

IN THE UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

FILED

AUG 3 1961

A. C. DOBSON
Clerk

By.....
Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE PENTON, MRS. SAMUELLA P.
WILLIS, REGISTRARS OF VOTERS OF
MONTGOMERY COUNTY, ALABAMA;
and STATE OF ALABAMA,

Defendants.

CIVIL ACTION NO. 1741-N

COMPLAINT

Plaintiff, United States of America, alleges that:

1. This action is instituted by the Attorney General in the name of the United States pursuant to the provisions of Part IV of the Civil Rights Act of 1957 (42 U.S.C. 1971, 71 Stat. 637), as amended by the Civil Rights Act of 1960 (74 Stat. 90).
2. This Court has jurisdiction of this action under 42 U.S.C. 1971(d) and 28 U.S.C. 1345.
3. The State of Alabama is joined as a party defendant pursuant to Section 601(b) of the Civil Rights Act of 1960.

4. Crum Dinkins was, until his death in July 1961, a member and Chairman of the Board of Registrars of Montgomery County, Alabama (hereafter referred to as the Board), an agency of the State of Alabama consisting of three members.

5. George Penton and Mrs. Samuella P. Willis are members of the Board and each resides in Montgomery, Alabama. These defendants are hereafter referred to as the defendant Board members.

6. Under Alabama law registration is a prerequisite to voting in any election.

7. Defendant Board members, as Registrars of Voters of Montgomery County and as agents of defendant State, receive and pass upon applications for registration to vote and determine whether or not each applicant is qualified to register to vote.

8. In Montgomery County, Alabama, there are approximately 33,056 Negroes and 62,911 white persons of voting age. Of these, approximately 2,885 Negroes and 29,615 white persons are registered to vote.

9. The defendant Board members and previous members of the Board, in conducting registration for voting in Montgomery County, Alabama, have engaged in racially discriminatory acts and practices which include, but are not limited to, the following:

- (a) Applying different and more stringent registration procedures and standards to Negro applicants than to white applicants for registration in determining

- whether or not such applicants are qualified to register and to vote;
- (b) Unreasonably delaying the registration of Negroes;
 - (c) Refusing to register qualified Negro applicants;
 - (d) Failing to notify Negro applicants of the rejection of their applications and the reasons for such rejection.

10. The acts and practices described in paragraph 9 of this Complaint have deprived Negro citizens in Montgomery County, Alabama, of their right to register to vote without distinction of race or color.

11. The deprivations referred to in paragraph 10 of this Complaint have been and are pursuant to a pattern and practice.

12. The defendants will, unless restrained by order of this Court, continue to engage in the acts and practices described in this Complaint.

WHEREFORE, plaintiff prays:

1. That this Court make a finding that the acts and practices of the defendants as described in this Complaint were and are racially discriminatory and constitute deprivations of the right secured by 42 U.S.C. 1971(a), and that such deprivations were and are pursuant to a pattern and practice.

2. That this Court issue a preliminary and permanent injunction enjoining the defendants, their agents, employees and successors, and all persons acting in concert with them,

- (a) Engaging in any act which would deprive any citizen in Montgomery County, Alabama, of the right to register and to vote without distinction of race or color;
- (b) Engaging in any act which would delay, prevent, hinder or discourage Negro citizens in Montgomery County, Alabama, on account of their race or color, from applying for, and becoming, registered voters;
- (c) Applying different and more stringent registration procedures and standards to Negro applicants for registration than those applied to white applicants for registration in determining whether or not such applicants are qualified to register and to vote in Montgomery County, Alabama.

3. That this Court order the defendants to place upon the current voter registration rolls in Montgomery County, Alabama, and otherwise register, all Negroes who have applied for registration since January 1, 1956, and who possessed at the time of their applications the qualifications of the least qualified white person who applied and was registered during that period.

4. That this Court grant such additional orders as will insure the fair, equal, and non-discriminatory administration of registration procedures and standards in Montgomery County, Alabama.

5. That this Court grant such additional relief as justice may require together with the costs and disbursements of this action.

13/ Robert F. Kennedy

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