

6 CCR  
3  
meet  
405  
v.2

COMMISSION ON CIVIL RIGHTS  
WEDNESDAY MORNING SESSION  
SEPTEMBER 28, 1960

HEARING HELD  
INC  
NEW ORLEANS, LOUISIANA

ms T. L. ...

HART & HARKINS  
SHORTHAND AND STENOTYPE REPORTING  
930 F STREET, N. W.  
WASHINGTON 4, D. C.  
NATIONAL 8-0343

CCR  
3  
Meet.  
405  
v.2

## COMMISSION ON CIVIL RIGHTS

- - - -

## WEDNESDAY MORNING SESSION

September 28, 1960

- - - -

The Commission met in Room 222, U. S. Circuit Court of Appeals Room, Federal Post Office Building, New Orleans, Louisiana, at 9:00 a.m., Wednesday, September 28, 1960, Dr. John A. Hannah, Chairman of the Commission, presiding.

- - - -

## PRESENT:

JOHN A. HANNAH (Chairman)

ROBERT G. STOREY (Vice Chairman)

DOYLE E. CARLTON (Commissioner)

REVEREND THEODORE M. HESBURGH (Commissioner)

GEORGE M. JOHNSON (Commissioner)

ROBERT S. RANKIN (Commissioner)

## ALSO PRESENT:

GORDON M. TIFFANY (Staff Director)

BERL I. BERNHARD (Deputy Staff Director)

A. H. ROSENFELD (Director, Division of Complaints, Investigations and Surveys)

ALSO PRESENT:

WILLIAM MOTTOLESE

CHARLES ED CLARK

DAVID KOONCE

W. OTTO McLARRIN

NORMAN E. SIMPSON

EZEKIEL SMITH

- - - -

P R O C E E D I N G S

CHAIRMAN HANNAH: This hearing is now in session, and I should like to introduce into the record some correspondence.

The first is a letter sent to the Commission dated August 19, 1960, signed by Frank Voelker, Jr., State Sovereignty Commission. Communication addressed "United States Civil Rights Commission, Washington 25, D.C. Attention Mr. Tiffany, Director."

"Gentlemen: We would appreciate it very much if you would promptly advise the date, time and place of your next proposed Louisiana hearing. We would appreciate being informed as to the nature of this hearing, the manner in which it is to be conducted, whether or not it will be open to the public, and to what extent public officials and representatives of the State of Louisiana will be permitted to participate.

"Your prompt reply will be very much appreciated. Yours very truly, State Sovereignty Commission," signed Frank Voelker, Jr., Chairman.

The reply is dated August 24, to the Honorable Frank Voelker, Jr., Chairman, State Sovereignty Commission, State Capitol Building, Baton Rouge, Louisiana.

"Dear Chairman Voelker: In answer to your inquiry of August 19, 1960, we advise you that the next hearing

scheduled by this Commission is to be held in New Orleans on September 27 and 28. We will advise you about precise details when arrangements have been completed.

"The nature of these hearings will be to hear facts as to whether or not a citizen or citizens of the United States are being denied their right to vote and have that vote counted because of race, color, religion or national origin. It will be conducted in the manner provided by the Rules previously adopted by this Commission and recently approved by the decision of the United States Supreme Court in Hannah versus Larche. I regret that I do not have additional copies of this opinion for distribution, but copies may be obtained from the Clerk of the Supreme Court, Washington 25, D.C.

"The hearings will be open to the public. Public officials and representatives of the State of Louisiana will be permitted to appear and offer testimony relevant and material to the issues and in accordance with the Rules of Procedure of this Commission, a copy being enclosed for your information."

On August 24, a letter was sent to the Honorable Jack P. F. Gremillion, the Attorney General, State of Louisiana, Baton Rouge, Louisiana.

"Dear General Gremillion: This is to give you formal notice of the public hearings which the Commission on Civil Rights has scheduled for September 27 and 28, 1960, in

New Orleans. As soon as arrangements have been completed we will send you information as to the precise building in that area.

"I am pleased to enclose a copy of the Rules of Procedure which the Commission will follow in the conduct of these hearings. The nature of the hearings will be to hear facts as to whether or not a citizen or citizens of the United States are being denied their right to vote and have that vote counted because of race, color, religion or national origin." Signed for the Commission by Gordon M. Tiffany, Staff Director.

The next is a telegram dated September 13 from Baton Rouge, addressed to the Honorable Gordon M. Tiffany, Director of Civil Rights Commission, 726 Jackson Place, Washington, D.C.

"Reference proposed Civil Rights hearing New Orleans, September 27 and 28. We note that no registrars of voters have at this late date been subpoenaed. Not knowing the nature of your hearing, would appreciate being advised whether or not any registrars of voters will be subpoenaed. If so, who and whether or not records are to be subpoenaed. Suggest postponement of your hearing because of extreme likelihood of interfering with preparation of voter lists and so forth. All as required by Louisiana law for general special referendum during month of October." Signed Jack P. F. Gremillion,

Attorney General of Louisiana.

On the same date, September 13, 1960, a telegram from Mr. Tiffany to the Honorable Jack P. F. Gremillion, Attorney General, State Capitol, Baton Rouge, Louisiana.

"Re ur tel today... List of witnesses for September 27 and 28 hearings has not been finally determined. You will be notified simultaneously of any subpoenas served upon registrars," and signed by Gordon M. Tiffany, Staff Director, Commission on Civil Rights.

Prior to this, and it should have been introduced earlier, before the last exchange of telegrams, is a letter August 29, 1960 to Mr. Gremillion.

"Dear General Gremillion: With further reference to the notice of hearings scheduled for New Orleans on September 27 and 28, this is to inform you that the hearings will be held in Room 222, Camp Street, Federal Post Office Building, New Orleans, commencing at 9:30 a.m., September 27."

Signed Gordon M. Tiffany.

On the same date, the same letter to Chairman Voelker of the State Sovereignty Commission.

"With further reference to the notice of the hearings scheduled for New Orleans September 27-28, this is to inform you the hearings will be held in Room 222 of the Federal Post Office Building on Camp Street, New Orleans, commencing at 9:30 a.m. September 27." Signed Gordon M. Tiffany.

This morning on arrival here there was delivered to me as chairman of this Commission six telegrams which were received about twenty minutes ago, and I shall for the purpose of the record read them into the record.

The first one is: "Chairman John A. Hannah" --

This is from Homer, Louisiana.

-- "Civil Rights Commission, 222 Federal Court Building, New Orleans.

"Understand from news media that a witness before your committee testified that some time ago that I threatened his life if he attempted to register to vote. As sheriff of Claiborne Parish during that period I deny this false statement. To my knowledge no one has been threatened because of their wanting to register to vote. Am sending a copy of this telegram to the Attorney General Jack P. F. Gremillion, Roosevelt Hotel, New Orleans." Signed John M. Brown.

The next one is from Natchitoches, Louisiana. It

"John A. Hannah, Chairman, Civil Rights Commission, Room 222, Federal Courts Building, New Orleans.

"Emphatically deny all charges of any discrimination against Negroes on my part in Natchitoches and Red River Parishes alleged and made over radio, television and in press. If you want to find out the true facts, suggest you hear us just as you have others." Signed Lester Hughes, District Attorney, Natchitoches and Red River Parish.



Next one: "St. Joseph, Louisiana. Honorable John A. Hannah, Chairman, Civil Rights Commission, Room 222, Federal Court Building, New Orleans.

"Newspaper reports indicate witnesses from East Carroll and Madison Parishes attending hearing have been denied right to vote. Be advised that these complaints were adjudicated in Federal Court of Louisiana, Western District, and their cases dismissed. Attorney Sharp of Monroe represented the Madison Parish petitioners. All other allegations made in the testimony of these parties untrue.

"We demand you have further hearings before the same news media which you have assembled and afford us the opportunity to refute these untrue allegations. This is the only way we can intelligently determine the fair and impartial facts.

"It is my understanding your Commission is interested in determining whether or not Negroes are actually denied the right of suffrage. If I am correct in this assumption, congressional mandate requires that you report the true facts to the President of the United States, and this can only be done by calling the requested hearing.

"Am releasing this telegram to press and Honorable Jack T. F. Gremillion, Attorney General of Louisiana, in New Orleans." Signed Thompson L. Clark, District Attorney, Sixth Judicial District, Madison, East Carroll, and Tensas Parishes.

The next one is Shreveport, Louisiana: "John A. Hannah, Chairman, Commission on Civil Rights, Room 222, Post Office Building, New Orleans.

"Newspaper accounts indicate a total of seven Negroes from Bossier and Webster Parishes gave false testimony under oath today regarding alleged deprivation of voting or other rights in my district. I am prepared to prove that none of the seven possesses legal qualifications for voting and request on behalf of our registrars of voters opportunity to rebut these false accusations before same mass news media afforded by you to these perjurers." Signed Louis H. Padgett, District Attorney, 26th Judicial District of Louisiana.

Next from Shreveport: "John A. Hannah, Chairman, Civil Rights Commission, Room 222, United States Post Office, New Orleans.

"This is to officially inform you that none in the Caddo Parish District Attorney's office has ever denied anyone of his right to vote or register to vote nor ever advised or counseled any registrar of voters to discriminate in any way against anyone attempting to register, and furthermore, none has ever made any complaint to this District Attorney's office that he has been discriminated against by any registrar or other public official in offering to register to vote. All of which can be verified at any time, in a full, open public hearing, with full right of cross examination." Signed

John A. Richardson, District Attorney, First Judicial District of Louisiana.

The last one, from Shreveport, Louisiana: "Civil Rights Commission, Room 222, Federal Court Building, New Orleans.

"Am advised by news media that in the Civil Rights hearing now being held certain accusations have been made against me by one Reverend Harry Blake. His remarks are absolutely false. He has been arrested and convicted. Certified copies of court convictions are available to support this. Further, I state emphatically and with absolutely no reservation that I have never entertained the thought of framing or harrassing anyone, regardless of race, color or creed, in the years I have been in law enforcement work. I regret that the Commission has not given me an opportunity to defend myself against these accusations. I stand ready at any time to furnish information to the proper authorities or to the Commission that will be most revealing to the background and activities of the so-called 'Reverend Harry Blake.'" Signed Harvey D. Teasley, Chief of Police.

We offer all of this correspondence for the record. In view of these telegrams, the Commission has decided to proceed with the hearing as originally planned through this morning until it is completed.

We do not intend to vary from our rules and have

this become a forum for political debate.

However, if there are any registrars in any of the parishes from which we have heard witnesses that want to be heard, this Commission will remain in session this afternoon to hear such registrars, not the people that have sent the telegrams, but, I make perfectly clear, the registrars who are accused of discrimination will be given an opportunity if they wish to appear this afternoon, and the Commission will remain in session for that purpose.

We would appreciate it if the representatives of the Attorney General could advise us by noon or 12:30 whether or not he knows of any of the registrars of these parishes that would like to be heard.

MR. DALTON: We will do so, Mr. Chairman, as quick as possible. These registrars, of course, are from the extreme northern part of the state. It may be impossible to get any of them here, but we will try to get the state police to fly some of them down.

CHAIRMAN HANNAH: If you could notify us by the time we adjourn this noon, so we would know what to expect.

MR. DALTON: As quickly as I can, sir.

CHAIRMAN HANNAH: Dean Storey, will you take over and resume the hearing?

(Vice Chairman Storey assumed the chair at this point.)

VICE CHAIRMAN STOREY: Mr. Bernhard, I believe the next item calls for some documentary evidence.

MR. BERNHARD: That is correct, Mr. Vice Chairman.

For the record, and prior to getting into the regular order of the documentaries, I would like to make one statement for the record, that in response to a question from Commissioner Hesburgh yesterday regarding the present level of registration, the 1960 level, I indicated that the per cent of white registration was 82. That actually is the per cent of literacy of the Negro age 21 and over. The actual per cent is 74 per cent, and the per cent of total voting population; that is, out of 100 per cent of those who were registered in the state, 86 per cent are white.

We are ready to proceed. The first document I would like to have identified and marked as Exhibit E is a state court case entitled Thomas v. McElveen. It was decided on April 6, 1959 in the 22nd Judicial Court of Ouachita Parish, Civil Docket Number 27,751. It deals with the discretion of the registrars. It will be discussed at a later point, but I would just like it identified now.

(The document referred to was marked Exhibit Number E for identification.)

MR. BERNHARD: May it please the Commission, in the month of January 1959 an agreement was made between the

Honorable Gordon M. Tiffany, Staff Director of the United States Commission on Civil Rights, and Attorney General Gremillion of Louisiana that we would advise Attorney General Gremillion respecting registrars that we might wish to interview in Louisiana. As a result, Colonel Rosenfeld met with Attorney General Gremillion February 27, 1959. The Attorney General advised Colonel Rosenfeld that he would personally join him in certain interrogations, and the parishes which were determined were those of Webster and Caddo, both of which were involved in the oral presentations yesterday, even though at that time there were additional parishes involved.

As a result of this conference, arrangements were made to interview registrars of Caddo and Webster Parish on March 12, 1959. Mr. U. Charles Mitchell, registrar of voters for Caddo Parish, Louisiana, was interviewed by Colonel Rosenfeld in Caddo Parish Court House in Shreveport, Louisiana in the morning. There were a number of individuals and public officials, private individuals and public officials, present, some of whom, in addition to Colonel Rosenfeld and Mr. Mitchell, were the Attorney General, Jack Gremillion, who was acting as counsel for Mr. Mitchell, Mr. William Shaw, attorney for the Joint Legislature Committee of the State of Louisiana, Mr. Ford Stinson, member of the Joint Legislative Committee, and representatives of the District Attorney's office of Caddo Parish. This interview was tape recorded and a copy duly

certified by V. E. Creiglaw, deputy clerk, First Judicial District Court of the State of Louisiana and notary of Louisiana.

This transcript was then forwarded to the Commission.

In the afternoon of the same day -- that is, March 12, 1959 -- Colonel Rosenfeld interviewed Mrs. Winnice P. Clement, registrar of voters for Webster Parish, Louisiana, at the Webster Parish Court House, Minden, Louisiana. Those present in addition to Colonel Rosenfeld and Mrs. Clement were Attorney General Gremillion, who acted as counsel for Mrs. Clement, Mr. John P. Campbell, Mrs. Clement's personal attorney, Senator William Rainach of Homer, Louisiana, and chairman at that time of the Joint Legislative Committee. Mr. William Shaw was acting as attorney for the Legislative Committee, and Representative John Garrett, a member of the Legislative Committee.

In addition, there were certain representatives of the District Attorney's office of Webster Parish.

As the Commission may have noted yesterday as a result of the oral testimony, there are certain distinct variations in the methods employed by registrars in the different parishes, particularly affecting the application of the so-called literacy test.

The following excerpts taken from these two interviews compare the operations of the registrars in Webster and

Caddo Parishes.

These excerpts, I submit, will reflect not only differences in basic approach, but establish a wide discretion which is afforded to each registrar in administering the Louisiana voting laws.

The first excerpt deals with the application of the literacy test.

At this point I would like to have identified and marked as Exhibit F the interview of Mr. U. Charles Mitchell, registrar of voters for Caddo Parish by Colonel A. H. Rosenfeld, Jr.

(The document referred to was marked Exhibit Number F-1 for identification.)

MR. BERNHARD: The first excerpt dealing with literacy tests goes as follows:

"Colonel Rosenfeld: Now, what efforts do you make to comply with the literacy requirement?"

"Mr. Mitchell: Just as provided by law.

"Colonel Rosenfeld; Now, in that respect do you have them read and interpret sections of the Louisiana or the United States Constitution?"

"Mr. Mitchell: I have not applied that, Colonel. I have not found that it was actually necessary up to this



point.

"Colonel Rosenfeld: Then when these people do come in, what is?

"Mr. Gremillion: May I say something?

"Colonel Rosenfeld; Surely.

"Mr. Gremillion: Mr. Mitchell, as I understand the matter -- I talked to you about this -- I understand that you have never applied the Constitution test since you have been registrar to anyone.

"Mr. Mitchell: No, sir.

"Mr. Gremillion: Regardless of race, creed or color?

"Mr. Mitchell: Not a single person."

The next exhibit I would like to have identified as Exhibit F-2 -- the prior one should be known as Exhibit F-1 -- was the interview with Mrs. Winnice P. Clement, registrar of voters for Webster Parish, by Colonel A. H. Rosenfeld, Jr., and this will compare the application of the literacy test.

(The document referred to was marked Exhibit Number F-2 for identification.)

MR. BERNHARD: "Colonel Rosenfeld: Then after the applicant fills out this form, do you then ask him or her to read and interpret a section of the Louisiana or the United

States Constitution?

"Mrs. Clement: I didn't ask everyone. If I know them personally and know they have been registering over the years, white or colored, I don't ask everyone.

"Colonel Rosenfeld: Now, is there a requirement in your law that in so far as you are concerned that every person who applies for registration should be able to read and interpret the Constitution?

"Mrs. Clement: Yes.

"Colonel Rosenfeld: But you do not do that in every case.

"Mrs. Clement: Well, not in every case, because there is teachers and lawyers and people that I know can do it and that have been registering for years."

Further down in this same interview:

"Colonel Rosenfeld: Now, do you give them the fitness test or the literacy test before they fill out the form?

"Mrs. Clement: Well, I used to let them fill out the card first, but now I ask them to interpret the Constitution first."

The next group of excerpts comparing the different procedures and practices of the registrars deals with the custody of registration records. The first is the interview in Caddo Parish.

"Colonel Rosenfeld: Have you maintained the cards of those persons who were turned down?

"Mr. Mitchell: I have maintained the cards of the persons who have attempted. Now, in some instances when I tell the person to read his card, which I always -- I say,

'You read your questions carefully, they must be filled out correctly,' and in a lot of instances the person will look at the card and push it back and say, 'I don't care to go through with that.'

"Colonel Rosenfeld: But you have maintained your file of those who have filled out cards and have been turned down.

"Yes, sir."

The next excerpt is the practice regarding custody of cards in Webster Parish.

"Colonel Rosenfeld: Now, do you keep any of the cards that have been filled out of people who have been turned down?

"Mrs. Clement: Well, a few. I keep them. I mean, since I make them interpret the Constitution first, I don't have the card. But before I did.

"Colonel Rosenfeld: Do you still have those records?

"Mrs. Clement: No, I turned them over to my attorney. The law does not require the registrar to keep it, but just in case I am ever called upon to produce them, I

will have some of them.

"Colonel Rosenfeld: Well, can you tell me why you turned them over to your attorney instead of destroying them?

"Mrs. Clement: Well, I just kept a few in case.

"Colonel Rosenfeld: Does your attorney now have them in his possession?

"Mrs. Clement: Yes.

"Colonel Rosenfeld: So far as you know?

"Mrs. Clement: Yes.

"Colonel Rosenfeld: Is there any objection to my seeing those cards?

"Mr. Campbell" --

Mr. Campbell, let me interject here, is personal counsel to Mrs. Clement in Webster Parish.

"Mr. Campbell: Let me say personally I have no objection to you seeing them, but I think they are a record there that might be available and might be needed in a law suit in case any registrant -- if she does not know the reason why they were deferred to me, I do. It was with the thought that some one of those individuals might at some time claim that he had been improperly denied the right of registration.

"Colonel Rosenfeld: Well, then --

"Mr. Campbell: And we would have that as evidence in the case.

"Colonel Rosenfeld: Now, as Mrs. Clement's attorney,

can you tell me your legal right to keep those cards in your possession?

"Mr. Campbell: As her attorney I think that is evident I have the right to keep them. As I said, they are not a part of the records of her office that she is obliged to keep, but they are evidence that might be needed at some future time, and for the matter of preserving them for the record, I am keeping them."

This continues later on.

"Colonel Rosenfeld: Well, I just want to get one other thing clear. Under your laws, I believe, the registrar is the custodian of the records. Is that right?"

"Mr. Gremillion: Not these records.

"Mr. Campbell: That is not an official record.

"Mrs. Clement: That is not a record.

"Mr. Gremillion: What you are talking about is a record that she is not required to keep under Louisiana law. She has kept those and turned them over to her attorney purely in the event that someone may file a suit, a damage suit, against her, because we have had several of those in the state in the past. As far as I am personally concerned, this is a matter that exists between client and lawyer, and in my opinion is a privileged communication. It is up to Mr. Campbell whether he wishes you to see them or not. They are not public records of the State of Louisiana, and they

are not public records of the registrar's office."

At this point I would ask that the Commission identify an opinion of the Attorney General dated December 5, 1958 as Exhibit F-3.

(The document referred to was marked Exhibit Number F-3 for identification.)

MR. BERNHARD: This is an opinion written to Mr. John T. Campbell, who is counsel for the registrar in Webster Parish. In this opinion, and I quote, it says: "R.S. 1891 of the revised statutes of the State of Louisiana of 1950 in part designates records of the registrars which are permanent records, and doubtless the records which are sought to be photographed are among those listed in Section 91. Section 92 of the above Title 18 in part provides that all of the records referred to in Section 91 are public records and shall at all times during office hours be open to inspection by any qualified voter."

I now ask that the State of Louisiana registration of voters law be identified as Exhibit F-4.

(The document referred to was marked Exhibit Number F-4 for identification.)

MR. BERNHARD: In the communication I just read there was a reference to Section 91, and I would like to read

that to you.

"91. Permanent records, card index of voters. Registrars shall keep the following in their offices as permanent records: 1. Original applications for registration."

The next comparison of the practices in the two parishes relates to the identification and use of the so-called vouchers. The first interview from which I shall read excerpts is in Caddo Parish.

"Colonel Rosenfeld: Mr. Mitchell, there is one more question I think I can ask you. It may be in the record. If not, I would like to make sure it is. In asking the applicants the questions which you do, to show their good faith and good citizenship, do you have a set form of question you ask?"

"Mr. Mitchell: No, sir.

"Colonel Rosenfeld: You ask the same questions?"

"Mr. Mitchell: The same questions.

"Colonel Rosenfeld: Of both white and colored?"

"Mr. Mitchell: To each and every person.

"Colonel Rosenfeld: And they are such questions which you in your mind feel should be necessary to permit a person to be a good citizen and be permitted to vote.

"Mr. Mitchell: They are questions which I think are the fairest I could ask to any person.

"Colonel Rosenfeld: I wonder if you could tell me some of those questions.

"Mr. Mitchell: Well, when a person comes in, he says he wants to register to vote. I ask him, 'How long have you lived in Louisiana?' and he tells me; maybe he will say ten years. Then I will say, 'How long have you lived in Caddo Parish?' Maybe he will say five years. Then I say, 'What do you have on your person? What identification do you have that will satisfy me that you have been a resident of the State of Louisiana and Caddo Parish for at least one year?' and then they usually ask you what they can show you, and I tell them if they have a driver's license that is a year old, I will accept that, and if they do not have that, I inform them that they can secure a copy of their Homestead Exemption, the certificate which was signed that would prove their residency. In most instances they can either produce one or two."

At this point I will turn over the presentation to Colonel Rosenfeld for the introduction of further oral testimony.

Thank you.

COLONEL ROSENFELD: If the Commission please, at this time we will introduce testimony bearing on our final topic, the topic being use of separate voting machines.

The first witness to be called will be Ellis D. Howard of St. Helena Parish.

VICE CHAIRMAN STOREY: Will you hold up your right hand and be sworn. You do solemnly swear the testimony you



are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. HOWARD: I will.

VICE CHAIRMAN STOREY: All right. Will you have a seat right over here, please.

TESTIMONY

OF

ELLIS D. HOWARD

ST. HELENA PARISH

VICE CHAIRMAN STOREY: Do you have some documentary evidence, Mr. Bernhard, on this parish?

MR. BERNHARD: We are getting it right away, Mr. Vice Chairman.

St. Helena is in this part of the state marked with the letter "K." In this particular parish you will note that non -whites age 21 and over number 2,104. Non -whites registered, 1,204. The per cent over 21 registered, 57.2 per cent. The whites age 21 and over, 2,462. Those registered, 2,458. Per cent over 21 registered, 99.8.

Thank you.

VICE CHAIRMAN STOREY: Will you please state your full name, your age, your residence, and your occupation?

MR. HOWARD: My name is Ellis D. Howard. My age is 45. My residence, Greensburg, Louisiana, Star Route 2, Box 43. My occupation is farmer.

VICE CHAIRMAN STOREY: You have to talk just a little loud or talk into that microphone.

MR. HOWARD: My name is Ellis D. Howard. My residence, Greensburg, Louisiana. My age is 45 years old. Greensburg, Louisiana, Star Route 2, Box 43. My occupation is farmer.

VICE CHAIRMAN STOREY: Have you been a farmer all your material life?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: What type of education did you have?

MR. HOWARD: Completed third grade in elementary school and went to adult class in 1956 and completed sixth grade.

VICE CHAIRMAN STOREY: You can read and write well?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: Are you a registered voter in your parish?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: How long have you been registered?

MR. HOWARD: I registered in 1951, in the eighth month, twelfth day of 1951.

VICE CHAIRMAN STOREY: Have you been a registered voter continuously since that time?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: Have you participated in elections when they were held since 1951?

MR. HOWARD: No, sir; not -- in 1951 I never got an opportunity to participate in the election until 1954.

VICE CHAIRMAN STOREY: Well, what was the reason you couldn't participate? Did you try?

MR. HOWARD: Yes, sir; but there were threats of violence and other different difficulties that prevented me from participating in the voting procedure until U. S. Marshall was called in to settle that situation.

VICE CHAIRMAN STOREY: When was he called in? What time?

MR. HOWARD: He was called in during 1950 -- to the best of my recollection, it was 1952.

VICE CHAIRMAN STOREY: Did you have any difficulty in voting after that time?

MR. HOWARD: No, sir.

VICE CHAIRMAN STOREY: Now, will you just describe briefly what those threats were, so far as you are concerned?

MR. HOWARD: Well, in the second ward there were those who attempted to register and -- to vote, and there was several persons who set out to threat them with a revolver and to pretend that they were not going to allow the Negroes to vote during that -- in that parish.

VICE CHAIRMAN STOREY: Well, now, who threatened, and who had a revolver?

MR. HOWARD: Well, the gentleman that made the threat was -- I think his name -- he was a Smith. Perhaps one of the other witnesses can bring out better than I can -- Smith. But this was a threat, and this threat was rumored in the community throughout the parishes.

VICE CHAIRMAN STOREY: You actually went to vote, though, and were prevented from voting, is that correct?

MR. HOWARD: I wasn't in that group that went at the time the pistol was shown, but this made me reluctant to go.

VICE CHAIRMAN STOREY: In other words, you had some fear about going?

MR. HOWARD: Yes, sir; that is right.

VICE CHAIRMAN STOREY: Is that right?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: Now, what was the next time you went and attempted to vote?

MR. HOWARD: Well, the next time that I went and attempted to vote was after investigation of the FBI, and they clarified that situation.

VICE CHAIRMAN STOREY: In other words, after the marshall moved in, you said -- in what year was that, '54?

MR. HOWARD: I think that was in, to the best of my

recollection, '52, I think.

VICE CHAIRMAN STOREY: Have you voted since that time?

MR. HOWARD: Ever since, yes.

VICE CHAIRMAN STOREY: All right. Now, in your particular precinct and parish do you vote through what is called voting machines?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: Or secret ballots?

MR. HOWARD: Voting machines.

VICE CHAIRMAN STOREY: Voting machines.

Now, the first time you went, state whether or not there was one or more than one voting machine.

MR. HOWARD: The first time that I went was in July of 1954, and there were two in my voting precinct, two voting machines.

VICE CHAIRMAN STOREY: You mean at the place where you went to vote?

MR. HOWARD: Vote, yes.

VICE CHAIRMAN STOREY: What were the two there for?

MR. HOWARD: Well, the reason for the two is somewhat obscured. I don't know exactly why the two was there, but there was two there.

VICE CHAIRMAN STOREY: Well, were you told at which machine you voted?

MR. HOWARD: Well, at that time that I voted I was not told, but there were others who stated that they were told.

VICE CHAIRMAN STOREY: Well, don't go into the others now. You voted at either machine you wanted to at that --

MR. HOWARD: No, sir; no, sir.

VICE CHAIRMAN STOREY: Tell just what you were instructed to do at that time.

MR. HOWARD: Well, I was instructed -- the way the situation was, there were two voting machines, and there were a door open where the Negroes gathered up, and they were lined up at one door, and the whites went through the other door, see, and there was a machine constructed right opposite to each door. The whites marched to one machine, the Negroes marched into the other one.

VICE CHAIRMAN STOREY: And you were in the line of the Negroes?

MR. HOWARD: Negroes, yes.

VICE CHAIRMAN STOREY: Lined up with the Negroes to vote at a certain machine?

MR. HOWARD: Certain machine.

VICE CHAIRMAN STOREY: Then the whites lined up to vote at another machine?

MR. HOWARD: Another machine.

VICE CHAIRMAN STOREY: That is what you did at that

time?

MR. HOWARD: Yes, sir, that time.

VICE CHAIRMAN STOREY: Now, did you go back again to vote after that?

MR. HOWARD: Yes, sir; I went back afterward.

VICE CHAIRMAN STOREY: Did the same procedure follow?

MR. HOWARD: The same procedure followed.

VICE CHAIRMAN STOREY: How many times have you actually voted at that voting place, about?

MR. HOWARD: I have been voting at that voting place ever since 1954, approximately about six or eight times.

VICE CHAIRMAN STOREY: And you found the separate machines each time?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: The Negroes lined up for one machine?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: And the whites for the other?

MR. HOWARD: Yes, sir. And the first time -- I mean, about the fifth time, at least as of January 5, 1959, in the first gubernatorial primary, I called it to the attention of the Deputy Marshall at this voting precinct. This served the purpose of discouraging many Negroes because it is true that the Negroes in that ward, the Negro registered voters, outnumbered the white, and it created a large turmoil there

and difficulties and disadvantages, standing around the majority part of the day trying to get in to register.

VICE CHAIRMAN STOREY: You mean to register or to vote?

MR. HOWARD: I mean to vote, rather, pardon me, trying to get in to vote, and the whites would come in every now and then. One would go right on in, and he would vote and go back while the Negro was still standing there in a line, waiting for an opportunity to vote when there were two machines there for their convenience, and only one machine used for Negroes.

VICE CHAIRMAN STOREY: How long did you stand in line?

MR. HOWARD: I was 5:00 o'clock before I got to vote.

VICE CHAIRMAN STOREY: When did you go there?

-----MR. HOWARD: I went there that morning around 8:00 o'clock.

VICE CHAIRMAN STOREY: And you stood in line from 8:00 o'clock to 5:00 o'clock before you got to vote?

MR. HOWARD: Yes, sir; before I got to vote.

VICE CHAIRMAN STOREY: About how many Negroes were lined up there?

MR. HOWARD: Well, it was about -- it was about, better than a hundred seemingly, to my estimation, to the



best of my recollection, when I went there, but they were continually coming, and I was trying to allow them the opportunity to vote before they got discouraged, and so I wouldn't try to get in their way or try to see to it that everyone got a good opportunity, because I encouraged them to register and vote.

VICE CHAIRMAN STOREY: You say the other machine was not used all the time?

MR. HOWARD: No, sir; not only until the whites went in.

VICE CHAIRMAN STOREY: Did the white people have to wait very long before they voted?

MR. HOWARD: No, sir; they would go in and vote. Usually they don't come in crowds. They come in every now and then, maybe two or three; well, they would go in and they would vote, but the Negroes were there in a long line, trying to --

VICE CHAIRMAN STOREY: What is the last time you voted there?

MR. HOWARD: The last time I voted there was on August 27.

VICE CHAIRMAN STOREY: This year?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: Still have two machines at that time?

MR. HOWARD: No, sir; didn't have but one.

VICE CHAIRMAN STOREY: August 27 this year?

MR. HOWARD: Yes, sir.

VICE CHAIRMAN STOREY: Just one?

MR. HOWARD: Just one.

VICE CHAIRMAN STOREY: White and Negroes both  
voted there?

MR. HOWARD: On the same machine.

VICE CHAIRMAN STOREY: Did you have to wait long  
then?

MR. HOWARD: No, sir, didn't have to wait long  
then.

VICE CHAIRMAN STOREY: Any questions from the  
Commission?

CHAIRMAN HANNAH: Why did you not have to wait  
long on the 27th of August when there was only one machine?  
Was it because there were fewer people voting, or they voted  
faster?

MR. HOWARD: Fewer people voting. Now, on Decem-  
ber 5, I called this to the attention of the Deputy Marshall  
in the person of Mr. Carl Womack, and he stated to me that  
that is the reason why they had the two machines, was for  
segregation, and I asked him did he know the law on the supply  
of voting machines to the precinct and why they should have  
two, and he said no, if I didn't tell him. I point out that

the law stated that where the increasement of registered voters exceeds 600, that the police jury or whoever was responsible was to see to it that that voting precinct be supplied with two machines, and of course a thousand 3 and 15 hundred 4, and he said, "Well, we don't have 600." I said, "Well, I see that is the purpose of the two machines," because the Negro, the number of Negro voters, were 250. I had a statement made of that total, and I don't know exactly how many whites it was, but I know the Negro voters outnumbered the white voters.

That was the first time I called it to the attention of anyone to question the reason of that situation, and the second time was January 9.

VICE CHAIRMAN STOREY: What year?

MR. HOWARD: That was this year, January 9. I called it to the attention of one of the commissioners in person of Mr. Hardy Reeves. I seen the situation existing typical, and I asked him were they not going to let the Negro vote on both the machines, and he said no, and then I just figured then that was the purpose of the two machines, just like the deputy had told me, for segregation.

VICE CHAIRMAN STOREY: Are there other questions?

CHAIRMAN HANNAH: I would like to ask one more question, sir. Your concern about the two machines largely has to do with the matter of convenience. The Negroes were

inconvenienced because they had to wait, whereas the whites were able to vote without long delay.

MR. HOWARD: Yes, sir.

CHAIRMAN HANNAH: You had no reason to question that the votes weren't counted in the same way.

MR. HOWARD: Well, no, sir, we didn't have any reason to question. Of course I don't know how they were counted, and I don't know why, but I do believe that it creates an opportunity for the votes to be shoved aside and not being counted in certain elections.

CHAIRMAN HANNAH: That is a possibility?

MR. HOWARD: Yes, sir.

CHAIRMAN HANNAH: But you have no specific knowledge or even anything further to say on that line.

MR. HOWARD: No, sir.

CHAIRMAN HANNAH: Is there objection on the part of you or your group to having the Negro vote recorded as such? Of course obviously with the whites voting at one machine and Negroes at another, it is very easy to tell how the Negroes vote or how the whites vote.

MR. HOWARD: Yes, sir.

CHAIRMAN HANNAH: Is this undesirable from your point of view, or is this immaterial?

MR. HOWARD: I believe that that was desirable to tell which way the Negro voted and which way the white voted,

from certain rumors that existed after the results were reported or counted.

CHAIRMAN HANNAH: From your point of view you have no objection to that?

MR. HOWARD: Well, yes, sir; I have an objection. I think that the machine, I think that destroys the purpose of the voting machine. I think the voting machine is placed in these places for us to have a secret ballot, a secret vote, and if these votes are disposed by separate voting machines, I think it has destroyed the purpose of the voting machines.

CHAIRMAN HANNAH: Nothing further.

COMMISSIONER RANKIN: You say the procedure was changed in the last election, and there was just one machine there?

MR. HOWARD: Yes, sir.

COMMISSIONER RANKIN: Was that because the other one had broken down, or was it a change in policy, do you happen to know?

MR. HOWARD: No, sir; I think that is because usually, in those elections it was only -- we were electing a district jurist to division 8.

COMMISSIONER RANKIN: Turn-out was not as large?

MR. HOWARD: Not as large.

COMMISSIONER RANKIN: They thought one machine could take care of it?

MR. HOWARD: Yes, sir.

COMMISSIONER RANKIN: You don't think it was a change in policy.

MR. HOWARD: No, sir; I don't think it was.

COMMISSIONER JOHNSON: I would like to ask a question. You testified earlier that even though you were registered, there were certain elections in which you did not participate because of threats of violence.

MR. HOWARD: Yes.

COMMISSIONER JOHNSON: And as the Vice Chairman was questioning you, I gather that you were not personally threatened.

MR. HOWARD: No, sir.

COMMISSIONER JOHNSON: But that you heard rumors --

MR. HOWARD: That's right.

COMMISSIONER JOHNSON: -- that someone by the name of Smith --

MR. HOWARD: Yes, sir.

COMMISSIONER JOHNSON: -- had been flashing a gun.

MR. HOWARD: Yes.

COMMISSIONER JOHNSON: But you did not see any of it.

MR. HOWARD: No, sir.

COMMISSIONER JOHNSON: You just heard the rumors.

MR. HOWARD: Heard the rumor.

COMMISSIONER JOHNSON: And because of the rumors you refrained from voting?

MR. HOWARD: From voting.

COMMISSIONER JOHNSON: I just wanted to get the record straight.

VICE CHAIRMAN STOREY: Anything else? Thank you very much.

Next witness, Mr. Rosenfeld.

COLONEL ROSENFELD: Mrs. Minnie Lee Stewart, St. Helena Parish.

VICE CHAIRMAN STOREY: Will you hold up your right hand and be sworn. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MRS. STEWART: I do.

VICE CHAIRMAN STOREY: Will you have the seat over there, please.

TESTIMONY

OF

MRS. MINNIE LEE STEWART

ST. HELENA PARISH

VICE CHAIRMAN STOREY: Will you please give your full name, your age, your residence, and your occupation?

MRS. STEWART: I am Minnie Lee Stewart, Greensburg, Louisiana, Route 2, Box 45, and I am a housewife, mother of

eleven children, and a farmer.

VICE CHAIRMAN STOREY: Is your husband living?

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: And you have eleven children?

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: And you and your husband  
farm?

MRS. STEWART: I farm. He farms off and on. He  
works at a little filling station and comes and farms, and I  
run the farm.

VICE CHAIRMAN STOREY: You are really the farmer.

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: What is your education?

MRS. STEWART: At school I rated to fourth, but at  
night school I went to eighth. I got an eighth grade certifi-  
cate.

VICE CHAIRMAN STOREY: Are you a registered voter?

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: How long have you been  
registered?

MRS. STEWART: Ever since 1952.

VICE CHAIRMAN STOREY: Have you voted continuously  
since that time?

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: In what ward or precinct do



you vote?

MRS. STEWART: Third ward, precinct one.

VICE CHAIRMAN STOREY: Third ward, precinct one?

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: That is of Greensburg.

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: St. Helena Parish.

MRS. STEWART: St. Helena.

VICE CHAIRMAN STOREY: I call it "Helena." Is that the correct pronunciation?

MRS. STEWART: Yes, sir.

VICE CHAIRMAN STOREY: I guess you notice the members of the Commission are not very apt in French.

MRS. STEWART: That's right.

VICE CHAIRMAN STOREY: Have you had any difficulty in voting?

MRS. STEWART: Well, yes, sir.

VICE CHAIRMAN STOREY: What has been the nature of it?

MRS. STEWART: Well, at one time I carried my father, he was, you know -- he is 82 years old, and I carried him down there, and I asked the commission to let me go in and help him, by him not, you know -- couldn't see good. They admitted me to go in. My mother went in ahead of me, and when she went in ahead she was quite a long time, you see.

she was old, and she fumbling around, and then after she was fumbling around, I asked them could I go to the other machine with my father. I said, "Come on, Papa, we go in here," because my husband voted on that machine that morning, and I didn't know they had changed it, and I say, "Let's go in," and Mr. Hardy Reeves said no, and I say, "Why? My husband voted on that this morning. How come I can't vote now?" and he says, "We done changed since then."

VICE CHAIRMAN STOREY: Changed to what?

MRS. STEWART: Put us all on a segregated voting machine, but when we go early, well, my husband, you see he works and have to go to work. He just went in on that machine on the right-hand side, and we went on the left.

VICE CHAIRMAN STOREY: Now, how many times have you voted since then, about how many?

MRS. STEWART: Every election I voted.

VICE CHAIRMAN STOREY: Well, have you gone to a separate machine each election?

MRS. STEWART: Each time. I went in, in this 1950 -- this election we had, primary election, well, last election I went in, and I believe the fifth one I went in and voted on that machine, it broke down, and when it broke down, well, I say, "Mr. Hardy," I say, "that machine over on that side," I say, "it's working. Why do we have to stand here and wait?" and he says, "Wait, we will see and get the clerk of the

court," which is Mr. Carl Johnson, "to fix the machine," and I say, "We can't stand here and wait that time." I say, "My husband got to go to work." He was right behind me. I say, "You can't stand here, you just go on and come back." He said, "No," he said, "wait. We will see how many is voted on this machine." He said, "Two over here and five over here," so we knowed then he must have been counting them, else he wouldn't holler "Two." Just two white had went in on that machine and voted, and five on this one and broke down on that fifth one.

VICE CHAIRMAN STOREY: How long was it broken down?

MRS. STEWART: I don't know. You see, I voted and left.

VICE CHAIRMAN STOREY: You went to the other machine and voted?

MRS. STEWART: Yes, sir. After I commenced to, you know, going on about the machine and we standing and waiting and my husband had to go open up the little shop, then he told me to wait. He said, "Two over here. Did you all get it?" That is the commissioner, Mr. Hardy Reeves. "Did you all catch that?" he says. "Two here, and there's five over here."

VICE CHAIRMAN STOREY: Well, now, was there a line of Negroes waiting after you voted or not?

MRS. STEWART: Yes, sir. They was in line behind me.

VICE CHAIRMAN STOREY: Do you know whether they voted there or waited until the machine got repaired?

MRS. STEWART: No, sir. After I was cutting up so, he switched them on that machine.

VICE CHAIRMAN STOREY: All right. Now, did you ever have any other incident in voting there?

MRS. STEWART: No, sir; I never had none.

VICE CHAIRMAN STOREY: Are there questions of the Commission?

COMMISSIONER JOHNSON: I would like to ask just one question. I gather from your testimony, Mrs. Stewart, that it is your belief that the use of these voting machines makes it possible to determine which way Negroes are voting and sort of robs the vote of some of its secrecy, is that what your concern is?

MRS. STEWART: Yes, sir.

COMMISSIONER JOHNSON: That is all.

VICE CHAIRMAN STOREY: That is all. Thank you.

Next witness.

COLONEL ROSENFELD: Next witness is Mr. Oscar Hall, St. Helena Parish.

VICE CHAIRMAN STOREY: Will you hold up your right hand and be sworn. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. HALL: I do.

TESTIMONY

OF

OSCAR L. HALL

ST. HELENA PARISH

VICE CHAIRMAN STOREY: Will you give us your full name, your age, your place of residence, and your occupation?

MR. HALL: My name is Oscar L. Hall. My address is Greensburg, Louisiana, Route 2, Box 63. My age is 64 years old. I am a farmer and part-time carpenter.

VICE CHAIRMAN STOREY: Are you a registered voter?

MR. HALL: I am.

VICE CHAIRMAN STOREY: By the way, what type of education have you had?

MR. HALL: Fourth grade.

VICE CHAIRMAN STOREY: You can read and write all right?

MR. HALL: Yes, sir.

VICE CHAIRMAN STOREY: You first registered in 1952, is that right?

MR. HALL: No, sir. I have been registered; I registered in '51.

VICE CHAIRMAN STOREY: 1951.

MR. HALL: Yes, sir.

VICE CHAIRMAN STOREY: Have you been registered

continuously since that time?

MR. HALL: Yes, sir.

VICE CHAIRMAN STOREY: Have you voted since that time?

MR. HALL: No, sir.

VICE CHAIRMAN STOREY: Never have voted?

MR. HALL: Yes, I have voted, but when I first registered, why, the night before election we was sent word, there was a man came around and notified -- there was just a few registered voters in my ward at that time. I think there was only 17 --

VICE CHAIRMAN STOREY: By the way, you are in Ward 2, Precinct 1 of Greensburg?

MR. HALL: That's right.

VICE CHAIRMAN STOREY: All right, go ahead.

MR. HALL: And there was a man came around, and he said that he was sent to us by one of our white friends to notify us not to come out to the polls the next day because he felt there would be some bloodshed if we come out there, and he wanted to be a friend to us and notify us not to come.

VICE CHAIRMAN STOREY: Was this man white or colored?

MR. HALL: That come to us?

VICE CHAIRMAN STOREY: Yes, sir.

MR. HALL: He was colored, but he was sent by a

white man.

VICE CHAIRMAN STOREY: Was that generally spread around through the community?

MR. HALL: Well, I think he notified every one of the 17 that was registered at that time.

VICE CHAIRMAN STOREY: There were 17 registered in your particular precinct?

MR. HALL: At that time.

VICE CHAIRMAN STOREY: And ward?

MR. HALL: See, that's when we --

VICE CHAIRMAN STOREY: You didn't go the next day for that reason?

MR. HALL: No, sir, I didn't go.

VICE CHAIRMAN STOREY: What about the next election? Did you go?

MR. HALL: Well, the next election we went.

VICE CHAIRMAN STOREY: Did you have any trouble in voting?

MR. HALL: No, sir; we had no trouble in voting.

VICE CHAIRMAN STOREY: Did you vote at a voting machine?

MR. HALL: Well, at that particular time we didn't have voting machines in St. Helena Parish at that time. We voted by the old ballot, you mark a ballot.

VICE CHAIRMAN STOREY: But you had no trouble in

voting that time?

MR. HALL: Had no trouble that time.

VICE CHAIRMAN STOREY: What about the next time you went to vote?

MR. HALL: Well, the next time we went to vote, when we would go by the commissioners and they would check your registration card, and they would put you in a line. They had two lines, a colored line and a white line. They had voting machines in a room, two doors go in the room, and a line of colored going down to go in this door and a line of white going and going in the other door, and the machines was setting facing each door to where they voted, and during that day sometimes, I couldn't say exactly what time, they closed the door on those colored people, and they had to stand there for over three hours for no cause at all. The machine wasn't broke, but they just closed the door and had those people to stand there for over three hours and didn't let them vote at all.

VICE CHAIRMAN STOREY: Did you get to vote before that?

MR. HALL: No, sir.

VICE CHAIRMAN STOREY: Before they closed the door?

MR. HALL: No, sir; I did not.

VICE CHAIRMAN STOREY: Are you one of those who stood in line?



MR. HALL: I tell you what I was doing at that time. I was hauling voters to the polls, and I would go and get a load and bring them there, and they would vote and carry them back, and during the time that they had this door closed, I had some people that was ageable people, they was real old people, and they stood in line so long until they got sick, and I had to carry those people back home without voting.

VICE CHAIRMAN STOREY: Did you ever get to vote yourself?

MR. HALL: I finally got to vote late; late that evening, I finally did.

VICE CHAIRMAN STOREY: Tell me this. You said each machine faced a door. Was there any partition or separation between the two machines inside the voting place?

MR. HALL: No, sir, there was no --

VICE CHAIRMAN STOREY: In other words, they were in view of each other?

MR. HALL: That's right; they were in view of each other.

VICE CHAIRMAN STOREY: Did you ever have any more difficulty in voting?

MR. HALL: Well, every time we vote, when we go to the commissioners, they point you out in a separate line.

VICE CHAIRMAN STOREY: And then you have to wait in line and take your turn?

MR. HALL: Wait in that line and take your turn and go to that machine. If there is nobody at the other one, you have to go to that one machine.

VICE CHAIRMAN STOREY: What about this year? Have you voted in any election this year of 1960?

MR. HALL: Yes, sir; I have.

VICE CHAIRMAN STOREY: Did they still have the separate machines?

MR. HALL: Still have -- now, this last particular time when there was only just two people running, a district judge, there was just a few voters turned out. There was just a very few voters.

VICE CHAIRMAN STOREY: Did they have one machine at that time?

MR. HALL: They had two in the ward; in the second ward they had two, and they did not discriminate the machines this last particular election, but all before that they did.

VICE CHAIRMAN STOREY: On what date was that, the last election? About when?

MR. HALL: Oh, I think it was in August, to the best of my knowledge.

VICE CHAIRMAN STOREY: August of 1960?

MR. HALL: Yes, sir.

VICE CHAIRMAN STOREY: There were not many voters at that time?

MR. HALL: Very few; very few.

VICE CHAIRMAN STOREY: Any questions of the Commission?

COMMISSIONER JOHNSON: I would just like to ask you, I want to get clear, Mr. Hall, just what your basic concern is about these separate voting machines. You indicated that one of the results was to inconvenience people.

MR. HALL: That's right.

COMMISSIONER JOHNSON: Inconvenience Negroes. Well, it would inconvenience white people, too, wouldn't it, if they were in a long line and the Negro machine was breaking--

MR. HALL: The way I feel, that as far as I could see it, it was to discourage the Negroes and also to know on what machine how many Negroes voted for different candidates.

COMMISSIONER JOHNSON: So that you have two concerns.

MR. HALL: Yes, sir.

COMMISSIONER JOHNSON: One is the inconvenience to Negroes --

MR. HALL: Yes, sir.

COMMISSIONER JOHNSON: -- to have to wait, although there is a machine available.

MR. HALL: That's right.

COMMISSIONER JOHNSON: And the other reason is the possibility that an accurate account can be kept of what

Negroes are voting and how many.

MR. HALL: That's right.

VICE CHAIRMAN STOREY: Any other question? If not, thank you, and call the next witness.

COLONEL ROSENFELD: Mr. Clarence Knighton of St. Helena Parish.

VICE CHAIRMAN STOREY: Will you hold up your right hand and be sworn. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. KNIGHTON: I do.

VICE CHAIRMAN STOREY: Have this seat over here.

TESTIMONY

OF

CLARENCE LLOYD KNIGHTON

ST. HELENA PARISH

VICE CHAIRMAN STOREY: Will you give your full name, your age, your residence, and your occupation?

MR. KNIGHTON: My name is Clarence Lloyd Knighton. My address is Post Office Box 83, Greensburg, Louisiana.

VICE CHAIRMAN STOREY: Your age?

MR. KNIGHTON: My age is 51 years old.

VICE CHAIRMAN STOREY: What do you do for a --

MR. KNIGHTON: Part-time farmer and carpenter.

VICE CHAIRMAN STOREY: So you farm and carpenter.

VICE CHAIRMAN STOREY: What is your education?

MR. KNIGHTON: Well, I hold a sixth grade certificate from the adult class.

VICE CHAIRMAN STOREY: You can read and write all right?

MR. KNIGHTON: Very well.

VICE CHAIRMAN STOREY: You own your own farm?

MR. KNIGHTON: Yes, sir, I do.

VICE CHAIRMAN STOREY: Have you ever been arrested?

MR. KNIGHTON: Never have.

VICE CHAIRMAN STOREY: Not even for traffic violation?

MR. KNIGHTON: Never have.

VICE CHAIRMAN STOREY: Are you a registered voter?

MR. KNIGHTON: Yes, sir.

VICE CHAIRMAN STOREY: Since what year?

MR. KNIGHTON: Since 19 and 51.

VICE CHAIRMAN STOREY: Have you participated in an election since that time?

MR. KNIGHTON: Well, at that particular time I didn't.

VICE CHAIRMAN STOREY: Well, now, why didn't you at that particular time, right after you were registered?

MR. KNIGHTON: Well, at that particular time we registered in '51, and the gubernatorial election was coming

up in '52 in January, and we were planning to participate in the January gubernatorial election, but the same incident that happened that one of the other witnesses testified, that there were a man -- I will state his name -- who is a retired merchant --

VICE CHAIRMAN STOREY: Do you mind stating his name?

MR. KNIGHTON: I say I will state his name -- who is a retired merchant of Greensburg, by the name of Mr. Charles J. Cole, put another man, colored fellow, in an automobile, by the name of Sam Atkins and sent him around to all we Negroes' homes to bring us the word not to appear at the polls the next morning, because he felt like there were going to be some bloodshed and some trouble and what not, and it would be best for us not to come.

VICE CHAIRMAN STOREY: Did you stay at home?

MR. KNIGHTON: I stayed home.

VICE CHAIRMAN STOREY: Was that true of the other registered Negroes, too?

MR. KNIGHTON: That's right.

VICE CHAIRMAN STOREY: In other words, none of you who had registered voted that time because of that information?

MR. KNIGHTON: That's right.

VICE CHAIRMAN STOREY: Now, when was the next time you voted or attempted to vote?

MR. KNIGHTON: The next time I attempted to vote was in '52 in July in a judges' election. They had some district judge and some school board members and what not were running, and I attempted to vote at that time, and at that time I ran into an obstacle at the poll by a man came out to threaten me with a gun.

VICE CHAIRMAN STOREY: Tell us about that. Who was it, if you know?

MR. KNIGHTON: The man's name, I knew him well, Mr. Joe Redmore.

VICE CHAIRMAN STOREY: What did he say to you?

MR. KNIGHTON: Well, I went up, and when I got up to the door, I was standing at the door waiting -- well, first, when we approached the door, the commission met us at the door and came out and locked the door and told us that they were going out for lunch, and so they went out, and they stayed out for a little while, and in a few minutes they came back. So shortly after they came back, they brought this man back with them, the intimidator, back along with them. So after they went on in, then this man by the name of Mr. Joe Redmore came out and asked what were I waiting there for. Were I waiting to vote. I say I am. So then he had his gun down in his bosom. He opened up his bosom and say, "You see this gun here?" I say, "I do." I say, "What about the gun? I have been seeing guns all my life. Guns doesn't frighten me," I say.

"What about the gun, Mr. Joe?"

He said, "Well, you Negroes better leave here. We don't want to have to hurt any of you. We don't want -- we expecting trouble out here, and we don't want to have to hurt any of you, and you better get away from here, because Negroes are not going to vote in St. Helena Parish."

So I say, "Well, Mr. Joe, you know as well as I do that we did not come here to break in the polls. We don't have to break in the polls." I say, "Under the Constitution and the laws of the United States gives us a right to go to the poll and yote, but now, Mr. Joe, if you going to be the man to intimidate us and keep us from voting, that's something else, and we will go back, and I hope you know what you are doing."

VICE CHAIRMAN STOREY: Did you leave then?

MR. KNIGHTON: I left.

VICE CHAIRMAN STOREY: Were there other Negroes there then?

MR. KNIGHTON: Yes, sir.

VICE CHAIRMAN STOREY: Were they lined up with you?

MR. KNIGHTON: One or two -- was two ladies there with me.

VICE CHAIRMAN STOREY: Two Negro ladies?

MR. KNIGHTON: Negro ladies were there with me.



VICE CHAIRMAN STOREY: And there were three of you at that time?

MR. KNIGHTON: That's right.

VICE CHAIRMAN STOREY: And did all of you leave?

MR. KNIGHTON: We all three left.

VICE CHAIRMAN STOREY: Now, at that time did you observe whether there were two voting places or not?

MR. KNIGHTON: Well, at that particular time we didn't have the voting machines.

VICE CHAIRMAN STOREY: Oh, I see. That was before they got the voting machines.

MR. KNIGHTON: That's right.

VICE CHAIRMAN STOREY: All right. When was the next time you went back, and state whether or not any incident occurred.

MR. KNIGHTON: Well, after that, after this happened, see, then we were successful to get some federal investigation, and the federal officers came out, which they have a record of it, and made some investigation, and cleared that matter up.

Well, in November in '52, which was the presidential election, was the first election that I was able to participate in.

VICE CHAIRMAN STOREY: Well, you haven't had any incidents since then?

MR. KNIGHTON: Well, no incident.

VICE CHAIRMAN STOREY: Before I forget, this gentleman who showed you the pistol and told you to leave, was he an official or not?

MR. KNIGHTON: No, sir.

VICE CHAIRMAN STOREY: He was not an official?

MR. KNIGHTON: Just a citizen.

VICE CHAIRMAN STOREY: Just a private white citizen?

MR. KNIGHTON: That's right.

VICE CHAIRMAN STOREY: Did the commissioners see that? I say, the voting authorities?

MR. KNIGHTON: Well, they were in the room, sir. The polling booths were upstairs in the men's coat room.

VICE CHAIRMAN STOREY: This happened outside?

MR. KNIGHTON: Outside. I never did enter the door, see. I was outside.

VICE CHAIRMAN STOREY: Now, then, since that time, have you voted each time beginning with 1952?

MR. KNIGHTON: Each time, and every election.

VICE CHAIRMAN STOREY: Have there been voting machines or hand voting?

MR. KNIGHTON: Well, the very first time we voted we used the voting machines was in 1954 in July.

VICE CHAIRMAN STOREY: Were there one or two the first time you saw the voting machine?

MR. KNIGHTON: We had two, two voting machines.

VICE CHAIRMAN STOREY: Did you line up separately with the Negroes?

MR. KNIGHTON: Yes, sir.

VICE CHAIRMAN STOREY: The white people lined up separately for the other voting machine?

MR. KNIGHTON: Yes, sir.

VICE CHAIRMAN STOREY: Were you there when a voting machine broke down that one of the witnesses talked about?

MR. KNIGHTON: No, I wasn't. That wasn't in my precinct. That was in another precinct.

VICE CHAIRMAN STOREY: I see. Well, has there been a separate voting machine for the Negroes and for the whites every time you have voted since 1952?

MR. KNIGHTON: Yes, sir.

VICE CHAIRMAN STOREY: I believe you said you never had any more incidents after the marshall and officers got into it.

MR. KNIGHTON: That's right; never had any more trouble to get to the poll.

VICE CHAIRMAN STOREY: Yes. Are there other questions?

MR. KNIGHTON: I hadn't completed. I can bring it on -- this testimony comes on up until 19 and 60.

VICE CHAIRMAN STOREY: All right. I thought I asked you if you had any more incidents. Tell about anything else that happened in connection with your voting.

MR. KNIGHTON: Well, now, the next time that we voted in a gubernatorial election was in 1956, which at that time, in 1956, I happened to be there, and throughout the day, that was the time when we had the voting machines located in a room in the court house building. Well, the Negroes had to line up on one side, on the right, the whites on the left, and both lines went down the hallway. Well, on the left was a door to enter the room, and on the right down here was a door to enter the room, which the Negro line would enter from this door and the white line would enter from this door. Both voting machines were located, the whites over here and the Negro machine over here.

VICE CHAIRMAN STOREY: In the same room?

MR. KNIGHTON: In the same room.

VICE CHAIRMAN STOREY: All right.

MR. KNIGHTON: But at that same time the door were closed, I think, around -- if I make no mistake, it was around 10:30 or 11:00 o'clock, the door was closed and locked. The door that the Negroes entered into the poll were closed and locked, and I stood there and watched the whites and watched the clock for three hours and 15 minutes, the door stayed locked and not a single Negro voting, but the whites

was continuing to go in and vote.

VICE CHAIRMAN STOREY: All right. After the door opened, did you vote?

MR. KNIGHTON: Well, I had to try to get the door open first. I had to make some effort to get the door open.

VICE CHAIRMAN STOREY: Well, what efforts did you make?

MR. KNIGHTON: I happened to be the one, after I stayed there and checked and saw what was happening, so I said, "Well" -- another friend of mine was there -- and I say, "Well," I say, "have you been keeping check on that door?" He say yes. I said, "Do you know how long that door been closed?" He says yes. I say, "For three hours and 15 minutes. I noted haven't a single Negro voted, but the whites are continually voting." So I say, "We are going to have to do something about this." So I said, "Let's go see the high sheriff."

So we went to the high sheriff, and I told him.

VICE CHAIRMAN STOREY: You and the other man?

MR. KNIGHTON: Me and the other man.

VICE CHAIRMAN STOREY: Who was the other man?

MR. KNIGHTON: John H. Hall.

VICE CHAIRMAN STOREY: All right. Tell what happened.

MR. KNIGHTON: I told the sheriff what were going

on and what was happening, and I told him, "It's being done for a reason," and I say, "I want you to see -- I came to you to see if you can get the door open."

So he say, "Well, you know I am not in no authority today. See, they had a deputized marshall," he say, "and he is in charge, but I will go and see what I can do towards getting the door open."

So the sheriff went around there, and I don't know what kind of results he got, but he wasn't able to get the door open.

So we goes on over there to this same Mr. Charles J. Cole that I mentioned some time ago, well, his place. He owns a feed store, feed and seed store, and we told him what was happening, and I was threatening or calling the federal agents in. So he begged me to not do that. He say, "If you will, it will hurt all of us, and I will go, we will go and see what we can do about getting the door open." So his wife in turn say, "Well, I will go and see what's happening," so she went over there and say, "You all wait here until I come back."

I don't know what she told them, but in a few minutes she came back and say the door is open.

VICE CHAIRMAN STOREY: Did you go back?

MR. KNIGHTON: I went back.

VICE CHAIRMAN STOREY: Did the man who went with

you go back?

MR. KNIGHTON: That's right.

VICE CHAIRMAN STOREY: Did you all get in to vote?

MR. KNIGHTON: Oh, yes, we voted, but the line had started moving, see, but the line had been held up for three hours and 15 minutes.

VICE CHAIRMAN STOREY: I understood about that, but you had no trouble in voting.

MR. KNIGHTON: No trouble, we didn't have any trouble in voting.

VICE CHAIRMAN STOREY: But you voted on separate machines?

MR. KNIGHTON: Separate machines.

VICE CHAIRMAN STOREY: Did you ever have any more unusual incident after that?

MR. KNIGHTON: Well, in 19 -- I mean in 19 and 59 in December, which was this last past year in the gubernatorial election, I came, and I found the same situation going on.

VICE CHAIRMAN STOREY: You mean the door closed?

MR. KNIGHTON: No, the door wasn't closed, but the voting machines at this time, they had moved the voting machines out of the room, and the voting machines were located out in the hallway. Well, they had, you know, it is four different entrances to come into the building, and they had the whites coming in from this end, and the Negroes coming in

from the side over here, lined up in this door. Well, the table for the commissioners was located, say, like here, and the Negroes had to come in this door and make a circle around and pass by the commissioners, which the whites was coming from this other direction, and then they would point the Negroes out to this separate machine. The white machine was located over here, the Negro machine located over here, and so I called the attention of the commissioners on it, and I asked them, did they know they were violating the law, and they say they did. I called the marshall, so he say, "Well, if you dissatisfied about it, what we will do, we will just stop the polls and switch the machines," which they did. They stopped the polls and switched the machines, but they continued to vote segregated machines.

VICE CHAIRMAN STOREY: All right. Did you have any further incident this year?

MR. KNIGHTON: Well, I never had any more other than that.

VICE CHAIRMAN STOREY: All right.

Are there other questions?

COMMISSIONER JOHNSON: I would like to ask a few questions, Mr. Knighton. You have testified that on an early date when you were participating in the vote, you received information that it would be best for Negroes not to vote at a particular election.



MR. KNIGHTON: That's right.

COMMISSIONER JOHNSON: Now, you have mentioned two names specifically. Do you know of your own knowledge that this Mr. Cole, I believe, actually sent this message to the Negroes?

MR. KNIGHTON: Well, this Negro came and say Mr. Cole sent him.

COMMISSIONER JOHNSON: I see. I want to get straight what the basis is for your testifying that Mr. Cole sent --

MR. KNIGHTON: That's right. He said Mr. Cole.

COMMISSIONER JOHNSON: What you are really saying is that the Negro who came to you --

MR. KNIGHTON: That's right.

COMMISSIONER JOHNSON: -- said that he was sent by --

MR. KNIGHTON: By Mr. Cole.

COMMISSIONER JOHNSON: I see.

MR. KNIGHTON: That's right.

COMMISSIONER JOHNSON: Now, in connection with this threat, the use of a gun, did you report this incident to the local authorities, either the sheriff or the police, that this private citizen had threatened you with a gun?

MR. KNIGHTON: I did not.

COMMISSIONER JOHNSON: You didn't report it to

anyone?

MR. KNIGHTON: But we made an affidavit and got in to the Federal Bureau of Investigation, and we were able to get some federal aid, assistance, out there; some federal officers came out and checked the situation.

COMMISSIONER JOHNSON: You did make an affidavit in which you named this person?

MR. KNIGHTON: That's right.

COMMISSIONER JOHNSON: That is all.

VICE CHAIRMAN STOREY: Any other question? If not, thank you very much.

COLONEL ROSENFELD: If it please the Commission, at this time we have presented all of the oral testimony which we intend to present.

VICE CHAIRMAN STOREY: I believe, Mr. Bernhard, you have some further documentary evidence.

MR. BERNHARD: If it please the Commission, as you are all well aware, our primary duty under the statute is to investigate allegations in writing under oath that certain citizens are being deprived of their right to vote because of their color, race, religion, or national origin, and we have heard up to this moment evidence regarding that responsibility of the Commission.

Under the Act, however, as the chairman has already indicated in his opening statement, the Commission is placed

under a mandate to study and collect information concerning legal developments constituting or possibly constituting a denial of legal protection of the laws under the Constitution.

In addition to analyzing the various voting complaints that the staff received, we undertook an investigation which would provide us with a more precise understanding of these complaints and also analyzed the various facilities which are utilized or could be utilized under color of state law to deny these rights.

We therefore at this time would like to introduce into evidence various documents reflecting the creation and purposes of the Joint Legislative Committee of the State of Louisiana. We would like to make some mention as to the geographic distribution of the membership of the committee, records of proceedings conducted under the auspices of the Joint Legislative Committee, and in this regard, to indicate the purposes of the proceedings, and more particularly, their relationship to the Louisiana registration qualification laws.

This involves, as you have heard, problems of the registrars' discretion, of identification, and the use of vouchers, of standards of good character, of proof of literacy, and finally, cooperation of the registrars with the United States Commission on Civil Rights.

We will further introduce documents which indicate that action taken by private individuals or groups which

involves the use of state facilities established by state law in fact and in law constitutes action of the state itself. When we have completed the introduction -- and by "introduction" I mean marking for exhibit -- these various documents, we will ask that all of the exhibits which have been identified so far be accepted in evidence.

In July 1954 the legislature of the State of Louisiana passed a resolution entitled "House Concurrent Resolution Number 27." This resolution establishes a committee of ten individuals from the State of Louisiana, five from the Senate, five from the House, and authorizes it to secure information and compile data from any of the state institutions and departments of state government, as well as from parish school boards. The activity of this committee is directed primarily to problems of school desegregation in the State of Louisiana. The intent of this resolution is found in the first paragraph, and prior to reading the paragraph, I ask that this be identified as Exhibit G. This would be Exhibit G-1.

(The document referred to was marked Exhibit Number G-1 for identification.)

MR. BERNHARD: The intent is as follows, and I quote from the document: "The legislature resolved itself to provide ways and means whereby our existing social order shall be preserved and our institutions and ways of life,

established by many generations of Louisianans and embodying our fundamental law, shall be maintained."

As further indicated in these resolutions, the committee is empowered to call for the production of various records in general to secure information from any of the institutions and departments of state, government, and parish school boards, and to employ whatever assistance is found necessary to enable it to carry out the intent of this resolution.

As I say, this was House Concurrent Resolution Number 27.

In May of 1956 Concurrent Resolution Number 9 was enacted by the legislature of Louisiana. This enlarged the powers given to the Joint Legislative Committee under the 1954 resolution and enabled it to investigate anything which might bear on the determination of the State of Louisiana, and I quote, "to maintain segregation of the races in all phases of our life in accordance with the customs, traditions, and laws of our state."

I ask that Concurrent Resolution Number 9 be identified as Exhibit G-2.

(The document referred to was marked Exhibit Number G-2 for identification.)

MR. BERNHARD: The purpose of this resolution is

found in the first three paragraphs which I would like to read the Commission with the Commission's approval.

"Whereas, the rights and liberties of the people of the United States are threatened as never before by enemies, both foreign and domestic, and

"Whereas, these enemies have concentrated their attacks upon the states in the south and are there employing what has been described by these enemies as 'the party's most powerful weapon, racial tension,' and success of these subversive forces has been so great that they have been able to pit one section of the country against another, one branch of the Federal Government against the governments of the several states, and in many places, the people of one race against the people of another, and

"Whereas, in Louisiana the design of these evil forces has been largely thwarted through the prompt and vigorous action of the legislature of Louisiana, aided by the other branches of the state government, with the result the turmoil created by the Black Monday decision of May 17, 1954 has been held in check and relative peace and good will has been maintained among our people."

The final resolution affecting the Joint Legislative Committee I ask be identified as Exhibit G-3.

(The document referred to was marked Exhibit Number G-3 for

MR. BERNHARD: It is known as House Concurrent Resolution Number 6, and it perpetuates the Joint Legislative Committee in the following manner, and I quote: "Whereas, the principal instrument of the legislature in this fight has been the Joint Legislative Committee created by House Concurrent Resolution Number 27 of the General Assembly of the State of Louisiana in the year 1954 and re-created by House Concurrent Resolution Number 9 of the General Assembly of the State of Louisiana in the year of 1956, now there be it

"Resolved by the legislature of Louisiana that the Senate and House of Representatives concur in that said Joint Legislative Committee be continued in full force and effect and be appointed for the purpose of carrying on and conducting the fight of the Louisiana legislature to maintain segregation of the races in all phases of our life in accordance with the customs, traditions, and laws of our state, and in this connection, said committee shall make studies, provide information, draft legislation, in connection with any of the foregoing, conduct investigations, hearings, and take any and all actions that might be necessary or incidental to carry out the purposes herein set forth."

VICE CHAIRMAN STOREY: Mr. Bernhard, I understand all this documentary evidence, as well as any visual aid, is for the purpose of showing the legal developments as under the law we are obliged to ascertain.

MR. BERNHARD: That is correct. Under our statute this is the obligation we are attempting to fulfill now.

VICE CHAIRMAN STOREY: Go ahead.

MR. BERNHARD: We expect to show through subsequent documentary evidence that the activities of this committee in large measure have been directed to minimizing and reducing the number of Negro voters in the state.

This exhibit I ask be identified as Exhibit H.

(The document referred to was marked Exhibit Number H for identification.)

VICE CHAIRMAN STOREY: Will you turn it around so all the Commissioners can see it, please, as well as the reporters?

MR. BERNHARD: And it is an exhibit showing the various state agencies involved in the registration procedure. I do not think it needs any comment, but I think it will be helpful during the course of the subsequent documentation.

I am now asking Mr. Mottolese to put up our final visual aid which regards the geographic representation of membership on the Joint Legislative Committee.

I ask that this visual aid be identified as Exhibit I; that is, the geographic distribution of the Joint Legislative Committee members.



(The document referred to was marked Exhibit Number I for identification.)

MR. BERNHARD: The map before you shows the eight congressional districts as well as the parishes which have representation on this Joint Legislative Committee. You will note that the membership is concentrated in five extreme northern parishes, and the other three parishes are in the extreme southeastern portion of Louisiana. The congressional districts from which the majority of the Joint Legislative Committee come correspond to that area -- that is area marked 4 and 5 -- of the state in which the percentage of the registered Negroes is the lowest; that is, 6.6 per cent. It is from this same area of the state from which the preponderance of allegations of the denial of the right to vote has been received by this Commission.

I might also add that in this northern portion of the state the per cent of Negro population, that is, 43 per cent, according to the 1950 census, is higher than in the rest of the state.

I would like to interject at this point, since we are discussing the complaints received and the portions of the state from which they have been received, that the Commission has received complaints from 17 parishes in the State of Louisiana. They are Bienville, Bossier, Caddo, Claiborne,

DeSoto, East Carroll, Jackson, Madison, Ouachita, Red River, Washington, Webster, East Feliciana, Plaquemines, St. Helena, Tensas, and West Feliciana. Out of these 17 parishes, twelve of them are located in the Fourth and Fifth Congressional Districts. We have received in excess of 150 complaints from the State of Louisiana.

VICE CHAIRMAN STOREY: Are those in writing under oath?

MR. BERNHARD: That's correct; in proper statutory form.

During the latter part of 1958 and the first two months of 1959, the Joint Legislative Committee and the director of the State Board of Registration held joint conferences with public officials in eight congressional districts of the state. The stated purpose was to formulate plans to bring about uniform enforcement of the voter qualification laws of the State of Louisiana. He cites Section 102(E) of the Civil Rights Act of 1957, and the Commission's own Rules of Procedure, III(J)(i), which are designed to safeguard the rights of all persons and particularly to prevent testimony or evidence which may tend to degrade, defame, or incriminate anyone. I shall read pertinent sections from these minutes without attaching the name of any individual.

Present at these various conferences were various public officials, officers of the Association of the Citizens

Council of Louisiana were in attendance at the conferences held in the Fourth, Fifth, and Seventh Congressional Districts. The minutes of all the meetings held in all congressional districts contained a formal purpose clause to the effect that the purpose in holding the meetings was to formulate plans to bring about uniform enforcement of voter qualification laws of the State of Louisiana. Remarks of various state officials to those assembled at the meetings indicate, at the very least, that the stated purpose was not the exclusive purpose of these meetings. Such comments as to purpose are, and I will first read -- I will ask that all of the minutes held by the Joint Legislative Committee be identified as Exhibit J.

(The document referred to was marked Exhibit Number J for identification.)

MR. BERNHARD: The first statement as to purpose which was found in the minutes of the Seventh Congressional District conference on uniform enforcement of Louisiana voter qualification laws on January 28, 1959, reads, "Public officials stated" -- and I quote -- "We will prove that every parish must eventually enforce our voter registration laws. The entire emphasis in the integration struggle is shifting to the field of voter qualification enforcement, he said, and the program we are beginning here today will prove the solution

to our problems, not only in this section of our country, but the entire United States. Our committee might reduce this entire program to these questions. What is the federal position? What is the state position? What is our position? And what shall we do?"

The next excerpt from the minutes is obtained from minutes of the Sixth Congressional District conference held on January 28, 1959. "A state official used" -- and this is a quote -- "a number of reconstruction, communist, NAACP, statistical and other exhibits to illustrate and document the following points."

The sixth point, and I quote, reads, "The Negro population in Louisiana, now 32 per cent, could very easily shift the balance of Louisiana political power in the direction that it shifted during the reconstruction era if Negroes are permitted to register without regard to qualification provided by law."

The next excerpt is from the minutes of the Fourth Congressional District held on December 17, 1958. "A state official stated at this point" -- this is all quoting -- "that he felt the statewide program being started at the conference would prove the key to victory in preserving our way of life. This battle is for the whole way of life in our domestic institutions. Every bit of information coming from the opposition, however, indicates that it is primarily

a fight for the illegally registered Negro vote. We used voter qualification laws before in 1898 to clean up our registration rolls when we faced this same problem, and we are here today laying plans to use them again for the same purpose."

Documentary evidence has been introduced up to this point showing the general stated and other purposes of the Joint Legislative Committee, while various specific statements were made which bear out some of the testimony or bear on some of the testimony, oral testimony, you have heard during the preceding day and this morning. This can be broken down logically into the following over-all topics which I will treat separately in referring to the minutes of the meeting.

First is discretion of the registrars, identification, and vouchers; next, good character, proof of literacy, and cooperation with the Commission on Civil Rights.

As to general instructions given to registrars -- and I now quote from the minutes of the First and Second Congressional Districts at the conference on uniform enforcement of February 12, 1959, under the section entitled 'Ability to Read and Write'; that is, 4(B). "The number of times an applicant fails to qualify and may reapply is a practical matter for the registrar himself to determine. There are no legal minimum or maximum limits provided."

The next is from the meeting of the Sixth Congressional District on February 11, 1959. A state Senator asked the following question: "If a registrar finds a card not completely filled out, does he challenge the voter and if so, what happens?"

Answer: "The applicant can go back and reapply for registration."

The state Senator: "After a person has been turned down, how many times may he return and reapply?"

Answer: "That is an administrative matter for the registrar to handle. There is no fixed law regarding the number of times one may apply."

A good quantity of the testimony that was heard yesterday dealt with the problem of identification. As to this I now read from the Third Congressional District conference on January 29, 1959. "A state official stated points of qualification. 2. Identification of person and proof of residence is required if the applicant is not known personally by the registrar. The registrar may require that the person have two registered voters of the person's precinct appear to identify him if the registrar is not satisfied with the person's own identification. This procedure is particularly applicable to Negroes since it is difficult for most registrars who are white to differentiate between persons of the Negro race, determine age, et cetera."

The next section relates to the tests of good character, and this is from the minutes of the First and Second Congressional District conference held on February 12, 1959. I quote: "7. Good character of the applicant must be established. Parents of illegitimate children are ineligible for registration. A. The Welfare Department is now reviewing its policies with regard to releasing information to officials for the purpose of establishing the character of parents of illegitimate children on welfare rolls who also are applicants for voter's registration."

The next is an excerpt from the meeting on December 17, 1958.

"In reply to a question put to him on the subject, a state official advised registrars that applicants for registration may be disqualified as of unfit character if they are guilty of concubinage or if they have illegitimate offspring."

These are introduced for the record at this time, and I would ask that during the course of the next few months the Commission take note of the change in the welfare roll membership, which the Commission may have some knowledge of now.

The next section relates to the question of qualification of literacy. This was heavily involved in the testimony yesterday, and I would like to read to you some of the statements from these conference minutes. This is from the

Seventh Congressional District, held on January 28, 1959.

I quote: "6. The key to the solution of our whole problem lies in interpretation of the Constitution, our best test of intelligence. In applying this test, the registrars were advised to use a set of 24 model cards distributed to all present."

They have been introduced in evidence and properly identified.

"D. Constitutional tests are a test of native intelligence and not book learning. Experience teaches that most of our white people have this native intelligence while most Negroes do not."

The next is taken from the Eighth Congressional District conference held on February 12, 1959. A state official said, and this is under 6(B), "The applicant must give a reasonable interpretation of a specific clause of the Constitution, not a legal interpretation in which the citation of a court case and so on would be required. The registrar uses his own discretion in determining whether or not the applicant meets the constitutional test."

The next relates to minutes from the Sixth Congressional District conference, February 11, 1959.

A state Senator asked, "Who passes on the adequacy of interpretation given to the meaning of the Constitution by applicants?"



A state official replied that only the registrar has such authority.

A state Senator asked, "Is the registrar required by law to demand an interpretation of the Constitution?"

Answer: "The requirement applies to all, and it is mandatory."

A state Senator: "Registrars should require a written reply rather than an oral one."

Answer: "A written reply may be required. That is permissible and an administrative responsibility of the registrar. It is optional."

The next is minutes of the First and Second Congressional Districts, February 12, 1959, and I quote: "We in Plaquemines adopted the card system discussed here earlier back in 1954 at the time we adopted permanent registration in our parish. This was soon after the Supreme Court's Black Monday decision. You will note on the back of the card there is a suggested resolution proposed for use by police jurors calling upon the registrars to use these cards. The policy jury in your parish is the appointed authority and the governing commission. Our policy jury felt it had authority to require our registrar to comply with this request and use the cards."

The final indication of the purpose of the constitutional interpretation cards which have been discussed has been

reflected in various statements made subsequently by state officials, and one particularly was reported in the August 4, 1959 edition of the Times Picayune as reported by Robert Wagner, a Times Picayune correspondent. It was entitled, "Winnfield, Louisiana." It said, "Winn Parish voter registrar, Mrs. Mary C. Flourney, took 'a vacation' Monday after charging segregation leader, W. M. Rainach, with 'creating a rabble-rousing mass.' The elderly registrar told Citizens Council leaders here Monday morning that no more voter challenges would be accepted until she returned from vacation August 28. Segregation leaders, she said, want her to 'follow the book' when it suited their purpose, but not when it conflicted with their political aims. 'Rainach told me that if I can't fail them any other way, I could pull those constitutional cards on them.'"

I ask that this newspaper clipping be identified and marked as Exhibit J along with the minutes.

(The document referred to was marked Exhibit Number J for identification.)

MR. BERNHARD: The last section relating both to the testimony of witnesses and also to the position of the United States Commission on Civil Rights is taken from the Seventh Congressional District conference, January 28, 1959, and I quote. A state official said: "3. The Civil Rights

Commission need cause no concern for registrars if they adhere strictly to the laws now on our books and do not discriminate in the administration of the laws. There is no need for discrimination on the part of the registrars in order to substantially eliminate the bloc vote, since nature has adequately done this for us."

The last of the quotes, excerpts, I would like to read from these minutes is from the First and Second Congressional District meetings, February 12, 1959, and I quote: "4. Registrars do not have to worry about the FBI as well as agents of the Civil Rights Commission. They do not have to answer questions put to them by either. If any federal official or employee comes into a registrar's office, the registrar should ask that he put any request in writing and inform him that he will take the written request under advisement. The registrar should then notify the Attorney General, the director of the Board of Registration, the Joint Legislative Committee, his policy jury presidents, and his district attorney."

That is introduced to show, bear on some of the ways in which the entire state machinery is involved in the voting procedure during the legislative period of 1960 --

VICE CHAIRMAN STOREY: Pardon me, Mr. Bernhard. Did I understand that is the last quotation from the minutes?

MR. BERNHARD: Yes, and I will ask that all of the

minutes be introduced in evidence later.

VICE CHAIRMAN STOREY: All right. I think in view of the other evidence, that maybe this is a good time to take a break, since you are going into a different set of documents, is that correct?

MR. BERNHARD: That is correct.

VICE CHAIRMAN STOREY: We will take a ten minutes' break.

(Recess.)

VICE CHAIRMAN STOREY: Are you ready to proceed, Mr. Bernhard?

MR. BERNHARD: Yes, Mr. Vice Chairman.

We have completed that portion of the documentation which deals with the conferences conducted under the auspices of the Joint Legislative Committee with various registrars in some of the parishes which were indicated. We would now like to introduce and have marked as exhibit K-1 the acts recently passed by the legislature of the State of Louisiana.

VICE CHAIRMAN STOREY: Are all of these documents for the purpose of ascertaining legal developments as charged under the Act?

MR. BERNHARD: That is correct.

VICE CHAIRMAN STOREY: Go right ahead.

MR. BERNHARD: One of the acts passed on July 7, 1960, approved by the Governor on that date, was a law

amending the form to be used by voters for application for registration. This Act may become effective only if a proposed amendment to Article VIII of the Louisiana Constitution is finally adopted in the general election on November 1960. The legislative enactment is submitted as part of the laws and general exhibits covering the acts of the 1960 legislature and marked Exhibit K-1-a.

(The document referred to was marked for identification as Exhibit K-1-a.)

MR. BERNHARD: I believe it to be unnecessary to comment in any detail on the acts. That can be done later during our studies of the laws themselves.

One act that was passed during this legislative period created the State Sovereignty Commission, and I would like to read you, first, the purpose of the State Sovereignty Commission and then a statement that it has made.

"Whereas, the legislature of the State of Louisiana, acting under the police power of the sovereign State of Louisiana under the rights guaranteed it by the Tenth Amendment to the Constitution of the United States of America, finds there is a definite need for legislation creating a State Sovereignty Commission whose purpose it will be to safeguard those rights from encroachment by any agency of the Federal Government or by any other state government and to

preserve those rights necessary for the well being and safety of its citizens and for the orderly conduct of governmental affairs, be it enacted by the legislature of Louisiana:

"Section 1. That there is hereby created the executive branch of the State of Louisiana Sovereignty Commission to be known as the State Sovereignty Commission."

Very little activity is known on the part of the staff as to what the State Sovereignty Commission has done so far. I would like to have marked as Exhibit K-2 a statement made by the State Sovereignty Commission relative to the purpose of it, and I will read just one very short portion.

(The document referred to was marked for identification as Exhibit K-2.)

MR. BERNHARD: "When we speak of the sovereignty of the several states, people generally think of segregation. As to segregation they think first of schools. However, I conceive the function of this commission to be one which encompasses the whole broad field of states' rights, and though segregation is a prime part of this, it is nothing more or less than that. This is not to say that we should not at this time concern ourselves first and foremost with the problems of integration of schools. Probably we should. However, we should not overlook equally pressing and almost as well publicized problems respecting voting rights, tidelands,

transportation, and other related areas."

VICE CHAIRMAN STOREY: Mr. Bernhard, would you mind lifting your voice a little? Sometimes it doesn't carry clearly, so all in the room can hear.

MR. BERNHARD: Yes, sir.

The following and final section of the documentary evidence reflects that action taken by private individuals who make use of state facilities established by state law in fact and in law may constitute action of the state itself. More specifically, the following documentation involves the activities of the Association of Citizens Council of Louisiana. I would first like to have marked as Exhibit L-1 the charter, certified copy of the charter, of the Association of Citizens Council of Louisiana.

(The document referred to was marked for identification as Exhibit L-1.)

MR. BERNHARD: Under Article II, the Objects and Purposes clause, and I quote: 1 -- and this is the purpose -- "To protect and preserve by all legal means our historical southern social institutions in all of their aspects, to marshall the economic resources of the good citizens of this state, combating any attack upon these social institutions," and 4, "To teach the members of this organization, other organizations, and individuals seeking to obtain the objectives

set forth herein and the public the basic principles of government as set forth in the Constitution of the United States, to instruct them as to their duties and responsibilities as well as their rights and liberties as citizens of the State of Louisiana and the United States, to encourage them in their efforts in the protection and preservation of our American way of life, to reveal the true basic elements of socialism and communism so as to fortify them to reject the assault which is constantly being waged upon our institutions by the socialistic and communistic forces in this country."

The Association of Citizens Council, subsequent to the establishment of the United States Commission on Civil Rights, dissiminated a letter carrying the names of at least two individuals who were state officers and also officers of the association. These same public officers had attended the various conferences on uniform enforcement of Louisiana voter qualifications law. This letter indicates the intended role to be played in a cooperative manner through the Joint Legislative Committee, the state government, and Citizens Councils. As relevant, I would like to read to the Commission two short paragraphs, and I ask that this be identified as Exhibit L-4.

(The document referred to was marked for identification as Exhibit L-4.)



MR. BERNHARD: I quote. "Louisiana looks like an easy target. We have 130,000 Negroes registered to vote in one parish; 45 per cent of the voters are Negroes. Many are registered illegally. The federal Civil Rights Commission is trying to register still more. If they succeed, and the Negroes vote en bloc in the 1960 election, they may well select the next Governor of this state. Then the new reconstruction era would be ushered in. But the thing that can stop the integration movement dead in its tracks and prevent a new reconstruction era is a thorough going clean-up of our registration rolls. Under the leadership of the Joint Legislative Committee, the state government is doing its part to do this. The rest must be done by the people under the leadership of the Citizens Council."

There are two exhibits which I will make no reference to except to have them identified for later study. I would like them to be identified as Exhibit L-2, which is the Citizens Councils, Their Platform, and L-3, the Citizens Councils In Louisiana.

(The documents referred to were marked Exhibits Numbers L-2 and L-3 for identification.)

MR. BERNHARD: I would now like to have identified as Exhibit L-5 a pamphlet entitled "Voter Qualification Laws In Louisiana." The sub title is "The Key to Victory in the

Segregation Struggle," and the title underneath that is, "A Manual of Procedure For Registrars of Voters, Police Jurors, and Citizens Councils," and it is dated December 1958. I ask this be identified as Exhibit L-5.

(The document referred to was marked Exhibit Number L-5 for identification.)

MR. BERNHARD: This pamphlet has received attention of the Joint Legislative Committee, and in the minutes of the Eighth Congressional District conference of January 15, 1959, it was indicated that this is, and I quote, "a booklet written by," and it gives the names of two public officials.

In another Congressional District conference, again referring back to the minutes of the Joint Legislative Committee, held on January 9, 1959, a state official, and I quote from the minutes, "completed his briefing of registrars concerning the qualifications necessary for voter applicants before they may register to vote in Louisiana. Complete instructions, he told his audience, may be found in the pamphlet 'Voter Qualification Laws In Louisiana.'" That is Exhibit L-5.

"A state official viewed the pamphlet 'Voter Qualification Laws In Louisiana' as a guide for registrars and voters and others in enforcing the law and stated the pamphlet would be mailed with the minutes to each person attending the

meeting or invited to be present.

"A participant at this conference asked what connection the 'White Citizens Councils' had with registrars and with voter qualification law enforcement. A state official advised him that councils are not white citizens councils but Citizens Councils. He further stated that the Citizens Councils which participated in these conferences had no official connection with the conferences currently being held by the Office of the State Board of Registration and Joint Legislative Committee."

These were taken from the minutes of the Fifth Congressional District, January 8, 1959.

The forward of this pamphlet which was given to the various registrars contains the following language: "The communists and the NAACP plan to register and vote every colored person of age in the south. While the south has slept, they have made serious progress toward their goal in all the southern states, including Louisiana. They are not concerned with whether or not the colored bloc is registered in accordance with law. They are interested only in seeing that all persons in this bloc are registered and in using their votes to set up a federal dictatorship in the United States."

Further down it states, "At least 90 per cent of the bloc that they plan to misuse would have to be registered illegally in Louisiana because 90 per cent of them cannot

meet the voter qualifications prescribed by law. In fact, 90 per cent of this bloc now registered and being used by the NAACP to control some of our elections are registered in violation of our laws and illegally influencing the election of our officials."

Further down, "The ACCL" -- that is the Association of Citizens Councils of Louisiana -- "has prepared this manual of legal procedure which registrars in Louisiana may follow in preventing illegal registration. The manual outlines the methods by which parties who have been registered illegally may be removed by law from the registration rolls. The consistent use of this manual will be especially helpful to our state and local officials and local Citizens Councils in lending the registrars of voters the support and guidance that they must have in carrying out the all-important job of enforcing our voter qualification laws."

The final part of the forward is short. "We are in a life and death struggle with the communists and the NAACP to maintain segregation and preserve the liberties of our people. The impartial enforcement of our laws is the key to victory in this struggle."

The pamphlet contains a general introduction and proceeds to set out first the various registration requirements under the Louisiana Constitution and statute, and indicates in some detail the methods by which registrars can remove the

illegally registered voter. It points out -- and I can point out in this appendix the contents. Appendix A is an affidavit, in case the registration of the voter is challenged, and then the printed citation of notice to erase. The Commission may recall some testimony regarding that yesterday.

The pamphlet does contain a conclusion which indicates that the registrars of each parish -- and I quote -- "must be exceedingly careful to observe the legal rights of all of the citizens of the parish. The whole purpose of our registration laws is to prevent the registration of ignorant bloc voters who would become the tools and pawns of scheming adventurers. If our laws are intelligently and fairly administered, they will accomplish our purpose automatically."

Part of this pamphlet, in setting out certain registration requirements, has under the paragraph Number 2 on page 4 marked "Identification," and it states, "Unless the applicant is personally known to the registrar, he must establish his identity. The statute itself does not require that the applicant be personally known to the registrar. The statute merely requires that the registrar or applicant be able to identify himself."

In this same paragraph 2 it says, "The registrar may require that the applicant produce two registered voters from his precinct to identify him. The revised statute of Louisiana, 1837, does not state that the registrar may

require the applicant to produce two registered voters ~~to~~  
identify the registrant unless the registrar," and I quote,  
"has good reason to believe he is not the same person."

There is one other matter which does not seem to accord with the registration laws of Louisiana, and it deals with the so-called paragraph 6 as to the persons unable to complete registration forms in their own handwriting. It indicates that in each of the various cases which are set out here, the applicant shall not be registered unless he brings with him two qualified electors. Actually, the Louisiana statute requires witnesses only when a person is unable to fill out an application because of physical disability or because he is unable to write English. The latter group does not include illiterates which are referred to in this pamphlet. Illiterates are specifically exempted by the statute from writing the application form, and they are covered by the witness requirements.

Up to this point the Commission has heard testimony and various documentation regarding purges, which is the removal of names from the registration rolls and the efforts of individuals to have their names restored. The official counter affidavit of retention which was referred to yesterday, which is furnished the voter when his qualifications are challenged, permits three individuals to swear only to the propriety of the residence -- and I emphasize "residence" --

of the challenged voter, but not to any other qualifications. I have referred previously and had marked for identification the case of Thomas v. McElveen, a state court decision, which makes it clear that if you challenge a voter for any reason other than improper residence, this is tantamount to cancellation of that person from the registration rolls. The court in this case used the following language, and I quote --

VICE CHAIRMAN STOREY: Will you tell what court it is, Mr. Bernhard? And the citation?

MR. BERNHARD: It is the case of Thomas v. McElveen, which I have previously had identified as Exhibit E. It was decided in the 22nd Judicial District Court of Louisiana, Parish of Washington, Civil Docket Number 18,751. It was decided on April 6, 1959, and the relevant quote regarding the fact that if you challenge a voter for any purpose other than residence, that voter may not be able to get back on the rolls. The court noted, state court, "The testimony and evidence presented show that each of the challenges, including the exhibits, were based on grounds other than non residence of the challenged voter. On the other hand, the counter affidavits presented to each of these challenges simply state that the challenged voter had resided in Washington Parish, Ward 1, Precinct 1 the length of time required by law. Hence, these counter affidavits are irrelevant to the challenges. They do not prove their right to remain on the registration

rolls by written affidavit. Under these circumstances, the counter affidavits cannot be considered to be in proper form nor the challenges disproved, and the ten-day period having elapsed, the challenged registrants must be forthwith removed from the registration rolls."

It goes on at some length beyond that.

Finally, as to this question of challenge and removal from the rolls, the court in this same case had some very significant comments to make. The court noted, "The registrar does have discretionary powers in that he is the sole judge when the counter affidavit by three legally registered voters legally answers the challenge and actually proves the right of the challenged voter to remain on the registration rolls," and it goes on to say, "What we are badly in need of is new legislation defining and clarifying the duty of the registrar in these eventualities. The law is too indefinite and places too great a responsibility on the part of the registrar to determine when and how the challenged registrar has proved his rights to remain on the registration rolls."

One further comment from this case, and I will say no more about it. It does relate to some of the testimony that you have heard, and it shows the tie-in between the various agencies mentioned on here along with the activities of the Citizens Council.



"Shortly after the first of the year, the legislature, the chief executive, and the Attorney General of Louisiana embarked upon an educational program designed to bring about uniform enforcement of voter qualification laws in this state. This would insure, for example, that the ballot of Sam Smith from Caddo Parish would not be nullified by an illegal ballot cast by John Doe, say, in Orleans Parish. This program was extensively reported by the press, and knowledge thereof is so common that this court may well take judicial notice of it. That such a program was necessary became readily apparent immediately after its commencement. It aroused a great deal of interest among public officials and even ordinary citizens. It is no doubt the causa causans of defendants' search for illegal registration in Washington Parish."

The last bit of documentary evidence will be the certified copy of a case entitled United States of America versus the Association of Citizens Councils of Louisiana, et al, decided July 27, 1960.

"The action of individuals or groups of individuals, as have been mentioned in challenging registered voters, has been held to constitute state action. In an action by the United States to enjoin persons engaged in purging Negro registrants from the voting rolls of Washington Parish, the Federal District Court for the Eastern District of Louisiana

reached the following conclusion in granting relief," and I quote: "The individual defendants, in challenging the registration status of voters, were acting under color of the laws of Louisiana. Providing for and supervising the electoral process is a state function. The individual defendants participated in this state function under express authority of Louisiana law, using state facilities made available to them. Their action formed the basis for the removal of the citizens from the registration rolls by the defendant registrar acting in his official capacity."

That was decided in the case of U. S. v. McElveen.

For the final note, I would like to indicate that subsequently an action was brought by the United States to enjoin the Citizens Council of Louisiana from utilizing state facilities to accomplish the purge of Negro voters from the registration rolls.

The language of the court, in considering the nature and activities of the Citizens Council, is significant as it bears particularly on the voter registration laws, and I quote: "The individual defendants and the Citizens Councils intend that the 14th and 15th Amendments are limited to state action as distinguished from individual private action, and that therefore Title VI of the 1960 Civil Rights Act is unconstitutional in its attempted application to them. The acts complained of triggered actions on the part of the

registrar that were ministerial under state law. We are compelled to hold that the alleged action taken by the individual defendants and Citizens Councils constituted state action within the meaning of that term as held in the decided cases."

That is the conclusion of our introduction of documentary evidence.

Thank you.

VICE CHAIRMAN STOREY: Thank you, Mr. Bernhard.

All of the documentary evidence will be incorporated in the record.

(The documents referred to, previously marked Exhibits 1, a, A-1, A-2, B, C, D, 2, 3, 4, 5, 6, 7, E, F-1, F-2, F-3, F-4, G-1, G-2, G-3, H, I, J, K-1, K-1-a, K-2, L-1, L-2, L-3, L-4, and L-5 were received in evidence.)

VICE CHAIRMAN STOREY: Mr. Rosenfeld, are there any other witnesses to be heard from?

COLONEL ROSENFELD: No, sir; there are not.

VICE CHAIRMAN STOREY: Mr. Gremillion, may I ask you -- I am sure your assistant informed you that we would be glad to hear from any registrars who might appear this afternoon.

Have you heard at this time whether or not anyone will appear?

MR. GREMILLION: Mr. Storey, it is a physical impossibility, as I am sure this Commission can appreciate, for me to bring any registrar of voters before this body on such short notice. I received your notice at 25 minutes to 10:00.

Now, in all fairness, and without trying to be argumentative in the slightest, I asked Mr. Tiffany, from letters that have been produced in the record, to let me know whether any registrars were going to be subpoenaed so that we could be prepared. I was advised by Mr. Tiffany that he would give me a list of witnesses when they were completed, words to that effect, and would notify me simultaneously. Of course I received no list of witnesses.

For that particular reason it was impossible for me to bring any rebuttal evidence before this Commission.

I understand that you have received several telegrams which you read this morning when I was not present, when Mr. Dalton was here. I received a telegram just a minute ago concerning the testimony of Dr. Reddix. I believe Mr. Hannah received it, and I don't know whether Mr. Hannah intends to read it. If he does not, I would like to read it. May I have that privilege, sir?

VICE CHAIRMAN STOREY: Mr. Gremillion --

MR. GREMILLION: And I have a short statement I would like to make to the Commission.

VICE CHAIRMAN STOREY: Apropos of the points you brought up at this time, you weren't here this morning, but we introduced some -- I think Mr. Dalton was.

MR. DALTON: Yes.

VICE CHAIRMAN STOREY: -- some excerpts from testimony, at which you were present, of two registrars. We had introduced this letter, copy of the letter to you, that you will recall the last paragraph reads, "I am pleased to enclose a copy of the Rules of Procedure which the Commission will follow in the conduct of these hearings. The nature of the hearings will be to hear facts as to whether or not a citizen or citizens of the United States are being deprived of their right to vote and have that vote counted because of race, color, creed, religion, or national origin," and then that was supplemented later as to the notice and time and place.

A letter came from the Sovereignty Commission, and this is the final paragraph of the reply to the Sovereignty Commission chairman. "The hearings will be open to the public. Public officials and representatives of the State of Louisiana will be permitted to appear and offer testimony relevant and material to the issues, and in accordance with the Rules of Procedure of this Commission, a copy is being

enclosed for your information," and it is signed "Sincerely yours," and then it is true that further advice was given to you that as and when any registrars were subpoenaed, you would be notified.

MR. GREMILLION: I agree with you.

VICE CHAIRMAN STOREY: None were subpoenaed.

MR. GREMILLION: That's right.

VICE CHAIRMAN STOREY: And none were notified to be present by the Commission.

Now, we have concluded our formal part of the presentation. Out of courtesy we notified Mr. Dalton this morning, in response to those telegrams, that if any registrars wanted to appear this afternoon, beginning at 2:00 o'clock, we would remain in session all day. I realize there are distances. Some of them are closer. But we did not subpoena any registrars, as you know. If we had, we would have given you a list of them in advance as we did at the Shreveport hearing.

Now, having said that, as to the telegram that you mention, we are not going to introduce the original. The original came to Dr. Hannah, and I believe a copy came to you. I think the reasons are obvious, in reading the telegram. It will not be introduced, and we do not believe that it is pertinent for you to introduce it, and it is not relevant to the issues that we have.

MR. GREMILLION: It shows why Dr. Reddix won't register, if he is carrying on a protest campaign for his failure to register. Father Hesburgh was very much interested in it, and I am going to apprise him of it individually, and I am certainly going to release the telegram to the press.

I have a short statement that I would like to make if you will give me that privilege.

VICE CHAIRMAN STOREY: All right.

MR. GREMILLION: I will be glad to send you a copy of the statement for you to read prior to reading it, and if you don't agree with it, it is perfectly all right with me.

VICE CHAIRMAN STOREY: Well, now, Mr. Gremillion --

MR. GREMILLION: Dean, let me say one more thing.

VICE CHAIRMAN STOREY: May I finish first, Mr. Gremillion?

MR. GREMILLION: Yes, sir.

VICE CHAIRMAN STOREY: You are perfectly familiar with the rules.

MR. GREMILLION: Thoroughly.

VICE CHAIRMAN STOREY: You are perfectly familiar with the decision of the United States Supreme Court, and we are going to follow that decision in the conduct of these hearings in accordance with our rules. You realize that these rules provide that counsel may accompany any client, advise him as to his constitutional rights, but as to actual

MR. GREMILLION: Thank you for ruling me out of order.

VICE CHAIRMAN STOREY: I appreciate your courtesy, your deference, and you will remember yesterday morning you said you were attending as an observer.

MR. GREMILLION: That is correct.

VICE CHAIRMAN STOREY: Thank you, sir.

Now, I believe this concludes our testimony.

MR. GREMILLION: Dean.

VICE CHAIRMAN STOREY: Yes, sir.

MR. GREMILLION: This is my last time.

Are you going to let me read this statement, please?

VICE CHAIRMAN STOREY: No, sir; no, sir; because it does not comply with the rules, Mr. Gremillion, with which you are thoroughly familiar. You are an Attorney General, you are an attorney of distinction, you are thoroughly cognizant of it, and if you wanted to submit a statement, you did not comply with the rules of which you have knowledge.

Now, finally, let me say this, we are going to recess this hearing subject to further call of the Commission. We are also saying to you witnesses who are under subpoena that you remain under subpoena, the same subpoena that has been served, and be subject to call for a further hearing, and finally, it having been noted that no registrars will appear this afternoon, we are not going to adjourn the meeting, but



it will be recessed subject to further call by the Commission,  
and we stand in recess.

(Whereupon, at 11:35 o'clock a.m., the hearing  
was recessed, subject to further call of the Commission.)