

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

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| UNITED STATES OF AMERICA |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| Vs. |) | CIVIL ACTION 2829 |
| |) | |
| CHARLES E. FORD, RAYMOND F. |) | FINDINGS OF FACT |
| LEE, and KATIE KEAHEY, as |) | AND CONCLUSIONS OF |
| Registrars of Voters of |) | LAW AND ORDER |
| Choctaw County, Alabama; and |) | |
| STATE OF ALABAMA |) | |
| |) | |
| Defendants |) | |

FINDINGS OF FACT

1. This suit was filed by the Attorney General of the United States on June 15, 1962 under the Civil Rights Act of 1957, as amended (42 U.S.C.A. 1971). The Complaint charged the State of Alabama and the Board of Registrars of Choctaw County, Alabama, with having engaged in racially discriminatory acts and practices in the registration of voters.

2. The defendants in this suit are the State of Alabama and the members of the Board of Registrars of Choctaw County, Alabama. Defendants Raymond Lee and Katie Keahey have served continuously as members of the Board of Registrars of Choctaw County since November, 1959. Defendant Charles Ford was appointed as a member and chairman of the Board in November, 1962, and replaced Mr. Roswell Doggett who had resigned as a member of the Board. On February 14, 1963, Mr. C. E. Ford was substituted as a defendant in this case pursuant to the order of this Court under Rule 25(d) of the Federal Rules of Civil Procedure.

3. Alabama law provides that registration is a prerequisite to voting in any election in the state. The substantive qualifications for registration under Alabama law are:

- a. The applicant must be a citizen and 21 years of age or older;
- b. The applicant must have resided in the state one year, in the county six months and in his voting precinct three months prior to any election in which he seeks to vote;

- c. The applicant must be able to read and write any article of the United States Constitution which may be submitted to him by the Board of Registrars;
- d. The applicant must be of good character and he must embrace the duties and obligations of citizenship;
- e. The applicant is disqualified from voting if he is an idiot or insane person, or if he has been convicted of any of several enumerated crimes.

4. Since November 9, 1959, the defendant members of the Board of Registrars of Choctaw County have used the Application for Registration, Questionnaire and Oath, which is prescribed by law, for determining whether an applicant is qualified for registration to vote. The Board requires that a supporting witness for the applicant fill out the Examination of Supporting Witness on the form.

5. The defendant registrars generally meet to receive applications for registration at the Courthouse in Butler, Alabama, on the first and third Monday of each month. During these registration days they receive applications between 8:00 a.m. and 4:00 p.m., with a short time out for lunch, although on particularly busy days they have worked until 6:00 p.m. receiving applications for registration. The registrars permit rejected applicants to reapply for registration to vote as often as they desire without waiting any specific period of time between applications.

6. Choctaw County, Alabama, has a voting age population of 9,174 of which 5,192 are white persons and 3,982 are Negroes. The list of registered voters in Choctaw County maintained by the Judge of Probate shows that as of February 5, 1963, there were 3,697 white persons and 176 Negroes registered to vote. Of those Negroes who are currently registered 137 were registered prior to November 9, 1959, including five who registered prior to 1952.

7. Between November 9, 1959 and February 5, 1963, the defendant registrars registered 782 white applicants and rejected two applications filed by white applicants. During this same period the registrars registered 42 Negroes and rejected 260 applications filed by Negroes.

8. During the tenure of the current Board of Registrars, that is, from November, 1959 to the trial of this suit on February 20, 1963, the defendants engaged in racially discriminatory practices in conducting the registration of voters in Choctaw County, the more prominent being:

- a. Permitting of assistance to be given to applicants of the white race and the refusal of such assistance to applicants of the Negro race during periods of registration.
- b. Failing to disclose to rejected Negro applicants the reasons for their rejection.
- c. Failing to notify Negro applicants within a reasonable time as to whether or not their application has been approved.

CONCLUSIONS OF LAW

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

2. The Attorney General is authorized to institute this action on behalf of the United States under 42 U.S.C.A. 1971(c) to obtain preventive relief against acts and practices by the defendants which would deprive other persons of rights and privileges secured by 42 U.S.C.A. 1971(a).

3. Any distinctions in voting process, including registration for voting, based upon race or color, are forbidden by 42 U.S.C.A. 1971(a).

4. Under the provisions of 42 U.S.C.A. 1971(c) the State of Alabama may be properly joined as a party defendant. A motion to dismiss the complaint on behalf of all defendants, separately and severally, was denied on November 13, 1962. However, the Court is of the opinion that full and complete relief can be afforded here without enjoining the State, and that on the strength of United States v. Atkins, 5 Cir., 1963, 323 F.2d 733, and United States v. Ramsey, 5 Cir., 1964, No. 20596, the State of Alabama is hereby dismissed as a party defendant.

It is further ORDERED, ADJUDGED AND DECREED that the Defendants Charles E. Ford, Raymond F. Lee, and Katie Keahy, and their successors in office, be and each is hereby enjoined and restrained from:

1. Engaging in any act or practice intended to result or the probable effect of which would be to result in racial discrimination in the registration for voting in Choctaw County.

2. Rejecting applicants for errors or omissions in the questionnaire when other answers or information reveal that the applicant is qualified.
3. Using the questionnaire as an examination or test, unless the Registrars present to the Court and propose to use a definite set of standards for the grading of questionnaires, which said standards shall meet with the approval of the Court as complying with state and federal law.
4. Rejecting applicants for lack of good character, not evidenced by convictions for crimes specified in the Constitution or laws of Alabama, without giving the applicant notice and an opportunity for a hearing.
5. Failing to pass on each application for registration within a reasonable time.
6. Failing to notify in writing each applicant of the action taken on his application for registration, whether accepted or rejected, within a reasonable time, and if rejected, the specific reason or reasons for his rejection.

The Court retains jurisdiction of this cause for the purpose of issuing any and all additional orders that may, in its judgment, become necessary or appropriate for the purpose of modifying and/or enforcing this Order.

DONE this the 13 day of April, 1964.

UNITED STATES DISTRICT JUDGE