

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

UNITED STATES OF AMERICA,)

Plaintiff,)

VS.)

THE STATE OF ALABAMA and)
PERRY O. HOOPER, Judge of)
Probate of Montgomery County,)
Alabama,)

Defendants.)

CIVIL ACTION NO. 2255-N

SUMMARIES OF DEPOSITIONS

TAKEN AT THE INSTANCE OF THE PLAINTIFF

(See Table of Contents -- page i)

BY ATTORNEYS FOR DEFENDANT
STATE OF ALABAMA

GORDON MADISON
JOHN P. KOHN
JAMES GARRETT

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	ii
SUMMARIES	
Miss Mollie Orshansky, Office of Research and Statistics United States Social Security Administration.....	1
William Clyde Brown Tax Collector, Russell County.....	22
Elwin L. McManus Tax Collector, Marengo County.....	23
Mrs. Zelma Wyatt Chairman of the Voter Service Committee of the League of Women Voters of Tuscaloosa, Alabama.....	26

INTRODUCTION

Contained herein are summaries of some of the depositions taken in this case by the Plaintiff. After each set of quotations, the page of the deposition from which it was taken is shown in parentheses, preceded by an "R". The inset on the left hand margin is the subject matter of each set of quotations.

ATTORNEYS FOR DEFENDANT, THE STATE OF ALABAMA:

GORDON MADISON
*Assistant Attorney General
State of Alabama
Montgomery, Alabama*

JOHN P. KOHN
*429 Bell Building
Montgomery, Alabama*

JAMES GARRETT
*for Rushton, Stakely & Johnston
1201 Bell Building
Montgomery, Alabama*

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

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CIVIL ACTION NO. 2255-N

THE STATE OF ALABAMA and
PERRY O. HOOPER, etc.,

Defendants.

SUMMARIES OF DEPOSITIONS

DEPOSITION OF MOLLIE ORSHANSKY

Miss Orshansky stated that she had testified in two cases, one in Texas and one in Virginia (R 121). She testified that her work or summaries was of necessity based somewhat on the work of others (R 122). It took in the work of others and she had to evaluate it (R 122), and that she used material from other agencies in reaching an opinion on what she was saying today (the date of the deposition) (R 123). Twenty-four percent of families with income of \$1,000 to \$2,000 (roughly, one out of four) reported they bought some alcohol, and the ones that bought some said on the average it was \$80.00 (R 127). Twenty-four percent of the families reported some expense for television (R 127).

The two classes of four-person families we have here, urban families below the poverty line, are families from \$1,000 to \$2,000 and \$2,000 to \$3,000. In the low income class of \$1,000 to \$2,000, the total money expenditures for current consumption was \$1924. On the average, \$20.00, which is just about 1%, went for alcohol (R 132); 5% went for tobacco, or about \$98.00 (R 132). They spent \$7.00 on the average for alcohol. One percent would be \$31.00 so seven is one-fourth of 1%, and \$78 on tobacco, which is 2 1/2% (R 133). In the lower of these two income groups, \$1,000 to \$2,000, the average spent for recreation was \$32 (R 134). The witness said she had no personal experience with poverty in Alabama (R 141).

The witness said Negroes are poor all over the country (R 144).

"Q. Now, Miss Orskansky, have you made any economy study of reasons of poverty in Alabama?

"A. No." (R 146).

(families
receiving
federal
aid)

"Q. ...In the District of Columbia of the families receiving federal aid to dependent children, 92 percent were Negroes and in the State of Alabama those receiving the same aid only 62 percent were Negroes; is that correct?

* * *

"Yes." (R 155).

"Q. In the State of Connecticut what was the percentage of the Negroes that received this aid, what percentage were Negroes in Connecticut?

"A. Forty-two percent of the families receiving A. F. D. C. in Connecticut were white and 61 percent were Negro." (R 156).

"Q. That's what I thought you were saying. It is discriminatory not because of race but it is discriminatory because of the level of income?

"A. That is correct" (R 158).

"Q. Miss Orskansky, is it true, is it not, according to your testimony that the poll tax is just as heavy a burden on the poor white with the same income as it is upon the poor Negro?

"A. Yes, it is" (R 161).

"Q. No distinction because of race?

"A. No" (R 162).

"Q. So, it is your testimony today that during this period of thirty years without recession, and equal opportunity in the history of this country, still 20 percent of the families of this country are classified as poverty-stricken?

"A. Not quite twenty, but that's right.

"Q. That is your testimony?

"A. That's right."

"Q. I will withdraw the word Negroes. Just put 24 percent of the poor in Alabama with incomes below \$1999.00 own automobiles. Have you prepared any study showing the respective burden upon them of buying five gallons of gasoline as compared to paying poll tax to support public education for both white and colored of \$1.50 per year?

"A. I have never prepared a study like that" (R 165-166).

"Q. Isn't it a fact that then and now the Bronx has quite a few poor people in it?

"A. Oh, yes.

"Q. Do you attribute their status of poor people to the lack of poll tax or having a poll tax in New York?

"A. No, I do not.

"Q. Isn't it true, Miss Orshansky, that the facets and faces of poverty are many?

"A. I think I would have to say yes" (R 172).

"Q. Before you had this reclassification, what was your title?

"A. You mean the reorganization? Well, I think they called us in this particular agency a Social Insurance Research Analyst. I should say in the general classification, the area you are appointed, I am classified as Economist. Particular titles within that varies with the unit you work" (R 173).

"Q. Have you ever lived in the South?

"A. No.

"Q. Have you ever been in Alabama before?

"A. No.

"Q. Have you ever studied the history of Alabama?

"A. Not the history of Alabama, no" (R 175).

"Q. Have you ever talked within the area of Alabama with any Negro of Alabama?

"A. No, I haven't" (R 176).

"Q. Then, I submit to you as a fact that the State of New York officials have created a barrier from voting in New York?

"A. I am sure that's true" (R 181).

"A. I know throughout the country the number of persons who would be eligible to register and don't is large enough to cause us great concern.

"Q. I am talking about New York. Wouldn't you think it is reasonable to conclude in New York certain percentages of people who do not vote that could vote?

(reason for
eligible
non-voters)

"A. I know that is true, I don't know the percentage.

"Q. If that is true, what do you attribute that to?

"A. I think in some cases it is lack of interest. I think perhaps in some cases it is disillusionment with the way the government they think is operating, but I think --

* * *

"A. I think maybe there is another reason which is very unfortunate. I don't like to say this about my state, but it is true, I am sure of all states, that there are people who either do not know that they are qualified and have a right to vote or have become so discouraged with what seems to them their inability to achieve any understanding of their problems and the things that they think need to help them that they feel as some part of this apathy we were talking about that it is no use to vote.

"Q. Then, would you say that same condition exists in other states in the Union?

"A. I think it must exist. I can't say in every state but I think it is reasonable to assume that it exists in many parts of our country.

"Q. Is it reasonable to assume that condition exists in Alabama?

"A. I see no reason not to assume it" (R 183, 184, 185).

"Q. You have answered the question. You don't have to go into detail. Do you think any racial discrimination exists in New York?

"A. Any racial discrimination?

"Q. Yes.

"A. I think what we call defacto discrimination exists. I think there is very little legal discrimination in New York" (R 187).

"Q. Do you think, Miss Orshansky, that intelligence has anything to do with poverty?

"A. I think intelligence has something to do with poverty in two ways. There is no doubt that persons who don't have much intelligence or have lower than average intelligence are going to have a hard time. But strictly and sadly enough, a good deal of research has shown what we thought was innate lack of intelligence seems to be a kind of depression of potential ability among many children because in poor families they are not given a chance to use and develop all the intelligence they were born with." (R 188).

(birth
control as
poverty
factor)

"Q. Wouldn't you say that birth control, lack of it, contributes to poverty in certain areas of the country?

"A. Yes. I think that is true.

"Q. Wouldn't you think it would be factual to say that if an untrained average New Yorker or Southerner, be they white or black, had six or seven children to support would have a harder time and be closer to your poverty line than it would with one child?

"A. No doubt about it.

"Q. Wouldn't you think that religion contributes to the poverty? That birth control is a sin. Would you say that the Catholic contributes to poverty?

* * *

"A. No. I don't think that's right, because I am not a Catholic but as I understand it they say certain forms of birth control are a sin, but they do permit one kind of birth control which is a form of, may I say, rationed marital relationship" (R 188, 189).

"Q. Have you ever heard of a book entitled, "The Testing of Negro Intelligence" by Audrey M. Sheuy, Chairman of the Department

of Psychology, Randolph-Macon Woman's College, Lynchburg, Virginia?

"A. I am sorry, I have not.

"Q. Assuming that this book shows that there were 57 different tests made in different categories such as college students, Army tests, World War I and World War II Army Alpha tests, California Mental Acuity Tests, that the summary of each one of these tests shows that the Negroes' mental capacity is inferior to the white man's mental capacity, what would be your answer to that?

"A. My answer would be two-fold. One is, I would like to know about any study that I read because that's my business.

How it was conducted, what the sample was, and the professional qualifications of the people who ran it. I would concede for this purpose that the study you have would meet professional standards. I don't know, but I have no reason to doubt it. But, my other answer would be the one I was trying to give you before.

"Q. All right. Give me the other one.

"A. The more important point was what I was trying to tell you before and that is that we now know that to look at the intelligence of a person as is when he is ten or twelve or thirteen or perhaps even eight no longer can be used as a measure of what his potential really was." (R 190, 191, 192).

"Q. Have you ever heard of, you have heard of Ohio State University. I am sure you have heard of that.

"A. Yes.

"Q. Would you consider that an excellent school?

"A. Would I?

"Q. Would you consider that an excellent school?

"A. I didn't know whether you were saying Ohio or Iowa.

"Q. Ohio, O-h-i-o. You know that's a good school?

"A. I think it is a good school.

"Q. Have you heard of the American Council of Education?

"A. Yes.

"Q. Would you consider any tests they might run would be fair and accurate?

"A. They would be fair and accurate the way they framed and the way they ran the tests." (R 193).

"Q. Wouldn't you say that the delinquents and criminals among the Negro is higher proportionately than among the white people?

"A. I believe that is true.

"Q. Wouldn't you think that intelligence certainly has something to do with that?

"A. I think that has something to do with it." (R 196)

"Q. As a good citizen you think you could go without lunch three times a year?

"A. Are you asking me would I have?

"Q. Yes.

"A. I probably would have but that doesn't mean it wasn't a hardship" (R 199).

"Q. Well, I asked you one question. I think you answered for another one. I will ask you again. Please give me an answer. Is it your opinion that broken homes cause or contribute to poverty?

(poverty
is univer-
sal)

"A. Yes.

"Q. Not only in Alabama but everywhere?

"A. I think so (R 201).

"Q. I will put it this way. Poverty is universal in the United States, is it not? To a certain degree you testified, I believe?

"A. Yes, sir.

"Q. Poverty is no respecter of religion or geographical area, is it?

"A. You mean there is some everywhere?

"Q. Yes.

"A. Yes, there is" (R 202).

"Q. All right. Other than by statistics or compilations by others, have you ever investigated the economic status of Negroes in Alabama by conducting a poll or by personal observation?

"A. No. I have never done this" (R 203).

(Negro
education)

"Q. That this exists in a certain percentage of the Negro population in Alabama that do not desire an education, not only Alabama but everywhere.

"A. I suppose that is true.

"Q. It is also a privilege of the student to quit school if they want to in some states, isn't it?

"A. I think in some states, yes. I know it is not in some states. In some states it is up to a certain age, I don't know what it is, but there are some states which you cannot quit school until you have gone through a certain number of years or reach a certain age" (R 204).

"Q. Do you know the average wage that the non-skilled colored person makes in Alabama a month, a week or a day?

"A. I do not know that, no.

"Q. Would you care to list the number of governmental institutions that contribute money or food or some such aid to the population of Alabama, the poor population of Alabama?

"A. Do you mean state government agencies?

"Q. Yes, or federal.

"A. Well, I could list some of the federal ones.

"Q. What about the state?

"A. I do not know of the state except the Welfare Department.

(Federal aid to
Alabama poor)

"Q. Would you please enumerate some of the federal?

"A. The Health, Education and Welfare; the Bureau of Family Services in administering assistance pays a good share, three-fourths or 90 percent for public assistance that is given to aid in Alabama. The United States Department of Agriculture makes available surplus food for lunch programs, and I believe now food stamp privileges for some

counties in Alabama. The Office of Education under the Aid to Education Bill now is providing or will provide moneys for Alabama. The Public Housing Administration for the housing and home finance agency and other public housing help finance public housing projects in Alabama.

The Veterans Administration pays pensions. I am not talking about compensation for service-connected injuries, but I mean pensions to needy veterans with families, and Alabama is one of the states that is included. I don't want to count Social Security, old age survivors and disability insurance, as a welfare organization.

"Q. Name it what you want.

"A. But, it contributes to the welfare and well-being of aging poor people in Alabama.

The Childrens Bureau in the Welfare Administration administers maternal and child health care programs and crippled children's aid programs which go to the people in Alabama.

"Q. What about the anti-poverty program?

"A. The Office of economic Opportunities undoubtedly has financed some projects in Alabama." (R 207, 208).

"Q. Do you have any reliable information that there has existed or exists now any person or persons, black or white, that have starved to death in Alabama?

"A. I have no knowledge of that.

"Q. Do you have any knowledge of any person in Alabama that hasn't had a place to sleep?

"A. I don't know that from my knowledge (R 209).

"A. ---I think there were 281,000 that we were fairly certain

(Number of
poverty-
stricken
Alabamians)

were below the poverty line. Those are the only statistics on Alabama which I prepared. I know there must be more because there are age groups omitted. Two hundred eighty-one thousand, three hundred and ten persons as of 1960 between the ages of 21 to 45 who are not veterans.

And by 1965 with the increase of population that might be higher.

"Q. Do you know all the causes of their status?

"A. No.

"Q. Isn't it a fact, I believe you testified prior to this question that poverty, not only in Alabama but in the United States, has many phases?

"A. I think I have said that in my publications.

"Q. And you will repeat it now?

"A. Yes, I will.

"Q. Would you say that some of the causes might be caused by lack of opportunity?

"A. Yes, I think so.

"Q. Some by living in a particular area where there is less business opportunities than others?

"A. I believe so.

"Q. Some due to the capacity of the particular person?

"A. I would agree.

"Q. Some due to the natural propensity of the person?

"A. Probably true.

"Q. And I believe you further said that Alabama has no monopoly on poverty?

"A. Unfortunately that is true.

"Q. Do you know the number of physical persons of Alabama that are incapacitated from performing gainful employment?

"A. No, I don't.

"Q. Do you know of your own knowledge of any number of people in Alabama who desire to change their eating habits?

"A. I don't know of any, no.

"Q. You do not know, as a matter of fact, whether these people you talked to about in this poverty level have complained about it or are unhappy about it or not, do you?

"A. I do not.

"Q. Isn't it true that persons of different ages require more or less food than others?

"A. That's correct" (R 212, 213).

"A. I am not an expert on what the amount of food is that people require" (R 214).

(Poll tax &
economic
standing)

"Q. Can you state the day in the last 20 years that the imposition of a poll tax by the State of Alabama has majorly or materially affected the economic or physical standing of the average person of Alabama, black or white?

"A. I would not say that it has affected the economic or physical standing" (R 215).

"A. I think that one of the major causes of contributing to poverty are the hopelessness and lack of opportunity and even failure to take advantage of opportunities that exist which afflict children growing up in homes that have too little to care for them properly.

"Q. Then, I believe you said that over-population, excess number of children or large families contribute to poverty among these poor people?

"A. Among many of the poor people, yes.

"Q. Then, as you testified, there are many factors to consider in arriving at the cause of poverty?

"A. That's correct." (R 216).

"A. Mr. Kohn, I don't think I testified any place that the poll tax in Alabama or anywhere contributed to poverty, I don't believe I said that."

"Q. And wouldn't you say that in the State of Texas in the United States there are certain people of Mexican ancestry that work in the Rio Grande fruit crops down there that are below the poverty level?

"A. All migration workers almost by definition are below the poverty level.

"Q. Are the Puerto Ricans in New York poverty victims?

"A. Many of them are, yes" (R 217).

(Lack of skill)

"Q. Then, you are saying if he hasn't got the skill he couldn't qualify to work?

"A. That's right. If he doesn't have the money, he can't get to the place to get the job.

"Q. The dollar and a half hasn't contributed to his lack of skill, has it, or has it, Miss Orshansky?

"A. Not directly" (R 218).

"A. I said I don't believe in segregation. I don't know if that is a definition of an integrationist" (R 221).

(expense for whiskey)

"A. ... The poverty line for a four-person family is roughly \$3,000, and I said that according to this Bureau of Labor statistics study of four persons with income of \$1,000 to \$2,000...in 24 percent of the cases, that is, one out of four families spends some money on alcoholic beverages" (R225).

"A. For the 24 percent with the one family out of four who did spend something it was roughly \$80.00.

"Q. Let's stop right there. I want you to keep that in mind so you will be prepared to answer this next question. Take all the time you want to answer.

Would it be fair to say that the \$80.00 that you just designated this artificial or symbolic family, if you transported that family and placed it in Alabama, and such a family perhaps does exist in Alabama, doesn't it?

"A. Well, I hope it does.

"Q. Then, would you say that there is an -- in Alabama one-fourth of the people of that classification that are spending the average of \$80.00 per year on alcoholic beverages?

"A. Yes.

"Q. Would you say that?

"A. Yes.

"Q. And would it be a calculative guess or would you have an opinion on how much they are spending on what they call illicit alcohol, moonshine?

"A. I don't know.

"Q. Would it be a safe fact to say that some of them are doing that?

"A. If he spent \$5.00 for it.

"Q. Do you know how many loaves of bread \$5.00 will buy in Alabama?

"A. I don't know about Alabama.

"Q. All right. That's the answer to the question. You don't, do you?

"A. No.

"Q. Do you know how many pairs of coveralls or overalls \$5.00 will buy in Alabama?

"A. No, I don't.

"Q. Do you know how many sacks of flour \$5.00 would buy in Alabama?

"A. No, I don't.

"Q. Do you know whether or not \$5.00 would buy a pair of shoes in Alabama?

"A. No, I don't.

"Q. Do you know if the tuition required to go to the average public school in Alabama, white or colored?

"A. No, I don't.

"Q. You don't?

"A. No, I don't.

"Q. Do you know how much it would cost a Negro to buy a toothbrush in Alabama?

"A. No, I don't.

"Q. Do you know how much it would cost a Negro to buy a school book in Alabama?

"A. No, I don't.

(free lunches
and free
school
books)

"Q. Do you know as a fact that some of the books in Alabama are paid for by the state?

"A. I don't know. I am not disputing it, I don't know.

"Q. You answered the question. Do you know that in many of the public schools in Alabama that there are free lunches?

"A. I know that because they are in the school lunch program.

"Q. Are you familiar with the fact that at one time Alabama had a primary cotton agricultural program in many of its counties?

"A. Yes.

"Q. Are you familiar with the fact that around 1914 boll weevils swept through this country?

"A. Yes.

"Q. And caused great economic trouble?

"A. Yes.

"Q. Do you blame that on the poll tax?

"A. No." (R 227, 228, 229).

(borrow-
ing money)

"Q. ...Isn't it a fact that a lot of poor people have to borrow money?

"A. Yes, it is.

"Q. Isn't it a fact that the cost of money has gone up when the interest rate goes up?

"A. Yes, it has.

"Q. Isn't it a fact that that contributes to the economic downgrading of the people?

"A. You mean of the poor people?

"Q. Yes. (R 231, 232)

"A. I think that is undoubtedly true.

"Q. Wouldn't that same person be better off if he bought books to read and better educate himself?

"A. We would like to think that.

"Q. Then, your answer is yes?

"A. Yes." (R 233)

(some
average
expendi-
tures)

"A. ...recreation and that's \$36.00. We have alcoholic beverages and that's \$9.00; and we have tobacco and that's \$18.00.

"Q. Break down reading from education.

"A. Okay....Reading is \$13.00 and education is \$1.00 and miscellaneous is \$8.00" (R 237, 238).

"Q. Now, while we were off the record, with the assistance of your excellent counsel who has gone over your mathematical computation, compilation is a better word, you have given me the percentages opposite each one of the items you have enumerated that goes to make up the distribution of the breakdown of this dollar on this average person we have been talking about?

"A. Uh-huh.

"Q. And I believe you arrived at 97.5 of where that dollar goes?

"A. Uh-huh.

"Q. I will ask you if you can look at the figure under miscellaneous and tell me what percentage is miscellaneous?

"A. It is .6, less than one percent.

"Q. Less than one percent. And we have allotted, is that enough to cover the dollar and a half to pay poll tax for one year?

"A. Yes. It's \$8.00.

"Q. From the miscellaneous you got enough area there to deduct \$1.50 for the poll tax?

"A. That's right." (R 243, 244).

"Q. Another way of saying this without doing any mental or

(enough
for poll
tax)

geographical grammar or English gymnastics, that from this figure we have been talking about for the last thirty minutes, expenditure for poll tax for one person for one year would be what percent?

"A. 1.6 percent." (R 244, 245).

"Q. One percent of this man's expenditures would go for poll tax, wouldn't it?

"A. Yes. If the poll tax was \$1.50.

"Q. How much goes for whiskey?

"A. \$9.00." (R 246).

"Q. All right, that money that goes for alcohol, that didn't go to alcohol but went to poll tax, it would pay the man's poll tax for nine years, wouldn't it?

"A. Not for nine years.

"Q. For six years.

"A. For six years.

"Q. Recreation is how much dollar-wise?

"A. \$36.00...2.3 percent.

"Q. That is twice as much -- that's what percentage greater is the expenditure for that than the poll tax \$1.50?

"A. That's 24 times the amount of the poll tax. \$36.00 is 24 times \$1.50.

"Q. There are \$24.50 in there, that's what you are saying?

"A. No. 24 poll taxes is \$36.00.

"Q. All right. That's another way of saying it, 24 poll taxes is \$36.00.

"A. Yes.

"Q. Then, if this hypothetical man cut down his recreational expenditure in half, he would pay about 12 poll taxes in a year?

"A. Yes.

"Q. Or pay his own poll taxes for twelve years; is that right?

"A. Yes" (R 248, 249).

"Q. And on page 17 of this same exhibit under, Non-White Children, on the righthand part of the page in the middle, tell me if I quote correctly. "The terrible plight of so many of our non-white children, whether or not their parents work, is unmistakable. Over a fourth of them are in a family with a woman at the head, and of these 86 percent are poor." And I believe -- did I quote that correctly?

(poll tax is
not reason
for husband
absconding)

"A. Yes, sir.

"Q. And I believe you have testified that there are many factors that cause that absconding husband to abscond, frustration and so forth; you have testified about that?

"A. I think I did.

"Q. Would you be willing to state, under oath, that \$1.50 poll tax requirement contributes to that absconding husband's reason for absconding?

"A. No. I would not say that" (R 251).

"Q. ...isn't it a fact that the rate of illegitimacy in the Southeastern area that you are talking about among Negroes is higher than white; isn't that correct?

(Negro
illegiti-
macy)

"A. That's correct.

"Q. You don't blame that on the poll tax, do you?

"A. No" (R 253).

"Q. 'For many a Negro, still, a lingering legacy of discrimination will continue throughout his lifetime to deny him a better living.'

Is that right?

"A. That's right.

"Q. Now, you don't attempt to blame any one single factor for that condition, do you?

"A. No.

"Q. Or one single area of the United States?

"A. No, I do not.

"Q. Or one single governmental body for that condition?

"A. No, I do not.

"Q. ... 'if we can think bold solutions and dream big dreams, we may be able to ease the problem of poverty' -- so far, am I reading it correctly?

"A. Yes.

"Q. Then, I submit to you as a fact and ask you to *affirm* or deny that the measuring of poverty has not become an objective science as of this very minute, has it?

(measuring
of poverty
not a
science)

"A. An objective science?

"Q. Well, a science, an acknowledged science.

"A. It is not a science.

"Q. It is not a science at this point?

"A. That's right.

"Q. I now turn to a pamphlet called, "Counting the Poor: Another look at the poverty profile," by Molly Orshansky, which is Plaintiff's Exhibit 3.

Miss Orshansky, I direct your attention to this pamphlet and ask you to turn to what I call the italic of it under, *Counting the Poor: Another look at the poverty profile*, which is on page 3. The preface of different type of print has this in it. 'When the Council of Economic Advisers used annual income of less than \$3,000 to define families living in poverty, it noted that this was a crude and approximate measure.' Am I quoting it correctly?

"A. That is correct.

Yes. That was the purpose of our doing something different.

"Q. I go on down that same column on that same page and I am going to read again. I will ask you if I am quoting it correctly, 'The method of measuring equivalent levels of living that is presented here is still

relatively crude.'

"A. That is a correct quote.

"Q. 'A revolution of expectations has taken place in this country as well as abroad. There is now a conviction that everyone has the right to share in the good things of life.' Is that your statement?

"A. That is my statement. (R 254, 255, 256).

"Q. Do you think it is the duty of government to bring that condition about?

"A. I think it is" (R 257).

"Q. Isn't it a fact that in the very nature of things on this earth that some people can make more rapid advancement from poverty than others through natural ability and capacity?

"A. Yes.

"Q. That is a fair statement?

"A. That is a fair statement.

"Q. Isn't it also a fair statement that based on the nature of things, that condition has existed since the inception of this nation, that some end up in life poor and some rich, some in the upper top economic bracket and some in the middle and some in the lower; wouldn't that general classification be correct?

"A. That has existed since the beginning of this nation, yes" (R 259).

"Q. There is not, and indeed, in the rapidly changing pluralistic society there cannot be, one standard universally accepted and uniformly applicable by which it can be decided who is poor.' Would you say that is correct?

"A. That is correct.

"Q. And would it also be correct, quoting from that same paragraph, 'And if it is not possible to state unequivocally, "How much is enough", it should be possible to assert with confidence how much, on an average, is too little.'

"A. That's what I believe and this is what we try to do.

(arbitrary
but reason-
able
standard)

"Q. Now, over on the next page, which is page 4, the third paragraph speaking of the -- on this same general subject I quote, 'The standard itself is admittedly arbitrary, but not unreasonable.' Are those your words?

"A. Those are my words" (R 260, 261).

"Q. Would it be a fair conclusion to say that if Alabama increased the percentage of new industry tremendously in the last ten years that both Negro and white have derived direct benefits from it?

"A. I think that is true." (R 266).

(birth
control
informa-
tion)

"Q. All right. A little further then. 'And finally there are the children yet to come, whose encounter with poverty can be predicted unless the situation is changed for those currently poor.' Based on that thought or any other thought, I would like to ask you a simple question. Don't you think it is immensely important that the poor be given birth control information?

"A. I couldn't agree with you more.

"Q. Wouldn't you think that is just as much important as abolishment of the dollar and a half poll tax?

"A. Yes. I think I would say that.

(poor have
more child-
ren)

"Q. Is it or not a fact, based on your knowledge and experience, that in these poverty pockets that you mentioned, that the birth rate is higher on the average than the upper economic class of people?

"A. That is undisputed" (R 267, 268).

"Q. In this dollar area that we have drawn and put the different items down, where goeth the dollar when it cometh to the people? Isn't it factual that we have left off an invisible factor that hidden taxes in that dollar, that nice-looking suit that you have on or jacket has numerous special taxes, transportation, wage and hour, and Social Security, and all that; isn't it a fact that every dollar that comes into the hands

(federal
taxes &
the dollar)

of any human being, some of it has to go to federal taxes?

"A. That's right.

"Q. At the time your statistics were made, there was a federal sales tax of what percent, do you happen to know?

"A. There was an excise tax. I know it was repealed. There was an excise tax of ten percent.

(all taxes
contribute
to
poverty)

"Q. For the sake of this question, assuming it is a fact, but I don't believe it is a fact, but assume it is, if the poll tax contributes to poverty in its infinitesimal way in which you testified, isn't it a fact that even federal taxes contribute to taking away of the net worth of this one man that we are talking about?

"A. Yes. That is true" (R 269, 270).

"Q. You don't propose to be an expert on the public or private schools in the State of Alabama either connected with the white or colored people?

"A. No, I do not" (R 282).

DEPOSITION OF WILLIAM CLYDE BROWN
Tax Collector, Russell County

(media of
reminding
public
when tax
is due)

"Q. Mr. Brown, isn't it a fact that in Russell County, Alabama, there is a newspaper?

"A. Yes, sir.

"Q. And a radio station?

"A. Yes sir.

"Q. Isn't it also factual that from time to time through those two respective identified mediums that news goes out to the people of Russell County reminding them or requesting them to pay their poll tax?

"A. Yes, sir" (R 25, 26).

"A. Yes, sir. I stated that it is in the newspapers three or four times a year. The radios pick it up, I don't know how they work that, but it was over the television the other day.

"Q. Is it a fact that any person that has got sense enough to walk could find your office, in your opinion?

"A. Yes, sir.

(location of
courthouse
and tax
collector's
office)

"Q. Isn't it also a fact that it is common knowledge where the court house is?

"A. Yes, sir" (R 26).

"Q. Is your office on the first floor or second floor?

"A. First" (R 27).

"Q. You do not have any lawful right over the administration of the general facilities of the court house, do you?

"A. No, sir" (R 28).

(informing
the public)

"Q. How do you inform people (of the date and time tax is due)?

"A. We have a sign in the office on the desk, and outside the door we have -- just like you have seen, little signs over doors advising them of the date and the time, and we put it in the newspaper.

"Q. What does one of those signs say?

"A. Pay your poll tax now, due October the 1st through February the 1st." (R 19).

DEPOSITION OF ELWIN L. McMANNUS

Tax Collector, Marengo County

(never any
complaints
from tax
payers)

"Q. Has anyone ever since you have been tax collector or while you were gone, to your knowledge, or did you hear them complain to your wife or you when you were here that they didn't have enough time to pay their poll tax?

"A. No, sir.

"Q. Has there ever been any crowded condition there when you had to close your office and couldn't pay it?

"A. No, sir.

"Q. Have you ever had any complaint written, verbal, direct or indirect that came to your knowledge that people wanted to pay their poll tax and you wouldn't let them or they couldn't get in or wasn't enough help there to accommodate them?

"A. No, sir, never had a complaint.

"Q. Wouldn't you say as a public official of this county that you are personally familiar with the rank and file of the people in this county?

"A. Yes, sir" (R 26, 27).

(media of
advertising
taxes
due)

"Q. I believe you testified on direct examination that both the papers, local papers in the community and the radio stations make it known through their respective mediums when poll taxes are due and remind the people?

"A. Of the deadline.

"Q. What paper outside this county is of general circulation, if any?

"A. Montgomery Advertiser, Birmingham News, Selma Times.

"Q. Mobile Register?

"A. Mobile Register.

"Q. Would you say it is a factual statement that those papers collectively pretty well cover the entire county?

"A. Yes, sir.

(everyone knows of poll tax and when they are due)

"Q. Could you conceive of anybody that wasn't a moron or stone deaf and blind that didn't know when poll taxes were due in this county?

"A. No, sir, I couldn't.

"Q. Has anyone ever come to your office and said that they would like to vote but they didn't know anything about the poll tax?

"A. No, sir.

(collects tax indiscriminately as to sex, creed or color)

"Q. In collecting the poll tax and as a part of your official duties, do you draw any distinction between the sexes? In other words, you take money from women and men?

"A. Oh, yes.

"Q. And white or black?

"A. Yes, sir.

"Q. Protestants and Catholics?

"A. Yes, sir.

"Q. And Jews and Gentiles?

"A. Yes, sir.

"Q. Fat people and thin people?

"A. Yes, sir.

(only objective is to collect tax)

"Q. Doesn't make any difference to you, you are trying to get the taxes?

"A. Yes, sir.

"Q. Then, would it be a factual statement to say to you that the primary objective of your office and sole objective is tax collecting?

"A. Yes, Sir.

"Q. You have no power-making authorities or duties?

"A. No, sir.

"Q. As tax collector you haven't tried to dominate or influence the political thinking of your county other than that they vote for you?

"A. That's exactly right.

"Q. Would that be a true statement?

"A. I don't mess with other people's politics.

(never
refused
a poll
tax pay-
ment)

"Q. Have you ever refused to take poll tax from any person,
white or black, rich or poor, male or female that was ever offered to
you?

"A. No, sir, never have refused" (R 29, 30, 31).

DEPOSITION OF MRS. ZELMA WYATT

Chairman of the Voter Service Committee of the League of Women
Voters of Tuscaloosa, Alabama

(no discrim-
ination in poll
tax collect-
ing)

"Q. Mrs. Wyatt, is it your opinion that in collecting the poll tax in Tuscaloosa like you have testified this organization does, that this organization collects the poll tax without discrimination as to race, religion or economic status?

"A. That's exactly right.

(benefit to
all voters)

"Q. Would it be fair to submit to you then that your organization in carrying out this activity benefits the Negro potential voters just as much as the white?

"A. Yes.

"Q. Would it also be factual to submit to you that by collecting this poll tax through this method, besides having it done at the courthouse, this works to some benefit to all the prospective poll tax payers?

"A. Yes.

"Q. This is, is it not, Mrs. Wyatt, an additional effort to get the poll tax?

(primary
effort is
to get
people to
vote)

"A. Well, it's additional effort to try to get people to vote, and that's what we are primarily interested in.

"Q. Well, you have to get the poll tax?

"A. Yes.

"Q. Then, the answer to the question is yes?

"A. Yes, that would be right.

"Q. Now, isn't it also a fact that anybody that is in Tuscaloosa, in your opinion, that can read and write, got enough sense to put on his britches and walk to town knows where the Tuscaloosa County Courthouse is?

"A. Yes.

"Q. Wouldn't you also say that any such person would know that the tax collector is where you pay your taxes?

"A. Yes.

"Q. Including the poll tax?

"A. Yes.

(public is
reminded
poll tax
is due)

"Q. Isn't it also factual that through the medium of radio, television, clubs, newspapers, that word gets out and articles get spoken and written reminding the people to pay their poll tax?

"A. That's true" (R 15, 16).

"Q. Do you consider the tax collector of this county a first-class honorable gentleman?

"A. Yes, I do.

"Q. Has anyone ever come to your organization or to you as an individual saying that the Negroes haven't the opportunity to pay their poll tax?

"A. No" (R 17).

"Q. Has your organization or you to your knowledge, ever taken part in any activity that could be considered a barrier or retarding of the Negroes' efforts to pay the poll tax?

"A. No" (R. 18).

"A. We try to get everybody to pay poll tax.

"Q. Including colored and white?

"A. Yes, there has been no discrimination.

"Q. No discrimination whatsoever?

"A. That's right" (R 19).

"Q. And nothing, to your knowledge, keeps Negroes from paying the poll tax that wants to?

"A. As far as I know" (R 20).

"Q. Isn't it factual that Mr. Maxwell is careful to see that everybody -- and your organization is careful to see that, prudent in its actions, to see that this sum or these sums that go through the medium of your organization reach the tax collector?

"A. Yes.

"Q. Do you think that in collecting this poll tax in any way that your organization has joined with or conspired with anyone else to sustain white supremacy or segregation?

"A. No" (R 21).

CERTIFICATE

I, John P. Kohn, of Counsel for the Defendant, State of Alabama,
hereby certify that through an inadvertent error, we left the certificate
off the SUMMARIES OF DEPOSITIONS of the Witnesses: Miss Mollie
Orshansky, William Clyde Brown, Elwin L. McManus and Mrs. Zelma
Wyatt, when the Original and three copies of the same were filed with the
Court on the 2nd day of February, 1966. I hereby further certify that
copies of the Summaries of Depositions were mailed, postage prepaid, on
February 2, 1966, to: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Hon. John Deas, Assistant
Attorney General of the United States, Washington, D. C. and Hon. Ben
Hardeman, United States Attorney, Post Office Building, Montgomery,
Alabama - Attorneys for the Plaintiff; and Hon. Jack Crenshaw, Attorney
for Defendant, Perry G. Hooper, Washington Building, Montgomery, Ala-
bama; and Hon. Gordon Madison, Assistant Attorney General, State of
Alabama, Montgomery, Alabama, and Hon. James Garrett, Rushion,
Stakely & Johnston, 1201 Bell Building, Montgomery, Alabama - of
Counsel for Defendant, State of Alabama.

I further certify that this Certificate of Service should have been added to said Summaries of Depositions as Page 29.

I further certify that I have mailed a copy of this Certificate to the above named attorneys on this 3rd day of February, 1966.

This, the 3rd day of February, 1966.

John P. Kohn, of Counsel for
Defendant, State of Alabama