

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
	)	<u>C O M P L A I N T</u>
STATE OF LOUISIANA; JACK P.	)	
F. GREMILLION, Attorney	)	
General, State of Louisiana;	)	
CECIL MANNING, Registrar of	)	
Voters of East Carroll	)	
Parish, Louisiana,	)	
	)	
Defendants.	)	
	)	

The United States of America as a claim against the
defendants alleges:

1. This is an action instituted by the Attorney
General in the name of and on behalf of the United States
for preventive relief under Sections 7 and 12(d) of the
Voting Rights Act of 1965 (P.L. 89-110).

2. This Court has jurisdiction of this action under Section 12(f) of the Voting Rights Act of 1965 and under 28 U.S.C. 1345.

3. The State of Louisiana is a state of the United States. Its capital and principal offices are located in Baton Rouge, Louisiana. Jack P.F. Gremillion is the Attorney General of the State of Louisiana and as such is the chief ~~and~~ legal officer of the State. His principal offices are in Baton Rouge, Louisiana.

4. Cecil Manning is the Registrar of Voters of East Carroll Parish, Louisiana. He resides in East Carroll Parish, Louisiana.

5. The defendant Cecil Manning is an agent of the State of Louisiana and is charged under Louisiana law with the duty of placing the names of qualified electors on the official voting lists and precinct registers of East Carroll Parish, Louisiana. Under Section 7(b) of the Voting Rights Act of 1965, the registrar of voters is the appropriate state and local election official to whom an examiner serving under the terms of the action must transmit a list

of persons whom the examiner has determined to be eligible to vote. The registrar has the duty under the Act to place the names of all such persons on the official voting lists and precinct registers for elections in his parish and municipalities within the parish.

6. Under Louisiana law registration is a prerequisite for voting in all elections. The qualifications for voting and for registration to vote are set forth in the Constitution and laws of Louisiana. The Constitution of Louisiana in Article VIII Section 1 provides that a person who possess other qualifications shall be registered to vote if he is able to read and write in the English language or his mother tongue and demonstrates his ability to do so, by reading and writing from dictation by the registrar of voters any portion of the preamble of the United States Constitution, by making written application for registration on a prescribed application form without assistance or supervision, and pursuant to Sec. 18 of Article VIII by passing a written test or examination for citizenship prescribed by the State Board of Registrars.

7. On August 6, 1965, the Attorney General of the United States made his determination under Section 4(b) of the Voting Rights Act of 1965, that the State of Louisiana on November 1, 1964, maintained a test or device within the meaning of that Act. This determination was published in the Federal Register on August 7, 1965 (30 FR 9897).

8. On August 6, 1965, the Director of the Census made his determination under Section 4(b) of the Voting Rights Act of 1965 that less than 50 per centum of the persons of voting age residing in Louisiana voted in the Presidential election of November 4, 1964.

9. On August 9, 1965, in accordance with Section 6 of the Voting Rights Act of 1965, the Attorney General certified that in his judgment the appointment of examiners was necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in East Carroll, East Feliciana, and Plaquemines Parishes, Louisiana.

10. On August 18, 1965, in accordance with Section 6 of the Voting Rights Act of 1965, the Attorney General certified that in his judgment the appointment of examiners was necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Ouachita Parish, Louisiana.

11. After the Attorney General made each of the certifications, as described in the two preceding paragraphs, examiners entered on duty in each of the parishes and commenced examining applicants concerning their qualifications to vote, as required by Section 7(a) of the Voting Rights Act of 1965. The examiners have remained on duty in these parishes until the present time.

12. Each of the examiners referred to in the preceding paragraphs, in examining applicants concerning their qualifications for voting, has applied all valid laws of the State of Louisiana relating to such qualifications, but not those laws suspended under the provisions of Section 4(a) of the Voting Rights Act of 1965.

13. In determining qualifications of applicants the examiners have used and are using the application form, a copy of which is attached as Appendix "A" to this complaint. The examiners have registered all applicants who met valid state qualifications, and have rejected all applicants who have not met such qualifications. The examiners have not required applicants to demonstrate their ability to read and write, nor have they required applicants to complete an application form as prescribed by Louisiana law.

14. On or about August 31, 1965, the examiners in East Carroll Parish certified a list of persons in said parish who had applied to the examiners for registration as voters and who had been determined to have the qualifications prescribed by state law not inconsistent with the constitution and laws of the United States and transmitted to the defendant Cecil Manning, the list applicable to his parish and municipalities within it, with copies of such list to the defendant Gremillion and to the Attorney General of the United States.

15. At no time since the transmittal of the certified lists of eligible voters as described in this Complaint, has the defendant Manning placed the names of such eligible voters on the official voting lists and precinct registers of his Parish.

16. On September 9, 1965, the State of Louisiana through its Attorney General, defendant Gremillion, filed in the Sixth Judicial District Court for the Parish of East Carroll a petition for an injunction against the defendant Manning, seeking to restrain defendant Manning from placing on the official voting lists of East Carroll Parish the names of persons transmitted to Manning who have been certified by the examiners as eligible to vote. The injunction is sought on the grounds of the alleged unconstitutionality of the Voting Rights Act of 1965. A copy of this petition is attached as Appendix B to this Complaint.

17. On September 9, 1965, and again on September 17, 1965, the Sixth Judicial District Court for East Carroll Parish issued orders restraining defendant Manning from placing the names submitted to him by the federal examiners on the official voting lists and from otherwise implementing the Voting Rights Act of 1965. A copy of each order is attached as Appendices C and D to this Complaint.

18. Unless restrained by order of this Court, the defendant Manning will continue to fail and refuse to place upon the official voting lists of East Carroll Parish and its municipalities the names of the eligible persons certified and transmitted by the examiners, upon the grounds that the Voting Rights Act of 1965 is unconstitutional and that registration of persons listed by the examiners is inconsistent with the requirements of Louisiana law.

19. Unless restrained by order of this Court, the State of Louisiana, the defendant Gremillion, and their agents will continue to enforce and implement the provisions of the Constitution and laws of Louisiana which require the imposition of a literacy test, and will continue to seek to prevent registrars in Louisiana from placing on the official voting lists of their parishes and municipalities the names of the eligible persons certified and transmitted by the examiners, and will thereby prevent and interfere with the execution of the Voting Rights Act of 1965.

WHEREFORE, plaintiff prays that a court of three judges be convened under Sections 2281 and 2284 of Title 28, U.S.C., and that the Court enter an order enjoining the enforcement, operation, and execution of the provisions of Article VIII, Sections 1 and 18, of the Constitution of Louisiana and implementing legislation insofar as they require that an applicant for registration or a prospective voter demonstrate his ability to read, write, complete an application form, or his understanding of the duties and obligations of citizenship upon the ground that their enforcement operation, and execution are contrary to the provisions of the Voting Rights Act of 1965, and, more particularly, the plaintiff prays:

1. That this court enjoin defendants Manning and the State of Louisiana together with their agents, successors, and all those in active concert or participation with them, from:

- (a) Failing to place, forthwith, upon the official voting list and precinct registers of the Parish and any municipality within it the names of all persons heretofore, certified and transmitted by the examiners as the names of persons eligible to vote;
- (b) Failing hereafter promptly to place upon the official voting list and precinct register of the Parish or municipality

the names of all persons certified and transmitted by the examiners as the names of persons eligible to vote;

- (c) Failing to take all action, within their lawful authority, that is necessary or appropriate to assure that all persons whose names are certified by the examiners are permitted to vote in all elections upon the same basis as other registered persons;
- (d) Complying with or giving any force or effect to any writ of injunction which has been or may be entered against them or any of them by any court of the State of Louisiana or any subdivision thereof which enjoins or may enjoin them or any of them from giving full force and effect to the list of eligible voters transmitted to them by the examiners, and
- (e) Giving any force or effect to, or implementing in any way, the provisions of Article VIII, Sections 1 and 18 of the Constitution of Louisiana and implementing legislation, insofar as they require that an applicant for regis-

tration demonstrate his ability to read and write or that he complete an application form, or any other requirement, directive, or regulation of the State of Louisiana, or its agencies, requiring or authorizing the imposition of a literacy test, or other test or device, upon applicants for registration to vote.

2. That this Court enjoin the defendant Gremillion the State of Louisiana, their officers, agents, employees, and all those in active concert or participation with them, from:

(a) Giving any force or effect, or implementing in any way, the provisions of Article VIII, Sections 1 and 18 of the Constitution of Louisiana, insofar as they require that an applicant for registration or a person offering to vote be able to read and write or that he complete an application form, or any other requirement, directive, or regulation of the State of Louisiana, or its agencies, requiring or authorizing the imposition of a literacy test, or other test or device, upon applicants for registration to vote, or persons offering to vote;

(b) Failing to permit all persons whose names have been or may in the future be certified and transmitted to the appropriate election officials by examiners serving under the provisions of the Voting Rights Act of 1965 to vote in elections in Louisiana.

Plaintiff further prays for its costs of suit, and for such other relief as the interest of justice may require.

NICHOLAS deB. KATZENBACH
Attorney General

JOHN DOAR
Assistant Attorney General

LOUIS C. LA COUR
United States Attorney

D. ROBERT OWEN
Attorney
Department of Justice