisdiction when the United States was the plaintiff. We submit there is no occasion to do so here.

The present actions, in each of which the United States seeks to secure the compliance of a State with recently enacted federal legislation protecting fundamental political rights of citizens of the United States, represent the polar extreme from the kind of recurrent run-of-the-mine tax litigation involved in *Massachusetts v. Missouri*; exercise of original jurisdiction here is unlikely to establish a precedent requiring the Court to entertain frequent original actions in matters of relatively little moment. This is the happily rare, and indisputably momentous, situation of direct confrontation between the State

and federal governments. It is, we submit, precisely for the resolution of such serious disputes that this Court's original jurisdiction over controversies between the United States and a State is most appropriately invoked.

There are no obstacles here to the exercise of this Court's jurisdiction. The complaints which we ask the Court's leave to file present only questions of law; no factual issues are involved whose resolution might prove burdensome to the Court. Nor is there any inconvenience to the defendants. No trial will be required and the States themselves are the only parties called upon to respond. As we view the case, neither extensive pleadings nor elaborate presentations will be necessary. The issue which controls this litigation—and fully disposes of it—is the constitutionality of the Voting Rights Act of 1965, a question which must reach this Court in due course and may appropriately be resolved here in the first instance.<sup>5</sup>

That determination does not require an evidentiary

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<sup>5</sup> The State of South Carolina has submitted in this Court a motion for leave to file a complaint against the United States challenging the constitutionality of the Voting Rights Act. *South Carolina v. Katzenbach*, No. 22, Original, this Term. But if this Court accepts jurisdiction of South Carolina's action, the case may be disposed of on a narrow ground without reaching the merits of the constitutional issue. It may be argued that the question of the constitutionality of the Act is prematurely presented there because South Carolina has not exhausted a preliminary remedy provided in the Act: a suit in the United States District Court of the District of Columbia seeking exemption from the substantive requirements of the Act. See Section 4(a) of the Act, *infra*, pp. 1a-2a. No comparable opportunity to obtain exemption is presently available to Alabama, Mississippi or Louisiana, because, in each instance, there are recent outstanding federal judgments incorporating findings of discrimi-



trial. To be sure, the defendant States may wish to challenge the appropriateness of the legislation to implement the Fifteenth Amendment and "legislative facts" may be relevant to that question. See *United States v. Carolene Products Co.*, 304 U.S. 144, 152-154. "But by their very nature such inquiries, where the legislative judgment is drawn in question, must be restricted to the issue whether any state of facts either known or which could reasonably be assumed affords support for it." *Id.* at 154. So long as there is a "rational basis" for the congressional action, the Court's function is at an end. *Katzenbach v. McClung*, 379 U.S. 294, 303-304. Here, the legislative record is unusually ample. Congress acted on the basis of a mass of evidence which is hardly subject to impeachment—evidence which included voting records and judgments entered in cases involving charges of State discrimination against voters by means of "tests and devices."<sup>6</sup> The question, we emphasize,

nation through the use of one or more of the suspended tests. *Ibid.* See note 6, *infra*. Moreover, South Carolina's case does not present the issue of federal examiners, none having been appointed in that State. Consequently, the pendency of South Carolina's motion would not constitute a reason for declining to accept jurisdiction of the present actions.

<sup>6</sup> Much of the evidence before Congress was in the form of statistical data culled from official governmental reports, State and federal. Discrimination in the use of voting "tests and devices" was shown, in large measure, through the final judgments of United States courts incorporating particularized findings. With respect to the three States here involved such judicial determinations are not lacking. See, *e.g.*:

Alabama: *United States v. Alabama* (Macon Co.), 192 F. Supp. 677 (M.D. Ala.), affirmed, 304 F. 2d 583 (C.A. 5), affirmed, 371 U.S. 37; *United States v. Alabama* (Bullock Co.), 7 Race Rel. L. Rep. 1146, 1152 (M.D. Ala.); *United States v. Atkins*, 323 F. 2d 733 (C.A. 5) and supplemental decree on

is not whether the facts adduced, or additional facts, might justify alternative hypotheses. If there were known facts before the legislature which rationally

remand, 10 Race Rel. L. Rep. 209 (S.D. Ala.); *United States v. Penton*, 212 F. Supp. 193 (M.D. Ala.), supplemental decree *sub nom. United States v. Parker*, 236 F. Supp. 511 (M.D. Ala.); *United States v. Mayton*, 7 Race Rel. L. Rep. 1136, supplemental decree, 9 Race Rel. L. Rep. 1337 (S.D. Ala.); *United States v. Logue*, 344 F. 2d 290 (C.A. 5); *United States v. Cartwright*, 230 F. Supp. 873 (M.D. Ala.), supplemental decree *sub nom. United States v. Strong*, 10 Race Rel. L. Rep. 710; *United States v. Hines*, 9 Race Rel. L. Rep. 1332 (N.D. Ala.); *United States v. Ford* (C.A. 2829), 9 Race Rel. L. Rep. 1330 (S.D. Ala.), decided April 13, 1964, supplemental order, June 18, 1965.

Mississippi: *United States v. Mathis*, C.A. 6429, decided May 11, 1965 (N.D. Miss.); *United States v. Allen*, C.A. 6451, decided May 27, 1965 (N.D. Miss.); *United States v. Ramsey*, 331 F. 2d 824 (C.A. 5); *United States v. Lynd*, 301 F. 2d 818, 321 F. 2d 26 (C.A. 5), and decree on remand, July 16, 1965 (S.D. Miss.); *United States v. Ward*, 345 F. 2d 857 (C.A. 5), and decree on remand, May 25, 1965 (S.D. Miss.); *United States v. McClellan*, C.A. 3607, decided September 24, 1965 (S.D. Miss.); *United States v. Hosey*, C.A. 1248(E), decided July 31, 1965 (S.D. Miss.); *United States v. Clayton*, C.A. 6420, decided June 16, 1965 (N.D. Miss.); *United States v. Mikell*, C.A. 1922, decided March 16, 1965 (S.D. Miss.); *United States v. Duke*, 332 F. 2d 759 (C.A. 5), and decree on remand, May 29, 1964 (N.D. Miss.); *United States v. Campbell*, C.A. 633, decided April 8, 1965 (N.D. Miss.); *United States v. Cox*, No. D.C. 53-61, decided June 24, 1964 (N.D. Miss.); *United States v. Mississippi*, 339 F. 2d 679 (C.A. 5), and decree on remand, C.A. 1656, decided March 16, 1965 (S.D. Miss.).

Louisiana: *United States v. McElveen*, 180 F. Supp. 10 (E.D. La.), affirmed *sub nom. United States v. Thomas*, 362 U.S. 58; *United States v. Ass'n of Citizens Councils*, 196 F. Supp. 908 (W.D. La.); *United States v. Manning*, 206 F. Supp. 623 (W.D. La.); *United States v. Fox*, 211 F. Supp. 25 (E.D. La.), affirmed 334 F. 2d 449 (C.A. 5); *United States v. Wilder*, 222 F. Supp. 749 (W.D. La.); *United States v. Clement*, 231 F. Supp. 913 (W.D. La.); *United States v. Crawford*, 229 F. Supp. 898 (W.D. La.); *United States v. Louisiana*, 225 F. Supp. 353 (E.D. La.), affirmed, 380 U.S. 145. See, also, *United States v. Ward*, 349 F. 2d 795 (C.A. 5).

permitted the inference which Congress drew, the Congressional determination must prevail. “[N]either the finding of a court arrived at by weighing the evidence, nor the verdict of a jury can be substituted for it.” *United States v. Carolene Products Co.*, *supra*, at 154.<sup>7</sup>

Nor need the Court’s exercise of original jurisdiction in these cases involve it in difficult problems of enforcement. The complaints submitted do not seek detailed relief. We have no basis to anticipate disobedience of a decree entered here. If an individual registrar should prove recalcitrant, a further specific order could be sought in the district court and enforcement proceedings undertaken there. Once this Court has adjudged the basic controversy, it may appropriately leave particularized implementation to the lower federal courts. Indeed, this Court’s decree might expressly disclaim a preemption of the jurisdiction of the district courts to entertain supplementary proceedings.

C. There is another persuasive—indeed overshadowing—reason which counsels disposition of the underlying constitutional issue in this Court. Remitting the United States to its alternative forum may so delay implementation of the Voting Act in the States involved that all those now certified by federal examiners as qualified voters will be prevented from

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<sup>7</sup> To the extent that there may be any occasion to go behind the legal issue—the rationality of the inference which Congress drew and the reasonableness of the remedy which it adopted—and to point to additional considerations which might have a claim of relevancy, the parties may do so in the form of a “Brandeis brief.”

participating in important elections scheduled for the Spring and Summer of 1966.<sup>8</sup> Past experience in litigation of this character indicates that such suits would be vigorously contested, and, if the litigation must begin in the district courts, appeals are likely. The lower courts may be in conflict, leaving the important questions essentially unresolved until this Court is able to act, perhaps too late to avert irreparable injury. The prospect of prompt and effective relief appears to depend, therefore, upon the Court's decision to entertain the proposed suits in the first instance.

General primary elections in these States are to be held in early May (Alabama), June (Mississippi) and August, 1966 (Louisiana), preliminary to the November 1966 State and federal elections. So long as the State-court injunctions remain in effect, more than forty thousand persons who have been certified as qualified to vote by the federal examiners under the Voting Rights Act, and the countless additional thousands who will be certified in the ensuing months, may be prevented from voting in any election. It would be a grave frustration—one freighted with serious consequences for the Nation's welfare—if those qualified voters were denied the opportunity to cast their first ballots in the next meaningful election because the United States had not been able to obtain a definitive judgment in time.

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<sup>8</sup> Indeed, even in this Court, the normal delays in original actions must be abbreviated to afford timely relief and we have accordingly moved for expedited consideration here. See pp. 21-23, *infra*.

### III. THE CASES ARE SUSCEPTIBLE OF EXPEDITED CONSIDERATION IN THIS COURT

We have already noted that a compelling reason for this Court to entertain these cases in the first instance is the importance of securing promptly a definitive resolution of the constitutional issue— especially in light of the upcoming primary elections in the defendant States. But, of course, that purpose would be defeated if the usual procedure in original actions—allowing 60 days to respond to a motion for leave to file and 60 days more to answer the complaint if leave is granted (see Rules 9(5) and 9(8) of this Court)—were to govern here. Accordingly, we have moved for expedited consideration of the cases. We submit that a somewhat accelerated schedule is wholly appropriate in the circumstances.

Although the confrontation between the United States and the several States involved is acute and the issue that divides the parties is of great moment, the legal question is not complex. The dispute requires no clarification: it appears on the surface and need not be defined by a long series of pleadings or sifted out of a mass of evidence or exhibits. The parties have taken their stand and already know the basis for their respective positions. As we have noted, facts are not at issue and no trial is involved. All that remains is the articulation of supporting arguments on each side. Against that background it seems not unreasonable to suggest that the parties may properly be required to present their case within such time limits as will permit the Court to decide the controversy before the forthcoming primary elections.

To this end, we have moved that the defendants be required to file any response to the accompanying motions by November 10. If the Court were to grant leave to file the complaints later in November, twenty days might be allowed for an answer to the complaint (as under the Federal Rules of Civil Procedure, Rule 12(a)). The United States would anticipate promptly closing the pleadings by a motion for judgment. Simultaneous briefs, open to later reply, might be filed by the end of the year. Subject to the Court's convenience, argument might then be heard at the January session.

We emphasize that we are not asking the Court for extraordinary acceleration of these proceedings, such as the Court has granted in other cases of great urgency and importance. See, *e.g.*, *Hannah v. Larche*, 361 U.S. 910; *United States v. Thomas*, 361 U.S. 950; *Cooper v. Aaron*, 358 U.S. 1; *Wilson v. Girard*, 354 U.S. 524; *Youngstown Co. v. Sawyer*, 343 U.S. 579; *Ex parte Quirin*, 317 U.S. 1. Appealing to the traditional flexibility of the procedures in original matters in this Court, we ask only for some abbreviation of the very generous time allotments for pleadings and briefs made by the Court's present Rules—allotments which appear designed for the more usual original actions involving exceedingly complex and factually intricate property disputes. Considering the very different character of the present cases, the policy of the Rules is not opposed to our request for expedited treatment. The course we suggest affords the best means of assuring an orderly presentation of the important issues involved in sufficient time to permit

effective implementation of the federal act in the forthcoming primary elections.

CONCLUSION

For the foregoing reasons, we respectfully pray that leave to file the complaints submitted herewith be granted and expedited consideration ordered.

NICHOLAS DEB. KATZENBACH,  
*Attorney General.*

THURGOOD MARSHALL,  
*Solicitor General.*

JOHN DOAR,  
*Assistant Attorney General.*

RALPH S. SPRITZER,  
LOUIS F. CLAIBORNE,  
RICHARD A. POSNER,  
*Assistants to the Solicitor General.*

OCTOBER 1965.





## APPENDIX A

### PERTINENT PROVISIONS OF THE CONSTITUTION AND LAWS OF THE UNITED STATES

The Fifteenth Amendment to the Constitution of the United States provides:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Voting Rights Act of 1965 provides in pertinent part:

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with re-

spect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or

section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

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SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears

to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under

section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent

with the Constitution and the laws of the United States.

\* \* \* \*

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitu-

tion and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

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## SEC. 12. \* \* \*

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(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order

directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

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(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.



## APPENDIX B

### PERTINENT PROVISIONS OF ALABAMA LAW

The Constitution of Alabama, as amended, provides in pertinent part:

#### AMENDMENT 91

##### VOTERS' QUALIFICATION AMENDMENT

SEC. 181. The following persons, and no others, who, if they are citizens of the United States over the age of twenty-one years and have the qualifications as to residence prescribed in section 178 of this article, shall be qualified to register as electors provided they shall not be disqualified under section 182 of this Constitution: those who can read and write any article of the Constitution of the United States in the English language which may be submitted to them by the board of registrars, provided, however, that no persons shall be entitled to register as electors except those who are of good character and who embrace the duties and obligations of citizenship under the Constitution of the United States and under the Constitution of the state of Alabama and provided, further, that in order to aid the members of the boards of registrars, who are hereby constituted and declared to be judicial officers, to judicially determine if applicants to register have the qualifications hereinabove set out, each applicant shall be furnished by the board of registrars a written questionnaire, which shall be uniform in all cases with no discrimination as between applicants, the form and contents of which questionnaire shall be prescribed the

supreme court of Alabama and be filed by such court with the secretary of state of the state of Alabama, which questionnaire shall be so worded that the answers thereto will place before the boards of registrars information necessary or proper to aid them to pass upon the qualification of each applicant. Such questionnaire shall be answered in writing by the applicant, in the presence of the board without assistance, and there shall be incorporated in such answer an oath to support and defend the Constitution of the United States and the Constitution of the state of Alabama and a statement in such oath by the applicant disavowing belief in or affiliation at any time with any group or party which advocated the overthrow of the government of the United States or the state of Alabama by unlawful means, which answers and oath shall be duly signed and sworn to by the applicant before a member of the county board of registrars. Such questionnaire and the written answers of the applicant thereto shall be filed with the records of the respective boards of registrars. The board may receive information respecting the applicant and the truthfulness of any information furnished by him. Those persons who have registered as electors under the Alabama Constitution of 1901 shall not be required to register again. Provided, further, that if solely because of physical handicaps the applicant is unable to read or write, then he shall be exempt from the above stated requirements which he is unable to meet because of such physical handicap, and in such cases a member of the board of registrars shall read to the applicant the questionnaire and oaths herein provided for and the applicant's answers thereto shall be written down by such board member, and the applicant shall be registered as a voter if he meets all other requirements herein set out.

Title 17 of the Alabama Code provides in pertinent part:

*Sec. 31. Examination and oath of applicants to register.*—The board of registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants. In order to aid the registrars to judicially determine if applicants to register have the qualifications to register to vote, each applicant shall be furnished by the board a written questionnaire, which shall be uniform in all cases with no discrimination as between applicants, the form and contents of which questionnaire shall be prescribed by the supreme court of Alabama and be filed by such court with the secretary of state of the state of Alabama. The questionnaire shall be so worded that the answers thereto will place before the registrars information necessary or proper to aid them to pass upon the qualifications of each applicant. The questionnaire shall be answered in writing by the applicant, in the presence of the board without assistance. There shall be incorporated in such answer an oath to support and defend the Constitution of the United States and the Constitution of the state of Alabama and a statement in such oath by the applicant disavowing belief in or affiliation at any time with any group or party which advocated the overthrow of the government of the United States or the state of Alabama by unlawful means. The answers and oath shall be duly signed and sworn to by the applicant before a member of the board. Such questionnaire and the written answers of the applicant thereto shall be filed with the records of the board of registrars. If solely because of physical handicaps the applicant is unable to read or write, then he shall be exempt from the above stated requirements which he is unable to meet because of such physical handicap,

and in such cases a member of the board shall read to the applicant the questionnaire and oaths herein provided for and the applicant's answers thereto shall be written down by such board member; and the applicant shall be registered as a voter if he meets all other requirements herein set out. Each member of the board is authorized to administer the oaths to be taken by the applicant and witnesses.

*Sec. 32. Persons qualified to register.*—The following persons, and no others, who, if they are citizens of the United States over the age of twenty-one years and have the qualifications as to residence prescribed in section 178 of the Constitution, shall be qualified to register as electors provided they shall not be disqualified under section 182 of the Constitution: those who can read and write any article of the Constitution of the United States in the English language which may be submitted to them by the board of registrars. No persons shall be entitled to register as electors except those who are of good character who embrace the duties and obligations of citizenship under the Constitution of the United States and under the Constitution of the State of Alabama.

The Application for Registration, Questionnaire and Oath, together with an illustration of the literacy (Part III) test prescribed and promulgated by the Supreme Court of Alabama in its orders of July 21, 1965, and July 26, 1965, are as follows:

## APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATHS

## PART I

(To be filled in by the applicant in the presence of the Board of Registrars)

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 my answers to the interrogatories propounded to me by the board.

\_\_\_\_\_  
(Signature of Applicant)

## APPLICATION FOR REGISTRATION

## PART II

(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: \_\_\_\_\_

Last

First

Middle

Date of Birth: \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_

Name of Husband: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Voting Place: Precinct \_\_\_\_\_ Ward \_\_\_\_\_ District \_\_\_\_\_

Have resided in Alabama since \_\_\_\_\_ Moved from \_\_\_\_\_

Have resided in \_\_\_\_\_ County since \_\_\_\_\_

Moved from \_\_\_\_\_

(State or County)

Have resided in precinct, ward or district since \_\_\_\_\_

Are you or have you been in the past 12 months a member of the armed forces of the United States? \_\_\_\_\_

Are you or have you been in the past 12 months the wife of a member of the armed forces of the United States? \_\_\_\_\_

Are you a citizen of the United States? \_\_\_\_\_ Where were you born? \_\_\_\_\_

If naturalized, give number appearing on your papers and date of issuance: \_\_\_\_\_

Is the legal residence of your husband the same as you claim on this application? \_\_\_\_\_. (If not, ascertain status of marriage, divorce, legal separation, etc., in order to make determination as to residence in case of married woman.) \_\_\_\_\_

Have you ever been registered to vote in any other state or in any other county in Alabama? \_\_\_\_\_. 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? \_\_\_\_\_ Where: \_\_\_\_\_

(School, County, State)

Years college completed? \_\_\_\_\_ Where: \_\_\_\_\_

Have you ever been known by any name other than the one appearing on this application? \_\_\_\_\_

Place of employment: \_\_\_\_\_

Have you ever been stricken from any list of persons registered to vote? \_\_\_\_\_ If so, where, when and why? \_\_\_\_\_

Have you previously applied for and been denied registration as a voter? \_\_\_\_\_ If so, when and where? \_\_\_\_\_

Have you ever served in the armed forces? \_\_\_\_\_ Give dates of service: \_\_\_\_\_

\_\_\_\_\_ Have you ever been dishonorably discharged from military service? \_\_\_\_\_ If so, why? \_\_\_\_\_

Have you ever been legally declared insane? \_\_\_\_\_

Have you ever been convicted of any offense or paid any fine for violation of the law? \_\_\_\_\_ (Yes or No) If answer is yes, place below the following information concerning each fine or conviction: charge, in what court tried, fine imposed, sentence, and, if pardoned, state when, number appearing on pardon and whether or not pardon specifically restores rights of citizenship in its wording. (IMPORTANT: Remind applicant that a false answer to this or any other question on this application subjects him to indictment for perjury and, upon conviction, to a sentence of five to ten years in the state penitentiary.)

Give the names and proper mailing addresses to two persons who reside in your voting district, other than relatives, and who know you and can give testimony as to your length of residence in the state, county and precinct or voting district and who can assist the board, if necessary, in placing your name in the proper voting district:

USE SPACE BELOW FOR: (1) Description of location of residence, if other than by street and house number, in reference to precinct or district lines or well known point within voting district; or (2) Explanation of residence status.

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

PLEASE INSERT PART III HERE

Part III of this questionnaire shall consist of one set of forms which constitute Part III as hereinafter set out in Exhibit A to this order. Each set of forms shall include two parts printed on two separate sheets of paper, and also a separate blank sheet of paper. The printed parts shall bear the same number and shall be marked A and B, respectively; for example: one

part shall be numbered "33A", and the other corresponding part shall be numbered "33B". The applicant shall write his name at the top of each of the two printed pages and also at the top of the blank page. The Board of Registrars shall provide a loose-leaf book with one of each of said forms prescribed as part A placed in said book. Applicant shall open said book at random. The form appearing where applicant opens the book is to be used by applicant and completed according to the instructions thereon. After completion by the applicant, all three sheets of paper which constitute Part III of the questionnaire shall be inserted in and fastened to the other parts of the questionnaire.

**APPLICANT MUST COMPLETE ALL OF PART III WITHOUT ASSISTANCE**

**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 or 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**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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, \_\_\_\_\_, due to failure to meet the requirements of state law for registration as an elector, is hereby rejected on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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 \_\_\_\_\_

Address \_\_\_\_\_

Place of Voting \_\_\_\_\_

"I have known the applicant \_\_\_\_\_ for \_\_\_\_\_ 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 \_\_\_\_\_ County for at least six months."

Signature of Witness

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Person Administering Oath)

Date \_\_\_\_\_



## Part III No. 1A

## Instruction A

Write your name at the top of this page. You will be given a blank sheet of paper. Write your name at the top of the blank sheet of paper. Copy on the blank sheet of paper the words about the United States Constitution set out below. Write carefully so that you can read what you have written. You will be given another printed page which contains five questions. The answers to the questions appear below on this page. After you have made a copy in your own handwriting, you will give this printed page to the registrar and keep the copy you have made. Copy the following:

Words About the United States Constitution

(Preamble) We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

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.

## Part III No. 1B

## INSTRUCTION B

After the applicant has copied part A and returned it to the registrar, the registrar will then give this part B to the applicant.

The answers to the following questions appear on the sheet you have just copied. Read the questions and your copy carefully. Answer questions 1 and 5 by writing the correct word or words in the blank space. Answer questions 2 and 4 by writing true or false, whichever is correct, in the blank space. Answer question 3 by marking an X, or check mark, in the correct space or spaces. Three correct answers will be counted as a satisfactory performance by the applicant.

Reading Test

1. All legislative powers granted by the United States Constitution are vested in a \_\_\_\_\_.
2. Insuring domestic tranquillity is one of the purposes of the United States Constitution. (True or False) \_\_\_\_\_
3. Which of the following is a purpose of the Constitution?  
(Check One)  
 \_\_\_\_\_ provide for the common defense  
 \_\_\_\_\_ set voter qualifications  
 \_\_\_\_\_ control highway traffic
4. The Constitution is ordained and established by the people of the United States. (True or False) \_\_\_\_\_
5. Congress is composed of two bodies, the House of Representatives and the \_\_\_\_\_.

## APPENDIX C

### PERTINENT PROVISIONS OF MISSISSIPPI LAW

The Constitution of Mississippi, as amended in 1965, provides in pertinent part:

SEC. 244. Every elector shall, in addition to the foregoing qualifications, be able to read and write. These reduced qualifications shall be required of every applicant for registration as an elector from and after the date of ratification hereof. The legislature shall have the power to enforce the provisions of this section by appropriate legislation.

The Mississippi Code, as amended in 1965, provides in pertinent part:

#### 3209.6. FORM OF APPLICATION BLANKS.

Applications for registration as electors of this state shall be made upon a form in the following words and figures:

#### APPLICATION FOR REGISTRATION

Under penalty of perjury, write the following answers:

1. What is your full name? \_\_\_\_\_
2. What is your date of birth? \_\_\_\_\_
3. Are you a citizen of the United States? \_\_\_\_
4. What is your present residence address and each place you have resided during the past two years, stating when you lived at each place?
  - a. Present Address: \_\_\_\_\_;  
From \_\_\_\_\_ to date.
  - b. Previous Address: \_\_\_\_\_;  
From \_\_\_\_\_ to \_\_\_\_\_
  - c. Previous Address: \_\_\_\_\_;  
From \_\_\_\_\_ to \_\_\_\_\_

(If you need additional space use the back side of this form.)

5. Are you a minister of the gospel in charge of an organized church, or his wife legally residing with him? \_\_\_\_\_
6. Have you ever been convicted of the crime of bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy? \_\_\_\_\_

After you have answered 1 through 6 above, sign the following oath in the presence of the registrar or deputy registrar.

"STATE OF MISSISSIPPI,

County of \_\_\_\_\_:

I do solemnly swear (or affirm) that I am twenty-one years old (or I will be before the next election in this county), and that I will have resided in this state two years and my present election district of this county one year next preceding the ensuing election (or if it be stated above that the person proposing to register is a minister of the gospel in charge of an organized church, or his wife legally residing with him, then it will be sufficient to aver therein two years' residence in the state and six months in said election district), and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the constitution of this state as a disqualification to be an elector; that I have truly answered all questions propounded to me in the foregoing application for registration; and that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God.

Applicant sign here: \_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Registrar or Deputy Registrar"

SEC. 2. The boards of supervisors are authorized to make proper allowances for office supplies reasonably necessitated by this act.

SEC. 3. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which judgment shall have been rendered.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved June 30, 1965.

3209.7. PERSON NOT TO REGISTER UNLESS HE  
CAN READ AND WRITE—COMPLETION  
OF APPLICATION FOR REGISTRATION—  
AFFIDAVIT OF PHYSICAL DISABILITY—  
PRESERVATION OF RECORDS.

A person shall not be registered unless he is able to read and write. The county registrar shall make available during regular office hours blank applications for registration in the form required by law, to those persons resident in his county who desire to apply for registration, and shall administer the oath to applicants completing such form. The application shall be completed in the handwriting of the applicant. In case an applicant is physically disabled, the registrar shall provide such applicant with any assistance necessitated by such disability, and an affidavit showing the nature of such disability shall be attached to the registration form. The registrar, or any successor in office, shall file and retain in his office all applications for registration, together with any affidavits of disability received in connection therewith, for a period of two years from the date thereof.

SEC. 2. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction

to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the cause, sentence, paragraph, or part thereof, directly involved in the controversy in which judgment shall have been rendered.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved June 30, 1965.

### 3212. REGISTRAR TO REGISTER VOTERS.

Every person entitled to be registered as an elector in compliance with the laws of this state shall sign his name in the column provided therefor on the registration book and thereupon shall be registered by the registrar on the registration books of the election district of the residence of such person.

SEC. 2. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which judgment shall have been rendered.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved June 30, 1965.

### 3235. WHO ENTITLED TO VOTE.

Every inhabitant of this state, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, twenty-one (21) years old and upwards, who has resided in this state two (2) years, and one year in the election district or city, town or village in which he offers to vote, and who is able to read and write and who shall have been duly registered as an elector by an officer of this state under the laws thereof, and who has never been convicted of bribery, burglary, theft,

arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid all poll taxes which may have been legally required of him, and which he has had an opportunity to pay according to law, for the two (2) preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid such poll taxes on or before the first day of February of the year in which he shall offer to vote, shall be a qualified elector in and for the election district or city, town or village of his residence, and shall be entitled to vote at any election held not less than four (4) months after his registration; but any minister of the gospel, in charge of an organized church, or his wife legally residing with him, shall be entitled to vote after six (6) months' residence in the election district, city, town or village, if otherwise qualified. No others than those above included shall be entitled, or shall be allowed, to vote at any election; provided, that a person unable to read or write by reason of physical disability shall, if otherwise qualified, nevertheless be entitled to vote.

SEC. 2. All laws and parts of laws in conflict with this statute are hereby repealed.

SEC. 3. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which judgment shall have been rendered.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved June 30, 1965.

Former § 3273. ILLITERATE VOTER TO HAVE AID.  
(Repealed by Senate Bill 1510, June 30, 1965)

A voter who declares to the managers of the election that by reason of inability to read he is unable to mark his ballot, if the same be true, shall, upon request, have the assistance of a manager in the marking thereof; and the managers shall designate one of their number for the purpose, who shall note on the back of the ballot that it was marked by his assistance; but he shall not otherwise give information in regard to the same.

§ 3130. PERSONS ELIGIBLE TO VOTE.

[Every inhabitant of this state,] except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this state for two (2) years, and one year in the election district or city, town, or village in which he offers to vote, and who is able to read and write any section of the constitution of the state and who can give a reasonable interpretation thereof, and who can demonstrate a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government, and who shall have been duly registered as an elector by an officer of this state under the laws thereof, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and [who has paid on or before the first day of February of the year in which he offers to vote all poll taxes which may have been legally required of him and which he has had an opportunity to pay according to law, for the two (2) preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid such taxes on or before the first day of February of the year in which he shall offer to vote, and who

is not excluded from voting by the regulations of the party holding the election, shall be qualified to vote in all primary elections in and for the election district or city, or town, or village of his residence, and shall be entitled to vote at any primary election;] provided, that such person offering to vote in any primary election shall be registered four (4) months prior to the general election for the election of the officer or officers to be nominated at such primary election; but any minister of the gospel, in charge of an organized church, or his wife legally residing with him, shall be entitled to vote after six (6) months' residence in the election district, city, town, or village, if otherwise qualified. No others than those above included shall be entitled, or shall be allowed to vote at any primary election. Provided, however, that physical disability to read and write, or read or write, shall not disqualify any person from voting if otherwise qualified, and provided further that any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.

§ 3164. VOTING HOURS—INITIALING MANAGER—  
COUNTING BALLOTS.

At all primary elections the polls shall be opened at eight o'clock in the morning and be kept open until six o'clock in the evening and no longer, except that in cities of more than one thousand registered voters the polls shall be opened at seven o'clock in the morning. Upon the opening of the polls, and not before, the managers of the election shall designate one of their number, other than the manager theretofore designated to receive the blank ballots, who shall thereupon be known as the initialing manager. When any person entitled to vote shall appear to vote, he shall first sign his name in a receipt book or booklet provided for that purpose and to be used at that election only



and which receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one of the managers or a duly appointed clerk shall make the proper entry on the poll book. If the voter is unable to write his name on the receipt book he may have the assistance of a manager or clerk, who shall note on the back of the ballot that it was receipted for by his assistance, similarly to the requirement of Section 6244, Code of 1930 [§ 3273, Code of 1942], in regard to the aid of an illiterate voter. And when the polls shall be closed the managers shall then publicly open the box and immediately proceed to count the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down and called by the clerks in the presence of the managers. During the holding of the election and the counting of the ballots the whole proceedings shall be in fair and full view of the voting public, without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the managers and other officers of the election. And candidates or their duly authorized representatives shall have the right to reasonably view and inspect the ballots as and

when they are taken from the box and counted; and to reasonably view and inspect the tally sheets, papers and other documents used in said election during the proceedings, but not including, of course, the secret ballots being voted and placed and held in the box. There shall be no unnecessary delay and no adjournment except as now provided by law.

## APPENDIX D

### PERTINENT PROVISIONS OF LOUISIANA LAW

The Constitution of Louisiana, Article VIII, as amended in 1960, provides in pertinent part:

#### §1. RIGHT TO VOTE; QUALIFICATIONS OF ELECTORS; REGISTRATION

SECTION 1. *Right to vote.* After January 1, 1922, the right to vote in Louisiana shall not exist except under the provisions of this Constitution.

*Citizenship and age.* Every citizen of this State and of the United States, native born or naturalized, not less than twenty-one years of age, and possessing the following qualifications, shall be an elector, and shall be entitled to vote at any election in the State by the people:

(a) *Residence.* He shall have been an actual bona fide resident of the state for one year, of the parish six months, of the municipality in municipal elections four months, and of the precinct, in which he offers to vote, three months next preceding the election; provided, that removal from one precinct to another in the same parish shall not operate to deprive any person of the right to vote in the precinct from which he has removed until three months after such removal, provided, that removal from one parish to another shall not deprive any person of the right to vote in the parish from which he has removed for district officers to be elected in a district which includes the parish to which he has removed, or for state officers, whether the parish be in the same district or not, until he shall have acquired the right to vote for such officers in the parish to which he has removed.

(b) *Registration.* He shall be, at the time he offers to vote, legally enrolled as a registered voter on his own personal application, in accordance with the provisions of this Constitution, and the laws enacted thereunder.

(c) *Character and literacy.* He shall be of good character and shall understand the duties and obligations of citizenship under a republican form of government. One who has committed any of the following acts shall not be considered of good character:

(1) Has been convicted of a felony and has not received a pardon and full restoration of franchise.

(2) Has been convicted and sentenced to a term of ninety (90) days or more in jail for each conviction of more than one misdemeanor, other than traffic and/or game law violations, within the five years immediately prior to the date of making application for registration as an elector.

(3) Has been convicted and sentenced to a term of six (6) months or more in jail for any misdemeanor, other than traffic and/or game law violations, within one year immediately prior to the date of making application for registration as an elector.

(4) Who has lived with another in "common law" marriage within five years from the date of making application to become an elector, the common law union to be considered in accordance with the definition thereof prescribed by the criminal laws of this state.

(5) Has given birth to an illegitimate child within the five years immediately prior to the date of making application for registration as an elector, provided that the provisions in this paragraph shall not apply to mothers of illegitimate children conceived as a consequence of rape or forced carnal knowledge.

(6) Has been proven to be or who has acknowledged himself to be the father of an illegitimate child within the five years immediately prior to the date of making application for registration as an elector.

(7) The above enumerated acts denoting bad character shall not be deemed exclusive hereunder but said bad character may be established by any competent evidence.

He shall be able to read and write in the English language, or his mother tongue, and shall demonstrate his ability to do so when he applies for registration by the reading and the writing from dictation given by the registrar, or an interpreter duly sworn, any portion of the preamble to the Constitution of the United States of America, and by making, under oath administered by the registration officer or his deputy, written application for registration, in the English language, or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated and signed by him, except that he may date, fill out, and sign the blank application for registration hereinafter provided for, and, in either case, in the presence of the registration officer or his deputy, without assistance or supervision from any person or any memorandum whatever, other than the form of application hereinafter set forth; provided, however, that, if the applicant be unable to write his application in the English language, he shall have the right, if he so demands, to write the same in his mother tongue from the dictation of an interpreter; and, if the applicant is unable to write his application by reason of physical disability, the same shall be written at his dictation by the registration officer or his deputy, upon his oath of such disability.

Until and unless otherwise provided by law, the application for registration above provided

for, shall be a copy of the following form, with the proper names, dates and numbers substituted for the blanks appearing therein, to-wit:

I am a citizen of the State of Louisiana. My name is Mr. \_\_\_\_\_, Mrs. \_\_\_\_\_, Miss \_\_\_\_\_, I was born in the State (or country) of \_\_\_\_\_, Parish (or county) of \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_. I am now \_\_\_\_ years, \_\_\_\_ months and \_\_\_\_ days of age. I have resided in this State since \_\_\_\_\_, in this parish since \_\_\_\_\_, and in Precinct No. \_\_\_, in Ward No. \_\_\_, of this parish continuously since \_\_\_\_\_, and I am not disfranchised by any provision of the Constitution of this State.

The application for registration form above provided for shall be filled out by the applicant and sworn and subscribed to before the registrar of voters or deputy registrar of voters.

(d) *Character and understanding.* He shall be a person of good character and reputation, attached to the principles of the Constitution of the United States and of the State of Louisiana, and shall be able to understand and give a reasonable interpretation of any section of either Constitution when read to him by the registrar, and he must be well disposed to the good order and happiness of the State of Louisiana and of the United States and must understand the duties and obligations of citizenship under a republican form of government. He shall demonstrate that he is well disposed to the good order and happiness of the State of Louisiana by executing an affidavit affirming that he will faithfully and fully abide by all of the laws of the State of Louisiana.

(e) *Identity.* He must in all cases be able to establish that he is the identical person whom he represents himself to be when applying for

registration, and when presenting himself at the polls for the purpose of voting in any election or primary election.

(f) Notwithstanding any provision in this section to the contrary, the inability of any person to read or write for any reason, who is registered to vote as of November 8, 1960, shall not be grounds for removal of such person from the registration rolls, by the registrar, by challenge of other persons, or by any action of court.

#### § 18. REGISTRARS OF VOTERS; BOARD OF REGISTRATION

\* \* \* The Board shall from time to time adopt such rules and regulations as it finds necessary for proper functioning of registration procedure in the State and shall prepare, adopt and issue a uniform, objective written test or examination for citizenship to determine that applicants for registration understand the duties and obligations of citizenship under a Republican form of government. The Board of Registration shall direct and instruct the registrars to administer this test to all applicants for registration and the results shall be maintained in the registrar's office as public records so that all persons shall have access to them and the right to appeal therefrom under the applicable laws relating thereto as provided elsewhere in this Constitution. \* \* \*

Title 18 of the Louisiana Revised Statutes provides in pertinent part:

#### § 31. CITIZENSHIP AND RESIDENCE REQUIREMENTS; AGE; CHARACTER AND EDUCATION

\* \* \* \* \*

(2) He shall be of good character and shall understand the duties and obligations of citizenship under a republican form of government.

\* \* \* \* \*

§ 32. APPLICATION FOR REGISTRATION; FORM;  
ADDITIONAL INFORMATION FOR IDENTI-  
FICATION OF VOTER AT POLLS

A. The form to be used for application for registration shall contain the following in substantially the following form:

APPLICATION FOR REGISTRATION  
OFFICE OF REGISTRAR OF VOTERS

PARISH OF \_\_\_\_\_,  
STATE OF LOUISIANA:

My Name is \_\_\_\_\_  
(Miss, Mrs. or Mr.) (First) (Initial)

\_\_\_\_\_  
(Last)

I live at \_\_\_\_\_  
(House Number) (Street) (Apt. Number)

My sex is (circle one) Male Female

Have you been a resident of this state for more than one year, of this parish for over six months, and lived at your present address for more than three months, immediately preceding this date. (Check one)

Yes \_\_\_ No \_\_\_

6. The place of my birth is \_\_\_\_\_  
(City), (Parish, County,

\_\_\_\_\_  
or Province) (State or Foreign Country)

7. I am over twenty-one years of age and the date of my birth is \_\_\_\_\_  
(Month) (Day) (Year)

8. I was last registered as a voter in (leave blank if NONE) \_\_\_\_\_  
(Parish or County) (State)

9. I hereby declare my party affiliation to be (circle one):  
Democrat Republican State Rights None  
Other \_\_\_\_\_

Specify



I am a citizen of the United States and of the state of Louisiana and have not been disfranchised by any provisions of the constitution of this state.

(Indicate your answers to the following questions in the spaces provided. All questions must be answered).

Have you been convicted of a felony without receiving a full pardon and restoration of franchise? Yes ( ) No ( )

Have you been convicted of two or more misdemeanors 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? Yes ( ) No ( )

Have you 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? Yes ( ) No ( )

Have you lived with another in "common law" marriage within five years before the date of making this application for registration as an elector? Yes ( ) No ( )

Have you 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 carnal knowledge.) Yes ( ) No ( )

Have you acknowledged yourself to be the father of an illegitimate child within five years before the date of making this application for registration as an elector? Yes ( ) No ( )

Under Louisiana Revised Statutes 18:222, no person shall register falsely or illegally as a voter, or make a false statement in an affidavit or other document that he presents for the

purpose of procuring himself to be registered or to be retained as a registrant. No person shall knowingly present, for any purpose within the purview of this Chapter, an affidavit or other document containing a false statement.

Whoever violates this Section shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned for not less than six months nor more than one year, or both. The penalties shall be doubled for the second or any succeeding offense of the same character.

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 \_\_\_\_\_.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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(Deputy) Registrar

B. The application form shall also be provided with additional space for the following information to be completed by the registrar for identification of voters at the polls by commissioners, if necessary.

Ward No. \_\_\_\_\_ Pct. No. \_\_\_\_\_.

My race is \_\_\_\_\_.

The color of my eyes is \_\_\_\_\_.

My mother's maiden name is \_\_\_\_\_.

My occupation is \_\_\_\_\_.

My employer is \_\_\_\_\_.

C. The application form shall also be provided with an additional space in a form convenient for the notation thereon of:

- (1) Changes of address of the applicant within the parish;
- (2) Changes of name of the applicant, and
- (3) Remarks.

D. The Board of Registration may change or rearrange the order of the questions and registrars may alternate said rearranged appli-

cations so long as they contain the information herein provided for.

E. Each application form shall have printed on it the following information:

Upon request, the registrar shall furnish each applicant a copy of his application form.

[Acts 1965, No. 165, amending this section, provided in section 2 as follows: "All laws or parts of laws in conflict herewith are hereby repealed, but no provision of this Act shall be construed to repeal Act 62 of 1962 [R.S. 18:191, subsec. A]"].

### § 36. INABILITY OF REGISTRANT TO READ OR WRITE; GOOD CHARACTER AND REPUTATION

If the registrant cannot read or write, he may register if he is a person of good character and reputation, attached to the principles of the Constitution of the United States and of the State of Louisiana, and understands and can give a reasonable interpretation of any section of either constitution when read to him by the registrar or his deputy. He shall be well disposed to the good order and happiness of the State of Louisiana and of the United States and shall understand the duties and obligations of citizenship under a republican form of government. In such case the registrar or his deputy shall fill out at the dictation of the applicant the facts set forth in the blank application, which, when completed, shall then be read to him, and to which the applicant shall sign his name if able to do so, otherwise shall sign his mark, attested by the registrar or his deputy, and shall make affidavit to the truth of the facts therein set forth.

§ 191. RULES AND REGULATIONS; BOARD OF REGISTRATION; DIRECTOR AND EX-OFFICIO SECRETARY

A. Except as otherwise specifically provided in this Chapter, the Board of Registration shall from time to time prescribe by rules and regulations duly promulgated the method of the administration of this Chapter, and shall prescribe and direct the registrars of voters to propound an objective test of citizenship under a republican form of government, which said objective test shall be provided for, prepared, and furnished to the registrars by the Board of Registration, and the character and forms of record, affidavits and other documents necessary or proper, in its opinion, to carry into effect the provisions of this Chapter, and shall file them in the office of the secretary of state.



