

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO. _____
v.	)	
	)	
	)	<u>COMPLAINT</u>
THE STATE OF ALABAMA and	)	
FERRY O. HOOPER, Judge	)	
of Probate of Montgomery	)	
County, Alabama,	)	
	)	
Defendants.	)	

The United States of America, plaintiff,  
alleges that:

1. This action is instituted by the Attorney General of the United States pursuant to Section 10(b) of the Voting Rights Act of 1965 and 42 U.S.C. 1971(c).
2. This Court has jurisdiction of this action under Section 10(c) of the Voting Rights Act of 1965, 42 U.S.C. 1971(d), 28 U.S.C. 1345, and 28 U.S.C. 2281.
3. The defendant State of Alabama through its officials and agents administers and collects poll taxes as a precondition to voting in general, special and primary elections in Alabama. The principal State offices are in Montgomery, Alabama.
4. The defendant Perry O. Hooper is the Judge of Probate of Montgomery County, Alabama and an agent of the State of Alabama. He resides and his office is located in Montgomery, Alabama.

5. Alabama law requires county Judges of Probate to compile and certify lists of qualified voters for use at polling places in general, special and primary elections in Alabama. Such lists contain the names of all persons who are registered to vote and designate persons who have paid their poll taxes or who are exempt from payment of poll taxes.

6. Section 178 of the Alabama Constitution requires a prospective voter, as a precondition to voting in general, special and primary elections in Alabama, to pay, on or before February 1 next preceding the election at which he seeks to vote, all poll taxes due from him for the two years next preceding the year of such election.

7. Section 194 of the Alabama Constitution provides in substance that:

(a) the amount of the annual poll tax is one dollar and fifty cents;

(b) the tax is imposed on every inhabitant of the State between the ages of twenty-one and forty-five years; and

(c) the tax may not be enforced by legal process and no fees or commissions are allowed for its collection.

8. Alabama law provides for exemptions from payment of poll taxes for specified classes of persons who have performed military service and for persons suffering from certain permanent physical disabilities.

9. Section 259 of the Alabama Constitution provides that poll tax revenues shall be used for the public schools in the counties of collection.

10. The purpose of adopting the poll tax as a precondition to voting in Alabama was to disenfranchise Negroes.

a. Prior to 1901, Alabama law provided that all male citizens 21 years of age and over (except insane persons and persons convicted of disqualifying crimes) who satisfied residency requirements were eligible to register to vote and to vote. In the years immediately prior to 1901, approximately forty-five percent of the potential voters in Alabama were Negroes and substantial numbers of Negroes registered to vote and voted in Alabama elections.

b. In 1901, a constitutional convention was called by a popular referendum. A principal purpose of the convention was to revise the suffrage requirements in order to disenfranchise Negroes. This purpose was commonly understood by the delegates to the convention and by the general public. All of the delegates were white persons. The convention adopted a package of suffrage requirements, including the poll tax, which was designed to disenfranchise Negroes. The Alabama Constitution of 1901 was subsequently ratified by the electorate.

11. The Alabama poll tax is not a precondition to the exercise or enjoyment of any right or privilege other than the exercise of the right to vote, and it serves and is intended to serve no purpose other than to restrict the exercise of the franchise. It

is neither designed nor intended nor is it presently used for the purpose of raising revenue for the State of Alabama. Alabama poll tax revenues for the year 1964 comprised less than one quarter of one percent of the total revenues for public schools for that year in Alabama.

12. Since the adoption of the Alabama Constitution of 1901, the State of Alabama by law, practice, custom and usage has maintained and promoted white political supremacy and a racially segregated society.

13. From 1901 to the present, a substantial majority of white persons reaching voting age in Alabama have become registered voters. During the same period, a relatively small percentage of Negroes reaching voting age has become registered to vote. In 1964, approximately 950,000 or 70 percent of the white persons of voting age in Alabama, and approximately 100,000 or 20 percent of the Negroes of voting age were registered to vote.

14. The Alabama poll tax requirement classifies potential voters between those who have paid and those who have not paid a tax which bears no rational relationship to voting. This classification is arbitrary and unreasonable and denies the equal protection of the laws to that class of persons who have not paid their poll taxes.

15. The State of Alabama denies and for many years has denied Negroes educational and employment opportunities equal to those afforded white persons with the result that the median income of Negroes is substantially lower than that of white persons.

16. As a result of their lower median income and as a result of the action of the State of Alabama in depriving them of equal education and employment opportunities, payment of poll taxes in Alabama imposes a heavier burden upon Negroes than it imposes upon white persons.

17. The Congress, with facts before it regarding the purpose and effect of the poll tax requirement in Alabama, has found, and has expressed this finding in Section 10(a) of the Voting Rights Act of 1965, that the requirement of the payment of a poll tax as a precondition to voting (a) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (b) does not bear a reasonable relationship to any legitimate state interest in the conduct of elections, and (c) in some areas has the purpose or effect of denying persons the right to vote because of race or color. On the basis of these findings, the Congress has declared, in Section 10(a) of the Voting Rights Act of 1965, that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

18. The defendants, by enforcing the Alabama poll tax requirement, deny qualified persons the right to vote and unreasonably restrict and deter qualified persons in the exercise of the right to vote in Alabama in violation of the Constitution of the United States, including the due process and equal protection clauses of the Fourteenth Amendment,

other tax as a precondition to the payment of a poll tax or any Sections, insofar as they require the statutes implementing said of the Alabama Constitution, or effect to Sections 178 and 194 a. enforcing or giving any further participation with them from:

and all persons in active concert and their agents, employees, and successors, injunction enjoining the defendants,

2. Issue a preliminary and permanent injunction enjoining the defendants, their agents, employees, and successors, and all persons in active concert and participation with them from enforcing or giving any further effect to Sections 178 and 194 of the Alabama Constitution, or effect to Sections 178 and 194 of the Alabama Constitution, insofar as they require the payment of a poll tax or any other tax as a precondition to voting in general, special and primary elections in Alabama, are invalid under the Constitution of the United States, including the due process and equal protection clauses of the Fourteenth Amendment, and the Fifteenth Amendment thereof, and under 42 U.S.C. 1971(a).
1. Adjudge, declare and decree that the provisions of Sections 178 and 194 of the Alabama Constitution, and the statutes implementing those provisions, insofar as they require the payment of a poll tax or any other tax as a precondition to voting in general, special and primary elections in Alabama, are invalid under the Constitution of the United States, including the due process and equal protection clauses of the Fourteenth Amendment, and the Fifteenth Amendment thereof, and under 42 U.S.C. 1971(a).

WHEREFORE, Plaintiff prays that, pursuant to the provisions of 28 U.S.C. 2281 a District Court of three judges be convened in accordance with the procedures set forth in 28 U.S.C. 2284, and that said Court:

violation of 42 U.S.C. 1971(a); and the Fifteenth Amendment thereof, and in

voting in general, special  
and primary elections in  
Alabama;

- b. . requiring, as a precondition  
to voting in general,  
special and primary elections  
in Alabama, the payment of a  
poll tax or any other tax;
  - c. conducting any election in  
Alabama in which voting is  
conditioned on the payment  
of a poll tax or any other tax.
3. Order the defendants, their agents,  
employees, and successors, henceforth  
to compile and certify all lists of  
qualified voters for all elections  
within their jurisdiction without  
regard to payment of the poll tax  
or any other tax.
4. Grant such additional relief as justice  
may require together with the costs  
and disbursements of this action.

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