

Attorney General in charge of the Criminal Division of the U.S. Department of Justice.

As I said, for the convenience of the members of the committee, I just lifted that page out of a committee hearings, and with your permission, Mr. Chairman, I will offer it. I assume you have the hearings, but just for the convenience of the members I submit it.

Senator HART. Without objection, it will be received in the record.

(Page 238, 1957 Civil Rights hearings follows:)

CIVIL RIGHTS—1957

HEARINGS BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, EIGHTY-FIFTH CONGRESS, FIRST SESSION ON S. 83, AN AMENDMENT TO S. 83, S. 427, S. 428, S. 429, S. 468, S. 500, S. 501, S. 502, S. 504, S. 505, S. 508, S. 509, S. 510, S. CON. RES. 5

PROPOSALS TO SECURE, PROTECT AND STRENGTHEN CIVIL RIGHTS OF PERSONS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES

FEBRUARY 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, MARCH 1, 4, AND 5, 1957

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On January 17, 1956, there were approximately 4,000 persons of the Negro race whose names appeared on the list of registered voters of Ouachita Parish as residing within wards 3 and 10 in that parish. It would appear that these persons were and are citizens of the United States, possessing all of the qualifications requisite for electors under the Constitution and the laws of Louisiana and of the United States, because a system of permanent voter registration, provided for under the laws of the State of Louisiana, was in effect in Ouachita Parish, and all of these persons had registered and qualified for permanent registration and had been allowed to vote in previous elections.

As of October 4, 1956, the names of only 694 Negro voters remained on the rolls of registered voters for wards 3 and 10 of Ouachita Parish, the names of more than 3,300 Negro voters having been eliminated from the rolls in violation of the laws of Louisiana, as well as those of the United States. This mass disfranchisement was accomplished by a scheme and device to which a number of white citizens and certain local officials were parties.

The scheme appears to have taken form as early as January of 1956, and its principal purpose was to eliminate from the list of registered voters of Ouachita Parish the names of all persons of the Negro race residing in wards 3 and 10, and thereby deprive them of their right to vote.

On March 2, 1956, a nonprofit corporation, organized under the laws of the State of Louisiana, and called the Citizens Council of Ouachita Parish, La., was incorporated. Among its ostensible objects and purposes, as stated in its articles of incorporation, are the following:

"1. To protect and preserve by all legal means, our historical southern social institutions in all their aspects;

"2. To marshal the economic resources of the good citizens of this community and surrounding area in combating any attack upon these social institutions.

Notwithstanding these stated objects, subsequent developments have demonstrated that one of the principal objects and purposes of the Ouachita Citizens Council was and is to prevent and discourage persons of the Negro race from participating in elections in the parish.

The names of the officers, directors, and members of the Ouachita Citizens Council will be made available to the subcommittee if the subcommittee wishes them.

During the month of March 1956, the officers and members of the citizens council began to carry out their plan to eliminate the names of Negro persons from the roll of registered voters. This scheme consisted of filing purported affidavits with the registrar of voters challenging the qualifications of all voters of the Negro race within wards 3 and 10, and of inducing the registrar to send notices to the Negro voters requiring them within 10 days to appear and prove their qualifications by affidavit of 3 witnesses. The scheme further consisted of inducing the registrar to refuse to accept as witnesses bona fide registered voters of the parish who resided in a precinct other than the precinct of the challenged

voters, or who had themselves been challenged or who had already acted as witnesses for any other challenged voter. Of course it was a part of this scheme that none of the registered Negro voters would be able to meet these illegal requirements and upon the basis of such pretext, that the registrar would strike their names from the roll of registered voters.

These people in the Ouachita Citizens Council appear to have succeeded either by persuasion or intimidation in procuring the help and cooperation of the election officials of Ouachita Parish.

In April and May of 1956, the registrar and her deputy permitted the officers and members of the citizens council to use the facilities of the office of the registrar to examine the record and to prepare therefrom lists of registered voters of the Negro race. The citizens council was given free run of the registrar's office and was permitted to occupy the office and work therein during periods when the office of the registrar was not officially open to the public.

Between April 16, 1956, and May 22, 1956, the members and officers of the Ouachita Citizens Council filed with the registrar approximately 3,420 documents purporting to be affidavits, but which were not sworn to either before the registrar or deputy registrar of Ouachita Parish as required by law. In each purported affidavit it was alleged that the purported affiant had examined the records on file with the registrar of voters of Ouachita Parish, that the registrant named therein was believed to be illegally registered, and that the purported affidavit was made for the purpose of challenging the right of the registrant to remain on the roll of registered voters, and to vote in any elections. These purported affidavits were not prepared and filed in good faith, but were prepared and filed * * *

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Mr. MITCHELL. At that time the country was indignant because of such attempts to deny Negroes the right to vote. This information gathered by Mr. Olney was one of the persuasive factors that resulted in the enactment of the 1957 Voting Rights Act. It is ironic that now, 14 years later, the White House is offering for consideration as a Justice of the U.S. Supreme Court a man who is charged with using the same tactics to deprive Negroes of the right to vote in the State of Arizona.

As I understand it, Mr. Rehnquist in his appearance before the committee indicated that he was a part of this operation, and I have from one of our witnesses down in the State of Arizona a statement about how this worked. It didn't come in until last night by telephone conversation and therefore it appears at the end of my testimony. But this was given to me on November 8, 1971, by Mr. Leonard Walker, of 4841 South 22d Street, Phoenix, Ariz., by long distance.

He said the practice of challenging voters had caused a large number of complaints in 1960, 1964, and 1968; and it is my recollection that Mr. Rehnquist testified that he was identified with that effort during all of those years.

Mr. Walker said that to his knowledge the challengers were concentrated in the precincts with heavy black registrations. According to his statement, two white persons would station themselves between the line of voters and at a table where voting numbers were issued. The whites would then ask whether the blacks could read parts of the Arizona constitution and whether they had "reregistered." Mr. Walker said that the challengers seemed to pick on the older voters who were not likely to make a fuss. "In other words, they didn't just go out and try to knock the Negroes off the books but they took the weak and the humble who probably wouldn't physically defend themselves for the purpose of trying to knock them off of the books."

The whites would then ask whether the blacks could read parts of the constitution, as I said. Mr. Walker said that in 1968 he ran for the legislature in district 28. He said that he observed two white