

IN THE UNITED STATES DISTRICT COURT FOR  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

THE DISTRICT COURT  
Western District of Louisiana  
**FILED**  
FEB 12 1962  
ALTON L. CURTIS, Clerk  
By *[Signature]* Deputy

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CECIL MANNING, ET AL., )  
 )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO. 8257

BRIEF IN SUPPORT OF  
PLAINTIFF'S PROPOSED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECREE

I

NATURE OF ACTION

This action was brought by the United States under Part IV of the Civil Rights Act of 1957, as amended, to obtain injunctive relief against acts and practices by the defendants which have deprived citizens of the United States of the right to register to vote without distinction of race or color. The validity of the Civil Rights Act as applied to state officials has been upheld. United States v. Raines, 362 U.S. 17.

II

THE DEFENDANTS

The defendants in this case are the State of Louisiana and Cecil E. Manning, who is the Registrar of Voters for East Carroll Parish, Louisiana.

The State of Louisiana is made a party pursuant to 42 U.S.C. 1971(c).

Cecil Manning, as Registrar of Voters for East Carroll Parish, is an official and agent of the defendant State. He was appointed by the Police Jury (governing authority) of East Carroll Parish (L.R.S. 18:1). He is subject to removal at will by the State Board of Registration (L.R.S. 18:3). His salary is paid in part by the Parish and in part by the State (L.R.S. 18:5). He is subject to the rules, regulations, and policies of the State Board of Registration (L.R.S. 18:191 A).

In Louisiana registration is a prerequisite to voting in any election (La. Const., Art. VIII, Sec. 1(b)). As registrar of voters, Cecil Manning must maintain an office for the receipt of applications for registration from persons desiring to become registered voters (L.R.S. 18:72). He must determine whether each applicant is qualified to vote, and he must register those who are (L.R.S. 18:39).

III

EAST CARROLL PARISH

East Carroll Parish is a rural parish in the northeast corner of Louisiana. It is divided into seven voting districts or wards (Tr. 207). Its voting age population is 7,173 (Ex. G-1). Of these, 4,183 or 58 percent of the Parish's adult population are Negroes (Ex. G-1). Although 2,845 white persons or 95 percent of the adult white population were registered to vote at the end of the last registration period,<sup>1/</sup> no Negro has been registered to

1/ This Parish has the periodic registration system so that every four years, all persons desiring to vote must re-register. The current period began January 1, 1961. As of December 31, 1960, there were 2,845 white persons and no Negroes registered to vote in East Carroll Parish (Defendant Manning's Answer to Paragraphs 6 and 7 of the Complaint).

vote in East Carroll Parish since 1922, and none was registered as of the date of this trial, November 27, 1961 (Tr. 133; Tr. 5).<sup>2/</sup>

Defendant Cecil Manning became the Registrar of Voters for East Carroll Parish on April 6, 1959, and has been in office continuously since that time (Tr. 187). He has resided in this Parish since 1949 (Tr. 187). In addition to his job as registrar, he owns and operates a country store (Tr. 189) which is located in the Parish five miles north of Lake Providence (Tr. 225). Most of the customers at his store are Negroes (Tr. 225).

Cecil Manning also has been the substitute rural mail carrier on Route 3, Lake Providence, Louisiana (Tr. 189), since sometime before 1957 (Ex. G-5 and G-6).<sup>3/</sup> During the period January 1, 1957, until November 10, 1961, he carried mail on that route 165 times (Ex. G-5). Some of the Negroes who have sought to apply for registration at his office reside on Route 3.

IV

THE IDENTIFICATION REQUIREMENT

One of the procedural requirements for registration is that the applicant "shall in all cases be able to establish that he is the identical person whom he represents himself to be when applying for registration. If the registrar has good reason to believe that he is not the same

<sup>2/</sup> Approximately 500 white persons were registered at the time of the trial (Tr. 184).

<sup>3/</sup> The records in evidence only go back to 1957; but one witness testified that Manning had been carrying mail since 1952 (Tr. 21). The Assistant Postmaster could not recall any other substitute on Route 3 (Tr. 124).

person, he may require the applicant to produce two credible registered voters of his precinct to make oath to that effect" (L.R.S. 18:37).<sup>4/</sup>

The Louisiana State Board of Registration construes this requirement as relating to proof of length of residence and has suggested to the registrars in Louisiana that the following types of proof will satisfy the requirement (Ex. G-8):

- (a) Driver's license bearing name of applicant and showing address to be in state and parish which was issued at least one year prior to date of application for registration. New act provides for parish residence of only six months.
- (b) Homestead exemption certificate for previous year.
- (c) Receipt for deposit on utilities (electricity, water or gas).
- (d) Library card for previous year.
- (e) Selective Service registration card. This can be double-checked through local Selective Service Board.
- (f) Rent receipts for past twelve months.
- (g) Deed or contract to purchase home (one year old).
- (h) Hunting or fishing license for previous year.
- (i) Copy of application for automobile license plates for previous year.
- (j) Letter from reputable firm or individual stating that applicant has lived in the state and parish for the required period as prescribed by law.

<sup>4/</sup> The Louisiana Constitution (Art. VIII, Sec. 1(e)) simply provides:

Identity. He must in all cases be able to establish that he is the identical person whom he represents himself to be when applying for registration, and when presenting himself at the polls for the purpose of voting in any election or primary election.

- (k) If applicant cannot produce any of the above documents or if the Registrar has good reason to doubt that the applicant is the person whom he or she represents himself to be, then the Registrar has the legal authority to require the applicant to produce two registered voters who live within the same precinct as the applicant and require them to sign an affidavit to the effect that the applicant is entitled to register to vote.

The application form (Ex. D-2) provided for by Louisiana law (L.R.S. 18:32) and used in East Carroll Parish calls for the following identifying information: name, place of birth, date of birth, occupation, race, sex, and length of residence in the state, the parish, and the precinct. This application must be made under oath (L.R.S. 18:31 (3)). In addition the standard <sup>form</sup> ~~form~~ calls for the applicant's address, the color of his eyes, his mother's first or maiden name, and the name of his employer (Ex. D-2). There are penal provisions for making false statements generally in the registration process (L.R.S. 18:222) and for using the name of another or a fictitious name specifically (L.R.S. 18:223).

V

DEFENDANTS HAVE USED THE IDENTIFICATION REQUIREMENT TO DISCRIMINATE AGAINST NEGROES

Every Negro but one who has appeared at defendant Manning's office to apply for registration has been denied the opportunity to apply or even to have his qualifications tested. Cecil Manning told the Negroes that they would need registered voters to identify them. There are no Negro registered voters in East Carroll Parish.

1. The Registrar's Requirements for Proof of Identity.

Cecil Manning testified that under his standards applicants could be identified in one of four ways (Tr. 223):

- a. If the applicant is known to Manning, he needs no other identification.
- b. The applicant may be identified by another person known to Manning.
- c. If the applicant was previously registered in East Carroll Parish, his previous registration is sufficient identification.
- d. Two registered voters may make an affidavit of identity for the applicant.

Only the fourth type of proof is among the eleven suggested by the State Board of Registration, and the Board clearly intended it to be a last resort where the applicant cannot produce other types of proof and the registrar "has good reason to doubt that the applicant is the person whom he or she represents himself to be" (Ex. G-8).

As we shall see later, Manning's practices have not been consistent with his own statement of his standards of proof. But assuming that they were consistent, each of the four types of proof when required in East Carroll Parish are discriminatory per se.

a. That the applicant must be known to Manning is tantamount to the requirement that the applicant be white. East Carroll Parish is a segregated community. Defendant Manning is a white man. He testified that he knows very few Negroes in the Parish (Tr. 197). The requirement of acquaintanceship has been declared unconstitutional by the Supreme Court in a similar context, that is, in jury selection cases (see Cassell v. Texas, 339 U.S. 282). This test was also rejected in Byrd v. Brice, 104 F. Supp. 442 (W.D. La.), in which the registrar of Bossier Parish, Louisiana, was enjoined from engaging in the very practices admitted here by defendant Manning.

b. That the applicant be identified by another person known to Manning is just an extension of the first standard, only once removed. It, too, has the effect of requiring Negroes to be identified by white people. Furthermore, a Negro applicant could not be identified even by one of the few Negroes known to Manning since Manning will not permit one Negro to identify another (Tr. 219).

c. That the applicant was previously registered in the Parish, is also an impossible standard for Negroes and an easy one for white people. No Negroes have been registered in the Parish since 1922 (Tr. 133). At the end of the last registration period, 95 percent of the white adults in the Parish were registered (see text supported by Footnote 1/ supra).

d. That the applicant may produce two registered voters to make an affidavit of identity means again that Negroes are dependent upon the white community for permission to apply for registration, since no Negroes are registered. The use of this standard in a parish where no Negroes are registered has also been declared by this Court to be a prohibited discriminatory practice. Byrd v. Brice, supra. See also Hunt v. Arnold, 172 F. Supp. 847 (N.D. Ga.).

2. The Application of the Registrar's Requirements.

Not only are the registrar's requirements discriminatory per se, but in applying these requirements the registrar has engaged in further acts of discrimination.

a. Acquaintanceship

Manning himself has identified applicants he "knew" and has permitted them to register without further proof of their identity. But his determination of whether or

not he "knew" an applicant was arbitrary and turned largely on whether the applicant was white or Negro.

The failure by Manning to use any other standard in deciding whether or not he "knows" an applicant well enough to allow him to apply without proof of identity is made apparent by studying the cases of James and Daisy Hadden, a Negro couple, and Mrs. Brzozowske, a white woman.

The Haddens live on rural mail Route 3, Lake Providence (Tr. 6; Tr. 99). Manning is the substitute carrier on that route (Tr. 189). Between January 1, 1957, and March 17, 1961 (when the Haddens last appeared at Manning's office to attempt to register), Manning delivered mail on Route 3 143 times (Ex. G-5 and G-6).

James and Daisy Hadden have each purchased postal money orders from Manning (Tr. 33 and 34; Tr. 105). Three rural mail carrier's receipts made out to James Hadden and signed by Manning were introduced into evidence (Ex. G-2, G-3 and G-4). These receipts bear dates in the years 1958, 1959 and 1961. Daisy Hadden has purchased stamps from Manning and has mailed letters with him (Tr. 103).

One time in about 1955 when Manning was delivering mail, he stopped and told James Hadden that he was running a store on the lake and he would appreciate Hadden's patronage. He let Hadden know that he would extend him credit at his store (Tr. 18).

The Haddens have gone to the registrar's office three times trying to register. In 1959, they went with the Artleys, a Negro couple who also live on Route 3 (Tr. 7; Tr. 99). Manning asked for their names and they told him who they were (Tr. 15; Tr. 100). He wrote their names down (Tr. 100). He told them to get two people



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registered to vote in their precinct to identify them and them he would "talk registration" with them (Tr. 9; Tr. 15; Tr. 100). He refused to permit James Hadden to identify himself with his driver's license (Tr. 14).<sup>5/</sup>

In 1960, they tried again (Tr. 16; Tr. 100). They went with a group of Negroes (Group II).<sup>6/</sup> James Hadden got into the office with the spokesmen for the group, but Daisy Hadden stayed outside (Tr. 16; Tr. 100). This time Manning read the "law" to them saying that they would need two electors from their precinct to identify them (Tr. 17).

On March 17, 1961, the Haddens went again with a group of Negroes (Group III) to the registrar's office to try to register (Tr. 17; Tr. 20; Tr. 101). This time when Manning said "I don't know you," (Tr. 102). Daisy Hadden told him, "Mr. Manning, you know me. I bought money orders from you. I bought stamps from you. I mailed letters. You know me, Mr. Manning" (Tr. 103).

Manning's reply was, "I know where you live and I put mail in your box. I put mail there today" (Tr. 103).<sup>7/</sup> And when Daisy Hadden said, "I know you did, I saw you," Manning closed the discussion with, "I still don't know you" (Tr. 103). He did not even ask for the money order receipts which he himself had issued and which certainly would establish identity and residency.

<sup>5/</sup> Manning did not deny that Hadden offered his driver's license, although it is not altogether clear whether this was on his first or third attempt to register (Tr. 102).

<sup>6/</sup> See Table A which identifies the various groups of Negroes who sought to apply for registration in East Carroll Parish.

<sup>7/</sup> Exhibits G-5 and G-6 substantiate that Manning carried the mail on Route 3 on that day, March 17, 1961.

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Manning in his own testimony recalled James Hadden "giving his name as James L. Hadden" (Tr. 193). He said, "I know where the box [Hadden's] is, yes, sir" and "I have put mail in that box, Box 90" (Tr. 197). Manning also testified that he could not recall "placing any mail in the Haddan's [sic] box other than for the Haddans [sic]" (Tr. 197). Manning recalled the Hadden's appearance at his office with the Artleys (Tr. 195), who also live on Route 3 (Tr. 199), and that they left their names with him on that occasion (Tr. 193 and 195).

When they later came to his office (Tr. 17; Tr. 100; Tr. 101), he did not "know" them and their reminding him of their previous visits (Tr. 32) and of their dealings with him on the mail route (Tr. 103) did not help them. He still claimed that he did not "know" them (Tr. 32; Tr. 103).

In contrast with the Haddens, is the case of Mrs. Brzozowske, a white woman. She had never seen Manning before she went to his office to register (Tr. 86). Yet Manning claimed that he "knew" Mrs. Brzozowske (Tr. 221).<sup>8/</sup>

In short, Manning "knows" a white woman who does not know him and has never seen him before. He does not "know" a Negro to whom he has delivered mail numerous times over the years, to whom he has offered to sell goods from his store on credit and who has been in his office several times.

In truth Manning's decision whether he knows an applicant is based on the applicant's race. Robert E. Hicks, a white man, was allowed to apply and register without any identification (Tr. 54). He did not know Manning (Tr. 54). He had never seen him before (Tr. 55). Manning did not deny this.

<sup>8/</sup> Carl Brzozowske testified for the defense that he introduced his wife to Manning. This would hardly have been necessary if Manning had known her as he said he did.

b. Introduction by a Person Known to the Registrar

Manning testified that he will permit applicants to apply for registration if they are identified or introduced to him by someone he "knows" (Tr. 223). However, he has placed a significant restriction on the application of this principle -- one Negro may not identify another Negro. In other words, the identifying witness must be a white person.

A typical example of this sort of identification is Dedie John Holloway, a white applicant who did not know the registrar (Tr. 60). She was accompanied to the registrar's office by her brother (Tr. 59) who knew Manning (Tr. 60). When they arrived, her brother told Manning, "This is my sister I brought to register" (Tr. 59). Her brother then left, and she registered without further identification.

When Gerald Dean King, a white man, came into Manning's office to register, Deputy Sheriff Morris Coleman was there (Tr. 133). King was acquainted with Coleman and they struck up a conversation (Tr. 134). Manning let King apply without asking for any further identification (Tr. 134).<sup>9/</sup>

On the other hand, when Watson Sanders, a Negro, went to register, Sheriff Gilbert and Manning came in the registrar's office together after Sanders had arrived. The sheriff addressed Sanders by name, saying, "What do you want, Watson?" (Tr. 141). Sanders told him that he had come to register, and Sheriff Gilbert said that he would need someone to identify him (Tr. 141). After Gilbert left the room, Manning explained that Sanders would have to get two registered voters to come into the registrar's office and sign some papers to identify him (Tr. 142).<sup>10/</sup>

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<sup>9/</sup> Defense witness Coleman, a political office holder, testified that he introduced Manning and King.

<sup>10/</sup> Defense witness Sheriff Gilbert, an elected official of East Carroll Parish who was in the courtroom during

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At times Manning went out of his way to accommodate white applicants. Sheriff Gilbert, a defense witness, testified that, "Mr. Manning, on several occasions, there would be people walking in the courthouse and he would ask me if I knew them before they would get in the building" (Tr. 182). He only did this with white people. Manning never asked Sheriff Gilbert to identify any Negroes (Tr. 182).

He not only did not ask the Sheriff about Negroes on his own volition; he did not inquire about those who told him they knew the Sheriff. Joseph Atlas, a Negro who also lives on mail Route 3 (Tr. 42), tried to register in April 1961 (Tr. 44). Manning asked him if anybody in the Sheriff's office knew him (Tr. 44). Atlas told Manning that they did know him. Instead of making the inquiry that he would have made for a white applicant, Manning told Atlas that he was going strictly by the letter of the law and told him to get somebody under oath to identify him (Tr. 45). Although Atlas had his driver's license with him, Manning did not ask for it or for any other kind of identification (Tr. 47).

Reverend Otis Virgil, a Negro, also attempted to register in April 1961. Virgil told Manning that he was well known in the courthouse and that he was a taxpayer (Tr. 66). But Manning did not attempt to ascertain his identity. He did not, as he had done with white applicants, step across the hall to inquire about this applicant in the Sheriff's office. He did not go to the tax assessor's office which is next to the registrar's office to check Virgil's tax records

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10/(cont.) Sanders' testimony, later testified that he did not recall the day that Sanders testified about. He said that he did not have a discussion with Sanders in the presence of Manning concerning registering to vote. Although Sheriff Gilbert knows many Negroes in the Parish, he has never identified any of them to the registrar, but he has identified white applicants for registration (Tr. 182; Ex. G-7, application of Charlie Wright).

containing his signature, although with white persons he would check prior registrations and compare signatures. Manning did not even ask to see his driver's license or other papers, he just said, "I don't know you." (Tr. 72).

In 1959, Manning's first year as registrar, Juanita McCaskill, a white woman, went in to register. Her mother, who was already registered, went with her. Neither Juanita McCaskill nor her mother knew Manning (Tr. 150; Tr. 152; Tr. 155).<sup>11/</sup> Manning did not ask her for any evidence of her identity (Tr. 152). She was permitted to apply for registration (Tr. 149). Manning admitted that he did not know this witness (Tr. 222). He "presumed" that McCaskill was identified by her mother and that he identified her mother by her previous registration (Tr. 222).<sup>12/</sup>

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<sup>11/</sup> On cross-examination Mrs. McCaskill testified as follows:

Q Isn't it entirely possible Mr. Manning let you register because your mother brought you in and he knew who you were because he knew your mother?

A No, sir, he did not know my mother.

Q Why do you say that?

A My mother had never seen him before she came to the office. (Tr. 151-2)

Later, still on cross-examination she testified as follows:

Q You are positive Mr. Manning didn't identify you through your mother? That is what you are trying to tell me?

A No, sir, he didn't do that. He didn't know my mother.

Q You are trying to tell me Mr. Manning did not know your mother?

A Yes, sir, he didn't know her. (Tr. 154-5)

<sup>12/</sup> When he was asked if he knew her mother, he answered, "I know her as a registered voter" (Tr. 222). Surely all the

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Manning does not permit Negroes to be identified by Negroes (Tr. 219). On March 17, 1961, a group (Group III) of about 14 Negroes presented themselves at Manning's office seeking to register (Tr. 17; Tr. 101; Tr. 206). One of them was Frank Nervis who is a customer at Manning's store (Tr. 226) and is well known to Manning (Tr. 194; Tr. 206; Tr. 209). Manning, although he admitted knowing Nervis, claims that he did not know any of the others in the group (Tr. 209). Yet he did not ask Nervis if he knew any of the others nor did he ask them if they knew Nervis (Tr. 103). He just told the others that he did not know them, but that he would talk with Nervis (Tr. 103). The others left, and after Nervis and Manning were alone, Otis Blockwood, another Negro, came in (Tr. 73). Blockwood told Manning that he had come to register and started to show Manning his military discharge papers, driver's license, hunting license and other papers. Manning said he did not want to see them (Tr. 74). Nervis and Blockwood know each other, they belong to the same church (Tr. 78), but Manning did not inquire whether they knew one another.<sup>13/</sup>

## c. Previous Registration

Persons unknown to Manning who had been previously registered were permitted to reregister without further proof of their identify. However, no Negroes have been registered since 1922. This being so, Manning applied his "previous registration" test with great flexibility.

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<sup>12/</sup> (cont.) questions about her mother set out in Footnote 11 would have elicited from witness McCaskill that Manning looked up her name in the records, if such had been the case.

<sup>13/</sup> After Blockwood left, Manning rejected Frank Nervis on the ground that he was not qualified (Tr. 210).

In McCaskill's case Manning "presumed" that she was identified by her mother who was in turn presumably identified by her previous registration (Tr. 222).

Alexander McPherson provides a more extreme example of the same type. He went to register along with his wife and son (Tr. 166). None of them knew Manning (Tr. 166). He showed Manning a registration certificate from Franklin Parish (Tr. 166) and told him whose farm they were living on (Tr. 168). On the strength of this Manning let them apply without further identification and registered them (Tr. 168). Manning could not even have checked his own records for a signature comparison. As proof of residence, a prior registration in another parish tends to disprove rather than to prove that the requirement has been met.

d. Affidavits of Identity

Four groups of Negroes and three individual Negroes have presented themselves at Manning's office seeking to apply for registration to vote. Manning made it clear to each group that they would not be permitted to apply for registration without first obtaining affidavits of identity from two registered voters.<sup>14/</sup>

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<sup>14/</sup> See Tables A and B, which list the names of all Negro applicants referred to in the testimony and give the transcript references for the testimony of each witness concerning each registration attempt by Negroes. With respect to the different groups, Manning testified as follows:

Hadden Group - ". . . I told them I did not know them, and under those conditions they would have to furnish me with identification . . . . People to identify them." (Tr. 195)

Group I - "I told them, because I did not know them, they would have to secure an affidavit from two voters to identify them." (Tr. 203)

Negroes were never successful in their efforts to obtain identifying witnesses from among the white voters (Tr. 51; Tr. 158; Tr. 171).

It is clear that even if a Negro had succeeded in obtaining two white voters to identify him, it would not have benefited any other Negro applicants since Manning testified that (1) he would not permit one Negro to identify another Negro (Tr. 219)<sup>15/</sup> and that (2) he would not permit two registered voters to identify a group of persons (Tr. 203).<sup>16/</sup>

As pointed out earlier, the standards which Manning claims to use are discriminatory per se because in order to register to vote in East Carroll Parish a Negro must get a white person to identify him - - the registrar, the sheriff, his deputy or some other white person.

This has long been the method by which Negroes have been excluded from voting in East Carroll Parish. Under present practice the voucher must be obtained before the person seeking to apply can have an application form. In 1952, when Mrs. Beard was registrar, the practice was to permit the applicant

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<sup>14/</sup> (cont.)

Group II

- "I did not know any of them, still, and I would still require them to get positive identification." (Tr. 205)

Group III

- Manning did not testify as to what he told this group, but other witnesses did. (Tr. 17; Tr. 101).

<sup>15/</sup> This proved to be the case in 1961 when one of the members of Group III, Frank Nervis, who was known to Manning (Tr. 194; Tr. 206; Tr. 209), was not asked if he could identify any of the other Negroes in the group (Tr. 84; Tr. 103).

<sup>16/</sup> However, Manning was testifying about a group of Negroes. On December 9, 1959, Manning allowed two white voters, A and B, to identify three white applicants, X, Y, and Z, by having A and B identify X, A and X identify Y, and B and X identify Z (Ex. G-7, Affidavits for Charlie Dobson, Cecile Simon Dobson and Ben Ealbridge Tomblin). (See Exhibit Summary).



to fill out the form and then require him to obtain his vouchers (Tr. 50).

Furthermore, it is a long standing custom in this segregated parish that white people will not identify Negroes seeking to register to vote. Joseph Atlas tried unsuccessfully in 1952 to obtain two white witnesses to identify him. One was a man he had been doing business with all of his life (Tr. 51). Percy Knighton, a Negro, in 1959 asked two white men he knew to vouch for him. One said that he did not want to get into it "because it was too much damn red tape in it" (Tr. 172). The other one said he did not have time (Tr. 172). Bertha Williams, a Negro woman, in 1959 asked the white couple in whose house she works as a domestic servant about identifying her. They would not identify her (Tr. 158).

In 1961 when a group of Negroes appeared at the registrar's office, a white man, Charlie Leach, was there filling out a registration form (Tr. 23; Tr. 101). James Hadden said aloud, "There is Mr. Charlie Leach. He knows me," Leach got up and ran out (Tr. 23; Tr. 102). The Haddens had been dealing at Leach's store for two or three years (Tr. 102).

It is perfectly clear that the affidavit of identity is Manning's first resort for excluding Negroes from voting, but is never used to exclude white people from voting. The defense failed to show a single instance where a white person had been kept from registering by reason of insufficient identification. Of approximately 1,200 applications of white persons accepted by Manning since he took office (Tr. 184), only 15 were accompanied by affidavits of identity (Ex. G-7). Even these few are not entirely free from irregularities under Manning's standards.<sup>17/</sup>

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<sup>17/</sup> Exhibit G-7. Affidavit for Charlie Wright (Sheriff Gilbert signed affidavit, but if he knew the applicant, an affidavit would not have been necessary). Affidavit for J. E. Mills (D.E. Williams of different precinct signed). See also fn 16, supra.

3. Summary

The total disfranchisement of Negroes in East Carroll Parish is perpetuated by the identification requirement which prevents Negroes from applying for registration and from having their qualifications tested.

a. Negroes cannot identify themselves by driver's licenses, military documents, homestead exemption certificates, and the like, because these forms of identification are not acceptable to the registrar.

b. Negroes cannot identify themselves under the "acquaintance" standard because (1) the registrar "knows" very few Negroes in the Parish and (2) the registrar disclaims knowing even those Negroes with whom he has regular dealings.

c. Negroes cannot be identified by others because (1) the others must be "known" to the registrar and he knows very few Negroes; (2) Negroes are not allowed to identify other Negroes; and (3) white persons will not identify Negroes.

d. Negroes cannot be identified by their previous registration because none has been registered since 1922.

In short, Negroes cannot register. The registration door is closed to Negroes by a technical, legalistic bar. The standard application form (which Negroes are never permitted to fill out) calls for the length of residence and the signature of the applicant, together with other identifying data. The application is sworn to and subscribed before the registrar. It is in effect an affidavit made under oath by the applicant. The law provides penalties for false statements made by the applicant in filling out the application. Unless there are unusual circumstances (which cannot include the race of the applicant), the application process itself places information before the registrar sufficient to give him reasonable grounds to believe that the applicant is the person he represents himself to be.

In unusual circumstances where it may be necessary to go beyond the application itself other reasonable means of identification should be sufficient, such as a driver's license, a hunting license, homestead exemption certificate, tax records, military identification documents, or the like. As a philosophical matter, identity can never be proved to a certainty. Proof is rather a matter of reasonable probability. When a man produces documents bearing the name or signature which he claims to be his, it is probable that he is being truthful.

The practices of the defendants disclosed by the evidence in this case reflect the attitude of the registrar and the white community in which he lives -- that voting is a right to be exercised by white persons and a privilege not to be extended to Negroes.

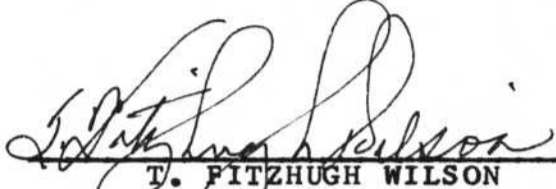
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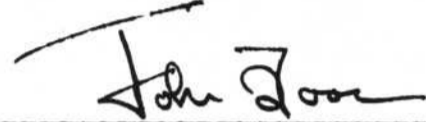
THE ACTS ENGAGED IN BY THE DEFENDANTS HAVE BEEN PURSUANT TO A PATTERN OR PRACTICE OF RACIAL DISCRIMINATION

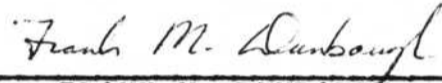
The evidence in this case compels the conclusion that Negroes in East Carroll Parish have been deprived of the right to register and to vote on account of their race. The standards of identification which Manning has continuously maintained for as long as he has been registrar are discriminatory, per se. The efforts of Negroes to register in every year during Manning's tenure<sup>r</sup> as registrar have been thwarted by his continued insistence upon the rule that Negroes must be identified by registered voters. There are no Negro registered voters. There have been none since 1922. This policy has prevailed since


before Manning became registrar and will continue until it is enjoined by this Court. No pattern could be more pronounced; no practice more persistent.

Respectfully submitted,

  
T. FITZHUGH WILSON  
United States Attorney

  
JOHN DOAR  
Attorney, Department of Justice

  
FRANK M. DUNBAUGH  
Attorney, Department of Justice

  
DAVID L. NORMAN *By*  
Attorney, Department of Justice *DL*

# NATIONAL ARCHIVES - SOUTHWEST REGION

## SUMMARY OF EXHIBITS

- G-1 Census Certificate showing voting age population of East Carroll Parish.
- |           |              |
|-----------|--------------|
| Whites    | 2,990        |
| Nonwhites | 4,183        |
| Total     | <u>7,173</u> |
- G-2 Receipt of Rural Carrier No. 117, dated January 4, 1958, in the amount of \$7.65, made out to J. L. Hadden, and signed by C. E. Manning.
- G-3 Receipt of Rural Carrier No. 231, dated February 5, 1959, in the amount of \$2.79, made out to James L. Hadden, and signed by C. E. Manning.
- G-4 Receipt of Rural Carrier No. 429, dated March 18, 1961, in the amount of \$3.15, made out to J. L. Hadden, and signed by C. E. Manning.
- G-5 Rural Carrier Trip Reports for Route 3, Lake Providence for the period January 1, 1957, until November 10, 1961.
- G-6 Signed statement of Assistant Postmaster Indus Reginald Hill containing a synopsis of the Rural Carrier Trip Reports for Route 3, Lake Providence, for the period January 1, 1957, until June 23, 1961.

G-5 and G-6 reflect that Manning served as substitute carrier on Route 3 and that he delivered the mail on that route as follows:

<u>Year</u>	<u>No. of Dates</u>
1957	32
1958	24 <u>1/</u>
1959	43
1960	40
1961	26
	<u>165</u>

1/ G-5 shows Manning as carrier on July 28 through 31, 1958 and August 1, 1958. G-6 fails to reflect this.

# NATIONAL ARCHIVES - SOUTHWEST REGION

G-7 Affidavits of Identity. No other applicants were required to have affidavits. These are all executed on behalf of white applicants (Tr. 176).

<u>Date</u>	<u>Applicant</u>	<u>Ward &amp; Precinct</u>	<u>Affiants</u>
9-24-59	Mrs. Emma H. Parker	2 - 1	K. E. Mangum; J. J. Parker
9-24-59	Mrs. J. O. Ross	2 - 1	Doris J. Bradley; Emma Hammond Parker
10-15-59	Iva Bruce Hunt	3 - 1	F. J. Johnson; Roy W. Sullivan
10-15-59	Charlie Wright	3 - 1	Edna Bishop Brock; John W. Gilbert
11-2-59	Hazel A. Humphrey	1 - 1	Mrs. Mildred Hughes; Sylvester Hughes
11-2-59	J. J. Mobley	7 - 1	George P. Bishop; James Bishop
11-2-59	Jessie Estelle Pipkin	1 - 1	Mrs. Mildred Hughes; Sylvester Hughes
11-2-59	Dandridge E. Williams	3 - 1	Marvin M. Mills; Mary Grace Mills
12-8-59	Archie James McWilliams	3 - 1	Bertha A. B. McWilliams; Donald L. Stephens
12-9-59	Cecile Simon Dobson	7 - 1	Charlie Dobson; D. H. Smitherman
12-9-59	Charlie Dobson	7 - 1	J. M. Dawdy; D. H. Smitherman
12-9-59	Ben Ealbridge Tomblin	7 - 1	J. M. Dawdy; Charlie Dobson
4-20-60	Joe B. Colvert	3 - 1	W. Y. Bell; Frank Byerley
6-17-60	Juddie Earnest Mills	3 - 2	Thomas E. Bass; Dandridge E. Williams
11-4-60	Frank Brown	1 - 1	Robert Thomas Foster; George W. Vining

# NATIONAL ARCHIVES - SOUTHWEST REGION

- G-8 Letter dated January 16, 1961, from Hugh E. Cuf<sup>r</sup>, Director, State Board of Registration, to Cecil E. Manning, Registrar of Voters of East Carroll Parish, setting forth suggested procedures.
  
- D-1 Statement of witness Daisy L. Hadden, given to Bernard J. Doyle and William E. Dent, Special Agents of the Federal Bureau of Investigation on March 28, 1961.
  
- D-2 A blank Application for Registration form.

TABLE A  
GROUPS OF NEGRO APPLICANTS

HADDEN GROUP (1959)

Applicants

James L. Hadden  
 Daisy L. Hadden  
 Alex Artley  
 Sally Artley

Witnesses

James L. Hadden (Tr. 7)  
 Daisy L. Hadden (Tr. 99)  
 Cecil Manning (Tr. 195)

GROUP I (Late 1959)

Applicants

Rev. John H. Scott  
 Bertha Williams  
 Caroline Gilliard Wilson  
 Percy Knighton  
 Mr. Maxwell

Witnesses

Bertha Williams (Tr. 156)  
 Caroline Wilson (Tr. 36)  
 Percy Knighton (Tr. 170)  
 Cecil Manning (Tr. 201)

Between 8 and 14 altogether 1/ 2/

---

1/ Testimony of Cecil Manning (Tr. 201).

2/ Witness Wilson thought that Joseph Atlas might have been in this group, but Atlas' testimony does not bear her out.



GROUP II (1960)

Applicants

James L. Hadden  
Daisy L. Hadden  
Rev. John H. Scott  
10 or 12 altogether 3/

Witnesses

James L. Hadden (Tr. 17)  
Daisy L. Hadden (Tr. 100)  
Cecil Manning (Tr. 204)

GROUP III (March 17, 1961)

Applicants

James L. Hadden  
Daisy L. Hadden  
Rev. Smith  
Mrs. Smith  
Rev. Mason  
Frank Nervis  
Anderson Lee  
Otis Blockwood  
Rev. John H. Scott  
About 14 altogether 4/

Witnesses

James L. Hadden (Tr. 17)  
Daisy L. Hadden (Tr. 101)  
Otis Blockwood (Tr. 73)  
Cecil Manning (Tr. 206)

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3/ Testimony of Cecil Manning (Tr. 204).

4/ Testimony of Daisy Hadden (Tr. 101).

TABLE B

Individual Negro Applicants

1. Watson Sanders (September, 1959)  
Sanders (Tr. 140); Manning (Tr. 212)
2. Joseph Atlas (April, 1961)  
Atlas (Tr. 44); Manning (Tr. 200)
3. Rev. Otis Virgil (April, 1961)  
Virgil (Tr. 66); Manning (Tr. 201)

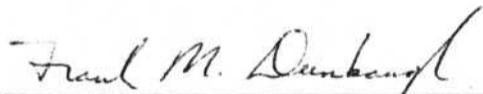
CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February 1962, I served defendants with the foregoing Proposed Findings of Fact, Conclusions of Law and Decree and Brief in Support thereof by mailing copies by United States mail to:

Honorable Jack P. F. Gremillion  
Attorney General  
State of Louisiana  
Baton Rouge, Louisiana

Harry J. Kron, Jr.  
Assistant Attorney General  
State of Louisiana  
Baton Rouge, Louisiana

Thompson L. Clarke  
District Attorney, 6th Judicial  
District  
Locker Box 108  
St. Joseph, Louisiana

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Frank M. Dunbaugh, Attorney  
Department of Justice