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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 479-E
)	
STATE OF ALABAMA; WHEELER)	
DYSON, COSBY JOHNSON AND)	
FRANK SMITH, REGISTRARS OF)	
VOTERS OF MACON COUNTY,)	
ALABAMA,)	
)	
Defendants.)	

D E C R E E

Pursuant to the findings of fact and conclusions of law made and entered in the memorandum opinion of this Court on this date, it is the ORDER, JUDGMENT and DECREE of this Court that the State of Alabama, Wheeler Dyson, Cosby Johnson, Frank Smith, their agents, officers, employees and successors in office, be and each is hereby enjoined from engaging in any act or practice which involves or results in distinctions based on race or color between Negro citizens and other citizens in the registration for voting and voting processes in Macon County, Alabama.

It is the further ORDER, JUDGMENT and DECREE of this Court that the said defendants within ten days from the date of this decree place upon the current and permanent registration rolls, or any official copies thereof, the names of the following Negro citizens, unless one or more of said citizens have become deceased or possessed with some disqualification to register and vote since the date of their application or applications:

Adams, Fidelia Jo Anne
Cropper, James R.
Dunham, Sylvia B.
Johnson, Lena Hayden
Mabson, Fred D.
Morgan, Pauline L.
Robinson, Walter
Scott, K. Baton
Williams, Charles C.
Williams, Marie S.
Billes, Eugenia C.
Davis, Rev. Jordan
Davis, Lewellyn W.
Lightfoot, Roberta
Mitchell, Corinne
Nearrior, Doris
Carter, June B.
Chaney, Gloria P.
Chaney, Robert Lee
Davis, Mary B.
Davison, Leida R.
Donald, Leotis K.
Dorn, Matthew Charles
DeBose, Rosa Lee
Ford, Imogene Morrow
Garrett, Lewis D.
Henderson, Betty F.
Howard, Juanita
Jackson, James
Jackson, John W., Jr.
Johnson, Estelle Mrs.
Johnson, Freddie

Rhodes, Ora Lee
Turner, William, Jr.
Wynn, Daniel Webster
Turner, William
Jeter, Rebecca
Jeter, James
Guice, Julia
Guice, Hosia
Adams, Darthula Lucretia
Baker, Johnny Lee
Birmingham, Luther M.
Brown, Willie B.
Buford, Kenneth L.
Bulls, Frances Kato
Busby, George C.
Campbell, Wilma J.
Jones, Clarissa L.
Jones, Ruth Evalyn
Junier, Artemisia J.
Magruder, John C.
McCaston, Lola
Milbry, Lelia Mae
Miller, Charles B.
Mindingall, Bettye J.
Perry, John B.
Philpot, Lavinia
Renfroe, Osie L.
Rivers, Jessie Lee
Simpson, Geneva J.
Thompson, John T.
Tyner, Robert Lee
Wynn, Lillian R.

It is the further ORDER, JUDGMENT and DECREE of this Court that the defendants within ten days from the date of this decree notify all the above-named citizens that their names have been placed upon the permanent registration rolls; said notification is to be by mailing to each of said citizens the appropriate certificate of registration.

It is the further ORDER, JUDGMENT and DECREE of this Court that the said defendants file with the Clerk of this Court within fifteen days from the date of this decree a report in writing reflecting their compliance with the above part of this decree relating to the placing of the above-named citizens on the permanent registration rolls.

It is the further ORDER, JUDGMENT and DECREE of this Court that the said defendants

(1) shall meet at least two full days each month in Beat 1 and shall during such days receive applications for

registration from any and all applicants in the county;

(2) in receiving applications for registration in Beat 1, shall observe the following procedures:

(a) Applicants shall be permitted to apply for registration in the order in which they appear at the registration office for that purpose, provided that the persons whose names appear on the existing appearance sheet (a photostat of which will be made available) shall be given priority and shall be permitted to apply in the order their names appear on that sheet.

(b) Applicants who hereafter appear to apply for registration or to transfer their registration from another county shall be issued successive numbers in the order in which they appear and shall be permitted to apply for registration or transfer their registrations in that order.

(c) At the end of each registration day the defendants shall post in a conspicuous place in the courthouse and on the door of their office the first number which will be called on the next registration day and the numbers, if any, which were called that day but were not answered.

(d) Any prospective applicants who fail to appear when their numbers are called shall be called first on the next registration day in their proper sequence, but any prospective applicant who fails to appear after being called on two successive days shall lose his priority and must obtain a new number if he still desires to apply for registration.

3. may, if administered equally to all applicants for registration, require applicants to read and write a portion of the Constitution not to exceed fifty consecutive words;

(4) allow any registered voter in the county to act as a supporting witness for any number of applicants for registration if the supporting witness can and does take the oath required on the application form. In no event will an applicant for registration be denied registration because of defects of form in the blanks provided for the examination of the supporting witness. In the event that, from his examination, it becomes apparent that he cannot act as a supporting witness, the applicant shall be so notified forthwith, and shall in no event be required to re-apply for registration, but shall be afforded opportunity to obtain an additional supporting witness.

(5) Within twenty days after the receipt of any application of any applicant for registration, the defendants shall in the following manner notify the applicant as to the action taken by the Board of Registrars: if the applicant is accepted, the registration certificate shall be mailed to the applicant; if the applicant is rejected, the notification shall be mailed and shall state that the applicant has been rejected and the specific reason or reasons for such rejection; and

(6) make arrangement to give every prospective applicant for registration whose name appears on the existing appearance sheet in Beat 1, an opportunity to apply for registration within 120 days from the date of this decree. The defendants shall make provision to administer the qualifying examination simultaneously to at least six applicants, and they shall receive such applications between the hours of 9:00 a.m. and 5:00 p.m. at each of their regular meetings.

It is the further ORDER, JUDGMENT and DECREE of this Court that the defendants submit to the Clerk of this Court in writing on or before the 5th day of each month

after the date of this decree and until further order of this Court a report as to their progress in accepting applications during the preceding month. This report shall include:

(1) The dates and places of receiving applications for registration during the preceding report period.

(2) The name and race of the persons whose applications for registration were received and the dates on which such applications were received.

(3) The number, name and race of persons signing the priority list during the preceding report period.

(4) The action taken by the Board of applications for registration during the preceding report period which with respect to accepted applicants will state the name and race of the applicant and the date the certificate of registration was mailed out, and with respect to rejected applicants, the name and race of the rejected applicants and a duplicate copy of the notification of rejection and reasons therefor and the date on which such notification was mailed to the applicant.

It is the further ORDER, JUDGMENT and DECREE of this Court that said defendants be and each is hereby enjoined from:

(1) Administering the qualification tests to Negroes in Macon County, Alabama, in any way different from the manner in which those tests are administered to other applicants for registration.

(2) Refusing to register any Negro applicant otherwise qualified whose performance in attempting to qualify is equal to the performance of the least qualified white applicant who has been adjudged by the members of the Board of Registrars to have passed the requirements for registration.

(3) Failing to provide a full and regularly functioning Board of Registrars in Macon County, Alabama.

(4) Failing to accord any Negro citizen of Macon County, Alabama, in a fair, impartial and non-discriminatory manner, each and every right such citizen has or may have under the registration and election laws, customs, usages and regulations of the State of Alabama and the Board of Registrars of Macon County, Alabama, and under the Constitution and laws of the United States pertaining to suffrage.

(5) Denying to any Negro citizen of Macon County, Alabama, for reasons of race or color, any of his rights under the laws of the State of Alabama or under the Constitution and laws of the United States touching the matter of suffrage.

For the complete effectuation of this decree, it is the further ORDER, JUDGMENT and DECREE of this Court that the plaintiff, United States of America, acting through its appropriate investigative agencies, report in writing directly to this Court on or before the 5th day of each month after the date of this decree and until further order of this Court the dates and places the defendant registrars have received applications for registration during the preceding month, the name and race of each person signing the priority list during the preceding report period, and the name and race of each applicant for registration accepted or rejected during the preceding report period.

It is the further ORDER, JUDGMENT and DECREE of this Court that the defendants shall until further order of this Court make the registration books and records of Macon County, Alabama, available to the agents of the United States at any and all reasonable times and places.

It is the further ORDER, JUDGMENT and DECREE of this Court that the plaintiff, United States of America, acting through the United States Department of Justice and the United States Attorney for this district, from time to time, when requested by the Court, furnish information to the Court for the purpose of:

(1) Assisting this Court in determining whether the provisions of this decree are being fully and completely complied with, in good faith, by each of said defendants.

(2) Assisting this Court in determining whether the institution and prosecution of contempt proceedings are necessary and/or justified.

(3) Assisting this Court in determining whether the provisions of this injunction should be extended to any other county officials when and if Macon County is abolished in part or the area making up said county is absorbed by other adjoining counties.

(4) Assisting this Court in determining whether any vacancies occurring--if such occur--on the Macon County Board of Registrars can be filled by the state-appointed authority within a reasonable time.

(5) Assisting this Court in determining whether any attempted resignation by any member of the Macon County Board of Registrars is made in good faith.

It is the further ORDER, JUDGMENT and DECREE of this Court that the plaintiff, United States of America, acting through the United States Department of Justice and the United States Attorney for this District, institute and prosecute in this Court any contempt proceedings that may arise in this action subsequent to the entering of this decree.

It is the further ORDER, JUDGMENT and DECREE of this Court that the plaintiff, United States of America, submit to this Court within thirty days from the date of this decree the names and addresses of at least three qualified persons to be considered by the Court for appointment as voting referees in the event this Court at some later date considers such appointments necessary and appropriate.

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

It is ORDERED that the costs incurred in this proceeding be and they are hereby taxed against the defendants, for which execution may issue.

Done this the ____ day of March, 1961.

FRANK M. JOHNSON, JR.
UNITED STATES DISTRICT JUDGE