

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

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

A N S W E R

Defendants George Penton and Mrs. Samuella P. Willis,
as members of the Board of Registrars of Montgomery County,
Alabama, for answer to the Complaint, say:

1. Defendant Board Members deny that there has been
any person engaged in, or that any person is about to engage
in, any act or practice under color of any constitutional
provision, statute, custom, usage or regulation of the State
of Alabama, or any subdivision thereof, which deprived or would
deprive any other person in Montgomery County, Alabama, the
right to vote, based upon race, color or previous condition
of servitude, who was otherwise qualified by law to vote,
and therefore deny that this action arises under 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. Answering paragraph 2 of the Complaint, Defendant
Board Members adopt the same answer given for paragraph 1.

3. Defendant Board Members deny that the State of
Alabama is a proper party defendant under 42 U.S.C. 1971(c)
and under (Section 601(b) Civil Rights Act of 1960).

4. Defendant Board Members admit paragraph 4. of the

5. Defendant Board Members admit paragraph 5. of the Complaint.

6. Defendant Board Members admit paragraph 6. of the Complaint and aver the Alabama statutes making registration a prerequisite to voting in any election are Title 17, Section 12, Code of Alabama 1940, as amended 1953, and Title 17, Section 31, Code of Alabama 1940, as amended 1959.

7. Defendant Board Members admit paragraph 7. of the Complaint.

8. Defendant Board Members neither admit nor deny paragraph 8. of the Complaint and aver they are without knowledge or information sufficient to form a belief of the allegations contained therein as of the date of this answer.

9. Defendant Board Members deny that they and previous members of the Board, conducting registration for voting in Montgomery County, Alabama, have engaged in racially discriminatory acts and practices and, further answering paragraph 9. of the Complaint, Defendant Board Members:

- (a) Deny they apply 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) Deny they in any manner delay the registration of Negroes;
- (c) Deny they refuse to register qualified Negro applicants;
- (d) Admit that they do not notify Negro applicants of the rejection of their applications and the reasons for such rejection. Defendant Board Members further aver that they do not notify either white or Negro applicants of the rejection

rejection. Defendant Board Members further aver that all persons, white or Negro, are treated precisely the same in regard to notification of the rejection of applications to register to vote and the reasons for such rejection.

Further answering paragraph 9. of the Complaint, Defendant Board Members aver the rejection of any application to register as an elector in this State is subject to administrative review under the provisions of Title 17, Section 34, Code of Alabama 1940, and judicial review under the provisions of Title 17, Section 35, Code of Alabama 1940, and that no such judicial determination in the Circuit Court of Montgomery County, Alabama, has been requested within the past ten years.

10. Defendant Board Members deny the allegations contained in paragraph 10. of the Complaint.

11. Defendant Board Members deny the allegations contained in paragraph 11. of the Complaint.

12. Defendant Board Members deny the allegations contained in paragraph 12. of the Complaint.

WHEREFORE, the Defendant Board Members deny that the Plaintiff is entitled to the relief asked and pray to be dismissed with their costs sustained in this behalf.


WILLIAM F. THETFORD,
Circuit Solicitor, 15th Judicial
Circuit of Alabama, as Attorney
for Defendant Board Members,
Room 303 Montgomery County Court House,
Montgomery, Alabama.

I certify that a copy of the foregoing Answer was served upon Robert F. Kennedy, Esq., Attorney General of the United

John Dear, Esq., Attorney, Department of Justice, and -
MacDonald Gallion, Esq., Attorney General of Alabama, by
depositing a copy thereof in the United States Mail, postage
prepaid, properly addressed, to their respective offices,
on the 16 day of August, 1961.


WILLIAM F. THETFORD
Attorney for Defendant
Board Members.