

HEARINGS
BEFORE THE
UNITED STATES
COMMISSION ON CIVIL RIGHTS

VOTING



HEARINGS HELD
IN
MONTGOMERY, ALABAMA
December 8, 1958, Morning Session
December 8, 1958, Afternoon Session
December 9, 1958, Morning Session
January 9, 1959, Morning Session

LIBRARY
U. S. COMMISSION ON CIVIL RIGHTS

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1959

MEMBERS OF THE COMMISSION

John A. Hannah, Chairman
Robert G. Storey, Vice Chairman
John S. Battle
Doyle E. Carlton
Rev. Theodore M. Hesburgh, C.S.C.
J. Ernest Wilkins

STAFF DIRECTOR

Gordon M. Tiffany
(π)

Public Law 85-315

85th Congress, H.R. 6127

September 9, 1957

AN ACT

71 Stat. 634.

To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

Civil Rights Act of 1957.

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

RULES OF PROCEDURE OF THE COMMISSION

SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpoena additional witnesses.

(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

Evidence or
testimony.
Release.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

71 Stat. 635.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

Witness fees.

(j) A witness attending any session of the Commission shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$12 per day for expenses of subsistence, including the time necessarily occupied in going to and

returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of \$12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of \$12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

DUTIES OF THE COMMISSION

SEC. 104. (a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

VII

(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

Hearings, etc.

Subpenas.

(g) In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

APPROPRIATIONS

Sec. 106. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

* * * * *

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(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

Reports to
President and
Congress.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than two years from the date of the enactment of this Act.

Termination of
Commission.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

71 Stat. 636.

POWERS OF THE COMMISSION

Staff director.

SEC. 105. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of \$22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of \$50 per diem.

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term "whoever" as used in paragraph (g) of section 102 hereof shall be construed to mean a person whose services are compensated by the United States.

(c) The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99).

62 Stat. 697
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UNITED STATES
COMMISSION ON CIVIL RIGHTS

MONDAY MORNING SESSION
DECEMBER 8, 1958

HEARING HELD
IN
MONTGOMERY, ALABAMA

COMMISSION ON CIVIL RIGHTS

MONDAY MORNING SESSION, DECEMBER 8, 1958

The commission met in the hearing room of the U.S. Circuit Court of Appeals, U.S. Post Office and Federal Building, Montgomery, Ala., at 9 a.m., Monday, December 8, 1958, Dr. John A. Hannah, chairman of the commission, presiding.

Present: John A. Hannah (chairman), Robert G. Storey (vice chairman), John S. Battle (commissioner), Doyle E. Carlton (commissioner), Rev. Theodore M. Hesburgh (commissioner), J. Ernest Wilkins (commissioner).

Also present: Gordon M. Tiffany (staff director), Mrs. Carol R. Arth (executive secretary), A. H. Rosenfeld (director, office of complaints, information and survey), Charles Ed Clark (legal assistant), Burton Stevenson (legal assistant), Berl I. Bernhard (staff attorney), Lysbeth A. Santon (secretary), Thomas W. Young (consultant), David F. Koonce (consultant), Eugene R. Jackson, (legal assistant).

PROCEEDINGS

Chairman HANNAH: This hearing will come to order, which is the hearing conducted by the Commission on Civil Rights.

Perhaps if we would turn these around the audience could identify us more easily.

On my extreme right is Commissioner Carlton, Doyle Carlton, from Tampa, Fla., former Governor of Florida.

Immediately on my right is Mr. J. Ernest Wilkins of Chicago, former Assistant Secretary of Labor.

On my immediate left is the vice chairman, Dean Robert Storey of Dallas, Tex.

Next to him is John S. Battle of Charlottesville, Va., formerly Governor of Virginia.

On my extreme left is Father Theodore M. Hesburgh, the president of the University of Notre Dame, South Bend.

I will now read an opening statement.

The Commission on Civil Rights was established under the Civil Rights Act of 1957. Under the act, the commission is required to "investigate allegations in writing under oath or affirmation that certain citizens of the

United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin * * * In order to carry out that explicit duty, the commission is authorized to "hold such hearings * * * as the commission may deem advisable."

The Civil Rights Act of 1957 is mandatory in providing that the commission shall investigate voting complaints. Numerous complaints having been received by the commission from certain parts of the State of Alabama, a preliminary investigation of these complaints was authorized and the results of the investigation were brought to the attention of the commission at its recent meeting. After careful consideration of the information before it, the commission unanimously agreed that a hearing should be scheduled for the purpose of gathering all of the facts about the voting situation in certain counties of Alabama.

I would like to emphasize that the Commission on Civil Rights is an independent agency of the Government, in no manner connected, even administratively, with the Department of Justice or with any other enforcement agency. The commission is a fact-finding body which has the duty to determine what the facts are about voting in the United States and to report those facts to the President and to the Congress on or before September 9, 1959. Prosecutions, indictments—indeed, matters of law enforcement in any form whatsoever—are beyond the power of this commission.

The emphasis of the commission and its staff is on objectivity, and, as the commission views it, objectively presupposes getting all of the facts.

The commission does not consider itself a protagonist for one view or another and, in that connection, I would point out that of the six members of the commission three are from the South and three are from the North. Politically, the commission is composed of three Democrats, two Republicans, and one independent.

The commission was established in the hope that, through a dispassionate evaluation and appraisal of the facts, some sort of reason and light could be brought to bear upon problems of national importance which have up to now been frequently and passionately debated but seldom soberly assessed.

The commission is keenly aware of the forward strides that have been taken throughout the South in recent years in admitting Negroes to the exercise of the voting franchise. Not too many years ago in many parts of the South only white citizens were permitted to vote. I am told that now almost a million and a quarter Negroes are registered to vote throughout the South, and that indicates that progress is being made in that direction.

This hearing is a serious attempt to determine what the facts are about voting in Alabama. The location of this hearing was not selected

because of any predisposition on the part of the commission to single out the State of Alabama for criticism or censure. It was selected because the act under which we operate required that we investigate valid voting complaints, and the largest number of complaints came from Alabama. It is not unlikely that the information we derive from this hearing will be useful in the event future hearings are conducted elsewhere.

Now, I am asking our vice chairman, who is a distinguished attorney, former president of the American Bar Association, and the dean of the Law School of Southern Methodist University in Dallas, Tex., to preside at this hearing.

Three other members of this commission are distinguished attorneys—Governor Battle, Governor Carlton, and Mr. Wilkins.

Father Hesburgh, the president of the University of Notre Dame, and I have decided that, not being attorneys, we may participate in the questioning of witnesses from time to time, but in general we will rely upon the lawyer members of the commission to bring out the facts.

Vice Chairman Storey, in accordance with the unanimous desires of the commission, will you please take over and conduct this hearing.

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

Vice Chairman STOREY. Thank you, Mr. Chairman.

Members of the commission, ladies and gentlemen: First, may I add a word to the chairman's statement to assure everyone that we are here on a mission to ascertain facts about an issue that is vital to every American citizen. We are here performing a duty that is—for at least some of us—unusual, a duty delegated to us by the Congress and the President. We did not seek this responsibility, but when the President appointed us to join in a nonpartisan mission to seek the facts of this complex human and legal problem commonly known as civil rights we felt obligated to serve.

This is a difficult assignment, at least for me, because it is raising fundamental questions about the political processes of my own region. My father was born in Alabama, reared here and educated before he emigrated to Texas. I have close relatives and many good friends in this State. My grandfathers were Confederate soldiers. So, there are many thoughts and memories going through my mind as we meet in Montgomery, the cradle of the Confederacy; but history moves on. We are one nation now. Hence, this bipartisan commission, composed of two presidents of great universities and four lawyers, has a solemn duty to perform. We are sworn to uphold the Constitution of the United States.

Our sole purpose is to find the facts. We hope that a thorough understanding and evaluation of the facts will contribute to sound and reasonable recommendations. As the President said when the commission was created, these problems of civil rights can only be solved "by understanding and reason." Similarly, the Democratic leader of the Senate, Senator

Lyndon Johnson of my own State, commented that this commission "can be a useful instrument. It can gather facts instead of charges; it can sift out the truth from the fancies, and it can return the recommendations which will be of assistance to reasonable men."

It is in this spirit that we are here.

Each witness subpoenaed received a copy of our rules of procedure when he was served with a subpoena.

Fair, informal, and nontechnical procedure will be followed.

Constitutional rights of witnesses will be protected in these proceedings, as provided by the statute, which reads:

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights,

a copy of which has been delivered to each witness with his subpoena.

This hearing or inquiry is not in any sense an adversary proceeding. The complaining parties who have submitted sworn statements will be called first. Then we will ask the appropriate public officials to testify. All testimony will be under oath. Any citizen who knows facts relevant to the issues is welcome to submit a sworn statement, subject to our rules of procedure.

A transcript of the testimony of all witnesses will be made and each witness shall have the right to inspect the record of his testimony.

Let me conclude by restating the issue before us: Are certain citizens of the United States being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin?

Now for a few statements and a few references to procedure.

We intend to convene promptly at 9 o'clock in the morning, having a brief break in the morning, and conclude the morning session about 12:30. We will reconvene promptly at 2 o'clock in the afternoon and go until about 4:30, depending upon the situation, and hope to have a short break in the afternoon.

You have observed the "No smoking" signs. The judges of this court specifically requested that we make the announcement, and I am sure all of you will observe it.

You will notice that there are a good many representatives of the press, the radio, TV, and other news media. These gentlemen will conduct themselves in an orderly fashion, as they are. There will be no interference up here with the witness, and this will be, we hope, a quiet and dignified procedure.

There are certain excerpts from the rules which I think need emphasizing and which you will be glad to recall.

Paragraph 2, Subparagraph (c) provides:

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

But that, as is common with an informal hearing or inquiry, does not imply that the counsel may take part in the questioning or make speeches or arguments to the commission. However, he may sit by the side of his witness or client and advise him on his constitutional rights.

Here is another provision:

If the commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpoena additional witnesses.

While these rules have been served, I think it is appropriate to announce them again.

For the purpose of the many representatives of the press and public media, I will read this provision of the rules:

Subject to the physical limitations of the hearing room—

and we are all conscious that it is small for this size audience

and consideration of the physical comfort of commission members, staff and witnesses, equal and reasonable access for coverage of the hearings shall be provided to the various means of communications, including newspapers, magazines, radio, newareels, and television. However, no witness shall be televised, filmed, or photographed during the hearing if he objects on the ground of distraction, harassment, or physical handicap.

Now, may I present certain other parties here whom you will want to know:

We have the deputy clerk of the United States Court, Mr. Hughes, who is over here;

The bailiff, Mr. Lassiter;

The court reporter, Mr. Barnes, who sits right in front.

I would also like to present:

The staff director of our commission, a presidential appointee, Mr. Gordon M. Tiffany.

Will you rise, Mr. Tiffany, for identification?

And then Mr. A. H. Rosenfeld, director of a division of our commission having to do with surveys and inquiries, who has identified the witnesses and will call them from time to time.

And then Mr. Burton Stevenson—

Will you rise, Mr. Stevenson?

Who has been designated as custodian of records, and his office will be across the hall.

Now, may I ask Mr. Rosenfeld to call the roll of all witnesses who have been subpoenaed.

After they have answered, all will stand and the oath will be administered collectively.

Mr. Rosenfeld, will you call the roll, please?

Mr. ROSENFELD. Will the marshal call all witnesses who may be standing in the hall?

Vice Chairman STOREY. From a procedural standpoint, we will ask the clerk at this time to swear the reporter, Mr. Barnes.

Mr. Hughes, will you administer the oath to Mr. Barnes, the reporter?

The CLERK. Do you swear that you will faithfully perform the duties of reporter to this commission, so help you God?

The REPORTER. I do.

Vice Chairman STOREY. Proceed, Mr. Rosenfeld.

Mr. ROSENFELD. Mr. William P. Mitchell.

Rise, please.

Mr. William A. Hunter.

Reverend Daniel W. Wynn.

Reverend K. L. Buford.

Miss Fidelia JoAnne Adams.

Mrs. Marie Williams.

Mrs. Roberta A. Lightfoot.

Mr. Herbert Fort.

Vice Chairman STOREY. Wait just a minute.

Is Mrs. Lightfoot present?

All right.

Pardon me. I didn't see you.

Mr. ROSENFELD. Mr. Herbert Fort.

Mrs. K. Eaton Scott.

Mrs. Leida R. Davison.

Miss Bettie J. Mindingall.

Will you step in, please, so you may be sworn?

Mrs. Bettye F. Henderson.

Mr. Hosea Guice.

Mrs. Lavinia Philpot.

Mrs. Bettie B. Quinn.

Mr. John W. Jackson, Jr.

Mrs. Lena H. Johnson.

Mr. John T. Thompson.

Miss Berlie Mae Melton.

Mrs. Estelle Johnson.

Mr. Charles E. Miller.

Mr. Dillard Debardeleben.

Mr. Luther Watkins Hemmons.

Is Mr. Hemmons present?

Mr. George C. Busby.

Dr. Eugene William Adams.

Dr. Robert Lavendar Judkins.

Dr. Demetrice I. Lyles.

Mrs. Lillian Wynn.

Miss Doris Nearror.

I will now call the list of those officials who have been subpoenaed.

Hon. William Varner, probate judge, Macon County, Ala.

I know the judge is present here.

Judge VARNER. Here.

Mr. ROSENFELD. Mr. Grady Rogers of the Macon County Board of Registrars.

Is Mr. Rogers here?

A PERSON FROM THE AUDIENCE. He's here.

Mr. ROSENFELD. Mr. E. P. Livingston of the Macon County Board of Registrars.

A PERSON FROM THE AUDIENCE. He's here.

Mr. ROSENFELD. Hon. George C. Wallace, circuit judge, custodian of registration and voting records of Bullock County and Barbour County.

Is Judge Wallace present?

Mr. J. W. Spencer of the Barbour County Board of Registrars.

A PERSON FROM THE AUDIENCE. He is here.

Mr. ROSENFELD. Mr. W. A. Stokes, Sr., of the Barbour County Board of Registrars.

A PERSON FROM THE AUDIENCE. He is present.

Mr. ROSENFELD. Hon. Marshall J. Williams, probate judge, Barbour County, Ala.

Judge WILLIAMS. Here.

Mr. ROSENFELD. Mr. M. T. Evans of the Bullock County Board of Registrars.

A PERSON FROM THE AUDIENCE. He is present.

Mr. ROSENFELD. Hon. William Dannelly, probate judge, Wilcox County.

Judge DANNELLY. Here.

Mr. ROSENFELD. Hon. Harrell Hammonds, probate judge, Lowndes County, Ala.

Judge HAMMONDS. Yes, sir.

Mr. ROSENFELD. Is he here?

Judge HAMMONDS. Yes, sir.

Mr. ROSENFELD. Mr. Colby C. Coleman of the Lowndes County Board of Registrars.

Mr. COLEMAN. Here.

Mr. ROSENFELD. Mrs. Dorothy Woodruff of the Lowndes County Board of Registrars.

Mrs. WOODRUFF. Present.

Mr. ROSENFELD. Mr. Clyde Day of the Lowndes County Board of Registrars.

Mr. DAY. Here.

Mr. ROSENFELD. Hon. Bernard A. Reynolds, probate judge, Dallas County, Ala.

A PERSON FROM THE AUDIENCE. He's here.

Mr. ROSENFELD. Mrs. Ruth Horne of the Dallas County Board of Registrars.

A PERSON FROM THE AUDIENCE. I have a medical certificate on behalf of Mrs. Horne.

Vice Chairman STOREY. Would you pass it up, please, sir?

The chairman and I have read over the doctor's certificate relating to the witness, Mrs. Ruth W. Horne, and there is a legal excuse and, therefore, she will be excused because of illness.

Now, then, will all the witnesses whose names have been called stand and raise your right hand and, as much as possible, will the others please be seated, those who are not witnesses?

All of the witnesses whose names have been called and who have answered "Present" hold up your right hand and the deputy clerk, Mr. Hughes, will administer the oath.

The CLERK. Do you and each of you solemnly swear that the evidence you shall give in this matter now in hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

(Cries of "I do.")

Vice Chairman STOREY. Now, may I make this statement: As you observe, the courtroom is crowded. There is a room just across the hall, opposite here, where the witnesses may go and use it.

With reference to the election judges and the public officials who have been subpoenaed, we would be happy to excuse you until 2 o'clock, if you so desire.

We do not want to hold you here an undue length of time and, hence, as long as the witnesses are across the hall in the witness room or in hearing distance of the marshal, you may move around; but we would rather you would not be getting up and going out during the actual interrogation of the witness.

Are there any questions from any of you witnesses about physical arrangements?

We want you to be just as comfortable as you can.

May I again call your attention—

Stand up, Mr. Stevenson.

To the fact that you public officials who have records, if you do not want to carry them around with you, can turn them over to Mr. Stevenson. He has a place to keep them across the hall. It is not the intention of this commission to, nor will we, take any official's records away from this hearing to Washington or any other place. The only purpose of requesting the records is we would like to have them to be used during the examination of the witnesses.

Is there any other preliminary announcement?

The first witness will be William P. Mitchell.

TESTIMONY OF WILLIAM P. MITCHELL, TUSKEGEE INSTITUTE,
MACON COUNTY, ALA.

Mr. Mitchell, will you please state your full name, age and residence?

Mr. MITCHELL. My name is William P. Mitchell. I am 46 years of age. I live in Tuskegee Institute, Ala.

Vice Chairman STOREY. How long have you lived in Macon County?

Mr. MITCHELL. I have lived in Macon County since 1931.

Vice Chairman STOREY. How long have you lived in the State?

Mr. MITCHELL. I have lived in the State for approximately 40 years.

Vice Chairman STOREY. Almost as old as you are?

Mr. MITCHELL. Yes.

Vice Chairman STOREY. Are you a registered voter?

Mr. MITCHELL. I am.

Vice Chairman STOREY. For how long have you been a registered voter in Macon County?

Mr. MITCHELL. I have been a registered voter in Macon County since approximately 1946 or 7.

Vice Chairman STOREY. Did you have any difficulty in becoming a registered voter?

Mr. MITCHELL. Yes; I did.

Vice Chairman STOREY. Just briefly tell what it was.

Mr. MITCHELL. I made two attempts before the Macon County Board of Registrars to become a qualified voter. Not hearing from one, I made another. Finally, I made three. When it was pretty evident that I could not receive my certificate of registration, I filed a court suit in the Federal District Court for the Middle District of Alabama. This was, I believe, in 1945.

Vice Chairman STOREY. Did you then obtain a registration certificate?

Mr. MITCHELL. No; I did not.

Vice Chairman STOREY. What happened?

Mr. MITCHELL. This is exactly what happened: After 3 years of litigation, even to the United States Supreme Court, the then member of the board, stated, according to the newspaper, after 3 years—

Vice Chairman STOREY. Now, just a minute. Don't state hearsay testimony. If you know it of your own knowledge——

Mr. MITCHELL. Well, this was important——

Vice Chairman STOREY. Just tell what you know.

Mr. MITCHELL. In view of the fact it was based upon that in the court hearing.

Vice Chairman STOREY. Now, Mr. Mitchell, we want to have a fair and orderly hearing. The commission will determine whether it is important. Just tell what you know, will you?

Mr. MITCHELL. The member of the board of registrars said that she thought she remembered having registered me some years back. Therefore, they simply gave me a letter stating that I had been registered and, hence, the appellate court, at which level the case was pending, ruled that the question as to the registration of William P. Mitchell was moot.

Vice Chairman STOREY. All right. Have you since voted?

Mr. MITCHELL. I have.

Vice Chairman STOREY. Where are you employed?

Mr. MITCHELL. I am employed at the U.S. Veterans Hospital, Tuskegee, Ala.

Vice Chairman STOREY. Do you hold any other position of any civic association or organization?

Mr. MITCHELL. Yes; I do.

Vice Chairman STOREY. What is it, please?

Mr. MITCHELL. I am the secretary of the Tuskegee Civic Association and I am chairman of its board of franchise committee.

Vice Chairman STOREY. Are these paid positions?

Mr. MITCHELL. They are not paid positions.

Vice Chairman STOREY. Let me ask you this personal question: Have you gone to any college or university?

Mr. MITCHELL. I attended Tuskegee Institute.

Vice Chairman STOREY. Did you receive any degrees?

Mr. MITCHELL. I did not.

Vice Chairman STOREY. How many years did you go to Tuskegee Institute?

Mr. MITCHELL. Five years.

Vice Chairman STOREY. Now, tell us, just briefly: What is the Tuskegee Civic Association?

Mr. MITCHELL. The overall objective of the Tuskegee Civic—First, the Tuskegee Civic Association, in its present form, was established in 1941. The objectives of the association are:

Number 1: The studying and interpretation of local, civic, and political problems;

Number 2: The collection and dissemination of local and civic and political data; and

Number 3: Courageous civic and political action.

Vice Chairman STOREY. Now, in your capacity as secretary of the Association, have you collected any voting data with reference to the Negroes who have registered and attempted to register in your county?

Mr. MITCHELL. Yes; I have.

Vice Chairman STOREY. Have you, yourself, from those records made a tabulation?

Mr. MITCHELL. Yes; I have.

Vice Chairman STOREY. Do you have that tabulation with you?

Mr. MITCHELL. I do.

Vice Chairman STOREY. If necessary, will you refer to it in connection with the questions we are going to ask you? First, how far back do your records go?

Mr. MITCHELL. My records go to 1951.

Vice Chairman STOREY. Now, just recite, briefly, what your records show with reference to the Negroes from your county who applied for certificates of registration and the number who have received those certificates. Just do it by years, will you?

Mr. MITCHELL. In 1951, 161 Negroes made applications to become registered voters and 23 of those were registered, for a percent of 14. In 1952, 225 Negroes made applications and 52 of those received their certificates of registration, for a percent of 23. In 1953, 182 Negroes made applications but only 28 of those were registered, for a percent of 15. In 1954, 456 Negroes made applications but only 167 received certificates of registration, for a percent of 37. In 1955, 258 Negroes made applications but only 119 were registered, for a percent of 46. In 1956, 23 Negroes made application but only 8 received their certificates of registration, for a percent of 35. In 1957, 78 Negroes made applications but only 26 were registered, for a percent of 33. In 1958, so far, that is, through the 11th month and 15th day of this year, 202 Negroes made application and 87 received certificates of registration, for a 43 percent.

Total number of Negroes making application in the 8 years—1,585. Those receiving certificates were 510, for a percent of 32.

Vice Chairman STOREY. Do you know, of your own knowledge, what are the requirements for a prospective voter in your county and in your State and whether or not they apply to both the white and the Negro population?

Mr. MITCHELL. Well, the general requirements for registration in the State of Alabama are that you must be a resident for 2 years in the State, 1 year in the county, and 3 months in the particular precinct in which you live. I am not in a position to say what requirements are made of the

whites for the reason that the white and Negroes register in separate places in the courthouse of Macon County. We are not in a position to make a tabulation on them.

Vice Chairman STOREY. May I ask you this: In Macon County how many members of the election board or board of supervisors are there?

Mr. MITCHELL. There are three members of the board of registrars. I assume that is what you mean.

Vice Chairman STOREY. That is what I mean—board of registrars.

Mr. MITCHELL. Yes.

Vice Chairman STOREY. What other qualifications are there for voters, besides the registration certificate, in the State which are required of you and others?

Mr. MITCHELL. The board usually establishes other procedures and policies as to what would be the procedure for registration, and it requires—presently the board requires—that the Negro applicants write sections of the Constitution.

Vice Chairman STOREY. First, before we get into that, is a poll tax required?

Mr. MITCHELL. The poll tax is not a requirement for registration.

Vice Chairman STOREY. But as a prerequisite of voting it is, is it not?

Mr. MITCHELL. It is, provided you are not 45 years of age as of October 1st in the year in which you want to vote.

Vice Chairman STOREY. Just for the purpose of the record, so we won't have to repeat it, how much is the poll tax?

Mr. MITCHELL. At the most it is \$3. Then you pay \$1.50 a year until you are 45.

Vice Chairman STOREY. Then registration is a prerequisite for voting.

Mr. MITCHELL. It is.

Vice Chairman STOREY. How long do you have to pay poll tax before you are eligible to vote?

Mr. MITCHELL. You don't have to pay poll tax before you are eligible to vote. The poll tax comes only as a deterrent to your voting once you are registered.

Vice Chairman STOREY. In other words, when you go to vote, though, you have to have your poll tax receipt, don't you?

Mr. MITCHELL. If you are not otherwise exempt, you must. You must have paid your poll tax.

Vice Chairman STOREY. What I am trying to get at, to have it clear so we won't have to ask the other witnesses: When you go to vote, you have to exhibit your registration certificate and your poll tax receipt?

Mr. MITCHELL. That may or may not be true. It depends upon how long you have been registered. For instance, I wouldn't have to do that

because my name is listed in a paper and the tellers and the persons at the polls look at that paper and see if your name is listed.

Vice Chairman STOREY. What I am getting at: In order to be eligible for registration, is there a requirement of payment of poll tax for any particular number of years?

Mr. MITCHELL. No, sir.

Vice Chairman STOREY. All right.

Mr. MITCHELL. There is not.

Vice Chairman STOREY. We just want to get that. Now then, are you familiar with the place of registration at your county seat?

Mr. MITCHELL. Yes; I am.

Vice Chairman STOREY. Where is it?

Mr. MITCHELL. It's located on the second floor of the Macon County Courthouse.

Vice Chairman STOREY. At what place? The city?

Mr. MITCHELL. The city of Tuskegee.

Vice Chairman STOREY. All right. We are trying to get this for the record, you see. Now, you said the white people go to one place and the colored to another. Do you know where the white people are registered?

Mr. MITCHELL. Yes; I do.

Vice Chairman STOREY. Where is that?

Mr. MITCHELL. They are registered in the grand jury room on the same floor, but on another side of the courthouse, on the second floor of the courthouse.

Vice Chairman STOREY. All right. Where are the colored people registered?

Mr. MITCHELL. They are registered in a much smaller room on the southwest wing of the courthouse.

Vice Chairman STOREY. How often do the registrars meet? Do they have stated meetings?

Mr. MITCHELL. Yes; by law they do have stated meetings. Every even year the board of registrars is required to meet for 10 days in January and in each year it's required to meet 5 days in July and, in addition, it is required to meet every first and third Monday, provided, however, that the first and third Monday doesn't fall within 10 days of an election. Every odd year the board will meet for, say, other purposes, such as going into the precinct. It goes into the precinct, I believe, from September the 1st through December the 1st.

Vice Chairman STOREY. That is to accommodate the people in the particular locality?

Mr. MITCHELL. That is correct. For 30 days it is in the precinct.

Vice Chairman STOREY. Now, let's go over the procedure that you or any colored voter or any white voter, so far as you know, goes through when he attempts to register. First, does he fill out any type of form?

Let's take it step by step.

Mr. MITCHELL. The first thing that is required of a Negro would-be registrant is that he is given a small book in which is contained the United States Constitution.

Vice Chairman STOREY. Is that the first thing given to him?

Mr. MITCHELL. That is the first thing given to him.

Vice Chairman STOREY. When he goes in to register?

Mr. MITCHELL. That is correct.

Vice Chairman STOREY. All right. What is next?

Mr. MITCHELL. He is given a pencil and paper—

Vice Chairman STOREY. All right.

Mr. MITCHELL. On which he is to copy certain sections of the Constitution.

Vice Chairman STOREY. All right. What is next?

Mr. MITCHELL. After he will have completed that, he is given an application for registration, questionnaire and oath.

Vice Chairman STOREY. I have a purported copy of that application, and I will hand it to you and ask you if this is a copy of the application to which you refer.

Mr. MITCHELL. That is.

Vice Chairman STOREY. Will you hand it to the reporter so he may mark it for identification and inclusion in the record.

(The application form referred to was marked for identification as exhibit 1.)

QUESTIONNAIRE

1. State your name, the date and place of your birth, and your present address: _____

2. Are you married or single: _____ (a) If married, give name, residence and place of birth of your husband or wife, as the case may be: _____

3. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years: _____

4. If you are self-employed, state the nature of your business: _____

(a) If you have been employed by another during the last five years state the nature of your employment and the name or names of such employer or employers and his or their addresses: _____

5. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident: _____ (a) When did you become a bona fide resident of _____
County: _____ (b) When did you become a bona fide resident of _____ Ward or precinct _____

6. If you intend to change your place of residence prior to the next general election, state the facts: _____

7. Have you previously applied for and been denied registration as a voter: . . . (a) If so, give the facts: _____

8. Has your name been previously stricken from the list of persons registered: _____

9. Are you now or have you ever been a dope addict or an habitual drunkard: _____ (a) If you are or have been a dope addict or an habitual drunkard, explain as fully as you can: _____

10. Have you ever been legally declared insane: _____ (a) If so, give details: _____

11. Give a brief statement of the extent of your education and business experience: _____

12. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude: _____ (a) If so, give the facts: _____

13. Have you ever served in the Armed Forces of the United States Government: _____ (a) If so, state when and for approximately how long: _____

14. Have you ever been expelled or dishonorably discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other country: _____ (a) If so, state the facts: _____

15. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama: _____

16. Are you now or have you ever been affiliated with any group or organization which advocated the overthrow of the United States Government or the government of any State of the United States by unlawful means: _____ (a) If so, state the facts: _____

17. Will you bear arms for your country when called upon by it to do so: _____ (a) If you answer no, give reasons: _____

18. Do you believe in free elections and rule by the majority: _____

19. Will you give aid and comfort to the enemies of the United States Government or the government of the State of Alabama: _____

20. Name some of the duties and obligations of citizenship: _____

(a) Do you regard those duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict: _____

21. Give the names and post office addresses of two persons who have present knowledge of your present bona fide residence at the place as stated by you: _____

OATH

STATE OF ALABAMA _____ COUNTY

Before me, _____, a registrar in and for said county and state, personally appeared _____, an applicant for registration as

an elector, who being by me first duly sworn deposes and says: I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are true and correct to the best of my knowledge, information and belief. I do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama; that I do not believe in nor am I affiliated with, nor have I been in the past affiliated with any group or party which advocated or advocates the overthrow of the government of the United States or of the State of Alabama by unlawful means.

Sworn to and subscribed before me in the presence of the Board of Registrars this the _____ day of _____, 19____

Member of the Board of Registrars for _____ County

SUPPLEMENTAL APPLICATION FOR REGISTRATION, AND OATH

STATE OF ALABAMA _____ COUNTY

Before the Board of Registrars in and for said State and County, personally appeared

_____, an applicant for registration who being by me, _____, a member of said Board, first duly sworn as follows: "I do solemnly

swear (or affirm) that in the matter of the application of _____ for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is _____, and I have heretofore executed the "Application for Registration, Questionnaire and Oath" submitted to me by the above-named Board of Registrars.

In addition to the information given on said "Application for Registration, Questionnaire and Oath," I depose and state as follows:

1. I was previously registered in the following State and County in the years named: _____

(If applicant has never been registered in Alabama or any other State, he should so indicate.)

2. I have never been convicted of any offense disqualifying me from registering. (Board should call applicant's attention to Section 181, Constitution, and Title 17, Section 11, Code of Alabama 1948. If applicant cannot make foregoing statement, facts shall be ascertained and registration refused, unless fully pardoned and right to vote restored.)

3. My present place of employment is: _____

4. I know of nothing that would disqualify me from being registered at this time.

REMARKS

(Signed) _____ (Name of Applicant)

Sworn to and subscribed before me this the _____ day of _____, 19____

Member of County Board of Registrars,

ACTION OF THE BOARD

STATE OF ALABAMA _____ COUNTY

Before the Board of Registrars in session in and for said State and County personally appeared _____ (Name of Applicant) who executed the foregoing application in the manner and form therein stated. The Board having further examined said applicant under oath, touching his qualifications under Section 121, Constitution of Alabama, 1901, as amended, and having fully considered the foregoing Application for Registration, Questionnaire, and Oath, and Supplemental Application for Registration, and Oath as executed, adjudges said applicant entitled to be registered and he was duly registered on this the _____ day of _____, 19____ in _____ precinct (or ward) in said county.

(Signed) _____ Chairman

(Signed) _____ Member

(Signed) _____ Member

(Note: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member present must vote on each application. Not until this is done may a certificate be issued the applicant.)

EXAMINATION OF SUPPORTING WITNESS

STATE OF ALABAMA _____ COUNTY

Before the County Board of Registrars in and for said State and County personally appeared _____

_____, who being first duly sworn as follows: "I solemnly swear (or affirm) that in the matter of the application of _____ for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is _____, My occupation is _____, I reside at _____, My place of business or employment is at _____

The name of my employer is _____, I am a duly registered, qualified elector in _____ precinct (or ward) in _____ County in the State of Alabama. I have known the applicant

_____ (Give Applicant's name) for _____ years (or months). He is a bona fide resident at _____ and to my knowledge has resided thereat for the past _____ years (or months). I know of no reason why he is disqualified from registering under the Constitution and laws of Alabama enacted in pursuance thereof.

Space for further remarks

(Signed) _____

Sworn to and subscribed before me in the presence of the Board of Registrars this the _____ day of _____, 19____

(Signed) _____ (Member of the Board)

Note: This application blank, when duly executed, on the final preparation of the "list" of persons registered, must be delivered by the Board of Registrars to the Probate Judge of the County, whose duty it is to safely preserve it and all accompanying papers. See Title 41, Section 121, Code of Alabama, 1901.

Vice Chairman STOREY. Now, that is required to be filled out?

Mr. MITCHELL. That is right.

Vice Chairman STOREY. By the applicant?

Mr. MITCHELL. That is true.

Vice Chairman STOREY. What is done next?

Mr. MITCHELL. After he fills that out, he is given an envelope that he addresses to himself.

Vice Chairman STOREY. You mean he writes on a blank envelope the address to himself?

Mr. MITCHELL. To himself; that's correct.

Vice Chairman STOREY. What is that for?

Mr. MITCHELL. That is for the purpose of mailing you a certificate if you pass.

Vice Chairman STOREY. All right. What is next done?

Mr. MITCHELL. The registrants then are told that "You'll hear later. You'll hear from us later, maybe a week or 2 weeks or longer," but that's all.

Vice Chairman STOREY. Describe the process of interview and filling out papers in the room where you went to register and as you observed it from time to time. Is everybody who goes on that day admitted one time or not? Just describe actually what is done.

Mr. MITCHELL. The room in which Negroes are registered is a small room. You go—

Vice Chairman STOREY. You talk about small.

Mr. MITCHELL. Well—

Vice Chairman STOREY. Just, for the record, tell about how big it is, will you, please?

Mr. MITCHELL. The room is approximately 10 by 14.

Vice Chairman STOREY. All right.

Mr. MITCHELL. It could approximately accommodate 8 or 10 people. However, the board does not allow but two Negroes in the room at one time.

Vice Chairman STOREY. All right. Go ahead.

Mr. MITCHELL. That means, then, that there are always long lines of Negroes waiting to get in because it requires from 1 hour to 3 hours to fill out the questionnaire, plus have administered to them the oath, plus writing the sections of the Constitution.

Vice Chairman STOREY. How long did you say it took for a Negro, as you have observed it, to finish the process of filing his papers, from the time he arrives until he leaves—the average time?

Mr. MITCHELL. The average time is an hour and 25 or 50 minutes.

Vice Chairman STOREY. Do some of them take longer or not?

Mr. MITCHELL. That is correct.

Vice Chairman STOREY. Some probably take less?

Mr. MITCHELL. Some take less, depending on how fast they can write.

Vice Chairman STOREY. Yes.

Now, is there any other requirement, such as somebody being required to vouch for the applicant?

Mr. MITCHELL. Yes; there is.

Vice Chairman STOREY. Tell what that is.

Mr. MITCHELL. The board requires that the prospective registrant have ~~someone~~ who is already registered or who is a qualified voter to appear after they have appeared and fill out a part of the form that you passed to me just now.

Vice Chairman STOREY. In other words, somebody who knows the applicant must fill out a form and, in effect, vouch——

Mr. MITCHELL. Vouch.

Vice Chairman STOREY. For and recommend the registrant as being a qualified voter?

Mr. MITCHELL. That's correct, sir.

Vice Chairman STOREY. Now, have you described the entire procedure, as you recall?

Mr. MITCHELL. Yes; I believe that is the entire procedure, beyond the fact that there is no definite time as to when the person who fills out the form will receive their certificate or if they receive their certificate.

Vice Chairman STOREY. We will take up that question by individual applicants. I believe you said that you had applied twice before the litigation in suit?

Mr. MITCHELL. Yes.

Vice Chairman STOREY. Are there any questions by members of the commission?

Commissioner BATTLE. May I ask one question?

Vice Chairman STOREY. Governor Battle.

Commissioner BATTLE. I understood you to say, in addition to meeting in this small room in the courthouse, that the registration board also met in the precinct. Is that correct?

Mr. MITCHELL. That's correct.

Commissioner BATTLE. What is the situation when they meet in the precinct?

Mr. MITCHELL. They meet in the precinct, and usually in some store or some other quasi-public building.

Commissioner BATTLE. And for what length of time do they sit?

Mr. MITCHELL. They might sit a half a day one day, and then they'll move on to the next place.

Commissioner BATTLE. Is there any specified length of time in the law as to how long they should sit in the precinct?

Mr. MITCHELL. They're supposed to sit for 30 days.

Commissioner BATTLE. And they might sit for half a day during that period?

Mr. MITCHELL. When I say 30 days, I mean they're supposed to cover the entire precincts within 30 days.

Commissioner BATTLE. But they do appear in the precincts?

Mr. MITCHELL. They do.

Commissioner BATTLE. And receive applicants for registration?

Mr. MITCHELL. Yes; I assume that they do. As far as I know, no Negro has applied in the precinct for registration.

Vice Chairman STOREY. Any other questions?

If not—

Commissioner WILKINS. May I ask—

Vice Chairman STOREY. Oh, pardon me.

Commissioner WILKINS. Mr. Mitchell, what is the Negro population of Macon County?

Mr. MITCHELL. The Negro population of Macon County is 27,000 plus.

Commissioner WILKINS. How many of them are of voting age, if you know, if your records show how many of them are of voting age?

Mr. MITCHELL. Over 14,000.

Commissioner WILKINS. And of the 14,000 your affidavit indicates there are 1,071 registered Negro voters?

Mr. MITCHELL. That was true as of the affidavit.

Commissioner WILKINS. I see.

Mr. MITCHELL. That is to be revised.

Commissioner WILKINS. What is the figure now?

Mr. MITCHELL. The total number of Negroes registered in Macon County is 1,110.

Commissioner WILKINS. One thousand one hundred and ten. Do you know the white population of Macon County?

Mr. MITCHELL. Yes; I do.

Commissioner WILKINS. What is the white population of Macon County?

Mr. MITCHELL. The white population of Macon County is 3,177.

Commissioner WILKINS. Three thousand one hundred and seventy-seven. Do you know what percentage of that white population is of voting age?

Mr. MITCHELL. I didn't work out the percentage, but there are 3,016 of them on the voter registration list.

Commissioner WILKINS. Let me get these figures correct. The population is three thousand—

Mr. MITCHELL. Three thousand one hundred and seventy-seven.

Commissioner WILKINS. And the registered voters are how many?

Mr. MITCHELL. There are 3,016 on the voter list.

Commissioner WILKINS. I want to be sure about that, Mr. Mitchell. So you mean there are 3,081 white citizens over 21 in Macon County?

Mr. MITCHELL. No; I didn't say that.

Commissioner WILKINS. Let's get it clear for the record.

Mr. MITCHELL. All right. the 1950 census shows——

Commissioner WILKINS. Yes.

Mr. MITCHELL. Three thousand one hundred and seventy-seven white people in Macon County.

Commissioner WILKINS. Three thousand——

Mr. MITCHELL. One hundred and seventy-seven.

Commissioner WILKINS. Yes. Does that include both adults and children?

Mr. MITCHELL. Well, I assume it does.

Commissioner WILKINS. And what do the records show, if you know—I don't know—as to how many of those are registered voters or on the voting register?

Mr. MITCHELL. I have the voter list before me in the bag. Three thousand sixteen.

Commissioner WILKINS. Well, I would like for the record, Mr. Mitchell, to show what the population is and what the voting registration is of the white citizens of that county, if you know.

Mr. MITCHELL. Yes.

Commissioner WILKINS. You have it in your records?

Mr. MITCHELL. Yes.

Commissioner WILKINS. I would like to know what that is.

Mr. MITCHELL. This is the official voters' list of Macon County, and the voter list, according to count, shows 3,016 white persons listed.

Commissioner WILKINS. That's voters?

Mr. MITCHELL. As voters.

Commissioner WILKINS. What year is that?

Mr. MITCHELL. This is the last one, 1958.

It comes out every 2 years.

Commissioner WILKINS. That is 1958?

Mr. MITCHELL. Yes.

Commissioner WILKINS. Do you know, Mr. Mitchell, or do you have any records to indicate what the white population was in 1958?

Mr. MITCHELL. No; I do not.

Commissioner WILKINS. Now, you are familiar, as you testified, with the matter of registration. Are there any of these days set aside for registration, in either the even years or the odd-numbered years, where the registration places were closed?

Mr. MITCHELL. That is true.

Commissioner WILKINS. How many Negroes in the course of an 8-hour day would be able to register where they only admit two into the room at one time and it takes approximately an hour and 25 to an hour and 50 minutes to register?

Mr. MITCHELL. Well, it depends, naturally, upon how fast a person can write, but under the present board the largest number we have been able to get in—

Commissioner WILKINS. In one day?

Mr. MITCHELL. In one day.

Commissioner WILKINS. Now, let me ask you another question.

You said the people who go to vote sign an envelope to have their certificate mailed to them?

Mr. MITCHELL. That's correct.

Commissioner WILKINS. Do you have any records as to how many times those envelopes are not returned to them?

Mr. MITCHELL. Well, to simply say—Incidentally, with your permission, Mr. Chairman, and Mr. Wilkins, I would like to make this general 8-year summary a part of your records, if you don't mind—it is more detailed than I have been able to give—unless you just want me to thumb through here and get it out.

Vice Chairman STOREY. Pardon me. Is that what that is? It is a summary?

Mr. MITCHELL. Summary.

Vice Chairman STOREY. Year by year?

Mr. MITCHELL. Year by year for each year.

Vice Chairman STOREY. And you made it yourself?

Mr. MITCHELL. Yes, sir.

Vice Chairman STOREY. Is it true and correct?

Mr. MITCHELL. It is, sir.

Vice Chairman STOREY. Then we would like to have it identified and put into the record, together with the list of voter registration that you had there for 1958. Can you leave it?

Mr. MITCHELL. I would rather not, sir. One of the men of the civil rights' office, I think, has a copy of that.

Vice Chairman STOREY. Well, if he has a copy—

Mr. MITCHELL. He can use that. That is the only copy we have.

(The 8-year summary referred to, being a seven-page mimeographed document entitled "Eight-Year Summary of Registration Efforts of Negroes in Macon County—Reaction of the Macon County Board of Registrars," was marked for identification as exhibit 2.)

EIGHT-YEAR SUMMARY OF REGISTRATION EFFORTS OF NEGROES IN MACON COUNTY:
REACTIONS OF THE MACON COUNTY BOARDS OF REGISTRARS

The Macon County Board of Registrars has historically endeavored to deprive Negroes of the right to vote by employing different kinds of delaying and evasive techniques in order to slow down the process of application for registration, which is an indispensable step to becoming a registered voter. Throughout the years also, when pressures on the part of Negroes have reduced the effectiveness of these tactics, invariably all or most of the members of the board of registrars would resign, rendering the board nonfunctional and ineffective.

In other words, the increasing demands on the part of Negroes to exercise their constitutional guarantees as American citizens have been met with accelerated determination to deny Negroes directly or indirectly of the opportunity to vote. This tendency became significantly marked in the forties.

The significance of the above becomes more apparent when it is realized that according to the 1950 census report 27,384 of a total population of 30,561 in Macon County are Negroes. Of this number only 1,110 Negroes are registered voters. Of the approximately 3,177 white residents of the community, the current Macon County voter list shows that 3,016 are registered white voters. When white residents under voting ages are accounted for, this suggests that considerably more than 95 percent of the white population of Macon County who are eligible to register and vote have registered and are eligible to vote.

The paucity of numbers of Negroes who have been made eligible to vote becomes even more meaningful when it is noted that among the counties of Alabama, Macon County ranks first in the proportion of Negroes 25 years or over with at least a high school education. In this county, 19 percent of all Negroes 25 years old or older have a high school education. This compares favorably with whites in the South and in Macon County. Additionally, Macon County ranks first in percentage of Negroes in the State of Alabama who possess college degrees.

An approximate chronological analysis of the stumbling block in the way of voter registration on the part of Negroes, suggest certain important factors which should be taken into consideration. The first obstacle which had to be overcome was the requirement by the board of registrars that only white electors could vouch for a Negro making application. Numerous court cases have been brought against the Macon County Board of Registrars in order to compel them to register all qualified citizens who apply.

On August 25, 1945, a class action court suit was filed against the Macon County Board in the U.S. Federal Court for the Middle District of Alabama. At the same time, 25 cases were filed in the local State circuit court. On November 6, 1953, five Macon County Negroes filed a class action court suit in the U.S. Federal Court for the Middle District of Alabama.

Macon County has been without a publicly functioning board of registrars on numerous occasions. All members of the Macon County Board of Registrars resigned in 1946, following a civil court suit against them. It was revealed in a news release appearing in the Montgomery Advertiser, April 14, 1948, that the Macon County Board of Registrars was reconstituted during the month of January 1948 for the first time since 1946 (18 months). Apparently, no public notice was made of the setup of this board. Hence, no Negroes knew that it existed until after its chairman, Mr. S. Charles Parker of Tuskegee, Ala., resigned to attend school. Mrs. S. Charles Parker is quoted as having said "He only accepted (the appointment) to let some service men register."

On April 19, 1948, scores of Negroes appeared at the Macon County Courthouse to make applications for certificates of registration. Many of them inquired of the courthouse officials as to the identity of the personnel and the location of the board of registrars. Neither of these officials, according to those who sought registration, would reveal the registration place to the board. It was only after a very fair complexioned Negro (who could easily be mistaken for a member of the white race) inquired of a white person in the courthouse as to the whereabouts of the board, that its location was ascertained. On this date, 18 Negroes appeared and were permitted to make applications. After the board's location was determined by Negroes, the board did not function again publicly until January 17, 1949 (8 months later).

From July 1948, to January 1949 (6 months) we were without a publicly functioning board. During this and other periods that Macon County was without a board, many petitions were filed; many conferences were held, and a voluminous amount of correspondence was written to the State board of appointments urging it to appoint a board of registrars.

Approximately 18 months immediately preceding January 1948, there was no publicly functioning board. The Macon County Board of Registrars became inoperative on January 16, 1956, and did not function again publicly until June 3, 1957 (16 months later). During this period (January 16, 1957 until June 3, 1958) while we were trying to get a functioning board of registrars for Macon County, an assistant attorney general of Alabama, and now attorney general-elect, stated before a congressional hearing, according to a news story appearing in the Birmingham Post-Herald February 8, 1957, when asked concerning the lack of a board of registrars for Macon County, that "vacancies did exist but only for a short time and registration now is taking place." All total, Macon County has been without a publicly functioning board of registrars for 3 years and 4 months during the past 12 years.

The following is a resume of the number of applications taken and certificates issued to Negroes during the past 8 years:

Year	Applications taken	Certificates issued	Percent
1951.....	161	23	14
1952.....	225	52	23
1953.....	182	28	15
1954.....	456	167	37
1955.....	258	119	46
1956.....	23	8	35
1957.....	78	26	33
1958.....	202	187	43
Total	1,585	510	32

1 Through November 15.

While over the past 8 years 1,585 applications for registration were made by Negroes, and only 510 certificates of registration were issued to them, this does not begin to tell the whole story.

Hundreds of Negroes have appeared before the Macon County Boards of Registrars for the purpose of making applications for registration, but were not permitted to do

so because of the board's policy of registering Negroes in a very small room, plus the fact that the board permits only two Negroes to make application simultaneously. In addition, many more would have appeared to make application if they had been reasonably sure that they could get into the registration room. This, of necessity, reduced greatly the number of Negroes who could conceivably have made applications in a given day.

From January 1, 1951, through November 15, 1958, the board has received an average of 198 Negro applications per year. It has issued an average of 64 certificates of registration per year.

The Alabama Bureau of Vital Statistics reports that 1,020 Negroes are born in Macon County each year and only 297 die, giving a sustained increase of 723. At the present rate of issuing certificates to Negroes, it would require 203 years to register the approximately 13,000 unregistered Negroes in Macon County that are now 21 years of age and older. This analysis does not take into account that the Negro population is increasing each year.

Assuming that the in and out migration of Negroes of Macon County cancel out themselves, and assuming that this same birth/death ratio has always obtained, based on this ratio and other factors alluded to above, 5,784 Negroes reached voting age during these 8 years. The board only registered 510 of this numbers, leaving a deficit of 5,274 unregistered Negroes.

While the rejection of 1,075 applications of Negroes by the Macon County Board of Registrars during the past 8 years is extremely high, the basis of our complaint stems from the following tactics employed by the board which, we believe, are designed to keep Negro registration to a minimum:

1. The board's refusal to register Negroes in larger quarters.
2. Its failure to use the room which is assigned for the registration of Negroes to its fullest extent.
3. The board's requirement that only two Negroes can make applications simultaneously.
4. Its policy of registering whites and Negroes in separate rooms and in separate parts of the Macon County Courthouse.
5. Its policy for permitting a Negro to vouch for only two applicants per year.
6. Its requirements that Negroes who make application must read and copy long articles of the U.S. Constitution.
7. Its failure to take applications from Negroes on several regular registration days.
8. Its failure to issue certificates of registration to Negroes immediately upon proper completion of the application form (for instance, until October 20, 1958, the board had not issued a certificate to Negroes since July 22, 1958—90 days).

In an effort to seek relief from what we believed to be denials of voting rights for Negroes, we appealed to the civil rights section of the U.S. Department of Justice on April 6, 1953.

On July 30, 1957, two members of the voter franchise committee of the Tuskegee Civic Association appeared before 12 U.S. Senators in Washington, D.C., to relate to them the efforts made by Negroes in this county to become enfranchised.

On April 18, 1958, 20 Negroes filed affidavits with the Assistant Attorney General of the Civil Rights Division complaining of voter registration difficulties in Macon County.

While the present board was appointed on March 6, 1957, it did not function publicly until June 3, 1957. It gave as its reasons for the 90-day delay according to news stories: "No equipment." And on April 20, 1957, a spokesman for the board was quoted as saying, "The office equipment has been shipped but it hasn't arrived yet." Since it has begun operations, 374 Negroes have appeared

at the place of registration for the purpose of making applications for certificates. However, only 316 applications were made by Negroes during the period from June 3, 1957, through December 1, 1958. Of the number making applications (and many made more than one) 112 Negroes received their certificates of registration, or 35.5 percent.

This board continues to employ the delaying methods alluded to in a previous paragraph. In addition, the present board failed to function publicly and take applications from Negroes on September 2, 1957, January 6 and 21, 1958, July 9, 1958, October 20, 1958, and December 1, 1958.

In an obvious effort to reduce the significance of Negro voting in city elections, our senator was instrumental in having enacted into law Senate bill No. 291 that rearranged the city boundaries from a rectangle to a 32-sided figure. This rearrangement excluded all but approximately 10 of 420 Negroes who formerly voted in city elections. No whites were excluded in this rearrangement. As a further means to negate the effect of Negro voting, the Macon County senator in the Alabama Legislature was instrumental in having a bill passed in the 1957 legislature that would alter or abolish Macon County. This act proposes to apportion Macon to several of its abutting counties "where Negro voting is not yet a major problem." The act was ratified by the electorate of Alabama on December 17, 1957. In commenting on this legislation, Macon County's senator said, "no court could tamper with such a change in Alabama's county boundaries."

Even in our efforts to observe the work and behavior of the Macon County Board of Registrars we have met with difficulties. On July 5, 1957, the board summoned the sheriff to remove from the vicinity of the place of registration a person who was presumed to be present to record the number of persons making application for registration. The board further threatened to cease work until after the person had left.

On September 1, 1958, the Macon County Board of Registrars, through one of its members, questioned still another Negro who was thought to be present at the courthouse to make record of the registration processes. This member allegedly stated to the Negro that unless she had business with the board "you have no reason to come back until January 1959."

DEC. 7, 1958.

Submitted,

WILLIAM P. MITCHELL,

Chairman, Voter Franchise Committee, Tuskegee Civic Association.

Vice Chairman STOREY. Pardon me, Mr. Wilkins.

Commissioner WILKINS. That is all right.

Vice Chairman STOREY. Go ahead.

Commissioner WILKINS. That is all right.

Mr. MITCHELL. You were asking me something, Mr. Wilkins.

Commissioner WILKINS. Yes.

Mr. MITCHELL. I am sorry. Go ahead.

Commissioner WILKINS. I am trying to find out about the procedure. You said there was no definite time set when the person receives a certificate, if he gets a certificate. That is all right, but what happens if he doesn't get a certificate? Does he get any notice of any kind that his application has been rejected?

Mr. MITCHELL. The board does not send out any notice to anyone who does not pass. He is not told—for instance, by that same reasoning, several people go back—for instance, they go back the first Monday in July; they go back the third Monday in July, because they haven't heard anything.

Commissioner WILKINS. Do you mean when they go back they fill out another application?

Mr. MITCHELL. That is correct.

Commissioner WILKINS. They go through the——

Mr. MITCHELL. Same process.

Commissioner WILKINS. Same procedure of filling out another application?

Mr. MITCHELL. And fill out another envelope.

Commissioner WILKINS. And if they don't hear from that you say they continue to go back?

Mr. MITCHELL. That is correct.

Commissioner WILKINS. And, Mr. Mitchell, do you know whether or not there is any provision in the voting registration which requires an applicant to file an appeal within 30 days——

Mr. MITCHELL. Yes.

Commissioner WILKINS. After the application has been rejected?

Mr. MITCHELL. That is correct.

Commissioner WILKINS. And he doesn't know whether it has been rejected or not except by going back and filling out another one?

Mr. MITCHELL. That is right.

Commissioner WILKINS. Is he ever told it has been rejected?

Mr. MITCHELL. He is never told that he has been rejected officially. It's assumed that he's been rejected when he doesn't receive his certificate.

Commissioner WILKINS. I think that is all, Mr. Chairman.

Vice Chairman STOREY. Any other question? If not, may this witness be excused. Call the next witness, Mr. Rosenfeld.

Mr. ROSENFELD. The next witness is Dr. William A. Hunter.

Vice Chairman STOREY. I might add as the witnesses testify, unless the commission indicates, they may be excused from the hearing.

Dr. Hunter.

Dr. HUNTER. Yes.

TESTIMONY OF WILLIAM ANDREW HUNTER, ASSOCIATE PROFESSOR OF EDUCATION AND ACTING DEAN, SCHOOL OF EDUCATION, TUSKEGEE INSTITUTE, MACON COUNTY, ALA.

Vice Chairman STOREY. Please state your name, age, and place of birth.

Dr. HUNTER. William Andrew Hunter; 45 years of age; born in North Little Rock, Ark.

Vice Chairman STOREY. How long have you lived in Alabama?

Dr. HUNTER. Since 1950. Eight years.

Vice Chairman STOREY. And where is your residence?

Dr. HUNTER. In Macon County, Ala.

Vice Chairman STOREY. How long have you lived there?

Dr. HUNTER. Eight years. Since 1950.

Vice Chairman STOREY. Are you married?

Dr. HUNTER. I am married.

Vice Chairman STOREY. Do you have any children?

Dr. HUNTER. No children.

Vice Chairman STOREY. Just you and your wife?

Dr. HUNTER. That's right.

Vice Chairman STOREY. What official position, if any, do you hold?

Dr. HUNTER. In Macon County there is Tuskegee Institute. I am an associate professor of education at the Institute and acting dean of education in the School of Education.

Vice Chairman STOREY. How long have you held that position?

Dr. HUNTER. Well, I—

Vice Chairman STOREY. Approximately?

Dr. HUNTER. Yes. About 3 years as associate professor; only 2 years as acting dean.

Vice Chairman STOREY. And all the other time you have been a professor or an instructor?

Dr. HUNTER. I came to Tuskegee Institute as an assistant professor in 1950.

Vice Chairman STOREY. Yes. I believe you said you were born in Little Rock.

Dr. HUNTER. Yes.

Vice Chairman STOREY. How long did you live in Arkansas?

Dr. HUNTER. Until I was drafted into the service in 1942.

Vice Chairman STOREY. How long did you serve in the armed forces?

Dr. HUNTER. Three years, 3 months.

Vice Chairman STOREY. What branch of the service?

Dr. HUNTER. In the Finance Service, Army.

Vice Chairman STOREY. In the Finance Service, Army? You mean the Finance Branch of the Army?

Dr. HUNTER. Yes.

Vice Chairman STOREY. All right. They spend a lot of money, but they don't have a finance army, do they?

Dr. HUNTER. No.

Vice Chairman STOREY. Do you have any degrees or college education? If so, please advise us.

Dr. HUNTER. I have the bachelor of science degree from Wilberforce University, located at——

Vice Chairman STOREY. First, are you a graduate of any high school? Let's just take——

Dr. HUNTER. Yes.

Vice Chairman STOREY. What high school?

Dr. HUNTER. Dunbar High School, Little Rock, Ark.

Vice Chairman STOREY. All right. Next Wilberforce?

Dr. HUNTER. No. Next Dunbar Junior College, Little Rock, Ark.

Vice Chairman STOREY. Any degree?

Dr. HUNTER. It's a teacher's certificate.

Vice Chairman STOREY. Teacher's certificate?

Dr. HUNTER. Yes.

Vice Chairman STOREY. Have you been a teacher since that time?

Dr. HUNTER. Since 1936 I have been a teacher.

Vice Chairman STOREY. All right. Next? Give them in chronological order, and what they are, to move along.

Dr. HUNTER. Then the bachelor of science, Wilberforce University. This is a degree in chemistry.

Vice Chairman STOREY. Where is Wilberforce located?

Dr. HUNTER. Xenia, Ohio.

Vice Chairman STOREY. All right.

Dr. HUNTER. I received the master of science degree in science education and research from Iowa State College in 1948 and the Ph.D. degree from Iowa State College in science education, research, and statistics in 1952.

Vice Chairman STOREY. Are you a member of any scholastic societies or professional societies? If so, briefly state them.

Dr. HUNTER. The Phi Beta Kappa, honorary society. I am a member of that. Beta Kappa Chi, honorary scientific society. The National Teachers' Association, the National Education Association, the American Teachers' Association, Alabama State Teachers' Association, to mention a few, YMCA, and such others.

Vice Chairman STOREY. Belong to any church?

Dr. HUNTER. Yes. The Methodist Church.

Vice Chairman STOREY. Do you have any physical or mental disabilities?

Dr. HUNTER. None.

Vice Chairman STOREY. Have you ever been arrested or convicted of any crime?

Dr. HUNTER. No; I have not.

Vice Chairman STOREY. You mean not even speeding?

Dr. HUNTER. Not even speeding.

Vice Chairman STOREY. Did you ever make application to vote in Macon County?

Dr. HUNTER. Yes; I did.

Vice Chairman STOREY. When was it?

Dr. HUNTER. My first application was made somewhere around, approximately—I can't—the exact date I can't say, but during 1954. Of course, I made several others.

Vice Chairman STOREY. Now, let's just take the first one. Some time in 1954?

Dr. HUNTER. Yes; during January of 1954.

Vice Chairman STOREY. Now, just tell the commission what you did and the steps you took and what happened, in your own words.

Dr. HUNTER. Well, on several occasions during January of 1954 I went to the Macon County Courthouse and stood in line.

Vice Chairman STOREY. Stood in line for what?

Dr. HUNTER. To register. This was the line that was lined up before the registration room.

Vice Chairman STOREY. All right. Go ahead.

Dr. HUNTER. I had to be permitted to be absent from my classes for a whole day on those days so that I could hope to get into the registration room where——

Vice Chairman STOREY. Did you get into the room the first day?

Dr. HUNTER. No; I did not. I——

Vice Chairman STOREY. Well, why didn't you?

Dr. HUNTER. The line was too long.

Vice Chairman STOREY. All right.

Then when did you go back? How soon after that?

Dr. HUNTER. Oh, the next time the registrars convened. I can't exactly remember the time.

Vice Chairman STOREY. Do you remember how many times you went through that procedure before you got in?

Dr. HUNTER. About three times.

Vice Chairman STOREY. All right.

Dr. HUNTER. Whole days.

Vice Chairman STOREY. All right. After you got inside, just tell what happened.

Dr. HUNTER. I was given the application form, which I filled out, and it must have took me about 2 hours to do so. After this time, I was asked to indicate what person would vouch for me and I was given the oath. This was before the time it was necessary to write the Constitution or to read the Constitution.

Vice Chairman STOREY. You were given the oath?

Dr. HUNTER. There is an oath attached to and connected with the application form.

Vice Chairman STOREY. Did you see that one here awhile ago?

Dr. HUNTER. Yes.

Vice Chairman STOREY. It is the same type of thing?

Dr. HUNTER. Same type.

Vice Chairman STOREY. All right. What happened next?

Dr. HUNTER. I filled in the envelope and——

Vice Chairman STOREY. You say you filled in the envelope. Tell us what——

Dr. HUNTER. Self-addressed my home address.

Vice Chairman STOREY. All right.

Dr. HUNTER. I self-addressed an envelope and was told I would hear from the board if I passed and, of course, I didn't hear from the board. I waited 6 months before I tried again.

Vice Chairman STOREY. And what did you do that time? Was it the same——

Dr. HUNTER. Same procedure.

Vice Chairman STOREY. Did you hear from that application?

Dr. HUNTER. I have not heard from them yet.

Vice Chairman STOREY. Was that the last time you made the application?

Dr. HUNTER. That was the last time.

Vice Chairman STOREY. Then you made two?

Dr. HUNTER. Yes.

Vice Chairman STOREY. And went through the similar procedure indicated?

Dr. HUNTER. That's right.

Vice Chairman STOREY. Did you fill out all the forms that were required?

Dr. HUNTER. Yes; I did.

Vice Chairman STOREY. Did you write what they requested you to write?

Dr. HUNTER. Yes; I did.

Vice Chairman STOREY. How long were you in the room?

Dr. HUNTER. Approximately 2 hours.

Vice Chairman STOREY. Did you answer all the questions?

Dr. HUNTER. Yes; I did.

Vice Chairman STOREY. And you never heard from them since?

Dr. HUNTER. No; I haven't.

Vice Chairman STOREY. You never received your registration?

Dr. HUNTER. No; I haven't.

Vice Chairman STOREY. Have you ever voted anywhere else in the United States?

Dr. HUNTER. Yes. I was a registered voter in Arkansas and in Iowa.

Vice Chairman STOREY. Were those the only two States where you lived?

Dr. HUNTER. Those were the only two.

Vice Chairman STOREY. Where you lived after you got out——

Dr. HUNTER. That's right.

Vice Chairman STOREY. And went to work?

Dr. HUNTER. That's right.

Vice Chairman STOREY. Of course, you were in the armed services—
for how long, now?

Dr. HUNTER. For 3 years and 3 months.

Vice Chairman STOREY. Was any of that time overseas?

Dr. HUNTER. One year was overseas, and during that time I voted
absentee ballot in Arkansas.

Vice Chairman STOREY. While you were in the armed services?

Dr. HUNTER. While I was in the armed services.

Vice Chairman STOREY. Do you know why you were not registered?

Dr. HUNTER. You mean in Macon County?

Vice Chairman STOREY. Yes, sir.

Dr. HUNTER. I think it was certainly because I am a Negro.

Vice Chairman STOREY. Do you know of any other reason?

Dr. HUNTER. None that I can logically justify or reasonably understand.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. I am curious, Doctor. You say it took you 2
hours to fill out this application. Do you recall how much of the United
States Constitution you were required to copy?

Dr. HUNTER. None at the time I made application. The copying of the
Constitution was a requirement that came after the time I applied.

Commissioner WILKINS. At the time you were in the registrars' room did
any of the registrars ask you about your educational qualifications or
anything?

Dr. HUNTER. Not verbally. On the form there is a space for you to fill
in this information.

Commissioner WILKINS. The registrars did not read your application
while you were there?

Dr. HUNTER. No. As far as reading it over, just to look at the part which
applied to the oath—that's all at that time they read. At least that's all
they gave attention to apparently.

Commissioner WILKINS. You never heard either time——

Dr. HUNTER. No.

Commissioner WILKINS. From the registrars?

Dr. HUNTER. No; I never heard.

Commissioner WILKINS. You have never heard up to this day?

Dr. HUNTER. Up until this date.

Commissioner WILKINS. I think that is all, Mr. Chairman.

Vice Chairman STOREY. Any other questions? If not, thank you, Mr. Hunter. The next witness.

Mr. ROSENFELD. The next witness is Rev. Daniel W. Wynn.

TESTIMONY OF REVEREND DANIEL WEBSTER WYNN, CHAPLAIN, TUSKEGEE
INSTITUTE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your full name and your age and place of residence?

Reverend WYNN. My name is Daniel Webster Wynn. I am 39 years old.

Vice Chairman STOREY. Talk out just a little louder, please.

Reverend WYNN. I am 39 years old, and I live at Tuskegee Institute, Macon County, Ala.

Vice Chairman STOREY. Where and when were you born?

Reverend WYNN. I was born in Wewoka, Okla.—W-e-w-o-k-a—March 19, 1919.

Vice Chairman STOREY. That is right north of the Red River that divides Texas and Oklahoma, isn't it?

Reverend WYNN. Very close.

Vice Chairman STOREY. How long did you live in Oklahoma?

Reverend WYNN. Since birth until I left in 1941 to study.

Vice Chairman STOREY. Where did you go to study?

Reverend WYNN. Washington, D.C.

Vice Chairman STOREY. Prior to that time had you received any degrees from any high schools or colleges?

Reverend WYNN. Yes; I had.

Vice Chairman STOREY. Tell what they are.

Reverend WYNN. I received the high school diploma at the Booker T. Washington School in El Reno, Okla., and the bachelor of arts degree at Langston University in Langston, Okla.

Vice Chairman STOREY. Then did you have further education and, if so, where and what degrees, if any?

Reverend WYNN. I received the bachelor of divinity degree at Howard University.

Vice Chairman STOREY. Where is Howard University, for the record?

Reverend WYNN. Washington, D.C.

Vice Chairman STOREY. All right.

Reverend WYNN. And the master of arts degree at Howard University in Washington, D.C., and the doctor of philosophy degree at Boston University.

Vice Chairman STOREY. Boston, Mass.?

Reverend WYNN. Boston, Mass. I studied $\frac{1}{2}$ year at the Harvard Divinity School and 1 year at the Eden Theological Seminary in Webster Groves, Mo.

I did not receive degrees for the work done at those places.

Vice Chairman STOREY. Yes, sir.

How long have you lived in Tuskegee?

Reverend WYNN. Four years; a little better than 4 years, 3 of which were consecutive or in succession.

Vice Chairman STOREY. Now, I observe you are a minister of the gospel.

Reverend WYNN. Yes; I am.

Vice Chairman STOREY. What church?

Reverend WYNN. Methodist.

Vice Chairman STOREY. Were you ordained in the Methodist Church as a minister?

Reverend WYNN. Well, I am an ordained elder in the Methodist Church.

Vice Chairman STOREY. Do you belong to any professional organizations or civic associations?

Reverend WYNN. Yes; I do.

Vice Chairman STOREY. Just name them, briefly.

Reverend WYNN. I am a member of the American Association of College and University Professors, the National Association of College and University Chaplains, the National Association of Biblical Instructors, the Religious Education Association. Those are the only associations that I can think of at the moment.

Vice Chairman STOREY. Do you have any known physical or mental difficulties?

Reverend WYNN. No; none that I know of.

Vice Chairman STOREY. What is your present position?

Reverend WYNN. I am the chaplain of Tuskegee Institute.

Vice Chairman STOREY. Will you tell how many students there are in Tuskegee Institute?

Reverend WYNN. Well, several weeks ago we had 2,004.

Vice Chairman STOREY. Two thousand and four?

Reverend WYNN. Yes.

Vice Chairman STOREY. Do you know how many you have now?

Reverend WYNN. I don't know. I don't—

Vice Chairman STOREY. Well, approximately?

Reverend WYNN. Well, probably the same or maybe a few more.

Vice Chairman STOREY. What size faculty does Tuskegee Institute have?

Reverend WYNN. I think the faculty—we have 400 or a little more than 400—maybe about 415 or 420—faculty and staff members.

Vice Chairman STOREY. Would you briefly describe the number of schools and colleges you have in the Tuskegee Institute? In other words, what are the various departments of the university, just briefly?

Reverend WYNN. Yes. I shall do my best. Let me see. We have a School of Veterinary Medicine, a School of Education, a School of Home Economics, a School of Engineering, a School of Mechanical Industries, a School of Agriculture, a Graduate School, a School of Arts—I believe that is a Division of Arts and Sciences—Division of Humanities, and perhaps others I don't recall at this time.

Vice Chairman STOREY. What degrees, if any, does the institute confer upon graduation?

Reverend WYNN. The bachelor of science degree, the master of science degree, the master of education degree, the doctor of veterinary medicine degree.

Vice Chairman STOREY. How long has Tuskegee been organized and in existence as an educational institution?

Reverend WYNN. Since 1881.

Vice Chairman STOREY. Is it governed by a board of trustees or directors?

Reverend WYNN. Yes, it is.

Vice Chairman STOREY. Are they local or more than local?

Reverend WYNN. They are more than local. They are local and national.

Vice Chairman STOREY. Approximately how many are there, just for the record?

Reverend WYNN. I really don't know.

Vice Chairman STOREY. Who is the president of your university now?

Reverend WYNN. Dr. L. H. Foster.

Vice Chairman STOREY. How long has he served, approximately?

Reverend WYNN. He has served as president for 5 years.

Vice Chairman STOREY. How long has he been with Tuskegee Institute?

Reverend WYNN. Probably 16 years.

Vice Chairman STOREY. Is that the same institute that the original Booker T. Washington served?

Reverend WYNN. Yes; it is.

Vice Chairman STOREY. Did you know him? I guess you didn't.

Reverend WYNN. No.

Vice Chairman STOREY. You're too young.

Reverend WYNN. Yes.

Vice Chairman STOREY. All right. Let's go ahead.

Do you have a family?

Reverend WYNN. Yes; I do.

Vice Chairman STOREY. What are the members?

Reverend WYNN. A wife and two children.

Vice Chairman STOREY. How old are the children?

Reverend WYNN. Seven and eight.

Vice Chairman STOREY. Have you ever made an attempt to register to vote in Macon County—

Reverend WYNN. Yes.

Vice Chairman STOREY. Or any other county in Alabama?

Reverend WYNN. Macon County; yes.

Vice Chairman STOREY. When?

Reverend WYNN. July 1957 I made the first attempt.

Vice Chairman STOREY. How many attempts have you made?

Reverend WYNN. Two.

Vice Chairman STOREY. Tell what happened when you made the first one in 1957.

First, I will ask you, in order to shorten it: Did you follow the procedures outlined by these two previous witnesses—the general procedure?

Reverend WYNN. A little more than—

Vice Chairman STOREY. All right. What additional thing did you do, if any, to what these other witnesses did that you recall?

Reverend WYNN. Well, in addition to the other things mentioned, I read aloud the first article to the Constitution of the United States.

Vice Chairman STOREY. Read aloud to whom? Who heard you?

Reverend WYNN. To a member of the board of registrars.

Vice Chairman STOREY. All right.

He requested you to do that?

Reverend WYNN. Yes; he did.

Vice Chairman STOREY. All right. Go ahead.

Anything else?

Reverend WYNN. In addition to what has been said, that is about the only thing.

Vice Chairman STOREY. Yes.

Reverend WYNN. I did what the others said.

Vice Chairman STOREY. Yes.

Reverend WYNN. Mainly.

Vice Chairman STOREY. Yes.

Now, when did you make the second application?

Reverend WYNN. October, I believe it was, 1958.

Vice Chairman STOREY. October 1958?

Reverend WYNN. Yes, sir.

Vice Chairman STOREY. Why did you make the second application?

Reverend WYNN. Well, I had not heard from the board of registrars.

Vice Chairman STOREY. You mean by that you never received—

Reverend WYNN. I never received—

Vice Chairman STOREY. A certificate of registration?

Reverend WYNN. I never received a certificate of registration, nor was I notified, you know, of any reason why, and——

Vice Chairman STOREY. Did you go back in October of 1958 and go through the same or similar procedure?

Reverend WYNN. No. The board did not permit me to attempt to register when I went back in 1958.

Vice Chairman STOREY. Just tell, in your own words, what happened.

Reverend WYNN. Well, I went into the place where the registration takes place and made my request. The members told me they were in the process of processing the previous applications in light of the forthcoming election; and, of course, I asked, while there, why I had not heard from my previous registration, and after a short conversation I was advised if I had not heard from it it was an indication that I had failed.

Vice Chairman STOREY. All right. Then what happened?

Reverend WYNN. I excused myself from the room.

Vice Chairman STOREY. All right.

Now, we're going to have decorum here, and that means no facetiousness, no laughing. We want this to be a dignified hearing.

Did your wife accompany you on either one of these trips to register?

Reverend WYNN. She accompanied me on the first one.

Vice Chairman STOREY. Did she——

Reverend WYNN. The first day.

The second day—it took me 2 days to get in.

Vice Chairman STOREY. It took you 2 days?

Reverend WYNN. On the first attempt.

Vice Chairman STOREY. But she accompanied you?

Reverend WYNN. Two days the first time.

Vice Chairman STOREY. Did she accompany you?

Reverend WYNN. Yes; she did.

Vice Chairman STOREY. Was she registered?

Reverend WYNN. No.

Vice Chairman STOREY. Did she ever make the second application?

Reverend WYNN. No.

My wife left the county after that, some time after that, to teach, and she was successful in——

Vice Chairman STOREY. Wait.

Now, she left the county to teach. You mean she taught in another part of the State?

Reverend WYNN. In another part of the State.

Vice Chairman STOREY. Where, please?

Reverend WYNN. Barbour County, I believe.

Vice Chairman STOREY. Barbour County?

Reverend WYNN. Yes.

Vice Chairman STOREY. How long did she teach in Barbour County?

Reverend WYNN. One year.

Vice Chairman STOREY. Did she become a registered voter down there?

Reverend WYNN. Yes; she did.

Vice Chairman STOREY. You mean your wife is a qualified voter and you are not?

Reverend WYNN. Yes.

Vice Chairman STOREY. Is that the way it turned out?

Reverend WYNN. Yes.

Vice Chairman STOREY. Is she smarter than you are?

Reverend WYNN. I don't know. She must be, apparently. I——

Vice Chairman STOREY. Well, seriously, have you ever made any other attempt to register?

Reverend WYNN. In any other State, you mean?

Vice Chairman STOREY. No. I mean——

Reverend WYNN. Oh, you mean in Macon County?

Vice Chairman STOREY. Yes, sir.

Reverend WYNN. No; I have not.

Vice Chairman STOREY. Any other place in Alabama?

Reverend WYNN. I have not.

Vice Chairman STOREY. Have you ever voted in any other States since you reached your majority?

Reverend WYNN. Yes; I have.

Vice Chairman STOREY. What States?

Reverend WYNN. The States of Texas and Massachusetts.

Vice Chairman STOREY. Texas and Massachusetts?

Reverend WYNN. Yes.

Vice Chairman STOREY. What years did you vote in those States, if you recall?

Reverend WYNN. Now, let me see.

Vice Chairman STOREY. Oh, just approximately.

Reverend WYNN. I think it was around 1946 or 1947, I believe, that I became a registered voter in the State of Texas, and probably in 1949, I believe or approximately during that time, I became a registered voter in the State of Massachusetts.

Vice Chairman STOREY. While you were in the armed services did you vote by absentee ballot?

Reverend WYNN. I did not serve in the armed forces, sir, but I have voted the absentee ballot.

Vice Chairman STOREY. I see.

Reverend WYNN. State of Texas.

Vice Chairman STOREY. Do you know why or did the election judges give you any reason as to why you were not registered?

Reverend WYNN. No; they did not.

Vice Chairman STOREY. Any other questions?

If not——

Commissioner WILKINS. Do you——

Vice Chairman STOREY. Pardon me.

Commissioner WILKINS. Excuse me.

Doctor, do you have any opinion yourself as to the reason why you were not registered?

Reverend WYNN. Yes; I do.

Commissioner WILKINS. Would you mind telling the commission what that reason is?

Reverend WYNN. Well, I assumed probably I wasn't the right color.

Commissioner WILKINS. Doctor, when you went back this second time, in October of 1958, and at that time you asked them whether or not you had passed the examination when you went in July of 1957, did they say you had not passed it?

Reverend WYNN. No. They only said, "If you did not hear from us, you must not have passed," something to that effect.

Commissioner WILKINS. Were the same people acting as the board of registrars in 1957 as were acting in 1958?

Reverend WYNN. I assume so. I don't know the members. The man who talked with me I assume was the same man, one of the same men who was in there, but I couldn't swear to it because I don't know the men that well.

Commissioner WILKINS. Now, you said they required you to read certain provisions of the Constitution?

Reverend WYNN. Yes; they did.

Commissioner WILKINS. When you finished reading, did they make any comment as to your ability to read?

Reverend WYNN. No; they did not.

Commissioner WILKINS. When you signed the oath, was any question asked you as to your educational qualifications or anything of that sort?

Reverend WYNN. No.

This was indicated in the questionnaire.

Commissioner WILKINS. I see.

Reverend WYNN. But they did not ask me otherwise.

Commissioner WILKINS. How long did you say you waited the first time?

You waited all day the first time you went there?

Reverend WYNN. Not quite all day. I had to leave to do some work on the campus. I was out of my office on that day and, incidentally, I happened to have a class in the afternoon on that day. I waited——

Commissioner WILKINS. How many hours were you there? Do you remember, Doctor?

Reverend WYNN. Oh, I was there during the morning. Oh, I would say maybe 3 or 4 hours, roughly.

Commissioner WILKINS. Was there a line outside the registrars' room?

Reverend WYNN. Yes; there was a line.

Commissioner WILKINS. How long was that line, if you remember?

Reverend WYNN. Well, it wasn't a real long line, but it was—I think the first morning I was there about two people finished, and I would say—

Commissioner WILKINS. Let me understand what you said.

Reverend WYNN. On the morning of the first day I got there, two people, I believe, finished their proceedings inside the registration room. About two people finished their registration forms and the reading and writing of the Constitution on that date, and I would say that probably 8 or 10 people might have been on the outside.

Now, that was a large number considering the fact that only two had gotten through.

That's why I said I'm not sure—

Commissioner WILKINS. You mean to say you stood there for 3 hours, more or less, and you only saw two persons who had completed their registration during that length of time?

Reverend WYNN. Yes.

I don't recall whether I ever saw them. I heard them. I could hear them reading, when they did get to that section. You could hear them reading from the room.

Now, a portion of the time I got a chance to—there was a bench there became available and I got to sit down a while during the period of time. So, I didn't have to stand the entire period.

Commissioner WILKINS. Where was the bench? Outside the room?

Reverend WYNN. Outside of the room; yes.

Commissioner WILKINS. Outside?

Reverend WYNN. Within the same building.

Commissioner WILKINS. When they went into this door to register, did they come back out the same door?

Reverend WYNN. Usually; yes.

Commissioner WILKINS. I see.

Reverend WYNN. There is one door, and they usually come in and go out the same door.

Commissioner WILKINS. Doctor, you say you are now ordained in the Methodist Church?

Reverend WYNN. Yes; I am.

Commissioner WILKINS. When were you ordained?

Reverend WYNN. Well, I was ordained in the Methodist Church nearly 2 years ago, I believe.

I was an ordained Baptist minister before.

Commissioner WILKINS. I don't hold that against you. You are a Methodist.

Reverend WYNN. I—

Commissioner WILKINS. That is all right.

That is all, Mr. Chairman.

Chairman HANNAH. I would like to ask one question.

You are the chaplain at Tuskegee Institute?

Reverend WYNN. Yes; I am.

Chairman HANNAH. Is there more than one chaplain at Tuskegee Institute?

Reverend WYNN. Just one.

Vice Chairman STOREY. Any other questions?

Commissioner BATTLE. May I ask one, please?

I didn't understand about your residence. You said something about 3 years consecutive. Could you give us the dates?

Reverend WYNN. Well, I first went to—

Commissioner BATTLE. I mean as to your residence here.

Reverend WYNN. Yes.

I became a resident of Alabama in 1953.

Commissioner BATTLE. Yes.

Reverend WYNN. I left in 1954 for 9 months.

Commissioner BATTLE. Nineteen fifty-three?

Reverend WYNN. Yes.

Commissioner BATTLE. All right.

Reverend WYNN. In 1954—to be exact, I left in September of 1954 and returned on the 1st day of June, the following June.

Commissioner BATTLE. June 1955?

Reverend WYNN. Fifty-five.

Commissioner BATTLE. All right.

Reverend WYNN. And I have been there ever since.

Commissioner BATTLE. That is all.

Vice Chairman STOREY. Was that year away at college or some teaching assignment?

Reverend WYNN. I was away on a teaching assignment—well, in fact, kind of an administrative assignment, I guess you might call it.

Vice Chairman STOREY. Did you maintain your residence here?

Reverend WYNN. At the State of Alabama?

Vice Chairman STOREY. Yes.

Reverend WYNN. Well, I maintained the same living quarters, but technically not.

Vice Chairman STOREY. What I am getting at: Were you on leave of absence?

Reverend WYNN. No; I wasn't on leave of absence at the time.

Vice Chairman STOREY. All right.

Witness excused.

Next witness, please.

Mr. ROSENFELD. The next witness is Rev. K. L. Buford.

TESTIMONY OF REVEREND KENNETH LEROY BUFORD, MINISTER OF BUTLER CHAPEL, A.M.E. ZION CHURCH, MACON COUNTY, ALA.

Vice Chairman STOREY. Please state your full name, your place of residence, and how old you are.

Reverend BUFORD. My name is Kenneth Leroy Buford. I live on Bibb Street, Tuskegee Institute, Ala. I am 41 years of age.

Vice Chairman STOREY. Where and when were you born?

Reverend BUFORD. I was born at Pulaski, Va., August the 17th, 1917.

Vice Chairman STOREY. How long have you been living in Alabama?

Reverend BUFORD. Approximately 2½ years.

Vice Chairman STOREY. And where do you live?

Reverend BUFORD. Bibb Street, Tuskegee Institute, Ala.

Vice Chairman STOREY. Do you have any position with Tuskegee Institute?

Reverend BUFORD. None.

Vice Chairman STOREY. What is your business?

Reverend BUFORD. I am the minister at the Butler Chapel, A.M.E. Zion Church, Tuskegee, Ala.

Vice Chairman STOREY. Is that a public church as distinguished from the college chapel or organization?

Reverend BUFORD. It's a public church, distinguished from the chapel.

Vice Chairman STOREY. About how many members are there in your church?

Reverend BUFORD. We have 407 adult members; approximately 160 youth.

Vice Chairman STOREY. Do you have any degrees from any colleges and, if so, what are they?

Reverend BUFORD. I hold a bachelor of arts degree from City College, New York, and a bachelor of theology degree from the Bloomfield Theological Seminary, Newark, N.J.

Vice Chairman STOREY. Are you a member of any church organizations and, if so, what are they?

Reverend BUFORD. I am a member of the Alabama Conference of the A.M.E. Zion Church; a member and president of the Tuskegee Ministerial Association. I am a member of the Christian Education Board

of the A.M.E. Zion Church; a voting representative to the National Council of Churches of Christ in America, which met in its general assembly last year at St. Louis; a member of the East Alabama Council of Churches; several others.

Vice Chairman STOREY. Do you have any physical or mental disabilities?

Reverend BUFORD. None.

Vice Chairman STOREY. Have you ever been arrested or convicted of a crime?

Reverend BUFORD. I have not.

Vice Chairman STOREY. Do you own any property?

Reverend BUFORD. I do.

Vice Chairman STOREY. Where?

Reverend BUFORD. In Tuskegee Institute.

Vice Chairman STOREY. What is the nature of the property?

Reverend BUFORD. Real estate.

Vice Chairman STOREY. Do you own your home?

Reverend BUFORD. Yes.

Vice Chairman STOREY. Do you own an automobile?

Reverend BUFORD. I do.

Vice Chairman STOREY. Are your taxes paid?

Reverend BUFORD. They are.

Vice Chairman STOREY. Have you ever attempted to register to vote in Macon County?

Reverend BUFORD. I did.

Vice Chairman STOREY. Have you paid any poll taxes?

Reverend BUFORD. I have not.

Vice Chairman STOREY. Have you been registered?

Reverend BUFORD. I have not.

Vice Chairman STOREY. Tell when you applied.

Reverend BUFORD. I first made application the 15th of September 1958.

Vice Chairman STOREY. You say you first made application. Have you made more than one application?

Reverend BUFORD. I attempted to make more than one.

Vice Chairman STOREY. All right. Tell what happened in this application in September.

First, let me ask you: Did you go through the general procedure as stated by these other witnesses?

Reverend BUFORD. The general procedure; yes.

Vice Chairman STOREY. Was there anything extra? If so, what was it?

Reverend BUFORD. No; I think not.

Vice Chairman STOREY. Did you sign a return envelope?

Reverend BUFORD. I did.

Vice Chairman STOREY. Have you ever heard from that application?

Reverend BUFORD. I have not.

Vice Chairman STOREY. Did you make any further inquiries or attempt to register?

Reverend BUFORD. Yes; I did. Later—

Vice Chairman STOREY. Just tell what happened.

Reverend BUFORD. Later the same day, September 15th, another person who had attempted to become a registered voter called me and informed me that one of the members of the board of registrars told her that if she saw me to tell me to come back the following day for registration because I had allegedly made a mistake on my application blank.

Vice Chairman STOREY. Did you go back?

Reverend BUFORD. I did.

Vice Chairman STOREY. What did you find out? What were you told by the election supervisor and what did you do, if anything?

Reverend BUFORD. On my application I stated—there is a question to the effect—that asks, rather: “When did you become a bona fide resident of the State of Alabama?” I placed, in answer to that question, a period indicating I had been in the State for 2 years. They told me that answer was wrong, that I should have said, “I became a bona fide resident the day that I came to the State of Alabama.”

Vice Chairman STOREY. Did you correct it accordingly?

Reverend BUFORD. I was not given an opportunity to do so.

Vice Chairman STOREY. Why?

Reverend BUFORD. They stated that they were not receiving applications on that day because they were processing applications from as far back as the month of July.

Vice Chairman STOREY. Did you make any further attempt?

Reverend BUFORD. I have not.

Vice Chairman STOREY. Have you heard anything from your application?

Reverend BUFORD. I have not.

Vice Chairman STOREY. Do you know of any reason why you have not heard?

I mean that you know yourself.

Reverend BUFORD. I don't know of any reason.

Vice Chairman STOREY. Have you voted in any other State in the United States?

Reverend BUFORD. I have.

Vice Chairman STOREY. Have you been a registered voter in any other State in the United States?

Reverend BUFORD. I have.

Vice Chairman STOREY. If so, what State or States?

Reverend BUFORD. I was a registered voter in the State of New Jersey from 1940 until 1943.

I was a registered voter in the State of California from 1948 until I came to Alabama in 1956.

Vice Chairman STOREY. At the time you made your original application were you a resident of the State of Alabama and the County of Macon and your precinct for 2 years or more?

Reverend BUFORD. I was.

Vice Chairman STOREY. At the time you made your application?

Reverend BUFORD. I was.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. I would like, Mr. Chairman, if I may, to correct that question.

You are not required to be a resident of the precinct for the 2 years.

You have been a resident of the State of Alabama for 2 years?

Reverend BUFORD. I have.

Commissioner WILKINS. And whether or not you have been a resident of the precinct is only a matter of 3 months; isn't that right?

Reverend BUFORD. I believe so.

Commissioner WILKINS. Now, I would just like to find out, Reverend: When you were invited back to make this correction, just exactly what was your conversation when you entered the registrars' office and with whom was it held?

Reverend BUFORD. I spoke to a Mr. Grady Rogers.

Commissioner WILKINS. He is one of the registrars?

Reverend BUFORD. He is.

I told him that I had been informed that they wanted me to return at the next day designated for registration or taking applications, and he asked my name. He found my application and indicated that I had made the mistake that I referred to previously.

Commissioner WILKINS. Did he show you the mistake?

Reverend BUFORD. Yes. He pointed it out to me.

Commissioner WILKINS. Did you offer to correct it?

Reverend BUFORD. I did.

Commissioner WILKINS. Just what was that conversation about the correction of that statement?

Reverend BUFORD. I asked him what procedure I would have to go through to fill out another application blank. He told me that they were not receiving applications that day and that I should return on or after November 10th.

Commissioner WILKINS. Do you remember what day it was that you went back there?

You say you returned on the 10th of November?

Do you recall what date it was?

Reverend BUFORD. October the 20th.

Commissioner WILKINS. October the 20th.

And at that time the registrars or one of them indicated they were still processing applications that were filed as far back as July, you say, or June?

Reverend BUFORD. They did.

Commissioner WILKINS. Did they tell you at that time, on October the 20th, that you would not be issued a certificate of registration because of this mistake?

Reverend BUFORD. He indicated that I would not and stated that this became a part of their permanent record.

Commissioner WILKINS. I want to be sure about this, Reverend.

You answered the question where it was asked you how long you had been a resident of the State of Alabama?

Reverend BUFORD. I did.

Commissioner WILKINS. You said for more than 2 years?

Reverend BUFORD. I did.

Commissioner WILKINS. But you didn't specify the date you came into the State?

Was that the objection they raised to it?

Reverend BUFORD. No. I specified the—There are two questions that deal with residence. One asked about your residence for the past 5 years. I answered that question, showing I had been a resident of the State of Alabama for more than 2 years.

Further down on the questionnaire is this question about bona fide residence. I answered that question, showing the date 2 years following the time that I came to the State of Alabama.

Commissioner WILKINS. Did you insert a specific date, Reverend?

Reverend BUFORD. I did. July 22, 1958.

Commissioner WILKINS. July 22, 1958?

Reverend BUFORD. That's right.

Commissioner WILKINS. And you signed this application on October of '50—what? Fifty-eight?

Reverend BUFORD. That was September the 15th of 1958.

Commissioner WILKINS. I think that is all, Mr. Chairman.

Vice Chairman STOREY. Father Hesburgh.

Commissioner HESBURGH. Reverend Buford, I think I would like to have you have the opportunity of telling the commission why you would like to vote.

Reverend BUFORD. I would like to vote because it is a right that should be accorded me as a citizen of the United States. I feel that I cannot be a good citizen unless I do have the right to vote.

I am a taxpayer and I feel that if I am denied the right to vote it represents taxation without representation.

Commissioner HESBURGH. Thank you very much, Reverend Buford.

Vice Chairman STOREY. Any other questions?

Commissioner BATTLE. Can I ask you this one question: I want to get these dates straight. Did I understand you to say, sir, on your application you said you became a bona fide resident of Alabama in July of 1958?

Reverend BUFORD. I did.

Commissioner BATTLE. And this application was filed in September of 1958?

Reverend BUFORD. Yes, sir.

Commissioner BATTLE. That is all.

Vice Chairman STOREY. The witness will be excused.

We will have one more witness before the recess.

Mr. ROSENFELD. The next witness is Fidelia JoAnne Adams.

TESTIMONY OF FIDELIA JOANNE ADAMS, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Please state your name, age, and place of residence.

Miss ADAMS. Fidelia JoAnne Adams. I am 21 years old.

Vice Chairman STOREY. I don't believe everybody can quite hear you.

Miss ADAMS. I am 21 years old, and I live in Tuskegee, Ala.

Vice Chairman STOREY. Are you married?

Miss ADAMS. No.

Vice Chairman STOREY. Or single?

Miss ADAMS. I am single.

Vice Chairman STOREY. You are Miss Adams, then?

Miss ADAMS. Yes.

Vice Chairman STOREY. Where do you live?

Miss ADAMS. Tuskegee Institute, Ala.

Vice Chairman STOREY. Where were you born and what date?

Miss ADAMS. I was born in Forsyth, Ga., March 2, 1937.

Vice Chairman STOREY. How long did you live in Georgia?

Miss ADAMS. Well, I don't remember, but, from what my mother has told me, it was approximately three days.

Vice Chairman STOREY. Did you come from Georgia to Alabama?

Miss ADAMS. Yes.

Vice Chairman STOREY. Have you lived here since that time?

Miss ADAMS. Yes.

Vice Chairman STOREY. Practically all of your life?

Miss ADAMS. Yes.

Vice Chairman STOREY. Have you lived in that vicinity all of your life?

Miss ADAMS. No. I have only lived in Macon County since 1941.

Vice Chairman STOREY. And where did you live prior to that time?

Miss ADAMS. I lived in Phenix City, Ala.

Vice Chairman STOREY. Phenix City, Ala.

Are your parents living?

Miss ADAMS. My mother is living. My father has been deceased since 1940.

Vice Chairman STOREY. Since 1940?

Miss ADAMS. Nineteen forty; yes, sir.

Vice Chairman STOREY. What was your father's occupation?

Miss ADAMS. He was a county training agent, I believe.

Vice Chairman STOREY. Are you out of college?

Miss ADAMS. Yes. I finished college in May of this year, but I am working on a master's in organic chemistry at Tuskegee Institute.

Vice Chairman STOREY. You said you finished this year?

Miss ADAMS. I finished the B.S.

Vice Chairman STOREY. A B.S. degree?

Miss ADAMS. Yes.

Vice Chairman STOREY. A bachelor of science degree?

Miss ADAMS. Yes.

Vice Chairman STOREY. And now you are pursuing further study?

Miss ADAMS. Yes.

Vice Chairman STOREY. In what field?

Miss ADAMS. Organic chemistry.

Vice Chairman STOREY. Are you devoting your time to that or do you work?

Miss ADAMS. Well, it is a graduate research fellowship, and on the graduate research fellowship I do research that is pertaining to——

Vice Chairman STOREY. Do you mind telling us what research fellowship it is or who gave it?

Miss ADAMS. The Carver Foundation.

Vice Chairman STOREY. The Carver Foundation?

Miss ADAMS. Connected with Tuskegee Institute.

Vice Chairman STOREY. Is that the one named in honor of George Washington Carver?

Miss ADAMS. Yes; it is.

Vice Chairman STOREY. He was also from Tuskegee Institute?

Miss ADAMS. Yes.

Vice Chairman STOREY. Are you a member of any church or religious body?

Miss ADAMS. Yes. I am a member of the St. Joseph Catholic Church, Tuskegee, Ala.

Vice Chairman STOREY. Talk a little louder. They can't hear you. You will have to speak up a little bit.

Miss ADAMS. Yes.

Vice Chairman STOREY. Have you ever been arrested or convicted of a crime?

Miss ADAMS. No; I haven't.

Vice Chairman STOREY. Have you ever attempted to register in Macon County?

Miss ADAMS. Yes; I have.

Vice Chairman STOREY. When?

Miss ADAMS. August the 4th of this year.

Vice Chairman STOREY. Where did you go to register? To the same place as described by these other people?

Miss ADAMS. Yes.

Vice Chairman STOREY. Did you go through the same procedure?

Miss ADAMS. Yes.

Vice Chairman STOREY. Did you go more than one time or not?

Miss ADAMS. No. I've only been once.

Vice Chairman STOREY. Only been once.

Did you do anything other than what these other people have recited whom you heard testify?

Miss ADAMS. No; I did not.

Vice Chairman STOREY. Did you fill out a return envelope?

Miss ADAMS. Yes.

Vice Chairman STOREY. Have you heard anything further from it?

Miss ADAMS. No; I haven't.

Vice Chairman STOREY. In other words, it has just been silent since then?

Miss ADAMS. Yes.

Vice Chairman STOREY. Did you have anybody to vouch for you when you went?

Miss ADAMS. Yes. Miss Adella Shields vouched for me.

Vice Chairman STOREY. Did you fill out all the blanks they asked you to fill out?

Miss ADAMS. Yes; I did.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Miss Adams, do you recall what section of the Constitution of the United States you were asked to copy?

Miss ADAMS. Quite well. I was asked to copy the article 2 of the United States Constitution in its entirety.

Commissioner WILKINS. In its entirety?

Miss ADAMS. Yes.

Commissioner WILKINS. I would like for the witness, Mr. Chairman, to look at article 2 of the Constitution of the United States, which covers about three sections, or a little better, and about two and a half pages of finely single-spaced type.

I would just like to know, when you examine it, whether or not that is the article you were asked to copy.

Miss ADAMS. Yes; it is.

Commissioner WILKINS. And you were asked to copy that in its entirety?

Miss ADAMS. Yes.

Commissioner WILKINS. Do you recall how many pages of longhand writing you had to—

Miss ADAMS. Approximately eight and a half.

Commissioner WILKINS. About eight and a half pages of longhand writing?

Miss ADAMS. Yes.

Commissioner WILKINS. Do you recall how long it took you to do that, Miss Adams?

Miss ADAMS. Well, I write quite fast. I think it was almost an hour because I finished the entire procedure in about an hour and 5 minutes.

Commissioner WILKINS. Were there any oral questions asked you by any of the registrars at the time with reference to the Constitution?

Miss ADAMS. No.

Commissioner WILKINS. Were you required to answer a question giving the attributes of a good citizen?

Miss ADAMS. On the application blank; yes.

Commissioner WILKINS. On the application?

Miss ADAMS. Yes.

Commissioner WILKINS. And none of the registrars examined the application while you were there in August?

Miss ADAMS. Well, one of the members of the board glanced over the application, and I was questioned as to whether I was a legal resident of Alabama, although I stated that—

Vice Chairman STOREY. They are saying they cannot hear you, young lady. Will you please speak up?

Miss ADAMS. I was questioned as to whether I was a legal resident of Alabama, although I stated I have been living in Tuskegee Institute since January the 1st, 1941.

Commissioner WILKINS. And you have never heard anything from the application?

Miss ADAMS. No; I haven't.

Commissioner WILKINS. That was filed in August of 1958?

Miss ADAMS. Yes.

Commissioner WILKINS. Do you have any opinion as to the reason why you haven't heard from it?

Miss ADAMS. Well, I can read; I can write, and I think I possess all of my mental faculties. So, the only thing I can think of is the fact that I am a Negro.

Chairman HANNAH. I would like to ask the same question Father Heshburgh asked your predecessor: Why do you want to register to vote?

Miss ADAMS. Well, the Government of the United States is based on the fact that the governed govern, and only as long as the people are able to express their opinion through voting will our country be able to remain the great power that it is.

Vice Chairman STOREY. Any other questions?

If not, the witness will be excused and we will take a 10-minute recess.

The commission will be back promptly 10 minutes from now.

(Whereupon, at 10:44 a.m., a 10-minute recess was taken.)

Vice Chairman STOREY. We will come to order now.

Mr. Rosenfeld, call the next witness, please.

Mr. ROSENFELD. Yes, sir.

Mrs. Marie Williams.

TESTIMONY OF MARIE WILLIAMS, TUSKEGEE INSTITUTE, MAGON COUNTY, ALA.

Vice Chairman STOREY. I might announce to the other witnesses while she is coming to the stand that we are going to ask a number of you who purportedly have had similar experiences just brief questions in order to expedite the matter, and if you have had any unusual experiences we will ask you; otherwise it will be a question of whether or not you have had similar experiences.

Now, would you tell your name, age, and place of residence?

Mrs. WILLIAMS. My name is Marie Williams. My place of residence is Tuskegee Institute, Ala.

Vice Chairman STOREY. Where were you born?

Mrs. WILLIAMS. I was born in Greenville, Ala.

Vice Chairman STOREY. Have you lived in this State all your life?

Mrs. WILLIAMS. I have.

Vice Chairman STOREY. And what is the date of your birth?

Mrs. WILLIAMS. December 22, 1922.

Vice Chairman STOREY. Are you married?

Mrs. WILLIAMS. I am.

Vice Chairman STOREY. Or single?

Mrs. WILLIAMS. I am married.

Vice Chairman STOREY. What is the extent of your family?

Mrs. WILLIAMS. My family consists of a husband and four children.

Vice Chairman STOREY. What is your occupation, if any, besides a housewife?

Mrs. WILLIAMS. My occupation is a housewife.

Vice Chairman STOREY. You devote all of your time to that?

Mrs. WILLIAMS. I do.

Vice Chairman STOREY. With your husband and four children?

Mrs. WILLIAMS. I do.

Vice Chairman STOREY. Do you have any mental or physical disabilities?

Mrs. WILLIAMS. I haven't.

Vice Chairman STOREY. Now, without repetition, you have heard the questions we have asked these other witnesses from Macon County, haven't you?

Mrs. WILLIAMS. Yes; I have.

Vice Chairman STOREY. And you have heard their answers?

Mrs. WILLIAMS. Yes.

Vice Chairman STOREY. Does your experience coincide with theirs in a general sense?

Mrs. WILLIAMS. They do.

Vice Chairman STOREY. Have you applied for registration?

Mrs. WILLIAMS. I have, five times.

Vice Chairman STOREY. Five times?

Mrs. WILLIAMS. I have.

Vice Chairman STOREY. When was the first time?

Mrs. WILLIAMS. July of 1957.

Vice Chairman STOREY. Did you go through the similar procedure as indicated?

Mrs. WILLIAMS. Yes.

In July of 1957 I read and wrote the Constitution.

Vice Chairman STOREY. Do you have any mental or physical disabilities?

Mrs. WILLIAMS. I have none.

Vice Chairman STOREY. Do you and your husband own any property?

Mrs. WILLIAMS. We do.

Vice Chairman STOREY. What is it, just briefly?

Do you own—

Mrs. WILLIAMS. Our home.

Vice Chairman STOREY. Your home?

Mrs. WILLIAMS. Yes; we own our home.

Vice Chairman STOREY. Have a car?

Mrs. WILLIAMS. Yes; we do.

Vice Chairman STOREY. What is your husband's occupation?

Mrs. WILLIAMS. My husband is a meat cutter at the Veterans Hospital, Tuskegee.

Vice Chairman STOREY. Veterans Hospital, Tuskegee?

Mrs. WILLIAMS. Alabama.

Vice Chairman STOREY. How long has he held that position?

Mrs. WILLIAMS. Ten years.

Vice Chairman STOREY. About what date was it you made the first application?

Mrs. WILLIAMS. July the 3d, 1957.

Vice Chairman STOREY. How long did you wait before you did anything else?

Mrs. WILLIAMS. Well, I arrived there that day at 8 o'clock and I got in the office around 2:30 that afternoon.

Vice Chairman STOREY. Did you complete it that day?

Mrs. WILLIAMS. No; I didn't. I had to come back the next morning.

Vice Chairman STOREY. All right. Did you complete it the next day?

Mrs. WILLIAMS. I did.

Vice Chairman STOREY. Did you hear anything from it?

Mrs. WILLIAMS. No; I haven't.

Vice Chairman STOREY. How long did you wait before you did anything else?

Mrs. WILLIAMS. Well, a year, because I went back July of 1958.

Vice Chairman STOREY. What did you do, if anything, then?

Mrs. WILLIAMS. This time I had to write article 2, sections 1, 2, 3, and 4 of the Constitution.

Vice Chairman STOREY. Did you fill out new papers, entirely new papers?

Mrs. WILLIAMS. Yes; I did.

Vice Chairman STOREY. How long were you there that time, approximately?

Mrs. WILLIAMS. Well, I got there in the morning around 8 and I got in that afternoon around 3.

Vice Chairman STOREY. Did you hear anything from that application?

Mrs. WILLIAMS. No; I haven't heard anything yet.

Vice Chairman STOREY. Did you do anything further about it?

Mrs. WILLIAMS. Yes. I went back September of 1958, the first Monday. I don't recall the date.

Vice Chairman STOREY. What did you do, if anything, at that time?

Mrs. WILLIAMS. Well, nothing new. The same procedure—writing—

Vice Chairman STOREY. Did you write out an entirely new application?

Mrs. WILLIAMS. Yes; I did.

Vice Chairman STOREY. Have you heard anything from that one?

Mrs. WILLIAMS. I did not.

I went back—

Vice Chairman STOREY. Have you made any further inquiry or application?

Mrs. WILLIAMS. Yes. I went back the third Monday in September.

Vice Chairman STOREY. What did you do then?

Mrs. WILLIAMS. I wrote the same article 2, sections 1, 2, 3, and 4, and I haven't heard anything from it since.

Vice Chairman STOREY. Take you about the same length of time?

Mrs. WILLIAMS. It does.

Vice Chairman STOREY. Occupies the length of a day's time?

Mrs. WILLIAMS. This time I got in around 10:30.

Vice Chairman STOREY. All right. Did you make any further inquiry?

Mrs. WILLIAMS. Not hearing from that, I went back in November of this year.

Vice Chairman STOREY. November what time?

Mrs. WILLIAMS. It was the first—

Vice Chairman STOREY. Was that about the fifth time?

Mrs. WILLIAMS. Yes. This is my fifth time.

Vice Chairman STOREY. What did you do then?

Mrs. WILLIAMS. Well, I wrote article 2 of the Constitution.

Vice Chairman STOREY. Did you fill out a new questionnaire?

Mrs. WILLIAMS. I filled out a new questionnaire.

Vice Chairman STOREY. Full set of papers?

Mrs. WILLIAMS. I did.

Vice Chairman STOREY. Did you sign a return envelope?

Mrs. WILLIAMS. I did.

Vice Chairman STOREY. Have you heard anything from that one?

Mrs. WILLIAMS. Not yet.

Vice Chairman STOREY. Have you made any further inquiry?

Mrs. WILLIAMS. Well, I haven't been back since November.

Vice Chairman STOREY. That is the last contact you have had?

Mrs. WILLIAMS. That's right. I haven't been back since.

Vice Chairman STOREY. Any further questions?

Commissioner WILKINS. Mr. Chairman, I would just like, for the record, to find out about Mrs. Williams' educational qualifications.

Mrs. WILLIAMS. All right.

I have a high school education, Montgomery, Ala., and I have 3½ years toward a degree in home economics at Tuskegee Institute, Ala.

Commissioner WILKINS. You had no difficulty reading and writing the Constitution?

Mrs. WILLIAMS. No; I don't.

Commissioner WILKINS. You almost know it by heart now, don't you?

Mrs. WILLIAMS. I certainly do.

Vice Chairman STOREY. Anything else?

You are excused.

Thank you.

The next witness.

Mr. ROSENFELD. Mrs. Roberta A. Lightfoot.

TESTIMONY OF ROBERTA A. LIGHTFOOT,
TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Your name, age, and place of residence, please?

Mrs. LIGHTFOOT. My name is Roberta A. Lightfoot. I was born in November the 16th, 1922.

Vice Chairman STOREY. Where?

Mrs. LIGHTFOOT. In Boomer, W. Va.

Vice Chairman STOREY. And what is the place of your residence now?

Mrs. LIGHTFOOT. My place of residence is Tuskegee, Ala.

Vice Chairman STOREY. How long have you lived in Alabama?

Mrs. LIGHTFOOT. I have lived in Alabama since 1947, May 1947.

Vice Chairman STOREY. Are you married?

Mrs. LIGHTFOOT. Yes; I am.

Vice Chairman STOREY. What does your husband do?

Mrs. LIGHTFOOT. My husband is a purchasing agent at the VA Hospital, Tuskegee, Ala.

Vice Chairman STOREY. And how long has he been in that position?

Mrs. LIGHTFOOT. Over 10 years.

Vice Chairman STOREY. Do you have any children?

Mrs. LIGHTFOOT. Yes; I do.

Vice Chairman STOREY. How many?

Mrs. LIGHTFOOT. I have a girl, 10, and a boy will be 6 in January.

Vice Chairman STOREY. Do you have any occupation besides being a housewife?

Mrs. LIGHTFOOT. Yes. I have been a registered nurse since June 1946.

Vice Chairman STOREY. Are you a graduate nurse?

Mrs. LIGHTFOOT. Yes; I am.

Vice Chairman STOREY. Of what hospital or college?

Mrs. LIGHTFOOT. From Freedmen's Hospital in Washington, D.C.

Vice Chairman STOREY. Are you a registered nurse from that institution?

Mrs. LIGHTFOOT. Yes; I was registered.

Vice Chairman STOREY. Have you practiced your profession?

Mrs. LIGHTFOOT. Yes; ever since I graduated.

Vice Chairman STOREY. Even since you graduated?

Mrs. LIGHTFOOT. Yes.

Vice Chairman STOREY. You still practice—

Mrs. LIGHTFOOT. I still practice.

Vice Chairman STOREY. Your profession?

Mrs. LIGHTFOOT. Yes.

Vice Chairman STOREY. On a full-time basis?

Mrs. LIGHTFOOT. On a full-time basis.

Vice Chairman STOREY. Where?

Mrs. LIGHTFOOT. VA Hospital, Tuskegee, Ala.

Vice Chairman STOREY. The Veterans Administration Hospital at Tuskegee, Ala.?

Mrs. LIGHTFOOT. Tuskegee, Ala.

Vice Chairman STOREY. How many patients are there in that hospital, on an average?

Mrs. LIGHTFOOT. Oh, a little over 2,000.

Vice Chairman STOREY. A little over 2,000.

Is your husband a registered voter?

Mrs. LIGHTFOOT. Yes; he is.

Vice Chairman STOREY. Are you a registered voter?

Mrs. LIGHTFOOT. No; I am not.

Vice Chairman STOREY. Have you ever made application?

Mrs. LIGHTFOOT. Yes. Twice.

Vice Chairman STOREY. Twice.

When was the first time?

Mrs. LIGHTFOOT. The first time was in July of 1955.

Vice Chairman STOREY. Did you go through a similar procedure as indicated by these other witnesses?

Mrs. LIGHTFOOT. Yes; I did.

Vice Chairman STOREY. Anything extra to what they have recited?

Mrs. LIGHTFOOT. No; nothing extra.

Vice Chairman STOREY. Did you ever hear anything from that application?

Mrs. LIGHTFOOT. No; I didn't.

Vice Chairman STOREY. Did you do anything further about the matter?

Mrs. LIGHTFOOT. I made a second application. That's all.

Vice Chairman STOREY. When did you make the second application?

Mrs. LIGHTFOOT. The second application was made in—I believe it was February of 1957.

Vice Chairman STOREY. February of 1957?

Mrs. LIGHTFOOT. Yes.

Vice Chairman STOREY. Have you heard anything from that application?

Mrs. LIGHTFOOT. No; I haven't.

Vice Chairman STOREY. Have you made any further effort to register?

Mrs. LIGHTFOOT. No. That was my last effort.

Vice Chairman STOREY. Have you made any further inquiry of the Election Board?

Mrs. LIGHTFOOT. No.

Vice Chairman STOREY. I mean the registration board.

Mrs. LIGHTFOOT. No, because after I was given this oath I was told that if I didn't hear from them in 2 weeks' time that I didn't pass.

Vice Chairman STOREY. Who told you that?

Mrs. LIGHTFOOT. This was a tall fellow, had white hair.

Vice Chairman STOREY. Was he one of the registration board members?

Mrs. LIGHTFOOT. One of the board members.

Vice Chairman STOREY. Do you belong to any church?

Mrs. LIGHTFOOT. Yes.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mrs. LIGHTFOOT. None.

Vice Chairman STOREY. Are you suffering from any mental or physical disability?

Mrs. LIGHTFOOT. I believe not.

Vice Chairman STOREY. I believe that is all.

Any other questions?

Commissioner WILKINS. Just for the record, Mrs. Lightfoot, how long were you there at the registration place when you went the second time?

Your affidavit shows it was about the 28th of January 1958.

How long were you there?

Mrs. LIGHTFOOT. Well, I went there when the board of registrars opened. I think it was 9 o'clock. I stayed until lunch hour, went back at 1, stayed until 4:10, and that's when I got in, and when I went in at 4:10 I was told that since it was so late they would let me fill out the registration and write article 4, because it was so late, and I finished approximately 5 o'clock.

Commissioner HESBURGH. I have one question.

Mrs. Lightfoot, would you please tell us why you would like to vote?

Mrs. LIGHTFOOT: I would like to be a voter because it is a right of all citizens and I feel that all citizens should have a part in this United States Government.

That is what the United States Government is built upon—the voting rights of all citizens.

Commissioner HESBURGH. Thank you, Mrs. Lightfoot.

Vice Chairman STOREY. Any other questions?

If not, the witness is excused.

Thank you.

The next witness.

Mr. ROSENFELD. Mr. Herbert Fort.

TESTIMONY OF HERBERT FORT, SHORTER, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and your age and your residence?

Mr. FORT. My name is Herbert Fort. My age is 72 years old, and my address is Shorter, Ala.

Vice Chairman STOREY. Is what, Alabama?

Mr. FORT. Shorter.

Vice Chairman STOREY. Short, Ala.?

Mr. FORT. Shorter.

Vice Chairman STOREY. Shorter, Ala.?

Mr. FORT. Yes.

Vice Chairman STOREY. Now, you will have to talk out just a little louder so everybody in the room can hear.

When were you born and where were you born?

Mr. FORT. Born in—they say I was born in 1886, Cotton Valley, Ala.

Vice Chairman STOREY. Have you lived in this State all of your life?

Mr. FORT. All of my life.

Vice Chairman STOREY. All of your life.

How long have you lived at Shorter, Ala.?

Mr. FORT. About 55 years.

Vice Chairman STOREY. In what county is that, for the record?

Mr. FORT. Macon.

Vice Chairman STOREY. What is your business?

Mr. FORT. Farming.

Vice Chairman STOREY. How long have you been a farmer?

Mr. FORT. Well, practically ever since I got of age.

Vice Chairman STOREY. You have been farming all your life?

Mr. FORT. All my life.

Vice Chairman STOREY. And you are still at it?

Mr. FORT. Still at it.

Vice Chairman STOREY. Do you own your own farm?

Mr. FORT. I does.

Vice Chairman STOREY. How big is your farm?

Mr. FORT. Forty-six acres.

Vice Chairman STOREY. How long have you been living on that farm?

Mr. FORT. I been living on that farm ever since 1934.

Vice Chairman STOREY. You do your own work—

Mr. FORT. Yes.

Vice Chairman STOREY. In tilling that farm?

Mr. FORT. Yes.

Vice Chairman STOREY. Do you have a family?

Mr. FORT. Yes, sir.

Vice Chairman STOREY. Of what does it consist?

Mr. FORT. Four girls and one boy.

Vice Chairman STOREY. And is your wife living?

Mr. FORT. Yes, sir.

Vice Chairman STOREY. And you all live together?

Mr. FORT. We all live together.

Vice Chairman STOREY. On that farm?

Mr. FORT. That's right.

Vice Chairman STOREY. Do you have any other means of income other than that farm?

Mr. FORT. No, sir.

Vice Chairman STOREY. Do you own an automobile or truck?

Mr. FORT. No, sir.

Vice Chairman STOREY. You farm with horses or mules?

Mr. FORT. Mules.

Vice Chairman STOREY. Mules.

Have your own farming implements?

Mr. FORT. I does.

Vice Chairman STOREY. Do you belong to any church?

Mr. FORT. Methodist.

Vice Chairman STOREY. Methodist.

How long have you been a Methodist?

Mr. FORT. About 40 years.

Vice Chairman STOREY. Do you have any mental or physical disabilities?

Mr. FORT. No, sir.

Vice Chairman STOREY. So far as you know?

Mr. FORT. As far as I know; no, sir.

Vice Chairman STOREY. Have you ever been arrested for a crime or convicted of any crime?

Mr. FORT. No, sir.

Vice Chairman STOREY. Are you a registered voter in Alabama?

Mr. FORT. No, sir.

Vice Chairman STOREY. Have you ever attempted to register?

Mr. FORT. I have.

Vice Chairman STOREY. When, the first time?

Mr. FORT. January the 22d, 1954.

Vice Chairman STOREY. Nineteen fifty-four?

Mr. FORT. Yes.

Vice Chairman STOREY. Where did you attempt to register?

Mr. FORT. At the courthouse in Tuskegee, Ala.

Vice Chairman STOREY. Did you go through a similar procedure to what these other people have detailed?

Mr. FORT. I did.

They didn't ask me to read the Constitution.

Vice Chairman STOREY. They didn't ask you to read the Constitution?

Mr. FORT. No, sir.

Vice Chairman STOREY. But did they ask you to copy some things?

- Mr. FORT. Yes, sir. They asked me to fill out a blank.
- Vice Chairman STOREY. Did you fill out all the papers they asked you to fill out?
- Mr. FORT. I filled out all the papers.
- Vice Chairman STOREY. Have you had any education in school?
- Mr. FORT. Fourth grade is as high as I went.
- Vice Chairman STOREY. Fourth grade?
- Mr. FORT. Yes, sir.
- Vice Chairman STOREY. Can you read and write?
- Mr. FORT. Yes, sir.
- Vice Chairman STOREY. Some of it self-education?
- Mr. FORT. That's right.
- Vice Chairman STOREY. Have any of your children gone to school?
- Mr. FORT. I got two grandgirls in college and I got four daughters finished high school.
- Vice Chairman STOREY. How many grandchildren do you have?
- Mr. FORT. Three.
- Vice Chairman STOREY. Are your taxes paid?
- Mr. FORT. Yes, sir.
- Vice Chairman STOREY. Did you ever hear anything from that application you filed?
- Mr. FORT. No, sir.
- Vice Chairman STOREY. Did you ever make any attempt to go back?
- Mr. FORT. No, sir.
- I went to Judge Varner.
- Vice Chairman STOREY. Who is Judge Varner?
- Mr. FORT. Judge William Varner from Tuskegee is probate judge of Macon County.
- Vice Chairman STOREY. He is the gentleman who appeared here this morning?
- Mr. FORT. That's right.
- Vice Chairman STOREY. When did you go to him?
- Mr. FORT. About 30 days after I filled out the application.
- Vice Chairman STOREY. What was the conversation, if any, there?
- Mr. FORT. I asked him had he heard anything from my application. He said, "No. Nothing I can tell you." He said, "The old board"—that "None of the work of the old board is at my desk, and I can't tell you anything."
- Vice Chairman STOREY. He said what?
- Now, I didn't get that.
- Mr. FORT. When I went and asked him about it, he said none of the work the old board has done, none of the records, has been brought to his desk and he couldn't tell me anything.

Vice Chairman STOREY. Let me see if I understand you.

He said the work the old board had done——

Mr. FORT. That's right.

Vice Chairman STOREY. Had never been brought to his desk?

Mr. FORT. To him; that's right.

Vice Chairman STOREY. Did you ever make any further effort to register?

Mr. FORT. No, sir.

Vice Chairman STOREY. Did you have someone to vouch for you?

Mr. FORT. Mr. J. W. Powe, who is a registered voter of Macon County.

Vice Chairman STOREY. Is he white or colored?

Mr. FORT. Colored undertaker.

Vice Chairman STOREY. Anybody ever tell you why you were turned down or didn't receive your certificate?

Mr. FORT. No, sir.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. How were you treated when you went there to register?

Mr. FORT. Well, I would say why I didn't go back—it was pretty unpleasant, the way it is now.

Commissioner WILKINS. Will you explain to the commission just exactly what you mean?

Mr. FORT. Well, I went there about—I went over to register at the registration office about 9 o'clock, the place where they register, and I stayed there, just standing around, in a little hallway, nowhere to sit down and just standing around, and I finally got in there at 4 o'clock and filled out my application.

Commissioner WILKINS. Was there any conversation?

Were there any oral questions?

Did the members of the board of registrars ask you any questions other than those on the application?

Mr. FORT. No more than to give me the oath.

Commissioner WILKINS. Do you have any opinion as to the reasons why you have never heard anything from your application?

Mr. FORT. Yes, sir.

Commissioner WILKINS. You do have an opinion?

Mr. FORT. Yes, sir.

Commissioner WILKINS. What is that opinion, Mr. Fort?

Mr. FORT. I was a black man.

That's the only opinion I have.

Commissioner WILKINS. That is the only reason you know?

Mr. FORT. Yes, sir.

Commissioner WILKINS. Thank you.

Vice Chairman STOREY. Any other questions?

If not, you are excused.

Commissioner BATTLE. Mr. Chairman.

Vice Chairman STOREY. Pardon me, Governor Battle.

Commissioner BATTLE. Can you tell us for whom Shorter was named?

Mr. FORT. Sir?

Commissioner BATTLE. Can you tell us for whom the town of Shorter, where you live, was named?

Mr. FORT. From what I been told, the old cemetery right out in front of the post office — the lady was named Mrs. Shorter, and it was named after her.

Commissioner BATTLE. Thank you.

Mr. FORT. That's how Shorter got its name.

Commissioner BATTLE. Thank you.

Vice Chairman STOREY. Any other questions?

Thank you.

The next witness.

Mr. ROSENFELD. Mrs. K. Eaton Scott.

TESTIMONY OF MRS. K. EATON SCOTT,
TUSKEGEE INSTITUTE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and age and residence?

Mrs. SCOTT. My name is Mrs. K. Eaton Scott. I am 35 years of age. I live in Macon County, Tuskegee Institute, Ala.

Vice Chairman STOREY. How long have you lived in this State?

Mrs. SCOTT. I have lived in this State since June of 1946.

Vice Chairman STOREY. Where were you born?

And give us the date of your birth.

Mrs. SCOTT. I was born in Creedmoor, N.C., November 25th, 1923.

Vice Chairman STOREY. How long did you live in North Carolina?

Mrs. SCOTT. I lived in North Carolina until June 1946.

Vice Chairman STOREY. And then moved here?

Mrs. SCOTT. And moved here.

Vice Chairman STOREY. And you have lived here in Macon County ever since?

Mrs. SCOTT. Yes.

Vice Chairman STOREY. You are married, are you?

Mrs. SCOTT. Yes; I am.

Vice Chairman STOREY. When were you married?

Mrs. SCOTT. I was married in August 1951.

Vice Chairman STOREY. And where did you marry?

Mrs. SCOTT. I was married in Macon County, Tuskegee Institute.

Vice Chairman STOREY. What size family have you?

Mrs. SCOTT. My family consists of a husband and a little daughter, 2 years and a half.

Vice Chairman STOREY. What does your husband do?

Mrs. SCOTT. My husband teaches at Tuskegee Institute.

Vice Chairman STOREY. In what department?

Mrs. SCOTT. In the department of mathematics.

Vice Chairman STOREY. Is he a graduate of any universities or colleges?

Mrs. SCOTT. Yes; he is.

Vice Chairman STOREY. What?

Mrs. SCOTT. He received a bachelor of science degree from Morehouse College, Atlanta, Ga., the master of science degree in mathematics from Atlanta University, Atlanta, Ga., and he has done further study at New York University in New York City.

Vice Chairman STOREY. Is he a registered voter?

Mrs. SCOTT. Yes; he is.

Vice Chairman STOREY. Are you a registered voter?

Mrs. SCOTT. No; I am not.

Vice Chairman STOREY. Have you ever made application?

Mrs. SCOTT. Yes; I have.

Vice Chairman STOREY. About when?

Mrs. SCOTT. The first attempt was July 21st, 1958.

Vice Chairman STOREY. Did you go through a similar procedure as recited by these other people who testified?

Mrs. SCOTT. Yes; I did.

Vice Chairman STOREY. Anything unusual or additional in your experience at the time of your first application?

Mrs. SCOTT. No.

Vice Chairman STOREY. How long did you wait before you did anything else?

Mrs. SCOTT. The first time I waited—I arrived at the courthouse at 8:40 and waited until 9:25 before I went in to register.

Vice Chairman STOREY. No. I mean after you filed the first application. When was it you did anything additional about inquiry or further registration?

Mrs. SCOTT. The first attempt was July the 21st.

The second attempt was November the 17th, 1958.

Vice Chairman STOREY. Nineteen fifty-eight?

Mrs. SCOTT. Yes.

Vice Chairman STOREY. Did you file new sets of papers?

Mrs. SCOTT. Yes. I went through the entire procedure again.

Vice Chairman STOREY. Including article 2 of the Constitution?

Mrs. SCOTT. Including writing all four sections of article 2.

Vice Chairman STOREY. Of the Constitution?

- Mrs. SCOTT. Of the United States Constitution.
- Vice Chairman STOREY. Did you have any unusual experiences there, other than what these people have recited?
- Mrs. SCOTT. No; I did not.
- Vice Chairman STOREY. Have you heard anything from that application?
- Mrs. SCOTT. No; I have not.
- Vice Chairman STOREY. Have you made any further inquiry?
- Mrs. SCOTT. No; I have not.
- Vice Chairman STOREY. Have you ever been convicted of a crime?
- Mrs. SCOTT. No; I have not.
- Vice Chairman STOREY. Do you have any mental or physical disabilities, as far as you know?
- Mrs. SCOTT. No; I haven't.
- Vice Chairman STOREY. Are you, yourself, a graduate of any educational institutions? If so, what are they?
- Mrs. SCOTT. I received a bachelor of science degree in commercial education from North Carolina College, Durham, N.C.
- Vice Chairman STOREY. That is the only degree?
- Mrs. SCOTT. Yes.
- Vice Chairman STOREY. You were a high school graduate prior to that?
- Mrs. SCOTT. I was a high school graduate.
- Vice Chairman STOREY. Have you worked since that time yourself?
- Mrs. SCOTT. Yes; I have.
- Vice Chairman STOREY. Are you working now?
- Mrs. SCOTT. Yes; I am.
- Vice Chairman STOREY. In what capacity?
- Mrs. SCOTT. I am a secretary.
- Vice Chairman STOREY. A secretary to whom and where?
- Mrs. SCOTT. I am secretary to the chief, dental service, Veterans Administration Hospital, Tuskegee, Ala.
- Vice Chairman STOREY. Then you are in the employ of the Veterans Hospital of the United States Government?
- Mrs. SCOTT. Yes; I am.
- Vice Chairman STOREY. At Tuskegee?
- Mrs. SCOTT. Yes.
- Vice Chairman STOREY. And how long have you held that position?
- Mrs. SCOTT. I have held that position since January 1950.
- Vice Chairman STOREY. Continuously?
- Mrs. SCOTT. Yes.
- Vice Chairman STOREY. In addition to your duties as housewife?
- Mrs. SCOTT. Yes.
- Vice Chairman STOREY. Would you mind telling the commission why you want to vote, since your husband is a registered voter?

Mrs. SCOTT. I would like to vote because I am a law-abiding citizen.

Vice Chairman STOREY. All right.

Any other questions?

Commissioner WILKINS. Mrs. Scott, may I ask you just one question: The second time you returned to the registrars' office was there some question raised about your signature?

Mrs. SCOTT. Yes. I signed my name as "Mrs. K. Eaton Scott" and the question was asked: What did the "K" mean?

Commissioner WILKINS. Was there anything else said when you came back the next time to fill out an application?

Mrs. SCOTT. No; there was not.

Vice Chairman STOREY. Any other questions?

You may be excused, and thank you.

Call the next witness.

Mr. ROSENFELD. Yes, sir.

Mrs. Leida R. Davison.

TESTIMONY OF LEIDA RUTH WILLIAMS DAVISON, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and age and where you live?

Mrs. DAVISON. My name is Leida Ruth Williams Davison, and I was—

Vice Chairman STOREY. Just a little louder, please.

Mrs. DAVISON. Leida Ruth Williams Davison. I was born March 13th, 1925, in Tuskegee, Ala.

Vice Chairman STOREY. And do you still live there?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Have you lived there all of your life?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Are you married or single now?

Mrs. DAVISON. I'm married.

Vice Chairman STOREY. When did you marry?

Mrs. DAVISON. I married October 11th, 1942.

Vice Chairman STOREY. What does your husband do?

Mrs. DAVISON. By trade he's a printer, but he's now working at the Veterans Hospital.

Vice Chairman STOREY. How long has he been working there?

Mrs. DAVISON. He has been working there since the last of September, I think.

Vice Chairman STOREY. September of this year?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. What did he do before that?

Mrs. DAVISON. He was printing with the Phenix City Herald, Phenix City, Ala.

Vice Chairman STOREY. All right.

Now, have you graduated from high school or any college or university? If so, what college or university and with what degrees, if any?

Mrs. DAVISON. Yes. I have graduated from Tuskegee Institute High School, and I received the bachelor of science from the Alabama State College here at Montgomery, and presently I'm working on my master's from Tuskegee.

Vice Chairman STOREY. Are you working now?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Yourself?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. In what capacity?

Mrs. DAVISON. I am employed as an instructor with the Russell County Board of Education.

Vice Chairman STOREY. With the Russell County Board of Education?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. And where do you teach?

Mrs. DAVISON. Russell County.

Vice Chairman STOREY. I know, but with reference to your home how far is that?

Mrs. DAVISON. It's about 22 miles.

Vice Chairman STOREY. You go and come each day?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Is that in the public schools.

Mrs. DAVISON. Yes.

Vice Chairman STOREY. How long have you been teaching in the public schools of Alabama?

Mrs. DAVISON. Since 1953.

Vice Chairman STOREY. Since 1953?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. And you perform your duties as housewife in addition?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Do you have any children?

Mrs. DAVISON. No.

Vice Chairman STOREY. And you have worked, I believe you said, as a school teacher since 1953?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Did you ever do any other type of work except teaching?

Mrs. DAVISON. No.

Vice Chairman STOREY. Have you applied to register in your own home county?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. When?

Mrs. DAVISON. May of 1958.

Vice Chairman STOREY. May 1958?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Did you go through the same or similar procedure as outlined by these other witnesses?

Mrs. DAVISON. Yes; I did.

Vice Chairman STOREY. Did you ever hear anything from your application?

Mrs. DAVISON. No.

Vice Chairman STOREY. Did you make any further inquiry or any further application?

Mrs. DAVISON. No; but I did go back, and I had to go to class and I couldn't wait all day. So, I left.

Vice Chairman STOREY. When did you go back?

Mrs. DAVISON. It was in July.

Vice Chairman STOREY. July?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Did you go back any other time?

Mrs. DAVISON. No.

Vice Chairman STOREY. Have you ever received any notice whatsoever from the board?

Mrs. DAVISON. No.

Vice Chairman STOREY. Do you have any physical or mental disability?

Mrs. DAVISON. No.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mrs. DAVISON. No.

Vice Chairman STOREY. Why do you want to vote?

Mrs. DAVISON. Well, I pay taxes and, since I have no dependents, it is rather heavy, and I think, since I have to pay taxes to support the Federal and State, I should be able to vote. That's one of the things that the Constitution has bestowed upon us citizens.

Vice Chairman STOREY. Do you and your husband own your own home?

Mrs. DAVISON. Yes.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Do you have any opinion, Mrs. Davison, as to the reason why you didn't receive an answer to your application?

Mrs. DAVISON. Well, the only opinion I have is that I'm a Negro, because I certainly can read and write.

Commissioner WILKINS. How much of the Constitution were you asked to copy?

Mrs. DAVISON. Article 2 in its entirety.

Commissioner WILKINS. Article 2 in its entirety?

Mrs. DAVISON. Yes.

Commissioner WILKINS. And that represented approximately some seven—

Mrs. DAVISON. Yes.

Commissioner WILKINS. Or eight and a half pages?

Mrs. DAVISON. Yes.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. Any other questions?

If not, you may be excused.

The next witness.

Mr. ROSENFELD. Bettie J. Mindingall.

TESTIMONY OF BETTIE J. MINDINGALL, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and age and place of residence?

Miss MINDINGALL. My name is Bettie J. Mindingall. Age: Twenty-three. Born—

Vice Chairman STOREY. Lift your voice just a little.

Miss MINDINGALL. Born: Tuskegee, Macon County, Ala.

Vice Chairman STOREY. Have you lived there since your birth?

Miss MINDINGALL. Yes; I have.

Vice Chairman STOREY. Are you married or single?

Miss MINDINGALL. Single.

Vice Chairman STOREY. Are you a graduate of any high schools or universities or colleges?

Miss MINDINGALL. Yes. I am a graduate of Tuskegee Institute High School, graduate of Grady Memorial Hospital School of Nursing and currently enrolled at Tuskegee Institute, working to a B.S. degree.

Vice Chairman STOREY. Working towards a B.S. degree at the present time?

Miss MINDINGALL. Yes.

Vice Chairman STOREY. Are you working at the same time?

Miss MINDINGALL. Yes; I am.

Vice Chairman STOREY. In what capacity?

Miss MINDINGALL. As a professional registered nurse at the Veterans Administration Hospital.

Vice Chairman STOREY. Are you employed by the Veterans Administration Hospital in Tuskegee?

Miss MINDINGALL. Yes; I am.

Vice Chairman STOREY. As a registered nurse?

Miss MINDINGALL. Yes; I am.

Vice Chairman STOREY. And so carried on the records?

Miss MINDINGALL. Yes.

Vice Chairman STOREY. And how long have you worked in that capacity?

Miss MINDINGALL. Since September of 1956.

Vice Chairman STOREY. Since September of 1956?

Miss MINDINGALL. Yes.

Vice Chairman STOREY. May I ask you: Have you any mental or physical disabilities?

Miss MINDINGALL. No; not that I know of.

Vice Chairman STOREY. Have you ever been convicted of any crime?

Miss MINDINGALL. No; I have not.

Vice Chairman STOREY. Have you ever made application to vote?

Miss MINDINGALL. Yes; I have.

Vice Chairman STOREY. When?

Miss MINDINGALL. July of 1958.

Vice Chairman STOREY. Did you have a similar experience to these other witnesses who testified here this morning?

Miss MINDINGALL. Yes; I did.

Vice Chairman STOREY. How long did you wait before you did anything about it after that?

Miss MINDINGALL. I haven't been back since.

Vice Chairman STOREY. You haven't been back?

Miss MINDINGALL. No; I haven't.

Vice Chairman STOREY. Did you leave a self-addressed envelope, as required?

Miss MINDINGALL. Yes; I did.

Vice Chairman STOREY. Why do you want to vote?

Miss MINDINGALL. I wish to be granted my civil rights, and definitely then I will be a first-class citizen.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Do you have any opinion as to the reasons why you have not heard from your application?

Miss MINDINGALL. Because I am a Negro.

Vice Chairman STOREY. Any other questions?

If not, you —

Commissioner BATTLE. May I —

Vice Chairman STOREY. Pardon me, Governor Battle.

Commissioner BATTLE. How long has it been since you became of age, since you became 21?

Miss MINDINGALL. Two years.

Commissioner BATTLE. Two years?

Miss MINDINGALL. Yes.

Commissioner BATTLE. Thank you.

Vice Chairman STOREY. Any other questions?

If not, you are excused.

The next witness.

Mr. ROSENFELD. Bettye F. Henderson.

TESTIMONY OF BETTYE F. HENDERSON, TUSKEGEE INSTITUTE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and age and place of residence?

Mrs. HENDERSON. I am Bettye F. Henderson; 41 years old. I live on Bibb Street, Tuskegee Institute, Ala.

Vice Chairman STOREY. How long have you lived there?

Mrs. HENDERSON. I have lived there 8 years.

Vice Chairman STOREY. Are you married or single?

Mrs. HENDERSON. I'm married.

Vice Chairman STOREY. What does your husband do?

Mrs. HENDERSON. My husband is a research associate at Carver Foundation and head of the department of biology at Tuskegee Institute.

Vice Chairman STOREY. How long has he been serving in those capacities?

Mrs. HENDERSON. Well, he has been a research associate ever since we have been there, a little over 8 years. He has just recently been made head of the department of biology.

Vice Chairman STOREY. Do you and your husband own your own home?

Mrs. HENDERSON. No; we don't.

Vice Chairman STOREY. You rent, do you?

Mrs. HENDERSON. Yes.

We have land and we are planning to build, but we haven't.

Vice Chairman STOREY. You own real estate?

Mrs. HENDERSON. Yes.

Vice Chairman STOREY. Are your taxes paid up?

Mrs. HENDERSON. Yes; they are.

Vice Chairman STOREY. Is your husband a registered voter?

Mrs. HENDERSON. Yes; he is.

Vice Chairman STOREY. How long?

Mrs. HENDERSON. I think since 1954.

Vice Chairman STOREY. And what is your occupation, if any, besides a housewife?

Mrs. HENDERSON. I am the kindergarten teacher in the laboratory school for Tuskegee Institute.

Vice Chairman STOREY. And how long have you been serving in that capacity?

Mrs. HENDERSON. I have been in this particular job 2 years, though I have taught 4 years in Macon County.

Vice Chairman STOREY. Are you a licensed teacher under the laws of Alabama?

Mrs. HENDERSON. Yes; I am.

Vice Chairman STOREY. And how long have you been so licensed?

Mrs. HENDERSON. You mean when did I get my degree?

Vice Chairman STOREY. Yes, your degree or your certificate.

Mrs. HENDERSON. I graduated from Dunbar High School in Washington, D.C., and am a graduate of Miner Teachers College, Washington, D.C., in 1938.

Vice Chairman STOREY. Any degree?

Mrs. HENDERSON. B.S. degree.

Vice Chairman STOREY. Yes.

Mrs. HENDERSON. And I taught in Washington for 10 years.

Vice Chairman STOREY. And then you came here?

Mrs. HENDERSON. Then I came to Alabama.

Vice Chairman STOREY. When did you make an application to vote?

Mrs. HENDERSON. I've made three applications.

Vice Chairman STOREY. Or to register, the first time?

Mrs. HENDERSON. I made three applications. The first one was October 6, 1952.

Vice Chairman STOREY. Did you go through a similar procedure as related by the other witnesses?

Mrs. HENDERSON. I think so.

The second—

Vice Chairman STOREY. The second when?

Mrs. HENDERSON. The second was March 17th, 1953.

Vice Chairman STOREY. All right.

Mrs. HENDERSON. And the third was July 5th, 1957.

Vice Chairman STOREY. Did you go through the same or similar procedure as recited by these other witnesses at each time?

Mrs. HENDERSON. I believe I did.

The first two times I was not required to read and write. The third time I did.

Vice Chairman STOREY. Did they ask you to copy anything from the Constitution?

Mrs. HENDERSON. Yes. I copied—

Vice Chairman STOREY. Do you remember what it was?

Mrs. HENDERSON. I copied and read the first article of the Constitution.

Vice Chairman STOREY. Have you heard anything from any of those applications?

Mrs. HENDERSON. No; I have not.

After the second application, I inquired of Judge Varner if he had my name on the registrars' list, and he said it was not there and he could not tell me why.

Vice Chairman STOREY. When was that?

Mrs. HENDERSON. That was the fall of 1953.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mrs. HENDERSON. I want to vote because it is a right and privilege guaranteed us under the Constitution. It is a duty of citizens, and I have four children to whom I like to be an example in performing that duty, and I want them to feel that they are growing up in a democracy where they will have the same rights and privileges as other American citizens.

Vice Chairman STOREY. Any other questions of Mrs. Henderson?

Commissioner WILKINS. You also believe, Mrs. Henderson, every citizen ought to have the right to participate in his government should have a right to elect the officials that govern him, and that sort of thing?

Mrs. HENDERSON. I do.

Commissioner WILKINS. Do you have any opinion, Mrs. Henderson, as to the reasons why you never heard anything from your application to register?

Mrs. HENDERSON. I believe it is because I am a Negro.

Commissioner WILKINS. Thank you.

Vice Chairman STOREY. Any other questions?

Commissioner HESBURGH. Mr. Chairman.

Vice Chairman STOREY. Father Hesburgh.

Commissioner HESBURGH. Mrs. Henderson, do you ever find any particular embarrassment as a wife of a rather distinguished member of the Tuskegee academic community not to be able to exercise your franchise?

Mrs. HENDERSON. I do.

Commissioner HESBURGH. Thank you.

Vice Chairman STOREY. Any other question?

If not, you are excused.

Thank you.

The next witness.

Mr. ROSENFELD. Hosea Guice.

TESTIMONY OF HOSEA GUICE,
MILSTEAD, MACON COUNTY, ALA.

Vice Chairman STOREY. Your name and age and place of residence, please.

Mr. GUICE. My name is Hosea Guice, 55 years old, born in Lee County, Ala.

Vice Chairman STOREY. On what date?

Mr. GUICE. On the 16th day of November 1904.

Vice Chairman STOREY. And how long have you lived in Alabama?

Mr. GUICE. In Alabama all of my life.

Vice Chairman STOREY. Where are you living now?

Mr. GUICE. In Macon County, Ala.

Vice Chairman STOREY. At what place?

Mr. GUICE. In Milstead Community, about 13 miles out from Tuskegee.

Vice Chairman STOREY. And how long have you lived there?

Mr. GUICE. Since 1942 at this particular place.

Vice Chairman STOREY. What is your business?

Mr. GUICE. Farming is my business.

Vice Chairman STOREY. How long have you been a farmer?

Mr. GUICE. All my life. Nothing else, only just little, minor jobs; but principally farming.

Vice Chairman STOREY. Is your wife living?

Mr. GUICE. She is.

Vice Chairman STOREY. Have you any children?

Mr. GUICE. Yes, sir.

Vice Chairman STOREY. How many?

Mr. GUICE. I got three daughters, and, of course, another boy was raised there with me, related. I raised him.

Vice Chairman STOREY. He is a relative, then?

Mr. GUICE. That's right.

Vice Chairman STOREY. Do you own your own farm?

Mr. GUICE. Yes sir; I do.

Vice Chairman STOREY. What size is it?

Mr. GUICE. A hundred and seventeen acres.

Vice Chairman STOREY. Do you mind saying whether it is paid for or not?

Mr. GUICE. Not quite paid for.

Vice Chairman STOREY. Still a mortgage on it?

Mr. GUICE. Yes; a little bit. A little bit.

Vice Chairman STOREY. Do you have your own farming equipment?

Mr. GUICE. I do.

Vice Chairman STOREY. Paid your taxes?

Mr. GUICE. Sure.

Vice Chairman STOREY. Got any mental or physical disabilities, as far as you know?

Mr. GUICE. No, sir. I haven't found them yet.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mr. GUICE. No, sir; I haven't.

Vice Chairman STOREY. What is your education, if any?

Mr. GUICE. Well, I finished the sixth grade. That's as far as I got—the sixth grade.

Vice Chairman STOREY. The sixth grade?

Mr. GUICE. Yes, sir.

Vice Chairman STOREY. Did you go to work after that?

Mr. GUICE. Well, I did. I went to work, the first farm work, see.

Vice Chairman STOREY. Can you read and write?

Mr. GUICE. I can.

Vice Chairman STOREY. Do you take any newspapers or magazines and read them?

Mr. GUICE. I sure do, every day.

Vice Chairman STOREY. Try to keep up with current events?

Mr. GUICE. I do, every day.

Vice Chairman STOREY. Are you a registered voter?

Mr. GUICE. No, sir; I am not.

Vice Chairman STOREY. Have you ever made application?

Mr. GUICE. Yes, sir.

Vice Chairman STOREY. When?

Mr. GUICE. The first application I made—the best I can recollect it was about 1954, I think it was, the first one.

Vice Chairman STOREY. Did you go to the board of registrars?

Mr. GUICE. Yes, sir.

Vice Chairman STOREY. In your county?

Mr. GUICE. Yes, sir; I did.

Vice Chairman STOREY. Did you go through a similar procedure as these other witnesses?

Mr. GUICE. I did, only except reading a portion of the Constitution. I wasn't asked to do that, see, but other than that I went through it.

Vice Chairman STOREY. And how long did you wait to see if you heard from that one before you did anything else?

Mr. GUICE. Well, I never did go back to see about the first one. However, I come up to all the requirements that I was asked to come up to, but I never did hear anything from it. I didn't nurse that first one that I made. I didn't go back to nurse it.

Vice Chairman STOREY. You didn't go back to nurse it?

Mr. GUICE. Yes, sir, the first time.

Vice Chairman STOREY. All right. What did you do? Did you make another application?

Mr. GUICE. I did.

Vice Chairman STOREY. When?

Mr. GUICE. I made an application—the best I can recollect it was shortly—it was the last of January of 1957, I think it was.

Vice Chairman STOREY. Did you fill out new forms?

Mr. GUICE. I did. I filled out another application.

Vice Chairman STOREY. Did they ask you to read or write anything?

Mr. GUICE. Nothing but to fill that application out. They didn't actually—

Vice Chairman STOREY. The one like we introduced here?

Mr. GUICE. That's right.

Vice Chairman STOREY. Did you ever hear anything from that application?

Mr. GUICE. No, sir.

Of course, I went back. After I thought I had give ample time, I—

Vice Chairman STOREY. About when did you go back?

Mr. GUICE. About 2 weeks later.

Vice Chairman STOREY. Did you talk to any of the election officials?

Mr. GUICE. Yes, sir. I talked to the gentleman—

Vice Chairman STOREY. Who?

Mr. GUICE. One of the members of the board there.

Vice Chairman STOREY. Who?

Mr. GUICE. In the person of Mr. Bentley.

Vice Chairman STOREY. All right. What did he tell you, if anything?

Mr. GUICE. He told me—I asked him about my application; I didn't come out, and so forth. He told me—he says, "Guice, you missed one little question."

I asked him did I have a chance to correct it. He said I did. "When we meet again, you'll have a chance to correct it."

That's the answer he give me.

Vice Chairman STOREY. Did you go back again?

Mr. GUICE. No, sir; I didn't go back.

Vice Chairman STOREY. Did he tell you what the particular thing you missed was?

Mr. GUICE. No, sir; he did not tell me that, and I—

Vice Chairman STOREY. And you haven't been back since?

Mr. GUICE. I didn't go back because I would read or hear when they were going to get together, and when I'd get on my way up there or when I would go they wouldn't be together then, and, just through a misunderstanding, they just kept me confused, you see.

Vice Chairman STOREY. How many times did you go back?

Mr. GUICE. One more time, after meeting him and talking to him. I went back for the particular purpose of investigating some more, but he—

Vice Chairman STOREY. Did you go back the time the board said it would be in session?

Mr. GUICE. I did.

Vice Chairman STOREY. Or that you learned it would be in session?

Mr. GUICE. That's right. That I learned they would be.

Vice Chairman STOREY. Were they in session when you went back?

Mr. GUICE. No, sir. They weren't in session that day.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mr. GUICE. Well, I feel like I'm entitled to it. I have come up to the other requirements to make myself a citizen, and I feel I would like to be a registered voter; they ought to give that to me. It's like I want to become a part of the government activity, and so forth.

Vice Chairman STOREY. You don't have any connection with Tuskegee Institute?

Mr. GUICE. No, sir.

Vice Chairman STOREY. In any way?

Mr. GUICE. No, sir.

Vice Chairman STOREY. Any other questions?

Commissioner HESBURGH. Just one.

Mr. GUICE, have you paid taxes all your life?

Mr. GUICE. All my life?

No, sir. Since 1942.

Commissioner HESBURGH. Since 1942?

Mr. GUICE. Every year since 1942 I have been paying taxes.

Vice Chairman STOREY. Any others?

Commissioner WILKINS. What do you raise on your farm, Mr. Guice?

Mr. GUICE. Principally cotton.

Commissioner WILKINS. Cotton?

Mr. GUICE. Cotton is the principal one. Corn and peas; all the things practically that goes with farming.

Commissioner WILKINS. Do you have any opinion, Mr. Guice, as to the reasons why you have never heard anything further about your application?

Mr. GUICE. Well, I have never been arrested and always has been a law-abiding citizen; to the best of my opinion has no mental deficiency, and my mind couldn't fall on nothing but only, since I come up to these other requirements, that I was just a Negro. That's all.

Commissioner WILKINS. All right. Thank you.

Vice Chairman STOREY. You may be excused.

Call the next witness.

Mr. ROSENFELD. Mrs. Lavinia Philpot.

TESTIMONY OF LAVINIA PHILPOT, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name and age and place of residence?

Mrs. PHILPOT. My name is Mrs. Lavina Philpot. I was born May 5th, 1908. I live at Tuskegee, Ala.

Vice Chairman STOREY. How long have you lived there, Mrs. Philpot?

Mrs. PHILPOT. All my life.

Vice Chairman STOREY. Are you married?

Mrs. PHILPOT. Yes; I am.

Vice Chairman STOREY. What does your husband do?

Mrs. PHILPOT. He's a painter.

Vice Chairman STOREY. Painter?

Mrs. PHILPOT. Yes.

Vice Chairman STOREY. Is he self-employed?

Mrs. PHILPOT. No.

Vice Chairman STOREY. Or does he work for somebody?

Mrs. PHILPOT. He works for Tuskegee Institute.

Vice Chairman STOREY. For Tuskegee Institute?

Mrs. PHILPOT. Yes.

Vice Chairman STOREY. On a regular salary basis?

Mrs. PHILPOT. Yes.

Vice Chairman STOREY. How long has he been working there?

Mrs. PHILPOT. Ten years or more.

Vice Chairman STOREY. Is he a registered voter?

Mrs. PHILPOT. No; he is not.

Vice Chairman STOREY. Are you a registered voter?

Mrs. PHILPOT. No; I am not.

Vice Chairman STOREY. Do you have any mental disabilities, so far as you know?

Mrs. PHILPOT. None that I know of.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mrs. PHILPOT. None that I know of.

Vice Chairman STOREY. Have you graduated from high school or any colleges?

Mrs. PHILPOT. Not quite finished high school. Eleventh grade-plus.

Vice Chairman STOREY. Never did go to college?

Mrs. PHILPOT. No.

Vice Chairman STOREY. Do you work, too?

Mrs. PHILPOT. Yes; I do.

Vice Chairman STOREY. Do you have any children?

Mrs. PHILPOT. Yes; I do.

Vice Chairman STOREY. Or grandchildren?

Mrs. PHILPOT. I have one daughter and two grandchildren.

Vice Chairman STOREY. One daughter and two grandchildren?

Mrs. PHILPOT. Yes.

Vice Chairman STOREY. So, you really have three?

- Mrs. PHILPOT. Yes.
- Vice Chairman STOREY. Do they live there, too?
- Mrs. PHILPOT. Yes; they live with me.
- Vice Chairman STOREY. What do you do besides being a housewife?
- Mrs. PHILPOT. I'm a cook, a dietician.
- Vice Chairman STOREY. And where do you work?
- Mrs. PHILPOT. Tuskegee Institute.
- Vice Chairman STOREY. Dietician?
- Mrs. PHILPOT. Yes.
- Vice Chairman STOREY. And how long have you been working in that capacity?
- Mrs. PHILPOT. Since 1946.
- Vice Chairman STOREY. Since 1946?
- Mrs. PHILPOT. Yes.
- Vice Chairman STOREY. Did you ever make an application to vote?
- Mrs. PHILPOT. Yes.
- Vice Chairman STOREY. When?
- Mrs. PHILPOT. The first time was in 1953, and then I made two trials this year.
- Vice Chairman STOREY. Now, referring to the one in 1953, did you go through the similar procedure these other witnesses did?
- Mrs. PHILPOT. No. I just filled out the blank at that time.
- Vice Chairman STOREY. That is, this blank questionnaire?
- Mrs. PHILPOT. Yes.
- Vice Chairman STOREY. They didn't ask you to read and write?
- Mrs. PHILPOT. No.
- Vice Chairman STOREY. Can you read and write?
- Mrs. PHILPOT. Oh, yes; very well.
- Vice Chairman STOREY. Did you hear anything from that application?
- Mrs. PHILPOT. No; I did not.
- Vice Chairman STOREY. When was the next time you did anything about it?
- Mrs. PHILPOT. I went back the 6th of May 1958, and I didn't hear anything from that one.
- Vice Chairman STOREY. Did you go through a similar procedure?
- Mrs. PHILPOT. Yes.
- I had to write quite a bit.
- Vice Chairman STOREY. All right.
- How long did you wait before you did anything else?
- Mrs. PHILPOT. I was one of the first to arrive that morning, about 8:40, and I had to wait until 9 o'clock before I was admitted to the registration room, and then I was given this——
- Vice Chairman STOREY. Did you fill out the same papers?

Mrs. PHILPOT. Yes; I did.
 Vice Chairman STOREY. A new set of papers?
 Mrs. PHILPOT. Yes.
 Vice Chairman STOREY. Were you asked to read and write anything?
 Mrs. PHILPOT. I had to write three paragraphs of the Constitution of the United States.
 Vice Chairman STOREY. Did you hear anything from that application?
 Mrs. PHILPOT. No; I did not.
 Vice Chairman STOREY. How long did you wait before you——
 Mrs. PHILPOT. I waited 2 weeks and went back.
 Vice Chairman STOREY. Whom did you see that time?
 Mrs. PHILPOT. Yes. I——
 Vice Chairman STOREY. I say: Whom did you see?
 Mrs. PHILPOT. I saw one of the——
 Vice Chairman STOREY. Supervisors?
 Mrs. PHILPOT. Yes.
 Vice Chairman STOREY. Do you remember his name?
 Mrs. PHILPOT. Mr. Rogers.
 Vice Chairman STOREY. Did you talk with him?
 Mrs. PHILPOT. Yes; I did.
 Vice Chairman STOREY. What did he say, if anything, to you?
 Mrs. PHILPOT. He showed me the mistake I made. I failed to put "Tuskegee, Ala." in one place on my application.
 Vice Chairman STOREY. Did you fill in that?
 Mrs. PHILPOT. I filled in another one and corrected that mistake.
 Vice Chairman STOREY. Did you fill out another set of papers?
 Mrs. PHILPOT. Yes; I did.
 Vice Chairman STOREY. And corrected that mistake?
 Mrs. PHILPOT. I did.
 Vice Chairman STOREY. Did he look it over?
 Mrs. PHILPOT. Yes; he did.
 Vice Chairman STOREY. Did he voice any objection to it?
 Mrs. PHILPOT. No; he did not.
 Vice Chairman STOREY. Did you hear anything from that application?
 Mrs. PHILPOT. No; nothing.
 Vice Chairman STOREY. About when was that?
 Mrs. PHILPOT. That was the 16th of June.
 Vice Chairman STOREY. Nineteen fifty-eight?
 Mrs. PHILPOT. Yes.
 Vice Chairman STOREY. Have you heard anything from it?
 Mrs. PHILPOT. No.
 Vice Chairman STOREY. Until this date?
 Mrs. PHILPOT. No; I have not.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mrs. PHILPOT. Well, I'm a law-abiding citizen and I pay taxes, and I would like to help to elect the officials of our State and help make it a better place in which for all of us to live.

Vice Chairman STOREY. Do you know any reason why you were not registered?

Mrs. PHILPOT. The only thing I can think of--because I'm a Negro.

Vice Chairman STOREY. Any other question?

If not, you will be excused.

Call the next witness.

Mr. ROSENFELD. Bettie B. Quinn.

TESTIMONY OF BETTIE B. QUINN, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Mrs. Quinn, will you please tell us your full name and age and residence?

Mrs. QUINN. My name is Bettie B. Quinn. Age: Thirty-two. I live at 25 Colvert Street, Tuskegee, Ala.

Vice Chairman STOREY. And where were you born?

Mrs. QUINN. I was born in Farmville, N.C., on November the 21st, 1926.

Vice Chairman STOREY. How long did you live in North Carolina?

Mrs. QUINN. Until September of 1950.

Vice Chairman STOREY. Did you move from there to here?

Mrs. QUINN. Yes; after marrying.

Vice Chairman STOREY. Did you marry in North Carolina?

Mrs. QUINN. No. I--Yes.

I'm sorry.

Vice Chairman STOREY. All right.

Have you lived here since?

Mrs. QUINN. Yes.

Vice Chairman STOREY. Have you lived in Macon County since then?

Mrs. QUINN. Yes.

Vice Chairman STOREY. What does your husband do?

Mrs. QUINN. My husband is a registrar assistant at the Veterans Administration Hospital at Tuskegee, Ala.

Vice Chairman STOREY. Employed and paid by the United States Government?

Mrs. QUINN. That's right.

Vice Chairman STOREY. Is he a registered voter?

Mrs. QUINN. Yes; he is.

Vice Chairman STOREY. How long has he been registered?

Mrs. QUINN. He became registered before I met him.

Vice Chairman STOREY. Before you met him?

Mrs. QUINN. Yes.

Vice Chairman STOREY. And when was it you were married? What date?
I have forgotten.

Mrs. QUINN. I was married March the 4th, 1950.

Vice Chairman STOREY. Do you have any children?

Mrs. QUINN. Yes.

Vice Chairman STOREY. How many?

Mrs. QUINN. Three boys—eight—

Vice Chairman STOREY. Do you own your own home?

Mrs. QUINN. Yes.

Vice Chairman STOREY. Do you own an automobile?

Mrs. QUINN. Yes.

Vice Chairman STOREY. Own your own furniture?

Mrs. QUINN. Yes.

Vice Chairman STOREY. You paid your taxes?

Mrs. QUINN. Yes.

Vice Chairman STOREY. Do you do anything besides being a housewife?

Mrs. QUINN. I am a registered nurse, employed at the Veterans' Administration Hospital, Tuskegee, Ala.

Vice Chairman STOREY. And how long have you been so employed?

Mrs. QUINN. I have been employed since September 1953 at the Veterans' Administration Hospital. Prior to that I was employed at Tuskegee Institute, John Andrew Memorial Hospital.

Vice Chairman STOREY. John Andrew Memorial Hospital?

Mrs. QUINN. That's right.

Vice Chairman STOREY. Are you a graduate registered nurse?

Mrs. QUINN. Yes; I am.

Vice Chairman STOREY. From what institution and when?

Mrs. QUINN. Ella Richards Memorial Hospital, Greensboro, N.C.

Vice Chairman STOREY. Are you a graduate of any high school or colleges?

Mrs. QUINN. I am a graduate of Farmville High School, Farmville, N.C.

Vice Chairman STOREY. Have you attempted to register?

Mrs. QUINN. Yes.

Vice Chairman STOREY. Do you have any mental or physical disability that you know of?

Mrs. QUINN. No.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mrs. QUINN. No.

Vice Chairman STOREY. When did you apply for registration?

Mrs. QUINN. September the 15th, 1958.

Vice Chairman STOREY. Where?

Mrs. QUINN. At the Macon County Courthouse, Macon County, Ala

Vice Chairman STOREY. Did you fill out the forms as indicated by these other witnesses?

Mrs. QUINN. Yes.

Vice Chairman STOREY. Were you asked to read and write anything in addition to the forms?

Mrs. QUINN. I was asked to write the portions from the United States Constitution and to self-address an envelope to myself.

Vice Chairman STOREY. Did you hear anything from that application?

Mrs. QUINN. No; I didn't, and I returned October 1958. At that time I was informed by members of the board of registrars they would not be working that day because they would have to get their records straight before election.

Vice Chairman STOREY. Did you go back after that?

Mrs. QUINN. Yes; I did. I returned November the 10th, 1958, went through the same procedures as I did in September.

Vice Chairman STOREY. Have you heard anything from that application?

Mrs. QUINN. No.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mrs. QUINN. I want to vote because my husband is a registered voter and I have three sons and I feel it is my privilege as a citizen of the United States.

Vice Chairman STOREY. Do you know of any reason why you did not hear from your application?

Mrs. QUINN. The only reason I can give is that I am a Negro.

Vice Chairman STOREY. Any other question?

If not, you may be excused.

Commissioner WILKINS. May I ask just one question?

Vice Chairman STOREY. Pardon me.

Commissioner WILKINS. When you went to register the first time—I think it was in September of 1958—tell us what happened, what time you arrived there and what time you finally got in the registration room.

Mrs. QUINN. I arrived at the Macon County Courthouse, second floor, approximately 8:05 a.m., and I waited until noon, at which time the board of registrars recessed for lunch. I returned at 1 p.m. and I was able to enter the room at approximately 2:30 p.m.

Commissioner WILKINS. Did they tell you their meeting would resume at 1 p.m.?

Mrs. QUINN. Yes; they did, and it was approximately 1:30 before they arrived.

Commissioner WILKINS. And were you required to copy provisions of the United States Constitution?

Mrs. QUINN. Yes.

Commissioner WILKINS. Do you remember what sections you had to copy?

Mrs. QUINN. I don't recall what section, but it was the whole article that I had to write.

Commissioner WILKINS. How many pages did you have to write?

Mrs. QUINN. It consisted of approximately five and a half pages, since I write small.

Commissioner WILKINS. And you have never heard anything?

Mrs. QUINN. No; I have not.

Commissioner WILKINS. You filled out a return envelope?

Mrs. QUINN. Yes; I did.

Commissioner WILKINS. And then you went back in October?

Mrs. QUINN. Yes; I did.

Commissioner WILKINS. And they were busy processing applications at that time?

Mrs. QUINN. I was informed they were by the board of registrars.

Commissioner WILKINS. And did they tell you to come back then, and you went back 2 weeks later?

Mrs. QUINN. Yes; I did.

Commissioner WILKINS. And what was that procedure? When you went back 2 weeks later, was it the same process?

Mrs. QUINN. I went through the same procedure as in September.

Commissioner WILKINS. Copying the provisions of the Constitution and filling out another application?

Mrs. QUINN. Yes.

Commissioner WILKINS. And you left a self-addressed envelope?

Mrs. QUINN. Yes.

Commissioner WILKINS. You never heard anything?

Mrs. QUINN. No.

Vice Chairman STOREY. Any other questions? If not—

Commissioner BATTLE. May I ask prior to 1958 where you waited for registration?

Mrs. QUINN. Where I waited?

Commissioner BATTLE. Yes.

Mrs. QUINN. Well, for a period of time the board of registrars was not functioning in Macon County.

Commissioner BATTLE. That was a period of about 1 year, wasn't it?

Mrs. QUINN. I don't recall how long.

Commissioner BATTLE. And I believe you moved here in 1950?

Mrs. QUINN. I have been down several times before then, after I had been in Alabama for 2 years, but, being busy working, the crowd was too large for me to wait.

Commissioner BATTLE. All right.

Vice Chairman STOREY. Any other questions?
If not, you are excused.

The next witness.

Mr. ROSENFELD. John W. Jackson, Jr.

TESTIMONY OF JOHN W. JACKSON, JR., TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Your name, age, and place of residence, please?

Mr. JACKSON. My name is John W. Jackson, Jr. I am 23 years of age, and I live in Tuskegee, Macon County, Ala.

Vice Chairman STOREY. And what date were you born and where?

Mr. JACKSON. July the 19th, 1935, in Macon County, Ala.

Vice Chairman STOREY. Have you lived there all of your life?

Mr. JACKSON. I have.

Vice Chairman STOREY. Are you married?

Mr. JACKSON. I am.

Vice Chairman STOREY. Since when?

Mr. JACKSON. Since January of 1957.

Vice Chairman STOREY. Any children?

Mr. JACKSON. I have.

Vice Chairman STOREY. Do you own your own home?

Mr. JACKSON. I do not.

Vice Chairman STOREY. Do you rent?

Mr. JACKSON. I stay with my father and mother.

Vice Chairman STOREY. Your father and mother?

Mr. JACKSON. Yes.

Vice Chairman STOREY. Do they own their own home?

Mr. JACKSON. Yes.

Vice Chairman STOREY. In Tuskegee?

Mr. JACKSON. Right.

Vice Chairman STOREY. Where are you employed?

Mr. JACKSON. With Tuskegee Institute.

Vice Chairman STOREY. In what capacity?

Mr. JACKSON. I am an inventory clerk, construction, at Tuskegee Institute.

Vice Chairman STOREY. How long have you been with them in that capacity?

Mr. JACKSON. Well, a little over a year.

Vice Chairman STOREY. Is your wife employed?

Mr. JACKSON. She is not. She is a student.

Vice Chairman STOREY. She is a student?

Mr. JACKSON. Yes.

Vice Chairman STOREY. Any children?

Mr. JACKSON. One. One daughter.

Vice Chairman STOREY. Have you ever been convicted of any crime?

Mr. JACKSON. I have not.

Vice Chairman STOREY. You have your mental and physical faculties unimpaired, so far as you know?

Mr. JACKSON. I think so.

Vice Chairman STOREY. Are you a graduate of any high school or college? If so, what are they.

Mr. JACKSON. I graduated from Tuskegee Institute High School, and I also graduated from Tuskegee Institute with a B.S. in architecture.

Vice Chairman STOREY. What year was that?

Mr. JACKSON. Nineteen fifty-seven.

Vice Chairman STOREY. Nineteen fifty-seven?

Mr. JACKSON. Yes.

Vice Chairman STOREY. You have been with them since that time?

Mr. JACKSON. Right.

Vice Chairman STOREY. Have you applied for voting?

Mr. JACKSON. I have.

Vice Chairman STOREY. When?

Mr. JACKSON. Well, I made about eight or nine trips down to the board, but I've only been able to make application one time.

Vice Chairman STOREY. You said you made eight or nine trips. Why did you have to make so many trips?

Mr. JACKSON. I don't know. Sometimes the crowd was too great, and other times the board announced they were not going to work, or something of that nature.

Vice Chairman STOREY. When did you make a formal application?

Mr. JACKSON. It was January the 28th, 1958.

Vice Chairman STOREY. Did you go through a similar procedure to what these others have recited?

Mr. JACKSON. I did.

Vice Chairman STOREY. Did you read and write anything?

Mr. JACKSON. I wrote two articles of the Constitution of the United States.

Vice Chairman STOREY. Did you ever hear anything from that application?

Mr. JACKSON. I have not heard anything.

Vice Chairman STOREY. Have you been back any more?

Mr. JACKSON. I have.

Vice Chairman STOREY. When?

Mr. JACKSON. Well, it was in July of this year.

Vice Chairman STOREY. What did you find out, if anything, at that time?

Mr. JACKSON. I didn't find out anything. They just—they didn't tell me anything.

Vice Chairman STOREY. Did you do anything while you were there?

Mr. JACKSON. No. I didn't get into the room.

Vice Chairman STOREY. Why didn't you get into the room?

Mr. JACKSON. Because they weren't registering but two at a time and I was too far down the list.

Vice Chairman STOREY. Have you ever been back any more?

Mr. JACKSON. I have not.

Vice Chairman STOREY. Have you ever heard anything, any additional thing, from the board?

Mr. JACKSON. I have not.

Vice Chairman STOREY. You left your return envelope?

Mr. JACKSON. I did.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mr. JACKSON. Because I am a citizen of these United States, the State of Alabama, and Macon County, and I feel like every citizen of the United States should have a right to participate in government.

Vice Chairman STOREY. Do you know of any reason why you were turned down or failed to hear?

Mr. JACKSON. I think the main objection was because I am a Negro.

Vice Chairman STOREY. Have you heard of any other objection?

Mr. JACKSON. No.

Vice Chairman STOREY. That is all.

Any other questions?

Commissioner WILKINS. When you say you were so far down the list, do you mean you were so far down—

Mr. JACKSON. In the line.

Commissioner WILKINS. In the line?

Mr. JACKSON. In the line.

Commissioner WILKINS. Did you stay there long enough to see one applicant go in and come out?

Mr. JACKSON. At the time—

Commissioner WILKINS. Approximately how long was he in the registrars' room?

Mr. JACKSON. Well, some hour and a half.

Commissioner WILKINS. An hour and a half, and you said that only two applicants were permitted to go into the room at the same time?

Mr. JACKSON. Right. During this time, the time I filled out an application, during the procedure, the members of the board of registrars usually talked and tried to disrupt the people filling out the applications, say anything, probably try to get them to do something that would throw off the whole works.

Commissioner WILKINS. What did they say?

Mr. JACKSON. Well, they used some—at the time I was there—I was in the room with a lady—they were using profane language, and so forth, and obscene language, too, to disrupt our attention.

Commissioner WILKINS. And that went on continuously while you were in there?

Mr. JACKSON. Right.

Commissioner WILKINS. Did you leave before the lady applicant left or did she leave before you?

Mr. JACKSON. I left before the lady.

Commissioner WILKINS. She was in there for approximately how long during the time you were there?

Mr. JACKSON. I was there some hour and 15 minutes.

Commissioner WILKINS. During that hour and 15 minutes how long was the lady in the registrars' room?

Mr. JACKSON. The whole time I was there.

Commissioner WILKINS. The whole time. You left her, then?

Mr. JACKSON. I left her.

Commissioner WILKINS. I see.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. That is all.

Vice Chairman STOREY. If not, you are excused.

The next witness.

Mr. ROSENFELD. Mrs. Lena H. Johnson.

TESTIMONY OF LENA H. JOHNSON, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name and age and place of residence?

Mrs. JOHNSON. My name is Mrs. Lena H. Johnson. I am 44 years old. I live at Tuskegee, Ala., 330 W. Lee Street, Macon County.

Vice Chairman STOREY. How long have you lived there?

Mrs. JOHNSON. I've lived at Tuskegee all my life.

Vice Chairman STOREY. And exactly what date were you born?

Mrs. JOHNSON. I was born January 22, 1914.

Vice Chairman STOREY. What is your husband's name?

Mrs. JOHNSON. My husband is named Van L. Johnson.

Vice Chairman STOREY. And what does he do?

Mrs. JOHNSON. My husband is an electrician at the VA Hospital, Tuskegee, Ala.

Vice Chairman STOREY. And how long has he been so employed?

Mrs. JOHNSON. He has been employed at Tuskegee VA Hospital since 1937.

Vice Chairman STOREY. For the record, the VA Hospital has no connection with the Institute or university, does it?

Mrs. JOHNSON. Not that I know of.

Vice Chairman STOREY. It is a separate institution?

Mrs. JOHNSON. Yes; it is.

Vice Chairman STOREY. Do you have any children?

Mrs. JOHNSON. Yes. I have five children—four girls and one boy.

Vice Chairman STOREY. Do you work?

Mrs. JOHNSON. I do work. I work at present at John Andrew Memorial Hospital, Tuskegee Institute, Ala.

Vice Chairman STOREY. What do you do there?

Mrs. JOHNSON. I am a certified nurse's aide. I work in the nursery department.

Vice Chairman STOREY. Are you a graduate of any high school or colleges? If so, name them and what the certificates are.

Mrs. JOHNSON. I graduated from the Alabama State Teachers' High School Department, Montgomery, Ala., with a high school diploma.

Vice Chairman STOREY. All right. Any others?

Mrs. JOHNSON. No; I do not.

Vice Chairman STOREY. You can read and write, of course?

Mrs. JOHNSON. Yes; I can.

Vice Chairman STOREY. Do you have any mental or physical disability?

Mrs. JOHNSON. No; I do not.

Vice Chairman STOREY. Ever been convicted of a crime?

Mrs. JOHNSON. No; I have not.

Vice Chairman STOREY. Are you a registered voter?

Mrs. JOHNSON. No; I am not.

Vice Chairman STOREY. Is your husband?

Mrs. JOHNSON. Yes; he is.

Vice Chairman STOREY. How long?

Mrs. JOHNSON. He has been a registered voter approximately since 1941.

Vice Chairman STOREY. When did you make an application the first time, if you did?

Mrs. JOHNSON. I went to the board to apply, to fill the application out, August the 18th, 1958. I arrived approximately 8 a.m.

Vice Chairman STOREY. And when did you leave?

Mrs. JOHNSON. I left at 3 p.m., without being permitted to enter the room.

Vice Chairman STOREY. All right. Did you go back after that?

Mrs. JOHNSON. I went back September the 15th, 1958.

Vice Chairman STOREY. Did you get in that time?

Mrs. JOHNSON. I did go in at that time.

Vice Chairman STOREY. How long did you wait before—

- Mrs. JOHNSON. At 2 p.m.
- Vice Chairman STOREY. What?
- Mrs. JOHNSON. I went in at 2 p.m.
- Vice Chairman STOREY. And when did you come out? About?
- Mrs. JOHNSON. It was approximately 2:30.
- Vice Chairman STOREY. Did you file similar applications as these other people did?
- Mrs. JOHNSON. I did.
- Vice Chairman STOREY. Was there anything different from what they had done that happened in the room?
- Mrs. JOHNSON. No; it was not.
- Vice Chairman STOREY. Did you hear anything from that application?
- Mrs. JOHNSON. I did not hear anything.
- Vice Chairman STOREY. Have you ever gone back?
- Mrs. JOHNSON. I went back November the 10th, 1958.
- Vice Chairman STOREY. Did you see any of the officials there?
- Mrs. JOHNSON. They were all there.
- Vice Chairman STOREY. Whom did you talk with?
- Mrs. JOHNSON. I did not have to talk with anyone.
- Mr. Zachry gave me the oath and signed my application blank.
- Vice Chairman STOREY. Oh, you made out another application?
- Mrs. JOHNSON. I had to file another.
- Vice Chairman STOREY. A complete application?
- Mrs. JOHNSON. A complete application.
- Vice Chairman STOREY. Did you hear anything from that one?
- Mrs. JOHNSON. I have not heard anything from them.
- Vice Chairman STOREY. Have you been back since that time?
- Mrs. JOHNSON. Not since November 10th.
- Vice Chairman STOREY. Would you tell us why you want to vote, please?
- Mrs. JOHNSON. I am a law-abiding citizen. I live within Tuskegee area—that I should feel and I do feel as if there are other citizens who have the right to vote I should do the same thing myself.
- Vice Chairman STOREY. Do you know of any reason why you haven't heard from your application?
- Mrs. JOHNSON. Other than I am a Negro and trying to get registered to vote.
- Vice Chairman STOREY. Any other questions?
- Commissioner BATTLE. May I ask you why you waited until the year 1958 to apply for registration?
- Mrs. JOHNSON. During the years prior to that I have had, as I afore-stated five children. I had been busily kept at home, and during the time some of the other participants who had tried to get registered had spent

days up there, and I did not feel as if I had that required time, and I have had an invalid mother for 16 years and I had to care for her.

Commissioner BATTLE. I notice a good many of the witnesses, some of whom have lived here all of their lives, applied for the first time during the fall of 1958. Any reason for that that you know of?

Mrs. JOHNSON. I do not.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. You said you would like to vote because there are a lot of other people who are voting. In your case your husband is voting?

Mrs. JOHNSON. Yes; he is.

Commissioner WILKINS. Is that right?

Mrs. JOHNSON. Yes; he is.

Commissioner WILKINS. And you certainly want to exercise the same rights and privileges that he exercises?

Mrs. JOHNSON. Yes; I do.

Commissioner WILKINS. Now, you said you went to the registrars' office the first time about 8 o'clock in the morning and you were not able to get in, even into the registrars' room. How long did you wait that day?

Mrs. JOHNSON. I arrived that morning approximately 8 o'clock, after I had worked 12 to 8 on duty.

Commissioner WILKINS. Yes.

Mrs. JOHNSON. I stayed until noon, when they recessed for dinner. I went home and ate my lunch. I came back at 1 o'clock. I stayed until 3 o'clock, which was the afternoon that they closed at 4, and there were members there who had not entered the room who were far ahead of me.

Commissioner WILKINS. How many would you say were in the line?

Mrs. JOHNSON. About, approximately 11 or 12 members ahead of me who had arrived at 6:30 a.m.

Commissioner WILKINS. And some of them had not even been able to get in—

Mrs. JOHNSON. That is correct.

Commissioner WILKINS. The registrars' room?

Mrs. JOHNSON. They had not.

Commissioner WILKINS. Now, when you went back the next time, what time did you get there?

Mrs. JOHNSON. I went back that morning at 7:45, and I arrived, was there, when the hoard opened on the 15th.

Commissioner WILKINS. What time did you get in then?

Mrs. JOHNSON. I went in the office that time about 2 p.m.

Commissioner WILKINS. And you were required to—

Mrs. JOHNSON. Copy the Constitution.

Commissioner WILKINS. Copy certain sections of the Constitution?

Mrs. JOHNSON. Yes; I was.

Commissioner WILKINS. And fill out the application?

Mrs. JOHNSON. Yes; I was.

Commissioner WILKINS. Now, Mrs. Johnson, among the reasons which you mentioned as to why you had not filed an application prior to 1958 was the fact you had reared a family of five children and taken care of an invalid mother, and so forth?

Mrs. JOHNSON. Yes; I was.

Commissioner WILKINS. Wasn't the report current in the area that Negroes were having a difficult time registering?

Mrs. JOHNSON. Yes. My neighbor had tried.

Commissioner WILKINS. And, from your experience, would you say that was one of the reasons why a good many Negroes had taken no action to register?

Mrs. JOHNSON. Yes; I would.

Commissioner WILKINS. Thank you.

Vice Chairman STOREY. Any other question?

If not, you are excused.

The next witness.

Mr. ROSENFELD. John T. Thompson.

TESTIMONY OF JOHN T. THOMPSON, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Would you please give your name and date of birth and place of residence?

Mr. THOMPSON. John T. Thompson. I'm 52 years old. I live in Tuskegee, Ala.

Vice Chairman STOREY. Mr. Thompson, would you talk up just a little so everybody can hear you?

What is the date of your hirth, and where were you born?

Mr. THOMPSON. December the 29th, 1905. I was born in Midland, Va.

Vice Chairman STOREY. How long did you live in Virginia?

Mr. THOMPSON. I lived ther until I was about 14 years old.

Vice Chairman STOREY. Then where did you go?

Mr. THOMPSON. Philadelphia.

Vice Chairman STOREY. And how long did you live in Philadelphia?

Mr. THOMPSON. Until 1930.

Vice Chairman STOREY. And then where did you go?

Mr. THOMPSON. Washington, D.C.

Vice Chairman STOREY. And how long did you live there?

Mr. THOMPSON. Until I went in the service in 1942, August 1942.

Vice Chairman STOREY. How long were you in the service?

Mr. THOMPSON. Three years, 3 months.

Vice Chairman STOREY. What branch of the service?

- Mr. THOMPSON. Air Corps.
- Vice Chairman STOREY. In what capacity did you serve?
- Mr. THOMPSON. I was a cook.
- Vice Chairman STOREY. Did you have any overseas' service?
- Mr. THOMPSON. I did not.
- Vice Chairman STOREY. Then what happened after the war? Where did you go?
- Mr. THOMPSON. I was discharged in Alabama, Maxwell Field, and made Tuskegee my home.
- Vice Chairman STOREY. Have you lived there since that time?
- Mr. THOMPSON. Since March 1945.
- Vice Chairman STOREY. Have you had any formal education?
- Mr. THOMPSON. No; I have not. A little better than sixth grade. I have tried to improve my education from time to time since—I mean by reading and just what I can pick up myself.
- Vice Chairman STOREY. Do you read and write?
- Mr. THOMPSON. Oh, yes.
- Vice Chairman STOREY. You take newspapers and magazines?
- Mr. THOMPSON. Yes, sir.
- Vice Chairman STOREY. And keep up with current events?
- Mr. THOMPSON. That's right.
- Vice Chairman STOREY. What is your occupation?
- Mr. THOMPSON. I am a cook at the Veterans Hospital in Montgomery.
- Vice Chairman STOREY. And how long have you been with them?
- Mr. THOMPSON. I have been with the Veterans Administration since December 1945.
- Vice Chairman STOREY. Do you own any property?
- Mr. THOMPSON. I do.
- Vice Chairman STOREY. What, just briefly?
- Mr. THOMPSON. I own real estate. My wife owns a home. That's all.
- Vice Chairman STOREY. And a car?
- Do you have a car?
- Mr. THOMPSON. Yes; I have a car.
- Vice Chairman STOREY. What does your family consist of besides your wife?
- Mr. THOMPSON. My family?
- Vice Chairman STOREY. Yes.
- Mr. THOMPSON. I have two children—not with me now. Just my wife and I.
- Vice Chairman STOREY. Have you ever been convicted of any crime?
- Mr. THOMPSON. I have not.
- Vice Chairman STOREY. Do you have any mental or physical disability?
- Mr. THOMPSON. Physical disability; yes. Hearing.

Vice Chairman STOREY. The hearing?

Mr. THOMPSON. That's right.

Vice Chairman STOREY. You can hear us all right with your hearing aid, though, can you not?

Mr. THOMPSON. Yes, sir.

Vice Chairman STOREY. Did you ever apply for registration to vote?

Mr. THOMPSON. I have.

Vice Chairman STOREY. When?

Mr. THOMPSON. In April of this year, 1958.

Vice Chairman STOREY. Macon County?

Mr. THOMPSON. That's right.

Vice Chairman STOREY. Courthouse?

Mr. THOMPSON. Yes, sir.

Vice Chairman STOREY. Did you fill out similar applications to the ones described by the other witnesses?

Mr. THOMPSON. That's right.

Vice Chairman STOREY. How long were you there in connection with that process?

Mr. THOMPSON. Oh, it take me about 2½ hours to write a proportion of the Constitution and approximately 30 to 45 minutes to fill out the application.

Vice Chairman STOREY. Did you have any objections from any of the registrars as to the form of your application or what you copied?

Mr. THOMPSON. No. Everything seemed to be very nice.

Vice Chairman STOREY. Did you hear anything from that application?

Mr. THOMPSON. Nothing at all.

Vice Chairman STOREY. Have you been back any more?

Mr. THOMPSON. I went back in July of 1958.

Vice Chairman STOREY. What did you do or find out at that time?

Mr. THOMPSON. I went through the same procedure.

Vice Chairman STOREY. Filled out a new application?

Mr. THOMPSON. Wrote a proportion of the Constitution and filled out the application.

Vice Chairman STOREY. Have you heard anything from that application?

Mr. THOMPSON. Nothing whatsoever.

Vice Chairman STOREY. Have you been back again?

Mr. THOMPSON. No; I have not.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mr. THOMPSON. Well, I'm a law-abiding citizen. I think it's a privilege to vote.

Vice Chairman STOREY. Do you know any reason why you have not heard from your application?

Mr. THOMPSON. No; I do not.

Vice Chairman STOREY. Any other question?

Commissioner WILKINS. Mr. Thompson, you went the first time in April of 1958 and you went back in July of 1958?

Mr. THOMPSON. That's right.

Commissioner WILKINS. Was there anything said about the application that you filed in April of 1958?

Mr. THOMPSON. Well, I asked one of the gentlemen if I passed. He went to a drawer and went through some papers and he pulled out my paper, because I could see the long envelope with my address on it. He looked at it and say, "You missed a question," or something to that effect. Then I sat down and started to make a new one. I reminded him that I had copied a portion of the Constitution before, but he say that it was routine; I would have to copy it again.

Commissioner WILKINS. When you refer to one of the gentlemen, you mean one of the registrars or one of the officers who were taking the applications?

Mr. THOMPSON. Let's see.

Commissioner WILKINS. You said you talked to one of the gentlemen there.

Mr. THOMPSON. One of the registrars.

Commissioner WILKINS. One of the registrars or one of the officers?

Mr. THOMPSON. That is right.

Commissioner WILKINS. In charge of the registration?

Mr. THOMPSON. That is right.

Commissioner WILKINS. And he never showed you what it was you missed on the original application?

Mr. THOMPSON. No; he did not.

Commissioner WILKINS. Did you ask him?

Mr. THOMPSON. No. He just—well, I didn't hear him too well. I mean the impression I got—that I didn't pass and I would have to go through the same thing again.

Commissioner WILKINS. Did he tell you you would have to go through it when he handed you the application?

Mr. THOMPSON. Well, I questioned him about writing a proportion of the Constitution because—I mean it takes me quite a while to write that much. I think it takes me about 2½ hours to write out a proportion of the Constitution in longhand and, to the best of my knowledge, it was probably 30 or 45 minutes for the application; something like 3 hours.

Commissioner WILKINS. Now, Mr. Thompson, was your physical disability incurred while you were in the Air Force or is it something that has happened subsequent to the time of your honorable discharge from the Air Force?

Mr. THOMPSON. No. It happened in the Air Force.

Commissioner WILKINS. It happened in the Air Force?

Mr. THOMPSON. Yes, sir.

Commissioner WILKINS. All right.

That is all.

Vice Chairman STOREY. Any other question.

If not, you are excused.

The next witness.

Mr. ROSENFELD. Miss Berlie Mae Melton.

TESTIMONY OF BERLIE MAE MELTON, TUSKEGEE, MAGON COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name and date of your birth and place of residence?

Miss MELTON. My name is Berlie Mae Melton. I was born July the 18th, 1935; living at Tuskegee, Ala.

Vice Chairman STOREY. Have you lived in Alabama all of your life?

Miss MELTON. Yes; I have.

Vice Chairman STOREY. Are you married?

Miss MELTON. No.

Vice Chairman STOREY. Are you a graduate of any high school or colleges? If so, tell us what they are and any degrees.

Miss MELTON. Yes. I am a graduate of Lincoln High School, Marion, Ala. I received a diploma. I am a graduate of Tuskegee Institute and the School of Nursing. I received the bachelor of science degree in nursing education.

Vice Chairman STOREY. In what year?

Miss MELTON. May 1958.

Vice Chairman STOREY. Are you employed now?

Miss MELTON. Yes.

Vice Chairman STOREY. Where?

Miss MELTON. Yes.

Vice Chairman STOREY. Where?

Miss MELTON. At the Veterans Administration Hospital, Tuskegee, Ala.

Vice Chairman STOREY. How long have you worked for them?

Miss MELTON. Since September 1958.

Vice Chairman STOREY. Do you have any mental or physical disability?

Miss MELTON. No; not that I know of.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Miss MELTON. No.

Vice Chairman STOREY. Have you ever applied to vote?

Miss MELTON. Yes.

Vice Chairman STOREY. When and where?

Miss MELTON. I attempted to vote on January the 31st, 1958, at the Macon County Courthouse, Tuskegee, Ala.

Vice Chairman STOREY. Had you paid any poll tax?

Miss MELTON. Well, on the day I went down, January the 31st, I was asked to pay my poll tax then. I paid \$3 poll tax.

Vice Chairman STOREY. Did you go through a similar procedure as indicated by the other witnesses?

Miss MELTON. Well, on the 31st I understand that the board didn't meet. I went upstairs on the second floor and waited in the colored waiting room until 12 noon, and I had to leave then and go back to class. So, I understand they didn't meet on that day.

Vice Chairman STOREY. When did you go back next?

Miss MELTON. I went back again on February the 3d, 1958.

Vice Chairman STOREY. At that time did you fill out your application?

Miss MELTON. Yes. I went in around 2—I arrived there in the morning around 7:30, and I went back again—I was asked to leave at 12 and to come back again at 1 o'clock. So, I left, went back, and I was able to get in the room approximately, around 2:30.

Vice Chairman STOREY. Did you go through a similar procedure that these other witnesses did?

Miss MELTON. Yes.

Vice Chairman STOREY. Did you hear anything from that application?

Miss MELTON. No.

Vice Chairman STOREY. Have you ever been back since that time?

Miss MELTON. Not since February the 3d.

Vice Chairman STOREY. Of this year?

Miss MELTON. Nineteen fifty-eight.

Vice Chairman STOREY. And you heard nothing further?

Miss MELTON. Not anything.

Vice Chairman STOREY. Will you tell us why you want to vote?

Miss MELTON. Yes. I'm interested in voting because I feel to vote, to be a good citizen—one of the ways of being a good citizen is voting. So, I am interested in getting my own choice.

Vice Chairman STOREY. Do you know of any reason why you have not heard from your application?

Miss MELTON. No; I don't know of any reason, other than I am a Negro.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Miss Melton, I think you said on February the 3d, 1958 you went in to vote. You meant—

Miss MELTON. To register.

Commissioner WILKINS. You went in to file an application to register?

Miss MELTON. Right.

Commissioner WILKINS. Were there many other applicants in line when you were there?

Miss MELTON. Yes. There were several other Negroes there. I don't remember the number, but there were several of us there.

Commissioner WILKINS. How long did it take you to complete the application? And you copied a portion of the Constitution of the United States?

Miss MELTON. Yes; I did copy a portion of it.

Commissioner WILKINS. How long did it take you?

Miss MELTON. Approximately an hour; 50-60 minutes.

Commissioner WILKINS. All right.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. That is all.

Vice Chairman STOREY. That is all. You are excused.

The next witness.

Mr. ROSENFELD. Mrs. Estelle Johnson.

TESTIMONY OF ESTELLE JOHNSON, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and date of birth, place of birth, and your residence?

Mrs. JOHNSON. My name is Estelle Johnson. I was born May 31st, 1925, Tuskegee, Ala., Macon County.

Vice Chairman STOREY. Have you lived there since that time?

Mrs. JOHNSON. Yes; I have.

Vice Chairman STOREY. Are you married or single?

Mrs. JOHNSON. I am married.

Vice Chairman STOREY. What is your husband's name?

Mrs. JOHNSON. Freddie Johnson.

Vice Chairman STOREY. Is he a registered voter?

Mrs. JOHNSON. No; he is not.

Vice Chairman STOREY. Where does he live?

Mrs. JOHNSON. He lives at Tuskegee, Ala.

Vice Chairman STOREY. What does he do?

Mrs. JOHNSON. He is a nursing assistant at the Veterans Hospital, Tuskegee, Ala.

Vice Chairman STOREY. Any children?

Mrs. JOHNSON. No; we haven't.

Vice Chairman STOREY. Do you own any property?

Mrs. JOHNSON. Yes. My husband and I are buying a house.

Vice Chairman STOREY. You live in your own home?

Mrs. JOHNSON. Yes; we do.

Vice Chairman STOREY. And have a car?

Mrs. JOHNSON. Yes; we have.

Vice Chairman STOREY. What do you do?

Mrs. JOHNSON. I am a housewife.

Vice Chairman STOREY. You devote all of your time to your housework?

Mrs. JOHNSON. Yes; I do.

Vice Chairman STOREY. Any children?

Mrs. JOHNSON. No; I haven't.

Vice Chairman STOREY. Have you applied to vote?

Mrs. JOHNSON. Yes; I have.

Vice Chairman STOREY. When?

Mrs. JOHNSON. June of 1957.

Vice Chairman STOREY. Did you fill out a similar application as these other witnesses have recited?

Mrs. JOHNSON. Yes; I did.

Vice Chairman STOREY. Did you hear anything from that application?

Mrs. JOHNSON. No; I didn't.

Vice Chairman STOREY. Did you make any further inquiry.

Mrs. JOHNSON. No; I didn't.

Vice Chairman STOREY. You haven't been back since that time?

Mrs. JOHNSON. No; I haven't.

Vice Chairman STOREY. You have heard nothing whatever?

Mrs. JOHNSON. No; I haven't.

Vice Chairman STOREY. Do you know of any reason why you haven't heard?

Mrs. JOHNSON. No. The only reason that I could think of—because I am a Negro.

Vice Chairman STOREY. Was there any question about the form of your application and what you did there at the time?

Mrs. JOHNSON. No; it wasn't.

Vice Chairman STOREY. If there was, you didn't hear about it?

Mrs. JOHNSON. No; I didn't.

Vice Chairman STOREY. Any other question?

Commissioner WILKINS. With respect to the questions, do you think you answered all the questions on the application correctly and accurately?

Mrs. JOHNSON. Yes; I do.

Commissioner WILKINS. And you copied the provisions of the Constitution?

Mrs. JOHNSON. Yes.

Commissioner WILKINS. Did you read it after you had copied it?

Mrs. JOHNSON. Well, I had to read the first article of the Constitution of the United States, and I had to copy the second one.

Commissioner WILKINS. You read the first article of the Constitution to the officers, the board of registrars, while you were there?

Mrs. JOHNSON. Yes; I did.

Commissioner WILKINS. Was there any question raised about your reading of the first article?

Mrs. JOHNSON. No; there wasn't.

Commissioner WILKINS. And you copied the entire second article of the Constitution?

Mrs. JOHNSON. Yes; I did.

Commissioner WILKINS. And you did it in longhand?

Mrs. JOHNSON. Yes; I did.

Commissioner WILKINS. And that took approximately how many pages?

Mrs. JOHNSON. It took approximately four or five, letter size paper.

Commissioner WILKINS. You have never heard anything at all about your application?

Mrs. JOHNSON. No; I haven't.

Commissioner WILKINS. That is all, Mr. Chairman.

Vice Chairman STOREY. You are excused.

Call the next witness.

Mr. ROSENFELD. Charles E. Miller.

TESTIMONY OF CHARLES EDWARD MILLER, TUSKEGEE INSTITUTE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and date and place of birth and where you live and how long you have lived there?

Mr. MILLER. My name is Charles Edward Miller. I was born the year of 1929 in Atlanta, Ga., in September, the month of September. Now I live at Tuskegee Institute, Ala.

Vice Chairman STOREY. How long have you lived there?

Mr. MILLER. Well, all my life except the time I was born in Georgia.

Vice Chairman STOREY. Did you come to Alabama as an infant?

Mr. MILLER. As an infant.

Vice Chairman STOREY. Are you married or single?

Mr. MILLER. I am married.

Vice Chairman STOREY. What does your family consist of?

Mr. MILLER. A wife.

Vice Chairman STOREY. And no children?

Mr. MILLER. No children.

Vice Chairman STOREY. Are you a graduate of any high school or colleges? If so, what are they and what degrees?

Mr. MILLER. I graduated from high school in 1948, Tuskegee Institute, and later I finished college, West Virginia, 1955.

Vice Chairman STOREY. What college in West Virginia?

Mr. MILLER. West Virginia State College.

Vice Chairman STOREY. West Virginia State College?

Mr. MILLER. Yes.

Vice Chairman STOREY. Any certificate or degree?

Mr. MILLER. B.S. degree in business administration.

Vice Chairman STOREY. B.S. degree in business administration.

What is your occupation now?

Mr. MILLER. At present I am unoccupied.

Vice Chairman STOREY. What have you done before you became unoccupied?

Mr. MILLER. When I say unoccupied, I am not working at the present time. A year ago I was assistant manager of a grocery store in Tuskegee, but its been destroyed by fire and I am unemployed at the present.

Vice Chairman STOREY. Have you had any military service? If so, when and where?

Mr. MILLER. In 1952 I was drafted in the United States Army. In 1954 I was discharged, October 1st, 1954, and I—I don't want to anticipate your—

Vice Chairman STOREY. Do you have any mental or physical disability?

Mr. MILLER. No; none whatsoever.

Vice Chairman STOREY. Ever been convicted of a crime?

Mr. MILLER. None.

Vice Chairman STOREY. Have you ever applied to register?

Mr. MILLER. Yes; I have.

Vice Chairman STOREY. When?

Mr. MILLER. It was in July of 1958.

Vice Chairman STOREY. Did you fill out similar forms and documents as these other people have recited?

Mr. MILLER. Yes; I have, but my experience was somewhat different, in that—

Vice Chairman STOREY. Tell what difference there was.

Mr. MILLER. In this respect: Because I arrived early, around 7 o'clock in the morning—well, I wanted to be the first to get into the office. However, when I got there, I found two was already there. So, I had to wait until the two proceeded with their application forms and writing the Constitution. So, while I was waiting, I thought that I would read the paper, but the facilities in the hall was not applicable. So, I had to actually go to a window some place so I could have the light to read the newspaper while I waited to be registered.

Vice Chairman STOREY. How long did you wait?

Mr. MILLER. I waited an hour and a half, I believe.

Vice Chairman STOREY. Did you finally get in?

Mr. MILLER. I finally got in around 11. Wait. I beg your pardon. It was 10-something after I got in.

Vice Chairman STOREY. How long were you in there?

Mr. MILLER. It was an hour, and I had to—I didn't finish at that particular time because of the noon hour. The noon hour had caught the two of us that was in there.

Vice Chairman STOREY. Did you go back that afternoon?

Mr. MILLER. Yes; I did. At 1 o'clock I continued on.

Vice Chairman STOREY. Did you finish?

Mr. MILLER. I finished within a half an hour after I got back.

Vice Chairman STOREY. All right. Have you heard anything from that application?

Mr. MILLER. As of present, as of today, I haven't heard anything.

Vice Chairman STOREY. Have you been back any more?

Mr. MILLER. I have not.

Vice Chairman STOREY. Why do you want to vote?

Mr. MILLER. The reason I want to vote—because during the year of 1952 and 1954 the United States—I got a letter from the Congress saying that I was drafted in the United States Army, and I served a year overseas in the Korean War, and I—

Vice Chairman STOREY. Of what branch of the service?

Mr. MILLER. In the artillery, and I have dodged bombs and almost gotten killed, and then come back and being denied to vote—I don't like it. I want to vote, and I want to take part in this type of government. I have taken part in it when I was in service. I think I should take part in it when I am a civilian.

Vice Chairman STOREY. Do you know of any reason why you haven't heard from your application?

Mr. MILLER. The reason, I believe — I would state that wholeheartedly — that I am a Negro.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Yes.

Mr. MILLER, you have mentioned something about you couldn't see in this hall where you were.

Mr. MILLER. It was —

Commissioner WILKINS. Would you describe that?

Mr. MILLER. It was just one light in the hall, and it was very dim, and, so, actually, you have to get at a close range to find out who was there, if there was some friends you wanted to greet, and after I had gotten a paper and everything I had to go to the window and read the paper because the light was dim.

Commissioner WILKINS. Did you have any conversation of any kind with the registrars in there, other than them handing you the application and handing you a copy of the United States Constitution?

Mr. MILLER. Nonesoever, except I was very disturbed by the procedure that was going on in the place.

Commissioner WILKINS. Why?

Mr. MILLER. The reason why I say that — because two of us that was there, who was in this room — they was talking to try to distract me, or something in that order, I believe, but I'm not certain.

Commissioner WILKINS. You mean that the people who had charge of the registration —

Mr. MILLER. The people who had charge of the registration.

Commissioner WILKINS. Talked —

Mr. MILLER. Yes.

Commissioner WILKINS. While you were trying to fill out your application —

Mr. MILLER. Yes.

Commissioner WILKINS. Or copy the provisions of the Constitution—

Mr. MILLER. That's right.

Commissioner WILKINS. That they asked you to copy?

Mr. MILLER. That's right.

Commissioner WILKINS. And that went on continuously while you were in there?

Mr. MILLER. That's true.

Commissioner WILKINS. Did they say anything to the other applicant who was in the room with you at the time?

Mr. MILLER. Not at the time.

Commissioner WILKINS. There were two of you in there at the same time?

Mr. MILLER. Only two of us.

Commissioner WILKINS. Did you leave first or did the other man leave before you did?

Mr. MILLER. I left first.

Commissioner WILKINS. That is all.

Commissioner BATTLE. Do you know who that was?

Mr. MILLER. I beg your pardon.

Commissioner BATTLE. Do you know who the other applicant in the room with you was?

Mr. MILLER. I don't recall.

Commissioner BATTLE. Man or woman?

Mr. MILLER. It was a woman.

Vice Chairman STOREY. Dr. Hannah.

Chairman HANNAH. What was the division you were in when you were in the service in Korea?

Mr. MILLER. I was in the Eight Hundred and Eighth Engineering, Artillery, Tank.

Vice Chairman STOREY. Any other question?

If not, you are excused.

The next witness.

Mr. ROSENFELD. Dr. Eugene W. Adams.

TESTIMONY OF EUGENE W. ADAMS, TUSKEGEE, MAGON COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name, date of birth, place of birth, and place of residence?

Dr. ADAMS. My name is Eugene W. Adams. I was born in Guthrie, Okla., January 12, 1920. I am 38 years old. I live in Macon County, Tuskegee, Ala.

Vice Chairman STOREY. Are you married?

Dr. ADAMS. Yes, sir.

Vice Chairman STOREY. Any family besides your wife?

Dr. ADAMS. No, sir. Just my wife.

Vice Chairman STOREY. And do you own your own home?

Dr. ADAMS. Yes, sir; own my own home.

Vice Chairman STOREY. What is your business or profession?

Dr. ADAMS. I am in the employ of Tuskegee Institute as a teacher.

Vice Chairman STOREY. In what capacity?

Dr. ADAMS. As a teacher, sir.

Vice Chairman STOREY. In what department?

Dr. ADAMS. In the school of veterinary medicine.

Vice Chairman STOREY. Are you a graduate of any high school, universities, or colleges? If so, with what degrees?

Dr. ADAMS. I graduated from Wichita High School, North, in Wichita, Kans. I received the D.V.M. degree from Kansas State College, Manhattan, Kans. I received the master of science degree from Cornell in Ithaca, N.Y.

Vice Chairman STOREY. So, you are a doctor of veterinary medicine?

Dr. ADAMS. Yes.

Vice Chairman STOREY. And that is your profession?

Dr. ADAMS. Yes, sir; that is my profession.

Vice Chairman STOREY. How long have you been practicing that profession?

Dr. ADAMS. I graduated in 1944, and I have been practicing ever since.

Vice Chairman STOREY. Have you practiced in other States?

Dr. ADAMS. Yes, sir. In the State of Missouri.

Vice Chairman STOREY. Have you voted in any other States?

Dr. ADAMS. Yes, sir.

Vice Chairman STOREY. In what States?

Dr. ADAMS. In the State of Missouri I voted.

Vice Chairman STOREY. How long have you lived in Alabama?

Dr. ADAMS. I came to Alabama in August 1951.

Vice Chairman STOREY. And have you been living here since that time?

Dr. ADAMS. Yes, sir.

Vice Chairman STOREY. Do you have any mental or physical disability?

Dr. ADAMS. Not to my knowledge, sir.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Dr. ADAMS. No, sir.

Vice Chairman STOREY. Have you ever applied to register?

Dr. ADAMS. Yes, sir.

Vice Chairman STOREY. When?

Dr. ADAMS. In the summer of 1953.

Vice Chairman STOREY. Did you go through a similar procedure as has been outlined here by other witnesses?

Dr. ADAMS. Yes, sir.

Vice Chairman STOREY. Did you hear anything from that application?

Dr. ADAMS. Not to this day, sir.

Vice Chairman STOREY. Have you been back?

Dr. ADAMS. I went back in 1954 and 1955, but the lines were so long at the time I went down I did not stay. So, I only got in one time. That was in 1953.

Vice Chairman STOREY. Only the one time?

Dr. ADAMS. Yes, sir, that I was actually entered.

Vice Chairman STOREY. And you never filed an additional formal application?

Dr. ADAMS. No, sir.

Vice Chairman STOREY. And you have heard nothing from it until this day?

Dr. ADAMS. No, sir; not a word.

Vice Chairman STOREY. Would you tell us why you want to vote?

Dr. ADAMS. Sir, I'm a property owner; I pay taxes, and I feel that it is my right to vote.

Vice Chairman STOREY. Do you know of any reason why you have not heard from the application?

Dr. ADAMS. I don't know of any reason, but I believe it's because I'm a Negro.

Vice Chairman STOREY. Any other question?

Chairman HANNAH. Dr. Adams, what subjects do you teach in the college there?

Dr. ADAMS. I teach pathology.

Chairman HANNAH. You are in the department of pathology?

Dr. ADAMS. That's right. I head the department of pathology.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Dr. Adams, I believe you are able to read and interpret the provisions of the United States Constitution?

Dr. ADAMS. I think so, sir.

Commissioner WILKINS. Did you have any conversation at all with the registrars?

Dr. ADAMS. No, sir; none whatsoever. None whatsoever.

Commissioner WILKINS. And they never said anything about your application when you handed it in?

Dr. ADAMS. No, sir.

Commissioner WILKINS. And you have never heard from them?

Dr. ADAMS. Not a word.

Commissioner WILKINS. That is all.

Commissioner HESBURGH. Dr. Adams, do you know why the American Revolution was fought?

Dr. ADAMS. Why it was fought?

Commissioner HESBURGH. That is not a trick question.

Dr. ADAMS. Well, according to American history, it was fought to free this country from England.

Commissioner HESBURGH. Do you remember the famous saying?

Dr. ADAMS. "Taxation without representation"——

Vice Chairman STOREY. I don't know whether all can hear you or not.

Commissioner HESBURGH. Louder.

Dr. ADAMS. "Taxation without representation"——

Commissioner HESBURGH. "* * * is tyranny."

Dr. ADAMS. "Is tyranny"; yes, sir.

Commissioner HESBURGH. You have been paying taxes?

Dr. ADAMS. I have been paying taxes ever since I am old enough to.

Vice Chairman STOREY. Any other question?

If not, you are excused.

The next witness.

Mr. ROSENFELD. Dr. Robert L. Judkins.

TESTIMONY OF ROBERT L. JUDKINS, TUSKEGEE INSTITUTE, MACON COUNTY, ALA.

Vice Chairman STOREY. I might announce to you we hope to finish the Macon County witnesses. If it goes over just a few minutes past 12:30, we will make due allowance in returning.

Will you state your name and place of birth, date of birth, and place of residence?

Dr. JUDKINS. My name is Robert L. Judkins. I was born July 5th, 1916, at Eufaula, Ala., and I now reside at Tuskegee Institute, Macon County, Ala.

Vice Chairman STOREY. Are you married?

Dr. JUDKINS. I am.

Vice Chairman STOREY. Of what does your family consist?

Dr. JUDKINS. A wife and four children.

Vice Chairman STOREY. Do you own your own home?

Dr. JUDKINS. I do.

Vice Chairman STOREY. A car?

Dr. JUDKINS. No; I don't.

Vice Chairman STOREY. Are you a graduate of any high school or universities or colleges?

Dr. JUDKINS. Yes. I have a high school diploma from Tuskegee Institute High School, a B.S. degree in agricultural education from Tuskegee Institute, the doctor of veterinary medicine from Tuskegee Institute and the master of science in veterinary anatomy from Colgate University at Fort Collins, Colo.

Vice Chairman STOREY. And what is your present profession or occupation?

Dr. JUDKINS. I am at present a teacher of veterinary anatomy in the school of veterinary medicine at Tuskegee Institute.

Vice Chairman STOREY. And how long have you been so employed?

Dr. JUDKINS. This is the ninth year.

Vice Chairman STOREY. Have you any physical or mental disability or ever been convicted of a crime?

Dr. JUDKINS. Not as far as I know.

Vice Chairman STOREY. Have you ever applied to vote or register?

Dr. JUDKINS. Yes; I have.

Vice Chairman STOREY. When?

Dr. JUDKINS. I applied three times, filled out questionnaires three times, in 1953. I don't remember the dates.

Vice Chairman STOREY. Were they all in the year 1953?

Dr. JUDKINS. They were all in the year of 1953.

Vice Chairman STOREY. Do you remember approximately what time elapsed between the three times that you applied?

Dr. JUDKINS. I would say roughly 3 months, as an estimate. I'm not sure.

Vice Chairman STOREY. Did you fill out similar applications to those others described in the testimony here?

Dr. JUDKINS. I did, with the exception of the fact at that time they didn't ask me to write the Constitution.

Vice Chairman STOREY. Can you read and write the Constitution?

Dr. JUDKINS. I can.

Vice Chairman STOREY. Can you understand it as a layman?

Dr. JUDKINS. Yes; I do.

Vice Chairman STOREY. Have you ever heard anything from any of those applications?

Dr. JUDKINS. No; I haven't.

Vice Chairman STOREY. Have you been back since 1953?

Dr. JUDKINS. Yes. I went back in 1956.

Vice Chairman STOREY. What did you find out, if anything?

Dr. JUDKINS. I wasn't able to learn what happened to the other applications because I wasn't able to get in even. In fact, I was told the board wasn't meeting, and later during 1956 I was told that the board had resigned.

Vice Chairman STOREY. Have you been back since that time?

Dr. JUDKINS. No; I haven't.

Vice Chairman STOREY. Will you tell us why you want to vote?

Dr. JUDKINS. Yes.

I am a taxpayer and a citizen. I have served in the armed forces, and I believe it's my duty to take some part in the government of my country.

Vice Chairman STOREY. How long did you serve in the armed forces and where and in what capacity?

Dr. JUDKINS. I served for 11 months, 16 days with the Air Corps, was located at Lowry Field, Colo., and I served as a clerk-nontypist.

Vice Chairman STOREY. Honorable discharge?

Dr. JUDKINS. Honorable discharge.

Vice Chairman STOREY. Any other questions?

If not, you are excused.

Call the next witness.

Mr. ROSENFELD. Dr. Demetrice Lyles.

TESTIMONY OF DEMETRICE IRVING LYLES, TUSKEGEE, MACON COUNTY,
ALA.

Vice Chairman STOREY. Would you please give your name, place of birth, date of birth, and residence?

Dr. LYLES. Demetrice Irving Lyles; born August 2d, 1922, at Sawyerville, Ala., Hale County. I am now residing at Tuskegee, Ala.

Vice Chairman STOREY. Are you married?

Dr. LYLES. I am.

Vice Chairman STOREY. What is the size of your family?

Dr. LYLES. One wife and four children.

Vice Chairman STOREY. One wife and four children.

What is your business or profession?

Dr. LYLES. Well, I am employed in the school of veterinary medicine, department of pathology and parasitology at Tuskegee Institute.

Vice Chairman STOREY. Are you a graduate of any professional schools and, if so, the degrees?

Dr. LYLES. I am a graduate of Tuskegee Institute School of Veterinary Medicine, and I hold a master of science degree from Ohio State University.

Vice Chairman STOREY. How long have you lived at Tuskegee?

Dr. LYLES. Since 1949 as a nonstudent, I suppose.

Vice Chairman STOREY. As a nonstudent?

Dr. LYLES. Well, yes. I first arrived in Tuskegee in 1940.

Vice Chairman STOREY. Have you ever had any service in the Armed Forces? If so, where and in what capacity and what dates?

Dr. LYLES. From 1942 to 1945.

Vice Chairman STOREY. Talk out just a little louder.

Dr. LYLES. I served in the Medical Department of the Armed Forces. I was a clerk-typist in the personnel administration.

Vice Chairman STOREY. Did you serve overseas any?

Dr. LYLES. Approximately 11 months.

Vice Chairman STOREY. What theater?

Dr. LYLES. That would be the Southwest Pacific.

Vice Chairman STOREY. Honorable discharge?

Dr. LYLES. Honorable discharge.

Vice Chairman STOREY. I assume you hold a license to practice veterinary surgery and medicine in Alabama?

Dr. LYLES. I do.

Vice Chairman STOREY. Since what date?

Dr. LYLES. Since 1949.

Vice Chairman STOREY. Are you suffering under any mental or physical disability or have you been convicted of any crime?

Dr. LYLES. Well, I do receive a 40 percent disability for a duodenal ulcer, Army-connected.

Vice Chairman STOREY. Army-connected; service connected?

Dr. LYLES. Yes.

Vice Chairman STOREY. That doesn't interfere with your professional work, does it?

Dr. LYLES. No.

Vice Chairman STOREY. You put in full time?

Dr. LYLES. Yes.

Vice Chairman STOREY. Have you applied to register?

Dr. LYLES. I have.

Vice Chairman STOREY. When did you apply?

Dr. LYLES. In 1953.

Vice Chairman STOREY. Did you go through a similar procedure as has been outlined?

Dr. LYLES. All except writing sections from the Constitution.

Vice Chairman STOREY. Did you hear anything from your application?

Dr. LYLES. I have not heard at all.

Vice Chairman STOREY. Have you been back since that time?

Dr. LYLES. I have, sir.

Vice Chairman STOREY. About when was it?

Dr. LYLES. It was in July, I believe it was, of 1953.

Vice Chairman STOREY. Did you file another application?

Dr. LYLES. I did.

Vice Chairman STOREY. Complete?

Dr. LYLES. Complete.

Vice Chairman STOREY. Have you heard anything from it?

Dr. LYLES. I have not.

Vice Chairman STOREY. Have you been back any more?

Dr. LYLES. I have not.

Vice Chairman STOREY. Do you know why you haven't heard?

Dr. LYLES. Well, I don't know, other than the fact it may be due to my race.

Vice Chairman STOREY. Would you tell us why you want to vote, please?

Dr. LYLES. Well, the right to vote is guaranteed me by the Fifteenth Amendment to the Constitution. I feel I should be able to exercise that right in electing more democratic as well as Christian government officials. I also feel that I should be able to tell my children at election who I'm voting for.

Vice Chairman STOREY. Are there any other questions?

Commissioner WILKINS. Dr. Lyles, when you went back the second time to register, was anything said about your first application?

Dr. LYLES. Well, they asked me had I been down before.

Commissioner WILKINS. And what other conversation did you have with them at that time?

Dr. LYLES. I don't remember any other conversation.

Commissioner WILKINS. I mean: Did you say you would have to fill out another application?

Dr. LYLES. That's all. I just assumed that since I hadn't received any notification concerning my previous application that I would have to fill out another one.

Commissioner WILKINS. So, they gave you another application—

Dr. LYLES. That's right.

Commissioner WILKINS. To fill out?

Dr. LYLES. That's right.

Commissioner WILKINS. Nothing has been heard from it?

Dr. LYLES. No.

Vice Chairman STOREY. Any other questions? If not, you are excused. Call the next witness.

Mr. ROSENFELD. Doris Neartor.

TESTIMONY OF DORIS EZELL NEARROR, TUSKEGEE, MACON COUNTY, ALA.

Vice Chairman STOREY. Will you come around and have a seat, please?

Please give us your name and your place of birth, date of birth and place of residence.

Miss NEARROR. My name is Doris Ezell Neartor.

- Vice Chairman STOREY. A little louder, please.
- Miss NEARROR. My name is Doris Ezell Nearror. I am 21 years of age. I was born in Conecuh County, Ala. At present I am a resident of Tuskegee, Macon County, Ala.
- Vice Chairman STOREY. Have you lived here all of your life, in Alabama?
- Miss NEARROR. Yes; I have.
- Vice Chairman STOREY. Are you married?
- Miss NEARROR. No; I am not.
- Vice Chairman STOREY. Are you a graduate of any college or university?
- Miss NEARROR. I am.
- Vice Chairman STOREY. Which one and what degree, if any?
- Miss NEARROR. I graduated from Tuskegee Institute High School with a diploma. I hold a B.S. degree in nursing education from Tuskegee Institute.
- Vice Chairman STOREY. What is your business or profession?
- Miss NEARROR. At present I am employed by the U.S. VA Hospital in Tuskegee, Ala., as a registered professional nurse.
- Vice Chairman STOREY. Are you duly registered as a registered nurse under the laws of the State of Alabama?
- Miss NEARROR. I am.
- Vice Chairman STOREY. How long have you been so employed?
- Miss NEARROR. Since September 1958.
- Vice Chairman STOREY. Since September 1958?
- Miss NEARROR. Yes.
- Vice Chairman STOREY. Have you applied to vote?
- Miss NEARROR. I have.
- Vice Chairman STOREY. Did you go through a similar procedure as recited by these other people?
- Miss NEARROR. Yes; I did.
- Vice Chairman STOREY. Have you heard anything from that application?
- Miss NEARROR. Not to this date.
- Vice Chairman STOREY. Are you suffering under any mental or physical disability or have you been convicted of a crime?
- Miss NEARROR. No; I haven't.
- Vice Chairman STOREY. Will you tell us why you want to vote?
- Miss NEARROR. I want to vote because I feel it is a right and a duty of every citizen to participate in their form of government.
- Vice Chairman STOREY. Have you heard anything further from your application?
- Miss NEARROR. No; I haven't.
- Vice Chairman STOREY. Do you know of any reason why you haven't heard?

Miss NEARROR. It is my opinion I have not heard from the board of registrars because I am a Negro.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. I would like to know when your first visit was to the registrars' office.

Miss NEARROR. The first visit was on August the 4th, 1958.

Commissioner WILKINS. And you filled out your application and copied the section of the Constitution?

Miss NEARROR. Although I remained at the place of registration from 7 o'clock until 3:30 that afternoon, I was unable to enter the place of registration.

Commissioner WILKINS. Was that because the line was too long?

Miss NEARROR. Because of the long lines.

Commissioner WILKINS. And then you returned when?

Miss NEARROR. The following date that they were supposed to receive applications, which was August 18th, at 6 o'clock a.m.

Commissioner WILKINS. You mean you appeared at the registration place at 6 a.m.?

Miss NEARROR. I did.

Commissioner WILKINS. What time did the registrars' office open?

Miss NEARROR. At 9 o'clock.

Commissioner WILKINS. At 9 o'clock.

Miss NEARROR. Yes.

Commissioner WILKINS. And at what time did you get into the registrars' office?

Miss NEARROR. Approximately 11 a.m.

Commissioner WILKINS. Eleven a.m.

Miss NEARROR. Yes, sir.

Commissioner WILKINS. Do you mean to say, Miss Nearror, there were other applicants ahead of you who got there before 6 a.m.?

Miss NEARROR. There were about three others that came along with me.

Commissioner WILKINS. I see.

Miss NEARROR. And, as they had other places to go, I allowed them to be first.

Commissioner WILKINS. So, there were four of you there at approximately 6 a.m.?

Miss NEARROR. Yes.

Commissioner WILKINS. Do you remember what section of the Constitution you had to copy?

Miss NEARROR. Article 2.

Commissioner WILKINS. Article 2?

Miss NEARROR. Yes.

Commissioner WILKINS. I think that is all.

Vice Chairman STOREY. Any other questions?

If not, the next witness.

Mr. ROSENFELD. Luther Hemmons.

TESTIMONY OF LUTHER WATKINS HEMMONS, TUSKEGEE, MAGON
COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name and date of birth, place of birth, and your residence?

Mr. HEMMONS. My name is Luther Watkins Hemmons.

Vice Chairman STOREY. Talk out just a little, please.

Mr. HEMMONS. Luther Watkins Hemmons. I was born in Staunton, Va., 1883, and I now live at Tuskegee.

Vice Chairman STOREY. How long have you lived in Alabama?

Mr. HEMMONS. In Alabama—I came to Alabama in 1904 to go to school, Tuskegee. Then I lived there for about 18 years, left and went to North Carolina for 4 or 5 years, and back to Alabama in 1938.

Vice Chairman STOREY. Are you a graduate of Tuskegee?

Mr. HEMMONS. No; I am not a graduate.

Vice Chairman STOREY. Do you hold a degree from any college or university?

Mr. HEMMONS. I don't hold a degree of any kind.

Vice Chairman STOREY. Did you go to high school and college?

Mr. HEMMONS. I went to the regular public schools in Virginia, the public schools in McKeesport, Pa., and the McKeesport Business College.

Vice Chairman STOREY. You are able to read and write all right, are you?

Mr. HEMMONS. I can; yes, sir.

Vice Chairman STOREY. And you keep up with current events and read newspapers and magazines?

Mr. HEMMONS. That's right.

Vice Chairman STOREY. What is your occupation?

Mr. HEMMONS. Now I'm a retired civil service employee. I started at the Veterans Hospital as a cost accountant and I retired as a procurement officer about 4 years ago, and now I'm vice president and manager of a small federal credit union upon the campus.

Vice Chairman STOREY. That is a cooperative credit union of the people there?

Mr. HEMMONS. Yes, sir. It is the regular credit union.

Vice Chairman STOREY. Yes, sir.

Do you give all of your time to it?

Mr. HEMMONS. Well, most of it. I have my own hours.

Vice Chairman STOREY. You sort of fix your own hours?

Mr. HEMMONS. Yes, sir.

Vice Chairman STOREY. Do you have a wife living?

Mr. HEMMONS. Yes.

Vice Chairman STOREY. Children?

Mr. HEMMONS. I have a wife and four children living, and one child passed last year.

Vice Chairman STOREY. Have you ever attempted to register to vote?

Mr. HEMMONS. Yes. I registered some 15, 16 years ago.

Vice Chairman STOREY. Where?

Mr. HEMMONS. At Tuskegee, Macon County.

Vice Chairman STOREY. Fifteen or 16 years ago?

Mr. HEMMONS. Yes.

Vice Chairman STOREY. Have you been voting since that time?

Mr. HEMMONS. Yes.

Vice Chairman STOREY. Have you voted in any other States?

Mr. HEMMONS. No.

Vice Chairman STOREY. Now, you have heard the description of what the witnesses do in connection with voting here, have you not, or registration?

Mr. HEMMONS. I have.

Vice Chairman STOREY. Have you been to the particular place that these witnesses have been describing?

Mr. HEMMONS. Yes. For a good, oh, several years since I retired I have been down at the registration, the courthouse, on the first and third Mondays for, oh, a number of years, keeping up with the different people who applied and who received their certificates. I also was trying to—if I could give you a picture—

Vice Chairman STOREY. Just describe the physical arrangement.

Mr. HEMMONS. The board of registrars are in a small office at the end of the hall, at the top of the steps, and the colored people have to either wait in a small anteroom or fill up the hall waiting to get into register. They take two in at a time, and it has changed with the board of registrars. I have seen two or three different changes in the board of registrars, and each one changes the thing to suit their—whatever they want to do.

Vice Chairman STOREY. Have you seen people come and go more than one time?

Mr. HEMMONS. Oh, yes; yes, sir.

Vice Chairman STOREY. What has been your interest to go back there and observe the premises and the method of operation?

Mr. HEMMONS. Well, as a member of the franchise committee for the civic association, I was assigned to check on the methods and procedures of the voting in Macon County. Besides, I have my own children that I was interested in, that some had difficulty in registering. The other young people I've known all their lives. I'm just interested in their being able to register and vote.

Vice Chairman STOREY. Are you familiar with the premises provided for the white people there?

Mr. HEMMONS. Yes. The white people—

Vice Chairman STOREY. With reference to size, whether larger or smaller?

Mr. HEMMONS. The white people are across the main courtroom, and they meet in the grand jury room where there's a big table, where 12 or 15 can sit around that table, and I never have seen any loafing in the hall. I have been in there once or twice and I find all the white people in there—not a number of them at any time, but whoever was there was in the room where they register.

Vice Chairman STOREY. Have you ever been there on occasions when the regular registration days were to take place and the registrars or the registration officials did not appear?

Mr. HEMMONS. I have been there when they wouldn't appear in the room where the colored people was registering. I have found some downstairs and met some out on the street to check on them and see what was happening.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Mr. Chairman, just to pursue that question a little further: Do you mean to say there were registration days when the registrars were not present when the Negroes came to register?

Mr. HEMMONS. I wouldn't say there was a whole day of that, but I know there has been delay. I have been down there at 10 or 11 o'clock and they wouldn't be—there maybe would be one and they wouldn't register colored people, and I have been back in the afternoon at 2 o'clock and they wouldn't be functioning.

Commissioner WILKINS. How many times—

Mr. HEMMONS. Whether it was the same day or a holiday, I wouldn't want to say they missed the holiday.

Commissioner WILKINS. Mr. Hemmons, how many times would you say you observed that type of situation?

Mr. HEMMONS. Oh, half a dozen times, roughly.

Vice Chairman STOREY. Any other question?

Commissioner HESBURGH. Mr. Chairman.

Vice Chairman STOREY. Father Hesburgh.

Commissioner HESBURGH. Mr. Hemmons, have you had the opportunity of observing how long it takes white people to register?

Mr. HEMMONS. I couldn't say that I have. I'll be frank and honest. I've tried to find out. I've seen white people go in and stay a few minutes and come out, but I couldn't swear they registered in that time.

Commissioner HESBURGH. Thank you.

Vice Chairman STOREY. Anything else? If not, the witness is excused. Will you call the last witness, Mr. Rosenfeld?

Mr. ROSENFELD. Mr. George C. Busby, who will be the last witness to be called from Macon County.

TESTIMONY OF GEORGE C. BUSBY, SR., TUSKEGEE, MAGON COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name and place of birth and date of birth and place of residence?

Mr. BUSBY. The name is George C. Busby, Sr. The birth date is November 25th, 1897. I was born in Worcester, Mass. I now live at Tuskegee.

Vice Chairman STOREY. How long have you lived in Alabama?

Mr. BUSBY. I have lived in Alabama since November 1923.

Vice Chairman STOREY. Continuously?

Mr. BUSBY. Yes; continuously.

Vice Chairman STOREY. And what is your business or occupation, Mr. Busby?

Mr. BUSBY. I am a retired government official from the Veterans Hospital, Tuskegee.

Vice Chairman STOREY. Are you doing anything now to occupy your time?

Mr. BUSBY. Well, a few little things, but not any more than I have to.

Vice Chairman STOREY. You are a retired man?

Mr. BUSBY. Yes.

Vice Chairman STOREY. Of what does your family consist?

Mr. BUSBY. A wife and a son.

Vice Chairman STOREY. You own your own home?

Mr. BUSBY. Own my own home.

Vice Chairman STOREY. Car?

Mr. BUSBY. Own my own car.

Vice Chairman STOREY. I assume you retired on a regular retirement plan, did you?

Mr. BUSBY. Civil service retirement; yes, sir.

Vice Chairman STOREY. Have you graduated from any college or university?

Mr. BUSBY. I graduated from high school of commerce in Worcester, Mass., in 1916, and I went to Washington University, college of business administration, for 2 years. I have no degrees in anything.

Vice Chairman STOREY. Did you work in Massachusetts?

Mr. BUSBY. Yes. I worked 4 years in Massachusetts for the Government, the Army base, 1917-21.

Vice Chairman STOREY. Were you in the war—either one of them?

Mr. BUSBY. I was not. The war was over just before I was supposed

to report for duty. I was supposed to report the 5th of November and the war was over the 11th.

Vice Chairman STOREY. Do you have any mental or physical disabilities or have you ever been convicted of a crime?

Mr. BUSBY. No; I have never been convicted of a crime and I have no disabilities that I know of.

Vice Chairman STOREY. Have you made application to register to vote?

Mr. BUSBY. Yes; I have.

Vice Chairman STOREY. When?

Mr. BUSBY. I made application three times.

Vice Chairman STOREY. When was the first time?

Mr. BUSBY. The first time was June 3d, 1957.

Vice Chairman STOREY. Have you filled out applications each of the three times as described by other witnesses?

Mr. BUSBY. Except the first time I didn't have to read any of the Constitution.

Vice Chairman STOREY. Did you hear anything from the first application?

Mr. BUSBY. I didn't hear, and I went back again on the 24th of January 1958 to inquire about my first application.

Vice Chairman STOREY. What happened then?

Mr. BUSBY. I was told by one of the members—I am not sure of the name; I think it was Mr. Rogers, but I'm not too sure, and he told me I had made a mistake on my first application, and I asked him—he said I forgot a date. I said, "Can't I correct it now?"

He said, "No. You have to make another application."

I said, "Can I do it now?"

He said, "Yes."

It just happened there was just one person in there.

So, he gave me the application and I made another, completed it, and had to get another endorser.

Vice Chairman STOREY. Did you hear anything from that one?

Mr. BUSBY. Didn't hear anything from that one, and the 21st of April 1958 I went back again to inquire about the second one, and one of the men told me I had made a mistake in the date. Another one told me I forgot to answer a question.

Vice Chairman STOREY. Did you make out another application?

Mr. BUSBY. I asked them if I could correct that, and he said, "No"; I would have to make out another one.

Vice Chairman STOREY. And you went through the similar procedure?

Mr. BUSBY. The similar procedure, except that time I had to copy two or three pages of the Constitution.

Vice Chairman STOREY. Did you hear anything from that one?

Mr. BUSBY. No; I haven't heard anything from that one.

Vice Chairman STOREY. Not until this date?

Mr. BUSBY. Not until this date, and I haven't made any other inquiries.
Vice Chairman STOREY. Would you tell us why you want to vote?

Mr. BUSBY. I think every law-abiding citizen should want to vote. He should participate in the affairs of government. I am a taxpayer. Particularly in Tuskegee, in my position at the hospital, I think I contributed over a period of 21 years quite a lot to the welfare and the development of Tuskegee, and if anyone should have a right to vote there—and then again I have a son who is in Korea right now.

Vice Chairman STOREY. Do you know of any reason why you haven't been registered?

Mr. BUSBY. I don't know of any except I'm well known in Tuskegee and I certainly have contributed considerable to the county, and the only thing I know—I am a Negro.

Vice Chairman STOREY. Any other questions?

Chairman HANNAH. Yes. What is the son doing?

Mr. BUSBY. He is a captain in the Dental Corps. He is located in Pusan. He has been over there a year.

Chairman HANNAH. He is in the Regular Army?

Mr. BUSBY. Regular Army.

Chairman HANNAH. What is his rank?

Mr. BUSBY. Captain, Dental Corps.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Mr. Busby, did they ever tell you what mistake you had made on either the first or the second application or what question you omitted to answer?

Mr. BUSBY. No. The first—they said I made a mistake in the date. I said, "What date?"

They said, "Oh, we can't tell you."

Commissioner WILKINS. They didn't tell you the date?

Mr. BUSBY. Didn't tell me.

I said, "Can't I correct it?"

They said, "No. You will have to make another application."

Commissioner WILKINS. Then you went back the second time, and what—

Mr. BUSBY. One said I made a mistake in the date, and the other said I didn't answer a question. So frankly, I don't know what I did do wrong.

Commissioner WILKINS. In other words, you had made two mistakes on the second one?

Mr. BUSBY. The second one, but what they were I don't know.

Commissioner WILKINS. And they never told you what it was?

Mr. BUSBY. Never told me what it was.

Commissioner WILKINS. And insisted you had to make another application?

Mr. BUSBY. I had to file another application.

Commissioner WILKINS. You filed another application?

Mr. BUSBY. Filed another application.

Commissioner WILKINS. How long, Mr. Busby did it take you to fill out these applications?

Mr. BUSBY. Well——

Commissioner WILKINS. Approximately?

Mr. BUSBY. The first one I had to wait. The first time I went in I think I had to wait around an hour or an hour and a half before I got in, and I think the whole thing took me about—I can't remember. The first time I didn't have to write anything. I'd say about an hour and a half, and the second time, when I had to read some of the Constitution, I think I was in there about—a little over 2 hours. Then the third time I had to write to Constitution I think I was in there 2½ hours; 3 hours maybe.

Commissioner WILKINS. Were you, personally, acquainted with the registrars?

Mr. BUSBY. Not before then; no. I became—I wasn't quite sure of any of them until later. I finally came to know who Mr. Livingston was, and I think—I never was able to tell Mr. Zachry from Mr. Rogers. I think it was Mr. Rogers. I am not sure.

Commissioner WILKINS. Were the same registrars there?

Mr. BUSBY. Same registrars.

Commissioner WILKINS. The same were there the third time?

Mr. BUSBY. Sometimes there were two there, and sometimes either Mr. Rogers or Mr. Livingston. The other time it may have been Mr. Zachry or Mr. Rogers. I am not sure, but each time there were two there.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. Any other questions? We want to thank all of you for your cooperation, and the witnesses who have been heard will be excused unless they want to remain voluntarily. Since we have gone overtime, we will now recess until 2:20.

(Whereupon, at 12:52 p.m., the hearing was recessed, to reconvene at 2:20 p.m., of the same day.)

UNITED STATES
COMMISSION ON CIVIL RIGHTS

MONDAY AFTERNOON SESSION
DECEMBER 8, 1958

HEARING HELD
IN
MONTGOMERY, ALABAMA

MONDAY AFTERNOON SESSION, DECEMBER 8, 1958

(The hearing reconvened at 2:25 p.m., Vice Chairman Storey presiding.)

Vice Chairman STOREY. Ladies and gentlemen, may we have order, please? I understand that Judge Varner has some illness in his family, and we have agreed to hear him as the first witness. Is Judge Varner in the courtroom? Ladies and gentlemen, let's have order, please. Is Judge Varner in the courtroom?

A PERSON FROM THE AUDIENCE. If it please the commission, I am sure he is right out here and probably couldn't get through the crowd.

Vice Chairman STOREY. Fine. Mr. Lassiter, would you see if you can find him?

Mr. PATTERSON. Mr. Chairman, my name is John Patterson. I am the attorney general of the State of Alabama, and I have heretofore advised Judge Varner that he had no legal authority to remove the records of Macon County from the county and bring them here to Montgomery, and I didn't know this development was going to take place, and if these are the records of Macon County's Probate Court on the floor in front of me, before Judge Varner takes the stand and testifies I'd like to make a statement clarifying the position of the State of Alabama in this matter and raise certain objections for the record in this hearing.

Vice Chairman STOREY. Mr. Patterson, I don't believe there will be any embarrassment about the records. We would like to interrogate Judge Varner first.

Mr. PATTERSON. There are certain serious constitutional objections that we want to raise in this hearing, and we are somewhat afraid that it might subsequently be considered as a waiver of our objection if we don't raise them at this time. Now, Judge Varner is the probate judge of Macon County. He is a constitutional judicial officer of this State, and he is expressly prohibited by law from taking the records of his office outside of his county except under certain unusual circumstances.

We feel that, in addition to that, this commission, which is the Civil Rights Commission, which is an arm of the legislative branch of the Government, has no constitutional right to call a judicial officer in here and question him about the affairs of his court, and we want to raise that objection at this time.

Vice Chairman STOREY. Mr. Patterson, I assume you are appearing in the prerogative or in the capacity to advise the judge on his constitutional rights, are you not?

Mr. PATTERSON. Well, of course, only at his request. He certainly is—
Vice Chairman STOREY. You have that privilege.

Mr. PATTERSON. He is a judge of his own court.

Vice Chairman STOREY. You have that privilege, but I don't think you will find the commission transgressing on any constitutional rights; and we will proceed with the examination of Judge Varner. I assure you there is no effort to take these records away from this courthouse, and probably you are anticipating something that is not going to happen.

Mr. PATTERSON. I would like, if it is permissible, to enter into the record at this time the letter that I prepared and delivered to Judge Varner stating the position of the attorney general as to the law in this case.

Vice Chairman STOREY. Certainly. We will be glad for you to file the letter, and it will be entered into the record.

Mr. PATTERSON. All right, sir.

(A carbon copy of the letter referred to, dated December 8, 1958, was marked for identification as exhibit 3.)

DECEMBER 8, 1958.

HON. WILLIAM VARNER,
Judge of Probate,
Macon County,
Tuskegee, Ala.

DEAR SIR: You have advised me that you have been served with a subpoena by agents of the Federal Civil Rights Commission ordering you to bring certain records and documents on file in your office pertaining to registration of qualified voters of Macon County, Ala., to a hearing to be held by said commission in Montgomery, Ala., on December 8, 1958. You have asked me if you are legally required to comply with said subpoena.

It is my opinion that the duties imposed on you by the laws of Alabama require you as probate judge of Macon County to keep the public records and documents pertaining to registration of qualified voters in the probate office of that county.

Section 280, title 13, Code of Alabama 1940, requires the probate judge to keep all books, papers, and records belonging to his office with care and security. These records must be available in the probate office for the examination of anyone. See title 13, section 293, Code of Alabama 1940. These records may be removed from your county only in case of invasion or insurrection, when the same may be endangered or unless by order of the probate court pursuant to its business. Title 7, section 3, Code of Alabama 1940. In my opinion you have no right, and in fact are prohibited from removing a block or a portion of the records of your office from your county and turning them over to a Federal agency. Such removal of your records and the delivery of them to unauthorized persons might subject you and your bondsmen to personal liability should someone be injured as a result of the absence of these records from your office in Macon County.

The probate court is a constitutional court under our laws and is an organic part of our judicial system. The Federal Civil Rights Commission is an arm of the legislative branch of the Federal Government and has no right to interfere in any manner with the operation or functions of the courts of the State of Alabama.

If agents of the Federal Civil Rights Commission desire to examine any records of your office, they, like any other person, must do so in your office in Macon County, Ala., during your legal hours of business.

Very truly yours,

JOHN PATTERSON,
Attorney General.

Vice Chairman STOREY. Is Judge Varner ready to testify? You were sworn this morning, were you, judge?

Judge VARNER. I ask that the pictures be stopped, sir.

Vice Chairman STOREY. Sir?

Judge VARNER. I ask that the pictures be stopped, sir.

Vice Chairman STOREY. Judge Varner has asked that the pictures be stopped in connection with his testimony.

TESTIMONY OF HON. WILLIAM VARNER, PROBATE JUDGE, MACON COUNTY,
ALA.

Will you please state your name?

Judge VARNER. William Varner—V-a-r-n-e-r.

Vice Chairman STOREY. Do you mind telling us your age, judge?

Judge VARNER. Seventy.

Vice Chairman STOREY. And where do you reside, sir?

Judge VARNER. Tuskegee.

Vice Chairman STOREY. And what is your official position?

Judge VARNER. Judge of probate.

Vice Chairman STOREY. Would you please explain to us the function or functions that you perform? I know in our own State a probate or county judge has certain functions. Will you explain your official functions?

Judge VARNER. Well, you mean with respect to the voting or with respect to—

Vice Chairman STOREY. Just give your duties, the various matters you have under your jurisdiction.

Judge VARNER. I am the judge that tries all matters of estate.

Vice Chairman STOREY. You are the probate judge, in effect?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. You handle estates?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. All right. What else?

Judge VARNER. I am the chief executive officer of the probate court. That means—

Vice Chairman STOREY. Is your probate court an administrative court?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And you are the presiding officer?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. In our State, for example, they call it commissioner's court.

Judge VARNER. No. I don't have anything to do—we have a board of revenue that has charge of the administration of affairs of the county.

Vice Chairman STOREY. But the probate court has charge of fiscal matters for the —

Judge VARNER. No, sir; we don't have anything to do with fiscal matters.

Vice Chairman STOREY. All right. Just explain what the court does.

Judge VARNER. Well, if anybody wants a guardian appointed, they come in and file a petition in my court. If anybody wants —

Vice Chairman STOREY. Anything relating to an estate?

Judge VARNER. Estate.

Vice Chairman STOREY. Or guardianship?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. All right, sir. Will you tell your other duties?

Judge VARNER. Well, I receive the certificates of registration from the board of registrars and put them in the books, and I publish the list of the registrations. I don't know—there's so many little duties that I have.

Vice Chairman STOREY. Well, now —

Judge VARNER. We record all instruments, deeds and mortgages.

Vice Chairman STOREY. You are registrar for the county, that is, the deeds and other documents that are entered in official records?

Judge VARNER. That's right.

Vice Chairman STOREY. Now, directing your attention to the voting records, how many, shall we say, registration boards are there in your county?

Judge VARNER. Only one.

Vice Chairman STOREY. Only one. And where is it located?

Judge VARNER. Tuskegee.

Vice Chairman STOREY. At Tuskegee. And how many members—Do you call them members of the board or registrars?

Judge VARNER. Registrars.

Vice Chairman STOREY. How many registrars are there?

Judge VARNER. There were three until a few days ago.

Vice Chairman STOREY. One of them passed away?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And which one was that, Judge Varner?

Judge VARNER. I forget his name. I can't tell you, to save my life.

Vice Chairman STOREY. Well, there were three?

Judge VARNER. Yes, sir; there were three, and Mr. Livingston and Mr. Rogers survive.

Vice Chairman STOREY. Mr. Livingston and Mr. Rogers survive?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And I believe they are here in the room today, aren't they?

Judge VARNER. I don't know about that.

Vice Chairman STOREY. I believe they answered this morning.

Judge VARNER. Yes, sir.

Vice Chairman STOREY. How long have you served in your capacity as probate judge?

Judge VARNER. Since 1937.

Vice Chairman STOREY. Since 1937, continuously?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Are you elected every so often?

Judge VARNER. Six years.

Vice Chairman STOREY. Every 6 years, and you have served continuously since 1937?

Judge VARNER. Yes.

Vice Chairman STOREY. Now, are you familiar with the location of the actual registration rooms or quarters—

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Or whatever you might call them?

Judge VARNER. Yes.

Vice Chairman STOREY. Are those quarters in the courthouse?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Would you please describe them, that is, where they are located?

Judge VARNER. It would be better for them to describe it for you than it would for me to say. One set of registrars will sit in the room where the grand jury sits. You know how they're fixed?

Vice Chairman STOREY. Yes, sir. In other words, where the grand jury sits?

Judge VARNER. That is right.

Vice Chairman STOREY. And when they are not sitting they use that room?

Judge VARNER. That's right.

Vice Chairman STOREY. For interviewing those who apply?

Judge VARNER. That's right.

Vice Chairman STOREY. Is that correct?

Judge VARNER. That is correct.

Vice Chairman STOREY. Is that the one for the white people?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Where is it located, from a physical standpoint, in your court?

Judge VARNER. Right at the foot of the stairs, upstairs, on the second floor.

Vice Chairman STOREY. Upstairs on the second floor?

Judge VARNER. Right over the probate judge's office.

Vice Chairman STOREY. About what size room is it?

Judge VARNER. Oh, I don't know.

Vice Chairman STOREY. Approximately? Is it as large as this room?

Judge VARNER. Nothing like that. It might be something like 20 by 15 feet; something like that.

Vice Chairman STOREY. Something like 20 by 15 feet?

Judge VARNER. Yes.

Vice Chairman STOREY. One large room?

Judge VARNER. That's right.

Vice Chairman STOREY. Where is the one for the colored people?

Judge VARNER. It is over the sheriff's office in the back end of the courthouse.

Vice Chairman STOREY. Over the sheriff's office, in the back, on the same floor?

Judge VARNER. Yes, sir, but there is a courtroom between them. So, don't confuse that, sir.

Vice Chairman STOREY. All right. But it is the sheriff's office?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. In other words, the sheriff uses that regularly, just like the grand jury—

Judge VARNER. No, sir. It is not the sheriff's office. It is under—the office under that.

Vice Chairman STOREY. Oh, over the——

Judge VARNER. Just like the grand jury.

Vice Chairman STOREY. Over the sheriff's office?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. I misunderstood. Is it used for anything else when the registrars are not working there?

Judge VARNER. Not that I know of.

Vice Chairman STOREY. Approximately what size is it?

Judge VARNER. I think it is about 18 by 20; something like that.

Vice Chairman STOREY. Something like that. You have been in both rooms, have you, sir?

Judge VARNER. I haven't been in the room, the last-named room, during the past year.

Vice Chairman STOREY. Yes, sir.

Judge VARNER. I never have any occasion of going in.

Vice Chairman STOREY. You have nothing physically or officially to do with the operation of those particular activities, do you?

Judge VARNER. No, sir.

Vice Chairman STOREY. Do you have anything to do with the appointments, Judge Varner?

Judge VARNER. No, sir.

Vice Chairman STOREY. You have nothing to do with the actual operations?

Judge VARNER. No, sir.

Vice Chairman STOREY. Have you ever watched them in session?

Judge VARNER. No, sir.

Vice Chairman STOREY. You know nothing of what happens—

Judge VARNER. No, sir.

Vice Chairman STOREY. Inside the rooms?

Judge VARNER. No.

Vice Chairman STOREY. What is your sole function with reference to the registration bodies that operate in the courthouse there?

Judge VARNER. Well, if they come in—the biggest thing I do is answer questions.

Vice Chairman STOREY. Answer questions that—

Judge VARNER. People come to me for information, about where to go and what to do.

Vice Chairman STOREY. Both white and Negro people?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Come to you asking for information?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. As I understand, they do not sit in continuous session, do they?

Judge VARNER. No, sir.

Vice Chairman STOREY. But you are there all the time?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And when they come in you answer questions the best you can?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Are you familiar with the times that they hold these hearings?

Judge VARNER. Just offhand, I don't know that I know what it is; but I think's the second and fourth day of the week, I think, and twice a month.

Vice Chairman STOREY. Twice a month?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Generally, then, they have regular meetings?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Twice a month?

Judge VARNER. Yes.

Vice Chairman STOREY. Do they start on Monday? Do you remember?

Judge VARNER. I don't pay any attention to it—

Vice Chairman STOREY. I see.

Judge VARNER. To be fair with you.

Vice Chairman STOREY. But when the people come in inquiring——

Judge VARNER. I see them.

Vice Chairman STOREY. You generally have noted on your calendar when they will meet next and——

Judge VARNER. That's right. If I don't know, I'll go around the hall and find out.

Vice Chairman STOREY. Yes, and simply as a courtesy——

Judge VARNER. That's right.

Vice Chairman STOREY. You advise people when they meet?

Judge VARNER. That's right; yes, sir.

Vice Chairman STOREY. Since you have been there, from 1937, have those, shall we say, registration offices acted continuously——

Judge VARNER. No, sir.

Vice Chairman STOREY. Since that time or not?

Judge VARNER. No, sir; they have not.

Vice Chairman STOREY. If there have been any lapses, would you tell me about when?

Judge VARNER. I don't remember when it was, but they've had about three when didn't anybody register anybody at all. One of them lasted 6 or 8 months, my recollection. However, I don't know how long it lasted.

Vice Chairman STOREY. Let me ask you this: Beginning in 1937, when you assumed your responsibility, were they holding sessions then in the courthouse?

Judge VARNER. I don't know whether they were or not. I know they did part of the time that I was in office, but I don't know when they registered or when they didn't. In other words, those books that I have there show about all I know about it.

Vice Chairman STOREY. All right. We will get to that just a little later. I am just trying to get the background. Now, then, has there been any period since they started to hold these meetings that they lapsed for a period of time?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Can you tell us about when that was?

Judge VARNER. No, sir. I don't know how long it was either. I didn't——

Vice Chairman STOREY. All right.

Judge VARNER. About the only thing I know about it was they did have that lapse, and I didn't have to put the names on the books that year.

Vice Chairman STOREY. Have you had occasion to observe large crowds trying to get in those rooms from time to time?

Judge VARNER. No, sir. I wouldn't hardly know it because, if they did, they would be upstairs. I wouldn't know.

Vice Chairman STOREY. Where is your office?

Judge VARNER. Front office downstairs.

Vice Chairman STOREY. You are where you catch them first, are you?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. You are downstairs?

Judge VARNER. That's right.

Vice Chairman STOREY. Now, then, do you have anything whatever to do with these applications for registration?

Judge VARNER. No, sir.

Vice Chairman STOREY. Other than to receive the records?

Judge VARNER. I don't receive them. I have records, but that wouldn't be the applications.

Vice Chairman STOREY. I understand, sir.

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Now, you, then, receive, I assume, books and records for final custody?

Judge VARNER. I provide the books and records made final.

Vice Chairman STOREY. Who makes the entries into those books?

Judge VARNER. The registrars.

Vice Chairman STOREY. They do, themselves?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Then what do they do with them?

Judge VARNER. Well, they periodically bring them to me to put them in the list of registered voters.

Vice Chairman STOREY. Yes, sir. Is there recorded in those books anything other than the list of those who have been granted certificates?

Judge VARNER. Well, there might be some in there sometimes that has not been removed; something like that. Of course, I don't—

Vice Chairman STOREY. What I am getting at, Judge: Do you require or do the registrars furnish information other than those to whom certificates have been granted?

Judge VARNER. Not that I know of.

Vice Chairman STOREY. In other words, these books contain a compilation and list of those who have received certificates—

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Or who have been registered?

Judge VARNER. Registered.

Vice Chairman STOREY. By these registration offices?

Judge VARNER. That doesn't mean—it means those people are not necessarily qualified by having paid their poll tax or having been a veteran or something like that.

Vice Chairman STOREY. These books just reflect——

Judge VARNER. Those registered.

Vice Chairman STOREY. Whether or not they have been registered——

Judge VARNER. Yes, sir.

Vice Chairman STOREY. By the registration offices?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Then those books are turned over to you?

Judge VARNER. Yes.

Vice Chairman STOREY. And you place them in your office?

Judge VARNER. Yes.

Vice Chairman STOREY. Which is a public office?

Judge VARNER. That's right.

Vice Chairman STOREY. Is that correct?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And they remain there?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. I assume it is in a vault type of container and you lock them up?

Judge VARNER. No, sir. We don't have enough vault space to put them in there.

Vice Chairman STOREY. But you retain them in your office?

Judge VARNER. I keep them in my office. The fact of the matter is we keep them, just like you are, under the desk. We have a place under that desk we can put them so in case anybody wants information about them we can give it to them in just a minute.

Vice Chairman STOREY. Now, judge, in response to a subpoena, you brought these books——

Judge VARNER. Yes.

Vice Chairman STOREY. Which are indicated here to this room, did you not?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. You still have custody of them?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Would you tell us, first, the different classifications of the books and how many volumes there are, just for identification purposes?

Judge VARNER. Well, generally speaking, we call it "List of Qualified Voters" in these large books here.

Vice Chairman STOREY. Would you, just for the purpose of exhibition, pick up one you are talking about and tell us——

Judge VARNER. There's one of them.

Vice Chairman STOREY. How many of those volumes are there here of this particular book?

Judge VARNER. Three, four, five—seven or eight. Eight, I believe.

Vice Chairman STOREY. Eight of those books?

Judge VARNER. That's right. Maybe seven.

Vice Chairman STOREY. All right. Are there seven or eight, judge?

Judge VARNER. Are there seven or eight down there?

Mr. PATTERSON. It looks to me like there are eight.

Vice Chairman STOREY. All right, sir. Now, those contain the list of those who have been registered?

Judge VARNER. That's right.

Vice Chairman STOREY. Both white and colored?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Over what period do these eight volumes cover, sir?

Judge VARNER. Well, the registration or, rather, the list of qualified voters of 1956 and 1958.

Vice Chairman STOREY. These eight volumes—

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Cover the list of registered voters of 1956—

Judge VARNER. That was already on the list or was registered during 1956 and 1958. In other words, we make up two lists of qualified voters. I mean one list of them.

Vice Chairman STOREY. All right, sir.

Judge VARNER. And we make them up every 2 years.

Vice Chairman STOREY. Every 2 years?

Judge VARNER. And these are the last two that were made up.

Vice Chairman STOREY. In other words, they cover the years 1956 and 1958?

Judge VARNER. No. They cover the years 1958 and all back of that that was left on the list.

Vice Chairman STOREY. Oh, I see. In other words, they are the up-to-date list?

Judge VARNER. That's right.

Vice Chairman STOREY. Yes, sir. And you make them up every 2 years?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Or they are made up every 2 years?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And they are for public inspection?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Now, sir, would you identify any other books that you brought and tell us what they are?

Judge VARNER. We did have boxes——

Vice Chairman STOREY. You have the eight books you have described. Are there others?

Judge VARNER. Yes, sir. I had a box with some books in it.

A PERSON FROM THE AUDIENCE. It is back here.

Vice Chairman STOREY. Is Mr. Stevenson in the courtroom?

Mr. STEVENSON. Yes, sir.

Vice Chairman STOREY. Are they back there? Could you bring them around, Mr. Stevenson? Now, Judge Varner, if you would just take them and tell what they are or hold a sample of one——

Judge VARNER. This is the list compiled by the registrars, and at the end of 1957.

Vice Chairman STOREY. At the end of 1957?

Judge VARNER. That's when they came——

Mr. TIFFANY. Excuse me, Dean Storey. There will be no pictures while this witness is on the stand. The rule was made.

Vice Chairman STOREY. What is the next one, Judge?

Judge VARNER. This is a list of those whose names were stricken from the list by the board of registration.

Vice Chairman STOREY. Whose names were stricken by the board of registration?

Judge VARNER. Yes.

Vice Chairman STOREY. That is, from the voting list?

Judge VARNER. That's right.

Vice Chairman STOREY. Will you kindly explain that? Is that deceased people?

Judge VARNER. Deceased people.

Vice Chairman STOREY. And people who moved out?

Judge VARNER. Out; yes.

Vice Chairman STOREY. In order to try to correct the voting list?

Judge VARNER. That's right.

Vice Chairman STOREY. Now, that is another class of books?

Judge VARNER. That's right; yes.

Vice Chairman STOREY. What other books are there in keeping the records that you have indicated?

Judge VARNER. This is a 1958 book. There's some loose papers in there, though.

Vice Chairman STOREY. It is the same type of book?

Judge VARNER. Same book.

Vice Chairman STOREY. But this is for 1958?

Judge VARNER. Fifty-eight.

Vice Chairman STOREY. How many volumes——

Judge VARNER. This is the transfers, that is, if a person moves out of Macon County into Montgomery County——

Vice Chairman STOREY. Those are the transfers?

Judge VARNER. These are the transfers.

Vice Chairman STOREY. All of these books——

Judge VARNER. Of course, these have to be taken off the other books.

Vice Chairman STOREY. All of these books and records relate to Macon County?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And solely to Macon County?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Are there any other books or official records that you brought?

Judge VARNER. There's not any other official records. There's some records there that I thought you might want a little information on——

Vice Chairman STOREY. Yes, sir.

Judge VARNER. That I brought.

Vice Chairman STOREY. If you don't mind, what are those that you have?

Judge VARNER. They're all the same thing. This is a little book which contains copies of the certificates where we've made a mistake and haven't registered somebody that was qualified. They had been registered by the board and we hadn't qualified them in paying poll tax——maybe a veteran or something else that exempted them from the tax.

Vice Chairman STOREY. In other words, this is the exemption list?

Judge VARNER. That's right. No; it is not a list. It is just a receipt. It is a copy, carbon copy.

Vice Chairman STOREY. A carbon copy of the certificates that are issued?

Judge VARNER. That's right.

Vice Chairman STOREY. All right, sir. Just a minute, sir.

Judge VARNER. Yes, sir. In other words, if a person came and said, "My name is not on the list," I ask them why, and they tell me, and I go and look it up, and if we have made a mistake——

Vice Chairman STOREY. Yes, sir. Now, do you have any other type of books?

Judge VARNER. No, sir.

Vice Chairman STOREY. All of these books are public records that are lodged with you?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. For inspection of the public

Judge VARNER. That's right.

Vice Chairman STOREY. Now, without going into any of the books, I am going to hand you here a form that I would like to ask the reporter to iden-

tify. It is simply a blank page. It has to do with district number, and so on. Can you tell me which type of book that comes out of? Is it one of—

Judge VARNER. Yes, sir. This looks like—Yes, sir. This is one of those books, and this looks like to me it is one where they moved, people that have moved, and this is the transfer book.

Vice Chairman STOREY. Would it be the first set of big books?

Judge VARNER. No; no. It is one of these books right here.

Vice Chairman STOREY. Oh, I see. The paper-back books?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Yes, sir. Would you say—

Judge VARNER. Now, you have another page there, too.

Vice Chairman STOREY. All right, sir. Here is another page. What is this blank page?

Judge VARNER. That is the list of qualified voters handed to me by the board of registrars.

Vice Chairman STOREY. Yes, sir. Would you hand these two blank pages, please, to the reporter, just for identification for the record?

(The blank pages referred to were marked for identification as exhibit 4 and exhibit 5, respectively.)

Now, Judge Varner, I want to hand you another list, which purports to be a qualified voters' list of Macon County, Ala., 1958.

Judge VARNER. Yes. I see it. Thank you.

Vice Chairman STOREY. Will the reporter mark that?

(The list referred to was marked for identification as exhibit 6. It is on file with the commission.)

You identify that, do you, sir?

Judge VARNER. Yes, sir. That's a copy of the list of voters published in the newspaper for that time that is shown on that paper.

Vice Chairman STOREY. Now, then, that list is taken from these public records?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And it is true and correct?

Judge VARNER. Well, so far as you can get anything correct.

Vice Chairman STOREY. That is what I mean. You believe it is true and correct—

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Do you not, sir?

Judge VARNER. I think—

Vice Chairman STOREY. Now, then, do you have any other public records relating to these matters?

Judge VARNER. Not a thing in the world have to do with them.

Vice Chairman STOREY. Now, Judge Varner—

Judge VARNER. Yes; I do. I take the returns of election and put them on—I don't put them anywhere, hut they're in my office.

Vice Chairman STOREY. Yes, sir. That is, the returns of the election?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. The actual ballots?

Judge VARNER. No. I don't take the ballots.

Vice Chairman STOREY. Oh, just the returns?

Judge VARNER. Just the returns.

Vice Chariman STOREY. And you keep those?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Now, does your office have any record of any person who is alleged to have applied for registration and has been denied?

Judge VARNER. I don't have anything in my office; no, sir.

Vice Chairman STOREY. No records—

Judge VARNER. No, sir.

Vice Chairman STOREY. Of that type are filed in your office?

Judge VARNER. No, sir.

Vice Chairman STOREY. So, these books reflect what has been done?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And so recorded and turned over to you for public inspection and are public records?

Judge VARNER. That's right.

Vice Chairman STOREY. Now, Judge Varner, let me ask you this: It is my information that you brought these records in pursuance of the subpoena?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. You do not want them to go out of your custody?

Judge VARNER. That's right.

Vice Chairman STOREY. However, you are willing for our people to look over and examine those in your presence?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Am I correct about that?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. With the understanding that we will not take those records away, but that we may examine them?

Judge VARNER. That's right.

Vice Chairman STOREY. In your presence and in the presence of——

Judge VARNER. Of course, you understand, if a court were to order me not to do it, I couldn't do it.

Vice Chairman STOREY. Well, so far no court has ordered you not to do it, have they, sir?

Judge VARNER. No, sir.

Vice Chairman STOREY. Do you have any other knowledge of any of the operations of the registration office?

Judge VARNER. Nothing.

Vice Chairman STOREY. Other than what you have detailed here today?

Judge VARNER. No.

Vice Chairman STOREY. We want the record to show that these exhibits that have been identified will be made a part of the record, including the voting list.

Judge VARNER. Yes, sir.

Vice Chairman STOREY. As I recall, that——

Judge VARNER. Not these records.

Vice Chairman STOREY. No, sir; not those, but the ones that I handed to the reporter.

Judge VARNER. That's right. That's perfectly all right. I'll give you some more, if you want them.

Vice Chairman STOREY. Yes, sir. Do you know, of your own general knowledge, as taken from these records, approximately how many qualified voters there are——

Judge VARNER. No, sir.

Vice Chairman STOREY. In Macon County as of 1958?

Judge VARNER. No, sir.

Vice Chairman STOREY. You have never taken the occasion——

Judge VARNER. No, sir.

Vice Chairman STOREY. To total them up?

Judge VARNER. I tell you—I get paid for the numbers that are on there, and to do that I have to have somebody to check them and make an affidavit to it.

Vice Chairman STOREY. I see.

Judge VARNER. So, I don't actually ever know how many there are. I don't pay any attention to it.

Vice Chairman STOREY. You don't pay any attention to it?

Judge VARNER. That's right.

Vice Chairman STOREY. All you know is the totals for 1958 are listed in there?

Judge VARNER. That's right.

Vice Chairman STOREY. And they are true and correct?

Judge VARNER. As far as I know.

Vice Chairman STOREY. As reflected by these records?

Judge VARNER. Yes.

Vice Chairman STOREY. I believe that is all for the present. Perhaps some other members may have some questions.

Commissioner WILKINS. Judge Varner, do you know who appoints the registrars? Are they elected?

Judge VARNER. They're appointed.

Commissioner WILKINS. Do you know who appoints them?

Judge VARNER. The Governor.

Commissioner WILKINS. The Governor appoints them?

Judge VARNER. Yes.

Commissioner WILKINS. And are they appointed for a definite or specific term?

Judge VARNER. I think they're appointed for a full year. I don't know. I don't know how long they're appointed.

Commissioner WILKINS. You have no jurisdiction over them at all?

Judge VARNER. None at all.

Commissioner WILKINS. Expect to get their reports?

Judge VARNER. I'm just their servant. Whenever they want to get paid off or they want to file papers——

Commissioner WILKINS. You don't work for the registrars.

Judge VARNER. No. I do it for nothing.

Commissioner WILKINS. I am interested in the statement you made to the effect you get paid for the number of registrants there are.

Judge VARNER. That's right.

Commissioner WILKINS. Who makes that count?

Judge VARNER. The chief clerk in my office.

Commissioner WILKINS. Made at your direction?

Judge VARNER. Well, I turn it over to him and tell him to make it, if that's what you call it.

Commissioner WILKINS. That is what I meant. You tell him to do it. When was the last time you told him to make that count, if you remember?

Judge VARNER. I don't—just to be fair with you, I don't think I even told him. It's her habit. She makes it all the time.

Commissioner WILKINS. It is sort of a mechanical process—

Judge VARNER. I don't pay any attention to it.

Commissioner WILKINS. Where you give an order and the clerk simply performs that function?

Judge VARNER. That's right.

Commissioner WILKINS. You might have directed that it be done 6 years ago, and they just keep on doing it?

Judge VARNER. It has to be every 2 years, but I don't know when she did it.

Commissioner WILKINS. Do you have any records in your office that would indicate the total number of registered voters?

Judge VARNER. No; not unless somebody counted these—

Commissioner WILKINS. When they count, do you get a record of that count?

Judge VARNER. I don't pay any attention to it.

Commissioner WILKINS. I mean: Do you get it?

Judge VARNER. No. I don't know whether I do or not because that is just part of her duties. If she files a statement and she sends it in—I don't even know who she sends it to, but they send me a check to it. Probably the Secretary of State.

Commissioner WILKINS. From whom do you get the check? Do you know that?

Judge VARNER. I don't even know that. State of Alabama, though.

Commissioner WILKINS. Does it come from the Governor's office?

Judge VARNER. I don't know. I don't know where it comes from. I have never paid any attention to it.

Commissioner WILKINS. These books or entries made in the entries that you have here are not made by you or under your direction; is that it?

Judge VARNER. Yes, sir. Most of those entries in there are made by me.

Commissioner WILKINS. They are made by you?

Judge VARNER. Yes, sir.

Commissioner WILKINS. But you make those entries from records?

Judge VARNER. Yes, sir.

Commissioner WILKINS. Which are provided you?

Judge VARNER. That's right.

Commissioner WILKINS. By the registrars?

Judge VARNER. That's right.

Commissioner WILKINS. And the registrars only turn over to you certificates of those persons whom they have registered?

Judge VARNER. They don't turn those certificates over—yes; they do. They turn the certificates over to me; yes. No. They put it on the book and give it to me.

Commissioner WILKINS. They put it on the book?

Judge VARNER. That's right.

Commissioner WILKINS. They indicate on a book the numbers?

Judge VARNER. That's right.

Commissioner WILKINS. The names of the persons to whom they have issued registration certificates?

Judge VARNER. That's right.

Commissioner WILKINS. And your office——

Judge VARNER. I take that list.

Commissioner WILKINS. Transcribes that list——

Judge VARNER. Yes.

Commissioner WILKINS. Onto your books?

Judge VARNER. That's right.

Commissioner WILKINS. Now, do you keep separate records with respect to Negro and white registrants.

Judge VARNER. I do. That's required under the law in Alabama.

Commissioner WILKINS. Do you have any record or recollection, independent recollection, as to whether or not there have been any Negro registrants in your county in the past year?

Judge VARNER. Yes; there have.

Commissioner WILKINS. Do you have any idea how many?

Judge VARNER. Not the least.

Commissioner WILKINS. Judge, do you recall——

Judge VARNER. I don't have any idea how many white ones were registered either.

Commissioner WILKINS. You don't know how many voters there are in the county?

Judge VARNER. No, sir.

Commissioner WILKINS. Do you know the population of the county, Judge?

Judge VARNER. No, sir.

Commissioner WILKINS. Have you had any conversations in the last year with any colored citizens who have come to your office to ascertain whether or not their names were on your books?

Judge VARNER. Yes. Plenty of them.

Commissioner WILKINS. And you look, of course——

Judge VARNER. That's right.

Commissioner WILKINS. At your registers?

Judge VARNER. Yes.

Commissioner WILKINS. And tell them if they were?

Judge VARNER. Yes. And if they wanted to vote and asked me for a certificate I would give them a certificate showing they were qualified.

Commissioner WILKINS. Let me see if I understand it. If a Negro citizen of—

Judge VARNER. Macon County.

Commissioner WILKINS. Macon County lived the requisite period of time in the county and satisfied all of the requirements—

Judge VARNER. That's right.

Commissioner WILKINS. Even though their names were not on your books—

Judge VARNER. That's right.

Commissioner WILKINS. You would register them?

Judge VARNER. That's right.

Commissioner WILKINS. And under your registration they would be entitled to vote?

Judge VARNER. You know how I register them? I simply take the certificate of the registrars who have already registered them and her receipt or his receipt for the poll tax, whichever it happened to be, and I put those on the hook, on the registration hook, and that qualifies them. They already have been registered. I don't register them. The only thing I do is put their—

Commissioner WILKINS. In other words, what you are trying to tell me, Judge, is that where there has been a mistake made in your office—

Judge VARNER. That's right.

Commissioner WILKINS. And someone's name doesn't appear on the record—

Judge VARNER. That's right.

Commissioner WILKINS. And if they had evidence which shows on the books of the registrar—

Judge VARNER. That's right.

Commissioner WILKINS. That their names are there, or a poll tax receipt, or any other satisfactory evidence—

Judge VARNER. That's right.

Commissioner WILKINS. Then you place them on your—

Judge VARNER. That's right. I put them in these books.

Commissioner WILKINS. Now, what is the process, Judge, for purging your voting list?

Judge VARNER. I don't have anything to do with that, except this: The board of registrars, under the law, purges the list of voters some time—I don't know—maybe once every 2 years, whatever the law provides. I

don't know. I don't have anything to do with it, but when they finish purging that list they bring a list to me of those that were purged. Then I—

No. They issue a notice to put it in the paper naming all those who were purged, asking them to come in if they have any—if there is a mistake.

Commissioner WILKINS. The board of registrars publishes a public notice—

Judge VARNER. That's right.

Commissioner WILKINS. I presume, the required number of times?

Judge VARNER. Yes.

Commissioner WILKINS. Whatever the law requires as to the number of times it is published?

Judge VARNER. Right.

Commissioner WILKINS. And you are furnished with a copy of that list?

Judge VARNER. That's right.

Commissioner WILKINS. From the office of the registrars?

Judge VARNER. That's right.

Commissioner WILKINS. And then you proceed to strike their names off?

Judge VARNER. Whatever it happens to be. Whatever has to be done. Some of them have to be—we have to show they have their poll tax paid, don't you know, and some of them might have been soldiers and they were exempt from poll tax—all of that. I just have to check them all over again and show which were qualified and which were not.

Commissioner WILKINS. Judge, do you have anything to do at all with the setting of the meetings of the board of registrars?

Judge VARNER. No, sir.

Commissioner WILKINS. You have nothing to do with that?

Judge VARNER. No.

Commissioner WILKINS. Do you know, Judge, the mechanics of the registration, say, of white and Negro citizens of Macon County.

Judge VARNER. I don't know how they fix the paper. I don't even remember what's on the paper. It's been so long since I looked at one.

Commissioner WILKINS. I see.

Judge VARNER. But the papers they make application on are furnished by the Secretary of State under law.

Commissioner WILKINS. And those applications never come to your office?

Judge VARNER. No, sir.

Commissioner WILKINS. You simply get a certificate?

Judge VARNER. That's right.

Commissioner WILKINS. And you get nothing at all with reference to those who, for some reason or another, have not been permitted to register?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Are you finished, Mr. Wilkins? I have a few more questions.

Commissioner WILKINS. Go ahead. I will reserve the right to—

Vice Chairman STOREY. Judge Varner, there is one blank here that I did not—

Judge VARNER. That is a memorandum on the back.

Vice Chairman STOREY. I hand you this blank, and I will ask you to let the reporter identify it for the record.

Judge VARNER. This was a memorandum that I had—

Vice Chairman STOREY. I note, first, on the other side—

Judge VARNER. Oh, yes.

Vice Chairman STOREY. Would you please tell what that is?

Judge VARNER. Yes. This is the kind of form we use to enter up the names of those people who have been turned in to us as qualified to vote.

Vice Chairman STOREY. That is, both by registration and poll tax?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And you make the entry on that card?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. And then it is put in the master book, and which one of these books does it go into?

Judge VARNER. Different ones.

Vice Chairman STOREY. Different ones?

Judge VARNER. In other words, one set of them will go into Beat 1 and another set will go into—

Vice Chairman STOREY. Then you just file those?

Judge VARNER. I just file these in there.

Vice Chairman STOREY. Yes, sir.

Now, this memorandum on the back there—is that your—

Judge VARNER. This was my—I put this memorandum on here when I went to see when the law went into effect as to exemptions.

Vice Chairman STOREY. Oh, I see.

Judge VARNER. I have to check each one of them as to the veteran's exemptions, and I put the times it applies to it, and what-not.

Vice Chairman STOREY. That is just a memorandum on that blank?

Judge VARNER. That's right.

Vice Chairman STOREY. Would you kindly hand it to the reporter and let him identify it? Mr. Barnes, will you identify this?

The REPORTER. Yes, sir.

(The form referred to was marked for identification as exhibit 7.)

REGISTRATION LIST AND POLL TAX RECORD

PRECINCT OR WARD				DISTRICT OR BOX				NAME															
STREET																POST OFFICE				R. F. D. NO.			
DATE OF REG.		MONTH	DAY	YEAR	DATE OF BIRTH		MONTH	DAY	YEAR	AGE	COLOR	SEX											
CAME TO STATE				MONTH	DAY	YEAR	CAME TO COUNTY				MONTH	DAY	YEAR	FIRST POLL TAX DUE	YEAR	LAST POLL TAX DUE	YEAR						
1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915									
1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930									
1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945									
1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960									

Vice Chairman STOREY. Now, will you identify this?

Judge VARNER. That's right.

Vice Chairman STOREY. Is this a supplemental list of the voters?

Judge VARNER. That's right.

Vice Chairman STOREY. It is a supplement to the 1958 list?

Judge VARNER. That's right.

Vice Chairman STOREY. It is true and correct, as far as humanly possible?

Judge VARNER. That's right.

Vice Chairman STOREY. Mr. Barnes, will you identify this?

(The supplementary list of qualified voters referred to was marked for identification as exhibit 8. It is on file with the Commission.)

The attorney general was kind enough to hand us a copy of his opinion dated December 8, 1958, today. Will you hand that to the reporter?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Have you received that official letter?

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Had you received any official communication from him prior to that time in writing?

Judge VARNER. No, sir.

Vice Chairman STOREY. Would you like for us to read this, Mr. Attorney General?

Mr. PATTERSON. Yes, sir, if the commission please.

Vice Chairman STOREY. We will file it with the record. Are there other questions? Yes, Governor Battle.

Commissioner BATTLE. Judge, are you generally familiar with the legal requirements for registration to vote in Alabama?

Judge VARNER. Yes, sir.

Commissioner BATTLE. Did you hear the question?

Judge VARNER. Yes, sir. I understand what you are asking me, but as far as passing on them—whenever I go to passing on them, I don't trust my memory at all.

Commissioner BATTLE. I asked you if you were generally familiar with those requirements.

Judge VARNER. Yes, sir.

Commissioner BATTLE. Do those same requirements apply alike to white and colored people?

Judge VARNER. Yes, sir.

Commissioner BATTLE. Is there any distinction between white and colored people when it comes to applying those requirements?

Judge VARNER. Not as far as I know.

Commissioner BATTLE. Does the same application apply to both races?

Judge VARNER. As far as I know, in my office.

Commissioner BATTLE. Thank you.

Commissioner WILKINS. Judge, may I ask you one other question?

Judge VARNER. Sure.

Commissioner WILKINS. I understood you to say you had nothing whatever to do with the registration blanks; you never saw them?

Judge VARNER. That's right.

Commissioner WILKINS. How would you know whether or not the same rules were applied without discrimination if you never saw the records, never saw the applications, and you were never present in the registration rooms? How would you know?

Judge VARNER. I think that's a ridiculous question myself.

Commissioner WILKINS. I am just——

Judge VARNER. Anybody knows——

Commissioner WILKINS. Asking the question——

Judge VARNER. Anybody can pass on whether they knew what they saw or not.

Commissioner WILKINS. I am just trying to find out——

Commissioner BATTLE. Mr. Chairman.

Commissioner WILKINS. Maybe I misunderstood the question.

Commissioner BATTLE. Mr. Chairman.

Commissioner WILKINS. Maybe I misunderstood the witness.

Commissioner BATTLE. Mr. Chairman, may I interrupt?

Commissioner WILKINS. I don't know. If you want to raise an objection to my question, why——

Commissioner BATTLE. The question was whether he was familiar with the legal requirements. I take it that doesn't require any examination of papers at all.

Commissioner WILKINS. The question asked the witness was whether or not the questions and legal requirements were applied without discrimination as to Negroes and whites.

Commissioner BATTLE. No.

Commissioner WILKINS. That is the question asked, and he said they were. I am asking him the question—He has testified that he wasn't present in any of the registration rooms; he never saw the registrars register anybody; he never got the applications; he was never present, and I am asking him how does he know that the rules were applied the same way in the registration room.

Judge VARNER. I didn't say they were applied the same way in the registration room. I don't know anything about what happens in a registration room. I haven't ever been in one of them in 10 years.

Commissioner WILKINS. That is what I understood you to say.

Judge VARNER. Yes.

Commissioner WILKINS. I simply wanted to know how you came to the conclusion they were applied equally to all possible registrants.

Vice Chairman STOREY. Are there any other questions? Judge, we are very grateful to you, and Mr. Stevenson will go with you across the hall, and they may want to look through the records.

Judge VARNER. Yes, sir.

Vice Chairman STOREY. Mr. Stevenson, would you escort Judge Varner over there? Would you call the next witness, Mr. Rosenfeld?

Mr. ROSENFELD. Yes, sir.

Judge VARNER. I thank you.

Vice Chairman STOREY. Thank you, sir.

Mr. ROSENFELD. Mr. Grady Rogers of the Macon County Board of Registrars.

Mr. PATTERSON. Mr. Chairman, I represent Mr. Rogers and also Mr. Livingston, the two members of the Macon County Board of Registrars—they are also represented by Mr. Lawrence K. Andrews here of Union Springs, who is their special counsel that they have employed to assist them and advise them also—and at this time we would like to, on their behalf and at their request, raise certain objections to their testifying here at these proceedings and to their bringing certain records here.

Vice Chairman STOREY. Mr. Attorney General, you have the right to advise them on their constitutional rights, but I don't think we can anticipate, and we will call the witnesses one by one, and you have a perfect right to whisper or advise them what you want to with reference to any question that you think might invade their constitutional rights.

Mr. PATTERSON. Well, just briefly, our position is that they are——

Vice Chairman STOREY. Now, Mr. Patterson, I have—and this Commission has—the greatest respect for you and your cocounsel. I think you know what the rules of law are and the rules of procedure. We do not want to transgress on anybody's constitutional rights, and until we ask the witnesses we think you know that your right is to advise them and confer

with them, and that is as far as we can go. The witness will please take the stand.

Mr. PATTERSON. If it please the commission, we have advised these next two witnesses not to testify and not to take the witness stand, and that is their wish, not to do that.

Vice Chairman STOREY. We will have to have that answer from them, Mr. Patterson. Who is the first witness?

Mr. ROSENFELD. Mr. Grady Rogers.

Mr. PATTERSON. Mr. Grady Rogers.

Vice Chairman STOREY. Mr. Rogers, will you please take the stand?

Mr. PATTERSON. It seems to me, if it please the chairman, he can state that right here without taking the witness stand.

Vice Chairman STOREY. Mr. Patterson, you will have your full rights, and I will ask Mr. Rogers to take the stand and give his name, occupation, and I think you will find some questions are not objectionable.

Mr. ANDREWS. Can we make objections or do we just have to tell him to object?

Vice Chairman STOREY. You just have to tell him. This is an inquiry. It is not an adversary proceeding. You can tell him anything you want to with reference to his answer.

Mr. ANDREWS. Of course, Mr. Storey, you understand our theory of this proposition is that these gentlemen are judicial officers and, as such, a legislative branch of the Government—

Vice Chairman STOREY. In the first place, we are not a legislative branch.

Mr. ANDREWS. You are—

Vice Chairman STOREY. We are a part of the executive branch of the Government. You can advise him what you want to with reference to the answer to any question, but until we ask those questions I think you will observe the rules of the procedure.

Mr. ANDREWS. Well—

STATEMENT OF GRADY ROGERS, MEMBER, BOARD OF REGISTRARS, MACON COUNTY, ALA.

Vice Chairman STOREY. Thank you, sir, and will you please state your name and age and residence?

Mr. ROGERS. My name is Grady Rogers.

Vice Chairman STOREY. Mr. Rogers, would you mind talking out a little so that everybody can hear you?

Mr. ROGERS. Well—

Vice Chairman STOREY. Even your counsel would—

Mr. ROGERS. That's right.

My name is Grady Rogers. I am 67 years old. I reside at Tuskegee, Ala., Route 1.

Vice Chairman STOREY. How long have you lived there, Mr. Rogers?

Mr. ROGERS. About 35 years.

Vice Chairman STOREY. What is your profession or occupation?

Mr. ROGERS. The only profession I have at present is a member of the board of registrars in Macon County.

Vice Chairman STOREY. How long have you served in that capacity, Mr. Rogers?

Mr. ROGERS. I have served since about May or June, maybe a little earlier, in 1957, and before that I served about 4 years beginning in 1951.

Vice Chairman STOREY. Yes, sir.

Mr. ROGERS. Maybe not quite 4 years.

Vice Chairman STOREY. I assume this is an appointive office, is it not?

Mr. ROGERS. Appointive office.

Vice Chairman STOREY. By whom are you appointed and for what term?

Mr. ROGERS. Appointed by a board composed of the Governor, of the Secretary of Agriculture and the State auditor.

Vice Chairman STOREY. And how many members of the board are there, Mr. Rogers?

Mr. ROGERS. Only two at present.

Vice Chairman STOREY. But normally it is three, isn't it?

Mr. ROGERS. Yes.

Vice Chairman STOREY. And you and Mr. Livingston are the surviving members of the present board?

Mr. ROGERS. That's correct.

Vice Chairman STOREY. And what is the gentleman's name who has passed away?

Mr. ROGERS. Mr. Jesse Zachry.

Vice Chairman STOREY. Mr. Zachry. And what time did he pass away, sir?

Mr. ROGERS. Recently; a couple weeks or so ago. I have forgotten the date.

Vice Chairman STOREY. It was within the last month, wasn't it?

Mr. ROGERS. Within 30 days.

Vice Chairman STOREY. Yes, sir. Now Mr. Rogers, without going into any monetary figure, are you paid a salary or are you paid a per diem or do you serve without compensation?

Mr. ROGERS. Well, we're paid by the day.

Vice Chairman STOREY. By the day that you actually serve. May I ask you where you have your registration hearings?

Mr. ROGERS. Well, does that apply—any distinction between the race and color, now?

Vice Chairman STOREY. I wasn't asking about that, but what—

Mr. ROGERS. We have it in the courthouse.

Vice Chairman STOREY. You have it in the courthouse, don't you?

Mr. ROGERS. Except in every even or every odd-number year we hold days in each precinct of the county. It's advertised in the paper, and those days and the number of days and time.

Vice Chairman STOREY. Now, sir, do you hold bimonthly meetings at the courthouse?

Mr. ROGERS. That's right.

Vice Chairman STOREY. And usually when are they held, Mr. Rogers?

Mr. ROGERS. The first and third Mondays of each month.

Vice Chairman STOREY. The first and third Mondays of each month?

Mr. ROGERS. Yes.

Vice Chairman STOREY. Now, according to the testimony here, the white people go to the grand jury room.

Mr. ROGERS. At times.

Vice Chairman STOREY. At times?

Mr. ROGERS. I don't care to answer that question on the advice of counsel.

Vice Chairman STOREY. Why do you refuse to answer it?

Mr. ROGERS. Because it might tend to incriminate me.

Vice Chairman STOREY. You do have another room, do you not?

Commissioner WILKINS. I didn't understand his answer.

Mr. ROGERS. The same answer.

Vice Chairman STOREY. Now, so we will get it in the record, you refuse to answer because it might be self-incrimination; is that correct, sir?

Mr. ROGERS. And, also, in addition to the other answer to the first question that applies to this question, because I am a judicial officer under the State laws of Alabama and my actions cannot be inquired into by this body.

Vice Chairman STOREY. Then you refuse to answer on those grounds you have indicated?

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. Now, may I ask you what actually happens when any citizen comes into your office and applies for a certificate of registration?

Mr. ROGERS. No answer on the same grounds—all the way through.

Vice Chairman STOREY. In other words, Mr. Rogers, do you refuse to answer any questions for the reasons, as indicated, upon advice of counsel, as you indicated awhile ago, of possible self-incrimination and the fact you are a judicial officer and not subject to inquiry?

Mr. ROGERS. That's correct. I refuse to answer any questions relative to the conduct of the business of the board of registrars.

Vice Chairman STOREY. Yes, sir.

Now, we want to be, Mr. Rogers, just as courteous as we can——

Mr. ROGERS. Thank you.

Vice Chairman STOREY. But for the record we want to ask a few questions, and if you want to say the same answer that is perfectly all right. With reference to a Negro person who comes in to apply for registration, do you require him to fill out a questionnaire?

Mr. ROGERS. I refuse to answer on the same grounds.

Vice Chairman STOREY. Do you ask him or test him as to his qualifications of the Constitution of the United States?

Mr. ROGERS. I refuse to answer on the same grounds.

Vice Chairman STOREY. For the same reason?

Mr. ROGERS. That's right.

Vice Chairman STOREY. May it be understood you refuse to answer for the same reasons as the previous question?

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. How long does it usually take a colored person to go through the formalities and the writings and the procedure before your board?

Mr. ROGERS. I refuse to answer on the same grounds.

Vice Chairman STOREY. Now, then, have you refused to register any colored people of Macon County?

Mr. ROGERS. On the same grounds, I refuse to answer on advice of counsel.

Vice Chairman STOREY. Can you tell us how many applicants you have received or your board has received during the years 1956, 1957, and 1958, overall?

Mr. ROGERS. Refuse to answer on the same grounds.

Vice Chairman STOREY. Can you tell us during the years 1956, 1957, and 1958 how many white people have applied for registration and have been granted registration certificates?

Mr. ROGERS. I refuse to answer on the same grounds.

Vice Chairman STOREY. Can you likewise tell us how many Negro or colored voters have applied during the years 1956, 1957, and 1958 and how many have been granted?

Mr. ROGERS. I refuse to answer on the same grounds.

Vice Chairman STOREY. Likewise, can you tell us how many you have refused to certify or to register during those same years?

Mr. ROGERS. I refuse to answer on the same grounds.

Vice Chairman STOREY. Do you have records of the ones that you have granted and those that you have refused, white and black?

Mr. ROGERS. I refuse to answer.

Vice Chairman STOREY. On the same grounds?

Mr. ROGERS. That's correct.

Vice Chairman STOREY. Do you have permanent records showing the ones who have applied together with what they filed with you and the results of the action of your board during the years inquired about?

Mr. ROGERS. I refuse to answer, respectfully, on the same grounds.

Vice Chairman STOREY. You were served with a subpoena not only to come, which we appreciate your coming, but to bring (1) records containing application, questionnaire and oath——

I'll give you plenty of time, sir.

Mr. ANDREWS. Yes, sir.

Vice Chairman STOREY. And supplemental application for registration for each applicant for the years 1956, 1957, and 1958—title 17, section 31. Did you bring those records to the courtroom, this courtroom, and this hearing?

Mr. ROGERS. No, sir; I didn't bring them.

Vice Chairman STOREY. Why didn't you bring them?

Mr. ROGERS. There has been a subpoena by the solicitor of my circuit court.

Vice Chairman STOREY. Would you repeat the answer, sir?

Mr. ROGERS. I didn't bring them because I do not have them.

Vice Chairman STOREY. Where are they?

Mr. ROGERS. The last I saw them was when the circuit solicitor of our circuit court district subpoenaed those records. Maybe the word is "impounded." I don't know what word you use.

Vice Chairman STOREY. What time was that subpoena served on you?

Mr. ROGERS. This morning.

Vice Chairman STOREY. This morning?

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. I will ask you to look at a copy of the original subpoena that was served on you and ask you if it wasn't dated the 29th of November 1958 and if it wasn't served on you, personally, on December 4, 1958. May we have order, please?

Mr. ROGERS. Yes, sir. I was served.

Vice Chairman STOREY. Your answer is you were served?

Mr. ROGERS. That's right.

Vice Chairman STOREY. On the date indicated?

Mr. ROGERS. That's right.

Vice Chairman STOREY. And I believe you said the other subpoena was served on you this morning?

Mr. ROGERS. This morning.

Vice Chairman STOREY. To impound these records? Sir?

Mr. ROGERS. That—

Vice Chairman STOREY. That is, today, December 8th, 1958?

Mr. ROGERS. That's right.

Vice Chairman STOREY. Now, Mr. Rogers, does that likewise apply to the records described under section 2, which reads:

Records containing denials of registration and notice of such denials for all applicants denied registration for the years 1956, 1957, and 1958?

It equally applies to those?

Mr. ROGERS. That's right. It applies to all the records. He got all we had.

Vice Chairman STOREY. All right. Does it include the third category:

Notices of hearings for the purpose of purging the list of registered electors as sent to all persons in the years 1955, 1956, 1957, 1958, together with sheriff's return of service of such notices or the return receipt for registered mail sent with such notices or the notice published in a newspaper in the county?

Mr. ROGERS. They got all the records we had pertaining to the registration of voters in Macon County.

Vice Chairman STOREY. Yes, sir. Now, likewise, it includes those in the fourth category:

All rules and regulations presently in effect under which the board of registrars operates and which the board administers?

You didn't turn those records over, did you?

Mr. ROGERS. He got them all.

Vice Chairman STOREY. You mean all your rules and regulations?

Mr. ROGERS. Got the whole thing.

Vice Chairman STOREY. You mean you have gone out of business?

Mr. ROGERS. It would seem like it.

Vice Chairman STOREY. All right, sir. Now, do you refuse, for the purpose of the record, to turn over any of those records to us for examination for the reasons as previously indicated in response to your questions and upon suggestions of counsel?

Mr. ROGERS. I don't refuse. I haven't got them. They've been subpoenaed. They're not in my possession. I don't know where they are. If I had them, you could look at them. I don't know where they are.

Vice Chairman STOREY. Where were you today when this subpoena was served on you not to turn these records over?

Mr. ROGERS. In the State office of the attorney general of Alabama.

Vice Chairman STOREY. What time was the subpoena served on you this, the 8th day of December 1958?

Mr. ROGERS. Now, sir, you've got me there.

Vice Chairman STOREY. Well, about what time?

Mr. ROGERS. It was this morning.

Vice Chairman STOREY. Was it before you came here to this room and answered "Present"?

Mr. ROGERS. This is the first time I've been to this room.

Vice Chairman STOREY. I understood that either you or counsel or someone answered you were present this morning.

Mr. ROGERS. I believe I did get in over there a little bit, and I tried to come in again and the bailiff told me to get out.

Vice Chairman STOREY. Am I correct, Mr. Rosenfeld, that somebody answered that Mr. Rogers was present?

Mr. ROGERS. Right back here.

Mr. ROSENFELD. Someone answered, and Mr. Rogers apparently was sworn as a witness.

Mr. ROGERS. Right back here.

Vice Chairman STOREY. Mr. Rogers, were you sworn with the other witnesses this morning?

Mr. ROGERS. I don't know, sir.

Vice Chairman STOREY. Sir?

Mr. ROGERS. No, sir.

Vice Chairman STOREY. You weren't sworn this morning?

Mr. ROGERS. No, sir.

Vice Chairman STOREY. You have no objection to taking an oath now, do you, sir?

Mr. ROGERS. Be plenty glad to.

Vice Chairman STOREY. All right, sir. Will the clerk please swear him? All right. The clerk will come. The clerk will come.

Mr. ROGERS. I object to taking an oath. I don't want to take an oath.

Vice Chairman STOREY. Mr. Rosenfeld——

Mr. ROSENFELD. Yes, sir.

Vice Chairman STOREY. Who answered for Mr. Rogers, if he did not answer, this morning?

Mr. ROSENFELD. A voice answered that Mr. Rogers was here, and Mr. Livingston. Was Mr. Livingston in the room, too?

Mr. LIVINGSTON. No, sir; not this morning. I am here now.

Mr. ROSENFELD. When I called your name this morning——

Mr. LIVINGSTON. No, sir. I was across the hall.

Mr. ROSENFELD. Someone distinctly answered for both gentlemen.

Vice Chairman STOREY. May I ask counsel, in all candor: Did one of you gentlemen say these gentlemen were present when the roll was called this morning?

Mr. ANDREWS. We said they were here in the building.

Vice Chairman STOREY. Were they in the courtroom?

Mr. ANDREWS. I didn't see them.

Vice Chairman STOREY. Did you answer for them, sir?

Mr. ANDREWS. Yes, sir. I said they were here.

Vice Chairman STOREY. All right. We will wait for the clerk to administer the oath to these two gentlemen. Now, then, I want to ask further if there are others who were subpoenaed this morning. Mr. Rosenfeld, will you call the roll of the officials whose names were called this morning and see if they are present in the hearing room now, sir? Will you call them?

Mr. ROSENFELD. Yes, sir.

Vice Chairman STOREY. Besides Mr. Rogers and Mr. Livingston.

Mr. ROSENFELD. Mr. Livingston is here. Hon. Harrell Hammonds, probate judge, Lowndes County, Ala.

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. Did you take an oath this morning, sir?

Judge HAMMONDS. Yes, sir.

Mr. ROSENFELD. I think that is so.

Vice Chairman STOREY. You were sworn. All right. The next one.

Mr. ROSENFELD. Colby C. Coleman of the Lowndes County Board of Registrars.

Mr. COLEMAN. Here.

Mr. ROSENFELD. Did you take an oath?

Mr. COLEMAN. Yes.

Mr. ROSENFELD. I thought so. Mrs. Dorothy Woodruff of the Lowndes County Board of Registrars.

Mrs. WOODRUFF. Present.

Mr. ROSENFELD. I saw Mrs. Woodruff.

Vice Chairman STOREY. Were you sworn this morning?

Mrs. WOODRUFF. Yes, sir.

Mr. ROSENFELD. I saw her raise her hand. Yes, sir.

Vice Chairman STOREY. All right. The next one.

Mr. ROSENFELD. Clyde Day of the Lowndes County Board of Registrars. I saw Mr. Day, too. Judge Dannelly—

Vice Chairman STOREY. Wait just a minute. Was he sworn?

Mr. ROSENFELD. He was.

Mr. DAY. Yes, sir.

Vice Chairman STOREY. All right. The next one.

Mr. ROSENFELD. Judge Dannelly, the probate judge of Wilcox County.

Vice Chairman STOREY. Pardon me.

Judge DANNELLY. Here.

Vice Chairman STOREY. Which one was that?

Mr. ROSENFELD. Judge Dannelly of Wilcox County.

Judge DANNELLY. Yes.

Vice Chairman STOREY. You were sworn this morning, were you, Judge?

Judge DANNELLY. Yes.

Vice Chairman STOREY. Thank you.

Mr. ROSENFELD. M. T. Evans of the Bullock County Board of Registrars.
Vice Chairman STOREY. Is he present? Was he present this morning?

Mr. ROSENFELD. Someone answered for him this morning, sir.

Vice Chairman STOREY. All right. The next one.

Mr. ROSENFELD. J. W. Spencer of the Barbour County Board of Registrars.

Vice Chairman STOREY. Were you sworn this morning, sir?

Mr. SPENCER. No.

Vice Chairman STOREY. You were not?

Mr. SPENCER. No.

Vice Chairman STOREY. Well, when the clerk gets here, you will be sworn. The next one.

Mr. ROSENFELD. W. A. Stokes, Sr., of the Barbour County Board of Registrars.

Vice Chairman STOREY. Were you sworn this morning?

Mr. STOKES. No, sir.

Vice Chairman STOREY. All right. The next one.

Mr. ROSENFELD. Marshall J. Williams, probate judge, Barbour County, Ala.

Judge WILLIAMS. Here.

Vice Chairman STOREY. Were you sworn this morning, Judge?

Judge WILLIAMS. Yes, sir.

Vice Chairman STOREY. All right, sir.

Mr. ROSENFELD. Hon. George C. Wallace, circuit judge, custodian of the registration and voting records of Bullock County and Barbour County.

Vice Chairman STOREY. Is Judge Wallace here?

Mr. ROSENFELD. Judge Wallace was not here this morning.

Vice Chairman STOREY. He was not here this morning?

Mr. ROSENFELD. No, sir.

Vice Chairman STOREY. Has the deputy clerk arrived? He is on the way. I am sorry we have to delay a moment, but we can't proceed. Through a misunderstanding, we thought the witness was sworn. Gentlemen, we will not be long, and let's be orderly. You can whisper, but we want to move on, if we can.

Here is the clerk. Will the witnesses who have not been sworn please stand up and hold up your right hands and be sworn by the deputy United States clerk, Mr. Huges?

Gentlemen, are you ready?

Mr. ANDREWS. Just a moment, please, sir.

Mr. PATTERSON. Mr. Chairman, as far as the two gentlemen from the Macon County Board of Registrars are concerned, they still insist that their position is they are judicial officers; they are not required to testify

here, and they do not want to be sworn and take the stand in this matter.

Vice Chairman STOREY. I want to ask each one of them personally.

Mr. PATTERSON. All right.

Vice Chairman STOREY. Mr. Rogers, do you refuse to be sworn?

Mr. ROGERS. On the grounds I am a judicial officer and this commission has no right to subpoena me.

Vice Chairman STOREY. Do you object to taking an oath to testify about matters that are nonjudicial?

Mr. ROGERS. I object to taking an oath and, as a judicial officer, I don't think any group or commission has the right to question me.

Vice Chairman STOREY. Mr. Rogers, did you authorize someone to answer "Present" for you this morning—

Mr. ROGERS. No, sir.

Vice Chairman STOREY. When your name was called?

Mr. ROGERS. Yes, sir. I asked him to answer "Here."

Vice Chairman STOREY. Asked whom to answer "Here"?

Mr. ROGERS. One of my counsel. I don't know who.

Vice Chairman STOREY. Would you designate him and his name?

Mr. ANDREWS. Here.

Mr. ROGERS. Mr. L. K. Andrews.

Vice Chairman STOREY. Mr. L. K. Andrews was authorized by you to answer "Present" in the courtroom this morning; is that right, sir? You authorized him to answer "Present" for you?

Mr. ROGERS. He was my counsel.

Vice Chairman STOREY. Did you authorize him to answer "Present" for you, sir?

Mr. ROGERS. He had that authority.

Vice Chairman STOREY. Then you stand by what your counsel said?

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. All right. Mr. Livingston, do you refuse to take the oath?

Mr. LIVINGSTON. Yes, sir, on advice—

Vice Chairman STOREY. Would you state your reasons, sir?

Mr. LIVINGSTON. On the advice of my counsel.

Vice Chairman STOREY. You don't want to go beyond that and state any reasons? If your counsel wants to confer with you, it is all right. We want to be absolutely fair. All right, Mr. Livingston.

Mr. LIVINGSTON. I refuse on the grounds that I am a judicial officer, the State of Alabama, and on the grounds that this commission does not have authority to interrogate judicial officers of the State of Alabama.

Vice Chairman STOREY. Is that your sole and only grounds, sir?

Mr. LIVINGSTON. That's right.

Vice Chairman STOREY. Did you authorize your counsel, Mr. Andrews, to answer "Present" for you when your name was called this morning?

Mr. LIVINGSTON. He was down here to represent me, and anything he did—I assume it was in order.

Vice Chairman STOREY. Yes, sir. You were in the hearing room—

Mr. LIVINGSTON. Yes, sir.

Vice Chairman STOREY. Or adjacent to it this morning?

Mr. LIVINGSTON. I couldn't get in when I came here.

Vice Chairman STOREY. You heard the call for the witnesses who had answered—

Mr. LIVINGSTON. No, sir.

Vice Chairman STOREY. To come in and take the oath?

Mr. LIVINGSTON. No, sir. I was in a room across the hall. Yes; I was here.

Vice Chairman STOREY. Did you ask your counsel to notify anybody in this room who is a member of the commission or any of the staff that you could not get in for the purpose of having the oath administered?

Mr. LIVINGSTON. I refuse to answer that, sir.

Vice Chairman STOREY. On the same grounds—

Mr. LIVINGSTON. Yes, sir.

Vice Chairman STOREY. As you have indicated?

Mr. LIVINGSTON. Yes, sir.

Vice Chairman STOREY. All right. Will you be seated, then? Now, will the clerk swear the other witnesses whose names were called?

Mr. ROSENFELD. May we check the names to make sure?

Vice Chairman STOREY. Call them, Mr. Rosenfeld, so there will be no doubt about it at this time.

Mr. ROSENFELD. Mr. J. W. Spencer.

Mr. SPENCER. I refuse to be sworn in.

Vice Chairman STOREY. We want to identify you first, Mr. Spencer. All right, sir. Who is next?

Mr. ROSENFELD. Mr. W. A. Stokes.

Mr. STOKES. Here.

Vice Chairman STOREY. And who else?

Mr. TRAMMELL. As the circuit solicitor of the Third Judicial Circuit of Alabama, I am charged by law to represent these gentlemen, and that I did, and that I plan to do, with your respect, sir.

My name is Seymore Trammell—S-e-y-m-o-r-e T-r-a-m-m-e-l-l.

Vice Chairman STOREY. Are there any more witnesses who were not sworn this morning?

Mr. ROSENFELD. Hon. Marshall J. Williams.

Judge WILLIAMS. Yes; I was sworn.

Vice Chairman STOREY. Oh, you were sworn, but what I am getting at: Is there any other one who was not sworn?

Mr. TRAMMELL. Mr. Chairman—

Vice Chairman STOREY. All right, sir. May I ask, in all deference, and you advise them: Do you gentlemen refuse to be sworn and to testify? You can confer with your clients and give them such advice as you desire.

Ladies and gentlemen, let's have order.

Now, then, Mr. Rosenfeld, call the first witness. I mean ask him to stand up.

Mr. ROSENFELD. Marshall J. Williams, probate judge, Barbour County.

Vice Chairman STOREY. No. I beg your pardon. I mean the ones who hadn't been sworn.

Mr. ROSENFELD. Oh, I beg your pardon.

Vice Chairman STOREY. Just a minute, Judge.

Mr. ROSENFELD. J. W. Spencer.

Vice Chairman STOREY. Will you stand up, Mr. Spencer? Do you refuse to be sworn or take an oath?

Mr. SPENCER. Yes; I do.

Vice Chairman STOREY. On what ground, or do you desire to state a ground?

Mr. SPENCER. Because I am a judiciary officer of the State of Alabama and, secondly, this commission has no authority to have a judiciary officer sworn in and be interrogated.

Vice Chairman STOREY. You are not including the fear of incrimination, as Mr. Rogers did? You don't want to assign that as a reason?

Mr. SPENCER. No, sir.

Vice Chairman STOREY. All right, sir. Will you be seated? Now, the next gentleman.

Mr. ROSENFELD. W. A. Stokes, Sr.

Vice Chairman STOREY. Mr. Stokes, what is your statement, sir?

Mr. STOKES. Well, as I am a member of the board of registrars, acting in a judicial capacity, I don't care to have the commission interrogate me. I don't think they have the authority to interrogate me.

Vice Chairman STOREY. Then you refuse to take the oath?

Mr. STOKES. I do.

Vice Chairman STOREY. All right. Will you be seated?

Mr. TRAMMELL. Mr. Chairman, with reference to Bullock County, Tompkin Evans—I don't believe he is in here.

Vice Chairman STOREY. Was he here this morning?

Mr. TRAMMELL. I don't know, sir.

Vice Chairman STOREY. We will call his name a little later, if it is all right with you. Now, Mr. Rogers, I want to ask you this: Did you bring any records whatever here?

Mr. ROGERS. No, sir.

Vice Chairman STOREY. Governor Battle has a question.

Commissioner BATTLE. Mr. Livingston, will you listen to this, too, please, sir? This morning we have heard some 20 or 25 people testify that they have been denied the right to register in your county. They each stated that in their opinion it was on account of their race. Would either of you gentlemen care to make any statement as to why any of those would-be registrants were denied the right to register?

Mr. ROGERS. I don't know.

Commissioner BATTLE. Sir?

Mr. ROGERS. I do not.

Commissioner BATTLE. You do not. Does that apply to you, Mr. Livingston?

Mr. LIVINGSTON. Yes, sir.

Commissioner BATTLE. Thank you very much.

Vice Chairman STOREY. All right.

I am going to call on each one of you gentlemen, Mr. Rogers, Mr. Livingston, to produce any records that you have here for examination of the commission, that is, any records of your official office. Do you have any?

Mr. ROGERS. No, sir.

Vice Chairman STOREY. You refuse to produce them for the reasons stated. Is that true with reference to you other two gentlemen here?

The CLERK. Let's have order in the room now.

Mr. TRAMMELL. Mr. Chairman—

Vice Chairman STOREY. Wait just a minute. All right, counsel.

Mr. TRAMMELL. Mr. Chairman, the board members from Barbour County—Mr. W. A. Stokes and J. W. Spencer—do not have the records from Barbour County. They have been impounded by judicial order of the Third Judicial Circuit—

Vice Chairman STOREY. Counsel, you can say anything you want to to these gentlemen. I am asking these two gentlemen if they have brought any of the records that we asked for in the subpoenas.

Mr. STOKES. No, sir. We haven't got any for the simple reason they have been impounded by the courts of Barbour County.

Vice Chairman STOREY. And that is the same of the other gentleman?

Mr. SPENCER. Yes, sir.

Vice Chairman STOREY. We will now, at this time, take a 10-minute recess, and we suggest that none of those who refused to take the oath leave the premises and be back in the hearing room in 10 minutes—and, of course, your counsel are welcome to be here also.

We will stand in recess for 10 minutes.

(Whereupon, at 3:43 p.m., a 10-minute recess was taken.)

Vice Chairman STOREY. Gentlemen, in view of what has happened, I am going to ask the following witnesses to stand:

W. A. Stokes, Sr.—Just stand, please, sir. J. W. Spencer; Mr. E. P. Livingston; and Mr. Grady Rogers.

Now, as I understand, Attorney General Patterson is counsel, Mr. L. K. Andrews and Mr. Seymore Trammell. They are all in the room, aren't they?

Mr. ANDREWS. Yes, sir.

Vice Chairman STOREY. Gentlemen, there seem to be some formalities that we have to go through, and here is a subpoena addressed to Mr. Rogers, Mr. Livingston, Mr. Spencer, and Mr. Stokes, which was served on each of you gentlemen as indicated by the returns, and I am sure there is no denial that these subpoenas were served. Is there any denial that they were served on you?

Mr. LIVINGSTON. Not for me.

Vice Chairman STOREY. I read one—and it is the same to all—to Grady Rogers, Macon County Board of Registrars. It reads:

Pursuant to lawful authority (P.L. 85-315), you are hereby commanded to be and appear before the Commission on Civil Rights of the United States of America or a duly appointed subcommittee thereof on December 8, 1958, at 9 o'clock a.m., at their commission hearing room, at room 416, fourth floor, Federal Building, Montgomery, Ala., then and there to testify what you may know relative to subject matters of inquiry committed by law to the consideration of said commission, and not to depart without leave of said commission.

Now, I assume there is no controversy that all of you were here at 9 o'clock this morning and either answered personally "Present" or through your counsel, for which you stand behind and ratify.

Is there any question about that to you four gentlemen? You were present and your name was called and either you answered "Present" or counsel answered for you under your authorization? Do all of you say so affirmatively?

Mr. LIVINGSTON. I do.

Vice Chairman STOREY. It further reads:

You are hereby commanded to bring with you and produce before said Commission or a duly authorized subcommittee thereof the following—

and these are the records that I read personally to Mr. Rogers. They all read the same, except applying to different counties.

Now, there is no doubt that all of you understood that you were to produce the records; but, as I understand, this morning, prior to 9 o'clock, you were served with another order impounding those records for certain State officials.

Mr. STOKES. No, sir; not us.

Vice Chairman STOREY. Not you. That only applies to Mr. Livingston and Mr. Rogers; is that correct, sir? Does it apply to Mr. Rogers and Mr.

Livingston? Is that correct, Mr. Livingston? You were served with a subpoena to impound those records?

Mr. LIVINGSTON. Yes, sir.

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. And they are not in the courtroom at this time?

Mr. ROGERS. That's right.

Mr. LIVINGSTON. No.

Vice Chairman STOREY. Now, Mr. Spencer, and Mr. Stokes, you were not served with subpoenas; is that correct—I mean with any other writ—impounding these records today, were you?

Mr. STOKES. Your Honor, we have a subpoena showing we are—a court order showing we were served before, impounding these records before this subpoena was served on us.

Vice Chairman STOREY. You mean before this subpoena that I am reading from was served?

Mr. STOKES. Yes, sir.

Vice Chairman STOREY. Could you tell us the date of it, just for the record?

Mr. STOKES. October the 29th.

Vice Chairman STOREY. October the 29th?

Mr. SPENCER. That's right.

Vice Chairman STOREY. Is that true of both of you gentlemen?

Mr. SPENCER. That's right.

Vice Chairman STOREY. Now, you have nodded your head. You mean "Yes"?

Mr. STOKES. Yes, sir.

Mr. SPENCER. Yes.

Vice Chairman STOREY. I don't want to be technical. We want to be fair, and we want the record to be clear.

It further reads:

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided in section 105(f) and 105(g) of the Civil Rights Act of 1957, reproduced herein.

Now, in connection with that, we have asked each of you to take the oath since, through mistake or inadvertence, we did not know that you were not included in the oath that was administered to all witnesses after either you or your counsel had been present, and now, as I understand—if there is any question about it, you gentlemen interrupt—you now refuse to take the oath?

You, Mr. Stokes—is that correct? You refuse to take the oath?

Mr. STOKES. That's right.

Vice Chairman STOREY. For the reasons indicated?

Mr. STOKES. Yes, sir.

Vice Chairman STOREY. And so is true of Mr. Spencer?

Mr. SPENCER. Yes, sir.

Vice Chairman STOREY. And so is true of Mr. Livingston?

Mr. LIVINGSTON. Yes, sir.

Vice Chairman STOREY. And that is true of Mr. Rogers?

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. Then, in order to make this record complete, and upon the decision of the commission—and it is a unanimous decision—in behalf of the commission, I now order and direct each one of you to hold up your right hands and to have the oath administered to you as we have previously requested, and I want to ask each one of you: What is your answer to that question?

We will give the counsel plenty of time to advise you.

Now, first, to that particular question, I am going to ask to you, Mr. Rogers: What is your answer?

Mr. ROGERS. Just the same as it was before.

Vice Chairman STOREY. For the same reasons?

Mr. ROGERS. I refuse on the grounds that I am a judicial officer of the State of Alabama and this commission has no authority or jurisdiction over me.

Vice Chairman STOREY. And you refuse to take the oath?

Mr. ROGERS. Same grounds.

Vice Chairman STOREY. And, likewise, you refuse to comply with this subpoena by virtue of the reasons that you have just stated?

Mr. ROGERS. By virtue of the reasons—I don't have them. If I had them, you could get them. I don't have the records. They were taken from me this morning by the sheriff and the circuit solicitor of Macon County.

Vice Chairman STOREY. And that was after you were served with this subpoena?

Mr. ROGERS. Yes, sir.

Vice Chairman STOREY. And you refuse to answer and comply with the subpoena and its terms by virtue of the reasons you have just stated?

Mr. ROGERS. That is right.

Mr. PATTERSON. Wait. Wait.

Mr. ROGERS. Well, that goes into it, as I understand it. I refuse to be sworn and testify as to the manner of how I conduct my office as a constitutional officer. I thought that was made plain, but I want it be made plain now.

Vice Chairman STOREY. Do you have the same answer, Mr. Livingston?

Mr. LIVINGSTON. Yes, sir; I do.

Vice Chairman STOREY. Do you, Mr. Spencer?

Mr. SPENCER. Yes, sir.

Mr. STOKES. Well, I have the same answer.

Vice Chairman STOREY. Just a moment. We want to take time—Mr. Spencer, do you want to say anything else?

Mr. STOKES. Your Honor, I can't comply with that—

Vice Chairman STOREY. Wait. Let's take one at a time. Did you finish, Mr. Spencer?

Mr. SPENCER. I can't comply with those orders because those records was impounded October the 29th of this year.

Vice Chairman STOREY. Do you likewise refuse to testify about any matter under inquiry and refuse to take the oath?

Mr. SPENCER. Yes, sir.

Vice Chairman STOREY. In behalf of the commission, I command and order you to take the oath for the purpose of answering questions. Do you so refuse on the grounds stated?

Mr. SPENCER. I refuse.

Vice Chairman STOREY. All right, sir.

Mr. STOKES, what is your answer to those questions?

Mr. STOKES. Under the same conditions.

Vice Chairman STOREY. All right. It will be so noted in the record, and that is all for you gentlemen. We will proceed to the next witness, Mr. Rosenfeld.

Mr. ROSENFELD. Hon. Marshall J. Williams, probate judge, Barbour County.

Vice Chairman STOREY. Mr. Rosenfeld, are there any more witnesses to be sworn? Let's be sure before the deputy clerk leaves.

Mr. ROSENFELD. Why don't I just go down the list once more, for safety's sake?

Vice Chairman STOREY. You are the judge.

Now, call the roll. Gentlemen, we have nothing else of you. You are welcome to stay here, if you like, but we are going to proceed. I will first call this witness.

Mr. ROSENFELD. Judge Williams, have you been sworn?

Judge WILLIAMS. I have.

Mr. ROSENFELD. You are reminded that you are still under oath.

Judge WILLIAMS. Yes, sir. I am aware of it.

Vice Chairman STOREY. Have a seat, Judge Williams. Now, the next one. See if there are any others.

Mr. ROSENFELD. Judge Dannelly. Have you been sworn?

Judge DANNELLY. Yes; I have.

Mr. ROSENFELD. You are reminded you are still under oath. Mr. M. T. Evans.

Mr. EVANS. Here.

Mr. ROSENFELD. Mr. Evans, have you been sworn?

Mr. EVANS. No, sir.

Mr. ROSENFELD. That is Mr. Evans.

Vice Chairman STOREY. All right.

Mr. ROSENFELD. Will you come forward, please, Mr. Evans?

Vice Chairman STOREY. Now, see if there is any other witness.

Mr. ROSENFELD. I am going to; yes, sir. Mr. Clyde Day.

Mr. DAY. I was in the room.

Mr. ROSENFELD. You have been sworn?

Mr. DAY. Yes.

Mr. ROSENFELD. You are reminded you are still under oath. Mrs. Dorothy Woodruff. Have you been sworn?

Mrs. WOODRUFF. I have.

Mr. ROSENFELD. You are reminded you are still under oath. Mr. Colby C. Coleman. Have you been sworn?

Mr. COLEMAN. I have.

Mr. ROSENFELD. You are reminded you are still under oath. Hon. Harrell Hammonds. Have you been sworn?

Judge HAMMONDS. Yes, sir.

Mr. ROSENFELD. You are reminded you are still under oath. That is the complete list, sir. Judge Wallace is still absent.

Vice Chairman STOREY. All right, sir. Will you administer the oath?

A PERSON FROM THE AUDIENCE. He has already been sworn.

Mr. ROSENFELD. Mr. Evans.

Vice Chairman STOREY. No. The other gentleman here who had not been sworn. Mr. Evans, would you hold up your right hand and take the oath?

Mr. EVANS. Your Honor, I refuse to be sworn.

Vice Chairman STOREY. On what grounds, sir?

Mr. EVANS. I am a judicial officer of the State of Alabama.

Vice Chairman STOREY. You refuse to take the oath?

Mr. EVANS. For the reasons indicated; yes, sir.

Vice Chairman STOREY. You heard me——

Mr. EVANS. Yes, sir.

Vice Chairman STOREY. Read this subpoena a moment ago, and the same type was served on you with the same wording?

Mr. EVANS. Yes, sir.

Vice Chairman STOREY. And you did appear in the courtroom this morning and answer "Present," did you?

Mr. EVANS. No, sir; I wasn't here. I was right there by the door, but I didn't hear anybody call my name.

Vice Chairman STOREY. Well, you were marked "Present."

Mr. EVANS. Yes, sir.

Vice Chairman STOREY. Either you or your counsel answered for you?

Mr. EVANS. Yes, sir.

Vice Chairman STOREY. And you stand by that, don't you?

Mr. EVANS. Your Honor, these records were taken from me before I was served my subpoena.

Vice Chairman STOREY. When were they taken?

Mr. EVANS. By this commission.

Vice Chairman STOREY. I say: When? Do you remember the date?

Mr. EVANS. No, sir; I don't. I don't remember the date.

Vice Chairman STOREY. Just as firmly as I can be, I order you and command you to take the oath for the purpose of testifying. What is your answer?

Mr. EVANS. I refuse.

Vice Chairman STOREY. On the grounds as indicated before?

Mr. EVANS. Yes, sir.

Vice Chairman STOREY. You are not——

Mr. EVANS. I do not have the records.

Vice Chairman STOREY. Yes, sir.

Mr. EVANS. I do not have the records.

Vice Chairman STOREY. So that it will be perfectly clear, are you further refusing because of any possible incrimination or self-incrimination?

Mr. EVANS. No, sir.

Vice Chairman STOREY. May I ask you also: Do you refuse to produce the records that were ordered to be produced for the reasons you have just stated?

Mr. EVANS. I do not have the records, sir.

Vice Chairman STOREY. And you fail to comply with the direction or the order to do the things said in that subpoena for the reasons——

Mr. EVANS. Yes.

Vice Chairman STOREY. That you have heretofore stated?

Mr. EVANS. Yes, sir.

Vice Chairman STOREY. Thank you, and you can go, Mr. Clerk. We will now proceed with Judge Williams.

TESTIMONY OF HON. MARSHALL JUSTIN WILLIAMS, PROBATE JUDGE, BARBOUR COUNTY, ALA.

Vice Chairman STOREY. Will you please state, for the record, your full name, your age, and place of residence?

Judge WILLIAMS. My name is Marshall Justin Williams. I am 42 years of age, and I live in Clayton, Ala.

Vice Chairman STOREY. In what county, Judge Williams?

Judge WILLIAMS. Barbour County.

Vice Chairman STOREY. And what is your official position?

Judge WILLIAMS. I am presently and will be until January probate judge of Barbour County.

Vice Chairman STOREY. Did you hear Judge Varner testify, Judge Williams?

Judge WILLIAMS. Yes, sir.

Vice Chairman STOREY. Are your duties similar to his? It is the same type State office, is it not?

Judge WILLIAMS. Yes, sir; it is.

Vice Chairman STOREY. Do you handle the same type of records that Judge Varner described?

Judge WILLIAMS. I do, sir.

Vice Chairman STOREY. Do you have those records in the courtroom pursuant to this subpoena?

Judge WILLIAMS. I do not, sir.

Vice Chairman STOREY. And why do you not have them sir?

Judge WILLIAMS. The records—all the records—were impounded by Hon. George C. Wallace, the circuit judge of the Third Judicial Circuit, I believe, October the 29th past.

Vice Chairman STOREY. And you turned them over to him?

Judge WILLIAMS. I did, sir.

Vice Chairman STOREY. Were there any legal papers served on you to that effect?

Judge WILLIAMS. Well, I read the copy of the court order directing the sheriff to take those records, and the judge told me that he was taking them.

Vice Chairman STOREY. And you do not have them now and you do not produce them because of that situation?

Judge WILLIAMS. That's right, sir.

Vice Chairman STOREY. Now, Judge, do you know the registration supervisors of your county? Do you know them personally?

Judge WILLIAMS. I do.

Vice Chairman STOREY. Who are they? Who are the present ones in office?

Judge WILLIAMS. Mr. W. A. Stokes, Mr. J. W. Spencer, and Mrs. Emmie McLean.

Vice Chairman STOREY. Now, Mr. Stokes and Mr. Spencer are in the courtroom, and they are the gentlemen who are sitting over there and refused to take the oath, are they not?

Judge WILLIAMS. Yes, sir.

Vice Chairman STOREY. What is the lady's name?

Judge WILLIAMS. Mrs. Emmie McLean.

Vice Chairman STOREY. I don't believe she is in the courtroom, is she?

Judge WILLIAMS. I haven't seen her; no, sir.

Vice Chairman STOREY. Are you familiar with where they hold their hearings or transact their business?

Judge WILLIAMS. Well, one or two of the places. I am at the courthouse.

Vice Chairman STOREY. Do they have quarters in the courthouse where you have your office?

Judge WILLIAMS. Yes, sir. They have a room in the courthouse.

Vice Chairman STOREY. Now, then, is there one room or more than one room where they receive registrations?

Judge WILLIAMS. Well, in the courthouse there's only one room.

Vice Chairman STOREY. Do both the white and the colored people go to that room?

Judge WILLIAMS. I believe they do, sir; yes, sir.

Vice Chairman STOREY. Do they go at the same time or separate times?

Judge WILLIAMS. I don't know.

Vice Chairman STOREY. Are you familiar yourself with the procedure in any way or manner of the qualifications, what they are required to file, what they are required to sign?

Judge WILLIAMS. Well, in a general way; yes, sir.

Vice Chairman STOREY. Have you been present when some of those applicants were received by the board of registrars?

Judge WILLIAMS. I don't recall having been present at any time the present board of registrars were taking applications.

Vice Chairman STOREY. Have you observed the procedure of any board?

Judge WILLIAMS. Yes, sir.

Vice Chairman STOREY. Since you have been in office?

Judge WILLIAMS. Yes, sir.

Vice Chairman STOREY. In other words, you are familiar with the general procedure, Judge?

Judge WILLIAMS. I am, sir; yes, sir.

Vice Chairman STOREY. Would you kindly state what is done by a prospective registrant, what he does, what he signs, and the general procedure for us? Would you do that, please, sir?

Judge WILLIAMS. Well, he has an application blank—

Vice Chairman STOREY. Would some of you hand that blank up that was introduced? Go right ahead. The exhibit that I hand you here seems to be a standardized form. Is that the type of form that is filled out?

Judge WILLIAMS. Yes, sir.

Vice Chairman STOREY. Is that filled out by both the white and colored?

Judge WILLIAMS. I believe it is, sir; yes, sir.

Vice Chairman STOREY. In your county what is the practice of the board of registrars as to whether or not they are asked to copy anything and, if so, what is it in connection with their application?

Judge WILLIAMS. Well, I really don't know what the policy of the registrars are. I am not familiar with their policy, other than this application blank here that I am familiar with.

Vice Chairman STOREY. Yes, sir. Have you sat through an entire proceeding of an applicant to see just what has happened, either now or in any previous term?

Judge WILLIAMS. I don't believe I have since I registered myself.

Vice Chairman STOREY. When did you register, sir, last?

Judge WILLIAMS. That was—it must have been 21 years ago.

Vice Chairman STOREY. Are you required to register periodically or not?

Judge WILLIAMS. No, sir.

Vice Chairman STOREY. The only other qualification is that you pay your poll tax?

Judge WILLIAMS. That's right, or be otherwise exempted.

Vice Chairman STOREY. Yes, sir. Now, would you kindly tell us what you filled out and what the procedure was when you were registered and certified?

Judge WILLIAMS. At the time I registered I filled out an application. As I recall it, it was similar to the one I have here.

Vice Chairman STOREY. Were you asked to copy anything?

Judge WILLIAMS. No, sir.

Vice Chairman STOREY. How long did it take you to register? About how long?

Judge WILLIAMS. I would say at that time 10 minutes. However, the law has been changed since that time as to the qualification of a voter.

Vice Chairman STOREY. Additional qualifications have been added?

Judge WILLIAMS. That's right.

Vice Chairman STOREY. Do you recall what they are?

Judge WILLIAMS. No, sir; not exactly.

Vice Chairman STOREY. Have you ever been present when any colored man came in and filed his application?

Judge WILLIAMS. No, sir.

Vice Chairman STOREY. You haven't seen that procedure?

Judge WILLIAMS. I've seen them go in, but I've never been in the room with the board of registrars—

Vice Chairman STOREY. Yes, sir.

Judge WILLIAMS. When they were in session.

Vice Chairman STOREY. Judge, can you give us any other information about this particular inquiry? Do you have any knowledge as to the percentage of white people and the percentage of Negroes in your county who were denied registration?

Judge WILLIAMS. I wouldn't—I just—I'd be afraid to say without—

Vice Chairman STOREY. They are a matter of record in these particular books that are in your office, which are now impounded, aren't they?

Judge WILLIAMS. Yes, sir; that's right.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Judge Williams, you cover two counties?

Judge WILLIAMS. One county.

Commissioner WILKINS. Barbour County?

Judge WILLIAMS. That's right.

Commissioner WILKINS. Do you know or have any idea as to the present population of that county?

Judge WILLIAMS. Well, roughly.

Commissioner WILKINS. Roughly, about how many?

Judge WILLIAMS. I'd say 27,000.

Commissioner WILKINS. Twenty-seven thousand. And how many would you say are white—I mean to your best recollection—and how many are Negroes?

Judge WILLIAMS. Well, I would think about 55 percent were white.

Commissioner WILKINS. About 45 percent are Negro?

Judge WILLIAMS. That's right.

Commissioner WILKINS. Do you have any idea as to the number of registered voters in Barbour County?

Judge WILLIAMS. Well, approximately.

Commissioner WILKINS. What would you say, approximately?

Judge WILLIAMS. I'd say between 5,000 and 6,000. Maybe just a few over.

Commissioner WILKINS. Five thousand to 6,000?

Judge WILLIAMS. Yes.

Commissioner WILKINS. Around that neighborhood?

Judge WILLIAMS. That's right.

Commissioner WILKINS. Do you have any idea or knowledge or information for the record as to the number of whites who are registered and how many Negroes are registered?

Judge WILLIAMS. Well, I don't believe I would. We have a good many Negroes registered in Barbour County. The white percentage would be bigger.

Commissioner WILKINS. Would you say it would be twice as large or three times as large?

Judge WILLIAMS. Well, it is something——

Commissioner WILKINS. Or four times as large?

Judge WILLIAMS. Three times; maybe four. I don't know exactly.

Commissioner WILKINS. Four times as large, that is, the white voter registration versus the Negro voter registration, and yet the population is 55 percent to 45 percent?

Judge WILLIAMS. Somewhere near there.

Commissioner WILKINS. Judge, referring to the application you hold in your hand, do any of those applications ever get to your office, these applications that are filed by applicants for certificates of registration?

Judge WILLIAMS. The ones who are qualified to vote—the application is turned into the office along with a list of the names that are certified as having been registered.

Commissioner WILKINS. And what does your office do when it receives these applications, such as the one which has been introduced in the record as exhibit 1?

Judge WILLIAMS. Well, it is the duty of the probate office to make up a list of the qualified voters as submitted by the board of registrars.

Commissioner WILKINS. And do you make up two separate lists, white and Negro?

Judge WILLIAMS. They are identified on their cards as to whether they are white or colored.

Commissioner WILKINS. I mean: You don't make up a list of qualified voters? I think Judge Varner identified an exhibit here which showed the registered voters, I think, as of 1956 and as of 1958.

Judge WILLIAMS. Each 2 years there's a list printed of the qualified voters.

Commissioner WILKINS. Would you say, Judge Williams, that the procedure in your county with reference to the handling of the registration certificates is uniform throughout the State of Alabama?

Judge WILLIAMS. I would think so.

Commissioner WILKINS. You would think so. So that all the probate judges who are custodians of the voting records would receive these applications of those who have received certificates of registration?

Judge WILLIAMS. Yes.

Commissioner WILKINS. As to those who did not receive certificates of registration, those never reached your office?

Judge WILLIAMS. That's right.

Commissioner WILKINS. Does your office have any jurisdiction of any kind over the question of appeal by an applicant who has been denied a certificate of registration?

Judge WILLIAMS. It does not.

Commissioner WILKINS. It does not. Who handles that? The board of registrars?

Judge WILLIAMS. The board of registrars.

Commissioner WILKINS. Do you know, Judge, to whom the applicant appeals from the board of registrars?

Judge WILLIAMS. From the board of registrars?

Commissioner WILKINS. Yes. Does he have any appeal from that?

Judge WILLIAMS. Well, I don't know of any appeal from the board of registrars. I reckon he could appeal to the court, maybe.

Commissioner WILKINS. Does the Alabama law provide that an applicant must file an appeal of some kind within 30 days after his application for a certificate of registration is denied?

Judge WILLIAMS. I would think it is within the discretion of the board as to whether to register an applicant or not.

Commissioner WILKINS. I am simply asking for information—whether or not there is any regulation or law or statute in Alabama which—

Judge WILLIAMS. Well, as far as I know, I don't know.

Commissioner WILKINS. You don't know whether an applicant has an appeal from the board of registrars?

Judge WILLIAMS. I do not.

Commissioner WILKINS. Do you know who appoints the registrars in the counties?

Judge WILLIAMS. Yes; I do.

Commissioner WILKINS. Is that the Governor's office or is that—

Judge WILLIAMS. The Governor and the State auditor and the commissioner of agriculture, I believe.

Commissioner WILKINS. And for what term are the registrars appointed?

Judge WILLIAMS. Four years.

Commissioner WILKINS. Four years. Is there any set of regulations provided for the qualifications of registrars?

Judge WILLIAMS. So far as I know, there is not. I just don't know.

Commissioner WILKINS. As far as you know, there is no educational qualification. Is there a residence requirement?

Judge WILLIAMS. Well, I'm sure there is some requirement, but I'm not familiar with the requirement.

Commissioner WILKINS. Tell me, Judge: Are you familiar with the practice, as I understand it—I may be incorrect—that prior to the handing of the application to the applicant the registrars ask him a number of questions?

Judge WILLIAMS. Well, I would assume they did. I really don't know.

Commissioner WILKINS. You don't know what the nature of those questions are other than, as your act now provides, that he must be able to copy certain provisions of the Constitution of the United States?

Judge WILLIAMS. And whether or not he is a resident.

Commissioner WILKINS. Resident?

Judge WILLIAMS. And has been for—

Commissioner WILKINS. A resident in the state for 2 years and a resident in the county or precinct for 90 days, or whatever it may be?

Judge WILLIAMS. That's true.

Commissioner WILKINS. Now, in Barbour County, is the practice the same—that an applicant for registration must have a voucher, someone to certify that he has resided in the precinct, in the county and in the State for a certain length of time?

Judge WILLIAMS. Yes.

Commissioner WILKINS. For how many people, how many applicants for registration, may a citizen act as a voucher in Barbour County?

Judge WILLIAMS. I don't suppose there's any limit on how many. It's a question of whether he's known by the one that vouches for him and how long, and I wouldn't think there would be any number on the limit you could vouch for.

Commissioner WILKINS. In other words, if I were a registered voter in Barbour County, I could vouch for an unlimited number of persons who were applying for certificates of registration?

Judge WILLIAMS. So long as you knew them.

Commissioner WILKINS. The registrars knew me and knew I was a registered voter?

Judge WILLIAMS. That's right.

Commissioner WILKINS. I see.

Vice Chairman STOREY. Are you through?

Commissioner WILKINS. Yes. Go ahead. I think that is all at this time.

Vice Chairman STOREY. Any other questions? Thank you, Judge Williams, and you may be excused. Thank you, sir.

Mr. ROSENFELD. Sir, before I call the next witness, you will recall this morning one witness from Dallas County was excused because of a medical certificate. I would like to see whether Judge Bernard A. Reynolds, the probate judge of Dallas County, is still here.

Judge Reynolds, were you sworn this morning, sir? Judge Reynolds was not sworn this morning. He is here.

Vice Chairman STOREY. He is here?

Mr. ROSENFELD. Yes, sir.

Vice Chairman STOREY. Will the deputy get the clerk? In the meantime, will you call the next witness?

Mr. ROSENFELD. Yes, sir. Judge Dannelly of Wilcox County.

TESTIMONY OF HON. WILLIAM DANNELLY, PROBATE JUDGE, WILCOX COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name and age and place of residence, Judge?

Judge DANNELLY. My name is William Dannelly. I am 48 years of age. I live at Camden, Ala., Wilcox County.

Vice Chairman STOREY. Wilcox County?

Judge DANNELLY. Yes, sir.

Vice Chairman STOREY. What official position do you hold there, Judge?

Judge DANNELLY. Judge of probate.

Vice Chairman STOREY. Is that similar to the office held by Judge Varner and Judge Williams, about which they have testified?

Judge DANNELLY. Mr. Chairman, it is my understanding that this commission must have a specific complaint upon which to base my examination and that I am entitled to know the details of such complaint before I am called upon to testify. I must respectfully decline to testify until such specific facts are made known to me.

Vice Chairman STOREY. We will note your objection, but we will continue to ask you questions, sir. How long have you served as probate judge?

Judge DANNELLY. I was installed on the 10th of November this year.

Vice Chairman STOREY. I believe you were served with a subpoena to bring some records here.

Judge DANNELLY. Yes, sir.

Vice Chairman STOREY. And the records were set out. Do you have those records?

Judge DANNELLY. No, sir.

Vice Chairman STOREY. Why, Judge? Will you tell us, please, sir?

You hand me a subpoena duces tecum dated the 5th day of December 1958, directed to you, asking you, at the instance of the grand jury, to personally appear before the circuit court of Camden County on the 6th day of December at 10:30 a.m. and to bring with you and produce at that time and place aforesaid, to be used as evidence, certain instruments of writing purporting to be all the records and documents kept by you or in your possession pursuant to T. 17, Code of Alabama, 1940, and T. 17, Code of Alabama, as last amended, and particularly with respect to all records of electors and registration and payment of poll taxes, and that is the reason you refuse to bring those records?

Judge DANNELLY. Yes, sir.

Vice Chairman STOREY. And have you so delivered them in accordance with this subpoena?

Judge DANNELLY. Yes; I have.

Vice Chairman STOREY. Will the clerk note the subpoena?

(The subpoena referred to was marked for identification as exhibit 9.)

The State of Alabama, Wilcox County
CIRCUIT COURT

To my Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon William E. A. Dannelly and William E. A. Dannelly, as Probate Judge of Wilcox County, Alabama

at the instance of the Grand Jury
if he shall be found in your County, personally to be and appear before the Circuit Court of said County at the Courthouse of the County, to be holden at the Courthouse at Camden in and for said County, to-wit: On the 6 day of December, 19 58, at 10:00 A.M. and to bring with him and produce at the time and place aforesaid, to be used as evidence certain instrument of writing, purporting to be all records and documents kept by you or in your possession pursuant to T. 17, Code of Alabama, 1940, and T. 17, Code of Alabama as last amended and with particular respect to all records of electors and registration and the payment of poll taxes.

bearing date on or about the day of , in the year of our Lord One Thousand Nine Hundred and fifty eight, then and there to testify, and the truth to speak, concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in the said Court, wherein a certain investigation in said court is pending

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And this he shall in nowise omit, under penalty of what the law directs; and have you then and there this Writ, with an indorsement thereon in what manner you shall have executed the same.

Witness, this 5 day of December, 19 58

Earl M. Hill, Clerk.

Now, have you had occasion, Judge, to observe the workings of the board of registrars in that county?

Judge DANNELLY. No, sir.

Vice Chairman STOREY. They do have an office in your courthouse?

Judge DANNELLY. Yes; they do.

Vice Chairman STOREY. Have you been present when they have examined witnesses and asked them to file statements?

Judge DANNELLY. No, sir; I haven't.

Vice Chairman STOREY. Do you know anything about the procedure, itself?

Judge DANNELLY. No, sir.

Vice Chairman STOREY. The records that you have were public records?

Judge DANNELLY. Yes.

Vice Chairman STOREY. Do you have any other knowledge of the voting procedure or registration procedure of whites and colored, other than what those records show?

Judge DANNELLY. No, sir.

Vice Chairman STOREY. I believe that is all, since the records are not here.

Are there other questions?

Commissioner WILKINS. I would like to ask the Judge one or two questions. I would like to ask him a personal question. You are not related to Dr. Clarence Dannelly.

Judge DANNELLY. Yes; I am.

Commissioner WILKINS. Judge, do you know what the population of Wilcox County is?

Judge DANNELLY. No; I do not.

Commissioner WILKINS. No.

Commissioner WILKINS. Do you know what the registered voting strength of the county is?

Judge DANNELLY. I couldn't say. I do not know.

Commissioner WILKINS. Judge, may I ask this question: Do you know the names of the registrars of Wilcox County?

Judge DANNELLY. I do.

Commissioner WILKINS. Will you give us the names of the registrars for the record?

Judge DANNELLY. Mrs. Newberry—Mrs. Dewitt Newberry—Mr. C. C. Rogers, and I understand that Mr. Cook has resigned. I do not know that to be sure, but—

Commissioner WILKINS. These registrars are appointed for a 4-year term?

Judge DANNELLY. That's my understanding. I have nothing to do with their appointment. I don't know how they are—

Commissioner WILKINS. Your connection with the registrars is simply to take the—

Judge DANNELLY. Keep the records.

Commissioner WILKINS. Keep the records, as they certify them to you?

Judge DANNELLY. That's my understanding.

Commissioner WILKINS. In the course of this practice, Judge, do you receive the application which has been identified here as exhibit No. 1? I think you are familiar with that.

Judge DANNELLY. I haven't received any. I do not know because I haven't been there long enough.

Commissioner WILKINS. You just went in office?

Judge DANNELLY. Just went in office.

Commissioner WILKINS. I see.

Judge DANNELLY. Just been in there a month.

Commissioner WILKINS. Just been in there a month. So, this is your first time to be elected probate judge?

Judge DANNELLY. That's right.

Commissioner WILKINS. You don't know anything about how they are paid?

Judge DANNELLY. No.

Commissioner WILKINS. The registrars are paid?

Judge DANNELLY. No.

Commissioner WILKINS. Or anything of that sort?

Judge DANNELLY. No.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. I see the clerk has come in. Are there any other questions of the Judge? If not, you may be excused.

Will you have the witness stand up and be sworn?

Mr. ROSENFELD. Judge Bernard A. Reynolds.

Mr. AUSTIN KEITH. Your Honor, will you give us a moment to confer with Judge Reynolds? We have just this minute come in and we are unacquainted with the procedure.

Vice Chairman STOREY. You go right ahead.

In the meantime, we will call another witness.

Mr. KEITH. All right. Thank you.

Vice Chairman STOREY. The only thing—we hate to call the clerk up. You let us know as soon as you can.

Mr. KEITH. Yes, sir.

Vice Chairman STOREY. Thank you. Call the next witness, Mr. Rosenfeld.

Mr. ROSENFELD. Yes, sir. Judge Harrell Hammonds.

TESTIMONY OF HON. HARRELL HAMMONDS, PROBATE JUDGE, LOWNDES
COUNTY, ALA.

Vice Chairman STOREY. I believe you have been sworn, Judge.

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. Will you kindly give your name and age and place of residence?

Judge HAMMONDS. Harrell Hammonds. I live at Mt. Willing, Ala.

Vice Chairman STOREY. What county is that, Judge?

Judge HAMMONDS. Lowndes.

Vice Chairman STOREY. Lowndes County?

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. Do you occupy the position of probate judge?

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. Similar to these other gentlemen?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. How long have you occupied that position?

Judge HAMMONDS. I believe since 1950.

Vice Chairman STOREY. Since 1950?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. You have served continuously since that time?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. A subpoena was served by an agent of the Civil Rights Commission on you directing you to bring certain records, which you have heard read here, haven't you?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. Do you have those records with you, Judge?

Judge HAMMONDS. No, sir; I don't.

Vice Chairman STOREY. And why do you not have them, please, sir? Was there a subpoena served on you also?

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. Was it the same type of subpoena—

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. That was served on the other judges?

Judge HAMMONDS. Yes, sir.

Vice Chairman STOREY. It is dated the 6th day of December 1958. When was it actually served on you, Judge? Today is the 8th, Monday. Saturday was the 6th, I believe.

Judge HAMMONDS. The 6th.

Vice Chairman STOREY. Did you comply with the subpoena duces tecum and turn over records as indicated?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. You turned them all over?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. Therefore, you don't have them for that reason?

Judge HAMMONDS. That's right.

Vice Chairman STOREY. Any other reasons you want to assign?

Judge HAMMONDS. No, sir.

Vice Chairman STOREY. Just let it be identified for the record, and hand it back to the judge.

(The subpoena referred to was marked for identification as exhibit 10.)

FORGIVEA DUCES TECUM.

THE STATE OF ALABAMA, }
LOEDES County. }

CIRCUIT COURT.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon

Judge Harrell Hamonds

at the instance of the Grand Jury

if he shall be found in your County, personally to be and appear before the Circuit Court of said County, on the 6th day of the next term thereof, to be holden at the Court House in and for said County, to-wit: on the 6th day of December 1958 and to bring with him and produce at the time and place aforesaid, to be used as evidence that certain instrument of writing, purporting to be

Records of the Board of Registers and all other voting records in your custody in office of Judge of Probate, Loedes County, Alabama.

January 1, 1956 through December 3, 1958

hearing date ~~...~~ then and there to testify, and the truth to speak, concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in the said Court, wherein

Loedes County

Plaintiff ... and Judge Harrell Hamonds

Defendant

And this he shall in nowise omit, under penalty of what the law directs: and have you then and there this Writ, with an indorsement thereon in what manner you shall have executed the same.

Witness my hand this 6th day of

1958

Louis G. ...
Tolson

Judge, are you familiar with the actual registration procedure in your county?

Judge HAMMONDS. Not very much so; no, sir.

Vice Chairman STOREY. Have you ever sat through a proceeding?

Judge HAMMONDS. No, sir.

Vice Chairman STOREY. Can you give us a rough idea of the number of the population of whites and the population of Negroes, either by totals, approximate totals, or percentagewise?

Judge HAMMONDS. What do you mean about that?

Vice Chairman STOREY. In other words, what is the total white population of your county, approximately, and the total colored population of your county?

Judge HAMMONDS. I am not sure. I think the total population is around 17,000 or 18,000.

Vice Chairman STOREY. Do you know what percentage is in each category, roughly?

Judge HAMMONDS. Roughly, it's three or four to one colored, I think.

Vice Chairman STOREY. Three or four to one colored?

Judge HAMMONDS. Something like that.

Vice Chairman STOREY. Are you familiar with the approximate number of colored registrants and the number of white registrants in your county?

Judge HAMMONDS. I'm not too familiar with the colored registrants; no, sir.

Vice Chairman STOREY. Could you tell us what percentage of the whites are registered?

Judge HAMMONDS. No, sir.

Vice Chairman STOREY. That is a matter of public record, though, isn't it, Judge?

Judge HAMMONDS. Yes.

Vice Chairman STOREY. Do you have any other information about voting procedure? You heard these questions asked. Do you have any other information pertinent to the inquiry?

Judge HAMMONDS. No, sir.

Vice Chairman STOREY. Any other member of the commission have a question?

Commissioner WILKINS. Yes. May I ask, Judge—I didn't get your age.

Judge HAMMONDS. Forty-two.

Commissioner WILKINS. You have been on the bench since 1950?

Judge HAMMONDS. Yes.

Commissioner WILKINS. Judge, you indicated the population of the county was 17,000 to 18,000. Who are the registrars of your county?

Judge HAMMONDS. Mr. Clyde Day, Mrs. Dorothy Woodruff, and Colby C. Coleman.

Commissioner WILKINS. That last one is Colby C. Coleman?

Judge HAMMONDS. Yes.

Commissioner WILKINS. Do you know how long they have been acting as registrars?

Judge HAMMOND. Well, they've been acting for the past, practically, 4 years; maybe prior to that. I'm not sure about that.

Commissioner WILKINS. You heard Judge Williams testify as to his procedure with reference to these applications and the fact the applications are never got to him. He simply got the records of those who were registered from the board of registrars and entered them in the records.

Judge HAMMONDS. That's right.

Commissioner WILKINS. Is that practice the same in your instance? Are the voters registered in your county by race, that is, the whites registered in one book and Negroes in another book or with a "W" behind the names of the white registrants and an "N" behind the names of the Negro registrants? Is there anything to identify them?

Judge HAMMONDS. I wouldn't know.

Commissioner WILKINS. Do you ever look at the voters' roll in your county? Did you ever look at the list to see—

Judge HAMMONDS. To see what?

Commissioner WILKINS. To see how many people were registered to vote in Lowndes County.

Judge HAMMONDS. Well—

Commissioner WILKINS. Approximately?

Judge HAMMONDS. Approximately 2,200 or 2,300, I imagine.

Commissioner WILKINS. Approximately 2,200 or 2,300?

Judge HAMMONDS. I think.

Commissioner WILKINS. Now, you indicated that the population was approximately 17,000 to 18,000, the total population, and that the Negro population is perhaps three or four to one. Does that mean that of the 17,000 or 18,000—you say the Negro population is perhaps 14,000 to 15,000 and the white population is 3,000 to 4,000?

Judge HAMMONDS. Well, the records—I mean that's a public record. I don't know exactly what the percentage is.

Commissioner WILKINS. Would you give us your best judgment—I know you can't give us the exact figures, but could you give me your best judgment—as to the numbers of the Negroes and the numbers of the whites? Your best judgment? Let me ask your first: How long have you been a resident of the county?

Judge HAMMONDS. How long have I been a resident?

Commissioner WILKINS. Yes.

Judge HAMMONDS. Practically all my life.

Commissioner WILKINS. Then you are familiar with the complexion of the population? I mean: You are somewhat familiar with the figures.

You may not know the exact figures, but would your best judgment indicate the figures that I just gave you are about right?

Judge HAMMONDS. I imagine.

Commissioner WILKINS. Probably 14,000 to 15,000 Negroes and maybe 3,000 to 4,000 whites?

Judge HAMMONDS. Probably so.

Commissioner WILKINS. And on the registration rolls you would say there are approximately 2,200 or 2,300 registered?

Judge HAMMONDS. Approximately.

Commissioner WILKINS. Are those figures as of 1958 or 1957 or 1956?

Judge HAMMONDS. Nineteen fifty-eight.

Commissioner WILKINS. Nineteen fifty-eight. Now, Judge, isn't it a matter of fact that in Lowndes County there isn't a single member of the Negro race registered?

Judge HAMMONDS. That's what they say.

Commissioner WILKINS. In other words, out of a population of 17,000 or 18,000, 14,000 or 15,000 Negroes and 3,000 or 4,000 whites, you have approximately 2,200 or 2,300 whites registered and not a single Negro? I mean: That is the report that you get when you say, "That's what they say"?

Judge HAMMONDS. Yes.

Commissioner WILKINS. I assume that is what perhaps your newspapers or your polling registers show, that there are no Negroes. Don't you think, Judge—I am just asking you a personal question—that is a rather unusual situation?

Judge HAMMONDS. Well—

Commissioner WILKINS. You may not be able to explain it. I am just asking you: Don't you think that is a rather unusual and peculiar situation?

Judge HAMMONDS. It might be unusual, peculiar in some places; yes.

Vice Chairman STOREY. Now, ladies and gentlemen, let's have order, please.

Commissioner WILKINS. I am about through, Judge. I think he has given us the information. I appreciate his honesty and frankness in giving us the information. You indicate here is a county with 17,000 or 18,000 population, 14,000 or 15,000 Negroes, 3,000 to 4,000 whites, 2,300 whites registered and no Negro registered.

Thank you, Judge.

Vice Chairman STOREY. Are there other questions? If not, you may be excused, Judge, and thank you. The clerk is here waiting to swear the witness. Mr. Rosenfeld, will you call his name?

Mr. ROSENFELD. Judge Bernard A. Reynolds.

Vice Chairman STOREY. Will you hold up your right hand and take the oath, Judge?

Judge REYNOLDS. Yes, sir.

The CLERK. Do you solemnly swear that the testimony you shall give in this matter now in hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Judge REYNOLDS. I do.

Vice Chairman STOREY. Thank you, Judge. You may—wait just a minute. Was he to be the next witness?

Mr. ROSENFELD. Yes, sir.

Vice Chairman STOREY. All right.

TESTIMONY OF HON. BERNARD A. REYNOLDS, PROBATE JUDGE,
DALLAS COUNTY, ALA.

Vice Chairman STOREY. Judge, will you please give your name, age, and place of residence?

Judge REYNOLDS. Bernard A. Reynolds, Selma, Dallas County. Age: Fifty-three.

Vice Chairman STOREY. You are a lawyer, are you, sir?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. Do you hold a position of probate judge?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. Similar to the position described by these other gentlemen?

Judge REYNOLDS. I suppose so.

Vice Chairman STOREY. Having the same jurisdiction, I assume?

Judge REYNOLDS. As far as probate judge is concerned; yes, sir.

Vice Chairman STOREY. Yes, sir. Now, I believe you heard these subpoenas read, and one was served on you similar to the one that was read to these other gentlemen?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. Did you bring the records called for in the subpoena?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. Will you tell us why you didn't, Judge?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. This is by virtue of a subpoena dated December 5, 1958, directed to you and commanding you to take the records described to the court on Saturday, the 6th of December 1958?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. When was it served on you—actually served?

Judge REYNOLDS. December the 4th.

Vice Chairman STOREY. Did you comply with this subpoena?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. You had theretofore been served with the subpena, a copy of which I read, by an agent of the Civil Rights Commission? You had been served with that one before, had you not?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. And it commanded you to bring the same records here for examination, that is, the records described in this particular subpena?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. You complied with the subpena that was issued by the State of Alabama and did not comply with our subpena?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. Is that the fact of the matter?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. And that is your reason, because this subpena was served on you?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. Would the reporter identify it?

(The subpena referred to was marked for identification as exhibit 11.)

THE STATE OF ALABAMA, DALLAS COUNTY

To Any Sheriff of the State of Alabama, Greetings,

You are hereby commanded to summon (whose names appear on the back hereof) Bernard A. Reynolds, and Bernard A. Reynolds, as Probate Judge of Dallas County, Alabama, and to bring with you the following described records and documents: all records kept by you or in your possession pursuant to Title 17 of the Code of Alabama 1960 and as amended and with particular respect to all records of electors, and registrations and the payment of poll taxes.

(if to be found in your county), to be and appear before the Honorable the Judge of the Circuit Court of Dallas County, at the present term thereof holden for Dallas County, at the place of holding the same, to attend such court on Saturday being the 6 day of December 19 58 then and there to testify and the truth to speak in behalf of State of Alabama in a certain investigation and there to remain from day to day and from term to term until legally discharged. And this you shall in no wise omit under penalties of the law in such cases made and provided, and have you then and there this writ.

Witness my hand at office, this the 5 day of December 19 58

M. H. Houston Clerk

Judge, are you familiar with the registration procedure in your county?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. Dallas County sounds very familiar to me. That is the name of my home town and my home county.

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. Would you mind telling us what is the population of your Dallas County?

Judge REYNOLDS. Fifty-six thousand seven hundred and sixty, I believe.

Vice Chairman STOREY. Would you give the approximate percentage, or in numbers or thousands, of the white population and the Negro population?

Judge REYNOLDS. I do not know that, sir.

Vice Chairman STOREY. Can you approximate it?

Judge REYNOLDS. I'm not familiar enough with what it is to make an approximation, sir.

Vice Chairman STOREY. Do you have any idea of how many Negroes are actually registered to vote in your county?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. Do you know how many white people are registered.

Judge REYNOLDS. There's approximately 8,000 voters registered in Dallas County.

Vice Chairman STOREY. Total voters?

Judge REYNOLDS. Yes, sir.

Vice Chairman STOREY. Can you tell us what percentage of whites and what percentage of Negroes, roughly?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. Have you ever seen the registration procedure put into effect by people applying and have you observed it?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. You know nothing whatever about it?

Judge REYNOLDS. No, sir.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Judge Reynolds, how long have you been probate judge?

Judge REYNOLDS. November the 6th, 1954.

Commissioner WILKINS. Fifty-four. And how long have you lived in Dallas County?

Judge REYNOLDS. Fifty-three years.

Commissioner WILKINS. Fifty-three years. You are fairly familiar with the population. I notice you said the total population of the county was 56,070.

Judge REYNOLDS. No, sir; I did not.

Commissioner WILKINS. Approximately 56,000 total population?

Judge REYNOLDS. Fifty-six thousand seven hundred and sixty, I believe.

Commissioner WILKINS. Fifty-six thousand seven hundred and sixty. And that is the population as of 1958 or 1957?

Judge REYNOLDS. Nineteen fifty.

Commissioner WILKINS. Nineteen fifty. Now, Judge, by the way, who are the registrars in Dallas County?

Judge REYNOLDS. Mrs. Ruth Horne, J. P. Majors, J. L. Taggart.

Commissioner WILKINS. Ruth Horne, and the second one was—

Judge REYNOLDS. J. P. Majors.

Commissioner WILKINS. J. P. Majors.

Judge REYNOLDS. J. L. Taggart.

Commissioner WILKINS. J. L. Taggart.

Do you know how long they have been serving as registrars?

Judge REYNOLDS. They were appointed by the present administration.

Commissioner WILKINS. Four years ago?

Judge REYNOLDS. Yes, sir.

Commissioner WILKINS. I mean, say, in 1956?

Judge REYNOLDS. That's right.

Commissioner WILKINS. Nineteen fifty-six. You don't know whether they served prior to that time?

Judge REYNOLDS. They did not.

Commissioner WILKINS. Judge, I have the census figures for Dallas County, which show the population to be 56,000, approximately the same figure you gave, and out of that population the Negro population was 36,000-plus and the white population was 19,000-plus.

Now, while I recognize you don't know exactly what it is, would you say those figures are approximately correct?

Judge REYNOLDS. I don't know.

Commissioner WILKINS. From what source did you get the figure of 56,000? Is that from the United States census?

Judge REYNOLDS. That is the United States census.

Commissioner WILKINS. In 1956?

Judge REYNOLDS. In 1950.

Commissioner WILKINS. In 1950. You would be willing to take the United States census of 1950 as to the number of whites and the number of Negroes living in Dallas County, wouldn't you? I mean: You assume that figure is correct, because you would not have made an actual count of the figures? So, you assume that total figure is correct? Now, the figures of the United States census actually give the population as 56,270—the Negro population as 36,551; the white population as 19,719.

It is almost a two-to-one population in favor of the Negroes as to their numbers. Those are from the 1950 census.

Now, do you have any idea, Judge—you have these voting lists—as to the number of total registered voters, or did you say the total registration of voters was about 8,000?

Judge REYNOLDS. That's right.

Commissioner WILKINS. I think you told me about 8,000. Do you have any idea how many of the 8,000 are white and how many are Negro?

Judge REYNOLDS. I do not.

Commissioner WILKINS. Where did you get the 8,800 figure? Is that from the census?

Judge REYNOLDS. I don't think I told you 8,800. I told you approximately 8,000.

Commissioner WILKINS. Where did you get that figure?

Judge REYNOLDS. From my office.

Commissioner WILKINS. From your office. Would that figure be shown in any census, United States census, for instance?

Judge REYNOLDS. Not that I know of.

Commissioner WILKINS. Well, Judge, the records show that there are approximately 8,000 registered voters in Dallas County and that, of the approximately 8,000, in 1956 there were 106 Negro registered voters; in 1958 there were 128 registered Negro voters.

Now, the population is approximately, according to the 1950 census, 2 to 1, as far as numbers are concerned, and, yet the registration figures are about 80 to 1.

Would you be able, Judge to offer any explanation or reason why this great variance in figures happened? I mean: You have lived there all your life. The commission is trying to get information objectively and facts objectively. Can you offer any explanation as to the reasons why this disparity of the figures?

Judge REYNOLDS. I have never been on the board of registrars. I don't know why it would be.

Commissioner WILKINS. You don't have any opinion at all—I mean from your own experience, and you have been living there for approximately most of your life—as to the reasons why?

Judge REYNOLDS. No opinion.

Commissioner WILKINS. And you have no opinion as to the number of Negro voters in that county?

Judge REYNOLDS. That's right.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. I want to ask him one other question. Would you say the figures that I have quoted with reference to the voting is correct or incorrect or way out of line?

Judge REYNOLDS. I have no knowledge of it.

Commissioner WILKINS. You have no knowledge; yet you do have control of the voting list?

Judge REYNOLDS. That's right.

Commissioner WILKINS. You have no knowledge of the fact that out of 8,000 voters only 128 are Negro? You have no knowledge?

Judge REYNOLDS. I have no knowledge.

Commissioner WILKINS. Thank you, Judge.

Vice Chairman STOREY. Are there any other questions? If not, you may be excused, Judge.

Judge REYNOLDS. Thank you.

Vice Chairman STOREY. The next witness.

Mr. ROSENFELD. Mr. Colby C. Coleman of the Lowndes County Board of Registrars.

TESTIMONY OF COLBY C. COLEMAN, MEMBER, BOARD OF REGISTRARS,
LOWNDES, COUNTY, ALA.

Vice Chairman STOREY. You have been sworn, haven't you?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. Will you please state your name, age, and place of residence?

Mr. COLEMAN. Colby C. Coleman, Lowndes County, Hayneville, Ala. Age: Forty-five.

Vice Chairman STOREY. Are you a member of the board of registrars?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. How long have you been serving in that capacity, Mr. Coleman?

Mr. COLEMAN. About 3½ years.

Vice Chairman STOREY. Will you tell us how often you have regular meetings for applicants to come at the courthouse?

Mr. COLEMAN. Well, first, Mr. Chairman, I would like to make a brief statement. Since I am serving in a judicial capacity, and on those grounds there is a question as to whether this committee has the authority, and I refuse to answer any questions. I have no records, as they have been subpoenaed.

Vice Chairman STOREY. You mean that you refuse to answer any questions?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. On what grounds, now? Will you state them so there will be no question about it?

Mr. COLEMAN. Since the chairman of the board is serving in a judicial capacity.

Vice Chairman STOREY. Would you mind telling us when they were impounded and under what authority? That is a subpoena duces tecum, dated the 6th of December, which is last Saturday, commanding you to turn over these records as described in the subpoena that our commission had served on you; is that correct?

Mr. COLEMAN. That's right.

Vice Chairman STOREY. Did you turn those records over pursuant to the Alabama subpoena?

Mr. COLEMAN. Saturday morning.

Vice Chairman STOREY. Saturday morning?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. The subpoena that had been served by our commission was served prior to that time, wasn't it?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. Do you remember about how long prior to that time?

Mr. COLEMAN. Tuesday. I'm not sure about the date.

Vice Chairman STOREY. Tuesday of last week?

Mrs. COLEMAN. Yes, sir.

Vice Chairman STOREY. But it was prior, wasn't it?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. Will the reporter identify this subpoena?

(The subpoena referred to was marked for identification as exhibit 12.)

The State of Alabama, }
CIRCUIT COURT.
COUNTY.

To any Sheriff of the State of Alabama - Greeting:

You are hereby commanded to summon E. C. Coleman, Chairman
Board of Registrars, Louisa County, Alabama

at the instance of the Grand Jury
if he shall be found in your County, personally to be and appear before the Circuit
Court of said County, on the 6th day of the next term thereof, to be
holden at the Court House in and for said County, to-wit: on the 6th
day of December 1938 ~~1938~~, and to bring with him and produce at
the time and place aforesaid, to be used as evidence that certain instrument
of writing purporting to be Records of the Board of Registrars and all other
voting records in your possession.

bearing date on or ~~about~~ January 1, 1936 through December 6, 1938 ~~1938~~
then and there to testify, and the truth to speak, concerning all and singular those
things of which he may have knowledge, or the said instrument of writing doth
import of, and concerning a certain suit now pending and undetermined in the said
Court, wherein

Louisa County Plaintiff,
and
Defendant

and this he shall in no wise omit, under penalty of what the law directs; and
have you then and there this writ with an endorsement thereon in what manner you
shall have executed the same.

Witness my hand, this 6th day of December, 1938 ~~1938~~

John H. Smith
Clerk

GRAND JURY SUBPOENA—Comp.		1917	
The State of Alabama, Lowndes County			
No. <u>1</u>	Circuit Court, <i>Special Grand Jury Term, 1918</i>		
To any Lawful Officer of said State—Greeting:			
You are hereby commanded to summon <u>C. C. Coleman</u>			
to appear before the Circuit Court on the <u>6</u> day of <u>December</u> , <u>1918</u> , to testify as a witness before the Grand Jury sworn and impaneled for said term.			
This <u>6</u> day of <u>December</u> , <u>1918</u>		<i>John H. Smith</i> CLERK	

Now, based on that, then, I understand that you refuse to testify and answer any questions, and likewise refuse to produce any records, on the grounds you have indicated?

Mr. COLEMAN. Yes, sir. I can't produce the records. I don't have them.

Vice Chairman STOREY. I mean answering questions.

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. Do I understand—

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. You will not answer any more questions?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. In all deference and all courtesy, I command and direct you to answer questions that we may propound to you. Will you answer them?

Mr. COLEMAN. No, sir.

Vice Chairman STOREY. For what reasons?

Mr. COLEMAN. On the same grounds, sir.

Vice Chairman STOREY. Likewise, do you refuse to produce the records that we have commanded you to produce for the same reasons and the service of the subpoena?

Mr. COLEMAN. Yes, sir.

Mr. PATTERSON. Wait just a minute. Let me speak to you. You don't have the records, do you?

Mr. COLEMAN. No, sir; I don't have the records. No, sir, on the grounds I received that subpoena and they have already been taken from me.

Vice Chairman STOREY. That is your sole reason?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. And you refuse to proceed with the examination in connection with any questions—

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. That we might ask you for the reasons indicated?

Mr. COLEMAN. Yes, sir.

Vice Chairman STOREY. Your objections will be noted, and you will be excused from the stand.

Commissioner WILKINS. I want to ask him, Mr. Chairman, a question for the record. If he refuses to answer the questions propounded to him, I want to ask him a couple questions. Mr. Coleman, you are a member of the board of registrars of Lowndes County?

Mr. COLEMAN. That's right.

Commissioner WILKINS. And you have been serving for 3½ years?

Mr. COLEMAN. That's right.

Commissioner WILKINS. During that time how many applications for registration would you say there were?

Mr. COLEMAN. I refuse to answer that question on the same grounds.

Commissioner WILKINS. During that time did you receive any applications from Negroes to register in Lowndes County?

Mr. COLEMAN. I refuse to answer that question.

Commissioner WILKINS. You refuse to answer. Is it a matter of fact, Mr. Coleman, that in Lowndes County—You heard the Judge testify from Lowndes County that there were approximately 2,200 or 2,300 registered voters? Did you hear him testify to that?

Mr. COLEMAN. I did.

Commissioner WILKINS. Is that fact about correct?

Mr. COLEMAN. I don't know.

Commissioner WILKINS. You don't know whether that is correct. Do you know whether or not, Mr. Coleman, there is any Negro registered in Lowndes County, Ala.?

Mr. COLEMAN. I refuse to answer that question on the same grounds as before.

Commissioner WILKINS. Can you tell me what the procedure is in your board of registrars with reference to registration?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Do you give the applicant an application blank, such as the one which has been introduced in the evidence here and marked Exhibit No. 1? Is that handed to each applicant who comes to register?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Do you ask the applicant for registration any questions at any time prior to the time you hand him the registration blank?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Now, does the Alabama law provide, as one of the prerequisites for registration, that the applicant be able to read and copy certain provisions of the Constitution of the United States?

Mr. COLEMAN. I don't know.

TESTIMONY OF DOROTHY WOODRUFF, MEMBER, BOARD OF REGISTRARS,
LOWNDES COUNTY, ALA.

Vice Chairman STOREY. Would you kindly give your name and, if you don't mind, your age, and place of residence?

Mrs. WOODRUFF. Dorothy Woodruff. Age: Forty-eight. Hayneville, Ala.

Vice Chairman STOREY. Are you married?

Mrs. WOODRUFF. Yes, sir.

Vice Chairman STOREY. And do you have a husband and some children?

Mrs. WOODRUFF. Yes, sir.

Vice Chairman STOREY. Would you mind telling me how many?

Mrs. WOODRUFF. Three.

Vice Chairman STOREY. Do you have any occupation besides being a housewife?

Mrs. WOODRUFF. Yes, sir. I own and operate a beauty shop in Hayneville.

Vice Chairman STOREY. Do you serve on this board of registrars also?

Mrs. WOODRUFF. Yes, sir.

Vice Chairman STOREY. And how long have you been serving on the board?

Mrs. WOODRUFF. I have been on and off of this board since 1948.

Vice Chairman STOREY. Your last service has been for how long, Mrs. Woodruff?

Mrs. WOODRUFF. Three and a half years.

Vice Chairman STOREY. Are you familiar with the voting procedure or, rather, the registration procedure in your county?

Mrs. WOODRUFF. Yes, sir.

Vice Chairman STOREY. Have you participated in taking applications and making registrations of voters?

Mrs. WOODRUFF. I give the people who come in and ask for an application—we give them the blanks to fill out.

Vice Chairman STOREY. Yes, ma'am. It is a blank, I assume, similar to the one we have had here, the standard blank?

Mrs. WOODRUFF. Yes, sir.

Vice Chairman STOREY. Now, you ask them to fill them out. What else do you ask them to do?

Mrs. WOODRUFF. We just ask them to fill that blank out.

Vice Chairman STOREY. Do you ask them to read or write anything in addition to this?

Mrs. WOODRUFF. No, sir.

Vice Chairman STOREY. Do you ask them to sign a return envelope for reply from the board?

Commissioner WILKINS. You are not familiar with the law under which your board operates?

Mr. COLEMAN. No.

Commissioner WILKINS. When a registrant comes in, do you ask him to copy a section of the United States Constitution?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Do you ask the applicant his age?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Do you ask him his occupation?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Do you ask his residence?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Do you ask him whether or not he has been a resident of the county or of the State for more than 2 years?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. Are you familiar with the application? You do give the applicants an application blank, don't you?

Mr. COLEMAN. I refuse to answer that.

Commissioner WILKINS. And you refuse to answer that on what grounds?

Mr. COLEMAN. On the same grounds, as the grounds I am serving in a judicial capacity and there is a question in my mind as to whether this committee has the authority to ask those questions.

Commissioner WILKINS. When were you appointed a registrar?

Mr. COLEMAN. About 3½ years ago.

Commissioner WILKINS. And you have served continuously in that capacity since?

Mr. COLEMAN. That's right.

Commissioner WILKINS. Are you a paid a salary or per diem or what?

Mr. COLEMAN. By the day.

Commissioner WILKINS. You are paid by the day. And how many days out of the year do you work?

Mr. COLEMAN. I don't know.

Commissioner WILKINS. Approximately?

Mr. COLEMAN. It's different. Every other year it's different. I just don't know.

Commissioner WILKINS. That is all, Mr. Chairman.

Vice Chairman STOREY. That is all. You may be excused. The next witness.

Mr. ROSENFELD. Mrs. Dorothy Woodruff of the Lowndes County Board of Registrars.

Mrs. WOODRUFF. No, sir.

Vice Chairman STOREY. What is your procedure with reference to notifying one if he has been registered?

Mrs. WOODRUFF. Well, after we meet, we discuss it and if their qualifications are up to par we send them their certificate.

Vice Chairman STOREY. If they are not up to par and do not meet the qualifications you set, what do you do?

Mrs. WOODRUFF. We have never had any that haven't been up to par.

Vice Chairman STOREY. Never had any that haven't been up to par.

Mrs. WOODRUFF. Yes, sir.

Vice Chairman STOREY. Is that true as to both the blacks and the whites?

Mrs. WOODRUFF. We have no blacks.

Vice Chairman STOREY. All white?

Mrs. WOODRUFF. All white.

Vice Chairman STOREY. In your county?

Mrs. WOODRUFF. That's right.

Vice Chairman STOREY. What is the population of your county, Mrs. Woodruff?

Mrs. WOODRUFF. Eighteen thousand-plus.

Vice Chairman STOREY. And how long has that condition been true in your county—that there are no blacks? Since you have been serving—

Mrs. WOODRUFF. Since I have been on the board.

Vice Chairman STOREY. Do you know how many voters are actually registered in your county, approximately?

Mrs. WOODRUFF. I don't know approximately. It is over 2,300.

Vice Chairman STOREY. I believe the procedure is: After you register these people, then you send them to the probate judge. They are entered into these books, as testified to by Judge Varner, and then they become public records and are filed in the county probate judge's office. Is that correct?

Mrs. WOODRUFF. Yes, sir. They're turned over to the probate judge's office when we are through with them.

Vice Chairman STOREY. Have you ever had any application, in your experience, from any colored person?

Mrs. WOODRUFF. No, sir; we have not.

Vice Chairman STOREY. I believe that is all. Any other questions?

Commissioner WILKINS. Mrs. Woodruff, you serve on the board of registrars with Mr. Coleman, who just preceded you on the stand?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. And you do give the applicants who come an application blank?

Mrs. WOODRUFF. We do.

Commissioner WILKINS. And do you require them to write this section or paragraph or article of the Constitution?

Mrs. WOODRUFF. No.

Commissioner WILKINS. Do you know what the law of Alabama is with respect to qualifications of people who are registered to vote?

Mrs. WOODRUFF. I think I do.

Commissioner WILKINS. What are those qualifications?

Mrs. WOODRUFF. You have to be in the State 2 years, or I think they've cut it down now to 1 year, and in the precinct 3 months and in the county 6 months, and you have to read and write, and own 40 acres of land, more or less, and live honorably, right, and supposed to have never been arrested or been in jail.

Commissioner WILKINS. Is there any provision in the Alabama law with reference to registration that an applicant must be able to read and write—

Mrs. WOODRUFF. Yes. They're supposed to be—

Commissioner WILKINS. The Constitution or parts of the Constitution of the United States?

Mrs. WOODRUFF. That is in the law.

Commissioner WILKINS. And you say the registrants that have come before your Board during the time you have served intermittently since 1948—no one has been asked—I understand that is a new law.

Mrs. WOODRUFF. We ask them if they can do it and, of course, they can.

Commissioner WILKINS. You ask the registrants if they are capable—

Mrs. WOODRUFF. Capable.

Commissioner WILKINS. Of writing, and when they say they are that is all that is done?

Mrs. WOODRUFF. No. We know that they are when they fill their application out.

Commissioner WILKINS. When they fill the application out, you know they can read the Constitution of the United States?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. Is that what I understand you to say?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. During all this time that you have served on the board you testify there has not been a single Negro who applied for a registration certificate?

Mrs. WOODRUFF. That is true.

Commissioner WILKINS. Mrs. Woodruff, how long have you lived in Lowndes County?

Mrs. WOODRUFF. I have lived in Lowndes County around 35 years.

Commissioner WILKINS. Thirty-five years. Has the population remained fairly constant during these 35 years with respect to the number of white citizens and the number of Negro citizens?

Mrs. WOODRUFF. I should think so.

Commissioner WILKINS. Are there any public schools in Lowndes County?

Mrs. WOODRUFF. Any public schools?

Commissioner WILKINS. Yes.

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. For whites and for Negroes?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. Are there any Negroes—I mean: If you don't know the answer to this question, please don't answer. Are there any Negroes there who teach in the public schools or who have businesses in that community?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. Can you give us any reason—I mean your own judgment—as to why no Negroes have made application for registration in Lowndes County?

Mrs. WOODRUFF. I do not know.

Commissioner WILKINS. Do you know if there have ever been any Negro registrants in Lowndes County?

Mrs. WOODRUFF. I just don't know.

Commissioner WILKINS. And I think you said the population was approximately 18,000?

Mrs. WOODRUFF. Yes, plus.

Commissioner WILKINS. Eighteen thousand-plus. And, of that 18,000-plus, do you know, Mrs. Woodruff, what the number, approximate number, of white citizens is to the approximate number of Negro citizens?

Mrs. WOODRUFF. I do not know.

Commissioner WILKINS. And you have lived there 35 years?

Mrs. WOODRUFF. Yes. I mean there is more of the colored race than the white race, but I don't know the ratio.

Commissioner WILKINS. Would you say there are three times as many of the Negroes living in that county as there are of the white race?

Mrs. WOODRUFF. I just don't know.

Commissioner WILKINS. But you are certain there are more Negroes living there?

Mrs. WOODRUFF. There are more, I am sure.

Commissioner WILKINS. There are more Negroes living there. Upon what do you base that observation, Mrs. Woodruff, that there are more?

Mrs. WOODRUFF. Well, I just happened to live there so long I know most everybody there.

Commissioner WILKINS. You mean to say you know most of the 18,000 people who live in Lowndes County?

Mrs. WOODRUFF. I sure do.

Commissioner WILKINS. Does that include the whites and the Negroes?

Mrs. WOODRUFF. Yes, sir.

Commissioner WILKINS. Mrs. Woodruff, when an applicant completes this registration form, you say the registrars meet and examine it to determine the qualifications of the applicant?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. And what are the factors which the board of registrars consider in determining whether or not an applicant is qualified to receive a certificate of registration?

Mrs. WOODRUFF. Well, if they meet all the qualifications, there isn't any reason why they can't be registered.

Commissioner WILKINS. I understand, but I am asking you: What are the tests and the criteria that the board of registrars applies to these applications which you receive?

Mrs. WOODRUFF. I don't think I can quite answer that right now.

Commissioner WILKINS. You have served the last 3½ years?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. And you served one term prior to that?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. Doesn't the board of registrars ever discuss the tests or the criteria, the qualifications, which they say the applicant must have before they grant him a certificate of registration?

Mrs. WOODRUFF. Yes.

Commissioner WILKINS. What are some of them?

Mrs. WOODRUFF. Well, I've just told you. I've already given that answer prior to this.

Commissioner WILKINS. I see. Anyone who says they can read and write you register automatically?

Mrs. WOODRUFF. And fill out the questionnaire. They can write——

Commissioner WILKINS. In other words, if they have filled out the questionnaire, the board of registrars immediately issues a certificate of registration and certifies it to the probate judge?

Mrs. WOODRUFF. That's right.

Commissioner WILKINS. So, you have never turned down any applicant during the time——

Mrs. WOODRUFF. If they have the right qualifications, we haven't.

Commissioner WILKINS. Have you turned down any applicant?

Mrs. WOODRUFF. No, sir.

Commissioner WILKINS. So that you haven't turned down an applicant as long as you have served on the board?

Mrs. WOODRUFF. No.

Commissioner WILKINS. So that all of them evidently, from the application, possessed the capacity, the ability to read and write, and you thought they were qualified to vote. Thank you, Mrs. Woodruff.

Vice Chairman STOREY. Thank you, Mrs. Woodruff.

We have one more witness. Will you call the witness, Mr. Rosenfeld?

Mr. ROSENFELD. Mr. Clyde Day of the Lowndes County Board of Registrars.

TESTIMONY OF CLYDE A. DAY, MEMBER, BOARD OF REGISTRARS, LOWNDES COUNTY, ALA.

Vice Chairman STOREY. Would you please give your name, age, and residence?

Mr. DAY. Clyde A. Day. Age: Fifty-six. I live at Mt. Willing, Lowndes County, Ala.

Vice Chairman STOREY. Mr. Day, you are a member of the board of registrars, are you?

Mr. DAY. Yes.

Vice Chairman STOREY. Along with these other two people who testified?

Mr. DAY. Yes.

Vice Chairman STOREY. And how long have you served in that capacity?

Mr. DAY. Not quite 4 years.

Vice Chairman STOREY. Have you attended all the meetings or most all of them?

Mr. DAY. I've attended most of them.

Vice Chairman STOREY. You have heard the statement of Mrs. Woodruff with reference to the procedure and the application that is signed. Will you concur with what she has testified as to the procedure?

Mr. DAY. Yes, sir.

Vice Chairman STOREY. In other words, this standard application is filled out in detail and then you pass on it?

Mr. DAY. Yes.

Vice Chairman STOREY. And decide whether or not the applicant is entitled to registration?

Mr. DAY. Yes, sir.

Vice Chairman STOREY. You so notify him if he is approved?

Mr. DAY. Yes, sir.

Vice Chairman STOREY. Do you notify him if he is not approved?

Mr. DAY. We haven't had any that hasn't been approved.

Vice Chairman STOREY. You have approved all that have been filed?

Mr. DAY. That's right.

Vice Chairman STOREY. I believe the record shows, according to the testimony of the other witnesses, that no Negro has been registered during the term of office of you two gentlemen and Mrs. Woodruff.

Mr. DAY. That's right.

Vice Chairman STOREY. Have any applied?

Mr. DAY. No; no one has applied.

Vice Chairman STOREY. How long have you lived in the county, Mr. Day?

Mr. DAY. All my life.

Vice Chairman STOREY. Approximately what is the population of the county?

Mr. DAY. Well, I would say 17,000-18,000.

Vice Chairman STOREY. What percentage is Negro and what percentage is white, roughly?

Mr. DAY. I would say a fourth and three-fourths.

Vice Chairman STOREY. A fourth white and three-fourths Negro?

Mr. DAY. That's right, approximately.

Vice Chairman STOREY. How long have you lived in the county yourself, sir?

Mr. DAY. Always; ever since I was born.

Vice Chairman STOREY. Do you know of any Negro who has been registered in that county, of your own personal knowledge?

Mr. DAY. No; I don't.

Vice Chairman STOREY. Do you know, of your own personal knowledge, of any who has applied for registration?

Mr. DAY. I have no idea.

Vice Chairman STOREY. Do you know why that condition is?

Mr. DAY. I couldn't tell you.

Vice Chairman STOREY. I believe that is all.

Any other questions?

Commissioner WILKINS. May I ask him just one or two questions? Mr. Day, you say you have been serving for about 3½ years?

Mr. DAY. That's right.

Commissioner WILKINS. This is your first term of service?

Mr. DAY. That's right.

Commissioner WILKINS. What is your age, Mr. Day?

Mr. DAY. Fifty-six.

Commissioner WILKINS. Fifty-six. And you have lived in Lowndes County all of your life?

Mr. DAY. That's right.

Commissioner WILKINS. And you are familiar with the population there in Lowndes County?

Mr. DAY. Roughly.

Commissioner WILKINS. Can you give us any logical explanation of why there has not been any Negro registered to vote in Lowndes County during your life or since you reached a majority?

Mr. DAY. I couldn't. I don't know of any.

Commissioner WILKINS. Has there been any statement made that Negroes would not be registered if they applied?

Mr. DAY. I never have heard.

Commissioner WILKINS. You never have heard. If a Negro were to apply for registration, would he be asked the same questions that are asked of a white citizen?

Mr. DAY. I think so.

Commissioner WILKINS. And if he filled out his application correctly and properly you would issue a certificate of registration to him, just as you would to any other citizen?

Mr. DAY. That's right.

Commissioner WILKINS. Would you, as a member of the board of registrars, require him to write a section or article of the Constitution of the United States, as required by the law of the State of Alabama?

Mr. DAY. I don't think so.

Commissioner WILKINS. You don't think so. You would take everybody the same way?

Mr. DAY. Yes.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. That is all. You may be excused. Ladies and gentlemen, Governor Battle, a member of our commission, has a statement he wants to read at this time.

Governor Battle.

Commissioner BATTLE. Mr. Chairman, and ladies and gentlemen: Like Dean Storey, I have come to the State of my ancestors. My father was proud to be an Alabamian. My grandfather, Cullen A. Battle, was my constant companion during my boyhood days and, in the war between the States, the commanding officer of a brigade of Alabama troops which was honored by a resolution of the Confederate Congress, thanking the Alabama officers and Alabama men for their services to the Confederacy.

My grandfather was subsequently denied his seat in Congress, to which the people of Alabama had elected him, because he had served the Confederate cause.

So, I come to the people of Alabama as a friend—I think I may be permitted to say—returning to the house of my fathers, and none of you white citizens and officials of Alabama believe more strongly than I do in the segregation of the races as the right and proper way of life in the South. It is, in my judgment, the only way in which racial integrity can be preserved and thus prove beneficial to both races.

The President of the United States was not in error when, in asking me to serve as a member of this commission, he said he wanted someone with strong southern sentiments, which I have, and I accepted this assignment in the hope that I might be of some service to my country and to the Southland.

It is from this background, ladies and gentlemen, that I am constrained to say, in all friendliness, that I fear the officials of Alabama and of certain of its counties have made an error in doing that which appears to be an attempt to cover up their actions in relation to the exercise of the ballot by some people who may be entitled thereto.

The majority of the Members of the next Congress will not be sympathetic to the South, and punitive legislation may be passed, and this hearing may be used in the advocacy of that legislation, which will react adversely to us in Virginia and to you in Alabama.

Of course, it is not up to me, nor would I presume to suggest how any counsel or any official should govern himself; but we are adjourning this hearing until tomorrow morning, and may I say to you, as one who is tremendously interested in the southern cause: Will you kindly reevaluate the situation and see if there is not some way you, in fairness to your convictions, to the officials, may cooperate a little bit more fully with this commission and not have it said by our enemies in Congress that the people of Alabama were not willing to explain their conduct when requested to do so.

This may be entirely out of order, ladies and gentlemen, but it was in my heart to say it, and I hope you will take it in the spirit in which I say it.

Vice Chairman STOREY. We will stand recessed until tomorrow morning at 9 o'clock.

(Whereupon, at 5:18 p.m., the hearing was recessed, to reconvene at 9 a.m., Tuesday, December 9, 1958.)

UNITED STATES
COMMISSION ON CIVIL RIGHTS

TUESDAY MORNING SESSION
DECEMBER 9, 1958

HEARING HELD
IN
MONTGOMERY, ALABAMA

TUESDAY MORNING SESSION, DECEMBER 9, 1958

The commission met in the hearing room of the U.S. Circuit Court of Appeals, U.S. Post Office and Federal Building, Montgomery, Ala., at 9:04 a.m., Tuesday, December 9, 1958, Mr. Robert G. Storey, vice chairman of the commission, presiding.

Present: John A. Hannah (chairman), Robert G. Storey (vice chairman), John S. Battle (commissioner), Doyle E. Carlton (commissioner), Rev. Theodore M. Hesburgh (commissioner), J. Ernest Wilkins (commissioner).

Also present: Gordon M. Tiffany (staff director), Mrs. Carol R. Arth (executive secretary), A. H. Rosenfeld (director, office of complaints, information and survey), Charles Ed Clark (legal assistant), Burton Stevenson (legal assistant), Berl I. Bernhard (staff attorney), Lysbeth A. Santon (secretary), Thomas W. Young (consultant), David F. Koonce (consultant), Eugene R. Jackson (legal assistant).

PROCEEDINGS

Vice Chairman STOREY. The commission will come to order.

Mr. Rosenfeld, will you call the list of witnesses who are to appear this morning and to have the oath administered?

Mr. ROSENFELD. Yes, sir. Will the following persons please rise as I call your names: Mrs. Amelia Platts Boynton.

Vice Chairman STOREY. Would you have each one of them to answer personally?

Mr. ROSENFELD. You are Mrs. Boynton?

Mrs. BOYNTON. I am.

Mr. ROSENFELD. Mr. S. W. Boynton. You are Mr. Boynton?

Mr. BOYNTON. I am.

Mr. ROSENFELD. Please remain standing. Dr. Sullivan Jackson. You are Dr. Sullivan Jackson?

Dr. JACKSON. That's right.

Mr. ROSENFELD. Mrs. Jennie V. Anderson. Mrs. Anderson?

Mrs. ANDERSON. Yes, sir.

Mr. ROSENFELD. Mr. Frank D. Gordon.

Mr. GORDON. Here.

Mr. ROSENFELD. You are Mr. Gordon?

Mr. GORDON. Yes, sir.

Mr. ROSENFELD. Mrs. Ruth K. Lindsey. You are Mrs. Lindsey?

Mrs. LINDSEY. I am.

Mr. ROSENFELD. Mr. Elijah Franklin. You are Mr. Franklin?

Mr. FRANKLIN. I am.

Mr. ROSENFELD. Mrs. Margaret Frost. You are Mrs. Frost?

Mrs. FROST. I am.

Mr. ROSENFELD. Mr. George R. Morris. You are Mr. Morris?

Mr. MORRIS. Yes, sir.

Mr. ROSENFELD. Mr. Andrew Jones. You are Mr. Jones?

Mr. JONES. Yes.

Mr. ROSENFELD. Mrs. Martha Eadoms. You are Mrs. Eadoms?

Mr. EADOMS. Yes.

Mr. ROSENFELD. Mr. Aaron Sellers. There is a question of transportation, and we will call Mr. Sellers a bit later. We know he is on his way, sir.

Vice Chairman STOREY. Are those all?

Mr. ROSENFELD. That's it.

Vice Chairman STOREY. Will the clerk administer the oath?

The CLERK. Will each of you raise your right hand?

Do you and each of you solemnly swear that the evidence you shall give in this matter now in hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

(Cries of "I do.")

Vice Chairman STOREY. Will all of you be seated, please?

We will get through with all of you witnesses just as quickly as possible. There is a witness room across the hall. If you want to go over there, all right; but you must stay within hearing distance of the deputy marshal so you may be called.

Who is the first witness, Mr. Rosenfeld?

Mr. ROSENFELD. Mrs. Amelia Platts Boynton.

TESTIMONY OF AMELIA PLATTS BOYNTON, SELMA, DALLAS COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name, age, and place of residence?

Mrs. BOYNTON. My name is Amelia Platts Boynton. Age: Forty-seven. I live at 1315 Lapsley Street, Selma.

Vice Chairman STOREY. In what county is Selma, for the record?

Mrs. BOYNTON. Selma is in Dallas County.

Vice Chairman STOREY. How long have you lived there?

Mrs. BOYNTON. I have lived there 30 years; near 30 years.

Vice Chairman STOREY. Where were you born and when?

Mrs. BOYNTON. I was born August the 8th, 1911, in Savannah, Ga.

Vice Chairman STOREY. And how long have you lived in Alabama?

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ALMA, DALLAS COUNTY, ALA.

e your name, age, and place

Boynton. Age: Forty-seven.

Selma, for the record?

lived there?

near 30 years.

n and when?

1911, in Savannah, Ga.

you lived in Alabama?

Mrs. BOYNTON. I came to Alabama at age 14 to attend Tuskegee In-
stitute. I have had only 1 year break.

Vice Chairman STOREY. One year—what?

Mrs. BOYNTON. One year's break between the residence—

Vice Chairman STOREY. All right.

Mrs. BOYNTON. Of living in Alabama.

Vice Chairman STOREY. Are you a graduate of any high school or uni-
versities or colleges?

Mrs. BOYNTON. I am a graduate of Tuskegee Institute; major in home
economics.

Vice Chairman STOREY. What degree, if any?

Mrs. BOYNTON. I finished junior college and had seven summers at
Tuskegee Institute, one summer at Tennessee State and one summer at
Virginia State.

Vice Chairman STOREY. Are you married?

Mrs. BOYNTON. I am.

Vice Chairman STOREY. What is your husband's name?

Mrs. BOYNTON. My husband's name is S. W. Boynton.

Vice Chairman STOREY. Is he the one who was sworn this morning?

Mrs. BOYNTON. He is.

Vice Chairman STOREY. Any children?

Mrs. BOYNTON. Two children.

Vice Chairman STOREY. Besides being a housewife, do you have any
profession or business?

Mrs. BOYNTON. I am the manager of the Pilgrim Health and Life In-
surance Co. and an ordinary specialist for the State.

Vice Chairman STOREY. The State of Alabama?

Mrs. BOYNTON. State of Alabama.

Vice Chairman STOREY. Where is the home office of the company?

Mrs. BOYNTON. The home office is in Augusta, Ga.

Vice Chairman STOREY. Do you give all of your time to that
responsibility?

Mrs. BOYNTON. I do, except for my housework.

Vice Chairman STOREY. Now, what is the particular area or district
that you travel and keep up with?

Mrs. BOYNTON. Most of my work is done in Dallas County, Lowndes,
Wilcox, Perry, Montgomery and Macon County.

Vice Chairman STOREY. Are you a registered voter in Alabama?

Mrs. BOYNTON. I am.

Vice Chairman STOREY. In what county?

Mrs. BOYNTON. I am a registered voter of Dallas County.

Vice Chairman STOREY. Since when?

Mrs. BOYNTON. I became registered approximately 18 years ago.

Vice Chairman STOREY. You mentioned that you travel around in connection with your professional matters in Dallas, Lowndes, and Wilcox Counties?

Mrs. BOYNTON. That's right.

Vice Chairman STOREY. Just give us an idea of how often you travel in those counties and where you go and what you do.

Mrs. BOYNTON. I am in the ordinary field in those particular places. That means I sell ordinary insurance, from \$1,000 to \$50,000, and the people whom I work among are people who are professional, intelligent, homeowners or those who are able to buy. I go to those counties at least once per month, and very often it's more often than that.

Vice Chairman STOREY. During the course of your contacts and travels have you had occasion to discuss with Negroes the questions of registration?

Mrs. BOYNTON. In almost every occasion of going into these counties we begin to talk about the situation and end up in registration and the ballot at least.

Vice Chairman STOREY. How long have you been familiar with this scope of inquiry and discussion that you mentioned among the people in those counties?

Mrs. BOYNTON. At least 15 years.

Vice Chairman STOREY. At least 15 years?

Mrs. BOYNTON. At least 15 years. We would talk off and on about the situation.

Vice Chairman STOREY. Do you go all over the counties?

Mrs. BOYNTON. I do.

Vice Chairman STOREY. Do you mean all three counties or which ones in particular are you familiar with the general conditions there with reference to voter registration?

Mrs. BOYNTON. Lowndes, Wilcox, Perry and, of course, Dallas.

Vice Chairman STOREY. Now, you live in Dallas County?

Mrs. BOYNTON. I do. That is the adjacent county to both Lowndes and Wilcox.

Vice Chairman STOREY. Now, with reference to those three counties, are you familiar with the approximate population and the proportion of white and colored in each of the counties?

Mrs. BOYNTON. I am.

Vice Chairman STOREY. Let's take your home county. Give the approximate population of that county.

Mrs. BOYNTON. Dallas County—it's approximately—we have approximately 52,000 population, around 18,000 colored—but I think my husband could tell you more about that because he—

Vice Chairman STOREY. Now, we are just asking you now.

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Mrs. BOYNTON. Yes.

Vice Chairman STOREY. He will be testifying later. What is the aggregate population, white and colored, of Dallas County?

Mrs. BOYNTON. Approximately fifty-some odd thousand, I'm quite sure.

Vice Chairman STOREY. How many of those are Negroes?

Mrs. BOYNTON. Above the voting age there are around 18,000 Negroes, above 21 years of age.

Vice Chairman STOREY. All right. What is the total Negro population, approximately?

Mrs. BOYNTON. Approximately—around 40,000.

Vice Chairman STOREY. Now, that is in Dallas County?

Mrs. BOYNTON. That's Dallas County.

Vice Chairman STOREY. Are you familiar with the number of registered Negro voters in that county?

Mrs. BOYNTON. Around 125.

Vice Chairman STOREY. Now, what about Lowndes County? What is the approximate total population?

Mrs. BOYNTON. In Lowndes County the total population is approximately 8,000 or—about 12,000.

Vice Chairman STOREY. Total?

Mrs. BOYNTON. Approximately, above 21 years of age.

Vice Chairman STOREY. No. The total.

Mrs. BOYNTON. I don't know the total population because—

Vice Chairman STOREY. Can you give us the approximate total population, white and colored?

Mrs. BOYNTON. The only thing I can give it from is the record that was made by the Alabama State Teachers College and, of course, they were most concerned about those over 21 years of age, and I can give you that much better.

Vice Chairman STOREY. All right. What is that, then?

Mrs. BOYNTON. There are 2,154 whites and 8,054 Negroes above the age of 21.

Vice Chairman STOREY. That is, above the voting age?

Mrs. BOYNTON. That's it.

Vice Chairman STOREY. Do you know how many whites are registered in that county and how many Negroes are registered in that county?

Mrs. BOYNTON. Over 1,500 whites and no Negroes.

Vice Chairman STOREY. Is that condition true as of 1958?

Mrs. BOYNTON. That condition is true as of now.

Vice Chairman STOREY. That is Lowndes County, now?

Mrs. BOYNTON. That's Lowndes County.

Vice Chairman STOREY. Now, what about Wilcox County?

Mrs. BOYNTON. Wilcox County—they have no colored voters.

Vice Chairman STOREY. Well——

Mrs. BOYNTON. They have——

Vice Chairman STOREY. First, population-wise, do you know the population above voting age?

Mrs. BOYNTON. Around——

Vice Chairman STOREY. First, do you know the total population?

Mrs. BOYNTON. Around 30,000. Approximately 30,000.

Vice Chairman STOREY. Total population?

Mrs. BOYNTON. Total population.

Vice Chairman STOREY. That is, of Wilcox County?

Mrs. BOYNTON. Wilcox County.

Vice Chairman STOREY. And approximately the number of whites and the number of Negroes?

Mrs. BOYNTON. Around 8,000 Negroes.

Vice Chairman STOREY. And the remainder whites?

Mrs. BOYNTON. The remainder whites.

Vice Chairman STOREY. Now, then, as to registration of Negroes in Wilcox County, how many are registered?

Mrs. BOYNTON. There are no Negroes registered in Wilcox County.

Vice Chairman STOREY. Have you had occasion to investigate, in your own responsibility as a citizen and in connection with your duties of your business, the conditions or reasons why there are no Negroes registered in the two counties of Lowndes and Wilcox?

Mrs. BOYNTON. Because of the fact——

Vice Chairman STOREY. First, have you had occasion to make such an investigation in connection with your duties?

Mrs. BOYNTON. I have, and I would like to tell you why I had the occasion.

Vice Chairman STOREY. Go ahead.

Mrs. BOYNTON. I am the State chairman of political action of the State association of women's clubs over the entire State, of course, and that embraces clubs of all counties or practically all counties and cities.

I am also the chairman of the Elks political action or civil liberties chairman, as it is called, and this gives me the opportunity to go into these communities, ask them to join these organizations, and, of course, this being my position, I have the opportunity to talk with them at length about registration and voting, because that is what the organizations are for.

Vice Chairman STOREY. With reference to Lowndes County, will you tell what you know, of your own knowledge, as to conditions or circumstances that bring about this result that you have recited?

Mrs. BOYNTON. I have contacted individuals in Lowndes County and, talking with them about registering and voting, I find—in talking, they said they have not made an attempt to register and vote. The reason is

because of the economic pressure that has been brought already on some whom they thought were perhaps members of the NAACP years ago, and because of that reason they have not been interested in making the attempt, and then the pressure that has been brought on people from time to time, people of my race—they have not made an attempt to register in that county.

Vice Chairman STOREY. Has any person of your race applied for registration in Lowndes County?

Mrs. BOYNTON. Not—

Vice Chairman STOREY. Within your knowledge?

Mrs. BOYNTON. None of those whom I have talked to have.

Vice Chairman STOREY. Has anyone applied for registration, within your knowledge?

Mrs. BOYNTON. Not that I know of.

Vice Chairman STOREY. Have you been advised that anyone had applied?

Mrs. BOYNTON. I have asked a number of people who should know about it, and all of them have said nobody has applied.

Vice Chairman STOREY. What about Wilcox County? Has anyone applied for registration there, that is, anyone of your race?

Mrs. BOYNTON. I have been told a number of times of at least one person who has been to the registration board, and that person has been denied.

Vice Chairman STOREY. Do you know of any other one, other than the one you have mentioned?

Mrs. BOYNTON. I have talked with others who said they have been there, but I know definitely one person has been there.

Vice Chairman STOREY. Has anyone registered in that county, that is, of your race?

Mrs. BOYNTON. No one of my race has ever been able to register since I have known, since I have been going through the county.

Vice Chairman STOREY. Are there other questions of the commission?

Commissioner BATTLE. Yes. I would like to ask a question or two. Do you, of your own knowledge, know of any pressure of any kind exerted against any member of your race by any State or county official?

Mrs. BOYNTON. I know economic pressure has been brought on them.

Commissioner BATTLE. By—

Mrs. BOYNTON. That is, individuals.

Commissioner BATTLE. By any State or county official?

Mrs. BOYNTON. Yes.

Commissioner BATTLE. Who are they, please?

Mrs. BOYNTON. I know of economic pressure in a way. I might say this: That happened to me, personally.

Commissioner BATTLE. All right. What was——

Mrs. BOYNTON. And it wasn't about registering, voting.

Commissioner BATTLE. Well, we are talking about registering and voting, aren't we?

Mrs. BOYNTON. But you asked me about economic pressure that has been——

Commissioner BATTLE. Yes, and you said that prevented the people from registering and voting, as I understood you to say——

Mrs. BOYNTON. No.

Commissioner BATTLE. And I ask——

Mrs. BOYNTON. They fear going there personally. In talking with them, they have given me the understanding that pressure has been brought on them from other angles, and because of that reason they do not want to go up there and become unpopular or be criticized.

Commissioner BATTLE. What other angles?

Mrs. BOYNTON. There has been a case—two cases that I know of where these people kept stores in Lowndes County, and they have been told—the trucks coming through—the wholesale trucks coming through—have failed to stop and to deliver goods, and they have been told that they weren't to deliver goods to them; and, of course, the persons that had their stores open—and they haven't been able to get their commodities to sell, and——

Commissioner BATTLE. Can you testify, of your own knowledge, that any State or county official was responsible for that condition?

Mrs. BOYNTON. No; I can't.

Commissioner BATTLE. Yes. That is all.

Mrs. BOYNTON. I can't.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Mrs. Boynton, how many years did you say you have been traveling through these counties?

Mrs. BOYNTON. I have been traveling through these counties for 19 years—it will be 20 years on the 29th of August—as an insurance agent.

Commissioner WILKINS. And you are familiar with the practices that obtain not only with respect to voting, but with respect to other civil rights——

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Enjoyed by Negroes in these counties?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Now, you mentioned economic pressure. Do you mean by "economic pressure" incidents such as the refusal and failure of a truck driver to deliver goods to Negro merchants?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Would that also include the matter of perhaps failure to renew mortgages?

Mrs. BOYNTON. That's right.

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Commissioner WILKINS. Would that also include perhaps failure to obtain a mortgage?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Are you familiar with the types of mortgages that are executed in the State of Alabama? By that, do you know whether they are term notes or whether they are demand notes?

Mrs. BOYNTON. I have seen one person with a demand note.

Commissioner WILKINS. And that means that payment of that note, which may cover a loan on the property—

Mrs. BOYNTON. That's right.

Commissioner WILKINS. May be demanded at any time?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. So, would you say, in your experience, that some members of your race have refused to go to the registration place because someone who has held a demand note or something of that kind has indicated that if you do go perhaps your note will be due tomorrow or the next day?

Mrs. BOYNTON. I couldn't say that.

Commissioner WILKINS. Do you know whether or not there has been more than one person who made application to register in Wilcox County?

Mrs. BOYNTON. I have had at least four people to tell me they have been up there, and when I asked them had they been registered they said, "No."

I asked: "Why? What happened?"

And I had a merchant to tell me they told him to go down the hall and when he got there somebody told him to go somewhere else and, of course, he became discouraged. He—

Commissioner WILKINS. Did this merchant say whether or not he went to the board of registrars office?

Mrs. BOYNTON. He did.

Commissioner WILKINS. He went there?

Mrs. BOYNTON. He did.

Commissioner WILKINS. And the members of the board of registrars are public State-appointed officials; is that right?

Mrs. BOYNTON. That's what he said.

Commissioner WILKINS. Isn't it a fact that members of the board of registrars are public officials?

Mrs. BOYNTON. They are.

Commissioner WILKINS. So that there has been some action on the part of State or county officials to prevent Negroes from registering?

Mrs. BOYNTON. One man went there and he said that he contacted one of the board members. He told him, "Well, now, you're all right."

This is in Wilcox County.

"I could register you, but to register you means that I have to register other Negroes, and for that reason it's better not to register you."

Commissioner WILKINS. Now, Mrs. Boynton, I am not quite familiar with that language, but can you explain what he meant by that when he said, "You are all right"?

Mrs. BOYNTON. This person is a minister, well educated, well refined, very intelligent, and I imagine they referred to him saying that "we don't mind registering you" because of his intelligence, but if they should register that person they would have to register other people who perhaps are not on the level of education as he is.

Commissioner WILKINS. Now, in your business you sell insurance to professional people and people in business, and so forth. Can you state, Mrs. Boynton, of your own knowledge, whether or not there aren't other citizens, Negro citizens, Negro American citizens, living in these counties who would possess perhaps the same degree of intelligence as this minister to whom you refer?

Mrs. BOYNTON. I am quite sure there are because I have contacted many professional people of that county, people who hold professional jobs, and certainly they are eligible to become registered voters.

Commissioner WILKINS. In other words, when you solicit these people, they sign applications for insurance?

Mrs. BOYNTON. Indeed so.

Commissioner WILKINS. And they sometimes, on those applications, give the information with respect to their training and their business, et cetera?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Has there been, in your conversation with any of the citizens of these counties, or either one of them, any indication that anyone has been threatened with physical violence if he should attempt to register?

Mrs. BOYNTON. Not that I know of.

Commissioner WILKINS. Not that you know of. Now, in Dallas County—That is the county in which you reside?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. You said there are approximately the 125 Negroes registered to vote in that county?

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Do you know approximately how many white citizens are registered to vote in that county?

Mrs. BOYNTON. I'm afraid I can't answer that. I don't know.

Commissioner WILKINS. You indicated the total population of the county was about 50,000, more or less, that is, the entire population of the county.

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Mrs. BOYNTON. I'm not sure about that.

Commissioner WILKINS. If I should indicate—you would believe the census figures of the United States Government taken in 1950—that those figures are correct, you wouldn't question those figures, would you?

Mrs. BOYNTON. No; I wouldn't.

Commissioner WILKINS. Now, it just happens in that county, as of 1950, the entire population is 56,270; 36,951 of those citizens were Negroes; 19,719 were white, which means that, as I read the figures, the population is about two-thirds Negro.

Mrs. BOYNTON. That's right.

Commissioner WILKINS. The figures show further that approximately 8,800 white citizens are registered as against approximately 125—

Mrs. BOYNTON. That's right.

Commissioner WILKINS. Negro citizens.

Mrs. BOYNTON. That's right.

Commissioner WILKINS. That is a proportion of about 80 to 1. Now, other than the reasons you have given in respect to economic pressure, et cetera, can you give us any other reasons why you think that out of 36,000 Negroes approximately 125 are registered and out of 18,000 white citizens approximately 8,800 are registered?

Mrs. BOYNTON. No. There is no reason.

We have had people to go down to register, and I know they haven't been able to register; yet, those people realize that they are offsprings of people who have fought, who have died, who shedded blood in the wars. They helped to make America what it is; yet, they have been refused, and many of them are people who have gone to the service and are now back and they feel as though first-class citizen is supposed to be given to them because of the fact they were born under the flag of the United States of America where liberty and justice prevails for all.

Commissioner WILKINS. Were all of these persons to whom you have referred residents of the State of Alabama for more than 2 years?

Mrs. BOYNTON. They are; definitely.

Commissioner WILKINS. And they can all read and write?

Mrs. BOYNTON. Definitely.

Commissioner WILKINS. Let me ask you: Do you recall what year you were registered?

Mrs. BOYNTON. I was registered around 1941.

My husband and I went together, and we did not have any trouble whatsoever. We filled out the application blank—went to the board of registrars, filled out the application blank, gave the name of two citizens who would vouch for us and handed the registration blank back to the registrar, and they told us that we would hear from them, and within approximately

a week we received our registration certificate, and we've been registered ever since.

Commissioner WILKINS. Can you tell us what experience some of the citizens—Negro American citizens—who were not registered had when they went to register, if you know what experience they had?

Mrs. BOYNTON. May I say that the president of the colored voters' league is here—

Commissioner WILKINS. I see.

Mrs. BOYNTON. And if I should give the information it might not be quite—

Commissioner WILKINS. All right. We will get that information. Thank you very much, Mrs. Boynton.

Vice Chairman STOREY. Any other questions? You may be excused, Mrs. Boynton.

Mr. ROSENFELD. Mr. S. W. Boynton.

TESTIMONY OF S. W. BOYNTON, SELMA, DALLAS COUNTY, ALA.

Vice Chairman STOREY. Will you give us your name, age, and residence?

Mr. BOYNTON. My name is S. W. Boynton. My age is 57. My residence is 1315 Lapsley Street, Selma, Ala.

Vice Chairman STOREY. You are the husband of the lady who has just testified?

Mr. BOYNTON. I am.

Vice Chairman STOREY. And what is your business, Mr. Boynton?

Mr. BOYNTON. I am a real estate broker.

Vice Chairman STOREY. In what city?

Mr. BOYNTON. In Selma, Ala.

Vice Chairman STOREY. How long have you been in that business?

Mr. BOYNTON. Seven years.

Vice Chairman STOREY. What was your business prior to that?

Mr. BOYNTON. I was an agricultural agent for Dallas County.

Vice Chairman STOREY. How long were you agricultural agent?

Mr. BOYNTON. Twenty-three years.

Vice Chairman STOREY. How long have you lived in Dallas County?

Mr. BOYNTON. Thirty years.

Vice Chairman STOREY. Thirty years. And where were you born?

Mr. BOYNTON. I was born in Griffin, Ga.

Vice Chairman STOREY. When did you immigrate to Alabama?

Mr. BOYNTON. I came to Alabama as a student in 1920.

Vice Chairman STOREY. What university or college did you attend?

Mr. BOYNTON. Tuskegee.

Vice Chairman STOREY. And what degrees, if any?

Mr. BOYNTON. I attended Tuskegee Institute

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Vice Chairman STOREY. Did you graduate?

Mr. BOYNTON. I graduated.

Vice Chairman STOREY. With what degree or certificate?

Mr. BOYNTON. I graduated with a diploma, and then later went back and took extension courses over a period of years for 10 years.

Vice Chairman STOREY. Did you ever receive a degree?

Mr. BOYNTON. I haven't received a B.S. degree, but I have 3 years of college equivalent.

Vice Chairman STOREY. Are you a registered voter?

Mr. BOYNTON. I am.

Vice Chairman STOREY. Since when?

Mr. BOYNTON. Since 1941.

Vice Chairman STOREY. Did you go with your wife at the time you registered?

Mr. BOYNTON. I did. We went together.

Vice Chairman STOREY. And what she has testified in connection with the circumstances—do you concur—

Mr. BOYNTON. I do.

Vice Chairman STOREY. In what she said about that?

Mr. BOYNTON. I do.

Vice Chairman STOREY. Now, also, you heard her statement about the population and the number of colored and the number of white people in that county as well as the number of registrants of colored people. Are those facts, in your opinion, true?

Mr. BOYNTON. They are true.

Vice Chairman STOREY. No particular difference between the two of you as to those facts?

Mr. BOYNTON. The only difference, I would say—according to the local paper, the publication in the county carried 163 Negro voters when it was published the past year, the past April.

Vice Chairman STOREY. Do you travel in any of the adjacent counties?

Mr. BOYNTON. I do.

Vice Chairman STOREY. Or are you familiar with any of the others?

Mr. BOYNTON. I travel all those counties she named and other counties.

Vice Chairman STOREY. How often do you travel?

Mr. BOYNTON. Well, I don't get in those counties over once a month.

Vice Chairman STOREY. In connection with your business?

Mr. BOYNTON. Yes.

Vice Chairman STOREY. You are familiar with conditions there?

Mr. BOYNTON. I am.

Vice Chairman STOREY. And in those counties, as to population and the relative numbers, do your figures or does your testimony coincide with hers in those respects?

Mr. BOYNTON. They do.

Vice Chairman STOREY. Now as to Lowndes County, has anyone of your race registered in that county, within your knowledge?

Mr. BOYNTON. I don't know anything about it.

Vice Chairman STOREY. You don't know anything about it?

Mrs. BOYNTON. No. I've never known of anyone to register.

Vice Chairman STOREY. What is true of Wilcox County in that respect? Do you know?

Mr. BOYNTON. Same story.

Vice Chairman STOREY. No one has registered there?

Mr. BOYNTON. Not to my knowledge.

Vice Chairman STOREY. Do you know of any action on the part of any public officials whether registration officials or others, to account for that condition?

Do you know?

Mr. BOYNTON. No; I don't know of any public official in either one of those counties actually refusing those parties to register because of the fact I don't think that anyone has ever gone up there, to my knowledge, except the ones that she mentioned in Lowndes County—not Lowndes, but Wilcox County.

Vice Chairman STOREY. Are you familiar with the general economic conditions in those counties and do you concur with what she says about alleged economic pressure?

Mr. BOYNTON. I do.

Vice Chairman STOREY. Do you know of any other facts or circumstances that would throw light on this issue, either in your own county or these other two counties you mentioned?

Mr. BOYNTON. Well, I don't know of anything other than I believe the reason they are being refused is because the white people feel that if ever the Negroes become registered in that county they would perhaps be able to dominate in the politics of the county.

Vice Chairman STOREY. Do you know of any other reason?

Mr. BOYNTON. I don't know of any other reason.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Mr. Boynton, you are a real estate broker?

Mr. BOYNTON. I am.

Commissioner WILKINS. And, in the course of your business, you have the matter of making loans and things of that nature?

Mr. BOYNTON. I do.

Commissioner WILKINS. Or arranging for them?

Mr. BOYNTON. That's right.

Commissioner WILKINS. Do you have any difficulties arranging loans for Negro American citizens?

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Mr. BOYNTON. Well, it's pretty hard to get a loan in the county.

Commissioner WILKINS. Now, you are referring to Dallas County?

Mr. BOYNTON. Yes, sir.

Commissioner WILKINS. It is a little difficult to get a loan?

Mr. BOYNTON. Yes.

Commissioner WILKINS. I assume you mean on property of Negro American citizens?

Mr. BOYNTON. That's right.

Commissioner WILKINS. Do you know why? Can you tell us why it is difficult to get a loan?

Mr. BOYNTON. Well, I think the most difficulty is that the agencies who loan money feel that they're not willing to make loans.

I'll give you an example. There are a number of businesses in Dallas County who have applied from time to time for loans under the GI bill, and they have been refused because banks tell them that they can't make a loan to them because they're not willing to accept the low-rate interest that those loans bear. To my knowledge, there haven't been but a very, very few Negroes get a GI loan in Dallas County.

Commissioner WILKINS. Now, what is the usual practice in your business with reference to the types of loans that are made to Negro American citizens?

Mr. BOYNTON. Well, they can get small loans. A few of them get loans that they can pay back monthly or from the loaning institutions, such as the finance companies, and a few farmers are able to get loans through the bank, short-time loans, 6 months' or year loans, but when it comes to large loans, purchasing farms, it's somewhat difficult.

Commissioner WILKINS. Tell me about these small loans, Mr. Boynton, you say they get from finance companies. Are those loans that are 30, 60, or 90 days, or something of that sort?

Mr. BOYNTON. Yes. They can get those pretty easy.

Commissioner WILKINS. And what rate of interest do they pay?

Mr. BOYNTON. Well, the interest varies.

Commissioner WILKINS. Is it a monthly rate?

Mr. BOYNTON. Well, yes.

Commissioner WILKINS. Does Alabama law provide for a rate of interest—say 3 or 3½ percent a month—on the small loans?

Mr. BOYNTON. Now, the banks charge 6 percent interest.

Commissioner WILKINS. Yes.

Mr. BOYNTON. But the other institutions may charge more.

Commissioner WILKINS. They may charge more?

Mr. BOYNTON. That's right.

Commissioner WILKINS. Now, have you ever talked to any of the citizens, Negro American citizens, of Dallas County, particularly Selma, who have attempted to register in Dallas County?

Mr. BOYNTON. Over the past 5 years we've had over 800 Negroes to go to the board of registrars to get registered and, to my best knowledge, we haven't had over 2 Negroes to qualify and receive their certificate of registration.

Commissioner WILKINS. Do you know any of these 800 Negro Americans personally?

Mr. BOYNTON. I do. I know most of them.

Commissioner WILKINS. They have been residents of the State of Alabama for more than 2 years?

Mr. BOYNTON. They have.

Commissioner WILKINS. And resided in the county and the precinct?

Mr. BOYNTON. Yes.

Commissioner WILKINS. The required statutory period?

Mr. BOYNTON. That's right.

Commissioner WILKINS. They were able to read and write?

Mr. BOYNTON. They are.

Commissioner WILKINS. And, as far as you were able to observe, they possessed the necessary qualities——

Mr. BOYNTON. They did.

Commissioner WILKINS. To become voters?

Mr. BOYNTON. They do.

Commissioner WILKINS. Eight hundred in the last 5 years?

Mr. BOYNTON. Yes.

Commissioner WILKINS. And two received——

Mr. BOYNTON. Yes.

Commissioner WILKINS. Do you know whether or not any of these persons had applied more than one time to register?

Mr. BOYNTON. I know some who had applied 30 times.

Commissioner WILKINS. Thirty times?

Mr. BOYNTON. Yes.

Commissioner WILKINS. Did any of those citizens, in your conversations with them, indicate what the reasons were that they were turned down?

Mr. BOYNTON. The reason was because they were Negroes.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. Any other questions?

Commissioner BATTLE. May I ask you why you say because they are Negroes?

Mr. BOYNTON. I say they felt that was the reason they were turned down.

Commissioner BATTLE. Beg pardon.

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Mr. BOYNTON. I say they felt that was the reason they were turned down.

Commissioner BATTLE. Oh, somebody said they felt that was the case? Is that your statement?

Mr. BOYNTON. Yes.

Commissioner BATTLE. Are any of those 800 here today?

Mr. BOYNTON. They are.

Commissioner BATTLE. Sir?

Mr. BOYNTON. They are here, some of them.

Commissioner BATTLE. All right. Do the finance companies charge the same rate of interest for Negroes and whites in your section?

Mr. BOYNTON. Well, the banks do.

Commissioner BATTLE. I said the finance companies.

Mr. BOYNTON. I don't know. They vary.

Commissioner BATTLE. I thought you testified about the finance companies.

Mr. BOYNTON. Yes; I did, but I don't know their rate of interest. It varies. The amount of interest varies.

Commissioner BATTLE. That is all.

Vice Chairman STOREY. Witness excused.

Mr. ROSENFELD. Dr. Sullivan Jackson.

TESTIMONY OF SULLIVAN JACKSON, SELMA, DALLAS COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name, age, and place of residence?

Dr. JACKSON. The name is Dr. Sullivan Jackson. My age is 37 and I live at 1416 Lapsley Street, Selma, Ala., in Dallas County.

Vice Chairman STOREY. When and where were you born?

Dr. JACKSON. I was born January the 23d, 1921, in Selma, Ala.

Vice Chairman STOREY. Are you a graduate of any high school, universities, or colleges and, if so, which ones and what degrees?

Dr. JACKSON. I am a graduate of Anderson High School in Anderson, Ind., and I went to West Virginia State College for 3½ years. I did not finish there. I did not attain a degree there. However, I took a college graduate examination. I was accepted at the Meharry Medical College, school of dentistry, and I got the degree of doctor of dental surgery.

Vice Chairman STOREY. What college?

Dr. JACKSON. Meharry Medical College, school of dentistry.

Vice Chairman STOREY. Are you a practicing dentist at this time?

Dr. JACKSON. I am.

Vice Chairman STOREY. Are you duly licensed by the State of Alabama?

Dr. JACKSON. I am.

Vice Chairman STOREY. And how long have you been practicing in the State of Alabama?

Dr. JACKSON. Approximately 5½ years.

Vice Chairman STOREY. Where have you been practicing your profession? What city?

Dr. JACKSON. Selma, Ala.

Vice Chairman STOREY. Continuously?

Dr. JACKSON. That's right, I have.

Vice Chairman STOREY. Have you had any service in the armed forces?

Dr. JACKSON. I have.

Vice Chairman STOREY. During what period of time, what branch of the service, and briefly where you served?

Dr. JACKSON. World War II; period of time—from 1943 to 1945, approximately 32 months; and I was in the Army.

Vice Chairman STOREY. In the Army?

Dr. JACKSON. Yes.

Vice Chairman STOREY. What division?

Dr. JACKSON. Five Hundred Eighty-Eighth Ambulance Company, Medical Division.

Vice Chairman STOREY. Did you receive any decorations or campaign medals?

Dr. JACKSON. I was in five campaigns. I was in——

Vice Chairman STOREY. In combat?

Dr. JACKSON. In the combat area, because we were spearheaded.

Vice Chairman STOREY. All right. Do you have campaign medals for those?

Dr. JACKSON. I have campaign ribbons, stars.

Vice Chairman STOREY. I understand. Certain certificates?

Dr. JACKSON. That's right.

Vice Chairman STOREY. Do you have any other medals from the service?

Dr. JACKSON. Good conduct medal. That's all.

Vice Chairman STOREY. Do you have an honorable discharge?

Dr. JACKSON. I certainly have.

Vice Chairman STOREY. Do you own any property?

Dr. JACKSON. No; I don't own any property.

Vice Chairman STOREY. Are you married?

Dr. JACKSON. I am.

Vice Chairman STOREY. Any children?

Dr. JACKSON. No; I don't have any children.

Vice Chairman STOREY. Does your wife work?

Dr. JACKSON. She does.

Vice Chairman STOREY. In what capacity?

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Dr. JACKSON. She's a secretary for the housing project there in Selma, Ala.

Vice Chairman STOREY. Have you attempted to register in your county?

Dr. JACKSON. I have.

Vice Chairman STOREY. When?

Dr. JACKSON. One time was in the fall of 1955, and the last time was October 15, 1956.

Vice Chairman STOREY. Now, just tell us what happened the first time you attempted to register.

Dr. JACKSON. I filled out an application.

Vice Chairman STOREY. Is that the ordinary application we have introduced here in evidence?

Would someone pass it up?

Was it this standard application and oath? Is that the type of application you filled out?

Dr. JACKSON. It was very similar to this; yes.

Vice Chairman STOREY. Yes. Did you fill out any other papers?

Dr. JACKSON. No; I didn't fill out any other papers.

Vice Chairman STOREY. Were you asked any other questions?

Dr. JACKSON. No; I wasn't asked—

Vice Chairman STOREY. Were you asked to make any copies of records?

Dr. JACKSON. No; I was not.

Vice Chairman STOREY. How long did it take you to go through the process?

Dr. JACKSON. Approximately, oh, 25-30 minutes.

Vice Chairman STOREY. And no questions were asked you?

Dr. JACKSON. No; no questions.

Vice Chairman STOREY. All you did was fill out this application?

Dr. JACKSON. The application.

Vice Chairman STOREY. Under oath?

Dr. JACKSON. That's right.

Vice Chairman STOREY. Did you sign a return envelope?

Dr. JACKSON. I didn't sign a return envelope.

Vice Chairman STOREY. Did you ever hear anything from that application?

Dr. JACKSON. No; I did not.

Vice Chairman STOREY. When was the next inquiry you made or the next effort you made to register?

Dr. JACKSON. That was October 15th, 1956.

Vice Chairman STOREY. And then what happened at that time?

Dr. JACKSON. Approximately the same thing; same procedure.

Vice Chairman STOREY. You filled out new papers?

Dr. JACKSON. Yes.

Vice Chairman STOREY. New application?

Dr. JACKSON. That's right.

Vice Chairman STOREY. Did you ever hear anything from that one?

Dr. JACKSON. No; I never did hear anything from that one.

Vice Chairman STOREY. Have you been back since that time?

Dr. JACKSON. No; I haven't.

Vice Chairman STOREY. Do you know why you failed to register?

Dr. JACKSON. No; I do not.

Vice Chairman STOREY. Anyone ever assign any reason?

Dr. JACKSON. No; they have not.

Vice Chairman STOREY. Do you know, of your own knowledge, of any others who attempted to register in your county?

Dr. JACKSON. Yes; I do.

Commissioner BATTLE. Of his own knowledge.

Vice Chairman STOREY. I asked him of his own knowledge. What I am asking you: Do you know, of your own knowledge, of others of your race who attempted to register and did not receive registration certificates?

Dr. JACKSON. I do.

Vice Chairman STOREY. Approximately how many that you actually know yourself?

Dr. JACKSON. Well, I know one.

Vice Chairman STOREY. You know one.

Dr. JACKSON. Yes.

Vice Chairman STOREY. Did you have anybody to vouch for you at these respective times?

Dr. JACKSON. I didn't have anyone to vouch for me. However, they wanted me to put down some references.

Vice Chairman STOREY. You put down the references?

Dr. JACKSON. I certainly did.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Doctor, you were in the service approximately 32 months?

Dr. JACKSON. That's right.

Commissioner WILKINS. Did you receive any injuries or any wounds or anything of that sort during the time you were in the Army?

Dr. JACKSON. No.

Commissioner WILKINS. Did you suffer any physical disabilities of any kind?

Dr. JACKSON. Yes; I did—a physical disability.

Commissioner WILKINS. A physical disability?

Dr. JACKSON. That's right.

Commissioner WILKINS. Army-connected disability?

Dr. JACKSON. That's right.

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Commissioner WILKINS. Now, you saw the application that the chairman handed to you?

Dr. JACKSON. Yes.

Commissioner WILKINS. Did you answer all of the questions that were on this application?

Dr. JACKSON. I did.

Commissioner WILKINS. When you went in in 1955?

Dr. JACKSON. I did.

Commissioner WILKINS. You read it over after you had completed filling it out?

Dr. JACKSON. Yes; I did.

Commissioner WILKINS. Did you see anything on the application that had not been answered by you?

Dr. JACKSON. No; I did not.

Commissioner WILKINS. And you waited for how long before you went in the next time?

Dr. JACKSON. Approximately a year.

Commissioner WILKINS. About a year. And then you went back on or about the 15th of October 1956 and went through the same process?

Dr. JACKSON. That's right.

Commissioner WILKINS. Was there anything said about your prior application at that time?

Dr. JACKSON. No; there wasn't.

Commissioner WILKINS. Was there anything said by any of the registrars as to when you would hear or if you would hear at all?

Dr. JACKSON. They just said I would hear from them.

Commissioner WILKINS. They said you would hear?

Dr. JACKSON. Yes.

Commissioner WILKINS. But didn't say when?

Dr. JACKSON. No; they didn't.

Commissioner WILKINS. You have been waiting since October 15, 1956 to hear?

Dr. JACKSON. That's right.

Commissioner WILKINS. And you still haven't heard anything about it?

Dr. JACKSON. No; I haven't.

Commissioner WILKINS. You don't know whether your application was rejected or not? You don't know? You are still waiting to hear?

Dr. JACKSON. No; I don't know.

Commissioner WILKINS. Doctor, have you been back since then, October 15, 1956?

Dr. JACKSON. No; I haven't.

Commissioner WILKINS. What reason, Doctor, would you give as to why you have never gone back again?

Dr. JACKSON. Well, I just get tired going back, because I feel if—I am an American citizen. I believe I have a right to vote. I have fought for my country. I believe in the principles in it, and I don't see any reason why I should have to run back and forth to register.

Commissioner WILKINS. What is your own judgment or opinion as to the reason why you never received the certificate of registration?

Dr. JACKSON. What is the opinion?

Commissioner WILKINS. Do you have an opinion yourself as to the reason why you have not received a certificate of registration?

Dr. JACKSON. Well, the only reason that I can think of—I just believe it is not the policy of that particular county, so far as I know, to register, accept applications of Negroes. That's the only thing I know.

Commissioner WILKINS. You have indicated partially why you think you are entitled to register and vote. Is there any other you want to add as to the reasons why you think you should have the right to exercise the suffrage?

Dr. JACKSON. The only reason I know—there is another reason: The fact that you're entitled to that by birth. You're born an American citizen. You are entitled to be able to vote if the Government is to be run by the people.

Commissioner WILKINS. You believe that every American citizen under the Constitution of the United States is entitled to vote?

Dr. JACKSON. That's correct.

Commissioner WILKINS. And you feel that, having done your duty in World War II, and you are a good citizen, you are qualified by all of the tests and standards set up by the Alabama law, that you are entitled to vote and participate in the selection of the officials who run the Government?

Dr. JACKSON. That's correct.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. That is all. You may be excused. The next witness.

Mr. ROSENFELD. Mrs. Jennie V. Anderson.

TESTIMONY OF JENNIE V. ANDERSON, SELMA, DALLAS COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name, age, and place of residence?

Mrs. ANDERSON. Jennie V. Anderson. Age: Thirty-two. I live at 1608 Sylvan Street, Selma, Ala., Dallas County.

Vice Chairman STOREY. And what is the exact date of your birth and where?

Mrs. ANDERSON. December 20, 1925, Wilcox County.

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Vice Chairman STOREY. Have you lived there continuously since your birth?

Mrs. ANDERSON. No. I have lived in Selma, Ala., Dallas County, since 1942.

Vice Chairman STOREY. And prior to that time you lived in the county of your birth?

Mrs. ANDERSON. Wilcox County; that is correct.

Vice Chairman STOREY. Those are adjoining counties?

Mrs. ANDERSON. That is correct.

Vice Chairman STOREY. Are you married?

Mrs. ANDERSON. I am.

Vice Chairman STOREY. What is your husband's name?

Mrs. ANDERSON. Morris James Anderson.

Vice Chairman STOREY. And what does he do?

Mrs. ANDERSON. He's a mortician by profession and radio announcer.

Vice Chairman STOREY. He is still in those businesses at the present time?

Mrs. ANDERSON. He is.

Vice Chairman STOREY. Do you have any children?

Mrs. ANDERSON. No; I don't.

Vice Chairman STOREY. Do you work?

Mrs. ANDERSON. I do.

Vice Chairman STOREY. What do you do?

Mrs. ANDERSON. I'm a secretary and receptionist for Dr. William B. Dinkin.

Vice Chairman STOREY. How long have you worked in that capacity?

Mrs. ANDERSON. For 2 years.

Vice Chairman STOREY. Prior to that did you work?

Mrs. ANDERSON. I did.

Vice Chairman STOREY. What did you do?

Mrs. ANDERSON. I was secretary and receptionist for the Boynton Real Estate and Insurance Agency.

Vice Chairman STOREY. Are you a graduate of any high school or colleges?

Mrs. ANDERSON. I am a graduate of Snowhill Institute.

Vice Chairman STOREY. Any degree?

Mrs. ANDERSON. No degree, but high school diploma.

Vice Chairman STOREY. Do you belong to any church?

Mrs. ANDERSON. I do.

Vice Chairman STOREY. Which one?

Mrs. ANDERSON. I am a Lutheran.

Vice Chairman STOREY. Do you and your husband own a home?

Mrs. ANDERSON. We do.

Vice Chairman STOREY. Do you own a car?

Mrs. ANDERSON. We do.

Vice Chairman STOREY. Have you paid your taxes up to date?

Mrs. ANDERSON. We have.

Vice Chairman STOREY. Have you registered to vote?

Mrs. ANDERSON. No; I'm not.

Vice Chairman STOREY. Have you made any attempts?

Mrs. ANDERSON. I have.

Vice Chairman STOREY. How many?

Mrs. ANDERSON. Three.

Vice Chairman STOREY. Tell us when the first one was or approximately the first one?

Mrs. ANDERSON. The first—I tried twice in 1953. I don't remember—I don't recall—the month and date.

Vice Chairman STOREY. Did you fill out a standard application form similar to the one I handed to the witness a moment ago?

Mrs. ANDERSON. I did.

Vice Chairman STOREY. Did you fill out any other papers?

Mrs. ANDERSON. I did not.

Vice Chairman STOREY. Did they ask you any questions?

Mrs. ANDERSON. No questions.

Vice Chairman STOREY. Did they ask you to write anything?

Mrs. ANDERSON. They did not.

Vice Chairman STOREY. Can you read and write all right?

Mrs. ANDERSON. I can.

Vice Chairman STOREY. You do it all the time, every day?

Mrs. ANDERSON. I do.

Vice Chairman STOREY. Did you hear anything from that application?

Mrs. ANDERSON. I did not.

Vice Chairman STOREY. How long was it before you went back again?

Mrs. ANDERSON. Approximately 6 months.

Vice Chairman STOREY. What happened then?

Mrs. ANDERSON. The same procedure.

Vice Chairman STOREY. You filed an entirely new application?

Mrs. ANDERSON. I did.

Vice Chairman STOREY. Were the members of the board the same members?

Mrs. ANDERSON. I wouldn't be able to answer that. I don't know.

Vice Chairman STOREY. Did you hear anything from that application?

Mrs. ANDERSON. I did not.

Vice Chairman STOREY. Did you make a further attempt to register?

Mrs. ANDERSON. I did not.

Vice Chairman STOREY. Have you made further attempt since then?

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Mrs. ANDERSON. I haven't.

Vice Chairman STOREY. Do you know why you were refused?

Mrs. ANDERSON. The only thing I can say is because I was a Negro.

Vice Chairman STOREY. Why do you want to vote?

Mrs. ANDERSON. Because I feel that I am a taxpayer and I'm a citizen of the United States and I feel that I should have some rights.

Vice Chairman STOREY. Any other question?

Commissioner WILKINS. Mrs. Anderson, I didn't get the date of your third attempt to register. You said you went twice in 1953.

Mrs. ANDERSON. I recall it was during the fall of the year 1953 when I went twice.

Commissioner WILKINS. Yes.

Mrs. ANDERSON. And it would have had to have been the early part of 1954 the last time.

Commissioner WILKINS. And did you have any conversation at all with any of the registrars at that time?

Mrs. ANDERSON. I did not.

Commissioner WILKINS. I mean: When you went in, did you ask for a registration form or just how did you get the registration form or the application blank?

Mrs. ANDERSON. Well, the particular room that they were in—there was a group of us—they had the application form laid out on the table. All you do is to pick up your application and have a seat and fill this particular form, which was the application form, and you would hand it to a person. Now, who the person was I do not know.

And they would say—they told me, rather, "You will hear from us in a few days, within a few days." That was each time.

Commissioner WILKINS. Now, Mrs. Anderson, you never heard from either of these times?

Mrs. ANDERSON. No; I haven't.

Commissioner WILKINS. Tell me this: Where was the building where you went to fill out your application blank? What building was it?

Mrs. ANDERSON. It was the courthouse building.

Commissioner WILKINS. Courthouse building. How many members of the board of registrars were present when you went?

Mrs. ANDERSON. I only saw one lady.

Commissioner WILKINS. One lady. Were you in a room where there were many citizens, American citizens, registering?

Mrs. ANDERSON. There were several of us there filling applications.

Commissioner WILKINS. When you say "several of us," do you mean there were several white American citizens or there were several Negro American citizens?

Mrs. ANDERSON. No white American citizens. Only Negro.

Commissioner WILKINS. Did you see any white citizens in that room at any time when you went there to register?

Mrs. ANDERSON. Other than a member of the board.

Commissioner WILKINS. Member of the board?

Mrs. ANDERSON. Registration board.

Commissioner WILKINS. Was there any sign on the door which indicated it was for registration for Negro American citizens only?

Mrs. ANDERSON. I didn't notice that.

Commissioner WILKINS. You are not familiar with the courthouse? You don't know where the white American citizens register?

Mrs. ANDERSON. I do not.

Commissioner WILKINS. And you have not been back since 1954?

Mrs. ANDERSON. That is correct.

Commissioner WILKINS. What reason, Mrs. Anderson, would you give for not going back after 1954?

Mrs. ANDERSON. Well, I felt after the third trial—I didn't hear, get an answer—it was just useless to keep going back.

Commissioner WILKINS. Do you know any other Negro American citizen who made application for a registration certificate?

Mrs. ANDERSON. Yes; I do.

Commissioner WILKINS. Have you talked with them?

Mrs. ANDERSON. Yes; I have.

Commissioner WILKINS. And what was their experience?

Mrs. ANDERSON. The same. They went through the same procedures I did, but they received their registration certificate within a matter of days afterwards.

Commissioner WILKINS. How many of those were there?

Mrs. ANDERSON. Only one.

Commissioner WILKINS. One. Do you know anyone who did not receive a registration certificate besides yourself?

Mrs. ANDERSON. I do.

Commissioner WILKINS. And they never had any word at all?

Mrs. ANDERSON. No word at all.

Commissioner WILKINS. Do you know whether they ever went back subsequently to make another effort to register?

Mrs. ANDERSON. Yes; they have.

Commissioner WILKINS. And the same result happened as it happened in your case?

Mrs. ANDERSON. That is correct.

Commissioner WILKINS. And it is your opinion, then, that you were denied the right to register because you are a Negro American?

Mrs. ANDERSON. That is my personal opinion.

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Commissioner WILKINS. What reasons would you express beyond that of being a taxpayer as to the reason why you think you are entitled to register?

Mrs. ANDERSON. The reason why I'm entitled—because I am an American citizen.

Commissioner WILKINS. And you believe you possess all of the qualifications—

Mrs. ANDERSON. Yes.

Commissioner WILKINS. Set up by the Alabama State laws with reference to the requirements for registration?

Mrs. ANDERSON. I believe so.

Commissioner WILKINS. That is all, Mrs. Anderson.

Commissioner CARLTON. Have you ever been convicted of any offense, any crime?

Mrs. ANDERSON. No; I haven't.

Commissioner CARLTON. Are you conscious of any mental or physical disability that would disqualify you as a voter?

Mrs. ANDERSON. No.

Vice Chairman STOREY. Any other questions? If not, you are excused. The next witness.

Mr. ROSENFELD. Mr. Frank D. Gordon.

TESTIMONY OF FRANK D. GORDON, SELMA, DALLAS COUNTY, ALA.

Vice Chairman STOREY. Will you please give your name, age, and residence?

Mr. GORDON. Frank D. Gordon. Age: Seventy-seven. 503 Lawrence Street, Selma, Ala.

Vice Chairman STOREY. In what county is that?

Mr. GORDON. Dallas.

Vice Chairman STOREY. How long have you lived there?

Mr. GORDON. Fourteen years.

Vice Chairman STOREY. Where did you live prior to that time?

Mr. GORDON. Lowndes County, Collirene.

Vice Chairman STOREY. Collirene?

Mr. GORDON. Yes.

Vice Chairman STOREY. And how long did you live there?

Mr. GORDON. I lived there until 1944 I moved to Selma. Practically all my life.

Vice Chairman STOREY. You have lived in the two counties all of your life?

Mr. GORDON. Yes, sir.

Vice Chairman STOREY. What is your business or profession?

Mr. GORDON. I am a retired school teacher.

Vice Chairman STOREY. How long did you teach school?

Mr. GORDON. Fifty years.

Vice Chairman STOREY. Fifty years. In the elementary or high school or what school?

Mr. GORDON. Well, in junior high school.

Vice Chairman STOREY. Junior high school?

Mr. GORDON. Yes.

Vice Chairman STOREY. Are you a graduate of any high school or colleges?

Mr. GORDON. Yes.

Vice Chairman STOREY. What are they?

Mr. GORDON. Lowndes County Training School and State Teachers College.

Vice Chairman STOREY. Are you a duly licensed teacher under the laws of the State of Alabama?

Mr. GORDON. Yes, sir.

Vice Chairman STOREY. And you have been for about 50 years, you say?

Mr. GORDON. Yes, sir.

Vice Chairman STOREY. And where have you taught during those periods of time?

Mr. GORDON. Lowndes, County, Collirene, Pleasant Hill, Browns, Ala., Sardis, Ala., Covington County, Searight in Covington County.

Vice Chairman STOREY. And you taught for about 50 years?

Mr. GORDON. Fifty years.

Vice Chairman STOREY. Continuously, did you?

Mr. GORDON. Yes, sir.

Vice Chairman STOREY. Are you doing anything now?

Mr. GORDON. No, sir. I'm retired.

Vice Chairman STOREY. And what is your exact age now? About?

Mr. GORDON. Seventy-seven.

Vice Chairman STOREY. Seventy-seven. Do you own your own home?

Mr. GORDON. Yes, sir.

Vice Chairman STOREY. Is your wife living?

Mr. GORDON. Yes, sir. When my wife died, I got another one. She's living.

Vice Chairman STOREY. You got another one now?

Mr. GORDON. Yes.

Vice Chairman STOREY. You got any children?

Mr. GORDON. No, sir.

Vice Chairman STOREY. Not by either marriage?

Mr. GORDON. No, sir.

Vice Chairman STOREY. You own your own home?

Mr. GORDON. Yes, sir.

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Vice Chairman STOREY. Do you own a car?
 Mr. GORDON. Yes, sir.
 Vice Chairman STOREY. Do you have any unpaid taxes?
 Mr. GORDON. I paid my taxes.
 Vice Chairman STOREY. Are you a registered voter in your county?
 Mr. GORDON. No, sir.
 Vice Chairman STOREY. Are you a registered voter in any county in
 Alabama?
 Mr. GORDON. No, sir.
 Vice Chairman STOREY. Have you ever been registered?
 Mr. GORDON. No, sir.
 Vice Chairman STOREY. Did you ever attempt to register?
 Mr. GORDON. I did.
 Vice Chairman STOREY. How many times?
 Mr. GORDON. Oh, altogether be about 10 or 12 times, all of them.
 Vice Chairman STOREY. Ten or 12 times. When was the first applica-
 tion you made?
 Mr. GORDON. In 1955.
 Vice Chairman STOREY. Where?
 Mr. GORDON. Selma, Dallas County.
 Vice Chairman STOREY. You have seen this form of application. Did
 you fill out a similar form—
 Mr. GORDON. Yes, sir.
 Vice Chairman STOREY. When you went there?
 Mr. GORDON. Similar form.
 Vice Chairman STOREY. Did you do anything else?
 Mr. GORDON. That's all.
 Vice Chairman STOREY. Did they ask you any questions?
 Mr. GORDON. They did not.
 Vice Chairman STOREY. Did they ask you to write anything?
 Mr. GORDON. They did not.
 Vice Chairman STOREY. Do you have any mental or physical
 disabilities?
 Mr. GORDON. No, sir.
 Vice Chairman STOREY.. Have you ever been convicted of a crime?
 Mr. GORDON. I have not.
 Vice Chairman STOREY. Did you ever hear anything from that
 application?
 Mr. GORDON. Didn't hear anything.
 Vice Chairman STOREY. How long did you wait before you applied
 again?

Mr. GORDON. Well, in 1955 I went back each month for several times, and I stopped going after I went quite a few times, and then I went back again in 1956. I got tired——

Vice Chairman STOREY. Now, in 1956 did you talk with the registration officers?

Mr. GORDON. No, sir. There was a lady there talked to me, a lady.

Vice Chairman STOREY. Did you get any information from her?

Mr. GORDON. I asked her if she would please point out my errors in the application so I could straighten it up and get it right. She said I would hear from them. That was in 1956.

Vice Chairman STOREY. All right. About how long did you wait before you applied again?

Mr. GORDON. September 16, 1957.

Vice Chairman STOREY. Did you hear anything from that?

Mr. GORDON. No, sir.

Vice Chairman STOREY. Each time did you go through the same procedure of filling out a new application?

Mr. GORDON. Same procedure, and——

Vice Chairman STOREY. Did you fill out everything, all of the information requested, on that form each time?

Mr. GORDON. I did.

Vice Chairman STOREY. Did you comply with all of their requests each time?

Mr. GORDON. Yes; I did.

Vice Chairman STOREY. And a total of about how many time now you have applied?

Mr. GORDON. To my estimation, it would be about 10 or 12 times. I didn't make a record of each one.

Vice Chairman STOREY. About when was the last time you made——

Mr. GORDON. The last time—I went in September 1916, applied then, and applied—I went back——

Vice Chairman STOREY. You said "September 1916."

Mr. GORDON. No. September 16, 1957.

Vice Chairman STOREY. All right.

Mr. GORDON. And I waited until the first Monday in October, and went back again, and the lady told me—said she wouldn't refuse to give me an application blank, I could have it, but it wasn't necessary because the one that was already filled—that hadn't been acted on on account of one of the members of the board was sick. She said, "Now, I'm not refusing to give you a blank, but the one you filled is already here."

So, I didn't fill out one then, in October. I waited until the first Monday in November and went back again; gave me another blank, and I filled that out, and I haven't been back any more.

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Vice Chairman STOREY. And that was November 1957?

Mr. GORDON. Yes, sir.

Vice Chairman STOREY. And you haven't been back since that time?

Mr. GORDON. No, sir.

Vice Chairman STOREY. Do you know why you did not receive a regis-
tration certificate?

Mr. GORDON. I don't know why.

Vice Chairman STOREY. Would you tell the commission why you want
to vote?

Mr. GORDON. Yes, sir. I want to vote—it is my constitutional right,
and I felt like I should vote, as a citizen. I am a law-abiding citizen of
my county and State, and I just want to exercise those rights.

Vice Chairman STOREY. Are there other questions by the commission?

Commissioner WILKINS. Mr. Gordon, you answered, I think, the chair-
man's question that you filled out all of the questions on the application?

Mr. GORDON. I did.

Commissioner WILKINS. Each time?

Mr. GORDON. Yes, sir.

Commissioner WILKINS. And you examined the application carefully
to see that you had answered all the questions?

Mr. GORDON. Yes, sir.

Commissioner WILKINS. And you have been waiting now since—the
last application you signed, I believe, was in November of 1957?

Mr. GORDON. Yes, sir.

Commissioner WILKINS. Now, when you went back in October of 1957,
the party in charge of the office indicated that it would not be necessary
for you to fill out another one?

Mr. GORDON. Yes.

Commissioner WILKINS. Because they still hadn't processed the one you
had signed on the 16th of September?

Mr. GORDON. That's right.

Commissioner WILKINS. Nineteen fifty-seven?

Mr. GORDON. Yes, sir.

Commissioner WILKINS. Was there any conversation with the registration
official?

Mr. GORDON. No, sir. That's all.

Commissioner WILKINS. When you returned in November of 1957?

Mr. GORDON. No, sir.

Commissioner WILKINS. And you have been waiting now for approxi-
mately 1 year?

Mr. GORDON. Yes, sir.

Commissioner WILKINS. Have you ever been registered to vote in the
State of Alabama?

Mr. GORDON. I have not.

Commissioner WILKINS. I don't recall how long you said you had lived—

Mr. GORDON. Selma.

Commissioner WILKINS. Now here in Selma.

Mr. GORDON. Fourteen years.

Commissioner WILKINS. Fourteen years. Have you ever talked with any other Negro American citizens about efforts to register?

Mr. GORDON. Yes; I have. They've had the same experience I have.

Commissioner WILKINS. What did you say?

Mr. GORDON. I talked to some of them. They had the same experience I had. In fact, some of them was even in the room with me at the time—

Commissioner WILKINS. And, as far as you know, they have not received certificates of registration either?

Mr. GORDON. No.

Commissioner WILKINS. Would you say all of these persons, Negro Americans, were qualified under the standards and criteria of the Alabama laws to vote?

Mr. GORDON. I would.

Commissioner WILKINS. In other words, they were all able to read and write?

Mr. GORDON. Yes.

Commissioner WILKINS. Suffering under no physical or mental disability?

Mr. GORDON. Yes.

Commissioner WILKINS. And committed no crime?

Mr. GORDON. Yes.

Commissioner WILKINS. And in many cases were taxpayers?

Mr. GORDON. Yes.

Commissioner WILKINS. Just as you are?

Mr. GORDON. I do.

Commissioner WILKINS. And have been for a long time?

Mr. GORDON. That's right.

Commissioner WILKINS. I think that is all, Mr. Chairman.

Vice Chairman STOREY. Any other question? You may be excused.

Mr. ROSENFELD. Mrs. Ruth K. Lindsey.

TESTIMONY OF RUTH KINARD LINDSEY, SELMA, DALLAS COUNTY, ALA.

Vice Chairman STOREY. Will you please state your name, age, and place of residence?

Mrs. LINDSEY. My name is Ruth Kinard Lindsey. I am 61½ years old. I live in Selma, Ala., at 819 Minter Avenue, Dallas County.

Vice Chairman STOREY. How long have you lived there?

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Mrs. LINDSEY. I was born in Dallas County and I have lived there all my life with the exception of 3 years.

Vice Chairman STOREY. Are you married?

Mrs. LINDSEY. I am.

Vice Chairman STOREY. Is your husband living?

Mrs. LINDSEY. Yes, sir.

Vice Chairman STOREY. What size family have you?

Mrs. LINDSEY. I have three children.

Vice Chairman STOREY. Are they grown?

Mrs. LINDSEY. All grown and married.

Vice Chairman STOREY. Any grandchildren?

Mrs. LINDSEY. Three grandchildren.

Vice Chairman STOREY. What is your education?

Mrs. LINDSEY. I am a graduate of Knox Academy High School, and I have done some college work at Selma University, and I have done dress-making work at Tuskegee Institute. I don't have a degree.

Vice Chairman STOREY. Do you and your husband own your own home?

Mrs. LINDSEY. Yes; we own our own home and extra property.

Vice Chairman STOREY. Do you own a car?

Mrs. LINDSEY. We own a car.

Vice Chairman STOREY. Are all of your taxes paid?

Mrs. LINDSEY. Yes, sir.

Vice Chairman STOREY. What does your husband do?

Mrs. LINDSEY. My husband is public relations man for Selma University, Selma, Ala.

Vice Chairman STOREY. How long has he been in that capacity?

Mrs. LINDSEY. For, well, approximately 8 or 10 years. I can say that much.

Vice Chairman STOREY. Are you a registered voter in your county?

Mrs. LINDSEY. I am not.

Vice Chairman STOREY. Have you attempted to register?

Mrs. LINDSEY. Five times.

Vice Chairman STOREY. When was the first time?

Mrs. LINDSEY. Now, I'll have to give approximate dates.

Vice Chairman STOREY. Well, approximately, of course.

Mrs. LINDSEY. The first time was in 1954. In other words, three times in 1954, in the early spring, in the summer and in the fall.

Vice Chairman STOREY. Now, each time in 1954 did you fill out the usual application form?

Mrs. LINDSEY. I did.

Vice Chairman STOREY. Answered all questions?

Mrs. LINDSEY. There weren't no questions asked.

Vice Chairman STOREY. No. I mean on the form.

Mrs. LINDSEY. I answered on the form.

Vice Chairman STOREY. And subscribed to the oath?

Mrs. LINDSEY. That's right.

Vice Chairman STOREY. Did they ask you any questions or ask you to fill out any other papers?

Mrs. LINDSEY. No; they did not.

Vice Chairman STOREY. Did you make inquiry as to why you hadn't heard during 1954?

Mrs. LINDSEY. The second time I was in, in 1954, the board members that were there at that time—there were two of them present, and I asked the gentleman—I don't know his name—to look at the form and see if there was anything wrong with it, and he looked it over, and he said there was nothing wrong with it and that I would hear from him.

Vice Chairman STOREY. Did you have any other conversation with the registration officials in 1954, other than the conversation you mentioned?

Mrs. LINDSEY. No.

Vice Chairman STOREY. When is the next time after your third application in 1954 you made application?

Mrs. LINDSEY. Fifty-six.

Vice Chairman STOREY. Did you go through the same procedure?

Mrs. LINDSEY. I went through the same procedure but not with the same board.

Vice Chairman STOREY. Did you have any conversation with the board with reference to your application?

Mrs. LINDSEY. At the time I went in 1956 there was only a lady present, and when she looked at my—I asked her to look at the application after I filled it out, and she looked at it, and she seemed surprised that I had filled out three applications before and had not been registered.

Vice Chairman STOREY. Did she say anything to you other than act surprised?

Mrs. LINDSEY. She said there was one reference on that application that she didn't know, and my answer to that was I didn't think the persons that I gave as my reference—that they had to be personally known to her. I thought they had to be personally known to me, because I didn't know who she knew.

Vice Chairman STOREY. Did you ever hear from that application?

Mrs. LINDSEY. No; I did not.

Vice Chairman STOREY. Now, that was the fourth?

Mrs. LINDSEY. That was the fourth time.

Vice Chairman STOREY. When did you make the fifth?

Mrs. LINDSEY. The fifth was in 1957.

Vice Chairman STOREY. Was that the last one you made?

Mrs. LINDSEY. That was the last one I made.

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Vice Chairman STOREY. Did you—

Mrs. LINDSEY. And I should like to make an observation about the last time that I was there. One of the persons present today was there, and one of the Negroes present today was there, and we were at this time inside the little room that is the registration room. The person present today and I were inside filling out our application.

Vice Chairman STOREY. Who is that person to whom you—

Mrs. LINDSEY. Professor Gordon.

Vice Chairman STOREY. Professor Gordon?

Mrs. LINDSEY. That's right.

And a young white fellow came in, and the woman was confused when this young white fellow came in. In other words, she was confused because she didn't know what to do. He asked for an application blank, and she told him to wait because she wanted to get through with these other people. So, he proceeded to converse with her, and he said he wanted to register; he was in a hurry to register because there were certain things about the administration that he wanted to do something about, and he asked her how long after you make application will it be before you will get your notice you have been registered, and she told him the same thing that she had been telling us, that it takes two members of the board to pass on the registration and that one of the members was sick in Memphis, Tenn.

One of the members in Dallas County was sick in Memphis, Tenn., for about 4 years, I think, because I got that answer three or four times that I went.

Vice Chairman STOREY. Did they say anything else to you that time?

Mrs. LINDSEY. The lady was—there was another point or question on my application. She saw my husband's name and where he worked, and there was a white fellow who works—was at that time working at Selma University, and she said, "That is where John Connolly works," and to me he is Reverend Connolly, and I said, "Yes. Reverend Connolly works at the same place where my husband works."

Reverend Connolly was a white fellow, and he was working in the Bible institute part of the school.

Vice Chairman STOREY. Did you hear any more from your application?

Mrs. LINDSEY. Not a word.

Vice Chairman STOREY. And that is the last time you applied?

Mrs. LINDSEY. That is right.

Vice Chairman STOREY. Would you tell us why you want to vote?

Mrs. LINDSEY. My main reason for wanting to vote is that I was born an American citizen. I think that our Constitution says that all people who are born in America are American citizens, and I gave you my age. I am certainly over 21. So, I have attained voting age, and I think that

my intelligence—you didn't ask me what my position is, but I am a ladies' tailor and dressmaker, and I think that my position and standing in life shows that I have mentality enough to know what I am doing when I ask to vote.

Vice Chairman STOREY. How long have you been in that business of being tailor and dressmaker?

Mrs. LINDSEY. Well, I have been sewing ever since I was 15 years old, but I have a business of my own now in the ladies' tailoring.

Vice Chairman STOREY. Do you operate it?

Mrs. LINDSEY. For 8 years I worked at Craig Air Force Base in the hospital and tea room.

Vice Chairman STOREY. Employee—

Mrs. LINDSEY. Employee.

Vice Chairman STOREY. Of the United States Army?

Mrs. LINDSEY. Of the United States Air Force.

Vice Chairman STOREY. For 8 years?

Mrs. LINDSEY. Eight years.

Vice Chairman STOREY. And then how long have you been in this business?

Mrs. LINDSEY. Well, since I left the base. About 3 years now. I left the Air Force base about 3 years ago.

Vice Chairman STOREY. Do you conduct the business yourself and operate it?

Mrs. LINDSEY. In my own home; that's right.

Vice Chairman STOREY. Any other question?

Commissioner CARLTON. Do you know of any reason why you should be denied the right to vote?

Mrs. LINDSEY. No, sir; I do not.

Commissioner CARLTON. Do you have an opinion as to why you have been denied the right to register?

Mrs. LINDSEY. Well, I guess all of us are opinionated about why we are denied the right to vote, and I guess mine would be the same as the other.

Dallas County just isn't particular about having too many Negro voters.

Commissioner CARLTON. That is based upon your opinion and based upon your own experience and the observation of others?

Mrs. LINDSEY. That's right.

Commissioner CARLTON. That is all.

Vice Chairman STOREY. Any other questions?

Commissioner HESBURGH. Mrs. Lindsey, are you going to keep on trying to register?

Mrs. LINDSEY. I don't know whether I am or not. I'm a person of a business mind and I just don't have time for a lot of playing around. I mean while I'm taking my time going downtown I could be at home making

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money, and I am going to make one more attempt, however, to get registered, but I really don't intend to just keep going back and forth, as I have done, because I don't think that's necessary.

Commissioner HESBURGH. Thank you.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Mrs. Lindsey, I understood you to say that you and your husband own your own home and own other properties?

Mrs. LINDSEY. That's right.

Commissioner WILKINS. In Selma?

Mrs. LINDSEY. We own other properties in Selma, and we are part owners of a 278-acre tract of timberland in Jasper County, Miss.

Commissioner WILKINS. This may be personal, but could you indicate, for the record, how much taxes you paid last year?

Mrs. LINDSEY. Well, now——

Commissioner WILKINS. You and your husband?

Mrs. LINDSEY. Now, you're getting into my husband's part of it. I don't know about that.

Commissioner WILKINS. I see.

Mrs. LINDSEY. He pays the taxes. So, I don't know, but I know it was paid.

Commissioner WILKINS. You paid the taxes. And you have not heard a word—you are still waiting to hear—from that application——

Mrs. LINDSEY. That's right.

Commissioner WILKINS. You filed in 1957?

Mrs. LINDSEY. That's right.

Commissioner WILKINS. I was interested when you said something about the registrar of Dallas County was sick in Memphis, Tenn.

Mrs. LINDSEY. That's right; Memphis, Tenn.

Commissioner WILKINS. And how long did you say he was sick there?

Mrs. LINDSEY. Well, I am sure two different times I went the person was sick in Memphis, Tenn.

Commissioner WILKINS. So, those two times would cover what period of time? How many months or years?

Mrs. LINDSEY. Well, at least a year.

Commissioner WILKINS. At least a year?

Mrs. LINDSEY. Any one of them would cover at least a year.

Commissioner WILKINS. Was that a reason she gave you or another applicant for registration as to the reason why——

Mrs. LINDSEY. That's right.

Commissioner WILKINS. The application had not been processed?

Mrs. LINDSEY. That's right.

Commissioner WILKINS. Because the registrar was sick?

Vice Chairman STOREY. In other words, you have lived in the county of your birth—

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Continuously?

Mr. MORRIS. All except the time I was in service.

Vice Chairman STOREY. Yes. What is your business?

Mr. MORRIS. Farming.

Vice Chairman STOREY. Do you own your own farm?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. What size farm is it?

Mr. MORRIS. I own 65 acres and I rent 65 acres.

Vice Chairman STOREY. So, do you till it yourself?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. You cultivate 65 acres that you own and then you rent an additional 65 acres?

Mr. MORRIS. No, sir. I don't cultivate the 65 I own. I cultivate the 65 that I rent.

Vice Chairman STOREY. And you rent out the 65 that you own?

Mr. MORRIS. Here's what—maybe I'm confused. I own 65 acres.

Vice Chairman STOREY. All right.

Mr. MORRIS. It's just mostly timberland, but I farm a little, just little things on it, but most of it is timberland.

Vice Chairman STOREY. I see.

Mr. MORRIS. But I rent 65.

Vice Chairman STOREY. That you actually cultivate?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Do you own your own farm equipment?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Do you own a car or a truck?

Mr. MORRIS. I own a truck.

Vice Chairman STOREY. Are you married?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Of what does your family consist?

Mr. MORRIS. Five Children.

Vice Chairman STOREY. Five children?

Mr. MORRIS. Yes.

Vice Chairman STOREY. And your wife is still living?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. They all live with you there on the farm?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. What is your education?

Mr. MORRIS. Fifth grade before I went in service, and four after I came out.

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Vice Chairman STOREY. Are you a registered voter in your county?

Mr. MORRIS. No, sir.

Vice Chairman STOREY. Have you ever tried?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. More than once?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. How many times did you apply?

Mr. MORRIS. About three times.

Vice Chairman STOREY. When was the first time?

Mr. MORRIS. The first time was—I can't recall the exact date, but the first of the year, January or February; probably later; somewhere along in that time.

Vice Chairman STOREY. Of what year?

Mr. MORRIS. Fifty-seven.

Vice Chairman STOREY. Fifty-seven?

Mr. MORRIS. No. This is—1958.

Vice Chairman STOREY. Fifty-eight?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. This year?

Mr. MORRIS. The first of this year.

Vice Chairman STOREY. Did you fill out the regular form?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Answer all the questions?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Did they ask you any further questions, the people at the registration office?

Mr. MORRIS. Yes. They asked me some questions.

Vice Chairman STOREY. Did they ask you to write anything?

Mr. MORRIS. No, sir.

Vice Chairman STOREY. Besides your application, I mean?

Mr. MORRIS. No, sir.

Vice Chairman STOREY. Nothing besides your application?

Mr. MORRIS. No, sir; no, sir.

Vice Chairman STOREY. Did you ever hear anything from that application?

Mr. MORRIS. Well, no, sir.

Vice Chairman STOREY. Did you go back again?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. About how long was it before you went back again?

Mr. MORRIS. Well, I went back—they told me to come back—when I first filled out my application, they told me—after I filled it out, he looked at it. He said, "This is pretty good." He said, "Now, you're going to have

to come to Clayton on the third Monday." He said, "We would give you a registration card now, but we are going to have to search your criminal records," and so many times people would sign—a voter would sign for a man and when he searched his criminal records—say he have made time, you know, and been in jail, and he said, "For that cause we're going to search your criminal record."

I told him, "That's all right." I said, "You can search any record," you know, law, "search any record that you want to. I'm 43 years old. I have never been arrested, have never been in jail, nobody have never talked about putting me in jail. I served 3 years and 28 days in the Army. I come out with four bronze stars and a good conduct service medal, and honorable discharge."

He said, "I believe you. I believe you. That's all right, but we're just going to have to search."

I said, "That's all right."

He said, "You come to Clayton the first Monday and you'll get it."

Vice Chairman STOREY. Did you go back to Clayton?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. When he told you?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. What happened then?

Mr. MORRIS. Well, it was crowded when I got down there.

Vice Chairman STOREY. Well, by "crowded" what do you mean? With colored people or white people or both?

Mr. MORRIS. No. It was white people. Mr. Wallace was making his speech, you know, and it was just crowded, and after he got through making his speech—then I went in to get the registration card, and he said, "Well, they've all gone home now, and I'm fixing to go," and, so, well, then he said, "You come back to Eufaula Monday."

Vice Chairman STOREY. Did you go back to Eufaula then, Monday?

Mr. MORRIS. I went back—if it wasn't that coming first Monday, I went back the next Monday, first Monday.

Vice Chairman STOREY. What did you find out then?

Mr. MORRIS. Well, he said, "The State solicitor"—say, "He got your records. When I get your record back"—

Vice Chairman STOREY. You mean the State solicitor of that county?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. All right.

Mr. MORRIS. And he said, "Well," he said, "he got it." He said, "Now, I'll go and get it. I'll see him and get it."

I said, "Well, I'm going up tomorrow."

He said, "Well, then, if you go, you can get it." He say, "If you do, tell them to write me a statement."

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Well, I was already going, but I didn't see him when I went up there. So, I didn't get it.

So, I figured he would get it.

So, I haven't heard anything else.

Vice Chairman STOREY. You haven't heard anything up to this date?

Mr. MORRIS. No, sir.

Vice Chairman STOREY. Did you go back any more? Have you made another trip back?

Mr. MORRIS. No, sir; I haven't made any.

Vice Chairman STOREY. Do you know why you were turned down?

Mr. MORRIS. No, sir.

Vice Chairman STOREY. Do you have any opinion?

Mr. MORRIS. That's one—no, sir; I don't even have no—I don't have no idea why I was.

Vice Chairman STOREY. All right. Why do you want to vote?

Mr. MORRIS. Well, I want to vote because I just believe that I want to be a citizen. On my discharge I'm an American citizen, and I have served—I have had a hard time, and I figured when it come my duty to do for my country—well, then, I figured I ought to be a registered voter.

Vice Chairman STOREY. You said you had a hard time. You mean you were in actual combat?

Mr. MORRIS. Yes, sir.

Vice Chairman STOREY. Anything else?

Mr. MORRIS. No, sir. That's all.

Vice Chairman STOREY. Any other questions?

Commissioner WILKINS. Mr. Morris, I am concerned about this trip you made to Clayton when you said the room was crowded.

Mr. MORRIS. No, sir. The room wasn't crowded. The whole Clayton was crowded with people.

Commissioner WILKINS. Were you able to get to the courthouse at all, to the building?

Mr. MORRIS. I was able to get there. I got there after Mr. Wallace made his speech.

Commissioner WILKINS. Who is this Mr. Wallace you referred to?

Mr. MORRIS. Mr. Wallace?

Commissioner WILKINS. Yes. Who is this Mr. Wallace?

Mr. MORRIS. That's the judge.

Commissioner WILKINS. He was in Clayton?

Mr. MORRIS. Yes, sir.

Commissioner WILKINS. He was making what kind of speech?

Mr. MORRIS. He was making his campaign speech for Governor.

Commissioner WILKINS. Oh.

Mr. MORRIS. Yes, sir.

Commissioner WILKINS. He was running, then, for the nomination?

Mr. MORRIS. Yes, sir. Yes, sir.

Commissioner WILKINS. Did Mr. Wallace win?

Mr. MORRIS. No, sir; he didn't.

Commissioner WILKINS. You said you didn't get a chance really to talk to Judge Wallace at that time?

Mr. MORRIS. No, sir.

Commissioner WILKINS. You said he sent you or someone told you to go somewhere else, when you were there to see about it, to go back to Eufaula? Was that it?

Mr. MORRIS. Yes, sir. He said they all was gone home. The people on the board—he said all was gone home but one, and he say he was fixing to go.

Commissioner WILKINS. Was that after the speech had been finished?

Mr. MORRIS. Yes, sir; after the speech.

Commissioner WILKINS. After the speech had been finished?

Mr. MORRIS. Yes, sir; that's right.

Commissioner BATTLE. May I interrupt a minute to clarify that? I would like to know who said that.

Mr. MORRIS. Who said they had all gone home?

Commissioner BATTLE. Yes.

Mr. MORRIS. Mr. Stokes.

Commissioner BATTLE. Is he an official?

Mr. MORRIS. Yes. He's one of the officers.

Vice Chairman STOREY. Mr. Wilkins.

Commissioner WILKINS. Mr. Morris, you have heard nothing further from this talk?

Mr. MORRIS. No, sir.

Commissioner WILKINS. You are a taxpayer?

Mr. MORRIS. Yes, sir.

Commissioner WILKINS. And have you talked to any other Negro Americans who have made application to register?

Mr. MORRIS. Well, I talked to some of them, and they said, the way I understood it, that—I didn't know it until afterwards—if a man come back you'll have to have someone go down and talk for you, for you to register, just like some members can have influence with people more than others.

Commissioner WILKINS. Was this one of the members in the registrars' office—

Mr. MORRIS. No, sir.

Commissioner WILKINS. Talking to you?

Mr. MORRIS. Oh, no, sir. No, sir.

Commissioner WILKINS. But this was some of the Negro Americans?

Mr. MORRIS. That's right.

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Commissioner WILKINS. To whom you have talked?

Mr. MORRIS. That's right.

Commissioner WILKINS. Have any of them succeeded in registering, if you know?

Mr. MORRIS. They was already registered voters.

Commissioner WILKINS. Did they say that they had used this influence that you have just referred to in order to obtain a registration certificate?

Mr. MORRIS. Well, they say they took some down and didn't have any trouble.

Commissioner WILKINS. They talked to certain persons and they had no trouble getting registration certificates?

Mr. MORRIS. Well, he just say he took them down and they got registered. I guess it was just a good day, I guess.

Commissioner WILKINS. Mr. Morris, do you know what the population of Barbour County is?

Mr. MORRIS. Sir?

Vice Chairman STOREY. Let's have order, please.

Commissioner WILKINS. Do you know what the population of Barbour County is?

Mr. MORRIS. No, sir.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. That is all. You may be excused.

Mr. ROSENFELD. Mr. Andrew Jones.

Vice Chairman STOREY. This witness has been sworn, has he?

Mr. ROSENFELD. Yes, sir. You have been sworn, Mr. Jones?

Mr. JONES. Yes, sir.

TESTIMONY OF ANDREW JONES, EUFAULA, BARBOUR COUNTY, ALA.

Vice Chairman STOREY. Come around and have this seat. Will you please state your name and age and place of residence?

Mr. JONES. Andrew Jones.

Vice Chairman STOREY. Talk out just a little louder, Mr. Jones.

Mr. JONES. Andrew Jones. May age is 43. Place: Eufaula, Barbour County.

Vice Chairman STOREY. Where were you born and when?

Mr. JONES. I was born 1915, July the 6th, in Barbour County.

Vice Chairman STOREY. Have you lived there all of your life?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. What is your education?

Mr. JONES. Seventh grade.

Vice Chairman STOREY. Seventh grade in the public schools?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Of Barbour County?

Mr. JONES. Yes, sir.
 Vice Chairman STOREY. And what is your business?
 Mr. JONES. Farming.
 Vice Chairman STOREY. How long have you been farming?
 Mr. JONES. I been farming with my daddy ever since I got large enough,
 and when I married I went to farming to myself.
 Vice Chairman STOREY. Of what does your family consist?
 Mr. JONES. Five childrens.
 Vice Chairman STOREY. Your wife and five children all living?
 Mr. JONES. Yes.
 Vice Chairman STOREY. They live with you on the farm?
 Mr. JONES. Yes.
 Vice Chairman STOREY. Do you own your own farm?
 Mr. JONES. Yes.
 Vice Chairman STOREY. How many acres in your farm?
 Mr. JONES. Three hundred and sixty-five.
 Vice Chairman STOREY. Three hundred and sixty-five?
 Mr. JONES. Yes.
 Vice Chairman STOREY. Is your farm paid for?
 Mr. JONES. Yes.
 Vice Chairman STOREY. Do you own any truck or farm implements?
 Mr. JONES. Yes. I own the truck and tractor.
 Vice Chairman STOREY. You and your family live on the farm, do you?
 Mr. JONES. Yes.
 Vice Chairman STOREY. Do you owe any taxes?
 Mr. JONES. No, sir.
 Vice Chairman STOREY. Do you have any mental or physical disability?
 Mr. JONES. No, sir.
 Vice Chairman STOREY. Have you ever been convicted of a crime?
 Mr. JONES. No, sir.
 Vice Chairman STOREY. Did you have any service in the armed forces?
 Mr. JONES. No, sir.
 Vice Chairman STOREY. Are you a registered voter?
 Mr. JONES. No, sir.
 Vice Chairman STOREY. Have you made more than one application?
 Mr. JONES. Yes. I made three.
 Vice Chairman STOREY. Three?
 Mr. JONES. Yes.
 Vice Chairman STOREY. When did you make the first one?
 Mr. JONES. It was in 1956.
 Vice Chairman STOREY. And where did you go to file that application?
 Mr. JONES. In Eufaula.
 Vice Chairman STOREY. That is where the board sits?

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Mr. JONES. Yes, sir.

Vice Chairman STOREY. The registrars?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Did you fill out the form, a copy of which we have exhibited here this morning?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Did you answer all the questions under oath?

Mr. JONES. The first time I went he didn't ask me any questions.

Vice Chairman STOREY. Well, first, I want to ask you this: Did you fill out the form and answer all the questions the first time?

Mr. JONES. Yes.

Vice Chairman STOREY. In addition to that, did he ask you any separate questions or not the first time?

Mr. JONES. No, sir.

Vice Chairman STOREY. Did they ask you to write anything?

Mr. JONES. No, sir.

Vice Chairman STOREY. Did you ever hear from that application?

Mr. JONES. Well, he told me before I left I didn't qualify.

Vice Chairman STOREY. Did he tell you why?

Mr. JONES. No, sir. He didn't say why.

Vice Chairman STOREY. Did you ask him about another application?

Mr. JONES. No, sir; not that day.

Vice Chairman STOREY. Did you go back again?

Mr. JONES. Yes.

Vice Chairman STOREY. When?

Mr. JONES. I went back in 1957.

Vice Chairman STOREY. Did you fill out a similar application?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Were the same registrars there as before, the same people?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Do you remember the names of any of them?

Mr. JONES. Mr. Beel Stokes.

Vice Chairman STOREY. Mr. Stokes is one of them?

Mr. JONES. Yes.

Vice Chairman STOREY. Is he the one who talked to you the first time?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Do you remember his initials? What did you call him? "Mr. Beel Stokes"?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Did you see him the second time?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. In addition to the questionnaire, did they ask you any questions?

Mr. JONES. No, sir. He didn't ask me any questions the second time.

Vice Chairman STOREY. Did he ask you to write anything?

Mr. JONES. No, sir.

Vice Chairman STOREY. Did he make any statement to you or any member of the official group there make any statement to you about that application?

Mr. JONES. Well, the second application—when I filled it out and he looked at it, he told me the application was filled out right, but my writing was bad.

Vice Chairman STOREY. Your writing was bad?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Can you read and write?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Do you sign checks?

Mr. JONES. Yes.

Vice Chairman STOREY. Do you carry a bank account?

Mr. JONES. Yes, sir; sometime.

Vice Chairman STOREY. Sometimes you have a bank account and sometimes you don't, then?

Mr. JONES. Yes.

Vice Chairman STOREY. But you carry on your ordinary business transactions as owner and operator of a 365-acre farm, don't you?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Do you ever have any trouble in writing and making the people understand or read your writing?

Mr. JONES. No, sir.

Vice Chairman STOREY. Did he tell you anything else?

Mr. JONES. No, sir; that was all.

Vice Chairman STOREY. Did you hear anything from that application?

Mr. JONES. No, sir.

Vice Chairman STOREY. Then did you go back again?

Mr. JONES. Yes. I went—

Vice Chairman STOREY. When was that?

Mr. JONES. That was this year, in the winter time, January or February, one.

Vice Chairman STOREY. January or February of 1958?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Did you fill out another application?

Mr. JONES. Yes.

Vice Chairman STOREY. Did you see any of these officials at this time?

Mr. JONES. Yes, sir.

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Vice Chairman STOREY. Did you see Mr. Stokes?

Mr. JONES. Yes.

Vice Chairman STOREY. Same man?

Mr. JONES. Yes.

Vice Chairman STOREY. After you got through filling it out, did they ask you any questions?

Mr. JONES. Well, he asked me some questions at that time before I filled the blank out.

Vice Chairman STOREY. What did he ask you, as you remember?

Mr. JONES. He asked me how many senators there was up there in Washington from the 48 States of the United States. I answered that one.

Vice Chairman STOREY. What did you tell him?

Mr. JONES. I told him there was 96.

Vice Chairman STOREY. All right. What else did he ask you?

Mr. JONES. He asked me how many senators out of Barbour County was there here in Montgomery. I told him one. He asked me how many representatives. I told him two. Then he asked me how many representatives from each district was in Washington, D.C. Well, I didn't know that one.

Vice Chairman STOREY. All right. Did he ask you anything else?

Mr. JONES. No, sir. That was all.

Vice Chairman STOREY. Did he ask you to write anything?

Mr. JONES. No, sir.

Vice Chairman STOREY. After you finished with him, did he make any statement about the application or the answers to the questions, as to whether or not they were sufficient?

Mr. JONES. Well, he took that application and looked at it. He told me—say I will hear from it, but he didn't say whether it was right or whether it was wrong; just told me I would hear from it, but I haven't heard from it yet.

Vice Chairman STOREY. You haven't heard from it until this date, have you?

Mr. JONES. No, sir.

Vice Chairman STOREY. You haven't been back any more?

Mr. JONES. No, sir.

Vice Chairman STOREY. Do you know why they have not replied?

Mr. JONES. No, sir; I don't know.

Vice Chairman STOREY. Do you know why you haven't been registered, of your own knowledge?

Mr. JONES. No, sir; I don't know that, but I feel like because I'm a Negro.

Vice Chairman STOREY. Why do you want to vote?

Mr. JONES. Well, I wanted to register because I was born in Barbour County and Alabama, and I don't feel like a person is a citizen until they become a registered voter.

Vice Chairman STOREY. You want to take part in the governmental processes of this country, do you?

Mr. JONES. Yes, sir.

Vice Chairman STOREY. Any other questions?

Chairman HANNAH. What are the principal crops you grow on your farm?

Mr. JONES. Cotton, corn, peanuts.

Chairman HANNAH. That is all.

Commissioner WILKINS. Mr. Jones, when you were there the second time in 1957, you say that Mr. Stokes, the registration officer, said you didn't pass because your writing was too bad?

Mr. JONES. Yes.

Commissioner WILKINS. Have you gone to school and taken any writing lessons between that time and the time you went back in 1958 to register?

Mr. JONES. No, sir.

Commissioner WILKINS. Do you know whether your writing has improved since then?

Mr. JONES. No, sir; I don't know.

Commissioner WILKINS. Well, you write about the same?

Mr. JONES. Yes.

Commissioner WILKINS. And when you filled out and handed the application to him in 1958 he didn't say anything about your writing; said you would hear from him?

Mr. JONES. Yes.

Commissioner WILKINS. Did he tell you when you would hear from him?

Mr. JONES. No, sir; he didn't say when; just told me I would hear from him.

Commissioner WILKINS. Did he tell you to come back or anything of that sort?

Mr. JONES. No, sir.

Commissioner WILKINS. And you have been waiting to hear from him?

Mr. JONES. Yes.

Commissioner WILKINS. Mr. Jones, you say your farm is 365 acres?

Mr. JONES. Yes.

Commissioner WILKINS. How long have you owned it?

Mr. JONES. I owned part of it ever since 1949. I've owned another part about 2 years.

Commissioner WILKINS. About 2 years?

Mr. JONES. Yes, sir.

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Commissioner WILKINS. Do you recall how much the farm cost you?

Mr. JONES. First—it's in two separate—one of them is 240 acres. It cost \$2,200. The other one is 125 acres. It cost \$3,800.

Commissioner WILKINS. And you have paid your taxes regularly on this property?

Mr. JONES. Yes.

Commissioner WILKINS. And you farm all or part of this 365 acres yourself?

Mr. JONES. Yes.

Commissioner WILKINS. Have you talked to any other Negro American citizens in Eufaula about their experience with reference to trying to be registered to vote?

Mr. JONES. No, sir.

Commissioner WILKINS. Do you intend to make another effort to register, Mr. Jones?

Mr. JONES. Yes.

Commissioner WILKINS. Do you know any of the other registrars besides Mr. Stokes?

Mr. JONES. No, sir; I don't know any of the others, because for two times I went there there wasn't anyone there but him, but one time I went it was a man there with him, but I didn't know his name.

Commissioner WILKINS. You were not asked to copy any of the provisions of the Constitution of the United States when you were there in January of 1958?

Mr. JONES. No, sir.

Commissioner WILKINS. Do you think, Mr. Jones, you possess all of the necessary qualifications to register in the State of Alabama? And I will recite one or two of them:

You have lived in the State more than the past 2 years or more than 2 years prior to the time you made these applications. You can read and write. You have never been convicted of any crime.

Mr. JONES. No, sir.

Commissioner WILKINS. Your only reason that you know of that you have been turned down, so far as you know, is that you are a Negro?

Mr. JONES. Yes.

Commissioner WILKINS. Do you know any of the white farmers in your area?

Mr. JONES. Yes, sir.

Commissioner WILKINS. Do you know whether or not they have been registered as voters?

Mr. JONES. No, sir; I sure don't because I don't just know who are the registered voters and who are not.

Commissioner WILKINS. I think that is all.

are excused. The next

rs. Frost has been sworn.

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Vice Chairman STOREY. You give your whole time to your family?

Mrs. FROST. That's right.

Vice Chairman STOREY. Do you have any physical or mental disabilities, so far as you know?

Mrs. FROST. Not as I know of.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mrs. FROST. No, sir; I haven't.

Vice Chairman STOREY. You can read and write, can't you?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Are you a registered voter?

Mrs. FROST. No, sir; I am not.

Vice Chairman STOREY. Have you tried?

Mrs. FROST. Yes; I have.

Vice Chairman STOREY. One or more than one time?

Mrs. FROST. Yes, sir. Twice.

Vice Chairman STOREY. Twice?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. When was the first time you tried?

Mrs. FROST. The first time I think it was January 21st, 1957.

Vice Chairman STOREY. Did you fill out the regular form we have been talking about this morning?

Mrs. FROST. No, sir. They didn't give me one.

Vice Chairman STOREY. They didn't give you one?

Mrs. FROST. No, sir.

Vice Chairman STOREY. Did they ask you any questions?

Mrs. FROST. Yes. He asked me some questions.

Vice Chairman STOREY. What did the official ask you?

Mrs. FROST. Well, he asked me who was the sheriff at that time, and who was the judge.

Vice Chairman STOREY. Did you answer that, who the sheriff was?

Mrs. FROST. I told him, you know, as far as I know.

Vice Chairman STOREY. Yes.

Mrs. FROST. And he asked me who was the judge, probate judge. I told him. And I don't know—let me see. He asked me how many representatives, I think, but I didn't know them. So, he told me then, you know, he would let me know.

Vice Chairman STOREY. He didn't give you a form?

Mrs. FROST. No; he didn't. So, I went—

Vice Chairman STOREY. Did he tell you whether or not you were qualified?

Mrs. FROST. No, sir. He just told me—he say, "I asked you seven questions. You answered two," I think he said, and told me I had to go. So, I come out.

Vice Chairman STOREY. Did you come back again?

Mrs. FROST. Yes, sir. I went back August 4th, I think, in Eufaula.

Vice Chairman STOREY. In 1957?

Mrs. FROST. Fifty-seven.

Vice Chairman STOREY. What happened then?

Mrs. FROST. Well, me and two more went, and——

Vice Chairman STOREY. You and two more?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. You mean two more colored people?

Mrs. FROST. Two more colored people. And he asked me only one question, but he told us——

Vice Chairman STOREY. Wait now. What did he ask you?

Mrs. FROST. It slip my remembrance, exactly what he asked me.

Vice Chairman STOREY. Did you answer it?

Mrs. FROST. Yes, I answered it. He say it was all right. So, he asked another one a question, but they didn't know; but I didn't—he said, "I'm speaking to them."

So, I didn't say anything.

So, he told us then—say, "You go back and study a little more and come back tomorrow."

Vice Chairman STOREY. Did you go back tomorrow?

Mrs. FROST. No, sir; I did not. I didn't go back. I haven't been back since.

Vice Chairman STOREY. Did they hand you a blank?

Mrs. FROST. No, sir. He told me——

Vice Chairman STOREY. No blanks?

Mrs. FROST. No blanks at all. He told me—say, "There's 12 questions you have to answer before we give you an application."

Vice Chairman STOREY. Did he tell you that both times?

Mrs. FROST. Well, he didn't tell me that the first time.

Vice Chairman STOREY. Well, he did tell you the second time?

Mrs. FROST. Yes, sir. And I asked him then—I said, "Will you repeat the questions," you know, "so I could get the answers and study them?"

He said, "No. It's against our rules to do that."

Vice Chairman STOREY. Is your husband a registered voter?

Mrs. FROST. Yes, sir; he is.

Vice Chairman STOREY. For how long?

Mrs. FROST. I think he say in 1949, I think he say.

Vice Chairman STOREY. What is his business?

Mrs. FROST. Carpenter.

Vice Chairman STOREY. Carpenter?

Mrs. FROST. Yes, sir, and storekeeper, you know.

Vice Chairman STOREY. And he has been a registered voter?

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Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Since 1949?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Has he had any formal education?

Mrs. FROST. Talking about outside the school?

Vice Chairman STOREY. No. I mean in the schools. Has your husband
been to school?

Mrs. FROST. Yes, sir. Seventh grade, I think he said.

Vice Chairman STOREY. And you went to the seventh grade?

Mrs. FROST. No, sir. I went to the fifth grade. I managed the fifth
grade.

Vice Chairman STOREY. And your husband went to the seventh grade?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Can you read and write all right?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. You read the newspapers all right?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Sign your name—

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. For any commercial transaction?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Will you tell us why you want to vote?

Mrs. FROST. Well, I figure all citizens, you know, should vote, I figure.
I'm a citizen. I didn't violate the law, as I know of.

Vice Chairman STOREY. Any other questions?

Commissioner CARLTON. Do you own any property?

Mrs. FROST. Well, no more than my husband, you know, the home.

Commissioner CARLTON. You and your husband own your home?

Mrs. FROST. That's right.

Commissioner CARLTON. And your taxes are all paid up?

Mrs. FROST. Yes, sir.

Vice Chairman STOREY. Any other question?

Commissioner WILKINS. Mrs.—I didn't get her name. I am sorry.

Mrs. FROST. Margaret Frost.

Vice Chairman STOREY. Mrs. Frost.

Commissioner WILKINS. Mrs. Frost, I just want to get cleared up your
conversations with this registrar when he refused to give you this appli-
cation.

Mrs. FROST. Yes.

Commissioner WILKINS. He never even gave you the application?

Mrs. FROST. No, sir; he didn't.

Commissioner WILKINS. On either occasion?

Mrs. FROST. No, sir.

Commissioner WILKINS. When you were there the second time, in August of 1957, he said all applicants for a certificate of registration must answer 12 questions?

Mrs. FROST. Yes, sir. That's what he said.

Commissioner WILKINS. And he did not tell you what the 12 questions were?

Mrs. FROST. No, sir; he did not.

Commissioner WILKINS. Did he say that each applicant has a different set of questions?

Mrs. FROST. Yes. If we answered them, then we could get the application to fill out.

Commissioner WILKINS. But he wouldn't tell you in advance—

Mrs. FROST. No, sir.

Commissioner WILKINS. What the questions were?

Mrs. FROST. No, sir.

Commissioner WILKINS. And these other two Negro Americans who accompanied you were told the same thing?

Mrs. FROST. Yes, sir.

Commissioner WILKINS. How many questions did he ask them, if you recall?

Mrs. FROST. He asked them—he asked his wife one and asked him the second question.

Commissioner WILKINS. Asked the wife one question?

Mrs. FROST. Yes, sir, and asked me one, and asked the man the second question.

Commissioner WILKINS. Let me get this straight in my own mind. The wife of the other Negro American citizen who was present was not able to answer that first question; is that right?

Mrs. FROST. The man wasn't.

Commissioner WILKINS. What about the wife?

Mrs. FROST. She answered hers. I answered mine.

Commissioner WILKINS. She answered her question, and he said it was correct?

Mrs. FROST. Yes, sir.

Commissioner WILKINS. And the answer to your question was correct?

Mrs. FROST. Yes, sir.

Commissioner WILKINS. And the answer of the husband—

Mrs. FROST. He asked the man the second question.

Commissioner WILKINS. Yes.

Mrs. FROST. See, he went down and come back to him again. See, he was first. He answered the first one.

Commissioner WILKINS. He answered his first question?

Mrs. FROST. That's right.

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Commissioner WILKINS. And then when he got to him with the second question—

Mrs. FROST. That's right.

Commissioner WILKINS. The man could not answer?

Mrs. FROST. Yes, sir.

Commissioner WILKINS. Then he did not ask you a further question?

Mrs. FROST. No, sir.

Commissioner WILKINS. Nor did he ask the man's wife a further question?

Mrs. FROST. No, sir; he did not.

Commissioner WILKINS. Simply said, "Go home and study some more"?

Mrs. FROST. That's right.

Commissioner WILKINS. Didn't tell you what to study?

Mrs. FROST. No, sir.

Commissioner WILKINS. Or anything of that sort?

Mrs. FROST. No, sir.

Commissioner WILKINS. And you have not been back since then?

Mrs. FROST. No, sir; I haven't.

Commissioner WILKINS. Do you know whether your friends have been back since then?

Mrs. FROST. No; I sure don't know.

Commissioner WILKINS. I think that is all.

Vice Chairman STOREY. That is all. You may be excused. Call the next witness, and after that witness testifies we will have a recess or a break.

Mr. ROSENFELD. Mr. Aaron Sellers. Mr. Sellers has not been sworn, sir, and the clerk is here to administer the oath.

Vice Chairman STOREY. Mr. Hughes, will you administer the oath?

The CLERK. Will you raise your right hand?

Do you solemnly swear the evidence you shall give in this matter now in hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. SELLERS. Yes, sir.

TESTIMONY OF AARON SELLERS, MIDWAY, BULLOCK COUNTY, ALA.

Vice Chairman STOREY. Will you come around and take the stand?

Please state your name and your age and where you live.

Mr. SELLERS. My name is Aaron Sellers.

Vice Chairman STOREY. And where do you live?

Mr. SELLERS. I live in Midway, Ala. That's—

Vice Chairman STOREY. In what county?

Mr. SELLERS. Bullock County.

Vice Chairman STOREY. And how long have you lived there?

Mr. SELLERS. All my life.

Vice Chairman STOREY. Born there and have lived there all of your life?

Mr. SELLERS. That's right.

Vice Chairman STOREY. What is your business?

Mr. SELLERS. Farming.

Vice Chairman STOREY. Do you own your own farm?

Mr. SELLERS. I do.

Vice Chairman STOREY. How big is your farm?

Mr. SELLERS. Two hundred and forty acres.

Vice Chairman STOREY. Do you own your own farming implements?

Mr. SELLERS. I do.

Vice Chairman STOREY. Are you married?

Mr. SELLERS. I am.

Vice Chairman STOREY. Do you have any children?

Mr. SELLERS. I do have.

Vice Chairman STOREY. How many?

Mr. SELLERS. I have two children.

Vice Chairman STOREY. You have——

Mr. SELLERS. Two childrens.

Vice Chairman STOREY. Two children?

Mr. SELLERS. Yes.

Vice Chairman STOREY. Do they live with you?

Mr. SELLERS. One. One of them is attending school at the present, the boy, at Tuskegee?

Vice Chairman STOREY. At Tuskegee?

Mr. SELLERS. Tuskegee.

Vice Chairman STOREY. And the other one is at home?

Mr. SELLERS. At home.

Vice Chairman STOREY. Have you paid your taxes on your property up to date?

Mr. SELLERS. Yes, sir.

Vice Chairman STOREY. Did you have some education in the public schools?

Mr. SELLERS. Oh, I come through the senior high school, and I also on two occasions went to the summer school in Tuskegee on agriculture.

Vice Chairman STOREY. You never did graduate?

Mr. SELLERS. I did not.

Vice Chairman STOREY. But you finished the senior high school?

Mr. SELLERS. That's right.

Vice Chairman STOREY. And then went to Tuskegee?

Mr. SELLERS. That's right.

Vice Chairman STOREY. Have you always been a farmer?

Mr. SELLERS. Oh, I have.

Vice Chairman STOREY. Since you have been grown?

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Mr. SELLERS. All my life.

Vice Chairman STOREY. Are you a registered voter?

Mr. SELLERS. I am not.

Vice Chairman STOREY. Are you suffering from any mental or physical disability?

Mr. SELLERS. No, sir.

Vice Chairman STOREY. Have you ever been convicted of a crime?

Mr. SELLERS. Oh, one occasion. I been convicted on a small offense.

Vice Chairman STOREY. Do you mind telling us what that small offense was?

Mr. SELLERS. Oh, I were—I failed to have a tail light on my truck.

Vice Chairman STOREY. Well, a good many of us get into that trouble, don't we?

Mr. SELLERS. Yes.

Vice Chairman STOREY. But you have never been convicted of any other crime?

Mr. SELLERS. No.

Vice Chairman STOREY. You paid your fine then?

Mr. SELLERS. Yes, sir; I did.

Vice Chairman STOREY. And you have never failed to have a tail light since then, have you?

Mr. SELLERS. No, sir.

Vice Chairman STOREY. Have you applied to register? Have you made application?

Mr. SELLERS. I have applied to register on six occasions.

Vice Chairman STOREY. When was the first occasion?

Mr. SELLERS. The first occasion was in 1954.

Vice Chairman STOREY. Where did you go to apply?

Mr. SELLERS. I went to the courthouse, the county courthouse.

Vice Chairman STOREY. All right. Did you fill out one of these regular forms?

Mr. SELLERS. No, sir. At first I was refused to be given a blank.

Vice Chairman STOREY. All right. What took place between you and the officials there? What questions did they ask you and what happened? Just tell what happened.

Mr. SELLERS. The chairman of the board——

Vice Chairman STOREY. Do you remember his name?

Mr. SELLERS. Yes, sir. Mr. H. Wilson.

Vice Chairman STOREY. Mr. H. Wilson?

Mr. SELLERS. Yes, sir.

Vice Chairman STOREY. All right. Go ahead.

Mr. SELLERS. He come—in fact, there was six of us. There was six of us present.

Vice Chairman STOREY. Six together?

Mr. SELLERS. It were.

Vice Chairman STOREY. Colored people?

Mr. SELLERS. They were colored people, and he asked what was our trouble, and we told him we come up there to register, and he said, "Well, we're quite busy today and we will ask that you all come back tomorrow." And, of course, we departed and we returned back the next day.

Vice Chairman STOREY. Now, on that first day did he ask you any questions of any kind to ask you to give answers?

Mr. SELLERS. He did not; only he told us to come back the next day with a voucher.

Vice Chairman STOREY. To come back the next day with a voucher?

Mr. SELLERS. Yes.

Vice Chairman STOREY. That is, somebody to recommend you?

Mr. SELLERS. That's right.

Vice Chairman STOREY. Did you go back the next day?

Mr. SELLERS. We did.

Vice Chairman STOREY. All six of you?

Mr. SELLERS. We did.

Vice Chairman STOREY. Did you have somebody to vouch for you?

Mr. SELLERS. We did.

Vice Chairman STOREY. One or more persons to vouch for you?

Mr. SELLERS. We had just only one.

Vice Chairman STOREY. One?

Mr. SELLERS. Yes, sir.

Vice Chairman STOREY. Was he white or colored?

Mr. SELLERS. He were colored.

Vice Chairman STOREY. He was a registered voter?

Mr. SELLERS. Yes, sir.

Vice Chairman STOREY. All right. Tell what happened the next day.

Mr. SELLERS. When we went back the next day, after we got there, we sit about an hour in a——

Vice Chairman STOREY. Were you inside the room?

Mr. SELLERS. We were.

Vice Chairman STOREY. All right.

Mr. SELLERS. One white gentleman came up there were we was and asked us what was our trouble.

Vice Chairman STOREY. Who was that? The same man who had asked you that before?

Mr. SELLERS. It wasn't. It was another man.

Vice Chairman STOREY. Another man.

Mr. SELLERS. Yes.

Vice Chairman STOREY. Was he one of the registration officials?

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Mr. SELLERS. He was not.

Vice Chairman STOREY. You don't know who he was?

Mr. SELLERS. I do.

Vice Chairman STOREY. Who was he?

Mr. SELLERS. It was Mr. A. J. Tucker.

Vice Chairman STOREY. Did he have any official position?

Mr. SELLERS. Not connect to the board. I don't know about—

Vice Chairman STOREY. All right. Tell what happened, then.

Mr. SELLERS. We were sitting there, and he come up and asked what was our trouble, and, of course, we told him that we were advised by the chairman of the board to come back today, that he would register us, and, of course, he told us, "If I were you all—you all are citizens already. If I were you all, I would go on back home." However, we remained.

Vice Chairman STOREY. For how long?

Mr. SELLERS. For 30 minutes longer.

Vice Chairman STOREY. Anything else happen in the room?

Mr. SELLERS. This same man—he came back again, and he said, "You all still sitting here, are you?"

He told him, "Yes; we are."

He said, "Well, I thought I told you all to get the hell out of here."

Vice Chairman STOREY. What happened then?

Mr. SELLERS. Well, I mean we had some more people. They was somewhat afraid, and they gotten up and leave.

Vice Chairman STOREY. Did you leave?

Mr. SELLERS. I did.

Vice Chairman STOREY. Did you go back after that?

Mr. SELLERS. We did.

Vice Chairman STOREY. When?

Mr. SELLERS. We went back the next fall, the registration date.

Vice Chairman STOREY. The following registration date?

Mr. SELLERS. That's right.

Vice Chairman STOREY. About how long was that afterwards?

Mr. SELLERS. Two weeks.

Vice Chairman STOREY. All right. What happened then? Did all of you go back?

Mr. SELLERS. We did, but more went this particular time.

Vice Chairman STOREY. How many went?

Mr. SELLERS. It was 12 went on this occasion.

Vice Chairman STOREY. Twelve colored people?

Mr. SELLERS. Yes, sir.

Vice Chairman STOREY. Did you have any of your vouchers?

Mr. SELLERS. We did. We had a voucher.

Vice Chairman STOREY. Is he a colored man?

Mr. SELLERS. He is.
 Vice Chairman STOREY. Is he a registered voter?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. Do you remember his name?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. What is his name?
 Mr. SELLERS. Mr. James A. Grady.
 Vice Chairman STOREY. James A. Grady?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. Lived in the same town?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. What happened then?
 Mr. SELLERS. On that particular time we couldn't find—they had changed the board, and we couldn't find just where they were.
 Vice Chairman STOREY. You mean changed the meeting place?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. Did you find it later?
 Mr. SELLERS. Oh, we waited until after 12, and, of course, we happened to know the men who worked on the board, and we waited around until after lunch and we followed them down after, then.
 Vice Chairman STOREY. You saw them after lunch?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. Did you go into their room?
 Mr. SELLERS. We did.
 Vice Chairman STOREY. Now, tell what happened there.
 Mr. SELLERS. When we got there, one come to the door and met us and said he was there by himself and he couldn't register us because—
 Vice Chairman STOREY. Do you remember his name?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. What was his name?
 Mr. SELLERS. He was the chairman of the board, Mr. H. Wilson.
 Vice Chairman STOREY. Same man?
 Mr. SELLERS. Yes, sir.
 Vice Chairman STOREY. And he said he couldn't—What county is this?
 Mr. SELLERS. This is Bullock County.
 Vice Chairman STOREY. We just wanted to be sure. Some of the others didn't understand. This is Bullock County?
 Mr. SELLERS. Bullock County.
 Vice Chairman STOREY. What was it this chairman told you?
 Mr. SELLERS. He told us he couldn't register us because he was alone and the law require two at least be present.
 Vice Chairman STOREY. Did he ask you any questions?
 Mr. SELLERS. He did not.

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Vice Chairman STOREY. Did you leave?

Mr. SELLERS. We did.

Vice Chairman STOREY. All of you?

Mr. SELLERS. We did.

Vice Chairman STOREY. Did you go back again?

Mr. SELLERS. No, sir; not—no, sir; we didn't go back any more. After that we hired us, secured us an attorney and we filed a suit against the board.

Vice Chairman STOREY. All of you?

Mr. SELLERS. We did.

Vice Chairman STOREY. Twelve?

Mr. SELLERS. It was only four of us that filed the suit.

Vice Chairman STOREY. Four of you filed?

Mr. SELLERS. That's right.

Vice Chairman STOREY. Were they the four who had gone there with you?

Mr. SELLERS. That's right.

Vice Chairman STOREY. You and three other filed the suit?

Mr. SELLERS. That's right.

Vice Chairman STOREY. Has that suit been terminated?

Mr. SELLERS. Oh, yes, sir, in this same building. The late Mr. Kennamer—he asked the board to go back down to Bullock County and register every qualified Negro, and—

Vice Chairman STOREY. Were you registered after that?

Mr. SELLERS. No, sir; we wasn't.

Vice Chairman STOREY. Did you go back to the board after that?

Mr. SELLERS. We went back to the board.

Vice Chairman STOREY. What happened that time?

Mr. SELLERS. I'd like to say here there were 35 or 40 that went back to the board.

Vice Chairman STOREY. Did you go with them?

Mr. SELLERS. I did.

Vice Chairman STOREY. What happened on that occasion? First, I want to ask you: When was that the 35 or 40 went?

Mr. SELLERS. This was—this still was in 1954.

Vice Chairman STOREY. All right.

Mr. SELLERS. When we went this particular time, on this occasion, we couldn't find the board, and eventually the news editor of the Union Springs Herald paper—he came out on the street and told us that the board had resigned.

Vice Chairman STOREY. That the board had resigned?

Mr. SELLERS. Yes.

Vice Chairman STOREY. You didn't see the board that day?

Mr. SELLERS. No.

Vice Chairman STOREY. Did you ever go back any more?

Mr. SELLERS. Yes, sir; we did.

Vice Chairman STOREY. When?

Mr. SELLERS. For a year and a half we didn't have a board, and we didn't have another board until 1956.

Vice Chairman STOREY. All right.

Mr. SELLERS. And, of course, then, the board—it made a visit around, through the county, in all precincts, and, of course, we met there and we tried to fill out a blank there, see, but we never heard anything from it. In fact, we filled out a blank.

Vice Chairman STOREY. You filled out a blank?

Mr. SELLERS. Yes, sir.

Vice Chairman STOREY. Did they ask you any questions?

Mr. SELLERS. They did not.

Vice Chairman STOREY. Was there more than one of you who went—

Mr. SELLERS. There were three.

Vice Chairman STOREY. In your precinct?

Mr. SELLERS. Three.

Vice Chairman STOREY. Three besides you?

Mr. SELLERS. Two besides me.

Vice Chairman STOREY. Did you hear anything from that application?

Mr. SELLERS. I haven't.

Vice Chairman STOREY. Have you been back any more?

Mr. SELLERS. Yes, sir; I have.

Vice Chairman STOREY. When?

Mr. SELLERS. I went back in 1957, in September.

Vice Chairman STOREY. Did you go alone?

Mr. SELLERS. No; no. It was three.

Vice Chairman STOREY. The same three?

Mr. SELLERS. No, sir; it wasn't the same three.

Vice Chairman STOREY. All right. What happened then?

Mr. SELLERS. On this occasion they gave us the blank.

Vice Chairman STOREY. Did you fill it out?

Mr. SELLERS. Filled it out.

Vice Chairman STOREY. Answer all the questions?

Mr. SELLERS. I did.

Vice Chairman STOREY. Did they ask you any additional questions besides those on the blank?

Mr. SELLERS. They did not.

Vice Chairman STOREY. Ask you to write anything?

Mr. SELLERS. They did not.

Vice Chairman STOREY. Did they tell you when to come back?

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Mr. SELLERS. They did not.

Vice Chairman STOREY. Did you ever hear from that application?

Mr. SELLERS. I haven't.

Vice Chairman STOREY. Did you make another application after that one?

Mr. SELLERS. We didn't make another application; but, of course, we went to make another application. Of course, we couldn't find where the board were.

Vice Chairman STOREY. And when was that?

Mr. SELLERS. That was in October of 1957.

Vice Chairman STOREY. Have you been back since then?

Mr. SELLERS. I haven't.

Vice Chairman STOREY. You have never been registered?

Mr. SELLERS. I haven't.

Vice Chairman STOREY. Will you tell us why you want to vote?

Mr. SELLERS. Oh, the reason I want to vote—I was to try to exercise my rights as a citizen.

Vice Chairman STOREY. Any other questions?

Commissioner CARLTON. Was this man who told you to get the hell out of there a part of the judiciary?

Mr. SELLERS. You mean connected——

Commissioner CARLTON. The judges at the election——

Mr. SELLERS. You mean connected with the board?

Commissioner CARLTON. Yes.

Mr. SELLERS. He wasn't connected to the board.

Commissioner CARLTON. He wasn't exercising any judicial function, then?

Mr. SELLERS. No, sir.

Commissioner CARLTON. He was just exercising executive powers?

Mr. SELLERS. That's right.

Commissioner HESBURGH. Mr. Chairman.

Vice Chairman STOREY. Father Hesburgh.

Commissioner HESBURGH. Mr. Sellers, are you going to keep trying?

Mr. SELLERS. Oh, yes. I'm determined to register.

Commissioner HESBURGH. God bless you.

Commissioner WILKINS. Mr. Sellers—Excuse me. Are you through, Father? Mr. Sellers, I am curious about this. You say the board was out of existence for a year and a half?

Mr. SELLERS. It were.

Commissioner WILKINS. Do you know why it was not in existence? Do you know what reason was given it was not functioning?

Mr. SELLERS. Oh, I wouldn't know definite. I would have some more opinion, but I wouldn't like to——

Commissioner WILKINS. I would like to have you express your opinion as to the reason the board wasn't functioning. I would like to know your opinion, if you have an opinion.

Mr. SELLERS. Well, actually, my feeling is after we had the court order we felt like we was entitled to register, and we felt that they was dodging around us to keep us from registering, too.

Commissioner WILKINS. Let me get back to this court order. You and three other Negro Americans filed a lawsuit?

Mr. SELLERS. That's right.

Commissioner WILKINS. To compel them to register you?

Mr. SELLERS. That's right.

Commissioner WILKINS. And that suit was terminated by an order directing them to register you?

Mr. SELLERS. That's right.

Commissioner WILKINS. And then, of course, you went back, and that is when you started having trouble catching up with the board members?

Mr. SELLERS. That's right.

Commissioner WILKINS. Do you still have this lawyer employed?

Mr. SELLERS. We do not.

Commissioner WILKINS. Did he cease his representation of you when the court handed down a decision in your favor?

Mr. SELLERS. That's right.

Commissioner WILKINS. You don't know whether this was a class suit or—

Mr. SELLERS. It was.

Commissioner WILKINS. Was it a class suit?

Mr. SELLERS. It were.

Commissioner WILKINS. Which meant they had to register every qualified—

Mr. SELLERS. That's right.

Commissioner WILKINS. Negro American?

Mr. SELLERS. That's right.

Commissioner WILKINS. Do you know whether any of these 30 or 35 or 40 people have been able to register?

Mr. SELLERS. Oh, no, sir.

Commissioner WILKINS. Nobody has been able to register?

Mr. SELLERS. No, sir.

Commissioner WILKINS. Now, Mr. Sellers, you knew most of the 35 or 40 people involved in this matter, didn't you?

Mr. SELLERS. I do.

Commissioner WILKINS. Were they all persons who have lived in the State of Alabama for more than 2 years?

Mr. SELLERS. They were.

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Commissioner WILKINS. And, so far as your knowledge is concerned, did they possess the necessary qualifications for registration?

Mr. SELLERS. Yes.

Commissioner WILKINS. That is, they could read and write?

Mr. SELLERS. That's right.

Commissioner WILKINS. They hadn't been convicted of any crime greater than being fined for not having a tail light, so far as you know?

Mr. SELLERS. Not that I know of.

Commissioner WILKINS. Did some of these people ever get a chance to fill out an application? Did they all fill out an application?

Mr. SELLERS. No, sir. Actually, it's just a small percentage of us have had a chance to fill out an application, for this reason: They have a voucher system there and, of course, we only have four registered Negroes.

Commissioner WILKINS. Four Negroes registered?

Mr. SELLERS. That's right.

Commissioner WILKINS. You mean in—

Mr. SELLERS. Bullock County.

Commissioner WILKINS. Bullock County?

Mr. SELLERS. That's right.

Commissioner WILKINS. Do you know, Mr. Sellers, approximately how many Negroes live in Bullock County?

Mr. SELLERS. Oh, yes, sir. It's about 11,000.

Commissioner WILKINS. About 11,000 living in Bullock County?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. Would you have any knowledge of the number of those persons who are over the age of 21?

Mr. SELLERS. It's between 3,000 and 4,000.

Commissioner WILKINS. Between 3,000 and 4,000?

Mr. SELLERS. Yes.

Commissioner WILKINS. And you have, you say, four—

Mr. SELLERS. Four.

Commissioner WILKINS. Registered Negro Americans in that county?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. Do you know what the white population of Bullock County is, approximately?

Mr. SELLERS. Its' 4,000.

Commissioner WILKINS. About 4,000 white people in Bullock County?

Mr. SELLERS. Voting age; yes.

Commissioner WILKINS. Do you know how many of them—approximately how many of them—are of voting age?

Mr. SELLERS. The total number that are voting in Bullock County is 2,500.

Commissioner WILKINS. About 2,500?

Mr. SELLERS. That's right.

Commissioner WILKINS. Do you know approximately how many of them are registered, white Americans?

Mr. SELLERS. You mean——

Commissioner WILKINS. You said about 2,500 registered voters?

Mr. SELLERS. Total. That's total and, of course, four of them are Negroes.

Commissioner WILKINS. You have approximately 2,496 white voters registered out of a population, you say, of about 4,000?

Mr. SELLERS. That's right.

Commissioner WILKINS. And you have 4 Negroes registered out of a total population of over 11,000?

Mr. SELLERS. That's right.

Commissioner WILKINS. Have you talked with other Negro American citizens in Bullock County other than those who accompanied you on either of these trips trying to catch up with the board of registrars?

Mr. SELLERS. Oh, yes, sir. A large percent of the Negroes down there really are interested in voting.

Commissioner WILKINS. Do you know, of your own knowledge, that quite a few of them have made an effort to register?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. I see.

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. And, so far as you know, there are four registered Negroes in Bullock County?

Mr. SELLERS. That's right.

Commissioner WILKINS. Do you know who they are?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. Would you name them for the record, if you can?

Mr. SELLERS. Mr. James A. Grady.

Commissioner WILKINS. James A. Grady.

Mr. SELLERS. His address is Union Springs. Mr. C. Prue. His address is Union Springs. And Mr. George Russell. His address is Union Springs. And Mrs. Mabel Smith. Her address is Union Springs.

Commissioner WILKINS. That's four, isn't it?

Mr. SELLERS. That's four.

Commissioner WILKINS. Those are the only four that are registered in this county?

Mr. SELLERS. I would like to make this statement, too.

Commissioner WILKINS. Yes.

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Mr. SELLERS. We have another one there who was registered, and, of course, he have been declared insane, but I mean since then he have regained hisself. I won't say definitely whether he is or is not still a voter.

Commissioner WILKINS. I see.

Mr. SELLERS. I would like to make that clear.

Commissioner WILKINS. Tell me this: The Negro Americans who go to register have to take a voucher with them?

Mr. SELLERS. They do.

Commissioner WILKINS. Is it possible to take a white American citizen as a voucher for a Negro registrant?

Mr. SELLERS. Well, we have some Negroes there who we consider to be real friendly, good friends of white people, but he tried on several occasions to get a white voucher, but he couldn't get him.

Commissioner WILKINS. So, of the more than 5,000 Negroes who are within the voting age limits, they have to obtain 1 of these 4 Negro Americans who are registered—

Mr. SELLERS. That's right.

Commissioner WILKINS. To vouch for them?

Mr. SELLERS. That's right.

Commissioner WILKINS. Now, in any of these conversations that you had with the people in the registration office, did they say or tell you how many people any one voter could vouch for?

Mr. SELLERS. Oh, yes, sir. The last time we went to the board the chairman of the board told us their lawyer—that they would allow one registered voter to vouch for three once every 4 years.

Commissioner WILKINS. In other words, the four Negro Americans who are registered to vote can vouch for three persons?

Mr. SELLERS. Three persons.

Commissioner WILKINS. Every 4 years?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. So that the most that could have possibly registered, even under those circumstances, would have been 12 persons?

Mr. SELLERS. Twelve persons.

Commissioner WILKINS. A year?

Mr. SELLERS. Yes.

Commissioner WILKINS. Then, of course, the next year those persons—at least the new registrants—could vouch for three more persons?

Mr. SELLERS. That's right.

Commissioner WILKINS. So, in the course of about 150 years—

Mr. SELLERS. That's right.

Commissioner WILKINS. You would get about 200 registered?

Mr. SELLERS. That's right.

Commissioner WILKINS. Now, on each of these occasions when you went to register you either had a voucher with you or had one you were able to produce?

Mr. SELLERS. That's right.

Commissioner WILKINS. Now, you have all of the qualifications required under the Alabama statute for voting?

Mr. SELLERS. Oh, I believe so. Definitely I believe so.

Commissioner WILKINS. You can read and write?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. And, if necessary, you could read the Constitution of the United States?

Mr. SELLERS. Oh, I could read it; yes, sir.

Commissioner WILKINS. Father Hesburgh asked you: Do you propose to try again?

Mr. SELLERS. Yes, sir.

Commissioner WILKINS. Do you think you will be able to find the board of registrars so you can get to them to make an application?

Mr. SELLERS. Oh, I think we can find them now. The problem we have now—we can't go any more because we have used up our vouchers. We can't go any more until 4 years.

Commissioner WILKINS. In other words, these persons who have vouched for you at this time, when you signed these applications, cannot vouch for you now at least until 1961?

Mr. SELLERS. That's right.

Commissioner WILKINS. So that you can't get a voucher?

Mr. SELLERS. That's right.

Commissioner WILKINS. That is all, Mr. Sellers. Let me ask you one other question: You say you are a farmer?

Mr. SELLERS. I am.

Commissioner WILKINS. And how large is your farm?

Mr. SELLERS. It consist of 240 acres.

Commissioner WILKINS. Two hundred and forty acres. And you were born in 1920?

Mr. SELLERS. Nineteen hundred and fourteen.

Commissioner WILKINS. Nineteen fourteen?

Mr. SELLERS. That's right.

Commissioner WILKINS. And you have lived there continuously in that county?

Mr. SELLERS. That county.

Commissioner WILKINS. All your life?

Mr. SELLERS. That's right.

Commissioner WILKINS. Is your farm paid for?

Mr. SELLERS. No. I owe some indebtedness on the farm.

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Commissioner WILKINS. But you are paying on it?

Mr. SELLERS. That's right.

Commissioner WILKINS. That is all.

Vice Chairman STOREY. That is all. You are excused. At this time the chairman has a statement he wants to make.

Let's have order.

Chairman HANNAH. I regret that personal circumstances make it necessary for me to leave this hearing before its conclusion. Tonight at 7 o'clock this time is scheduled the regular fall term commencement and graduation exercises at Michigan State University, of which I am the president. When this hearing was originally scheduled, it was known that I would be required to be absent for the balance of this day, with the understanding I would return, if necessary. It is necessary for me to leave Maxwell Field not later than 12 noon.

Now, Dean Storey and the other commissioners will carry on this hearing to its conclusion after my departure, but before leaving I would like to express for this commission our appreciation to all of those who have cooperated in the arrangements for the hearing.

We would also thank the witnesses and all others who have cooperated, and particularly the staff at Maxwell Field who have provided housing for the commission.

Finally, and for the record, I would like to read the following statement, which has been approved by this commission:

This commission regrets the failure of certain persons to appear at this hearing after having been formally subpoenaed to appear, in accordance with the provisions of the law creating this commission, and the failure of others who have appeared in person to produce certain records that they were subpoenaed to produce, and the refusal of some who were physically present to be sworn as witnesses when requested to do so, and the failure of others to answer questions that were asked of them.

In accordance with the terms of the law creating it, which is Public Law 85-315, enacted by the Congress of the United States on September 9, 1957—

In order to get the sentence complete, I will start over again.

In accordance with the terms of the law creating it, this commission respectfully refers the complete record of this hearing to the Attorney General of the United States for such action as he deems appropriate to the end that will assist this commission to have made available to it the information that is required to enable it to carry out the mandate of the law.

There will now be a recess for 10 minutes.

(Whereupon, at 11:16 a.m., a 13-minute recess was taken.)

Vice Chairman STOREY. May we have order, please.

The commission has completed the examination of the witnesses that it desires to be heard at this hearing.

In order to be fair and to have the complete story, we issued notice in connection with the rules that anyone having any pertinent information

could submit a statement in writing, under oath, for inclusion in the record 24 hours before the hearing convened.

I understood that possibly some other people who are present this morning might have some pertinent facts about which they would be glad to testify, be sworn and submit to examination of the commission.

If there are such people in the room and they desire to relate pertinent facts, of course, we would be glad to hear from them briefly.

Are there any?

Mr. ROSENFELD. He is a witness who has been——

Vice Chairman STOREY. This applies to witnesses outside of those who have been subpoenaed.

Have you been subpoenaed?

Hearing none, then we will close this session and recess immediately, and in so doing may I again express, as the chairman has done, in behalf of the members of the commission, our thanks and appreciation to the local officials for the help and assistance that they have given us in conducting this hearing in an orderly and speedy manner, and we have nothing but thanks and admiration for the cooperation that we have received.

In that, of course, I exclude the matters that the chairman touched upon this morning with reference to certain witnesses who refused to testify or who refused to appear.

Mr. Rosenfeld, is there anything else you wish to present?

Mr. ROSENFELD. Nothing else, sir.

Vice Chairman STOREY. Then we will stand recessed.

I might add, for the information of the press and media, that there will be no reconvening of this commission here on this matter in the foreseeable future, but we do stand in recess for technical reasons.

(Whereupon, at 11:32 a.m., the hearing was recessed, sine die.)

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UNITED STATES
COMMISSION ON CIVIL RIGHTS

FRIDAY MORNING SESSION

JANUARY 9, 1959

HEARING HELD

IN

MONTGOMERY, ALABAMA

FRIDAY MORNING SESSION, JANUARY 9, 1959

The commission met in the hearing room of the U.S. Circuit Court of Appeals, U.S. Post Office and Federal Building, Montgomery, Ala., at 10:32 a.m., Friday, January 9, 1959, Dr. John A. Hannah, chairman of the commission, presiding.

Present: John A. Hannah (chairman), John S. Battle (commissioner), Doyle E. Carlton (commissioner), Rev. Theodore M. Hesburgh (commissioner), J. Ernest Wilkins (commissioner).

Also present: Gordon M. Tiffany (staff director), Mrs. Carol R. Arth (executive secretary), A. H. Rosenfeld (director, office of complaints, information and survey), Charles Ed Clark (legal assistant), Burton Stevenson (legal assistant), Berl I. Bernhard (staff attorney), David F. Koonce (consultant).

PROCEEDINGS

Chairman HANNAH. Gentlemen, section 102(e) of Public Law 85-315 that creates this commission provides that:

If the commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpoena additional witnesses.

Now, in the light of this section, the commission has decided that this session this morning will be an executive session since we are going to receive from our own people the information that they have gained as a result of their examination of the records in Macon County, and the commission will declare this an executive session and will request all of the spectators and press, and so forth, to leave the room.

(Whereupon, at 10:34 a.m., the room was cleared and the commission went into executive session at 10:35 a.m.)

Chairman HANNAH. The room has now been cleared, and I am going to ask Governor Carlton, in the absence of Dean Storey, to preside over this session this morning.

I understand that we are going to proceed with the swearing of the witnesses, and so on—and, Governor Carlton, will you take over?

(Commissioner Carlton assumed the chair at this point.)

Commissioner CARLTON. Will you gentlemen stand and hold up your right hands?

Do you and each of you solemnly swear the evidence you give in this cause now in hearing will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ROSENFELD. I do.

Mr. CLARK. I do.

Mr. STEVENSON. I do.

Mr. BERNHARD. I do.

Commissioner CARLTON. I understand you did have a deputy marshal.

Mr. ROSENFELD. No.

Commissioner CARLTON. Did you want him——

Mr. ROSENFELD. This was the deputy clerk, who was going to swear us and can swear us.

Commissioner CARLTON. All right. We will have the deputy clerk swear you.

Chairman HANNAH. We will swear you in right this time.

Mr. STEVENSON. We were just practicing.

The CLERK. Would each of you raise your right hand?

Do you and each of you solemnly swear the testimony you give in this cause will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ROSENFELD. I do.

Mr. CLARK. I do.

Mr. STEVENSON. I do.

Mr. BERNHARD. I do.

Mr. ROSENFELD. And the reporter is reminded he is still under oath.

Commissioner CARLTON. Colonel Rosenfeld, you have the list of witnesses that you wish to produce?

Mr. ROSENFELD. Yes, sir. The first witness will be A. H. Rosenfeld, director of the office of complaints, information and survey, Civil Rights Commission staff.

Commissioner CARLTON. You may proceed with your statement.

TESTIMONY OF A. H. ROSENFELD, DIRECTOR, OFFICE OF COMPLAINTS,
INFORMATION AND SURVEY, COMMISSION ON CIVIL RIGHTS

Mr. ROSENFELD. I am the team commander of a team of four members of the staff who came to Montgomery for the specific purpose of examining records in Macon, Barbour, and Bullock Counties under the provisions of an order of the U.S. District Court dated 5 January 1959.

On Tuesday, the 6th of January 1959, I proceeded to Tuskegee. The remaining members of the team were traveling from Washington to Montgomery. Upon arrival at Tuskegee, in accordance with my conversation with Attorney General Patterson, the records which I requested were made available to me in the grand jury room in the Macon County Courthouse in

Tuskegee. Also present were Mr. Livingston and Mr. Grady Rogers, the two surviving members of the board of registrars of Macon County. Also present was Mr. Young, the circuit solicitor, in whose custody the records had been placed.

Commissioner WILKINS. Can I ask you a question before you go on, Mr. Rosenfeld?

Mr. ROSENFELD. Sir?

Commissioner WILKINS. May I ask you a question?

Mr. ROSENFELD. Yes, sir.

Commissioner WILKINS. Have Grady Rogers' and Livingston's resignations taken effect yet, sir?

Mr. ROSENFELD. I only know through the newspapers, sir, they have resigned, but I can't say that effectively.

Commissioner WILKINS. You don't know whether they were present as registrars or as individuals?

Mr. ROSENFELD. I may say this: Governor Patterson said to me I wouldn't need them because they had already resigned and were, therefore, no longer in office. I told him I would require them because, as far as I was concerned, the law made them custodians until their successors had been appointed, and they were there as a result of that conversation. The records in which we were primarily interested were the certificates of registration of all of those persons who had applied for registration from the month of September 1957, when this particular board of registrars began to function, until the present day.

The applications for registration were presented to me in two groups: One group—those applications which had been denied; and the second group—the applications which had been approved.

I did not count each application individually because I was trying to get through as many of them as possible before there might be some unforeseen delay and also because of the time element. However, I would estimate there were some 400 applications, one-third rejects, as we call, and two-thirds approved. I noticed first that on all the rejected applications there was a self-addressed envelope, but not a self-addressed stamped envelope, as has been testified. Now, I went through all of the rejected applications, paying particular attention to those I recognized as the applications of our witnesses who had testified. I was able to, in my mind, that day formulate a pattern, but I was going through as many as possible until the other members of the staff would come down for individual survey. In going through the applications, and particularly the rejected applications, I continually asked questions of both Mr. Rogers and Mr. Livingston. They were cooperative and answered freely.

In one case, the case of one Florence Mason, I noticed that the application seemed to be in good form, although a red check mark was checked

against a certain answer. I asked Mr. Rogers about that particular application. Mr. Rogers then said to me, "Well, that's a human error. That should not have been incorrect. That application is good." We then checked the application to see whether the applicant was white or colored, and it turned out to be a colored lady. We further checked—and Mr. Clark will testify to that effect—the records to see whether or not she had been registered, and she was finally registered on the last day the board operated as a board of registration. Mr. Clark will detail that.

I want to say this: That the applications, themselves, did not indicate whether the applicant was white or colored. I, therefore, asked Mr. Rogers how they operated with respect to these applications when they were taken. We heard the testimony during the hearing of the two different rooms in which applicants were examined, and I won't go into that because Mr. Rogers' testimony was the same as that given by witnesses—the colored examined in one room, the white applicants in another.

Mr. Rogers told me—and Mr. Livingston agreed—that they maintained separate groups of colored and white because they had to report to the probate judge in that manner. In other words, the probate judge received from them the names of the colored applicants who had been approved, the names of the white applicants who had been approved. Therefore, up to the time the applications were presented to the probate judge they were at least in separate groups. Now, when I received them, all of the applications were in one group. Therefore, in going over them, and particularly in going over those applications which had been denied, it was impossible for me, except for the few names I recognized, to tell whether they were white or colored.

Mr. Stevenson and Mr. Bernhard will give you definite information which they looked for in the applications.

I also, on the first day, was able to go through a large number of the accepted applications, just to look at the master form and see if persons were accepted who had made possible errors whereby others had been denied who had made the same errors. I found—and again Mr. Clark, who has the detailed list, will advise you—several applications in which one of the very vital questions on the application form was not answered. I am referring now to the application for registration, questionnaire and oath, which is already in evidence before this commission as exhibit 1, and I am referring to question No. 19, which reads as follows: "Will you give aid and comfort to the enemies of the United States Government or the government of the State of Alabama?"

There are approximately four or five applications which were approved which have that answer blank. Mr. Clark will detail them and will detail whether they are colored or white. We checked those applications against the actual registration list in Judge Varner's office. On Wednesday, January the 7th, the entire team spent the day at Tuskegee completing the

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examination and photostating of certain of the applications. All of the applications of the witnesses we recognized and checked against out list were photographed. Many others were photographed because of errors which will be detailed by Messrs. Bernhard and Stevenson and Clark. The applications in which we found that this vital question had not been answered were also photographed.

The negatives have not been developed. They are in our possession. They have not been developed because the type of development fluid necessary is not obtainable in this city or in his area. They will be developed when we return to Washington, and I should like to now ask that those photostats be introduced and be made a part of this record.

Commissioner CARLTON. It is so ordered.

(The photostats to be submitted and marked exhibit 13, were received in evidence. They are in the commission's files.)

Mr. ROSENFELD. I think, in general, that is all I have to say at this time. Are there any questions?

Commissioner CARLTON. Any questions by the commission?

Chairman HANNAH. I just wanted to see if I understood what you said.

Mr. ROSENFELD. Yes, sir.

Chairman HANNAH. That in certain of these applications the question as to whether or not the person filling in the questionnaire agreed not to provide aid and comfort to the enemies of the United States or Alabama was left blank?

Mr. ROSENFELD. Yes.

Chairman HANNAH. And some of these were for people that were subsequently registered? Is that going to come out later?

Mr. ROSENFELD. Yes, sir. The names and number will come out later, and whether they are white or colored—

Chairman HANNAH. All right.

Mr. ROSENFELD. Because that was investigated for me by Mr. Clark.

Chairman HANNAH. My question can wait, then. We can get all of this before us.

Mr. ROSENFELD. Yes, sir.

Commissioner CARLTON. Thank you, Colonel Rosenfeld.

Mr. ROSENFELD. The next witness will be Mr. Burton Stevenson.

TESTIMONY OF BURTON STEVENSON, LEGAL ASSISTANT TO COMMISSIONER
CARLTON, COMMISSION ON CIVIL RIGHTS

Commissioner CARLTON. Mr. Stevenson, will you please state your connection with the commission and then make the report which you have to make from your investigation?

Mr. STEVENSON. Yes, sir. My name is Burton Stevenson, and I am legal assistant to Commissioner Carlton.

First, I should like to say, Mr. Chairman, that the testimony of the several of us who are being heard this morning must be taken together in the sense that only taken together will it demonstrate any denial of equal protection of the laws. I shall say some things about some particular applications, but taken alone my testimony will do nothing to establish that.

Commissioner BATTLE. We will pass on that, won't we?

Mr. STEVENSON. Yes, sir. As Colonel Rosenfeld indicated, we went together to the Macon County Courthouse, and I spent most of the day examining applications of persons who had been rejected.

We did not know at the time we were inspecting these applications whether or not these persons were white or Negro. We made notes on significant findings that we encountered with respect to each application. A summary of what we found, as a matter of statistics, goes something like this: That out of 149 errors which had been noted by the registrars on these 99 applications, 138 errors occurred in four questions on the application form, questions 1, 2, 3, and 5, and I should like to say something about each of those questions because I think they are of particular significance.

This is a very difficult questionnaire, in that no one question is really one question at all. Each question is made up of several items of information requested. For example, question 1 says:

"State your name, the date and place of your birth and your present address."

Failure to state the name there obviously does not constitute a complete answer to the question, in spite of the fact that two places above that point on the form the name of the applicant is written in. A typical case under question 1 was that of "A". This is a female applicant, with three years of college, who is a registered nurse. In response to part of the question, place of your birth, she indicated the county, but not the State of her birth. Actually, of course, in the total context, the State becomes irrelevant because she was clearly a United States citizen, having been born and having lived in this country all of her life, which showed in other parts of the form. On the same application, in question 2, this applicant failed to show the State of her husband's birth, although she indicated the birth place of her husband as being "Bullock County."

She was rejected.

As to the relevance of the place of the husband's birth, I see none whatsoever. It could have no possible relevance to the qualifications of the applicant to register to vote.

Now, question 2 requires several items of information. It asks: "Are you married or single?" And then, under part A, it says: "If married, give the name, residence, and place of birth of your husband or wife," as the case may be.

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There is a rather small blank following the inquiry: "Are you married or single?" and a number of persons answered that question, and then the second part of the question did provide the other information that was requested. This was not considered an adequate answer to the question. The answer that the board apparently insists upon is the word "Married" or the word "Single," in spite of the fact that on the next line it is necessarily amplified by the information about the spouse.

Such an application is that of Jane B. Carter. Question 3 says: "Give the names of the places, respectively, where you have lived during the last 5 years and the name or names by which you have been known during the last 5 years."

It is the second part of that question that seemed to prove tricky. Persons I think quite reasonably interpreted that to mean what aliases had been used during the past 5 years, but the board interprets that one very strictly and requires that the name of the individual again be repeated at that point. Prior to that point in the application, just for purposes of emphasis, let me say the name has already appeared four times, and we are now on question 3, and yet it must be repeated in question 3. A representative example of such a mistake on this form occurred on the application of "B," who holds a bachelor of science degree and had no error on her application form except the failure to repeat her name in question 3. That is one of the applications, incidentally, of which we took a picture.

Question 5, which is the last one of these I want to discuss specifically, states: "If you claim you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such a bona fide resident."

Then A: "When did you become a bona fide resident of _____ County?"

Blank line.

And B: "When did you become a bona fide resident of _____ ward or precinct?"

Blank line.

This was the most commonly missed question on the applications that we inspected. Fifty-seven mistakes were noted with respect to question 5 on 99 rejected applications. The question is rather clearly ambiguous, I believe, in that it asks when you became a bona fide resident. Inasmuch as this is a voting questionnaire, registration questionnaire, it might very well be that a person could interpret that fairly to mean 2 years after he became a resident, that is, he became a bona fide resident for voting purposes, within the meaning of the Alabama statutes and constitutional provisions, 2 years after residence. The board interprets this very strictly and demands the day, the month, and the year be given, irrespective of what year a person claims residence in the State.

For example, on the application of "C", she indicated 1930 as the date upon which she became a resident of the State and of the county and of

the ward or precinct. That was marked incorrect, although it seems clear that she must have met every residence requirement of the Alabama Constitution and statutes.

On the application of "D" the dates 1930, 1946, and 1953 appeared on these three blanks. His application was also rejected and is among those we photographed.

The application of "E"—in fact, two applications of hers, namely, those filed on the 1st of September and the 15th of September 1958—shows these dates as November 1948, leaving out the day—it just gives the month and year—and this was rejected also.

Now, an interesting thing that the Board seems to do is to attempt to establish relationships between the dates in question 1 and question 5. Question 1 requires the date and place of birth, as we indicated, and question 5 requires these dates establishing residence.

On the application of "F", in question 1, he indicated his birth date as 4/8/20. In question 5 he indicated the date of 8/4/20 as becoming a resident, a bona fide resident. This could have been a mistake on the part of the applicant. I do not know, but it is not a mistake which is irreconcilable with the dates he gave. It is possible to have been born on 4/8/20 and to have become a resident on 8/4/20.

Mr. Rogers of the Macon County Board of Registrars approved this application, but the other members did not. Another similar difference between dates that struck me as interesting was on the application of "G," who indicates her birth date as June 1st, 1920, and the date of June 30th, 1920, which is some 29 days later, as that of becoming a bona fide resident. We asked Mr. Livingston why this was not acceptable, and he indicated this was inconsistent. Of course, the real possibility exists that for 29 days she was not a resident of Alabama. I simply don't know the facts, but there is nothing on the face of the application that would make this an inconceivable situation. It is interesting to note that two members of the Board, Messrs. Rogers and Zachary, now deceased, I understand, approved this application, which, in the normal course of events, would constitute approval for registration, but this person was not registered in spite of that.

"H" answered question 4 with the words "Prop Motel," apparently meaning proprietor of a motel. The question asks: "If you are self-employed, state the nature of your business." And on that blank she indicated proprietor of a motel. Part A then says: "If you have been employed by another during the last 5 years, state the nature of your employment and the name or names of such employer or employers and his or their addresses." Well, apparently that applicant had no such other employment and answered that question by saying proprietor of a motel, which was a

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rather inartistic way of saying "no other." This application was rejected,
too.

Now, I would like to say just one other thing, amplifying the statistical
aspect of this thing: In all of these applications taken together, only a few
questions, really, were marked as being answered incorrectly. I have indi-
cated that questions 1, 2, 3, and 5 comprise 138 out of 149 errors. Ques-
tion 1 accounts for 16; question 2 for 37; question 3 for 28, and question
5 for 57.

The only other questions which were marked in any way on the applica-
tions were question 4, which accounted for 5 mistakes, question 6, 14 and
19, which accounted for 1 each, and question 11, which accounted for 2.
There was one other mistake indicated, and the only one we found of the
type. The unnumbered top part of the application form had one person
who filled that in improperly apparently.

I believe that's all I have to report, unless you have questions, Mr.
Chairman.

Commissioner CARLTON. Were these applications denied on the ground
of the irregularities which you have pointed out?

Mr. STEVENSON. Yes, sir.

Commissioner CARLTON. And how did you arrive at that conclusion?

Mr. STEVENSON. By asking Mr. Livingston the meaning of the red marks
which were on the application forms, and these reflect a summary of those
red marks. Mr. Livingston indicated that they marked those parts which
were to be used for exclusion.

Chairman HANNAH. Gentlemen, I have this form. It starts off "T" and
then the applicant fills in his name, and then there is a line and he signs it.
The next question: "State your name, the date and place of your birth, and
your present address."

Now, if this applicant, having already put his name down twice, doesn't
repeat his name for the third time, but gives the place of birth and the
present address, so, that, actually on this paper is all the information they
ask for, he is still rejected on the basis he didn't put it in the third time?

Mr. STEVENSON. And he is furthermore rejected, Mr. Chairman, if he
fails to place his name in question 2 and question 3.

Chairman HANNAH. In question 2 he has got to again put his name
down?

Mr. STEVENSON. Yes, sir, because it says—No. I beg your pardon.

Chairman HANNAH. That is the name of the spouse.

Mr. STEVENSON. That is the name of the husband.

Chairman HANNAH. Yes.

Mr. STEVENSON. I am sorry.

Mr. ROSENFELD. Question 3.

Mr. STEVENSON. But question 3 requires it.

Commissioner CARLTON. Any other question?

Commissioner WILKINS. Mr. Stevenson—Excuse me.

Commissioner HESBURGH. Go ahead.

Commissioner WILKINS. How many of these applications did you make photographs of, approximately?

Mr. STEVENSON. Mr. Bernhard made a list of those we photographed.

Commissioner WILKINS. He can probably tell us, then.

Mr. ROSENFELD. He will take that up when he is on the stand.

Mr. STEVENSON. He can give you the exact figure. I can give you a guess.

Commissioner WILKINS. Give me an approximate figure.

Mr. STEVENSON. Forty—

Commissioner WILKINS. Forty?

Mr. STEVENSON. Fifty.

Commissioner WILKINS. Now, Mr. Livingston indicated they made red marks of some kind on these applications to indicate those that were rejected?

Mr. STEVENSON. To indicate the mistakes.

Commissioner WILKINS. Mistakes?

Mr. STEVENSON. Yes, sir.

Commissioner WILKINS. And was there any other notation on these applications to indicate they were rejected?

Mr. STEVENSON. In general, no. There was one application that I recall, that of, I believe, a "T", whose application at the top was marked with the words "Incomplete" and "No writing." There was no constitutional writing attached to that particular application, and I judge that's what the notation meant.

Commissioner WILKINS. Was there any notation on these applications indicating that the applicant had been sent a notice that his application for registration had been rejected?

Mr. STEVENSON. No, sir.

Commissioner WILKINS. Did you find any copies of notices of rejections or anything of that sort?

Mr. STEVENSON. No, sir.

Commissioner WILKINS. Did you find in any of these files more than one application from the same party?

Mr. STEVENSON. Yes, sir. These figures reflect some of that.

Commissioner WILKINS. There was no indication even on the second application it had been rejected once before or anything of that sort?

Mr. STEVENSON. One of the questions asks that, Mr. Wilkins.

Commissioner WILKINS. All right.

Mr. STEVENSON. I do not find it hastily, but it is included in the application: "Have you been rejected before?" "Have you applied before?"—something to that effect.

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Commissioner WILKINS. Does the application ask the reasons why you are rejected or anything of that sort?

Mr. STEVENSON. There is some blank there. I do not have the original form. I have a mimeographed copy.

Chairman HANNAH. Nobody knows. They couldn't know all those reasons unless they were told.

Commissioner WILKINS. That is my question.

Mr. STEVENSON. On no rejected application that we inspected, Mr. Wilkins, was that used as a reason for rejection at least, that is, the failure to give the reason for prior rejection.

Commissioner WILKINS. I mean: There is nowhere in these files that you examined, as Dr. Hannah has just indicated, any statement to the applicant as to why his application for certificate of registration was rejected?

Mr. STEVENSON. That is correct. Each applicant furnishes an envelope at the time he applies, and if he is accepted that envelope is mailed to him with some sort of a certificate indicating he has been accepted for registration; but if he is not accepted he just doesn't hear.

Commissioner WILKINS. The envelope stays in his file?

Mr. STEVENSON. Yes, sir. They're attached to the applications at this point in the history, and it is interesting that, when asked about that, Mr. Livingston indicated there was no provision made for postage or for paying for the mailing of these.

Commissioner WILKINS. Is there any way for you to determine, say out of the approximately 40 that were rejected, how many were Negroes and how many were white?

Mr. STEVENSON. We did determine that, and Mr. Bernhard will discuss that, Mr. Wilkins. We had not determined it until we had finished the examination of the applications, interestingly enough.

Commissioner WILKINS. Mr. Rosenfeld testified there were approximately 400 of these applications that were examined.

Mr. STEVENSON. I should say that is a reasonable figure. I did not count them, but that sounds like a reasonable figure.

Commissioner WILKINS. Do you recall how many of the 400 were rejected?

Mr. STEVENSON. Was it 107?

Mr. BERNHARD. It was about that.

Mr. STEVENSON. I believe it was about 107 rejected applications that we inspected.

Commissioner WILKINS. I think that is all at this time, Mr. Chairman.

Commissioner HESBURGH. I have two questions, Mr. Stevenson. First, you mentioned that most of these errors were on the first five questions, with one exception, I believe. Did you go through these questionnaires to see if there were any other mistakes? What I am trying to get at here

is: Was it just a question of looking until a mistake was found and then the thing was dropped? Did you get the impression these were not completely checked and there might have been similar mistakes later on if one had not been found, say, in the first five questions?

Mr. STEVENSON. Yes. As a matter of fact, I recall several applications where there were flagrant mistakes on page 2 of the application, for example, that were unmarked.

Commissioner HESBURGH. So, apparently—this is just an inference; I am not trying to make a strict point of it—these first few questions were checked and if there was a mistake the thing was at that point dropped?

Mr. STEVENSON. That would be my best guess; yes. I think Mr. Bernhard will indicate he found practically no markings on the matters that the people were required to write from the Constitution, for example. Apparently those things were hardly checked, if at all.

Commissioner HESBURGH. My second question, Mr. Stevenson, is: Did you have the opportunity or did you, in fact, question the registrars as to whether or not a person could get available help while making out this application? What I had in mind here is that I think during the summer in making out many of these applications that are required in going in and out of various countries I would make them out and the person would look at it and say, "You forgot to put the U.S.A. here," or "You put the date of birth where you ought to have the date of your passport, or some such thing. Was there any indication that these people, when they were filling out their applications, received any such help as that or any such help as you might get at a license bureau or any place like that?

Mr. STEVENSON. There was definite indication to the contrary. Mr. Livingston, when asked, "Do you tell people why their first application was rejected when they come to fill in the second?" said, "No. The law requires that we give no help at all."

Chairman HANNAH. Does the law require they give no help or is it simply a matter that the law doesn't require them to give help? There is a difference.

Commissioner BATTLE. I assume, Mr. Chairman, as in all cases like this, the applicant is supposed answer it himself. That is the purpose of the application, as I understand it.

Commissioner HESBURGH. The only point I am getting at here: I just know from personal experience, in making out a lot of applications, I quite often make mistakes, but the normal function in receiving the application is that the official for whom you make it out looks at it and if there is a very obvious mistake, such as I had my birth date where I should have the date of the passport, or something of this sort, he will say, "You got these mixed up," or, "You didn't put Washington, D.C., after this," or some-

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Mr. STEVENSON. None whatever.

Commissioner HESBURGH. Thank you, Mr. Stevenson.

Commissioner WILKINS. Let me ask him one other question, Mr. Chairman. Mr. Stevenson, I may have this name wrong, but I think you mentioned "G" application—

Mr. STEVENSON. Yes, sir.

Commissioner WILKINS. Was approved by two registrars.

Mr. STEVENSON. Yes, sir.

Commissioner WILKINS. Was there any conversation between you and Mr. Livingston or Mr. Rogers with respect to the reason why that application was rejected?

Mr. STEVENSON. Yes. We discussed that application in some detail, and I asked: Did not the presence of the signature of Mr. Rogers and Mr. Zachary on the part of the form which indicates an approval of the application constitute authority for registration? Mr. Livingston said, "No"; she had been rejected.

Commissioner WILKINS. Let me ask this other question, then: On the applications where certificates were issued were there three names of the three registrars indicating the approval of the issuance of the certificate or were there two names on any of those that were accepted and granted certificates of registration?

Mr. STEVENSON. I did not inspect the applications which were accepted, and that is a matter Mr. Clark will testify about, Mr. Wilkins.

Commissioner WILKINS. All right.

Commissioner CARLTON. From your investigation, did you find any provision for appeal from a rejection of the application?

Mr. STEVENSON. No, sir. As a matter of mechanics, it would be very difficult, indeed, under their system of non-notification of denial, to meet the statutory requirement for appeal, which I think allows 30 days.

Commissioner CARLTON. That is the point I wanted to bring out.

Mr. STEVENSON. It would be just virtually impossible to find when the 30 days begins to run.

Chairman HANNAH. They have no knowledge as to why they were rejected?

Mr. STEVENSON. Right.

Chairman HANNAH. All they know is they never received notice that they were accepted?

Mr. STEVENSON. Correct, sir.

Commissioner WILKINS. On this application of "B", what was her mistake? She failed to write her name down the third or fourth time?

Mr. STEVENSON. Yes, sir. She failed to repeat her name in question 3.

Commissioner WILKINS. And did you look at the rest of her application? I mean: Was it all right? I just happen to know her——

Mr. STEVENSON. Yes, sir.

Commissioner WILKINS. And I am asking the questions——

Mr. STEVENSON. We photographed that application.

Commissioner WILKINS. I will get a chance to see it, then.

Commissioner CARLTON. Any other questions?

Commissioner BATTLE. Yes. I would like to ask two or three questions, please. I want to get it straight about the number, Mr. Stevenson.

Mr. STEVENSON. Yes, sir.

Commissioner BATTLE. You used the figure 99. Just what did you mean by that?

Mr. STEVENSON. That was the number of rejected applications.

Commissioner BATTLE. That was out of how many applications?

Mr. STEVENSON. That is all of the rejected applications that I inspected.

Commissioner BATTLE. How many applications were there?

Mr. STEVENSON. You mean total applications?

Commissioner BATTLE. Yes.

Mr. STEVENSON. In the office of the registrars?

Commissioner BATTLE. Yes.

Mr. STEVENSON. I would suppose there were over 300 and under 500. I did not count them.

Commissioner BATTLE. And they rejected 99 of them?

Mr. STEVENSON. They rejected 99 of them; yes. Actually, the number exceeds that slightly because of this duplication.

Commissioner BATTLE. It would be less than that, wouldn't it? I want to ask you about the duplication. Do you mean the 99 were the individual applicants or 99 rejections?

Mr. STEVENSON. I think that figure 99 includes 1 duplication.

Commissioner BATTLE. One?

Mr. STEVENSON. That is, there was one person who had two applications in there.

Commissioner BATTLE. So, 98 people were rejected out of 300 or 400?

Mr. STEVENSON. Yes, sir. That's what these figures covered.

Commissioner BATTLE. How do you know a mistake in this questionnaire was the cause of the rejection?

Mr. STEVENSON. Because Mr. Livingston told us that the red checkmarks which we found on the applications were indicative of the reasons why the applications were rejected.

Commissioner BATTLE. You have no knowledge of or did you inquire into the other requirements for registration on the part of these applicants?

Mr. STEVENSON. What——

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Commissioner BATTLE. If they had a voucher, for instance.

Mr. STEVENSON. Yes, sir. The form, itself, includes that information.

Commissioner BATTLE. Did you inquire into that? Do you know whether any of these were rejected because there was no voucher present?

Mr. STEVENSON. No, sir. I could not so testify.

Commissioner BATTLE. The certificate and affidavit on the back of the application reads as follows, after referring to the board:

The board, having further examined said applicant under oath, touching his qualifications under section 181, Constitution of Alabama, 191 as amended, and having fully considered the foregoing application for registration, questionnaire and oath, and supplemental application for registration and oath as executed, adjudged the applicant entitled to registration.

Did you inquire as to those other features——

Mr. STEVENSON. Not specifically.

Commissioner BATTLE. Other than the filling of the questionnaire——

Mr. STEVENSON. Not specifically from Mr. Livingston.

Commissioner BATTLE. To comply with the requirements?

Mr. STEVENSON. Not specifically; I did not.

Commissioner BATTLE. So far as you know, might there be other reasons for disqualifying these applicants, other than the failure to answer this questionnaire properly?

Mr. STEVENSON. Yes, sir. Within the statutory provisions of the State of Alabama, that is certainly a possibility.

Commissioner BATTLE. Yes, and I believe you did say that, although on some of them only probably one or two little consequential answers were checked, you later on in the application found very flagrant mistakes in the application?

Mr. STEVENSON. That were not marked?

Commissioner BATTLE. Yes; that were not marked.

Mr. STEVENSON. Omissions of answers, for example.

Commissioner BATTLE. Yes.

Mr. STEVENSON. There was just nothing listed.

Commissioner BATTLE. I think that is all.

Commissioner WILKINS. May I pursue Governor Battle's question just one point further? In these applications where these red checkmarks were listed and then you went further down and found other errors, did you ask Mr. Livingston or Mr. Grady Rogers whether or not, when they discovered one error had been made, they thought they had gone far enough?

Mr. STEVENSON. No, sir; I did not do that specifically. It occurred to me.

Commissioner CARLTON. If that is all, we will call the next witness.

Mr. ROSENFELD. Mr. Bernhard.

TESTIMONY OF BERL I. BERNHARD, STAFF ATTORNEY, COMMISSION ON
CIVIL RIGHTS

Commissioner CARLTON. Mr. Bernhard, will you please state for the record your name and your connection with the commission and then make your report?

Mr. BERNHARD. Berl I. Bernhard, staff general attorney. May I just pass this up to the commission so that they can look at it during the testimony?

Commissioner CARLTON. You are passing up what?

Mr. BERNHARD. I am passing up a copy of the United States Constitution.

Commissioner BATTLE. Thank you.

Mr. BERNHARD. I would like to start by saying that I checked all of the rejected application that Mr. Stevenson looked at and I merely glanced at the form, itself, and went into the constitutional attachment to determine whether that was valid, but at the same time I did look over some of the checkmarks when Mr. Stevenson indicated they might be worth noting.

I would like to comment on question 5, and on some figures that I have taken down on it. That's the one which deals with: "Give the date when you have become a resident of the State of Alabama."

I noted on that that seven applicants erred in giving the date 2 years later than their actual entry into the State. Three of these individuals had college degrees; one did not finish college; two had high school degrees, and one had not finished high school.

I asked Mr. Livingston what his interpretation of that section was, and he indicated that it meant the date of your entry into the State of Alabama. I then asked him whether or not he indicated to any individual that was their interpretation and that no other interpretation would be acceptable, and it was then that he said they were forbidden to give assistance under law and that he, therefore, never told them anything. I then asked him if he were to interpret question 5 one way continuously and an applicant another way continuously, whether that would continuously be rejected, and he said it would.

More particularly, I examined, as I said, the rejected applications, looking at the constitutional provisions. I examined a total of 107 applications. All these were rejects and all were indiscriminate, that is, they were not in alphabetical order and they were not joined together for one individual, if he had happened to file more than one application. I think it has been stated generally, but I would like to make specific the fact that when we went over and made up our analysis of the application forms we did not know whether they were Negro or white and the only time we found out was when we left the Macon County Courthouse and went to check with a William P. Mitchell at the Tuskegee Civic Association, be-

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cause of lack of time and the fact that we had known that he had records, and he indicated from his records the breakdown between Negro and white.

On the breakdown, itself, I found that of 107 applications rejected 73 were Negroes, that is, separate and distinct, counting each Negro as an individual, regardless of how many applications he had filed. There were 11 white rejects. That gives a total of 84 rather than the 107 I examined due to the fact that the total figure included 13 Negroes who had 2 applications rejected, 5 Negroes who had 3 applications rejected, and, lastly, there were no white applications showing an attempt to register more than once.

What I found regarding the constitutional provision was as follows: Article 2, dealing with the executive powers—and this is the reason I passed it up, so you can evaluate the length of the various provisions—was required to be written in the entirety by 51 Negroes, and their writing averaged $6\frac{2}{3}$ pages. Three white applicants wrote article 2 entirely, and their writing averaged $4\frac{1}{4}$ pages. This means out of the applications I examined that 70 percent of the Negroes wrote article 2 in the entirety and 27 percent of the whites did.

These figures, percentage figures are not absolutely broken down, but they're close.

The second article required to be written most often was article 5, dealing with constitutional amendments. This is about a third of a printed page or one-seventh as long as article 2. Two Negroes were required to write that section, which required about three-quarters of a page, and three whites were required to write this section, which required about half a page, on an average, which meant that 3 percent of the Negroes wrote this constitutional provision and 27 percent of the whites did.

The last article that I found most frequently was article 3, dealing with the judiciary, which is one printed page, or less than one-half as long as article 2. Ten Negroes were required to write this section in the entirety, and they averaged two and a quarter pages. Two of the whites wrote this section in the entirety, and that averaged about two pages. Percentage-wise, this meant that 12 percent of the Negroes wrote article 3 and 18 percent of the whites.

There were certain application forms which had no constitutional provisions attached. That dealt only, however, with white applications.

There were no Negro applications I examined that did not have constitutional provisions attached, but three whites, as I said.

I asked Mr. Livingston specifically about the three applications that I found with no writing attached, and he indicated that two things could have happened: (1) They could have become detached or (2) he indicated that in certain registration points, outside the courthouse, itself, the applications were filled out on, to use his word, the roofs of cars or

on the hoods, and they felt under those circumstances they didn't require them to write them out in the entirety or at all.

I noted that, while errors on the application form were marked in red, there were no marks whatsoever in red on any of the constitutional provisions except for one, which had a red cross across it, and it was the application of a white individual and was one of the individuals who turns out to have been registered. Only one had a note on it, which stated that: "Check this writing because it seems too short." While there were no marks on them, at random I just selected a few of them to read to determine whether I could find any errors; and I don't hold myself out to be infallible on that, but I did note the following: That two Negro applicants had unfinished writings, three Negro applicants had left out certain words, one white applicant had left out certain words and one had not finished a section. As I say, this was just a random selection. I also noted that 10 of the Negroes who had applied a second time were required to write out article 2 in the entirety, and 3 of the Negroes who applied a second time wrote out other provisions.

That is basically what I found regarding the constitutional provisions.

Unless there are questions, that will conclude about what I have to say about Macon County. I did also yesterday look at three applications in Bullock and Barbour Counties which I could comment on, if it is the will of the commission.

Commissioner WILKINS. May I ask, Mr. Chairman, a question with respect to Macon County? Mr. Bernhard, we had a number of witnesses here on December the 8th from Macon County. You said they had never received registration certificates. Do you have a list of those witnesses in your possession? Have you checked these rejects to see whether or not any of those applications were there?

Mr. BERNHARD. Let me see if I understand you correctly. You are referring to applicants who testified in the hearing here?

Commissioner WILKINS. Yes.

Mr. BERNHARD. And did we take a look at those applications?

Commissioner WILKINS. That is right.

Mr. BERNHARD. Yes; we did, and, as a matter of fact, we took pictures of, I believe, every one of the application forms of those individuals who testified before this commission.

Commissioner WILKINS. Would you have any recollection—maybe you or Mr. Clark—about the application of Reverend Wynn, who was the chaplain at Tuskegee Institute?

Mr. BERNHARD. I don't specifically, and I don't feel I can comment on it.

Commissioner WILKINS. But we have a copy of his application?

Mr. ROSENFELD. Yes.

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Chairman HANNAH. I would like to ask a question. You made reference to the fact that you found the records of 11 white persons who were rejected.

Mr. BERNHARD. That's right.

Chairman HANNAH. Were they rejected on the same basis as the Negroes? Was there anything—

Mr. BERNHARD. I don't feel I could speak to that. I merely looked, you know, basically for the constitutional provisions, and I didn't know whether they were white or Negro at the time. I just went through them, and this was the result of it. I just don't know whether it was the exact, same basis or not. Mr. Stevenson went through the application forms, themselves. I can say only, as it evolved, there was only the one application, that of a white applicant, which had a check on the constitutional provision, perhaps indicating an error, and I asked Mr. Livingston about that, and he assumed it was, but he didn't say exactly it was or whether the individual was subsequently registered.

Chairman HANNAH. That is the next question I was going to ask. Do you know whether these 11 whites, registered whites, were actually rejected?

Mr. BERNHARD. They were in the reject pile, and at the time we looked at them we understood they were rejected.

Chairman HANNAH. Was that not true of the same one who you said had the red mark?

Mr. BERNHARD. That's correct, and the way I found out about that particular one was that Mr. Clark went and checked on some of the application forms to determine whether some of the people might have been registered.

Commissioner WILKINS. Did he find this man who had the red mark had been registered?

Mr. BERNHARD. I don't know if he found that, but I asked Mr. Livingston about it.

Commissioner WILKINS. You mean Mr. Livingston said this man—

Mr. BERNHARD. Mr. Livingston said, "This man is now registered and it should have been removed from the rejected application pile."

Chairman HANNAH. Did you ask Rogers or Livingston, either of them, whether any of these white people whose applications were in this pile had actually been rejected? The point I am trying to get at: Do you know, from your examination, that there were the applications of white persons in this group who actually were rejected and were not permitted to register?

Mr. BERNHARD. Yes; I do. I mean I know that the ones—except for that one individual that I happened to ask about, all of the ones, according to Mr. Livingston, that I looked at in the rejected pile were people who, in fact, had been rejected.

MR. GLICKSTEIN. The next witness is Mrs. Augusta Wilkinson. (Whereupon, Mrs. Augusta L. Wilkinson was sworn by the Chairman and testified as follows:)

TESTIMONY OF MRS. AUGUSTA L. WILKINSON,
DALLAS COUNTY, ALABAMA

MR. GLICKSTEIN. Mrs. Wilkinson, would you please state your full name and address for the record?

MRS. WILKINSON. I certainly will. My name is Mrs. Clellan Wilkinson. I'm better known as "Miz Welfare" in Dallas County. My real name is Augusta Logan Wilkinson, and I am the director of the Dallas County Department of Pensions and Security.

MR. GLICKSTEIN. You live in Dallas County?

MRS. WILKINSON. I have lived there all my life, and five generations are buried in the cemetery there, of my family.

MR. GLICKSTEIN. How long have you been director of the Dallas County department?

MRS. WILKINSON. I have been director since 1944.

MR. GLICKSTEIN. And had you worked for the department prior to that?

MRS. WILKINSON. Yes, I had. I started in 1941 as a case worker.

MR. GLICKSTEIN. And you were a case worker for 3 years and then you became director?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. How many recipients does your office aid, approximately?

MRS. WILKINSON. We have, at the last report, 3,149 recipients receiving Old Age Assistance. We have a county population of 57,765; of that number—3,149 recipients—89 percent are Negroes.

We have, for your information, 2,565 Old Age recipients, 407 white people in that number; 548 Aid to Families with Dependent Children, with only 17 white families receiving aid; 33 blind of that number—seven white people; 311 Aid to the Permanently and Totally Disabled and only 47 receiving assistance.

MR. GLICKSTEIN. You said there were 57,765 people in Dallas County?

MRS. WILKINSON. That's right. That's right.

MR. GLICKSTEIN. Mrs. Wilkinson, I am sure you heard the staff report that was just delivered by Dr. Lukaczer before you testified?

MRS. WILKINSON. Yes, I did.

MR. GLICKSTEIN. He spoke briefly about the food stamp and food commodity programs in Dallas County.

As I understand it, you once had a food commodities program?

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Wilkinson was sworn by the

STA L. WILKINSON,
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would you please state your

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. food commodities program?

MRS. WILKINSON. What is that?

MR. GLICKSTEIN. As I understand it, you once had a food com-
modities program?

MRS. WILKINSON. Yes, I did.

MR. GLICKSTEIN. And how long did that last?

MRS. WILKINSON. It lasted about a year, or a year and one-
half. We have had this in operation since January 1967, and it
has been in operation—it started certification March of 1967, so
you see, we only are a year and one month old.

MR. GLICKSTEIN. On the food stamps?

MRS. WILKINSON. Yes, on the food stamps.

MR. GLICKSTEIN. But prior to that you had the food com-
modities program?

MRS. WILKINSON. Yes, we had surplus food commodities.

MR. GLICKSTEIN. Dr. Lukaczer stated in his report that when
you had the commodities program there were 13,560 people re-
ceiving commodities, and now that you have the food stamp pro-
gram, there are 6,662 people receiving food stamps. How do you
account for that drop?

MRS. WILKINSON. I would account for it, oh, I'm sorry, I don't
do right. I account for it for this reason: first, I think that the
transportation problem is very acute in our county. As you well
know, the Negroes who live out in the county, they are charged
\$5 to come in to get the food stamps; and also, our older people
who are not as interested in the new ways of life as some of the
rest of us are, they don't like to come to town, they would rather
buy the food from the grocers that they have bought it from for
years and years, and they don't have to eat as much, as you well
know.

MR. GLICKSTEIN. They have to come to Selma to get the food
stamps?

MRS. WILKINSON. Those in the county. And I would say about
50 percent of the public assistance recipients live in the county.

MR. GLICKSTEIN. Where did people get their commodities
from?

MRS. WILKINSON. They got their commodities from a ware-
house right outside of Selma, about a mile, but it was in the city
limits.

MR. GLICKSTEIN. Didn't that present the transportation prob-
lem also?

MRS. WILKINSON. Yes, it certainly did present a transporta-
tion problem, and we didn't have as many people getting those as
we had hoped that we could get.

MR. GLICKSTEIN. But if it were the same transportation prob-
lem for the commodities as it is for the food stamps—

MRS. WILKINSON. That's right, but these others were free.

MR. GLICKSTEIN. The others were free?

MRS. WILKINSON. Yes.

MR. GLICKSTEIN. That's why people, you think, might have been willing to travel for the commodities because they were free, but they won't travel for the food stamps?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. When people get food stamps they do get a bonus?

MRS. WILKINSON. Yes, they get a bonus of around \$7.46 for each check.

I think it is interesting that we only have 276 of our public assistance recipients getting food stamps, which represents about 1,008, and we have a total of 1,000 people who are getting—that are not public assistance recipients.

MR. GLICKSTEIN. Well, how do you account for the fact that such a small percentage of public assistance recipients are not getting food stamps?

MRS. WILKINSON. I think that the reason for that is that the cost of them—for instance, we have been very fortunate in this respect, that our CAP program has had this loan program in effect, you know, since last March.

MR. GLICKSTEIN. The Commodity Action Program that is funded—

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. —that's funded by the Office of Economic Opportunity?

MRS. WILKINSON. Yes, that's right, and we have accepted those vouchers, and that has been very helpful.

But even so, when a person receives assistance, particularly mothers, and it averages around \$16 per child, it's awfully hard to buy a lot of food and then have set aside money for rent, for clothing, and incidentals that they have to have.

Also, I think it is a proven fact that most of our people have been in the lower socioeconomic group for a number of years—in fact, since they have been living—and that in this respect that they do not know how to manage their money as well, that they do go in debt just like we go in debt. Sometimes we buy a refrigerator when we had no business buying a refrigerator, but unless we pay back bills it is taken away from us.

MR. GLICKSTEIN. What you are saying, then, is a lot of people who are on public assistance who are very needy people do not have sufficient money to afford to buy food stamps?

MRS. WILKINSON. That's right. That's right. That's right.

MR. GLICKSTEIN. As I understand it, the qualifications to permit a person to buy food stamps are solely economic. Is that right?

MRS. WILKINSON. That's right.

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saying, then, is a lot of people who are very needy people do not go to buy food stamps?

That's right. That's right.

and it, the qualifications to participate are solely economic. Is that right?

MR. GLICKSTEIN. On the other hand, there are additional qualifications that a person has to meet to receive public assistance?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. So—

MRS. WILKINSON. Well, you see, one thing about that is that oftentimes a person who is getting a small check, a man and a wife, you see, there are not as many eligibility requirements attached to the food stamps that that strata of people can get more food stamps than our strata of people, and I have always said that I truly like the surplus commodity program better, but we have had complaints about that because they said that they had weevils in them, and that they fed them to the pigs and they didn't understand how to use oats that were sent down in the Deep South. And we don't.

MR. GLICKSTEIN. Did more of your recipients participate in the commodities program than participate in the food stamp program?

MRS. WILKINSON. Yes, they did.

MR. GLICKSTEIN. Why did your county switch from commodities to food stamps?

MRS. WILKINSON. Well, I think one of the reasons that they switched from surplus commodities to food stamps is that they received a better balanced diet with buying the food stamps.

MR. GLICKSTEIN. What happened in Dallas County that prompted the county to switch from the commodity program to food stamps program?

MRS. WILKINSON. Well, they had wanted the food stamps program to begin with, and when we were having some problems down there then they said we couldn't get the food stamps for the simple reason that a number of them had already been given out, so if we went into the surplus commodities program first, that then would follow the food stamp program. They wanted the food stamp program in the beginning, but we just went with what we could get.

MR. GLICKSTEIN. Which of the two programs do you favor?

MRS. WILKINSON. Well, I have a feeling that as far as my clients are concerned, I feel that the surplus commodity program was more helpful because they didn't have to put out as much money, but in the other way, it is teaching them to benefit as far as giving their children better diets, being able to be self-maintaining, giving them the right of human dignity, of going into a store and being able to buy things that they have wanted to buy.

We had an example of one man who bought seven hams. And I said, "Glory to him. If he wants seven hams, let him have seven hams, because we all have certain needs."

MR. GLICKSTEIN. But at the same time a lot of your clients who were getting commodities are not able to get food stamps?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. So a lot of people have been deprived of this additional source of food?

MRS. WILKINSON. The ones that are getting the food stamps like it much better than they do the surplus commodities. They were complaining, and at the end of the months we did not have as many people coming to the surplus commodity warehouse.

MR. GLICKSTEIN. You said that one of the problems with surplus commodities was that people didn't know how to use them?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. Do you have any program that comes from your office that teaches people how to—

MRS. WILKINSON. We didn't have any program coming from our office, but we did get in touch with the home demonstration agent who, in turn, went down there and tried to explain to them the different recipes that they could utilize with these commodities, but whether she got very far or not, I don't know, and my case workers—I have a staff of 38—my case workers have tried repeatedly to help the clients in having the proper meals, trying to work with them.

MR. GLICKSTEIN. Your case workers then would tell a recipient of commodities how to prepare the food?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. You say you have a staff of 38?

MRS. WILKINSON. Yes, I have a staff of 38 in my own office, and then I have a staff of eight at the food stamp office, and then I have four colored people—one is a maid and three are trustees, and I think it is interesting to note that we are interested in our colored people. We have tried through generations to be of help to them, and we learned that one of our trustees could not read and we had made provision for him to be enrolled in one of the night schools to get that knowledge that he had sorely needed—he was a boy of 21.

MR. GLICKSTEIN. I am not sure I followed you. You said you have 38 employees at your office, and then eight at the food stamp—

MRS. WILKINSON. You see, my office is, let me see, 126 Church Street, then the food stamp office is on Broad Street and there are eight employees there.

MR. GLICKSTEIN. Of these 46 people, you say that there are four Negroes?

MRS. WILKINSON. There are four Negroes—there are 50 of us in all.

MR. GLICKSTEIN. Fifty of you. I see. So the four Negroes are in addition?

MRS. WILKINSON. Yes, there is one paid employee—

MR. GLICKSTEIN. That's the maid?

MRS. WILKINSON. That is the maid—and then we have three trustees, and we have——

MR. GLICKSTEIN. What are they trustees of?

MRS. WILKINSON. They are trustees of the Dallas County Sheriff's Department, that is, county court.

MR. GLICKSTEIN. I see. They are people that have been in trouble with the law?

MRS. WILKINSON. That's right.

MR. GLICKSTEIN. And what sort of work do they do for you?

MRS. WILKINSON. Well, I'm real pleased—in fact, one that I have I am hoping that he will get out before too long because I would like to ask my commissioner if he could stand the merit exam and employ him. He is an excellent worker.

And then we have had others that I have been quite pleased with.

MR. GLICKSTEIN. Have you made any attempts to get Negro social workers?

MRS. WILKINSON. That's interesting. We tried to get an excellent person who was qualified—a dentist's wife in Selma—and we thought that we had interested her because we think social work is by far more interesting than any profession for the simple reason teaching school is fine, but you work with all kinds of people in social work, and she had taken an application to stand an exam.

But on her way, she went by the superintendent's office and he offered her so much more money——

MR. GLICKSTEIN. This is the superintendent of schools you are talking about?

MRS. WILKINSON. Yes, the superintendent's office—he offered her so much more money that she accepted that, and we lost her.

I have had recently two—a girl and a boy who are graduating from New Orleans, and they have been sent application forms, and they are going to graduate this June, and I am real pleased because we have talked in the high schools at Career Day trying to interest our young people, not only our white young people, but our colored people as well.

MR. GLICKSTEIN. You have talked in the Negro high schools?

MRS. WILKINSON. Oh, yes, indeed. Oh, yes, that's been going on for years.

MR. GLICKSTEIN. You urge them to become social workers?

MRS. WILKINSON. Yes, and I think you'd be interested in knowing that 19 of our ADC children are in colleges and six in vocational rehab. So, we feel that we have accomplished something within the past 10 years or 15 years.

MR. GLICKSTEIN. How about clerical employees, how many do you employ?

MRS. WILKINSON. Now, let me see. I have that down. I knew you'd ask that.

I believe that I have 14, if I am not mistaken. It's here somewhere—do you lose your figures?

I have seven ADC workers—let me tell you all about them. Six adult case workers, five child welfare workers, two intake workers, four supervisors, eight typists, one telephone operator, one file clerk, one secretary, one receptionist, one finance officer, one assistant finance officer, and myself.

MR. GLICKSTEIN. You have approximately—you were right, I think—there are 14 office workers, according to my arithmetic.

MRS. WILKINSON. That's right, I have 14.

MR. GLICKSTEIN. And none of those is Negro?

MRS. WILKINSON. No, they are not.

MR. GLICKSTEIN. Have you made any efforts to get Negro typists or—

MRS. WILKINSON. Well, we have talked with the employment office about people who are interested in work, and, as you know, all of our workers are under the merit system, and of course they do have to meet certain eligibility qualifications to be eligible to stand a merit system exam.

MR. GLICKSTEIN. Under the merit system, are you required to disregard race in hiring people? Is that one of the conditions?

MRS. WILKINSON. Oh, yes, we don't consider that. I haven't had anyone on the register to come to me that has been a Negro—I don't remember having one.

MR. GLICKSTEIN. Do the regulations that govern the merit system provide that you cannot discriminate on the basis of race?

MRS. WILKINSON. Yes. We don't discriminate.

MR. GLICKSTEIN. And the regulations provide that, to your knowledge?

MRS. WILKINSON. Now you would have to ask the State personnel department, but we have Negroes in the employ in the State. I know of that. I am pretty sure there is not.

MR. GLICKSTEIN. Have you tried to get Negro clerical employees at any of the schools in Selma?

MRS. WILKINSON. Well, I have contacted the employment office when I need employees, and I haven't designated whether they are white or whether they are colored—yellow, green, blue, or pink. It doesn't make a bit of difference to me just so they are good workers, because they consider me a hard taskmaster, but I want production.

MR. GLICKSTEIN. Mrs. Wilkinson, there was some testimony before that Negroes and whites are treated differently when they come to the welfare office in Dallas County. What are your comments on that?

MRS. WILKINSON. Well, my comments are this: that there is no sign saying "black," "white," "colored," "green," "yellow," or "pink." There are no signs at either white, I mean the back

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qualifications to be eligible to

system, are you required to
meet one of the conditions?

Don't consider that. I haven't
heard that has been a Negro—

rules that govern the merit
system on the basis of race?
discriminate.

rules provide that, to your

we have to ask the State per-
sons in the employ in the
area there is not.

to get Negro clerical em-

contacted the employment of-
ficially designated whether they

are—yellow, green, blue, or
white to me just so they are
not a hard taskmaster, but

where was some testimony
presented differently when they
were. What are your com-

ments are this: that there is
no "red," "green," "yellow,"

white, I mean the back

door or the front door. I will say that all of us come in the back
door and most everybody else comes in the front door. We have a
large building, an ante-bellum building, which is beautifully ar-
ranged and beautiful as far as tradition is concerned and also
efficiency.

MR. GLICKSTEIN. Do most of the Negroes come in the front
door?

MRS. WILKINSON. They all come in the front door; it's the
white people that come in the back door, the case workers, as I
said to you—

MR. GLICKSTEIN. You have been at that office since 1941.

MRS. WILKINSON. I have been at that office since 1941.

MR. GLICKSTEIN. At one time were there signs up?

MRS. WILKINSON. Yes, there were, but not since the compli-
ance act has been signed—

MR. GLICKSTEIN. Where were the signs?

MRS. WILKINSON. Let me see—we had four doors then, or
five doors. We had—I think one at one of the side doors. I don't
know whether it was colored.

MR. GLICKSTEIN. What sign was over the back door?

MRS. WILKINSON. There wasn't any sign over the back door.

MR. GLICKSTEIN. There was no sign over the back door?

MRS. WILKINSON. There was one sign on the side door.

MR. GLICKSTEIN. What was the sign over the side door—it
said "colored"?

MRS. WILKINSON. No, didn't have any sign.

MR. GLICKSTEIN. You've never had any signs up?

MRS. WILKINSON. Oh, yes, we've had signs before.

MR. GLICKSTEIN. Well, where were the signs? By what doors
were the signs?

MRS. WILKINSON. Just the back door.

MR. GLICKSTEIN. The back door had a sign?

MRS. WILKINSON. You see, there were four doors there, you
had to understand.

MR. GLICKSTEIN. Right. But the back door was the one that
had a sign that said "colored"?

MRS. WILKINSON. That's right, to the side.

MR. GLICKSTEIN. And when was that sign taken down?

MRS. WILKINSON. Oh, about a year ago.

MR. GLICKSTEIN. About a year ago?

MRS. WILKINSON. We haven't had it up for a long time.

MR. GLICKSTEIN. And people overnight, almost, just decided
to ignore the old custom and start using the front door?

MRS. WILKINSON. We've never said anything even before the
signs were taken down that you can't come in the front door or
the back door.

MR. GLICKSTEIN. You are telling us that really what's hap-

pened is the whole pattern has switched—now white people come in the back door and Negroes come in the front door?

MRS. WILKINSON. Well, I mean the case workers—us, we come in the back door because it's, it's closer.

MR. GLICKSTEIN. If a Negro comes in the front door would a secretary be likely to tell her to come in the back door?

MRS. WILKINSON. Not at all. We ask them to come, and greet them and tell them to sit down and make themselves comfortable.

MR. GLICKSTEIN. You don't think your receptionist or one of your secretaries might have told a Negro to go to the back door?

MRS. WILKINSON. Not at all. She couldn't be any kinder. I would like for you to come and see. I think Mr.—I never get that man's name right—Lukaczer—he came in. Did you see any signs, Mr. Lukaczer?

MR. GLICKSTEIN. He is not testifying right now.

MRS. WILKINSON. Oh, I thought he could answer.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Rankin, do you have any questions?

COMMISSIONER RANKIN. No. I have no questions.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mrs. Wilkinson, do you have a college degree?

MRS. WILKINSON. Yes, I do.

COMMISSIONER FREEMAN. Do you have a master's in social work?

MRS. WILKINSON. No, I don't. I had graduate work at the Catholic University in Washington, D. C.

COMMISSIONER FREEMAN. What are the qualifications for case workers?

MRS. WILKINSON. A case worker has to have an A.B. or B.S. degree to qualify as a case worker, one, and stand the exam.

COMMISSIONER FREEMAN. Do all of your case workers have A.B. or B.S. degrees?

MRS. WILKINSON. They all have with the exception of two, who came back in old ARA days. I believe there are two—no, three; there are three.

COMMISSIONER FREEMAN. What is the salary for the case workers?

MRS. WILKINSON. It starts at \$440 a month.

COMMISSIONER FREEMAN. And what is the highest salary that is received?

MRS. WILKINSON. \$500 and—you know, that has just taken place within the past six months. I think it's about \$550 or \$560. I don't know exactly.

COMMISSIONER FREEMAN. Do you personally interview the applicants for employment?

MRS. WILKINSON. Yes, I do.

COMMISSIONER FREEMAN. Do you personally hire the persons on your staff?

MRS. WILKINSON. No, I don't. I have a county board of pensions and security and this board, when I get a list from the State department of pensions and security through the personnel department, there are three—three names, and I go over the qualifications of these three people. It does not mean that I have to take the first, the second, or the third. I can take one of the three. And if I find the qualifications are such that one person seems to me would fit in a little bit better, or the grade was a little bit better, then I go before my board and I tell them of these three people, and my suggestion would be that they accept this one. And they usually go along with this.

COMMISSIONER FREEMAN. Has your board ever recommended any Negro case worker to you?

MRS. WILKINSON. That's a real interesting question. I'm glad that you asked it. We have discussed that for several times.

COMMISSIONER FREEMAN. But have they ever done it?

MRS. WILKINSON. Well, we never have had any qualified. You see, I tried to get somebody and couldn't, and I now might have two. So we feel very fortunate in that respect, if they qualify as other workers.

We discussed that in one of our board meetings and they said that when the qualified Negro did make application for a job in our county, that they saw no reason why we wouldn't go right along and accept the one that was the best qualified.

COMMISSIONER FREEMAN. Mrs. Wilkinson, will you describe for me what you call a qualified Negro?

MRS. WILKINSON. Yes, I'd be glad to. She would be just as qualified as a white person who would be eligible to stand an examination for a case worker. I would say that first she had to have the understanding and love of people. That is a basic requirement.

I would say that she has to be a person who has graduated, not with honors, but is a good student. That she wants to go into the field of social work, and we try to interest them to even go into graduate study.

And it doesn't mean that just because she is a Negro that I would say whether you are white, whether you are black would make any difference.

COMMISSIONER FREEMAN. But you don't have any on your staff?

MRS. WILKINSON. No, I don't because I don't have anybody qualified.

COMMISSIONER FREEMAN. Are Federal funds included in the program which you administer?

MRS. WILKINSON. Yes.

COMMISSIONER FREEMAN. Has anybody from the Department of Health, Education, and Welfare questioned you concerning the exclusion of Negroes from your staff?

MRS. WILKINSON. Oh, I've had some delightful people to come down from Washington and from Atlanta and from all sections of the country. In fact, I tell them that I will lay my cards on the table—whatever they want to know, my life is an open book—spout forth. And don't you think they don't spout forth, and I try to give what information I have, to the best of my knowledge and ability.

COMMISSIONER FREEMAN. Did you tell them the same thing you told us, that "We are interested in our colored people"?

MRS. WILKINSON. That we are interested in our colored people?

COMMISSIONER FREEMAN. Well, that's what you said.

MRS. WILKINSON. Yes, I am interested. Yes, I did tell them that.

COMMISSIONER FREEMAN. Not in a proprietary way, though, I hope.

MRS. WILKINSON. Oh, no, indeed. I mean because of the fact that I want them to be qualified, I want them to grow. In other words, you cannot step into something for nothing.

COMMISSIONER FREEMAN. Do you think of yourself as a missionary?

MRS. WILKINSON. I think of myself as a Christian. I am a Christian woman. And if I am not a Christian woman, then I wouldn't be in this field of social work, because I have no feeling towards people whether they are any color.

COMMISSIONER FREEMAN. Have you considered taking any affirmative steps to desegregate your office and staff?

MRS. WILKINSON. We have taken the steps that we are supposed to take. When we have vacancies to occur, we have nothing to withhold. If a person is qualified, I'd have no hesitancy in accepting someone; if she is on the register like all the rest of the people.

But we've got to also realize that we can't discriminate against the white, as well as the colored. We have got both, we've got colored and white to consider, and if a person wants to have the opportunities and is willing to take advantage of education, then I'm all for him, to help in any way I can.

We had a young girl who came into the office the other day and she's interested in going to school and we are trying to help her to find ways and means to get there.

COMMISSIONER FREEMAN. I have no further questions.

CHAIRMAN HANNAH. Mrs. Wilkinson, what percentage of the people in Dallas County are Negroes?

MRS. WILKINSON. Around 55-45.

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CHAIRMAN HANNAH. And what percentage of the people that are on welfare of one kind or another, are Negroes?

MRS. WILKINSON. Around 89 percent.

CHAIRMAN HANNAH. That's what I thought you said. And, of course, the tradition and practice in Alabama and Dallas County used to, not only favor, require, segregation of blacks from whites, but, of course, that's no longer the law of the country nor the law of Alabama, and it's recognized that it may take some time to move from the situation as it was to what it ought to be, but does it ever occur to you and your friends that it would be appropriate to have the percentage of workers working in dispensing welfare, percentage-wise, as many blacks as there are blacks in the county?

MRS. WILKINSON. I had never thought about it because that comes from the State personnel department, the number of people we have, and I would have nothing to say in regard to that.

CHAIRMAN HANNAH. You know, in the Northern part of the country where I come from we find not only is it important that there be about the same percentage of people that there are members of the minority groups on the payroll, but we find if we are going to be effective you have to have people working for you, or working for these programs that have communications with the people that are the recipients.

I can't speak for people in Alabama, but I know in Michigan—my part of the country—if we are going to have the programs understood and have them used, we find we have to have black people, Mexican American people, Puerto Ricans, and members of the other minority groups that are part of them, they can understand them, can help them.

MRS. WILKINSON. I can understand the communication. I understand thoroughly, Mr. Hannah.

CHAIRMAN HANNAH. You're not responsible for the traditions of Alabama, I understand that, but I just ask the question—

MRS. WILKINSON. I think we ought to collaborate, don't you think? I think that we in the North, and East, and South and West, that we'll have to have better understanding of each other, and I think that the testimony of today has shown that we probably in the welfare departments have not communicated as we should have, probably as some of you lawyers, doctors, whatever you might be, your lingo is a little bit different, and I believe in these amendments that is one of the hopes and dreams that that will take place. Am I not so? Is that not so?

CHAIRMAN HANNAH. I would ask one more question and that is: when you say that you are looking for and would be happy to have Negroes that are qualified, if there are no qualified Negroes that can pass the requirements that you or your board have established, you think it would be appropriate for the people of Dallas County to be concerned about training some Negroes so they might

qualify, encourage them to go on, get college degrees, or whatever it is that is required?

MRS. WILKINSON. We have been trying through our department to do that, and as I said previously, we have 19 that are going to college, so I think that is self-evident that we have made some stab at it.

CHAIRMAN HANNAH. Well, I hope some of them come back as qualified social workers.

MRS. WILKINSON. I hope they do, too.

CHAIRMAN HANNAH. And that you will give them a job. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mrs. Wilkinson, is your board of pensions and security in Dallas County an elected board?

MRS. WILKINSON. No, they are appointed by the board of revenue.

VICE CHAIRMAN PATTERSON. The State board of revenue?

MRS. WILKINSON. No, the board of revenue of the county.

VICE CHAIRMAN PATTERSON. The county board of revenue?

MRS. WILKINSON. That's right.

VICE CHAIRMAN PATTERSON. Is that board elected?

MRS. WILKINSON. Well, they are appointed or elected by the board of revenue.

VICE CHAIRMAN PATTERSON. But is the board of revenue elected by the people?

MRS. WILKINSON. Yes, that's right.

VICE CHAIRMAN PATTERSON. Now this board of pensions and security which the board of revenue appoints—

MRS. WILKINSON. That's right.

VICE CHAIRMAN PATTERSON. —gives you a list of three people when you have a vacancy, and you must choose one of those three, is that correct?

MRS. WILKINSON. No, they appoint them. They appoint them themselves.

VICE CHAIRMAN PATTERSON. They appoint them themselves but—

MRS. WILKINSON. I don't have anything to do with that. You see, they take a person who is, for instance, on the board of pensions and security who is interested in the well-being of citizens in the community, and they are the ones that appoint them, Mr. Patterson. I don't have anything to do with it.

VICE CHAIRMAN PATTERSON. So the board of pensions and security names your employees? They appoint your employees. Is that right?

MRS. WILKINSON. Well, they appoint the employees, that's right, with the approval of the State department of pensions and security.

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VICE CHAIRMAN PATTERSON. Have any Negroes been elected to the county board of revenue in Dallas County?

MRS. WILKINSON. No, they haven't.

VICE CHAIRMAN PATTERSON. Do you know the voter registration breakdown in that county between the races?

MRS. WILKINSON. I am sorry, I don't know. Now why didn't you ask that? I would have gone to the courthouse and gotten it.

VICE CHAIRMAN PATTERSON. But your population is about 55 percent Negro in Dallas County?

MRS. WILKINSON. That's right, yes, 55-45.

VICE CHAIRMAN PATTERSON. If a few Negro members were elected to that county board of revenue, it might lead to an easier method of getting employees appointed to your department, might it not?

MRS. WILKINSON. Probably so. You know, we have a very outstanding OEO program that consists of Negroes and whites, and we have worked beautifully in helping with situations in the community, and recently there was appointed a biracial group to help with the juvenile and delinquent children in the county.

So we are making a good many stabs at trying to get together and have more communication, which I think we are having, and everyone has a right to belong to any organization they want to, except Federal employees and State employees. And so, we don't question where they belong—if they want to belong to—I won't name them, but I know that they just belong—we have nothing to say about it. That's not within our jurisdiction.

VICE CHAIRMAN PATTERSON. One further question, Mrs. Wilkinson. You have spent roughly a quarter of a century in this work in your county?

MRS. WILKINSON. Yes, and I look it too, don't I?

VICE CHAIRMAN PATTERSON. No, you do not. But as you said, you would not have spent this time there if you did not have some pretty deep feelings about the needs of people in need?

MRS. WILKINSON. That's right.

VICE CHAIRMAN PATTERSON. Could you give us, out of your experience, what you think might improve these programs as you've seen them administered in your county; what improvements would you make if you had the right to write your own ticket?

MRS. WILKINSON. Well, I think that our commissioner has asked his county directors to talk with him about situations of that kind. I think the first thing that we are really concerned over, and that is the large case loads we have. We have case loads of 500 in the adult cases, and now that we have so many of our ADC's—we have 548 families with ADC children, around 2,200 children with about 50 more cases that we haven't been able to certify yet.

We need more staff so that we can give better services to our

people. We want to give those services. We want to help to rehabilitate them. We want to make them self-maintaining. That is our aim in being social workers. And I feel that we have accomplished a good bit within recent years.

I think that as far as staffs are concerned, that would be one thing. I think that if there could be better communication with our Negroes that they would come to us and tell us, "Mrs. Wilkinson, I don't understand what you are talking about; speak English."

Maybe that is one thing that they don't understand for the simple reason we try to explain to them, just like—you might be a lawyer and you might talk with me in some way I don't know what you are talking about. But I think that we need more communication. I don't know whether—we have made talks in our Negro schools, we have made talks in our white schools, we have gone out into the community, we have tried to help some of these mothers to make a better home. Now, for instance, recently, we had a group of mothers to come to one place in the county and they are making much better mothers because they know how to serve their children better meals.

We have tried—we have 125 ADC mothers that we tried to steer towards helping them to help themselves, by entering this nurses' course, and none went.

We had another company of the Laura Industries, they wanted some additional people. We went out into the community—I even called and begged money—I can get money whenever I want to because they know if Augusta calls she's going to get it one way or the other—

CHAIRMAN HANNAH. Well, then, you have no problems.

MRS. WILKINSON. —and so, the thing is that we felt real pleased because we even solicited one of our clients to use her car, and we were going to pay for the gas. The woman went one time—poof—that was the end.

So, you see, we do have problems in that respect, Mr. Patterson.

VICE CHAIRMAN PATTERSON. Thank you very much, Mrs. Wilkinson.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. Mrs. Wilkinson, we haven't talked very much about nursing homes. Are there nursing homes in Dallas County?

MRS. WILKINSON. Yes, indeed, we have three nursing homes. We have Dunrest Home, the Borough Nursing Home, and also the Good Samaritan.

MR. TAYLOR. Are those homes for Negroes or for whites?

MRS. WILKINSON. Negroes and whites.

MR. TAYLOR. Each one is for Negroes and whites?

MRS. WILKINSON. Yes. We have one white person in the Dunrest—I mean one Negro in the Dunrest Home with all those

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whites, and the Good Samaritan Nursing Home we have no white
people; they are all Negroes, and in the Anderson Nursing Home
they are all Negroes because that's where they want to be.

We have in the Dunrest Home, there are 95 beds, and in the
Anderson Nursing Home we have 35 beds, and the Good Samaritan
has 26 beds.

MR. TAYLOR. As I understand what you just said, there is one
Negro in what was the all-white nursing home?

MRS. WILKINSON. That's right, Dunrest Home.

MR. TAYLOR. And no whites in the—

MRS. WILKINSON. In the Good Samaritan, which was at one
time the all-Negro nursing home.

And the Anderson Nursing Home is all-Negro, and it complies,
but no white people, none of them want to go there—well, one
reason is they stay filled up. We just don't happen to have enough
nursing homes.

MR. TAYLOR. You're right, communication is a little problem,
because I would not call those integrated, but you would.

MRS. WILKINSON. Well, they're supposed to be. But a person
has the right of choice, don't they?

MR. TAYLOR. You say that all the Negroes who are in those
homes chose the Negro homes, is that what—

MRS. WILKINSON. That's where they want to go.

MR. TAYLOR. You have interviewed all those persons and you
know that they all want to go there?

MRS. WILKINSON. Well, my case workers have, and they desig-
nate the place that they would prefer going.

And another things is, we have an awfully hard time getting
people into any of the nursing homes, because they stay filled up.

MR. TAYLOR. All right. I hope you enjoy your Federal visitors,
because that may be another question.

Just a few more questions. You said the population of the county
was about 57,000—

MRS. WILKINSON. 57,756.

MR. TAYLOR. —and about 3,100 people were receiving—

MRS. WILKINSON. 3,149 and 231 are receiving services.

MR. TAYLOR. Are there more people in need of assistance than
that 3,100 who are on welfare? Are there more people with in-
adequate incomes than that?

MRS. WILKINSON. I would say that there are more people as
far as in the lower strata, as we well know, that probably need
assistance. And when emergencies come up we have money that
we have to help those people.

For instance, if a man loses his job and has no one to go to,
then he comes to our department, whether he be white or colored—
white or Negro—I don't know the difference. And we can help
them temporarily, but—my—all right, go ahead.

MR. TAYLOR. Well, what I was trying to find out is, do you think the welfare programs you administer reach all the people in the county who are in need of assistance?

MRS. WILKINSON. Well, I would like for you to come sometimes to our office and see how many people are sitting around. We feel like that we've got them all.

MR. TAYLOR. That doesn't answer my question.

MRS. WILKINSON. No, no, no—well, I don't know because they haven't come to the office.

MR. TAYLOR. You wouldn't know whether there are people in need in your county who are not receiving public assistance unless they come to your office?

MRS. WILKINSON. Unless they are referred to the department, or unless they come to us for help.

MR. TAYLOR. Well, you do know that there are qualifications for each of these welfare programs.

MRS. WILKINSON. That's right.

MR. TAYLOR. And that unless you meet the qualifications, you cannot be—there is an Aid to Older People, there is Aid to Mothers with Dependent Children.

MRS. WILKINSON. That's right.

MR. TAYLOR. Now you do know that there are people who come in, in none of those categories, who may be in need, is that correct?

MRS. WILKINSON. Well, there might be some that are in need that don't fall in those categories and what we should have is a general public assistance program, but we don't have enough money in Alabama; we're not rich like you boys up North are.

MR. TAYLOR. You do spend money on other things in Alabama.

MRS. WILKINSON. I don't know.

MR. TAYLOR. You say you do need that kind of a program, have you—

MRS. WILKINSON. Well, I wish we had it, yes, I think it would be fine.

MR. TAYLOR. Do you make speeches from time to time to groups?

MRS. WILKINSON. Yes, I do.

MR. TAYLOR. Have you advocated that kind of a program?

MRS. WILKINSON. We have discussed that, we have discussed that, because the money that we have to take care of those emergency situations or situations of that kind, are met by private funds—the churches and the city provides a certain amount each month, and then people in our community—the Air Force Base officers' wives club gives us money, and we buy medicine for needy people who cannot buy the medicine, and also pay the rent and buy any clothing that is needed.

MR. TAYLOR. Is welfare a matter of charity, or is this a right?

MRS. WILKINSON. It is a matter of need.

MR. TAYLOR. Is it a matter of charity, or is it a matter of right that's guaranteed by the law?

MRS. WILKINSON. I think it's a matter of need, that every person's need should be met.

MR. TAYLOR. Out of the goodness of somebody's heart?

MRS. WILKINSON. No, no, no. I think that everyone's need should be met if it's at all possible to meet it. Now in what ways, I don't know how it could be met, unless it was through public funds.

MR. TAYLOR. Just one more question. We talked about the food stamp program some, and you've indicated, I think, that the numbers dropped significantly when food stamps were put in. Now I suppose if the price of food stamps were reduced that might be a better program, would it not?

MRS. WILKINSON. Well, you know they did reduce it, but the first time a person applied it was higher. And then these loans that have been made—that has helped people. But they are high as far as some of our clients are concerned. But as I said before, it's a matter of knowing how to manage your money, and all of us don't know how to manage our money, do we?

MR. TAYLOR. If you have some money to manage, that is.

MRS. WILKINSON. If you have some, that's right.

MR. TAYLOR. No further questions.

CHAIRMAN HANNAH. Thank you very much, Mrs. Wilkinson, we appreciate your being here today.

May I, before we call the next witness, remind all of us that we are running 45 minutes behind schedule, and we are scheduled pretty late. Will you call the next witness?

MR. GLICKSTEIN. The next witness is Mr. Ruben King.

(Whereupon, Mr. Ruben King sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. RUBEN KING, ALEXANDER CITY, ALABAMA

MR. GLICKSTEIN. Mr. King, would you please state your full name and address for the record?

MR. KING. My name is Ruben King. My home address is Alexander City, Alabama.

MR. GLICKSTEIN. And what is your occupation, Mr. King?

MR. KING. I am commissioner of the State department of pensions and security, and an attorney.

MR. GLICKSTEIN. How long have you held that position?

MR. KING. Since 1963—January 15, 1963.

MR. GLICKSTEIN. And what position did you hold prior to becoming commissioner?

MR. KING. I was an attorney and judge.

MR. GLICKSTEIN. Mr. King, how much does Alabama budget for an ADC family of four?

MR. KING. I don't know exactly. Now if we are going to get into details on the amount budgeted, you are going to have to talk to people whose responsibility it is to get into the budgeting details. I don't know exactly the exact amount.

MR. GLICKSTEIN. Well, Dr. Lukaczer said in his statement, that the State of Alabama says \$177 a month is necessary to meet the needs of an ADC family of four, in January 1968.

MR. KING. I think he would probably be right.

MR. GLICKSTEIN. You think he would probably be right?

MR. KING. Yes, sir.

MR. GLICKSTEIN. Do you know when this budget was set up, when it was determined that this was the amount of money that was needed?

MR. KING. Well, I don't know the exact time; probably some time around 1963.

MR. GLICKSTEIN. Around '63. And do you know what the present cash payment is of that?

MR. KING. I know that we are only paying 50 percent of need. It all depends upon how many children there are in a given family as to the cash payments; but the average payment this past month was approximately \$15 per person in the ADC program.

MR. GLICKSTEIN. And you are paying, for a family of four, you are paying approximately 50 percent of that \$177?

MR. KING. That's correct.

MR. GLICKSTEIN. Do you feel that the present cash payment is adequate to meet the needs of a family of four?

MR. KING. No, sir, it is not, it obviously is not. If we are only paying 50 percent, it is not enough.

MR. GLICKSTEIN. What do you think needs to be done to raise that amount?

MR. KING. Well, I think the department should have more money. That's the immediate problem, is a lack of money, because most of the money coming into our agency is earmarked for specific public assistance programs. What's left over, then, of course, we have to divide it into other categories of assistance.

MR. GLICKSTEIN. How much of your money comes from the Federal Government?

MR. KING. Well, it all depends upon what category of assistance you are talking about.

MR. GLICKSTEIN. For example, the ADC program.

MR. KING. Well, in the ADC program, 83 percent is Federal, 17 percent State.

MR. GLICKSTEIN. And in the Old Age Program?

MR. KING. Approximately 80-20 Federal.

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MR. GLICKSTEIN. 80 percent State?

MR. KING. No, 80 percent Federal.

MR. GLICKSTEIN. Eighty percent Federal and 20 percent State?

MR. KING. That's right.

MR. GLICKSTEIN. And as the State contribution goes up, so does the Federal contribution?

MR. KING. That's correct, sir.

MR. GLICKSTEIN. If the State doubled its contribution, the Federal contribution would increase proportionately?

MR. KING. Well, we would hope the Federal would, yes.

MR. GLICKSTEIN. We've heard some testimony this afternoon about food stamps as compared to food commodities. Which of the two programs do you think is preferable?

MR. KING. Well, I prefer the direct distribution program.

MR. GLICKSTEIN. You prefer the direct distribution program?

MR. KING. Yes. In most counties that have had the programs, that is, the direct distribution program and then switched over to the food stamp program, we have found that approximately one-third of the recipients are lost.

MR. GLICKSTEIN. Well, that seems to be the case in Dallas County. We just heard some testimony that the figure dropped from 13,560 to 6,662.

Why is there such a great decline when you switch from commodities to food stamps?

MR. KING. Well, I don't know, I think it's several factors. I think probably transportation is one, but then on the other hand, I think probably a lack of cash money is one of the big reasons for the drop.

MR. GLICKSTEIN. Does this mean that there are large numbers of people in need that are not receiving adequate food in those counties that switched?

MR. KING. Well, I think that there are people in every county in this State that need help that our agency is not reaching. After all, we are on a very limited budget and particularly in those areas where we are not able to meet 100 percent of the need, those programs have to be restricted because of the amount of money that is available to those programs.

If the requirements were less stringent, of course, then there would be more people that we could reach. But you take the money you have and do the best that you can with it.

MR. GLICKSTEIN. You said that some of the money that the legislature appropriates for programs you administer is earmarked. What did you mean by that?

MR. KING. Well, most of the funds coming into our agency is earmarked for our Old Age Assistance Program. After all, 75 percent of the total expenditures in our agency goes for Old

Age Pensions, that is, either in direct cash payments or for medical services for these people.

MR. GLICKSTEIN. Why do you think that that is the situation? Why do you think that such a large proportion of the funds that are appropriated by the legislature go for the Old Age Program?

MR. KING. I don't know. You'd have to ask the legislature that, Mr. Glickstein.

MR. GLICKSTEIN. You have no feeling, you have no notion of why they make that judgment?

MR. KING. No, but I will say this: it hasn't got anything to do in regard to race, if this is the implication here today, because 40 percent of the pensioners in this State, the Old Age Assistance recipients, are members of the colored race, whereas the population in this State is roughly 70-30 white throughout the State.

So, I don't think there is any race implication, not nearly as much race implications throughout this State as I have heard indicated here by this panel today. And I would say this: if this panel was as interested in getting to the truth as it is trying to make a white community in this State look bad, I think probably more could come out of this hearing.

MR. GLICKSTEIN. Well, that is our purpose here, Mr. King, to get to the truth.

MR. KING. Well, I know it's your purpose, but it's also our purpose to try to show to you that everyone that works for the State of Alabama or is in some way in public life, is not a bigot or a racist too.

MR. GLICKSTEIN. Well, it's for that reason that people like you and Mrs. Wilkinson have been subpoenaed to give the Commission an opportunity to hear your views and your positions.

MR. KING. And we're going to give it, too, sir.

MR. GLICKSTEIN. When the legislature decides on what it is going to expend for your programs, do you appear before them, do you testify?

MR. KING. Yes, I do. I testify before the legislature, both the senate and the house.

MR. GLICKSTEIN. And yet, you still don't, or you are still not certain why they appropriate 75 percent of the money for—

MR. KING. No, sir, I'm not. It has been traditionally in this State that the State of Alabama has a very active and a very good Old Age Assistance program. We have 398 people out of every thousand in this State over the age of 65 receiving a grant, whereas the national average is 126, and there's only one State in the Nation that has a higher recipient rate than does Alabama, and that is the State of Louisiana.

MR. GLICKSTEIN. You seem to have very strong views about the difference between the food stamp program and the commodities program. Have you discussed these with representatives

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of the Department of Agriculture in Washington, for example, to convey your point of view?

MR. KING. Well, I started expressing my views back in 1963 in regard to the program, in regard to the food programs in this State, because I started meeting with all the county commissioners throughout this State back in 1963. We've been pushing for programs of this type ever since.

In fact, I'll say to this Commission that there is not a State in this Union that has made more progress than has the State of Alabama in the last 3 to 4 years in regard to getting the food stamp programs and direct distribution programs into the counties.

We have 67 counties in this State, and every county in the State, with the exception of Morgan County and Chambers County, has made application or has a program of some type into effect, and I am very proud of it, because it—particularly in those cases where ADC grants are some \$15 per month where we had a direct distribution program, for example, where the average amount of food going to these people is some \$79 per month, you can see it makes a great difference in the amount.

And we have been working hard. Not only myself, but both Governor George Wallace and his wife have written to every county commissioner in this State informing them of these programs, the approximate cost, and the need for the programs.

So this is not a belated effort on our part at all, because we have been working in this field since 1963.

MR. GLICKSTEIN. There have been some stories in the newspapers recently about the Department of Agriculture's need to distribute food directly, I believe, in Elmore County.

Why weren't you able to persuade that county to participate in one of the two programs?

MR. KING. I don't know. We met with the county—people from my staff met with the governing body some eight or nine times, and we were not able to do so, but, of course, we do have an application for a food stamp program from those people at this time. We have sent it to Washington, for we have approved it and recommended it, and we sent it to Washington now for their approval.

MR. GLICKSTEIN. Mr. King, I am sure that you are familiar with the—I know you are familiar with the amendments of the Social Security Act that were enacted last year, and I believe one of those amendments freezes the number of ADC recipients on the rolls as of the first quarter.

What are your views about this amendment, the effect of that amendment?

MR. KING. I'm opposed to the freeze and we had a case—we argued a case before the United States Supreme Court a week

ago this past Monday in regard to our substitute parent policies in this State, and in the appendix was a letter that I had written to Wilbur Mills stating to him my opposition to the ADC freeze. I think that it's going to hurt the grants, not only in the State of Alabama, but throughout this country.

Now you talk about discrimination, here is discrimination, and it's discrimination from the Federal level whereby the Federal Government is denying Federal participation for children after a certain date. Why is it that some children can get aid and other children cannot?

MR. GLICKSTEIN. Why do you think that amendment was attached to the Social Security Act?

MR. KING. Well, I think the amendment was passed to the Social Security Act because I think that the Congress, like myself and many welfare commissioners in this country, are greatly concerned about the matter of support. I think nonsupport in this country is one of the greatest crimes that is being committed, and we have introduced legislation in this State since 1963 making nonsupport a felony, whereas at this time it is only a misdemeanor, and a person that leaves the State of Alabama and goes into another State, it is very difficult to get support.

MR. GLICKSTEIN. So that is one of the reasons?

MR. KING. I think it is. But then I think, I think—

MR. GLICKSTEIN. But even though this is also a concern of yours, you disagree with the way the Congress tries to deal with the problem?

MR. KING. I think another reason in regard to the ADC freeze is to put more pressure on the States to come up with work incentive programs. I think that this is another factor.

MR. GLICKSTEIN. That's another provision, another one of the amendments to the—

MR. KING. Well, I think this is one of the reasons why they had the ADC freeze is to put emphasis upon the States to have these work incentive programs that would have a tendency to remove people from the ADC rolls.

MR. GLICKSTEIN. Are you developing such programs?

MR. KING. Yes, sir, we have been meeting with the U. S. Department of Labor, with the Department of Health, Education, and Welfare, and with the Department of Industrial Relations here in the State to carry out the work incentive programs.

MR. GLICKSTEIN. And you think that you are going to be successful in encouraging people on welfare to enter into these programs?

MR. KING. Well, we will, because this is a very limited program in the State of Alabama, we have been designated some 750 slots and we, at the particular time, are thinking about going into—starting the programs off in Jefferson County, in

Madison County, and Mobile County; that is, the predominantly urban areas of the State.

Of course, this is something that worries me also because we are going to—are not going to be able to have any of these work slots into some of the rural areas of the State, even in some of those areas that might be able to provide some type of employment.

MR. GLICKSTEIN. Mr. King, if what some people say is true, maybe you have enough slots. There are some people that say that people who are on welfare would rather be on welfare than work. Do you agree with that?

MR. KING. No, sir.

MR. GLICKSTEIN. What is your view of that?

MR. KING. Well, it's hard for me to think that women in this State are going to have children for \$15 a month because in other people whose average grants, for example, your Permanently and Totally Disabled where we are only paying 58 percent of need, the average grant is some \$64 a month. I don't go along with this theory at all.

In fact, I think that most of the people on welfare resent the fact that they are on welfare and, given an opportunity, will come off of the welfare.

MR. GLICKSTEIN. Mr. King, how many people are employed in your department?

MR. KING. I think we have approximately 1,700-1,800 people throughout the State; that is, not only in the State offices but the county offices.

MR. GLICKSTEIN. And how many of them are Negro?

MR. KING. Well, I knew I was going to be asked this question, so we will try to provide you with the answer. We have 18 Negroes.

MR. GLICKSTEIN. Eighteen Negroes?

MR. KING. Yes, sir.

MR. GLICKSTEIN. What type of jobs do they hold?

MR. KING. We have two clerk-typists; 12 case worker—1's; two child welfare workers, 1; and one child welfare worker, 2.

MR. GLICKSTEIN. One final question, Mr. King.

MR. KING. Yes, sir.

MR. GLICKSTEIN. Dr. Myers this morning mentioned that the Title 19 program was being switched to his department—

MR. KING. Yes, sir.

MR. GLICKSTEIN. —and he wasn't sure of why it has taken such a long time to get off the ground. He indicated that it had previously been in your department. Why has that program taken such a long time to get off the ground?

MR. KING. Well, to begin with, the single State agency that was designated was the pensions and security department to ad-

minister the program. Of course, we did not have time to go before the State legislature to develop a program, and after the legislature met, then the responsibility of it was transferred to the department of health, against my wishes, let me say.

MR. GLICKSTEIN. Well, Dr. Myers said that he thought one of the reasons that the program hadn't gotten off the ground yet was because of the inadequacy of funds.

Now, has another problem been the requirement that assurances be signed that the program will be operated in compliance with the Civil Rights Act of 1964?

MR. KING. No, at the time—we've had a lawsuit in regard to not Title VI itself, Title VI, but in regard to the rules and regulations that were promulgated under the authority of Title VI.

I have stated before the Court and I state today, I don't think, that in particular, third party vendors that are selling services to the State, I don't think as welfare commissioner I have any right to force a doctor who owns a private business to integrate his restrooms and waiting room facilities if he does not want to. After all, it's a private business.

In those particular areas where I, as commissioner, have the responsibility, that was a different proposition.

MR. GLICKSTEIN. Because of this lawsuit there was some delay in getting these programs?

MR. KING. There was some delay in that, but very few months at all, probably 2 or 3 months, after the law was passed then the case went before the U.S. Supreme Court.

MR. GLICKSTEIN. You lost that suit?

MR. KING. Yes, we lost it, and we stated from the very beginning if we did not agree with the rules and regulation, but if the Court said that we must abide, we must abide, and we have taken every effort to comply with Title VI.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman. CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. King, you testified that in spite of your efforts, two counties in Alabama—Morgan and Chambers—have neither of the food programs, free commodities or food stamps. In your judgment, are people hungry in those counties?

MR. KING. Mr. Patterson, I have stated as long as 5 years ago, publicly in this State, that I did not think that any county in this State could justify not having one of the programs.

VICE CHAIRMAN PATTERSON. You do believe there are hungry people?

MR. KING. I know there are people there who need it, there is no question about it.

VICE CHAIRMAN PATTERSON. Why don't those counties come under one of the programs, Mr. King?

MR. KING. I don't know why. Morgan County, which is in the northern part of the State, at one time had the program and it is my understanding that they have also now made application for one of the programs, although the application has not yet reached my desk.

In fact, the other day when Mr. Glickstein was in my office we inquired at that particular time, we checked with Mr. Oscar Bentley, who is head of our commodity distribution program, and he informed me that it was his understanding that Morgan County had made application, but we have not received it at this time.

In regard to Chambers County, we have met several times with Chambers County, and it would probably be my understanding that if something is not worked out with them probably before too long, the U.S. Department of Agriculture probably will do the same thing in Chambers County that they have done in Elmore County.

VICE CHAIRMAN PATTERSON. Do you get complaints that in counties where you feed the hungry, they don't work for wages and the seasonal crops as well as they do in others?

MR. KING. Some of the complaints that we have had when programs first went in—for example, in regard to your direct distribution programs, there were always apprehensions on the part of merchants that because people were receiving some \$7 to \$9 a month in food, that they would lose some sales, but this is not the case, because with your payments in this State being what they are, the people have to spend everything that they have anyway. So, instead of maybe spending all of their money on food, they may have money to buy some drugs or medicine or a warm coat.

VICE CHAIRMAN PATTERSON. But you must have had some criticism from agricultural employers.

MR. KING. No, sir.

VICE CHAIRMAN PATTERSON. None?

MR. KING. No, sir.

VICE CHAIRMAN PATTERSON. Thank you.

MR. KING. No, sir, there is very little criticism of the program throughout the State.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. King, you indicated that the amount of the grant is 50 percent of the need. Will you tell the Commissioners how the percentage is determined?

MR. KING. Well, when we came to Montgomery, Mrs. Freeman, the percentage was 38 percent at that time. Of course, what we have to do is that the money that comes into the agency is earmarked. We take the money that is earmarked for specific programs, we set it aside and then the money that is left we

channel it into your ADC Program, and your Aid to Permanently and Totally Disabled Program. We figure a budget, and then if we have more money, if we had more money, then, of course, your percentages of need would be increased. It has been increased, as I say, from 38 percent to 50 percent, but there is a need for additional moneys to go into this program.

COMMISSIONER FREEMAN. As commissioner, do you have the authority and power to make recommendations for additional funds or additional revenue?

MR. KING. Yes, ma'am.

COMMISSIONER FREEMAN. Have you made recommendations to—

MR. KING. In every session of the legislature that I have gone before, I have requested additional funds for this program. It is a matter of record. Our budget request can be made available to this Commission, if it so desired.

Fifteen dollars is not enough; there are many children in this State, both black and white, who go to bed hungry at night, and I am not going to sit here and deny it. I am greatly disturbed about it, and members of my staff are greatly disturbed about it.

I say this, that since 1964 the whole Federal program of welfare has been one of a rehabilitative approach, yet, if you cannot give children adequate food, if they do not get adequate education, they are not going to be able to compete in society today, and your vicious cycle of welfare will continue. If these people are not able to compete, then society will leave them along the roadside.

COMMISSIONER FREEMAN. My next question relates to your staffing patterns. Of the total number of employees about 1 percent of them are Negro. I would like to ask if the Department of Health, Education, and Welfare in Washington has expressed concern about this since over 80 percent of the funding for two of your programs comes from the Federal Government?

MR. KING. They have talked with us about it, and the question has been asked of me about why there are not more Negroes working. We will hire qualified Negroes, but we are not going to hire a person just because he is a Negro, no more than we are going to hire a person just because they are white.

COMMISSIONER FREEMAN. Except that you have about 1,700 white people.

MR. KING. Mr. Chairman, if some of the witnesses out here have any comments to make in regard to my answers, I would hope that you would instruct them to be quiet, because they are distracting of my trying to answer some questions.

CHAIRMAN HANNAH. That is a reasonable request. Will the audience please refrain from making comments, or laughing, or anything else when the witnesses are being questioned.

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They are here under subpoena and they are entitled to be heard
 without having their attention diverted.

COMMISSIONER FREEMAN. Will you tell this Commission, Mr.
 King, what the steps are for employment of your staff? How
 does one get to be a member of your staff?

MR. KING. Well, in order for a person to become a member
 of my staff, they must take an examination, which is administered
 by the State merit system board, and then, of course, they must
 make known to the merit system board whether or not they
 would like employment within the State or a certain given county.

COMMISSIONER FREEMAN. What are the job classifications?
 You indicated that you have 12 case workers 1. Is there a higher
 category than case worker 1?

MR. KING. Oh, yes, we have, we have case, we have them up
 to case workers 4—we have, we have them up to as high as case
 worker 3, I believe is what I should say.

COMMISSIONER FREEMAN. But the highest employment that a
 Negro has in your department is that of case worker 1. Is that
 correct?

MR. KING. No, no, the highest is case worker 2.

COMMISSIONER FREEMAN. Case worker 2?

MR. KING. Yes.

COMMISSIONER FREEMAN. And you have a child welfare
 worker 1?

MR. KING. We have two Negroes that are employed as child
 welfare workers 1.

COMMISSIONER FREEMAN. What is the total number of child
 welfare workers that you have?

MR. KING. I don't have those figures before me, but I would
 say probably between 300 and 400.

COMMISSIONER FREEMAN. You have two out of 300 or 400?

MR. KING. That's right.

COMMISSIONER FREEMAN. What are the qualifications for a
 child welfare worker?

MR. KING. They must have—they must have some graduate
 work in addition to an A.B. or B.S.; in addition to that, on-the-job
 training.

COMMISSIONER FREEMAN. What are the qualifications for the
 case workers?

MR. KING. They must have a degree—an A.B. or B.S. degree.

COMMISSIONER FREEMAN. Do all of the case workers employed
 by your department have an A.B. degree?

MR. KING. As far as I know, they do, yes. This is a qualifica-
 tion that we have.

COMMISSIONER FREEMAN. You don't know of any white case
 workers that do not have a degree?

MR. KING. I know of none. I heard Mrs. Wilkinson state a

few minutes ago that she had two, but if it was it probably come under some grandfather clause or something like this, because our qualifications now—and have been since I've been commissioner—that they have an A.B. or B.S., and I think that this is probably true in most of the welfare offices throughout this country.

COMMISSIONER FREEMAN. Do you conduct a personal interview of applicants before they are employed?

MR. KING. No. No, I do not.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN HANNAH. Dr. Rankin?

COMMISSIONER RANKIN. I want to ask you one or two questions just for my information.

MR. KING. Yes, sir, Doctor.

COMMISSIONER RANKIN. You are head of a department?

MR. KING. Yes, sir.

COMMISSIONER RANKIN. How many departments are there in the State of Alabama, if you have it—right off-hand, about?

MR. KING. You mean—

COMMISSIONER RANKIN. Department of agriculture, department of revenue.

MR. KING. Well, I think there are probably 12 cabinet positions.

COMMISSIONER RANKIN. Is yours a cabinet position?

MR. KING. Yes, it is a cabinet position.

COMMISSIONER RANKIN. Are you elected?

MR. KING. No, sir.

COMMISSIONER RANKIN. Are the others elected?

MR. KING. Not what we consider to be cabinet positions. Now there are certain constitutional jobs such as the commissioner of agriculture as an elected official. The secretary of state.

COMMISSIONER RANKIN. He is in the cabinet, too, isn't he?

MR. KING. No, sir, not in the official cabinet.

COMMISSIONER RANKIN. Not in the official cabinet. You have to be appointed to be in the official cabinet?

MR. KING. Yes, sir.

COMMISSIONER RANKIN. Is that correct?

MR. KING. That's right.

COMMISSIONER RANKIN. Are there more and more nursing homes going up in your State?

MR. KING. Yes, sir. The nursing home beds since 1963 has over doubled in the State.

COMMISSIONER RANKIN. Do you have any control over nursing homes, your department?

MR. KING. Well, the only control that we have over nursing homes is that approximately 80 percent of the nursing home recipients are also recipients of our agency, but as far as the

licensing of these, the authority is with the State health department.

COMMISSIONER RANKIN. With the State health department?

MR. KING. Yes, sir.

COMMISSIONER RANKIN. Do you make any requirement that they be integrated, or not?

MR. KING. Yes, sir.

COMMISSIONER RANKIN. You do?

MR. KING. Under our plan submitted to the Department of Health, Education, and Welfare, we had to notify each nursing home that we were in compliance with Title VI of the Civil Rights Act of 1964, and they also had to return to us a form stating whether or not they were in compliance or not in compliance; if they were not in compliance, then our agency moved immediately to bring them into compliance.

And I will say this: I don't approve of the law, but we are administering the law as the Supreme Court said that we should.

COMMISSIONER RANKIN. How often do you check on them?

MR. KING. How often do we check on them?

COMMISSIONER RANKIN. Yes.

MR. KING. Well, sir, we only got the ruling after the first of the year in regard to this particular regulation that we were contesting, but we have moved immediately into this area.

Not only that, but we have sent out statements to all doctors in this State that—who are—who have welfare patients.

COMMISSIONER RANKIN. And you think they all clearly understand the rules under which they should operate?

MR. KING. Yes, sir.

COMMISSIONER RANKIN. Thank you.

MR. KING. I think so.

COMMISSIONER RANKIN. Mr. Taylor?

MR. TAYLOR. Mr. King, I would just like to try to clarify the record on one point.

It is true, is it not, Federal Merit Standards require that there be no discrimination in employment in your agency and certain others because of race?

MR. KING. Yes, sir.

MR. TAYLOR. Am I correct also that the State of Alabama has failed to file the necessary assurances that it will comply with this law?

MR. KING. I don't know, Mr. Taylor. I am not head of the State personnel board and I can't speak for them.

But let me say this: as far as I know, there is no discrimination within my own agency in regard to hiring. We will be glad to talk to eligible applicants, but as I stated, we are not going to hire people just because they are Negroes, no more than we are going to hire them just because they are white.

MR. TAYLOR. Well, that wasn't quite the question I asked you. I recognize that it's not your job to file the assurances.

MR. KING. Yes, sir.

MR. TAYLOR. But I believe it is correct that Alabama is the one State in the Union which has failed to file the assurances under the Federal Merit Standards. I would assume that if they had filed the standards, then you would have received certain instructions from the personnel department to implement and carry out those standards.

MR. KING. We've never received any word from them otherwise. We have always operated within the merit system rules that stated you hire on a permanent job, the first three applicants; and as far as the Negro workers, we've had Negro workers, particularly in my—particularly in the State office for the last 15 or 20 years.

MR. TAYLOR. So you think the reason that Alabama may not have filed might be simply because it has had a nondiscrimination policy all along? If that's the case—

MR. KING. You're asking me, Mr. Taylor, for a conclusion. As an attorney you know well that I don't have to answer that.

MR. TAYLOR. Well, let me ask you this, then. Do you think that the services that are rendered by your department could be rendered more effectively if you had more Negro staff?

MR. KING. There may be some instances, but let me say this, that the whole approach—and I will get around to specifically answering your question—there are many things that could be done more effectively within the welfare agency of this State if more funds were available.

For example, in the administration, the Federal Government is paying approximately 44 percent, where the State of Alabama is picking up the tab of 56 percent. We have, for example, right now in Jefferson County, some 27 vacancies, and the reason we have these vacancies is because we have school teachers in this State that are making more money in 9 months than many of my workers are making in 12, whose qualifications are the same.

Now, in regard to your question, there may be some instances; for example, here recently when we've had a great deal of unrest in the State, I have been very reluctant, and I have so ordered my county directors to use discretion in sending white social workers into colored areas. And I think in those particular instances if we had some colored workers, we might could have done the job more effective.

MR. TAYLOR. So the answer to my question is, Yes, there are at least some instances.

MR. KING. Yes, there are some instances.

MR. TAYLOR. Now you were talking about Federal funds. I wonder if you have any idea of how much Federal money the

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State of Alabama loses by not having a higher standard for wel-
fare payments, or by not taking advantage of certain programs?

MR. KING. I don't know, but let me say this, as far as ex-
panded programs, there are only some areas that I would rec-
ommend expanded programs.

For example, I am against the general assistance program. I
think here, particularly when you have no more staff to super-
vise the program than we have in this State, I would certainly be
opposed to a general assistance program which would tend to put
many thousands of more people on the welfare rolls in this State.

MR. TAYLOR. Would you be for it if you had enough people
to supervise it?

MR. KING. No, no, sir, I would not be.

MR. TAYLOR. Is that because you think certain conditions
ought to be put on it?

MR. KING. I think that—I think that people ought to work and
I think that the welfare agency only ought to help those people
who cannot help themselves, particularly I would like to see more
money spent in the area of ADC where we have children who
are unable to take care of themselves, and the area of Permanent
and Totally Disabled where we are paying 58 percent, but I am
opposed to broadening those programs which would tend to put
more people on the welfare rolls, and tend to bring more laxity
on to some people who don't want to work.

MR. TAYLOR. Well, let's restrict ourselves, then, to improving
the standards of payments under existing programs. You said
that you would be in favor of that, and this would require that
Alabama provide a higher standard; if it did provide a higher
standard it would get more Federal money. Is that right?

MR. KING. Well, when you call it Federal money, I would
rather call it taxpayers' money, because it's really all of our
money, it's not just Federal.

MR. TAYLOR. I was using that as a shortcut.

MR. KING. Yes, sir.

MR. TAYLOR. I agree with you when you were talking about
the Federal Government before imposing the freeze, that was
Congress, which involved all the representatives of all the States,
including the representatives of the State of Alabama.

MR. KING. There are many ways that the program could be
improved. For example, if more money was given to us for admin-
istering the program, I think that would help. And then, too,
some type of requirements which would require States to increase
their percentages of grants.

MR. TAYLOR. I want you to understand that I am not trying
to be argumentative on this point, but I am trying to help your
campaign for more money.

As I understand it, Alabama does lose some \$28 million in Fed-

eral or taxpayers' money—however you wish to express it—in part because it either does not take advantage of certain programs or does not have a high enough standing under the ADC Program.

All I am wondering is, do you believe it would be a good investment for the State of Alabama to raise its standards under these existing programs so that for a little bit of money it could get a good deal more Federal money?

MR. KING. I stated, I think, the answer earlier, Mr. Taylor, I would prefer that we pay a larger percentage in ADC and Aid to the Permanent and Totally Disabled. We are paying 50 percent in ADC and 58 percent in Aid to the Permanent and Totally Disabled.

Yes, sir, I would like to see us put more money into those programs, not particularly just to get Federal money but to help these people who really need help.

MR. TAYLOR. Well, you have indicated that that is your desire, and I certainly agree with your statement, from all of my observations, that people are not on welfare because they want to be on welfare.

MR. KING. Yes, sir.

MR. TAYLOR. One other area that I would like to ask you about.

You said that food stamps are not preferred and participation drops because there is a payment requirement—commodities are free. Food stamps, I gather, provide a more balanced diet.

Why wouldn't the solution—again, it is not your decision to make—but why wouldn't the solution be to provide a balanced diet through food stamps, but reduce the payments required and make them free to the people who absolutely don't have the ability to pay?

MR. KING. Well, you see, I don't necessarily agree that food stamps provide a more adequate diet because I feel that many of these people don't know how to buy, and I feel like that, actually, the direct distribution program will, in the long run, provide a more adequate diet because we have just hired into the department of pensions and security a person to work with the recipients throughout the State in trying to teach them how to buy—I mean, trying to teach them how to cook and to bring about a nutritious meal.

MR. TAYLOR. Would you agree that food stamps can provide a more adequate diet and more balanced if—

MR. KING. Well, it could if you would assume that the person who is doing the buying is adequate to buy.

MR. TAYLOR. Well, the merchants, of course, prefer food stamps because they don't have to—

MR. KING. It increases the economy—the amount of money going into the economy, yes, sir.

MR. TAYLOR. And there are certain things in the commodity program that are not generally provided.

MR. KING. Well, it all depends upon what type of commodities you are talking about.

MR. TAYLOR. Fresh fruit.

MR. KING. Fresh fruit is not, but your staple diets such as meal, flour, grits, lard, chopped meat is provided. In some instance, cheese and butter.

MR. TAYLOR. I have no further questions.

CHAIRMAN HANNAH. Mr. Glickstein?

MR. GLICKSTEIN. No, sir.

CHAIRMAN HANNAH. Thank you very much, Mr. King. We appreciate your being here. You are excused. We have a staff report and one more witness or two more witnesses before recess?

MR. GLICKSTEIN. Yes, sir, one or two more.

CHAIRMAN HANNAH. Call the next witness.

MR. GLICKSTEIN. The next witness is Mr. Peter Gross, an attorney on the staff of this Commission.

(Whereupon, Mr. Peter Gross was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. PETER GROSS, ATTORNEY,
U.S. COMMISSION ON CIVIL RIGHTS

MR. GLICKSTEIN. Mr. Gross, I show you a report entitled "Staff Report on Employment." Were you responsible for preparing this report?

MR. GROSS. I was, sir.

MR. GLICKSTEIN. Mr. Chairman, may this be received in evidence?

CHAIRMAN HANNAH. It is received in evidence.

(The document referred to was marked Exhibit No. 15 and received in evidence.)

MR. GLICKSTEIN. Mr. Gross, would you please summarize your report for the Commissioners.

MR. GROSS. In the years from 1940 to 1960, in the 16-county area under study, more than three times as many Negroes as whites were giving up farming. Negroes leaving the farm did not share equally with the whites in nonagricultural jobs, and in part, for this reason, net outmigration from the area during this period was over four times as great for Negroes as it was for whites.

Negroes were almost entirely excluded from some areas of employment. For example, in 1960 although Negroes represented 62 percent of the area's population, just 7 percent of the area's male sales workers were Negro.

On the other hand, in that same year, 81 percent of the area's male laborers were Negroes.

In effect, there existed two largely separate job economies for the two races.

This shows itself also in terms of family income. While Negro families in the area were more than one-third larger than white families in 1959, their average family income was about one-fourth that of white families. On this basis, then, income for each family member was more than five times greater for whites than it was for Negroes.

In the years from 1960 until 1967, approximately 20,000 new industrial jobs were created in the 16-county area. While no comprehensive data on the proportion of these new jobs going to Negroes and to whites are available, the disadvantaged position of Negroes clearly emerges from two facts:

One, based on data for companies in the 16-county area reported in 1967 to the Equal Employment Opportunity Commission, Negroes account for only 22 percent of reported industrial jobs.

Two, Negroes have been concentrated in nongrowth industries such as the lumber and wood industry. In 1966, the lumber and wood industry accounted for 57 percent of Negro industrial employment reported to the Equal Employment Opportunity Commission.

But the lumber and wood industry from 1960 to 1967 declined by 4 percent, losing 300 jobs, while in that same period all other manufacturing industries in the 16-county area were expanding by 43 percent, gaining 8,430 new jobs.

Based on 1966 reports to the Equal Employment Opportunity Commission, the paper and allied products industry, for example, which is a growth industry in the area, accounted for 41 percent of white industrial employment and only 12 percent of Negro industrial employment.

And, finally, in the past 2 years in the 16-county area, three large paper mills and a manufacturing company have begun operation. Of the 782 new jobs they created, just 14 percent, or 112 of those jobs, are held by Negroes.

And, similarly, for all companies in the 16-county area which reported increases in male employment from 1966 to '67 in reports to the Equal Employment Opportunity Commission, less than one-fourth of the new jobs reported went to Negroes.

That concludes the summary.

CHAIRMAN HANNAH. Thank you, Mr. Gross. You are excused. Mr. Glickstein, will you call the next witness?

MR. GLICKSTEIN. Mr. Horace Hamby.

VOICE. Mr. Chairman, we would like to invoke Rule 16 on the lights and cameras and the television, please.

CHAIRMAN HANNAH. The witness has requested that there be no television or lights and this request is granted within the Rule.

(Whereupon, Mr. Horace Hamby, Jr. was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. HORACE HAMBY, JR.,
THOMASVILLE, ALABAMA

CHAIRMAN HANNAH. Would you introduce your counsel or advisor?

MR. HAMBY. John J. Coleman, Jr., attorney, Birmingham.

CHAIRMAN HANNAH. Proceed, Mr. Glickstein.

MR. GLICKSTEIN. Mr. Hamby, would you please state your full name and address for the record?

MR. HAMBY. Yes, sir, my name is Horace Hamby, Jr. I live in Thomasville, Alabama. I am industrial relations manager for MacMillan-Bloedel Products, Incorporated, and MacMillan-Bloedel United, Incorporated, located near Pine Hill,—Alabama, in Wilcox County.

MR. GLICKSTEIN. What products do those companies manufacture, Mr. Hamby?

MR. HAMBY. MacMillan-Bloedel Products, Incorporated has just recently started the operation of a plywood plant and a sawmill. MacMillan-Bloedel United, Incorporated, has under construction a pulp and paper mill.

MR. GLICKSTEIN. With what other companies are MacMillan-Bloedel Products and MacMillan-Bloedel United associated?

MR. HAMBY. MacMillan-Bloedel Products, Incorporated, is a wholly owned subsidiary of MacMillan-Bloedel Limited of British Columbia, Canada.

MacMillan-Bloedel United, Incorporated, is a partnership between the Canadian company, MacMillan-Bloedel Limited, and United Fruit Company of Boston, Massachusetts.

MR. GLICKSTEIN. In settling in Wilcox County, did the company receive any financial assistance from the city of Camden or from Wilcox County?

MR. HAMBY. I really don't know.

MR. GLICKSTEIN. Was there an industrial bond that was floated?

MR. HAMBY. Oh, yes. The financial organization was under the industrial development board type of set-up, although I am not at all familiar with that.

MR. GLICKSTEIN. But there was, as I understand it, a \$70 million industrial bond that was floated; the interest on those bonds is tax exempt to the purchasers. I understand it was that money that assisted in MacMillan-Bloedel locating in Wilcox County.

MR. HAMBY. I think what you have just stated is correct, but I should tell you that I actually have no knowledge of this area of the business.

MR. GLICKSTEIN. Mr. Hamby, how many people are currently employed in the operations that are set up at this stage?

MR. HAMBY. Well, our plywood plant and sawmill has been in partial operation for some 4 to 5 months. This is the company first mentioned, MacMillan-Bloedel Products, Incorporated.

The total employment at present would approximate something slightly in excess of 300 people.

The other company, MacMillan-Bloedel United, which has the pulp and paper mill under construction, has only employed a total of some 75 people at this stage. It is not scheduled to go into operation until July or August of this year.

MR. GLICKSTEIN. And how many of the approximately 300 people that the MacMillan-Bloedel Products employ are white and how many Negroes?

MR. HAMBY. Well, this, Mr. Glickstein, changes almost daily because we are expanding our employment, we are adding more people. We will employ within the next month or so, we will add some 30 to 40 employees—

MR. GLICKSTEIN. Of the approximately 300 people that you have now?

MR. HAMBY. I would estimate 20 to 25 percent are Negro.

MR. GLICKSTEIN. And do you know what sort of jobs the Negroes hold, are they skilled or unskilled or semi-skilled jobs?

MR. HAMBY. They are semi-skilled.

MR. GLICKSTEIN. Semi-skilled?

MR. HAMBY. Yes.

MR. GLICKSTEIN. Approximately how many people will be employed by both companies when they are fully staffed and in operation?

MR. HAMBY. By July or August, both companies will employ approximately 650 people.

MR. GLICKSTEIN. Now you said that the Negroes that are currently employed are semi-skilled people.

MR. HAMBY. Correct.

MR. GLICKSTEIN. Do you have any Negroes who occupy supervisory positions?

MR. HAMBY. No, sir, we do not.

MR. GLICKSTEIN. Is your company unionized?

MR. HAMBY.. Yes.

MR. GLICKSTEIN. By which union?

MR. HAMBY. The production and maintenance employees of MacMillan-Bloedel Products—again, the sawmill and plywood plant, are represented by the pulp sulphite workers union.

MR. GLICKSTEIN. What is that?

MR. HAMBY. It's the International Brotherhood of Pulp, Sulphite and Paper Mill Workers Union. That's the proper name.

MR. GLICKSTEIN. And they have one local at your plant?

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MR. HAMBY. That's correct, sir.

MR. GLICKSTEIN. Did you say you had another union as well?

MR. HAMBY. No, we just have the one.

MR. GLICKSTEIN. Just have that one union?

MR. HAMBY. Just the one.

MR. GLICKSTEIN. I see. Do you expect to hire most of your employees in Wilcox County in your plant area, or do you expect to have to go elsewhere for some of your people?

MR. HAMBY. Well, we have employed to this date, most of the people employed by MacMillan-Bloedel Products are local residents, although we have gone some little distance—I would say within a radius of not more than 100 miles into Louisiana and part of Mississippi, to obtain some of the highly skilled people that were required for plywood and sawmill equipment operation.

MR. GLICKSTEIN. Does the company have an affirmative action program or any special type of program to recruit minority employees?

MR. HAMBY. No, sir.

MR. GLICKSTEIN. You don't?

Are either MacMillan-Bloedel Products or MacMillan-Bloedel United, or any of the affiliated companies Government contractors?

MR. HAMBY. Not to my knowledge, but here again I wouldn't know. I am not that familiar with United Fruit Company. I don't know what they might, you know, what the situation may be with respect to them.

MR. GLICKSTEIN. And United Fruit Company is one of the companies that is in partnership in the MacMillan-Bloedel Association?

MR. HAMBY. That's correct, sir.

MR. GLICKSTEIN. Will the MacMillan-Bloedel United sell products to the United Fruit Company?

MR. HAMBY. I am sorry, I didn't quite get that.

MR. GLICKSTEIN. Will the MacMillan-Bloedel United sell products to the United Fruit Company?

MR. HAMBY. Yes, sir, we will manufacture a paper product called liner board, which is a heavy grade of paper used in the manufacture of boxes of different types.

United Fruit is interested in this operation as a source of supply for this liner board, which it will convert into banana boxes.

MR. GLICKSTEIN. So United Fruit will be one of your customers?

MR. HAMBY. Yes, sir.

MR. GLICKSTEIN. As industrial relations manager for MacMillan-Bloedel, I would assume that if the company was a Government contractor you would probably know about it. Wouldn't you be responsible for carrying out and implementing the special

programs that Government contractors are supposed to implement?

MR. HAMBY. Well, I may have misunderstood your question. As far as the two companies that I serve as industrial relations manager are concerned, we do not have any Government contracts.

MR. GLICKSTEIN. I am sure, as Mr. Coleman will tell you, if a company has a Government contract with respect to any one of its facilities, all of its facilities are covered.

MR. HAMBY. I don't know know of any Government contracts at all, sir.

MR. GLICKSTEIN. And you haven't been told that you have any special responsibilities of any sort?

MR. HAMBY. Well, if there was such a thing as our having Government contracts, I would have a responsibility.

MR. GLICKSTEIN. You would have the responsibility?

MR. HAMBY. For example, in connection with the Walsh-Healey Public Contracts Act compliance.

MR. GLICKSTEIN. How about your relationship with the Equal Employment Opportunity Commission? Have you been filing the appropriate forms with the Equal Employment Opportunity Commission?

MR. HAMBY. Yes, sir.

MR. GLICKSTEIN. Did you file a form for this year, the form that was due April 30th, I believe?

MR. HAMBY. We did for our MacMillan-Bloedel Products.

MR. GLICKSTEIN. Products?

MR. HAMBY. Right.

MR. GLICKSTEIN. I see. And the other plant is not staffed up yet; that is, Macmillan-Bloedel United?

MR. HAMBY. That's correct.

MR. GLICKSTEIN. Mr. Hamby, when you located in Wilcox County, were there some discussions with the county related to constructing a bridge across the river that was intended to help bring people from the other side of the river to your plant, and for other purposes?

MR. HAMBY. Yes, sir. I understand that there were such discussions, although I personally was not involved in them.

MR. GLICKSTEIN. Do you know what happened? Was that bridge built? Do you know what the situation is?

MR. HAMBY. The bridge, as I understand it, is under construction.

MR. GLICKSTEIN. Do you know who is paying for it?

MR. HAMBY. I beg your pardon?

MR. GLICKSTEIN. Do you know who is paying for the bridge?

MR. HAMBY. I understand that the State is.

MR. GLICKSTEIN. Do you know if there was a plan to have Federal funds used to pay for that bridge as well?

MR. HAMBY. Yes, sir, there was such a proposal. We, if it's all right for me to talk just on the basis of understanding and not actual personal knowledge or involvement, I would be glad to tell you what I know of it.

MR. GLICKSTEIN. Well, that would be all right.

MR. HAMBY. As I understood the situation at the time—and this would have been almost 2 years ago—our companies were invited to sign an application which the State of Alabama was filing for the receipt of EDA funds to assist in the construction of this bridge.

It seemed that it was necessary under the applicable regulation that our companies sign in the capacity of a recipient in connection with this new facility. And as a part of this application and as an integral of our signing as a recipient requesting that this assistance be granted, it was necessary for us to, for our two companies, to commit and sign a written commitment that we would fully comply with the Civil Rights Act in the manning up of our operations.

In addition, there was some obligation which we never had fully explained to us, as far as I know, under which we would have been obligated to accept some supervision and assistance from one or more Federal agencies in selecting employees to man up our mills.

And for that reason, plus the fact that the extent of this assistance or supervision was not at all clear, we felt it necessary, and on the advice of counsel, declined to sign.

MR. GLICKSTEIN. Do you know whether that supervision was any more than what's involved in Title VII of the Civil Rights Act of 1964?

MR. HAMBY. Our legal advice was to the effect that it did go beyond Title VII.

MR. GLICKSTEIN. It did go beyond Title VII?

MR. HAMBY. Yes, sir.

MR. GLICKSTEIN. Now, do you have any idea of how much money was involved in this EDA grant?

MR. HAMBY. No, sir, I don't. It was a substantial sum of money—I understood at the time several million dollars.

MR. GLICKSTEIN. Several million dollars?

MR. HAMBY. Yes.

MR. GLICKSTEIN. And do you know whether the county was willing to sign the assurance that you declined to sign?

MR. HAMBY. No, I don't.

MR. GLICKSTEIN. Do you know whether the funds were granted by the Economic Development Administration or not?

MR. HAMBY. I believe the application was declined.

MR. GLICKSTEIN. Mr. Chairman, I have copies of the assurances that the Economic Development Administration requires

to be signed in circumstances such as this. I have one assurance which was signed by the Judge of Probate of Wilcox County on behalf of Wilcox County. I have two other assurances that were submitted to the MacMillan-Bloedel Company and in both of the assurances they have edited the form to the extent that they have crossed out the provisions which require them to comply with the nondiscrimination provisions of the Economic Development Act.

And I would like to introduce these into the record.

In addition, Mr. Chairman, I would like to introduce into the record a letter to the chairman of the court of county commissioners of Wilcox County, from the Economic Development Administration in which the Administration advises the county that they will be unable to receive some \$5 million in Federal funds because of the failure of the county to obtain the proper assurances from the MacMillan-Bloedel Company.

CHAIRMAN HANNAH. They are accepted for the record. (The documents referred to were marked Exhibit Nos. 16 and 17 and received in evidence.)

MR. GLICKSTEIN. Mr. Hamby, was this bridge project and the requirements of this assurance discussed at any meetings that you were a party to?

MR. HAMBY. Well, I—yes, I was present on one or two occasions when the—when the subject was discussed, but I did never attend a meeting that was called for the purpose of discussing the subject.

MR. GLICKSTEIN. Well, and you say that it is your understanding that the reason the company refused to sign the assurance as submitted was because it was afraid that there would be too much Federal supervision of its hiring practices?

MR. HAMBY. Well, I didn't quite say that, sir. I said that we declined on advice of counsel, and that an additional reason was that we didn't know the extent of this supervision or assistance with our manning up program.

MR. GLICKSTEIN. Were you or other company officials aware of the economic impact that this bridge might have on the community that floated a \$70 million bond to help you settle there?

MR. HAMBY. Well, I think so.

MR. GLICKSTEIN. You were. But you felt that it was worth avoiding Federal—

MR. HAMBY. Sorry for the interruption.

MR. GLICKSTEIN.—but you felt it was worth avoiding Federal supervision at the expense of depriving the county and the community of this bridge, of the \$5 million of Federal funds?

MR. HAMBY. Well, the bridge, as I stated earlier, is under construction. There has been nobody deprived of a bridge, and we were assured by the State at the time that it would be built.

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MR. GLICKSTEIN. When you have legal questions, Mr. Hamby, such as what form you are supposed to file with a particular Federal agency, are you authorized to consult your counsel directly?

MR. HAMBY. Yes, sir.

MR. GLICKSTEIN. Have you ever asked your counsel whether the fact that you will be doing business with the United Fruit Company, a company that is a Government contractor, imposes the same obligations on you as are imposed on any Government contractor?

MR. HAMBY. I am sorry, I don't quite understand the question, Mr. Glickstein.

MR. GLICKSTEIN. You are responsible for the industrial relations of the partnership—

MR. HAMBY. Yes.

MR. GLICKSTEIN.—one party to which is the United Fruit Company.

You also have told us that when MacMillan-Bloedel United is in operation it will be doing business with, it will be selling to the United Fruit Company.

Have you ever asked your counsel whether the United Fruit Company is a Government contractor and, if so, whether you are required to follow the same obligations that are imposed upon the United Fruit Company?

MR. HAMBY. No, sir, I have not asked that question.

MR. GLICKSTEIN. I see. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Dr. Rankin?

COMMISSIONER RANKIN. You would say that other industrial corporations in Alabama that have Government contracts would have to meet the same requirements here, would you not, insofar as the title of the Civil Rights Act is concerned?

MR. HAMBY. Are you referring—when you say the same requirements, are you referring to the requirements that we were discussing in connection with this EDA application?

COMMISSIONER RANKIN. That's right. That's correct.

MR. HAMBY. I don't know, sir, that that is correct. It may be.

COMMISSIONER RANKIN. Certainly your plant was not singled out for any more severe requirement than any other corporation would have to meet.

MR. HAMBY. I don't think so, no.

COMMISSIONER RANKIN. And the very fact that others were meeting it—I just wondered why you were unable to do so.

MR. HAMBY. Well, I, perhaps, should have made this clearer. We think that people who are experienced in recruiting and manning up an industrial operation of the type that we have had under construction, are the best people to do the hiring without

any assistance or without any artificial restraints or interference. This is our only concern in the matter.

These other companies that you represent that are subject to the same requirements, are in business. Now if we had run into some problem in connection with these requirements that had prevented our starting up this \$70 million-plus complex, we would have looked a little, you know, unnecessary as managers. This was the basis of our concern.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Hamby, how long have MacMillan-Bloedel and MacMillan-Bloedel United been in business?

MR. HAMBY. MacMillan-Bloedel United has not yet started business. It will not go into production until about July or August of this year. I am not sure when the two companies were formed.

The other company, MacMillan-Bloedel Products, started the operation of a plywood plant and sawmill on a very limited basis 4 to 5 months ago.

COMMISSIONER FREEMAN. They are Canadian-based companies?

MR. HAMBY. I beg your pardon?

COMMISSIONER FREEMAN. Are they Canadian-based companies?

MR. HAMBY. MacMillan-Bloedel Products is a wholly owned subsidiary of a Canadian company which is also a 60 percent owner partner in the other company.

COMMISSIONER FREEMAN. What is the hourly wage, Mr. Hamby, that is received by the semi-skilled workers in your company?

MR. HAMBY. Well, I'm afraid I can't recite the rates to you and we are talking—I will take first MacMillan-Bloedel Products the company that is in operation, presently employing something slightly in excess of 300 people, amongst the production and maintenance employees, the lowest rate is \$1.60 per hour. The highest rate is \$3.05 per hour. And I would say that the average rate probably would approximate \$1.85 to \$1.95 per hour.

COMMISSIONER FREEMAN. How many persons does your company employ in clerical positions?

MR. HAMBY. Approximately, if you include stenographic, approximately 25 to 30.

COMMISSIONER FREEMAN. How many of these are Negro?

MR. HAMBY. None in the clerical-stenographic. We have one licensed practical nurse, who is a Negro. She is the only one who answered our advertisement.

COMMISSIONER FREEMAN. With respect to your advertising will you tell the Commissioners how you recruit personnel?

MR. HAMBY. Yes. We have advertised considerably by news

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paper, mostly by newspaper, but also to a considerable extent by
radio in various locations in the area.

COMMISSIONER FREEMAN. Is MacMillan-Bloedel an Equal Op-
portunity Employer?

MR. HAMBY. Yes, we are.

COMMISSIONER FREEMAN. Is this stated in your advertise-
ments?

MR. HAMBY. Yes, I think it has been inadvertently omitted
once, but it's intended to be stated. Our company policy for many
years has been definitely along the line of prohibiting any dis-
crimination of this sort.

COMMISSIONER FREEMAN. Do you have any Negroes in top
supervisory positions?

MR. HAMBY. No, we do not.

COMMISSIONER FREEMAN. I have no further questions, Mr.
Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. Hamby, as I get this testi-
mony, Wilcox County, Alabama, according to our record, was
willing to sign the Economic Development Administration form
pledging nondiscrimination, which MacMillan-Bloedel United was
unwilling to sign. Is that correct?

MR. HAMBY. Well, that is correct, yes.

VICE CHAIRMAN PATTERSON. And as a result of your unwill-
ingness to sign it, wasn't the effect that your company handed
the taxpayers of Wilcox County and the State of Alabama a bill
for \$5 million?

MR. HAMBY. Well, I wouldn't have put it that way, Mr. Pat-
terson.

VICE CHAIRMAN PATTERSON. Which could have come from
EDA if you had signed the form.

MR. HAMBY. I don't—I think that's your conclusion, sir, and
I don't think you would expect me to agree with it, would you?

VICE CHAIRMAN PATTERSON. Well, EDA did offer to give a
grant of \$5 million to build the bridge to bring employees in.

MR. HAMBY. Not actually, no, sir. They required that this
commitment be signed by us, as I understood it, before the ap-
plication for the funds would be considered.

Now whether or not—as far as I know there was no, there was
no offer of supplying the funds.

VICE CHAIRMAN PATTERSON. I see. But when you failed to
sign it then that ended the project as far as EDA was concerned.
Isn't that correct?

MR. HAMBY. So I understood.

VICE CHAIRMAN PATTERSON. And so, the fact that the bridge
is now being constructed with State and county funds without

EDA funds, certainly would appear to be connected with your refusal to sign the form.

My question is, what suspicion was raised in your mind about the nondiscrimination pledge that EDA required that would lead you to deprive the taxpayers of Alabama of this \$5 million that might have come from EDA?

MR. HAMBY. Well, as I stated, Mr. Patterson, we did this on the basis of legal advice.

Now I might state further that we were unable to determine—and I thought I had already stated this—we were unable to determine the extent to which our efforts in manning up our operations would be assisted or supervised by some Federal agency. In the face of that unknown, we felt that we simply could not take the chance. We didn't know what we were, what chance we were taking.

VICE CHAIRMAN PATTERSON. You referred to this as a \$70 million installation. Is it true that Wilcox County issued industrial revenue bonds in the amount of \$70 million in order to get your plant there?

MR. HAMBY. Well, this, as I said, I have no personal knowledge of. I understood that this is the case, this is the newspaper report at the time, yes, sir.

VICE CHAIRMAN PATTERSON. That's all I have.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. You have said several times, Mr. Hamby, that what was involved was a question of supervision of your hiring practices, and the Federal Government taking over your hiring practices?

MR. HAMBY. Well, by some means exerting some control and influence over our selection of people to man the mill, yes.

MR. TAYLOR. As I read this—and I am looking at it right now—as I read this provision, it is a nondiscrimination provision: it provides that where a primary objective of the Federal assistance to a program to which this part applies, is to provide employment, the recipient shall not directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program.

MR. COLEMAN. Mr. Chairman, may I just interject one comment. It might be a clarifying comment.

CHAIRMAN HANNAH. Proceed.

MR. COLEMAN. We—Mr. Hamby was furnished with a legal opinion based as to what the possible scope of Title VI of the Act was with reference to the actual question of who would do the hiring—the company or the United States Government; not a question of discrimination, which is under Title VII as well as

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Title VI, an obligation remains not to discriminate. This was the
 basis of the legal opinion which Mr. Hamby—

MR. TAYLOR. Well, what I am reading from here—

MR. GLICKSTEIN. The legal opinion said the United States
 would do the hiring?

MR. COLEMAN. The opinion said that the United States might
 well participate in the hiring, and I can elicit information to show
 that we requested from the EDA any kind of letter or oral as-
 surance that such would not be the case, and they informed the
 company they would get no such assurance that such would not
 be the case, and accordingly, the company did not want to commit
 itself to a complete and utter—

CHAIRMAN HANNAH. I think the question has been answered.
 Go ahead.

MR. TAYLOR. I would just like to point out that what I am
 reading from here is not Title VII, but Title VI, the regulations
 under Title VI.

MR. COLEMAN. Title VI, that is correct. The Department of
 Commerce regulations, are you reading?

MR. TAYLOR. That's correct. And I read them as a nondiscrim-
 ination clause. Now I don't want to get us into a legal argu-
 ment—

MR. COLEMAN. They go beyond that in certain respects, and
 the EDA more or less confirmed that.

MR. TAYLOR. Well, let me ask Mr. Hamby this. Your company
 does accept and has not objected to other Federal regulations. Is
 that true, you abide by the Walsh-Healey Act, fair labor stand-
 ards?

MR. HAMBY. Well, we are not subject to the Walsh-Healey
 Act as yet.

MR. TAYLOR. But you will be.

MR. HAMBY. Well, I don't know that we will be, but let me put
 it this way—we certainly don't object to abiding by and com-
 plying with every applicable law, and we are in the position of
 doing so at the moment.

We have no objection whatever to complying with laws. Was
 that not your question?

MR. TAYLOR. What I have a great deal of difficulty in under-
 standing is why the company is singling out a nondiscrimination
 requirement when it is subject to a great many other requirements
 which it apparently has no objection to.

MR. HAMBY. Well, I thought that Mr. Coleman just stated that
 this was not a nondiscrimination requirement in the opinion
 of our attorneys. Now you would be a better judge of that than I,
 sir.

CHAIRMAN HANNAH. In any case, the answer has been given

as on the advice of their attorney, and that is the answer they stick to.

MR. TAYLOR. Well, I just have one further observation and one question.

Your company already has received significant Federal benefits, has it not?

MR. HAMBY. I don't know, sir.

MR. TAYLOR. Is not this bond issue, the industrial bond issue which amounts to some \$70 million, tax-exempt? Is that not a tax-exempt bond issue?

MR. HAMBY. Well, I think I stated a few minutes ago I actually have no knowledge of the financial side of the business. It may well be, sir, and I understand that to be the case, but I don't think this is a very unusual sort of situation. We are not the first ones to be financed under this kind of an arrangement. I frankly don't quite get the point of your returning to this question. Maybe you could clarify it.

MR. TAYLOR. Simply that you have gotten substantial Federal—as I understand the situation——

MR. COLEMAN. I am sorry, but we object to all types of pictures, and one was just taken in the course of the examination, sir.

CHAIRMAN HANNAH. There will be no photographs taken during the testimony of this witness. Who was it that took the picture?

VOICE. I was out at the beginning of the testimony.

CHAIRMAN HANNAH. You will see that the photograph is not used.

VOICE. I am sorry.

MR. TAYLOR. The point of my question was simply that you already have received, as I understand the situation, you already have received Federal benefits which aided in the construction of your plant.

CHAIRMAN HANNAH. Well, I think, Mr. Taylor, the witness has answered the question.

MR. TAYLOR. I am sorry, I haven't heard the answer, as yet.

MR. HAMBY. Well, I would just like to state this, that whether or not—and this is the reason for my reluctance to pursue this matter—whether or not our companies are the sole beneficiaries from this advantage that you refer to, I don't know.

MR. TAYLOR. Well, I will simply conclude by saying that I think it might be helpful if our General Counsel could research the question of what the obligations of the company may be, if indeed, it has received Federal benefits under the tax-exempt issue.

MR. COLEMAN. But not with regard to the hiring under Title VI, the problem upon which I rendered my opinion. Do you plan to research that issue, too?

MR. TAYLOR. I would like to do that——

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MR. COLEMAN. I would like a clarification. I will be absolutely honest, I would like a clarification of that issue and we tried to get one.

MR. TAYLOR. I think we would be very glad to do that and to confer with you on it.

MR. COLEMAN. Very good, sir.

CHAIRMAN HANNAH. Any further questions?

MR. GLICKSTEIN. No, sir.

CHAIRMAN HANNAH. Thank you very much. You are excused. We will now take a 10-minute recess.

[A further statement by Mr. Coleman appears in Exhibit No. 38.]

CHAIRMAN HANNAH. Ladies and gentlemen, may we have quiet so that we can proceed with the hearing?

The Commission has decided to excuse witnesses James C. Utsey and R. M. Utsey of the U & W Manufacturing and Choctaw Manufacturing Company. They are under subpoena, and they are being excused from the subpoena, and I think they have been informed.

Mr. Glickstein, will you proceed with the next witness?

MR. GLICKSTEIN. May I just add, Mr. Chairman, that these witnesses are being excused because of the time schedule factor.

CHAIRMAN HANNAH. That is correct.

MR. GLICKSTEIN. The next witnesses are Mr. Lee Duvall and Mr. George Heard.

VOICE. May we request that we do without the cameras too?

CHAIRMAN HANNAH. The request is granted. The request has been made that there are to be no cameras, no photographing. The request is granted, the lights can be eliminated.

MR. GLICKSTEIN. Would you just identify the third gentleman for the record?

VOICE. J. C. Niehuss, public relations director for our company.

CHAIRMAN HANNAH. Is he going to offer any evidence?

VOICE. Yes.

(Whereupon, Mr. Lee Duvall, Mr. George Heard, and Mr. J. C. Niehuss were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. LEE DUVALL, MONROEVILLE, ALABAMA;
MR. GEORGE M. HEARD, MONROEVILLE, ALABAMA; AND
MR. J. C. NIEHUSS, MONROEVILLE, ALABAMA

MR. GLICKSTEIN. Dr. Hannah, Mr. Duvall and Mr. Heard have submitted a statement that they would like to be made a part of the record. May we request that this be entered into the record?

CHAIRMAN HANNAH. It is accepted for the record.

MR. GLICKSTEIN. And I am going to question these gentlemen, and if something that they have in the statement is not elicited

by questioning, I am sure they will be given an opportunity to add it.

(The document referred to was marked Exhibit No. 18 and received in evidence.)

MR. GLICKSTEIN. Would each of you gentlemen please state your full name and address for the record?

MR. DUVALL. I am Lee Duvall, vice president of public and industrial relations of Vanity Fair Mills in Monroeville, Alabama.

MR. HEARD. George M. Heard, director of industrial relations of Vanity Fair Mills in Monroeville, Alabama.

MR. NIEHUSS. J. C. Niehuss, director of public relations for Vanity Fair Mills, Incorporated, Monroeville, Alabama.

MR. GLICKSTEIN. I will address my questions to the three of you and whichever one of you chooses to answer, answer the question. What does your company manufacture?

MR. DUVALL. We manufacture ladies' intimate apparel, lingerie, and associated apparel.

MR. GLICKSTEIN. And how many plants do you have located in Alabama?

MR. DUVALL. We have eight at the present time.

MR. GLICKSTEIN. Eight. And where are those plants located?

MR. DUVALL. Oh, boy—Monroeville, Jackson, Atmore, Demopolis, Butler, Bayou, Labatre, and Robertsedale.

MR. GLICKSTEIN. How long has your company had operations in Alabama?

MR. DUVALL. Since 1937.

MR. GLICKSTEIN. And how long, for example, have you been in Monroeville?

MR. DUVALL. In 1937 was the first plant and that was in Monroeville.

MR. GLICKSTEIN. And that was in Monroeville?

MR. DUVALL. Uh-huh.

MR. GLICKSTEIN. What sort of economic impact has your company had on the areas in which it is located?

MR. DUVALL. Well, I think it has been a two-way highway, but there's certainly been a tremendous impact. For instance, since 1960 the town of Monroeville has virtually doubled in size.

MR. GLICKSTEIN. And you feel that your company's presence was one of the factors that contributed to that growth in size?

MR. DUVALL. Yes.

MR. GLICKSTEIN. How many employees do you have in Alabama?

MR. DUVALL. In Alabama, we have around 5,000.

MR. GLICKSTEIN. I have the—

MR. DUVALL. 5,930.

MR. GLICKSTEIN. And how many of those 5,930 are Negroes?

MR. DUVALL. Of that group, we have 655.

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marked Exhibit No. 18 and

you gentlemen please state
record?

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director of industrial relations
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MR. GLICKSTEIN. Is it a recent development that Vanity Fair
has hired Negroes?

MR. DUVALL. Yes.

MR. GLICKSTEIN. About when did that development take place?

MR. DUVALL. We started out the program about 6 months
before the Civil Rights Law was put into effect—April.

MR. GLICKSTEIN. In other words, you were anticipating the
Law and you preceded its effective date by carrying out your re-
sponsibility before that time?

MR. DUVALL. About 6 months before that date.

MR. GLICKSTEIN. How did you go about selecting your first
Negro employees?

MR. DUVALL. We visited with the leaders in the community,
black as well as white, and got their recommendations as to who
they felt would be the best ones for the first start.

After that, we have taken applications as they came in, and also
sought out applications, both colored and white.

MR. GLICKSTEIN. Did you consider yourselves pioneers or in a
very delicate position when you began integrating your plants?

MR. DUVALL. I think that might be true.

MR. GLICKSTEIN. Were you concerned with who the people
were that you were hiring? Were you making any special effort to
get certain kinds of people?

MR. DUVALL. Well, we were most anxious that we get someone
that would be successful because we wanted to be sure and start
on the right foot.

If we brought someone in that succeeded, then that would tend
to tear down the impression that the colored people could not do
certain jobs.

MR. GLICKSTEIN. Did you anticipate any opposition from your
white employees?

MR. DUVALL. Yes, quite—very definitely.

MR. GLICKSTEIN. And what did you do to deal with that prob-
lem?

MR. DUVALL. We had orientation sessions at each one of our
plants with all of our employees. We had orientation sessions with
the local merchants, the Chamber of Commerce, and other mer-
chants, and key citizens that were not connected with the Chamber
of Commerce. And we visited with the colored, Negroes in the com-
munity, and we also visited with who we thought might be the
radical leaders of the colored or the white, and told them that it
was not a question if we were going to abide by the law, it was
a question of how.

MR. GLICKSTEIN. At these orientation sessions that you had with
your own employees, what did you tell them?

MR. DUVALL. We just told them that it could have an economic
impact upon the community if we had interruptions of employ-

ment, or if we had demonstrations, and that we had a company that sold throughout the world and not just throughout the United States, and we wanted to set the example of being willing to abide by the law and not have any misunderstandings or hard feelings.

MR. GLICKSTEIN. What kinds of skills do your workers need? Do they have to be high school graduates?

MR. DUVALL. No. No, 7th, 8th grade would be adequate for craftsman skill, or that equivalent.

MR. GLICKSTEIN. And do you administer tests to your employees?

MR. DUVALL. Yes.

MR. GLICKSTEIN. What kinds of tests do you administer?

MR. DUVALL. We have a battery of five tests that we give, three of them are strictly dexterity tests; two of them are on the academic side—one of them being the Wunderlich Test, the other is one that has been developed for our special use. The person we used to develop these tests is Dr. Moore, who is head of the psychology department at Georgia Tech.

MR. GLICKSTEIN. And you prefer to give your own tests rather than to use the test given by the United States Employment Service?

MR. DUVALL. We are egotistical enough to think that we can do the job a little better, yes.

MR. GLICKSTEIN. Have you ever had any experience with the Employment Service tests?

MR. DUVALL. We have had applicants referred to us who have taken the State test and we, by the same token, gave them ours, and in most instances the State tests are—there's a correlation, not as high as what we have with ours.

MR. GLICKSTEIN. Have you ever had people who failed the State test but passed yours?

MR. DUVALL. Yes.

MR. GLICKSTEIN. You have had?

MR. DUVALL. Yes.

MR. GLICKSTEIN. Do you have any notion of how well Negroes do on your tests as compared to whites?

MR. DUVALL. The ones—you want to field that one, George?

MR. HEARD. I am not sure I understand it. That is the reason I was frowning. How do you mean?

MR. GLICKSTEIN. Do Negroes pass your tests proportionately to the same degree as whites do?

MR. HEARD. Probably not. I can't give you a statistic on that, but my impression would be that probably there are lower percentage of the colored pass it as compared to the white, but I don't believe it would be a very significant.

MR. GLICKSTEIN. You don't think it would be very significant?

MR. HEARD. No.

MR. GLICKSTEIN. Now the statistics that you have given us on your employees indicate that of 297 office and clerical employees, you have one Negro office and clerical employee. What sort of position does that Negro occupy?

MR. DUVALL. He has the responsibility of collection and deposits for our concession accounts. It is the sale of Coca-Cola and cookies and things of that nature.

MR. GLICKSTEIN. He services the machines that you have throughout the plant?

MR. DUVALL. Yes, and collect the money and keep the records on it.

MR. GLICKSTEIN. And he is considered in the category of office and clerical?

MR. DUVALL. Yes.

MR. GLICKSTEIN. Have you made any efforts to increase your number of Negro office and clerical employees?

MR. DUVALL. Mr. Glickstein, I think you know and I believe Mr. Beis knows that we have been most anxious to obtain additional local people to work in clerical positions, and the reason for that being is this: that we ask our production workers to work on an integrated basis and some of our production workers would tend to be a little bit critical of their having to do it and the bosses are not working on an integrated basis.

And we would like for them to know that we have no objection to it. In fact, we had one lady, as we told you on the investigation, that worked there for 2½ years. It was only after almost a year searching before we found her. She did not seek us out, we sought her out.

MR. GLICKSTEIN. What efforts have you made to seek out—in addition to this lady—specifically, what efforts have you made to seek out other employees?

MR. DUVALL. We have contacted the high school principals throughout our entire employment area—all high school principals.

MR. GLICKSTEIN. Have you actually gone to the high schools and spoken to the students?

MR. DUVALL. Yes.

MR. GLICKSTEIN. And you find that it is just very difficult to get satisfactory Negro office and clerical employees?

MR. DUVALL. We've found this, that the ones that can do the office and clerical work so often can get a temporary teacher's certificate and make more money than the average routine clerical jobs that we have, and we have a policy of promoting from within.

MR. GLICKSTEIN. Do you have any Negro supervisors?

MR. DUVALL. We do not have a Negro supervisor. We have a Negro programmer.

MR. GLICKSTEIN. And he is categorized as a technician?

MR. DUVALL. Right. And in that particular case we jumped our normal procedure of promoting from within and brought this person in from the outside. He is very capable.

MR. GLICKSTEIN. Have you made any special efforts to get Negro supervisors, or to upgrade some of your present employees to become supervisors?

MR. DUVALL. Yes.

MR. GLICKSTEIN. What sort of efforts have you made?

MR. DUVALL. We are endeavoring to give them the proper training. As you know, we are a quality fashion house. We have from 100 to 150 new styles that come into the line every 6 months, and in order for a supervisor to be able to teach the sewing machine operators that would be under her jurisdiction, some 35 to 40, she needs to have knowledge of the various different types of machines. And it takes 4 to 5 years to develop that knowledge.

MR. GLICKSTEIN. It takes 4 to 5 years to develop that knowledge?

MR. DUVALL. Yes, that is generally speaking.

MR. GLICKSTEIN. Do your supervisors, your present supervisors, ordinarily make recommendations about which of your employees should be promoted to supervisors?

MR. DUVALL. Yes.

MR. GLICKSTEIN. You do consult your own supervisors?

MR. DUVALL. We also take complete inventory of the personnel file. We don't rely upon the supervisors in the room.

MR. GLICKSTEIN. You have hopes in the near future you will have some Negro supervisors?

MR. DUVALL. Yes.

MR. GLICKSTEIN. What standards are you going to apply in selecting your first Negro supervisor?

MR. DUVALL. The same as we do for the whites.

MR. GLICKSTEIN. You mentioned that when you hired your first Negro employees, you were very concerned that they perform well, and you thought it would be a mistake if the first Negro employees you hired did not make the grade.

Are you going to apply similar standards when you select your first Negro supervisors?

MR. DUVALL. Not necessarily. We want to be sure we have one that will make the grade, but we don't have the problem on the Negro supervision that we did at one time.

As you know, we have a number of colored teachers, in our predominantly white high schools, and that has gone off without incidents.

And I will say this, we have not had any incidents in any of the communities where we are located.

MR. GLICKSTEIN. Does your company throughout its Alabama locations involve itself in community affairs?

MR. DUVALL. Yes, we endeavor to do so as an industrial citizen.

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do so as an industrial citizen.

MR. GLICKSTEIN. What are some of the things that you have
been involved in?

MR. DUVALL. Well, Mr. Heard here is the past president of the
PTA, and I believe you are on the board of deacons of the Baptist
Church. And Mr. Niehuss has been very active in the Chamber of
Commerce work, and Mr. Heard is the past Man of the Year, and
a few things like that.

We encourage our individual citizens to mix with the town.

MR. GLICKSTEIN. Have you made any contributions to commu-
nity programs, financial contributions?

MR. DUVALL. Yes.

MR. GLICKSTEIN. What sort of contributions have you made?

MR. DUVALL. Well, it would cover a multitude of different activi-
ties. We have a certain amount of money set aside each place. I
guess one of the ones that could be—well, we bought recreational
equipment for the schools and we have provided recreational facili-
ties, through a trust, for the community.

MR. GLICKSTEIN. You have provided recreational facilities
through a trust to the community?

MR. DUVALL. Yes.

MR. GLICKSTEIN. What do you mean by that?

MR. DUVALL. Well, we have no control over this trust, but it's a
charitable trust that is set up for the benefit of the public.

MR. GLICKSTEIN. And you donate money to that trust?

MR. DUVALL. We have, yes.

MR. GLICKSTEIN. What sort of recreational facilities are pro-
vided by this trust?

MR. DUVALL. I guess it is just about anything that comes along.

MR. GLICKSTEIN. Does the trust support any parks?

MR. DUVALL. Yes. They have parks, yes.

MR. GLICKSTEIN. And they have parks in Monroeville?

MR. DUVALL. Yes.

MR. GLICKSTEIN. And how many parks does the trust support in
Monroeville?

MR. DUVALL. One.

MR. GLICKSTEIN. One park?

MR. DUVALL. Yes.

MR. GLICKSTEIN. Do you know what portion of the funds—

MR. DUVALL. Through the trust fund, that is. There are a num-
ber of other things. You have Little League diamonds and you
have a number of other projects that we certainly participate in.

MR. GLICKSTEIN. Do you know what portion of the funds that
the trust administers comes from Vanity Fair?

MR. DUVALL. No. No, I don't.

MR. NIEHUSS. What was this? What was the question?

MR. GLICKSTEIN. What portion of the funds that the trust ad-
ministers comes from your company?

MR. NIEHUSS. It comes almost entirely from our profits.

MR. GLICKSTEIN. Comes almost entirely—so most of the money that the trust administers is Vanity Fair money?

MR. DUVALL. Not necessarily on that.

We endeavor to have a community project wherever possible, and the local citizens raised some 30 something thousand dollars for the furnishings of the community house, and then with the swimming pool that we have down there I think they raised \$38,000. That's the key.

If you have something given to you on a silver platter, you don't appreciate it, and we endeavor to have it a community project.

MR. GLICKSTEIN. But \$35,000, I believe you said, was Vanity Fair money that has been given to the trust?

MR. DUVALL. No, we've given more than that.

MR. NIEHUSS. Over the years we've given a great deal more than \$35,000 to the trust.

These trusts were established in Monroeville in 1948 and at the same time there was an identical trust established in another town, but we have been growing with these trusts over the years in an effort to put back some of our profits into the communities for recreational and charitable facilities.

MR. GLICKSTEIN. So the company's contribution to these trusts is a very significant factor in permitting them to operate?

MR. NIEHUSS. Yes.

MR. GLICKSTEIN. Is the park in Monroeville open to Negroes?

MR. DUVALL. Yes.

MR. GLICKSTEIN. Do Negroes use that park?

MR. DUVALL. No.

MR. GLICKSTEIN. Negroes don't use that park?

MR. DUVALL. They haven't. Well, they use the ball diamond which is part of the park.

MR. GLICKSTEIN. What other facilities are there in the park besides the ball diamond?

MR. DUVALL. They have not requested any others.

MR. GLICKSTEIN. What other facilities are there in the park?

MR. DUVALL. You have a tennis court, a community house, and a swimming pool.

MR. GLICKSTEIN. And also picnic areas?

MR. DUVALL. Picnic areas.

MR. GLICKSTEIN. There is no sign in the front that says Negroes are not allowed but, except for the ball diamond, Negroes haven't used the park?

MR. DUVALL. Right.

MR. GLICKSTEIN. That's correct?

MR. DUVALL. And there is nothing in the bylaws against their using it.

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MR. GLICKSTEIN. Do Negroes have their own park in Monroeville?

MR. DUVALL. Yes.

MR. GLICKSTEIN. Have you made any efforts to encourage Negroes to use the park, your Negro employees, for example? Has your company sponsored any picnics or anything of that sort in the park?

MR. DUVALL. We don't have the social functions. We give a turkey once a year and that's just about it.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. I have no questions.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Duvall, how old is the Vanity Fair Company?

MR. DUVALL. 1898. It originated in Reading, Pennsylvania in 1898.

COMMISSIONER FREEMAN. Would you state what the average hourly wage of the employees is?

MR. DUVALL. Well, I am going to preface my answer with two points before I give it to you.

One is that we do not use the State training program where the employee works two weeks for nothing, trying to learn how to sew.

And two is we do not use the learners permit for \$1.40 an hour to bring someone in. We bring everybody in at \$1.60.

Now, when you ask for average hourly earnings, are you talking about the experienced operators; are you talking about—including learners who just came to work yesterday, or including overtime, or there are just so many. I don't mean to be facetious with you.

COMMISSIONER FREEMAN. Why don't you give us both? If a person starts working tomorrow what would she get?

MR. DUVALL. \$1.60 an hour.

COMMISSIONER FREEMAN. And then what is the range? What is the next level?

MR. DUVALL. We have it set up where that every operator with reasonable performance should run what we describe as an 80 unit hour, which would be about \$2.30 an hour. I think you will find that our hourly average earnings are about the national average, or above.

COMMISSIONER FREEMAN. Your company is based in Pennsylvania you said?

MR. DUVALL. Yes.

COMMISSIONER FREEMAN. How many employees of your company are in Pennsylvania?

MR. DUVALL. In Pennsylvania? The figures I gave you are only those in Alabama.

COMMISSIONER FREEMAN. Do you have any information about the number of employees in Pennsylvania?

MR. DUVALL. Approximately 100 in Pennsylvania.

COMMISSIONER FREEMAN. Is there any difference in the income of the employees in Pennsylvania than those in Alabama?

MR. DUVALL. No, not for comparable jobs.

COMMISSIONER FREEMAN. Does the company maintain any parks—

MR. DUVALL. I think if the truth is known, that the clerical people make a little bit more down here.

COMMISSIONER FREEMAN. Does the company maintain any parks in Pennsylvania?

MR. DUVALL. No.

COMMISSIONER FREEMAN. You indicated that the park was not segregated, but no Negroes use it, other than the ball field?

MR. DUVALL. That's right.

COMMISSIONER FREEMAN. Has your company taken any steps to let the Negroes in Monroeville know that the park is open?

MR. DUVALL. No.

MR. NIEHUSS. I think it might be well to just elaborate there a bit, Mrs. Freeman, from this standpoint. Everyone in town knows that it requires a purchase of a permit for a family to use the park.

It is a rather nominal permit, \$15 per year covers an entire family and their out-of-county guests. And that is public knowledge.

MR. DUVALL. One other point I would like to make and that is this: in a predominantly colored neighborhood where they have their own swimming pool and they charge 25 cents for each swim, they did not have enough traffic to justify keeping it open 7 days a week. They only wanted it open 3 days a week, and it is run by the colored people. The coach at Union High School is the athletic director during the summer months.

COMMISSIONER FREEMAN. From whom does the citizen make application to use the park?

MR. DUVALL. Do you want to catch that one?

MR. NIEHUSS. The application is made to a park facilities committee, which is composed entirely of local citizens in Monroeville, and they take the application—any member of the park committee is empowered to take application, the committee rules upon it and a permit is issued on that basis.

COMMISSIONER FREEMAN. Would you explain to the Commissioners what you mean by the committee rules upon it?

MR. NIEHUSS. Well, the park facilities committee has the power to deny or to approve or revoke a park permit. The reason they have that power given to them by the trust, is simply because, of course, if someone misused the park facilities, why they would want the power to revoke the permit.

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MR. DUVALL. Vandalism, or something along that line.

MR. NIEHUSS. Yes.

COMMISSIONER FREEMAN. And no Negroes use the park?

MR. DUVALL. They use the ball diamond part.

COMMISSIONER FREEMAN. Would you state for the Commis-
sioners the amount of sales of Vanity Fair for the last fiscal year?

MR. DUVALL. \$68——

MR. NIEHUSS. \$63 million last year.

COMMISSIONER FREEMAN. \$63 million?

MR. NIEHUSS. Yes.

COMMISSIONER FREEMAN. Does Vanity Fair have any Govern-
ment contracts?

MR. NIEHUSS. No Government contracts.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN HANNAH. Dr. Rankin? Mr. Taylor? Thank you very
much, gentlemen, you are excused. Mr. Glickstein, will you call
the next witness?

MR. GLICKSTEIN. The next witness is Mr. Harold Becker.

MR. BECKER. I would request turning off the lights.

CHAIRMAN HANNAH. Mr. Becker requested no lights and no
cameras, and it is granted, according to the rules of the Commis-
sion.

(Whereupon, Mr. Harold M. Becker was sworn by the Chairman
and testified as follows:)

TESTIMONY OF MR. HAROLD M. BECKER,
EUFULA, ALABAMA

MR. GLICKSTEIN. Mr. Becker, would you please state your full
name and address for the record?

MR. BECKER. Harold M. Becker, Manager of Dixie Shoe Corpo-
ration, Eufaula, Alabama.

MR. GLICKSTEIN. And from the title of your company, I gather
it manufactures shoes. Is that right?

MR. BECKER. That's correct.

MR. GLICKSTEIN. What type of shoes do you manufacture?

MR. BECKER. We make ladies' footwear.

MR. GLICKSTEIN. Would you describe, very briefly, the nature of
the area that your plant is located in?

MR. BECKER. Well, we are in Barbour County, and it's a coun-
ty—Eufaula, Alabama. It has a population of 9,000 people, and
that's about it; that's all I can tell you about it.

MR. GLICKSTEIN. What is this—a rural county, a rural area?

MR. BECKER. There's quite a rural area there.

MR. GLICKSTEIN. How many of your employees are male?

MR. BECKER. I'd say 20 percent. 80 percent female.

MR. GLICKSTEIN. And what percent of your employees are Negro?

MR. BECKER. About 50 percent.

MR. GLICKSTEIN. What is the principal occupation that your employees are engaged in?

MR. BECKER. Well, the manufacture of shoes.

MR. GLICKSTEIN. I mean, what do they do?

MR. BECKER. Well, they sew and they cut and they last and they pack—and there's different operations in the shoes.

MR. GLICKSTEIN. Most of them are machine operators of one sort or another?

MR. BECKER. Yes, most of them are machine operators. I'd say 85 percent.

MR. GLICKSTEIN. Eighty-five percent?

MR. BECKER. That's correct.

MR. GLICKSTEIN. When did your plant open, Mr. Becker?

MR. BECKER. We opened the plant in 1963, in August of '63.

MR. GLICKSTEIN. And how many people did you have when it opened?

MR. BECKER. I'd say about 85 to 100.

MR. GLICKSTEIN. Eighty-five to 100?

MR. BECKER. Uh-huh.

MR. GLICKSTEIN. And what portion of your work force at that time was Negro?

MR. BECKER. About half.

MR. GLICKSTEIN. About half. That was before the Civil Rights Act of 1964 was passed and before Title VII was effective. Did you have any problems at that point of integrating—in utilizing an integrated work force?

MR. BECKER. No, I don't think so.

MR. GLICKSTEIN. Did you have to take any special steps to make it possible for you to operate with an integrated work force?

MR. BECKER. No, we had no problem at all. We just hired people who wanted to work.

MR. GLICKSTEIN. Did you ever anticipate problems from some of the white employees?

MR. BECKER. No, we had no problems whatsoever.

MR. GLICKSTEIN. Did you ever receive objections from any of the white employees?

MR. BECKER. Never had any objections.

MR. GLICKSTEIN. You never had to warn a white employee that—

MR. BECKER. Well, we might have had one, and we just told her if she wanted to work there, she'd have to work, period, work with the colored people. And that was it; she went back to work.

MR. GLICKSTEIN. You have been successful in running an integrated plant—

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MR. BECKER. I think we have.

MR. GLICKSTEIN. —from back in 1963?

MR. BECKER. I think we have.

MR. GLICKSTEIN. When you opened your factory, did you receive help under any Federal program?

MR. BECKER. We had an ARA program.

MR. GLICKSTEIN. That's the Area Redevelopment Administration?

MR. BECKER. That's right.

MR. GLICKSTEIN. And would you please describe what sort of program this was and—

MR. BECKER. Well, these people—they registered for a training program with the State employment office. They issued them a test. We had nothing to do with this, this was all done through the State. And whoever passed the test in different categories that they had to pass, and they just gave them to us as with a group of supervisors which they paid for, and we trained these people.

MR. GLICKSTEIN. What about the machines that they were trained on; did you pay for those machines?

MR. BECKER. We paid for these machines. We paid for all the facilities.

MR. GLICKSTEIN. I see. So the Federal contribution was the—

MR. BECKER. They paid for the people who they sent in for the employees—or the trainees—and for the supervisors.

MR. GLICKSTEIN. And they paid peoples' salaries while you were training them?

MR. BECKER. That's correct.

MR. GLICKSTEIN. Without this Federal program, do you think you would have been able to open up in Barbour County?

MR. BECKER. No, I don't think so. We are a very small company, and we are no big people. We wouldn't have enough money to go and hire all these people and train them, because it takes a lot of money to train them—an individual.

MR. GLICKSTEIN. Do you have any notion of what type of people were originally trained? Were they right off farms?

MR. BECKER. I understand they were farmers, peanut farmers, cotton farmers, regular farmers. There was no—very little industry in that county when we got there.

MR. GLICKSTEIN. Do you still find that people who apply to you for jobs are people coming from the farms?

MR. BECKER. They are.

MR. GLICKSTEIN. Do you have any special problems in training people that have never been exposed to an industrial setting?

MR. BECKER. Not if they want to work.

MR. GLICKSTEIN. Do you find that people coming off the farms and coming to you want to work?

MR. BECKER. Yes, they do.

MR. GLICKSTEIN. You have had no trouble with people of that sort, getting them to adjust to an industrial setting?

MR. BECKER. None whatsoever.

MR. GLICKSTEIN. Is your present operation restricted by the number of new employees you can afford to train?

MR. BECKER. Yes, we could increase our operation if we could get another ARA program.

MR. GLICKSTEIN. Can you estimate about how much it costs to train a person?

MR. BECKER. I'd say it costs around \$1,000 to train each individual.

MR. GLICKSTEIN. And you feel that if you were receiving \$1,000 a person under some Federal program that you would be able to add new employees and expand the operation?

MR. BECKER. I believe so.

MR. GLICKSTEIN. Have you sought assistance recently from any Federal agency—

MR. BECKER. No, we haven't.

MR. GLICKSTEIN. —to look into the possibility of this?

MR. BECKER. No, we haven't.

MR. GLICKSTEIN. If there were a Federal program available, would you prefer one that permitted you to train people right on your own premises, or would you prefer one where the people were trained to operate machines similar to yours, in a school, for example?

MR. BECKER. No, I would rather teach them at our plant. I believe as though they can learn faster.

MR. GLICKSTEIN. Do you feel that companies such as yours provide a potential for opening up jobs for people that are being displaced from farms?

MR. BECKER. Do you want to give me that question again, please?

MR. GLICKSTEIN. Do you feel that companies such as yours that are able to train people who have never had any industrial experience—

MR. BECKER. Yes, I feel as though we can teach them.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Do you utilize the starting wage-learner's wage?

MR. BECKER. No, we have no program at all from the Government. We pay them the Wage and Hour—\$1.60 an hour to start.

VICE CHAIRMAN PATTERSON. I see. What about EDA? What about MDTA?

MR. BECKER. We haven't looked for any other programs, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Do you need any more workers?

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ou need any more workers?

MR. BECKER. Yes, we do. There is a lot of red tape in getting
programs from the Government.

VICE CHAIRMAN PATTERSON. I recognize that.

MR. BECKER. That's right, and we haven't got the money to send
representatives—we are not a big company, we can't send lawyers
and representatives to Washington where it costs lots of money;
we need our money to run our business.

VICE CHAIRMAN PATTERSON. No further questions.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Becker, suppose that we would
have in one of these counties a nonprofit organization that would
be interested in also increasing job opportunities and job training.
Could you consider—or would your plant facilities be large enough
to enter into some sort of arrangement with them whereby they
would take care of the paper work?

MR. BECKER. No, we haven't—our plant is not large enough to-
day for the people we've got working there. We've got to increase
the plant.

COMMISSIONER FREEMAN. So you do need to expand?

MR. BECKER. We do have to expand, but we haven't got the
money right now to expand. I mean, it takes a lot of money to
start a business, and it's only 4 years old, so we can't expand right
at this moment.

COMMISSIONER FREEMAN. Is this a growing industry?

MR. BECKER. Is it a what?

COMMISSIONER FREEMAN. Growing industry.

MR. BECKER. Yes, it is.

COMMISSIONER FREEMAN. There is room, then, for persons who
are trained to at least know that they will be assured of continued
employment for some time?

MR. BECKER. I believe so, yes, ma'am.

COMMISSIONER FREEMAN. Thank you.

MR. BECKER. All right.

CHAIRMAN HANNAH. Dr. Rankin?

COMMISSIONER RANKIN. Do you have a lunchroom?

MR. BECKER. No, we haven't got a lunchroom, but we have got
the vending machines.

COMMISSIONER RANKIN. Everything is integrated in your plant.
Is that correct?

MR. BECKER. Yes, sir. I never heard of integration until I came
South, truthfully.

COMMISSIONER RANKIN. Until you came South?

MR. BECKER. That's right.

COMMISSIONER RANKIN. And you don't hear of it in your plant
any more either, do you?

MR. BECKER. No, there's no segregation in our plant, everyone
is together.

COMMISSIONER RANKIN. Good. That's it.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. Mr. Becker, you said \$1.60 was the entering wage?

MR. BECKER. Yes, we go under the Wage and Hour.

MR. TAYLOR. Right. And what would be the top wage?

MR. BECKER. Well, we have people making \$3 an hour. They are on piecework.

MR. TAYLOR. Yes.

MR. BECKER. It's an incentive system.

MR. TAYLOR. So there is some room for advancement?

MR. BECKER. Oh, there's no question about it.

MR. TAYLOR. Do you have any dealings with the State employment service?

MR. BECKER. Yes, we do.

MR. TAYLOR. What do you use them for?

MR. BECKER. When we need some help, we call them. If we haven't got enough applications in our own office, we call them and they send us down people that want to work.

MR. TAYLOR. Have you found them to be responsive and helpful?

MR. BECKER. Yes, they have.

MR. TAYLOR. Do you have any problems with the State employment office?

MR. BECKER. None whatsoever.

MR. TAYLOR. I have no further questions.

CHAIRMAN HANNAH. I would just like to commend you, Mr. Becker, on what you are accomplishing, demonstrating what can be done.

MR. BECKER. Thank you, Mr. Chairman.

CHAIRMAN HANNAH. The Commission is grateful to you and you are excused.

MR. BECKER. Thank you, sir.

CHAIRMAN HANNAH. We will now recess until——

MR. GLICKSTEIN. 6:45.

CHAIRMAN HANNAH. 6:45 in this place.

(Whereupon, at 5:25 p.m. the hearing was recessed to reconvene at 6:45 p.m.)

TUESDAY EVENING SESSION

APRIL 30, 1968

CHAIRMAN HANNAH. Ladies and gentlemen, the hearing of the United States Commission on Civil Rights will come to order. Mr. Glickstein, will you call the next witness?

MR. GLICKSTEIN. The next witnesses are Mr. Hosea Williams and Mr. Albert Turner.

(Whereupon, Mr. Hosea Williams and Mr. Albert Turner were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. HOSEA L. WILLIAMS, ATLANTA, GEORGIA
AND MR. ALBERT TURNER, MARION, ALABAMA

MR. GLICKSTEIN. Would you please each state your full name and address for the record?

MR. WILLIAMS. I'm Hosea L. Williams, Number 8 East Lake Drive, N. E., Atlanta, Georgia.

MR. TURNER. Albert Turner, Route 1, Box 8, Marion, Alabama.

MR. GLICKSTEIN. Mr. Williams, what is your occupation?

MR. WILLIAMS. I am a civil rights worker. I am with the Southern Christian Leadership Conference, director of voter registration and political education.

MR. GLICKSTEIN. Mr. Turner, what is your occupation?

MR. TURNER. I am the State director for the Southern Christian Leadership Conference in Alabama.

MR. GLICKSTEIN. Mr. Williams, the organization you are with is the organization that was founded by the late Dr. Martin Luther King. Is that correct?

MR. WILLIAMS. Correct.

MR. GLICKSTEIN. Mr. Williams, would you briefly tell us the general program of SCLC and how it developed from the Montgomery Improvement Association?

MR. WILLIAMS. The Southern Christian Leadership Conference is a civil rights organization. Its main purpose, as Dr. King often said, is to bring about the American dream and redeem the soul of America.

We consider ourselves in the business of building men. And from the days of Montgomery, which was the first time in our times that masses of black people, masses of poor people had been organized to do something for themselves, to better their condition, to break the chains of poverty.

In Montgomery, Alabama, where we fought for the right to have a seat on public accommodations, according to our turn after we paid our fee, and to integrate bus stations and train stations and other facilities across this Nation, we moved into the business of public accommodations, which black people across the Nation—particularly in the South—could buy a \$100 suit, but could not buy a 5 cent cup of coffee in decency.

And we could travel from Atlanta to Miami without having the privilege of using a restroom and having to take our families into the bushes, not being able to use bathrooms at filling stations where we paid high prices for the service of our automobiles.

And out of Birmingham came the 1964 Civil Rights Bill—as

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witness?

you know, we are a nonviolent organization. We believe that this is the only way to redeem the soul of America which, in the final analysis, we hope will redeem the soul of mankind upon this earth.

So, we presented our bodies as Jesus Christ did, to Bull Connors, tanks, and his dogs, and his firehoses and his billy-sticks, and the jailhouses. And the outcome was the passage of the 1964 Civil Rights Bill which did some bit for the building of men in this country.

From there we went mainly to Selma, Alabama, to establish that black people had the right to vote, and that we had earned and were truly citizens of this country, and being robbed of our franchise.

And there we took the position of Frederick Douglass—he who wants freedom must be willing to pay the price and against Jim Clarke, his attorney, and his possemen—we marched from Selma to Montgomery, Alabama, thereby arousing the conscience of this Nation and bringing together the forces of goodwill, which resulted in a 1965 Voting Bill, which finally rid us of many of the sick, psychopathic men like some of these county sheriffs, and now we have some black sheriffs and black mayors and black Senators in the United States Congress.

All we have done was to try to teach black people as well as those white people that the soul of America can be redeemed if a viable, militant, nonviolent program is carried on in this country.

From Montgomery, Alabama, where we established the 1965 Civil Rights Bill, the Southern Christian Leadership Conference realized that segregation and discrimination, the exploitation and destruction of men because of their color, was not something confined to the Southland of this country, but was just as entrenched and just as vicious in the Northlands, Eastlands, and the Westlands.

So, we moved to Chicago where we launched a nonviolent campaign against housing discrimination, which is one of the most vicious facets of discrimination in this country.

From Chicago we have been in voter registration campaigns. We assisted Mr. Meredith after he was shot down on the highways of Mississippi when he attempted to march from Memphis to Jackson to rid himself of the fear which is probably the greatest instrument whereby black people are forced to submit their manhood.

And we marched from Memphis, Tennessee, to Jackson, Mississippi, to prove to black people that you can stand up in this Nation if you have the will and the determination.

The latest program of the Southern Christian Leadership Conference—and I might say it was due to the fact that when we first, Dr. King and others, first organized the Southern Christian

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he fact that when we first,
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Leadership Conference, we were somewhat caught up in the bind
of thinking that a move toward integration, particularly of public
accommodations, schools, and politics was the greater answer to
our problem, and to the salvation of America and saving America
from destroying itself.

Finally, we kind of shifted to the position that it was poverty.
It was poverty. And through learning, through processes of im-
plementation of ridding us of some bit of poverty from this coun-
try, the Southern Christian Leadership Conference, at this time,
feel like the most significant thing in America as it relates to
saving America, is the building of men, self-realization, respect,
and understanding, and we have launched a poor people's cam-
paign, which is not a black poor people's campaign.

MR. GLICKSTEIN. When was that organized?

MR. WILLIAMS. The poor people's campaign, Dr. King came
forth with the idea back in October at the Arlie House in Vir-
ginia, and which he proposed that Southern Christian Leadership
Conference, for the first time, would launch a nationwide, not a
city, county or statewide, but a nationwide poor people's cam-
paign.

And we hope we don't get involved in semantics, but when we
use the word "poor" we are talking about the deprivation of the
oppressed—one might define it as the necessity to quality educa-
tion, or might define it as the necessity for a decent paying job,
a job where one can find fulfillment of himself, or a guaranteed
wage, a guaranteed annual income.

But this is—for the first time we launched—Dr. King and the
Southern Christian Leadership Conference had proposed a na-
tionwide nonviolent campaign, which was not one for black
people, and really not one for poor people, but one for all races,
creeds, and colors of this Nation, and one that would not only—
that we feel that not only the salvation of the poor is invested in,
but the salvation of this Nation, both black and white, both rich
and poor, is invested in.

We feel like that our campaign now, the most vicious aspect of
our society now is the problems of the cities, which is being com-
pounded by the continuous exploitation of poor people in the rural
areas, and they keep running from Eastland's plantation to
Dana's plantation and we do feel now that we have come up with
a program, or a proposal, through a nonviolent means that will
save America and thereby, we hope save mankind upon this
earth.

MR. GLICKSTEIN. Mr. Williams, before I ask you some specific
questions about your program, may I just ask some questions of
Mr. Turner.

Mr. Turner, how long have you been in Alabama?

MR. TURNER. Thirty-two years.

MR. GLICKSTEIN. Thirty-two years. How old are you?

MR. TURNER. Thirty-two.

MR. GLICKSTEIN. As Mr. Williams pointed out, the Selma and Montgomery march was one of the very important things that produced the Voting Rights Act of 1965.

What changes have you seen in Alabama since the Voting Rights Act?

MR. TURNER. Well, basically, I have seen two kinds of changes. I have seen positive and negative changes. And, of course, some of the positive changes have been that Negro people have basically gained more self-respect for themselves.

And then we have had some concrete changes, too, such as the election of our people to some offices. Lucius Amerson is one good example. There was also people like Jim Clarke, who was defeated, and Senator E. O. Eddins who was not returned to the State House, and there was other sheriffs like the sheriff in Marengo County, who failed to be returned.

And then there was other people who most people probably wouldn't know of, but there was moderate white people who was able to take the offices of some backbone racists.

Of course, this was not in a very large number, but it was substantial.

And we have several people who was able to get into other positions, like the man in Greene County on the board of education.

Basically, I think that this bill gave Negroes hope and it gave them a self-pride enough to be able to continue to fight for their other rights.

Now there was some other changes that I think might have caused this poor people's campaign to come into being, and this was the fact that basically, people in this area came to the conclusion that since we had become registered voters and that we might be a political threat, they decided that they would economically freeze us out of this area. And this is one of the big changes I saw, also.

So we find that there are a large number of Negro people now who once lived here and they can't live no longer because there is no land for them to work, nor is there jobs.

And this is a very well organized and planned thing, to not frighten people out of the area, like the Ku Klux did in the 1800's, but to economically freeze these people out. And this caused these people to have to go to Chicago, and New York, and, of course, as we know the conditions that came from this.

So this is one of the biggest negative changes that I saw. And I think this is one that all of us going to have to become very concerned about, because of the fact that this is not subsiding but is increasing.

And, of course, they hide this by saying that automation caused

How old are you?

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these problems, or so forth and so on. But we know that, basically, these problems came from the fact that Negroes was about to become able to really deal in politics, so they decided they would change the population. And if you do a little studying, you would find that most of the people who are evicted and most of the places where there are large amounts displacements, would be in those areas where there was formerly a Negro majority.

So this is one big change on the opposite side, but all in all, I think all Negroes gained quite a bit of self-respect along with those positive gains that they got in some elections.

MR. GLICKSTEIN. Mr. Williams, what are the specific benefits that you see for poor people as a result of your poor people's campaign? What is your program?

MR. WILLIAMS. Well, since the assassination of Dr. King, we kind of feel like maybe there is a good possibility that our Washington Poor People's Campaign may be the last chance for America to save herself, not from the Communist Party, but from internal corruption and destruction.

One thing we think, the society or the system of power structure has overplayed one part of the Scriptures that which, "You are your brother's keeper." And poor people have been kept so long until we are not able to keep ourselves.

And we are asking for an opportunity to keep ourselves, to break that cycle of poverty, to break that cycle of illiteracy, to break that cycle of illegitimacy, that cycle of crime.

We feel like the poor people's campaign—we do feel like the poor whites have been pitted against the masses of the blacks, and we feel like the end results of the poor people's campaign will be a unifying of the Mexican Americans, the Puerto Ricans, the Indians, the black people, as well also as the poor whites.

We feel like the poor people's campaign is designed to interpret and educate to all of these factions of our society, that our problem is the same, and the same structure that has its foot on poor blacks' necks in Quitman County, Mississippi, has its foot on poor whites' necks in the Appalachia.

It's kind of—we're just asking this Nation, which is an affluent society—Dr. King talked about Marks, Mississippi, which he called a dungeon of shame, and he said our program was designed to convert this dungeon of shame into a haven of beauty—and into an affluent society.

We are not saying in our poor people's campaign that the Rockefellers and the Kennedys and the Fords should not be millionaires, but we are certainly saying that while they are millionaires, we must not have the Buttermilk Bottoms in Atlanta, Georgia, we must not have the Watts in Los Angeles, we must not have the West Sides of Chicago, or the Harlems of New York, because we feel in this country God has blessed it and there is

enough resources in this country that every woman ought to be able to get prenatal care; every woman, if she so desires, ought to be able to stay home and raise her children, rather than being driven out by a vicious, obsolete economic system every morning to leave her little children at home to raise themselves and she have to go over in other folks' homes and raise their children.

One of the real destructions of black men is the fact that they cannot look at their wives and hope that their wives respect them as men because they live and tolerate a society that drives the average black woman out of her home every morning to go over and raise white children while those black children have to raise themselves, meaning in the final analysis you got a large school dropout, and which results in crime, and which results in illegitimacy, and which results in high tax rates for social services that do not build men but contain men into a vicious system.

One might say, Dr. King specifically defined it as a job for every American—or, a job for every American, a meaningful job for every American with a decent income, or a guaranteed annual income for every American.

There are some people too old to work. There are some people that are not healthy enough, they are too sick to work. There are some too young to work. We feel like if we can spend millions, billions of dollars to put a man on the Moon, that we can equally spend at least that much money to put men on their feet here in the United States of America.

This is what we feel because there used to be a time that we used to see a neighborhood and we'd say, "That's a black neighborhood," and it was a black neighborhood. But it was not run down and raggedy and dirty because black people lived there, but it was run down and raggedy and dirty because those Americans that lived there are being exploited and they are required to do a full day's work for a half a day's pay.

This also has to deal with the stability of the black and the poor families.

One of the highest divorce rates is due to the lack of resources for decent living. The woman cannot stay home, thereby the man has no comfort to come home to in the afternoon. And the men, both black and white, is forced to work for such menial wages, they are forced to come up and be reared with such kind of education until they have to be Uncle Toms all day long just to keep a raggedy job, to keep a roof over their head and some food in their family's belly; thereby not being able to be men all day, they come home at night and they scold their wives, or they beat their children to prove to themselves—which is one of the innate desires of mankind to be men.

Now we are not talking about jobs where people go around and pick up paper with a stick, either. We're talking about jobs

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where one can find fulfillment and express his God-given creativity.

I used to be a truckdriver when I first was discharged from the Army. I found creativeness and I found fulfillment in handling a semi-truck to go down the road. But just because I'm black that must not be the limitations of my hope. I must be allowed also to develop aspiration of not only being a truckdriver but someday own that truck company what I drive those trucks for.

So, our poor people's campaign is designed that poor people in the South will understand this land is our land, and there's no such thing as a freedom land in a New York City or Chicago, where we are forced to go looking for a city of hope and finding a city of blackness there, thereby resulting in what Dr. King called that which is truly formed and designed to destroy America—violence.

Our poor people's campaign is a nonviolent program designed to help every man in this country find himself, love, understand and respect himself. This is why a lot of people resort to violence and they resort to looting, and they resort to burning, and they resort to what we call the welfare system because they have no respect for themselves: they are not allowed to understand themselves, particularly in the black community. America has taught us everything black is evil, even the bad child in the family is the black sheep of the family, and everything white is right.

It's all right to even tell a little white lie; as long as it's a little white lie, it's a good lie, it's an acceptable lie.

But we must be allowed to understand that our hair is beautiful, too. Black women must be taught that they must stop spending \$24 million a year getting their hair straightened to mimic white women, they must be taught to accept themselves because God made them, and everything God made is beautiful.

Black is beautiful and it is beautiful to be black.

The Indians must understand Indians are beautiful and it's beautiful to be an Indian.

Now all our program is designed that every man in this country can get a job, one that he finds fulfillment and creativity in. Every man can have a job where his daughter can wear decent clothing. Many of the unwedded mothers' homes are produced by the fact that the fathers do not make enough money to buy that girl decent clothing to go to school in, and she gets ashamed and fall out, and while she is home all day alone by herself, this is where she fall into the trenches of crime.

There are jailhouses that are filled with black men and poor whites in this Nation. Not because they are black or poor white, but mainly because the father of that home does not make enough money to buy that boy decent clothes and give him a little spending change, so he falls out of school being ashamed of his run-over shoes or his ragged pants, and then he starts stealing from

the five and dime store, stealing from the grocery store, he ends up robbing, he ends up lying and thieving and cheating and he ends up in a life of crime—good minds that could be productive, minds that might find the cure for cancer, minds that might find the cure for all of the cardiac and other dreadful diseases.

And we ask America, particular in the absence of the Moses of our time, to please adhere to what we are calling and what we have designed and what we are implementing—a nonviolent nationwide massive struggle to save America from burning herself to death, from looting herself to death, whereby the Communists will not have to fire a gun but just walk in and will have a free country for another Communist satellite, which we once called the greatest democracy upon this earth.

MR. GLICKSTEIN. Thank you. I have no further questions, Mr. Chairman.

MR. HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. Chairman, I have no questions of Mr. Williams, who is a neighbor of mine from Atlanta, and whose friend, Dr. Martin Luther King, was also a friend of mine and whose funeral I attended with Mr. Williams, but I do feel compelled to speak here as a fellow Southerner of Mr. Williams and this forum and for this record in saying that I think the American South, my kinsmen, would make a grave mistake if they didn't understand what Hosea Williams has said here tonight.

He has spoken from his heart and he has spoken as a man, and he has spoken responsibly and he has spoken to us as whites.

Through the years, history shows that all of us have stayed just a little behind what was happening. I, as a newspaper man, know this especially well, Mr. Chairman, because what I have said is public record. But at the death of Dr. King I looked back over these 12 years to this city of Montgomery and I recognize that the bus boycott, which at the time disorganized my society and disturbed me, had led now—in looking back, I recognize now it led me to see a man lead his children onto a bus and sit where he pleased, and I am glad.

And when the sit-ins came to my city, they disordered my life and they disordered my city's life, and they disturbed my peace and I was not altogether approving. In looking back I am a little ashamed and appalled that I ever made it necessary for a Negro father to take his children into a restaurant and fear anything, fear to drive down a highway and find a place where he could feed his child.

I take no pride in that ever having been the case in my life.

And the freedom rides disturbed me and I denounced them editorially from time to time. But I now, looking back, am a little ashamed that I ever sat in a waiting room while other men sat with their children in a separated waiting room.

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And so, all I want this record to show, Mr. Chairman, is that things do change, times do move, and men do learn, and for the nonviolence that Dr. King preached and that Mr. Williams has echoed here tonight, I suggest that this Nation should be profoundly thankful and should take up that hand of friendship and move forward together as men, as Americans, and perhaps subdue some of the wilder instincts that have misled us so often in the past.

That's all, Mr. Chairman.

CHAIRMAN HANNAH. Thank you, Mr. Patterson. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Williams and Mr. Turner, I would also like to express appreciation for your coming. We have been in session since Saturday and we have heard testimony about great and serious deprivation here in this State. We have heard testimony about the economic freeze. We have heard testimony about eviction from the land, and if there is any way that Federal programs can prevent this, if there is any way that organizations such as yours can prevent this, I agree with you that this country certainly needs it.

Again, I want to think you for coming.

CHAIRMAN HANNAH. Dr. Rankin?

COMMISSIONER RANKIN. I take pleasure principally in the fact that what you say and believe is based on Christian principles. That means a lot to me and I see it means a lot to you.

It is most pleasing and gratifying. I want you to know that.

CHAIRMAN HANNAH. Mr. Williams, Mr. Turner, this has not taken the turn of a questioning session, and I have no questions either. I just commend you on your statement and your organization and on its work, and not as a Southerner but as a Northerner, have the feeling—conviction, that the evening of the funeral of Martin Luther King, for the first time in my lifetime I had the feeling that a majority of the white people of America were willing to make the changes in their society that had to be made if we were going to come out with the kind of an answer that America has come out with.

And I only hope that your organization and others in the weeks and months ahead can build on the situation as it was then, and I appreciate your statement here this evening. Mr. Taylor?

MR. TAYLOR. I have no questions. I would simply echo the sentiments of Mr. Patterson and the other Commissioners, and I give my appreciation to both of the witnesses.

CHAIRMAN HANNAH. Thank you very much for coming. You are excused. Mr. Glickstein, will you call the next witness?

MR. GLICKSTEIN. The next witnesses are Mr. Frank Fenderson and Mr. John Barnes.

(Whereupon, Mr. Frank Fenderson and Mr. John Barnes were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. JOHN LEE BARNES, YORK, ALABAMA AND MR. FRANK FENDERSON, BELLAMY, ALABAMA

MR. GLICKSTEIN. Would you each please state your full name and address for the record?

MR. BARNES. John Lee Barnes, Box 465, York, Alabama.

MR. FENDERSON. Frank Fenderson, Bellamy, Alabama.

MR. GLICKSTEIN. Mr. Barnes, where are you employed?

MR. BARNES. American Can Company, Bellamy, Alabama.

MR. GLICKSTEIN. And how long have you worked there?

MR. BARNES. Probably about 24 years.

MR. GLICKSTEIN. Twenty-four years?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. What do you do for the American Can Company?

MR. BARNES. Well, I used to check lumber.

MR. GLICKSTEIN. Check lumber?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. What do you do now?

MR. BARNES. Well, I'm in the carpenter crew now.

MR. GLICKSTEIN. In the carting crew?

MR. BARNES. Carpenter crew.

MR. GLICKSTEIN. Carpenter crew. What are your duties as a carpenter?

MR. BARNES. Well, the duties out there is trying to learn how to carpenter.

MR. GLICKSTEIN. When did you become a member of the carpentering crew?

MR. BARNES. I think it was about February 16, somewhere along about that time.

MR. GLICKSTEIN. And how much are you paid?

MR. BARNES. \$1.90.

MR. GLICKSTEIN. Was your salary raised in February of 1968?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. What had it been prior to that?

MR. BARNES. \$1.70.

MR. GLICKSTEIN. Now you said that you live in York?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. You live in York. Did you ever live in Bellamy?

MR. BARNES. I lived there about 6 months in 1963.

MR. GLICKSTEIN. Only for about 6 months?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. Why did you move to York?

MR. BARNES. Well, after I left Bellamy, I went into the Army, and when I come back I moved to York—never did go back to Bellamy.

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Bellamy, I went into the Army,

York—never did go back to

MR. GLICKSTEIN. Since there is housing available in Bellamy,
why are you living in York rather than in Bellamy?

MR. BARNES. Well, I bought me a home there in York.

MR. GLICKSTEIN. Mr. Fenderson, where do you work?

MR. FENDERSON. Sawmill.

MR. GLICKSTEIN. For the American Can Company?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. And how long have you worked for the Ameri-
can Can Company?

MR. FENDERSON. Well, off and on, I have been there right at 4
years.

MR. GLICKSTEIN. Four years?

MR. FENDERSON. Yes. Off and on I have been there pretty close
to nearly 4 years.

MR. GLICKSTEIN. And how long have you lived in Bellamy?

MR. FENDERSON. I've been living there right at close to 2½
years.

MR. GLICKSTEIN. Two and a half?

MR. FENDERSON. Yes.

MR. GLICKSTEIN. How many children do you have, Mr. Fen-
derson?

MR. FENDERSON. Three.

MR. GLICKSTEIN. What are their ages?

MR. FENDERSON. One, 4; one, a year and 8 months old; and one,
8 months old.

MR. GLICKSTEIN. Do you rent a house in Bellamy?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Whom do you rent it from?

MR. FENDERSON. The company.

MR. GLICKSTEIN. How much rent do you pay?

MR. FENDERSON. \$14.50.

MR. GLICKSTEIN. For how many rooms?

MR. FENDERSON. Three rooms.

MR. GLICKSTEIN. Is your home in pretty good condition?

MR. FENDERSON. Well, it's in—not too good, it's in pretty good
condition so far.

MR. GLICKSTEIN. Does it need any repairs?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. What kind of repairs?

MR. FENDERSON. Well, it needs ceiling.

MR. GLICKSTEIN. What?

MR. FENDERSON. Receilng on the inside.

MR. GLICKSTEIN. Receilng?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Have you requested that the repairs be made?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. What were the results?

MR. FENDERSON. Well, he said he get them when he get to it.

MR. GLICKSTEIN. They will do it when they get to it?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Do you have water in the house?

MR. FENDERSON. No, sir.

MR. GLICKSTEIN. Where do you get it from?

MR. FENDERSON. Outdoors.

MR. GLICKSTEIN. Do you have your own spigot in the backyard, or how do you get the water?

MR. FENDERSON. Sir?

MR. GLICKSTEIN. Do you have your own spigot, your own water faucet in the backyard, or do you share that with other people?

MR. FENDERSON. Well, there's two houses get water from it.

MR. GLICKSTEIN. Two houses, and you share—you get the water from the same place?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. And where is your bathroom located?

MR. FENDERSON. Well, it's a pretty good piece from the house.

MR. GLICKSTEIN. Pretty good piece from the house?

MR. FENDERSON. Yes, sir, out back of the house.

MR. GLICKSTEIN. Have you been offered bathroom facilities?

MR. FENDERSON. No, sir.

MR. GLICKSTEIN. Can you get a bathroom if you want to?

MR. FENDERSON. Yes, sir, I imagine I could.

MR. GLICKSTEIN. Do you have any idea what that would cost if you were to get one?

MR. FENDERSON. No, sir.

MR. GLICKSTEIN. Where do you do your shopping, Mr. Fender-
son?

MR. FENDERSON. Down at the office store.

MR. GLICKSTEIN. Pardon me?

MR. FENDERSON. Down at the company store.

MR. GLICKSTEIN. Down at the company store?

MR. FENDERSON. Yes.

MR. GLICKSTEIN. Why do you shop there?

MR. FENDERSON. Well, when I first moved to Bellamy, I got my furniture down there and that's why I shop down there.

MR. GLICKSTEIN. You got your furniture there?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Did you get that on credit?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. So you ran up a bill with them, is that—

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. You continue to get credit for the material—
food you buy there?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Have you ever done any shopping elsewhere?

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Have you ever shopped in York?

MR. FENDERSON. Well, it's a mighty little.

MR. GLICKSTEIN. How about in Livingston? Have you shopped
in Livingston?

MR. FENDERSON. No, sir.

MR. GLICKSTEIN. What are the prices like in this store?

MR. FENDERSON. Some of them are pretty high, and some are
low price and all.

MR. GLICKSTEIN. Do you think they are lower in Livingston?

MR. FENDERSON. No, sir, I don't believe so.

MR. GLICKSTEIN. Mr. Chairman, we have a staff study that was
done comparing the prices at the company store and the prices at
a supermarket in Livingston, and there are differences such as
this: in Livingston, Saran Wrap was 33 cents; at the company
store it costs 45 cents.

In Livingston, Ivory Liquid costs 59 cents and at the company
store it costs 75 cents.

In Livingston, Del Monte Chunk Light Tuna costs 47 cents
and at the company store it costs 39 cents.

This is the one instance where the price was a little lower, but
there was a special at that time.

And in Livingston, Maxwell House Coffee costs 79 cents, that's
the grind coffee, and at the company store it costs \$1.

May I introduce this into the record?

CHAIRMAN HANNAH. It is received for the record.

(The document referred to was marked Exhibit No. 19 and re-
ceived in evidence.)

MR. GLICKSTEIN. Now you said that you continue to shop at the
company store because you originally bought your furniture
there. How much do you owe the company store now?

MR. FENDERSON. Well, the last time I checked it he told me I
owed him pretty close to 300 something dollars.

MR. GLICKSTEIN. 300 some odd dollars?

MR. FENDERSON. Yes.

MR. GLICKSTEIN. How often are you paid?

MR. FENDERSON. Get paid off every 2 weeks.

MR. GLICKSTEIN. Every 2 weeks?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. And your debt to the company store, that's
taken out of your salary?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. After all the deductions of one sort or another
are taken out, how much do you have left?

MR. FENDERSON. In my check?

MR. GLICKSTEIN. Yes.

MR. FENDERSON. \$5.

MR. GLICKSTEIN. Mr. Fenderson, I have a stub in my hand, check

stub, pay stub, that indicates for the pay period ending April 12, 1968, your gross earnings were \$139.43 for a 2-week period. And then after the variety of deductions were taken out the net amount, the amount of the check you received was \$5.

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Is this the check stub?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. May we have a copy of this introduced into the record, Mr. Chairman.

CHAIRMAN HANNAH. It is received for the record.

(The document referred to was marked Exhibit No. 20 and received in evidence.)

MR. GLICKSTEIN. Mr. Fenderson, at the sawmill where you work, are there separate restrooms for Negro and white employees?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. You use a different restroom from the ones that the white people use?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. In the town of Bellamy you have some churches, is that correct?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Are there white churches and Negro churches?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Are there swimming pools in Bellamy?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. Is there a Negro swimming pool—

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. —and a white swimming pool?

MR. FENDERSON. Yes, sir.

MR. GLICKSTEIN. What would happen if you went to the white swimming pool?

MR. FENDERSON. I don't know.

MR. GLICKSTEIN. Mr. Barnes, do you have any information about whether or not the company plans to continue to operate the swimming pool in Bellamy?

MR. BARNES. Yes, sir. They have two swimming pool down there, one for the white and one for the colored. As far as I know, there haven't been no changes made in the swimming pools.

MR. GLICKSTEIN. Has the company been trying to get someone else to operate the swimming pools for them?

MR. BARNES. Well, I heard they was.

MR. GLICKSTEIN. Whom did you hear they were trying to get?

MR. BARNES. I heard they were trying to get the Morning Star Baptist Church to operate it.

MR. GLICKSTEIN. Is that church all-black?

MR. BARNES. It's a black church.

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black?

MR. GLICKSTEIN. What was to happen to the swimming pool if the church refused to run it?

MR. BARNES. Well, I was told that they say if the church didn't run it they would have to fill it up.

MR. GLICKSTEIN. Have to fill it up?

MR. BARNES. Yes, sir. That was just information that was brought to me. The reason this information was brought to me is since some time back 6 to 8 months ago, probably a year ago, I have been the spokesman for the colored people down there, and most anything, any grievance they have, they brings it to me. So that is where I got this information.

MR. GLICKSTEIN. Mr. Barnes, until the last several months, have conditions at Bellamy been better or worse than when you came there in 1943?

MR. BARNES. Well, in some instance it have been better and some instance is worse. When I came there in 1943 the houses and things down there were just about in the same shape.

MR. GLICKSTEIN. As they are now?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. Well, how did things get better?

MR. BARNES. Well, we have a little improvement in employment. I started out checking lumber, trying to, you know, care for my people. I went to school as I come out of the Army to learn all the facts about lumber, and I went to checking lumber down there and I checked, probably, about 15 years, and all the time I checked down there, I learnt when they get ready to hire a white they'd bring him to me and want me to learn him, and I stayed in the same category all the time, and this white he would advance, probably he would go somewhere or go to the office and make a salesman, foreman, probably his salary would go to \$500 or \$650, and mine remained the same thing all the time.

And that was what I was trying to do, I was trying to wake— show my people that they could advance. But until recently I didn't see much hopes of it, but I think in about 2 weeks ago, we have two colored foremen down there.

MR. GLICKSTEIN. Two weeks ago—

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. —you have two colored foremen?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. Mr. Barnes, was there a meeting held yesterday at which something was said about this hearing here today?

MR. BARNES. Yes, sir. There was a meeting at the clock yesterday.

MR. GLICKSTEIN. Where?

MR. BARNES. At the clock where we punched off.

MR. GLICKSTEIN. Punch-out clock?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. And what happened at that meeting?

MR. BARNES. Well, Mr. Sloane, he's the general manager, he had a paper and he made announcement out there say he might not be able to rent houses, either to colored or white. He said he would have the answer and he would let them know later on.

MR. GLICKSTEIN. Did he say why he might not be able to rent houses either to colored or white?

MR. BARNES. He spoke about the Civil Rights Commission.

MR. GLICKSTEIN. This Commission?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. Did he say he was coming here to testify, or—

MR. BARNES. Yes, he said he was going to be here today, said they was holding a hearing today, on Tuesday.

MR. GLICKSTEIN. And he said that he wasn't going to be able to rent either to colored or white?

MR. BARNES. He said he might not be able.

MR. GLICKSTEIN. Might not be able to rent to either colored or white?

MR. BARNES. Yes, sir.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Dr. Rankin, do you have some questions.

COMMISSIONER RANKIN. Where do your children go to school?

MR. BARNES. Well, my children go to school in York, York, Alabama.

COMMISSIONER RANKIN. Well, I really meant to ask Mr. Fenderson—yours are too young, is that right?

MR. FENDERSON. Yes, sir.

COMMISSIONER RANKIN. Where do the children in Bellamy go to school?

MR. FENDERSON. Down at Bellamy School. They have a school down there, beside the highway.

COMMISSIONER RANKIN. A Negro school?

MR. FENDERSON. Yes, sir.

COMMISSIONER RANKIN. And a separate white school?

MR. FENDERSON. Sir?

COMMISSIONER RANKIN. Is there a white school in Bellamy also?

MR. FENDERSON. No, not as I know.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Fenderson, you say that you live in a house where you share the water and you also share the outside toilet. You've been there for 4 years, is that correct?

MR. FENDERSON. Pretty close, yes, ma'am.

COMMISSIONER FREEMAN. Has any change been made from the time you first moved until yesterday or today?

MR. FENDERSON. Well—

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COMMISSIONER FREEMAN. Any improvements?

MR. FENDERSON. Little bit.

COMMISSIONER FREEMAN. Have you been in the school that is
 there?

MR. FENDERSON. Inside the school?

COMMISSIONER FREEMAN. Have you ever been inside the school?

MR. FENDERSON. Yes, ma'am.

COMMISSIONER FREEMAN. I believe there are white families
 who live in Bellamy, also. Is that correct?

MR. FENDERSON. Yes, ma'am.

COMMISSIONER FREEMAN. Are there white children who live
 there?

MR. FENDERSON. Yes, ma'am.

COMMISSIONER FREEMAN. They do not go to this school?

MR. FENDERSON. They go to some kind of training school.

COMMISSIONER FREEMAN. How do they go to school?

MR. FENDERSON. School bus.

COMMISSIONER FREEMAN. They are bused to school?

MR. FENDERSON. Yes, ma'am.

COMMISSIONER FREEMAN. I was in Bellamy on Sunday and I
 saw the school. In that school there, in some of the rooms, the
 panes were out, the only water was one spigot on the outside
 of the building. The only toilet facilities were about 125 feet
 away, and it was an outside toilet.

Have you ever wondered what kind of education your children
 would get if they had to go to that school?

MR. FENDERSON. No, not as I know.

COMMISSIONER FREEMAN. Do you want to send your children to
 such a school?

MR. FENDERSON. Down there at Bellamy?

COMMISSIONER FREEMAN. Down at Bellamy.

MR. FENDERSON. Well, if when they get old enough if I be there,
 I'll send them there.

COMMISSIONER FREEMAN. We saw houses that looked like they
 were falling down. Is this generally accepted by the black people
 who must live there?

MR. FENDERSON. Live in Bellamy?

COMMISSIONER FREEMAN. Yes.

MR. FENDERSON. (No response.)

COMMISSIONER FREEMAN. What do you think about it, Mr.
 Barnes?

MR. BARNES. No, ma'am, they want improvement.

COMMISSIONER FREEMAN. Do you know if they have asked
 for improvements?

MR. BARNES. Yes, ma'am.

COMMISSIONER FREEMAN. What has the answer been?

MR. BARNES. On some items such as repairing the houses, such

as paint, things like that. I noticed over there where I'm working now, most say we don't have it, you have to wait, and some of them reported to me that—out on some of the houses, farm houses, if they want a pair of steps or something, they have to pay for it.

Those are the thing that if they would get—people would get the material, or have an opportunity, I think they would better their own, you know, they'd improve some of the things about the houses theirselves, but they tell me sometimes, you know, no, the cost is too high, we just have to wait.

COMMISSIONER FREEMAN. Do the Negroes ever go into the section where the white people live? Have they seen that section?

MR. BARNES. Yes, ma'am.

COMMISSIONER FREEMAN. Well, on these roads, it was a pretty day and there was mud, there was no gravel, but in the white section there was gravel. Have the Negroes ever asked for gravel on their roads?

MR. BARNES. I couldn't say they have, but I know that they would welcome the chance to have gravel. A lot of times the Negro he want things but sometimes he believe that if he asks for it, he won't get it. That's why, probably, they haven't asked for it.

I know they want improvement. I talk with some of them in the last week, and they say they want improvement, they want restroom in the house, different things. They want to beautify their houses, and different things. If they'd get an opportunity, they want it too. We want some of the same thing that the white have.

COMMISSIONER FREEMAN. Does anybody from the company ever come over and ask you what you want—ask them what they want?

MR. BARNES. Ma'am?

COMMISSIONER FREEMAN. Has anybody from the company ever asked them what they want?

MR. BARNES. Not as I know. I don't know a word about that, whether they did or not.

CHAIRMAN HANNAH. Mr. Patterson.

VICE CHAIRMAN PATTERSON. Mr. Barnes, how far is York from Bellamy?

MR. BARNES. Twelve miles.

VICE CHAIRMAN PATTERSON. You live in York and you go to Bellamy every day to work?

MR. BARNES. Yes, sir.

VICE CHAIRMAN PATTERSON. And you'd rather live in York?

MR. BARNES. Yes, sir.

VICE CHAIRMAN PATTERSON. Have you got better housing there for the money?

MR. BARNES. Well, most of York—you see, there's a difference—I'd say a difference in Bellamy and York. You take Bellamy is a

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 k. You take Bellamy is a

sawmill town and you know, the houses built there, some of them
 was built—they've been built there a long time.

You take over at York people, they buy their land, they build
 them their houses; in Bellamy I don't know whether people have
 this opportunity to improve the living conditions because the land
 don't belong to them. That's why I'd rather live in York than live
 in Bellamy.

VICE CHAIRMAN PATTERSON. Mr. Fenderson, why don't you
 live in York instead of Bellamy?

MR. FENDERSON. Well, I don't know. When I first got married
 I was living over at a place called Coatopa.

VICE CHAIRMAN PATTERSON. Called what?

MR. FENDERSON. Place called Coatopa, not too far from Living-
 ston.

VICE CHAIRMAN PATTERSON. I see.

MR. FENDERSON. And I got married and I was living over there,
 well I moved closer to my job where I could be there and I have
 convenient to go to work. I have to catch a way. Sometimes I be
 out there so long waiting in the cold, so I just moved on over
 to Bellamy.

VICE CHAIRMAN PATTERSON. You didn't have a car to drive to
 work in?

MR. FENDERSON. No, sir, I ride with another fellow.

VICE CHAIRMAN PATTERSON. Mr. Barnes, you said that Mr.
 Sloane had suggested a couple of weeks ago that it might no
 longer be possible to rent houses to whites or Negroes at Bellamy.
 Is that right?

MR. BARNES. That was on yesterday.

VICE CHAIRMAN PATTERSON. Yesterday?

MR. BARNES. Yes, sir.

VICE CHAIRMAN PATTERSON. Yesterday?

MR. BARNES. Yes, sir.

VICE CHAIRMAN PATTERSON. Were you present, standing there,
 and did you personally hear him say this?

MR. BARNES. Yes, sir.

VICE CHAIRMAN PATTERSON. No more questions.

CHAIRMAN HANNAH. Mr. Barnes, you said that you have lived
 in York since 1963. Is that what you said?

MR. BARNES. Since 1943.

CHAIRMAN HANNAH. '43?

MR. BARNES. Yes, sir.

CHAIRMAN HANNAH. You never did live in Bellamy?

MR. BARNES. I lived there about six months in 1943, and I
 left there—I was called to the Army—and I left there and went
 and served in the Army and I had moved out of Bellamy, and I
 never did go back.

CHAIRMAN HANNAH. When did you get out of the Army?

MR. BARNES. I got out in last of 1944.

CHAIRMAN HANNAH. I have no further questions. Mr. Taylor?

MR. TAYLOR. You said, Mr. Barnes, that after you came back from the Army you didn't want to live in Bellamy anymore, if I understood you correctly.

Was there anything in your Army experience that made you decide you'd rather live someplace else?

MR. BARNES. Well, while I was in the Army my wife bought a lot and we built us a home there. That's why I didn't go back to Bellamy at the time.

MR. TAYLOR. Was anything else said at this meeting last night that you attended, Mr. Barnes? Was any reference made to anybody else appearing here?

MR. BARNES. No, sir, that was all that was said.

MR. TAYLOR. Were you there also, Mr. Fenderson?

MR. FENDERSON. Sir?

MR. TAYLOR. Were you also at that meeting last night?

MR. FENDERSON. Yes, sir.

MR. TAYLOR. I have no further questions, Mr. Chairman, but—
off the record.

(Discussion off the record.)

MR. TAYLOR. I would like to recommend that the Commission, under its rules, go into a brief executive session.

Statements were made concerning—statements alleged to have been made by Mr. Sloane last night—these are matters which have just come to our attention. They constitute a potential violation of the law, of the criminal law, concerning the protection of witnesses from any intimidation.

Mr. Sloane is here under subpoena. I believe he should have an opportunity to address himself to these statements that have been made, in Executive session.

That is my recommendation.

CHAIRMAN HANNAH. The witnesses, you are excused. Thank you very much.

And we will now ask all of the people in the room to excuse themselves and we will go into—or do you want us to go out? We had better stay here.

MR. TAYLOR. Yes.

CHAIRMAN HANNAH. The public session will be resumed in a little time and if you'll go out in the yard or somewhere about, we will notify you to come back.

MR. GLICKSTEIN. Will the staff please help clear people out and get them settled outside?

(Whereupon, the hearing went into executive session, the public session to be resumed in a short time.)

(Whereupon, at 8:33 p.m. the public hearing was resumed.)

CHAIRMAN HANNAH. May we have quiet in the room, please? The Commission hearing is now in order. Mr. Glickstein, will you call the next witness?

MR. GLICKSTEIN. The next witnesses are Mr. Hugh Sloan and Mr. Owen Hanson.

(Whereupon, Mr. Hugh Sloane and Mr. Owen Hanson were sworn by the Chairman and testified as follows:)

**TESTIMONY OF MR. HUGH C. SLOAN, BELLAMY, ALABAMA
AND MR. OWEN HANSON, BUTLER, ALABAMA**

MR. ACKERMAN. May we request that there be no cameras and lights?

CHAIRMAN HANNAH. The request is granted. There will be no cameras or lights. Will the lights be extinguished and the cameras not used. Will you introduce the gentlemen accompanying you?

MR. SLOAN. Mr. Ackerman, attorney. Mr. Brewster, American Can attorney.

CHAIRMAN HANNAH. Mr. Glickstein, proceed.

MR. GLICKSTEIN. Mr. Sloan and Mr. Hanson, would you please state your full name for the record, and give us your addresses?

MR. SLOAN. Hugh C. Sloan, Bellamy, Alabama.

MR. HANSON. Owen Hanson, Butler, Alabama.

MR. GLICKSTEIN. Mr. Sloane, what is your occupation?

MR. SLOAN. Manager of Allison Lumber Products, an Alabama operation of the American Can.

MR. GLICKSTEIN. Where is that located?

MR. SLOAN. Bellamy, Alabama.

MR. GLICKSTEIN. And what is your occupation, Mr. Hanson?

MR. HANSON. Resident Manager, Alabama operations American Can Company.

MR. GLICKSTEIN. Mr. Sloan, how long has the American Can Company owned the Bellamy mill?

MR. SLOAN. May 1960.

MR. GLICKSTEIN. And how long have you been the plant manager?

MR. SLOAN. May 1960.

MR. GLICKSTEIN. How many houses does the company own in Bellamy?

MR. SLOAN. Approximately 168.

MR. GLICKSTEIN. And how many of those are occupied by whites?

MR. SLOAN. Forty-five.

MR. GLICKSTEIN. And how many by nonwhites?

MR. SLOAN. Approximately 123.

MR. GLICKSTEIN. Of the houses occupied by whites, how many have bathrooms and running water?

MR. SLOAN. All of them.

MR. GLICKSTEIN. And how many of the nonwhite houses have such facilities?

MR. SLOAN. Eight.

MR. GLICKSTEIN. Do any nonwhite persons live immediately next door to white persons in Bellamy?

MR. SLOAN. Yes, it is just across the street in one instance. And another instance, it is just across, say, maybe an alleyway.

MR. GLICKSTEIN. So there are some white and nonwhite people that live fairly close?

MR. SLOAN. Fairly close.

MR. GLICKSTEIN. We heard testimony that there are two pools in Bellamy, one for white people and one for Negro people. Is that correct?

MR. SLOAN. That's correct.

MR. GLICKSTEIN. To your knowledge, has a nonwhite person ever used the pool used by your white employees?

MR. SLOAN. Not that I know of. This pool was built back in, oh, 1915, or something. I don't know. I have no account since May of 1960.

MR. GLICKSTEIN. That pool was there when the company took over the town and the mill?

MR. SLOAN. Yes.

MR. GLICKSTEIN. Who owns the public school in Bellamy?

MR. SLOAN. You are talking—you are speaking of the building, sir?

MR. GLICKSTEIN. Yes, sir.

MR. SLOAN. The county deeded it back to the company, and the county operates the school.

MR. GLICKSTEIN. The company deeded it to the county and the county operates the school?

MR. SLOAN. Nope.

MR. GLICKSTEIN. The other way around?

MR. SLOAN. At the present time——

MR. GLICKSTEIN. The company owns the building?

MR. SLOAN. Yes, sir.

MR. GLICKSTEIN. And the school system is run by the local authorities?

MR. SLOAN. No.

MR. GLICKSTEIN. By the county?

MR. SLOAN. By the county, yes.

MR. HANSON. May I elaborate on that, sir?

MR. GLICKSTEIN. Certainly.

MR. HANSON. The American Can Company, as Mr. Sloan mentioned, acquired the properties of the Allison Lumber Company in 1960, and with it the physical establishment that has been identified so far here.

Among these facilities was this school establishment which, we understand, was, for reasons not known to us, owned, or controlled, or operated by the predecessor company, the Allison Lumber Company, who, for some reason, had had this school deeded back to them in the year, around 1956. We do not know the reason for this, but we do know we inherited this school structure.

MR. GLICKSTEIN. Mr. Sloan, how is the school heated in Bellamy?

MR. SLOAN. The county furnish all the facilities for heating and everything inside of the school building, and so forth.

MR. GLICKSTEIN. What kind of a facility is it for heating?

MR. SLOAN. I think it's a coal stove.

MR. GLICKSTEIN. Coal stove?

MR. SLOAN. Yes.

MR. GLICKSTEIN. Does the facility have indoor bathrooms and water facilities?

MR. SLOAN. No, it does not.

MR. GLICKSTEIN. Do any white children attend that school?

MR. SLOAN. No.

MR. GLICKSTEIN. Where do the white parents send their children?

MR. SLOAN. They are bused—they go by school bus to Livingston. Also, there's a large percentage of the Negroes do the same.

MR. GLICKSTEIN. They go to Livingston?

MR. SLOAN. Go to Livingston Training School.

MR. GLICKSTEIN. Where do the white students go, Livingston or York?

MR. SLOAN. Livingston High School, and also have some Negro students that go there, that ride the same bus.

MR. GLICKSTEIN. What is the company's relationship to the store in Bellamy that we heard some testimony about a little while ago?

MR. SLOAN. We leased and sold the stock of this building in March of 1963. We have no connections with it.

MR. GLICKSTEIN. It's just leased from you?

MR. SLOAN. In other words, it's a——

MR. GLICKSTEIN. Concession, really?

MR. SLOAN. No, we leased the building and equipment and they operate the store completely with no connection with the company any whatsoever.

MR. GLICKSTEIN. Has the company ever taken any interest in the prices charged by the store?

MR. SLOAN. No, sir. I talked to them a time or two. We've checked these prices and found them to be pretty well in line with independent merchants in Livingston and York, and also a store that's closeby on the highway there.

MR. GLICKSTEIN. Mr. Sloan, you say the company has absolutely no connection with the store.

Don't you have some relationship with the store? Don't you deduct from employees' pay checks the money they owe to the store?

MR. SLOAN. That is correct. We have a deduction, that was a contract drew up by our attorneys, and by our people approved it back in March of 1963.

MR. GLICKSTEIN. You are the store's bill collector?

MR. SLOAN. Yes, where the employee agrees to have this done. He must sign each bill with an agreement that he—that—requesting to have this deducted from their pay check.

MR. GLICKSTEIN. Mr. Hanson, do you know if the American Can Company is a Government contractor?

MR. HANSON. I believe that it is, yes.

MR. GLICKSTEIN. Do you know if Government contract work is being done at—well, let me backtrack for a minute. How many facilities do you have supervision over in Alabama?

MR. HANSON. Three operational facilities.

MR. GLICKSTEIN. Where are they?

MR. HANSON. The Bellamy sawmill, the pulp and paper operation in Naheola in Choctaw County, and the Cola sawmill operation in Thomasville.

MR. GLICKSTEIN. Do you know if the Naheola operation is doing Government contract work?

MR. HANSON. Which operation, sir?

MR. GLICKSTEIN. Naheola.

MR. HANSON. I believe that it is.

MR. GLICKSTEIN. Do you have any idea what the size of that Government contract is?

MR. HANSON. In terms of annual volume, I can only conjecture, I would not know the dollar value.

MR. GLICKSTEIN. What's your—oh, you don't know the dollar value, you can conjecture how much produce—

MR. HANSON. Yes.

MR. GLICKSTEIN. With what Government agency do you contract?

MR. HANSON. I believe it could be the Department of Defense, it could be General Services—I do not know which particular agency this might be.

MR. GLICKSTEIN. Mr. Chairman, I have a letter from the Administrator of the General Services Administration in which he indicates that the General Services Administration has a contract with the American Can Company, and for the fiscal year 1967 through February 1st, 1968, the letter says the following:

GSA has pending in the State of Alabama \$15,614,193 worth of supply contracts. American Can Company has contract for

toilet tissue in the Naheola Subdivision and a holder in the sum of \$1,762,645.

Do you feel, Mr. Hanson, that as a Government contractor, you have some obligation to make certain that your employees are not exploited by businesses located on your land?

MR. HANSON. I fail to catch the connotation of that question. I think, as a human being, no one wishes anyone to be exploited, and this certainly would include our employees.

If the reference is, for example, the store at Bellamy—would this be the connotation?

MR. GLICKSTEIN. Yes, sir.

MR. HANSON. I have shopped in this store. I do not do the household shopping for my family. I buy cigarettes and random groceries now and again, and I have not detected a substantial differential between the store in question and the local independent stores.

I have shopped at this store, and I have shopped at a store a mile down the road to make a comparison of prices, and I have found little or no difference between these stores.

MR. GLICKSTEIN. Do you shop at that store, Mr. Sloan?

MR. SLOAN. Yes, I do.

MR. GLICKSTEIN. You do? For all of your—

MR. SLOAN. Well, not all of it, no. We do shop some—food line.

MR. GLICKSTEIN. Mr. Sloane, there was some testimony a short while ago about a meeting that was held at your plant yesterday at which a statement was made.

Would you care to respond to that testimony and tell the Commissioners what that statement was?

MR. SLOAN. Would you like for it to be read again?

MR. GLICKSTEIN. Well, you can either read it or just indicate whether or not that statement was made by you, as the testimony indicated.

MR. SLOAN. The U.S. Commission on Civil Rights is having a hearing in Montgomery, and the company has been called to testify on Tuesday, April the 30th, 1968. One of the things we expect the Commission to ask us is whether the company housing situation at Bellamy will be changed. Right now we are not sure what we will be able to do because of cost and other problems.

The recent Open Housing Law may force us to stop renting any houses to either white or colored employees in the near future, if it is not possible for us to make changes.

All possibilities are now being considered. No final decision has been reached yet, but there is a chance that because of the law we may have to stop all renting soon.

We hope that we will be able to find some lawful solution to this whole problem that will be satisfactory to all. We felt we owed it to you to tell you about this.

MR. GLICKSTEIN. Did you write that statement, Mr. Sloan?

MR. SLOAN. No, sir.

MR. GLICKSTEIN. Mr. Chairman, may we have this introduced into the record as the next exhibit?

CHAIRMAN HANNAH. It's received in the record.

(The document referred to was marked Exhibit No. 21 and received in evidence.)

MR. GLICKSTEIN. Mr. Sloan, how many people are employed at the Bellamy mill?

MR. SLOAN. Approximately 340.

MR. GLICKSTEIN. And how many of those people are Negroes?

MR. SLOAN. Approximately 270.

MR. GLICKSTEIN. 270?

MR. SLOAN. Yes, sir.

MR. GLICKSTEIN. And how many Negroes do you have in supervisory and clerical positions?

MR. SLOAN. We have one in the office work. We have in supervision—we have two recently made assistant supervisors who were supervisor, or foreman trainees for the past, oh, 2 years, or longer.

MR. GLICKSTEIN. When was it that they were made assistant supervisors?

MR. SLOAN. Recently—I'd say within the past 2 weeks.

But then before this time, we also had another colored employee who was in training for a supervisor and he left the company.

We have another one that we are trying to train and develop with plans on making a foreman out of him.

We try to train and develop our people as whatever they have the potentials to do regardless of color, creed, or race.

MR. GLICKSTEIN. What does this clerical employee that you mentioned do?

Can Mr. Sloan answer that question? What does the Negro clerical employee do?

MR. SLOAN. He's more of the office type boy. He looks after the mail, he runs off some stencils, and he also helps order the—or furnishes the information to be ordered, of the stationery and so forth.

MR. GLICKSTEIN. Mr. Hanson, you wanted to comment?

MR. HANSON. I just wanted to elaborate a little bit on Mr. Sloan's statement about the supervisors in the last several weeks.

This program of attempting to upgrade has been going on for some time that I am aware of, but it was seriously complicated by a union organizing attempt at the sawmill, which began about last August and due to a series of complications was finally resolved on April 8 of this year.

During this period, obviously we had to be very careful on our particular actions so they would not be misconstrued as unfair labor practice under the circumstances.

MR. GLICKSTEIN. You thought that if you promoted an employee, it might be construed as an unfair labor practice?

MR. HANSON. Well, involved in all this was the election and contested votes, who was a supervisor, who is not a supervisor—this is certainly what complicated the whole structure during that period.

MR. GLICKSTEIN. And you thought that the NLRB would have felt that if you had promoted two Negroes to assistant supervisors, to prevent them from voting in the election that might have been an unfair labor practice?

MR. HANSON. I see no basis for answering the question in the context that you ask it, Mr. Glickstein. A lot—we had a lot of strange developments during the election, and we did our best to stay within the framework of the law during this period.

MR. GLICKSTEIN. Mr. Hanson, has the American Can Company asked—has corporate headquarters asked you to submit a plan to deal with the housing in Bellamy?

MR. HANSON. I'm glad you asked this question because underlying this whole structure of housing at Bellamy is the history of the mill's—the sawmill's relationship to American Can Company since the day of purchase in May of 1960.

As I think I mentioned previously, American Can Company bought the assets of the Allison Lumber Company, which was a combination of approximately 125,000 acres of timber land, and a sawmill, and the associated housing, which I will call the village of Bellamy, if you will, although it is not an incorporated facility.

Since the time of this purchase, we have been cognizant of our need and desire to do our best job possible to upgrade the facilities at Allison.

Now the sawmill business itself is highly competitive and the Allison Lumber Company, under our tenure, has been no exception.

For example, in some of the documentary evidence, some of the papers I have seen here, there has been a notation that the sawmill industry personnel in the area has decreased over the years. Now this is essentially due to the highly competitive nature of the sawmill industry, as I know it in the South.

A number of mills have been forced to shut down completely by virtue of their inability to cope with the cost price relationships in the market.

We have done our best to maintain a reasonable level of efficiency in our mill. We have continued to do our best to upgrade the facilities in the town of Bellamy, to provide more humanities in the housing area to the extent that we can economically do so, and still stay in business.

I feel that as an associate of Mr. Sloan's, and as the manager of the Southern operation for American Can, that the greatest disservice I can do to the employees, whether it be in the Bellamy

Sawmill or any of the other facilities, is to comport our operation and benefits, if you will, to the extent where we go out of business. This is the surest sort of havoc to our personnel.

I believe we are the largest employer in Sumter County, with some 335 personnel. And as I mentioned before, we have continuously upgraded, attempted to upgrade by various steps, the community facilities at Bellamy. Now we have recognized that with changing times this can be the introduction of a different way of looking at things, of potential problems for the future, and in the ensuing period of time since I have been involved with this operation, and most specifically since about last July, I believe it was, of 1967, we have been scratching our heads to formulate a plan by which we can stay within the law, and yet, accommodate the housing structure as we see it in Bellamy at the moment.

Now this staying within the law has particular reference, as far as I am concerned, to future legislation. I think we are, as far as I am concerned, we have not broken any laws, we have not discriminated against our employees. As a matter of fact, I feel that Mr. Sloan has done more for the employees, the Bellamy Lumber Company, than they will ever realize, and I know he has done more than I will ever realize, for the employees of the Bellamy Lumber Company.

That's a long way around, sir, but I did want to at least establish the fact that the problems that we have been living with here have been gradually evolving; we are trying to formulate a plan so that we can do what has to be done and at the same time treat our employees fully as fairly as possible.

MR. GLICKSTEIN. Mr. Hanson, do you have operating control over the—you are responsible for the operation of the plant, the Naheola?

MR. HANSON. I have overall responsibility, as I indicated to you earlier, for the operations of the—the three operations I indicated.

MR. GLICKSTEIN. That plant is in Choctaw County. Is that right?

MR. HANSON. Yes, sir.

MR. GLICKSTEIN. How many people are employed there?

MR. HANSON. Upwards of 1,550, maybe slightly above that.

MR. GLICKSTEIN. And how many of those employees are Negroes?

MR. HANSON. Approximately 108.

MR. GLICKSTEIN. Approximately 108?

MR. HANSON. 108.

MR. GLICKSTEIN. What type of positions do the Negroes occupy?

MR. HANSON. They range from our base-rate jobs of janitorial type service up to skilled jobs—and, incidentally, our hiring rate is \$2.54, and some of them are in skilled jobs approaching \$4 an hour.

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MR. GLICKSTEIN. How many Negroes are in skilled jobs?

MR. HANSON. Several.

MR. GLICKSTEIN. Several?

MR. HANSON. Yes.

MR. GLICKSTEIN. How long have they been in skilled jobs?

MR. HANSON. One that I know of, for several years.

MR. GLICKSTEIN. I have a copy of the report that your plant submitted to the Equal Employment Opportunity Commission for the payroll period ending January 22, 1967, and for that period you indicate that you have no skilled Negro employees.

MR. HANSON. What date is this, sir?

MR. GLICKSTEIN. January 22, 1967.

MR. HANSON. If a journeyman carpenter is not a skilled operator, I don't know how he would otherwise be classified.

If a crane operator in our woodyard is not in the classification of a skilled operator, I don't know what he would be called.

MR. GLICKSTEIN. Who fills out these forms for you?

MR. HANSON. Well, I am sure it's our industrial relations department.

MR. GLICKSTEIN. When the, your plant——

MR. HANSON. Maybe they're not skilled in the terms of that definition. If you will accept the definition of a carpenter as being skilled, I would——

MR. GLICKSTEIN. Functionally, that is what they do, they are carpenters?

MR. HANSON. And crane operators, yes.

MR. GLICKSTEIN. Crane operators, also?

MR. HANSON. Yes.

MR. GLICKSTEIN. Do you have unions in your plant?

MR. HANSON. Yes, we do.

MR. GLICKSTEIN. Which union is it?

MR. HANSON. We have two international unions, the International Brotherhood of Pulp Sulphite Paper Makers Union, and the International Brotherhood of Electrical Workers.

MR. GLICKSTEIN. Do the pulp and sulphite workers have a number of locals?

MR. HANSON. Yes, sir, four locals in the pulp and sulphite union.

MR. GLICKSTEIN. And were those locals at one time segregated locals?

MR. HANSON. The mill, when it started production in 1958, was organized at that time, I believe in four locals. It was subsequently, within a year or two, two of the locals were divided, going into a total of five. At that time one of the locals was a segregated local, correct.

MR. GLICKSTEIN. Are steps being taken to desegregate the locals?

MR. HANSON. We have in our Plans for Progress and in our commitments within the law, have made efforts to open up these

union locals, there are no restrictions now for those who are in jobs to belong to that local, or for Negro employees to become members of the white locals.

MR. GLICKSTEIN. If a Negro employee who was a member of the formerly Negro local, transfers to one of the other locals, does he suffer any reduction in seniority, or pay, or status?

MR. HANSON. If he—would you restate that question so I can make sure that I got it?

MR. GLICKSTEIN. When an employee—Negro employee in the local that was formerly all-Negro, transfers to one of the other locals, does he suffer any reduction in seniority?

MR. HANSON. Yes. Yes, I wanted to make it clear that there is no penalty for transfer as such, it is based on his election to take another job, based on the seniority agreements we have in our labor contract.

This is true not only of the Negro but anyone who elects to make this change among any of the lines of seniority.

MR. GLICKSTEIN. My question is, if he does make this election, if he chooses himself to transfer, will he suffer a reduction in seniority?

MR. HANSON. The reason that I am holding off on the answer here is that—the labor contract that we have with our union has quite complicated types of seniority—job seniority, line of progression seniority, and I must confess if you want specific questions about exact scope of a specific move in a contract, I would have to get further answers for you.

MR. GLICKSTEIN. You would have to get that for us?

MR. HANSON. Yes. By a specific job and by the progression line that you are referring to.

MR. GLICKSTEIN. There is also, I understand, union seniority within the union, as a type of seniority.

MR. HANSON. Local union seniority?

MR. GLICKSTEIN. That's right. Is that correct?

MR. HANSON. Yes, that's the job seniority within that local union, that's right.

MR. GLICKSTEIN. And if a Negro employee transfers from the formerly all-Negro local to another local, I assume that he would then lose that local union job seniority?

MR. BREWSTER. Mr. Glickstein, I can be helpful if I may.

MR. GLICKSTEIN. I'm afraid you'd have to be sworn if you are going to testify.

CHAIRMAN HANNAH. Do you want to be sworn, Mr. Brewster?

MR. BREWSTER. I would be glad to if it may be helpful.

MR. HANSON. If you would like, sir, we have our industrial relations supervisor here, who can fill you in on these rather technical—

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CHAIRMAN HANNAH. Why don't you just furnish us a copy of
your union contract? That will give us all this information.

MR. HANSON. This, we'd be delighted to do.

CHAIRMAN HANNAH. Would that be satisfactory, Mr. Glick-
stein? It is all spelled out in the union contract, I assume.

MR. GLICKSTEIN. Yes, that would be satisfactory.

CHAIRMAN HANNAH. Will you furnish us a copy and we will put
it in the record.

MR. GLICKSTEIN. Mr. Hanson, is your plant at Naheola visited
by General Services Administration, with whom you have a Gov-
ernment contract, to see if you are in compliance with the Execu-
tive order.

MR. HANSON. It has been, correct.

MR. GLICKSTEIN. It has been?

MR. HANSON. Yes, sir.

MR. GLICKSTEIN. Mr. Sloane, has the Bellamy facility been
visited by the General Services Administration to see if that
facility was in compliance with the Executive order?

MR. SLOANE. No, it hasn't.

MR. GLICKSTEIN. It has not been?

MR. SLOANE. No.

MR. GLICKSTEIN. Mr. Hanson, you mentioned that the plant at
Bellamy was the largest employer in Sumter County?

MR. HANSON. I believe it is.

MR. GLICKSTEIN. Is the plant in Choctaw County the largest em-
ployer in Choctaw County?

MR. HANSON. I believe it is, yes.

MR. GLICKSTEIN. I understand that the company for the past
5 years has been assisting the Choctaw County school system. Is
that correct?

MR. HANSON. That is correct.

MR. GLICKSTEIN. Will you tell us in what way you are assisting
the school system?

MR. HANSON. Approximately in around 1962, the problem of the
educational—excuse me, is there no water for witnesses here?

MR. GLICKSTEIN. We thought the absence of water would en-
courage brevity.

MR. HANSON. Thank you. I would be delighted with that my-
self.

But on the subject of the schools, our company arranged with
the Choctaw County School System, with the Auburn University
as the technical experts in this case, to undertake a 5-year pro-
gram attempting to—with the design of upgrading the school
system in Choctaw County. The particular motivation here being,
among other things, the problems of the schools in the county at
that time with respect to the maintenance of teachers, the gen-
eral educational level of the system itself, and, among other

things, the problem of the level of education which was interfering with the passage of our tests at the mill.

This was a problem of the individuals from our local system, with a high percentage of them, having an inability to pass a pre-employment test.

I might add that in subsequent years the mill and American Can Company, similarly helped out the school systems of the city of Linden with some summer scholarship funds to help out in that purpose.

MR. GLICKSTEIN. How many students are attending school in Choctaw County?

MR. HANSON. Well, that's a—really, I am no expert, Mr. Glickstein, in the educational process. I would gather that in a population of approximately 20,000, I would imagine there must be several thousand.

MR. GLICKSTEIN. Are the schools segregated in Choctaw County?

MR. HANSON. Some are and some aren't.

MR. GLICKSTEIN. The report issued by this Commission on Southern School Desegregation indicates that there are 2,340 white students attending—all of the 2,340 white students are attending formerly all-white schools.

Of the 2,507 Negro students, 13 are attending formerly all-white schools. That is approximately one-half of 1 percent of the Negro students who are attending formerly all-white schools.

MR. HANSON. Well, Mr. Glickstein, the subject of the school system is one which I am utterly incapable to cope with. There are more than enough problems trying to operate in the business world.

MR. GLICKSTEIN. How much money do you contribute to the school system?

MR. HANSON. In addition, sir, if I may finish, I believe the school systems of the county have been under a court order for the better part of 2 years, directing them in its own posture, as to the future of integration.

MR. GLICKSTEIN. How much money does the company contribute annually to the school system?

MR. HANSON. I am not ashamed to tell—in fact, I am proud to say that the company contributed almost \$200,000 to the 5-year program in the Choctaw County schools, and it also contributed approximately \$18,000 to the school system in Linden, Alabama.

This, of course, is over and above the normal tax levies.

MR. GLICKSTEIN. What is that, approximately, annually?

MR. HANSON. What is—

MR. GLICKSTEIN. How much does that \$200,000 figure come out to annually?

MR. HANSON. The—it was on a prescheduled basis. It started out with a higher figure per year, and then gradually tapered down,

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penditure for the total program. I believe——

CHAIRMAN HANNAH. Mr. Counsel, I want to remind you and the
witnesses it is now after 9 o'clock and we still have four wit-
nesses.

MR. GLICKSTEIN. This is my last question, Mr. Chairman.

CHAIRMAN HANNAH. Okay.

MR. HANSON. Does that answer your question, Mr. Glickstein?

MR. GLICKSTEIN. I think so.

MR. HANSON. I think \$178,000 or so was the figure that was di-
vided by the 5 years, plus some preorientation expenditures that
the company expended to help out on the program.

MR. GLICKSTEIN. In conclusion, Mr. Chairman, I would just like
to present for the record a letter that the Staff Director wrote to
the president of American Can Company inviting him to attend
this hearing, in which we described the nature of the testimony to
be presented, and the response from the president of the Ameri-
can Can Company, which he indicates that today is the company's
annual stockholders' meeting and he cannot be present.

CHAIRMAN HANNAH. I think that, too, is important to the com-
pany. It will be received in evidence.

(The documents referred to were marked Exhibit No. 22 and
received in evidence.)

Mr. Taylor, you have one question or one statement, and I think
one of the Commissioners has one question, and we will excuse
these witnesses.

MR. TAYLOR. I have one question, in addition to a recommenda-
tion.

One of the Commissioners and myself did not hear Mr. Sloan's
answer to the question whether he prepared the statement himself
that was read to the employees last night.

MR. SLOAN. I did not.

MR. TAYLOR. You did not, sir?

MR. SLOAN. No.

MR. TAYLOR. So it was prepared by someone else—I don't want a
name.

MR. SLOAN. Yes.

MR. TAYLOR. Now, Mr. Chairman, I had intended to question the
witnesses, as I am sure other Commissioners did, about what
American Can Company might do to correct the deplorable con-
ditions that have been revealed in this testimony, and I might say
as a personal view, I think that most Americans would scarcely
believe that such conditions could exist in this country in this
century.

But in view of the events which have transpired earlier in the
evening, I do not think it is appropriate to question these wit-
nesses at this time on their plans.

I would request that the Commission formally request the American Can Company to submit to the Commission a statement of its plans for dealing with these conditions, and that that statement be submitted in the name of the president of the company.

CHAIRMAN HANNAH. And within a reasonable time.

MR. TAYLOR. Within a reasonable time.

CHAIRMAN HANNAH. Mrs. Freeman, you had a question?

COMMISSIONER FREEMAN. I have a question concerning the concession and the statement that was made that the American Can Company has no connection with the company store, yet we have received in evidence tonight a stub of a check which indicates that the Can Company made a payment to an employee of only \$5, having made certain deductions.

I would like to know if the answer could be made now as to what protection the employee has to know whether these are legitimate charges or not, or whether the employee receives a copy of such agreement, or whether you wish to include that in the statement that you are going to submit to the Commission?

MR. SLOAN. Mrs. Freeman, this is where the employee makes a purchase at the store—and again, I say as far as the control of the store, we do not have any connections there, as for the merchandise we do not request anyone to trade with this store in any way whatsoever. That's their free right to do that, and when they make a purchase they sign a receipt—a ticket at the bottom and from that ticket, through our agreement on contract, we make the deduction for the Sherer Brothers, but the employee must sign and agree to that.

CHAIRMAN HANNAH. On each individual purchase?

MR. SLOAN. Yes, sir, on each purchase he makes.

COMMISSIONER FREEMAN. This is what we would like to know: what assurances do you have that the deductions which had been made from that employee's salary are actually his charges or not, and what is the nature of the agreement that gives you the right to make such deductions?

MR. HANSON. May I help here?

Mrs. Freeman, the signed check would normally be the reason, or the substantiation of the debit to the individual's account.

But let me say this, that what the company has attempted to do, generally as a convenience for the employee, has gradually evolved into what we feel is a misconstruction of being an exploitation of the employee. This is not 16-ton, company store concept, ma'am, I assure you. We were divested from the store deliberately around 1963, for the very reason that the operation of a company store by the company was not felt to be in the best interest of our relationships.

Now, since this seems to have become such a tender spot, and since it certainly by no means is any indication of our desire to

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hold our employees, to in any way constrain them, they are free to shop wherever they wish, it's their signature that makes the deduction.

Since, however, this has been so sensitive and has had other agencies concerned about it, we've just decided to get out of that business and we're going to notify our employees that effective soon we will not make the payroll deductions at the store, and they can proceed to pay however they wish. And we will give them their checks in the normal course.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN HANNAH. Any further questions? Gentlemen, you are excused. Mr. Glickstein, call the next witness.

MR. GLICKSTEIN. The next witnesses are Mr. J. L. Cantrell and Mr. Wendell Stevens.

CHAIRMAN HANNAH. It has been requested that there be no lights and no photographs, and the request is granted.

(Whereupon, Mr. J. L. Cantrell and Mr. Wendell Stevens were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. J. L. CANTRELL, GREENVILLE,
ALABAMA AND MR. WENDELL F. STEVENS,
SELMA, ALABAMA

MR. GLICKSTEIN. Would you please each state your full name and address?

MR. STEVENS. Wendell F. Stevens, 303 Belden Avenue, Selma, Alabama.

MR. CANTRELL. J. L. Cantrell, 407 Overlook Drive, Greenville, Alabama.

MR. GLICKSTEIN. Mr. Cantrell, what is your position with Dan River Mills?

MR. CANTRELL. Mr. Glickstein, I am plant superintendent of the Greenville plant of Dan River.

MR. GLICKSTEIN. And you have responsibility for who is hired at that plant?

MR. CANTRELL. Yes, sir, overall responsibility.

MR. GLICKSTEIN. How many persons are presently employed in the Greenville Mill?

MR. CANTRELL. Approximately 200.

MR. GLICKSTEIN. And of those, how many are Negro?

MR. CANTRELL. Three.

MR. GLICKSTEIN. How many persons were employed at this time last year?

MR. CANTRELL. Negroes?

MR. GLICKSTEIN. Total.

MR. CANTRELL. Total—about 200 and, let's see, a little higher than it is now. I've forgotten the exact number, it was 200 plus.

MR. GLICKSTEIN. And how many of those employees were Negro?

MR. CANTRELL. There was three or four—I forget the exact date is kind of messed up—four—three or four.

MR. GLICKSTEIN. A year ago?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. What jobs do the Negroes presently employed hold?

MR. CANTRELL. I beg your pardon?

MR. GLICKSTEIN. What jobs do the Negroes that you presently employ, hold?

MR. CANTRELL. Warehouseman, truckdriver, and watchman.

MR. GLICKSTEIN. Do you know what their rate of pay is?

MR. CANTRELL. No, sir, I don't know exactly. It's in the neighborhood of \$1.70.

MR. GLICKSTEIN. Neighborhood of \$1.70?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. What's a warehouseman?

MR. CANTRELL. He's the man who handles our raw stock, our cotton. He puts down the raw cotton in our opening room, he helps keep inventory of our raw stock, he will load and unload incoming and outgoing goods.

MR. GLICKSTEIN. And what does your truckdriver do?

MR. CANTRELL. Our truckdriver does our local driving for us. He is also office janitor, and does other shop work.

MR. GLICKSTEIN. When you say your local driving for you, what do you mean by that?

MR. CANTRELL. We have no over-the-road drivers at our plant.

MR. GLICKSTEIN. If you have errands to do in town, or something, he does it?

MR. CANTRELL. He does some of it, yes, sir.

MR. GLICKSTEIN. What do you mean by your local driving—in the yards?

MR. CANTRELL. In the yards or to the lumber yard, or up town, or to the post office, et cetera?

MR. GLICKSTEIN. And he doubles as a janitor?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. Mr. Cantrell, on Saturday we heard testimony from a witness, Mr. Bernard Shambray. Mr. Shambray indicated that he had been hired as a weaver-learner in November 1966. Is that correct?

MR. CANTRELL. That is correct.

MR. GLICKSTEIN. Did Mr. Shambray perform his duty satisfactorily?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. Mr. Shambray also testified that in January 1960 the company changed over to a new type of loom, which re

those employees were Negro?
 our—I forget the exact date
 four.

Negroes presently employed

Negroes that you presently

truckdriver, and watchman.
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houseman?

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our local driving for you, what

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 needs to do in town, or some-

yes, sir.
 can be done by your local driving—in

the lumber yard, or up town, or

is there a janitor?

On Saturday we heard testimony
 from Mr. Shambray. Mr. Shambray indicated
 that he was an earner in November 1966. Is

can he perform his duty satisfac-

Also testified that in January
 a new type of loom, which re-

sulted in his being changed to another job, namely, a job as a
 sweeper. Is that correct?

MR. CANTRELL. In January we began to change over to another
 type of loom, yes, sir.

MR. GLICKSTEIN. You began?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. And, as a result, it was necessary to change the
 job assignments of some of the employees?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. And Mr. Shambray was one of those employ-
 ees?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. And he was made a sweeper?

MR. CANTRELL. No, sir, Mr. Shambray was put on a project and
 used on many jobs. He was carried—

MR. GLICKSTEIN. What was his job description?

MR. CANTRELL. Specifically?

MR. GLICKSTEIN. What did it say in his personnel folder?

MR. CANTRELL. He was a learner-weaver.

MR. GLICKSTEIN. And after this change in January—

MR. CANTRELL. He was never transferred from a learner-weaver.

MR. GLICKSTEIN. And that was the designation that remained on
 his personnel folder?

MR. CANTRELL. Yes, sir.

MR. GLICKSTEIN. Mr. Shambray also testified that he quit in
 April 1967 saying that he was not happy unless he was weaving.

Is that—

MR. CANTRELL. That was his statement.

MR. GLICKSTEIN. That's why he did quit. When Mr. Shambray
 quit, was he informed that work as a weaver might become avail-
 able if he stayed on?

MR. CANTRELL. Mr. Glickstein, I can't say personally that he was.
 However, the—one of the learners, there were three of those
 learners there together, one of the learners that was there with
 him did stay and eventually became a weaver, and is now a weaver.

MR. GLICKSTEIN. But you don't know whether Mr. Shambray
 personally was told, or encouraged to stay on?

MR. CANTRELL. Well, Mr. Shambray was encouraged to stay on,
 yes, sir. And Mr. Shambray was afforded full-time work.

MR. GLICKSTEIN. Was he encouraged to stay on with the pros-
 pects that he might become a weaver?

MR. CANTRELL. He was still classified as a learner-weaver, and
 was told at the time we started picking out the looms that even-
 tually we would put him back in training as we could.

MR. GLICKSTEIN. Are you generally advised before an employee
 quits?

MR. CANTRELL. Personally?

MR. GLICKSTEIN. Yes.

MR. CANTRELL. Yes, sir, I try to, but this occurred on the third shift, it occurred about 11 at night, I wasn't there when he quit.

MR. GLICKSTEIN. So you were advised the next day, I guess, or some time thereafter?

MR. CANTRELL. Yes, sir. Yes, sir.

MR. GLICKSTEIN. Mr. Shambray also testified that when he was hired he was taken to a restroom outside the building and told that this is the room our colored help use. How would you credit that testimony?

MR. CANTRELL. We have no segregated facilities.

MR. GLICKSTEIN. Do you have a restroom outside?

MR. CANTRELL. We have a restroom outside, yes, sir.

MR. GLICKSTEIN. How many Negroes have applied to work at Dan River Mills in Greenville in positions other than sweepers or drivers?

MR. CANTRELL. I don't know if—I don't know of any.

MR. GLICKSTEIN. Pardon me?

MR. CANTRELL. I don't know of any. I don't know that they have applied specifically for sweeping and driving. We've had some applications from Negroes, but I can state that we had none from experienced weavers or loom fixers or et cetera.

MR. GLICKSTEIN. Do you know if any Negroes have applied to Dan River since Mr. Shambray quit?

MR. CANTRELL. I am sure there have been, yes, sir. I don't know how many.

MR. GLICKSTEIN. You don't know how many?

MR. CANTRELL. No, sir.

MR. GLICKSTEIN. Prior to 1965, was there a time when it was a policy of Dan River Mills not to hire Negroes in production jobs?

MR. CANTRELL. Prior to 1965, Dan River?

MR. GLICKSTEIN. Yes.

MR. CANTRELL. No, sir.

MR. GLICKSTEIN. Was it ever the policy of the Alabama mills?

MR. CANTRELL. I don't know; I wasn't here, sir.

MR. GLICKSTEIN. Would your workers object if you hired Negroes in production jobs and clerical jobs or in supervisory jobs?

MR. CANTRELL. I wouldn't think so. We got no objections when we hired Shambray.

MR. GLICKSTEIN. You didn't hear any talk from any of your employees?

MR. CANTRELL. No, sir.

MR. GLICKSTEIN. Nothing was said?

MR. CANTRELL. No, sir.

MR. GLICKSTEIN. Mr. Stevens, what is your position?

MR. STEVENS. I am mill superintendent at Benton.

MR. GLICKSTEIN. And how many people are employed at Benton?

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MR. STEVENS. Approximately 283.

MR. GLICKSTEIN. 283?

MR. STEVENS. Yes.

MR. GLICKSTEIN. And how many of those people are Negro?

MR. STEVENS. About a third.

MR. GLICKSTEIN. About a third. That's about 80 or so?

MR. STEVENS. No, sir, it'll run around 100, I imagine.

MR. GLICKSTEIN. Around 100?

MR. STEVENS. Yes, sir.

MR. GLICKSTEIN. What sort of jobs do they do?

MR. STEVENS. Well, they are on practically every job we've got
 in the mill. They are on spinning, spinners, winder tenders, card
 tenders, weavers—practically all our production jobs.

MR. GLICKSTEIN. Are those jobs considered skilled jobs?

MR. STEVENS. I would classify weaving as a skilled job, sir, and
 spinning.

MR. GLICKSTEIN. Spinning as a skilled job?

MR. STEVENS. Yes, sir.

MR. GLICKSTEIN. I have a copy of a form that was submitted by
 the Dan River Mills, Benton Plant, to the Equal Employment Op-
 portunity Commission for the payroll period ending February 26,
 1967, and that indicates that there were 41 Negroes employed as
 laborers and unskilled positions, and 36 Negroes employed as
 operatives—36 male Negroes employed as operatives in semi-
 skilled positions, 13 female Negroes employed as operatives, and
 16—these charts are hard to read—and three female Negroes
 employed as laborers.

According to this record, there are no Negroes employed in
 skilled positions, office and clerical positions, sales positions, tech-
 nicians, professionals or officials, and managers.

Has that situation changed so much since February 26, 1967?

MR. STEVENS. Well, sir, I didn't make out the report, but I think
 the skilled people on that report are classified as shop personnel,
 loom fixers, and et cetera.

MR. GLICKSTEIN. Those are skilled people classified on that re-
 port?

MR. STEVENS. Yes, sir, I think that's right.

MR. GLICKSTEIN. So you think in the language of this report, a
 weaver would be classified as semi-skilled?

MR. STEVENS. Yes, sir.

MR. GLICKSTEIN. I see. Mr. Stevens, we understand that the Dan
 River Company in Benton once participated in an MDTA training
 program. Is that correct?

MR. STEVENS. Yes, sir, that was before my time, sir.

MR. GLICKSTEIN. Do you know anything about the program,
 or—

MR. STEVENS. Very little.

MR. GLICKSTEIN. Do you know if it was an experience that the company considered successful?

MR. STEVENS. No, sir, I don't.

MR. GLICKSTEIN. You don't know. Mr. Stevens, there are approximately 100 Negroes, you said, employed at Benton and three at Greenville. Is it possible for you to provide us with any explanation of this disparity?

MR. STEVENS. No, sir, I can't. Our policy is to abide by the law. It is in our supervisory manuals; it is on the bulletin boards. We will not discriminate and we so tell our own supervision that.

MR. GLICKSTEIN. Do you, either of you gentlemen, know whether the Dan River Company is a Government contractor?

MR. STEVENS. Yes, sir, I think there are some contracts in some of the mills. Not at Benton.

MR. GLICKSTEIN. Not at Benton?

MR. CANTRELL. Nor at Greenville.

MR. GLICKSTEIN. But there is at some of the mills?

I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson, do you have any questions?

VICE CHAIRMAN PATTERSON. Mr. Cantrell, can you give us any explanation of why your mill employs three Negroes whereas Mr. Stevens' employs nearly 100?

MR. CANTRELL. Well, my mill is some 40 years old, Mr. Patterson, and we have been through the years operating under a depleting number of employees, and as I have previously stated, we have had an abundance of experienced personnel, whereas we have been operating also under a very poor profit condition, and it would be very uneconomical for us to go out and seek learners and pay them at a dead loss when we have experienced personnel available.

VICE CHAIRMAN PATTERSON. Is Mr. Stevens' Benton mill different, then, from yours?

MR. CANTRELL. His mill was built in the last 2 or 3 years and it is a completely modern mill whereas ours is somewhat—well, it's 40 years old; that should speak for itself, sir.

VICE CHAIRMAN PATTERSON. We had testimony from Mr. Shambray that instead of drinking out of the water fountains, while he was employed in the Greenville mill, he brought a thermos bottle with his water in it, because he knew better than to drink out of the fountain. Do you have any knowledge of this?

MR. CANTRELL. No, sir, I did not. That was a surprise to me.

We provide drinking cups at our fountains for those who do not desire to drink out of the fountains, we provide paper cups, throw-away cups.

VICE CHAIRMAN PATTERSON. He said that he was never told not to use the inside toilets, but that when he went to work there

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he was shown the outside toilet and said that was the one to use.
Is this a practice of your mill?

MR. CANTRELL. No, sir.

VICE CHAIRMAN PATTERSON. Did you have any knowledge that
that instruction had been given to Mr. Shambray?

MR. CANTRELL. No, sir, I do not.

VICE CHAIRMAN PATTERSON. No further questions.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Cantrell, you have an outside
toilet and you also have an inside toilet?

MR. CANTRELL. Yes, ma'am.

COMMISSIONER FREEMAN. Who uses the outside toilet?

MR. CANTRELL. It's out there for the convenience of the ware-
house, the shops, the yards, and stores.

It was put out there as a convenience to them rather than having
them come all the way across into the mill.

COMMISSIONER FREEMAN. You indicated that your company was
in a poor condition.

Will you state what were the sales, total sales, of your company
last year?

MR. CANTRELL. Well, I indicated that my company—I am
speaking strictly of Greenville. I do not know what our total
sales were for last year. I do know this: that we have been oper-
ating under a condition whereby we have been storing—we have
over a year's inventory in the warehouse now, we'd be most happy
to sell some of it.

We are operating 4 days a week to try to maintain jobs for our
present employees.

COMMISSIONER FREEMAN. Are you saying that as plant super-
intendent you do not have information about the total sales?

MR. CANTRELL. That's exactly right, yes, ma'am.

COMMISSIONER FREEMAN. Do you have information about the
total sales of Dan River Mills nationally?

MR. CANTRELL. No, because it comes out in one lump sum. Our
sales office is in New York and we sell through our New York
office. We operate on orders.

COMMISSIONER FREEMAN. Do you receive copies of the annual
report of the company?

MR. CANTRELL. I do, yes.

COMMISSIONER FREEMAN. Do you recall what the sales indi-
cated in the last annual report?

MR. CANTRELL. Mrs. Freeman, I read it, but I don't recall the
figures offhand.

COMMISSIONER FREEMAN. That is all.

VOICE. Recall something.

CHAIRMAN HANNAH. Dr. Rankin?

COMMISSIONER RANKIN. Mr. Cantrell, I come from the textile

area where Dan River Mills has several mills around in my area. It is claimed up there by many Negroes that it is nearly impossible for them to break into the textile industry.

Is that due to the age of the mills, or why do they have this impression?

MR. CANTRELL. Where are you from, Mr. Rankin?

COMMISSIONER RANKIN. North Carolina. Gastonia. Did you ever hear of Gastonia?

MR. CANTRELL. I didn't realize we had any plants in North Carolina.

COMMISSIONER RANKIN. Well, you do at Martinsville and Danville, Virginia, don't you?

MR. CANTRELL. We have in Virginia and South Carolina.

COMMISSIONER RANKIN. That is near, that's close.

MR. CANTRELL. But not in—

COMMISSIONER RANKIN. Spartanburg, I think you have a—

MR. CANTRELL. We have some mills in Spartanburg, South Carolina, yes, sir.

I'm not aware of what goes on at those mills, Mr. Rankin. I've never been in the plants.

COMMISSIONER RANKIN. Well, I just meant in industry, not in any particular mill.

MR. CANTRELL. Well, in the plants in Danville, we employ up there a great number of Negroes, throughout the whole plant. And have been for a good many years.

COMMISSIONER RANKIN. Well, they just didn't think it was a great number. I mean, in talking with them they had the impression that it was very hard for them to break into this particular industry. And I wondered—it's no lack of skill on the part of the Negro, is it?

MR. CANTRELL. Not as a whole, no, sir, I wouldn't think so.

COMMISSIONER RANKIN. Well, I just wondered what the reason could be. It could be that there are a lot of plants like yours, and that would explain it, if you have a lot of help around, you say, that you can use. Is that correct?

MR. CANTRELL. We do have, yes, sir.

COMMISSIONER RANKIN. That makes it very hard then for the Negroes to get jobs. Is that correct?

MR. CANTRELL. Yes, sir.

COMMISSIONER RANKIN. You don't think that's typical of the whole industry, though?

MR. CANTRELL. Mr. Rankin, I can't speak for the whole industry.

COMMISSIONER RANKIN. I know, I can't either. I know I am asking you in general on the industry rather than the plant, I grant that. But I have wondered many times why they have this feeling, and I hoped that some of you in the textile industry might

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explain why they have this feeling. That's the only reason I was
asking the question.

MR. CANTRELL. Yes, sir, I understand.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. I believe you said a moment ago, Mr. Cantrell,
that there were a great number of Negroes employed in another
plant in North Carolina or—

MR. CANTRELL. In Virginia.

MR. TAYLOR. In Virginia?

MR. CANTRELL. Yes, sir.

MR. TAYLOR. Do you also know whether my figures might be
correct, that Dan River employs 19,296 persons nationally, and
that 2,461 are Negroes? Do you know whether those might be
correct figures?

MR. CANTRELL. No, sir, I do not know.

MR. TAYLOR. You have no reason to believe they are not correct?

MR. CANTRELL. No.

MR. TAYLOR. You were referring to the use of paper cups in
your plant. Now, when was that system instituted?

MR. CANTRELL. I don't know. They were using paper cups when
I went to Greenville in November of 1966.

MR. TAYLOR. Do you know whether what you have is a hook
arrangement where—

MR. CANTRELL. Oh, no. I explained we had these paper throw-
away cups out of sanitary containers, Mr. Taylor.

MR. TAYLOR. Right. Do you know—what is it?—it comes out—
the paper cups come out of a container and then the water comes
out of the fountain. Is that correct?

MR. CANTRELL. Yes, sir.

MR. TAYLOR. Do you know what the dispenser is referred to,
familiarily, by employees, by a colloquial name? Is it called any-
thing by the employees?

You are not aware of that?

MR. CANTRELL. I don't have any idea what you're talking about.

MR. TAYLOR. All right, let's forget it.

Have you ever been visited by a Government contract com-
pliance officer?

MR. CANTRELL. Not in the mill, no, sir.

MR. TAYLOR. Not since you've been in Greenville?

MR. CANTRELL. No, sir.

MR. TAYLOR. Have you, Mr. Stevens, ever been visited in
Benton?

MR. STEVENS. No, sir.

MR. TAYLOR. I have no further questions.

CHAIRMAN HANNAH. Mr. Glickstein, do you have any further
questions?

MR. GLICKSTEIN. No, sir.

MR. SMITH. Mr. Chairman, I understand that under the rules I might examine a witness briefly.

I just have one or two brief questions that I would like to pose to these witnesses.

MR. GLICKSTEIN. I don't believe that is correct.

MR. SMITH. I refer you, sir, to 702.7 of your regulations, which says that the client, when accompanied and advised by counsel, who will have the right to submit his clients to reasonable examination, and to make objections on the record and argue briefly the basis for such objections.

MR. GLICKSTEIN. I stand corrected.

MR. SMITH. I don't intend to argue or make objections at this point.

CHAIRMAN HANNAH. In any case, make your examination brief. Go ahead, sir.

MR. SMITH. Yes, sir.

Only one or two things. Mr. Stevens, you have indicated that your plant has been there for only a couple of years in operation?

MR. STEVENS. Yes, sir.

MR. SMITH. And Mr. Glickstein asked you if your supervision was Negro, and you replied in the negative.

Is your supervision experienced in the textile industry?

MR. STEVENS. Yes, sir.

MR. SMITH. Generally in your area, have you found experienced people largely in the textile industry?

MR. STEVENS. Yes, sir.

MR. SMITH. Specifically, have you found—or directing my question here to Dr. Rankin's comment earlier—is it your experience that Negroes generally are experienced in textiles, or not?

MR. STEVENS. Inexperienced.

MR. SMITH. Inexperienced?

MR. STEVENS. Yes, sir.

MR. SMITH. Let me ask Mr. Cantrell one question, concerning the gentleman, Mr. Shambray, who testified earlier.

The employee that you mentioned that remained after Mr. Shambray quit, in April, was he also hired at approximately the same time as Mr. Shambray was?

MR. CANTRELL. Yes, sir.

MR. SMITH. Now, following the time that Mr. Shambray left, was that employee reclassified as a sweeper?

MR. CANTRELL. He was, yes, sir.

MR. SMITH. And then did he subsequently become a weaver-learner and resume his learning cycle at such time as looms became available?

MR. CANTRELL. Yes, sir.

MR. SMITH. And was there another employee hired as a learner

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at approximately the same time as Mr. Shambray, who was also
white?

MR. CANTRELL. Yes, sir.

MR. SMITH. And did he leave prior to or after Mr. Shambray?

MR. CANTRELL. He left prior to Shambray's leaving.

MR. SMITH. Were the reasons basically the same?

MR. CANTRELL. Yes, sir.

MR. SMITH. Did the supervision of these three weavers remain
the same throughout their period of employment?

MR. CANTRELL. No, sir. The officer who was responsible for
hiring these three people was—left our company in November
of '66, shortly after these people were hired?

MR. SMITH. And do you know where he is presently?

MR. CANTRELL. No, sir, I don't.

MR. SMITH. Mr. Chairman, I would like to just reiterate my
understanding that the exhibits that we offered at the executive
session on Saturday, marked, I believe, as Commission's Exhibts
Number 4, in quadruplicate, four pages, they are part of the
official record, are they not, sir?

CHAIRMAN HANNAH. Correct.

MR. GLICKSTEIN. They are a part of the record of the executive
session, but we can make them a part of this record.

CHAIRMAN HANNAH. You would like them inserted here too,
sir?

MR. SMITH. I would like to have them inserted.

CHAIRMAN HANNAH. They will be inserted.

MR. TAYLOR. Mr. Chairman, I have no more questions, but I
am not sure I understood a question of counsel and the answer.

Did I understand counsel to ask whether the textile industry
was an industry for experienced people? Is that correct?

MR. SMITH. No, Mr. Taylor. I believe the reason for my ques-
tion and the witness' response, was to the effect that, first of all,
when this new plant was begun, they had to have some exper-
ienced help, and this is where their supervision was drawn from.

MR. TAYLOR. I just wanted to know what the question was.

The question was—what was the question you asked?

MR. SMITH. Now I'm confused. I'm sorry, sir. I don't recall
specifically. The point that I made through the witness was that,
generally speaking, the Negroes that he has employed have not
had experience in the textile industry.

I think this was Professor Rankin's viewpoint, and I happened
to share it, as a rule, certainly in this area.

COMMISSIONER RANKIN. I didn't quite mean that. I was wonder-
ing why Negroes were not in the industry, and whether it was
lack of skill, and I thought you said that once they acquire the
skill they are just as good as white people in the textile industry.

MR. SMITH. I think that was the witness' testimony, sir.

COMMISSIONER RANKIN. So what we have got to do is train them? Isn't that right?

MR. SMITH. That's correct, and I think that what the witnesses were saying was that in a marginal plant whose efficiency is poor, the manager is better advised if he can find people who have already been trained, to not have to bear the additional training cost.

It would be fine if more people could be trained, but it's also an expensive proposition.

CHAIRMAN HANNAH. You are finished, sir?

MR. SMITH. Yes.

CHAIRMAN HANNAH. Thank you very much, gentlemen. You are excused. It is now 9:40 and we are going to adjourn. The witnesses who were left this evening will be given a choice of time tomorrow, and we may drop out a witness that's already scheduled tomorrow.

We are now in recess until 9 o'clock tomorrow morning.

(Whereupon, at 9:40 p.m. the hearing was recessed to reconvene at 9 a.m. on the following date, May 1, 1968.)

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U. S. COMMISSION ON CIVIL RIGHTS

WEDNESDAY MORNING SESSION

MAY 1, 1968

CHAIRMAN HANNAH. Ladies and gentlemen, may we have quiet, please. This hearing of the United States Commission on Civil Rights is in order. Mr. Glickstein, will you call the first witness.

MR. GLICKSTEIN. The first witness is Mr. Ernest S. Strong.

(Whereupon, Mr. Ernest S. Strong was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. ERNEST S. STRONG, BIRMINGHAM, ALABAMA

MR. GLICKSTEIN. Mr. Strong, would you please state your full name and address for the record.

MR. STRONG. Ernest S. Strong, personnel manager, Alabama Power Company, General Office Building, Birmingham.

MR. GLICKSTEIN. What area does the Alabama Power Company serve?

MR. STRONG. It generally serves the greater part of the State of Alabama, except the northern few counties that are served by the TVA and in the south below Montgomery, some rural electric co-ops, but generally speaking, we serve the principal parts of the State of Alabama.

MR. GLICKSTEIN. How many people are employed by the company, Mr. Strong?

MR. STRONG. Approximately 5,400.

MR. GLICKSTEIN. And of that number how many are Negro?

MR. STRONG. Well, approximately 560.

MR. GLICKSTEIN. 560?

MR. STRONG. Excuse me, 460.

MR. GLICKSTEIN. 460?

MR. STRONG. 460.

MR. GLICKSTEIN. Mr. Strong, excluding professional people and managers that are employed by your company, are most of the employees maintenance workers of one type or another?

MR. STRONG. No, we have employees in clerical and in technical and operative in our generating plants, and maintenance and line-men and related skills, meter readers.

MR. GLICKSTEIN. Where does the bulk of your employment fall? In what category?

MR. STRONG. The majority falls in the classification of labor.

Mr. Glickstein, may I explain at this point for the benefit of the Commission the terminology, "labor" as used in our company. It is quite different from what the terminology might identify as being a person doing a routine manual task of the same thing day in and day out. This labor classification has a starting rate of \$316 a month and goes to \$371. They are beginners in our crews and in operations. They are the ones—that assist the apprentices and the journeymen in the performance of their duties. And ultimately they go into those classifications on demonstrated performance. So I want to make that point clear. They are a little different from the ordinary classification terminology of labor.

MR. GLICKSTEIN. Well, I notice, Mr. Strong, you have supplied us with copies of the form your company has filed with the Equal Employment Opportunity Commission. Is that correct?

MR. STRONG. Yes, sir.

MR. GLICKSTEIN. I notice from those forms that about three-quarters of the Negro employees that you employ are classified either as service workers or as laborers. Now, you have told us what laborers do. What do service workers do?

MR. STRONG. The service workers are the maids and the janitors and the watchmen. Those are the principal classification. Maids and janitors, principally.

MR. GLICKSTEIN. Prior to the passage of the Civil Rights Act of 1964 what sort of positions were Negroes hired into?

MR. STRONG. They were hired into the labor classification.

MR. GLICKSTEIN. And the Negroes that were hired into that classification have opportunities to move beyond that?

MR. STRONG. Did you say, had or have?

MR. GLICKSTEIN. Did they have opportunities in the past before '64?

MR. STRONG. Yes, sir, they had the opportunity under the collective bargaining agreement. The qualifications of the hiring in at the labor classification were not as exacting as they are now.

MR. GLICKSTEIN. Did Negroes move beyond the labor category?

MR. STRONG. Oh, yes, definitely.

MR. GLICKSTEIN. Before 1964?

MR. STRONG. Oh, yes, definitely.

MR. GLICKSTEIN. Many?

MR. STRONG. Yes. In our generating plant and in the Birmingham operations, and others in the State in a limited way. But it was based on competency, just as it is today.

MR. GLICKSTEIN. Well, Mr. Strong, of the 5,394 employees that you have now, 472 of them are Negro?

MR. STRONG. Yes.

MR. GLICKSTEIN. Of that 472, three-quarters of those people are either laborers or service workers. You only have about a little over

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100 Negroes today, today, in 1968, who hold positions beyond the laborers' category. So when you say that very definitely before 1964 Negroes were able to move beyond a laborer's category you are not talking about many people, are you?

MR. STRONG. No.

MR. GLICKSTEIN. About how many are you talking of?

MR. STRONG. Well, I would say in the helper classification and in the generating plant work above that of laborers, probably there were more than 50 for years and years. But we did not require high school education, Mr. Glickstein, at that time.

MR. GLICKSTEIN. Mr. Strong, the form you filed with the Equal Employment Opportunity Commission in 1966 showed that of the more than 1,300 people that you employed that were classified as craftsmen, only three were Negro. Two years later in March of 1968 your form shows that you now have four Negroes as craftsmen. Do you consider this adequate progress, substantial progress?

MR. STRONG. Mr. Glickstein, the nature of our business is classified as hazardous, as hazardous, and in order for a person to be able to work on energized circuits safely, for his protection, for the protection of his fellow employees that are working right by his side, it takes training and understanding of the operation and the hazards involved in handling the work safely.

Now, that doesn't answer your question. You asked if I felt that was sufficient progress. I would say that a better look at it would be the ingrade changes that have occurred since the Civil Rights Act. There have been marked increases in our company. For instance, we have meter readers now that we heretofore didn't have. And, incidentally, that job pays from \$483 to \$582 a month. These are good paying jobs that these Negroes have moved into.

MR. GLICKSTEIN. What do you classify meter readers as?

MR. STRONG. They are clerical, part of the accounting group. We have a lineman that is making \$693 a month. We have a lead lineman that is making \$713 a month.

Now, those jobs are bid on through the bargaining unit, based on competency and seniority. Competency being sufficient. Seniority governs.

MR. GLICKSTEIN. And you mentioned that the meter reader job is fairly well paying?

MR. STRONG. Yes, sir.

MR. GLICKSTEIN. According to the figures that you furnished us there are 30 Negroes that occupy office and clerical positions and some of those Negroes are meter readers?

MR. STRONG. Yes, 12 of them are.

MR. GLICKSTEIN. Twelve of them read meters?

MR. STRONG. Yes.

MR. GLICKSTEIN. And this is a job for which you need many years of training?

MR. STRONG. No, no, but it is a job that is bid on in the collective bargaining process and it takes seniority plus the basic ability. If a person wasn't able to represent the company, public relations-wise, he would be denied the job regardless of his seniority.

MR. GLICKSTEIN. Do you think that your company would have been able to advance Negroes more rapidly if you did not have a collective bargaining agreement?

MR. STRONG. No.

MR. GLICKSTEIN. So you are not suggesting that that is a barrier to promoting people?

MR. STRONG. No, we have had collective bargaining agreements since 1940.

MR. GLICKSTEIN. Mr. Strong, I think in order to put your testimony into somewhat of a context, we have already established that the Alabama Power and Light Company is required to file forms with Equal Employment Opportunity Commission, and obviously as covered by the Civil Rights Act. Is the company also a Government contractor?

MR. STRONG. Yes, we are.

MR. GLICKSTEIN. With what agency?

MR. STRONG. General Services Administration, under Executive Order 11246.

MR. GLICKSTEIN. Do you have any idea what your annual receipts from the Federal Government are?

MR. STRONG. They are more than \$1 million.

MR. GLICKSTEIN. The General Services Administration has advised us that they pay you two and a half million dollars annually.

MR. STRONG. I said more than \$1 million. I don't know the exact figure.

MR. GLICKSTEIN. Have their compliance people been around to see you?

MR. STRONG. Oh, yes.

MR. GLICKSTEIN. What have they had to say about your equal employment policies?

MR. STRONG. Well, it was entered into in considerable discussion and detail and the compliance officer from Atlanta made inspection trips throughout our property. He has spent hours with me talking about the company's policy in regard to nondiscrimination. And he is just as familiar with it as I am, Mr. John Pollock.

MR. GLICKSTEIN. And you think they have given you a clean bill of health?

MR. STRONG. Yes, sir.

MR. GLICKSTEIN. Mr. Strong, of the 961 clerical and office employees that you have, 30 of them are Negro?

MR. STRONG. Yes.

MR. GLICKSTEIN. You already told us that 12 of those are meter

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readers. So you have eight other Negroes occupying office and cleri-
 cal positions?

MR. STRONG. All right, sir.

MR. GLICKSTEIN. How many of those are secretaries? How many
 of them actually work in the office as secretaries, clerk-typists,
 stenographers?

MR. STRONG. We have one floor sales clerk. She meets the public
 in our division, one of our divisions, office headquarters. We have
 one home service advisor whose rate ranges from \$500 to \$700 a
 month.

I am bringing this out to show this Commission that we are
 putting these people in responsible, good paying jobs.

MR. GLICKSTEIN. How many of them are secretaries?

MR. STRONG. Just a minute.

We have two general accounting clerks, three customer contact
 clerks, two stenographers, one key punch operator, one messenger.
 These are females now that you are asking about.

MR. GLICKSTEIN. Females and males, I think your total office
 staff and clerical is 30.

MR. STRONG. Let's go back.

The junior accounting clerk is female; customer contact clerks,
 three, are female; junior stenographers are female; the key punch
 operator is a female; five laboratory helpers in our generating
 plant, and I am not positive at this point where they fell, if it is
 clerical or not. I am looking down my list. I am not sure on that.
 Three male clerks, that are males. And one messenger that is a
 female. And two warehousemen, and two warehouse helpers,
 counting our stores and operation.

MR. GLICKSTEIN. If I was able to follow you, you have two Ne-
 gro secretaries?

MR. STRONG. Yes.

MR. GLICKSTEIN. Do you have difficulty obtaining Negro secre-
 taries?

MR. STRONG. Yes, very much.

MR. GLICKSTEIN. How do you recruit the Negro secretaries?

MR. STRONG. I think at this point an understanding of our em-
 ployment procedures might help the Commission to understand the
 difficulty that we have in finding qualified people.

We do not have central employment. We do not advertise. Our
 turnover is one of the lowest in the country, approximately one-
 half of 1 percent a month.

MR. GLICKSTEIN. This is true in all categories, office and clerical?

MR. STRONG. I am talking throughout. I haven't broken down
 about where they come from but the whole company experiences
 about one-half of 1 percent a month turnover.

Now, we rely on qualified applicants who present themselves as
 candidates for employees at our various offices, except for our engi-

neering recruitment program. This is without exception the way it is handled. Now, if we have a job to be filled at a location our responsible people in that location reviews the applications that he has on file, picks out from a screening process those that he would like to call in for an interview. If he hasn't already made a note on an interview sheet that he had with the person previously, he probably has, but at any rate, it is identified from a screening process and then the referrals are made to the department head that has the opening.

Now, that is without regard to race. It has nothing to do with it. They are sent along with it. The difficulty in getting people in this category is the lack of skill and availability of them in our area.

MR. GLICKSTEIN. Now, we are talking about secretaries?

MR. STRONG. I am talking about the clerical or technical or anything above a starting—

MR. GLICKSTEIN. I would like to talk about secretaries, just secretaries?

MR. STRONG. Okay.

MR. GLICKSTEIN. Have you tried the State trade schools?

MR. STRONG. We have taken positive affirmative action throughout our system and bear in mind that—

MR. GLICKSTEIN. Have you or members of your staff gone to any of the predominantly Negro trade schools seeking Negro clerical employees?

MR. STRONG. Oh, yes.

MR. GLICKSTEIN. Have you gone to some of the secondary schools that have vocational educational courses in the secretarial field?

MR. STRONG. Yes.

Let me explain that this program was carefully laid out to our supervisors in a series of meetings, not just once.

MR. GLICKSTEIN. Who is that that went to a State trade school to seek Negro secretaries?

MR. STRONG. Well, the person responsible for the operation did. I did not from Birmingham because I am a staff employee and do not take over the responsibility of operations.

MR. GLICKSTEIN. But you know for a fact that people from the Alabama Power Company went to predominantly Negro State trade schools to seek Negro secretaries?

MR. STRONG. Let me for the record read one of the memoranda. I will answer your question, Yes, but I think this Commission needs to know more than Yes.

This is a memorandum from W. C. Long, Division Manager in Eufaula. It says, "On April 20, 1967, Mr. Ernest Strong discussed various aspects of the Civil Rights Commission and the Equal Employment Opportunity Commission as related to our employment practices. Within one week after this meeting I made an

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Long, Division Manager in
r. Ernest Strong discussed
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r this meeting I made an

appointment with Mrs. Mary English Perior, Principal of McCoo High School, to acquaint her with our desire to employ Negro high school graduates.

"I took with me Mr. Henry Thomson, who has been employed by us for several years. Mr. Thomson is a highly respected Negro in the Eufaula community. He and I met with Mrs. Perior in her office for approximately an hour. And I explained to her that we did have vacancies from time to time and were interested in employing Negro high school graduates to work in our line and construction crews.

"I also explained to Mrs. Perior that there were certain qualifications that applicants would have to meet in addition to education. However, we would consider Negro applicants that she wished to send to us who in her opinion would be qualified to work with Alabama Power Company.

"The entire discussion was conducted on a friendly business-like manner and Mrs. Perior seemed interested and offered to assist in any way possible she could.

"After having had this discussion with Mrs. Perior I have had subsequent discussions with Mr. Thomson since we have received no applicants as a result of this meeting. Mr. Thomson talked with me on several occasions and stated that he was having difficulty in finding applicants that he considered qualified. However, he finally did send three applicants to us for an interview.

"In a further effort to secure qualified Negro applicants I contacted Judge George Little, and advised him that the Alabama Power Company was interested in hiring qualified Negroes to work in line crews and requested he refer any Negroes to us who might be interested in qualifying for employment."

MR. GLICKSTEIN. Mr. Strong, you have a fairly large operation in Eufaula. Is that correct?

MR. STRONG. In the band that you are making the study of, this is the largest, yes.

MR. GLICKSTEIN. Mr. Strong, under Article 17 of your collective bargaining agreement you are permitted to utilize students participating in cooperative education programs. Now, as I understand cooperative education programs, they are programs in which students do some work at school and then also work on the job—company, to learn their skills?

MR. STRONG. That's right.

MR. GLICKSTEIN. Mr. Strong, in Eufaula the white high school has a cooperative education program, McCoo High School, the one that you just told us about does not have a cooperative educational program. Have you suggested to McCoo High School, to the board of education in Eufaula, that they should introduce a cooperative education program for Negro students and that your company

would be happy to utilize them as you are permitted to do under your collective bargaining agreement?

MR. STRONG. Mr. Glickstein, that cooperative program is not with high schools. It is engineering co-op with the universities that have electrical engineering programs. We do not have co-op programs with high schools. Never have had.

MR. GLICKSTEIN. You just indicated that you are interested in hiring high school students or graduates. Is there anything in your collective bargaining agreements that would preclude you from doing that?

MR. STRONG. No, it would not preclude us, but by company policy we have never had any high school co-ops.

MR. GLICKSTEIN. Wouldn't that be a way of getting additional Negro secretaries?

MR. STRONG. I suppose it would, yes.

MR. GLICKSTEIN. Has the General Services Administration required you to adopt an affirmative action plan to improve your Negro employment ratio?

MR. STRONG. To prove?

MR. GLICKSTEIN. To improve.

MR. STRONG. To improve?

MR. GLICKSTEIN. Right.

MR. STRONG. What do you mean by "affirmative action program"?

MR. GLICKSTEIN. Under the Executive order governing Government contractors and under the regulations that have been published, Government contractors are required to have an affirmative action program under which they must make special efforts to recruit minority members and under which in general the test is not so much what you do but the results.

Has the General Services Administration imposed such a plan on you?

MR. STRONG. If you mean a quota or percentage, no.

MR. GLICKSTEIN. I don't necessarily mean a quota or percentage but have they said, Mr. Strong: "We feel that going from three Negro craftsmen in 1966 to four in 1968 isn't terribly fast progress; we would like to see that increased considerably next year"?

MR. STRONG. They have not, no.

MR. GLICKSTEIN. They have not done that?

MR. STRONG. No.

MR. GLICKSTEIN. And they haven't done that with clericals either?

MR. STRONG. No.

MR. GLICKSTEIN. Mr. Strong, we are very frequently told by companies that they would be very anxious to increase the number of Negro employees they have. However, one of the things that concerns them is community reaction. They might lose customers

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 they might lose customers

if they do something like that. Now, I take it that your company
 is not afraid to lose customers unless the customers want to oper-
 ate with kerosene lamps?

MR. STRONG. That's right. We have no public relations reaction
 in that respect.

MR. GLICKSTEIN. So you wouldn't have to worry about the pub-
 lic if you wanted to include—improve your minority employment
 picture?

MR. STRONG. No.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mrs. Freeman.

COMMISSIONER FREEMAN. Mr. Strong, the record of employment
 with respect to your company and your responses to Mr. Glick-
 stein's questions indicate that there is a very serious case of
 racial discrimination against black people. The disturbing thing
 here is that your company is a Government contractor, and in an-
 swer to Mr. Glickstein's question you said, "What do you mean by
 affirmative action?"

In your contract between the public utility and the Government
 contract there is a specific provision signed by that company which
 says that it will not discriminate, which also says that it will take
 affirmative action to assure equality of opportunity, and you as a
 personnel manager don't even know what it means.

And in addition to that your company enjoys a special place in
 the economy of this State by having an exclusive franchise. Now,
 how long can this kind of thing continue when a company that has
 two and a half million dollars of Federal funds together with all
 the funds that it receives from the people in the State make ex-
 cuses for its failure to employ black people on the basis of their
 qualifications?

MR. STRONG. Mrs. Freeman, as a point of clarification, I asked
 Mr. Glickstein what did he mean by "affirmative action." Of course
 I know what affirmative action means, and I am prepared to testify
 the rest of the day on what this company has done.

COMMISSIONER FREEMAN. How many people are employed and
 given opportunities for employment? Affirmative action means ac-
 tually steps taken to employ persons, not memoranda, not letters.
 This is what the affirmative action program is supposed to mean.

MR. STRONG. Do you mean that affirmative action means to pick
 a Negro who is not qualified and put him to work in this company?

COMMISSIONER FREEMAN. Affirmative action means that you do
 not take specious terms in trying to deny opportunities. Linemen
 are trained but they are trained over periods of years.

MR. STRONG. That's right.

COMMISSIONER FREEMAN. But if they have never been employed,
 at any point, they can never get the opportunities.

MR. STRONG. We are employing potential Negro—

COMMISSIONER FREEMAN. How many?

MR. STRONG. —Negro linemen.

COMMISSIONER FREEMAN. How many?

MR. STRONG. The question was asked: What was the largest group of Negro—and I replied that 140 were in the labor classification.

COMMISSIONER FREEMAN. They are still in the laboring classification and there are four that are in a skilled or higher classification?

MR. STRONG. Mrs. Freeman, I think if you studied the record—

COMMISSIONER FREEMAN. I took the figures as you stated them.

MR. STRONG. —you will find that this company has made progress since the passage of the Civil Rights Act and rather substantial progress in bringing the Negro into the work stream. But the competency factor still remains essential in our economy if we are to serve our customers economically and satisfactorily.

COMMISSIONER FREEMAN. This is precisely the point. In these 16 counties your customers are also black?

MR. STRONG. Well, I think at this point an explanation needs to be made to this Commission as to how jobs are filled in this predominantly—band that we are studying today. And that is that they are filled by bidding process through the bargaining unit. And if a job as a local operations lineman opened up at Linden or any of these other towns, we couldn't hire them from outside the company, and we couldn't find a journeyman lineman available to go there and fill the job in the first place.

COMMISSIONER FREEMAN. I suggest to you that the bidding process, the whole procedure is the kind of thing that keeps them out of employment, and that your company needs to review and appraise the entire procedure.

MR. STRONG. Well, this is a matter of collective bargaining. We have continued collective bargaining for years.

CHAIRMAN HANNAH. Mr. Strong, I would like to ask a question or two.

The Commission has been in operation for more than 10 years. Of course one of the problems that we found all over the country isn't limited to the South, it is a very real problem in the North. It causes more trouble there than anywhere else, is this business of where there is collective bargaining in a union, the matter of seeing to it that the union rules do not preclude the possibility of Negroes or members of other minority groups getting jobs.

The most notorious unions in this respect, of course, are those in the builders' trades where it is practically necessary to have a father that was in the union, or a grandfather, or before a young man can qualify to get through the first step of apprenticeship training. And without pursuing the questioning Mrs. Freeman has been asking, I would just like to ask you the question as to whether

or not you don't feel there is an obligation on the Alabama Power Company to be concerned not only in its direct hiring practices but in its dealings with the union, in its negotiations with them, with the employees for collective bargaining arrangements, to see to it that there are not devices, or if there are devices, the walls are taken down so that it is possible to employ Negroes?

MR. STRONG. You are right, Doctor. And we are engaged in just the pursuit of that. By further definition of affirmative action, Mrs. Freeman, I would like to place in the record the question was asked informally in my office: "Did the company have a mutual non-discrimination clause in our contract?" And I stated that we did not.

And the gentleman asked: "Why?" And I gave him the reason, and I am prepared to go on record this morning as to that action that was taken to show you the good faith of our company in trying to do just what you have asked, Doctor.

Affirmative action taken in compliance with the Civil Rights Act—and this has to do with negotiations—on August 4, 1966, the company submitted as a part of its proposals for contract settlement with the IBEW the following: "In this view of our joint obligations under Title VII of the Civil Rights law of 1964, the company proposes to add to Article 3, paragraph B, that, 'The parties further agree that in the application of this agreement there shall be no discrimination because of race, color, sex, religion or national origin'."

This proposal was discussed during negotiations on October 10, 1966, November 17, 1966 and November 21, 1966. The union refused to accept this proposal and on November 29, 1966, the company withdrew the proposal during negotiations.

Now, this is—their reason given was that there is nothing in the contract that discriminates now. So why should we have to sign a mutual nondiscrimination clause when there is nothing in the bidding process, or in the handling of grievances or arbitration or any other matter that discriminates against the Negro.

CHAIRMAN HANNAH. Well, the only point I want to make again, and I don't want to labor this one, it is a plausible enough statement on the part of the union, but as a matter of fact, it can be used and in effect is used to make it practically impossible for Negroes to get employment in situations that makes it possible for them to advance to higher positions in the company, and if I understand what you are saying, that you recognize there is an obligation on the part of your company to see to it that the company complies with what is the law, and you really don't have any alternative, because as long as you are a Federal contractor this is going to be required, it is up to your management to see to it

that this is front and center and kept there. Do you have any further questions, Mrs. Freeman?

COMMISSIONER FREEMAN. No, sir.

CHAIRMAN HANNAH. Mr. Patterson.

VICE CHAIRMAN PATTERSON. Are you taking affirmative action with respect to the union's position?

MR. STRONG. We come into negotiations again this June, or July, and we propose to resubmit this mutual nondiscrimination clause.

VICE CHAIRMAN PATTERSON. Are there any other steps that you can take?

MR. STRONG. There is nothing that I know of in the contract or in our relations with the union now that interferes with the employment or the processing of grievances of Negroes. They have the full responsibility to represent their membership.

VICE CHAIRMAN PATTERSON. Do you as the company representative sympathize with the union position on this?

MR. STRONG. The union position of not wanting to put this in the contract?

VICE CHAIRMAN PATTERSON. That's right.

MR. STRONG. No. I don't sympathize with the union. We endeavored to get it in the contract. This was during a strike that lasted 4½ months, or some—and this part of the company's request along with some of the others was finally withdrawn.

That wasn't the thing that created the strike or that resolved the strike, but in the collective bargaining process, over the period of time that it was discussed it was finally dropped by the company. No, I don't endorse the union's position on it for 1 minute. Neither does the company. That is why we are going to propose it again this next spring.

VICE CHAIRMAN PATTERSON. I understand that, and we are really over into the area of management attitudes and these are very difficult things to measure or to state. But I just wanted to echo what Dr. Hannah said.

In the area of affirmative action, sometimes management working with the union in the field of attitudes and persuasion, these things do become quite important.

MR. STRONG. Yes, sir. I see the point that you have raised but I don't know in what area we could do any more with the union on it.

VICE CHAIRMAN PATTERSON. No further questions.

CHAIRMAN HANNAH. Before turning the questioning over to Mr. Taylor, the point is, this is the law, and it is a requirement that isn't going to change. We have moved into a different kind of a world and we are there, and management, and everyone else has the responsibility to see that we get there and not to back off easily where there are demands made for the preservation of prac-

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tices which do in fact keep the Negro from getting the opportunity that he deserves.

Mr. Taylor?

MR. TAYLOR. Mr. Strong, the union that we are talking about is the International Brotherhood of Electrical Workers?

MR. STRONG. Yes.

MR. TAYLOR. If my question can be answered without going into great detail, are there other categories in employment that are in your operations that are not covered by a collective bargaining agreement?

MR. STRONG. Oh, yes. Our technical and clerical, and such supervisory. About 2,500 of employees are represented by the bargaining unit. These are principally workers in our generating plants and in our field operations.

MR. TAYLOR. So you mentioned clerical. So you are not saying that the union is any kind of an impediment to you improving your record in the clerical area?

MR. STRONG. No, they don't represent those employees. They represent the meter readers but the meter readers are identified as clerical because they are accounting employees, but other than that there are no other clerical employees represented.

MR. TAYLOR. You said a moment ago, what are we talking about when we talk about affirmative action? Are we talking about hiring unqualified employees? Well, I would suggest as a personal opinion to you, Mr. Strong, that's just what we may be talking about, hiring employees who are not qualified at the time that they are initially retained and training them if necessary.

I think that is one aspect of affirmative action. Is that something that is beyond the scope of what you might do at the moment?

MR. STRONG. Well, I don't think so. I think right now this question of the hard core unemployed in the Birmingham area, we are getting into that on a special situation. But this setting up special training facilities, and training units and things like that for them.

MR. TAYLOR. One other thing I would want to suggest is to the extent that you feel your collective bargaining agreement impedes your efforts to improve your equal employment record. It may be that you can supersede that collective bargaining agreement and remove those impediments, because I would think your obligations under the Equal Employment Law would supersede anything in the collective bargaining agreement which tends to go the other way.

Now, in the period of January to March, 1967, am I correct that a compliance survey was done by the General Services Administration of your division?

MR. STRONG. Yes, that is correct.

MR. TAYLOR. Now, after that review was completed, can you tell

us, did GSA give you any specific instructions, or any specific advice?

MR. STRONG. No. You mean, if I understand you correctly, did they give a written report of their finding, and remedial measures to take, and things like that?

MR. TAYLOR. That's correct.

MR. STRONG. No. There were suggestions made from time to time as Mr. Pollock made his field inspections, but those were nominal suggestions that were adhered to. In some of those cases he would say: "Well, I think it would be a good idea for you to contact the principal of the predominantly Negro high school and let him know of your opportunities available for qualified Negroes" and that we did.

That gets back to why I asked: "What do you mean by affirmative action." I am thoroughly aware of the responsibilities for affirmative action, but yet if you say affirmative action, how many have you got, and if that is the definition put to it, I still say that we have made good progress in the year since the passage of the Civil Rights Act.

MR. TAYLOR. There may be room for disagreement on that, but in answer to the question I asked, your answer is that they gave you no specific instructions or advice after the completion of the survey?

MR. STRONG. That is right.

MR. TAYLOR. I have no further questions, Mr. Chairman. I would suggest that in view of the discussion that we formally request the International Brotherhood of Electrical Workers to state their views for the record on this matter since there has been a discussion on this.

CHAIRMAN HANNAH. You don't propose to do this at this hearing or by letter?

MR. TAYLOR. By letter.

CHAIRMAN HANNAH. Agreeable.

COMMISSIONER FREEMAN. Mr. Chairman, with respect, I would also like this Commission to ask for a similar statement from the General Services Administration.

MR. GLICKSTEIN. Mrs. Freeman, we are going to have representatives of the General Services Administration here later this morning to speak to.

CHAIRMAN HANNAH. You are excused, Mr. Strong. Thank you, sir. Mr. Glickstein, call the next witness.

MR. GLICKSTEIN. The next witness is Mr. William Hearn.

CHAIRMAN HANNAH. Request has been made that there be no photographs of this witness, so the lights will be put out. There will be no recording.

(Whereupon, Mr. William M. Hearn was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. WILLIAM M. HEARN,
JACKSON, ALABAMA

MR. GLICKSTEIN. Mr. Chairman, I would like to note for the record that Mr. Hearn was here last night prepared to testify and because we ran behind schedule we asked him if he would mind coming back this morning and he willingly agreed to do so.

MR. HEARN, would you please state your full name and address for the record?

MR. HEARN. William M. Hearn, Jackson, Alabama.

MR. GLICKSTEIN. What is your occupation?

MR. HEARN. Personnel manager for Allied Paper, Inc., Jackson.

MR. GLICKSTEIN. What does Allied Paper do?

MR. HEARN. We are a pulp and paper operation producing pulp and fine business grades of paper.

MR. GLICKSTEIN. How long has the Allied Paper Company been in Jackson?

MR. HEARN. Approximately 4 years.

MR. GLICKSTEIN. Four years?

MR. HEARN. Yes.

MR. GLICKSTEIN. How many people do you employ now?

MR. HEARN. At the present time approximately 440 to 450.

MR. GLICKSTEIN. Was the Allied Paper Company assisted in any way by Clarke County at the time it moved into Jackson?

MR. HEARN. We were assisted by an industrial development bond issue floated by the city of Jackson, Alabama.

MR. GLICKSTEIN. Do you have any idea what the size of that industrial bond issue was?

MR. HEARN. Actually there have been two. The first one approximately \$10 million, and the second one I think was approximately \$11 million.

MR. GLICKSTEIN. Has your company had a significant economic impact on the area in which you have located?

MR. HEARN. Yes, sir, we feel that we have.

MR. GLICKSTEIN. I am not sure I recall whether you told us how many employees you have?

MR. HEARN. Between 440 and 450. It fluctuates some.

MR. GLICKSTEIN. I am sorry?

MR. HEARN. Between 440 and 450 at the present time.

MR. GLICKSTEIN. How many of those employees are Negro?

MR. HEARN. Forty-seven.

MR. GLICKSTEIN. Forty-seven?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. What type of positions do these Negroes hold?

MR. HEARN. They hold positions from watchman up to semi-skilled.

MR. GLICKSTEIN. How many of them are performing semi-skilled work? How many of the 40?

MR. HEARN. Our last EEO One report which I believe you have a copy of, which we submitted back in March, we had 11 at that time. We are now somewhat above that, approximately 15 to 17, I would say, at this time.

MR. GLICKSTEIN. You had 11?

MR. HEARN. In March.

MR. GLICKSTEIN. Performing semi-skilled work?

MR. HEARN. Yes.

MR. GLICKSTEIN. And the other Negro employees, 29 of them are performing work in lower graded categories?

MR. HEARN. That's correct.

MR. GLICKSTEIN. I think the figures that you supplied us indicated that 21 are performing unskilled work and eight of the Negroes are janitors?

MR. HEARN. Well, not janitors, service workers.

MR. GLICKSTEIN. Service workers?

MR. HEARN. Yes.

MR. GLICKSTEIN. What sort of work does a service worker do?

MR. HEARN. This includes janitorial work but it also includes some casual labor that we might use around the office at different times.

MR. GLICKSTEIN. Is your company a Government contractor?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. Do you know with which agency you contract?

MR. HEARN. I know of one agency, GSA.

MR. GLICKSTEIN. What do you sell to GSA?

MR. HEARN. Primarily I believe cut size paper for office type use, I would assume, and some printing applications.

MR. GLICKSTEIN. Have the GSA contract compliance people been around to see you on occasion?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. What have they demanded or requested of you?

MR. HEARN. We were visited I believe last in December of '67 by GSA and at the time we went to Washington and talked with them. They made three recommendations as far as our Jackson, Alabama operation was concerned, one being that we eliminate testing. The second one being that we correct some bathroom facilities in one of our restrooms, and the other being that we correct some facilities in our locker and shower areas.

MR. GLICKSTEIN. This was in January of '67?

MR. HEARN. No, this was in December of '67.

MR. GLICKSTEIN. December of '67?

MR. HEARN. Yes.

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MR. GLICKSTEIN. And I take it your testimony is that in Decem-
ber of 1967 the Allied Paper Company in the Jackson plant had
segregated restroom and segregated locker rooms?

MR. HEARN. No, sir.

MR. GLICKSTEIN. What is your testimony?

MR. HEARN. We did not feel at that time that we had segre-
gated locker rooms and facilities.

MR. GLICKSTEIN. But GSA did?

MR. HEARN. Yes.

MR. GLICKSTEIN. What did you feel they were?

MR. HEARN. Well, the locker room problem came up because
we had some Negroes using a supervisor's locker room in prefer-
ence to the locker room that the other hourly employees used so
to comply with GSA we closed this locker room and reassigned
the colored lockers into the larger locker room.

MR. GLICKSTEIN. Up until that time your Negro hourly em-
ployees were allowed to use the supervisor's locker room?

MR. HEARN. We had people using both rooms. But a majority
of them did use the supervisor's locker room.

MR. GLICKSTEIN. Mr. Hearn, I think the statistics you gave us
indicate that you don't have any Negro supervisors?

MR. HEARN. No, sir.

MR. GLICKSTEIN. Correct. You also supplied us with a number
of charts indicating the lines of progression in the various de-
partments in your plant. And as I understand the way a line of
progression works, the jobs in that line or related jobs, a person
starts at the bottom of the line, and over the years he is able if
he is qualified to move from the bottom to the top?

MR. HEARN. That's correct.

MR. GLICKSTEIN. Is that an accurate description?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. In looking over the charts that you gave us
indicating the lines of progression, I believe you checked off the
Negro employees. I didn't come up with the total of 43 Negroes.

MR. HEARN. No, they are not all in these lines of progression.
We have I believe a total now of 19 that are in these lines of pro-
gression which you have.

MR. GLICKSTEIN. Where are the others?

MR. HEARN. They are in the labor classification.

MR. GLICKSTEIN. They are all in labor classification?

MR. HEARN. Or service workers or truck drivers.

MR. GLICKSTEIN. How does a Negro get from service worker
classification or laborer's classification to a line of progression?

MR. HEARN. By a transfer of request and upon approval of the
company.

MR. GLICKSTEIN. Just to clarify the record, your plant is not
unionized, is it?

MR. HEARN. We do not have a certified bargaining unit. We lost an election the Pulp, Sulphite and Paper Mill Workers and Paper Makers and Paper Workers in April, but the NLRB has not certified the election.

MR. GLICKSTEIN. So you don't have a collective bargaining agreement?

MR. HEARN. No.

MR. GLICKSTEIN. So the election is in dispute?

MR. HEARN. That's right.

MR. GLICKSTEIN. You say a Negro can transfer to one of the lines of progression. If a job opens up, say in the wood yard department as a utility laborer, would that job be posted for people to bid on?

MR. HEARN. No, sir, it is normally not posted.

MR. GLICKSTEIN. It is not posted?

MR. HEARN. No.

MR. GLICKSTEIN. How do you select the people to fill that position?

MR. HEARN. Well, at the present time these people, let's take, for example, in the wood yard department, if we had a vacancy for a reclaimer operator——

MR. GLICKSTEIN. What about a utility laborer? I am talking about the person on the bottom of the ladder:

MR. HEARN. If we had a vacancy for a utility laborer, we would normally hire that man from application. If we had no transfer request from other parts of the plant, let's say.

MR. GLICKSTEIN. How would anybody know that the job was open?

MR. HEARN. Well, I suppose normally it is common knowledge in a small plant like ours when there is a vacancy.

MR. GLICKSTEIN. If somebody occupying a position as a utility laborer were to quit you would wait a short time and see if any of your present employees applied for it and if nobody applied for it in the plant then you go through your applications or solicit applications?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. With the preponderant number of your Negro employees not in the lines of progression don't you think that your company has some obligation to take affirmative steps to see if any of those employees are interested in bidding on these jobs when they became available, or transferring into those jobs?

MR. HEARN. Well, we feel we have done this to a point. Now, these people as utility laborers were not considered a part of the progression at one time. They are now. This is a recent development. They have not always been a part of this progression.

MR. GLICKSTEIN. I am not sure I follow the relevancy of your answer. Let's take another category.

You have a line of progression involving storeroom and chemical handling department. The lowest job on that ladder is chemical unloader. If a job as a chemical unloader becomes vacant would you solicit your Negro employees who are laborers or service workers and ask them if any of them are interested in transferring into that job?

MR. HEARN. We have not made this a practice, no.

MR. GLICKSTEIN. You haven't made that a practice?

MR. HEARN. No.

MR. GLICKSTEIN. You just wait a couple of days and see if somebody applied for it. If not—

MR. HEARN. Normally we have a transfer request on file in our office, practically at all times for the various starting jobs in the plant as far as the progressions are concerned.

MR. GLICKSTEIN. What is the practice in transferring from one line of progression to another? Does that occur frequently?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. When an employee transfers from one line of progression to another, does he retain his seniority?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. What type of seniority are we talking about?

MR. HEARN. He retains his mill seniority. He would start over on department seniority if he went to a new department. He would start over on job seniority if he went to a new job.

MR. GLICKSTEIN. In other words, if a man was in the wood yard department and had been there for 8 years, transferred to the maintenance department, he would retain 8 years of mill seniority but lose his 8 years wood yard seniority and he would start at the beginning of the maintenance line of progression?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. What if a Negro laborer who had been with you for four years since you began transferred into the wood yard department, he would retain his 4 year mill seniority. What would he lose? Would he lose anything?

MR. HEARN. I don't feel he would lose anything. He would lose his time in whatever department he left, as far as being a part of that department. This is one reason why a man normally goes to the bottom and starts up the ladder of promotion within a department.

MR. GLICKSTEIN. In other words, if a Negro laborer was transferred into the wood yard department as a utility laborer, the lowest slot on that ladder, and that Negro laborer worked for you for 4 years, he would still retain his 4 year's mill seniority, but as far as the wood yard department, he would be the low man on the pole?

MR. HEARN. That's correct.

MR. GLICKSTEIN. If something were to happen that required that you cut back on the number of people in the wood yard department, that person would be the first one that would be laid off. Is that correct?

MR. HEARN. Yes. He would be laid off first from the wood yard department but not necessarily from the mill.

MR. GLICKSTEIN. I understand that, he would be laid off first from the wood yard department and return to his laborer's job.

MR. HEARN. Return to his old department.

MR. GLICKSTEIN. Have you conducted any training programs for your employees?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. What type of training programs have you conducted?

MR. HEARN. We have conducted through the assistance of the U.S. Department of Labor a manpower and development training program, MDTA.

MR. GLICKSTEIN. What were you training people for in this MDTA training program?

MR. HEARN. Basically for jobs covering almost the entire plant. There were jobs selected from each of the department progressions which you have. Not all of the jobs in the mill, of course.

MR. GLICKSTEIN. Do you have any idea how much money you received to conduct this training program?

MR. HEARN. The total amount of the grant is approximately \$160,000 to \$170,000.

MR. GLICKSTEIN. If you didn't have this grant how would people be trained for these positions?

MR. HEARN. Well, the company would have had to assume the full cost of training these employees.

MR. GLICKSTEIN. How many trainees have participated in this course so far?

MR. HEARN. Approximately 75, I would say, have completed it at this point. We have not completed the full program.

MR. GLICKSTEIN. Seventy-five completed it at this point?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. How many of those 75 were Negro?

MR. HEARN. Seven.

MR. GLICKSTEIN. About seven?

MR. HEARN. Yes, sir.

MR. GLICKSTEIN. And those Negroes found their way into one of the lines of progression?

MR. HEARN. Yes, sir, they are in these progressions which you have.

MR. GLICKSTEIN. How many people are presently participating?

MR. HEARN. Oh, at the present time only five or six. We are down very low at this point.

MR. GLICKSTEIN. How about last month? How many were in it?

MR. HEARN. Probably last month seven or eight.

MR. GLICKSTEIN. And the month before?

MR. HEARN. Ten.

MR. GLICKSTEIN. And how many of those 10 were Negro?

MR. HEARN. I don't recall any at that time.

MR. GLICKSTEIN. You don't recall any of those 10—

MR. HEARN. No.

MR. GLICKSTEIN. —were Negroes?

MR. HEARN. No. They completed during the earlier part of the program. We do have some 35, I guess, additional employees to train yet.

MR. GLICKSTEIN. As far as you know, Mr. Hearn, the General Services Administration, GSA, is now satisfied that you are in compliance with the Executive order?

MR. HEARN. As far as I know, yes, sir. We have advised them of the steps we have taken following their recommendations.

MR. GLICKSTEIN. Let me ask you a question, Mr. Hearn. In dealing with the contract compliance people from GSA, have you had some considerable experience in dealing in these matters?

MR. HEARN. Personally?

MR. GLICKSTEIN. Yes, sir.

MR. HEARN. No, sir.

MR. GLICKSTEIN. But you have had it in this situation?

MR. HEARN. Yes.

MR. GLICKSTEIN. This might be a difficult question to answer but do you feel that you really are under tremendous pressure to comply and that you just have to do it or else serious consequences are going to befall the company?

MR. HEARN. I don't know if I know quite how to answer that.

MR. GLICKSTEIN. Do you feel that you really have a gun to your head and if you don't do it the company might lose its Government contract, or do you feel that this is the situation that you can negotiate in and talk about and conciliate and mediate and so forth?

MR. HEARN. I think if we intend to be a Government contractor we would expect to abide by the contract regulations.

MR. GLICKSTEIN. Do you have any knowledge of your own of the extent to which Government contracts have been canceled for failure to comply with nondiscrimination clauses?

MR. HEARN. No, sir.

MR. GLICKSTEIN. Do you think officials in your company do?

MR. HEARN. I have no knowledge of that.

MR. GLICKSTEIN. You have no knowledge. Would you be surprised if you were told that no Government contract has ever been canceled for failure to comply?

MR. HEARN. I have no thought on it one way or the other.

MR. GLICKSTEIN. I see. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Hearn, when your company started its operation in 1964 how did you obtain your employees?

MR. HEARN. We obtained most of our employees by setting up an employment office uptown, taking applications at the office which were processed, and of course following that, we interviewed and selected our initial employees.

COMMISSIONER FREEMAN. How many Negroes were employed at that time?

MR. HEARN. I would say approximately 25.

COMMISSIONER FREEMAN. In what positions were they employed?

MR. HEARN. Some of these same positions that Mr. Glickstein has as far as progressions are concerned.

COMMISSIONER FREEMAN. I believe the home office of your company is New York City. Is that right?

MR. HEARN. Yes, Ma'am.

COMMISSIONER FREEMAN. And at what other locations is the Allied Paper Company in operation?

MR. HEARN. Primarily in Kalamazoo, Michigan.

COMMISSIONER FREEMAN. How large is the company?

MR. HEARN. In terms of what?

COMMISSIONER FREEMAN. Sales.

MR. HEARN. I have no idea. In terms of employees within our own division, I would say 2,000, 2,500.

COMMISSIONER FREEMAN. It is a large operation?

MR. HEARN. Relatively so, yes.

COMMISSIONER FREEMAN. You indicated that there are a few Negroes in semi-skilled positions. How many positions in the company are classified as skilled?

MR. HEARN. We would classify the top jobs in each of these departments as skilled classifications, along with the journeyman classifications in maintenance as skilled classifications.

COMMISSIONER FREEMAN. Do you have any Negroes in any of those positions?

MR. HEARN. In the skilled positions?

COMMISSIONER FREEMAN. Yes.

MR. HEARN. No.

COMMISSIONER FREEMAN. Has the GSA or the Equal Employment Opportunity Commission raised any questions with your company with respect to your failure to have any Negroes in skilled positions?

MR. HEARN. No.

COMMISSIONER FREEMAN. They have not inquired about this at all?

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MR. HEARN. No. We have discussed with them the promotional sequence within these departments. They realize that these people are well up the promotion ladder as far as reaching the skilled classification is concerned.

COMMISSIONER FREEMAN. What is the highest promotion level that a Negro has in your company at this time?

MR. HEARN. The highest wage level is a helper in the mechanical department at \$3.45 an hour.

COMMISSIONER FREEMAN. At the rate that has been made in the past how long would it take him to get to the skilled level?

MR. HEARN. His next job classification will be a skilled level.

COMMISSIONER FREEMAN. How long do you anticipate that that would take?

MR. HEARN. Well, he would normally spend a minimum of 6 months in his present classification before he would be eligible for promotion. He has probably been in it 2 or 3 months at this point.

COMMISSIONER FREEMAN. Do you contemplate that there will be any Negroes in the skilled positions within the next year?

MR. HEARN. I certainly do.

COMMISSIONER FREEMAN. Would you tell us about your office staff? How many persons are employed as office personnel?

MR. HEARN. We have I believe, 13 clerical.

COMMISSIONER FREEMAN. How many Negroes are employed there?

MR. HEARN. None.

COMMISSIONER FREEMAN. None. Has the General Services Administration inquired about your failure to have any Negroes in clerical positions?

MR. HEARN. Not in that regard. They asked the same question which you have asked and of course we answered that we had none. They indicated that they would like to see some affirmative action which we agreed to.

COMMISSIONER FREEMAN. They said they would like to see it?

MR. HEARN. Yes.

COMMISSIONER FREEMAN. Is that all they said?

MR. HEARN. Yes.

COMMISSIONER FREEMAN. Thank you, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. I have no questions.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. Just one question.

When they said they would like to see some affirmative action in that regard, did you understand that to mean that they would like you to hire some Negro clerical workers?

MR. HEARN. Well, as I recall the example that was given, he said, for example, if we had three clerical jobs available and we

hire one out of the three as Negro, this would be very pleasing to them.

MR. TAYLOR. They said they would be happy?

MR. HEARN. Yes, sir.

MR. TAYLOR. But you haven't been able to satisfy them so far?

MR. HEARN. No.

MR. TAYLOR. But it is your desire to make them happy?

MR. HEARN. Yes, sir.

MR. TAYLOR. I have no further questions.

CHAIRMAN HANNAH. Thank you very much, sir. You are excused. Mr. Glickstein, would you call the next witness?

MR. GLICKSTEIN. The next witnesses are Mr. George Dorsey, Mr. Robert Harlan and Mr. Byron Harding.

(Whereupon, Mr. George Dorsey, Mr. Robert Harlan, and Mr. Byron Harding were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. GEORGE DORSEY, DIRECTOR, CIVIL RIGHTS PROGRAM POLICY STAFF, GENERAL SERVICES ADMINISTRATION; MR. BYRON HARDING, ASSOCIATE GENERAL COUNSEL, GENERAL SERVICES ADMINISTRATION; AND MR. ROBERT J. HARLAN, CONTRACT PROGRAM POLICY OFFICER, GENERAL SERVICES ADMINISTRATION, WASHINGTON, D.C.

MR. GLICKSTEIN. Would each of you please state your full name and address for the record?

MR. DORSEY. My name is George Dorsey. I am the Director of the Civil Right Program Policy Staff for the General Services Administration. I live at 1009 Cresthaven Drive, Silver Spring, Maryland.

MR. HARDING. My name is Byron Harding. I am Associate General Counsel, General Services Administration. I live at 3812 Estelle Road, Fairfax, Virginia.

MR. HARLAN. I am Robert J. Harlan. I am the Contract Program Policy Officer for GSA. I live at 1791 Verbena Street, N.W., Washington, D.C.

MR. GLICKSTEIN. Mr. Chairman, just to put this testimony into context, I would like to quote from a letter that was sent to us by the Administrator of the General Services Administration, which indicates that for the fiscal year 1967 through February 1, 1968, GSA has pending \$1,353,400,000 worth of supply contracts nationally. For the same period GSA has pending in the State of Alabama \$15,614,913 worth of supply contracts.

Mr. Dorsey, how long have you occupied your present position?

MR. DORSEY. I was Acting Director of the Civil Rights Program Policy Staff effective January 9, 1968, and was made Director April 18, 1968.

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DIRECTOR, CIVIL RIGHTS
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WASHINGTON, D.C.

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MR. GLICKSTEIN. And what did you do before that? What was your previous position?

MR. DORSEY. Equal Employment Opportunity Officer for General Services Administration, responsible for implementing Part I of Executive Order 11246.

MR. GLICKSTEIN. Part I is the part that deals with the inservice, inhouse?

MR. DORSEY. Inhouse. And about 1961 I was Deputy Contract Compliance Officer in name only.

MR. GLICKSTEIN. What is the scope of your present responsibilities?

MR. DORSEY. My present responsibility has to do with the overall administration and implementation of Executive Order 11246, Parts 1, 2, 3 and implementation of Title VI of the Civil Rights Act.

MR. GLICKSTEIN. How many people do you have on your staff?

MR. DORSEY. I have three professionals. One is assigned to the Office of Federal Contract Compliance, and as such, really doesn't work—he is on our payroll. He is working for the Office of Federal Contract Compliance, and two full-time professional and two clerical.

MR. GLICKSTEIN. Is it fair to say that you and these two other people that are working with you are responsible for seeing that the \$1,353,400,000 worth of GSA contracts are administered without discrimination on the basis of race?

MR. DORSEY. In cooperation with the contracting officers, the deputy compliance officers, civil rights coordinators and the bureaus, and other procurement officials.

MR. GLICKSTEIN. Is your operation regionalized?

MR. DORSEY. Yes.

MR. GLICKSTEIN. Do you have a Southern Region?

MR. DORSEY. We have a regional office in Atlanta, Georgia and one in Dallas, Texas.

MR. GLICKSTEIN. And what is the region that the Atlanta office covers. What is it called?

MR. DORSEY. Region 4; we call it.

MR. GLICKSTEIN. Is that the Southeast Region?

MR. DORSEY. Southeast you might call it, yes.

MR. GLICKSTEIN. And how many people do you have working out of that office?

MR. DORSEY. On my staff?

MR. GLICKSTEIN. That's right.

MR. DORSEY. I don't have anyone working on my staff.

MR. GLICKSTEIN. Do you have somebody—is there somebody assigned to that office?

MR. DORSEY. The Regional Counsel is designated as the Deputy Contract Compliance Officer.

MR. GLICKSTEIN. For that region?

MR. DORSEY. For each region.

MR. GLICKSTEIN. In each region the Regional Counsel is the Deputy Contract Compliance Officer?

MR. DORSEY. That's right, and our Compliance Division, which actually makes the surveys, compliance surveys, and investigation of complaints. They are assigned to the various regions.

MR. GLICKSTEIN. How many of such people are assigned to the Atlanta office?

MR. DORSEY. We have one man full-time on the civil rights area. That has been assigned to Atlanta.

MR. GLICKSTEIN. Is it fair to say that that one place is responsible for the over fifteen and a half million dollars worth of contracts that GSA has in Alabama?

MR. DORSEY. He is responsible for making surveys as directed by our Compliance Division in Washington.

MR. GLICKSTEIN. And is he responsible also for dealing with complaints that might come in?

MR. DORSEY. As directed from Washington.

MR. GLICKSTEIN. Mr. Harlan, how long have you been with the GSA Contract Compliance Unit?

MR. HARLAN. I started in the Contract Compliance activity in April, 1965. This was at the retirement of Colonel Rosenfeld, who was the Contract Compliance Officer for GSA.

MR. GLICKSTEIN. And what did you do prior to that?

MR. HARLAN. Prior to that I had been appointed Area Coordinator for the Washington area to work with the then President's Committee on Equal Employment Opportunity. And I had the responsibility of the construction activity in Washington, as it related to all Federal agencies who were engaged in construction.

Subsequent to the resignation of the Baltimore Area Coordinator I was requested to assume his duties in Baltimore, and during the time that—right after Colonel Rosenfeld's retirement I was asked to assume his duties. So for a while I was wearing three hats.

MR. GLICKSTEIN. Mr. Harding, what is your relationship to the contract compliance operation?

MR. HARDING. As a representative of the Office of General Counsel, we furnish the legal advice that is requested or desired by the contractor, by the Civil Rights Program Policy staff.

MR. GLICKSTEIN. Have you ever yourself had contract compliance responsibilities aside from giving legal advice?

MR. HARDING. Not directly. For a time the General Counsel acted as the head of that staff and in that capacity while I was a Special Assistant to the General Counsel, I assisted him in that connection, but I was never a part of the staff, no, sir.

MR. GLICKSTEIN. Did he delegate to you the duties of that work involved?

MR. HARDING. No, he did not.

MR. GLICKSTEIN. Did you do most of the work that was involved and make recommendations to him?

MR. HARDING. I did a considerable part of it, but he assumed direct control of it and handled a considerable portion of it himself.

MR. GLICKSTEIN. During what period was this?

MR. HARDING. This was from approximately May of 1967 until January of 1968.

MR. GLICKSTEIN. And then the responsibilities were shifted to Mr. Dorsey. Is that correct?

MR. HARDING. That is correct.

MR. GLICKSTEIN. I have a whole group of questions that I would like to ask you. But we heard some testimony this morning from the Alabama Power Company and the Alabama Power Company indicated that in 1967 they were subjected to a compliance review out of your Atlanta office. You have given us the opportunity to look at your files and we note that the report that was submitted by your employee who did this review states the following: "Inasmuch as findings reflect patterns of restricted minority group employment at all facilities surveyed, you may wish to introduce administrative action against subject at this time."

Now, we heard the personnel manager of the company this morning and he testified that not only was no companywide affirmative action program directed after this survey, but that he was unaware that the compliance review disclosed any serious shortcomings. In fact, I noted that he said that the comments from GSA were nominal.

Can any of you explain this failure of communication?

MR. HARLAN. I can perhaps explain that.

For a long time there was a serious question as to whether or not the Equal Employment Opportunity clause applied to public utility. And also as to whether it applied to railroads. GSA enters into what is known as areawide contracts for power and as a result of this, we require that they include in these negotiated contracts the equal opportunity clause which comes from the Executive Order, initially 10925, and now 11246.

As a result of this experience, and I requested from our utilities people, the service people, that prior to the award of a contract, or prior to the award of a negotiated contract that they require the utility to submit a Form 100, showing the racial statistics, employment statistics—

MR. GLICKSTEIN. What periods of time are you talking about now, Mr. Harlan?

MR. HARLAN. This goes back to about a little before this survey was conducted at Alabama Power.

MR. GLICKSTEIN. But I take it that by the time the survey was conducted you had concluded that utilities were covered by it?

MR. HARLAN. I still didn't realize whether they were covered but I didn't want to be in the position of not having done anything about awarding contracts to utilities that had the clause in it. I felt the fact that the clause was in the contract that they would be covered regardless of information to the contrary.

MR. GLICKSTEIN. This might be irrelevant. I am just curious if you have any idea what the theory was that suggested that utilities were not covered?

MR. HARLAN. Well, one of the questions that everybody was concerned about was whether or not sanction could be imposed on the basis of the clause in the contract. I am sure you are familiar.

MR. GLICKSTEIN. You mean you just couldn't cancel a contract with the utility?

MR. HARLAN. This is a sole source of supply and if you cancel a contract why then everybody is using candles or oil lamps or they are burning wood if it is a coal company or coal utility.

MR. GLICKSTEIN. We also heard some testimony last night from the American Can Company. The American Can Company is also a GSA contractor. I think their contract amounts to some \$1,762,000 for their Naheola Mill. And they, the American Can Company, has been subjected to GSA reviews in 1965 and 1966. If I recall at the Naheola Mill, of about 1,300 employees, they have about 100 Negroes.

In addition, the American Can Company operates a sawmill in Bellamy.

Now, as I understand the Executive order, the mere fact that that sawmill isn't doing work for the Government does not exempt them from coverage under the Executive order. Is that correct?

MR. HARLAN. Are you speaking to me?

MR. GLICKSTEIN. Any of you. Mr. Harding?

MR. HARDING. That is correct.

MR. GLICKSTEIN. Well, I am sure there is a great source of curiosity to us here and we heard last night the conditions in this town described as what one might read about in reading an 18th century novel, a source of great curiosity to us is why GSA hasn't done anything about that town, why GSA hasn't forced the company to eliminate the segregated facilities, facilities that are subject not only to the specific scope of the Executive order but are also subject to a very clear directive that has been issued by the Department of Labor requiring the elimination of segregated facilities.

Mr. Dorsey, would you care to comment on that?

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MR. DORSEY. I was not aware officially of the housing situation until I read it in this morning's paper about the testimony last night. Although I had heard it mentioned casually in the office, I was not aware of it otherwise.

MR. GLICKSTEIN. I am just curious how an agency like the Commission on Civil Rights, like us, with a tiny staff has been able in a short period of time to come up with information such as this but GSA which administers over a billion dollars in Government contracts every year can't find a few dollars here and there to have enough people so that they can deal with conditions like those described in Bellamy.

MR. HARLAN. May I answer that, Mr. Glickstein?

We too have a tiny staff at GSA. And the billions of dollars about which you speak, this tiny staff has the responsibility of implementing the clause that appears in these contracts.

MR. GLICKSTEIN. Let me interrupt you for a minute, Mr. Harlan.

The American Can Company at Naheola makes toilet paper for GSA. Do you think if that toilet paper was of inferior quality, if it wasn't being produced correctly GSA would take very fast steps to deal with that?

MR. HARLAN. No question about it. The quality control division of the supply—

MR. GLICKSTEIN. Do you have enough people employed by GSA to deal with quality control problems?

MR. HARLAN. I can't answer that. I am not in the quality control, and I don't know what their problems are. I am concerned with GSA equal opportunity problem.

MR. GLICKSTEIN. I am sorry I interrupted you.

MR. HARLAN. To continue, under the compliance agency responsibility that has been created by the Joint Reporting Committee, the Office of Federal Contract Compliance, Plans for Progress, and the Equal Employment Opportunity Commission, each agency has been designated a certain number of contractors for whom they have the compliance responsibility.

At the last count GSA had compliance responsibilities for 889 contractors. This represented some 3,700 facilities. Now, as Mr. Dorsey has indicated, the staff that we have, it is a sort of a hit and miss thing. It just so happens that in regard to Allied Paper, we did have this meeting with Allied Paper and we did as a result of the meeting request what we term a 90-day progress report regarding the segregated facilities at Jackson, Alabama, and also employment statistics for a period of 90 days, and promotion statistics for a period of 90 days, and convince them that the testing which had normally been required to transfer from one line of progression to another should be discontinued because

it may be discriminatory as regards promotional opportunities for Negroes.

Now, if this is just happenstance that we had this, and we had the meeting and did in fact receive the report April the 18th. There are deficiencies in the report which we haven't had an opportunity to go back to the company about these deficiencies—so these are the problems under which we are operating.

MR. GLICKSTEIN. So you, in other words, asked Allied Paper for a 90-day report and they submitted it?

MR. HARLAN. That's right.

MR. GLICKSTEIN. But you really haven't had a chance to follow that up with Allied Paper?

MR. HARLAN. We look at the report when it comes in and try to analyze it, but we haven't had an opportunity to analyze it to the degree that we could be back in contact with Allied Paper.

Now, when you consider 889 facilities, and perhaps a number in the neighborhood of about 126 reports I think we maybe have pending coming in, you can recognize the horrendous task that it is to do these followups. I mean this program, as it is being run is basically project awareness. We do have the responsibility of making these people aware that there is a clause in their contract, and that this clause means just as much as any other clause. But so far as political welfare, social welfare, administrative expediency, we are operating under horrendous conditions so far as the actual issuance of sanctions.

MR. GLICKSTEIN. Has GSA ever terminated a contract?

MR. HARLAN. Pardon?

MR. GLICKSTEIN. Has GSA ever terminated a contract?

MR. HARLAN. No.

MR. GLICKSTEIN. Have you ever threatened to terminate a contract?

MR. HARLAN. Many times.

MR. GLICKSTEIN. How? You sent letters?

MR. HARLAN. We have requested affirmative action programs. We have requested progress reports. After all, all affirmative action is a judgment factor. What is affirmative action to one individual might not be affirmative action to another individual. So the only responsibility that the contracting officer has in determining the responsibility of a contractor, one of the standards is the ability to comply with the equal opportunity clause.

It is my feeling that in order to make that determination there must have some information as to what his compliance posture is or his employment statistics are.

MR. GLICKSTEIN. I just want to interrupt the line of questioning for a moment to make clear that at least in my view we here don't hold any of you gentlemen personally responsible for any overall deficiencies in the program. You are employees of the General Services

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ices Administration, if that program isn't being effectively carried
out none of you three have the ultimate responsibility to correct
that. But you all are experts in this contract compliance field and
we are very anxious to get your views as people who are active in
this area.

What puzzles me, however, is why an agency-like GSA is able to
find the resources and the facilities to see if a paper mill is pro-
ducing toilet paper properly but when it grants Government funds,
and in my view, a Government contractor that discriminates after
the receipt of Government funds not only is violating the Execu-
tive order but is also I think violating the Constitution.

Why do you think that more resources are not being devoted to
make sure that every single dollar that is spent by the Federal
Government is spent in a way that affords equal opportunity, and
how would you deal with this?

Do you think that you would have to triple your staff or quad-
ruple your staff, or what?

MR. DORSEY. I think this is joint responsibility. As I view our
staff it is more of a policy staff. It may be that we are involved too
much in operations. We have a larger compliance staff. And the
way it is set up, it would appear to me, and that we could utilize
them more, rather than all of these pieces of paper coming across
our desk and that we would become involved only in the cases that
looked like they were really out of compliance. And then we would
attempt to hold conferences with them, and that our compliance
staff would, in talking directly with the contractors, like Mr. Pol-
lock, they would make recommendations, and we would get feed-
back information rather than all of the reports coming across our
desk and trying to implement them.

I am not sure that additional staff is the sole answer. I think it
is better utilization of present staff, quality control inspectors,
contracting officers, who ultimately make the award.

MR. GLICKSTEIN. But Mr. Dorsey, would you feel that additional
staff is needed in the region, people to supplement Mr. Pollock, for
example?

MR. DORSEY. That is the negative approach on the compliance
side. I don't necessarily feel that we should emphasize the negative
part, the survey angle.

MR. GLICKSTEIN. Under your present program, if a quality con-
trol employee of GSA were to go to the American Can Company's
mill at Naheola to check on the quality of the toilet paper and was
to notice that there was segregated restrooms and segregated
locker room facilities, would he have any responsibility to say any-
thing about that or do anything about it?

MR. DORSEY. He has the responsibility but I am not sure that we
are implementing it to the effect that we should be.

MR. GLICKSTEIN. Is this responsibility made clear to him?

MR. DORSEY. I think it probably has been in the past. Yes, I think it probably has been. He has a form that he is supposed to fill out that we require for equal opportunity.

MR. GLICKSTEIN. He has a form that—

MR. DORSEY. Yes, there is a form that has been devised that he is supposed to submit information to our staff, which is very meager though on the \$100,000 or more. Among my papers here I have a sample. Yes. He has a form that he asks such questions as: "Has an EEO Compliance review been conducted by the compliance people; Have there been any recent significant changes in the employment pattern; Are entrances, exits, drinking fountains, eating facilities, rest rooms, segregated? If it is yes, explain. Have any changes in subcontractors taken place?"

MR. GLICKSTEIN. Let me ask you another question, Mr. Dorsey.

You said that perhaps more staff could help. But you thought it was very important that people like the quality control people and the contracting officer assume greater responsibilities. What effect do you think it would have on your program if a few Government contracts were canceled? What do you think would be the impact if GSA next week were to cancel the contract of the American Can Company? Do you think that would have an impact? Do you think that would shake up a lot of people?

MR. DORSEY. Yes, definitely, just as you read last week's paper where we threatened to take sanctions against a contractor in Philadelphia on a Federal construction job. I think that has had some impact on the general public. Yes, I definitely think it would have an impact once the news gets out and gets publicized such as this little item did last week in the Philadelphia press, the New York Times, the Washington papers.

MR. GLICKSTEIN. And you think that has more of an impact than lots of conciliating and negotiating?

MR. DORSEY. I think there comes a point when you have to stop conciliating and negotiating and go to sanctions. Now, what that point is, is a debatable question.

MR. GLICKSTEIN. Do you think—I don't know whether you heard the testimony about the American Can Company town in Bellamy last night?

MR. DORSEY. I read it in the paper today.

MR. GLICKSTEIN. Do you think that is a debatable question?

MR. DORSEY. No, no.

MR. GLICKSTEIN. I wonder if—I am probably speaking out of turn, but I wonder if I could suggest to the three of you that before you return to Washington that you drive over to Bellamy?

MR. DORSEY. I lived in Pittsburgh. I know what the coal towns are. This can't be any worse, I don't think.

MR. TAYLOR. Take a look-see.

MR. DORSEY. Worse than the coal towns in Pittsburgh?

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COMMISSIONER FREEMAN. I saw them.

MR. GLICKSTEIN. One final question, before I defer to the Com-
 missioners.

Does GSA have a system of record keeping which permits you
 to know the names of all the companies that you are responsible
 for?

MR. DORSEY. We have this list the Office of Federal Contract
 Compliance gets out. They used to call PIA List, Predominant
 Interstate Agency. It is out of date, 1966, and then we have our
 own list from our Federal supply company when they send these
 forms over for clearance on contracts that they are going to award
 for \$100,000 or more.

MR. GLICKSTEIN. So with the help of both these lists you can
 pretty well determine the number of companies and their locations
 and whether they are covered or whether they have contracts with
 GSA?

MR. DORSEY. Yes.

MR. GLICKSTEIN. For example, if you were to get a report that
 GSA was entering into a large contract with American Can in
 Naheola, would you have any way of knowing what other facilities
 the company had and where they were and what their state of
 compliance was?

MR. DORSEY. Yes, our files, I think, would show that because we
 have surveyed a number of the American Can facilities. I think a
 dozen, throughout the country that we have surveyed.

MR. GLICKSTEIN. Well, under the new procedures for a contract
 over \$1 million before you actually sign the contract, you would
 have to conduct a preaward compliance survey. Is that correct?

MR. DORSEY. That's correct.

MR. GLICKSTEIN. And with a large company that has facilities
 in all parts of the country would that preaward survey include not
 only a review of the particular facility with which you are con-
 tracting but all of the facilities of the company all over the
 country?

MR. DORSEY. I think it would include a general review of surveys
 that had been conducted at other facilities.

MR. GLICKSTEIN. But you wouldn't go out and do new reviews?

MR. DORSEY. I don't believe so. Would we, Bob?

MR. HARLAN. Well, insofar as the \$1 million award regulation,
 we have the responsibility as other agencies do to conduct pre-
 award surveys if there has not been a survey done prior to 6
 months of the award. But here again, you must remember that
 we have been attempting to fulfill this responsibility, but we have
 only been doing preaward surveys of the facilities where the point
 of production is going to be. You can understand in ordinary
 procurement that you have a certain period of time in which to
 make an award. So you have a comparable period of time in which

to make surveys so if you have a company like American Can who has I think something like 120 facilities in the country.

It is a practical impossibility to do a survey of every facility that they have to make this determination. And this I think to a large extent is going to be compounded with the recent regulations which requires a nonsegregated facility assurance which the contractor now has to give. So now we are placed in the situation as to whether or not the assurance is in fact a valid assurance, and how are we going to find this out unless we go into the many facilities to find it out.

MR. GLICKSTEIN. In other words, how much time do you have for this?

MR. HARLAN. Sometimes we have 30 days, sometimes we have 20 days, sometimes it takes them 10 to 15 days to find out who the low bidder is. Then after they find out who the low bidder is, now we have worked out an arrangement where we request at least from our procurement people, at least 10 working days in which to get to our compliance investigators the need to do the survey.

But here again we get back to the point of production where the job is to be performed.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. Dorsey, we have got laws on the books—

MR. DORSEY. Pardon?

VICE CHAIRMAN PATTERSON. We have got laws on the books with respect to all of these subjects that you have been questioned about this morning. They are there. You are conducting what you concede to be a hit or miss check on whether that law is being observed.

MR. DORSEY. I don't entirely agree with that statement.

VICE CHAIRMAN PATTERSON. Hit or miss. Then who used the term? Was it you, Mr. Harlan?

MR. HARLAN. I don't think I made that statement.

VICE CHAIRMAN PATTERSON. Well, one of the witnesses used the term, hit or miss, and I can understand that, as Mr. Glickstein said, you have your limits, but here we have some human problems, it is all right to test the tensile strength of toilet tissue, but the quality of the people who make it is also an issue in this society. And what I want to ask you as a man who deals in this field daily, is what do you think all of this is saying to American business?

MR. DORSEY. Get on the ball, man.

VICE CHAIRMAN PATTERSON. Do you think it is their duty to obey the law?

MR. DORSEY. Speaking in everyday parlance?

VICE CHAIRMAN PATTERSON. Yes. How would you rate their performance up to now?

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MR. DORSEY. Up to now?

VICE CHAIRMAN PATTERSON. In complying with this law?

MR. DORSEY. I would say very poor. There are exceptions of
course. There are some exceptions but they are in the minority, in
my opinion.

VICE CHAIRMAN PATTERSON. Well, from your experience do you
think you are going to have to force American business to comply
with the law or do you believe that they are going to assume their
own proper role in abiding?

MR. DORSEY. I don't think after 7 years since the Kennedy Order
10925, from the slow progress in my opinion that has been made
during that period of time, that if we are going to stop this rioting
and looting and burning, we have got to accelerate the implementa-
tion of the regulations and the laws that are on the books.

VICE CHAIRMAN PATTERSON. You or business? Have you got to
accelerate your efforts to make them comply or have they got to
accelerate?

MR. DORSEY. They have got to accelerate theirs with some push
from the Government, I think. Government alone can't do it. It has
got to be a cooperative thing.

VICE CHAIRMAN PATTERSON. Do you see any movement in that
direction?

MR. DORSEY. A slight movement, yes, a slight movement, but it
is still a long, hard fight, as I see it.

VICE CHAIRMAN PATTERSON. Thank you.

CHAIRMAN HANNAH. Mrs. Freeman.

COMMISSIONER FREEMAN. Gentlemen, we are dealing with a
large expenditure of public funds and there is one very serious
defect with respect to the operations that stands out and that is
that in the contracts where the specifications are drawn up, as
someone said, if we were dealing with toilet tissue and it was defec-
tive, the contract would be terminated tomorrow. Or if it were
with respect to the asphalt tile, if they gave another kind of tile,
it would be terminated tomorrow.

Here we have a situation where this Government has a provision
in the contract which it gives a low priority, the quality control
people who determine this have taken on the basis of the testimony
which we have heard, and there is no procedure administratively
which provides for it, no action, and no recommendation with
respect to anything but that tile—even though if we take the case
of the American Can for the past 8 years, they would have seen
deplorable conditions, they couldn't have missed them. Should not
then the Government, General Services Administration, or any
other Government agency, have determined that there is a basic
weakness in the law, and that as it stands now there has been no
change?

The companies that were discriminating 7 years ago are still discriminating.

MR. DORSEY. With token improvement.

COMMISSIONER FREEMAN. There is only tokenism. Can't you, on the basis of what you have seen in your experience, make some recommendation to improve the situation so that we will not have what is going to happen, and that is chaos, unless it is changed?

MR. HARLAN. This is what we are attempting to do, Mrs. Freeman. You have said that if the tissue is not up to standard, if the asphalt tile is not up to standard, we cancel the contract. We don't cancel the contract. We refuse to take that which is not up to standard and we require that they bring it up to standard. This is what we are attempting to do in this program.

We refuse to accept that which is not up to standard as it relates to equal opportunity and we try to get them to bring it up to standard. But this is a constant, constant tooth-pulling exercise.

COMMISSIONER FREEMAN. Mr. Harlan, with respect to contractors, you also have another procedure, and that is where he does not bring the product up to standard you put him on a restricted list and he does not receive the opportunity even to bid on contracts again. That is also one of the policies of the Government, except with respect to equality of opportunity.

MR. HARLAN. We have this same procedure under the contractor ineligibility hearing procedure, in which we negotiate, we conciliate with a contractor. We write letters, we get replies from him in order to try to get him up to standard as it relates to EEO.

COMMISSIONER FREEMAN. Is there any contractor that is now ineligible under this provision?

MR. HARLAN. No, we are talking about contractors who have contracts. And with whom we are negotiating in an effort to get him up to standard. Then we have the contract ineligibility hearing procedure in which we can cite a contractor for failing to have performed his contract, and then in this respect we aren't doing anything so far as the expediency money, and this sort of thing, we are taking this contractor out of the realm of bidding, if we could utilize that procedure.

COMMISSIONER FREEMAN. That is what I am saying. What is stopping you from utilizing that procedure?

MR. HARLAN. I wouldn't say that anybody is stopping us but under the rules and regulations of the President's Committee, under which the Office of Federal Contract and we are operating, and there are present new rules and regulations which are supposed to come out for the Office of Federal Contract Compliance, as I recall the rules, the context of both of the rules, both the proposed and those under which we are operating, this must be done with the advice and consent of the Director of the Office of Federal Contract Compliance.

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COMMISSIONER FREEMAN. Would you suggest on the basis of
your experience where you admit that very little has been accom-
plished, that this become a part of the rules and regulations?

MR. HARLAN. I think this is the only way to do it. I don't think
that we are going to get people employed canceling contracts. We
will get more people employed if we take contractors out of the
realm of bidding and say: "You can't even bid on a contract until
you satisfy us that you met your requirements as it relates to
EEO."

COMMISSIONER FREEMAN. May I suggest that GSA, that they
would make that recommendation to the appropriate people?

MR. HARLAN. Well, we will attempt to do that posthaste. We
have companies, I think, right now with whom we have been work-
ing that we could very well suggest that type of procedure to the
Office of Federal Contract Compliance.

COMMISSIONER FREEMAN. Thank you.

MR. DORSEY. May I interrupt and say something?

CHAIRMAN HANNAH. Yes, sir, go ahead.

MR. DORSEY. I think this is what I was touching on, Mrs. Free-
man, when I suggested that maybe we need to bring the contract-
ing officers into line before they award contracts. We need to
indoctrinate them more as I see it, and preventive measures,
rather than waiting until the contract is awarded and then going
out and surveying.

I think that we have got to be more careful in awarding con-
tracts to have more concrete and specific information that this
contractor means to comply with the law. And this is one of the
things that I had in mind when I said I was not sure that addi-
tional staff was absolutely essential. It is rather the utilization of
the staff that we have, these quality control people, and the con-
tracting officers, getting more involved possibly than they have in
the past.

CHAIRMAN HANNAH. I have no questions.

I should like to reiterate the point that has been made. You
have indicated a recognition that GSA hasn't been as effective as
it might be. This Commission many years ago was responsible for
a recommendation to the President and to the Congress that funds,
Federal Government funds spent directly or through other agen-
cies, should not be spent in violation of law, whether it is Supreme
Court law or Congressional law, or Executive order law.

Of course it was clear that when you are dealing with industries
that were not accustomed to complying with some of the new laws
and regulations, it was appropriate that there be reasonable time
for them to get ready and for agencies of the Government to be
involved, and for educational programs and so on. But the point
the Commission is making in this hearing is that we have passed
that reasonable time. And that all of us that have a role in bringing

about what most of us think is progress need to, as you say, when you answered a question, Mr. Dorsey, that you should say to industry "Get on the ball," and we are going to have to say that to people in Government, to "get on the ball" to see that industry and everyone else makes what now is law effective.

That is a preachment of course that is easily made, and I am sure from what you said that you recognize that that time has come.

MR. TAYLOR. Just a few questions.

In talking about hearings a few minutes ago, I would like Mr. Dorsey or any of the others to say, has GSA itself ever held informal hearings which might lead to termination of contracts under the rules provided for such informal hearings as I understand it?

MR. DORSEY. Formal or informal?

MR. TAYLOR. Informal.

MR. DORSEY. Informal, yes, they have.

MR. TAYLOR. Has it ever recommended on the basis of its findings, that formal hearings leading to a termination be instituted?

MR. DORSEY. We have a case pending right now. Northern Supply. May I call you Bill? I think I know you well enough to call you Bill.

MR. TAYLOR. Sure.

MR. DORSEY. Bill, I would like to clear up something.

Conferences and informal hearings, we have informal conferences going on right now, or have had for the past couple of weeks. Now, I don't know whether you make a distinction between informal hearings or conferences. Is there any distinction between the two?

MR. TAYLOR. Well, the rules provide for something called informal hearings. But let's pass on to the formal hearings which we were talking about.

MR. DORSEY. As far as I know there has never been any formal hearing, *per se*.

MR. TAYLOR. And there has been one recommendation which is very recent?

MR. DORSEY. No, there was one in Cleveland, I believe, as I recall, that you might say was in that informal stage of a threat to force subcontractors if they didn't come into line and bring some Negroes on construction jobs. And I believe there have been some other more or less informal conferences. Haven't you participated in some, Bob?

MR. TAYLOR. Well, it is not the informal conferences that I am concerned with. The rules provide for formal proceedings, and if the formal proceedings were instituted, the agency might, the contractor might get the notion that the agency means business, that is why I am inquiring into the question of whether there have been recommendations for formal hearings, which would have to be approved, I guess, by the Office of Contract Compliance.

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That is easily made, and I am recognize that that time has come.

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formal conferences that I am or formal proceedings, and if uted, the agency might, the t the agency means business, uestion of whether there have earings, which would have to Contract Compliance.

But if GSA doesn't make those recommendations then you never get—

MR. DORSEY. I am not aware of any formal hearings.

MR. HARLAN. I think we did, if I am not mistaken, insofar as Armstrong Rubber Company is concerned in Natchez, Mississippi, I think that we documented all of the efforts that we had made as regards to trying to get them in compliance and sent this documentation over to OFCC with the suggestion that a hearing be held. And there was subsequent negotiation, but it never reached the extent of the hearing, because at the time that it was acted upon, many of the deficiencies which we had raised in our documentation had been corrected.

MR. DORSEY. May I add something to it, Bill?

MR. TAYLOR. Sure.

MR. DORSEY. Our contract for the Chairman's benefit, our contract compliance officers, do not determine whether a contractor is in compliance or out of compliance. He makes recommendations that will assist him into coming into compliance, particularly in the recruitment area. But he does not have the authority to say that the contractor is in or out of compliance, he does make recommendations, recruiting, and goes out in the community and contacts the minority community and sees what the posture of the company is.

MR. TAYLOR. Mr. Harlan, we heard—I understand that the American Can Company is a Plans for Progress employer. Can you tell me very briefly what that means? What is a Plans for Progress employer?

MR. HARLAN. Well, the Plans for Progress concept, I think, was the brainchild of Vice President Humphrey and Mr. Hobart Taylor, at the time Mr. Taylor was the Executive Director of the President's Committee on Equal Employment Opportunity, and this was where there was an agreement signed by many of the larger companies with Mr. Johnson, the President, that they would voluntarily enter into a voluntary compliance with the intent of the Executive order as it relates to the Equal Opportunity provision.

And they even were instrumental in creating and setting up the joint reporting committee, which was also a concept of reporting, and these reports came into Plans for Progress, Equal Employment Commission, and the Office of Federal Contract Compliance.

They also had a staff director, which was a representative of industry who had the responsibility of running the Plans for Progress program in the District of Columbia.

These were all voluntary efforts on the part of most of all of these companies, all of whom are Government contractors.

MR. TAYLOR. In other words, these are all companies which have obligations under the law, but by associating with Plans for Prog-

ress they said that: "We are in the spirit of this thing, and we are going to perhaps even do more than is necessary under the law." Is that correct?

MR. HARLAN. That is what they said, yes.

MR. TAYLOR. Well, you have had some experience, have you not, over the years at looking at companies of all kinds? I just wonder if you could tell us whether, when you are looking at a plant, whether the fact that it is a Plans for Progress company affects your expectations about what you will find one way or the other?

MR. HARLAN. Well, no, because we aren't looking for voluntary compliance, we are looking for compulsory clause responsibility in the contract. Now, naturally, we comment if we run into a Plans for Progress company that hasn't even voluntarily complied. And we are concerned, and we comment about this to the company.

MR. TAYLOR. Are you able to say whether from your general experience, Plans for Progress companies have better records than other contractors, or not?

MR. HARLAN. I would say some Plans for Progress companies have better records. But I would say that there are companies who are not Plans for Progress companies who have as good, or better, records than Plans for Progress companies.

MR. TAYLOR. I have nothing further.

CHAIRMAN HANNAH. Are you through, Mr. Glickstein?

MR. GLICKSTEIN. Yes.

CHAIRMAN HANNAH. Thank you very much. You are excused. We are now taking a 10-minute recess.

CHAIRMAN HANNAH. Ladies and gentlemen, may we have quiet. Will you resume your chairs? This hearing is again in order. Mr. Glickstein, will you call the next witness.

MR. GLICKSTEIN. The next witnesses are Mr. Kenneth Eppert and Mr. James Dunkin.

(Whereupon, Mr. Kenneth W. Eppert and Mr. James W. Dunkin were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. JAMES W. DUNKIN, DEFENSE CONTRACT ADMINISTRATION SERVICES, OFFICE OF CONTRACT COMPLIANCE, BIRMINGHAM, ALABAMA AND MR. KENNETH W. EPERT, CHIEF, OFFICE OF CONTRACT COMPLIANCE, ATLANTA, GEORGIA

MR. GLICKSTEIN. Would each of you state your full name and address for the record?

MR. DUNKIN. I am James W. Dunkin, Defense Contract Administration Services, Contract Compliance Office, 908 South 20th Street, Birmingham, Alabama. That is the headquarters.

MR. EPERT. My name is Kenneth W. Eppert. I am the Chief of

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ses are Mr. Kenneth Eppert

rt and Mr. James W. Dunkin ified as follows:)

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s the headquarters.

V. Eppert. I am the Chief of

the Office of Contract Compliance, the Atlanta Region, Defense Contracts Administration Services.

MR. GLICKSTEIN. Is Mr. Dunkin under your jurisdiction?

MR. EPPERT. He is, sir.

MR. GLICKSTEIN. What States does your office cover?

MR. EPPERT. Our office covers the Southeastern part of the United States of America and as such covers Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Puerto Rico.

MR. GLICKSTEIN. And how many people similar to Mr. Dunkin work under your jurisdiction?

MR. EPPERT. My staff consists of 11 professionals and three clericals, sir.

MR. GLICKSTEIN. And Mr. Dunkin is one of the professionals assigned to a field office?

MR. EPPERT. Yes, sir.

MR. GLICKSTEIN. How many other professionals are assigned to the field office, of the 11—

MR. DUNKIN. I have two with me.

MR. GLICKSTEIN. And the rest of the people are in Atlanta?

MR. EPPERT. We have two basic offices, the Atlanta regional office and also the field office out of Atlanta which covers all except the Birmingham territory and the Birmingham office.

MR. GLICKSTEIN. Mr. Eppert, how long have you been in your present position?

MR. EPPERT. I reported to the Atlanta Regional Officer on the 21st day of January, this year, sir.

MR. GLICKSTEIN. And what did you do prior to that?

MR. EPPERT. Prior to that assignment I was Deputy Chief, Office of Contract Compliance in the St. Louis Region, Defense Contract Administration Services. I served there from August until the present assignment in Atlanta, sir.

MR. GLICKSTEIN. To whom do you report?

MR. EPPERT. I report to the Contract Administration Services of the Defense Supply Agency in Washington, D.C.

MR. GLICKSTEIN. And the Defense Supply Agency is a part of the Defense Department?

MR. EPPERT. That's correct, sir.

MR. GLICKSTEIN. And it is that agency that is responsible for insuring compliance with the equal opportunity clause in Defense Department contracts? Is that correct?

MR. EPPERT. Yes, the policy guidance comes out of the Defense Department, sir.

MR. GLICKSTEIN. Out of the Defense Supply Agency?

MR. EPPERT. Out of the Defense Department, to the Defense Supply Agency to Defense Contracts Administration Services, down to us.

MR. GLICKSTEIN. And, as I understand it, the system that the Defense Department has used for dealing with contract compliance has changed over the years. At one time I believe each of the services had its own operations. Is that correct?

MR. EPPERT. That is correct, sir.

MR. GLICKSTEIN. At one time the responsibility was centralized in the Department?

MR. EPPERT. It was centralized in the Assistant Secretary of Defense for Manpower of the Defense Department's offices, sir, for a period 12 months.

MR. GLICKSTEIN. Now, it is in the Defense Supply Agency?

MR. EPPERT. Yes, it was transferred to the Defense Supply Agency on July 1st, 1967, sir.

MR. GLICKSTEIN. Briefly, what is the function of the Defense Supply Agency?

MR. EPPERT. The Defense Supply Agency is a procuring activity for the Defense Department and as such through its Contract Administration Services administers the Defense Department contracts of the various services, sir.

MR. GLICKSTEIN. We heard testimony a little while ago, or I indicated for the record, that GSA has \$1,353,400,000 worth of contracts pending. I assume that is peanuts compared to what the Defense Department has pending. Is that correct?

MR. EPPERT. I would assume so. However, I have no figure what the Defense Department has, but we must have considerably more than they do, yes, sir.

MR. GLICKSTEIN. Mr. Eppert, you probably heard, or did you hear most of the testimony this morning?

MR. EPPERT. Yes, I came this morning, prior to the start of the meeting, sir. I heard all of the testimony this morning, sir.

MR. GLICKSTEIN. I think by this point you have a pretty good idea what some of our questions and concerns are?

MR. EPPERT. Yes, sir.

MR. GLICKSTEIN. We heard testimony yesterday from a representative of a company that has a contract with the Defense Department, from the Dan River Mills Company, and we heard testimony that at their Greenville plant there are three Negro employees out of a total of close to 200. And that has been the situation for a few years.

The testimony also indicated that that plant itself was not doing Government contract work.

Now, what system does the Defense Department, Defense Supply Agency, and your office have for checking on the facilities of companies other than the facility that is actually performing under the contract?

MR. EPPERT. Mr. Glickstein, we have operated, of course, and I want to finish up answering your question, under three various

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systems because of the various changes in the policy-making or-
ganization under which we work.

At the present time the Defense Supply Agency, Defense Con-
tracts Administration Services, we prepare a quarterly forecast,
a quarterly forecast is sent to Washington 1 month prior to the
beginning of the quarter. On the quarterly forecast we list the
contractors that we consider from our regional efforts those that
should be reviewed, or a followup review instituted. This is the
basic plan of attack.

Then as the new quarter starts, provided we do not have any
directed reviews from higher authorities, then we will follow that
particular schedule, sir.

MR. GLICKSTEIN. For example, if you knew of a very large con-
tract in Birmingham, with a company located in Birmingham, and
you also knew that that company had a very large facility in San
Francisco and a very large facility in Seattle, what steps would
you take to see whether the facilities outside of your jurisdiction
were in compliance?

MR. EPPERT. I would have no effort in that realm with the excep-
tion of recommending to the Defense Supply Agency, the Defense
Contracts Administration Services that they in turn direct the
other two regions to take a look at that same organization, sir.

MR. GLICKSTEIN. In the case of a preaward survey or review
which has to be made before the contract is awarded them, you
would not have that information at the time the contract was
actually awarded, would you?

MR. EPPERT. I would not have that information, no, sir.

MR. GLICKSTEIN. In other words, a contract could be let with
the company in Birmingham for a substantial sum of money and
it might not be until 2 or 3 months later that you found out that
one of its plants in Seattle was out of compliance?

MR. EPPERT. Absolutely correct, sir.

MR. GLICKSTEIN. When you find out something like that after
the contract has been let, does it make it more difficult for you to
bring the company in compliance once the contract has been
signed?

MR. EPPERT. Well, the element of the preaward of a million or
more dollars, and to keep the record clear, we only do a million or
more on an advertised bid, not on an add-on, now.

MR. GLICKSTEIN. Not on a what?

MR. EPPERT. Not an add-on. In other words, you have a contract
and a million dollars is added on to the contract that started 3
years ago, then we do not go in as a preaward agent on that.

MR. GLICKSTEIN. You have the responsibility for supervising?

MR. EPPERT. We have the responsibility but I want to make it
very clear that we only go on that type of a preaward. The element
is excellent in our conciliation and working with the contractor.

However, we can work very well with the same contractor, and particularly if the corporate entity is in our region we can work with the contractor in improving the entities on the other side of the coast. In other words, through the corporate effort. But as the local one is concerned, that is my responsibility, or delegated to Mr. Dunkin, or others, and we work, regardless of what we found from the regions at all, sir, at the local situation.

MR. GLICKSTEIN. I assume though that the theory of preaward reviews is that before the contract is actually signed you are in a much better negotiating position than you are in after the contract has been signed. Has that been your experience?

MR. EPPERT. I would say that is true in almost all cases, yes, sir.

MR. GLICKSTEIN. I mentioned a moment ago the situation at Dan River in Greenville. Now that these facts have come to your attention, what are some of the things that you are authorized to do about that situation?

MR. EPPERT. Well, since the facts have been called to my attention I am authorized to place that of course and would be authorized to place it prior to the facts being called to my attention on my quarterly forecast schedule. And provided I did not have directed review from outside agencies, such as preaward, and/or complaint investigation, and/or directed reviews from higher authority, we would place a man into that particular Dan River spot to conduct a compliance review.

MR. GLICKSTEIN. Would you define some of the terms you have been using? What is a directed review?

MR. EPPERT. A directed review is a review that comes to the Atlanta Region from other sources than our own, directed review can be a directed compliance review that originates from the Office of Federal Contract Compliance, Department of Labor. It can also be a complaint investigation that went through the—and also directed from the Department of Labor. Preawards are all directed reviews. They come from outside or within the Defense Supply Agency but they are not work that is generated from my shop alone. Therefore, it takes priority from any schedule that I would generate for my region.

MR. GLICKSTEIN. Virginia is not in your region?

MR. EPPERT. Virginia is not in my region, sir.

MR. GLICKSTEIN. I believe it is in Danville, Virginia, that the headquarters of the Dan River Mills Company are located. Have you ever been directed to review the operation of Dan River in your area?

MR. EPPERT. Not since I have been there, sir.

MR. GLICKSTEIN. Not since you have been there?

MR. EPPERT. There is a North and South Carolina textile survey being conducted at the present time at the direction of the Defense Supply Agency—excuse me, at the direction of the Office of Federal

with the same contractor, and in our region we can work with the entities on the other side of the corporate effort. But as for responsibility, or delegated work, regardless of what we face in the local situation.

Is that the theory of preaward that you actually signed you are in a position you are in after the contract experience?

Yes, in almost all cases, yes, sir. A moment ago the situation at these facts have come to your attention that you are authorized to

have been called to my attention, course and would be authorized to be called to my attention on my part provided I did not have directed a preaward, and/or complaint was from higher authority, we would go to the Dan River spot to conduct

some of the terms you have reviewed?

Is a review that comes to the attention of our own, directed review that originates from the Office of Contract Administration, Department of Labor. It can go through the—and also through the Defense Supply Agency. Preawards are all directed within the Defense Supply Agency. The information is generated from my shop and from any schedule that I would

your region?

region, sir.

Danville, Virginia, that the Danville Company are located. Have you had the operation of Dan River in

there, sir.

Have you been there?

South Carolina textile survey conducted in the direction of the Defense Contract Administration Section of the Office of Federal

Contract Compliance, Department of Labor, and I have an idea that when the Department of Labor man reports to you this afternoon he can tell you that Dan River is one of those particular ones that we will be surveying, sir. As a complete entity.

MR. GLICKSTEIN. But you have no idea whether up to this point it has been surveyed?

MR. EPPERT. No, sir, I do not, only the particular one that you asked me about.

MR. GLICKSTEIN. I believe the testimony last night, I don't have the record in front of me, is that at least the present plant manager in Greenville does not recall ever being reviewed by a Government agency.

MR. EPPERT. I am very sorry that I didn't bring all of my records with me or I could have given you that information.

MR. GLICKSTEIN. Can you give us any estimate of the number of facilities in your region that have Government contracts, that have contracts with the Defense Department that are reviewed by you?

MR. EPPERT. I wonder if I might, for the benefit of the table, give a few facts and figures on my region, and then you might question me as to those facts and figures?

MR. GLICKSTEIN. Certainly.

MR. EPPERT. I have a total of 5,818 Government facilities located in the regional geographical boundaries of the Atlanta Region, of which we consider to be our responsibility. The reason that we have so determined this is that we have the Form 100, the Standard Form 100 that I am sure you have been reading.

MR. GLICKSTEIN. For the benefit of the record, as I understand the Standard Form 100, these are forms that are required to be filed every year by Government contractors and companies that are covered by the Civil Rights Act of 1964 to indicate the number of employees they have, the number of employees by race, and the job categories. Is that correct?

MR. EPPERT. That's correct. And they are sent through the Department of Labor and the Department of Labor then makes a determination as to who the PIA, or who is responsible for those particular facilities.

MR. GLICKSTEIN. By that—

MR. EPPERT. Yes, sir, go ahead.

MR. GLICKSTEIN. To clarify some of this technical language, what you are saying is there are some cases where a very large company might have contracts with four or five different Government agencies and a determination is made which one of those Government agencies will be responsible for surveying and reviewing compliance with the equal opportunity clause and that Government agency has been called the principal interested agency?

MR. EPPERT. That's correct, sir.

So my count is 5,818. Of that number, according to the Zark listing, this is the Department of Defense prime contractor listing, there are 2,280 prime contractors within my region. According to the CAR listing, the CAR listing for your information is a contractor administration report, there are 2,803 Government contractors, prime-Government prime contractors listed on that particular source document. So taking an average of those two source documents, the Zark listing, the close-out date was the end of December, 1967, and the CAR listing, which the close-out date was March 20, 1968, we can see that we have between 2,803, which is the latter figure or 2,280. It varies from day to day, according to the listing, is really what I am trying to say.

So, prime contractorwise, I am responsible for roughly 2,800 some contractors.

MR. GLICKSTEIN. And those prime contractors, those roughly 2,800 prime contractors, would they cover all of the 5,818 facilities that you mentioned?

MR. EPPERT. Not necessarily, because some of those facilities are, or some of the contractors not having present Government contracts, are included in the 5,818, which is an annual listing of the Form 100, so you can see you get a contract, you don't have a contract.

MR. GLICKSTEIN. The reason there is a disparity between those two figures is that some prime contractor might have a number of facilities?

MR. EPPERT. Absolutely correct, and I am definitely responsible for them, sir.

MR. GLICKSTEIN. You have been talking about prime contractors. The subcontractors of these prime contractors are also subject to the Executive order, aren't they?

MR. EPPERT. Yes, they are subject to the Executive order and it is the responsibility of the prime to insure that the subcontractor files his Form 100 with the Department of Labor, sir, not our responsibility.

MR. GLICKSTEIN. How does anybody insure that the subcontractor is in compliance with the Executive order?

MR. EPPERT. The only method that could possibly be, since the prime has no responsibility for policing his sub, the only method would be for us to either schedule him, or be directed in for any number of the three or four reasons I gave you. There is no firm listing that I could find within the Defense Department of subcontractors at the present time.

MR. GLICKSTEIN. I suppose it is not at all uncommon that if the Department of Defense has a very large prime contract, \$7 million or \$8 million prime contract, it might very well be that that prime contractor has a very large subcontract?

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MR. EPPERT. Yes, I remember in one of my early days looking
at a prime contractor who had 5,000 subcontractors, sir.

MR. GLICKSTEIN. At the moment nobody has the responsibility
for policing those subcontractors?

MR. EPPERT. Yes, the agency who has the PIA on that, again
that famous word, PIA, has a responsibility provided that he has
the talent, et cetera, to get this in, and it is that lone responsibility,
in my estimation.

MR. GLICKSTEIN. Well, if you told us that you had approximately
2,800 prime contractors, if you were to add the subcontractors to
that figure, what might the total be?

MR. EPPERT. I would imagine somewhere up around four or
five thousand.

MR. GLICKSTEIN. Four or five thousand?

MR. EPPERT. I would say so, yes.

MR. GLICKSTEIN. And you told us that you have 11 professionals
working out of your office?

MR. EPPERT. I have an allowance of 11 professionals. I have 10
that are working out of the Department, including myself and one
that has not reported as yet.

MR. GLICKSTEIN. Mr. Eppert, in your experience, in your present
job, have there been any Government contracts canceled?

MR. EPPERT. No, sir.

MR. GLICKSTEIN. How many years did you tell the Commission
that you have been involved in contract compliance work?

MR. EPPERT. I started out as the Regional Director for the Navy
Central Region in 1963. That was when it was under the service
conference.

MR. GLICKSTEIN. Relatively speaking, you are an oldtimer in this
business. Isn't that right?

MR. EPPERT. Well, of the Defense Department group, yes, I
would say I am considered as one of the early timers.

MR. GLICKSTEIN. Prior to '63 there wasn't a very strong effort
made to enforce these provisions, was there?

MR. EPPERT. No sir, the job in general was conducted by the
quality assurance people or the contract administrators who, prior
to that time, had very little liking or interest in contract compliance
as we know it in the EO field.

MR. GLICKSTEIN. In all of your 5 years of experience you know
of no instance where a Government contract was canceled?

MR. EPPERT. No, I know of no instance where a Government con-
tract, a Government DOD contract was canceled, no, sir.

MR. GLICKSTEIN. Do you know of any instance in which a con-
tractor was called for a hearing?

MR. EPPERT. I know of instances where contractors were called
for informal hearings, A, and I know of instances where the De-

partment of Labor, who will testify with you this afternoon, has held formal hearings on Department of Defense contractors, sir.

MR. GLICKSTEIN. But those have never resulted in a termination?

MR. EPPERT. To my knowledge, as of this date, to my knowledge, Mr. Biermann may be able to give you additional information on that when he is called.

MR. GLICKSTEIN. Now, you have indicated you have a huge number of facilities for which you are responsible. Since January, 1966, what is the number and proportion of the facilities visited by you? Do you have those figures?

MR. EPPERT. Yes, I have them, sir, if you bear with me just one minute, please.

Since January 1, 1966 our records indicate that we have been into 437 different contractor facilities.

MR. GLICKSTEIN. Out of the 5,818?

MR. EPPERT. Out of the 5,818 that I now list, yes, sir.

MR. GLICKSTEIN. In how many instances was a revisit recommended?

MR. EPPERT. A revisit was recommended in 95 percent of the cases.

MR. GLICKSTEIN. And in how many of those cases was the revisit actually conducted?

MR. EPPERT. Our records indicate that only 10 percent of the facilities recommended were revisited. I might say that in that 10 percent some were revisited many times because of the direction of Washington. However, 10 percent is the figure that I must give you, sir.

MR. GLICKSTEIN. Of the 437 facilities that you visited, 95 percent, about 400 or so, were recommended for revisits. When a company is recommended for a revisit, do they know it? Do they know that you are going to be back?

MR. EPPERT. May I phrase this into two phases? I will say that verbally they know it, or knew it prior to January of this year. I know they know it now because we give them a letter concerning the recommendations and also have them give to us a letter that sets forth their affirmative action or other actions that they will take, including the fact that we will revisit them.

MR. GLICKSTEIN. Of the 400 companies that you scheduled for revisit, you only revisited about 40 of them?

MR. EPPERT. Yes. That would be a good figure to take, sir.

MR. GLICKSTEIN. Do you find that companies that you visit, or revisit, or deal with, are really terribly concerned about the consequences of not meeting the requests that you make? Do you think that the companies feel that there is a gun being held to their head and they had better comply and comply quickly?

MR. EPPERT. I think that the company that depends entirely on

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Government business feels that way. I do not believe that the com-
pany who is diversified and has other than Government contracts
feels exactly that way at all, no, sir.

MR. GLICKSTEIN. Do you think that 360 companies that you
weren't able to revisit, but companies where you did find some
deficiencies, and wrote to them about the deficiencies, do you think
that they are terribly concerned about what the consequences of
not complying are?

MR. EPPERT. No. Well, let me phrase it this way: I do not be-
lieve that you should ever tell a company that you are going to re-
visit them unless you visit them and if you don't revisit them they
are human beings like we are and the success of our program in
my estimation is not necessarily the initial call, the initial call I
am sure we could put down many things which we expect to be
done, but certainly the revisit, as the preaward is the pie in the
sky, because there you have an opportunity to actually see what
actions have been taken on the recommendations that you might
have left.

MR. GLICKSTEIN. Would you say then that the small number of
revisits that you have been able to make represents an inadequacy
in your program?

MR. EPPERT. Yes, sir. Yes, sir. Very inadequate. One of the
major.

MR. GLICKSTEIN. In your experience, Mr. Eppert, have there
been cases where a Government contract is awarded, where defi-
ciencies are found, where there are discussions and negotiations to
deal with those deficiencies, but before any changes have been
made, the contract is completed and the company has all its money?

MR. EPPERT. I am sure there are, and yet under oath I certainly
cannot say 1, 2, 3, 4. I will not make that. But I am sure there are
instances where contracts were completed before the deficiencies
were corrected. I don't think there is any question about it, sir.

MR. GLICKSTEIN. Would this be particularly true in the con-
struction field?

MR. EPPERT. In the construction field?

MR. GLICKSTEIN. Yes, in construction contracts?

MR. EPPERT. Mr. Glickstein, we as far as the Atlanta Region and
St. Louis Region and the Defense Department are concerned, are
basically getting our feet wet at the present time in construction
contracts and, therefore, there is no question this was true in
construction contracts. My point being the Defense Department
just took over the construction end of the game, and individually
serviced it. I can say from the Navy standpoint, we did very little
construction work for 3 years that I was with them. I say it in all
sincerity to you.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Eppert, I would like to ask you a question about your own operations.

You stated that you had 11 professionals. How many of them are Negro?

MR. EPPERT. I have four Negroes, Mrs. Freeman.

COMMISSIONER FREEMAN. How are they classified?

MR. EPPERT. I have a GS-13, a GS-12, a GS-7, and a GS-5.

COMMISSIONER FREEMAN. In your compliance assignments, what functions do your 11 professionals do? In other words, they make the inspection, they make the recommendation, and then what happens?

The reason I ask this question, is that I want to know if there has actually been any change or improvement from the time you started until now?

MR. EPPERT. Mrs. Freeman, let me ask you a first question, and then answer you second, if I may?

Our specialist goes into the field, he makes his review, his pre-award, his complaint investigation, his followup, he writes his report, he makes certain recommendations. Those recommendations come across my desk and of course we discuss them prior to, but they come across my desk and I endorse it and send it to the Defense Contract Administration Services in Washington, D.C., where it is reviewed, and if it is a directed review from the Department of Labor, or Office of Federal Contracts Compliance, it is then forwarded over to them.

If it is one that was required by our own agency, then it remains there. So that, and the question, 1, 2—in other words, the recommendation goes forward to Washington, whatever the recommendations are.

A copy of those recommendations, a copy of the report form goes to the contractor so that there is no misunderstanding between us and the contractor of what recommendation was made to him.

Number 2, if there are actions that the contractor is to make, then he proceeds with us with what we call a workable plan, a letter that he signs in which he says, I will do the following within a certain time.

Now, I think the improvement over the period of time since I started out in 1963 has been—in '63, we crawled, we didn't know, we groped, we had something and didn't know how far we could go with it. I remember my first review that I made in Milwaukee, Wisconsin, and I said the contractor was not in compliance and recommended to the Navy Department that sanctions be instituted on him. And I thought that we were going to have the Secretary of the Navy visit with us. But to make a long story short, we are learning. The commitment in writing by the contractor is most important.

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We went through the stage of: "I will talk to you and you talk to me." "Yes, I will do it," and then you go back and "I didn't know you wanted me to do it this way." So these are the refinements and the improvements, I believe that the Office of Federal Contract Compliance now stepping in and holding hearings gives us substance in the field to better understand it.

I believe in every way that I can that when the contractor himself, when the corporate individual who is responsible, is as responsible, is as interested in his equal employment phase of the contract as he is in all other phases, then the battle is being won. And in some places this is true.

COMMISSIONER FREEMAN. Does it not though begin with the Government?

MR. EPPERT. Yes.

COMMISSIONER FREEMAN. Because the Government doesn't believe this is important, how do you expect the contractor to believe it?

MR. EPPERT. Mrs. Freeman, the Government must think it is important. The Defense Department alone has taken the EEO program that they have had and they had it in the service and they moved it under DOD Manpower. They now moved it under the Defense Supply Agency. If we have got a home now, and we can get stable policy and we can get additional people, which I have asked for in my own region, then you are absolutely right, the Government must, there is no question in my mind they must accept their responsibility under the Executive order and the law, if it is to work.

COMMISSIONER FREEMAN. What about those contractors where the noncompliance is very clear from the testimony that we heard? Could not the Defense Department then fail to even consider that contractor for another contract? You have a history with respect to some of these contractors. You know that they discriminate against black people, and still they are permitted to have additional contracts.

Can't you take some steps to remedy it through another procedure?

MR. EPPERT. Mrs. Freeman, I think the procedures that are set down in the Executive order and in the rules and regulations, those that we are now operating on, and the ones that are soon to be published, I understand. General Goshorn, for instance, who is my military boss in Washington, makes it eminently clear to me that if you find a contractor in a preaward or any other time that is not complying with the seven provisions of his contract and now they are eight steps in the nonsegregation clauses therein, if you can provide me with that information and document it, I will recommend sanction hearings and I can have nothing made any

clearer to me by any administrative action than that, and I say it in all sincerity.

COMMISSIONER FREEMAN. But the actual effect is very little if you have made only 437 complaint reviews out of—or visits out of 5,800, and then have only made 40 visits, that is less than 1 percent, is it not?

MR. EPPERT. These are return visits.

COMMISSIONER FREEMAN. Return visits, yes, to assure that they have corrected the situation. That is less than 1 percent.

MR. EPPERT. Yes, that is correct.

Mrs. Freeman, may I say to support your side and support mine also, that I have in your Commission's hands, to take care of my 5,818 facilities, and to do the job that I would like to do with them, I need 70 professionals. I need 70. I have so told the Department of Defense this. And without them I cannot do what you want me to do and what I want to do.

May I call your attention to one other situation? During the last quarter, which is the first time that I have been in Atlanta, I had 71 directed compliance reviews from higher authorities. I had 11 followups from higher up authority. I had 46 preawards from higher authorities, and I had 24 complaint investigations from higher authority. And I only have eight people to take that workload. This is more work than I can get done and that is directed, so I will never get over to what Mr. Glickstein wants me to do, and that is to get over to Dan River and look at Greenville with this workload and not enough people to do it.

COMMISSIONER FREEMAN. But, Mr. Eppert, with the significant portion of this budget that the Department of Defense has it should be the last agency that would be putting equal opportunity at the bottom of the list. It should certainly not say that you cannot get, if you need 70 people, the Department of Defense ought to provide those 70 people. It does it for its defense operations.

MR. EPPERT. Mrs. Freeman, I concur with you 100 percent and I say I have made my recommendation and I have done exactly what my boss had told me to do, and I have several alternate plans, if you want me to do half the job, give me 35 people. If you want me to do a quarter of the job, give me 10, but if you want me to do any kind of a job for you, I can't do it with the small staff that I have now because I can never get over to Greenville and look at Dan River because of higher authority commitments.

I am not excusing myself; I am just laying the facts out to you on the line.

COMMISSIONER FREEMAN. May I suggest that you again make this appeal to the proper authorities?

MR. EPPERT. I certainly shall. I assure you of that, ma'am.

CHAIRMAN HANNAH. Mr. Eppert, you were here this morning when the General Services Administration people were on the wit-

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ness stand. You heard the statements that were made to them and Mrs. Freeman has indicated of course, and I think you recognized it before you came, one of the roles of this Commission is to see to it that the agencies of the Federal Government work at making the laws that are on the statute books, or that are there through Executive order work. And I needn't argue about that. You indicated that you have that responsibility. This is the law. And I gather you indicate that again you are going to call this to the attention of your superiors?

MR. EPPERT. Dr. Hannah. I have developed this study, some of your staff members can tell you since the 19th day of January when I walked into Atlanta. I believe very strongly that an individual who takes over a new responsibility has got to find out what his workload is and find out what he needs to accomplish it. This was my first job and this I did.

I need 70 professionals to work the Southeastern Region of the United States and do a creditable job and I shall again recommend it to my bosses.

CHAIRMAN HANNAH. I am taking no position whether you need 70 or 68 or 110. But there is a job that needs to be done and if we are going to get compliance and provide equal employment opportunities for Negroes in the region that you are responsible for, you have within the control of your agency an opportunity to make a great contribution.

MR. EPPERT. Yes, we do, Doctor, and I believe this is the strongest program that we have in the EEO field if we do it in the method that we should because the honest dollar talks and you and I know that.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. I have no questions.

CHAIRMAN HANNAH. Are you finished, Mr. Glickstein?

MR. GLICKSTEIN. Yes.

CHAIRMAN HANNAH. Thank you, sirs, you are excused.

MR. EPPERT. Thank you, Dr. Hannah, very much.

CHAIRMAN HANNAH. Call the next witness, Mr. Glickstein.

MR. GLICKSTEIN. I wonder if we might introduce into the record the document from which Mr. Eppert was frequently making reference to?

CHAIRMAN HANNAH. It is received in the record.

(The document referred to was marked Exhibit No. 23 and received in evidence.)

MR. GLICKSTEIN. The next witness is Mr. Leonard Biermann.

(Whereupon, Mr. Leonard Biermann was sworn by the Chairman and testified as follows):

TESTIMONY OF MR. LEONARD BIERMANN, SENIOR COMPLIANCE
OFFICER, OFFICE OF FEDERAL CONTRACT COMPLIANCE,
DEPARTMENT OF LABOR, WASHINGTON, D.C.

MR. GLICKSTEIN. Mr. Biermann, will you please state your full name and address for the record?

MR. BIERMANN. My name is Leonard Biermann. I am Senior Compliance Officer for the Office of Federal Contract Compliance, the Department of Labor, in Washington, D.C.

MR. GLICKSTEIN. And where do you live?

MR. BIERMANN. I live at 800 Downs Drive, in Silver Spring, Maryland.

MR. GLICKSTEIN. Would you just very briefly indicate what the Office of Federal Contract Compliance is?

MR. BIERMANN. I think we have a threefold role. The first role is to develop policy which has national impact to insure that contracting agencies are consistent in their interpretations of what is compliance. Secondly, we have the responsibility to insure that that policy is properly carried out by the contracting agencies. And thirdly, we have the responsibility to become directly involved in those cases which might be landmarks and might be establishing precedents.

MR. GLICKSTEIN. We have heard testimony this morning from GSA and the Department of Defense. What sort of relationship does your agency, to use its familiar initials, OFCC, what relationship does OFCC have with these other agencies?

MR. BIERMANN. Well, the relationship of course is very direct. We deal on a day to day basis with the contract compliance officer of the contracting agencies together with the program chiefs. And we speak about specific cases and the system in directing their programs, establishing priorities, and work with them on a day to day basis on policy.

MR. GLICKSTEIN. What staff do you have?

MR. BIERMANN. We have a director and two assistant directors and seven senior compliance officers, who are assigned to certain agencies. I, being one of them, am assigned to the Defense Department and to NASA.

In addition we have about five compliance officers who work with the seniors and approximately 10 secretaries.

MR. GLICKSTEIN. Does OFCC have the authority to step in if in your judgment one of the constituent agencies is not doing what it is supposed to be doing?

MR. BIERMANN. Yes, sir, we do.

MR. GLICKSTEIN. We heard testimony this morning and last night about the Dan River Mills plant in Greenville where there appears to be a discriminatory employment pattern. Mr. Eppert just testified that under the workload of his office, considering all the directed reviews he had to conduct it was likely that it would

BIERMANN, SENIOR COMPLIANCE
 CONTRACT COMPLIANCE,
 WASHINGTON, D.C.

Will you please state your full

ward Biermann. I am Senior
 Federal Contract Compliance,
 Washington, D.C.

How do you live?

1000 Evans Drive, in Silver Spring,

Could you very briefly indicate what the
 role is?

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Do they have the authority to step in if in
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was done this morning and last
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 was a payment pattern. Mr. Eppert
 of his office, considering all
 that it was likely that it would

be some time before they would get around to the Dan River plant
 in Greenville.

How would your office be able to help out, or deal with a situation
 of that sort?

MR. BIERMANN. Mr. Glickstein, in this particular case, I don't
 think that is a problem because Dan River Mills was the first
 group of mills that was visited during the textile program in
 North and South Carolina by the Defense Department. There is a
 meeting scheduled with the corporate officials of Dan River on
 the 14th of May in Washington. Dan River has been told that
 unless corrective action is taken, not only at mills in North and
 South Carolina, but at their mills throughout the South, that this
 will be the last meeting and that sanctions will follow if we are not
 satisfied with the posture of that contractor.

In other cases it would be appropriate for the Office of Federal
 Contract Compliance to direct a review outside of normal sched-
 uling and to have a receipt of that review in 30 or 60 days, or
 sooner, if necessary.

MR. GLICKSTEIN. I take it then from what you have just said
 about Dan River Mills at the time of this meeting, you are going
 to be familiar with the situation in every one of the company's
 facilities?

MR. BIERMANN. Well, I don't think that we can be but I do think
 that the kind of pattern that we were able to identify in North and
 South Carolina is a typical pattern of their mills throughout the
 South. That is that Negroes have been excluded from certain kinds
 of jobs and that female Negroes particularly have not been em-
 ployed at all. And I think this is a typical problem and that the
 corrective action of affirmative recruitment training and place-
 ment will certainly be applicable to all of their mills.

MR. GLICKSTEIN. Is this also a pattern in other textile compa-
 nies?

MR. BIERMANN. Yes, sir, it is.

MR. GLICKSTEIN. Mr. Bierman, we have also heard testimony
 about conditions in some of the paper companies, the paper indus-
 try in this area. We have heard testimony from the Allied Paper
 Company and from the American Can Company.

Do you have any special knowledge of the practices in the paper
 industry?

MR. BIERMANN. Well, the Office of Federal Contract Compliance
 has been very concerned with the compliance posture of the South-
 ern craft paper industry in general. After having done compli-
 ance reviews in some cases jointly with both the General Services
 Administration and the Department of Defense, we have found
 that throughout the southern primarily pulp and paper mills there
 has been a tradition of discrimination in placement. And that
 placement practice is being perpetuated through a seniority sys-

tem which is based on job or departmental seniority, so that now when Negro employees wish to transfer so that they can advance to their rightful place, they are impeded in that transfer by loss of their mill seniority for purposes of advancement.

And in addition, quite often they are being forced to take a reduction in pay because they have to enter a white line of progression at a lower entry rate.

MR. GLICKSTEIN. Did you hear the testimony from Allied Paper Company this morning?

MR. BIERMANN. Yes, Mr. Glickstein, I did.

MR. GLICKSTEIN. We were told there that people who are now laborers or service workers, could transfer into these lines of progression and that they wouldn't lose their plantwide seniority, but their seniority within that particular line of progression would be the lowest. Is that the general pattern?

MR. BIERMANN. Yes. There is nothing inherently discriminatory about a job seniority system. The way the paper mills are established is that when the applicant is hired he is placed into a certain department or progression line. This is a ladder of various jobs and you progress from one job to another, based on vacancies in the jobs immediately above. The successful transferee is generally the person who has established the most job seniority in the job immediately below.

Now, where there has been no discriminatory placement practice there is a consistency between the length of service that an employee has, and the kind of job entitlements that that length of service gives him. His seniority then is a currency to buy better jobs as it is in most industrial situations, but where there has been a discriminatory placement practice, he then must transfer the Negro employee into an all-white progression line, leave behind him that length of service for job entitlement purposes and begin new in the entry job in that progression line with one day job seniority.

So in that way an otherwise perfectly legitimate seniority system is perpetuating a past discriminatory placement practice.

MR. GLICKSTEIN. Of course, the Allied Paper Company in their plant in Jackson is 4 years old so I assume there is a limit to the amount of seniority anybody could have accrued. But in a company such as the American Can establishment in Naheola, which is much older and where there were once segregated locals that the Negroes were confined to, I suppose in that situation the problem is much more severe?

MR. BIERMANN. Yes, sir, I think that the problems at American Can are typical of the problems in the Southern craft paper industry, with the possible exception of the segregated housing. But the kind of placement, the use of seniority, the use of tests, the problem

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of pay rates, all of these things are typical of Southern craft
paper.

MR. GLICKSTEIN. Just to make certain that I understand what
you said a minute ago about the way seniority works, what you are
saying is that if the American Can Company, in the days when
there were segregated locals, placed a Negro in a segregated local,
and this was a discriminatory act, that he might have otherwise
been qualified for a better position. Today, after many years, he is
required to start all over if he transfers to another department,
and is in another line of progression.

Nothing is being done to take cognizance of the effects of past
discrimination, nothing is being done to make this man whole for
the discrimination that he suffered in the past?

MR. BIERMANN. Yes, sir, that is the case at American Can, and
certainly that is the case that should receive our immediate atten-
tion. It is not the case at all of the paper mills in the South. There
is something being done about this problem. At Crown Zellerbach
Corporation, in Bogalusa, Louisiana, the court has ordered that
mill seniority be the factor for advancement for those Negroes
who have been denied proper placement in the past. And in addi-
tion to that, I have just come here from New Orleans where we
are now holding trial in other issues of Crown Zellerbach, which
includes questions of rearranging the progression lines themselves
so there is not a redundancy of training for the Negro as he ad-
vances, and also the question of red circling of rates in transfer.

In addition to that, International Paper Company, which has 11
primary pulp and paper mills in the South, has held a conference
with the Office of Federal Contract Compliance and they have also
been instructed that these kinds of changes must be effected as a
condition of compliance, and they are at this time holding meetings
with their unions for that purpose.

MR. GLICKSTEIN. Let me ask you something about the Crown
Zellerbach situation. There the change was brought about by a
court order. As I understand it, the court, in issuing its order re-
lied primarily on the provisions of Title VII of the 1964 Civil
Rights Act. Is that correct?

MR. BIERMANN. No, Mr. Glickstein, I don't believe it is. The court
decree cited both the Civil Rights Act of 1964 and the Executive
order.

MR. GLICKSTEIN. But in any event the court felt it had authority
under Title VII to do this?

MR. BIERMANN. Yes, sir.

MR. GLICKSTEIN. Well, there has been talk within the Govern-
ment and elsewhere for many years that handling things by way of
law suits is just a slow, inefficient way of doing things. It just
takes too long. It would be more efficient if Government agencies
which have administrative responsibility, particularly Govern-

ment contract agencies which are in a tremendously effective negotiating position, could deal with these things; since a Government agency has the right to contract with whomever it pleases and under whatever conditions it pleases. And yet we have here a situation where for some years now, Crown Zellerbach was subject to Executive order, it was subject to the supervision of your office, it was subject to the supervision of the contracting agency, but it didn't really move into compliance until it was ordered to do so by a court after extensive litigation.

Why is it that your agency can't be some steps ahead of the courts?

MR. BIERMANN. Well, I would agree with you that certainly the hope for this program is that contracting and administrating agencies can handle these problems of discrimination through their contract relationships. However, in the case of Crown Zellerbach, Crown Zellerbach did move because of the intervention of the OFCC and prior to the court decree. Crown agreed in January of 1968 to make these changes and in fact put them into effect unilaterally without endorsement of their unions.

The essentiality of the court decree was to keep the unions from going on strike as a result. The unions because of the decree of April 7, 1968 have been enjoined from striking.

In addition, the court decree enlarged on and broadened the arrangement made between the OFCC and Crown Zellerbach.

MR. GLICKSTEIN. So what you just said then is that the court went further than OFCC?

MR. BIERMANN. Yes, I think the court went further. The OFCC arrangement called for a combination seniority system, both job and mill seniority to be used for advancement. We didn't like that arrangement too well and supported the Justice Department entirely in attempting to get through court arrangement made solely on mill seniority.

So that difference, the difference between a combination seniority for advancement and mill seniority system for advancement did come through court action with our support. There was a seniority change and a rather dramatic and significant one, however, directly because of the intervention of the Office of Federal Contract Compliance.

MR. GLICKSTEIN. The point I was trying to make was that in this instance it seemed that the OFCC was somewhat more timid than the Department of Justice or the Federal district court. Is that a fair characterization?

MR. BIERMANN. I think that is a fair characterization, yes, sir.

MR. GLICKSTEIN. One of the things that concerned me in this testimony this morning and probably concerns some of the Commissioners is why there is this timidity, why is it that when Government agencies are administering these enormous sums of money

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they are not able to use the muscle that this gives them to bring
companies into compliance with the Executive order and with the
Constitution?

MR. BIERMANN. Well, the only answer I can give is that I am
very much encouraged as far as the future months are concerned
about the policy and the enforcement of that policy by contracting
agencies.

I would hasten to add that our position with International Paper
is more dramatic and more significant than that which has been
ordered by the court. However, in the past I would say that that
is due in part to the fact that 95 percent of the contracting agen-
cies' staff and attention and desires are aimed at awarding con-
tracts. And only 5 percent or less of that contracting agency's day
to day activity and maybe 1 percent is aimed at concerning them-
selves about equal employment opportunity. So there is a built-in
bureaucratic problem in dealing with contractors through the
contract clause. And so it just requires on our part and on the
part of those who head up the contracting agencies the day to day
dedication and effort to overcome this built-in resistance that we
find in every contracting agency.

MR. GLICKSTEIN. What would you recommend as a method for
overcoming this built-in resistance? We have been hearing testi-
mony of the type that we heard this morning for many years, and
the Commission has been issuing recommendations in this area
for many years, but at our hearings it seems very often that we
are playing the same record over and over again and we could
just be substituting portions of earlier transcripts.

MR. BIERMANN. Well, I really believe, I thoroughly believe that
that record is changing. I think that the role that we are taking
now is a very significant one. Never before in the history of civil
rights has there been such an important decision in the field of
employment, as that rendered by Judge Heebe in the Crown Zeller-
bach case.

Never before have we taken such a strong and energetic posi-
tion with the support and the assistance of the Defense Depart-
ment in dealing with the problems of International Paper. Never
before have we taken the kind of positions that we have in the last
few months with the textile industries, the petroleum chemical
industry and the steel industry and I might hasten to add that
they have obtained the support of the Cabinet Officers of the
various agencies and that there is no question that this program
in its present structure is going to become much more significant,
much more dramatic, it is going to obtain much more results than
it has in all the years past.

MR. GLICKSTEIN. We have heard testimony this morning that no
Government contract has ever been canceled. Is that your under-
standing also?

MR. BIERMANN. Yes, that is correct.

I would like to add, however, to that, that I think a proper measuring stick for interpreting the success of the Contract Compliance program is not cancelation of the Government contracts. As I said, a major step forward has been made in the seniority issue and the testing issue, at Crown Zellerbach and is being made at International Paper.

Our experience has been that when the contract is threatened to be canceled, or when a contractor is threatened to be debarred these Government contracts are important enough to him, that he will move in the proper direction.

There had been many instances in the past and there are instances at this very moment, when contractors have been under instructions or under notice that their contracts may be canceled and they may be debarred, invariably at that time the contractor decides it is in his best interest to move in the proper direction so he could afford equal opportunity.

So I think that a proper measuring stick for the success of our program is the kinds of policies that we are establishing in order to overcome past discrimination. The way those policies are being enforced and the results being obtained.

MR. GLICKSTEIN. So then you don't believe that Government contracts, Government contractors, consider the Government Contract Compliance program to be one big paper tiger?

MR. BIERMANN. Not the ones that I have dealt with.

MR. GLICKSTEIN. Not the ones that you have dealt with?

MR. BIERMANN. That is right.

MR. GLICKSTEIN. We heard testimony last night about a Government contractor that owns a company town that is segregated. I believe that there is a May, 1967 order that was issued by your office that prohibits the Government contractors from maintaining segregated facilities. They have to operate their facilities in such a manner that segregation cannot result.

In what proportion of Government contractor companies in the South would you estimate that this requirement is being carried out?

MR. BIERMANN. I am sorry, I didn't catch the last part?

MR. GLICKSTEIN. In what proportion of Government contractors in the South would you estimate that this requirement is being carried out?

MR. BIERMANN. I hate to hazard a guess at proportion. I do know that locker room facilities, as an example, are segregated at most of the pulp and paper mills in the South. I am inclined to think that many contractors still maintain segregated facilities. I would hazard—I would hesitate to offer a guess as to the proportion.

MR. GLICKSTEIN. Has the term "desegregation" that is used

in that order been thoroughly enough defined that some people know what it means?

MR. BIERMANN. I think the contracting agencies know what it means. I would think that some contractors still don't.

MR. GLICKSTEIN. We seem to have heard some testimony that if signs are taken down from restrooms, colored and white signs, that is enough and that if the employees happen to continue using the restrooms that they have always used, well, that is freedom of choice.

MR. BIERMANN. Of course that is not the intent of the desegregated facilities order. A desegregated facility is one which is *de facto* desegregated both in policy and in use.

As an example, the way you desegregate a locker room is not to tear a hole in the middle of the Negro locker room and the white locker room because then you have a Negro locker room and a white locker room with a hole in the middle. The way to desegregate a locker room is to reassign lockers, to insure that Negroes are truly integrated with white employees in those rooms.

The way to desegregate Negro and white bath facilities is—or sanitary facilities is to close the one up so that Negroes and whites are forced to use the single facility. We can't expect, I don't think, with the long tradition of discrimination that we can expect to take down a sign and thereby integrate a locker room or sanitary facility.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Biermann, this Commission has heard a great deal of testimony concerning the patterns and practices of racial discrimination, and you have indicated the role of your office, and I would only add that I am also pleased to learn of your role with respect to discrimination against sex, because I believe that discrimination or subtle distinctions on the basis of sex are just as vicious as racial discrimination.

The part that disturbs me, however, is that on the basis of all of this information we still have made relatively speaking very little progress in terms of the actual jobs, the results.

Now, your office, I believe, is complaint oriented. Is there any way that you would recommend to the Administration or to the appropriate authorities, whereby there could be initiation or inspection that would be initiated by the agencies to actually make some realistic change and to assure that there would be an elimination of this discrimination?

MR. BIERMANN. Yes, Mrs. Freeman, we are not complaint oriented. We are just the opposite, as a matter of fact. The Contract Compliance program is compliance review oriented and that is that contract facilities—

COMMISSIONER FREEMAN. I mean in terms of its actual operation?

MR. BIERMANN. Yes, ma'am, I think I mean that. In terms of actual operations, most of the significant investigations are through the compliance review method and that is that contractor facilities are scheduled for an in-depth compliance study and that the investigator goes in and reviews, and identifies all of management's personnel agencies that in any way can involve equal employment opportunity, from recruitment to placement, to upgrading, to use of tests, to transfer rights, et cetera, to layoff, and then makes the determination as to whether or not Negroes and other minorities are being offered full and equal opportunities, both for employment and for better jobs after employment. And to identify any impediment that there may exist at that facility which would frustrate such a goal.

Now, in doing that, I think it is essential that Government contractors, number 1, immediately pledge themselves to overcome all of these kinds of inherently discriminatory factors, such as perpetuating past placement practices through seniority, using invalid tests, placing different criteria for transfer of Negro employees than on whites, and then, secondly, also, to recognize that in the area of recruitment training and placement, that it is not sufficient to view one's EEO program in 1968 without recognizing 150 years of discrimination. And that means that Government contractors should understand that voicing a policy of equal opportunity now will not convince the Negro community that those jobs are available, will not suddenly overturn all of the problems, the social and educational problems of all of these years, and that Government contractors as a part of affirmative action should recruit and train and place and do whatever is necessary so that these traditions can be overcome.

And this really is the spirit of the Executive order. It is the spirit of affirmative action and any contractor that says that he offers equal opportunity because he treats his applicants equally is not in compliance with the Executive order if that is all he does. We expect him to do a lot more.

COMMISSIONER FREEMAN. We know that, but you also said that you mentioned the facilities of companies that now even several years later still have segregated facilities. What does it take to change them? We still have devices for keeping people out of certain jobs. They were kept out of jobs 5 years ago. Today they are still kept out of the jobs. What does it take to change it?

MR. BIERMANN. I think it takes two things. I think as far as coverage is concerned it takes a larger staff on the part of the contracting agency, certainly the OFCC has identified approximately 100,000 contractor and subcontractor facilities that are subject to the Executive order. Obviously, with the kinds of staff that the

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current agencies have, it is impossible to cope with that kind of workload.

But, secondly, I think that it takes a commitment on the part of the contracting agencies to address themselves to these problems and to demand relief, not in 30 days or 60 days, but to demand relief immediately to get the contractor to commit himself that immediately he will undertake what action is necessary to bring about equal opportunity.

I think the time has come for a revisit to be scheduled 6 months hence is gone. I think we expect now the contractors either commit themselves to compliance or cease being contractors, and we are prepared to enforce that policy. And we are very much encouraged in the kind of actions being taken in the last few months by contracting agencies which are consistent with that policy.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. No questions.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. We had some testimony last night that suggested that one of the problems in the textile industry might be that it requires experienced people who need to be taught high skills. Does that square with your understanding of the situation?

MR. BIERMANN. Mr. Taylor, I can't pass myself off as an expert on the textile industry. I do know though that as a result of the compliance reviews that the Defense Department has undertaken in North and South Carolina that the requirement for new hires in the textile industry is not high, that there are many white employees working as loom fixers and weavers and spinners and dolphers who have very minimal qualifications. It is a loss to me to understand why there are so few Negro applicants in a county with 50 percent Negroes who cannot meet those qualification demands and we expect that these contractors are either going to have to come up with a very good story in answer to that or prepare an affirmative action program to overcome that problem.

MR. TAYLOR. Some reference has been made to reorganizations within the departments having responsibility for contract compliance, and there has been very frequent reorganization, I guess, going by the old principle if something isn't working, reorganize it.

Do you think this is helpful to the stability of the operation and if you don't think it is, do you think that we would look forward now to an end of all of this reorganization and perhaps fixing on one form of organization and getting the job done?

MR. BIERMANN. Yes, sir, I don't think it is helpful. I think the reorganization at the Department of Defense is a helpful reorganization, however. I think it is essential that the whole matter of contract compliance be put in a procurement activity. I think the

question of equal opportunity being afforded on the part of the bidder should be identified and evaluated in the same way as that bidder's ability to meet other specifications of that contract. And that eventually it is our hope that the evaluation on equal opportunity of every bidder will become as routine as the evaluation for ability to perform and job specifications, et cetera.

MR. TAYLOR. So what you are saying is that it is important that the procurement people have some responsibility? And that they feel that responsibility.

MR. BIERMANN. That's right. I think this equal opportunity clause which is a clause equal to any other clause in a Government contract has been underrated, and I think it should be put in a position of preeminence.

I think it is essential that the procurement people don't award contracts unless that contractor is able to comply with all of the clauses, including equal opportunity.

MR. TAYLOR. Now, you have made certain references to the testimony that you heard last night with respect to the American Can Company in Bellamy. May I assume that that will be on your priority list of items that you will be carrying back to Washington for action?

MR. BIERMANN. It is already there, sir.

MR. TAYLOR. Do you think that we might expect a report on that within a reasonable period of time?

MR. BIERMANN. Yes, sir, without question.

MR. TAYLOR. Thank you. I have no further questions.

CHAIRMAN HANNAH. Mr. Biermann, you are excused. Thank you. We now recess until 1:45, an hour and six minutes.

(Whereupon, at 12:37 p.m., the hearing recessed, to reconvene at 1:45 p.m., of the same day.)

WEDNESDAY AFTERNOON SESSION

MAY 1, 1968

CHAIRMAN HANNAH. Ladies and gentlemen, may we have quiet in the room, please?

This hearing of the United States Commission on Civil Rights is in order.

Mr. Glickstein, will you call the next witness.

MR. GLICKSTEIN. The next witness is Mr. Harold Culmer, a member of the staff.

(Whereupon, Mr. Harold Culmer was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. HAROLD CULMER, ATTORNEY,
U.S. COMMISSION ON CIVIL RIGHTS

MR. GLICKSTEIN. Mr. Culmer, I show you a copy of a report entitled, "Staff Report, Main Street Survey." Did you prepare that report?

MR. CULMER. Yes, I did.

MR. GLICKSTEIN. Mr. Chairman, may this be introduced into the record?

CHAIRMAN HANNAH. It is received in the record.

(The document referred to was marked Exhibit No. 24 and received in evidence.)

MR. GLICKSTEIN. Would you please summarize this report for the Commissioners, Mr. Culmer?

MR. CULMER. During February and March, 1968 staff members of the U. S. Commission on Civil Rights surveyed employment practices of retail businesses in 21 major cities and towns within the 16-county hearing area. This "main street" survey was undertaken to determine the extent of minority employment in the retail trade in those communities. It includes an average of 80 percent of the stores and businesses located within these "main street" areas but does not include barber shops, bars, and pool halls. These stores were all located in the "downtown" or main shopping centers of each of the 21 cities.

Stores were not included if they were closed at the time of the survey; if the owner or manager refused to be interviewed; or if the owner or manager was away from his business at the time of the survey and information could not be secured. Managers, owners, or employees in charge of retail stores or businesses were questioned with regard to their employment practices including the number of employees by race.

Negroes constitute 99 percent of the nonwhite population in Alabama and 30 percent of the State's total population. In the 16-county area Negroes constitute more than 60 percent of the population. The survey shows that of a total of 2,504 jobs in retail businesses, only 497 or 19.8 percent were held by Negroes. Of the total number of positions held, 14 percent were held by Negroes employed on a full-time basis. Of the 497 jobs held by Negroes, 156 or 31.4 percent were part-time. Part-time white employment constituted only 16 percent of total white employment.

The only city in which Negroes had as much as 50 percent of the employment in main street businesses was Tuskegee, located in Macon County and is 80 percent Negro. In Tuskegee, Negroes totaled 44 percent of the full-time employment and 72 percent of the part-time employment. The lowest rate of Negro employment was registered in Prattville located in Autauga County, which is 42 percent Negro, where 7 percent of all part-time employees and 8 percent of all full-time employees were Negroes.

Part-time employment includes casual hiring. Of the three Negro part-time positions listed for Greensboro, one of the positions includes "a boy off the street who is hired from time to time to help us lift things."

Since this may or may not always be the same person there may actually be no measurable economic gain by any single Negro person hired in that particular "part-time" position.

In the same city, a white resident reported that a Negro who was physically incapable of speech and was referred to as a "dummy" around the city, had recently been hired for a full-day's labor and after doing the work was paid a bottle of soda pop.

At a business in Greenville a Negro was hired part-time because "he's working out a debt." No other Negroes were hired in that store although eight whites worked there.

Although there were two Negro produce managers in food stores and a few Negro clerks in other establishments and some trade school graduates employed in positions using their specific skills, most jobs held by Negroes were menial positions. The predominant position held by Negro males was porter or janitor.

Few Negroes handled cash receipts or came in direct contact with customers at the store. In Perry County, for example, in the cities of Marion and Uniontown, only one Negro handled cash receipts in a white business—a Negro lady who handled such receipts occasionally.

In Greenville, one Negro was employed in a cash receipts position in the main shopping area. In Prattville, the only Negro sales clerk was not allowed to use the cash register. In Demopolis, a Negro, who worked part time, did some selling at a business.

At least two owners indicated present intentions of hiring Negroes in Jackson and Monroeville while many others reflected apparent willingness to hire if others did so or if their businesses were not financially threatened by white community hostility.

Some managers or owners freely expressed their opinions on the subject of Negro employment when questioned by Commission staff:

Some openly expressed racist views, "I am a member of the KKK and wouldn't hire any niggers." Demopolis.

"They only do what niggers 'spose' to do." Selma.

"Don't hire Negroes to clean up because I do my own nigger work." Demopolis.

Others portrayed Negroes as lacking in ability or dependability; "Negroes can't weigh things nor figure prices. We tried." Butler.

"Problem with Negroes is not their education but their dependability." Union Springs.

Many expressed fear that community customer reaction to hiring Negroes would adversely affect their businesses, that is, they

usual hiring. Of the three Greensboro, one of the positions is hired from time to time

the same person there may be filled in by any single Negro person in that position.

reported that a Negro who was referred to as a part-time worker had been hired for a full-day's work to sell a bottle of soda pop.

was hired part-time because other Negroes were hired in that position here.

produce managers in food stores and some other establishments and some other positions using their specific skills in menial positions. The position was porter or janitor.

or came in direct contact with the community in Demopolis County, for example, in the one Negro handled cash receipts and the white lady who handled such receipts

worked in a cash receipts position in Prattville, the only Negro sales clerk in the city register. In Demopolis, a Negro was selling at a business.

stated intentions of hiring Negroes. He reflected apprehensions of hiring Negroes in the white community hostility.

expressed their opinions on the matter questioned by Commission

men, "I am a member of the community in Demopolis.

to do." Selma.

because I do my own nigger

in ability or dependability: "We tried." Butler.

their education but their de-

customer reaction to hiring Negroes in businesses, that is, they

wouldn't hire Negroes because of the "explosive nature of this little town." Prattville.

"Wouldn't want to break the color line . . . it would kill us." Thomasville.

"Won't hire Negroes because it would adversely affect my business." Clayton.

One hired Negroes when his business depended upon them but not now. "It would cost me 80-90 percent of my white clientele here." Eufaula.

"I hired them, but I was criticized too much." Linden.

One expressed willingness to hire Negroes "if other businesses would." Butler. One employer who had hired a Negro office worker said: "Best office worker I got!" Selma.

Another employer who had hired a Negro in a significant position because of the Civil Rights Act of 1964, said, "Only a few whites objected." Greene County.

Tuskegee, Macon County, excepted, Negro businesses were generally not located within the "main street" sections of the 16-county area and, therefore, were not included in this survey.

Nonwhite businesses in the cities visited represented a small percentage of the total retail trade. The largest number of Negro businesses were funeral homes, small groceries, and restaurants.

Negroes owned or operated service stations in Jackson, Uniontown, Greensboro, and Tuskegee, among other places. In these and other towns Negroes also own or operate taxi services, laundromats, a small chemical plant, an income tax service, small cafes, and several other businesses.

The result of this survey, therefore, is that Negroes have a disproportionately small share of employment in retail trades within the 16-county area.

MR. GLICKSTEIN. Mr. Culmer, did you personally participate in conducting this "main street" survey?

MR. CULMER. Yes, I did.

MR. GLICKSTEIN. Did you have any unusual experiences?

MR. CULMER. Humorous or nonhumorous?

MR. GLICKSTEIN. Well, go ahead.

MR. CULMER. Well, one incident comes to mind. I wouldn't mention the city, but I was in a particular establishment and I asked the question concerning minority employment and the response was: "No, we don't have any Orientals, Japanese, Spanish speaking people, or Negroes, or no foreigners like that."

MR. GLICKSTEIN. Thank you.

CHAIRMAN HANNAH. Thank you, Mr. Culmer. Mr. Glickstein, will you call the next witness?

MR. GLICKSTEIN. The next witness is Mr. Clyde Roberts. He will be questioned by George Bradley, an attorney on the staff of the Commission.

(Whereupon, Mr. Clyde Roberts was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. CLYDE ROBERTS, LIVINGSTON, ALABAMA

MR. BRADLEY. Mr. Roberts, will you state your name and address for the record, please?

MR. ROBERTS. Clyde Roberts, Livingston, Alabama.

MR. BRADLEY. How long have you lived in Livingston?

MR. ROBERTS. About 11 years.

MR. BRADLEY. Where were you born?

MR. ROBERTS. In Choctaw County, Alabama.

MR. BRADLEY. What is your occupation?

MR. ROBERTS. Store manager. I manage the Yellow Front Store in Livingston, Alabama.

MR. BRADLEY. How long have you held this position?

MR. ROBERTS. I have been in Livingston 10 years. I have held this position about 17 years.

MR. BRADLEY. Is the company that you work for engaged in operations other than the food chain stores?

MR. ROBERTS. They are, they are wholesalers in Selma, Alabama, McKinsey, Steer King McKinsey.

MR. BRADLEY. How many food chain stores do they have?

MR. ROBERTS. They have six stores.

MR. BRADLEY. How many persons do you employ in your store?

MR. ROBERTS. In Livingston?

MR. BRADLEY. In Livingston.

MR. ROBERTS. I believe it is 13.

MR. BRADLEY. And how many of those are black?

MR. ROBERTS. Six of them are black.

MR. BRADLEY. And what positions do they hold?

MR. ROBERTS. I have two Negro girls work in the market section, and I have one Negro cashier, and the rest of them are—well, I have one assistant manager nigger, and the rest of them are bag boys.

MR. BRADLEY. When did you first hire a nonwhite cashier?

MR. ROBERTS. Since Christmas. I had this girl working for me in the pricing and labeling department in our market. I moved her to the cash register since Christmas.

MR. BRADLEY. Would you describe for the Commissioners the events which preceded your hiring of a nonwhite cashier?

MR. ROBERTS. We have had picketing going on in the front of the store, I believe, somewhere around 3 weeks before Christmas until 4 or 5 weeks ago. And I brought her up and put her on the cash register.

MR. BRADLEY. What was the position of your company's main office regarding the picketing and your reactions to it?

MR. ROBERTS. They didn't mind. It doesn't make any difference

as sworn by the Chairman

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state your name and address

Livingston, Alabama.

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on of your company's main
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doesn't make any difference

to them. They just wanted to be real careful that we didn't have
a backlash and lose our business.

MR. BRADLEY. Did they give you any instructions regarding the
picketing?

MR. ROBERTS. They told me to just sit quiet and be sure that
didn't anybody get hurt or anything happen.

MR. BRADLEY. What was the reaction of the white community
when you moved the girl to the cash register?

MR. ROBERTS. They accepted it and we didn't lose any white
business. Our business is up a good bit.

MR. BRADLEY. Did any white persons make favorable comments
to you regarding this?

MR. ROBERTS. Oh, yeah, you see we had this girl working. We
have a barbeque department too and we had her, she'd been taking
care of this a lot of the time. And some of the ladies commented,
said they were glad to see her, they hoped she would do as good
a job up there as she did back in the back.

MR. BRADLEY. Did you receive any unfavorable comments from
white individuals?

MR. ROBERTS. No. One or two, but it didn't amount—they are
trading right on now.

MR. BRADLEY. Do you believe that the reaction of the white
community would have been different if this step had been taken
prior to the picketing?

MR. ROBERTS. It might have. You never can tell about those
things. I kind of doubt that it would have been different. You
would hesitate to make those steps but when you do it's—

MR. BRADLEY. Do you think that you could have moved the non-
white girl to a cashier's position prior to the passage of the '64
Civil Rights Act?

MR. ROBERTS. I really don't know.

MR. BRADLEY. Mr. Roberts, have you been involved in efforts to
attract new industry to your area?

MR. ROBERTS. Oh, yes, we have.

MR. BRADLEY. Has Livingston been successful in getting indus-
try?

MR. ROBERTS. Oh, yes, we have gotten I believe it is three within
the past 2 years.

MR. BRADLEY. Did these industries receive any Federal assist-
ance?

MR. ROBERTS. Yes, this custom sheeting did.

MR. BRADLEY. From what agency?

MR. ROBERTS. SBA.

MR. BRADLEY. What factors do you think were most important
in their decision to locate in Livingston?

MR. ROBERTS. Well, because we wasn't having too much trouble

and they felt like under the program that we had started, that we would be able to move forward.

MR. BRADLEY. Do you think picketing or other peaceful demonstrations such as occurred outside your store affect industry's desire to move into an area?

MR. ROBERTS. I think it would, if there was someone who intended to invest money, who would come through and see that picketing, he would be hesitant to invest his money.

MR. BRADLEY. Mr. Roberts, local companies in your area have told Commission staff persons that they cannot hire nonwhite driver-salesmen because merchants would refuse to deal with them. Has this been the experience of your company?

MR. ROBERTS. No, we have Negroes on all our trucks from Selma. They deliver to all the accounts. No white drivers, or no white helpers.

MR. BRADLEY. Do you feel that any of the merchants in your area would object if some of these companies hired nonwhite driver-salesmen?

MR. ROBERTS. I do not.

MR. BRADLEY. Do you think it is good business to hire Negroes for nontraditional jobs?

MR. ROBERTS. I beg your pardon?

MR. BRADLEY. Do you think it is good business to hire black persons for nontraditional jobs?

MR. ROBERTS. I think it is good business to hire black people to try and train him and grade him up always to do you a good job!

MR. BRADLEY. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. Roberts, before the picketing which went on I understand for 2 months, didn't you feel that you could put a Negro on your cashier's job?

MR. ROBERTS. I was hesitant because I didn't know what the—if I had would have a backlash from the white people.

VICE CHAIRMAN PATTERSON. You are saying then it was not so much your judgment as it was that you were afraid of the people who traded with you?

MR. ROBERTS. Yes, because they do me a good job all the time. I have been wonderfully blessed with them.

VICE CHAIRMAN PATTERSON. I am wondering from the Negro's point of view in Alabama, and my State and others, is it going to be necessary for him to picket and force all of us to do what we ought to do or do you see a day coming when other grocers and store managers can do what you did without being forced to do it?

MR. ROBERTS. I see the time coming when he will take his proper place. People are beginning to accept it and look at it from a different point of view. I am sure there is going to have to be some forcing done.

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VICE CHAIRMAN PATTERSON. But the reason that you waited
 until after the picketing before you took these steps really was fear,
 wasn't it?

MR. ROBERTS. That's right.

VICE CHAIRMAN PATTERSON. Fear you would lose business?

MR. ROBERTS. That's right.

VICE CHAIRMAN PATTERSON. Fear of what your neighbors might
 say?

MR. ROBERTS. That's right.

VICE CHAIRMAN PATTERSON. This presents a very grave problem
 to all Southern white men and I think to all America.

MR. ROBERTS. Oh, yes.

VICE CHAIRMAN PATTERSON. Because we—

MR. ROBERTS. Business is hard to get back once you lose it, and
 you are hesitant to do things. The public moves you to a great
 extent. You move because they move you.

VICE CHAIRMAN PATTERSON. Because they are your customers?

MR. ROBERTS. That's right.

VICE CHAIRMAN PATTERSON. And from the Negro's point of
 view, then what he sees is that he doesn't really get to move until
 he forces us to move?

MR. ROBERTS. That's right. That's right.

VICE CHAIRMAN PATTERSON. Do you think this is a good
 situation?

MR. ROBERTS. No, I don't, no.

VICE CHAIRMAN PATTERSON. I don't either. Thank you.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Roberts, how many people live in
 Livingston?

MR. ROBERTS. 1,700.

COMMISSIONER FREEMAN. How many of them are black?

MR. ROBERTS. The ratio is 76 percent in the county. I don't know
 exactly what the ratio would be in Livingston.

COMMISSIONER FREEMAN. The county is 76 percent?

MR. ROBERTS. Seventy-six percent, I believe that is correct.

COMMISSIONER FREEMAN. On this basis your customers then are
 the people who decide whether you stay in business, aren't they?

MR. ROBERTS. That's right.

COMMISSIONER FREEMAN. And so if the black people in any
 community would decide that they wouldn't spend their money
 where they couldn't work that would make some changes pretty
 fast, wouldn't it?

MR. ROBERTS. That's right.

COMMISSIONER FREEMAN. Would you feel that this is an effective
 tool?

MR. ROBERTS. I would say so.

COMMISSIONER FREEMAN. In other words, if you as a white person couldn't spend your money somewhere—couldn't work somewhere you wouldn't spend your money there, would you?

MR. ROBERTS. That's right

COMMISSIONER FREEMAN. Well, then all the Negro is doing when he engages in this is really carrying out the American ideal, isn't he?

MR. ROBERTS. That's right.

COMMISSIONER FREEMAN. And you recommend that? Thank you, CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. No questions.

CHAIRMAN HANNAH. Are you finished, Mr. Bradley?

MR. BRADLEY. Yes, sir.

CHAIRMAN HANNAH. Thank you very much, Mr. Roberts. We appreciate your being here. Call the next witness, Mr. Glickstein.

MR. GLICKSTEIN. The next witness is Dr. Moses Lukaczer, a member of the Commission staff.

(Whereupon, Dr. Moses Lukaczer, having been previously sworn, testified as follows:)

**TESTIMONY OF DR. MOSES LUKACZER, STAFF MEMBER,
U.S. COMMISSION ON CIVIL RIGHTS**

MR. GLICKSTEIN. Dr. Lukaczer, have you done a study of the State Employment Office?

DR. LUKACZER. I have.

MR. GLICKSTEIN. Would you please summarize for the Commissioners the result of your study?

DR. LUKACZER. The Alabama State Employment Service and its network of local employment offices is a part of the Federal State public employment system. This system operates under the United States Department of Labor's Bureau of Employment Security. This system has important responsibilities with regard to the placement of applicants at jobs which utilize their highest skills and in bringing the occupational skills of individuals through counseling, testing, and training—to the highest level they are capable of.

Because of its continuous contacts with employers the Alabama State Employment Service is a powerful agent for building into the placement process those elements of equity toward minority groups for which the Civil Rights Act of 1964 stands.

Staff investigations reveal the following:

First the Bureau of Employment Security has developed and established an elaborate procedure to deal with job orders which discriminate on the basis of race or color. It requires that an effort be made to persuade the employer and to follow up with him with the objective of getting him to rescind the discriminatory order and to replace it by an open order.

The procedure also includes the sampling of employers who are serviced by the Employment Service with a view to determining whether they are discriminating in their employment practices in ways which do not show up in a job order.

Staff investigations reveal an absence of vigor in the State office and the local offices in carrying through on these procedures. State and local offices are not being used in a positive fashion to make employers understand what the price is for receiving service from the Employment Service and what will not be tolerated in the name of discrimination against minority groups.

Second, the promotion of equal employment practices to the end that minority groups shall be benefited is the declared policy of the Bureau of Employment Security. The placement pattern of white and nonwhite applicants in the 16-county area indicates that this goal is not being met.

In December, 1967, 39 percent of all nonwhite placements in the 16-county area were for service jobs in private households. Among white applicants only 2.5 percent were placed in this type of work.

Third, in spite of clear indications of interest in vocational training in the 16-county area little in the way of MDTA institutional training has been or is being carried on in this area. As of February 1967, one MDTA institutional course was being given in the area, in Selma, for nurses' aide.

Fourth, instructions are explicit about establishing a State manpower advisory committee with minority group representation in the interest of an effective manpower training program. These instructions stem from the Congress of the United States, from the Secretary of Labor, and from the Director of the Bureau of Employment Security. Despite these instructions, the State of Alabama does not have a State manpower advisory committee. Furthermore, while a number of local employment offices have local manpower advisory committees, in general, the committees are inactive. Thank you, Mr. Chairman.

CHAIRMAN HANNAH. Thank you, Dr. Lukaczer. The next witness, please.

MR. GLICKSTEIN. The next witness is Miss Sara Green, an attorney on the staff of the Commission.

(Whereupon, Miss Sara Green, having been previously sworn, testified as follows:)

TESTIMONY OF MISS SARA GREEN, ATTORNEY,
U.S. COMMISSION ON CIVIL RIGHTS

MR. GLICKSTEIN. Miss Green, I show you a copy of a report entitled "Staff Report, Public Employment in the 16-County Hearing Area." Were you responsible for preparing this report?

MISS GREEN. I was.

MR. GLICKSTEIN. Mr. Chairman, may this be introduced into the record?

CHAIRMAN HANNAH. It is received in the record.

(The document referred to was marked Exhibit No. 25 and received in evidence.)

MR. GLICKSTEIN. Miss Green, would you please summarize this report?

MISS GREEN. The Commission staff has undertaken a survey of public employment in the 16-county hearing area which reveals that Negroes hold a small percentage of the governmental jobs available in the area and are generally concentrated in lower-skilled positions such as janitors, road crews, and sanitation workers.

The Federal Government's policy of nondiscrimination on the basis of race is not being effectuated in this area. Negroes do not hold a substantially greater number of governmental jobs covered by Federal regulations prohibiting racial discrimination than they do of State and local jobs that are not covered by similar prohibition.

The two major sources of Federal employment in the 16-county hearing area are the Farmers Home Administration and the Post Office Department. Although a total of 650 jobs are available in these agencies, only 42 are filled by Negroes. Agency offices in half of the hearing counties employ no Negroes. FHA offices in the 16-county hearing area employ 39 persons of whom only six are Negroes. The six are members of the professional staffs in the Greene County and Macon County offices.

None of the 16 clerical workers employed by FHA is Negro. Of 611 Post Office employees in the 16-county hearing area, only 36 are Negro. Eight of the counties have no Negro postal workers.

Although State discrimination on the basis of race is prohibited by the 14th amendment, Alabama has not amended its State Merit System to comply with the Federal law. The Department of Health, Education, and Welfare, which is responsible for obtaining compliance with this law, has, to date, not applied sanctions against Alabama for noncompliance.

The consequences of the absence of any nondiscriminatory requirement is shown by the fact that Negroes hold only 82 of the 560 State jobs available in the hearing area. Of these 82 jobs, 38 are either for part-time work or are janitorial positions.

Employment data for local government jobs in the hearing area

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GREEN, ATTORNEY,
CIVIL RIGHTS

Do you have a copy of a report en-
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Can this be introduced into the

record.

Marked Exhibit No. 25 and re-

Can you please summarize this

has undertaken a survey of
the hearing area which reveals
the nature of the governmental jobs
mainly concentrated in lower-
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employment in the 16-county
Administration and the Post
office of 650 jobs are available in
for Negroes. Agency offices in half
of Negroes. FHA offices in the 16-
counties of whom only six are
in the professional staffs in the
counties.

Employment by FHA is Negro. Of
the 16-county hearing area, only 36
of Negro postal workers.
The basis of race is prohibited
and has not amended its State Merit
Act. The Department of Health,
is not possible for obtaining com-
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any nondiscriminatory re-
employment. Negroes hold only 82 of the
total in the hearing area. Of these 82 jobs, 38
are in non-merit positions.
The remaining jobs in the hearing area

show that most Negroes are concentrated in county roads depart-
ments and city sanitation and street departments. Only four
counties have Negroes on their law enforcement staff. And only
eight of the 16 cities surveyed have full-time Negro policemen.

Negroes are employed as clerical workers by only one city and
one county in the hearing area.

That concludes my summary.

CHAIRMAN HANNAH. Thank you, Miss Green. Proceed, Mr.
Glickstein.

MR. GLICKSTEIN. The next witnesses are Mr. Richard Quinney
and Mr. Robert Worlund accompanied by counsel.

(Whereupon, Mr. Richard Quinney and Mr. Robert Worlund
were sworn by the Chairman and testified as follows:)

**TESTIMONY OF MR. RICHARD QUINNEY, SELMA, ALABAMA
AND MR. ROBERT WORLUND, GREENVILLE, ALABAMA**

MR. FOSTER. Mr. Chairman, my name is Eugene Foster. I am
General Counsel for the Alabama Department of Industrial Rela-
tions and we operate in this part of the State, and I would like the
privilege of sitting with these gentlemen.

CHAIRMAN HANNAH. Proceed, sir.

MR. GLICKSTEIN. Mr. Quinney and Mr. Worlund, would you
please each state your full names and give your addresses for the
record?

MR. QUINNEY. My name is Richard M. Monroe Quinney. You
say the name and what?

MR. GLICKSTEIN. And the address.

MR. QUINNEY. 802 Lauderdale Street, Selma, Alabama.

MR. WORLUND. Bob Worlund, I am manager of the employment
office in Greenville, Alabama.

MR. GLICKSTEIN. What is your occupation, Mr. Quinney?

MR. QUINNEY. I am manager of the State Employment Service
in Selma.

MR. GLICKSTEIN. Mr. Quinney, what job training programs have
been instituted through your office during the last 2 or 3 years?

MR. QUINNEY. The only one that we have had is Nurses' Aide,
which is in the process now.

MR. GLICKSTEIN. That is a MDTA training course?

MR. QUINNEY. Yes, sir.

MR. GLICKSTEIN. Funded by the Federal Government?

MR. QUINNEY. Yes, sir.

MR. GLICKSTEIN. And carried out in the schools?

MR. QUINNEY. Well, the education part is. The city board of
education.

MR. GLICKSTEIN. How about in your office, Mr. Worlund?

MR. WORLUND. We haven't had any MDTA training in the area.

MR. GLICKSTEIN. Haven't had any MDTA training?

MR. WORLUND. No, sir.

MR. GLICKSTEIN. Have you had requests for companies for MDTA training?

MR. WORLUND. No, sir.

MR. GLICKSTEIN. Did you conduct any surveys to determine what skills were in demand and required training?

MR. WORLUND. Yes, sir.

MR. GLICKSTEIN. What did your studies show?

MR. WORLUND. Very little demand in the classifications that we could train for.

MR. GLICKSTEIN. Very little demand?

MR. WORLUND. Yes.

MR. GLICKSTEIN. There were some classifications that you were not able to train people for?

MR. WORLUND. Yes, sir. One is sewing machine operators.

MR. GLICKSTEIN. What about as weavers in the textile mills?

MR. WORLUND. Yes, we could train weavers.

MR. GLICKSTEIN. You can train weavers?

MR. WORLUND. Yes, sir.

MR. GLICKSTEIN. And you are in Greenville?

MR. WORLUND. Yes, sir.

MR. GLICKSTEIN. And is the Dan River Mill in Greenville?

MR. WORLUND. Yes, sir.

MR. GLICKSTEIN. Has Dan River asked you to train people as weavers?

MR. WORLUND. No, sir.

MR. GLICKSTEIN. Mr. Quinney, you mentioned that you had a Nurses' Aide program. Will the salaries of the people trained in this program when they finish be fairly substantial?

MR. QUINNEY. Yes, sir, the prevailing rate.

MR. GLICKSTEIN. It that pretty good money, the prevailing rate?

MR. QUINNEY. Well, it is not the minimum of \$1.60 an hour that the construction workers make.

MR. GLICKSTEIN. Pardon?

MR. QUINNEY. It is not the minimum of \$1.60 an hour. I don't know what the Federal wage rate is on that type of work.

MR. GLICKSTEIN. Below the minimum? It is below the minimum?

MR. QUINNEY. Not the standards that the Federal Government set, the Wage Hourly Board. I don't—I don't remember exactly what the minimum wage is for hospitals.

MR. GLICKSTEIN. But less than \$1.60?

MR. QUINNEY. Yes, less than \$1.60.

MR. GLICKSTEIN. Aren't there any higher grade jobs in your area for which you can establish training programs?

MR. QUINNEY. Well, yes, sir, but they are so scattered. In fact, our guidelines say that we need at least 15 or 20 persons, or jobs,

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before they can establish a training course, in order to set up a training program.

Of course the expense of it is so high that is the reason they limit it to at least 10 or 15. There is some, yes, sir, there sure is. There is some classifications that do need training for.

MR. GLICKSTEIN. What is the attitude of employers in your area toward MDTA training programs?

MR. QUINNEY. We haven't had any problems with them at all, haven't had complaints, or anything.

MR. GLICKSTEIN. Well, you only have one program?

MR. QUINNEY. That's right.

MR. GLICKSTEIN. But—

MR. QUINNEY. We have done a survey years ago, last year in fact, this year, and discussed the possibility of training shortage of workers and what type of workers could be trained. And they were all very receptive to it that we talked to.

MR. GLICKSTEIN. If they were very receptive to this why haven't programs other than your Nurses' Aide program been instituted?

MR. QUINNEY. Well, our State office of course decides on which area gets the training and who doesn't. And of course the only thing we do is certify the need, and it is left up to them to approve the training for whatever area they will. Most of our training is done in your metropolitan areas.

MR. GLICKSTEIN. Some of our investigations in the Selma area have indicated that many owners of textile factories feel that they are very much in need of people that can repair their machines. They claim that that is a very scarce job classification. Have you had any request to set up a course to train machine operators?

MR. QUINNEY. Yes, we did. In fact, we estimate now that we could probably use five or six hundred people if they were trained in the sewing machine occupation. We tried over a year ago to get a program set up and of course we were turned down in Washington.

MR. GLICKSTEIN. I am not talking about the people who use the machine. I am talking about the people who repair the machines.

MR. QUINNEY. No, sir, we have not. We have not submitted a proposal.

MR. GLICKSTEIN. That is the job classification that I am told is very much in demand.

MR. QUINNEY. It is, yes, sir. We estimate that we could use five or six right now but I understand that there is none going on in the State right now as far as I know, no training for that.

MR. GLICKSTEIN. And you could use five or six?

MR. QUINNEY. Yes, sir.

MR. GLICKSTEIN. What would have to happen before you could establish a program to train people to do that sort of work?

MR. QUINNEY. Well, we would certify the need and submit a

proposal and of course like I say, they have to have justification for setting up a program like that. I doubt seriously that they would do it for five people. They tell us they are limited on funds and that is the reason we don't get it.

MR. GLICKSTEIN. You say that you have had five or six requests for people in that job?

MR. QUINNEY. Yes, sir.

MR. GLICKSTEIN. Have you personally, and members of your staff, surveyed the companies in the Selma area and asked them how many people they could use?

MR. QUINNEY. Yes.

MR. GLICKSTEIN. And your conclusion is that there are just about five or six people in that category that could be employed?

MR. QUINNEY. That's right, as sewing machine repairmen, yes, sir.

MR. GLICKSTEIN. There was some testimony on Saturday that indicated that a resident of Dallas County secured a job through your office to work for the Birds Eye Frozen Food Company up in New York. Do you have a fairly extensive program for getting people seasonal jobs outside of the State?

MR. QUINNEY. Yes, we do. Of course that comes under our Rural Industry Program, Farm Placement Division. We are at the present right now recruiting for Birds Eye. General Foods has a representative here right now recruiting and has been here for 2 weeks, and we also sent some yesterday off to Connecticut—shade tobacco.

MR. GLICKSTEIN. And these are just seasonal jobs, 2 months and the people come back?

MR. QUINNEY. Yes, sir.

MR. GLICKSTEIN. And how much effort do you devote to this program?

MR. QUINNEY. Well, we usually exert a good bit of effort right about the time that they come in with the recruiters. I have a Rural Industry man working for me and he gets out and does the recruitment. I would say a couple of months, right along about this time is when we really do a lot of work on it.

Of course we do a lot of newspaper, radio advertising, and so forth to get these people to come in.

MR. GLICKSTEIN. And somebody comes into your office at this time of the year and is looking for a job in the Selma area you might tell them that while you don't have anything available in Selma you do have something available up in New York at Birds Eye?

MR. QUINNEY. Yes, sir.

MR. GLICKSTEIN. Mr. Worlund, has your office assisted auto parts stores in obtaining parts clerks?

MR. WORLUND. I guess you are talking about when I told you

a while ago we haven't had any MDTA training. That training is set up through a State organization, automotive retail association, and we have had four on that program in Greenville, and it is in the retail automotive, set up by the dealers.

MR. GLICKSTEIN. And the people, these four people received on-the-job-training?

MR. WORLUND. Yes, sir.

MR. GLICKSTEIN. And they were referred to the automobile dealers by your office?

MR. WORLUND. I believe everyone of them was already working when he started his training. They were not referred by my office.

MR. GLICKSTEIN. Did your office help to pay for the training?

MR. WORLUND. Well, it is paid for through MDTA, and we just really submit a report stating that he is on the job each month and receive that.

MR. GLICKSTEIN. And the Federal Government pays for the on-the-job training?

MR. WORLUND. That's right.

MR. GLICKSTEIN. Are you required to ascertain whether the employers for whom these people are working discriminate?

MR. WORLUND. No, sir.

MR. GLICKSTEIN. Is it possible that the four people that you have working on these jobs are working for employers that would not hire Negroes?

MR. WORLUND. Well, it is possible, but——

MR. GLICKSTEIN. It is possible?

MR. WORLUND. —but I think some of them, in fact, I know some of them have Negroes working for them.

MR. GLICKSTEIN. I just asked if it was possible?

MR. WORLUND. Sure, it is possible.

MR. GLICKSTEIN. It could happen?

MR. WORLUND. Sure.

MR. GLICKSTEIN. And even under those circumstances the employer would still be getting Federal funds to train?

MR. WORLUND. Sure, it is possible.

MR. GLICKSTEIN. What steps do you take to insure that employers who call your office and request people to be referred for jobs do not discriminate?

MR. WORLUND. Well, we have an order form that we complete and if he requests, or they don't request anything but certain qualifications. And then we refer anyone that meets those qualifications to the job.

MR. GLICKSTEIN. What sort of steps would you take if an employer submitted job orders to you, did not make any request based on race, you referred 25 people to that employer, there were 18 of the people were Negro, seven of them were white, the employer rejected the 18 Negroes over a period of time and hired

the seven whites, would that suggest anything to you? Would that prompt any investigation?

MR. WORLUND. Well, it never has happened to me, as far as I know. I am sure it hasn't. Of course, I am sure if it had, it would suggest something, sure.

MR. GLICKSTEIN. Well, do you make an attempt to follow up on what the outcome of referrals are to employers?

MR. WORLUND. We verify everyone we refer, yes, sir.

MR. GLICKSTEIN. To determine whether the person has been hired or rejected?

MR. WORLUND. That's right.

MR. GLICKSTEIN. So you do have a basis for determining what the pattern of hiring is by a particular employer?

MR. WORLUND. Yes, sir.

MR. GLICKSTEIN. Mr. Quinney, did you ever have any contact with the Equal Employment Opportunity Commission or with the Federal Contract Compliance Agency with respect to employment practices in your area?

MR. QUINNEY. To my knowledge I can't recall.

MR. GLICKSTEIN. Nobody from any Government contract agency ever came in and told you that a particular company needed Negro clericals very badly, wouldn't you see what you could do to help him get some?

MR. QUINNEY. Not that I know of, no, sir.

MR. GLICKSTEIN. Have you ever been officially informed that any employers in your area have been found by Government contract agencies to be in noncompliance?

MR. QUINNEY. No, sir.

MR. GLICKSTEIN. Mr. Worlund, you mentioned that you didn't feel that you weren't aware of any skills in your area that were in demand that required a MDTA training program. Isn't it true that there is a need for welders in your area?

MR. WORLUND. Yes, sir, there is a need for welders, but there is not a need, enough need to justify a training class, which they will not set up one unless you train at least 12 to 15 to 20.

MR. GLICKSTEIN. Well, under the MDTA regulations, isn't it possible to provide people with skills and accordingly create a trained labor pool that would attract industry to the area? For example, if you did have a pool of skilled welders or in Mr. Quinney's area, he had a pool of skilled sewing machine repairmen, wouldn't that be an inducement for businessmen to locate in that area?

MR. WORLUND. I am sure it would, but under the present regulations, as far as I know now, we have to certify that the jobs are available before we can train for them.

MR. GLICKSTEIN. Mr. Quinney, would you like to comment on that?

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MR. QUINNEY. No, sir, that is my understanding, that the jobs
 have to be there before we can actually get a training class ap-
 proved.

MR. GLICKSTEIN. Were you ever visited by employers who were
 contemplating locating in your area?

MR. QUINNEY. Occasionally, yes, sir, they come by for labor mar-
 ket information, unemployment rate, and number of people unem-
 ployed, such information as that.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. Worlund, Mr. Quinney has
 mentioned that he has a training program for Nurses' Aide. Is that
 correct?

MR. QUINNEY. Yes.

VICE CHAIRMAN PATTERSON. Have you had a training program
 for any category of worker?

MR. WORLUND. No, sir, the only training that we have had is the
 four auto countermen.

VICE CHAIRMAN PATTERSON. Mr. Quinney, I believe you testified
 that you could probably use, or the Selma area could use, five hun-
 dred or six hundred sewing machine operators if you had them.
 Is that right?

MR. QUINNEY. Yes, we estimate that over the next year.

VICE CHAIRMAN PATTERSON. Over the next year?

MR. QUINNEY. Yes, sir.

VICE CHAIRMAN PATTERSON. Well, if this is your official estimate
 you must have that based on a need that exists?

MR. QUINNEY. Yes, sir.

VICE CHAIRMAN PATTERSON. Can't you get a sewing machine
 operator program started training these people as a result of the
 estimate?

MR. QUINNEY. No, sir, as I said that is one of the occupations
 that they said the Department of Labor would not approve.

VICE CHAIRMAN PATTERSON. Because the wages were too low?

MR. QUINNEY. That's right—no, sir, I think they had other prob-
 lems, just what I don't actually know. But it is a short-time course
 and it is quite a bit of turnover, people moving about. Perhaps that
 had something to do with that decision not to approve it.

VICE CHAIRMAN PATTERSON. You need industry in Selma, don't
 you?

MR. QUINNEY. Yes, sir, we need it bad.

VICE CHAIRMAN PATTERSON. And if a prospective employer
 comes in and says: "Look, I am going to move here. There is my
 option on the land, if you will train me 100 workers in the field."
 Will you then go to work and try to get a program going to train
 those workers for him?

MR. QUINNEY. Yes, sir, certainly. If they tell us that they will

have so many jobs available we will certainly go to work and submit a proposal to try to get training for these.

VICE CHAIRMAN PATTERSON. Where would you go to get the money to pay for that training?

MR. QUINNEY. Well, it comes through the Federal Government, Department of Labor, Manpower Development Training Act.

VICE CHAIRMAN PATTERSON. MDTA?

MR. QUINNEY. Yes.

VICE CHAIRMAN PATTERSON. And you have no hesitation about using these MDTA funds?

MR. QUINNEY. No, sir, I don't myself, I sure don't. Whether they will be set aside or not—

VICE CHAIRMAN PATTERSON. I understand that.

MR. QUINNEY. —for training.

VICE CHAIRMAN PATTERSON. Have you encountered any employers in the Selma area who don't want workers trained under MDTA programs?

MR. QUINNEY. I haven't so far, no, sir.

VICE CHAIRMAN PATTERSON. Have you at Greenville, Mr. Worlund?

MR. WORLUND. No, sir.

VICE CHAIRMAN PATTERSON. In other words, there is no prejudice against this Federal program?

MR. WORLUND. No, sir. In fact, when it first came out we submitted a big proposal to train sewing machine operators and it was turned down.

VICE CHAIRMAN PATTERSON. That was turned down?

MR. WORLUND. Yes, sir, and the employers were ready and willing and wanted it.

VICE CHAIRMAN PATTERSON. No further questions.

CHAIRMAN HANNAH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Quinney and Mr. Worlund, how is the Alabama State Employment Service funded?

MR. QUINNEY. Funded through the Federal Government, Federal funds.

COMMISSIONER FREEMAN. By a contract between the State of Alabama and the Federal Government, is that right?

MR. QUINNEY. That's right.

COMMISSIONER FREEMAN. I raise the question because I believe it was either Mr. Worlund or you, Mr. Quinney, who said that you didn't have any responsibility to find out if a company was discriminating in a job request. My next question is, as I understand the law with respect to the Employment Security Office, that each of the offices has a specific responsibility to go out in job development, job structuring, education with respect to employment and in addition to on-the-job training. And it appears that neither office, Selma or Greenville, has done anything about job develop-

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ment or job structuring to improve the occupational conditions in
this community. Is that correct?

MR. QUINNEY. It may have been done. I am sure some of it has
been done in our area. Of course there wouldn't be any record of it.
We are constantly asking the employers to take people on jobs and
train them, regardless of race, color, or creed. And we have done
that and we have been successful in placing people in training jobs
at the beginning with the company, and work them up.

COMMISSIONER FREEMAN. And I understood you to say that you
are engaged now, you or Mr. Worlund, in finding employees for
seasonal workers for the Birds Eye Company and other com-
panies. What income will those people receive?

MR. QUINNEY. Those people will be paid \$1.60 per hour plus
time and a half for overtime. If they work, or want to work over-
time they can make as much as \$175 a week.

COMMISSIONER FREEMAN. Over a period of what time?

MR. QUINNEY. Well, they go to work in June and leave in No-
vember.

COMMISSIONER FREEMAN. Actually they only work about 5
months?

MR. QUINNEY. Five months, that's right.

COMMISSIONER FREEMAN. Wouldn't it be better for them to be
trained as machine repairmen and possibly get a job 12 months a
year with the minimum skills as migrant workers, out of the State
for only 5 months a year?

MR. QUINNEY. It certainly would.

COMMISSIONER FREEMAN. If your office cannot make the decision
that there needs to be training for the machine repairs, have you
brought it to the attention of the State office?

MR. QUINNEY. Certainly have, we have and had meetings, the
State office personnel met with us and with the employers in our
area, and of course they did all they could to help get this.

COMMISSIONER FREEMAN. I am talking about these 500 jobs,
where there is a need, where the salary is how much? How much
would they be making?

MR. QUINNEY. They make \$1.60 an hour.

COMMISSIONER FREEMAN. And they could go up to how much?

MR. QUINNEY. That is about it.

COMMISSIONER FREEMAN. The machine repairmen make how
much?

MR. QUINNEY. Well, most of those are paid on a weekly basis, I
believe. It seems to me like they make \$100 or \$125 or \$150 a week,
according to the experience.

COMMISSIONER FREEMAN. On the basis of what the people are
making now that would be about \$150 more than what some of
them are making, isn't that right?

MR. QUINNEY. Yes.

COMMISSIONER FREEMAN. Now, it looks then that the Federal Government is also acquiescing in a program to deprive people of training, is that correct?

MR. QUINNEY. It seems it, yes.

COMMISSIONER FREEMAN. Have you made any recommendation to the Department of Labor in Washington in this regard?

MR. QUINNEY. Not any specific, no, not on this specific occupation, sure haven't.

COMMISSIONER FREEMAN. Let me ask you about your own office. How many employees do you have in your office?

MR. QUINNEY. In this office, nine of us.

COMMISSIONER FREEMAN. How many of them are Negro?

MR. QUINNEY. We have two.

COMMISSIONER FREEMAN. What jobs do they have?

MR. QUINNEY. One is a custodian and one is a recruiter for this migrant labor.

COMMISSIONER FREEMAN. And what about you, Mr. Worlund? How many in your office?

MR. WORLUND. We have six.

COMMISSIONER FREEMAN. How many are Negro?

MR. WORLUND. Two colored.

COMMISSIONER FREEMAN. What are they employed as?

MR. WORLUND. One is a janitor and one is an employment security representative.

COMMISSIONER FREEMAN. So your own office leaves much to be desired. There is something that you can do about it, isn't there?

MR. QUINNEY. Well, of course we don't have any authority—under the State merit system you have to take the examination to get on the register. And of course we have not been certified in it. That is of course the primary reason why we haven't hired any, except for the local representatives, that is a part-time job.

COMMISSIONER FREEMAN. Well, would you also suggest to the State that some changes need to be made there?

MR. QUINNEY. Well, of course the personnel department handles that, we suggest all the time, but we don't—they don't let us make any rules, or anything like that.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. On the question of employment, Mr. Quinney, I believe you said that you have two professional employees who are Negroes. Is that right?

MR. QUINNEY. One. We actually have had as many as three or four at one time. We have a vacancy now that we are waiting for a register to be established so we can hire another person.

MR. TAYLOR. Suppose you were to learn that a large landholder was evicting his tenants. Is there anything you would do with re-

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spect to that situation, to be of help to the tenants who were being
evicted? Farm tenants, I am talking about.

MR. QUINNEY. Well, we could try to find jobs for them, of course,
which we do. The majority of them do come to us.

MR. TAYLOR. What about those who don't come to you? Do you
seek them out?

MR. QUINNEY. We do in some areas. Of course, due to the limit-
ation of personnel we can't get out to much seeking out these areas.
However, we do on special—when there is a shortage of workers we
do get out and try to go through the community and try to get these
people to come in and register with us.

MR. TAYLOR. Mr. Worlund, what is your answer to the same
question?

MR. WORLUND. It is about the same answer. We do of course
recruit at all times on all kinds of jobs. I mean if we get an order
and go to our files and don't have someone to fill it we try to find
somebody to fill it.

MR. TAYLOR. Mr. Quinney, about how many job orders would you
process in the course of a year?

MR. QUINNEY. Right at the present time—you mean number of
openings?

MR. TAYLOR. That's right.

MR. QUINNEY. About 2,400.

MR. TAYLOR. 2,400?

MR. QUINNEY. 2,400 to 2,800, yes, sir.

MR. TAYLOR. Are you able to estimate how many jobs might be
filled in the course of the year in your county, not by you, all told?
How many job vacancies in the course of a year?

MR. QUINNEY. I just don't have any idea. It would be twice that
many, I am sure or more.

MR. TAYLOR. How would you say that most people find a job in
your county?

MR. QUINNEY. Well, I just don't know. Of course, there are a
lot of ways people find jobs, through their friends or through
relatives, or through us.

MR. TAYLOR. Would you say—you said through their friends or
through their relatives, would you say that that is a very common
way of finding a job, by word of mouth?

MR. QUINNEY. That is the most common, that plus through
their pastor, the pastor helps them on the jobs.

MR. TAYLOR. And to the extent that Negroes do not have friends
or relatives who are employed in good-paying positions they may
be at a disadvantage of seeking a job. Would you say that is true?

MR. QUINNEY. That could be, yes.

MR. TAYLOR. This would suggest, at least to me, some very spe-
cial responsibilities on the part of the employment service to make
up for that kind of disadvantage. Would you agree to that?

MR. QUINNEY. Yes, I would. If we had the staff available to get out and really work it, of course we are operating with a limited staff ourselves.

MR. TAYLOR. I have no further questions.

CHAIRMAN HANNAH. Mr. Glickstein?

MR. GLICKSTEIN. No, sir.

CHAIRMAN HANNAH. Thank you very much gentlemen. You are excused. Mr. Glickstein, will you call the next witness.

MR. GLICKSTEIN. The next witness is Mr. Edward Beis, an attorney on the staff of this Commission.

(Whereupon, Mr. Edward Beis was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. EDWARD BEIS, ATTORNEY,
U.S. COMMISSION ON CIVIL RIGHTS

MR. GLICKSTEIN. Mr. Beis, I show you a copy of a report, entitled, "Staff Report, Education". Did you participate in the preparation of this report?

MR. BEIS. Yes, I did.

MR. GLICKSTEIN. Mr. Chairman, may this be introduced into the record?

CHAIRMAN HANNAH. It is received.

(The document referred to was marked Exhibit No. 26 and received in evidence.)

MR. GLICKSTEIN. Mr. Beis, would you please summarize this report for the Commission?

MR. BEIS. Yes, I will.

By national standards the quality of education in the rural Black Belt of Alabama is very poor. Alabama school districts averaged only \$390 per pupil in school expenditures in the 1966-67 school year, placing it 46th in the Nation. Their statewide figure was higher than the per pupil expenditure in the State's rural school district.

County support for public schools is inadequate. The National Education Association in a recent report of its investigation in Wilcox County noted that, "The gap between income and need is particularly glaring in the rural Black Belt counties where the land is undervalued, underassessed and underdeveloped, where a majority of the population is poor, and where even the meager sources of tax revenue available are underutilized."

The hearing area includes 16 county school systems and six independent city school systems. Figures are available for 15 of the 16-county systems and five of the six-city systems.

A total enrollment in the 20 county and city systems is 87,789. 64 percent, 56,417, are black. Despite Federal school requirements

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promulgated by the Department of Health, Education, and Wel-
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only 984, or 1.7 percent of the black students are attending for-
merly all-white schools as of September, 1967.

Similarly there is only token desegregation of teaching staffs.
In the 1966-67 school year, the schools in the 16-county school
system attended by white students had an average value of more
than four times the schools attended by Negro pupils. As of March
of 1968, there remain large differences between the per-pupil
evaluation of the buildings and furnishings of the Negro schools
and the traditionally white schools in many districts.

Another indication of the comparative quality of school build-
ings for Negro and white students is the respective number of
Negro and white small schools with inadequate enrollment.

State surveys reveal that in the 16 school districts within the
hearing area there were 212 substandard schools in the 1965-66
school year. 169 of them, or 80 percent, were Negro schools. Many
of the systems within the hearing area still maintain Negro schools
with subminimal enrollment.

There are nine schools in Marengo County, eight in Clarke
County, eleven in Sumter County, and seven in Dallas County.

Several objective measures in structural quality are available
for the 16-county school systems. The number of elective courses
offered to high school students, for example, is generally greater
at all-white or formerly all-white schools than it is at Negro
schools. Not only is the number of courses offered at white schools
generally greater than at Negro schools but the quality of course
offerings is better.

There are generally fewer library books per student in Negro
schools than in white schools in the 16-county school districts. In
the white schools there is an average of 13.8 books per child while
there are only 5.9 books per child in Negro schools.

Many school systems within the hearing area have not sought
to correct the inequalities in instructional facilities by devoting a
larger share of resources to the Negro schools. The State of Ala-
bama assesses the quality of schools and instructional progress
through the process of accreditation. Accreditation is particularly
important for students who want to go to college.

In the 16-county school systems all-white high schools were
accredited by the State of Alabama in 1966-67 but only 66 percent
of the Negro high schools were accredited. In March, 1968, in
Clarke County, 66 percent of the Negro high schools were un-
accredited. In Sumter County the figure was 40 percent.

The differences in education for Negro and white students in
the Alabama Black Belt also are reflected in school achievement
data collected in a Title IV survey of the Office of Education, known
as the Coleman Report. Data available are for Negro and white

students in the rural South compared to the average scores of white students in the urban North.

There were marked disparities in achievement between white and Negro students at grade levels 6, 9, and 12 on three types of standardized tests. In the 12th grade, whereas the white students were 1.5 grade levels behind in verbal ability, Negro students were 5.2 grade levels behind. White students were one grade level behind in reading comprehension, but Negro students were 4.9 grade levels behind.

In math achievement, white students were 1.4 grade levels behind while Negro students were 6.2 grade levels behind.

That concludes my summary.

CHAIRMAN HANNAH. Thank you, sir. Mr. Glickstein, will you call the next witness.

MR. GLICKSTEIN. The next witnesses are Mr. O. B. Carter, Mr. Arthur Jones, and Mr. Theodore Gibbs.

(Whereupon, Mr. O. B. Carter, Mr. Arthur Jones, and Mr. Theodore Gibbs were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. O. B. CARTER, EUFAULA, ALABAMA; MR. ARTHUR JONES, EUFAULA, ALABAMA; AND MR. THEODORE GIBBS, EUFAULA, ALABAMA

MR. GLICKSTEIN. Gentlemen, would you please each state your full name and address for the record?

MR. JONES. Arthur Russell Jones, Eufaula, Alabama.

MR. GIBBS. Theodore R. Gibbs, Eufaula, Alabama.

MR. CARTER. O. B. Carter, Eufaula, Alabama.

MR. GLICKSTEIN. Would you please each state your occupation?

MR. JONES. I am the coordinator of vocational industrial education.

MR. GIBBS. I am a day trade instructor in carpentry and cabinet worker.

MR. GLICKSTEIN. At what school?

MR. GIBBS. Teaching at T.V. McCoo High School.

MR. CARTER. I am superintendent of city schools in Eufaula.

MR. GLICKSTEIN. Mr. Carter, how long have you been superintendent?

MR. CARTER. More than 25 years.

MR. GLICKSTEIN. More than 25 years?

MR. CARTER. Yes, sir.

MR. GLICKSTEIN. How many schools are there in Eufaula?

MR. CARTER. We have five.

MR. GLICKSTEIN. And what grades do each of those schools include?

MR. CARTER. Well, we have three elementary schools and those

to the average scores of achievement between white 9, and 12 on three types of whereas the white students ability, Negro students were ts were one grade level be- gro students were 4.9 grade s were 1.4 grade levels be- ade levels behind.

Mr. Glickstein, will you call s are Mr. O. B. Carter, Mr. s. Mr. Arthur Jones, and Mr. Chairman and testified as

EUFULA, ALABAMA; MR. MA; AND MR. THEODORE ALABAMA

you please each state your ufaula, Alabama. ula, Alabama. Alabama. each state your occupation? f vocational industrial edu- tor in carpentry and cabinet

High School. f city schools in Eufaula. long have you been super- rs?

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s do each of those schools ementary schools and those

grades are 1 through 6. And we have two high schools, 7 through 12, junior and senior high school combined.

MR. GLICKSTEIN. What is the racial composition of those schools?

MR. CARTER. Well, it is about 60-40.

MR. GLICKSTEIN. You said you have three elementary schools, grades 1 through 6?

MR. CARTER. Yes, 1 through 6. Two high schools, 7 through 12.

MR. GLICKSTEIN. Of those three elementary schools, approximately what is the racial composition?

MR. CARTER. 60-40.

MR. GLICKSTEIN. Each of those schools contain 60 percent white and 40 percent Negro?

MR. CARTER. That's right.

MR. GLICKSTEIN. Each of the three?

MR. CARTER. That's right.

MR. GLICKSTEIN. What about the—

MR. CARTER. That is the total of the enrollment. 1 through 6, 60-40 percent.

MR. GLICKSTEIN. One through 6, you have three elementary schools that contain grades 1 through 6?

MR. CARTER. Yes.

MR. GLICKSTEIN. Each of those three elementary contains 60 percent white students and 40 percent Negro students?

MR. CARTER. That's right.

MR. GLICKSTEIN. And you have two high schools, 7 through 12?

MR. CARTER. That's right.

MR. GLICKSTEIN. What is the racial composition?

MR. CARTER. Same ratio in the high schools.

MR. GLICKSTEIN. What are the names of the high schools?

MR. CARTER. Eufaula High School and T. V. McCoo High School.

MR. GLICKSTEIN. Eufaula High School is 60 percent white and 40 percent Negro?

MR. CARTER. No, the enrollment of the high schools are 60-40, total, add the two enrollments together.

MR. GLICKSTEIN. What is the percentage of whites and Negroes in Eufaula High School?

MR. CARTER. We have about 700 in Eufaula High School and about 47 enrolled, 48 Negroes in the high schools.

MR. GLICKSTEIN. 47 or 48?

MR. CARTER. 47.

MR. GLICKSTEIN. And what is the enrollment of the McCoo High School?

MR. CARTER. About 400.

MR. GLICKSTEIN. And how many Negroes and how many whites in that school?

MR. CARTER. It is all-Negro high school.

MR. GLICKSTEIN. I just want to make sure I understand your testimony. In each of the three elementary schools, 60 percent of the students are white and 40 percent of the students are Negro. In each school?

MR. CARTER. No, I didn't say in each school. I didn't understand the question. I said our total enrollment of the schools——

MR. GLICKSTEIN. Let's start with each school.

How many Negroes and how many whites are there in each of the three elementary schools?

MR. CARTER. Van Buren Elementary School is an all-Negro school. We have just recently opened a new elementary school, but before that time we had about 700 in school, and of the 700 in the elementary school, we had 47 Negroes.

MR. GLICKSTEIN. In which school is this now?

MR. CARTER. This was the Bluff City Elementary School, the new school opened was Bluff City Elementary but the old school was Western Heights Elementary School. And we took out of the Western Heights Elementary School about 300 students and placed them over in the Bluff City Elementary School about February. We just opened this year.

MR. GLICKSTEIN. What is the racial composition of Bluff City? Are there 47 Negroes in that school?

MR. CARTER. No, 47 Negroes were in the Bluff City School, I mean in—I mean the Western Heights Elementary School, 47 Negroes——

MR. GLICKSTEIN. And how many whites?

MR. CARTER. Then when we divided, we have seven in the Bluff City Elementary School and we have 40 in the Western Heights Elementary School.

MR. GLICKSTEIN. And the rest of the student body in both of those schools is white?

MR. CARTER. All-white.

MR. GLICKSTEIN. Thank you.

How many Negro teachers are there in Eufaula High School?

MR. CARTER. Two.

MR. GLICKSTEIN. And what subjects do they teach?

MR. CARTER. One is a librarian and one teaches physical education.

MR. GLICKSTEIN. Are they men or women?

MR. CARTER. Women.

MR. GLICKSTEIN. Mr. Carter, how important to the success of racial integration are the attitudes and policies of the school administration in teachers?

MR. CARTER. State that question again. What is the attitude?

MR. GLICKSTEIN. How important is it to the success of racial integration, how important are the attitudes of the teachers and

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t is it to the success of racial e attitudes of the teachers and

of the school administration in making racial integration of the school successful?

MR. CARTER. I think it is very important.

MR. GLICKSTEIN. Can you give us the basis of your experience?

MR. CARTER. This year, and for the first time we had placed Negro teachers in the high school, we have not had any instances at all. They have been very well accepted. In fact, I think our librarian is probably doing one of the most successful jobs we have had, and the physical education teacher is doing an excellent job. And she made a statement to me just after she came there that she felt like that she was received better than she had anticipated entirely, and she was perfectly satisfied and thrilled with the attitude of the students towards her as a teacher.

MR. GLICKSTEIN. Did you make efforts with your teachers and your students to make sure that the school integration would proceed without incidents?

MR. CARTER. Yes, before we enrolled our students, the colored students and the Negro students in the high school, we asked all the parents of the colored students and all the students to meet. We had the staff there and we took each child to the room and introduced him to the teacher and told them exactly where they would go when the school opened. And I think it was a very satisfactory indoctrination because of this fact.

CHAIRMAN HANNAH. May I request that we have quiet in the room so that we can be heard. The witnesses are all here under subpoena and they shouldn't have their testimony interrupted. We don't want to infringe on your ability to feel about the testimony as you see fit, but we appreciate it if you will be quiet.

MR. GLICKSTEIN. Mr. Carter, are there white teachers in McCoo High School?

MR. CARTER. Yes, we have—Mr. Gibbs, we have three, don't we? We have three white teachers in the McCoo High School.

MR. GLICKSTEIN. Are there Negro teachers in Bluff City and in Western Heights?

MR. CARTER. Yes.

MR. GLICKSTEIN. How many?

MR. CARTER. We have two in the Western Heights Elementary School and when we divided of course we didn't add another teacher, but they work in both schools because we did it in February, and of course, we already had our staff employed and we didn't know when we would open the school, but we were able to open the school then.

MR. GLICKSTEIN. And what do those two teachers do?

MR. CARTER. One is a reading teacher and one is a librarian.

MR. GLICKSTEIN. You said reading teacher. What does a reading teacher do? Remedial?

MR. CARTER. She is a specialist in reading and she goes into the grades where we need remedial reading work done, she does a great deal of that and she assists anywhere she is called on. She has worked mostly though since Christmas in our lower grades because we felt like the reading program there needed it more than the others.

MR. GLICKSTEIN. Are both your high schools accredited by the State?

MR. CARTER. Both accredited by the State and both accredited by the Southern Association of Secondary Schools.

MR. GLICKSTEIN. When was McCoo accredited by the State?

MR. CARTER. About 3 years ago.

MR. GLICKSTEIN. When was it accredited by the Southern Association of Secondary Schools?

MR. CARTER. Southern Association about 3 years ago and about 6 or 7 years ago in the high school. I misunderstood your question.

MR. GLICKSTEIN. About 6 or 7 years ago by the State?

MR. CARTER. That's right, and 3 years ago by the Southern Association.

MR. GLICKSTEIN. What is the significance to a student whether his high school is accredited by the State or by the Southern Association?

MR. CARTER. Well, the Southern Association is a regional agency. We have four of those in the United States, and most of the better high schools that are able to meet more rigid requirements affiliate with the Southern Association of High Schools. They require so many volumes per child in the library, they require so much science equipment and they require that salaries be at a certain level and require a number of other things of that type.

MR. GLICKSTEIN. Would the fact that a school was not accredited by the Southern Association indicate that it wasn't up to the quality of the school that was accredited?

MR. CARTER. I would think so. That is the reason we felt we wanted to be accredited by the Southern Association.

MR. GLICKSTEIN. You said you were superintendent for how many years?

MR. CARTER. About 25 years.

MR. GLICKSTEIN. Twenty-five years.

Why is it that it took 19 years of your tenure before the McCoo High School became accredited by the State?

MR. CARTER. Well, we had a shortage of facilities and of course we didn't have the student body large enough at that time, because of interest in Negro education. But we built the McCoo High School, a new high school, which is probably the best building we have in our town, except the Bluff City School, because it is

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newer, then our facilities were adequate enough to meet the re-
 quirements, to meet these Association requirments by the State,
 and of course by the Southern Association.

MR. GLICKSTEIN. But for those 19 years Eufaula High School
 was accredited by the State?

MR. CARTER. That's right.

MR. GLICKSTEIN. And it was also accredited by the Southern As-
 sociation?

MR. CARTER. That's right.

MR. GLICKSTEIN. And it took about 19 years before you were
 able to work it out so that McCoo High School was accredited by
 the State?

MR. CARTER. That's right.

MR. GLICKSTEIN. Do you think that the Negro students who
 went to McCoo High School during those 19 years of your tenure
 were disadvantaged?

MR. CARTER. Yes, I think they are.

MR. GLICKSTEIN. You think they are?

MR. CARTER. Yes.

MR. GLICKSTEIN. Do you think the quality of the education they
 received would affect or had affected their opportunities for em-
 ployment?

MR. CARTER. Probably would.

MR. GLICKSTEIN. Mr. Carter, how does the level of absenteeism
 at your Negro schools compare with the white schools?

MR. CARTER. How does the what?

MR. GLICKSTEIN. The level of absenteeism?

MR. CARTER. Well, the absenteeism level of course is much
 larger in the McCoo High School, I believe up to this year, espe-
 cially up to this year, this year we have been more rigid with our
 requirements. I think the attendance is much better in all of our
 schools now than it was last year.

MR. GLICKSTEIN. What would you account for—this greater rate
 of absenteeism, how do you account for this?

MR. CARTER. Well, the principal of the high school, of McCoo
 High School, made a statement the other day. She thought it was
 lack of interest on the part of Negro parents, seeing that they go
 to school. And she said so many times that the father or mother
 had deserted a family and left them with relatives and then of
 course I think the lack of probably money to buy some of the things
 that they would like to have. They would rather get out and work
 than to go to school. They feel like it is more necessary to work
 than it is to go to school.

MR. GLICKSTEIN. You think some of the Negro students stay out
 of school in order to earn extra money?

MR. CARTER. I think they would start early if they could do that.

MR. GLICKSTEIN. Do you still find that there are Negro students

who stay out of school during the planting season or the harvesting season?

MR. CARTER. We have some transportation out from the county into our city and of course we find that a number of those students—not as many as we have had a few years ago—still stay out during the season when they are planting and the season when they are gathering crops, and they will come in and enroll and you wouldn't see them again for a month or 6 weeks when they enroll in September.

We visited a lot of those people and we have been able to alleviate some of that situation. And I think that our guidance director in the high school, and Miss Perior, I think we have alleviated a good bit of that. We have tried to impress upon them the importance of going to school.

MR. GLICKSTEIN. Mr. Carter, what vocational education courses are offered the Eufaula High School?

MR. CARTER. Well, vocational agriculture. We have our—they changed the name of it, it was DO when it was installed, it is now VIA. It is now vocational industrial aids education now, I think that is the title, vocational and industrial education.

We have a vocational home economics, and we have our business course, which includes typing, shorthand, business arithmetic, and bookkeeping.

MR. GLICKSTEIN. What do students learn in the vocational industrial education course?

MR. CARTER. Well, this is a—I will have Mr. Jones give it to you more specifically.

MR. GLICKSTEIN. Fine.

MR. CARTER. Would you like me to go ahead and answer it?

MR. JONES. In our—let me clarify this, we have a distributive education program and an industrial cooperative training program.

MR. GLICKSTEIN. Mr. Carter used the term, vocational industrial education.

MR. JONES. In a combination program it is suggested that you use the terminology, vocational industrial education, to include the two.

MR. GLICKSTEIN. I see, and that program has two aspects to it?

MR. JONES. True.

MR. GLICKSTEIN. And one of them is called distributive education?

MR. JONES. Right.

MR. GLICKSTEIN. And what is the other one called?

MR. JONES. Industrial cooperative training.

MR. GLICKSTEIN. Go ahead. I am sorry.

MR. JONES. As I pointed out the other day in a preliminary hearing, that distributive education is geared primarily to merchan-

planting season or the harvest.

transportation out from the county and that a number of those students had a few years ago—still stay in the planting and the season when they will come in and enroll and for a month or 6 weeks when they

and we have been able to alleviate. I think that our guidance director, I think we have alleviated a lot to impress upon them the im-

portant vocational education courses available?

in agriculture. We have our—they were when it was installed, it is now in vocational aids education now, I think in industrial education.

in economics, and we have our business arithmetic, and

students learn in the vocational in-

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to go ahead and answer it? If we do this, we have a distributive industrial cooperative training pro-

and the term, vocational industrial

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them is called distributive educa-

the other one called?

ive training.

I'm sorry.

the other day in a preliminary hearing geared primarily to merchan-

dising, sales, and so forth. Your industrial cooperative training is your skills and trades. We do offer both programs in our high schools.

MR. GLICKSTEIN. As I understand the way this distributive education and the industrial cooperative training work, the students receive training or instruction in school and they also are placed with employers part of the time, and they receive on-the-job-training?

MR. JONES. That is true.

MR. GLICKSTEIN. And this is a cooperative endeavor between the school system and the employers?

MR. JONES. True.

MR. GLICKSTEIN. How do you get employers to participate in this program?

MR. JONES. In the summers you are required, I should say, or encouraged to conduct a community survey to see what jobs are available and in preregistration, we take applications for incoming students and through the summer we try to match the students with the jobs.

MR. GLICKSTEIN. And you visit employers to see if they are willing to participate in this program?

MR. JONES. That's right.

MR. GLICKSTEIN. Do you ask employers whether they are prepared to hire students regardless of their race?

MR. JONES. Let me point out here that this is our second year of integration of the schools and to this date I have not had any Negro applicant. So I have not had to ask the question.

MR. GLICKSTEIN. You have had no Negro applicant for this course?

MR. JONES. That's right.

MR. GLICKSTEIN. Mr. Carter, is a distributive education and industrial cooperative training course offered in McCoo High School?

MR. CARTER. No, we have a corresponding trade, training program in the school, and I think Mr. Gibbs could tell you about that program.

MR. GLICKSTEIN. A corresponding training program?

MR. CARTER. Yes.

MR. GLICKSTEIN. Mr. Gibbs, would you tell us about that corresponding training program?

MR. GIBBS. In the trade I teach is carpentry and cabinet work, and at the end of each year I turn in a list of students that are capable of doing the job over to the Employment Service and where the jobs become available they are being distributed to those jobs.

MR. GLICKSTEIN. Do students work during the school year?

MR. GIBBS. No, sir, after they graduate from the 12th grade we can always send their names into the Employment Service.

MR. GLICKSTEIN. And these are students that are being trained in carpentry and cabinet work?

MR. GIBBS. Right.

MR. GLICKSTEIN. What sort of jobs are being trained, Mr. Jones, in the vocational industrial education course, for what kinds of jobs are people being trained?

MR. JONES. I will speak for this year's placement. I have them in anything from doctor's office, to the hospitals, sales, grocery merchandising, wholesale grocery, meat-cutting.

MR. GLICKSTEIN. Banks?

MR. JONES. Banking, yes.

MR. GLICKSTEIN. Mr. Carter, you referred to the course in McCoo High School and as a course corresponding to the one Eufaula has, is it your testimony that teaching students carpentry and cabinet working corresponds to teaching students how to work in doctors' offices, hospitals, sales, in grocery establishments, and in banks?

MR. CARTER. No, I didn't mean to imply that, I meant to imply it was a corresponding course that we have in that school, in the place of the vocational industrial education school. These courses are awarded to schools or given to schools by of course the State Department of Education, and supervised by the State Department of Education, and our DO Program, the old DO Program, which is the program that Mr. Jones is supervising now, he explained it to you, we have had I suspect 20 or 25 years.

MR. GLICKSTEIN. Mr. Gibbs, you have had your program about 7 years?

MR. GIBBS. It is 11 years.

MR. CARTER. Eleven years, and of course, the State Department of Education asked us if we would like to have this program in our schools and we accepted it because we realized there was a dire need for this type of training.

MR. GLICKSTEIN. Which program are you talking about now?

MR. CARTER. Mr. Gibbs' school, that's right.

MR. GLICKSTEIN. Have you applied for a vocational industrial education program for McCoo School?

MR. CARTER. Yes.

MR. GLICKSTEIN. How long ago did you apply for that?

MR. CARTER. I would say it has been 8 or 10 years ago we applied for it. By the time it was made an accredited high school we applied for it. About 7 to 10 years ago. I don't know the exact date, but we have an application in for it.

MR. GLICKSTEIN. Now, you, Mr. Carter, mentioned that vocational agriculture was taught in Eufaula High School. Is that taught in McCoo High School?

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MR. CARTER. That's right, we do not have a course this year, we had it the year before last and the State Department of Education asked us to not have the programs in our school this year because it was a delay in building the building but we have the facilities there now. And well, we feel sure and we have been told before they took the program away from us when we got the facilities they would restore the program. We expect to have the program restored this year.

MR. GLICKSTEIN. What will the students learn in the vocational agriculture course?

MR. CARTER. Well, vocational agriculture program, I am not technically familiar with it. It changed considerably in Alabama. Years ago the boys had plots, most of the boys now that live on farms or will have any connection with farms, take this type of training that is available there. We have a shop in connection with it and those were the facilities that we didn't meet the requirement of at that time. We had a shop on another campus but it wasn't adequate enough to take care of the two shops. But we feel like now that we will, the program will be restored and that they will be able to get the type of training that these farm boys that we are transporting in from out in the rural area will take advantage of that type.

MR. GLICKSTEIN. And you think this is training that will provide job opportunities for the students when they get out of school?

MR. CARTER. Well, not so much job opportunities, probably when they go back to their respective farms and do a better job of farming and do a better job of maintaining equipment and do a better job of planting, do a better job of taking care of the soil, and all of those things that they learn in vocational education.

If they raise cattle it will give them a very fine understanding of raising cattle on the farm. In our area we are fastly changing from the row cropping to cattle raising and I think that is a very important part of our economy there now.

MR. GLICKSTEIN. Mr. Jones, what is the placement record of students completing the cooperative education course? Are they finding permanent jobs with the employers with whom they have been trained?

MR. JONES. I believe that we will find that our placement in Eufaula will stack up against those throughout the State. As I indicated before, we do have a vacating of the occupations for which they train but they will come back. The girls being married of course, and the boys going off to the armed services, but our record is pretty good.

MR. GLICKSTEIN. Now, both of the high schools have a vocational home economics course. Is that correct?

MR. CARTER. That is right.

MR. GLICKSTEIN. Is that a course that will help students obtain employment during school time or after school time?

MR. CARTER. Some, but not as much as Mr. Jones' program. This program consists of personal hygiene for girls, making garments, learning to cook, decorating a home, and reworking old furniture, and things of that nature. And of course some of the girls, as Miss Perior indicated the other day, in McCoo High School was able to get some employment because of the fact they did take home economics, like——

MR. GLICKSTEIN. What kind of employment?

MR. CARTER. Some of the eating places in town, some of the homes.

MR. GLICKSTEIN. They are able to get employment in eating places and in homes?

MR. CARTER. That's right. She made that remark to us the other day.

MR. GLICKSTEIN. What about the white girls at Eufaula High School?

MR. CARTER. I eat at some of the eating places and I see some of those girls working in there. So I think it is equally important as far as that type of employment is concerned as it would be at McCoo High School.

MR. GLICKSTEIN. Mr. Carter, I believe that the percentage of the Negro students in the State of Alabama attending schools with whites is 1.7 percent. If my arithmetic is correct, it is somewhat higher than that in your school system?

MR. CARTER. That's right. We expect next year, we already have more than 90 enrolled in the predominantly white schools and we have not had our preschool children clinic, and we are having it Friday and the preschool people somehow, even though you advertise and put it on the radio and put it in the paper and send it home sometimes they delay in enrolling if they haven't had a child in school.

MR. GLICKSTEIN. So you feel——

MR. CARTER. So we feel like it will probably be over 100. Our enrollment there has been the first year before last we had, the year before last we had 54 enrolled. This year when school opened we had 78. We now have 90. We now have more than 90 enrolled in our school and we will probably have more than 100 by the time school opens.

MR. GLICKSTEIN. What is the total enrollment of the school?

MR. CARTER. For the coming year?

MR. GLICKSTEIN. Of the entire school system, how many students do you have in your school system?

MR. CARTER. The entire year our daily average attendance will be between 2,600 and 2,700.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mrs. Freeman.

COMMISSIONER FREEMAN. Mr. Carter, will you describe for me these two schools and I am not clear about the new school that is being built. Where is the McCoo High School?

MR. CARTER. McCoo High School is on the east side of town. The Eufaula High School is on the west side. I would say the northwest side. Well, McCoo High School is really on the southeast part of our town. They are almost in opposite directions of town.

COMMISSIONER FREEMAN. I didn't understand you, and I would like it if you would tell me a little more about this new school. Is the new school that is being built—

MR. CARTER. This was an elementary school, Bluff City Elementary School.

COMMISSIONER FREEMAN. You have the two high schools?

MR. CARTER. Two high schools and three elementary schools.

COMMISSIONER FREEMAN. Well, I wonder if you as superintendent of the school system have considered that where you have one high school that has carpentry and cabinet work, and another high school that has a wide range of cooperative education courses that combining the two schools and letting all of the children who go to high school go to just one school?

MR. CARTER. Well, our facilities at either one of the places is not adequate enough for that. We just added two additional classrooms in McCoo High School this year and we are still crowded. And the other high school of course, the old high school, the Eufaula High School, is overcrowded even more than McCoo High School.

COMMISSIONER FREEMAN. In view of the fact that you have duplication of courses, have you considered that probably you would be saving money if you would do this?

MR. CARTER. I don't think it will. In the Southern Association a teacher is not supposed to teach over about a 150 pupil hours per day, 750 per week and we are overloaded in both of our schools now on that score. We received warnings in both schools this year that we have more pupils per teacher than we should have so we are really overloaded in both of our high schools now.

COMMISSIONER FREEMAN. Will this suggest then that you do need some more space?

MR. CARTER. That's right.

COMMISSIONER FREEMAN. And one big school?

MR. CARTER. We need a much larger school. You take both the schools were built for about 500 students, you see, and we would have to double the facilities at one place to handle all of the people.

COMMISSIONER FREEMAN. How does a Negro child who wants to go to Eufaula High School get there? What does he have to do? If he is now a student at McCoo High School and he doesn't want to become a carpenter, he wants to take the high school course in banking that you give, what does he have to do?

MR. CARTER. One of the things that the gentleman didn't ask me that I would like to explain, we have underway now that I think is going to be a great improvement for both high schools, we have a trade school that has just opened. It has been there for about 2 years and we permit students in the afternoon to arrange a schedule so that the students can go to the trade school and study trades in the afternoon that we are not able to teach on our campus because the equipment is very expensive.

And they have—Mr. Jones, do they have nine trades out there? I think they have nine trades that they are teaching at the trade school. In the afternoon we permit these students and they send buses to our campus and we pick them up and send them out there. I think they would get much better training there under much better trained people because you see it is impossible for one man to know all trades and the only way in the world that he can do this is to send them into the industry in town and have these people train them and then we do the English and history and math work in our high schools.

COMMISSIONER FREEMAN. This is what I was going to suggest, that is, why wouldn't you transfer Mr. Gibbs to the Eufaula High School and then the white students would have a chance to take carpentry under Mr. Gibbs?

MR. CARTER. We don't have facilities on that campus. If we had the facilities, I think it would be a very fine thing.

COMMISSIONER FREEMAN. Do you have any white teachers at the Eufaula High School who do not have a bachelor's degree?

MR. CARTER. All of our teachers are required under the Southern Association to not only have bachelor's degrees but to teach in their major and minor field. That is one of the requirements that we have to maintain in the Southern Association. They all must have degrees or they cannot teach.

COMMISSIONER FREEMAN. Is that the case of the McCoo High School also?

MR. CARTER. That's right. In fact, we have a larger percentage of master's degrees with the teachers in McCoo High School than we do in Eufaula High School.

COMMISSIONER FREEMAN. Well, that has frequently been the case, and this is why we were trying to see if we could get an area where there could be integration of faculty and upgrading of both faculties.

MR. CARTER. Of course we expect next year, we have already employed additional teachers in both schools of the opposite race for next year.

COMMISSIONER FREEMAN. How many will be employed at Eufaula?

MR. CARTER. In Eufaula High School we expect to have three next year. We have two this year. This teacher will go in our jun-

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ior high school where she will teach social studies at the junior
high school. One of our grades, at least. We hope we can get two
if we can.

COMMISSIONER FREEMAN. Do you have any white students at
the McCoo High School?

MR. CARTER. No, we do not.

COMMISSIONER FREEMAN. Do you have any white teachers at the
McCoo High School?

MR. CARTER. We have three.

COMMISSIONER FREEMAN. I have no further questions.

CHAIRMAN HANNAH. Mr. Patterson?

VICE CHAIRMAN PATTERSON. Mr. Carter, you say that you are
short on space and having to add to two schools. I believe you
testified that you are short on space and you are having to add to
two of your schools, one Negro and one predominantly white?

MR. CARTER. That's right.

VICE CHAIRMAN PATTERSON. These are high schools?

MR. CARTER. Yes, sir.

VICE CHAIRMAN PATTERSON. And you have got a new area trade
school that offers trades that you are not teaching?

MR. CARTER. That's right, the trade schools are not under our
supervision at all. It is outside of the city limits of Eufaula about
a mile.

VICE CHAIRMAN PATTERSON. I understand. But they are teach-
ing courses that are not being taught under your distributive or
vocational programs?

MR. CARTER. That's right.

VICE CHAIRMAN PATTERSON. Why do we keep some of those pro-
grams in the public schools and put others in the area trade school?
Couldn't you save a lot of space by having all of the trades moved
out to the trade school and, as you say, teach English and history
to all students in your public school? Why do we maintain these
programs?

MR. CARTER. Well, we have not been able to get adequate appro-
priation for our high schools in the State of Alabama to have this
type of program. But the legislature several years ago decided that
they would go into the junior college and trade school business
and, of course, they established junior colleges and trade schools
after a study over the State of Alabama and one was established
there.

VICE CHAIRMAN PATTERSON. That's right, but why leave any of
it in the public schools if you are going to go into the other busi-
ness? You need the space.

MR. CARTER. Well, we would be delighted to have them if we—

VICE CHAIRMAN PATTERSON. And send Mr. Jones and Mr. Gibbs
over to the area school to pursue this?

MR. CARTER. Well, we sent the man that preceded Mr. Jones out

to supervise the trade school. He is the president of the trade school now.

VICE CHAIRMAN PATTERSON. Is there any good reason why you maintain vocational training in public schools when you are going to the area trade school system?

MR. CARTER. Well, we have been bothered considerably in our schools thinking probably that trade schools might replace some of our—to the extent of almost eliminating some of it, you see.

VICE CHAIRMAN PATTERSON. But is there any good reason for maintaining any of it?

MR. CARTER. Yes, we do teach some courses that—we do teach some courses in high school that they are not teaching in our trade school. Mr. Jones spoke of the relationship that we have there with the employer and the employee. The trade schools don't have that type of relationship. They just take a student and train him and when he has completed his training course, and I understand before many times before they completed it, industry steps in and employs these people.

VICE CHAIRMAN PATTERSON. Mr. Gibbs, is any vocation besides carpentry and cabinet work taught at the Negro high school where you teach?

MR. GIBBS. Only home economics.

VICE CHAIRMAN PATTERSON. They are the only two vocations taught there?

MR. GIBBS. And typing and shorthand.

VICE CHAIRMAN PATTERSON. Typing and shorthand?

MR. GIBBS. That's right.

VICE CHAIRMAN PATTERSON. Mr. Carter, we have heard here for two days a succession of employers, both public and private, tell us that the reason they have a low number of Negro employees in skilled jobs is that they can't find Negro job applicants, and we come back down out of the school system that trains these people in skills, in vocational programs, and here we find that we are not even separate but equal in this vocational training, separate but carpentry and cabinet work. And you are a school man and I wonder where we break this cycle.

You can sympathize with an employer who wants a qualified employee but at what point do we start qualifying these children to develop those skills that employers say they want, equally between the races?

MR. CARTER. Well, years ago when I inherited the superintendency of our school in Eufaula and a number of our schools, schools then were preparatory schools for college. It was unusual to have a vocational course in school. We did start the commercial department. We thought we would make a lot of advances. But your person here before me presented the per capita expenditure per

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child in Alabama and compared it with the Nation, about three
hundred some odd dollars a year.

When we were able to get money, it takes all the money we could
get to just keep our program going, and we haven't been able to
add to it. Our vocational programs, of course, is supposed to bridge
that gap, and this vocational education in Alabama is not but 2 or
3 years old, and I feel like in a course of time with the number of
students I understand that they have more than 10,000 of those
schools now, that they will be able to supply some of the demand
of some of the requests of industry, private and, of course, other-
wise.

VICE CHAIRMAN PATTERSON. Mr. Carter, I recognize that this is
a difficult problem, that you have problems. All of us in the South
have problems, but I am beginning to feel after listening to this
testimony that none of us really has the problem that a Negro
parent has in watching his child grow up in the same society that
he came up in, and as a Southern white just as you are, I really am
deeply troubled when we go full circle from the schooling which is
unequal to job applications which are turned down, right around to
bad housing because you don't have a job good enough to send your
kids to a good school.

So we go around and around and I wonder when are we going
to break that cycle?

MR. CARTER. We have made lots of progress in the State of
Alabama in the last 2 or 3 years in my town and all over this State.
You can't pull the lever overnight and just say it is another way.
In a democracy it takes time and these things look in our town,
the progress we have made, and we will continue to make in train-
ing people, and the trade schools will supply a great demand. And
I think it is going to take time for these things to come about.

Of course, it might not come about as fast as we would like for it
to come about, but we are making great strides, probably the great-
est strides than any other section of the United States today in
doing just what we are talking about when you think about where
we started from.

VICE CHAIRMAN PATTERSON. I agree with you, sir, in terms of
proportion of change, this is true, but I also have no desire to
pursue this any further. I think that the problem is obvious to
anyone who has followed the testimony here. All I can say is I
recognize any change takes time, but for the Negro parents seeing
the Negro child grow up in a school where he is not getting the
same vocational training that the white child is getting across
town in the white school, and knowing what he is going to be told
by an employer who says: "No qualified Negroes are applying in
this trade", I can understand why he would be impatient.

So all I want this record to show is that you and I both recognize
that this is a problem and that perhaps all of us, even with full

knowledge that change takes time, we owe some acceleration to these people whose lives are being used up, I feel.

CHAIRMAN HANNAH. Just on or two simple questions.

Mr. Carter, in your salary schedule for your teachers in the Negro high school and the white high school, is there any difference in the salary scale?

MR. CARTER. They are identical, with training, and with experience, identical salaries.

CHAIRMAN HANNAH. You indicated that there were 47 or some small number of Negroes in the white high school?

MR. CARTER. Right.

CHAIRMAN HANNAH. And I think you said it was 47 two years?

MR. CARTER. 47 this year.

CHAIRMAN HANNAH. How are they selected? How does the Negro get to go to the white school in your town?

MR. CARTER. He enrolls just like the white student.

CHAIRMAN HANNAH. He just applies?

MR. CARTER. He applies and enrolls just like in any school in town, any child can enroll and apply and go to any school in our city system.

CHAIRMAN HANNAH. Is there any testing procedure? Are there any examinations that he has to take?

MR. CARTER. No, not any examination, not anything at all.

CHAIRMAN HANNAH. Are there more Negroes in the white school this year than there were last year?

MR. CARTER. Yes, sir.

CHAIRMAN HANNAH. Do you suspect there will be more in the future or do you care to comment about that?

MR. CARTER. I am sure there will be more in the elementary schools. The barrier that the gentleman spoke of a few minutes ago, sometimes when you get into the high school they are not as well prepared, sometimes they don't do as well. But in the elementary school, when they start coming through the elementary school they like to stay and more attends.

In fact, last year we had 41 enrolled in the elementary school and this year we are already without our preschool boys and girls, we already have 57.

CHAIRMAN HANNAH. Well, I would just add to the comments which Mr. Patterson has made which I endorse wholeheartedly, that I don't know how much of the testimony you have been listening to today. We have been talking about employment and the fact that we have reached a point in this country where there is to be no discrimination in employment opportunity. It takes a different kind of an attitude in some of the parts of the country than we had before, but it is the law, and if we are going to have young people that are prepared for the kind of society that we are going to have tomorrow and the day after tomorrow, we require a different atti-

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tude towards the education for the members of the minority
groups, and I am sure you understand that, and I am not going
to ask you any question about that.

VICE CHAIRMAN PATTERSON. I would like to ask one question to
clarify what I understood your testimony to be.

Did you say that these vocational courses that you are able to
offer in your schools in Eufaula have to be assigned to you by the
State department of education?

MR. CARTER. That's right. In fact, the State department of edu-
cation supervises these pepole.

VICE CHAIRMAN PATTERSON. They are not actually of your choice
then, you, the superintendent?

MR. CARTER. We have the authority to turn down or reject but
they are offered to us by the State department of education. I do
not know the percentage but the State participates with the Federal
Government in paying the salaries of these people. They are not
included in our State salary schedules because their contracts are
mailed separately. They sign the contract. I can reduce the salaries,
but I never do.

VICE CHAIRMAN PATTERSON. It is fairly obvious that we are
lecturing the wrong man when we lecture you, we should call some-
body from the State. Is that correct? And let me follow this up, or
the Federal Government, does the Federal Government have no
say-over what courses will be paid for with its money in Eufaula?

MR. CARTER. You would have to direct that question to the State
superintendent of education. I wouldn't know exactly.

CHAIRMAN HANNAH. One more question.

What fraction of the money to operate your schools comes from
the State and what fraction of it comes from local taxpayers?

MR. CARTER. I couldn't tell exactly. I could give you the amount
of money—

CHAIRMAN HANNAH. Is there a State subsidy based on per pupil
or State income, or something of that sort?

MR. CARTER. We get about \$570,000 a year this year from the
State of Alabama to operate our schools, and I would say, out of
a total budget of probably Federal and local money, would supply
another \$70,000, I would say.

CHAIRMAN HANNAH. \$570,000 from the State and \$70,000?

MR. CARTER. And \$70,000 from the Federal Government and local
level.

CHAIRMAN HANNAH. \$570,000 and \$70,000. Is that correct?

MR. CARTER. You see, in the State of Alabama we have only
under our constitution we could only levy 7 mills of taxes, property
tax. Our governing body of our State are not taxing bodies. We
have 3 percent, it depends on what you say, but we do it in our city.
We have a 5 mill *ad valorem* tax in our district, District 5 of the
city of Eufaula. That tax only brings in about \$39,000 a year.

CHAIRMAN HANNAH. And the valuation on which this tax is collected, what fraction of the real value is it?

MR. CARTER. I couldn't tell you that, but it is very low.

CHAIRMAN HANNAH. It is a small fraction of the actual value?

MR. CARTER. Yes.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. Mr. Carter, you spoke earlier about the fact that mothers might lack interest in their children's education. Do you suppose some of those mothers were educated at the schools you were in charge of for 25 years?

MR. CARTER. Some of them probably were.

MR. TAYLOR. Do you think that might account for the lack of interest in education?

MR. CARTER. Not because I was superintendent.

MR. TAYLOR. Because of the quality of the education?

MR. CARTER. Might have been, probably so.

MR. TAYLOR. I also would like to ask——

MR. CARTER. I think one other thing, the lack of having enough money to support a family and to feed them. They go away early in the morning and they are not able to——

MR. TAYLOR. I am glad you said that last thing, because you said earlier that they would rather go to work, the children would rather go to work, that was the phrase that you used, we have been hearing here for 3 days statements about people would prefer to eat poor food, that they would prefer to go to work, and I was just wondering whether that accorded with the opinion that you might have as an educator that the more education, the more income one has, perhaps the more choice he has. And the less that he has, the less choice that he has. Would you agree with that?

MR. CARTER. Yes.

I might relate this, we have adult education in McCoo High School, have a program there now, and one of the teachers told me the other day that they were ashamed to go to school because they didn't want people to know they couldn't read or write, that they had very little education.

MR. TAYLOR. You said these things couldn't be done overnight. When are you going to come into compliance with the Supreme Court's decision?

MR. CARTER. We are complying now.

MR. TAYLOR. In my judgment, sir, you are not only not complying with the Supreme Court's decision, you are not complying with the decision of Plessy versus Ferguson. You have said that your high schools are unequal, that they do not offer the same courses.

MR. CARTER. I could point out in the other high school we are teaching a course in McCoo High School we are not able to teach in Eufaula High School.

MR. TAYLOR. What course is that, sir?

MR. CARTER. We are teaching Spanish in McCoo High School that we are not teaching in the Eufaula High School.

MR. TAYLOR. Well, in any case, I believe Mr. Jones testified earlier that the courses that were vocationally oriented enabled people to get jobs perhaps at banks, jobs at companies. Would you say that that was equal in the vocational field?

MR. CARTER. No, I wouldn't say that is equal in vocational.

MR. TAYLOR. So you would——

MR. CARTER. However, we do not have the same courses that he teaches in his school in our high school, in the Eufaula High School we do not have the same courses there because the State wouldn't give us that type of course for the Eufaula High School.

MR. TAYLOR. If you had your choice—I don't know whether you have any children in schools, which school would you prefer to send your child to in order to get——

MR. CARTER. Eufaula High School.

MR. TAYLOR. So in that sense you think it is a better, more advantageous high school?

MR. CARTER. No, I wouldn't say that, because it is traditional for people to go to this type of high school and I prefer they go there.

MR. TAYLOR. Suppose your schools were zoned geographically rather than under the freedom of choice plan, what would be the pattern there? Would there be more integration in the schools if that were done?

MR. CARTER. I do not know. It would be entirely up to where the zones were drawn. Of course people live all over our town.

MR. TAYLOR. Suppose you drew the lines without gerrymandering?

MR. CARTER. That is what I am talking about.

MR. TAYLOR. Could you draw the lines to achieve a great deal more integration than you have right now?

MR. CARTER. Right off, I couldn't tell you whether we would or not.

MR. TAYLOR. Have you considered that?

MR. CARTER. We have not.

MR. TAYLOR. Mr. Carter——

MR. CARTER. We are under a court order from Judge Johnson of 99 schools in Alabama and we follow that court order to the letter and the Justice Department of course and other people always reviewing our reports that we send in, we have to operate under that court order.

MR. TAYLOR. That does not prevent you from taking steps which might allow students to the benefit of courses, which you offer at one school which you don't have at another?

MR. CARTER. No, it does not.

Judge Johnson said more than one teacher, and we employ three

in some schools beyond that, and two, you see we have gone beyond the court order in employing people of the opposite race.

MR. TAYLOR. My only observation, Mr. Chairman, is simply that, sure, you cannot do things overnight, but I am just wondering how long it is going to be before this school system is in compliance. And I am afraid I don't see the day from the testimony here when it is going to be.

I have no further questions.

CHAIRMAN HANNAH. Thank you very much, gentlemen. We appreciate your being here. You are excused. Call the next witness, Mr. Glickstein.

MR. GLICKSTEIN. The next witnesses are Mr. Gene Stroud and Mr. Charles Newton, and they will be questioned by Assistant General Counsel, Jonathan Fleming.

(Whereupon, Mr. Gene Stroud and Mr. Charles Newton were sworn by the Chairman and testified as follows:)

**TESTIMONY OF MR. GENE STROUD, GREENVILLE, ALABAMA
AND MR. CHARLES NEWTON, GREENVILLE, ALABAMA**

MR. FLEMING. Mr. Stroud, will you please state your name and address and position, for the record?

MR. STROUD. Gene Stroud, Greenville, Alabama, superintendent of Butler County Schools for the past 5 months.

MR. FLEMING. Mr. Newton, will you please state your name and position for the record?

MR. NEWTON. Charles E. Newton, director of vocational education for Butler County, Greenville, Alabama.

MR. FLEMING. Mr. Stroud, will you please tell the Commission how many schools there are in Butler County?

MR. STROUD. We have nine schools.

MR. FLEMING. Could you tell us what is the racial composition of those schools?

MR. STROUD. We have four Negro schools, five white. Now, the breakdown of the racial composition, I cannot, we have 42 students, Negro students in the white schools, but the number in each school I cannot—

MR. FLEMING. Can you give me an approximation of how many are in the high school grades and how many in the elementary school grades?

MR. STROUD. I would say in the high school we had about 20 and perhaps about 29 in the elementary school.

MR. FLEMING. So the extent of desegregation by ratio figures in Butler County is approximately less than 1 percent?

MR. STROUD. Right.

MR. FLEMING. Mr. Stroud, you said that you have been superintendent for less than 5 months. How long have you been associated with the Butler County School System?

you see we have gone beyond the opposite race.

Mr. Chairman, is simply that, but I am just wondering how the school system is in compliance. From the testimony here when

very much, gentlemen. We appreciate. Call the next witness,

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l Mr. Charles Newton were as follows:)

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school we had about 20 and school.

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that you have been superintendent how long have you been associated with the system?

MR. STROUD. Seven years.

MR. FLEMING. And during those 7 years you were primarily assistant superintendent also?

MR. STROUD. Guidance counselor and assistant superintendent.

MR. FLEMING. Thank you.

Mr. Stroud, how would you compare the quality of education in the predominantly white high schools and the predominantly Negro high schools?

MR. STROUD. Quality education?

MR. FLEMING. Yes, sir, for the sake of convenience, it might be easier if we talked about the Southside High School which is predominantly Negro in Greenville, and Greenville High School, which is predominantly white in Greenville.

MR. STROUD. Do you want to go on course offerings in these two or quality?

MR. FLEMING. Quality.

MR. STROUD. I think, Mr. Fleming, we would have to say that perhaps the quality in Southside is inferior to the quality in Greenville High because of the preparation of the Negro teachers.

MR. FLEMING. I believe you gave me some approximation of what the typical graduate of Southside High School tested at completion of his senior year several years ago and what it is now. Could you give us those figures, please?

MR. STROUD. I don't recall the exact figures but I do know that say, 4 or 5 years ago that the Negroes finishing at Southside High School were, say, two to four grades below grade level or grade placement, when they were finishing school, which means we were turning out Negro students with approximately 8th or 9th grade education.

MR. FLEMING. And at the present time you are turning out Negro high school students at what level?

MR. STROUD. We have made much progress in this.

MR. FLEMING. Mr. Stroud, will you describe what actions have been taken to improve the educational quality of Negro schools in Butler County?

MR. STROUD. Certainly. Our first approach would be with our teachers. We have engaged in this inservice training program with our teachers, or for our teachers. We have integrated facilities by putting white teachers into the Negro schools concentrating with small groups of Negro students, in order to bring their achievement up.

MR. FLEMING. What other steps have you taken to provide substantive educational benefits to Negro students in Butler County?

MR. STROUD. We have broadened, initiated some programs and broadened others in the vocational education field.

MR. FLEMING. Would you describe those, or perhaps Mr. Newton

can describe those improvements for us since he is the director of vocational education. Mr. Newton?

MR. NEWTON. Well, in the last 2 years, we started about 5 years ago in the planning stage, and when we brought it around, we got it up around we have got the school in operation, the school year of '67 which was the year—'66, excuse me, the year before last. We are now in our second year of area vocational school which students from any school can make their choice to go into any of the trades that we teach in these schools. We also have—

MR. FLEMING. Excuse me, would you explain to the Commissioners what is an area vocational school, or trade school center?

MR. NEWTON. The area vocational school that I am talking about is for inschool use. Not the area vocational school that has been made reference to for out of school use. Ours is for inschool use.

MR. FLEMING. And it is located at Southside High School?

MR. NEWTON. It is located at Southside High School. This is for 11th and 12th grade students. We offer auto mechanics, carpentry, masonry, cosmetology, and agriculture. In the regular classrooms we have two home economics units and a business and office preparatory unit.

MR. FLEMING. It is in the area of vocational center you offer auto mechanics, cosmetology, carpentry, and masonry?

MR. NEWTON. That's right.

MR. FLEMING. And the others are your regular vocational programs?

MR. NEWTON. That is correct.

MR. FLEMING. That is not associated with this trade center in Southside?

MR. NEWTON. That's correct.

MR. FLEMING. Mr. Stroud, are there classroom teachers of both races in each school in Butler County?

MR. STROUD. Yes.

MR. FLEMING. How many in each school?

MR. STROUD. At least two Negroes in every white school. In the Negro schools we range from three in one. Southside, in the school we were referring to, I believe we have eight whites in that school.

MR. FLEMING. What effect has faculty integration had in the white schools?

MR. STROUD. I can't tell any effects, ill or otherwise.

MR. FLEMING. And what effects has faculty integration had in Negro schools?

MR. STROUD. I think it has definitely improved the program in the Negro school that keeping in mind the rural county from which we are from, that many of these children have not been associated with—I would even say educated whites because of the language pattern. We have found this to be most important, the very fact that

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you get good language development in these schools and the whites
 have helped in this.

MR. FLEMING. Has faculty integration had a beneficial impact
 on professional standards in Negro high schools among the faculty?

MR. STROUD. Yes, I think so.

MR. FLEMING. To what do you attribute this result?

MR. STROUD. Well, I think that in our Negro schools that there is
 not as much organization as should have been, should have existed,
 and the presence of the white teachers in this with leadership, the
 principals have given them some leadership roles. They have helped
 bring about better organizational patterns which in turn would
 bring about better instructional patterns.

MR. FLEMING. What kind of inservice training was provided
 Negro teachers prior to 1965, the date of the Elementary and Sec-
 ondary Education Act?

MR. STROUD. Mr. Fleming, I don't know that, because we had
 separate associations and our inservice training was provided
 through meetings.

MR. FLEMING. So that the inservice training was almost totally
 segregated prior to this?

MR. STROUD. Right.

MR. FLEMING. Since 1965 have you had integrated inservice
 training programs?

MR. STROUD. Yes, through departmental plannings, trainings. We
 begin with our institution, our institute is called at the beginning
 of the year. We are bringing all of our faculty together. Then dur-
 ing the year we break down into subject matter areas for inservice
 training, which these programs are integrated.

MR. FLEMING. Thank you.

Mr. Newton, we have described the basic vocational education
 program offered in Butler County already. Would you describe to
 the Commissioners the cooperative education program at Green-
 ville High School?

MR. NEWTON. The cooperative units that we have at Greenville
 High School are distributive education, DO, or VIE, as it is now
 called, and business and office education is the last program that we
 put in.

MR. FLEMING. Out of an enrollment in Greenville High School of
 approximately 580 students, I believe well over 100 take various
 forms of vocational education in their last 2 years at Greenville?

MR. NEWTON. Are you referring to cooperative education now?

MR. FLEMING. Yes, sir.

MR. NEWTON. I believe that is correct. Close enough.

MR. FLEMING. Are there any Negro students enrolled in the co-
 operative education programs at Greenville High School?

MR. NEWTON. No, not at Greenville High School, only at South-
 side.

MR. FLEMING. Do you have a cooperative education program at Southside High School?

MR. NEWTON. Yes.

MR. FLEMING. Out of an enrollment at Southside High School of approximately the same as Greenville, I believe there are approximately 22?

MR. NEWTON. 24, 25, somewhere along there.

MR. FLEMING. And of those students approximately how many have received training positions in white owned businesses in Greenville?

MR. NEWTON. Of the percentage at Southside?

MR. FLEMING. Of the 20—

MR. NEWTON. Of the 24?

MR. FLEMING. Yes.

MR. NEWTON. All. No, excuse me, with the exception of two, two barbers, the rest of them are in predominantly white establishments.

MR. FLEMING. What kind of work are they doing in these predominantly white establishments?

MR. NEWTON. Well, we have got students from both schools who work as stock clerks and bag boys at the local grocery store, one factory employs them at the jobs that we can get by the wage and—I mean the minimum wage where there is a hazardous occupation is concerned. They work in a similar line to some extent, as long as the rules do not bar them from working in hazardous occupations. Stock clerks, we have got them working, I believe, in our larger department stores at various jobs. We have one, I am not sure of this boy, he is not—no, he is not in the co-op, he is a salesman but he is not in the co-op.

MR. FLEMING. You have told us that Southside High School has an area vocational trade center, which I understand is of a good quality. Are there plans for adding a vocational day trade center to Greenville High School or would you like to see one added to that?

MR. NEWTON. Well, we have asked for units, as far as the building. We are not sure how we can come up with our part of the money. This is our big problem. We made a request over the last couple of years for additional units, guidance units, and other trade area units, both for Greenville High School and for Southside High School. As a matter of fact, our business and occupation preparatory class at Southside is not a reimbursable class from the State. This is one of our ADA teachers that we are using for this class.

MR. FLEMING. And what courses do you hope to establish at the center that you are asking for at Greenville?

MR. NEWTON. We like to all dream. I am a vocational man, I would like to see welding which is one that—you have always got three or four welders that most of the companies would pick up.

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None of them are large enough to say, I will take 10 or 12 welders if you will train them under the extension, or even if some agency wants to come in from Manpower Development, but it is employment field where the students could in somewhere in Alabama and in a reasonable commuting distance could get jobs in welding. We think we would like to consider sheet metal and several other classes. Now, the number of students that it would take, that we would have to have for these classes to be justified is another thing. We only have so many students.

MR. FLEMING. Is there anything planned for drafting or anything like that?

MR. NEWTON. Drafting is one that we have been after for—asked for a unit for several years and the money has not been available to allot us a unit, and we do not have any way of taking an ADA teacher and assigning drafting to this teacher.

MR. FLEMING. And these courses will be associated with Greenville High School, right?

MR. NEWTON. Well, no, no, if we could get the classes we could associate them with any school we like or multiple schools as we could with the area vocational schools, bus them into a different school, or into the center.

MR. FLEMING. Do you see any difference between these courses and the trades taught at Southside Vocational Trade Center?

MR. NEWTON. You mean these courses that we have asked for?

MR. FLEMING. Yes, sir.

MR. NEWTON. No, sir, they would be operated on the same principle, and then they would take the academic courses in whatever school they were in.

MR. FLEMING. What is the future, the economic return, to a person who enters welding as opposed to a person who enters masonry, for example?

MR. NEWTON. Well, I am not sure. For about the same—I would say even in Montgomery, now we consider Montgomery a trade area of Greenville because we're in commuting distance, I would say the demand is probably as great or greater for masonry people than it is for welders at the present time.

I find this true throughout the Nation in the building program. Your masonry trade is a wide open field at good wages.

MR. FLEMING. Mr. Stroud, if freedom of choice were not permitted in Butler County what effect would geographic zone attendance or alternative plans have on school integration in Butler County?

MR. STROUD. Well, I am sure it would increase the number of Negro students into the white schools and the whites into the Negro if we did not operate under freedom of choice.

MR. FLEMING. Do you see any situations in Butler County where you would recommend the consolidation of predominantly Negro

and a predominantly white school into a larger, newer facility?

MR. STROUD. No, sir, I really don't because our schools are small, as you have pointed out, 570, and frankly, as experienced as I am in the superintendents, I think this is educationally sound, especially since we have the area vocational school that is open to any student from Greenville High, or any regular day school student that desires to attend to take these. And rather than maybe a building at Greenville High School to build on to this present vocational school, and just opening this, I can't see any educational advantage in consolidation.

In 1959 we had 37 schools in Butler County. Today we have nine. All of these are located in little towns or townships. And I can't see any advantage in more consolidation than we have right now.

MR. FLEMING. When you mentioned that integration of the faculties had a beneficial result at least as far as the Negro schools were concerned, I wonder why integration of the student bodies wouldn't have a beneficial effect as far as the students are concerned in Butler County?

MR. STROUD. Perhaps later on when we have concentrated with small groups and brought the achievement of our Negro students up to that of our white that there would be an advantage, but now we find that the Negro students who are going into the white schools are frustrated because the ones that we have gotten so far—let me say that, are behind, are below the achievement of the white children. They are in a new situation, they are trying to adjust to an opposite race of teachers and they are frustrated, besides having this competition that they have not had prior to this. So, Mr. Fleming, after this achievement has been brought up which has been pointed out, it can't be done overnight, that I think that it could be an advantage.

MR. FLEMING. What would be the community reaction in Greenville and Butler County if the freedom of choice plan were abolished by the Supreme Court and you were ordered to institute geographic attendance zones?

MR. STROUD. I am afraid that we would have the establishment of private schools. I believe our people are that rigid, resistant to change.

MR. FLEMING. And how many days can the local schools in Butler County run on local tax resources?

MR. STROUD. Thirteen days, but we would have to dismiss at 9 o'clock on the thirteenth day.

MR. FLEMING. And there are sufficient local resources in Butler County to run a private school system for all-whites and a public school system for the Negroes?

MR. STROUD. I could not tell you, I just don't know. That would be an opinion.

a larger, newer facility? Because our schools are small, typically, as experienced as I am, an educationally sound, especially school that is open to any regular day school student. And rather than maybe a build on to this present vocational, I can't see any educational... er County. Today we have towns or townships. And I consolidation than we have right

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MR. FLEMING. I have no further questions, Mr. Chairman.

CHAIRMAN HANNAH. Mr. Patterson, do you have any questions?

VICE CHAIRMAN PATTERSON. Mr. Stroud, it was a good idea to consolidate 37 schools down to nine. Why is it a good idea to stop consolidating now?

MR. STROUD. Because these nine schools are large enough to offer a program where you can still be personal to the student's individual attention. But where you have 37 one-teacher schools or two-teacher schools with outdoor privies, inadequate facilities, I think that you can see where it would be an advantage to consolidate those into—

VICE CHAIRMAN PATTERSON. I can see that, but the question in my mind is, say you have got two 20-teacher schools teaching the same courses, if you made one school out of it, why couldn't you teach more courses?

MR. STROUD. Would your personnel be available to teach that broad a course offering? We have problems getting personnel.

VICE CHAIRMAN PATTERSON. Mr. Newton, did I understand you to say that cooperative business education is taught both at Southside and at Greenville?

MR. NEWTON. Yes, sir.

VICE CHAIRMAN PATTERSON. Both schools?

MR. NEWTON. Both schools.

VICE CHAIRMAN PATTERSON. Do you offer any courses at Greenville High School in vocational or distributive education that you do not offer at Southside?

MR. NEWTON. Yes, sir, we've got courses at both schools that we do not offer at the other school.

VICE CHAIRMAN PATTERSON. Could you name a sample of these?

MR. NEWTON. Distributive education, co-op.

VICE CHAIRMAN PATTERSON. Which school are we talking about?

MR. NEWTON. This is Greenville High School.

VICE CHAIRMAN PATTERSON. Greenville High School?

MR. NEWTON. Yes, sir, we could do both—both have a distributive education unit as such at Southside.

VICE CHAIRMAN PATTERSON. There is no sales and merchandising?

MR. NEWTON. This is sales and merchandising.

VICE CHAIRMAN PATTERSON. You do not offer this at the predominantly Negro school?

MR. NEWTON. Sir?

VICE CHAIRMAN PATTERSON. You do not offer this at the predominantly Negro school?

MR. NEWTON. No, sir, but we have got some jobs that would be classified in distributive education that are in our T & I unit at Southside.

VICE CHAIRMAN PATTERSON. What are these courses at Southside?

MR. NEWTON. At Southside we have got the area vocational school auto mechanics, cosmetology, masonry, construction trades training and industrial education.

VICE CHAIRMAN PATTERSON. But this is not sales and merchandising. That is not offered at Southside?

MR. NEWTON. No, sir. We do have some students at Southside employed in sales and merchandising jobs.

VICE CHAIRMAN PATTERSON. Thank you.

COMMISSIONER FREEMAN. Mr. Stroud, at the pace of integration that you now have at Butler County, it will take 100 years before all the schools are desegregated.

MR. STROUD. I wouldn't say that because this year I have pointed out that we have had 42 Negroes in our white schools. We have finished our freedom of choice with the exception of preschool clinics and we have 109 new ones. So this is progress.

COMMISSIONER FREEMAN. Maybe it will just take 75.

MR. STROUD. Seventy-five, that would be—

COMMISSIONER FREEMAN. Do you expect the Negroes in Butler County to wait that long?

MR. STROUD. I don't know if our people would be that complacent or not.

COMMISSIONER FREEMAN. You would recognize that it would be complacency?

MR. STROUD. Yes.

COMMISSIONER FREEMAN. I would like to ask about the counseling program. Do you have a counseling program at the Greenville High School?

MR. STROUD. Very good. And also at Southside. Very outstanding counseling at both of these schools.

COMMISSIONER FREEMAN. You indicated that in the area of the vocational trade center the course of agriculture is taught and I would like to know what that consists of?

MR. STROUD. You would like to know what?

COMMISSIONER FREEMAN. What does the course in agriculture train you for?

MR. STROUD. The course, the new course studied from the State Department as well as I think from all agriculture classes throughout the Nation is going into the agro business, what they call agro business and we are not teaching one row plow operations, we are teaching cattle and livestock productions, the agro business trades that will be related to agriculture, in all of our agriculture courses. We have five of these in the county.

COMMISSIONER FREEMAN. How many Negro pupils are receiving training in livestock and this kind of—

MR. STROUD. 117 in one—let's see, about 130.

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COMMISSIONER FREEMAN. 130 Negro pupils?

MR. STROUD. That's right, in agriculture.

COMMISSIONER FREEMAN. What kind of counseling is given to the Negro child at the Greenville High School?

MR. STROUD. We have the same kind of counseling program. We have a vocational counselor that splits between these two schools. He is a white counselor, and he gives the same counseling to the students in Southside High School that he does in Greenville High School.

This is not adequate. I can assure that one between the two schools is not adequate but he does a mighty fine job.

MR. NEWTON. He gets assistance from the two—the local counselor in the two schools.

COMMISSIONER FREEMAN. Since it has clearly been demonstrated that there is an attitude prevalent, that there are certain kinds of trades that Negroes should learn, like cosmetology and certain other kinds of trades—

MR. NEWTON. We didn't mean to imply that. Now we have white students in cosmetology, too.

COMMISSIONER FREEMAN. —auto mechanics, carpentry?

MR. NEWTON. We have whites in that, too.

COMMISSIONER FREEMAN. How many?

MR. NEWTON. We have those that are in on the co-op basis and if we can get another unit in auto mechanics we can fill it up tomorrow from most any school we have got with 11th and 12th grade boys.

COMMISSIONER FREEMAN. You did state however that at both of the schools there are courses in which—well, even taking the language course, you have Spanish at Greenville High and you probably would have German at the Southside High?

MR. NEWTON. We have Spanish at Southside too.

MR. STROUD. We have the same.

COMMISSIONER FREEMAN. There is a discrepancy in the courses though, is there not?

MR. STROUD. No.

COMMISSIONER FREEMAN. You have the same courses at each high school?

MR. STROUD. I think that we can truthfully say that we have French at Greenville High and French at Southside. We offer one and two years of that. Where we have advanced math at Southside we have advanced math in the high school.

COMMISSIONER FREEMAN. What about physics?

MR. STROUD. Physics is taught on rotating basis at Southside. One year the chemistry is taught because of the lack of students who sign up for it and the next year, chemistry—however, we have plans to do this—that if we have 10 students that sign up for physics in Southside next year, and that we offered it in Greenville

High we are going to put them on the bus and carry them over to Greenville High and teach them physics.

COMMISSIONER FREEMAN. Will you do the same thing the other way?

MR. STROUD. If we have a course offering over there that is not filled, yes, ma'am.

COMMISSIONER FREEMAN. You will take the white children and bus them over to the predominantly Negro—

MR. STROUD. If we have a course offering over there that is not filled.

COMMISSIONER FREEMAN. If you have a course?

MR. STROUD. Yes.

COMMISSIONER FREEMAN. Do you anticipate that you will have such a course?

MR. STROUD. I don't know.

COMMISSIONER FREEMAN. If you were to make a judgment of the curricula, the text books, that are being taught in Butler County would you judge that they are adequate?

MR. STROUD. We have State adopted text books which our school selects the books from the State adoption list. So the books in Southside or the Negro school certainly could not be inferior to the ones that is in the white schools since we have a State adoption of books.

COMMISSIONER FREEMAN. Do the histories these schools teach include the contributions that the Negro has made to the history of the United States, Alabama, and the world?

MR. STROUD. I am not familiar with the content.

COMMISSIONER FREEMAN. You have never read them?

MR. STROUD. No, frankly, I haven't.

COMMISSIONER FREEMAN. So you are saying that as a superintendent of schools of Butler County you are not familiar with the history books that are being used?

MR. STROUD. I am familiar with the American history books that are being used and I am sure that in all American history books there is units for outstanding Negro people who have contributed to the growth of America such as George Washington Carver, some of these people around here. But to say that I am completely familiar with the text books, no, ma'am, I cannot say that.

COMMISSIONER FREEMAN. You wouldn't know whether they include Robert Small or not?

MR. STROUD. No, I wouldn't.

COMMISSIONER FREEMAN. Have you ever heard of him?

MR. STROUD. Ahh.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN HANNAH. Mr. Taylor?

MR. TAYLOR. Mr. Stroud, freedom of choice has a nice ring to it. It sounds like something that everybody would want. But we had

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some testimony from a witness from the city of Greenville this
past week who said that he was afraid to—a Negro witness, who
said that he was afraid to have his child entered into the formerly
all-white schools. Do you know of any reason why he should feel
that way?

MR. STROUD. I certainly do not unless he was employed by some
white employer that would have threatened him. Our children, our
Negro students that have come into the white schools have experi-
enced no difficulty, to my knowing.

MR. TAYLOR. But that is a possibility—that he might?

MR. STROUD. It is a possibility, the same as it would be in Wash-
ington, D.C., or New York, or any place.

MR. TAYLOR. Okay, but we are talking about Greenville now
rather than New York or Washington.

MR. STROUD. Yes, sir.

MR. TAYLOR. A while back, Mr. Stroud, you said that what you
really have to do is bring achievement of the Negroes up to that of
the whites before you can integrate the schools, at least that is
the way I understood you. Am I right?

MR. STROUD. I said this would be an advantage.

MR. TAYLOR. Do you think that the school system bears any part
of the responsibility for the fact that the achievement of Negro
students is not equal to that of whites?

MR. STROUD. In that the lack of school funds—

MR. TAYLOR. In that over the years better teachers, more funds,
anything that you might ask for in a school system has been going
in unequal share to the white schools?

MR. STROUD. I think that we would all have to agree to that.

MR. TAYLOR. And in fact it is still true today to an extent?

MR. STROUD. No, sir, not in Butler County.

MR. TAYLOR. For example, what about your libraries? Do you
have the same number of books in the libraries?

MR. STROUD. We do not, because the library books have been
purchased in the past not from school funds as much as from
private donations and club drives and such as that. Since the pas-
sage of the Elementary and Secondary Act and the Title II we
have spent most of the Title II funds in the Negro schools in the
libraries and we have brought them a long way. They have a long
way to go, yes.

MR. TAYLOR. But the answer to my question is that at least that
one aspect of the school system still is unequal. Is that correct?

MR. STROUD. It is unequal, yes.

MR. TAYLOR. Well, Mr. Chairman, we first heard the argument
that Mr. Stroud is making today right after the Supreme Court
decision in 1954 when it was said that a few years was needed
to desegregate the schools because it was necessary to bring the
achievement of Negro children up to that of white children. Now,

it is 14 years since that Court decision and we don't have integration and we don't have equal achievement.

I have to hark back to the remarks of a very distinguished southern lawyer who, when he heard that argument made that we have to bring up the achievement, said that is a little bit like the young fellow who shot his father and mother and then went into court pleading for mercy on the grounds that he was an orphan.

Would you care to comment on that, Mr. Stroud? Is that analogy completely out of line?

MR. STROUD. Well, I think you used 14 years here as an example. I think that we have not been going in this direction for 14 years. Now, who is guilty, I don't know. But actually it has only been since the Civil Rights Act of 1964 that any definite action has been taken in this direction. So it was a lag in there of 10 years.

MR. TAYLOR. Maybe in order to accomplish this goal that you are talking about you ought to spend three or four times the resources on Negroes that you spend on whites in order to compensate for all those years in which you did the opposite. Do you think the white people of your county would support that kind of a system?

MR. STROUD. We are doing that presently through the Elementary and Secondary Education Act in Title I.

MR. TAYLOR. You are spending—

MR. STROUD. I would say three-fourths as much.

MR. TAYLOR. No further questions.

VICE CHAIRMAN PATTERSON. This hearing will stand in recess for 10 minutes.

VICE CHAIRMAN PATTERSON. The meeting will come to order. Mr. Glickstein, will you call the next witness.

MR. GLICKSTEIN. Mr. Chairman, if I may, before I do, I have a number of items to introduce into the record.

Mr. Dorsey, one of the witnesses this morning has requested that testimony, the statement that he prepared, be introduced into the record. May it be received?

VICE CHAIRMAN PATTERSON. It is received for the record.

(The document referred to was Marked Exhibit No. 27 and received in evidence.)

MR. GLICKSTEIN. And the Commission has received a letter from the Dixie Tomato and Produce Company in which the company endorses the cooperative principle and urges support of SWAFCA and I would like to introduce this into the record as an exhibit.

VICE CHAIRMAN PATTERSON. It is received.

(The document referred to was marked Exhibit No. 29 and received in evidence.)

MR. GLICKSTEIN. The next witness is Mr. George Bradley, an attorney on our staff.

(Whereupon, Mr. George Bradley was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF MR. GEORGE BRADLEY, ATTORNEY,
U.S. COMMISSION ON CIVIL RIGHTS

MR. GLICKSTEIN. Mr. Bradley, I show you a copy of a report entitled "Staff Report on Vocational Education in the 16-County Hearing Area in Alabama." Did you participate in the preparation of this report?

MR. BRADLEY. I did.

MR. GLICKSTEIN. May we introduce that into the record, Mr. Chairman?

VICE CHAIRMAN PATTERSON. It is received.

(The document referred to was marked Exhibit No. 29 and received in evidence.)

MR. GLICKSTEIN. Will you please summarize this report for the Commissioners?

MR. BRADLEY. Yes. The vocational educational system in Alabama consists of 448 secondary schools, 27 trade schools, one community college, and one college or university. Twenty-one percent of the budget of \$21.4 million was contributed by the Federal Government. All of these schools are under a court order, Lee versus Macon County Board of Education, to desegregate.

Commission staff visited State trade schools at Tuscaloosa, Montgomery, Eufaula, North Evergreen, Opelika, Selma, and Thomasville. Tuscaloosa and Montgomery each have two trade schools, one predominantly white and one predominantly black. With one exception the faculty at each of these four schools is the same race as the majority of their students.

The students at the other five trade schools are predominantly white with from 1 to 60 black students at each. All of the instructors at all five of these schools are white.

Other factors beside the segregated faculty which help explain why the trade schools are essentially segregated are as follows:

The trade schools were created along racial lines with separate districts for the black and white schools. These districts remain unchanged. Thus, the predominantly black Treholm School sends buses to Dallas County to bring black students 50 miles from Selma to Montgomery, even though a predominantly white trade school is located in Selma. The directors of some schools stated that in recruiting students they invite only high schools of the same predominant race as attend their schools.

Identical courses are taught at the paired schools. One course,

cosmetology, it was suggested, required a different course for white and black beauticians because of differences in hair and styling.

The trade schools have been very successful in placing their graduates in the trade for which they were trained. For example, in Montgomery, more than 90 percent of the graduates of the predominantly black Trenholm School are employed in the trade for which they were trained or in allied jobs. At the all-black Tuscaloosa School, 75.5 percent of the graduates are employed in the trades for which they were trained or in allied jobs.

That completes my report, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Thank you, Mr. Bradley. You are excused. Would General Counsel call the next witness, please?

MR. GLICKSTEIN. The next witness is Mr. J. F. Ingram.

(Whereupon, Mr. J. F. Ingram was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF MR. J. F. INGRAM, DIRECTOR, DIVISION OF
VOCATIONAL EDUCATION, STATE DEPARTMENT OF
EDUCATION, MONTGOMERY, ALABAMA

MR. GLICKSTEIN. Mr. Ingram, would you please state your full name and address for the record?

MR. INGRAM. J. F. Ingram, State Department of Education, Montgomery, Alabama, director of division of vocational education.

MR. GLICKSTEIN. How long have you held that position?

MR. INGRAM. About 7 years.

MR. GLICKSTEIN. What position did you hold prior to that?

MR. INGRAM. Supervisor of trade industrial education.

MR. GLICKSTEIN. Also in the State Department of Education?

MR. INGRAM. Yes, sir.

MR. GLICKSTEIN. Mr. Bradley, in his statement a few moments ago, gave certain facts about the State trade schools. Were those essentially correct?

MR. INGRAM. Yes, sir.

MR. GLICKSTEIN. Are the State trade schools in Alabama of recent origin?

MR. INGRAM. We have one school that was established in 1925. We had five others that came about by legislation in 1947. The remainder of them have been since then.

MR. GLICKSTEIN. So over half the schools have been set up in the last—less than 20 years?

MR. INGRAM. Yes.

MR. GLICKSTEIN. Mr. Bradley also mentioned that the trade schools are under a court order to desegregate?

MR. INGRAM. That's correct.

MR. GLICKSTEIN. Prior to the court order, how many of the trade schools were all-Negro?

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sworn by the Vice Chairman

DIRECTOR, DIVISION OF
STATE DEPARTMENT OF
PIKE COUNTY, ALABAMA

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MR. INGRAM. Six, I believe.

MR. GLICKSTEIN. And how many were all-white?

MR. INGRAM. The remainder.

MR. GLICKSTEIN. Did each school serve a specified area of the
State?

MR. INGRAM. Yes.

MR. GLICKSTEIN. Were there zones set up along racial lines?

MR. INGRAM. Each school had a certain number of counties, a
division of counties, that that school is supposed to serve. The
Trenholm School here serves the Southeastern counties, almost a
fourth of the State.

MR. GLICKSTEIN. That school served the Negro students?

MR. INGRAM. That's correct.

MR. GLICKSTEIN. And then the Patterson School in Montgomery,
that school served a similar geographic area?

MR. INGRAM. No, a much smaller area. Montgomery and part of
the Pike—

MR. GLICKSTEIN. Pardon?

MR. INGRAM. Part of Pike County. Part of one or two others,
I don't recall which.

MR. GLICKSTEIN. What steps have been taken to desegregate the
trade schools? Perhaps we can talk specifically about Trenholm
and Patterson?

MR. INGRAM. Well, for instance, the bus that goes to Selma from
Trenholm picks up both Negro and white students that elect to
come to Montgomery. Any student that elects to enroll in the
Selma schools, so far as we know and so far as we are concerned,
they have the right to do it and there is nothing to keep them from
it. If they elect to come to the Montgomery School we provide the
transportation for them and the buses haul both Negro and white
students.

MR. GLICKSTEIN. And do the buses that haul the Negro and
white students from Selma to—

MR. INGRAM. Yes.

MR. GLICKSTEIN. I know you said it, I am asking whether, of
the Negro and white students that are brought into Montgomery
from Selma, some of the Negro students go to Patterson?

MR. INGRAM. I don't know. I wouldn't know.

MR. GLICKSTEIN. Do some of the white students go to Trenholm?

MR. INGRAM. Not that I know of.

MR. GLICKSTEIN. Are there any white students in Trenholm?

MR. INGRAM. One, I understand.

MR. GLICKSTEIN. White students could go to Trenholm, is that
right?

MR. INGRAM. Yes.

MR. GLICKSTEIN. Under the system students have freedom of
choice, is that correct?

MR. INGRAM. That's correct.

MR. GLICKSTEIN. Mr. Ingram, I have a catalog of the Trenholm School. Is this the catalog?

MR. INGRAM. Yes.

MR. GLICKSTEIN. May we introduce it into the record, Mr. Chairman?

VICE CHAIRMAN PATTERSON. It is received.

(The document referred to was marked Exhibit No. 30 and received in evidence.)

MR. GLICKSTEIN. This is a document that a student would look at if he were considering what school to go to. Is that correct?

MR. INGRAM. Yes.

MR. GLICKSTEIN. If he were choosing among trade schools?

MR. INGRAM. Yes.

MR. GLICKSTEIN. And it is probable, in the average student in trying to determine the basis on which he should exercise his freedom of choice might look at a book like this. Is that correct?

MR. INGRAM. Right.

MR. GLICKSTEIN. I have looked through this book and there are a lot of pictures in it and I don't see a picture of a white person in the book, just pictures of Negroes.

MR. INGRAM. That's right.

MR. GLICKSTEIN. Is that right?

MR. INGRAM. Yes.

MR. GLICKSTEIN. Do you think that a white student looking at this catalog might get the message?

MR. INGRAM. Not necessarily. They are free to go to any school they want.

MR. GLICKSTEIN. But only one white student thus far has elected to go to the——

MR. INGRAM. That's right.

MR. GLICKSTEIN. Would it be possible to zone the Patterson School and the Trenholm School geographically in such a way that students living in certain places would be required to go to one or the other?

MR. INGRAM. I presume it would be possible.

MR. GLICKSTEIN. From an educational point of view, do the schools offer similar courses so that you could do that without depriving the student of the opportunity to take a course he was interested in?

MR. INGRAM. I would question that because——

MR. GLICKSTEIN. You would question that?

MR. INGRAM. Yes. Some courses are offered in each of the schools that are not offered in the other.

MR. GLICKSTEIN. Well, do the two schools offer essentially the same courses?

MR. INGRAM. A good many of the same.

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MR. GLICKSTEIN. Would it be possible, for example, for students to be assigned to these schools, be assigned to these schools on a geographical basis but for those courses that were not given in their schools be allowed to go over in the afternoon and take them? Could you work out such a system?

MR. INGRAM. These schools operate all day, the students are there all day. This is quite different from the area vocational schools in the high school.

MR. GLICKSTEIN. I understand that. So I am suggesting that if a white student were assigned to the Trenholm School and he was told this is the school you have to go to, and he said: "Well, I will go to this school but there is a course offered at the Patterson School that I really want to take," couldn't you say to him: "You go to the Trenholm School for 5 hours a day and during the period of the day when the course that you are interested in is given at the Patterson School you go over there and take that"?

MR. INGRAM. That is the point I tried to make. Each course is an all-day course.

MR. GLICKSTEIN. Each day of the week?

MR. INGRAM. Yes.

MR. GLICKSTEIN. In other words, a student enrolls for a curriculum?

MR. INGRAM. Auto mechanics, he is in auto mechanics all day.

MR. GLICKSTEIN. Now, you mentioned that there is a bus that goes to Dallas County?

MR. INGRAM. Yes.

MR. GLICKSTEIN. To Selma to bring students into Montgomery?

MR. INGRAM. Yes.

MR. GLICKSTEIN. In Dallas County as I understand it, there is a State trade school, the Rufus King School?

MR. INGRAM. That's right.

MR. GLICKSTEIN. What is the racial composition of that school?

MR. INGRAM. I honestly don't know.

MR. GLICKSTEIN. I understand that it is predominantly white?

MR. INGRAM. That's correct.

MR. GLICKSTEIN. Well, why couldn't these students in Dallas County just be told that this is the trade school for Dallas County and everybody in Dallas County must go there? I am just curious that in the part of the country that I come from up North people are always yelling about busing. This is sort of one of the great sins in the world to bus students anyplace. But here you are busing people all the way from Selma to Montgomery when they have schools right there in Selma.

MR. INGRAM. Well, we operate on the freedom of choice plan, they can go to either school.

MR. GLICKSTEIN. And there are students I assume then in Selma that like to be bused into—

MR. INGRAM. They so elect.

MR. GLICKSTEIN. It takes them about an hour each way?

MR. INGRAM. Approximately.

MR. GLICKSTEIN. Mr. Ingram, we have heard some testimony today about the vocational education courses that are offered in some secondary schools. That program is also under your jurisdiction, isn't it?

MR. INGRAM. Right.

MR. GLICKSTEIN. We heard some testimony from the Eufaula School System and they described with a certain amount of pride a cooperative education course that was given in Eufaula High School, the white school, and they said they didn't have a similar course in McCoo High School, the Negro high school. All they did there was teach carpentry and some typing and they also said that they had applied to the State for the course for McCoo High School and they just hadn't heard from the State. Do you know or have you any comments to make on that?

MR. INGRAM. Yes. No request has come from them at the time that we had funds with which to allot units.

MR. GLICKSTEIN. At the time you had funds you didn't have requests from them?

MR. INGRAM. That's right.

MR. GLICKSTEIN. Do you have funds at the present time?

MR. INGRAM. No, sir, not for any expansion.

MR. GLICKSTEIN. There has also been some testimony about the vocational education courses that are offered in the two high schools in Greenville. Mr. Ingram, from an educational and from a financial point of view do you think it is sound in a city like Greenville to be operating vocational education programs in two different schools?

MR. INGRAM. It would depend on the kind of program. If it is a co-op program you can offer that in one school because you have variety of occupations and you can justify it economically and educationally. But I would not subscribe to building additional facilities of the same kind that are already existing if those facilities are not presently being used to full capacity.

MR. GLICKSTEIN. In a county like Barbour County where we have heard testimony that there are plans afoot to add space to the white high school and plans afoot to add space to the Negro high school do you think that is an educationally and financially sound way of proceeding?

MR. INGRAM. You mean to offer the same courses?

MR. GLICKSTEIN. Yes, to offer the same courses.

MR. INGRAM. Not if either school facilities are not filled.

MR. GLICKSTEIN. Well, as an educator, if we were to start over again, do you think it would make sense to have one high school for Barbour County to which every student in the county was required to go?

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MR. INGRAM. From one standpoint it looks very logical. But I
happen to know of the extreme difficulty of consolidation because
of community interests.

MR. GLICKSTEIN. Let me ask you to answer that question from
the point of view as an educator. Would it be sound educationally?

MR. INGRAM. In my opinion a high school should be large enough
to offer a broader curriculum than the average small high school
can offer educationally. But there are other problems.

MR. GLICKSTEIN. But from an educational point of view. How
about from a financial point of view?

MR. INGRAM. Well, I think there would be some financial advan-
tage ultimately.

MR. GLICKSTEIN. You think that would be an advantage also?

MR. INGRAM. Probably, yes.

MR. GLICKSTEIN. But you say that there were community in-
fluences that might prevent this from happening?

MR. INGRAM. That's correct.

MR. GLICKSTEIN. I assume that if this system were to be in-
augurated it would be a form of instant integration, wouldn't it?
You would pretty much integrate the high school overnight?

MR. INGRAM. That's correct.

MR. GLICKSTEIN. Is this the sort of community pressure that
you are thinking about that might prevent this from happening?

MR. INGRAM. No, it is even hard to get two white schools to-
gether or two Negro schools because each of the communities want
to retain them. It is very unpopular politically for a superintendent
to pressure this sort of thing.

MR. GLICKSTEIN. Mr. Ingram, we heard some testimony earlier
today about the area vocational high school, the area vocational
school in Eufaula. How is that financed? I guess it is an area State
trade school. Would you explain that?

MR. INGRAM. Let me make a clarification.

We speak of the school at Eufaula, outside of Eufaula, as a State
operated trade school. We speak of the type of school that Butler
County operates as an area secondary vocational school. Now, the
Eufaula School and all like it are designed to serve out-of-school
youths and adults who come back to school and most of the schools
and most of the classes are already full with those kinds of peo-
ple—these are adults. They have family responsibilities, many of
them. So these schools are reserved for those kinds of people.

Now, the area secondary schools are full of high school youths.

MR. GLICKSTEIN. And how are the area schools that you spoke
about financed?

MR. INGRAM. Secondary schools?

MR. GLICKSTEIN. No, the others.

MR. INGRAM. The others are almost completely financed with
State funds.

MR. GLICKSTEIN. State funds?

MR. INGRAM. Right.

MR. GLICKSTEIN. Mr. Bradley in his staff report mentioned that the placement record of the State trade schools has been very good. Is that correct?

MR. INGRAM. That's right.

MR. GLICKSTEIN. Do most of the students find work in the trades for which they are trained?

MR. INGRAM. Yes.

MR. GLICKSTEIN. Do most of them remain in the State?

MR. INGRAM. I wouldn't want to say definitely that most of them do. We have them that go everywhere in the country, some to California, New York, and everywhere.

MR. GLICKSTEIN. You do followup studies on people that you train?

MR. INGRAM. Each of the schools keeps a followup on their graduates.

MR. GLICKSTEIN. Would you say that in general that they show that students remain in the State?

MR. INGRAM. I would not want to say that most of them do because I don't know.

MR. GLICKSTEIN. Mr. Ingram, do you think that the State trade schools have been an influence in attracting industry to Alabama?

MR. INGRAM. Very definitely.

MR. GLICKSTEIN. Would you expand on that a little bit please?

MR. INGRAM. Any industry that comes into any locality is interested in the facilities that are available to educate and train the people in that vicinity for employment in that industry and where we have these facilities, prospective industries find them attractive.

MR. GLICKSTEIN. Have you personally had contacts with businessmen with industry and explained to them what the trade schools are doing and what the trade schools can do for them?

MR. INGRAM. Oh, yes.

MR. GLICKSTEIN. What do you think are the economic consequences for your State of Negroes being excluded from the labor force because of racial discrimination or inadequate education?

MR. INGRAM. I think very definitely that any people, any race, who are uneducated and untrained are an economic liability and those who are, are economic assets.

MR. GLICKSTEIN. So to state that a different way, would you say that the education of the Negro population and the elimination of barriers for equal job opportunities would further the economic development of the State of Alabama?

MR. INGRAM. No question about it.

MR. GLICKSTEIN. Mr. Ingram, one final question. We have heard a number of employers the last couple of days tell us that they

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would just love to hire a Negro secretary but there are just none available. Are the State trade schools training Negro girls to be secretaries?

MR. INGRAM. Everyone of them.

MR. GLICKSTEIN. And do you think that there is a pool of Negro secretarial talent available in this State?

MR. INGRAM. It is my understanding that they are being employed about as fast as we are able to graduate them.

MR. GLICKSTEIN. Would you know whether employers are coming to the trade schools that have courses, secretarial courses with Negro students and recruiting secretaries?

MR. INGRAM. Yes, they are.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Ingram, we have received testimony and reports earlier that show that there are several companies, including the Alabama Power Company, for instance, that have racially segregated or discriminatory hiring practices and one of the questions that was asked was with respect to the hiring of the skilled personnel.

I notice that you have a course that is Industrial Electricity. I wonder the extent to which you or your staff go to the prospective employers and let them know the availability of your graduates for employment?

MR. INGRAM. The staff of each State trade school keeps close direct contact with the prospective employers of their students. So I would presume that that is done.

COMMISSIONER FREEMAN. You presume? Is there any policy or requirement that they try to assist the graduate in obtaining employment?

MR. INGRAM. Yes.

COMMISSIONER FREEMAN. This program is financed by 21 percent Federal funds, is it not?

MR. INGRAM. Not the State vocational schools.

COMMISSIONER FREEMAN. The program which you administer, is your position an elected or appointed one?

MR. INGRAM. Appointed.

COMMISSIONER FREEMAN. You mentioned the freedom of choice. Will you tell me what that means with respect to what a student has to do in order to get to a school that he would consider to be the best school?

MR. INGRAM. All he has to do is present himself at that school and ask to be admitted. If he meets the qualifications of the course, he is admitted.

COMMISSIONER FREEMAN. What are the qualifications?

MR. INGRAM. It depends on the course. Some require high school graduation; some 8th grade level. It varies with the occupation.

COMMISSIONER FREEMAN. Is there any test that is administered?

MR. INGRAM. None.

COMMISSIONER FREEMAN. Is there any course that is given that requires an 8th grade level—do you know of any instance in which a Negro has wanted to go or made application for a predominantly white school where he has been refused admission?

MR. INGRAM. I don't know of any specific case.

COMMISSIONER FREEMAN. Have you inquired of each of the schools to find out whether this is in fact true or not?

MR. INGRAM. Yes.

COMMISSIONER FREEMAN. And there are no cases where a Negro who wants to go to a trade school that he would consider the best trade school has been denied?

MR. INGRAM. I do not.

COMMISSIONER FREEMAN. If it came to your attention that one had been refused admission what would you do?

MR. INGRAM. I would take action to inquire on what basis he was not admitted.

COMMISSIONER FREEMAN. Would you order his admission?

MR. INGRAM. Yes, if he qualifies.

COMMISSIONER FREEMAN. In fact, I believe in Montgomery you have two schools, one that is all-Negro and one that is all-white?

MR. INGRAM. No, not quite. We have quite a number of Negroes in the white school and we have one white student in the Negro school.

COMMISSIONER FREEMAN. One white student out of a total of how many?

MR. INGRAM. Oh, I think 300 or 400.

COMMISSIONER FREEMAN. Well, it is still a racially segregated school, isn't it?

MR. INGRAM. Well, to that extent.

COMMISSIONER FREEMAN. And how many Negroes in the predominantly white school?

MR. INGRAM. I don't know. I would say there is more than 30.

COMMISSIONER FREEMAN. Out of a total of how many?

MR. INGRAM. About 300.

COMMISSIONER FREEMAN. 300?

MR. INGRAM. Or 350.

COMMISSIONER FREEMAN. Still a racially segregated school?

MR. INGRAM. To that extent.

COMMISSIONER FREEMAN. You are under a court order. What steps are proposed to step up the integration of these schools?

MR. INGRAM. They are being—the directors are being told what the court order said. They have been told and they are being required to comply with the court order.

COMMISSIONER FREEMAN. Are they being required to do anything more?

MR. INGRAM. Than to comply with the court order?

COMMISSIONER FREEMAN. Yes.

MR. INGRAM. No.

COMMISSIONER FREEMAN. I have no further questions.

VICE CHAIRMAN PATTERSON. Mr. Taylor?

MR. TAYLOR. As I understand it, Mr. Ingram, employers do make contact with the schools for the purpose of obtaining applicants?

MR. INGRAM. That is true.

MR. TAYLOR. Do they actually come to the school to interview from time to time?

MR. INGRAM. Quite often.

MR. TAYLOR. Do you take any steps to assure that employers who use the service that you provide do not discriminate against potential employees because of their race?

MR. INGRAM. No, I don't think that we can make that requirement. These are public schools.

MR. TAYLOR. That is precisely why you should make that requirement in my view. And the employers are all under an obligation under the Federal law, are they not, not to discriminate?

MR. INGRAM. That I don't know. I would assume so.

MR. TAYLOR. Most of them would be under Title VII. Because it seems to me that as long as you are running predominantly white schools and predominantly Negro schools that it almost facilitates an employer coming in and saying. "Well, if he wants to hire white employees, he can make use of your white schools." Don't you consider that a problem?

MR. INGRAM. Not necessarily. We have white employees that go to Negro schools.

MR. TAYLOR. I have no further questions.

VICE CHAIRMAN PATTERSON. Mr. Ingram, we had an earlier bit of testimony from the superintendent of schools in Eufaula, Alabama in which it was brought out that in the Negro high school in Eufaula carpentry and cabinet making are taught under programs which I assume that you are the State supervisor of?

MR. INGRAM. Yes.

VICE CHAIRMAN PATTERSON. You supervise or have some direction over the high school vocational programs in addition to the area trade schools?

MR. INGRAM. That's right.

VICE CHAIRMAN PATTERSON. And they taught cabinet making and carpentry plus typing and shorthand in the Negro school as vocations, whereas in the predominantly white school in the same city there was a wide range of other courses taught ranging from sales and merchandising to business education, office, clerical, real

estate, financial, so far as banking goes, and these courses were not present in the Negro schools.

Now, was that in your judgment to make this breakdown of courses?

MR. INGRAM. No, sir.

VICE CHAIRMAN PATTERSON. Then who would have made that decision?

MR. INGRAM. I have to be in somewhat disagreement with Mr. Carter's testimony because we answer requests for programs. We do not put programs in schools.

VICE CHAIRMAN PATTERSON. Now, he has testified that he has the right to reject what you give him. But I gathered from the testimony that he indicated that the initiative came from the State?

MR. INGRAM. Well, I think he just misunderstands because in all cases there has to be a request of the superintendent of education to the State superintendent, requesting any vocational unit that goes in that system.

VICE CHAIRMAN PATTERSON. Well, be that as it may, does it strike you, Mr. Ingram, that this is giving a rather unequal treatment to the Negro students of Eufaula when courses are open to whites in vocational training that are not open to Negroes?

MR. INGRAM. As I understand it, they have freedom of choice there, they could go into the white schools and avail themselves of those courses.

VICE CHAIRMAN PATTERSON. As I understand it though, the majority of those children are in the Negro school?

MR. INGRAM. I think that is correct.

VICE CHAIRMAN PATTERSON. And they simply are not receiving the same training and skills, vocational skills that the other schools offer?

MR. INGRAM. That's true.

VICE CHAIRMAN PATTERSON. Do you think this is a good idea?

MR. INGRAM. No, I think there ought to be equal educational opportunities. Yes.

VICE CHAIRMAN PATTERSON. This brings me to your comments on consolidation. You mentioned in your judgment as an educator it would be educationally and financially advantageous to merge small high schools into larger schools that are more efficient. Why is it that if our children are being disadvantaged in an education and our pocketbook is being hit by failure to consolidate, children and pocketbook, two of the most important things to us, then why do we hang back from doing it? Why is it so hard?

MR. INGRAM. I tried to indicate a little while ago that in communities you have sentiment for maintaining the school that they probably went to and their children had gone to, and they do not want to release them, to send their children to some other place.

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That is basically the hindrance to consolidation in this State or any other.

VICE CHAIRMAN PATTERSON. Certainly I have encountered those same community attitudes in my State, Mr. Ingram. I simply thought that perhaps you can give me an insight as to why a man would work against what you say is his own children's interest and his own pocketbook's interest.

Perhaps you and I aren't doing as good a job as we should in explaining it.

MR. INGRAM. Maybe not, maybe not.

VICE CHAIRMAN PATTERSON. Are there any further questions?

MR. GICKSTEIN. I have one further question, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mr. Glickstein?

MR. GLICKSTEIN. Mr. Ingram, we heard testimony a little while ago from the director of the State Employment Office in Selma and he said that there was a need for about 500 sewing machine operators in that area. He also said that under the Federal Manpower Training law such a course could not be set up.

MR. INGRAM. That's right.

MR. GLICKSTEIN. Would the trade school be under any inhibitions to setting up such a course?

MR. INGRAM. If they had the space and the facilities I am sure they would be glad to do it.

MR. GLICKSTEIN. Is there space available and are there facilities at the Rufus King School?

MR. INGRAM. No.

MR. GLICKSTEIN. The school is being used to capacity right now?

MR. INGRAM. The space is being occupied. I think some classes are not full. But the space is fully occupied.

MR. GLICKSTEIN. I have no further questions.

VICE CHAIRMAN PATTERSON. You are excused, Mr. Ingram. Thank you. Would Counsel call the next witness please?

MR. TAYLOR. Mr. Chairman, before the next witness is called I would just like to reiterate and call to the attention of everyone again the existence of the criminal law which protects our witnesses against harassment or intimidation. I do this because I know of at least one instance in which there was a problem concerning a witness and because all of us are concerned about other witnesses. Among the many witnesses whom I am concerned about are those who testified as employees of the American Can Company yesterday evening. And since I see one of the lawyers for that company in the audience I would like to ask him if he would not advise his client to do everything within his power to see that nothing occurs, untoward occurs, with respect to those witnesses.

I think that is appropriate since American Can does exercise a great deal of authority and responsibility in that community.

And I would also urge that if any witness has anything untoward occur that he report it to us promptly.

VICE CHAIRMAN PATTERSON. Well, I am sure that the American Can attorneys will take the proper steps. If they wish to say anything we will be glad to receive them, but I think they understand. I think it is well to repeat, in view of the wide range of witnesses that we have had here, that the harassment or intimidation of any witness appearing before this hearing is a Federal crime.

Would you call the next witness, Mr. Glickstein?

MR. GLICKSTEIN. The next witness, Mr. Patterson, is Dr. Ernest Stone.

(Whereupon, Dr. Ernest Stone was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF DR. ERNEST STONE, STATE SUPERINTENDENT OF EDUCATION, MONTGOMERY, ALABAMA

MR. GLICKSTEIN. Dr. Stone, would you please state your full name and address for the record?

DR. STONE. I am Ernest Stone, State superintendent of education, housed in the State Office Building, Montgomery, Alabama.

MR. GLICKSTEIN. Dr. Stone, how long have you been the State superintendent of education?

DR. STONE. I have been State superintendent of education since January 17, 1967.

MR. GLICKSTEIN. And what position did you occupy before then?

DR. STONE. I was director of laboratory schools and superintendent of city schools in Jacksonville, Alabama, the laboratory schools being an adjunct of the Jacksonville State University.

MR. GLICKSTEIN. You have been an educator all of your adult life?

DR. STONE. Except that time I was working in the United States Navy during World War II.

MR. GLICKSTEIN. You didn't think you were being an educator there when you were there?

DR. STONE. Yes, I did some education work when I was there, also.

MR. GLICKSTEIN. Dr. Stone, according to the staff report that was summarized earlier today more than 98 percent of the Negro students in the area of—which is the subject of this hearing—attend all-Negro schools. Why is desegregation so limited 14 years after the Brown decision?

DR. STONE. Well, of course I am not sure that anyone could answer that question. In the 16 counties that you seem to be primarily concerned with in this investigation those happen to be 16 of the counties in Alabama that are predominantly Negro in population.

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 authority in that community.
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Glickstein?
 Mr. Patterson, is Dr. Ernest

sworn by the Vice Chairman

STATE SUPERINTENDENT
 MONTGOMERY, ALABAMA

you please state your full

name of the superintendent of educa-
 tion, Montgomery, Alabama.
 How long have you been the State

superintendent of education since

you did you occupy before then?
 elementary schools and superintend-
 ent of Alabama, the laboratory schools
 at the State University.

As an educator all of your adult

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 most notably Negro in population.

In other words, the ratio of Negro to white population in those 16
 counties is as high or perhaps higher than it is in any of the other
 counties, 51 counties in the whole State of Alabama.

MR. GLICKSTEIN. As I understand, the decree that was issued in
 Lee versus the Macon County case, the State of Alabama has been
 required to equalize facilities as between Negro and predominantly
 white schools in the district covered by that decree. Is that correct?

DR. STONE. That is very true. That applies to only 99 school
 systems.

Mr. Vice Chairman, in Alabama in relationship to this court
 order we do not refer to school districts but rather to school sys-
 tems and then some counties have as many as two or three school
 systems. Montgomery is not one of those. They have a county unit
 system. You have some of that in your State also. But in most of
 the country we refer to schools as school districts. We do not in
 Alabama because the constitution of the State divides each county
 into two tax districts and it is confusing.

Now, in Lee versus Macon case, that was issued on March 22,
 1967 by the three-judge panel, in the middle district of Alabama in
 the Federal court, puts 99 of our 118 school districts under the Lee
 versus Macon court order, and we have 19 other school systems
 that are under a Federal court order which is different from, or
 which are different from the Lee versus Macon. And some of them
 are considerably different. We have four school systems that are
 under the Fifth Circuit court order.

MR. GLICKSTEIN. Under the Lee-Macon County decision, the one
 that I referred to, that does order the school systems involved to
 equalize Negro and white schools. Is that correct?

DR. STONE. That is true, and I think the same thing is true in the
 other 19. Essentially true, let me put it like that. I know more
 about the Lee-Macon, to equalize educational facilities, indeed, yes,
 and to desegregate the schools. The word "integration" is not used.
 Desegregate the schools on a freedom of choice basis, to be abso-
 lutely certain that every student has the right to select the school
 to which he would like to attend.

We have gone to great pains, considerable trouble and expense
 to see that every child has had that right. If he is 14 years of age
 he may exercise the right himself under the court order, or if he
 is above the 9th grade he may exercise the right himself. If he is
 below the 9th grade and less than 14 years of age his parents have
 to exercise it for him, or the person serving as his parent.

MR. GLICKSTEIN. Dr. Stone, have you been moving ahead to
 bring about this equalization of schools and consolidation and elim-
 ination of inadequate schools?

DR. STONE. We have been obeying the court order.

MR. GLICKSTEIN. For example, Dr. Stone, our information in-
 dicates that five Negro schools each with an enrollment of less than

100 and one enrolling only 30 students continue to operate in Marengo County. Our information also indicates that in Clarke County only one white school has an insurance valuation of less than \$110,000, and that school has a valuation of \$52,000. Eight of the other 11 Negro schools on the other hand have an insurance valuation of less than \$20,000. Six of these have a valuation of less than \$5,000, and two actually have a valuation of \$750.

DR. STONE. The first part of your question, sir, the schools in the county that you mentioned, the small schools, have been notified of the inadequacy of that small school. And only by the State department of education, under the court order, by the Justice Department. We are now in consultation with these superintendents in an effort to close these small, inefficient Negro schools.

I think it is quite unfortunate that in the Northern reaches of this State where we have our great Appalachian people who are as poor as the Negro people in this State that the court didn't require that on the part of the white schools. I think it was discrimination against the whites to that extent. And I believe that you will find that efforts are being made, progress is being made.

We now have some—out of the 119, some 14 school systems that have eliminated their dual schools altogether. That is little better than some of the Northern cities have done, gentlemen, where you have the concentration of Negro populations in certain areas.

MR. GLICKSTEIN. You mentioned that there might be some discrimination against the white students in the Northern part of the State. Are there rural schools and students in the Northern part of the State?

DR. STONE. Yes, rural schools, considerably rural.

MR. GLICKSTEIN. Dr. Stone, the staff report referred to the study of student achievement in the report known as the Coleman Report.

DR. STONE. Known as the what? The Coleman Report?

MR. GLICKSTEIN. Yes.

DR. STONE. Yes.

MR. GLICKSTEIN. And in that report there was a comparison of school achievement of white and Negro students in the rural South. White and Negro in the rural South showed that in terms of the verbal ability of the 12th grade level white students were 1.5 grades behind where they should be while Negro students were 5.2 grades behind where they should be. In terms of math achievement, white students were 1.4 grades behind where they should be and Negro students were 6.2 grades behind where they should be.

Now, this is a comparison of white and Negro rural students. I realize that these are just averages but doesn't this suggest that the Negro students are far more disadvantaged than the white students?

DR. STONE. They have been historically and there is a reason

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for that. I can explain it to you, and I would like to have the privi-
lege, Mr. Chairman.

In 1937 in the State of Alabama we passed what is known as
the Minimum Foundation Program, or the Minimum Program
Law, school law guaranteeing to every child in the State of Ala-
bama regardless of race a certain amount of State money. Negroes
were given that money exactly on the same basis and on the same
formula as the white children.

Now, it is true that the white parents—this was not enough to
afford a quality educational program in the community, Negro
or white, it is true, historically true back over that period of 30
years, that the white parents have provided more money out of
their pockets to make for a quality school than the Negroes have.
And it may be that they had more money. We don't know that. It
may be that the white citizens have had more money than the
Negro citizens. But that is the case and that's what has happened.

The taxes, the local taxes that have been assessed in the counties
and/or cities of the State have been assessed by local law and
collected there and kept there and spent there under the jurisdic-
tion of local authorities, usually being school boards, where they
could spend that money where they felt it was most needed.

MR. GLICKSTEIN. Dr. Stone, we heard testimony earlier that one
of the reasons that the white libraries in Greenville had more books
than the Negro libraries was that a lot of the money for the books
came from parents and this is consistent with the testimony that
you are giving now.

I can understand how a white school might have more library
books than the Negro schools because white parents might be more
affluent and are able to contribute it. Would that explain why in
Clarke County there is a white school that is valued at \$110,000
and a Negro school that is valued at \$750? Did those funds come
from parents' contributions?

DR. STONE. Those funds came from two sources, perhaps de-
pending on how old the buildings are. In many of the communities
of this State and all over the Southland the communities built the
schoolhouse themselves. The school where I graduated from the
8th grade was built by about 30 parents and the State or county
or local district taxes did not go into it one dime, and that is not
uncommon in many communities in this State even now. I mean
the buildings are still standing.

But these in Clarke County in question, has received from the
State of Alabama her pro rata share for schoolhouse construction
when and if, if and when we have had State monies to allocate to
local school systems for capital outlay. They have received their
pro rata share and have received in many instances more money
per child than Jefferson or Mobile Counties because there is an
equalization clause in it, in the allocation formula.

MR. GLICKSTEIN. I am not sure that that explains to me, unless I didn't follow you, why it is possible for a county to have one school worth \$110,000 and one worth \$750.

DR. STONE. Well, I would assume that the building that is assessed for \$120,000 is a more expensive building than the one that is assessed for \$750, that would be a reasonable assumption. Now, it is up to—the State had nothing to do with the building of either one of the buildings. All the plans were promulgated by the local school system. It is a little something that we call democracy and we think that it has worked pretty well.

MR. GLICKSTEIN. Does the State have something to do with what goes on within the school building?

DR. STONE. The State has something to do with what goes on in the school program insofar as grade requirements are concerned, balancing the curriculum.

MR. GLICKSTEIN. Does the State have any responsibility for the fact that the McCoo High School in Eufaula was not accredited by the State until 6 years ago and was not accredited by the South-eastern Association until 3 years ago?

DR. STONE. The State has given to Eufaula the amount of money for education that they were entitled to under an acceptable formula. It has been Eufaula's responsibility and the other 117 school systems' responsibility to add to this minimum program for a period—a program of quality education.

We do not have the constitutional right or responsibility to go into any school system and demand that they spend the money, their local money on any one school. They do have to spend the money equally and regardless of race, creed, color, or religion.

MR. GLICKSTEIN. And you think that this is an example of democracy?

DR. STONE. I said it is democracy from the State, yes, and I think it is a pretty good sample of democracy. It is something that is being practiced nationwide, gentlemen.

I noticed in the paper where my friend, my good friend, your Chairman Mr. John Hannah, is having some civil rights problems on his campus where the Negroes are complaining that they are not getting a fair shake at the employment on that campus, and I think that these problems are nationwide. We have got them all over America.

I know these 16 counties in Alabama are lacking in money, Mr. Chairman, we need money, but the school people in this country and in the South are going to be honest men. The Federal courts have found out that we have told them the truth. The United States Office of Education has found out we told them the truth. The Civil Rights Commission, your Commission, that has come to us for information. I believe the record will show that we have done our best to get you the information that you wanted.

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We don't claim any laurels on which to rest but we do claim this, that we are trying our best to treat people fairly. And we are trying our best to equip every Alabamian with a saleable skill so that he can go out here and earn a living for himself.

Now, something else came up a while ago that I would like to clear the record on just briefly. They were talking about Negro versus white employment. Most of the Northern people who come to Alabama and establish an industry are more concerned with employing white employees than they are Negro employees. So you see this civil rights thing, again that's another proof that it is nation-wide in scope.

We have all got to do something about it.

VICE CHAIRMAN PATTERSON. Dr. Stone, in Chairman Hannah's absence I think it well to state for the record that he did have his problem at Michigan State and he has settled it.

DR. STONE. Fine. We are settling ours.

VICE CHAIRMAN PATTERSON. Mr. Glickstein, proceed.

MR. GLICKSTEIN. I would think on the basis of Mr. Ingram's testimony you would be very concerned if Northern companies come down and only want to employ whites, and Mr. Ingram said that he felt that the economic development of the State of Alabama depended on training Negroes up to their capacity and providing equal employment opportunities.

DR. STONE. We are very concerned about that, Mr. Counselor, that every person is equipped with a saleable skill. We think that we have now in our vocational complex of State trade schools, our area trade schools which are not post-high school, but in our high school trade schools that we are rapidly on our way and we are making tremendous progress in training people with skills.

You might be interested to know that we do not have unemployment in Alabama. We have untrained, unemployed people in Alabama. If we had the skills in the State we believe that every able-bodied person in this State could be gainfully employed today. That is what we are striving to do without regard to race.

MR. GLICKSTEIN. Getting back to what goes on within the schools, we also heard testimony about the type of vocational program offered at the white Eufaula High School where students are trained in banking skills and in other highly marketable skills while at the McCoo High School they only have carpentry courses. Again, is that something that the local people are responsible for?

DR. STONE. Well, the local people responsible for it in that case—let me clear up a thing that was said and I don't think that Mr. Carter meant to say this. We do not employ vocational personnel for Mr. Carter or for anybody else, that is the responsibility of the local board of education, Mr. Chairman, you know that. It is nation-wide. The State can't do that. Those vocational teachers are employees of that local board of education just like the English teacher

and therefore the local board has complete jurisdiction over them. Now, there are certain guides that are set into the vocational program by the Federal Government, by the U. S. Office of Education and by our State plan that they are supposed to give so many hours to a certain kind of training and so forth, and all of that is in there, but the same thing is in there. And we write it in the field of English and social studies. We have to have some standards to accomplish before we can have any kind of adequacy.

MR. GLICKSTEIN. I don't follow you. Are you saying that the reason McCoo doesn't have these courses is because they don't have a teacher that is able to administer the program?

DR. STONE. That might be true. We have approximately in the school population of Alabama this year, we have enrolled in the public elementary and secondary schools about 840,000 children, 380,000 of them are transported on desegregated buses daily. The vocational courses is about between 33 and 34 percent of the school population is Negro, whether they are in a predominantly Negro school or whether they are in a desegregated predominantly white school.

Now, I believe that the vocational units that have been assigned, and we are under court order to do this, that have been assigned to predominantly Negro schools is pretty well in line with the percentage. Not quite, not quite, but it is up close to 30.

MR. GLICKSTEIN. Well, it might well be that the vocational units are in line but I am concerned with what is taught in these units and isn't there a difference between a unit that teaches carpentry and a unit that prepares someone to work in a bank. You are saying that both of those people are being—

DR. STONE. You are talking about two different kinds of vocational education. The units that would equip someone to work in a bank is diversified occupations.

MR. GLICKSTEIN. That unit is not available to Negro students in McCoo High School.

DR. STONE. Well, it should be, if it isn't. I think it would be on a freedom of choice basis, yes. He can come over there and get that course.

MR. GLICKSTEIN. But it is not in the McCoo High School at the present time?

DR. STONE. No, it probably isn't. I don't know. I can't keep up with all of those things but I don't know, but assuming, based on what has been said here this afternoon, it probably isn't. But the Negro child should have a right to get on-the-job training in the bank just the same as the white.

We are not complaining. We don't make no contention on that at all. I am talking about from the State level. We believe in treating them all fairly, giving them all the same chance and all the same opportunity. Now, you have another problem involved,

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whether or not you can get that training station for a Negro child or for a white child. That is always a problem.

MR. GLICKSTEIN. Dr. Stone, you said the Negro child has freedom of choice, he could go to the Eufaula High School and get the course if he wants it?

DR. STONE. He surely can under the court order.

MR. GLICKSTEIN. How long has the freedom of choice method of assigning students to schools been in effect in Alabama?

DR. STONE. Well, of course it went into effect first under the court order on September 1, or the beginning of the 1967-68 school term. It has actually been in effect in the State—this is the fifth year in most of the school systems because of the guidelines having to do with the Federal monies that were administered to the States and through this State school office to the local school areas, or districts. And if you didn't comply with the guidelines you didn't get the money.

MR. GLICKSTEIN. Do you think freedom of choice is a democratic method of assigning children to school?

DR. STONE. I certainly do. They can go anywhere they want to.

MR. GLICKSTEIN. What did you do before the freedom of choice method was instituted?

DR. STONE. Before the freedom of choice method was instituted 5 years ago we had segregated schools by law.

MR. GLICKSTEIN. And there students were just assigned to schools on a district basis?

DR. STONE. Five years ago it was against the law—well, let me put it like this, before May 17, 1954, it was against the law in Alabama to operate a segregated school—I mean an integrated school or a desegregated school.

MR. GLICKSTEIN. But before May 17, 1954, students were assigned to schools in particular districts, is that right?

DR. STONE. That's right.

MR. GLICKSTEIN. And at that point you did have freedom of choice?

DR. STONE. No, sir, you did not.

MR. GLICKSTEIN. So it is just within recent years that Alabama has achieved democracy in the operation of its school systems?

DR. STONE. Well, of course we might have a difference of opinion on defining "democracy" but that was the case. We did not have desegregated schools before May 17, 1954, the day of the Supreme Court ruling.

MR. GLICKSTEIN. I am not an educator, Dr. Stone, I have never run a school system, but it seems to me that a system that permits children in a period of time in the spring to select the schools that they are going to go to is a rather chaotic way of running the school system. How can you plan? How do you know what choices they are going to make? You might end up with one school with one

student in it and the other school with everybody in it. It just seems to me that that is an administrative monstrosity.

DR. STONE. Well, it could be you're right. It could be an administrative monstrosity but the fact remains that that is what the court ruled and that is what we are doing.

MR. GLICKSTEIN. You presented a plan to the court, didn't you?

DR. STONE. No, sir; no, sir, the court told—the court presented me a model plan and I presented the model plan to the 99 school systems in the State and the 99 schools—

MR. GLICKSTEIN. If you had to come back to the court, Dr. Stone, and said as an administrator this is just chaotic, maybe the bureaucrats in Washington and the judge think this is the way to run a school system, but I can't run a school system unless I know where they are going to go, do you think the court would have said, "Well, you have to have a freedom of choice plan"?

DR. STONE. The court did say we had to have a freedom of choice plan. They kept jurisdiction of the case. I don't know what they will do with it in the future, but they have said up until now—

MR. GLICKSTEIN. If the Supreme Court were to rule on the case pending before it that freedom of choice is unconstitutional and that all students have to be assigned to schools on some geographic basis do you think that would make the job of school administrators in Alabama somewhat easier?

DR. STONE. Not necessarily so, not necessarily so.

MR. GLICKSTEIN. It wouldn't?

DR. STONE. I do not think it would necessarily make it. In some cases it would and in some cases it wouldn't.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mrs. Freeman, do you have some questions?

COMMISSIONER FREEMAN. Yes, I do.

Dr. Stone, on Sunday I visited the company-owned village of Bellamy and went into the school there where only black children go. We went into rooms where the desks where the children sit were crowded all the way up to the teacher's desk, where there was hanging from the ceiling only a light bulb which was the only lighting they had. And I went into rooms where there was no water in the building whatsoever, only the outside—the only way they could get water would be to go on the outside where there would be the fountain. And then for toilet facilities they had to go from 100 to 125 feet in what on a sunny day like Sunday was still muddy red mud.

When we asked about the condition, which was obviously deplorable and disgraceful, we were told that this is administered by the county. I believe it was the county. In other words, the witness disclaimed any responsibility for this deplorable condition. You

everybody in it. It just seems monstrous.

right. It could be an administration that that is what the court

plan to the court, didn't you? The court told—the court presented a model plan to the 99 schools—

back to the court, Dr. Stone, it's chaotic, maybe the bureau thinks this is the way to run a school system unless I know where the court would have said: "choice plan"?

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Court were to rule on the case choice is unconstitutional and to schools on some geographic job of school administrators

necessarily so.

and necessarily make it. In some cases wouldn't.

For questions, Mr. Chairman. Freeman, do you have some

do. The company-owned village of where only black children sit at desks where the children sit at teacher's desk, where there was a light bulb which was the only light source where there was no water outside—the only way they got the outside where there would be facilities they had to go from a place like Sunday was still muddy,

condition, which was obviously deplorable that this is administered by the county. In other words, the witness is deplorable condition. You

couldn't even call it an educational facility. But he disclaimed any responsibility and said that it was run, I believe, by the county.

Now, I would like to know if you will tell this Commission as superintendent of education for the State of Alabama what would your appraisal be of that kind of a situation?

DR. STONE. Well, I am assuming that you are talking about the community of Bellamy. What county is that?

COMMISSIONER FREEMAN. Sumter County.

DR. STONE. I thought it was Sumter or Greene.

In the first place of course we deplore a situation like that. We think it is bad for children and let me emphasize the word, children. Underscore it.

COMMISSIONER FREEMAN. I was thinking about the children as I walked through those rooms.

DR. STONE. I think it is a bad situation for children to have to go to school in a place like that. The fact remains, however, that we have numbers of small communities in the State of Alabama where that is the case and they are not all Negro, by any means.

COMMISSIONER FREEMAN. My question again goes to the statement which you made, that the State of Alabama believes in democracy and equality of opportunities for its children.

DR. STONE. That's right.

COMMISSIONER FREEMAN. And what you are saying then is that a large number of children, poor black and poor white, are being denied an education, even a decent education of any kind in this State?

DR. STONE. That is very true. Of course, every child in the State of Alabama can, we have provided school bus transportation for them where they can graduate from high school. We think that has come to pass. About 10 to—well, 15 to 20 to 25 years ago. But the condition that you were explaining there does exist in this State. We are sorry that none of the school people want it to exist but what can you do, but wish and hope and pray and dream because we do not have the dollars.

COMMISSIONER FREEMAN. Could it not be considered that where there is a dual school system and where there is the wasteful duplication in maintenance of the segregated school that the consolidation of schools, the money that would be saved would go to help these children get a decent education?

DR. STONE. Of course the studies show that you do not necessarily save money by consolidating schools.

COMMISSIONER FREEMAN. Have you consolidated any?

DR. STONE. Oh, yes, we have consolidated schools. We have only one—we have in the State of Alabama today, I believe, only eight one-teacher schools. School consolidation in Alabama has been going rapidly and it has been going rapidly all over the Southland, perhaps more so than in the colder climates of America where chil-

dren have to ride long distances. It is better for them to ride a long distance where it is not so cold.

COMMISSIONER FREEMAN. In Bellamy the white children were riding long distances, the white children in Bellamy don't go to this school. They ride the bus to a better school.

DR. STONE. The children that are in the Bellamy School can ride a bus too, if they want to. They have that choice. Their parents have that choice.

COMMISSIONER FREEMAN. Have you ever seen that school?

DR. STONE. No, I have not.

COMMISSIONER FREEMAN. I would suggest that you go there.

DR. STONE. I have seen a good many schools in Alabama. I can't naturally see them all, and Bellamy happens to be one of several that I have not seen.

You might be interested to know that one of our real big problems in closing Negro schools, and consolidating them to the white schools is the Negro opposition. I have in my office now over 30 pleading petitions from Negro parents not to close their school. And one up in the Tennessee Valley area, in the Tri-City area, we closed a four-teacher Negro school where we had a good building and sent all of those children to a predominantly white school where the building was not so good.

COMMISSIONER FREEMAN. Do you have any letters from any parents at Bellamy asking you not to close that school?

DR. STONE. The Bellamy School has not been closed, so far as I know.

COMMISSIONER FREEMAN. I said asking you not to close it?

DR. STONE. No, ma'am, we have not, and the Bellamy School is one of the schools that is under question right now by the courts and by the Justice Department. I happen to remember that. Greene County is one of the 99, unless I am mistaken.

COMMISSIONER FREEMAN. I have no questions.

VICE CHAIRMAN PATTERSON. Mr. Taylor, do you have any questions?

MR. TAYLOR. Could it be in some cases, Dr. Stone, that some of the concern about closing down Negro schools is prompted by the concern of the Negro teachers at those schools that they might be dismissed or fired?

DR. STONE. Well, I don't think so necessarily. I think it is the concern of the Negro schools—the Negro teachers, they might have to teach in an all-white or a predominantly all-white school. We have a tremendous—tremendously hard time getting Negro teachers in any sort of a—well, adequate numbers to go to white schools. They are having more trouble getting Negro teachers to go to white schools that we are getting white teachers to go to Negro schools.

MR. TAYLOR. So you are assuring employment for all Negro

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teachers who are presently teaching at schools that will be closed
down?

DR. STONE. We have a tenure law in Alabama.

MR. TAYLOR. Yes, sir?

DR. STONE. And the tenure law assures a tenure for teachers
without regard to race.

MR. TAYLOR. I am not sure I heard the answer to my question,
though.

DR. STONE. Well, will you ask the question again?

MR. TAYLOR. Whether you are assuring employment to all Negro
teachers who have been teaching at Negro schools when those
schools are closed down?

DR. STONE. As much so as we are assuring it to white teachers.
We are giving Negroes the same assurance that we are giving to
white teachers. I am sure that that is true.

MR. TAYLOR. Do you know where Alabama ranks in per pupil
expenditure?

DR. STONE. Yes, sir, I believe I do. We are not proud of our posi-
tion there at all. I believe our rank in per pupil expenditure is
number 49, and might be number 50 among the 50 States. Our
teachers' salary is a little better than that. When you get to the
teachers' salaries in Alabama they are more equalized all over the
State than perhaps any other State in the country. Georgia, for in-
stance, has some systems where the teachers' salaries goes on up
to \$10,000 for classroom teachers and Florida is the same way. It
is more equal than that in Alabama.

Georgia, on the other hand, has some systems that pay teachers
much less than we pay in our poorest counties. But our teachers,
we rank about number 45, I believe, 44 or 45 in teacher salaries and
number 49 or 50 in per pupil expenditures.

MR. TAYLOR. That is about \$390 per pupil expenditure?

DR. STONE. Approximately that.

MR. TAYLOR. And even less in some of the rural areas?

DR. STONE. Yes, sir.

MR. TAYLOR. The formula depends in part on county appropria-
tions. There may not be complete equalization in all cases? Is that
right?

DR. STONE. That is very true. We have some counties that spend
much less money per child than some of the wealthier counties that
is true. And we have some poor counties that spend much less
money per child than some of the wealthier counties, let me get
the story straight.

MR. TAYLOR. Let me ask you, you as a professional educator, one
who spends a great part of his life in the school system, you have
youngsters growing up here attending schools where about \$390
a year may be expended on them. There are Negro youngsters at-
tending all-black schools. The facilities that Mr. Glickstein has

described in terms of the inequality, the value of the school system. You have got small obsolete schoolhouses. You have a lack of accreditation in the schools. You have achievement figures which show that these youngsters are years behind. What kind of a future waits for some of these youngsters or most of these youngsters when they get out of the schools?

DR. STONE: Well, I am glad you are examining us, Mr. Staff Director, and we need it. We want to improve the lot for our children where they will have a better future. But you are talking about a problem that is nationwide in scope. Now, I know that you are talking about these 16 counties now, but this thing—you have a lot of important people here. This Commission is composed of important people. We are glad to have you in Alabama.

MR. TAYLOR. Thank you.

DR. STONE. You are talking about something that is nationwide in scope. It is about time that America becomes concerned about Americans. I believe that we are more important than the Vietnamese or the Chinese or the French or anybody else. We have poured dollars into the schoolhouses in France in the Marshall Aid Plan.

MR. TAYLOR. I think if I may interrupt you, Dr. Stone, that we can all agree that this is a nationwide problem that we are dealing with. In fact, I don't know whether you are familiar with it but the Commission has done a detailed study on racial isolation or segregation in the public schools of the North. So we can all share that. We all share that concern and we can agree to that. But it is nationwide in another sense too, is it not, that the child who graduates from a rural school here under the conditions that I have described, if he has no employment for him here when he leaves school, and we have heard lots of testimony that there is not much employment opportunity, he will probably be migrating North without any skills or without any ability into the big city. So it is nationwide in that sense too, is it not? And I am concerned—

DR. STONE. Very true.

MR. TAYLOR. I am concerned of what the future of such a child may be.

DR. STONE. Of course our concern is this, I think this is the dream of every thinking Alabama educator, equipping every Alabamian with saleable skill. Now, that means many things. It can be a degree in law or education, or it can be an expert auto mechanic, and they are just as important as those of us who teach or those of us who practice law.

We want everybody to be employed and I do not think and I think the record will show this, that I do not think that we have underemployment in Alabama today. We have people who are not trained to take the jobs, take advantage of the job opportunities that are right here. And if all of our people were trained with a

the value of the school system. You have a lack of achievement figures which are behind. What kind of factors or most of these young-

examining us, Mr. Staff Director, improve the lot for our children. But you are talking about a Commission. Now, I know that you are talking about this thing—you have a Commission is composed of members in Alabama.

something that is nationwide. America becomes concerned about the Vietnam problem. It is more important than the Vietnam problem. We have poured money into the Marshall Aid Plan. I interrupt you, Dr. Stone, that we have a problem that we are dealing with. You are familiar with it but you are not. I have done a study on racial isolation or segregation in the North. So we can all share in it. We can agree to that. But it is not, that the child who graduates under the conditions that I have described for him here when he leaves the State probably be migrating North into the big city. So it is not? And I am concerned—

What is the future of such a child?

What is this, I think this is the question. The educator, equipping every Alabama child means many things. It can be an expert auto mechanic as important as those of us who teach.

And I do not think and I do not think that we have a shortage of the job opportunities for people were trained with a

saleable skill I don't think we would have any unemployment in this State today, any appreciable amount.

MR. TAYLOR. I don't want to get you into unfamiliar territory of employment unless you want to get into that area. We have had a good deal of testimony here about people who have left the State because they could not find employment. So I don't know whether the unemployment rate is completely indicative of what the employment opportunities may be.

DR. STONE. Alabama is industrializing so rapidly that the common labor jobs, percentagewise, are decreasing rapidly.

MR. TAYLOR. On that subject don't you think in terms of money, shouldn't there be a good deal more money coming into the school system because the State is industrializing rapidly?

DR. STONE. I think in time, yes. It is unfortunate that our tax evaluations are as low as they are. Our assessments are as low as they are. On *ad valorem*, I think of course you know you can get a debate on that right fast in any of the 50 States, and I don't want to get too far out on the limb. I may want to run for re-election. But I do know this, that we are lacking in State monies in the State.

We are also lacking in Federal monies. I think educating all of these children is going to become increasingly more a Federal responsibility.

MR. TAYLOR. Let me come back if I may to freedom of choice for a moment.

Are you aware of any instances that have occurred in the last couple of years in this State in which students have been harassed or intimidated or threatened in any way in an effort to deter them from exercising their freedom of choice?

DR. STONE. Since I have been in office there has been no such report made to me. Of course, children are children. They are going to fight a little and scrap a little and fuss a little, regardless of race. We have had in the desegregated schools, we have had more fights between Negroes and Negroes and whites and whites by far than we have had between whites and Negroes. Isn't that normal?

MR. TAYLOR. That is encouraging.

DR. STONE. Well, that is the way it goes. You can't stop youngsters from scrapping a little bit.

MR. TAYLOR. Well, you have been in office only a relatively short time. Apart from the reports that this Commission has compiled there is a report on the National Education Association in June of 1967 which concerns Wilcox County and indicates some problems in that county.

MR. STONE. Well, of course, I think with all due respect to the National Education Association, I don't think that they have got the whole facts. I think they gave you maybe a lot of half truths. It is not altogether what he said. Sure, Wilcox County has some problems, many problems. Jefferson County has many problems. And

they have problems in Harlem, New York. We have them all over. But I think the thing that the NEA didn't do is to tell the whole story.

Most of what they said is true but they picked out only the bad, they didn't tell the good about Wilcox County.

MR. TAYLOR. Well, it would be surprising, would it not, in view of the great degree of resistance that you and others have described to desegregation if there were not incidents of economic coercion or threats or intimidation?

DR. STONE. I hadn't expressed resentment to desegregation. I told you that I was going to obey the court order and I think that you will find that the court will agree that I have done it.

MR. TAYLOR. I was not talking about you. I was talking about resistance in the community.

DR. STONE. Well, of course you have it in the communities. You have it on both sides and both races. You have resistance to desegregation among the Negro people and among the white people.

MR. TAYLOR. Now, you have referred to the court order a number of times but as I understand it, and you correct me if I am wrong, the court order says that freedom of choice is acceptable provided there is a substantial degree of desegregation. In other words, the court has said it is going to judge this in terms of actual results. Is that not the case?

DR. STONE. That could be essentially what it said. I don't believe it was just in those words. I think the important thing in the court order is that the court is keeping jurisdiction of the case. Of course, that means that those three judges can get by and decide something else tomorrow if they want to because they have kept jurisdiction of the case.

You lawyers know more about that than I do. But I think I know what it means after having dealt with the Federal courts for a little over a year now. I believe I know what they mean by jurisdiction of the case. And they are going to look at the freedom of choice and see how it is working, of that I am sure. And I think they have said as much in the court order itself.

MR. TAYLOR. Well, I am not asking you to describe whether you have made sufficient progress toward actual desegregation. I don't want you to prejudice your position in the case, but am I correct in my understanding of what the court is looking at is actual performance and is it said freedom of choice is tenable as long as there is actual performance?

DR. STONE. I would be pleased, Mr. Director, to go back to your first statement there about whether or not the freedom of choice has been successful in Alabama. Of course we believe it has. We think it has been very successful. We have had it more, vastly more in some communities than in others. It has led to the complete elimination of dual school systems.

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surprising, would it not, in view of that you and others have done were not incidents of economic nature?

resentment to desegregation. I agree with the court order and I think that you are free that I have done it.

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have it in the communities. You have to face. You have resistance to desegregation in the black and among the white people. I referred to the court order a number of times, and you correct me if I am wrong. Freedom of choice is acceptable in a certain degree of desegregation. In other words, I am going to judge this in terms of actual

essentially what it said. I don't believe that the important thing in the court order is the jurisdiction of the case. Of course, three judges can get by and decide the case, but I want to because they have kept

it that than I do. But I think I am going to deal with the Federal courts. I believe I know what they mean by freedom of choice. They are going to look at the freedom of choice, of that I am sure. And I think that the court order itself.

am going to ask you to describe whether you are concerned with actual desegregation. I don't know the opinion in the case, but am I correct in saying that the court is looking at actual freedom of choice is tenable as long as

Mr. Director, to go back to your question, is or not the freedom of choice. Of course we believe it has. We have had it more, vastly more in the North. It has led to the complete

We had—I believe we either have 12 or 14, and it seems to me that 14 school systems that have eliminated the dual school system, and I think it came about largely because of the freedom of choice, so based upon the mandates of the court order, the freedom of choice we believe has been very successful. We think it will be increasingly and more successful based upon the mandates of the court order in the fall of 1968.

MR. TAYLOR. Do you look forward to a day when you will have a satisfied the court that you are completely in compliance and that there is no further need for having the continuing supervision of the court that you talked about?

DR. STONE. I believe that in every one of the 99 school systems are considered as being completely in compliance with the court order as of this moment. Now, perhaps not for this fall.

MR. TAYLOR. That judgment will be made by the court?

DR. STONE. That judgment will be made on what progress is made between now and September.

MR. TAYLOR. I have no further questions, Mr. Chairman, but although I am not running for any office, I would like to make a—

DR. STONE. Let me say this, I said that somewhat facetiously. I may not be either because my office is one term. I can't succeed myself. However, there is a referendum for November and I might or might not. Even if it passes I am not at all sure that I will run.

I found out that being State superintendent of education in Alabama is quite a demanding job on a man's time right now. So we have many problems, but we have gotten along well. I would like to make this statement for the benefit of the Committee—I mean for the Commission:

We have not had a major incident caused by desegregation in the 118 school systems in Alabama since September, 1967, that has been reported, that we know anything about.

MR. TAYLOR. Well, the only thing I wanted to say, Mr. Chairman, is in this long day's proceedings I guess we have not made any note of the fact that today is Law Day, 1968. There is an editorial I noted this morning in the Montgomery Advertiser which says that Law Day comes at a time when those who accept and live by the rule of law are frightened and disgusted to see a Nation torn by the tumultuous repudiation of the law. It says that all the rhetoric of the supremacy of the law is worthless unless the law is enforced as it has not been.

For that reason most of the speeches this week, even those which decry the spreading anarchy will seem empty.

Well, this editorial is directed toward rioting and looting in the North or in cities around the Nation, North and South. And I certainly think that we can share in those sentiments. But I look forward to the day when it will be directed toward compliance with the law in the South, toward compliance with Supreme Court

decrees which were issued 14 years ago, toward compliance with Title VII because I think that is what our principal problem is. And I think when that day arrives, when that day arrives, we will have less need to worry about the problem of rioting because we will be preparing our citizens for useful lives so that they will not be so frustrated as to engage in riots.

DR. STONE. Would you permit me——

VICE CHAIRMAN PATTERSON. Would you like to make a statement? Do you have anything to say?

DR. STONE. I wondered if you wouldn't say that you look forward to the day when we would obey the law in the North as well as the South and make it nationwide.

MR. TAYLOR. By all means.

VICE CHAIRMAN PATTERSON. Are there any further questions? Dr. Stone, you are excused.

DR. STONE. Thank you, sir.

VICE CHAIRMAN PATTERSON. Mr. Glickstein, will you call the final witnesses of the day, please.

MR. GLICKSTEIN. Reverend Fortner.

(Whereupon, Rev. Henry Fortner was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF REV. HENRY FLOYD FORTNER,
LIVINGSTON, ALABAMA

MR. GLICKSTEIN. Reverend Fortner, would you please state your full name and address for the record?

REVEREND FORTNER. My name is Henry Floyd Fortner. I live at Livingston. I get my mail through Livingston, Route 1, Box 167.

MR. GLICKSTEIN. That is Sumter County?

REV. FORTNER. That's right, Sumter County.

MR. GLICKSTEIN. Where do you work, Reverend Fortner?

REV. FORTNER. I work for McGregor's.

MR. GLICKSTEIN. What is the full name of the company?

REV. FORTNER. McGregor's Cooperating Printing Plant.

MR. GLICKSTEIN. Printing company?

REV. FORTNER. Right.

MR. GLICKSTEIN. When did you begin to work there?

REV. FORTNER. I began to work there in January.

MR. GLICKSTEIN. What do you do at this company?

REV. FORTNER. I bale paper.

MR. GLICKSTEIN. You bale paper?

REV. FORTNER. That's right.

MR. GLICKSTEIN. What does that involve?

REV. FORTNER. That is the paper that comes from the press and collate it.

MR. GLICKSTEIN. You tie it up, is that it?

REV. FORTNER. I put it in the baler and bale it up and tie it up.

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and bale it up and tie it up.

MR. GLICKSTEIN. How much do you earn per hour?

REV. FORTNER. \$1.65.

MR. GLICKSTEIN. \$1.65?

REV. FORTNER. That's right.

MR. GLICKSTEIN. When you were seeking employment at Mc-
Gregor where did you get your application form from?

REV. FORTNER. I got my application from the Sumter County
Journal.

MR. GLICKSTEIN. And what did you do with the application form
after you obtained it?

REV. FORTNER. I filled it out there and left it there.

MR. GLICKSTEIN. With the Sumter County Journal?

REV. FORTNER. Right.

MR. GLICKSTEIN. Did you hear anything about your application
after that?

REV. FORTNER. Not right then I didn't. And I filled out another
one.

MR. GLICKSTEIN. You filled out another one?

REV. FORTNER. Right.

MR. GLICKSTEIN. Then what happened?

REV. FORTNER. I didn't hear from that either.

MR. GLICKSTEIN. So what did you do then?

REV. FORTNER. I kept on waiting and waiting and waiting
until I talked with Professor Lanier and he told me that, yes, he
know and he will vouch for me and he called Mr. Grant.

MR. GLICKSTEIN. He called Mr. who?

REV. FORTNER. Mr. Grant.

MR. GLICKSTEIN. Who is Mr. Grant?

REV. FORTNER. The mayor.

MR. GLICKSTEIN. He called Mr. Grant about your application?

REV. FORTNER. That's right.

MR. GLICKSTEIN. And then did you go to see Mr. Grant?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. What happened when you went to see Mr.
Grant?

REV. FORTNER. He interviewed me and he said that he knowed
me and that I had been buying suits from him.

MR. GLICKSTEIN. You bought a suit from him?

REV. FORTNER. Yes.

MR. GLICKSTEIN. He operates a store?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. And he said he knew you?

REV. FORTNER. That's right.

MR. GLICKSTEIN. And he interviewed you and he had a copy of
your application?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. What did he do with the copy of your application?

REV. FORTNER. I carried it on to McGregor.

MR. GLICKSTEIN. Did he write something on it?

REV. FORTNER. I think so.

MR. GLICKSTEIN. Then you carried it on to McGregor?

REV. FORTNER. Yes.

MR. GLICKSTEIN. What happened then?

REV. FORTNER. Mr. Quedeweit, he talked with me.

MR. GLICKSTEIN. What is his job at McGregor's? Is he the plant manager?

REV. FORTNER. That's right.

MR. GLICKSTEIN. And he spoke to you?

REV. FORTNER. Yes, sir. He told me that they didn't believe in no—

MR. GLICKSTEIN. Let me interrupt you a second. Did he hire you right on the spot when you came there with the application?

REV. FORTNER. He asked me—no, sir, he asked me when could I start to work.

MR. GLICKSTEIN. Yes, sir?

REV. FORTNER. I told him anytime he say, and he told me to come back Thursday.

MR. GLICKSTEIN. I see. So you handed him the application that Mayor Grant had written something on and you were told to come back the next Thursday?

REV. FORTNER. Yes, sir, that is it.

MR. GLICKSTEIN. When you were interviewed by Mayor Grant did he tell you anything about attending civil rights meetings?

REV. FORTNER. He told me that I could go to all the meetings that I could and learn whatever I can learn. But marching, they don't like to see you march.

MR. GLICKSTEIN. They don't like to see you marching?

REV. FORTNER. That's right.

MR. GLICKSTEIN. When you saw Mr. Quedeweit did he talk to you about civil rights also?

REV. FORTNER. He told me, yes, sir, he told me that I could attend all of the civil rights meetings I could and learn whatever I could, but they don't like to see the men out there marching.

MR. GLICKSTEIN. He also said he doesn't like to see you marching?

REV. FORTNER. That's right.

MR. GLICKSTEIN. Do other employees at the company participate in civil rights activities, do you know?

REV. FORTNER. Not that I know, sir.

MR. GLICKSTEIN. Not that you know of?

REV. FORTNER. No, sir.

MR. GLICKSTEIN. Do you know, Reverend Fortner—let me ask you one preliminary question. You are a minister?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. How many churches do you have?

REV. FORTNER. I pastor three churches.

MR. GLICKSTEIN. You pastor three churches?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. About how large are your congregations?

REV. FORTNER. I have about 150 at one of my churches and 80 at one and 50—about 55 at the other one.

MR. GLICKSTEIN. Are you pretty knowledgeable and well known in the Negro community in the York-Livingston area?

REV. FORTNER. I am pretty well known, yes, sir.

MR. GLICKSTEIN. Do you know a lot of people in that area?

REV. FORTNER. That's right.

MR. GLICKSTEIN. Is there a feeling in the Negro community that persons who demonstrate will not be employed at McGregor?

REV. FORTNER. I don't know, sir.

MR. GLICKSTEIN. People haven't spoken to you about that?

REV. FORTNER. No, sir.

MR. GLICKSTEIN. But you were told by McGregor that they didn't want you to demonstrate?

REV. FORTNER. Why I didn't demonstrate?

MR. GLICKSTEIN. No, you were told by McGregor that they didn't want you to demonstrate?

REV. FORTNER. I was told that they wouldn't like to—

MR. GLICKSTEIN. They wouldn't like you to demonstrate.

REV. FORTNER. That's right.

MR. GLICKSTEIN. Have you participated in civil rights activities since you began working for McGregor?

REV. FORTNER. No, sir.

MR. GLICKSTEIN. Have you attended meetings or done anything?

REV. FORTNER. No, sir.

MR. GLICKSTEIN. Did you ask the company if they objected to your participating in such activities?

REV. FORTNER. No, sir, I didn't ask them.

MR. GLICKSTEIN. Why didn't you ask them that?

REV. FORTNER. I don't know, sir, I just didn't ask them.

MR. GLICKSTEIN. Was it pretty clear to you what their attitude was without your having to ask them any questions?

REV. FORTNER. No, sir, that was something I intended to ask but I never did.

MR. GLICKSTEIN. Were you afraid to ask?

REV. FORTNER. No, sir. I wasn't.

MR. GLICKSTEIN. You weren't afraid to ask?

REV. FORTNER. No.

MR. GLICKSTEIN. Reverend Fortner, how many restrooms does the McGregor Company maintain?

REV. FORTNER. Four.

MR. GLICKSTEIN. Four?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. I would guess there are two for men and two for women. Is that correct?

REV. FORTNER. That's right.

MR. GLICKSTEIN. And are the two men's rooms next to each other?

REV. FORTNER. They are.

MR. GLICKSTEIN. Is one of the restrooms supposed to be for white people and one for Negroes?

REV. FORTNER. I don't think that's so—they don't have a white or colored.

MR. GLICKSTEIN. They don't have signs on it?

REV. FORTNER. They have Gentlemen and Ladies.

MR. GLICKSTEIN. But there are two men's rooms next to each other?

REV. FORTNER. Yes, sir.

MR. GLICKSTEIN. And it just says, Men's Room, on it?

REV. FORTNER. That's right.

MR. GLICKSTEIN. Do Negroes use one of the men's rooms and white people use the other one?

REV. FORTNER. That's right.

MR. GLICKSTEIN. Have you ever used the white restroom?

REV. FORTNER. I have.

MR. GLICKSTEIN. Under what circumstances?

REV. FORTNER. I am a janitor.

MR. GLICKSTEIN. You clean it out?

REV. FORTNER. That's right.

MR. GLICKSTEIN. I see. Do other Negroes use the white restroom?

REV. FORTNER. Not as I know, sir.

MR. GLICKSTEIN. Not that you know?

REV. FORTNER. No, sir.

MR. GLICKSTEIN. I have no further questions.

VICE CHAIRMAN PATTERSON. Mrs. Freeman?

COMMISSIONER FREEMAN. Reverend Fortner, the company that you work for is a Government contractor. Has anybody from the Federal Government ever spoken to you about the conditions at this company?

REV. FORTNER. No, ma'am.

COMMISSIONER FREEMAN. They haven't asked you any questions?

REV. FORTNER. No.

COMMISSIONER FREEMAN. You are aware that these are segregated facilities?

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REV. FORTNER. I am, yes, ma'am.

COMMISSIONER FREEMAN. Do you know that the right to protest is also a constitutional right that you have?

REV. FORTNER. I know that.

COMMISSIONER FREEMAN. But you are afraid that if you marched you will lose your job?

REV. FORTNER. That was something that I hadn't — I wasn't afraid of to do so. But that is something that I—that I never has made up my mind to do, protest. Hadn't nobody really told me not to but they have said what they would like for me to do.

COMMISSIONER FREEMAN. How many Negroes work for this company?

REV. FORTNER. I don't exactly know. I hasn't counted them.

COMMISSIONER FREEMAN. They are very few. You work as a janitor?

REV. FORTNER. That's right.

COMMISSIONER FREEMAN. Are there any Negroes who work at skilled positions?

REV. FORTNER. Skilled positions?

COMMISSIONER FREEMAN. Better jobs than you have?

REV. FORTNER. Yes, they are some run collators and presses.

COMMISSIONER FREEMAN. A collator is where they put the pages together?

REV. FORTNER. Print the paper, that's right.

COMMISSIONER FREEMAN. And then they have printers?

REV. FORTNER. Yes.

COMMISSIONER FREEMAN. Have any of those participated in marches or demonstrations?

REV. FORTNER. Not that I know of.

COMMISSIONER FREEMAN. You have then a climate of fear at this company?

REV. FORTNER. Not altogether fear.

COMMISSIONER FREEMAN. Are you afraid?

REV. FORTNER. No, ma'am, I am not afraid.

COMMISSIONER FREEMAN. Suppose that there was a company that was not serving Negroes and people said to you: "We want to protest this", would you feel free to protest?

REV. FORTNER. I do. I feel free.

COMMISSIONER FREEMAN. But you just haven't done this?

REV. FORTNER. That's right, I haven't done this.

COMMISSIONER FREEMAN. Mr. Grant told you before you got the job that he didn't like it?

REV. FORTNER. What they don't like, that's right, they don't appreciate it.

COMMISSIONER FREEMAN. And Mr. Quedewit told you what he didn't like?

REV. FORTNER. That's right.

COMMISSIONER FREEMAN. And you haven't done anything against that since you have been working there?

REV. FORTNER. I sure haven't.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN PATTERSON. Thank you, Reverend Fortner. You are excused. Call the next witness, Mr. Glickstein.

MR. GLICKSTEIN. The next witness is Mayor Warren Grant.

(Whereupon, Mayor Warren Grant was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF WARREN GRANT, MAYOR OF YORK, ALABAMA

MR. GLICKSTEIN. Mayor Grant, would you please state your full name and address for the record?

MAYOR GRANT. I am Warren C. Grant, Drawer 340, York, Alabama, Sumter County.

MR. GLICKSTEIN. What is your occupation?

MAYOR GRANT. I am a merchant.

MR. GLICKSTEIN. And what public offices do you hold?

MAYOR GRANT. I am mayor of the city of York, Alabama.

MR. GLICKSTEIN. How long have you been mayor of the city of York?

MAYOR GRANT. I have been mayor of the city of York for 12 years.

MR. GLICKSTEIN. Do you serve on any State advisory boards?

MAYOR GRANT. I serve on the State Industrial Development Board.

MR. GLICKSTEIN. Did you play any role in persuading the McGregor Company to come to York?

MAYOR GRANT. Yes, sir, I did.

MR. GLICKSTEIN. What was that role?

MAYOR GRANT. In that I had been working on the industrial development in York for the past 20 years. And we were very fortunate in being able to secure McGregor Printing Company to get them to move to York.

MR. GLICKSTEIN. What services did you perform for McGregor?

MAYOR GRANT. What services did I perform?

MR. GLICKSTEIN. Or do you perform or did you perform when they came in? What services did you perform when they came in?

MAYOR GRANT. When McGregor came in I helped start off with—we helped grade the lot, get the utilities there. In other words, we had applications for people to file applications at the Sumter County Journal at the Chamber of Commerce and also at my store. We kept blanks.

MR. GLICKSTEIN. Did you screen all of the employees that McGregor hired?

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MAYOR GRANT. I have screened employees, every employee that
McGregor has hired within the past, I would say, year or more.

MR. GLICKSTEIN. Just to make the record clear, you screened
employees from the local areas, people they brought with them
when they came in, you didn't screen those?

MAYOR GRANT. I screened part of those.

MR. GLICKSTEIN. You screened part of those too?

MAYOR GRANT. That's right.

MR. GLICKSTEIN. People who came from out of the State?

MAYOR GRANT. That's right.

MR. GLICKSTEIN. Do you continue to screen employees for Mc-
Gregor?

MAYOR GRANT. I do and other companies, too.

MR. GLICKSTEIN. What criteria do you use in determining
whether to recommend a person for employment?

MAYOR GRANT. Appearance, ability, character.

MR. GLICKSTEIN. And how do you make these determinations?
Do you just do it on the basis of the application form, or do you
conduct an investigation, or do you get recommendations? How do
you do that?

MAYOR GRANT. To start off with, the first thing you do is check
a driving license, to check to see if the age is correct on the ap-
plication, and from then on you go into a discussion with the ap-
plicant, find out as much about him as you can, as to his drinking
habits. And I might say that you would be surprised how much you
find out about people by looking at the driving license from the
number of arrests they have had that was marked on their license.

MR. GLICKSTEIN. Has McGregor ever hired someone without
your recommendation?

MAYOR GRANT. Sure.

MR. GLICKSTEIN. Have most of the people that McGregor has
hired been people that you recommended or okayed?

MAYOR GRANT. No, I wouldn't say most of them have been.

MR. GLICKSTEIN. You wouldn't say most of them?

MAYOR GRANT. No, sir, because you see they had some experi-
enced men that came in that were not interviewed by me.

MR. GLICKSTEIN. Well, how about the people from the York area,
most of those people that McGregor hired, were they screened by
you?

MAYOR GRANT. That's correct.

MR. GLICKSTEIN. Have they ever refused to hire anyone that you
recommended?

MAYOR GRANT. Oh, I think we better clear up—I don't do the
hiring at McGregor's.

MR. GLICKSTEIN. I understand that.

MAYOR GRANT. You are insinuating that I do.

MR. GLICKSTEIN. No, I understand that, I understand that you

interview applicants for them and you make a notation on the application form and send it to the company, or you call them?

MAYOR GRANT. No, I make notations on the application as I stated the other day, they are graded. Now, when that person is graded it doesn't mean that they are going to be hired that day. It doesn't mean—they might be interviewed or they might be pulled from that file a moment later when they need an employee.

MR. GLICKSTEIN. But the question that I asked you is whether there were ever any people that you graded highly that McGregor didn't hire?

MAYOR GRANT. Plenty of them.

MR. GLICKSTEIN. Plenty of them?

MAYOR GRANT. Yes.

MR. GLICKSTEIN. Are there any people that you said were not fit for employment that McGregor did hire?

MAYOR GRANT. Wait a minute. I don't say anybody is not fit for employment.

MR. GLICKSTEIN. Were there any people that you gave a low grade to that McGregor hired anyway?

MAYOR GRANT. Well, I never know who they hire after the application goes out there.

MR. GLICKSTEIN. You don't follow it up at all?

MAYOR GRANT. No, I have no way of following it up.

MR. GLICKSTEIN. The McGregor Company does have a certain amount of confidence in you, doesn't it?

MAYOR GRANT. Well, I should hope so.

MR. GLICKSTEIN. Otherwise they wouldn't ask you to screen these applications?

MAYOR GRANT. That is correct, and I might also say that it is hard to talk to a group of gentlemen after you already have been before them in executive session and have to say the same thing again, but I would like for the record to show that McGregor Printing Company does not pay me one penny for interviewing applicants. I do it as a public service for the town and McGregor Printing Company, as I do for the other plants that are there.

Now, when I interview an applicant—the statement was made a while ago that I told that person that they couldn't do a certain thing. An individual has a right to say anything he wants to. Every applicant that I have ever interviewed in the Negro race, I have told that person that when they—if they do get on out there to apply themselves, put forth a little more effort that they can help their race by being a better than average employee.

Most of them I think you will find—and I stated to them at the time that the people that own that plant was interested in making money, and that if a person of the Negro race did better than someone else, that that in turn would get them to hire more and more of their race.

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MR. GLICKSTEIN. Did you ever recommend to Negro people that
you screened that they shouldn't participate in civil rights activi-
ties?

MAYOR GRANT. I am going to deny that statement.

MR. GLICKSTEIN. Did you ever recommend to Negroes that you
interviewed that they shouldn't participate in civil rights demon-
strations?

MAYOR GRANT. I have not.

MR. GLICKSTEIN. Have there been demonstrations in front of
your store?

MAYOR GRANT. Yes, sir, I have been picketed.

MR. GLICKSTEIN. You have been picketed?

MAYOR GRANT. Yes, sir, I have had marchers, boycotts, and tele-
phone calls. I have had it, you name it.

MR. GLICKSTEIN. Why?

MAYOR GRANT. Because I am mayor.

MR. GLICKSTEIN. Because you are mayor?

MAYOR GRANT. I am mayor of the city of York, and for that
reason I get a little bit of all of it.

MR. GLICKSTEIN. Were any of the demonstrators protesting
about your employment practices in your store?

MAYOR GRANT. I believe we have got somebody in the audience
answering for me, maybe I don't need to talk.

VICE CHAIRMAN PATTERSON. The audience will refrain from
commenting while the witness who is under subpoena is on the
witness stand.

MR. GRANT. Repeat your question, please.

MR. GLICKSTEIN. Were any of the demonstrators protesting
about your employment practices in your store?

MAYOR GRANT. I believe they had that on the circulars that they
passed around.

MR. GLICKSTEIN. How many Negroes do you employ?

MAYOR GRANT. None.

MR. GLICKSTEIN. How many people do you employ?

MAYOR GRANT. I have three clerks, regular.

MR. GLICKSTEIN. Do you believe that a person who participates
in civil rights demonstrations is likely to make a reliable employee?

MAYOR GRANT. Some of them may and some of them may not.

MR. GLICKSTEIN. Now, you deny that you have told Negroes that
you have interviewed that they could participate in civil rights
meetings but they shouldn't demonstrate?

MAYOR GRANT. I deny that.

MR. GLICKSTEIN. Did York have a Head Start program in 1966?

MAYOR GRANT. That is correct. We did.

MR. GLICKSTEIN. Did you screen the applicants for employment
for that program?

MAYOR GRANT. I did not.

MR. GLICKSTEIN. You did not? None of the people who were subsequently employed by the OEO program were first screened by you?

MAYOR GRANT. No, they were not.

MR. GLICKSTEIN. And you didn't see their applications, you didn't communicate with any of the people making the hiring decisions?

MAYOR GRANT. I have not.

MR. GLICKSTEIN. Mayor Grant, why do you keep in your office a stack of pictures of persons who have participated in civil rights demonstrations?

MAYOR GRANT. As I stated when I was before this panel before, as mayor of the city of York, I keep a copy of every type literature that is scattered over the town, any type literature whatsoever. And when Mr. Bradley came down to my office I was trying to give him all the information that he needed for his investigation that he was making down there.

He asked me for a particular circular that I was describing and at that time I didn't have the file in the back office, and I still state that it is a stockroom. I went up and got my file and came back and laid my file down and got out what he wanted and we looked over that. Then I left the office and I came back and Mr. Bradley was sitting down and I asked him did he want to see the pictures that were in the file there. And we got them out and we discussed it.

I explained to him at that time that I did not know, I believe, any of them, or if I did it was maybe just one of the persons that was in that picture, that I had a job as mayor, that I ran a store and with my job as mayor I had the city court, that every Monday morning I have to hold court. And that if I associated names and faces then a person could not get a fair trial in my court and I have made a practice over the past 12 years of my court being a fair one.

May I have a drink of water? I am not used to all of these bright lights. It is drying me out.

MR. GLICKSTEIN. Neither are we.

You say you make a practice of not associating names with faces?

MAYOR GRANT. That's correct.

MR. GLICKSTEIN. Well, if a Negro applicant for a job in McGregor comes to your office and you have both his name and his face in front of you, and on your desk you have pictures of demonstrators, isn't that a situation in which you could very readily associate the names with the faces and the faces with names?

MAYOR GRANT. If you will remember just a moment ago I told you that when I was talking to Mr. Bradley that I had to leave the

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office back in the stockroom and go up to the front office to my
files to get the civil rights file that I had and brought it back to
the back office. That is where the file stays is in the front office.
I haven't looked at that file since the day Mr. Bradley was there.
I do not have those pictures in front of me when I am interview-
ing applicants, nor do I have it in front of me when someone comes
in and wants to charge something either.

MR. GLICKSTEIN. You don't look at them when you are review-
ing applicants?

MAYOR GRANT. That is correct.

MR. GLICKSTEIN. What factors, Mayor Grant, have you found
most persuasive in attracting industry to your area?

MAYOR GRANT. By lots of hard work and doing as much for the
company as you possibly could, and we have been very fortunate.
We have located a number of good plants there. We are right now
working on a cutting and sewing operation for female labor which
we desperately need and we hope that will work out within the
next few weeks.

MR. GLICKSTEIN. What are the major obstacles that you are
presented with when you are trying to attract industry?

MAYOR GRANT. The major obstacle is everybody else is trying
to attract them too and it is a matter of who can pay the most to
get them in.

MR. GLICKSTEIN. Do you think an industry is likely to be reluc-
tant to come to a town where there are demonstrations?

MAYOR GRANT. Well, I don't think any industry or any type busi-
ness would be induced to come to a place just because they were
having demonstrations.

MR. GLICKSTEIN. You don't think they would be—

MAYOR GRANT. I don't think it would induce them to come there.

MR. GLICKSTEIN. Do you think it would discourage them?

MAYOR GRANT. I definitely think so.

MR. GLICKSTEIN. You mentioned that you were just getting a
new company?

MAYOR GRANT. I said we are working on one. We're in the
process.

MR. GLICKSTEIN. Do you have a commitment?

MAYOR GRANT. We do not have a definite commitment.

MR. GLICKSTEIN. Have there been any other new companies that
have recently located in York?

MAYOR GRANT. We have E. J. Leveno, we have Morwood; we
have a pole yard that is located there.

MR. GLICKSTEIN. Do you take applications for these companies
too?

MAYOR GRANT. I do at times.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Are there further questions?

COMMISSIONER FREEMAN. Mayor Grant, how many Negroes live in York?

MR. GRANT. I am sorry, I don't know.

COMMISSIONER FREEMAN. How many white persons live there?

MAYOR GRANT. I don't know.

COMMISSIONER FREEMAN. Do you have pictures of all of the white people?

MAYOR GRANT. Repeat the question.

COMMISSIONER FREEMAN. Do you have pictures of all of the white people?

MAYOR GRANT. I have a picture of Mr. Bradley in my file, if that is what you are talking about.

COMMISSIONER FREEMAN. Do you consider the civil rights workers as trouble-makers?

MAYOR GRANT. Some of them are, yes.

COMMISSIONER FREEMAN. And when you talk to companies like McGregor and other industries that you are trying to attract to York do you tell them that since you are going to perform this public service of screening them that you will keep out the "trouble-makers?"

MAYOR GRANT. No, we try to keep out trouble-makers of both races. We don't want any anti's of either race in the plant.

COMMISSIONER FREEMAN. In your own operation you have been picketed, you say, but it hasn't induced you to change your employment policies, has it?

MAYOR GRANT. That's correct because I haven't needed any additional employees.

COMMISSIONER FREEMAN. What would it take to get you to employ a Negro in your store?

MAYOR GRANT. I don't know what you mean by "what would it take." Do you mean how much money you could pay me to employ one?

COMMISSIONER FREEMAN. Yes, if you were going to employ another clerk would you go to your civil rights file and eliminate all of the people whose pictures were in that file?

MAYOR GRANT. I didn't see anybody—I don't have a picture of anybody in my file, in the civil rights file that would make a clerk in my drygoods store.

COMMISSIONER FREEMAN. Nobody in that file would make a good clerk?

MAYOR GRANT. That's right.

But let me clear that further. There are plenty of Negroes in York, Alabama that would make good clerks.

COMMISSIONER FREEMAN. Are you elected by the people of York?

MAYOR GRANT. I am.

COMMISSIONER FREEMAN. You also stated I believe you are the county judge?

MAYOR GRANT. I am a city recorder of the court.

COMMISSIONER FREEMAN. City recorder?

MAYOR GRANT. Yes.

COMMISSIONER FREEMAN. During the election who conducts the election and counts the ballots?

MAYOR GRANT. Repeat the question, please.

COMMISSIONER FREEMAN. Who counts the votes?

MAYOR GRANT. Who counts the votes?

COMMISSIONER FREEMAN. Yes.

MAYOR GRANT. The people who work at the polls.

COMMISSIONER FREEMAN. Do you have anything to do with appointing them?

MAYOR GRANT. They are appointed by the—I believe it's the probate jury, or maybe it is the jury—I am not sure, but we don't do it.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN PATTERSON. Mr. Taylor, do you have any questions?

MR. TAYLOR. Just one or two questions. I believe you answered a question that Mr. Glickstein asked by saying that you had not told anybody that they could not participate in demonstrations. Is that correct?

MAYOR GRANT. That's correct.

MR. TAYLOR. Did you ever discuss the question of demonstrations with any person who was an applicant for the McGregor Company?

MAYOR GRANT. Not to my knowledge.

MR. TAYLOR. Are you saying that you don't—

MAYOR GRANT. I don't think that I ever mentioned.

MR. TAYLOR. You don't recall ever having discussed it?

MAYOR GRANT. That's correct. But I do recall of each one, telling him to put forth every effort they could if they were fortunate enough to be employed. So that they would help their race. Now, if you call that—that is what I mean, if you want to term that as a part of saying not to have part of anything—I didn't mean it that way.

MR. TAYLOR. Do you think that they might have understood that statement to mean that they should not participate in demonstrations?

MAYOR GRANT. Maybe they would. Maybe a person would. I hope that Reverend Fortner took that remark to mean that—after the statement that he made.

MR. TAYLOR. Do you give such advice to white persons who you might interview that they should take steps, they should put forth their best efforts to better themselves for their race?

MAYOR GRANT. Yes, sir.

MR. TAYLOR. You say the same thing to a white applicant?

MAYOR GRANT. At times I have taken young men that I thought

could be helped and give them the same advice, not from their race—

MR. TAYLOR. Just as individuals?

MAYOR GRANT. As individuals.

MR. TAYLOR. But with Negroes you say that they can better their race?

MAYOR GRANT. We are talking about job opportunities.

MR. TAYLOR. Right.

MAYOR GRANT. That is what we need to improve in Sumter County is job opportunities.

MR. TAYLOR. I have no further questions.

VICE CHAIRMAN PATTERSON. You are excused. Thank you. Mr. Glickstein, is this the final witness?

MR. GLICKSTEIN. Yes, sir.

The next witness is Mr. Louis Quedeweit.

VICE CHAIRMAN PATTERSON. Under the rules of the Commission the request by the witness that he not be photographed is honored. Therefore, we'll have to turn off the lights under our rules.

Is this your attorney, Mr. Quedeweit?

MR. QUEDEWEIT. This is Mr. P. H. Martin, the vice president of McGregor Printing Corporation.

VICE CHAIRMAN PATTERSON. Is Mr. Martin going to testify?

MR. QUEDEWEIT. Mr. Martin is going to testify.

(Whereupon, Mr. Louis Quedeweit and Mr. H. P. Martin were sworn by the Vice Chairman and testified as follows:)

**TESTIMONY OF MR. LOUIS QUEDEWEIT, YORK, ALABAMA
AND MR. H. P. MARTIN, WASHINGTON, D.C.**

MR. GLICKSTEIN. Would each of you please state your full name and address for the record?

MR. QUEDEWEIT. My name is Mr. Louis Quedeweit, and I am plant manager of McGregor Printing Corporation in York, Alabama.

MR. MARTIN. My name is H. P. Martin, Vice President of McGregor Printing Corporation. My address is 2121 K Street, N.W., Washington, D.C.

MR. GLICKSTEIN. Would each of you please indicate how long you have been with McGregor?

MR. QUEDEWEIT. I have been with McGregor approximately 4 years.

MR. GLICKSTEIN. Mr. Martin?

MR. MARTIN. I have been with McGregor approximately 12 to 14 years.

And, Mr. Chairman, if it please the Commission, I brought a brief prepared statement which I would like to suggest be placed

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before the Commissioners and the staff as we go along and perhaps we will facilitate the hearing at least. We have attempted to answer some of the questions that have been indicated to us by your staff.

VICE CHAIRMAN PATTERSON. Is this a brief statement, you say?

MR. MARTIN. Yes, sir.

MR. GLICKSTEIN. And do you wish it placed in the record of this hearing?

MR. MARTIN. Yes, sir.

VICE CHAIRMAN PATTERSON. Do you have any objection?

MR. GLICKSTEIN. No, Mr. Chairman.

VICE CHAIRMAN PATTERSON. It will be received.

(The document referred to was marked Exhibit No. 31 and received in evidence.)

MR. GLICKSTEIN. I will direct questions to both of you and whichever one of you chooses to answer, go right ahead.

What does the McGregor Company manufacture?

MR. MARTIN. Mr. Glickstein, in the statement that I have just passed out I will read a brief paragraph.

We manufacture and sell business forms. We sell commercially throughout the Eastern part of the United States, with emphasis on the southeastern states. We also sell to the Federal Government and are a complying company. Our ability to succeed in this highly competitive market is measured in direct proportion to the quality of our products, competitive pricing, and the service we render to customers. These products are custom manufactured to strict specifications and if rejected by customers are a total loss to our company if they are printed wrong or constructed wrong. Therefore, the productive efficiency of our York plant is vital to our continued success.

In brief that is the mission of our printing company.

MR. GLICKSTEIN. Approximately what percentage of your business is with the Federal Government?

MR. MARTIN. I would estimate between 60—could run as high as 70 percent.

MR. GLICKSTEIN. With what Government agency do you do business?

MR. MARTIN. The Government Printing Office. Actually we print forms that are used by many agencies.

MR. GLICKSTEIN. But it is the Government Printing Office with whom you negotiated the contract?

MR. MARTIN. That is right, the Government Printing Office does the buying.

MR. GLICKSTEIN. How long has your company been in Alabama?

MR. MARTIN. For just 3 years.

MR. GLICKSTEIN. And where did it move from?

MR. MARTIN. Well, this was a new plant. It was in process. Some of the equipment that we have here came from another location

which we had in Pittsburgh, Pennsylvania. Some came direct from the manufacturer. So in part it is new, the creation, and in part it was a change of location.

MR. GLICKSTEIN. Why did you establish a plant in York?

MR. MARTIN. Mr. Glickstein, this question, also, we have answered in this brief statement. It is twofold, first we believe the economic and industrial growth of the South suggests increasing market potential in the years ahead. Secondly, as to site selection, the city of York in the county of Sumter appealed to us because of the physical facilities offered and adequate labor supply, public transportation, and the local interest in bringing an industry such as ours to that community.

MR. GLICKSTEIN. Did you bring many employees with you from Pittsburgh?

MR. MARTIN. We brought eight employees with us.

MR. GLICKSTEIN. Eighty?

MR. MARTIN. Eight.

MR. GLICKSTEIN. Eight?

MR. MARTIN. Yes, sir.

MR. GLICKSTEIN. From where were the rest hired?

MR. MARTIN. For the most part they have been hired locally. This, of course, is what we prefer. Not having found skilled people in our industry available locally, we have brought a few skilled people in from other areas, from neighboring States to northern States. But when there is a skilled shortage we have no way of selecting the area from which we might acquire them.

MR. GLICKSTEIN. But most of your employees have been hired in Sumter County?

MR. MARTIN. That is correct, sir.

MR. GLICKSTEIN. If I am not mistaken, the population of Sumter County is about 70 percent Negro?

MR. MARTIN. Well, I believe, this is my understanding, yes, sir.

MR. GLICKSTEIN. Are your skilled and semi-skilled employees required to have a high school degree?

MR. MARTIN. Mr. Glickstein, again, if you will turn to Page 4 of the brief statement I just passed out you will find the qualifications enumerated for unskilled jobs, semi-skilled jobs and skilled jobs. If you would like I would be happy to read those at this time.

MR. GLICKSTEIN. Well, in general, you can answer that question generally. Are the employees required to have a high school degree?

MR. MARTIN. In general, not. For the skilled jobs we seek them within practical limitations. We would like to have them have a high school education for the skilled jobs. And for the reasons that I have stated in the brief statement—and I would like to read this because I think it explains why some of these requirements—it says: "We have no fixed minimum educational requirement for

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MR. GLICKSTEIN. Do employees have to take tests? Do you give a test?

MR. MARTIN. No, we have no tests.

MR. GLICKSTEIN. How were applications for employment at your company made when you moved to York?

MR. MARTIN. Mr. Glickstein, if you will turn, if you please, to Page 2 of the brief statement I have just handed out. You will find this explanation:

The imminence of job opportunities at our plant was publicized in the local newspapers and by word of mouth when it was announced that we would locate a plant in York. While the physical facilities were under construction all persons interested in employment by our company were invited to make application at the York Chamber of Commerce. Volunteer local citizens, working at the Chamber of Commerce Building, accepted applications and did the initial interviewing of applicants. From this group of applicants our company selected the names of applicants appearing from the record to possess the qualifications needed for the specific job openings.

I might add here parenthetically that these applications gave no indication of the race, creed, or color of the applicants as we would review them to select those that appear from their qualifications stated on the application to qualify for the positions. So we had no consideration, no insight into that situation as we did it. The ones selected—well, this continued—

MR. GLICKSTEIN. Was Mayor Grant one of the leading citizens that took applications for you?

MR. MARTIN. I don't frankly recall whether he was or not. I doubt it seriously because we were in the throes of building a physical plant and Mayor Grant was tied up, I know, with a lot of things, getting water, public utilities to it and so on, and by and large it was volunteers, many ladies and men. I really don't know because we as a company were not there and participating either.

MR. GLICKSTEIN. When you actually began hiring people did Mayor Grant screen the applicants for you?

MR. MARTIN. Initially I think he screened some. But there were a number of people, because keep in mind we were on the verge of employing, beginning employment, and employing more people

in a shorter period of time than is now the case. We are now employing essentially to fill vacancies caused by turnover and slow growth, if you will, so the job of supplying us with an adequate number of applicants was a sizable one in the beginning. And we were totally unequipped to deal with this ourselves being strangers in this community. So I don't know if I answered your question, but, I answered nearly as I can. I know a number of people——

MR. GLICKSTEIN. A number of people did participate in screening applicants?

MR. MARTIN. Yes, Mr. Glickstein.

I want to say again what I said in executive session the other day. I would like to explain what we mean by screening. As indicated in this statement that I have just handed you for the record. To us the word "screening" is perhaps a little loose. Actually what we seek from Mayor Grant is an advisory evaluation of the applicant's potential, ability, and character, and so on. This is what we asked for. Not a screening in the literal sense. He does not literally screen out applications.

MR. GLICKSTEIN. He doesn't evaluate the qualifications of the people to do the work as such?

MR. MARTIN. Well, he gives them a rating on ability and character and something else.

MR. GLICKSTEIN. Do all the members of the committee or the community that screened applicants for you, does all of this go through Mayor Grant before it comes to you?

MR. MARTIN. Let me explain it this way, let's assume that we have two jobs open tomorrow. We go through the applications that we have at our plant, as I have indicated earlier, and select those that indicate the qualifications needed.

MR. GLICKSTEIN. Before those applications had come to you had they been screened by a member of the community?

MR. MARTIN. Initially. This screening was done before they came to us, as I indicated when they took them by the hundreds, literally, and it took a number of people working at the Chamber of Commerce voluntarily to do this, to offer us a reservoir or a group of applications from which we could select those——

MR. GLICKSTEIN. And this number of people also used a rating system like Mayor Grant does?

MR. MARTIN. Well, it wasn't as sophisticated as it is today, I will be honest, because we had too many people that were new, and so I wouldn't go so far as to say it was the same, although we had the same blocks. Some might use 1, 2, 3, 4. Some might say Fair, Good, or Excellent.

MR. GLICKSTEIN. Are all persons who today want to apply for employment with your company required to have their applications first screened by Mayor Grant?

MR. MARTIN. No, sir, we take applications at our plant. Mayor

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Grant doesn't get them unless somebody chooses to go to him. I
 am sure that he would accommodate them in passing out an ap-
 plication form. But anyone writing to us or coming to our plant
 are furnished applications and given a place where they can sit
 down and fill them out there or take them home and fill them out
 and bring them back, or mail them back to us. They are routinely
 accepted by a receptionist and put in this backlog that I spoke of.

MR. GLICKSTEIN. Before you evaluate those applications it is
 not necessary to have them screened by any member of the local
 community?

MR. MARTIN. I think we got off before I finished. When we go
 through them and have a job, we go through and let's say we
 select three applications in that file appearing from the records
 to be qualified for the job opening that we have, whether it be
 in a skilled or semi-skilled category. We then send those to Mayor
 Grant and only those three that we have selected. And again
 these—we have no insight into whether they are white or col-
 ored. We send them to him and receive all three of them back
 with his advisory evaluation indicated thereon. At this point we
 call them into our plant for a personal interview at which we dis-
 cuss with them and try to judge more accurately their qualifica-
 tions for the specific job that we have.

That is in a nutshell the process.

MR. GLICKSTEIN. Have you given Mayor Grant any instructions
 as to what standards he should apply in evaluating people for
 you?

MR. MARTIN. We have given him no definitive ones in the sense
 of job qualifications. He gives us an advisory evaluation on their
 ability. If an applicant has a work record, or he has some basis
 for it, yes, he will give it to us. In effect, their work record is
 what we are talking about. The normal functions that——

MR. GLICKSTEIN. You say that you give Mayor Grant no defini-
 tive instructions. What sort of general instructions do you give
 him as to what standards to apply in evaluating applications?

MR. MARTIN. The same standards that we have indicated here
 in this brief statement. I did read the qualifications for skilled
 jobs. Coming down the line I would like to read if I may for
 semi-skilled jobs.

We have no fixed minimum educational requirement but seek,
 insofar as possible, applicants with a 10th grade education or its
 equivalent. Employees in these jobs must possess indications of
 probable moral integrity and trustworthiness, responsible attend-
 ance record, mental alertness, dexterity of the hands, the ability
 to count accurately, read and add figures, read and understand
 written matter, and the capacity to learn from on-the-job training.

MR. GLICKSTEIN. Those are the things that Mayor Grant evalu-
 ates also?

MR. MARTIN. No, sir. Mayor Grant evaluates—gives us his

opinion of the person's character, reputation in this area, you know, by his numerical rating of the character, the neatness or appearance of the individual and the ability. It is not for our job because he doesn't really know. When he does this, he doesn't know what job in our plant we are considering for this employee. So far as he is concerned the qualifications required are the same for all of them.

MR. GLICKSTEIN. Yesterday, Mr. Martin, we heard testimony from a company personnel manager who testified that his company refused to sign a civil rights assurance which would have resulted in the county in which his plant being located obtaining \$5 million of Federal funds to build a bridge because the company was afraid if they signed the civil rights assurance the Federal Government would be interfering with their hiring practices. Now you, on the other hand, do not seem to share concern about sharing your hiring decisions with a public official. You seem to appreciate the assistance and cooperation of a public official in making management decisions?

MR. MARTIN. No, sir, Mr. Glickstein, that is not the case at all. Mayor Grant, and I believe he so stated, but I would like to state without reservation, he has not and never has had authority to employ or to prevent the employment of anybody at our plant.

MR. GLICKSTEIN. We understand that, Mr. Martin.

MR. MARTIN. We don't share our management responsibilities with him.

MR. GLICKSTEIN. Has Mayor Grant ever given a person a low rating that you hired?

MR. MARTIN. I think he probably has, yes.

MR. GLICKSTEIN. He has?

MR. MARTIN. I would say chances are, because he doesn't give them all Excellent, I can tell you that.

MR. GLICKSTEIN. Has he ever written No, or Unsatisfactory on an application of a person that you hired?

MR. MARTIN. I don't recall that he has. He has given them a low rating and we would usually find out what the background is, and we have rejected applicants, both white and Negro, on these grounds.

MR. GLICKSTEIN. Have you ever hired a person that Mayor Grant gave a low rating to?

MR. MARTIN. I would imagine that we have. I don't obviously have all of these statistics available.

MR. GLICKSTEIN. You are located in Washington, aren't you?

MR. MARTIN. Yes, sir, I am vice president of the company, but I spend a lot of time—in the initial days I spent practically full-time here.

MR. GLICKSTEIN. Mr. Quedeweit, you are on the scene all of the time, aren't you?

MR. QUEDEWEIT. Yes.

MR. GLICKSTEIN. Have you ever hired a person that Mayor Grant gave a low rating to?

MR. QUEDEWEIT. I believe I have.

MR. GLICKSTEIN. You have? Would you have the person's application on file at this time, his personnel folder?

MR. QUEDEWEIT. I think possibly we would have. I don't know whether we still have them in the employ of the company.

MR. GLICKSTEIN. Would you be willing to check your files for this Commission and let us see some personnel files that you are employing people that Mayor Grant gave a low rating to?

MR. QUEDEWEIT. We would have to check through and see if we have them.

MR. GLICKSTEIN. Would you do that and see?

MR. MARTIN. May I suggest that we will advise you—take a look at the records and be in touch with you the next few days.

MR. GLICKSTEIN. Mr. Quedeweit, was Mayor Grant ever told that you weren't interested in hiring persons that participated in civil rights activities?

MR. QUEDEWEIT. Have we ever told him this?

MR. GLICKSTEIN. Have you ever told Mayor Grant that the company was not interested in hiring persons that participated in civil rights activities?

MR. MARTIN. Mr. Glickstein, may I take this question please? Quite the contrary.

MR. GLICKSTEIN. Mr. Martin, if I may say, Mr. Quedeweit is under subpena. He is on the scene all the time. He is the plant manager, and I think we would be interested in hearing some of his responses, as well as yours. We are extending a courtesy to you to permit you to appear with him. I think you ought to allow Mr. Quedeweit a chance to respond to some of these questions.

MR. MARTIN. Well, it isn't that I object, Mr. Glickstein. Very well. Proceed.

MR. QUEDEWEIT. This we have never told Mayor Grant.

MR. GLICKSTEIN. You have never told Mayor Grant that you object to hiring people that participate in civil rights activities? Have you ever told Mayor Grant that you object to hiring people who participate in civil rights demonstrations?

MR. QUEDEWEIT. Mayor Grant and I never discussed this subject.

MR. GLICKSTEIN. Is participating in civil rights activities including peaceful demonstration a bar to employment at your company?

MR. QUEDEWEIT. I don't think I quite understand your question.

MR. GLICKSTEIN. If you know that an employee who is applying to you for employment is an active participant in civil rights activities or has participated in demonstrations would that be a bar to employment?

MR. QUEDEWEIT. As long as they are peaceful demonstrations

we have no objection to what the individual did.

MR. GLICKSTEIN. What do you mean by a peaceful demonstration? Picketing?

MR. QUEDEWEIT. Picketing.

MR. GLICKSTEIN. Marching?

MR. QUEDEWEIT. Marching.

MR. GLICKSTEIN. Have you ever told employees that you did not believe persons should demonstrate?

MR. QUEDEWEIT. I never have. I never discussed this with an employee.

MR. GLICKSTEIN. You never discussed that with Reverend Fortner?

MR. QUEDEWEIT. I never did.

MR. GLICKSTEIN. You never told Reverend Fortner that you didn't want him to march?

MR. QUEDEWEIT. I never discussed civil rights with Reverend Fortner.

MR. MARTIN. Until a week ago last Thursday, may I just remind Mr. Quedeweit that I was there and a conversation did take place. If I may, I will comment on it a little later.

MR. QUEDEWEIT. This I am talking about in the initial interview with Reverend Fortner. I never discussed this with him, never until we were informed by you people, until he came and talked to us when he was subpoenaed.

MR. GLICKSTEIN. The import of what you are saying is that either you or Reverend Fortner is committing perjury. Is that correct?

MR. QUEDEWEIT. I am not stating that Reverend Fortner is committing perjury, I am just stating that I think Reverend Fortner is confused in what he is stating.

MR. GLICKSTEIN. When he was initially hired you initially interviewed him. You didn't say anything to him about civil rights activities?

MR. QUEDEWEIT. I did not.

MR. GLICKSTEIN. Were you aware when you requested the mayor to screen your applications that his store had been picketed by persons protesting the failure of this store to hire Negroes?

MR. QUEDEWEIT. I was not.

MR. GLICKSTEIN. Does your company as a Government contractor have an affirmative action program to employ members of minority groups?

MR. MARTIN. The answer to that, Mr. Glickstein, is that we do have an affirmative program and it is best manifested in our actions, which—

MR. GLICKSTEIN. Is that a program that has been submitted in writing to the Government Printing Office?

MR. MARTIN. No, sir.

MR. GLICKSTEIN. Have you been visited? Has your plant been

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sited? Has your plant been

checked for compliance by the Government Printing Office?

MR. MARTIN. Yes, it has.

MR. GLICKSTEIN. They had people there that checked over your employment situation?

MR. MARTIN. Well, they have had people there checking our entire plant and on three different occasions, I believe, and in the 3 years that we have been there. And, yes, we have been complimented on our total operation with no real discussion because they themselves see when they are there and going through, how our people—we do have total integration, that the whites and the colored work side by side.

MR. GLICKSTEIN. Do you have two men's rooms and two ladies' rooms?

MR. MARTIN. Yes, sir.

MR. GLICKSTEIN. The people from GPO that inspected your plant didn't object to that?

MR. MARTIN. They didn't object to it to my knowledge, no, sir, but they are not separate, Mr. Glickstein, by race. If there is a separation by the people, it is by choice. Now, Mr. Bradley told me when he was there that he had been told by one of our employees that in practice the colored people use one bathroom and the whites use another and that he had, this employee had asked one of his co-workers who had apparently told him that he was supposed to use a different one. He said, however, that he had asked his foreman who is management and responsible for carrying out our policies, and was told that he could use either one he chooses to use.

MR. GLICKSTEIN. But you say that the segregation might occur by custom?

MR. MARTIN. I beg your pardon?

MR. GLICKSTEIN. You say this separation might occur by custom?

MR. MARTIN. I say that I am informed that it has. I do not know that from my own knowledge.

MR. GLICKSTEIN. Are you aware that Government contractors are subject to this specific regulation: "In order to comply with his obligation under the equal opportunity clause; a prime contractor or a subcontractor must insure that facilities provided for employees are provided in such a manner that segregation on the basis of race, creed, color, or national origin cannot result; he may neither require such segregated use by written or oral policies, nor tolerate such use by employee custom."?

Are you obeying that order?

MR. MARTIN. Mr. Glickstein, we are not telling either the blacks or the whites which one—

MR. GLICKSTEIN. That order says you must, that order says you must as a Government contractor.

MR. MARTIN. Well, I have not—we as a company have not done

that, we have answered every question that has been put to us, that they can use any bathroom, or not bathroom—any wash-room of their choosing. This we have done. We have not—

MR. GLICKSTEIN. Why do you have two restrooms? Why do you have two men's rooms and two ladies' rooms?

MR. MARTIN. I honestly don't know. This building was planned by different people, in the process of being constructed, and we did approve the plans with no consciousness of the fact that there was a partition between the two, I will tell you. We haven't investigated very deeply. We did think about it in terms of whether we should remove the partition after this question was raised with us. But as it happens, the urinals and the commodes, the piping come down on this one wall separating and they are back to back, so it would be quite a major operation to remove those walls.

Actually, I might describe this, when you leave the plant and go into the men's room you have one entrance off of it, with one enclosure and they go to the two doors on the two sides. So as you leave the plant you go through one door, not two. But after you go out of the plant and into the men's room, you do find two doors there and both of them have the word, "Gentlemen" above it.

MR. GLICKSTEIN. When was your plant constructed?

MR. MARTIN. In 1965.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Are there any questions?

COMMISSIONER FREEMAN. Mr. Martin and Mr. Quedewit, since you now know that the segregated restroom facilities are in violation will you consider closing one of them?

MR. MARTIN. Mrs. Freeman, I am not ready to concede that we are in violation because of a specific policy of integrating and informing the people who have any question that they may use either one they choose. So I just am not prepared to concede on our behalf at the present time that we are in violation of this provision that you speak of.

COMMISSIONER FREEMAN. Have you yourself personally told each employee that he or she may use any one he or she chooses?

MR. MARTIN. The only employee that has ever approached me on this subject was Reverend Fortner last Thursday, a week ago tomorrow.

COMMISSIONER FREEMAN. So you haven't told them all?

MR. MARTIN. I have not told them all, I haven't told them anything. They are there with the word, "Gentlemen" written over them and we don't literally show them their way to the wash room, this is true.

COMMISSIONER FREEMAN. We would suggest that you are not in compliance in this regard.

With respect to Mayor Grant's operations, Mr. Quedewit, I believe, indicated that he was not aware that Mayor Grant was

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operations, Mr. Quedewit, ware that Mayor Grant was

the subject of protest alleging that he himself was denying employment opportunities to Negroes. Does this not raise some question in your mind about the competence of Mayor Grant to screen the employees for a Government contractor?

MR. MARTIN. No, quite frankly it hasn't. I think that in all of our dealings with Mayor Grant and we have told him from the day we came there as well as the Chamber of Commerce, the county commissioners that we would have an integrated plant, that we would employ on an equal basis without discrimination, and that we would work the people side by side and in the same kinds of jobs, give them the same opportunity, and pay them for the same kind of work. This we have done.

Now, Mayor Grant and the people in Sumter County supported us. They wanted our business in there, yes, but I can truthfully say that we have not been frustrated or interfered with in going ahead with this positive approach to opening our business and managing it and running it officially in Sumter County. We have had the cooperation of all the people. And Mayor Grant knows that we don't discriminate because of race, creed, or color, or because we don't know whether the people are activists, I believe was the word used in the notice to us. We have no way of knowing this, nor could we really care less because we are interested in their job qualifications, the application to their jobs with our company.

We don't try to monitor their conduct. In fact, our people live in, I guess, in several different counties. They commute from as far as 30 or 40 miles, many of them. So we have no way and make no effort to, Mrs. Freeman.

COMMISSIONER FREEMAN. Since you have delegated him as your personnel manager, would it not be appropriate for you to look at his own operation?

MR. MARTIN. Well, in the first place, we haven't delegated any personnel management responsibilities to Mayor Grant.

COMMISSIONER FREEMAN. The hiring or the screening?

MR. MARTIN. No, just the advisory evaluations.

I indicated earlier that he has no authority whatsoever to either hire, fire, discipline, or otherwise influence the work of an employee of ours.

COMMISSIONER FREEMAN. You are saying then that there is no question in your mind concerning whether this is a fair operation or not?

MR. MARTIN. No ma'am, there is no question whatsoever.

COMMISSIONER FREEMAN. Thank you.

MR. TAYLOR. One further question.

Do I understand your testimony, both of you, to be today that whatever is the dispute about the past that you are giving clear assurance today that no employee of yours will be penalized for engaging in any peaceful demonstration to assert his rights, that

he will not be penalized by the company and the company will exercise due regard to see that his rights are protected when he's on company property, and in his capacity as an employee? Would that be a correct statement of your position?

MR. MARTIN. It is a correct statement. But it is not—I don't want it to be construed as a new policy or a new pledge, Mr. Taylor. We have had this policy since we opened the doors at our plant. And we have done this, and we have told Reverend Fortner as late as a week ago tomorrow when he came to our office, exactly that.

MR. TAYLOR. But I didn't ask about the past. There seems to be a dispute in testimony about what existed in the past. I am not evaluating that. All I am asking is whether you are giving a clear assurance today to all of your employees?

MR. MARTIN. Any of those present, I recognize only one, Reverend Fortner, he has already been told in person, and I restate it today, he has no fear about coming here and participating or in participating in any peaceful demonstration or whatever he wants to do as long as it doesn't get, as said to Mr. Bradley, the one limitation, if it goes to the extreme of lawlessness and rioting and arson. Of course we would take note of this.

MR. TAYLOR. Mr. Quedeweit, do you concur? Is that a statement of your position, also?

MR. QUEDEWEIT. That's correct.

MR. TAYLOR. You say that is correct?

MR. QUEDEWEIT. That is correct.

MR. TAYLOR. I have no further questions.

VICE CHAIRMAN PATTERSON. Thank you, Mr. Quedeweit and Mr. Martin. You are excused.

This hearing will resume at 9 o'clock in the morning and terminate at 12:45 p.m. tomorrow. It stands in recess.

(Whereupon, at 7 p.m., the hearing was recessed.)

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Thank you, Mr. Quedewit and

Thank you in the morning and termi-
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(The session was recessed.)

U.S. COMMISSION ON CIVIL RIGHTS

MORNING SESSION

THURSDAY, MAY 2, 1968

VICE CHAIRMAN PATTERSON. The meeting of the United States Commission on Civil Rights will come to order.

Mr. Glickstein, will you call the first witness, please.

MR. GLICKSTEIN. The first witness is Mr. Lewis Black.

(Whereupon, Mr. Lewis Black was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF MR. LEWIS BLACK, GREENSBORO, ALABAMA

MR. GLICKSTEIN. Mr. Black, would you please state your full name and address for the record?

MR. BLACK. My name is Lewis Black, 20 Washington Street, Greensboro, Alabama. I am employed by the Alabama Council on Human Relations, the director of the Rural Advancement Project.

MR. GLICKSTEIN. Where were you born, Mr. Black?

MR. BLACK. I was born in Beatrice, Alabama, in Monroe County.

MR. GLICKSTEIN. What is your educational background?

MR. BLACK. I attended elementary and high school in Beatrice, Alabama. I studied at Alabama State College in Montgomery. I completed my educational training there with a major in mathematics and a minor in music. I have had 16 years experience of teaching in the public schools of Alabama.

MR. GLICKSTEIN. Now you mentioned that you are a director of the Alabama Council of Human Relations, in the Rural Advancement Project?

MR. BLACK. I am director of the Rural Advancement Project of the Alabama Council on Human Relations.

MR. GLICKSTEIN. Would you explain what that project is to the Commissioners, please?

MR. BLACK. The Alabama Council on Human Relations is the oldest integrated organization in the State of Alabama. For years the Alabama Council on Human Relations spent a deal of its time trying to just communicate with the two races together. They were considered years ago as a militant group. As the time changed the Alabama Council received some funds from the

Southern Regional Council, and they were wondering what to do with it. So they decided to hire another staff person to help in the rural areas since the Council had not been working in the rural area. They decided to see what they could do to offer a staff personnel to help develop some of the rural aspects of our program for the enrichment of livelihood, among low-income people, particularly Negroes.

MR. GLICKSTEIN. This is a project that is directed toward the rural areas, is that correct?

MR. BLACK. That is right.

MR. GLICKSTEIN. What do you view as the greatest needs for Negro poor in your county, and I believe your county is Hale County. Is that correct?

MR. BLACK. That is right.

MR. GLICKSTEIN. But this project operates statewide?

MR. BLACK. Statewide, right.

MR. GLICKSTEIN. What do you view as the greatest needs in your county and statewide for rural poor?

MR. BLACK. Well, Hale County is typical of several counties in Alabama, Mississippi, and Georgia. I view that Hale County like all other counties, or places where they have several poor people, the curriculum of education has not done much to help the social, economical status of these people. We have primarily educational programs to gain some literacy of people without giving regards to the practical side of the educational value to fit the solution. Another thing, we have not educated people as to the use and services that various agencies that we have in the community can be of service to them. So these people need this type of education.

MR. GLICKSTEIN. You mean that there are people in the community who would be eligible for services by the various agencies and they are just not aware that those services are available to them?

MR. BLACK. That is true. But there is another point that the awareness of the services that these people can receive from these agencies have been systematically kept from these people because of this bureaucracy that everything comes through these same power structure folks, and when I say power structure folks it may be the banker, or it may be the person in the extension agency, it might be the person who is FHA supervisor, it might be the mayor of the town, or it could be the judge or city councilmen as the case might be.

MR. GLICKSTEIN. In addition to the information type programs that you have just described in your efforts to upgrade the literacy of people, are you doing anything to help persons to develop skills that aid them in obtaining employment?

MR. BLACK. We have worked with several groups in organizing cooperatives. And the largest one of these was the Southwest

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Alabama Farmers Cooperative of which you have already had testimony from. We were coordinators, at least I was one of the coordinators, in helping to organize the Southwest Alabama Farmers Cooperative, which has many possibilities in helping low-income people to achieve socioeconomic status. We have—

MR. GLICKSTEIN. Mr. Black, may I just interrupt you very briefly. You said that the purpose of this cooperative is to help people achieve social and economic status. In what way do you think that the co-ops will help people to achieve social status? We understand how they achieve economic status; they make more money through this.

MR. BLACK. Well, as little as a person might think of it, we had very little communication massly, with any of the businessmen of the white people in the communities on a business or principle standpoint. But we could obtain a social status, and it is hard to divide between a social and an economic status because if you didn't climb in one you couldn't climb in the other one. But they have the bargaining power as a group of people would help us in our social status to set up an educational program primarily to educate people on new techniques of farming could help us in a social status by using the institution such as Auburn Polytechnic Institute and other schools, of course they called it Auburn Polytechnic, rather Auburn University, now. So these are the ways that you can help the social stability.

MR. GLICKSTEIN. Would you tell us about some of the other co-ops that you have been involved with?

MR. BLACK. I have been involved with helping to organize some seven credit unions and I have been involved in helping to organize supermarkets, sewing factories, and I have given advice to people who have organized quilting bees and other cooperatives.

MR. GLICKSTEIN. What is the sewing factory called? Does it have a name?

MR. BLACK. It is the Greene-Hale Sewing Cooperative. The Greene-Hale Sewing Cooperative comprised of a group of ladies from Hale County and Greene County who have, by virtue of the location where they live, and the farmers being of low-income people they have never received an income to exceed that of \$15 a week, because most of the people still paying maids from \$10 to \$15 a week. These ladies came together and decided that they wanted to do something to help themselves, so they started in this venture of a sewing enterprise to start.

MR. GLICKSTEIN. About how many people do you have as members in this?

MR. BLACK. We have a total membership of about 38, with 28 taking training to sew, with 28 being machine operators, and 10 other persons involved who serve on the board, and in other capacities.

MR. GLICKSTEIN. And are the people taking training learning skills?

MR. BLACK. I think they are grasping skills very well. They have come all the way from making one garment a day to making 494 garments a day.

MR. GLICKSTEIN. Who funds this project?

MR. BLACK. We don't have any funds available. We have received some assistance, about \$700 from the Southern Regional Council. We borrowed \$2,000 from the Bank of Moundville. We borrowed roughly \$500 from the American Friends; at least they gave us \$500, the Sharecroppers Fund gave us \$1,000, and this is just about all that we have gotten funds for this organization.

MR. GLICKSTEIN. Have you been selling what you have been producing?

MR. BLACK. We have sold the garments that we have produced. We have about 390 dozen of shirts that we made that we haven't been paid for, but other than that we have sold all the other garments we made.

MR. GLICKSTEIN. Let me ask you a question that follows up on one I asked you a little while ago. Do you think that participation in cooperatives such as SWAFCA and Greene-Hale Sewing Cooperative has advantages for people other than economic advantage, that it does something for them as people?

MR. BLACK. I think there are many advantages. One of the advantages, and the whole cooperative idea, is that the emphasis is put on people. When you set up corporations, the main emphasis is put on money, the capital outlay that people have. But when you set up a cooperative, the main emphasis is put on people.

The other important advantage of it is that people have a democratic right to choose the people that are going to represent them on the board and on the staff, as well as the officials. In a cooperative, you have only one vote per member, irregardless to how many shares that member might hold in a cooperative that has shares. So this is an advantage. But more than that, you give low-income people the opportunity to bond their resources together in order to help one another and take an active part in the community. Some of these members of cooperatives that we have organized have never had the opportunity to participate in any community endeavor. So this gives them the right to feel a part of sharing in the governing of their community in a small way.

Another thing, it is educational to them, these board members, in that they will learn how to manage the operation of personnel and manage money. And so these are some of the things that people can get from working with the cooperative as I see it.

MR. GLICKSTEIN. Does the cooperative movement as you have described it also have political ramifications?

MR. BLACK. Well, yes. Anything that you have is political, whether or not people want to admit it, but the mere idea of

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them voting one vote per person to vote for a candidate in his particular cooperative has some politics within it. Because from the standpoint of being partisan politics, it is not that because it doesn't have any party.

MR. GLICKSTEIN. Do you think the people, when they become members of cooperatives and become active in cooperatives, tend to become more active politically?

MR. BLACK. Surely they can.

MR. GLICKSTEIN. Mr. Black, do you think that the cooperative movement is going to have a significant impact on the economic well-being of the rural poor, or is this just a way to help people make a go of it, or to subsist for temporary periods of time?

MR. BLACK. Well, whether it is going to be for a temporary period of time or for a long period of time I think it helps people for economical growth. I think it helps them educationally because if people can move out of cooperatives into corporations, then they show some growth that these people have had economically.

If these people can move into a cooperative and then move out and be self-sustaining or getting sufficient enough to take care of their personal needs, then it shows the cooperative has done a lot.

One person told me the cooperative is going to vanish out. I told him that in my opinion I see the cooperative as an insurance that it protects you as long as you are in it and if it does just that, if the cooperative fades out tomorrow, then it has done some good.

MR. GLICKSTEIN. So then what you are saying is that you can't really evaluate the Greene-Hale Sewing Cooperative, for example, on the basis of what people are earning each week. There are other factors as well.

MR. BLACK. That's right.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mrs. Freeman, do you have any questions?

COMMISSIONER FREEMAN. Mr. Black, I would like to ask you one or two questions concerning the Greene-Hale Sewing Cooperative.

Am I right in the impression that the persons who are being trained as sewing machine operators are trained either to produce goods for the cooperative, or to become employees of some of the other industries in the community? Is that correct?

MR. BLACK. Now the people who are being trained in the Greene-Hale Sewing Cooperative are owners of their cooperative and they are being trained to produce goods, to manufacture goods for marketing for their well-being. But they are employees of themselves, or for themselves, because they are the one who owns the cooperative.

COMMISSIONER FREEMAN. It seems to me that this is an excellent potential. Have you considered some of the Federal programs that will give technical assistance to enable the cooperative to grow and to make better marketing facilities available?

There are such provisions I believe being made available even through the Department of Commerce. Has that been explored at all?

MR. BLACK. We have written proposals to several agencies and foundations, and the only thing that we have received from them is that they are just considering, that they are looking at it.

But it is difficult for real—when I say “real,” I mean low-income—people to get money from Government agencies, or any other agency, because people have got to see some feasibility there in a project before they put money in it.

So these ladies have to start somewhere to show that they have the skills and the techniques to show this thing as being feasible.

COMMISSIONER FREEMAN. Have the garments which they have manufactured been sold to many people?

MR. BLACK. Well, we have been able to ship out everything that we have made. The garment industrial, the way we work it, we get contracts from people and sew for them. Right now we are negotiating a contract in New York.

COMMISSIONER FREEMAN. With a company?

MR. BLACK. L. B. Meyers, yes.

COMMISSIONER FREEMAN. Well, I certainly hope that you get it.

MR. BLACK. I think it is going to work through all right.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN PATTERSON. Mr. Taylor, do you have any questions of the witness?

MR. TAYLOR. No, sir. I appreciate his testimony and I have no questions.

VICE CHAIRMAN PATTERSON. Mr. Black, thank you very much for coming. You are excused. Would Counsel call the next witness, please?

MR. GLICKSTEIN. The next witness is Mr. Frank Parker who is an attorney on the staff of this Commission.

(Whereupon, Mr. Frank Parker was sworn by the Vice Chairman and testified as follows:)

**TESTIMONY OF MR. FRANK PARKER, ATTORNEY,
U.S. COMMISSION ON CIVIL RIGHTS**

MR. GLICKSTEIN. Mr. Parker, I show you a copy of a report entitled “Staff Report, Voting and Political Participation by Blacks in the 16 Alabama Hearing Counties.”

Did you participate in the preparation of this report?

MR. PARKER. I did.

MR. GLICKSTEIN. Will you please summarize this report for the Commission?

MR. PARKER. I will.

Prior to the passage of the Voting Rights Act of 1965, discrimination in voter registration effectively denied to the black residents of the hearing area any voice in the political process. After the passage of the Voting Rights Act, however, nine of the 16 hearing counties were designated for Federal examiners, and voter registration tests were suspended in all of the counties with the result that 61,947 or 60.5 percent of the voting-age Negroes in the hearing area are now registered to vote.

Negroes make up only 37.9 percent of the total number of registered voters in the area, however, and registration remains relatively low in three of the hearing counties. More than one-fifth of the registered Negroes in the State are registered in the counties within the hearing area.

The tremendous increase in Negro registration has been accompanied by unprecedented political activity by Negroes in the area. Almost two-thirds of the Negro candidates seeking State and county office in Alabama in 1966 ran for positions in counties encompassed within the hearing area. Despite heavy Negro registration, however, few Negro candidates have been elected.

Of the 63 Negro candidates to run for county and State office in the primary and general elections in 1966, only five were successful. Three of the five were elected in Macon County, where Negroes have been active politically for several years.

Thus Negroes running for county and State office in the hearing area in 1966 were defeated by a ratio of 12 to one. No Negroes have been elected to the State legislature and only one Negro candidate for sheriff won office. Whites residing in these counties have attempted to frustrate the achievement of the goals of the Voting Rights Act through racial discrimination in the electoral process and through election contrivance, designed to prevent the black candidates from winning and to weaken the voting power of black voters.

Such discrimination and contrivances have included racial gerrymandering of State legislative districts, extending the term of office of incumbent white officials, exclusion and interference with black poll watchers, refusing to provide or allow adequate assistance to illiterate black voters, discriminatory purging of or failure to purge voter lists, discrimination in the selection of election officials, withholding information about elective office, disqualification of ballots cast by black voters on technical grounds, and harassment of black voters, poll watchers, and campaign workers.

An additional and perhaps more significant barrier to free and equal political participation by blacks in the Alabama Black Belt has been the pattern of economic dependence upon whites for

land, credit, and jobs. Even if the Voting Rights Act were enforced to the letter in these counties, there is evidence that this dependence would still keep many black voters from registering to vote, from voting for candidates of their choice and from running for elective office.

VICE CHAIRMAN PATTERSON. Does that conclude your testimony?

MR. PARKER. Yes, sir.

VICE CHAIRMAN PATTERSON. Thank you. You are excused.

MR. GLICKSTEIN. May we introduce into the record the report that Mr. Parker has summarized?

VICE CHAIRMAN PATTERSON. It is received.

(The document referred to was marked Exhibit No. 32 and received in evidence.)

VICE CHAIRMAN PATTERSON. Would Counsel call the next witness, please?

MR. GLICKSTEIN. The next witness is Mr. John Hulett.

(Whereupon, Mr. John Hulett was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF MR. JOHN HULETT, HAYNEVILLE, ALABAMA

MR. GLICKSTEIN. Mr. Hulett, would you please state your full name and address for the record?

MR. HULETT. I am John Hulett, Route 1, Box 125, Hayneville, Alabama.

MR. GLICKSTEIN. Is that in Lowndes County?

MR. HULETT. Lowndes County.

MR. GLICKSTEIN. Have you been active in political organizations in Lowndes County?

MR. HULETT. Yes, I have.

MR. GLICKSTEIN. In what way, in what capacity?

MR. HULETT. I have served as chairman of the Lowndes County Freedom Organization, Freedom Party now.

MR. GLICKSTEIN. What sort of an organization is that?

MR. HULETT. This is an all-black political party, is what it is. It is separate from the Democratic and Republican Party. We organized our independent political party, that's what it actually is.

MR. GLICKSTEIN. The staff report that we just heard indicates that since the passage of the Voting Rights Act, there has been a great increase in the number of Negro registered voters. What has been the most important factor in getting Negroes to register to vote in Lowndes County?

MR. HULETT. What has been the most important factor?

MR. GLICKSTEIN. That's right. Was it the Voting Rights Act of 1965?

MR. HULETT. Yes, it was because previous to that time we only

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had a small number of people who had registered to vote under
the county registrars.

MR. GLICKSTEIN. And after the Voting Rights Act people were
able to come in?

MR. HULETT. People came in to register because of that in large
numbers.

MR. GLICKSTEIN. Lowndes County was one of the counties that
had a Federal voting examiner?

MR. HULETT. Yes, they did have a Federal examiner there.

MR. GLICKSTEIN. Did most of the Negroes that registered to
vote after the passage of the Voting Rights Act do so through the
Federal voting examiner or through the local registrar?

MR. HULETT. At least 90 percent of the people who registered
registered under the Federal registrars after the Voting Rights
Act.

MR. GLICKSTEIN. Mr. Hulett, I understand that in 1966, the
party that you mentioned, the Lowndes County Freedom Demo-
cratic organization ran candidates for office, and was unsuccessful
in obtaining office. What was the primary factor that led to the
loss of the election by your candidates?

MR. HULETT. Well, there were several things. Number one,
most people—a large number of our people lived on large planta-
tions and they were controlled by the plantation owners. They
were picked up in pick-up trucks and carried to polls and they
had their ballots already marked and they were being used by
these people. We have a large number of people who cannot read
or write. The officials who work at the polls done pulled the levers
for these people and I imagine there we lost a lot of votes, be-
cause they were controlled by other people.

MR. GLICKSTEIN. You say that some voters, some Negro voters
in Lowndes County, were actually brought to the polls in pick-up
trucks that were owned by their plantation owners?

MR. HULETT. Plantation owners, that's right.

MR. GLICKSTEIN. And you say the ballots were marked for
them?

MR. HULETT. It was already marked for them. They had already
marked on the ballot.

MR. GLICKSTEIN. These are sample ballots?

MR. HULETT. Sample ballots.

MR. GLICKSTEIN. So this would tell them how to vote when
they got into the polling places, and they would just follow the
sample?

MR. HULETT. When they walked into the polling place, they
would give this to the officials who were working there, who most
likely lived in that same area and these people went in to pull the
levers for these people.

MR. GLICKSTEIN. And the people inside, the officials marked the
official ballot for them?

MR. HULETT. They used machines.

MR. GLICKSTEIN. Pulled the lever for them?

MR. HULETT. That's right.

MR. GLICKSTEIN. Well, as I understand it, you are not suggesting that there is anything improper about pulling the lever for them; as I understand it, people are entitled to receive assistance.

MR. HULETT. When?

MR. GLICKSTEIN. Do you think illiterate voters in receiving assistance were improperly influenced?

MR. HULETT. By the people who were working in the polls.

There were some other things, too. We had a large number of people who went up to vote. We had other people who lived on plantations who didn't turn out to vote because they, too, would have to be controlled by these same people, so they refused to turn out to the poll to exercise their right to vote.

In some of our precincts, people were more or less being intimidated. In one area we had a large number of people who walked around with guns on their sides, who wasn't deputies, who wasn't officials to carry these guns, even some had shotguns who stood there by the polls.

When people turned out to the polls and seeing these people standing by, they returned to their homes, did not vote at all.

MR. GLICKSTEIN. Just to clarify one point, Mr. Hulett, at the time of that election, the number of Negro registered voters outnumbered the number of white registered voters. Is that correct?

MR. HULETT. Yes, it was.

MR. GLICKSTEIN. Mr. Parker in his oral testimony listed a number of factors that have affected the rights of Negroes to vote, and then he said that an additional and perhaps more significant barrier to free and equal political participation by blacks in the Alabama Black Belt has been the pattern of economic dependence upon whites for land, credit, and jobs. Would you concur in that sentiment?

MR. HULETT. Yes, I do concur in that.

MR. GLICKSTEIN. Well, a lot of people struggled for many years to come up with a solution, with a statute that would permit people to register to vote freely, and to vote freely.

Now, however, there seems to be an additional barrier, this barrier of economic dependence. Do you have any thoughts or proposals for dealing with that? How can we get people to vote and overcome this economic dependence?

MR. HULETT. Well, there are several things. In our county what we are really trying to do is to help to provide land for people, who are buying land together and selling it in rather small acreage to people whereby they would have an opportunity to move off of the plantations and have the right to vote on their own. This is some of the things that we are doing.

Also we are setting up classes and trying to teach people if

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they are evicted or something happens; they would find other places nearby into the county to be able to go out and vote. These are some of the things that we are working on.

MR. GLICKSTEIN. Do you think that the Federal Government has been doing all it can to insure full political participation by Negroes?

MR. HULETT. I don't think they are doing all that they possibly can, they are doing some but they aren't doing all that they possibly can.

MR. GLICKSTEIN. Where do you think the Federal Government is falling short?

MR. HULETT. Well, for example, they have poll watchers. This is one thing they could do, they should use local black people into the areas where they have these poll watchers who would work as Federal officials, they should be federalized and to work in their own precincts where people would know them.

Most of the Federal officials who come into these rural counties, once they come in, they don't have anything to say or do, they just sit by and see whatever happens, if anything happens they don't really record it. This is the worst part about it.

MR. GLICKSTEIN. Well, under the laws, as I understand it, in counties where there are examiners, the attorney general is authorized to request that Federal observers or poll watchers be present. And you say in Lowndes County most of those observers or poll watchers have been from out of the county?

MR. HULETT. Yes, out of the county.

MR. GLICKSTEIN. Have most of them been white?

MR. HULETT. They are all whites who are in Lowndes County.

MR. GLICKSTEIN. Before poll watchers come into the county, are political leaders such as you notified in advance that they are going to be there and be at the polls?

MR. HULETT. Repeat that, please.

MR. GLICKSTEIN. Before poll watchers come into the county, are political leaders such as you notified in advance that they are going to be there?

MR. HULETT. Yes, we found this out previous to that time we had checked with the Federal officials and they pointed out they would be there.

MR. GLICKSTEIN. They would be there.

MR. HULETT. Yes.

MR. GLICKSTEIN. Are the Federal poll watchers identified? Do they wear a badge or any sort of designation?

MR. HULETT. No, this is one of the things they really isn't identified and most people don't know them from the local people who live in the county, unless you know the local people.

So this is another thing, they need to be identified so the people who goes out to the poll to vote will know that these are Federal officials who are standing by.

MR. GLICKSTEIN. Do you think that some people are deterred from voting by the presence of another white man in the polling place who isn't identified?

MR. HULETT. That is right, because they have, they still have that fear, and they still fear because they are a white person, regardless of whether they are Federal or non-Federal, they don't really know the difference. They don't trust anybody, you see.

MR. GLICKSTEIN. For many years, Mr. Hulett, it was the feeling in many quarters that once Negroes were able to vote and exercise their political power, this would lead to the solution of almost all other problems.

Do you feel that conditions have improved for Negroes in your community since the Voting Rights Act of 1965?

MR. HULETT. Yes, it has improved quite a bit. We still have a long ways to go, because even the Voting Rights Act might solve some of the problems, we still have some problems into our schools and other problems still have existing even in Lowndes County today we still have two teachers teaching in one classroom. So the Voting Rights Act might not solve all of the problems unless we are able to control the entire polls.

MR. GLICKSTEIN. Well, although you didn't do too well in the 1966 election, do you have hopes that in subsequent elections Negro voting strength will be more effective in Lowndes County?

MR. HULETT. Yes, I do feel we will do much better in the coming election than we were in 1966.

MR. GLICKSTEIN. I understand that there is an OEO-funded health project in Lowndes County. Are you affiliated with that?

MR. HULETT. Yes, I am now a board member for that.

MR. GLICKSTEIN. You are a member of the board of directors of the Lowndes County OEO health program?

MR. HULETT. Yes, I am.

MR. GLICKSTEIN. Is this the only biracial committee in Lowndes County?

MR. HULETT. Yes, this is the only biracial committee. About a year ago they attempted to form a biracial committee and they meet once a month for over a period of 12 months, but they haven't made any progress as far as organizing and they only sit down and talked about things, so now they have stopped meeting, so this is the only one that we really have.

MR. GLICKSTEIN. How effective has it been? Has it been possible for Negroes and whites to work together on this committee?

MR. HULETT. Yes, it has, it is possible for them to work together. They have so far worked together and had no major problems.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mrs. Freeman, do you have any questions for the witness?

COMMISSIONER FREEMAN. Mr. Hulett, with respect to the past

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Special committee in Lowndes

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operating and they really have.

Has it been possible to get
together on this committee?
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questions, Mr. Chairman.
Commissioner Freeman, do you have any

comments, with respect to the past

elections, I would like to know if there is any feeling or evidence,
and I didn't understand this from your testimony, that all of the
votes that were cast were properly and accurately counted? Do
you have any opinion in that regard?

MR. HULETT. I do feel that they were properly counted. Espe-
cially in most of the precincts because we had our own poll
watchers and we had a clerk for most of them who were there,
and who worked with these people, so I feel like they were prop-
erly counted.

COMMISSIONER FREEMAN. So you are not alleging any vote
fraud of any kind?

MR. HULETT. Except we had people who lived out of the county
who came into the county and voted. Now this might be improper,
now we don't know exactly whether they were voting in two
counties. Now this is a thing that happens. We have maybe 100
people or more, better than 200 or 300 people whose names still
appeared on the list on Lowndes County who lived in other cities,
or other counties who have been coming back into this county
and even voting.

Now whether it is proper, we don't fully know, because we
haven't been able to check with the other counties.

COMMISSIONER FREEMAN. If they are not registered to vote in
their county, and if they don't, and if they are registered to vote
in this county, but they do not live in the county, your question
is whether their names should have been stricken from the list?

MR. HULETT. That is right, they could appear on two lists in
the county in which they are living, and they could vote there and
come back to Lowndes County and vote. This is possible, I imag-
ine that it could happen.

COMMISSIONER FREEMAN. If that is so, that would appear to us
to be vote fraud. But you are not alleging this.

MR. HULETT. No, I am not.

COMMISSIONER FREEMAN. Have you brought to the attention
of any of the Federal officials your concern that the observers
who come into the polls, because they are all-white, may not be
effective in the light of the past history and hostility and dis-
trust and fear?

MR. HULETT. During that time I talked to some people from
the Justice Department, and I requested that maybe they should
try to bring in other officials and I did talk to them about that.

COMMISSIONER FREEMAN. What did they respond?

MR. HULETT. Well, he didn't have an answer, he said they are
working on such things as that but they haven't come up with an
actual answer.

COMMISSIONER FREEMAN. What do you see, Mr. Hulett, as in
the future in terms of voter participation from the black people
in Lowndes County and their effectiveness?

MR. HULETT. I feel that we do have a good opportunity of really

moving together. Usually what happens if you are working into the system, most likely the people who control the system usually split the people up. For example, professional people especially who teaches school they are most likely controlled by the superintendent and the board members, and I do feel like these people will be a long time before they are able to come in and register for people who will do something for them, and this is one of the things that will split us up, because of these teachers who are working in the county, for example, they don't have to do it, but they are being pushed and if they don't follow through and support the candidates of the choice of the superintendent and other people, that they won't have a job in the county, and most of the people are concerned about their job. And this is a problem that we are having.

COMMISSIONER FREEMAN. I believe you have organized what is either called a third or fourth party in your county. Is it growing?

MR. HULETT. Yes, it is growing.

COMMISSIONER FREEMAN. Is it on the ballot?

MR. HULETT. Not now but it will be on the ballot in November. It is a now recognized political party by the State of Alabama.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN PATTERSON. Mr. Taylor?

MR. TAYLOR. Mr. Hulett, why was it decided to form a third party rather than an independent party, rather than to make an effort to work through the existing party?

MR. HULETT. For several reasons. Number one, the existing parties after Negroes started to getting registered to vote, the qualifying fees to get on the Democratic ballot they upped the fees by 900 percent, previous to that time if a person wanted to run for sheriff, for example, they only paid \$50 and they end up I believe with \$500, the school board member was \$10 and they moved it up to \$100, and since we organized our own political party this year they have lowered the fees back to the normal assessment. That was one of the reasons.

The second place was the large number of people who could not read or write, who couldn't read or write in this county, they wouldn't be able to go to a Democratic primary and vote for candidates which they wanted to support, because they couldn't read or write. By having your own political party they could go out especially in November and vote a straight ticket by pulling the lever for the political party which you endorse.

MR. TAYLOR. Now you mentioned a biracial committee which has been operating but has not made very much progress you said.

Could you tell us why you feel the committee has not made very much progress?

MR. HULETT. Personally, yes, I do. I can say this: I don't think the intention of the white in the beginning wanted to organize,

as if you are working into control the system usually professional people especially controlled by the superin- I do feel like these people able to come in and register them, and this is one of the of these teachers who are they don't have to do it, but it't follow through and sup- e superintendent and other the county, and most of the And this is a problem that

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in order that they might be able to discuss problems and really do something.

To me, I attend most of their meetings, and their idea was to get information from our people to find out what was happening, what was about to take place in the county. I don't think they really wanted to organize the biracial committee to deal with the problems that were existing in the county.

MR. TAYLOR. Are there white people in the county who are sympathetic and have the same objectives of improving the conditions of Negroes that you have?

MR. HULETT. Yes, we do have a few of those people. But we didn't have those people on the biracial group with us though, maybe it was one or two might have had a chance to attend a meeting, so these weren't the people that we were really dealing with on the biracial group. They are more or less handpicked people, especially from the whites, and these people did not attend these meetings.

MR. TAYLOR. In your opinion, do you think it will be possible some day for white people and black people in your area to work together toward the same goals?

MR. HULETT. Only if Negroes be able to control the entire county. I think this is the only thing that will bring about the exchange in the county.

MR. TAYLOR. Political organization is the way that you see.

MR. HULETT. Once they start controlling, you know, by electing most of their people to office, then I feel like the whites will move in in order to be able to state what the reasons are.

MR. TAYLOR. Thank you.

VICE CHAIRMAN PATTERSON. Mr. Hulett, thank you for coming. You are excused. Will the General Counsel call the next witness, please?

MR. GLICKSTEIN. The next witness is Mr. Lucius Amerson.

(Whereupon, Mr. Lucius D. Amerson was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF MR. LUCIUS D. AMERSON,
TUSKEGEE, ALABAMA

MR. GLICKSTEIN. Would you please state your full name and address for the record?

MR. AMERSON. Lucius D. Amerson, 109 Elm Street, Tuskegee, Alabama.

MR. GLICKSTEIN. What is your occupation, Mr. Amerson?

MR. AMERSON. Sheriff of Macon County.

MR. GLICKSTEIN. I hope you will excuse me if I am a little apprehensive in questioning you but, unlike Mr. Taylor or the Commissioners, I have never questioned a sheriff before. In fact

I don't even think I ever met a sheriff before. How were you employed before you ran for office?

MR. AMERSON. I didn't quite understand your question.

MR. GLICKSTEIN. How were you employed before you ran for your present office?

MR. AMERSON. Well, before I ran for the office of sheriff, I was working with the Post Office Department in Montgomery. And of course before then I was working with the VA at Tuskegee. And at the same time I was going to college.

MR. GLICKSTEIN. Do you feel that because of your job with the Post Office and the economic security that provided you, that you were in a better position to participate in political affairs than someone who is economically dependent upon a landowner, for example?

MR. AMERSON. I think so, somewhat to a degree, I think that by my having saved up some money before I started running for office, and I guess you could say working for the Post Office, also somewhat to an extent made me somewhat independent in that I did not have to rely upon somebody, upon some landlord, or upon, you know, someone's place that I was living on. And I think this perhaps played a great role in my election. I think the fact that I was independently employed, perhaps had a lot to do with my election.

MR. GLICKSTEIN. Would you agree with Mr. Hulett's evaluation of the problem that economic dependence presents—that because people are economically dependent they are deterred or prevented from becoming involved politically?

MR. AMERSON. Yes, I definitely think so, I think that many counties in the State of Alabama especially in the black counties, many Negroes have been somewhat afraid to come on out to the polls and vote. The fact that they knew that there would be this reprisal, and that many of them would be intimidated, and somewhat be required to move, and of course where they had credit, or resources for borrowing money would be cut off. And I think that this thing is somewhat a kind of a threat over the Negro if he should happen to go out to the poll and vote for the candidate of his choice, has somewhat really been positive, and I think it has played a great role in perhaps scaring away a lot of Negroes who perhaps would have voted and wanted to vote and the fact they never voted before, they wanted to see what it was like inside a voting machine.

I think this is something which needs to be looked into more than just sending Federal observers.

In most cases, I mean they are from the particular area, and it is identically the same thing, they simply stand around and nothing is done. However, the point I would like to say, Macon County is not the type of a county where we have some of the problems which you would find in some of these other counties.

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But we still have some problems which need to be looked into and I think that we are going to move forward in looking into some of those problems and try to get them straightened out.

MR. GLICKSTEIN. How old are you, Sheriff?

MR. AMERSON. I am 34.

MR. GLICKSTEIN. When did you first register to vote?

MR. AMERSON. I first registered to vote I guess it must have been—I am not sure, I was always participating, you know, in political campaigns as far back as 1960.

MR. GLICKSTEIN. Did you try then shortly after you were eligible, shortly after you were 21?

MR. AMERSON. Yes, I can recall when I first registered to vote I was living in Denver, Colorado, at that time and, of course, when I came back to Alabama, which is my home, when I came back to Alabama, then of course I told the registrars at the courthouse that I was already registered and what procedure would I have to go through in, you know, transferring my registration from Colorado? They said I had to go through the procedure all over. And I must say that when I went down to get re-registered, I believe it was sometime in 1964 or 1965, it must have been after the Voting Rights Act, and I didn't have any trouble other than the man who was—who is chairman of the board of registrars, he kind of somewhat appeared as if he didn't really know what was going on, and there was a lot of confusion you know. But I didn't have any trouble getting registered.

At the time when I went down, they didn't have any kind of test or anything. They just asked questions and filled out the blank and everything was over.

MR. GLICKSTEIN. That was either as a result of the Voting Rights Act, or maybe that was at the time the county was under a court decree?

MR. AMERSON. Right. In other words I got re-identified or re-registered, whatever you want to call it, in Macon County after the 1965 Voting Rights Act.

MR. GLICKSTEIN. Why did you decide to run for sheriff?

MR. AMERSON. Well, I didn't necessarily decide to run for sheriff, but I decided to run for public office. It so happened that sheriff was available and I felt that as a Negro, and as an American, first of all, I don't consider myself being a Negro *per se*, I consider myself being an American first, and a man second and a Negro third. And being an American, and being a man, and being a citizen in Macon County, I feel that I have the right to participate in the political process. And I think that the time has come when more Negroes must and will participate in the political process, and they will definitely do this.

And one of the reasons why I decided to run for sheriff because I felt that I had the ability to deal in an unbiased and in an impartial way with a majority of the people in Macon County, so

far as the law is concerned. And having lived in the South all of my life, born in the South, I know some of the problems which the Negroes have suffered along the lines of getting equal justice before the law and so forth. And I felt that the fact that Macon County is 83 percent Negro, I felt that I know the problems of a majority of the people, and I know some of the conditions and the situations which they are subjected to, and I felt that with my experience in the Army, and as a citizen in America and in Alabama, I should have the right to exemplify my particular situation in the society. And I feel that it should not be the fact that I am a Negro and you have a majority of Negroes in Macon County is one of the reasons why I should run for public office but I should run for public office if I feel that I can do the job like anybody else.

MR. GLICKSTEIN. You were elected in November 1966?

MR. AMERSON. Yes.

MR. GLICKSTEIN. Did you have opposition?

MR. AMERSON. I must say unfortunately that I had to run against one of the fellows three times and one of the other ones twice, which was not according with the law.

MR. GLICKSTEIN. Do you mean you had a primary fight?

MR. AMERSON. Well, in the first primary of May 3, 1966, there was the incumbent and two others and myself, four candidates in all. I was the only Negro.

MR. GLICKSTEIN. And you ran in the Democratic primary?

MR. AMERSON. The Democratic primary. And after the first primary on May 3, I got more votes than any of the other candidates and I got 83 votes more than my nearest opponent thereby putting me and the incumbent in a runoff on May 31. Of course on May 31 I defeated the incumbent by 387 votes, and then of course in the general election he decided to come back and write his name in.

MR. GLICKSTEIN. But in November you were the candidate of the Democratic Party?

MR. AMERSON. Yes, definitely.

MR. GLICKSTEIN. What problems have you encountered since you have been elected sheriff?

MR. AMERSON. Well, what kinds of problems do you mean, the problems with the white community or problems with the Negro community or problems with the public?

MR. GLICKSTEIN. Well, were you accepted as a sheriff on the same basis as your predecessor had been? Was there an easy transition, did people just say: "Well, now we have a new sheriff and we will just continue to operate the way we did before"?

MR. AMERSON. Yes, it was a fairly easy transition. But as you know, I think the general attitude is, throughout the South and many other places up North, that when a Negro attempts to do something which will better himself, or perhaps show that he

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wants to participate in a society, and he wants to move forward, he wants to somewhat help pull his own self up by his own boot- straps as you often hear people say, then you have a lot of people who will—it is just kind of a curiosity type thing, and I couldn't really say it was accepted wholeheartedly, because many people, especially in the white community, thought that it was time to move out of Macon County. And then other Negroes, of course, I mean were fearful of the fact that a Negro had never been sheriff, they had never heard of it and they didn't know what would happen and they thought that perhaps some kind of a violence would break out, I mean from the white community because they were so much in opposition to it. It was just some- thing exhibited that it disappeared as if a larger number of the white people in the community did not want to see a Negro get out and campaign and win the votes and it just so happened that in Macon County you have more Negroes but I don't think this is the reason why I won.

I think I won because I worked hard and put over a positive program, and went into the area and shook hands and met people. I think this is the reason why I won, because I contacted the public, and not because I was a Negro, and you have 83 percent Negroes in Macon County.

MR. GLICKSTEIN. How have your relations been with the white community since you were elected?

MR. AMERSON. At first I mean it was kind of somewhat slack, but I decided that when I was elected that I would adopt a posi- tive program, I mean to deal with everybody, white and Negro on a fair and impartial basis, and I decided by doing this, many of the people are not going to like you and you really can't go around begging people to like you. I just decided to do the job and do the job right and treat everybody fair and not intimidate anybody and run anybody down and whoever should happen to like me would be all right and those who didn't, it didn't make me any different.

MR. GLICKSTEIN. What happened the first time that you had to arrest a white person?

MR. AMERSON. I don't really recall anything happening, other than—there seems to have been some kind of fear that he would probably get beaten up, or the often kind of thing that you hear in a lot of those jails where he fell off the top bunk, or got hung in jail, or some kind of thing like that. But it was just kind of a fear. But there were no problems, I mean so far as any kind of a rebuffing of the situation, he was arrested just like everybody else, and locked up in jail like anybody else that breaks the law.

MR. GLICKSTEIN. You told him what you were arresting him for and what the charges were?

MR. AMERSON. Right.

MR. GLICKSTEIN. Sheriff, did you have all the privileges of office

as sheriffs usually have after elected, or the same privileges that your predecessor had?

MR. AMERSON. Well, I really don't know what privileges my predecessor had, from the looks of the office when I took over, it didn't seem like he had very many. But I would venture to say that—I really can't answer your question.

MR. GLICKSTEIN. Did you receive the same fees that he did? Did you have the same opportunities to earn fees?

MR. AMERSON. Well, there was one situation which I can recall right off, now in Macon County several years ago it was a dry county where they did not sell alcoholic beverages, of course the board of revenue initiated a referendum and made it possible so the citizens of Macon County could vote to determine whether they wanted liquor in Macon County or not. So they voted that they wanted it and at that particular time I believe the situation leading up to that is that the probate judge in Macon County now, he was sheriff in 1963, and after this referendum was passed, the appointment of bill license inspector was made on the sheriff which was defeated.

So when the election of probate judge came up, the former sheriff who is probate judge now ran for probate judge, and by him running for probate judge and won the office, the incumbent that I defeated, he had already been appointed bill license inspector, and then he was appointed sheriff, consequently he held these two offices which was in conflict with the law, and I found out later on, bill license inspector paid \$300 a month. And of course when I took office, I attempted to, you know, I mean get everything that the former sheriff had.

And there were some opposition, there were some opposition from the members of the board of revenue at that particular time about the bill licensing job. And after I kept trying to get it with some determination and then the state auditors from the State of Alabama came down and said that it was illegal for the sheriff to be bill licensing inspector and sheriff also because he could not be employed by the county twice.

But the main question now was that my predecessor who was bill license inspector, he had held the office for 2 years, thereby receiving a total sum of county money something, that ran at \$7,000, and I think that it is a matter in a lot of these counties where people are really operating in contrary with the law but they don't really check on it until it gets to the fine point where it is being challenged.

I don't think that the State auditors never would have come from the State capital really collected into it and found out that a law would be violated if the sheriff had bill license inspector and sheriff also, but they just really found it out after I was elected and was trying to get it.

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So I didn't get it and it really didn't make too much difference because I never received the money before so I didn't miss it.

MR. GLICKSTEIN. Sheriff, is there a sheriff's association in Alabama?

MR. AMERSON. Yes. The Alabama Law Enforcement Officers Association.

MR. GLICKSTEIN. Are you a member of that?

MR. AMERSON. No, I am not, not because I have not tried to become a member, but because I am a member of so many organizations until I just can't pay the dues and fees for all of them. I am a member of the National Sheriffs Association and I feel that I can get a wider range of experience and association and so forth by being affiliated with a national organization rather than something on the State level. It is just because I have not perhaps, I guess, tried to gain admission.

MR. GLICKSTEIN. You said before that you thought there might have been some Negro people in Macon County that were reluctant to vote for you because they were afraid of how the white community would react to that. And I am wondering whether you felt that it would be a good idea for more Negroes to run for high offices, such as sheriff.

MR. AMERSON. Yes, I definitely think so and I think they are going to do it, because I think now more than ever the Negro in the South has become much more determined to participate in the political process, and in the changing political trends in the South. And I think that as time goes on, I think that the Negro is going to be—is going to play a much more positive role in political action. I think it is something that we worked this hard now to get registered and many people and many civic organizations have gone all out in the country I mean to get these people registered so now I think it is time to really get on in here and become actively—become an active participant in the political process by becoming candidates for public office and winning and doing a good job.

And I think many people are going to run for sheriff, probate judge, circuit clerk, board of revenue, board of education, and everything else on the county and State level in areas where they can win. And I think they should as citizens and Americans, they should be a part of it, it should not be necessary to have to send Federal registrars down in Alabama and in Lowndes County for people to exercise their constitutional right. But it is a matter that some people wouldn't do what is right.

You can't get them to see it so I think something is going to have to be done. And I think Negroes will be elected sheriff, and I think they will be elected probate judge, board of revenue, and circuit clerk, and I promote it.

MR. GLICKSTEIN. A young lady who testified before this Commission on Saturday said that where she comes from, she comes

from the Boykin community, many of the older Negroes in that community believe that the Lord put the white man on earth to watch over Negroes. And we have heard or discovered in some of our studies of political participation that in some areas where Negroes are in the majority, and are a majority of the registered voters, some Negroes are reluctant to vote for other Negroes because they still believe that a Negro cannot do the job as well as a white person.

Do you feel that as a result of your election, and as a result of your performance in office, you can have some effect on that belief?

MR. AMERSON. No, definitely not. I think that what we are dealing with here is more or less a psychological matter, I think that many people have the feeling and belief, I think it is something psychologically injected into a lot of these people who have old-fashioned ways and old-fashioned ideas about the whole situation of Negroes not being able to do a good job and not being able to hold public office without making mistakes, and you generally hear this.

But I think that many people have said throughout that the Negro is brainwashed, but I don't think so. I think it is just a matter that these people they are more or less just kind of somewhat took a back seat role expecting the people to do what is right and to obey these laws that they made. And I think this is what it is, Negroes have been very, very easy-going in this thing. In other words, they have wanted to just sit back because the Negro people in the South for many years, I mean they have had a lot of confidence in the white community, because they somewhat maybe perhaps look to them for leadership.

And you know all of the religious doctrines came out of the white church, so far as the Negro is concerned. And when they first came from Africa, and I think that the Negro has somewhat waited for a long time, I mean expecting people in positions of responsibilities to go ahead and act with moral courage and do what is right, and to be an election official at the poll and don't let his white counterpart do any cheating at the poll.

But, see the Negroes have been let down because these people have not kept their end of the bargain by administering the laws of the State right the way it should be, and I think this is the whole thing. This is the reason why you have a lot of people moving into more radical situations, because they have been somewhat let down, and they expect an employment agency to employ them on the basis of their merit. And when they get down there they find out they may not be employed along those lines. They may have a Ph.D. and they might not be able to get a job. I mean for someone that it is only necessary to have a high school education. And this is done in a lot of places. Many people will say: "Well I am almost sure that if you had a sizeable number

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of qualified Negroes that we could hire them in our factory today." But it is not that way, because I know a dozen or so qualified Negroes right now have been to different places and they couldn't get jobs and they have been somewhat let down because they have been expecting the people in positions of responsibility for so many years to do what is right morally.

It should not be necessary for me to go down and beg a man to let me register, when it is my constitutional right to become registered if I am old enough, and maybe know how to read and write. It is not necessary to know how to read and write so much as being able to vote, because you have a lot of white illiterates that don't know how to read and write but yet they were registered.

And you see I think one thing calls for another. I think inequality promotes another inequality. I think that this is the reason why the situation is like it is now. It should not have been necessary to enact a Voting Rights Act. Because people are not in the habit of doing what is right when it comes to the Negro. And this is one of the reasons why you are having this type of thing. And let's say, for example, in Macon County it is generally said: "Well, the Negroes in Macon County, 82 percent of them, they are going to elect an all-black government."

Well, now, I don't know very many more towns in Alabama where they don't have an all-white government, you see. Just like right here in Montgomery County, for example, they have an all-white government, and no one is talking about that. But when Negro people in Macon County decide that they want to run for office, they want to be somebody, they want to help participate in the political process, they want to be Americans, and they want to exercise their rights as citizens, they want to get a better job, and if a public office will afford them a better job, and if they can get into this better job by running for public office and making more money because they are not going to be appointed to one.

So I would venture to say if I were living in Montgomery County it would be impossible to vote for sheriff if I—it would be impossible to win the office of sheriff if I had 18 Ph.D.'s in law, you see. And so by being in Macon County it just so happened that you have a majority of Negro people there, and I was elected. But everybody wanted to say that they are moving to an all-black government, when people are just participating in the political process, and becoming a part of their society. And if Macon County should happen to wind up with an all-black government, I mean I don't see anything wrong with that, as long as the people are going to go on and do what is right, and administer the law the way it is. I mean I don't see anything at all wrong with it at all. And I don't think that they should be ridiculed about the situation.

I think that if Macon County had a majority of white people

in it I would venture to say you wouldn't have anything. It is more psychological in America about a lot of things I mean other than the facts. And just like the news media, for example, I mean whenever I make an arrest of somebody, I am not interested in a lot of publicity, the only thing I am interested in is doing a job. But when I have to go out and arrest somebody who might be breaking the law, well it gets national headlines, and they print one thing in Alabama and print another in Washington or another in Massachusetts. And somewhat to an extent, I must say at this point that whenever, whenever and wherever, more specifically in the South, that the Negro attempts to do what is necessary to help yourself, try to get a better job, or want to go to a different school to get a better education, because they have better books over in that school, or run for a public office, or talk about the conditions in the South, then he is subject to a lot of harassment, to a lot of intimidation, and may possibly be assassinated. It is the kind of thing I mean when the Negro people attempt to move forward and do some of the things which the Constitution and the Bill of Rights said that you need to do and said that you should try to do, then you have a lot of people grumbling and so forth, and it is more of the attitude in America than anything else.

In other words, now an average arrest in Macon County of a white person would be altogether different from what it would be in Birmingham. And it should not be any different. Because I am only a sheriff. And I don't know what is so different about my being sheriff than a sheriff in Mississippi, other than I don't beat up folks.

So I don't know what the differences are. And I don't think that it should be limelighted any more. Of course I like to get some publicity every now and then. I mean of course I am not interested in just constantly being in the news. But it is the kind of a thing that when I have to make a controversial arrest in Macon County, everybody talks about it, and I don't think it is no different from anything else.

MR. GLICKSTEIN. Sheriff, I noticed that in Macon County less than 50 percent of the Negroes who are eligible to be registered are registered. How would you account for that?

MR. AMERSON. Well, probably because there hasn't been a drive, a strong enough drive. I don't care how much you go out in these communities and in these various places and try to get people to come in and register, I mean some are just not going to be able to make it in for different reasons.

MR. GLICKSTEIN. Do you think there is something more that the Federal Government can do in your county and other counties like it to help increase the rate of registration?

MR. AMERSON. I don't think that we are going to—that we will have too many more problems in Macon County, but I think the

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Federal Government may need to give a serious check on some of these other counties like Lowndes and Hale and Greene, Marengo and Dallas County. I think they definitely need to keep a check on these counties. And they need to check more than just in an observation role. I mean they need to be in a position to—and of course I don't know whether they would be hampered by State law, but they need to be in a position to actually make some arrests when these people are violating or letting people vote two or three times in one place. This happened in Macon County, it happened in all of these counties.

MR. GLICKSTEIN. You think the Federal officials that are present should be able to make on the scene arrests right there when something happens?

MR. AMERSON. I think so. In other words, when people have some complaints at the poll, I think they should be looked into at that point and it should not be later on compiled into a report. It should not later on be compiled into a report and then be heard. I think something should be done right there on the spot to straighten out the situation and whoever is violating should be locked up. I think this is the only way that you are going to straighten a lot of these things out, you are going to have to take a more positive role with the violator by locking some of these people up, and taking a more positive role.

And the law is clearly defined as to the way an election is supposed to be administered. And when it is determined beyond a reasonable doubt that people are not following the law then some positive role should be done. I mean other than just talking about it. I think that you are going to have to get in some positive action, and get some people convicted and jailed. I think this is what you need.

MR. GLICKSTEIN. Sheriff, you hold the highest elective office of any Negro Democrat in the State. Has the Alabama State Democratic Committee appointed you to any committee or any other official position?

MR. AMERSON. No. I don't know what course the Alabama Democratic Party, I don't know what course they intend to take in reference to—you speaking about the Democratic National Convention?

MR. GLICKSTEIN. I mean within the State.

MR. AMERSON. No, no.

MR. GLICKSTEIN. They haven't appointed you to any of their State committees or any of the official positions?

MR. AMERSON. No, not at all.

MR. GLICKSTEIN. Has the party in the State affirmatively invited or encouraged you to become involved in party affairs and party policy-making positions at the State level?

MR. AMERSON. No, I don't think so. No, they haven't. I think one of the reasons for this is because it is a matter of—it is an-

other matter of somewhat excluding Negroes from being represented in the political party. And this is one of the reasons why many Negroes in other parts of the country have initiated plans to set up new parties. But I don't think this is the right thing to do.

I think that we need to work from within the framework of the one that is already operating. And I think that—I don't know when it will come. But I think that Negroes should be permitted to participate within the Democratic Party of the State of Alabama.

You know that we have two so-called factions of the Democratic Party. In other words, all of the Negroes in Alabama are supposed to belong what is known as an Alabama Democratic Conference. And of course it is kind of somewhat a subsidiary of the Alabama Democratic Party. And they have separate meetings in which I don't go for that. And they have separate rules and regulations.

Now the Alabama Democratic Party, I mean they will hold their convention let's say in Birmingham and two or three days after then, I mean one or two select, handpicked Negroes which have no leadership role in the community may not have made too many achievements, might try to summon, a sizable number of Negroes to be able to disseminate this second-handed information at some subsequent so-called—a convention for the Alabama Democratic Conference. And I don't think that State politics—I don't think that State politics are going to work in the best interests of all the people unless they can participate in the political party with a sizable representation in Washington. And I don't think that there is a lick of good about an Alabama Democratic Conference, or an Alabama Independent Democratic Party, or the National Democratic Party of Alabama.

I think that we need to work from within the framework of the Democratic Party of Alabama and be appointed to some of these committees in areas where you can get elected. I think that people need to go ahead on and take that initiative. People in positions of responsibility in the Alabama Democratic Party should go ahead and take that initiative to appoint some people because people like to see races, for example, I mean they like to be represented on things which concern them. Like the United Nations, the United States wants to be represented there when we are talking about world policy, so the Negro wants to be represented in anything that is concerning him.

And it just seems to be a big fight to keep the Negro from representing himself. Everybody seems to know more about the Negro than the Negro knows about himself and I think this is the thing that is going to have to end.

I think that they are going to have to represent themselves more and they want to see someone of their race moving for-

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ward, and on these committees. And they should be on these com-
mittees if you are supposed to have a democratic society. If they
are not on these committees, then something is wrong.

MR. GLICKSTEIN. Thank you, Sheriff. I have no further ques-
tions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mrs. Freeman, do you have any
questions?

COMMISSIONER FREEMAN. Sheriff Amerson, I believe with you
that participation in the political process is a responsibility as
well as a right. This Commission has heard some testimony dur-
ing the past several days about inferior education, inadequate
welfare, deplorable conditions in housing.

And if the black people in this State will offer themselves as
candidates for office, as you have done, in every city and in every
county up to the point of Governor, perhaps maybe that will help
to solve some of Alabama's problems, because a large number of
Macon County are certainly a lot better off because you are there.

Now I would want to ask you with respect to this fear of eco-
nomic reprisal, what would you suggest should happen with
respect to the people who live on plantations? What needs to be
done to let people know that in spite of the threats that they
should actually get out and vote the way they want to vote and
offer themselves for election? What should the State do, private
organizations, or the Federal Government?

MR. AMERSON. I think that in some of these areas when these
people are intimidated or threatened, or perhaps made to move
and then their need to be something to take up the slack. In
other words, I really can't say what need to be done, because so
much need to be done in a roundabout way.

In other words, I can't say, well, if 25 Negro families living on
a plantation are not able to vote in the election, and of course
the landlord run them off the place, well I don't know what they
are going to do. I don't know what aid will be at their disposal
because they are going to have to go somewhere. They are going
to have to get readjusted some place. I mean if they have to move.
Or either the Federal Government perhaps needs to keep a rain-
check on these plantation owners, and when they do a thing like
that, then they need to be dealt with, you know, some defined
laws or policies or something. I think this is the only way it is
going to be broken up, is that you are going to have to deal with
it from one extreme or deal with it from the other.

You are going to have to be in a position to give some aid to
these displaced families, or you are going to have to deal with
the man who is causing the disturbance.

COMMISSIONER FREEMAN. How widespread is this condition?

MR. AMERSON. In some counties, it is quite widespread. I would
venture to say in some of the more economically depressed coun-
ties, it is probably more widespread where a larger number of

the Negro population depend upon their survival from certain aspects of the white community. I mean a larger part of their survival. And that would of course exist in some of these other Black Belt counties.

COMMISSIONER FREEMAN. Is it possible that some of the white persons in Alabama of good will may be appealed to to assist you in this regard?

MR. AMERSON. Yes, you have many, many very good people who are morally, I would say, who want to do what is right. But in many, many cases they are somewhat more or less taking a back seat in being vocal about any situation.

In other words, it is just a kind of a situation where the Negro, he is out there and he is a victim of circumstances and I don't believe in discrimination and I don't think that they should have made those Negro people move because they wanted to vote. But yet instead I mean nothing is said, and nothing is done. So many people just have a tendency, those particular people who might not just foster segregation, I mean they just more or less take a negative role and don't say anything about the situation. This is what you have in a lot of cases.

People, many people in the State of Alabama know that it is morally right—morally wrong to do these things. But rather than to be a controversial figure, or bucking the power structure, or so-called many, many times what you hear "nigger lover."

So rather than to be subjected or labeled as a "nigger lover," they just let it alone. So you don't have enough people—evidently you have more radical people than you have people who think morally. The way I can look at it because it seems to me as if the radicalism always outweighs the moral aspects. So if you had more moral people in the State of Alabama who felt morally about the thing and wanted to do something about it and knew that it was wrong and then they would speak out and you would not always hear the radical side of it. Maybe the moral group is farther in the minority than we think. Maybe the radical aspect, or the radical attitudes are more somewhat in the majority.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN PATTERSON. Mr. Taylor, do you have any questions?

MR. TAYLOR. No, sir.

VICE CHAIRMAN PATTERSON. Sheriff, thank you very much for your testimony. We appreciate your being here. You are excused. The hearing will stand in recess for 5 minutes.

VICE CHAIRMAN PATTERSON. The hearing will come to order. Mr. Glickstein, will you call the next witness?

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f, thank you very much for
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earing will come to order.
 witness?

MR. GLICKSTEIN. The next witness is Mr. Barry Strejcek, a member of the staff of this Commission working in our Research Division.

(Whereupon, Mr. Barry Strejcek was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF MR. BARRY STREJCEK, STAFF MEMBER,
 U.S. COMMISSION ON CIVIL RIGHTS

MR. GLICKSTEIN. Mr. Strejcek, have you been working on a study for this Commission on problems of economic development in the rural South?

MR. STREJCEK. I have.

MR. GLICKSTEIN. Would you please summarize your conclusions for the Commission?

MR. STREJCEK. The economic development efforts of the Federal Government in Alabama have been limited. The more important programs had been administered by the Economic Development Administration of the Department of Commerce, and the Small Business Administration.

These programs in dollar volume are dwarfed by the \$2 billion the Federal Government spends or commits to other activities in Alabama.

The Economic Development Administration is only partially effective in Alabama. In 1967, slightly more than \$7 million was loaned or granted for public facilities such as water and sewer systems. \$8 million have been loaned to business. But though 12 of the 16 study counties are eligible for public facility loans, only four had projects in 1967, and only one of the 16 counties contained a recipient of a business loan.

No EDA business loan ever has been approved for a Negro in Alabama. The most important program EDA can establish in a State is a multicounty economic development district. A development district can hire a professional planning staff to coordinate the area's development efforts and also face up to serious social problems.

Alabama has no approved and funded development district, although one attempt has been made. Western Alabama Regional Development Council, known as WARDC, composed of a group of businessmen and political representatives from 10 counties carried on discussions with EDA to find ways to meet the requirements for community participation. Because the WARDC group could not agree that minority group representation was needed on the board of directors—Negroes, it was claimed, were not knowledgeable in economic development—EDA was forced to finally deny Federal planning funds.

This result is contrasted to the Southern Mississippi Economic Development District, one of three federally funded development districts in the State. Minority group representation on the board

of directors was achieved sometime ago and is being improved. The Southern Mississippi Economic Development District has provided that minority group persons will elect three representatives to the boards every year. More importantly the board functions and has produced a comprehensive plan of action to deal with the many problems of rural Mississippi.

The Small Business Administration has a large loan program throughout the United States. More than 73 percent of the total of four and a half billion dollars it has loaned has been for other than business loans, to nearly 145,000 business firms in the country.

Loan approvals have increased in Alabama significantly in recent years; over \$14 million in other than business loans, were approved since April 1, 1967, up through March of 1968. However, of this amount, only one-half of 1 percent, \$72,000 of loan funds, went to Negroes.

In the 16-county area, the Small Business Administration has loaned \$1.8 million of which \$62,000 has been loaned to Negroes, since April 1, 1967, 3½ percent of the total for the area.

The record for economic opportunity loans is much better. 55 percent of all economic opportunity loan money, \$48,000 loaned in the 16-county area since April 1, 1967, was loaned to Negroes.

The Small Business Administration loan recipients are prohibited from discriminatory hiring. Racial employment statistics for 29 Alabama recipients of SBA loans provided by the Small Business Administration, indicates that there were 307 minority group employees of a total of 1,439 employees. However, of 219 white-collar and professional employees, only five were Negro, with none in clerical or office occupations.

The State of Alabama, through the Cater and Wallace Acts, permits municipalities or municipal nonprofit corporations to issue industrial revenue bonds to assist new industries locating in the municipality by borrowing money to construct and equip facilities. Money is obtained at a favorable interest rate because the bonds are tax exempt. More than 40 States authorize the issuance of industrial bonds to encourage business investment.

In 1967 according to the State, \$655 million were invested in new and expanding Alabama industries. The State Industrial Development and Planning Board has estimated that 90 percent of this number were financed by industrial revenue bonds.

In March of this year, the Treasury Department issued a proposed order to cancel tax exemption of the bonds. On March 28, the U.S. Senate voted to withdraw the exemption. These actions propose to invalidate Alabama's most important industrial location incentive. Those industrial development methods which remain are thus increased in importance. The issuance of industrial revenue bonds also has been curtailed in the State of Mississippi,

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but that State has established a State planning agency, and main- tains a series of organized multicounty development districts to pick up some of the slack.

The economic development efforts of the Federal Government and the State of Alabama have been restricted except for indus- trial revenue bonds, which may shortly lose their tax exemption.

The problems of the rural South are not minor. The impact of outmigration and the need for jobs is graphically indicated by the 1960 level of underemployment in the 16 counties relative to the national rate of underemployment. That rate ranges from 18.8 percent for Macon County, to 49.7 percent for Perry County. Nine of the 16 counties had an underemployment rate of more than 40 percent.

These rates are relative to the national rate, and this relative rate probably has not changed much in 8 years.

Nearly 2,000 of these underemployed are poor farmers and have banded together to create the Southwest Alabama Farm- ers Cooperative Association, SWAFCA. The Ten County Agricul- tural Production Cooperative, about which this Commission already has heard testimony, SWAFCA, Alabama Self-Help Housing Project, about which Reverend Harrell has testified, and the other self-help projects we heard Mr. Lewis Black describe, provide hope for reducing the rate of rural underemployment.

VICE CHAIRMAN PATTERSON. Thank you, Mr. Strejcek. You are excused.

MR. GLICKSTEIN. May this report be introduced into the record, Mr. Chairman?

VICE CHAIRMAN PATTERSON. It is received.

(The document referred to was marked Exhibit No. 33 and received in evidence.)

VICE CHAIRMAN PATTERSON. Would you call the next witness, please, Mr. Glickstein?

MR. GLICKSTEIN. The next witness will be Mr. John Bagwell, who will be questioned by Assistant General Counsel, Mr. Fleming.

(Whereupon, Mr. John Bagwell was sworn by the Vice Chair- man and testified as follows:)

TESTIMONY OF MR. JOHN BAGWELL,
MONTGOMERY, ALABAMA

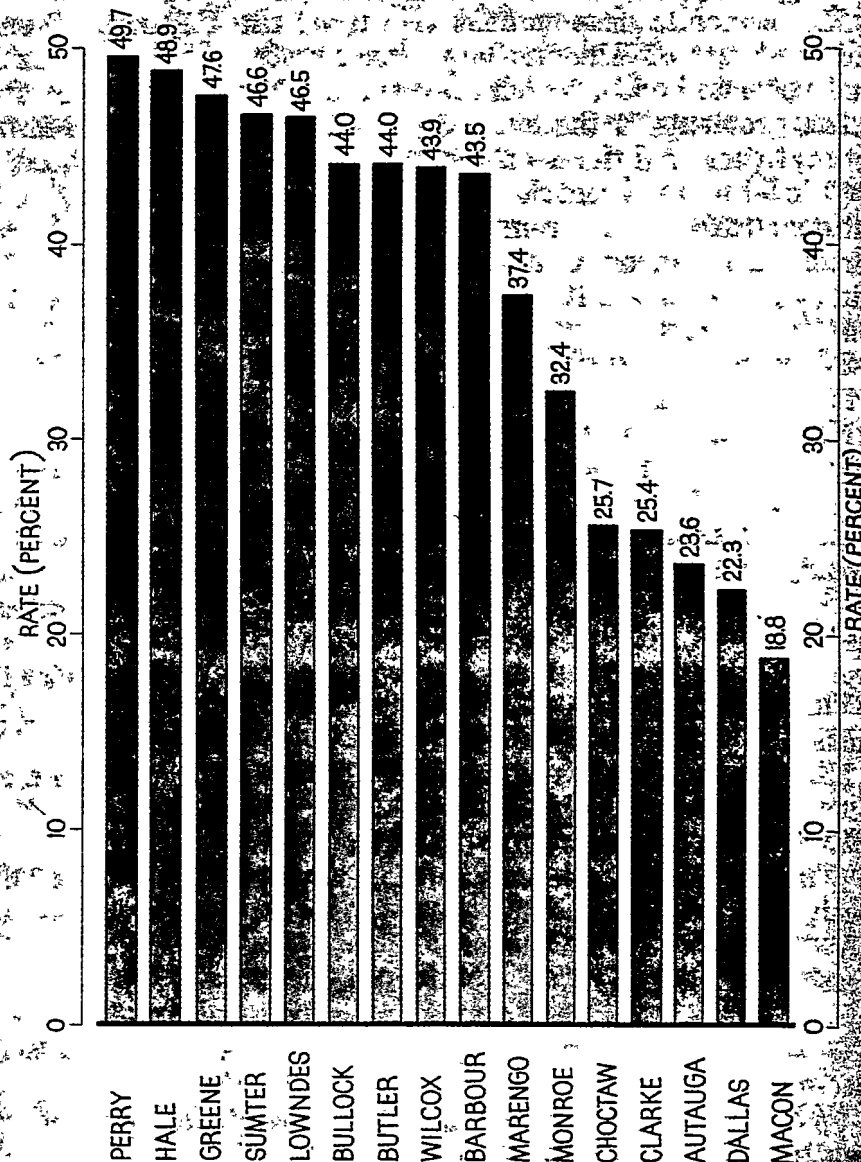
MR. FLEMING. Mr. Bagwell, will you please state your name and address and position for the record?

MR. BAGWELL. John T. Bagwell, Montgomery, Alabama. I am one of the field coordinators for the Economic Development Administration.

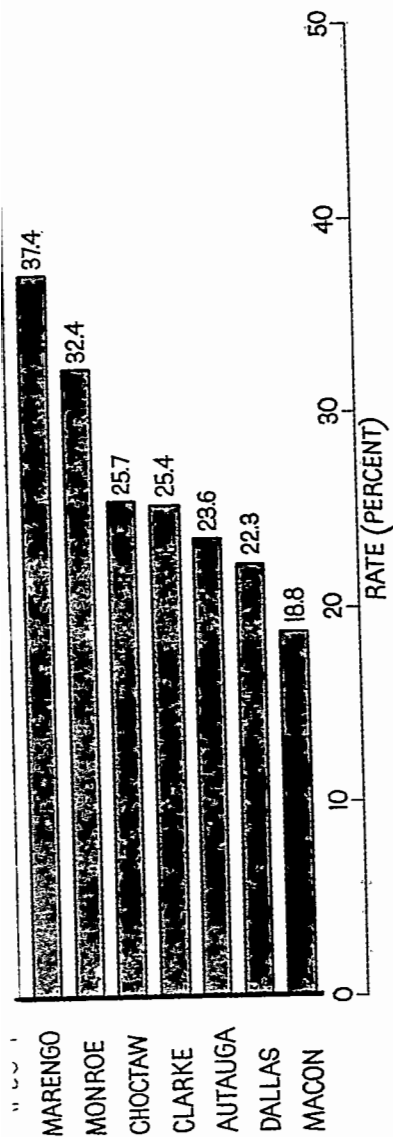
MR. FLEMING. You are a senior field coordinator for Alabama?

MR. BAGWELL. I am not given such a title officially. Just field coordinator.

UNDEREMPLOYMENT RATES IN SIXTEEN SELECTED COUNTIES OF ALABAMA: 1960



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MR. FLEMING. What are the most important types of assistance provided by EDA in Alabama?

MR. BAGWELL. We have as the biggest program, the public works projects, and the next biggest is our business loan program, and there is following that in size, technical assistance programs and economic development districts.

Now these are national programs. And I am rating them in that size in proportion to the amount of money that is appropriated for each of these programs.

MR. FLEMING. Information furnished by EDA shows that 12 of the 16 counties covered by our hearing investigation have been designated as eligible for public works grants and business loans under Title IV of the Act.

As I understand the Act, that means that they are entitled to receive direct grants for public works projects in addition to various forms of business loans that can be made in these counties. Is that correct?

MR. BAGWELL. On submission of approvable applications, yes, in 12 of those 16 counties.

MR. FLEMING. Yet, only four of the 12 counties have utilized EDA programs?

MR. BAGWELL. I believe that is incorrect.

MR. FLEMING. How many during the last year or two?

MR. BAGWELL. Would you like me to say which counties have received?

MR. FLEMING. Our figures show Bullock County, Macon, Monroe, and Sumter in the last EDA report for the period ending December 31, 1967.

MR. BAGWELL. There have been EDA projects approved in Bullock, Macon, Wilcox, Monroe, Sumter, and Greene. Some of those more than one project.

MR. FLEMING. That would be then six of the 12 counties. What accounts for the fact that not all of the counties are participating in EDA programs, in your opinion?

MR. BAGWELL. I think any number of things might account for it. The first thing I would say is that we simply haven't received enough applications for these counties to have had more projects. And if you go back of that, I am sure there are reasons for our not having received more applications.

MR. FLEMING. On this Wilcox County application, is this the application that covered the Alabama River Bridge?

MR. BAGWELL. No, I spoke only of approved projects when I listed the counties a minute ago. There is a sewer project in the town of Pine Hill.

MR. FLEMING. Does Alabama have any economic development district approved and funded?

MR. BAGWELL. No.

MR. FLEMING. Are there any other Southeastern States in the

Southeastern region of EDA without a funded or approved economic development district?

MR. BAGWELL. I believe they all have at least one or more districts, yes, sir.

MR. FLEMING. What is the Western Alabama Regional Economic Development Council group, known as WARDC, I believe, which was mentioned in Mr. Strejcek's report?

MR. BAGWELL. What is it?

MR. FLEMING. Yes, sir.

MR. BAGWELL. It is an organization that is formed by people from a group of counties there to engage in all types of work which will boost the economy of the area.

MR. FLEMING. Would you indicate on the map for the Commissioners, roughly the counties that are covered by WARDC, just the regions, sir.

MR. BAGWELL. These counties up here, the names are not on them. This may have changed.

MR. FLEMING. I realize the membership changes from time to time.

MR. BAGWELL. To begin with, it was Walker County, Fayette County, Lamar, Tuscaloosa, Pickens, Bibb, Hale, Greene, Sumter, and Marengo. I believe I named 10.

MR. FLEMING. Thank you, sir. Did WARDC apply for designation as an economic development district and for funding?

MR. BAGWELL. Yes, sir.

MR. FLEMING. Why was WARDC not funded by EDA?

MR. BAGWELL. In fact I encouraged them to apply, and gave them all possible assistance in their effort.

EDA in their denial of the application stated as the reason that the WARDC organization did not propose to have as much Negro participation in the organization as EDA expected them to have. They didn't come up to EDA's requirements on the amount of involvement of the Negro.

Now there was intention of involvement of the Negro, but the manner, the denial was over the extent of it and the positions they would be in.

MR. FLEMING. What was WARDC's proposal for the involvement of the Negroes on its board of directors?

MR. BAGWELL. Their proposal was to have local representation in each county on what they were calling the county council. And they felt that in that position the representation in that group then had its channel for election to the board of directors.

MR. FLEMING. They were not directly going to be members of the board. They were going to be members of these advisory councils in the county?

MR. BAGWELL. That WARDC did not agree to place Negroes on the board of directors by placement, they expected them to be elected along with everybody else.

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MR. FLEMING. WARDC board members were to be elected as
delegates from these various county councils, is that correct?

MR. BAGWELL. I'm sorry, I didn't get your question.

MR. FLEMING. How were the board members to be elected?

MR. BAGWELL. They were to be elected by the county councils.

MR. FLEMING. And how were the county councils to be chosen?

MR. BAGWELL. It is my understanding that they were to be
chosen as business leaders, and interested people in economic
development, and elected officials. I don't know the fine details
of how the 10, how they would be arrived at.

MR. FLEMING. They just came into existence through some
form of common consent, would you say?

MR. BAGWELL. The first group did. I don't recall from their
articles of incorporation how they expected the county councils
to work in subsequent years.

MR. FLEMING. And this pattern of Negro representation in the
WARDC was similar to the pattern of representation developed
in Georgia for EDA districts? Is that correct?

MR. BAGWELL. No. In Georgia all of the—you're asking me
questions that are involved with other States, in which I don't
work, and if you care to involve the Southeastern region very
much I would prefer that you get the area director.

MR. FLEMING. Let's exclude that question.

MR. BAGWELL. It is true that they were not set up the same.

MR. FLEMING. On the question of board membership, I just
wanted to establish EDA's position was that there was to be
direct Negro representation on the board of directors.

MR. BAGWELL. That's right, with a specified number.

MR. FLEMING. Do you see any practical advantage to having
Negro representation directly on the board?

MR. BAGWELL. Yes.

MR. FLEMING. And what would that be?

MR. BAGWELL. Well, in those 10 counties there is a very high
percentage of Negro population, and I think everybody would
agree that that element of the economy should be represented in
such groups for planning any economical group, and it was my
understanding that WARDC expected that Negroes would be
elected to that board. Although I did not set up the WARDC
organization, and I can't give too many answers for them.

MR. FLEMING. You have indicated that you are familiar with
the proposed Alabama River Bridge, and I believe at Pine Hill,
in Wilcox County?

MR. BAGWELL. Yes, sir.

MR. FLEMING. I believe that was also to service the MacMillan-
Bloedel Company located near the bridge.

MR. BAGWELL. It was a proposed bridge which would connect
the two sides of the river which should have a significant effect
on the economy, because there was a tremendous wood-using in-

dustry being established there, and access to it from both sides of the river and access to the woods would make a great deal of difference to the economy.

MR. FLEMING. And EDA was, or had received a proposal for a \$3.7 million grant to assist in construction of the bridge, and this grant was refused approval. Why was that?

I might say we have heard testimony that it was because the company refused to sign the necessary Title VI assurances and the form required by EDA.

MR. BAGWELL. In all of our public works projects, EDA requires that any beneficiary to the service that this project brings—if it's a water system, and there is an important industry—that will benefit by the use of this new water project, then that particular industry would be required to commit itself to nondiscrimination. And in this particular case of the bridge that you are asking questions about, it was determined that one of the important beneficiaries would be this company.

MR. FLEMING. Now we have indicated that there are two EDA projects which have fallen through in Alabama, WARDC and this EDA bridge to be built over the Alabama River, where it seems that racial issues prevented an Economic Development Administration-funded project from going forward. Is this your opinion?

MR. BAGWELL. Well, I don't believe that would be a completely accurate statement, sir. The bridge is being built, it is being built by the State of Alabama, I understand.

MR. FLEMING. But Alabama is not receiving the benefit of well over \$3 million worth of Federal funds.

MR. BAGWELL. That's right.

MR. FLEMING. And Alabama residents are paying approximately a million dollars of their tax revenues for this bridge.

MR. BAGWELL. And I understand that the WARDC organization is in existence, and indications are that they do still expect to work for the development of the economy, but without our funds—

MR. FLEMING. That is true, with funds raised by themselves. You indicated that Sumter County was an EDA county and did have a public works grant?

MR. BAGWELL. That's right, Sumter County has had two.

MR. FLEMING. What are EDA funds in Sumter County being used for?

MR. BAGWELL. Two, both the projects in Sumter County were public works projects, and one was in Livingston, and one was in York. They were, I believe both of them were involved with water, and I believe one of them was involved with water and sewer. I can give you exact information on it if you need it.

MR. FLEMING. What I would like to know is: are those funds

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being used to help develop a municipal park, or recreational
facilities?

MR. BAGWELL. Funds are being used in Livingston to serve an
industrial park, not a recreational park, and by being used to
develop it, I'm talking about furnishing these important public
facilities to the industrial park for industry to use, and when we
give a city a grant toward the financing of a water system to
serve an industrial park, we require of the owners of this indus-
trial park, a public group, we require that they commit them-
selves to the use of that park only by industries and commercial
concerns who will meet the requirements of the Civil Rights
Commission and the Federal Government under its grant pro-
grams.

MR. FLEMING. And the industries who will be located in that
park are also required to sign Title VI assurances of nondiscrimi-
nation in employment?

MR. BAGWELL. That's right. Those that are there at the time
and the city commits itself for at least 2 years to come that they
will not accept any industrial plant that won't commit itself
similarly.

MR. FLEMING. And after this 2-year period, does this assurance
requirement expire and the small companies that are not covered
by the equal employment law then would be exempt from any
Title VI assurances?

MR. BAGWELL. Our requirement of them is that they commit
themselves for 2 years from the date that they accept the funds
for a period of 2 years.

MR. FLEMING. What steps have you taken to encourage and
assist in the organization of Negro economic development corpo-
rations, or what steps have you taken to encourage such groups
to take advantage of EDA programs?

MR. BAGWELL. I have never had any request from a Negro
development organization to come and give them assistance. And
I don't know of very many.

I do know that there has been one in Tuskegee, and the organi-
zation, our organization, EDA, has had people assist that group.
I was not the one.

MR. FLEMING. In your work, Mr. Bagwell, you go around the
State meeting with officials and trying to encourage them to use
EDA programs, do you not?

MR. BAGWELL. Yes I do.

MR. FLEMING. And the substance of your answer was that you
don't do that for Negro groups?

MR. BAGWELL. The only groups that I go around the State, as
you say, to give them information about it, are groups where I'm
able to get enough people together to make it practical for me
to get there, and I'll go anywhere for any small group who re-
quests it.

MR. FLEMING. What about a group such as SWAFCA, South-west Alabama Farmers Cooperative Association? That's a group of 2,000 people. That's a large enough group to deal with, isn't it?

MR. BAGWELL. It is, and they have never requested my assistance. I understand that information had been publicized today that the Economic Development Administration has made an \$85,000 grant to SWAFCA in our technical assistance funds to be used in checking the feasibility of establishing some agriculturally based industries in that area.

MR. FLEMING. I'm happy to hear the news about that grant. Thank you, Mr. Bagwell. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Do you have any questions, Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Bagwell, I believe your testimony stated that the Western Alabama Regional Development had an all-white board of directors, and for that reason they did not qualify?

MR. BAGWELL. That's right.

COMMISSIONER FREEMAN. It is quite proper that they should not qualify.

MR. BAGWELL. That's right.

COMMISSIONER FREEMAN. What is the criteria for a development district to receive funds from EDA?

Let me give you this situation. Supposing that same 10-county area, that an organization that was predominantly black, but not all-black, that had maybe eight black people and two white persons, they became organized, and came to you and submitted a proposal. What would you do, and what would you expect from them, in terms of their continued operation or expertise?

MR. BAGWELL. I do not have authority to approve or deny any project. And I would assist such a group to file application according to the best dictates of my judgment.

The responsibility for actually organizing a district, and giving specific and direct guidance to the formation of such a group is in the hands of the Economic Development District Office in Washington.

COMMISSIONER FREEMAN. I understood you to say that you had encouraged them.

MR. BAGWELL. I did, I did encourage.

COMMISSIONER FREEMAN. Would you give the same kind of encouragement to the group I talked about?

MR. BAGWELL. I would if I felt it had a chance of improving the economy similarly, yes, ma'am.

COMMISSIONER FREEMAN. What kind of a showing would make you believe that they would have a chance of improving the economy? What would you look for?

MR. BAGWELL. I would look for a number of things. I would

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look for a plan of operation to begin with, as to—now this economic development district is an action program, it isn't a hand-out proposition, where we are able to use it as a welfare program. This would have to be shown as an organization which could show leadership in the area, sufficient to give the economic boost that would be intended by these funds.

That is a general answer, maybe. I'm not trying to evade, I would be glad to—

COMMISSIONER FREEMAN. We heard testimony concerning another kind of cooperative, where in a self-help housing cooperative,—would such an organization be eligible for a business loan from EDA?

MR. BAGWELL. Any borrower who can show economic feasibility for his project, is eligible for a loan from EDA, if it is in an eligible area. That does not mean that every application that comes in will be approved, of course, as you certainly know.

COMMISSIONER FREEMAN. Will you tell us what you mean by economic feasibility?

MR. BAGWELL. Well, our law states as one of the requirements that there be reasonable assurance that a loan can be paid back from earnings, and going back of that, we would have to be convinced that it was economically feasible from the standpoint of the market of whatever product is to be sold.

And it would have to be feasible from the standpoint of raw materials. The access to raw materials. It would have to be feasible from the standpoint of the management of the organization. Things of that kind, that business generally looks to as the criteria for feasibility.

COMMISSIONER FREEMAN. Would you make a negative judgment because of the fact that the majority of the board might be black?

MR. BAGWELL. Certainly not. In fact, as I explained, I wouldn't make a judgment, because I don't approve the projects or disapprove the projects.

COMMISSIONER FREEMAN. Do you make recommendations?

MR. BAGWELL. I usually do not make recommendations. I think that when I have worked with an application rather extensively and turned it in, EDA might assume that I would hope that that application would be approved. I don't make formal recommendations, no.

COMMISSIONER FREEMAN. You stated that the other area is the business loan. How many business loans have been made to Negroes?

MR. BAGWELL. None.

COMMISSIONER FREEMAN. Will you state the reason for that?

MR. BAGWELL. We have not had—I started to say that we have had no applications. We have had one application from a development corporation, which was not denied but was withdrawn. And we have had no other Negro applications from Alabama.

COMMISSIONER FREEMAN. Have you done anything to encourage the applications?

MR. BAGWELL. I will do all I can to encourage them when I have a spark of business interest. We, you know, if you are making a business loan, you naturally will have to have some business entity to make it to, and somebody who is interested in one. We can't just make them in a vacuum.

COMMISSIONER FREEMAN. We understand that. But assuming there is the entity that you are talking about, would you encourage the application?

MR. BAGWELL. I believe I stated that I would encourage, that I would give every possible assistance and I would expect that application to be approved just as quickly as anybody's application.

COMMISSIONER FREEMAN. This is in the future.

MR. BAGWELL. In the past, too.

COMMISSIONER FREEMAN. But you haven't had any in the past.

MR. BAGWELL. Haven't had the interest and haven't had the inquiries and haven't had the applications.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN PATTERSON. Mr. Taylor?

MR. TAYLOR. No, sir.

VICE CHAIRMAN PATTERSON. Thank you very much for your testimony. You are excused, Mr. Bagwell. Will Counsel call the next witness please?

MR. GLICKSTEIN. The next witness is Mr. Paul Brunson.

(Whereupon, Mr. Paul Brunson was sworn by the Vice Chairman and testified as follows:)

**TESTIMONY OF PAUL R. BRUNSON, REGIONAL DIRECTOR,
SMALL BUSINESS ADMINISTRATION, BIRMINGHAM, ALABAMA**

MR. GLICKSTEIN. Mr. Brunson, would you please state your full name and address for the record?

MR. BRUNSON. Paul R. Brunson, Regional Director, Small Business Administration, 908 South 20th Street, Birmingham, Alabama.

MR. GLICKSTEIN. Mr. Brunson, I understand that you have submitted to the Commission a statement and some exhibits that you would like included in the record.

MR. BRUNSON. I would like to have them in the record.

MR. GLICKSTEIN. May this be received into the record, Mr. Chairman?

CHAIRMAN HANNAH. It is received.

(The document referred to was marked Exhibit No. 34 and received in evidence.)

MR. GLICKSTEIN. Mr. Brunson, would you please briefly describe for the Commission what steps you have taken to improve SBA

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done anything to encourage them when I see, you know, if you are anybody who is interested in them. I understand that. But assuming you would encourage, that I would expect that quickly as anybody's application in the future. I haven't had any in the past. Interest and haven't had the applications. You. Taylor?

Thank you very much for your help. Will Counsel call the name is Mr. Paul Brunson. As sworn by the Vice Chairman, REGIONAL DIRECTOR, BIRMINGHAM, ALABAMA. Would you please state your name, address, and telephone number? Regional Director, Small Business Administration, 20th Street, Birmingham, Alabama. I understand that you have prepared some exhibits that I would like to see. Put them in the record. I have received into the record, Mr. Brunson. I have marked Exhibit No. 34 and I would like you to describe and you please briefly describe the steps you have taken to improve SBA

loan participation in Alabama and the results of your actions? MR. BRUNSON. I have begun a series of seminars throughout the State of Alabama, which I will complete next week, covering every county for the 44,000 small businesses to—for all businessmen and potential businessmen and women to understand the function of the Small Business Administration throughout this State. This has been a tremendous undertaking.

But I feel that people in official capacities, regardless of whether they are Federal, State, or local officials, should explain their programs in which—especially to recipients of loans—where we can promote jobs and opportunities for people that it has not been afforded to before, that we can do this. And of course our loan record in Birmingham will indicate the tremendous growth that we have had, and the number of loans that we have made since 1964, when Alabama was the regional office and covered part of Northwest Florida. Loans were made in Washington and in Atlanta, and we have been given the complete delegation of authority to make loans in Birmingham, and if we make good loans, fine, if we don't make good loans, it is our fault.

But we have around \$39 million out on loans and less than 2 percent of that is what we call delinquent. But to further tell you what we are doing in Birmingham, we are—I know that I have one of the finest staffs that has the skill and knowledge of any staff throughout America. But even though they have the skill and knowledge, if they don't have the right attitude about making loans and helping people to help this State grow, I don't think that we have gotten very far. I hope that answers your question.

MR. GLICKSTEIN. You have been head of the SBA for how long now?

MR. BRUNSON. Going on 4 years.

MR. GLICKSTEIN. And I believe your statement indicates even more fully that you have indicated orally, that there has been a great increase in the number of loans that have been made over the last few years?

MR. BRUNSON. Yes, this present year we have loans already approved in excess of \$15 million this fiscal year. And I think that we have just begun to scratch the surface, because the people, as I have worked throughout Alabama, for 15 years, in every county, people don't understand the programs to be offered.

And I think that for them to fully understand what you can do and what our policies and programs are, especially with the banking and lending institutions, and help them to realize that there is not so much red tape in our programs. In fact, after an application is submitted to our office and accepted, the Small Business Administration, we don't take 3 or 4 months or 2 or 3 weeks to process that application. We let the recipient know within 7 to 10 days, whether he is going to receive the loan or not.

And I would like to say this, that last fiscal year, of the loans accepted, 81 percent of the loans were approved, and in this fiscal year, 91 percent of the loans have been in participation with the banks and, of course, where the loans can be made by local lending institutions, we are forbidden from making the loans. We are to fill the gap that other lending or financial institutions throughout the State are not able to make.

MR. GLICKSTEIN. So am I correct then in saying that most SBA loans go through banks and the SBA only makes direct loans in the event you can't find a bank that is willing to make the loan?

MR. BRUNSON. That's correct, and it makes good sense to me, and I think to the business community that using Federal funds and taxpayers' money, that if we're willing to believe in a man in a local community 90 percent and it cuts down on our processing time, why not the banks be willing to participate a minimum of 10 percent.

We usually require 25 percent bank participation, but it is not required. We ask for it, but if we can't get it, we'll take it on a 10 percent.

Of course, we have one of the finest programs that I know of in the Small Business Administration, our Guaranty Loan Program, where an applicant can make an application for a loan through a bank or a lending institution, and we will guarantee up to 90 percent say, on a \$20,000 loan, we can guarantee \$18,000 of the \$20,000 of the amount of the loan.

MR. GLICKSTEIN. Mr. Brunson, which of your programs do you feel has the greatest potential for stimulating economic development in rural areas?

MR. BRUNSON. I think that Local Development Company Program or what we call in the Small Business Administration, our 502 Program, has the greatest potential throughout the State. In these seminars that we have conducted throughout the State, and lacking two completions, we have run an economic profile. And contrary to some of the facts that I have heard throughout our State is the fact that a lot of people think that the exodus of the people from this State is the Negro population. This is not true. It is white people. It is not just the masses of the Negro.

It is because in these economic profiles, the statistical gross, it has been shown, in very sparsely populated areas like Marion, Franklin, and Lamar Counties of the Negro there has been a 9.8 decrease in population. And what is happening is the people throughout this State are not taking advantage of financing that is available, and, of course, that has been my chief job this past year, to get out with them and show them about this Local Development Company Program, because we are losing the most priceless asset to other States in our youth and there are thousands of them going to graduate right away that are going to go

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to other States for jobs and opportunities that are not being
offered right here in Alabama.

MR. GLICKSTEIN. Could you just tell us very briefly what the
502 Program is, the Local Development Corporation Program is?

MR. BRUNSON. Well, our Local Development Corporation is
where we make loans to a local development company. It is com-
munity planned, community organized, community initiated, and
we provide the funds for the land, building, machinery, and
equipment. This will be leased to a—this can be a profit or non-
profit organization, and we can make these funds available to
any local group, it can't be a municipality or county, it has to be
a locally organized group.

And of course the local group leases the facility to a small
business concern. Now, 31 of these local development companies
have been organized and we have created, through this program,
almost 3,000 jobs. And we are going next week to dedicate three
of these projects which have been funded in the last few months
over at Bridgeport, Scottsboro, and Collinsville, which will create
an additional, over 400 jobs for Alabamians.

MR. GLICKSTEIN. You are talking about jobs. Am I correct that
recipients of SBA loans are required to sign assurances that they
will not discriminate in their employment practices or in the
rendition of services?

MR. BRUNSON. That is correct.

MR. GLICKSTEIN. Do you find that requiring people to sign
such assurances has discouraged some people from seeking SBA
loans or participating in your programs?

MR. BRUNSON. No, I haven't. No.

MR. GLICKSTEIN. Have you ever had any complaints that re-
cipients of SBA loans are not in compliance with the Title VI
requirements?

MR. BRUNSON. No.

MR. GLICKSTEIN. Do you have any program or procedures for
checking on whether recipients of SBA loans are in compliance?

MR. BRUNSON. We have this form 712. When a loan officer goes
into the field, that if he notices anything that does not go along
with the compliance program, he has to report it to our area
office. Now, that complete program is under the area office in
Atlanta. The compliance program.

MR. GLICKSTEIN. And the area office in Atlanta is responsible
for Title VI compliance throughout the Southeast?

MR. BRUNSON. That is correct.

MR. GLICKSTEIN. Do you know how many people work out of
that office?

MR. BRUNSON. One.

MR. GLICKSTEIN. One person has that responsibility?

MR. BRUNSON. That's right. Right.

MR. GLICKSTEIN. For the entire Southeast?

MR. BRUNSON. That's right.

MR. GLICKSTEIN. Mr. Brunson, are businesses that receive SBA loans required to post signs indicating that they are recipients of loans and are complying with nondiscrimination requirements?

MR. BRUNSON. That's correct.

MR. GLICKSTEIN. Do you know if these signs are posted?

MR. BRUNSON. In every business that my people have visited, and Mr. Scott, who is present today, in every business that he has visited, these signs have been posted.

MR. GLICKSTEIN. And this is one of the things that people like Mr. Scott, who you mentioned, would be required to check on?

MR. BRUNSON. That's right.

MR. GLICKSTEIN. What percent of the businesses that receive SBA loans are visited?

MR. BRUNSON. Well, let's put it like this, that if a person is paying a loan, why should we visit him? When they sign these compliances, he signs that he is going to pay the note back, and when he signs these compliances we expect him to comply with the law.

Mr. Scott has periodic visits that he makes, and of course my own office makes these. We have no problem in this area.

MR. GLICKSTEIN. But in general if a recipient is not delinquent he is not subjected to visits. Is that correct?

MR. BRUNSON. That's right.

MR. GLICKSTEIN. So the vast majority of people that receive SBA loans are not subjected to on the spot visits?

MR. BRUNSON. Unless they get delinquent.

MR. GLICKSTEIN. Unless they get delinquent?

MR. BRUNSON. That's right. And then we're on their doorsteps.

MR. GLICKSTEIN. So it is possible that there are many SBA recipients who haven't posted this notice?

MR. BRUNSON. We feel like that all of them are complying with the law.

MR. GLICKSTEIN. You feel that since they are paying what they owe, they are not delinquent, they are probably also complying with the Title VI requirements?

MR. BRUNSON. Yes. In my statement, you notice that the number of people that are employed in these various programs—I means loans in this particular area, another thing I would like to point out to you in the statement—

MR. GLICKSTEIN. Are you suggesting that there are a small number of people employed?

MR. BRUNSON. I'm suggesting there is a large number of minority employed.

MR. GLICKSTEIN. I thought you meant in your own offices, there were a small number of people employed.

MR. BRUNSON. Well, in my own office we have two professional employees, and one steno, and I have 31 on my staff. But during

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this period that we were speaking about, from '64 to '68, our records indicate that we made 772 loans, and 168—or 21 percent of the total number made in the 16 counties which you have your hearings concentrated on, 19 of the 164 loans were made in these counties can be identified as having been made to Negro, or to Negro owned businesses on the basis that we have kept since 1964.

MR. GLICKSTEIN. What type of loans are you talking about now?

MR. BRUNSON. Well . . .

MR. GLICKSTEIN. Both business loans and Economic Opportunity loans?

MR. BRUNSON. That's correct.

MR. GLICKSTEIN. Well the statistics that you have given us indicate that in the 16-county area there have been business loans totaling \$1,700,000. And of this amount, less than 3½ percent have been loaned to Negro businessmen. Is that accurate?

MR. BRUNSON. No it isn't. One recipient of a loan is . . .

MR. GLICKSTEIN. This is since April 1967.

MR. BRUNSON. That is not correct.

MR. GLICKSTEIN. Not correct?

MR. BRUNSON. We made a loan to a Negro businessman since that, I know, to show you it is not correct, for \$100,000.

MR. GLICKSTEIN. When was this loan made?

MR. BRUNSON. Oh, that was made since Christmas.

MR. GLICKSTEIN. Since Christmas?

MR. BRUNSON. I mean since the fiscal year. Since the beginning of the fiscal year, it has been 3 or 4 months ago, but I could check the record. It has been made during this fiscal year.

MR. GLICKSTEIN. Made since April 1967?

MR. BRUNSON. Yes.

MR. GLICKSTEIN. So you think that more than 3½ percent of the business loans made in the 16-county area have gone to Negroes?

MR. BRUNSON. Yes, but you know, making loans is something that is unique. I think that not only the Negro, but the majority of the white people, we have 44,000 small businesses and I would like to point this out, that every county that we have concentrated these seminars in that every business owner has received a letter asking them to appear, to come to this meeting for the information to be disseminated.

I would like to further tell you that we have in the last 9 months put out 1,785 news releases and been on television 76 hours, explaining the functions of the Small Business Administration.

MR. GLICKSTEIN. Mr. Brunson, again, information that your office has furnished to us, shows that in the 16-county area, an area in which Negroes represent 62 percent of the population, and a very large proportion of the poor, that \$72,000 worth of Economic Opportunity loans have been made. As I understand it,

you can take greater risks on those loans, than otherwise. Is that correct?

MR. BRUNSON. That's right, but we expect the money to be paid back irregardless of whether it is either one of the two loans.

MR. GLICKSTEIN. Right. But you are able to take greater risks . . .

MR. BRUNSON. Yes.

MR. GLICKSTEIN. Well, of this \$72,000 of money that you have loaned under this program, you have made only one-third of those loans to Negroes. How do you account for the relatively low participation of Negroes in this program?

MR. BRUNSON. From them not knowing about the OEO program and our other programs.

MR. GLICKSTEIN. I just would like to clarify the record a little bit, going back to the question I asked you before about business loans. I have in my hand a document that was furnished to us by your office, and it indicates that the total business loans made in the 16-county area from April 1967 to March 1968, was \$1,700,000, a little bit more than that, which is the figure I used, and of that sum, 3.43 percent was made to Negroes.

You said you didn't think that was correct. Would you like to look at this chart?

MR. BRUNSON. Did that come in from my office?

MR. GLICKSTEIN. Correct.

MR. BRUNSON. From my office in Birmingham?

MR. GLICKSTEIN. No, this came from the Washington office.

MR. BRUNSON. There is some discrepancy between the two offices. I've got it from the records of my office in Birmingham.

MR. GLICKSTEIN. You think there is some discrepancy?

MR. BRUNSON. Could be.

MR. GLICKSTEIN. What do your records indicate to be the amount of loans made to Negroes, business loans?

MR. BRUNSON. I don't have the dollar amount. I have the number of loans. I have the number of loans, not the dollar amount. Of course you can't force people into your office to make loans and applications, irregardless of who they are.

MR. GLICKSTEIN. But you just indicated that you have a very extensive program, you go throughout the State, you encourage people to participate in SBA programs. And you hold seminars.

I think you said that your seminar program has now been completed in all counties of the State.

MR. BRUNSON. With the exception of two, Madison and Jackson, and we complete that next week. But all of this area that you're concentrating on has been covered by seminars and letters have gone to the businessmen in these areas.

And one other thing, in this particular area, there are 550 small businessmen in the minority that are in this area.

MR. GLICKSTEIN. You said it is difficult to encourage people

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to come in and get loans, or apply for loans. I think you said you
 can't force people to take a loan.

MR. BRUNSON. That's right.

MR. GLICKSTEIN. I have a copy of a letter that you furnished
 to us in which you advised a Congressman of one of your series
 of seminars, and you give him the itinerary, program for the
 seminar, over a couple of day's period. And one of the activities
 that you mention in this itinerary is a 6 p.m. dinner at the Union
 Springs Country Club, with elected officials, bankers, industrial
 development boards, and civic leaders from Macon and Bullock
 Counties, two counties that have very large Negro populations.

Were many Negroes in attendance at that dinner?

MR. BRUNSON. If you recall, you asked me that same question
 before, and my answer is the same to you again, that that is a
 privately-owned club, and they invited me there as an individual
 to have dinner with them.

MR. GLICKSTEIN. This is part of an agenda of a Federal
 agency's program in a particular area?

MR. BRUNSON. Yes.

MR. GLICKSTEIN. After the dinner there was a SBA meeting
 for Bullock and Macon Counties at the Union Spring High School.
 Was that meeting well attended by Negroes?

MR. BRUNSON. I think there was—I'm sure there were better
 than 100 colored people there.

MR. GLICKSTEIN. How about some of the officials, bankers and
 industrial board and civic leaders that you had dinner with?
 Did they come to the meeting also at the high school?

MR. BRUNSON. I think everyone who was there came.

MR. GLICKSTEIN. The following day, I notice the itinerary has
 an item in it, you had a fish-fry at the Hartford Lake in Geneva.
 Did Negroes attend that fish-fry?

MR. BRUNSON. No, they didn't.

MR. GLICKSTEIN. I have no further questions, Mr. Chairman.

VICE CHAIRMAN PATTERSON. Mrs. Freeman, do you have any
 questions?

COMMISSIONER FREEMAN. Mr. Brunson, it appears from the
 previous statements that your dissemination of information is
 on racially segregated lines. Do you consider this consistent with
 the Federal policy?

MR. BRUNSON. How do you get that idea?

COMMISSIONER FREEMAN. You went to a fish-fry, sponsored
 at a place where Negroes were excluded, a country club, this
 kind of—

MR. BRUNSON. All right. I'm a Federal employee. I'm invited
 to a lot of functions. These functions are held by people at the
 local level. And when they are there, I don't tell them who they
 are going to invite. The only thing that I'm trying to do is to put

my programs across to the best of my ability, irregardless of race, creed, or color.

COMMISSIONER FREEMAN. What affirmative steps do you take to organize meetings where there will be no segregation on the basis of race?

MR. BRUNSON. I go where I'm invited.

COMMISSIONER FREEMAN. You wait for the invitation?

MR. BRUNSON. Not necessarily.

COMMISSIONER FREEMAN. That's why I asked. What steps do you take to have such meetings in a racially inclusive setting?

MR. BRUNSON. There is one colored gentleman here in the audience that asked me today what is the possibility of me coming to Lowndes County, and I said if he would get a group together that I would be glad to come myself or send a representative.

You see, this is kind of unique for a Federal agency to go out, even though that you're lending money, filling a gap for the community and for the State, trying to create jobs. It is something that I could sit back in my office in Birmingham and would never have to do if I really didn't want to, if I didn't have an interest in the State and in its people, and seeing jobs and seeing the people remain here at home.

I realize a lot of problems, and I imagine that I know this State as well as any individual in Alabama. And I plan to utilize our office in Birmingham to the best of my ability in making loans for this purpose.

MRS. FREEMAN. Mr. Brunson, the recipients of SBA loans sign contracts which include the nondiscrimination clause. In response to Mr. Glickstein's question, you indicated that as long as the loan is being repaid, that the office does not take steps to assure compliance with that provision of the contract.

I would like to ask this question: Let us assume that an SBA loan had been made to a restaurant in the sum of \$250,000 and that after the loan was made, the owner of the restaurant transferred it to a gambling establishment and continued to make the payments. Would your office consider this a violation, or have any responsibility to check into it?

MR. BRUNSON. That is a hypothetical question, because gambling is not permitted under the laws of the Small Business Administration.

COMMISSIONER FREEMAN. Neither is racial discrimination.

MR. BRUNSON. You take—well, let's put it like this, let's say that the transfer of the business, *per se*, was transferred under our authority and jurisdiction, and the ownership changed.

They would have to sign the same compliance that the original people signed because—until the loan was paid off.

In other words, they assumed the loan, they would have to sign the same compliance as the original people. Of course at that time, they, a different group, would have come into my office to make

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COMMISSIONER FREEMAN. How would you know it is a differ-
ent group, you haven't been around. They keep sending you the
checks.

MR. BRUNSON. You see, Mr. Scott back there visits every—this
is not my responsibility, you understand that, I think I pointed
out in the beginning this is the responsibility of the area office,
for all compliances, is the responsibility of the area office, and
he visits this and if you would like to specifically question him
he's back there in the audience.

COMMISSIONER FREEMAN. I'm pursuing the statement which
you made, that as long as the loan is being repaid, that you were
not concerned with noncompliance, with the equality of oppor-
tunity provision of that contract.

MR. BRUNSON. That is the area's responsibility.

COMMISSIONER FREEMAN. I have no further questions.

VICE CHAIRMAN PATTERSON. Do you have any questions, Mr.
Taylor?

MR. TAYLOR. Mr. Brunson, as I understand it, the seminar that
we were talking about, done in conjunction with Congressman
Andrews, was a federally sponsored function. Is that not correct?

MR. BRUNSON. Was a federally sponsored function?

MR. TAYLOR. Yes.

MR. BRUNSON. No.

MR. TAYLOR. Well, who sponsored it?

MR. BRUNSON. The American National Bank, the Industrial
Development Board, in Union Spring, Bullock County. And they
did the inviting of the people that came.

MR. TAYLOR. And what was the relationship of the Small Busi-
ness Administration to this function?

MR. BRUNSON. Well, we had had a strenuous day, and they had
a dinner for us there, and prior to going to the Union Springs
High School. And this is true practically everywhere I go.

MR. TAYLOR. You said that you had a program of seminars?
Was this not a part of your program of seminars?

MR. BRUNSON. You mean the dinner?

MR. TAYLOR. No, the whole function. It began 7:30 a.m. on
November 14 and ended at 7:30 p.m. on November 15.

MR. BRUNSON. If you want to, it can be interpreted any way
you want to interpret it. You can say it is an official part of my
program. But you know, when you work from 8 to 5, even though
it was—that itinerary that went to George Andrews, Congress-
man Andrews, you have to eat someplace.

MR. TAYLOR. Well, I don't wish to pursue this. Perhaps you are
not aware that there is a Federal regulation, perhaps that has
not been communicated to you, that prohibits Federal officials
from participating in meetings in which any of the events are

segregated, and from which Negroes are excluded. I'm sure if that is now brought to your attention officially, you will not have such functions again.

Can I assume that would be the case, if that is brought to your attention?

MR. BRUNSON. If that is what they want, that is the way it will be.

MR. TAYLOR. I have no further questions, Mr. Chairman.

I think that Mr. Glickstein would like to—well, let us introduce them into the record. This letter from Mr. Brunson to Congressman Andrews dated October 24, 1968, which sets out the event described.

VICE CHAIRMAN PATTERSON. It is received for the record.

(The document referred to was marked Exhibit No. 35 and received in evidence.)

VICE CHAIRMAN PATTERSON. Are there any further questions of the witness? Thank you very much, Mr. Brunson. You are excused. Will Counsel call the final witnesses, please?

MR. GLICKSTEIN. The next witness is Dr. John Kain.

(Whereupon, Dr. John F. Kain was sworn by the Vice Chairman and testified as follows:)

TESTIMONY OF DR. JOHN KAIN, BELMONT, MASSACHUSETTS

MR. GLICKSTEIN. Would you please state your full name and address for the record.

DR. KAIN. My name is John F. Kain, 66 Watson Road, Belmont, Massachusetts.

MR. GLICKSTEIN. What is your educational background?

DR. KAIN. I received my bachelor's degree from Bowling Green State University; master's and Ph.D. from the University of California.

MR. GLICKSTEIN. What is your present employment?

DR. KAIN. I am presently professor of economics at Harvard University.

MR. GLICKSTEIN. What are your fields of special interest?

DR. KAIN. I have been concerned in my research and teaching primarily with the problems of urban and regional development.

MR. GLICKSTEIN. Professor Kain, have you been retained as a consultant to this Commission?

DR. KAIN. I have.

MR. GLICKSTEIN. And you have been present during these hearings which began last Saturday?

DR. KAIN. Yes, I have attended virtually all of the hearings in the last 6 days.

MR. GLICKSTEIN. I understand that on the basis of your expertise in the field of economics and on the basis of the testimony

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that you have heard here these last few days and the background papers that you have read in connection with this hearing, you are prepared to give the Commission some observations on what you think needs to be done with some of the problems that we have heard discussed.

Will you please proceed?

DR. KAIN. Thank you.

My assignment has been to sit through these 6 days of hearings and try to digest the thousands, possibly millions, of words of testimony, and to suggest what all of this means for national policy.

I was selected for this task, not because I am greatly knowledgeable or have a special expertise about the rural South, but rather because of my research on urban problems and the relationship between the cities and the rural South.

There is no need for me to dwell on these interrelationships today, since the statistics on the levels and selective characteristics of migration from the rural South to the metropolitan North, have been strongly substantiated by the testimony presented at these hearings.

Every black witness before this Commission has relatives or friends in northern cities, and most have either lived or visited there. Programs designed to improve the very real and serious problems of the ghettos of the North will profoundly influence these levels of southern Negro migration.

The consequences of many well-intentioned efforts of this kind may be even more unemployed Negroes in the ghettos of the North. Similarly, efforts to increase the opportunities and incomes of the Negroes in the South will influence both the levels of migration to the northern ghettos and Negro unemployment and incomes there.

Programs of southern economic development that widen the opportunities available to the southern Negro in the South can be an extremely effective weapon for dealing with the problems of the Nation's cities. These patterns of selective migration are the result of marked differentials in economic opportunity available to the Nation's Negroes in the metropolitan North and the rural South.

The reasons underlying this differential in patterns of economic opportunity are many. However, the following are among the most important. First, the South's historic employment specialization in agriculture, combined with the relatively slow growth of demand for the output and rapid technological change in that sector.

A set of social, political, and economic institutions in the rural Southern economy which have effectively barred the Negro from meaningful participation in the economic system. In all fairness,

it must be admitted that the North has nothing to brag about in this respect.

Nevertheless, it would appear that the restrictions on economic opportunity at least have been somewhat less constricting than those in the rural South. Third, the low incomes of the South as a whole, which derive in part from the above and which are a further legacy of the period of the Civil War and Reconstruction.

Fourth, high wage rates and the rapid growth of employment in the metropolitan centers of the North. Despite pervasive discrimination in employment, these forces have provided large numbers of employment opportunities for the southern Negro in northern industry.

Despite the massive Negro migration of recent decades and the many deprivations and indignities experienced by southern Negroes, black witnesses at these hearings have indicated a strong preference to remain in the South, if only they could obtain jobs here.

This is true in spite of, or perhaps because of, the fact that many, if not most, have first-hand knowledge of the cities of the North. All of the above reasons suggest that we strongly in the self-interest of the North and the Nation at large, be concerned with the development of the southern economy and the economic opportunities available to both poor whites and Negroes there.

This alone provides sufficient justification for a major program to improve conditions and increase opportunities in the rural South. However, these hearings have brought home forcibly another and more important reason for concern about southern rural poverty of both Negroes and whites. That is just simple basic humanity.

The conditions that we have seen in these past few days are intolerable in an affluent Nation such as ours. Up to this point, I have emphasized the nature and consequences of southern rural poverty. Let me now turn to the question of the choice of public policies for dealing with these evident and pressing problems.

While we must not tolerate any further delay in obtaining relief for the impoverished whites and Negroes of the rural South, any efforts to provide solutions must be lasting and consistent with the fundamental economic forces at work in the national economy and more specifically, in the southern economy.

Consideration of these forces argues for primary emphasis on three kinds of programs. These are, first, accelerated industrialization and urbanization of the southern economy. Second, strenuous efforts to insure equal opportunity in employment in the present and to undo the consequences of decades of labor-market discrimination. Third, an immediate and significant national income maintenance program.

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regarded as a necessary long-run program needed to insure even-
 tual parity between the South and the rest of the Nation.

Despite the long-run potential of a program of this kind,
 stronger and faster-acting medicine is needed to deal with the
 immediate pressing conditions of southern rural poverty. Effec-
 tive progress toward solving these problems in any reasonable
 period of time can only be made by means of a major and large-
 scale national income maintenance program.

These hearings have shown the urgent need for a large-scale
 national income maintenance program of this kind. However, it
 is important to choose from a large number of possible programs
 one that does not hamper the essential long-run solution of south-
 ern economic development.

What is needed is a program that does not stifle initiative or
 discourage workers from seeking employment or better employ-
 ment to further enhance their economic condition.

These requirements would appear to be most closely approxi-
 mated by a program similar to the so-called negative income tax.
 I strongly urge that the Commission use its full influence and
 every means at its disposal to obtain enactment of a national
 income maintenance program similar to the negative income tax
 at the earliest possible date.

Nothing else is capable of dealing effectively and quickly with
 the conditions brought to light in these hearings. While the nega-
 tive income tax has acquired widespread support in the past 2
 to 3 years, there remains a great deal of confusion about its
 purposes and structure.

Much of the popular confusion about the proposal is traceable
 to the name, the "negative income tax." A term such as "employ-
 ment incentive tax" would come closer to capturing the essential
 features of the proposal.

These are to provide a minimum income for every household,
 while at the same time not discouraging economically active
 households from providing for themselves to the greatest possi-
 ble extent.

At the risk of creating some confusion, I will use the terms
 "negative income tax" and "employment incentive tax" inter-
 changeably in the following discussion. What is attractive about
 the employment incentive tax is that, unlike most existing wel-
 fare and income maintenance programs, such as ADC and public
 assistance, it does not penalize the household that attempts to
 improve its economic status and reduce its welfare dependency.

This aspect of most existing welfare programs is a root cause
 of the cycle of poverty. Most existing programs have what
 amounts to a 100 percent tax on the earnings of recipients. It
 would take considerable skill and imagination to develop schemes
 which would more effectively stifle initiative and reduce the will
 to work.

The employment incentive tax would provide a floor for the incomes of every individual and family in the Nation. Each would receive as a matter of right from the Internal Revenue Service a certain minimum cash income.

This minimum cash income would vary according to the family size and composition. In this respect it is similar to many existing income maintenance programs. It differs from most of these programs in the use of a uniform national standard in allowing households to keep some percentage of any additional earned income.

The former has important consequences for migration behavior by insuring that individuals can exercise a free choice of where they will reside. As was noted previously, the latter is essential in terms of providing the incentives for households to do everything possible to become economically self-sufficient.

In addition to the obvious value of a proposal of this kind in terms of breaking the cycle of poverty in the rural South, there is still another and possibly even more important benefit that was brought home powerfully to me at these hearings.

This would be its effect in undermining and eventually destroying the system of economic bondage that continues to enslave and emasculate the poor white and poor Negro in the rural South. During the past 5 days of hearings, we have heard much testimony describing the instruments of this system and their skillful use.

In order to free the poor population of the rural South from real and imagined economic threats, and to restore its constitutional liberties, requires a fundamental change in the structure of these institutions. In particular, it is essential that the economic dependence of the poor Negro and white be reduced.

No fundamental social change will be possible so long as the poor white and Negro remains dependent on the white power structure. Only a measure such as the negative income tax, which provides a minimum income as a matter of right, will accomplish this end.

No amount of Federal dollars will lead to the independence necessary for full participation in society if they are channeled through these existing institutions.

The negative income tax would bypass these traditional arrangements entirely. Now, you might ask: would there be any benefits that would accrue to high-income whites from such a proposal? Would there be any reason why they should lend their support to such a proposal?

The answer, I think, is a clear yes. Much of the impression of the poor Negro and white is traceable to the poverty and narrowness of opportunity of the Southern economy as a whole. While it is true that the well-to-do white is at the top of the heap, the heap is a very tiny one.

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The carefully husbanded economic advantage of the southern white is in truth a very limited one. Because the South has more poverty than any other region of the country, the South as a region would be the principal beneficiary of the negative income tax.

While the economic hegemony of the well-to-do white would be sharply reduced, all would be compensated handsomely. The net result would be a greater economic, political, and social independence for all citizens and an eventual banishment of the fear which has been so characteristic of the hearings in recent days.

Let us not be mistaken: existing property owners would be enriched beyond measure. The result would be a richer and broader society in which all would be better off.

I envision that the regional redistribution of income from the rest of the Nation to the South, which would be a major consequence of the employment incentive tax, would be temporary. The long-run solution should be a redistribution of the Nation's productive resources in the development of the South's human resources.

As was noted above, an important feature of a proposal such as the negative income tax is that it permits a rapid solution to the problems of poverty and dependence, while at the same time not interfering with the longer-run solution of southern economic development.

To repeat, the employment incentive tax, since it allows recipients to obtain a significant fraction of anything they can earn, will not discourage work on the part of the able-bodied. In addition, a much enriched southern economy would be able to provide for the investments in human resources needed to achieve eventual production and economic parity with the rest of the Nation.

Dr. Mermann reported to us the disastrous effects of inadequate and insufficient diets on the school performance of impoverished school children. The negative income tax should insure that no child, white or black, will be unable to benefit from educational opportunities because he had too little or too poor food to eat.

Nor would the indirect benefits of an employment incentive tax stop at this point. A much wealthier southern economy would be able to tax itself to increase the educational opportunity provided to every child. It is well to remember that many of the inadequacies of southern education are traceable to its poverty.

As a percentage of per capita income, the South does about as well as the Nation as a whole. The difficulty is that this fraction of southern income buys far fewer educational resources. While the negative income tax, if set at reasonably high levels, it should, by itself, permit the South to radically improve the quality of its public education, health, and other investments in human resources.

These investments are so critical to the Nation as to strongly

indicate additional positive efforts. Even if a rapid expansion of economic opportunity, and employment in the South occurs, with the consequence of much reduced levels of outmigration from the South, the Nation will remain a highly interdependent whole.

Problems resulting from underinvestment in human resources in the South will continue to accrue to the metropolitan North. A number of staff reports have documented the rapid industrialization of the southern economy. The fact that this rapid industrial growth has not been sufficient to offset the still more rapid displacement from agriculture should not be allowed to obscure the importance of this growth to the southern economy.

It is strongly in the national interest that this process of southern industrial growth be accelerated further. The huge increase in purchasing power in the South that would result from an enactment of the employment incentive tax would by itself greatly accelerate this process by causing a massive expansion of its consumer markets.

Market-oriented producers of consumer goods would have a strong incentive to locate nearby these much expanded markets. This process would be further accelerated by the still low wage rates of the rural South.

As a slower-acting improvement in education and public health began to be felt in terms of a higher productivity labor force, there would be additional incentives for prospective employers to locate or expand production in the South.

The task is a large one. The objective should be the permanent elimination of the large disparities in income and productive resources that have separated the South from the rest of the Nation since the Civil War.

This argues for further positive efforts to encourage private investment in the southern economy. The task should be defined as the development of the southern economy as a whole. Capital subsidies in the form of business loans and tax-exempt securities, and public facility loans to develop a public infrastructure needed to support a modern industrialized and urbanized economy would appear to be the appropriate instruments for encouraging this private investment.

As testimony presented earlier in these hearings indicated, these tools are hardly new to the South. Tax-exempt municipal bonds have been widely used by communities throughout the South to attract new industry.

However, much of the advantage of these instruments has been lost as other and more prosperous parts of the country have imitated the South. I strongly recommend that the Commission urge Congress to enact legislation prohibiting the use of tax-exempt municipal securities in this way, except in those instances where such subsidies are consistent with the national policy of regional development.

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Development of the rural South, particularly the Black Belt,
 should be the number one priority of such a national policy of
 regional development. Such legislation would restore the previous
 competitive edge of the South in attracting industry.

These legislative changes should be accompanied by a much
 enlarged program of business loans, community facilities, and
 other initiatives designed to further accelerate southern economic
 development.

The final pressing need is to make every effort to insure that
 the southern Negro obtains a fair share of these expanding em-
 ployment opportunities. These hearings have added to the already
 large body of evidence on the exclusionary and discriminatory
 hiring and employment practices rampant in southern industry.

The *quid pro quo* for a national program of southern economic
 development must be a change in these traditional labor market
 practices which have kept Negroes in the lowest-paying and least
 desirable jobs.

Federal compliance activities relating to contractors is poten-
 tially the most potent weapon to insure that Negroes are afforded
 equal employment opportunities. It is essential that these legisla-
 tive requirements be vigorously enforced.

Testimony by Federal compliance officers during these hearings
 has indicated both the promise and the limited progress that has
 been made in this area. There is no area of public policy that
 promises more rapid or longer lasting results.

It is critical that the enforcement staffs of the contract com-
 pliance offices be greatly expanded, and that this effort be given
 the highest possible priority within the South. A crash program
 to insure compliance with Federal antidiscrimination require-
 ments will have both immediate and long lasting benefits.

Testimony presented at these hearings supports the view that
 these enforcement activities must demand immediate results, and
 that they must go beyond dealing with current practices of dis-
 crimination in employment and in promotion and require that the
 decades of discriminatory practices be undone.

Again, these activities will be greatly assisted by a much accel-
 erated pace of southern economic development. Economic develop-
 ment and equal opportunity are highly complementary.

VICE CHAIRMAN PATTERSON. Thank you very much, Dr. Kain.
 Are there any questions of this witness?

MR. GLICKSTEIN. No, sir, not from me.

VICE CHAIRMAN PATTERSON. I believe that we will spare you
 the questioning, Dr. Kain.

Before you leave the stand, I would like to say to you that this
 Commission is aware it has heard a very important paper from
 you. It is a thoughtful analysis of what has occurred here.

You have suggested some extremely sweeping changes. The
 national income maintenance program is a basic change in the

American economy and a far-reaching one. But I am inclined to agree with you that it is time for us to begin to look at far-reaching steps in this society.

And, therefore, I simply want to thank you for the perceptiveness of this paper, and for laying before us the challenge that probably will be before the country in the coming years. Thank you.

DR. KAIN. Thank you.

VICE CHAIRMAN PATTERSON. You are excused. Ladies and gentlemen, this public hearing of the U.S. Commission on Civil Rights is coming to an end. I wish to express the Commission's appreciation to General John Carpenter, the Commanding General of the Air University, and to Colonel Paul A. Jones, the Commandant of the Maxwell Air Force Base, for having made these facilities available for our hearing.

We also appreciate the services of the United States Marshals here present. The Commission also appreciates the cooperation of the officials of Alabama and the officials of the 16 counties covered by this hearing, and by the many private organizations and individuals who cooperated with us in holding the hearing.

For the past 5 days, this Commission has heard testimony concerning equal economic opportunity for Negroes in rural and nonmetropolitan areas of the State. Much of it was disturbing. The problems are by no means confined to Alabama. In varying form, they are all too general in America.

But we have looked at them here. There were certain themes that ran throughout the hearing. First, it was clear that deprivation and discrimination are continuing. Changes are taking place in the economy of the State, but little change in the situation of many poor people. The cycle of poverty and dependency is not being broken.

The testimony indicated several situations: a lack of adequate nutrition among people, a lack of clothing and shelter in many circumstances, poor and still segregated schooling in many areas, and perhaps one of the deeper problems that we encountered, a lack of job qualifications among Negroes because they lacked training, and a lack of training facilities for Negroes to qualify them for jobs—a cycle.

This lack of opportunity means that many young people are growing up without real hope. Second, the testimony before us has indicated that continuing violation of civil rights laws and failure of the Federal Government to devote adequate resources and commitment to enforcing them does continue.

Progress has been made in some areas, particularly in voting and in political participation, although even here some barriers remain. But in other critical areas, education, health and welfare,

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Third, we have been impressed—this Commission has been
impressed—with the many witnesses who told us they would like
to remain in Alabama. At this point, it would be premature for
the Commission to make any overall judgments on major policy
issues growing out of the testimony that we have heard.

But we have been impressed with the many witnesses who
want to stay in Alabama, and it is clear now, I think, that they
should be given a choice. Many feel they do not have that choice.
At the same time, we were impressed by the growing self-respect,
the growing belief in self, among Negro citizens of Alabama who
have undertaken self-help projects and have undertaken to raise
themselves, as Sheriff Amerson said, by their own bootstraps.

Fourth, we feel from the testimony that to give the people a
choice of staying or leaving they will need more resources, Fed-
eral resources as well as State and local. These are needed in
education, in training, and the other fields that we have examined.

Of course, the Commission's interest in the problems discussed
over these past 5 days will not terminate with this hearing. We
will follow up with Federal agencies on the problems of Federal
policy disclosed this week.

As we adjourn the hearing, I wish to point out again, as we
have twice previously at this hearing, and quite generally to all
witnesses who have appeared here, that they are protected against
any threats or any effort to coerce or intimidate them.

Any coercions or threats of coercion, or intimidation should be
reported to the Commission immediately, because such intima-
tion or coercion would amount to a Federal crime.

We believe that the testimony that we have heard will prove
helpful in pinpointing the problems which must be dealt with in
this area, in other areas of the South and in the Nation. It is our
hope that this hearing will help local citizens and officials estab-
lish and improve communication between the various interests in
their communities.

It is essential that we understand each other's problems and
aspirations and the extent and the significance of the denials of
equal opportunity that still exist in our country, so that we can
take the effective action necessary to make America truly the
land of the free.

This hearing is adjourned.

(Whereupon, at 12:15 p.m., the hearing was adjourned.)

Exhibit No. 1
COMMISSION ON CIVIL RIGHTS
ALABAMA

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on April 27, 1968, and that an executive session, if appropriate, will be convened on April 27, 1968, to be held at Maxwell Air Force Base, Montgomery, Ala., to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect the economic security of persons residing in the counties of Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox and in the State of Alabama; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as these affect the economic security of persons in the counties above and in the State of Alabama, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the State of Alabama in the fields of voting, housing, employment, public facilities, education, administration of justice, and related areas.

Dated at Washington, D.C., March 27, 1968.

JOHN A. HANNAH,
Chairman.

[F.R. Doc. 68-3643; Filed, Mar. 26, 1968; 8:46 a.m.]

Exhibit No. 2

A.

STATEMENT OF C. H. ERSKINE SMITH, ATTORNEY-AT-LAW, BIRMINGHAM AND
CHAIRMAN OF THE ALABAMA STATE ADVISORY COMMITTEE TO THE UNITED
STATES COMMISSION ON CIVIL RIGHTS, APRIL 27, 1968

Mr. Chairman and members of the United States Commission on Civil Rights, let me begin by saying, "It's nice to have you in Alabama". On behalf of the nineteen members of the Alabama State Advisory Committee to your Commission, and on behalf of thousands of Alabamians, black and white, I extend to you and to the members of your staff, a warm and cordial welcome to the State of Alabama. While some persons in high places, who purport to speak for the citizens of this state, may express sentiments to the contrary, we are convinced that they are voices out of a dark and shameful past that represent an ever shrinking portion of our population. We are equally convinced that we speak for a large and ever expanding segment of our population, the voices of today and of a brighter tomorrow, when we say that we hope your stay here will be pleasurable and that as a result of your deliberations here, you will contribute to the elimination of racial discrimination and to the creation of a society where all citizens may walk in dignity, eat a wholesome diet, sleep in a decent house, live in economic and social freedom, and finally to die a timely death, unhurried by malnutrition and the lack of adequate medical services.

Mr. Chairman, as you know, the members of the Alabama State Advisory Committee serve without pay. Each has his or her own occupation and unfortunately each can give only a small share of time to the work of the Committee. Nonetheless, over the years we have carried out as vigorous a program as time and limited resources would permit. We are sure that much of what we have learned will be reported to you in graphic and detailed form by the many witnesses who are to follow me, so I will be as brief as possible in summarizing our work.

I will report to you on our activities over the last three fiscal years—since July 1, 1965. I would like to first summarize the projects conducted by our Committee, then make a few observations, and finally end with some recommendations from our Committee.

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JOHN A. HANNAH,
Chairman.

1968; 8:46 a.m.]

NEY-AT-LAW, BIRMINGHAM AND
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IL 27, 1968

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In July of 1965 the Committee held an Open Meeting in Demopolis, Alabama covering developments in three blackbelt counties—Greene, Hale and Marengo—all counties which you are considering at this Hearing. The Committee heard testimony, sometimes under rather tense circumstances, from public officials and citizens on registration and voting, hospitals and health services, programs of the Department of Agriculture, employment, and the administration of justice.

A year later, in July 1966, the Committee held an Open Meeting in Dothan, Alabama covering Barbour, Henry and Houston Counties. We considered school desegregation, the effect of anti-poverty programs and employment.

A third Open Meeting, or informal hearing was held in Selma, Alabama in May 1967, on the operation of the Agricultural Stabilization and Conservation Service (ASCS) of the Department of Agriculture. This inquiry covered the Counties of Dallas, Greene, Hale, Lowndes, Sumter and Wilcox, with staff reports on twenty other counties. The report of this inquiry, which is titled "The Agriculture Stabilization and Conservation Service in the Alabama Blackbelt", is being released today. I am pleased to present copies of the report to the members of the Commission. The Committee requests that the report be made a part of the record of this Hearing and that the members of the Commission give careful attention to the conclusions and recommendations contained therein.

In addition to the three Open Meetings, the Committee has carried out a number of other fact finding and fact dissemination projects. Shortly after the effective date of Title VII of the Civil Rights Act of 1964, July 2, 1965, the Committee held a series of three closed meetings with employers, labor officials and educators to gauge the impact of the new law on equal employment opportunity for Negroes of this state. Meetings were held in Birmingham in October 1965, in Mobile in November 1965 and in Huntsville in January 1966. A total of sixty-nine representatives of private employers, Federal agencies and labor unions met with the Committee. In addition, eight representatives of vocational schools reported on training opportunities for Negroes.

The Committee has long been concerned with the effectiveness of the HEW guidelines in producing school desegregation in Alabama. In June 1966 the Committee held a statewide conference to provide information on the guidelines. Approximately 1,300 civil rights and community leaders heard the Commissioner of Education and members of his staff explain the guidelines. More important, the Office of Education officials were able to hear from the citizens on the many problems they were experiencing at the local level.

In 1967 the Committee sponsored six conferences or information meetings on the school desegregation guidelines. From February 17 to February 24, the Committee held one statewide conference in Montgomery and five area meetings in different parts of the state. Area meetings were held in Demopolis, Luverne, Tri-Cities area of Florence, Tuscumbia and Muscle Shoals, Anniston, and Huntsville. For each of these area meetings invitations were sent to public officials, educators, civil rights and community leaders in a four to ten county area surrounding the site of the meeting.

During the current fiscal year the Committee has been primarily concerned with urban problems and with job training and employment discrimination. Last summer two meetings were held with ghetto residents in Mobile and Birmingham to get their assessment of the nature of the problem. Police-community relations and employment emerged as the major problems. Because of the greater Federal leverage, the Committee decided to concentrate on job training programs of the Department of Labor and employment discrimination.

Since Birmingham has one of only three Concentrated Employment Programs (CEP) in the South, and CEP is the Labor Department's newest tool for aiding the hard core unemployed, we began our inquiry in that city. During February and March of this year the staff in cooperation with the Jefferson County Committee on Economic Opportunity held five neighborhood level meetings in poverty areas of Birmingham to enable the poor and poverty workers to relate their experiences with CEP and the job market. Earlier this month the Committee held a two-day closed meeting to receive testimony from citizens and CEP officials on the operation of the program.

Although this inquiry is still in process, we have some tentative conclusions to present.

Lastly, I would like to report that while our fact finding process has not proceeded very far to date, the Committee has a strong interest in the operation of the Selective Service System in this state. We have received a number of allegations, and our own Committee members report, that there is widespread discontent in the black communities of this state with the administration and operation of the draft and related programs in Alabama.

Mr. Chairman, this completes my summary of the Committee's activities over the last three fiscal years. Now I would like to make a few observations based on our work.

I would like to begin with one general observation, and then move to several specific areas. It has been the Committee's observation that, for the most part, the Federal programs which are designed to aid the poor have had little impact on the black poor of rural Alabama. These people, who are among the poorest and most disadvantaged in the nation, have had their hopes raised again and again as they were told of the many Federal programs which were supposedly written with them in mind; only to find that in reality they were empty promises and a cruel hoax. There are many reasons for this situation and we hope the Commission will explore them thoroughly and come up with remedies. Among the reasons we have uncovered are:

1. The people do not know about the programs or how to apply for them.
2. The legislation and/or agency regulations contain provisions which block their application to the poorest.
3. The persons who administer the programs do not share their goals and do not assist the black poor in utilizing them.
4. The programs are controlled by the white power structure which is not interested in helping the black poor.
5. The funds provided are not adequate to really make a dent on the problems.

Now a few specific points about specific areas. First to *education*. We have told you of our many meetings on school desegregation and our inclusion of education as a field of inquiry in Open Meetings. Everywhere we went in this state we were told repeatedly by local citizens, "Freedom of Choice must go"—and we reported it repeatedly to Washington officials. Your own report, "Southern School Desegregation, 1966-67", gives a number of examples of the ineffectiveness of the free choice system. Also, we were told in numerous meetings that Title I programs (under the Elementary and Secondary Education Act) were being used to further entrench segregation. As far as we could determine, there was no effective Federal enforcement program related to the granting and expenditure of Title I funds, for it was left largely to the state departments of education. Now we are told that state departments will have even greater control over Federal education funds. Gentlemen and lady of the Commission, in Alabama this gives us cause to wonder about the Federal intent. Finally let us consider the quality of education provided in the Negro schools which the overwhelming majority of Negro students still attend—fourteen years after the Brown decision, after several sets of HEW guidelines, and after the Jefferson decision. Again and again the Committee was told that the Negro schools were not turning out graduates who were equipped to compete in this modern technological society. They can not pass employers' tests, or the Federal government's civil service examinations. At the Dothan Open Meeting the Committee was told that the Civil Service Clerk-Typist Examination had been given to 54 graduates of Negro high schools with commercial departments. The Federal personnel officer reported, "However, we were much discouraged to note that from five schools with 54 students, none of the students passed any portion of the examination, including the clerical aptitude test" . . . (transcript p. 387). Likewise, I refer you to pages 338-340 of the Dothan transcript for a description of a Negro school in former Governor Wallace's home county of Barbour. After you read it you will not question why the score was 54 to nothing.

In March of this year HEW issued another set of guidelines, with another set of target dates. Freedom of choice is still permitted, but districts are told

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it must work. It states that school systems have "the affirmative duty under law to take prompt and effective action to eliminate such a dual school structure and bring about an intergrated unitary school system". And it says that all shall be complete by "the opening of the 1968-69 or, at the latest, 1969-70 school year". Mr. Chairman, the black people of Alabama don't believe thees words, and they told us so in countless meetings across this state. We say it is a serious thing when people have lost faith in their government's words. Anything which you can do to correct this situation will be appreciated.

A few words about *anti-poverty programs*. What we have seen of community action programs (CAPs) in rural counties, gives us little hope that they will help break "the cycle of poverty" for rural Negroes. Too often they are controlled by the local white power structure, and have no meaningful program. With the exception of Head Start, which is a very useful program for pre-school children, but does little to help adults get out of poverty, a review of the programs of rural CAPs will reveal little that offers promise of fulfilling the objectives of the Economic Opportunity Act of 1964. In fact, the only anti-poverty programs which offer any real promise are those which are funded directly from Washington and have by-passed the local CAP. We understand that you will hear testimony of SWAFCA and on some of the programs funded by the Migrant Division of OEO in Washington. Without belaboring the point further, we suggest that the Commission compare the programs funded directly from Washington with those that operate through local CAPs. We think that such a comparison might prove revealing.

Now to *registration and voting*. It is true, of course, that things have improved considerably since we considered this subject at our Demopolis Open Meeting. The Voting Rights Act was of considerable help in those counties where Federal Examiners were assigned (and we suppose that their effect was felt in some of the other counties). But we were disappointed that the Attorney General chose to send examiners to only twelve Alabama counties. For even in those counties where local registrars agreed to register Negro citizens, there are strong deterrents to registration and voting. The Federal presence in such counties would help to minimize fear.

We know that the Commission is just completing a study of the barriers to political participation in the South, so we shall not tarry long on this point. Suffice to say that there are still many barriers to the full political participation of Negroes, that the problem did not end when local registrars agreed to register Negroes. The "rules of the game" are being changed constantly to maintain white supremacy. Fear is still a formidable enemy and the lack of economic security among rural Negroes remains a serious obstacle. Again we have a vicious cycle, the lack of economic security leads to the lack of effective use of the franchise, which contributes to the lack of economic security.

In the area of *administration of justice*, again we can report that some progress has been achieved. However, while the worst manifestations of this problem have reduced markedly, the problem has not disappeared. The events of private and official violence reported at the Demopolis Open Meeting were once an almost daily event in so many Alabama Black Belt counties. Today it is an exception rather than the rule. But also much reduced are the civil rights workers, the "outside agitators", SCLC, SNCC, and the others—reduced is the direct confrontation with the white power structure which produced so many of the violent acts.

In spite of the election of one Negro sheriff and the appointment of deputies in some counties, the face of justice in Alabama is still white! We commend to you the Southern Regional Council report on administration of justice in the South. Furthermore, we are inclined to believe that if there were an increase in direct confrontation there would be an increase in acts of violence. The Civil Rights Act of 1968 should be of some value in this area, if it is vigorously enforced by Federal authorities.

In the area of *employment*, the Committee found in its three meetings in Alabama cities that indeed employers were aware of Title VII and its provisions. In some cases, employers had hired one or two Negroes in non-traditional jobs just before or just after the effective date of the law. For the most part, employers reported that they could not find qualified applicants among Negroes. The Committee found that a number of companies

began using pre-employment tests and tests for upgrading near the time of the effective date of Title VII or whenever separate lines of progression or other discriminatory provisions were eliminated. The Committee found that the Negro high schools, *de facto* Negro vocational schools in Mobile and Huntsville and a Negro college were not turning out graduates who could meet the employers' qualifications, or were largely training students for traditional occupations. On the other hand, the Committee found little evidence of really affirmative action on the part of employers to recruit, train and employ Negroes. Few Negroes were found in white collar or upgraded positions. Some of the space age industries of Huntsville were an exception to some of these generalizations. However, it would appear that many of the Negroes employed in professional or upgraded positions with these industries were from outside of Alabama.

A few additional comments on the employment situation will be made in connection with the Committee's report of its urban activities.

In the area of *agriculture*, most of the Committee's comments can be found in the ASCS Report which I have just submitted to you. At the Demopolis Open Meeting information was received on the operation of the Farmers Home Administration and the Extension Service as well. Since the Demopolis data are now out of date, and the Commission, as I understand it, will be hearing information on all three programs, I will keep my comments brief.

In the Committee's judgment, although Department of Agriculture regulations have been changed a number of times, and although token advances have been made, the overall conclusion of the Commission's 1965 Report, "Equal Opportunity in Farm Programs", remains unchanged as far as Alabama is concerned, namely that Negroes have not shared equally the benefits of millions of dollars spent annually by the Federal government to aid farmers.

For instance, in Demopolis in 1965 the Committee was told by a Negro farmer that he, acting for a group of Negro farmers in Greene County, had considerable difficulty merely finding out about procedures for utilizing Department of Agriculture programs. Two years later in Selma a witness told the Committee, "information . . . has not really been given at all. It is sort of coerced out of the officials. If you don't know the right question, you don't get the information you need." This is just one way in which the system works against the Negro farmer and rural citizen. Our ASCS Report comments on several others.

The Commission's 1965 Agriculture Report created considerable discussion and resulted in a number of changes in Federal policy, but as our report reveals, the job is largely unfinished. We hope that, as a result of these Hearings, the Commission will continue the battle it started in 1965 and will not cease until some fundamental changes have been made.

Before completing my observations, Mr. Chairman, I would like to tell you something about the Committee's recent work in urban centers. While the subject of this Hearing is economic security for Negroes in rural Alabama, the problems of the cities and the problems of the rural areas are inextricably interwoven. At the Selma Open Meeting a Committee member asked a witness where did persons go who were being forced from the land. His reply was, "they go to Detroit, Chicago, New York, Birmingham, the next county". At the Dothan Open Meeting and at our several area school desegregation meetings the Committee was told repeatedly of the exodus of high school graduates and others to the cities in search of the opportunities which were denied them in the small towns and rural areas.

Our meetings with ghetto residents of Mobile and Birmingham produced results similar to those heard in big cities outside of the South—that police mistreatment, unemployment and under-employment are the major problems. In our review of the Concentrated Employment Program (CEP) in Birmingham, which is continuing, we think we see another example of an ineffectual Federal program. This time the structure and the operating personnel appear to be capable, but the program is hamstrung by other factors which prevent it from realizing its potential. A huge structure is created for finding and training the hard core unemployed and the under-employed, but there is little money for skill training provided, or the period of time allotted to the adult basic education courses and the skill training is too short to complete the job adequately. The most serious problem of all is the lack of

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Chairman, I would like to tell work in urban centers. While rity for Negroes in rural Ala- oblems of the rural areas are Meeting a Committee member ere being forced from the land. , New York, Birmingham, the and at our several area school old repeatedly of the exodus of in search of the opportunities nd rural areas.

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cooperation by private and public employers in eliminating discriminatory practices or revising employment requirements to provide jobs for those who complete the program. Our Committee will have more to say on the Birmingham CEP when we have completed our investigations.

Finally, I come to the recommendations of our Committee. No attempt will be made here to offer detailed recommendations on each of the areas touched on earlier, for you have or will have our reports on each subject. Instead, we wish to make five general recommendations for your consideration:

1. We know that there are many pressures on the Commission to devote all of its energies to the pressing and complicated problems of the urban centers of our nation; and our Committee shares a concern that more of the Commission's resources be devoted to such problems; but *we recommend* that the people of rural Alabama and the rural South not be forgotten, and that a small task force on rural problems continue the work here.
2. We are convinced that the problems of the rural poor cannot be solved by patching up existing programs through changes in existing regulations. We think new structures and new personnel who are sympathetic to the needs of the people are needed, along with new programs. Therefore, *we recommend* that your recommendations, once you have studied the problems adequately, be bold and truly chart a new future for a forgotten people.
3. We are deeply troubled by the Federal Government's Compliance program, by the countless number of compliance forms and assurances which flow between Alabama and Washington—but which signify nothing. This is the age of "paper compliance". To remedy this situation, *we recommend* that you call for a results orientated compliance program, for new standards which say "the proof is in the pudding".
4. Although we have alluded only briefly to our concern with the Selective Service System as it operates in Alabama, we consider it one of the most serious problems ever to confront this Committee. At a time when citizens are being called upon to die for their country, and many are doing so bravely, any hint of discrimination in the selection of those citizens is intolerable. Therefore, *we recommend* that Commission review the operation of the Selective Service System including employment practices, the National Guard, the Reserve and related services in the 16 counties which are the subject of this Hearing (where there are no Negro members of Draft Boards, despite the high Negro population) to determine if the system works to the disadvantage of Negro citizens.
5. Lastly, our Committee is indebted to the field staff which you have assigned to our Committee. Without them we would not have been able to accomplish that which we have done. Yet, we are dissatisfied as we must share our field representative with two other states (and his family, who would like to see him occasionally). Therefore, *we recommend* that, in order to make the work of this Advisory Committee more effective, that more staff be assigned to the Southern Field Office so that our Committee can do a more effective job.

In closing, Mr, Chairman, let me say once again how pleased we of the Alabama State Advisory Committee are to have you in our state. We know that you are not unmindful of the fact that you are meeting in the city in which the martyred Martin Luther King, over twelve years ago, launched his career for freedom and justice; and in the state where he fought so many battles—Montgomery 1955-56; Birmingham 1963; and Selma 1965. And we know that you realize that in his famous "I Have a Dream" speech in Washington in 1963, Dr. King had a special dream for Alabama. Today, in our cities, many of our black citizens have lost faith in Dr. King's dream, as they have lost faith in America's promise. In the rural areas of Alabama, however, there are still many black citizens who share Dr. King's dream:

"I have a dream that one day the state of Alabama . . . will be transformed into a situation where little black boys and girls will be able to join hands with little white boys and girls and walk together as sisters and brothers."

It is our fervent hope that what you do here in the next few days, and what we do here in the many days to come, will contribute to making Martin Luther King's dream for Alabama come true—before it is too late!

Thank you.

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Exhibit No. 2

B.

THE AGRICULTURAL STABILIZATION AND CONSERVATION
SERVICE IN THE ALABAMA BLACK BELT

A REPORT OF AN OPEN MEETING BY THE ALABAMA STATE ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS

APRIL 1968

ALABAMA STATE ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

C. H. Erskine Smith, *Chairman*
Birmingham

E. B. Goode, M.D., *Vice Chairman*
Mobile

Mrs. Vera C. Foster, *Secretary*
Tuskegee Institute

Orzell Billingsley, Jr.
Birmingham

John L. LeFlore
Mobile

Rev. Dallas A. Blanchard*
Mobile

Hon. Edward D. McLaughlin
Jacksonville

John L. Cashin, Jr., D.D.S.
Huntsville

Mrs. Frances P. McLeod*
Montgomery

Louis Eckl*
Florence

Jay W. Murphy
University

Rev. Albert S. Foley, S.J.
Mobile

Miss Mary L. Pandow
Huntsville

Rev. Edward Gardner
Birmingham

J. A. Parker
Tuskegee

Charles G. Gomillion
Tuskegee

Lucius H. Pitts
Birmingham

Fred D. Gray
Montgomery

Joe L. Reed
Montgomery

Roger W. Hanson, Ph.D.
Birmingham

Rev. Francis X. Walter
Tuscaloosa

James A. Head
Birmingham

Mrs. Kathleen K. Wood*
Mobile

*No longer a member of the Committee.

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COMMITTEE

CIVIL RIGHTS

Chairman

Chairman

Secretary

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Frances P. McLeod*

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PREFACE

The United States Commission on Civil Rights

The United States Commission on Civil Rights is an independent agency of the Executive Branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that Act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission also is required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of knowledgeable persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied; assist the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any public hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the Alabama State Advisory Committee. The conclusions and recommendations are based upon the Advisory Committee's evaluation of information received at its open meeting held in Selma on May 26-27, 1967. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

INTRODUCTION

On May 26-27, 1967 the Alabama State Advisory Committee to the U.S. Commission on Civil Rights held an open meeting in Selma to consider the operation of the Agricultural Stabilization and Conservation Service (ASCS) of the U.S. Department of Agriculture in six Black Belt counties: Dallas, Greene, Hale, Lowndes, Sumter, and Wilcox. Federal, State, and county ASCS officials, local residents, farmers, and civil rights workers were heard.

The meeting was in response to allegations that there was racial discrimination in ASCS elections, and the Service's employment practices and that the agency's programs had failed to involve poor Negroes. These allegations coincided with the conclusion of the U.S. Commission on Civil Rights 1965 Report, *Equal Opportunity in Farm Programs*, that:

The most serious problems of equal protection of the laws in the Agricultural Stabilization and Conservation Service programs are the exclusion of Negroes from the decision-making of State and county committees and from employment in county offices.

The Alabama State Advisory Committee undertook this study because ASCS programs, in addition to being decisive factors in the livelihoods of farm operators and the communities in which they live, are crucial to the economy of the entire Nation.

In order to determine whether the situation described in the Commission's 1965 Report has remained unchanged in the Alabama Black Belt, individuals with first-hand knowledge of the programs—officials, farmers, and persons who have been working with the farmers—were invited to meet with the Committee. In addition, an analysis of the operation of ASCS in 26 Alabama counties was prepared by the staff of the U.S. Commission on Civil Rights. The 26 counties were selected because Negroes constituted 20 percent or more of the farm operators in 1964. In 12 of these counties, Negroes constituted more than 50 percent of the farm operators.

This report explains the operation of the ASCS, and summarizes information collected at the meeting. The Advisory Committee's conclusions and recommendations are based on information presented at the meeting and staff research.

The Alabama State Advisory Committee to the U.S. Commission on Civil Rights hopes that this report will stimulate appropriate action by the U.S. Department of Agriculture to correct whatever violations of Federal policy that exist.

THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

The Agricultural Stabilization and Conservation Service (ASCS) was organized in June 1961 as the successor to agencies first established by the Agricultural Adjustment Act of 1933 to administer programs of agricultural conservation, crop acreage allotments, and commodity price supports. The basic purpose of such programs is to control surplus production and stabilize the income of farmers engaged in growing the allotted crops.

The ASCS is headed by an administrator in Washington, D.C. with six area directors, 50 State offices, and 3,061 county offices. There are 67 county offices in Alabama.

ASCS is responsible for the administration of the following programs:

Agricultural Conservation

Farmers and landowners who participate in the Agricultural Conservation Program (ACP) receive assistance averaging about one-half the cost of carrying out soil and water conservation practices. This includes such operations as grass and tree planting and erosion control. Approximately \$225 million is spent on this program annually in the United States.

Crop Acreage Allotments

Acreage allotments and diversions of land use are methods of controlling the production of such basic commodities as cotton, rice, peanuts, tobacco, wheat, and rice. More than three million farm acreage allotments are determined each year. National acreage allotments are divided among farms on the basis of past history of production of the crop within each State. For cotton, State allotments are apportioned among counties and the county allotment is then apportioned among farms. Commodity diversion payments are made to producers of feed grains, cotton, and winter wheat who agree to reduce their acreage planted in these crops. In fiscal year 1965, such payments amounted to \$947 million in the United States.

Other production adjustment programs include the Cropland Adjustment Program, which seeks to encourage farmers to shift their croplands planted in surplus crops to long-range conservation, recreational, or open-space use, and the Conservation Reserve Program, or Soil Bank, under which producers agree to keep cropland out of production on a long-term basis. Although this program was closed in 1960, rental payments are still being made on acreage covered prior to 1960.

Price Support

To insure stable market prices and to provide protection for farm income, the ASCS supports commodity price levels by loans to farmers, direct purchases of their crops, and price support payments on certain commodities. The dollar value of price support extended on 1964 crops was \$3.1 billion.

HOW ASCS FUNCTIONS

The Southeast Area office has supervisory authority for all ASCS activities in eight Southeastern states, including Alabama. Although the State and county ASCS offices carry out the program in the field, the area office is responsible for implementing nondiscrimination regulations in ASCS employment programs and administration. The area director and his staff exercise this responsibility through instructions to subordinate offices and through review and correction of justified complaints.

Employment

State and county ASCS employees are paid wholly from Federal funds, though only the State employees are under the U.S. Civil Service System. However, they are all subject to the nondiscrimination requirements of the Federal Government and the Department of Agriculture.

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CONSERVATION SERVICE

Conservation Service (ASCS) was first established by the Department of Agriculture to administer programs of agricultural commodity price supports. The Service's primary purpose is to stabilize surplus production and stabilize the prices of the major agricultural commodities.

The Service is headquartered in Washington, D.C. with six regional offices. There are 67 county offices.

Some of the following programs:

One of the major programs is the Agricultural Conservation Program, which provides about one-half the cost of conservation operations. This includes such operations as soil conservation, erosion control. Approximately \$225 million was authorized for the United States.

Other programs include methods of controlling soil erosion, cotton, rice, peanuts, tobacco, and other crops. Acreage allotments are determined by the Department of Agriculture and are divided among farms on the basis of the crop within each State. For example, in the cotton States, the county office determines the acreage of cotton and winter wheat who agree to participate in the program. Commodity diversion payments are made to farmers who agree to plant winter wheat who agree to participate in the program. In fiscal year 1965, such payments totaled \$1.2 billion.

Other programs include the Cropland Adjustment Program, which provides for the shift of croplands planted to recreational, or open-space use, through the Soil Bank, under which producers are paid to plant crops on a long-term basis. Although this program is still being made on acreage

Other programs include the farm income protection program, which provides loans to farmers, direct payments to farmers on certain commodities. In fiscal year 1964, total payments for 1964 crops was \$3.1 billion.

FUNCTIONS

The Service has authority for all ASCS activities in the State and in the field, the area office is responsible for the administration of the regulations in ASCS area director and his staff exercise authority through subordinate offices and through

The Service is funded wholly from Federal funds, through the U.S. Civil Service System. The Service is subject to the administration requirements of the Department of Agriculture.

Following passage of the Civil Rights Act of 1964, the ASCS administrator sent a letter to the Chairmen of State ASCS Committees on March 22, 1965 in which he announced the following policy:

Provide equal employment opportunities in the State and county offices during this and succeeding years. Full consideration will be given to the previous imbalance of employment which has prevailed. In each State, the goal will be to achieve a minority group employment percentage equal to the percentage of nonwhite farmers in the State.

This policy however was suspended in November 1966 because it was determined that it conflicted with Civil Service merit nonquota regulations. The policy was modified to provide that, without any formula, ASCS "continue to make available enlarged employment opportunities for disadvantaged people and people who are members of minority races."

Several participants in the open meeting reported that despite official pronouncements, employment discrimination is still widespread in Alabama ASCS offices.

Robert Valder, Associate Director of the Alabama Council on Human Relations, said that, "The [ASCS] State office has about 43 employees. Two of them are Negroes. One is a female clerk-typist and one is a male clerical worker."

The Committee was told also that as of December 31, 1966, there were no Negroes among the 25 professional employees in the State ASCS office.

When Jack Bridges, Alabama State ASCS Committee Chairman, was asked why none of the 25 professionals was Negro, he replied: "We have two or three Negroes in the State office." When it was pointed out that the Negroes were clerical and not professional employees, Mr. Bridges replied: "Well, we have what is called a program specialist. I don't think that we could find anyone who was qualified with the proper training. I do not say that there were none with the proper training, but there was none available at that time."

In the 26 counties studied, only seven of the 130 regular county office employees and none of the 22 regular field employees were Negroes as of December 31, 1967. In 1966 there were six Negro employees among the 127 regular office personnel in the county ASCS offices and none prior to 1965.

Though six county office managers were invited to meet with the Advisory Committee, none appeared on the first day of the meeting. Because of the efforts of the ASCS Southeast area officials, two office managers and two compliance supervisors appeared the following day.

Explaining why no Negroes were employed in the Sumter County ASCS office, Woodson Ennis, the office manager, claimed that there had been virtually no turn-over in his staff. He said: ". . . of the clerks that are in my office, they . . . have a period of service for over 100 years, collectively. Well, we have had no vacancy for a full time employee."*

Jack Strother, Wilcox County ASCS office manager, stated that his office has two field reporters who "have been doing that for over 15 years," but no new reporters have been hired in 1967. In 1966, "we had three reporters in the field . . . which were nonwhite," Mr. Strother said.

Gains in seasonal and part time employment for Negroes have been made, but little progress has been registered in permanent employment opportunities.

In Dallas County where three of every four farm operators are Negro, there are no Negro permanent employees in the ASCS office. Milton Morrow, compliance supervisor, said that though the office employed no Negroes at the time of the open meeting, "We had three last year and six the year before." They were employed temporarily as field men to measure land.

Mr. Morrow said that persons hired as field men, ". . . have to be a high school graduate [and] know how to figure ground measurements . . . There is no test." The six Negroes who worked in this capacity in 1965 were school teachers, said Mr. Morrow.

Another compliance supervisor, E. B. Davis, employed by the Wilcox County ASCS office since 1934, was reluctant to meet with the Committee or answer any questions. When asked if a Negro could do the work he performs,

*A Negro has been hired as a staff member of the Sumter County ASCS office since the Advisory Committee meeting.

Mr. Davis replied: "He could, but he wouldn't have the experience as I have." He then added, "I have had colored . . . compliance boys work under me and I had one that was just as good as any white that I have ever had . . . He checked land good. He didn't smoke and he didn't drink."

Negro farmers and civil rights workers charged that white landowners help perpetuate the system which excludes Negroes from employment in the ASCS offices. Shirley Mesher, a civil rights worker in Dallas County, accused ASCS officials of being more attentive to the interests of the white landowners than to the needs of Negro farmers. Because of their identification with the white community, ASCS officials help maintain the traditional patterns of racial segregation in the areas in which they work, Miss Mesher charged.

John Vance, ASCS Southeast Area Director, however claimed that the agency was making progress in the employment of Negroes. Explaining why there are no Negro county office managers, Mr. Vance said, "The county committee . . . is elected by the farmers . . . (and) is entitled to appoint the county office manager."

Equal employment opportunity is given time and attention comparable to that given any other phase of ASCS responsibility, Mr. Vance stated. Regarding complaints, Mr. Vance said, "To the best of my knowledge every instance where there has been an allegation of discrimination in the field of employment, we have religiously referred those complaints to the official investigative agency of the department, which is our Inspector General, and those complaints have been thoroughly investigated by experienced and trained agents, some of whom have included people from the Federal Bureau of Investigation. In every instance where a violation has been proven, to my knowledge, action has been taken."

A member of the Advisory Committee asked how could complainants expect justice when they are required to file their complaints with the county committee—the group they are complaining about.

Mr. Vance replied that the procedure provides that the first appeal be made to the county committee and that its ruling can be appealed to the State committee and finally to Washington.

Victor B. Phillips, Assistant to the Administrator of ASCS, said that "a notice of equal opportunity is posted in all county offices." Regarding employment, the notice states:

Every person has a right to equal employment opportunities in the ASCS. ASCS and USDA acknowledge and will protect this right. No person or employee or applicants will be discriminated against because of race, creed, color, sex, or national origin.

STATE ASCS COMMITTEES

The farmer committee system is the most important element in the administration of the ASCS programs at the local level. Committees are responsible for the key decisions regarding crop allotment, price support, and conservation—programs directly affecting the farmer.

The five-member State committee, the policy-making group in each State, is appointed by the Secretary of Agriculture for one-year terms to supervise the work of the county committees. Members are appointed to give representation to the major types of farming and geographical areas of the State. To be eligible for appointment, a person must be actively engaged in farming and must be interested in and sympathetic toward the ASCS programs.

Prior to 1965, no Negro had ever been appointed to a State committee in the South. In 1965 Negroes were appointed to State committees in Arkansas, Maryland, and Mississippi, and in 1967, to State committees in Alabama, Georgia, and South Carolina. The Negro member of the Alabama State committee appointed in 1967 is part owner of a 260 acre farm. The four white members own farms ranging in size from 320 to 6,218 acres.

Mr. Bridges said the Negro member of the Alabama State ASCS committee was appointed in 1967 following a policy enunciated by the ASCS Administrator that there should be a Negro State committeeman where there are 10 percent or more Negro farmers. The Negro appointee filled the first available vacancy on the committee, he said. Mr. Bridges said officials at

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Tuskegee Institute and other responsible Negro leaders were consulted about the appointment.

According to Mr. Valder, the usual procedure is to have new State committee members recommended by the State director, the State committee, and the State congressional delegation. The committee's first Negro member however apparently was appointed without the knowledge of these individuals. The State director told Mr. Valder that he did not know anything about the appointment until he read the newspaper announcement.

On March 22, 1965, the Administrator of ASCS established a policy affecting 11 Southern States which required that:

"... an advisory committee of capable Negroes (be established) to assist the ASCS State committee in assuring:

- (a) equal employment opportunities at both State and county levels,
- (b) equal opportunity to participate in ASCS programs, (and)
- (c) full participation in community and county committee elections, both as voters and candidates."

These separate, all-Negro bodies were to be comprised of Negro educators, businessmen, ministers, and farmers. Only one of the four Negro members of the State Advisory Committee in Alabama is a farmer.

The Alabama State Advisory Committee to the Commission was told by civil rights workers that the all-Negro State ASCS Advisory Committee is ineffectual and does not afford Negro farmers a meaningful degree of control over decisions affecting their livelihood. Neither does it provide equality of participation in the federally assisted farm programs. However, if it is viewed as a temporary effort to provide Negroes a voice in ASCS programs, it can be tolerated, the civil rights representatives asserted. Mr. Valder however contended that the committee had no authority and suggested that it be abolished.

Mr. Vance explained that the Advisory Committee met occasionally with the State Committee and advised it on equal opportunity matters. Mr. Bridges defended the Advisory Committee as being "... a fine group of gentlemen ..."

COUNTY AND COMMUNITY COMMITTEES

Each county is divided into communities. Farm operators in each community elect a community committee comprised of three regular and two alternate committeemen. The regular members convene with those from other communities in the county to elect a county committee of three regular and two alternate members. County committees are the primary point of control in local ASCS programs. They are responsible for setting the policy and goals of the county program, implementing it, supervising committee elections, hiring the county office manager, and fixing the rates of pay for office personnel.

Although the main function of the community committees is to inform farmers of the purpose and provisions of ASCS programs, most Negro farmers complained that they have not been informed by the committees about the programs.

In concept, the committee system is intended to function as an institution of grass roots democracy and as an instrument of efficient administration of government agriculture policy. It has been criticized as being deficient on both accounts. As Morton Grodzins, a member of an independent study committee that reviewed the system in 1962, reported:

The very fact of intimate acquaintanceship with and participation in the local community may lead not to even handed justice but to subservience to the powerful and neglect of the weak. (It is worth noting that in all the county committees of the South there has never been, as far as I can discover, a single Negro member.) Justice, in other words, may be hindered by intimacy and fostered by aloofness. This is especially so in a rural community where powerful people have a great opportunity to punish their local opponents with a wide range of economic, social, and political weapons.

Until 1964, Negroes had not, with rare exceptions, participated in ASCS

committee elections in the South. After the 1966 elections, none of 4,146 regular county committeemen in any county in the South was a Negro. In fact, of 2,764 alternate county committeemen in the South, only two, both in Georgia, were Negroes. Of 27,198 regular community committeemen only 113 were Negro, and of 18,132 alternate community committeemen, only 430 were Negroes. Alternate committeemen are nonvoting members. There are 58 counties in the South where Negro farmers constitute the majority and approximately 320 where they constitute at least 20 percent of the farm operators.

For the six counties considered at the open meeting, 11 of the 104 regular community committeemen and 12 of the 76 alternate community committeemen were Negroes, although 63 to 74 percent of the farm operators in these counties were Negro.

According to the Sumter County ASCS office manager there were so few Negro committeemen because "colored people . . . prefer that the white men carry on their business activities."

The March 1965 ASCS policy stipulated that county committees were to place Negroes on the ballot for community committee elections in proportion to the number of Negro farmers in the county. In Greene County, 163 Negroes were nominated in eight communities for 40 positions. In Lowndes County, 135 Negroes were nominated in six communities for 30 positions.

Several Negro farmers charged that county committees deliberately nominated a large number of Negroes for election to the community committees in order to dilute the Negro vote thus assuring white control. To prevent such abuses in the 1966 elections, ASCS revised its nominating procedures to require that community committee nominations be limited to not less than six nor more than ten persons, exclusive of petitions, and that the slate contain Negro nominees in the same proportion as they are to the farm population of the community.

In 1966, as a result of the revised nominating procedure, 290 Negroes were nominated by the committees in the six Black Belt counties, whereas in 1965, 601 Negroes were nominated by the committees.

Although Negro voting participation in committee elections is increasing, it is still proportionately less than that of whites. In some cases there have been declines in the number of Negro eligible voters.

Three of every four farm operators in Greene County are Negro according to the 1964 Census of Agriculture. In 1965, Negro eligible voters outnumbered whites, 1,305 (70 percent) to 560, with majorities in seven of Greene county's eight communities. There were 184 Negroes listed as candidates. Although whites voted a remarkable 92.5 percent of their eligibles, Negro votes still outnumbered whites 561 to 518. Twenty-four white and no Negro candidates were elected as regular committeemen. Only one of the 16 alternate committeemen elected was Negro.

In 1966 the number of Negroes eligible to vote dropped to 1,204 and the number of whites increased to 573, although Negroes continued in the majority in seven of the eight communities and accounted for 67.8 percent of all eligible voters. Again a remarkable percentage of white eligibles voted—90.6 percent—while the Negro vote dropped to only 40.3 percent of eligibles. As a result, more whites than Negroes voted—519 to 485. Eighty-nine Negroes were candidates for election, of whom 66 were nominated by the committees. One Negro was elected as a regular committeeman and another as an alternate committeeman. Both successful candidates were among the 23 Negroes who had been nominated by petition. The Negro elected as a regular committeeman lived in a community where Negroes outnumber white eligibles 308 to 82.

Negro voting in 1966 decreased in five of the seven communities in Greene County. Amazing differences in Negro and white participation occurred in the same communities. In one community (Eutaw and Springfield) 151 (93.3 percent) of 163 eligible whites voted but only 56 (28 percent) of 200 eligible Negroes voted. In another community (Union), 55 (96.6 percent) of 58 eligible whites voted but only 14 (20.5 percent) of 73 eligible Negroes voted.

Several persons told the Committee that Negro farmers, eligible to vote in the elections, are reluctant to do so for fear of economic reprisal. White

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landowners and farm operators are determined to maintain control. Where Negroes are in the majority, said Rev. Percy McShan of Greene County, the white man is trying to force him out.

Rev. Thomas Earl Gillmore, also of Greene County, reiterated Rev. McShan's charge, claiming that Negro farmers are being evicted because they are attempting to exercise their rights to participate in ASCS elections. He estimated that 70 families in Greene County were evicted between May 1966 and May 1967. In one case 13 families were evicted from one farm and 19 from another, he said. "A man had lived on a white man's place for 37 years, and his eviction notice was a matter of 'you be out tomorrow,'" said Rev. Gillmore.

Asked where they go when evicted, Rev. Gillmore answered: "They go to Detroit, Chicago, New York, Birmingham, the next county."

Rev. McShan told the Committee that he spent a great deal of time explaining election procedures and getting people to vote. He said that he did not know of any meetings that ASCS had called. "The only thing that they have done is to send out a letter from the office."

Mrs. Lillian S. McGill of Lowndes County told the Alabama State Advisory Committee that although ASCS elections began in 1933, Negroes had only recently realized their significance. In the past, she said, Negroes voted for the five or six white candidates listed on the ballots because they were told to vote ". . . in order to keep cotton in the State of Alabama so that they may be able to get the amount of acreage that they needed." According to Mrs. McGill, Negroes knew nothing about the ASCS elections or the ASCS programs until about 1965.

"In 1965 the Lowndes County Christian Movement was initiated and the Negroes began to take interest in finding out that the ASCS elections was one of the greatest organizations in the county and that it had full control over the price support and eligibility along with the amount of income that the farmers had," Mrs. McGill said. "That was when the average Negro income was less than \$500 savings a year after a starving family had worked themselves to death. At this particular time we decided that that year, 1965, that we would do something about trying to get Negroes on the ballot."

It was through the efforts of the civil rights organizations that Negro farmers met and became informed about the ASCS elections and programs, Mrs. McGill said. The Negroes were unsuccessful however in winning election to community committees.

Mrs. McGill charged that the ASCS county committee nominated 75 Negroes in a successful effort to split the Negro vote. She also charged that "many Negroes voted for whites because the landlords took up the ballots and they voted the way they wanted them to vote." If Negro tenants refused to cooperate, the landlords reduced their farm acreage, raised their rents or evicted them from the farm, she pointed out.

Negro farmers from each of the six counties gave examples of irregularities connected with ASCS voting and election procedures.

—One farmer alleged that where there were two or more Negro farmers in one house they received only one ballot, but frequently the wives and children of white farmers received ballots.

—A Negro farmer elected as an alternate to a community committee claimed that he never was notified of or invited to committee meetings. Another alternate said that he was told his job would be to inform people about ASCS programs, but he was never given any information to transmit.

—Several tenant farmers claimed their landlords asked them for their ASCS ballot or told them how to vote. When they refused to comply, they were evicted. Other Negro farmers said they were evicted for encouraging people to vote or for being active in civil rights.

—A Dallas County tenant farmer said that the ASCS office manager prevented Negro watchers from observing the 1966 election ballots being counted.

—A Greene County farmer alleged that the local nominating committee "loaded" the ballots with "Uncle Toms" and only five white names, so that the Negro vote would be split and the white would win.

—A Negro who filed a petition as a candidate for committeeman said that his petition was disqualified because it was alleged that the farmers who signed it did not live in the community. According to the candidate, his signers were community residents but some of them farmed in another community. Of the 11 farmers who signed the petition, six were disqualified. He needed six signers.

—When a civil rights group attempted to obtain the list of eligible voters in Dallas County, it was told the list would cost \$285.

—A general complaint made by many Negro farmers and civil rights workers was that no meaningful effort is being made by ASCS to inform Negroes about the elections; Negroes are intimidated; and the ballots are tampered with.

Donald Jelinek, an attorney working with Negro farmers, stated that the Department of Agriculture "finally discovered the Negro in 1964," when ASCS election procedures made provision for Negro representation on community and county committees. But Negro farmers and civil rights workers were intimidated, arrested, and shot at, said Jelinek.

By 1965, Negroes planned to participate actively in the elections, but new techniques were found to block them, he continued. Scores of Negro names were added to the ballot; farmers were evicted; ballots were destroyed.

Observing that the Department of Agriculture every year reacts to the evasions of the previous year "and every year the South is one step ahead . . .," Mr. Jelinek suggested the following changes to correct the abuses in the ASCS election procedure:

- A permanent election date.
- Regular quarterly visits by county committees to Negro areas to inform farmers of election procedures.
- A clearly written notice of elections containing the name of the district, a list of eligible farmers and a blank nominating petition should be mailed to each farmer.
- Eligibility should be limited to farmers working the land.
- A 30-day period should elapse between the notice and the election.
- Nominations should be made by the farmers rather than the county committees.
- Lists of nominees, including the signers of their petitions should be published.
- Individuals filing defective petitions should be given five days to correct the defect.
- Photographs as well as names of candidates should appear on the ballots.
- Ballots should be mailed to a post office box and remain there until counted.
- Ballots should be counted in a room large enough to accommodate observers.

In a prepared statement to the Committee, Mr. Vance outlined the following steps taken by ASCS to prevent discrimination in the 1967 elections:

- All elections to be held during the third week of September.
- A secret mail ballot.
- Notice of elections, petition, and boundaries were to be mailed to eligible voters 35 days prior to election as well as public notice.
- A list of all known eligible voters by community was to be available for inspection in the county office 45 days before election.
- In communities with 10 percent or more eligible minority group voters the county committee must place a minority group member on the ballot unless nominated by the community committee or by petition.
- Uniform ballot format to be used throughout the country.
- At least 10 days before return, ballot and instructions were to be mailed to each known eligible voter of record.
- Certification on ballot return envelope had been clarified.
- The location for counting ballots must not be segregated and should be large enough to accommodate all authorized persons.
- Any bona fide candidate or his designee, if requested, was to be allowed to observe the counting of the ballots.

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—ASCS was to make special efforts to encourage all, especially minority group farmers, to participate more fully in the committee elections.

Victor B. Phillips, Assistant to the ASCS Administrator, also expressed the hope that the new policy would increase the effectiveness of the minority group vote. It was pointed out that in 1964 there were no Negro community committeemen in Alabama. In 1965, 11 Negroes were elected regular community committeemen and in 1966, 23 Negro community committeemen were elected.

The 1967 figures reveal that despite the new policy, only 22 Negroes were elected regular community committeemen in Alabama.

A letter appealing the results of the 1967 Macon County community committee elections was filed with the county, State, and Federal ASCS. (See Appendix 8). The appeal alleged that ballots mailed to Negroes were returned undelivered to the Macon County ASCS office and no effort was made to locate the voters. The appeal also alleged that the ballots of Negroes with improperly spelled or illegible signatures were disqualified. It was further alleged that white voters were solicited by the county office but Negro voters were not, and the white vote was solidified by nominating the minimum number of white candidates while the Negro vote was diluted by the nomination of an excessive number of Negroes in addition to those nominated by petition.

Mr. Phillips was asked if intimidation prevents Negroes from participating in ASCS elections. He admitted that there have been such allegations but "investigation reports do not substantiate this." He added that the reason mail ballots were substituted for polling places was to minimize intimidation.

Asked what action ASCS would take if a landlord marked a tenant's ballot, Mr. Phillips pointed out that the voter must certify that he has marked the ballot himself and misrepresentation is punishable by a \$10,000 fine and possible imprisonment.

UNEQUAL BENEFITS

The Committee was told by both farmers and civil rights workers that if Negro farmers are uninformed about the election process, they know less about the ASCS programs. This critical lack of knowledge of ASCS procedures and benefits result in part from the absence of Negroes on committees and in professional positions in the ASCS structure, they pointed out. It was alleged that committeemen do not provide program information as they are required to do.

Miss Mesher, for example, told the Advisory Committee:

Information . . . has not really been given at all. It is sort of coerced out of the officials. If you don't know the right questions to ask, you don't get the information you need . . . There is no display of literature in the ASCS office . . . Even if you can get the information about cotton allotments, and the upland cotton program and about the feed grain program, they are almost impossible to interpret . . . Most of the handbooks are solely for internal purposes, and written for people who have extensive knowledge about the programs.

She added that the farmer who becomes knowledgeable of the things that are available to him and begins to demand them may lose not only his benefits but his farm as well.

Mr. Phillips stated that while efforts to disseminate information are constantly being increased, funds for program administration have been cut. Nevertheless, ASCS insists that public meetings be held to inform farmers of program benefits and that the meetings be publicized through letters, posters, and notices to community and farm organizations. The ASCS office manager in Wilcox County asserted that the programs are publicized through the county paper and that information meetings are frequently held.

Despite the conflicting allegations, it was clear that Negro farmers feel that they are benefitting very little from ASCS programs. Among the charges heard at the open meeting were:

—Negro farmers are assigned consistently less acreage allotments than whites. Negroes are allotted from one half to three fourths of the

- acreage they can care for while whites get more acreage than they can handle. Often they release it back to the county committee which redistribute it to persons who have applied for additional acreage.
- Negro farmers are frequently requested to plow under their crops because of incorrect measurement. One participant asserted that ASCS agents "would come out and tell you that you had too much cotton and would have to plow it up and . . . often on the side that had best yield."
 - County committees estimate higher projected yields for white operators, despite previous production records.
 - Negro farmers share unequally in the benefits of the Agricultural Conservation Program because they are not familiar with it, nor would they have the 20 percent of the cost of the improvement which is required as advance payment.
 - Negro farmers are unfamiliar with the Cropland Adjustment Program which would permit the conversion of land to nonagricultural use.
 - Negro tenants generally assign their allotment checks to their landlords who advance fertilizer and seed but they are not told the amount owed or the amount of the check. Tenants were evicted for refusing to sign over their allotment checks to the landlords.
 - Tenants are frequently forced to gin their cotton with or through the landlord and the cotton may be sold without the tenant's knowledge.
 - ASCS office personnel do not treat Negroes with respect or address them with courtesy titles.
 - Tenants are forced to sign agreements which waive their rights to their personal property and their crop.
 - There are no Negroes in the feed grain program although they all grow corn. For example, it was alleged that on one plantation the only persons enrolled in the Feed Grain Program were the owner and three white tenants.
 - The ASCS programs as they now exist benefit the large farm operators to the detriment of the tenant farmers. Far from protecting the Negro farmer, ASCS works with landlords to deprive tenants of their rights. ASCS does not consult tenants about cotton allotment and price support decisions.
 - There is only one Negro member of the Review Committee to which a farmer may appeal a decision he considers unfair. Although each county office manager must inform the complainant of his right to file an appeal, this is seldom done. The appeals system, as currently devised, is relatively useless to the small farmer. Most Negro farmers believe that when they file complaints of discrimination, the investigative findings are watered down and local officials are protected in their actions or inaction.

ASCS officials insisted that there is no discrimination in ASCS benefits and that Negroes are treated equally.

Mr. Davis said that he had carried ASCS literature to Negro churches and that he had approved loans to Negroes for ponds and wells under the ACP program in Wilcox County. Mr. Ennis said that he encouraged Negroes and whites to participate in every ASCS program in Sumter County. Mr. Vance explained that the ASCS mails information on ASCS programs to farmers, develops informational brochures and holds educational meetings. Furthermore the Southeastern office had instructed county and State ASCS committees to review participation in the Cotton Diversion and Feed Grain Programs on every farm where there was a tenant or sharecropper to determine whether landlord relationships were proper. He asserted that the Cropland Adjustment, Cotton Diversion, and Feed Grain Program requirement that tenants not be displaced in anticipation of participating in such programs were rigidly enforced by his office and that program payments were denied anyone violating it. He also reported that the ASCS Southeast office conducts an annual survey of participation in the major farm programs by minority group members to determine if any group is denied program benefits.

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CONCLUSIONS

Based on the information presented at the two-day open meeting as well as the data obtained before and after the meeting, the Alabama State Advisory Committee concludes:

Employment

1. In the 26 counties studied, there are very few Negroes employed in either a clerical or professional capacity in State and county ASCS offices in Alabama despite the efforts of the ASCS Administrator and the Southeast Area Director. In 1967, there were only seven Negroes among 137 regular county office employees. Negroes were not employed as regular field employees, and accounted for only 10 of 98 limited* field employees. The Advisory Committee believes that if the U.S. Department of Agriculture enforced its equal employment opportunity policy, many more Negroes would be employed and Negro farmers would share more equally in the benefits of the ASCS programs.

2. Most of the Negro employees appear to have temporary jobs. If the number of temporary employees is reduced there will be a consequent reduction in the number of Negro employees.

State ASCS Committees

3. The interests of Negro farmers are not adequately represented by the State Committee, and its staff appeared to be unresponsive to the needs of the Negro and the poor farmer. The 1967 appointment of a Negro State committeeman is a commendable although belated first step.

4. Despite a structure which appears to be both logical and efficient, directives from the ASCS Administrator to the chairmen of State ASCS Committees are ignored, and are not communicated to or carried out by county offices.

5. The all-Negro State Advisory Committee has no power or influence in ASCS programs in Alabama. Although the Advisory Committee meets occasionally with the State committee, it is unlikely that its members have adequate knowledge about the various ASCS programs to be able to do anything to remedy the denials experienced by Negro farmers.

County and Community Committees

6. The county committees which administer the ASCS programs on the local level have tremendous impact on the lives of the farmers in the counties. They are dominated by the white farmers who, through their control of the committees, control the appointment of the county office managers.

7. The fact that only two of the six county office managers invited to attend (and directed to do so by the ASCS Administrator) appeared at the Alabama State Advisory Committee's open meeting, is indicative of the lack of control by Washington over the county officials. They appear to be loyal to the county committee, controlled by whites.

8. The county committeemen are able to perpetuate their control of the committees through control of nominations, and the machinery to inform voters of the election procedures. No Negro has ever been elected to a county committee, although they represent a majority of farm operators in 12 Alabama counties.

9. The community committees perform no function other than nominating county committees. They are ostensibly supposed to inform farmers about ASCS programs but they fail to do so.

10. Negroes are significantly under-represented on the community committees. In 1966, only 23 of 590 regular committeemen were Negro in the 26 selected counties.

11. Civil rights and Negro organizations are to be credited for the election of the Negro committeemen. ASCS procedures and supervision had little to do with Negro election successes.

*"Limited" means other than regular or permanent employees. They may be part-time, seasonal, or more than 90 days, but less than one year.

12. Negroes nominated by petition are more likely to be elected than those nominated by the committees. Negro farmers expressed the belief that committee-nominated Negroes would be subservient to white landowners.

13. There have been several cases of voting irregularities, as well as intimidation of Negro tenant farmers who actively participated in the election process.

Unequal Benefits

14. There has been a failure by ASCS to communicate information about its programs to Negro farmers who could benefit most from them and as a result many programs designed to improve their operations go unused. Materials explaining grounds are not made available and, if obtained, are difficult to understand.

15. ASCS State and county staff appear to have vested interests in the system which excludes Negroes from sharing equally in ASCS program benefits. They were accused of not sharing information with Negro farmers and not treating them with respect.

16. The ASCS programs offer no protection to tenant farmers who have been evicted from the land for not assigning their ASCS checks to their landlords.

17. The ASCS programs appear to benefit the large white farm operators while the small Negro and white farmers are being forced off the land.

18. Greater equality would be achieved if ASCS enforced its nondiscrimination requirements. Little control or supervision appears to be exerted by Washington. Criteria for compliance has not been established.

Summary Conclusion

19. In the introduction to this report it was noted that the U.S. Commission on Civil Rights in its 1965 *Report on Equal Opportunity in Farm Programs* concluded that Negroes were excluded from the decision-making committees of the ASCS and from employment in ASCS county offices. Although there has been some improvement in the situation as a result of ASCS's attempts to remedy the situation, the Alabama State Advisory Committee concludes that Negroes continue to be excluded from ASCS committees and from employment in ASCS offices and that Negroes continue to be denied the full benefits of ASCS programs. It is the State Advisory Committee's firm belief that this vicious circle of exclusion, though somewhat modified, continues to exist. It must be eliminated.

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RECOMMENDATIONS

The Alabama State Advisory Committee to the U.S. Commission on Civil Rights believes there are serious deficiencies in the administration of ASCS in the Alabama Black Belt. It further believes that the recommendations made by the U.S. Commission on Civil Rights in its 1965 report—to end discriminatory practices which have barred Negro farmers from the services and benefits of farm programs; to assure Negroes the opportunity to participate in elections for local committees and appointment to committees; and to require that employment be without regard to race—are still applicable.

In addition, the Committee recommends to the U.S. Commission on Civil Rights that it urge the Department of Agriculture and the ASCS to:

1. Vigorously enforce its equal employment opportunity policy; supervise the implementation of its instructions that training classes for prospective minority group employees on both the professional and clerical level be developed.
2. Conduct training programs in intergroup relations for State and county committeemen and staff in Alabama.
3. Abolish the all-Negro State Advisory Committee and enlarge the State committee to include persons who are sensitive to the needs of the Negro and the poor farmers.
4. Revise the election procedures so that nominations will be made only by petition and representation on the committees will reflect the racial and economic composition of the community.
5. Initiate a program aimed at achieving maximum benefits from ASCS for the poor farmers, both Negro and white. Alternatives to the present check assignment system should be sought. Where farmers choose to leave the land, they should be assisted in the transition process.

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APPENDIX 1

UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION
AND CONSERVATION SERVICE, OFFICE OF THE ADMINISTRATOR, WASHINGTON,
D.C.

March 22, 1965

To: Chairmen, State ASC Committees

From: Administrator

Subject: Policies on Equal Opportunity and Civil Rights

ASCS has made considerable progress in the area of equal opportunity and civil rights in recent months. However, the pace is much too slow. As I stated in my recent memorandum to you transmitting excerpts from the Civil Rights Commission Report and statements by the President and the Secretary, our organization is dedicated to the elimination of any discrimination of any kind that may exist in the administration of ASCS Programs.

In order to carry out this commitment, the following policies will be applied in connection with our State and County operations:

1. Recommend appointment of a Negro to fill the first vacancy that occurs on the Committee for any State where Negroes constitute more than 10% of the total farmers in the State.

2. Provide equal employment opportunities in the State and county offices during this and succeeding years. Full consideration will be given to the previous imbalance of employment which has prevailed. In each State the goal will be to achieve a minority group employment percentage equal to the percentage of non-white farmers in the State. Major progress will be made this summer in the temporary county employment of Negroes as field and office employees. (Estimates indicate 2,806 temporary office employees and 12,828 temporary performance reporters will be required this summer in the 15 Southern States covered by the Civil Rights Commission Report.)

3. Establish in each of the States of Texas, Louisiana, Alabama, Mississippi, Tennessee, Arkansas, Georgia, Florida, North Carolina, South Carolina, and Virginia, an advisory committee of capable Negroes to assist the ASC State Committee in assuring:

- a. Equal employment opportunities at both State and county levels,
- b. Equal opportunity to participate in ASCS Programs,
- c. Full participation in community and county committee elections, both as voters and candidates. Advisory Committees recommended to the Secretary will have a membership numbering not more than the State Committee and comprised of Negro educators, businessmen, ministers, and farmers.

4. Establish a system of record-keeping in county offices in the 15 Southern States of the extent to which Negroes participate in and benefit from ASCS programs as compared with whites. These data will be used as the foundation for surveys of individual producers, to determine whether they had an equal opportunity with all others to benefit from the farm programs.

5. County committees will place on the ballot for community committee elections the names of Negro candidates in at least the same proportion as there are Negro farmers in the county.

6. Re-negotiate arrangements for office space to avoid segregation of employees or discrimination in the use of facilities. Where this cannot be done, arrange for space where equal opportunities can be provided.

7. Be prepared to take over the operation of any county office which does not operate in line with these goals and objectives or which you determine cannot or will not get the work done.

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8. Plans for presenting these goals and policies to the county committees and the county office managers must be developed and carried out immediately.

9. A written report must be prepared and forwarded to your Area Director not later than April 10, 1965, indicating a plan and time table for achieving these goals this year, and indicating any special problems you expect to encounter together with suggested solutions.

Your cooperation and assistance in faithfully carrying out these policies carefully and expeditiously are invited and expected.

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APPENDIX 2

June 23, 1966

policies to the county committees developed and carried out imme-

forwarded to your Area Directoring a plan and time table for solving any special problems you solutions. fully carrying out these policies expected.

To: Chairman, ASC State Committee
Alabama
Georgia
North Carolina
South Carolina
Tennessee

From: Director, Southeast Area, ASCS

Subject: Plan for Training and Developing Minority Group Members for ASCS Employment

The progress we have made together in the field of civil rights and equal employment opportunity in ASCS is certainly encouraging. I take this opportunity to again express my sincere appreciation to you, your committee, and staff for the untiring personal efforts which each has put forth in that undertaking. I am well aware that these efforts are made even more impressive by the fact that each of you have at the same time successfully maintained a severe program workload operated under many urgent time deadlines and further complicated by new inter-acting program provisions. There could be no better evidence of loyalty and devotion to our concept of program operation and service to farmers.

Although we have made much progress in meeting our equal employment goals, we still have a long way to go. The main difficulty has been the lack of available qualified non-white clerical employees to fill vacancies. To overcome this, a plan has been developed in keeping with the agency equal employment policy which will ensure an active and systematic approach to achieving minority group employment goals in State and county offices. I believe this plan will in the long run be more economical than our present constant attempts to recruit and if properly implemented it will eliminate much of the trouble we now experience by work being delayed while trying to get a vacancy filled. The plan is as follows and it is requested that you move as rapidly as possible in getting it underway in your State:

1. The State committee and/or Executive Director with one or more members of the State Advisory Committee meet with school administrators, ministers, business leaders, and others as applicable, to develop a roster of potentially good non-white clerical employees.
2. In consultation with the State Advisory Committee select 6 or more of the most promising for six months of comprehensive training in ASCS operations.
3. Training will be under direct supervision of the State Training Officer with assistance from all program specialists in their line of operations. The first 4 months will be in the State Office Training Center. The last 2 months will be in a selected county office. (One trainee per county)
4. Training will be systematic and controlled beginning with fundamentals and advancing into ASCS operations along the lines most suited to the probable type of employment.
5. Before training is started, the State office shall develop a detailed training schedule which outlines day by day the topics to be discussed, the specialist to lead discussion, and the time allotted. This schedule will also provide the time and topic for personal study by the trainees. It will also include any other items needed to round out a complete training program.
6. Salary will be the beginning step of CO-2 and paid from county administrative funds on a reimbursable basis.
7. Before being accepted for this program, trainees must agree in writing to the conditions of the training plan including the last 2 months in a selected county office and including a provision that they will accept employment in any county office in the State to which employment is available.

However, it must be clear to all that this training does not in itself guarantee permanent employment.

This plan can be a positive step toward our having better qualified applicants available in the quantity and at the time needed to fill vacancies and keep work current. The plan is to be continuous and I ask you to personally take the necessary steps to see that it is well understood in the State and county offices and that arrangements are made to have the first group of 6 or more trainees to begin training by August 1, 1966. Please give us a report on or about that date as to your progress in accomplishing this objective.

I will be glad to further discuss this with you at any time you may have need for clarifying information.

signed/ JOHN B. VANCE

Office

County

- Autauga _____
- Barbour _____
- Bullock _____
- Butler _____
- Chambers _____
- Choctaw _____
- Clarke _____
- Conecuh _____
- Dallas _____
- Elmore _____
- Greene _____
- Hale _____
- Henry _____
- Lee _____
- Lowndes _____
- Macon _____
- Marengo _____
- Monroe _____
- Montgomery _____
- Perry _____
- Pickens _____
- Pike _____
- Russell _____
- Sumter _____
- Talladega _____
- Wilcox _____

Total _____

APPENDIX 3

Office—ASCS County Office Employment by Race
for December 31, 1964, 1966, and 1967

County	Regular						Limited					
	1964		1966		1967		1964		1966		1967	
	W	N	W	N	W	N	W	N	W	N	W	N
Autauga	5		5		5		1		1			
Barbour	6		6		8		1		1		1	1
Bullock	5		4		4		1		1			1
Butler	5		5		6		2		3		1	1
Chambers	4		4		4		2		1		1	1
Choctaw	4		5		5		1		1		2	1
Clarke	5		4		5		1				2	3
Conecuh	6		6		4							1
Dallas	5		4	1	6		2		4			3
Elmore	6		5		5		1		1	3	1	1
Greene	5		4	1	3	1	1		4	1	3	
Hale	4		5		5		3		4	2	3	1
Henry	6		6	1	6	1	2		1	1	2	
Lee	4		4		4		3		2		2	2
Lowndes	4		4		4		2		3	1	2	2
Macon	5		4		4	1	1		1	1	1	1
Marengo	6		5		6		2		2	1		1
Monroe	4		6		6		3		1	2	1	3
Montgomery	4		4		4		3		3			2
Perry	4		4	1	4	1	3		3	1		
Pickens	5		5	1	5	1	1		4			1
Pike	6		6		7		3		4	1	2	
Russell	4		4	1	4	1	2		1		2	
Sumter	4		4		5	1	4		8	2	4	
Talladega	5		4		5		4			2	4	2
Wilcox	5		4		5		1		3			
Total	126		121	6	130	7	50		57	24	35	24

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signed/ JOHN B. VANCE

APPENDIX 4

Field—ASCS County Office Employment by Race for December 31, 1964, 1966, and 1967

County	Regular						Limited					
	1964		1966		1967		1964		1966		1967	
	W	N	W	N	W	N	W	N	W	N	W	N
Autauga			1		1		6		6			
Barbour	1		1				6		6		5	1
Bullock	1		1		1		11		5	1		
Butler	1		1		1		10		9	2	10	
Chambers			1		1		5		3	2	3	
Choctaw									4	1	1	2
Clarke	1		1		1		5		2	1	1	3
Conecuh	1		1		1		13		1			
Dallas	1		1		1		12		11	2	8	2
Elmore	1		1		1		11		10	1	3	2
Greene	1		1		1		3		2		4	
Hale	1		1		1		10		15	1	7	
Henry	1		1		1		8		5	1	3	1
Lee			1		1		7		6	2	4	
Lowndes	1		1		1		8		5	2	5	
Macon	1		1		1		7		2		6	
Marengo					1		10		12	4	1	
Monroe	1		1		1		8		8	2	8	1
Montgomery	1		1		1		8		7	2		
Perry	1		1		1		8		6	1	2	
Pickens							17		21		6	
Pike	1		1		1		8		8	3	5	
Russell	1		1		1		5		6	1	2	
Sumter	1		1		1		7		12	6	1	
Talladega							14		5	2	2	
Wilcox	1		1		1		6		1	3	1	
Total	19		22		22		213		178	40	88	10

APPENDIX 5

July 26, 1966

Election Procedures—Civil Rights

Following are changes in election procedure placed into effect in recent years which have a direct effect on civil rights.

1. Each eligible voter of record must be mailed a notice of the date, time, and place of the election. This individual notice is in addition to the required regular public notice.

2. County employees when visiting a farm are required to obtain data on all persons who have an interest in the farm as owner, operator, tenant, or sharecropper. This information adds to and updates the list of eligible voters in the county.

3. Each eligible voter of record must be mailed a notice of his right to nominate by petition candidates for membership on the community committee. This individual notice is in addition to the required regular public notice.

4. The number of signers to a petition to nominate a farmer as a candidate for community committee membership was reduced from ten to six. This was to make it easier for minority groups to nominate persons of their choice.

5. In polling place elections, procedure was changed to require community committee election ballots to be publicly tabulated immediately after the polling place closes for voting and immediately following tabulation, that they be delivered to the county office.

6. Emphasis has been placed on the use of mail elections in southern States in order to make voting easier for minority group farmers.

7. Procedure was changed to require that any place where voting or

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 Employment by Race
 1966, and 1967

		Limited			
		1964		1966	
1967	1967	W	N	W	N
1	6	6			
1	6		5		1
1	11	5	1		
1	10	9	2	10	
1	5	3	2	3	2
1	4	1	1		
1	5	2	1	1	3
1	13	1			
1	12	11	2	8	
1	11	10	1	3	2
1	3	2		4	
1	10	15	1	7	1
1	8	5	1	3	
1	7	6	2	4	
1	8	5	2	5	
1	7	2		6	
1	10	12	4	1	
1	8	8	2	8	1
1	8	7	2		
1	8	6	1	2	
1	17	21		6	
1	8	8	3	5	
1	5	6	1	2	
1	7	12	6	1	
1	14	5	2	2	
1	6	1	3	1	
22	213	178	40	88	10

5

July 26, 1966

Civil Rights

Procedure placed into effect in recent months.

be mailed a notice of the date, individual notice is in addition to the

farm are required to obtain data from farm as owner, operator, tenant, and up dates the list of eligible

be mailed a notice of his right to membership on the community committee required regular public notice. to nominate a farmer as a candidate was reduced from ten to six. groups to nominate persons of their

has changed to require community tabulated immediately after the immediately following tabulation, that

use of mail elections in southern minority group farmers. that any place where voting or

tabulating of ballots is done, it must be open to the public without restriction of any of its facilities because of race, creed, color, or national origin.

8. The slate of nominees for community committeemen established by the nominating committee must contain minority race nominees in the same proportion that they are to the total farm population (owners, operator, tenants, and sharecroppers).

9. Requires that tabulation of ballots and the county convention will be in a place sufficiently large to accommodate all interested farmers who might reasonably be expected to attend. (Increased space is to encourage minority group attendance.)

10. A special certification has been added to the election ballot envelope to insure the voter voted his own ballot. It also includes a provision for those who sign by mark.

11. A form has been developed for signature of a nominee to indicate his willingness to serve if elected and his willingness to settle a tie vote by lot.

12. Incumbent committeemen who become candidates for reelection are not permitted to continue performing election duties other than to assist in determining eligibility to vote and hold office.

13. It is made clear that no person shall be denied the right to vote or hold office because of race, creed, color, or national origin.

14. The slate of community committee nominees established by community and county committees must be not less than 6 or more than 10. This is to have a minimum number and yet avoid flooding the ballot with any particular race.

15. A special slide series has been developed for local use to explain voting procedure.

16. A special hand out has been prepared explaining elections and how they operate.

17. Special training sessions on elections are conducted at the local levels in all of the southern States.

18. During elections, special assistance is given in elections to minority group voters by ASCS employees at both the county and State levels.

APPENDIX 6

Special ASCS Election Plans for States
 With 10% or More Minority Group Farmers

1. *News Media*—To the extent possible, county offices will publicize in local newspapers and over radio and television the dates and other important information about ASC elections.

2. *County Office Communication*—All county offices will inform all farmers of record, well in advance of the election date, of the community boundaries and their right to nominate by petition. A second letter to the farmer will include (1) the ballot, (2) voting instructions, (3) notice of time and place for both the ballot counting and the county convention, and (4) explanation that both the ballot counting and the county convention are open to the public.

3. *Public Meeting*—Require states to instruct those counties where 10 percent or more of the farmers are minority group members to hold at least one public county meeting, giving special emphasis to explaining ASC election procedures and answering questions on ASC elections. Additionally, I have asked that county offices be encouraged to hold other meetings in special areas of the county when this is deemed necessary and feasible.

4. *Informing Civil Rights Organizations, Farm Organizations, Rural Ministers and Others of ASC Elections*—A letter from the Administrator, ASCS will be sent to heads of these local groups and others as appropriate, informing them about changes in ASCS election procedures, and enlisting their support in bringing these changes to the attention of minority group farmers.

5. *Visual Aids*—

a. The slide set and narration on election of ASC community committeemen is being reviewed and will be made available for showings

by fieldmen and county office staffs in counties with a sizeable proportion of minority group farmers.

b. The slide set and narration on ASC elections will also be available to civic, social, farm and civil rights groups requesting them. To the extent possible, ASCS personnel will be available to assist these groups in showing and explaining the slide set on ASC elections.

6. *Literature*—The election leaflet, "Vote For Farmers of Your Choice," is being revised and will be made available through ASCS county offices to all farmers in counties with 100 or more minority group farmers. This leaflet will also be sent to leaders of civil rights organizations, minority group farm organizations, minority group farm organizations, Negro rural ministers and others in the South.

7. *Posters*—Again this year, we will prepare and distribute posters to call attention to the election and the final date for ballots to be in. These posters will be displayed in those counties with 10 percent or more minority group farmers.

8. *Conventions*—In a number of Southern States where district church conventions will attract sizable numbers of minority group people, an effort will be made to set up our roto-photo showing of the slide set and narration on election procedures. These conventions are usually held in rural-oriented communities and are attended by many farm people.

APPENDIX 7

*Regular and Alternate Negro Community Committeemen—
26 Alabama Counties—1964-1967*

County	Percent Negro oper- ators	Regular committeemen					Alternate committeemen				
		1964 Total	1964	1965	1966	1967	1964 Total	1964	1965	1966	1967
Autauga	34.6	18	0	0	0	0	12	0	0	0	0
Barbour	40.0	15	0	0	0	0	10	0	1	0	0
Bullock	62.9	15	0	0	0	0	10	0	0	1	0
Butler	31.0	21	0	0	0	0	14	0	0	0	0
Chambers	34.4	18	0	0	0	0	12	0	0	2	0
Choctaw	50.1	36	0	1	0	1	24	0	11	7	8
Clarke	42.5	33	0	1	4	1	22	0	1	5	4
Conecuh	33.7	30	0	0	0	0	20	0	0	0	0
Dallas	74.4	18	0	0	0	0	12	0	0	0	0
Elmore	26.5	21	0	0	0	0	14	0	0	0	0
Greene	76.7	24	0	0	1	1	16	0	1	1	1
Hale	62.5	15	0	0	0	0	10	0	0	0	0
Henry	28.7	30	0	0	0	0	20	0	0	0	0
Lee	40.9	27	0	0	0	0	18	0	0	0	1
Lowndes	65.5	18	0	3	3	3	12	0	8	4	3
Macon	72.4	15	0	0	3	4	10	0	10	8	8
Marengo	62.3	30	0	0	0	0	20	0	16	15	16
Monroe	45.0	48	0	2	3	3	32	0	2	12	14
Montgomery	44.5	21	0	0	0	1	14	0	1	2	2
Perry	61.0	18	0	1	1	2	12	0	1	1	1
Pickens	43.1	33	0	0	1	2	22	0	2	0	0
Pike	23.8	33	0	0	0	2	22	0	0	0	0
Russell	66.3	15	0	0	0	0	10	0	10	10	10
Sumter	74.3	18	0	0	0	0	12	0	0	0	1
Talladega	26.9	33	0	0	0	0	22	0	0	0	0
Wilcox	71.5	21	0	3	7	2	14	0	9	7	13
Totals		624	0	11	23	22	416	0	73	75	83

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APPENDIX 8

Letter Appealing Result of 1967
Macon County Community Committee Elections

303-A Foster Street, Auburn, Ala. 36830

October 7, 1967

The Alabama State ASCS Committee
Agricultural Stabilization and Conservation Service
United States Department of Agriculture
The Aronov Building
Montgomery, Alabama
Attn: Mr. Fred M. Acuff

Dear Sirs: The undersigned hereby appeal from the results of the Community Committee elections (ballots counted September 25, 1967) in Macon County, Alabama in Communities 1, 2 and 4* and the corresponding election of the one white County Committeeman and the two white alternates to the County Committee.

The following violations of ASCS election procedures resulted in the defeat of a sufficient number of Negro candidates from Communities 1, 2 and 4 to once again prevent the honest election of a Negro County Committee member. Our present information indicates that a mere addition of eight (8) votes in Community One, nine (9) votes in Community Two and eighteen (18) votes in Community Four (or a total of 35 votes in the entire county) would have provided enough Negro delegates to the County Convention for election of a Negro County Committeeman at the County Convention. All information will be fully substantiated once we have had full access to ASCS county records.

Upon information and belief:

1. Envelopes which were improperly addressed containing ballots were returned by the U.S. Post Office to the staff of the ASCS Macon County Office ("COUNTY OFFICE") who made no reasonable efforts to locate these voters in spite of the fact that most of the ballots were returned on September 11, 1967 (eight (8) days before the deadline for return of ballots). As a result of a large number of eligible voters were disenfranchised.

2. Ballots were disqualified or "thrown out" for such reasons as illegibility of signatures and improper spelling of signatures in violation of Rules and Regulations of the United States Department of Agriculture as well as the intent of the USDA and the Congress of the United States. It is further submitted that the County Office ignored similar violations by white voters.

3. The County Office violated Part 1, Section 3, Paragraph 22 of ASCS Handbook 7-CA dated 5-17-66 (which prohibits partisan ASCS election activities by ASCS employees) in the following particulars:

A. In using special lists of those who did (and did not) vote to aggressively solicit whites who had not voted to turn in their ballots (without similar efforts to solicit Negroes to vote);

B. In encouraging and soliciting whites to become eligible for more than one vote per piece of land and providing the expertise and knowledge to accomplish same (without similar efforts with Negro land-owners);

C. In once again ignoring large numbers of potential Negro voters eligible to participate in ASCS elections but not placed on the eligibility list by the County Office;

D. In nominating four to six Negroes in addition to Negro candidates already nominated by petition to make a total of nine (9) or more Negro candidates on each ballot in each contested community. This was done to "Split" the Negro vote while the white vote was solidified

*Please be advised that similar irregularities occurred in Communities 3 and 5 but are not under contest at this time. However, these irregularities shall be used as evidence to establish the pattern hereinafter described.

ounties with a sizeable propor-

elections will also be available groups requesting them. To the available to assist these groups ASC elections.

For Farmers of Your Choice," through ASCS county offices to minority group farmers. This rights organizations, minority arm organizations, Negro rural

pare and distribute posters to date for ballots to be in. These with 10 percent or more minority

m States where district church minority group people, an effort ing of the slide set and narration e usually held in rural-oriented people.

7
Community Committeemen—
—1964—1967

1967	1964 Total	Alternate committeemen			1967
		1964	1965	1966	
0	12	0	0	0	0
0	10	0	1	0	0
0	10	0	0	1	1
0	14	0	0	0	0
0	12	0	0	2	0
1	24	0	11	7	8
0	22	0	1	5	4
0	20	0	0	0	0
0	12	0	0	0	0
0	14	0	0	0	0
1	16	0	1	1	1
0	10	0	0	0	0
0	20	0	0	0	0
0	18	0	0	0	1
3	12	0	8	4	3
4	10	0	10	8	8
0	20	0	16	15	16
3	32	0	2	12	14
1	14	0	1	2	2
2	12	0	1	1	1
2	22	0	2	0	0
2	22	0	0	0	0
0	10	0	10	10	10
0	12	0	0	0	1
0	22	0	0	0	0
2	14	0	9	7	13
22	416	0	73	75	83

by the nomination of the minimum (three) for whites (who had no petitioned candidates) in these communities;

E. In failing to safeguard the returned ballots (in violation of Part 4, Section 3, Paragraph 46 of 7-CA) by failing to properly seal the ballot boxes. (IN Macon County, a metal box with a lock, plus tape and a date written on the tape constituted the seal. Needless to say the county office had both the key to the lock and additional tape. The above constituted no safeguard within the meaning of this Section).

For the above reasons and others, we ask that the results of both the Macon County ASCS Community Committee elections and the 1967 ASCS County Convention be set aside and new elections scheduled not less than thirty (30) days after announcement of new elections.

We further request that the following documents be impounded and preserved by the Macon County ASCS County Committee and be made available to us:

1. List of Eligible ASCS Voters—1967—Macon County, Alabama (the alphabetical list);
2. List of Eligible ASCS Voters—1967—Macon County, Alabama (the F.S.N. list);
3. The certification envelopes bearing signatures adjudged by the County Committee on 9-25-67 as invalid;
4. All documents, records and papers bearing the signatures referred to in item 3 above;
5. The envelopes containing ballots which were returned by the U.S. Post Office because of improper addresses;
6. The "addressography" plates for those voters whose ballots were returned by the U.S. Post Office;
7. Any and all documents, records and papers which contain the address information which was transferred to either the addressograph plates referred to in item 5 above or which were used to manually address those election envelopes referred to in 5 above;
8. All certificates indicating multi-ownership of land and bearing such language as "this certifies that my name is on the deed of conveyance for some land covered under F.S.N."
9. The list of all persons participating in any Macon County ASCS programs in 1967 including, but not limited to, persons receiving payments due to said participation.

Very truly yours,

Name of

One-----
Two-----
Three-----
Four-----
Five-----
Six-----

Total.

Name of

One-----
Two-----
Three-----
Four-----
Five-----
Six-----

Total.

Name

Eutaw & Spr
Forkland.....
Boligee & Tis
West Greene.
Mount Heb
Lewiston, Je
Clinton.....
Union.....
Knoxville.....

Total.

APPENDIX 9

*Comparison of Negro and White Eligible Voters,
Number and Percent Voting for 1965 and 1966
in Six Alabama Counties
Dallas County—1965*

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
One.....	140	56	78	150	25	37
Two.....	296	65	192	541	26	140
Three.....	195	68	132	457	19	86
Four.....	173	75	129	303	68	206
Five.....	275	58	159	415	28	116
Six.....	96	62	59	209	35	73
Total.....	1,175	63.7	749	2,075	31.7	658

Dallas County—1966

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
One.....	138	48	59	143	57	81
Two.....	292	84	245	478	34	162
Three.....	197	83	163	448	31	138
Four.....	229	85	194	292	79	230
Five.....	270	67	180	361	75	270
Six.....	94	64	60	203	50	101
Total.....	1,220	73.8	901	1,925	51	982

Greene County—1965

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
Eutaw & Springfield.....	163	97	158	180	32	57
Forkland.....	64	92	58	285	30	85
Boligee & Tishabee.....	87	98	85	359	43	154
West Greene, Pl. Ridge, Mount Hebron.....	54	89	48	169	40	67
Lewiston, Jena & Mantua.....	40	90	36	96	66	63
Clinton.....	45	96	42	134	66	88
Union.....	60	82	49	55	67	36
Knoxville.....	47	91	42	27	44	11
Total.....	560	93	518	1,305	43	561

Greene County—1966

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
Eutaw & Springfield	163	93	151	200	28	56
Forkland	63	95	59	252	39	98
Boligee & Tishabee	82	85	69	308	44	132
West Greene, Pl. Ridge, Mount Hebron	64	89	56	137	50	68
Lewiston, Jena & Mantua	40	93	36	82	60	49
Clinton	59	92	53	112	55	60
Union	58	97	55	73	21	14
Knoxville	44	93	40	40	20	8
Total	573	91	519	1,204	41	485

Hale County—1965

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
Community A	174	75	130	126	33	41
Community B	391	69	269	588	32	188
Community C	90	68	61	209	35	73
Community D	101	57	57	181	29	52
Community E	181	56	101	104	45	46
Total	937	66	618	1,208	33	400

Hale County—1966

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
Community A	186	63	117	135	49	66
Community B	374	55	205	637	40	254
Community C	94	52	48	221	39	86
Community D	96	52	49	180	30	54
Community E	184	39	71	86	55	47
Total	934	52	490	1,259	40.8	507

Lowndes County—1965

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
A (Beats 1, 2, & 20)	61	87	53	164	42	68
B (Beats 17, 18 & 19)	137	90	123	101	32	32
C (Beats 3, 4, & 13)	66	83	54	392	53	207
D (Beats 12, 14, 15, & 16)	206	88	181	260	35	91
E (Beats 5, 6, 7, 9, & 21)	122	72	87	157	24	37
F (Beats 8, 10, & 11)	208	67	139	71	44	31
Total	800	80	637	1,145	41	466

Name of co
 A (Beats 1, 2, & 20)
 B (Beats 17, 18, & 19)
 C (Beats 3, 4, & 13)
 D (Beats 12, 14, 15, & 16)
 E (Beats 5, 6, 7, 9, & 21)
 F (Beats 8, 10, & 11)
 Total

Name of co
 One
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 Three
 Four
 Five
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 Total

Name of co
 One
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 Total

Name of co
 A and M
 B and T
 CD and P
 EF and G
 H and O
 IJQ and R
 KLN and S
 Total

966

ers, number and percent voting

Number voting	Negro	Percent voting	Number voting
151	200	28	56
59	252	39	98
69	308	44	132
56	137	50	68
36	82	60	49
53	112	55	60
55	73	21	14
40	40	20	8
519	1,204	41	485

65

ers, number and percent voting

Number voting	Negro	Percent voting	Number voting
130	126	33	41
269	588	32	188
61	209	35	73
57	181	29	52
101	104	45	46
618	1,208	33	400

66

ers, number and percent voting

Number voting	Negro	Percent voting	Number voting
117	135	49	66
205	637	40	254
48	221	39	86
49	180	30	54
71	86	55	47
490	1,259	40.3	507

965

ers, number and percent voting

Number voting	Negro	Percent voting	Number voting
53	164	42	68
123	101	32	32
54	392	53	207
181	260	35	91
87	157	24	37
139	71	44	81
537	1,145	41	466

Lowndes County—1966

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
A (Beats 1, 2, & 20) -----	61	95	58	134	50	67
B (Beats 17, 18, & 19) -----	125	88	110	75	27	20
C (Beats 3, 4, & 13) -----	65	80	52	363	60	219
D (Beats 12, 14, 15, & 16) -----	213	86	183	289	34	81
E (Beats 5, 6, 7, 9, & 21) -----	134	84	113	111	26	29
F (Beats 8, 10, & 11) -----	216	66	143	64	34	22
Total -----	814	82	659	986	48	438

Sumter County—1965

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
One -----	103	53	54	151	26	39
Two -----	162	59	95	212	23	48
Three -----	93	59	54	207	36	74
Four -----	147	50	73	150	31	46
Five -----	112	63	70	285	35	99
Six -----	98	68	66	248	47	116
Total -----	715	57.6	412	1,253	34.7	422

Sumter County—1966

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
One -----	106	63	66	135	52	70
Two -----	180	70	126	165	40	66
Three -----	117	66	77	244	45	109
Four -----	147	82	120	163	44	71
Five -----	116	76	88	285	48	136
Six -----	105	72	75	185	52	36
Total -----	771	72	552	1,177	47	488

Wilcox County—1965

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
A and M -----	88	60	52	146	46	67
B and T -----	76	82	62	130	46	59
CD and P -----	59	65	38	257	53	136
EF and G -----	191	50	95	348	43	149
H and O -----	111	74	82	192	48	92
IJQ and R -----	123	77	94	139	40	55
KLN and S -----	175	52	91	106	17	18
Total -----	823	62.4	514	1,318	43.7	576

Wilcox County—1966

Name of community	Eligible voters, number and percent voting					
	White	Percent voting	Number voting	Negro	Percent voting	Number voting
A and M.....	104	69	71	125	78	91
B and T.....	80	69	55	126	84	105
CD and P.....	58	64	37	226	59	156
EF and G.....	187	61	114	385	60	231
H and O.....	119	71	84	186	77	148
IJQ and R.....	122	70	85	111	49	54
KLN and S.....	180	63	113	112	37	41
Total.....	850	65.8	559	1,271	62.6	821

APPENDIX 10

Number of Farm Operators, by Tenure and by Race,
Six Alabama Counties

County	Total per- cent Negro oper- ators	Owners			Part owners			Tenants		
		White	Negro	Per- cent	White	Negro	Per- cent	White	Negro	Per- cent
Dallas.....	74.4	299	347	53.7	169	145	46.2	53	1,045	95.2
Greene.....	76.7	169	213	55.8	104	148	58.7	43	690	91.1
Hale.....	62.5	336	373	52.6	145	176	54.8	64	361	84.9
Lowndes.....	65.5	263	242	47.9	143	131	53.0	56	531	90.2
Sumter.....	74.3	205	244	54.3	140	186	57.1	42	702	94.4
Wilcox.....	71.5	242	295	54.9	180	177	57.7	41	581	93.4
Totals.....		1,514	1,714	53.1	831	963	53.7	299	3,910	92.9

APPENDIX 11

Percent Negro Farm Operators, Average Value of Farm Products Sold,
and Percent of Households with Income of Less than \$3,000, 1964

County	Percent Negro farm operators	Average value of farm products sold	Percent of households with incomes of less than \$3,000
Dallas.....	74.4	\$4,409	75.2
Greene.....	76.7	2,969	78.6
Hale.....	62.5	5,543	71.5
Lowndes.....	65.5	5,329	66.1
Sumter.....	74.3	2,728	71.7
Wilcox.....	71.5	2,816	78.9
Total.....	71.3	3,978	73.8

APPENDIX 12

*Value of ASCS Program and Average Per Farm Operator
in Six Alabama Counties, 1966*

ers, number and percent voting

Number voting	Negro	Percent voting	Number voting
71	125	78	91
55	126	84	105
37	226	59	156
114	385	60	231
84	186	77	143
85	111	49	54
113	112	37	41
559	1,271	62.6	821

enture and by Race,
ties

Part owners			Tenants	
Negro	Per- cent	White	Negro	Per- cent
145	46.2	53	1,045	95.2
148	53.7	43	690	91.1
176	54.8	64	361	84.9
131	53.0	56	531	90.2
186	57.1	42	702	94.4
177	57.7	41	581	93.4
963	53.7	299	3,910	92.9

alue of Farm Products Sold,
of Less than \$3,000, 1964

Average value of farm products sold	Percent of households with incomes of less than \$3,000
\$4,409	75.2
2,969	78.6
5,543	71.5
5,329	66.1
2,728	71.7
2,816	78.9
3,978	73.8

County	Amount	Average per farm operator
Dallas.....	\$1,935,299	\$937
Greene.....	936,145	682
Hale.....	1,235,116	848
Lowndes.....	908,732	627
Sumter.....	1,127,057	740
Wilcox.....	831,701	565
Total.....	6,974,050	757

STAFF REPORT

A POPULATION, EMPLOYMENT AND INCOME PROFILE

OF NEGROES IN A 16-COUNTY AREA

OF SOUTH CENTRAL ALABAMA

- I. Intro
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I. INTRODUCTION

The area¹ studied by the Commission is comprised of 16 rural counties lying astride the south central part of the State. Nine of these counties, Bullock, Dallas, Greene, Hale, Lowndes, Marengo, Perry, Sumter, and Wilcox are black soil belt counties.² The other seven counties lie in sandy uplands and coastal plains areas bordering the Black Belt. Although these seven counties differ in physical characteristics and agricultural practices from the Black Belt Counties, all 16 counties are similar in that (1) each has an extremely large Negro population, (2) each is predominately rural, and (3) each has a large number of poor inhabitants.

Perhaps the area's most distinctive characteristic is its high proportion of black inhabitants. Over three-fifths of the population in the 16-county area was Negro in 1964, one of the highest percentages for any area of equivalent size in the United States.³ (Figure 1). The large Negro population developed during the years when the cotton plantation system was at its peak. In those counties composing the Black Belt the population was once over 80 percent Negro; this percentage has declined as cotton farming has been displaced by more diversified agricultural activities. Most of the persons who have left the farm have departed from the 16-county area entirely. As a consequence the total population has been decreasing for nearly 60 years.⁴ In all counties the largest losses have been sustained by the Negro population. Of the several reasons accounting for this exodus, one of the more important is probably lack of employment opportunity.

Most of the counties in the area are predominately rural; only one city, Selma, has over 10,000 residents. Montgomery County, however, which intersects the eastern part of the 16-county area, provides much of its urban needs.⁵ In addition to being the State capital and a center for Federal activities in the State, the city of Montgomery is a railroad center, a lumber market, and a peanut marketing center. It also has a number of other small manufacturing units. Selma serves as a minor focus of trade, manufacturing, and transportation. In addition to serving as a processing center for its agricultural hinterland, it has a nearby airbase and considerable employment by the railroads.⁶

Poverty is prevalent among nonwhites⁷ in the 16-county area. Median non-white family income^{7a} in the 16-county area in 1959 was very low, only \$1,279 compared to \$4,259 median family income for whites. The level of living index for farm operative families in the black belt counties was among the lowest in the United States. Educational achievement is also low. In 1960, nonwhites 25 years and older in the 16-county area, had a median level of education of 5.5 years. The median level of education for whites on the other hand was 10.8 years.

Though the economy of the study area has lagged badly behind the rest of the State, it is beginning to show appreciable growth. In agriculture, cotton largely has been superseded by livestock and dairy farming in the Black Belt, and by the raising of crops such as vegetables, soybeans and peanuts, or the growing of large stands of timber in the other counties, as well as in some of the Black Belt Counties. Farms on the whole are fewer but bigger and more productive.

New manufacturing and service industries have moved into the area. Before the 1960's most of the area's manufacturing was confined to the lumber, textile and apparel industries and provided few alternate sources of employment for people being displaced from agriculture. In recent years

¹ Includes Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox Counties.

² Bogue, Donald J. and Calvin L. Beale, *Economic Areas of the United States*, New York, Glencoe Free Press, 1961, p. 310. The black soil belt, which extends into Mississippi, is designated such for its black prairie soil, so productive when first cultivated that the belt became a major cotton producing area in the decades before the Civil War.

³ *Ibid.*, p. 511.

⁴ *Ibid.*

⁵ Although a Black Belt County, Montgomery County is not considered a part of the study area, because of its predominantly urban characteristics.

⁶ Bogue and Beale, *loc. cit.*, p. 511.

⁷ It is estimated that better than 99 percent of all nonwhites in the study area are Negroes.

^{7a} In this study in every instance the expression median family income includes the income of unrelated individuals attached to a family.

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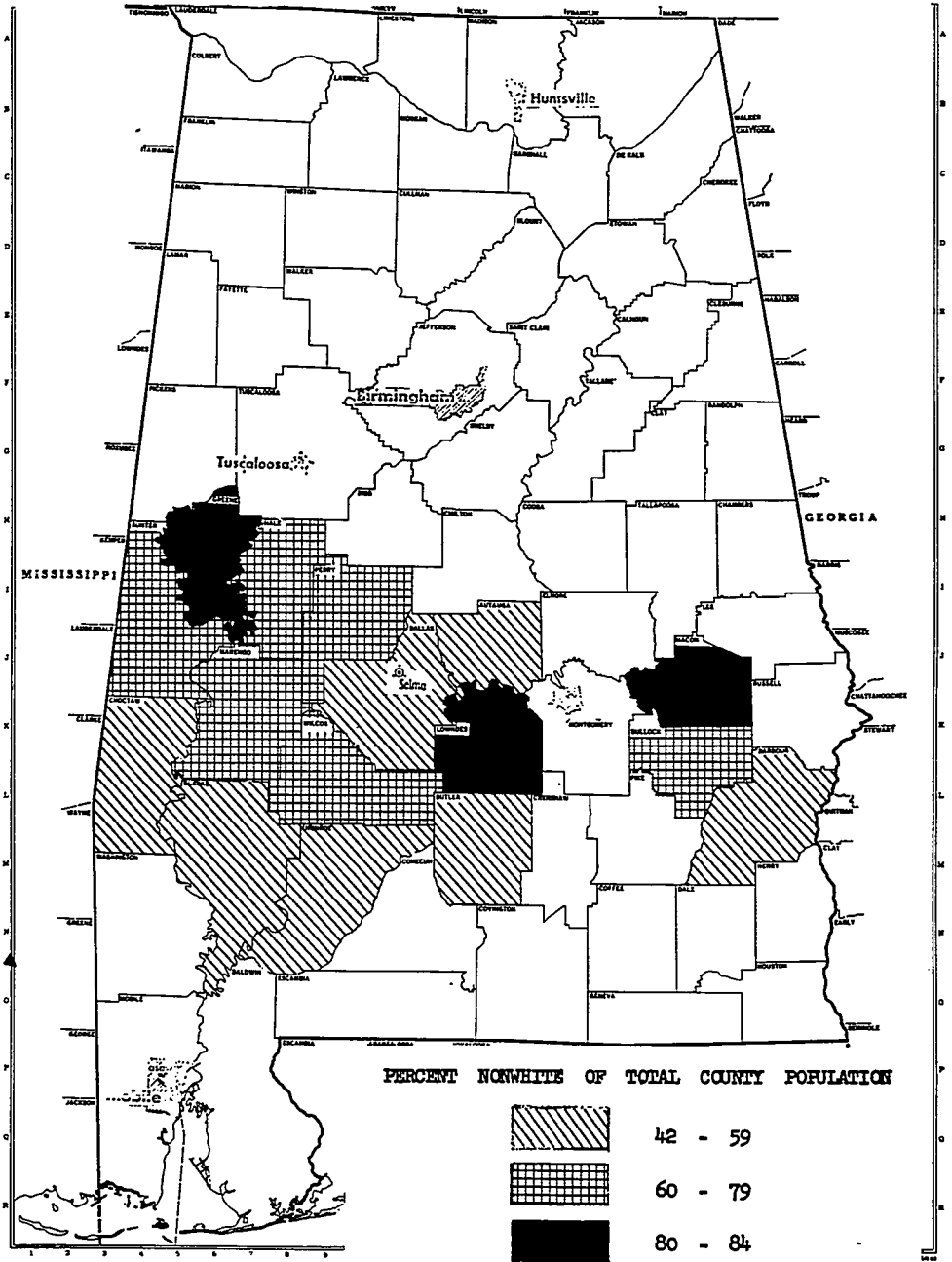
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FIGURE 1.
NONWHITE POPULATION AS PERCENT OF TOTAL POPULATION
SIXTEEN SELECTED COUNTIES OF ALABAMA: 1964



a number of other industries have moved into the area such as those that manufacture paper, machinery, fabricated metals and chemicals. Transportation and other utilities have expanded and there has been steady growth in the number of government employees.

In general, these changes portend the beginning of better times for an area that long has been economically depressed. But this picture has a basic flaw. Most of the inhabitants of the area are not benefiting from the changes being made, nor does it appear that the opportunities to do so will be available to them in the near future. These inhabitants are black.

The basic changes in the agricultural economy have, on the whole, not benefited the black farmer, laborer, or small farm owner. Although there has been a general shift away from cotton farming, the Negro is still largely confined to this activity. If he is a tenant, or laborer on a cotton farm, his endeavors are fast being replaced by the machine. The white landowner may allow him to stay on the farm but often without any visible means of livelihood. More often he must vacate the land, frequently becoming part of the stream of migration out of the area. If the black farmer is an owner he usually lacks the land, equipment, and know-how to be a prosperous one. Bare subsistence is the rule for the black farmer.

In addition, the Federal Government's agricultural program has not resulted in the resolution of the black farmer's economic difficulties. For example, Negro tenants, and farm owners as well, are disadvantaged by their lack of influence on the decisions of the local agricultural administration. This is particularly true in regard to allotment of cotton acreage and benefit payments. In the 16-county area in 1967, the counties receiving the lowest acreage allotments and benefit payments per farm operator had Negro farm operator majorities.⁸

Only a small number of Negro farmers (probably less than 10 percent) have moved from cotton production to livestock farming or such other types of agriculture as vegetable growing or soybeans. One group of about 2,000⁹ have formed a cooperative called the Southwest Alabama Farmers Cooperative Association (SWAFCA) that has benefited them economically. Members grow corn, greens, okra, cucumbers, and peas as well as some cotton. To date, SWAFCA, which operates in 10 of the 16 counties, has been largely able to market crops at more favorable prices than farmers have received individually.

In manufacturing, Negroes generally have the lowest paying and least desirable jobs. Although Negroes recently have obtained jobs in industries from which they were formerly excluded, e.g. paper, apparel and textile mills, most of those who are hired usually are employed as laborers and menials. In few cases are they able to obtain employment as white collar workers; and even in these situations they are still relegated to the lowest paying office jobs.

In compiling the information used in this study, a check was made of Federal, State, and local government sources. Also searched were universities and private sources of data in the area. Much of the information on which the study relies, is dated.¹⁰

⁸ U.S. Commission on Civil Rights, *ASCS Operations in 26 Alabama Counties*, Washington, D.C., May 1967, p. 8.

⁹ This figure also includes a small number of whites.

¹⁰ No information is available on county population by race after 1964. Information regarding net migration is limited to the 1960 census; there is a general lack of accessible data regarding the destination of migrants. Except for incomplete data collected by the Equal Employment Opportunity Commission (1966), statistics on employment and occupation by race were also generally tied to the 1960 census. Later date (1967) EEOC information has been collected but was not processed and available for use in this study. In addition, there is no current information on income and the extent of poverty in the 16-county area.

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II. POPULATION AND PATTERNS OF MIGRATION

A. POPULATION

According to a 1964 estimate,¹¹ there were approximately 362,000 persons living in the 16-county area of Alabama. (Table 1). They constituted about 11 percent of the State's estimated population of about 3,403,000. Sixty-two percent of the people living in the area were nonwhite, nearly all of whom were Negroes. In seven of the counties Negroes constituted more than 70 percent of the population. (see Figure 1) In none did they account for less than 40 percent.

Since 1940, the whole area has lost a fifth of its population, declining from about 450,000 to 362,000. In the 1940-64 period, the nonwhite portion of the population declined by nearly 27 percent while the white population receded by about 8 percent. Fifteen of the 16 counties experienced a loss in total population; only Dallas County, because of urban development and industrial growth, showed an increase in total population. In the last quarter century, nevertheless, Dallas County lost approximately 20 percent of its nonwhite population. Other counties witnessing even larger losses of their Negro population were Perry, 40 percent; Bullock, 38 percent; and Lowndes and Marengo Counties each about 35 percent.

The significant decline in the nonwhite population of the 16-county area was not reflected in the State as a whole or in larger urban counties with sizable nonwhite populations.

	1940 (in thousands)	1964 (in thousands)	Percent change 1940 to 1960
Alabama.....	983.1	1,006.8	2.4
Four urban counties*.....	312.4	436.1	39.6
16-county area.....	305.7	224.1	-26.7

*Jefferson (Birmingham), Mobile, Montgomery and Tuscaloosa.

Incomplete data indicate the large scale outmigration has accounted for the nonwhite population loss in the 16-county area. Although the birthrate was very high, it was not enough to offset the heavy movement of people out of the area. Natural increase was responsible for the gain in the Negro population of the four urban areas, although, even here, more nonwhites left the area than arrived.

¹¹ Fantus Corporation Industrial Location Appraisals, Areas 1-8, Prepared for the State of Alabama Planning and Industrial Development Board, New York, n.d.

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- race after 1964. Information regarding general lack of accessible data regarding ata collected by the Equal Employment ment and occupation by race were also EOC information has been collected but n addition, there is no current informa- area.

TABLE 1.—Total and Nonwhite Population of 16 Alabama Counties, 1940, 1950, 1960, and 1964

County	1940			1950			1960			1964		
	Total	Non-white	Per-cent non-white	Total	Non-white	Per-cent non-white	Total	Non-white	Per-cent non-white	Total	Non-white	Per-cent non-white
	Thousands			Thousands			Thousands			Thousands		
Autauga	21.0	11.2	58	18.2	8.4	46	18.7	7.9	42	19.0	7.9	42
Barbour	32.7	18.2	56	28.9	15.4	53	24.7	12.9	52	24.6	12.8	52
Bullock	19.8	15.5	78	16.1	11.8	74	18.5	9.7	72	18.4	9.6	72
Butler	32.4	15.7	48	29.2	18.1	45	24.6	11.0	45	24.4	10.9	45
Choctaw	20.2	10.7	53	19.2	10.1	53	17.9	8.9	50	17.8	8.8	49
Clarke	27.6	14.4	52	26.5	18.2	50	25.7	12.8	50	25.7	12.7	49
Dallas	55.2	40.7	74	56.8	36.6	65	56.7	32.7	58	56.9	32.6	57
Greene	19.2	16.1	83	16.5	18.7	83	18.6	11.1	81	18.5	11.0	81
Hale	25.5	18.4	72	20.8	14.6	70	19.5	18.8	71	19.5	18.8	71
Lowndes	22.7	19.2	85	18.0	14.8	82	15.4	12.4	81	15.4	12.4	81
Macon	27.7	22.7	82	30.6	25.8	84	26.7	22.8	84	26.8	22.4	84
Marengo	35.7	26.0	73	29.5	20.5	69	27.1	16.8	62	27.1	16.8	62
Monroe	29.5	15.6	53	25.7	18.2	51	22.4	11.3	51	22.3	11.8	51
Perry	26.6	19.1	72	20.4	18.8	68	17.4	11.4	66	17.3	11.4	66
Sumter	27.3	21.7	79	28.6	18.0	76	20.0	15.8	76	19.9	15.2	76
Wilcox	26.3	20.6	78	28.5	18.6	79	18.7	14.6	78	18.6	14.5	78
Total	449.4	305.8	68	408.0	261.6	65	862.6	224.9	62	862.2	224.1	62

Source: U.S. Census of Population: 1940, vol. II, Characteristics of the Population, pt. 1. U.S. Census of Population: 1950, vol. II, Characteristics of the Population, pt. 2. U.S. Census of Population: 1960, vol. II, Characteristics

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Proportionally, however, the nonwhite population decreased in all areas during the 1940 to 1964 period, approximately 5 percent in the State as a whole, and 6 percent in the 16-county area and a similar amount in the four metropolitan counties.

The population of the 16-county area is predominately rural. Of the total population of 363,000 in 1960, 75 percent lived in rural areas. Of the nonwhites, 80 percent resided in rural areas opposed to 64 percent of the whites. Almost two-thirds (65 percent) of the total rural population, however, was classified as nonfarm residents.

For several decades the population within the 16-county area has been undergoing a major residential change. (Figure 2). In the period from 1940 to 1960, population increased in the urban and rural nonfarm areas, whereas the rural farm population declined radically. This change was true for both whites and nonwhites. In the period 1940 to 1960 the rural farm population of both whites and nonwhites receded by about 72 percent.

In age composition nonwhites in the study area in 1960 had a far higher proportion of individuals in the very young age category than did whites, as is shown in the following tabulation.

Age group	White (percent)	Nonwhite (percent)
Under 18	85.4	49.5
18 to 64	54.2	41.8
65 and over	10.4	9.2

The comparative youth of the nonwhite population can be explained by the large number of children in nonwhite families. The small proportion of nonwhites compared to whites in the 18 to 64 age category is accounted for, at least in part, by large scale outmigration of Negro males under 40.

B. MIGRATION

The 16-county area has lost population by outmigration for several generations. In this respect its experience is similar to the experience in the South as a whole.¹² Statistics for the South show that outmigration first became heavy in the period from 1910-20, coinciding with the increased job opportunities in the North due to the interruption in foreign immigration. During the period both whites and nonwhites left the South in large numbers. In the 1920's and 1930's nonwhite outmigration continued but at a lower rate. In the decade of the Great Depression, the lack of nonagricultural jobs in the North and West cut outmigration from the South by two-thirds.¹³ It was in this same period that employment in agriculture began its sharp decline, a process that is still continuing. Lack of effective demand for produce, particularly cotton, as well as low prices and crop control programs sharply reduced the level of income of both white and black farmers. In many cases these people not only left the farm but moved out of the South.¹⁴

During the 1940-50 decade net migration from the South reached an all time high of over two million, of which about two-thirds was Negro.¹⁵ The pull of jobs in war industries and the displacement from agriculture resulting from mechanization, coincided to precipitate and sustain the heavy outmigration. Especially large numbers of nonwhite sharecroppers and other tenants left the land.

During the 1950-60 decade net migration of whites declined, whereas Negroes continued to leave at a pace only slightly slower than in the previous decade.¹⁶ All of the 16 counties lost population both white and nonwhite by

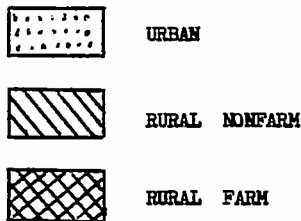
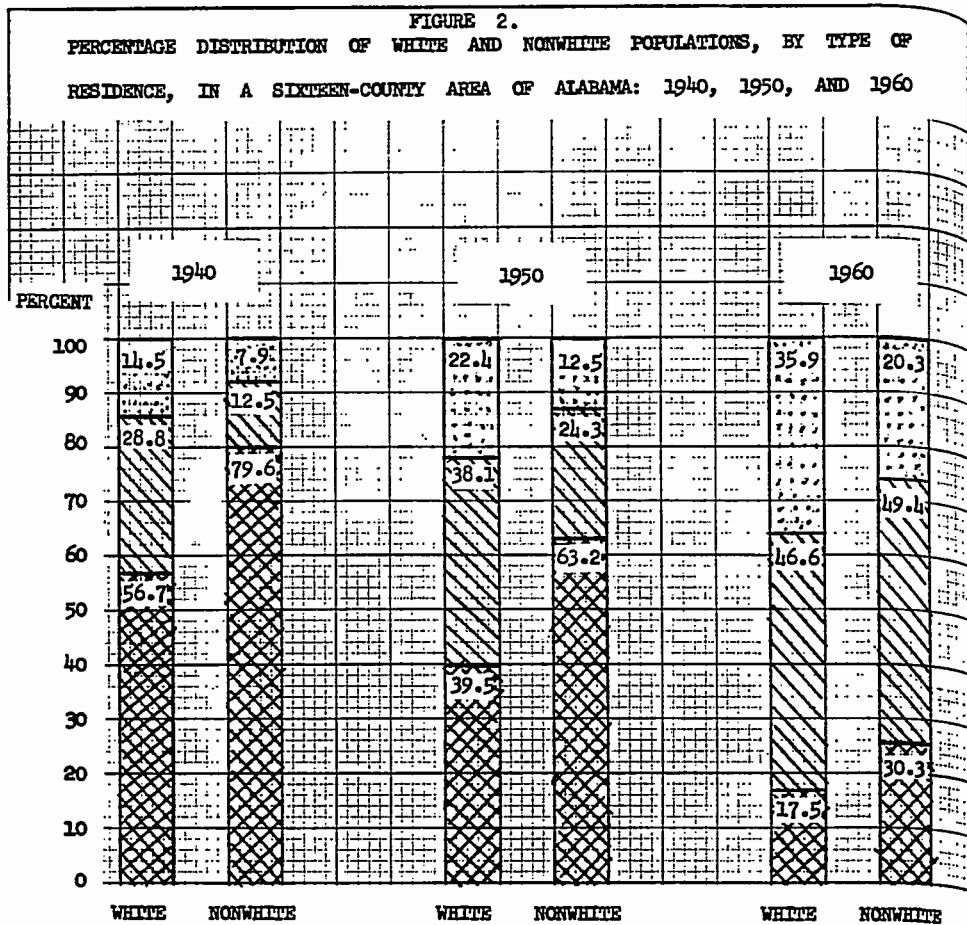
¹² Spengler, Joseph J. "Demographic and Economic Change in the South, 1940-1960" in Sindler, Allan P. *Change in the Contemporary South*, Duke University Press, 1963, pp. 30-33.

¹³ Hamilton, C. Horace "Continuity and Change in Southern Migration" in 1940-1960 in Sindler, Allan P. *Change in the Contemporary South*, Duke University Press, 1963.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Hamilton C. Horace "The Negro Leaves the South", *Demography*, Vol. 1, No. 1, 1964, p. 284.



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WHITE POPULATIONS, BY TYPE OF
ALABAMA: 1940, 1950, AND 1960

		1960	
WHITE	NONWHITE	WHITE	NONWHITE
2.5	35.9	20.3	
4.3		49.4	
3.2	46.6		
			30.3
	17.5		

migration during the period. More than 80 percent of the outmigrants, however, were nonwhite. Outmigration was heaviest in the Black Belt Counties (Figure 3).

Migration rarely is nonselective by age and the movement from farms is no exception.¹⁷ Net migration from the 16-county area is not an exception, particularly among nonwhites. In the decade of the 1950's, 33 percent of the nonwhites who left the area were less than 20 years and 46 percent more fell in the 20 to 34 age group.

Large family size, with accompanying economic pressures, probably still is a contributing factor to the extensive outmigration from the 16-county area. Precise information is not available however, concerning family size in the 16-county area. What is available is 1960 data on family size in the State as a whole—information applicable to the 16 counties as well. Nonwhites in both rural and urban settings in the State have much larger families than whites. As is evident in the tabulations below, an extremely high proportion of nonwhites compared to whites have families of seven or more members.

Percent of Families With Seven or More Members in State of Alabama, 1960

	White	Nonwhite
Urban	4.0	18.3
Rural nonfarm	8.1	27.0
Rural farm	9.6	37.3

On the other hand, over 50 percent of all white farm families compared to 32 percent of Negro families, have only three members or less. Nearly one-third of the white families have only two members. Thus, considering the nonwhites' low economic status and poor prospects of improving it in the study area, the burdens of supporting a large family would appear to be an important added inducement to leave the area.

III. INCOME

The economic situation of the mass of Negroes living in the study area is very grave. Only a small minority own property; their housing and their household goods are mostly inadequate and dilapidated. Their incomes are not only low but irregular. They live from day to day and have scant security for the future.

A disturbing picture of the economic problems of nonwhites in the study area is revealed by an examination of median family income.¹⁸ According to the 1960 census the nonwhite median family income in the 16-county area in 1959 was \$1,279 or only 30 percent of the white median. In all of the 16 counties median family income for nonwhites was less than the nonwhite median (\$1,655) in the State as a whole. Four of the counties, Bullock, Greene, Lowndes, and Perry had median family incomes below \$1,000. (Bullock County Negroes had a median family income of \$901, the lowest in the State.)¹⁹ Low as these figures are, they represent a substantial improvement in the 16-county area from a decade earlier: an increase of 126 for whites and 169 percent for nonwhites between 1949 and 1959.

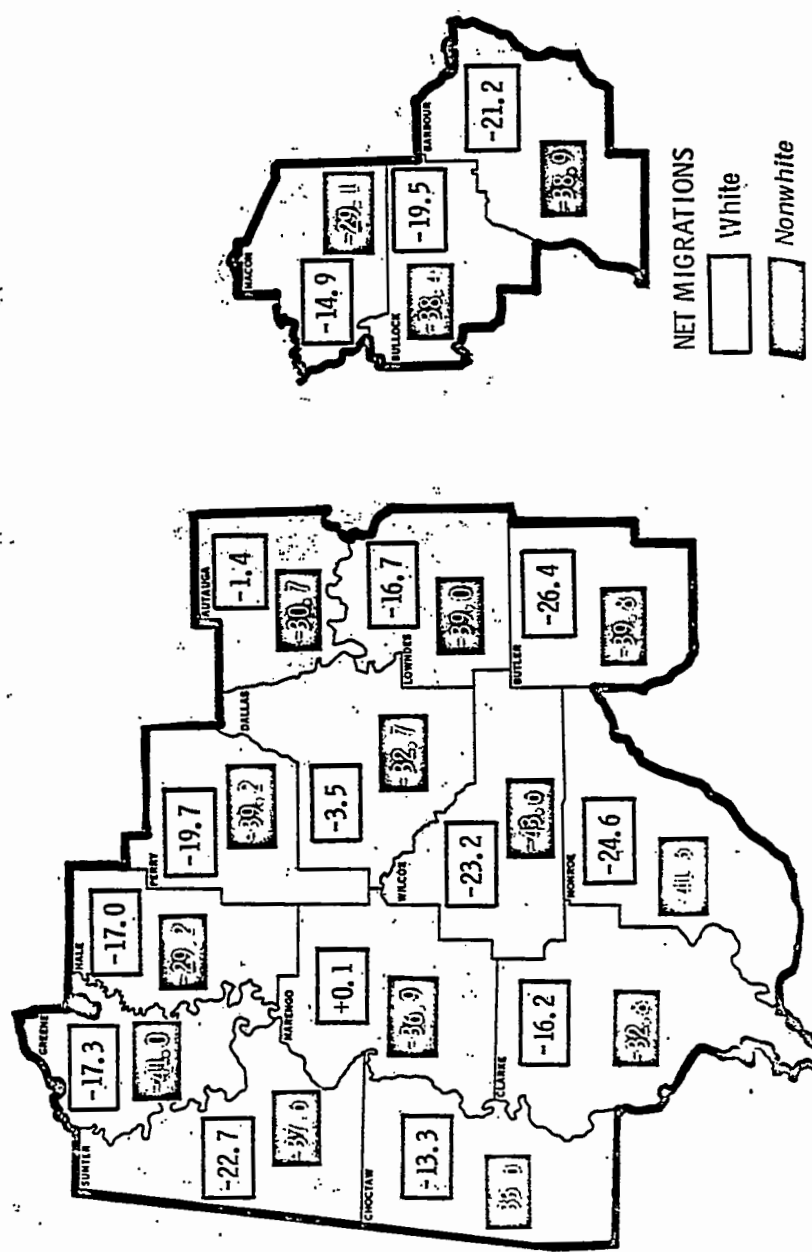
As to be expected nonwhites living in urban areas have a much larger median family income than those living in the 16-county area. In 1959, the median family income of Negroes in all urban areas in the 16-county area was \$1,993 or nearly 40 percent of that of the whites. In Mobile and Birmingham nonwhite median family incomes were among the highest in the State \$2,474 and \$2,362, respectively. In Montgomery however, nonwhite median family income was \$1,757 or only 27 percent of that of whites. Moreover, in all Alabama urban areas in the period from 1949 to 1959 non-

¹⁷ Beale, Calvin L. "Rural Depopulation in the United States." Some Demographic Consequences of Agricultural Adjustments, Demography, Vol. 1, No. 1, p. 264.

¹⁸ No income data by race are available since the 1960 Census.

¹⁹ This level is all the more serious when one considers family size, particularly among blacks in rural areas.

Figure No. 3
NET MIGRATION BY RACE
IN 16 ALABAMA COUNTIES 1950-1960



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white median income increased at a slower rate than that of whites—57 percent for nonwhites and 78 percent for whites.

As measured by income, a very high incidence of poverty characterizes the rural residents of the 16-county area. In 1964, nearly 70 percent of all households headed by a farm operator had incomes below \$3,000 and almost two-fifths had incomes of less than \$1,000.

Income of Households Headed by Farm Operators

Income (in dollars)	Percent of all households headed by farm operators
Under 1000.....	37.7
1000 to 1,999.....	20.6
2,000 to 2,999.....	11.1
3,000 to 3,999.....	8.4
4,000 to 4,999.....	5.4
5,000 and over.....	16.9

Significantly Negroes constitute the majority of farm operators in 11 of the counties and comprise almost 60 percent of all farm operators in the 16-county area.

Perhaps the most accurate index of poverty for the area is per capita income. Per capita income in Alabama is low in comparison to the rest of the Nation while in the study area it is low compared to the State of Alabama as a whole. In 1965, Alabama with a per capita income of \$1,920 ranked 47th in the Nation. Only in Mississippi, Arkansas, and South Carolina were per capita incomes lower. In 1965, none of the 16 counties had per capita incomes as high as that for the State as a whole. Four counties, Greene, Hale, Lowndes and Perry average less than \$1,000. Greene County, with a per capita income of \$849, was the lowest in the State.

In 1960, seven of the 16 counties—Bullock, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox—ranked among the 100 lowest counties in per capita income in the United States. In fact, of the seven, only Bullock ranked higher than 38th. Lowndes was the lowest in the State and ranked 12th from the bottom in the Nation.

IV. INDUSTRY

The position of Negroes in industry is the key to their low economic status. The decline of traditional agriculture dominated by cotton, and lack of access to more lucrative types of farming have eliminated most black Americans from their historical main source of support. While nonagricultural industries provided the bulk of jobs in 1967 for nonwhites in the 16-county area, the expansion of employment in these industries has not been nearly extensive enough to absorb the surplus Negro labor. Moreover, what new jobs these industries have provided have been more likely to go to whites than to Negroes.

Total White and Nonwhite Employment, 16-County Area Alabama

	Number	Percent
Total employment.....	109,610	100.0
Nonagricultural employment.....	90,930	83.0
Manufacturing.....	27,020	24.7
Nonmanufacturing.....	63,910	58.3
Agricultural employment.....	18,680	17.0

During the period from 1960 to 1967, a continual exodus from employment in agriculture coincided with the growth of other industry (Figure 4). In the 16-county area agricultural employment dropped by approximately 18 percent while employment in other industries increased by 22 percent. In

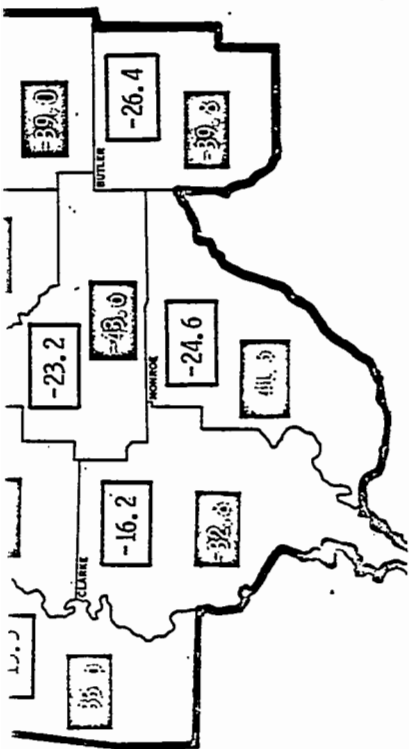
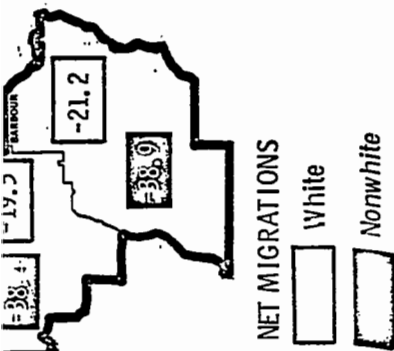
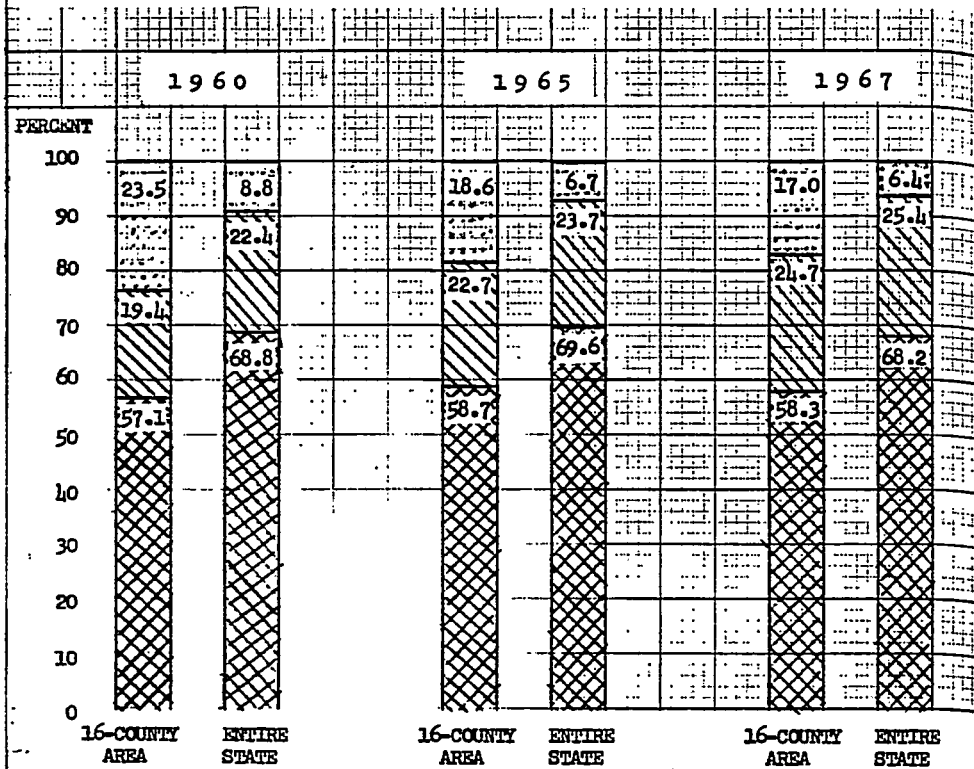





FIGURE 4.
 EMPLOYMENT IN AGRICULTURAL, MANUFACTURING, AND NONMANUFACTURING INDUSTRIES
 IN A SELECTED SEVENTEEN-COUNTY AREA AND IN THE ENTIRE STATE OF ALABAMA:
 1960, 1965, AND 1967



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the State, employment in agriculture also declined by 18 percent while the proportional growth of other industries was about 16 percent.

A. AGRICULTURE

For most Negroes who have remained in agriculture, getting a living is at best a difficult proposition. They live at a bare subsistence level and have little hope of escaping it if they remain in farming. Most whites, though by no means all, derive a better living from farming. Generally, they have benefited from the application to farming of modern science and technology.

The Agriculture Experiment Station of Auburn University reports that the application of modern science and technology is changing a traditional way of life to a modern commercial operation.²⁰

"Individual farms are becoming larger, more mechanized, more specialized, more commercialized and with higher capital and managerial requirements. With fewer farms and fewer farm people, Alabama's commercial agriculture is becoming more efficient and more productive."²¹

Comments on the statewide condition of agriculture apply, at least in part, to the 16-county area as well. Table 2 shows that in six counties, which are more or less representative of the 16-county area, the number of farms as well as acreage have declined in the period 1950-64. For the State as a whole the number of farms has decreased by 56 percent. Among the six counties in the study area the decline in the number of farms has ranged from 47 percent in Bullock County to 56 percent in Wilcox County.

Statewide acreage in farms declined by more than one-fourth during the period 1950 and 1964. In the counties, the pattern of decline was erratic ranging from a 2 percent drop in Lowndes County, to a 35 percent decline in Greene and 32 percent in Barbour. On the other hand, the average value of farm land and buildings increased dramatically, in both the State and the study area. For the State as a whole, values of land and buildings rose by about four and one-half times; for both Bullock and Lowndes Counties about six and one-half times.

The growth in the size of farms and the concomitant improved technology, combined with such factors as government crop control programs and better employment opportunities elsewhere, have resulted in a decline in the number of farmers. Throughout the South, but particularly in the 16-county area, the largest number to leave, or be forced to leave the land, has been the black tenant farmers. In the period 1930 to 1964 the number of non-white farm operators dropped from 50,102 to 12,858 or almost 75 percent. Of this number, 36,000 were tenants. During the 34-year period, 85 percent of the nonwhite tenants in the 16 counties left the land.

TABLE 2.—Farms, Farm Acreage and Value of Land and Buildings, Alabama and Selected Counties, 1950 and 1964

County	Farms (in thousands)		Land in farms (in thousands of acres)		Value of land and buildings average per farm (in thousands of dollars)	
	1950	1964	1950	1964	1950	1964
The State.....	211.5	92.5	20,888.8	15,225.8	4.6	20.6
Barbour.....	2.8	1.3	484.5	330.8	4.4	19.3
Bullock.....	1.9	1.0	318.7	278.1	4.1	26.1
Greene.....	2.7	1.4	370.1	242.0	3.6	16.1
Lowndes.....	2.7	1.4	371.8	363.6	3.9	25.4
Macon.....	2.5	1.3	286.3	243.7	4.0	17.5
Wilcox.....	3.4	1.5	413.5	397.7	3.7	23.3

Source: U.S. Census of Agriculture, 1954, county table 1. 1959, Statistics for Counties, table 1. 1964 Statistics for Counties, table 1.

²⁰ Agriculture Experiment Station, *Recent Economic and Social Changes and Trends in Alabama Agriculture and Related Data*, Auburn University, November, 1962, p. 5.

²¹ *Ibid.*

D NONMANUFACTURING INDUSTRIES

THE ENTIRE STATE OF ALABAMA:

67

1967	
17.0	6.4
21.7	25.4
58.3	68.2

16-COUNTY AREA ENTIRE STATE

For some time the amount of acreage in farmland has been declining at both the State and the 16-county level. The rate of decrease, in total acreage operated by nonwhites in the 16-county area, was much greater than that operated by whites over the period from 1954 to 1964.

Total Acreage Operated by Whites and Nonwhites, 16 Counties, Alabama

	1954 acres	1964 acres	Percent change
Nonwhites.....	1,284,694	691,021	-46
Whites.....	4,922,191	4,047,673	-18

While farm acreage in the 16-county area in the period from 1954 to 1964 has gone down, the average size of farms has gone up. This growth, however, has been limited almost entirely to the holdings of white farmers. In the period from 1954 to 1964 the average size of farms owned by whites grew by more than 30 percent, the farms of Negroes by less than 6 percent. In 1964 the average size of farms operated by white farm operators was 462 acres; farms of nonwhite farm operators in that year averaged about 54 acres. In 1954, slightly more than 20 percent of the acreage was in farmland operated by Negroes, by 1964 the acreage operated by them had declined to 15 percent.

Also indicative of the modernization of agriculture have been important changes in the types of products grown, as well as pronounced increases in net production. Agriculture in the study area counties has shifted away from dependence on a single cash crop, cotton, to other crops and livestock.

A highly productive crop which recently has gained prominence on farms in the study area is soybeans. In 1960, soybeans were produced in only 10 of the 16 counties and annual production was only a little more than 35,000 bushels. By 1966, 15 of the counties were producing soybeans and production had soared to 678,000 bushels, a nearly twentyfold increase. Most of the increase occurred in just a 2-year period, 1964 to 1966, when soybeans production was stepped up by 500,000 bushels, or better than 400 percent.²² Of even greater significance to the 16 counties is livestock. These counties have become the major beef and milk-producing area of the State. In 1967, they contained approximately one-third of the State's total cattle population.²³

Cotton is still the basic crop grown by most of the black farmers in the 16-county area. This traditional crop affords a poor living for the black man who with his small farm, usually lacks the latest techniques, equipment, and fertilizer to make a good living. Moreover, cotton is an allotted crop the acreage of which, restricted by law, usually is in short supply and often contracting. In contrast many white farmers diversify their activities among livestock, poultry, dairying, timber, and the raising of several other crops, such as soybeans, sorghums, and corn.

In Alabama, as well as the South as a whole, livestock farming is of much greater economic significance to whites than to nonwhites.

"Nothing more sharply distinguishes white from nonwhite farmers in the South than the different degree of reliance on livestock. Ninety percent of the total value of products sold by nonwhite farmers in 1959 consisted of crops and only 10 percent of livestock and livestock products. On Southern white-operated farms, 52 percent of the total product value was from crops and 48 percent from livestock, almost an even balance."²⁴

B. NONAGRICULTURAL INDUSTRIES

1. Manufacturing

As of March 1967 there were reported to be more than 850 manufacturing units employing approximately 27,000 persons in the 16-county area of

²² Alabama Department of Agriculture and Industries, *Alabama Agricultural Statistics, Bulletin 12*, Montgomery 1967, pp. 30-31.

²³ *Ibid.*, pp. 54-55.

²⁴ Beale, Calvin L., John P. Davis, ed., "The Negro in American Agriculture," in *The American Negro Reference Book*, Prentice Hall, 1966, p. 178.

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Alabama. This represents 8 percent of the manufacturing units and 9 percent of the total number of employees in Alabama in that year. Although manufacturing establishments were located in each of the 16 counties in 1966, slightly more than 25 percent were concentrated in two counties—Clarke and Choctaw.²⁵

Throughout the 16-county area manufacturers of lumber and wood constituted 85 percent of all manufacturing concerns. Four-fifths of these concerns were small logging operations. Most of the other manufacturing units were apparel, textile, or food concerns.

Approximately 62 percent of all those employed in manufacturing in the 16-county area in 1967 worked in a general category of employment described by the census as "other" manufacturing. Included in this category were furniture, chemicals, leather goods, rubber, paper, stone, clay, and glass products.²⁶ Another 27 percent of the employed worked in the lumber and wood industries and the remaining 11 percent were divided among the textile, apparel, food, fabricated metals, and machinery industries.

In the period 1960 to 1967 such industries as fabricated metals and machinery, paper and chemicals showed rapid growth, both in total number of employees and in percent of all manufacturing industries in the 16 counties. (Figure 5). Total employment in the textile, apparel, and food industries also grew, but at a slower rate, and their proportional share of all employment in the study area declined. The single largest industry in the 16-county area, lumber and wood products, declined in both the total number of employees and in the percent of all manufacturing employment in the area. From the limited information available it would appear that the capital-intensive, high-wage industries (e.g. fabricated metal or chemicals) are expanding, whereas the traditional labor-intensive, low-wage industries (e.g. textiles and lumber and wood) are standing still or contracting.

How does the black American fit into the employment picture in manufacturing in the 16-county area? It can be said that his position in manufacturing has been influenced by two forces of change working in opposite directions. One force is the general expansion going on that is bringing new industries into the area. This tends constantly to increase the employment opportunities of Negroes as well as whites. The other is the competition from white job seekers. This tends to exclude Negroes from employment and press them downward in the employment scale. Thus, the data at hand²⁷ indicate that most of the Negroes are employed in unskilled jobs in traditional low wage manufacturing industries, primarily lumber and wood and food processing.²⁸

A further gauge of the contribution of manufacturing to the economic life of black Americans in the 16-county area is to show the amount of wages and salaries paid to them in comparison to that received by whites. This measure of economic status cannot be properly analyzed because of lack of data by race. An accurate account of wages and salaries paid to employees of individual industries is also generally not available. It is estimated, however, that the lumber and wood industry accounted for approximately 16 percent of the total payroll²⁹ in the 16-county area in 1966.³⁰ In 1956 this industry had accounted for approximately one-third of all wages and salaries paid in the area.³¹ Although specific details are not available it is known that an increased share of wages was afforded employees of such manufacturing industries as fabricated metals and machinery, and

²⁵ U.S. Department of Commerce *County Business Patterns* CBP-66-2 Alabama Table 2, p. 27.

²⁶ Unpublished statistics, State of Alabama, Department of Industrial Relations, March 1967. A breakdown of employment by individual industries in this grouping is not available.

²⁷ Equal Employment Opportunity Commission, *EEO-1 Reports* (1966) (see p. 39 and table 6 below in this).

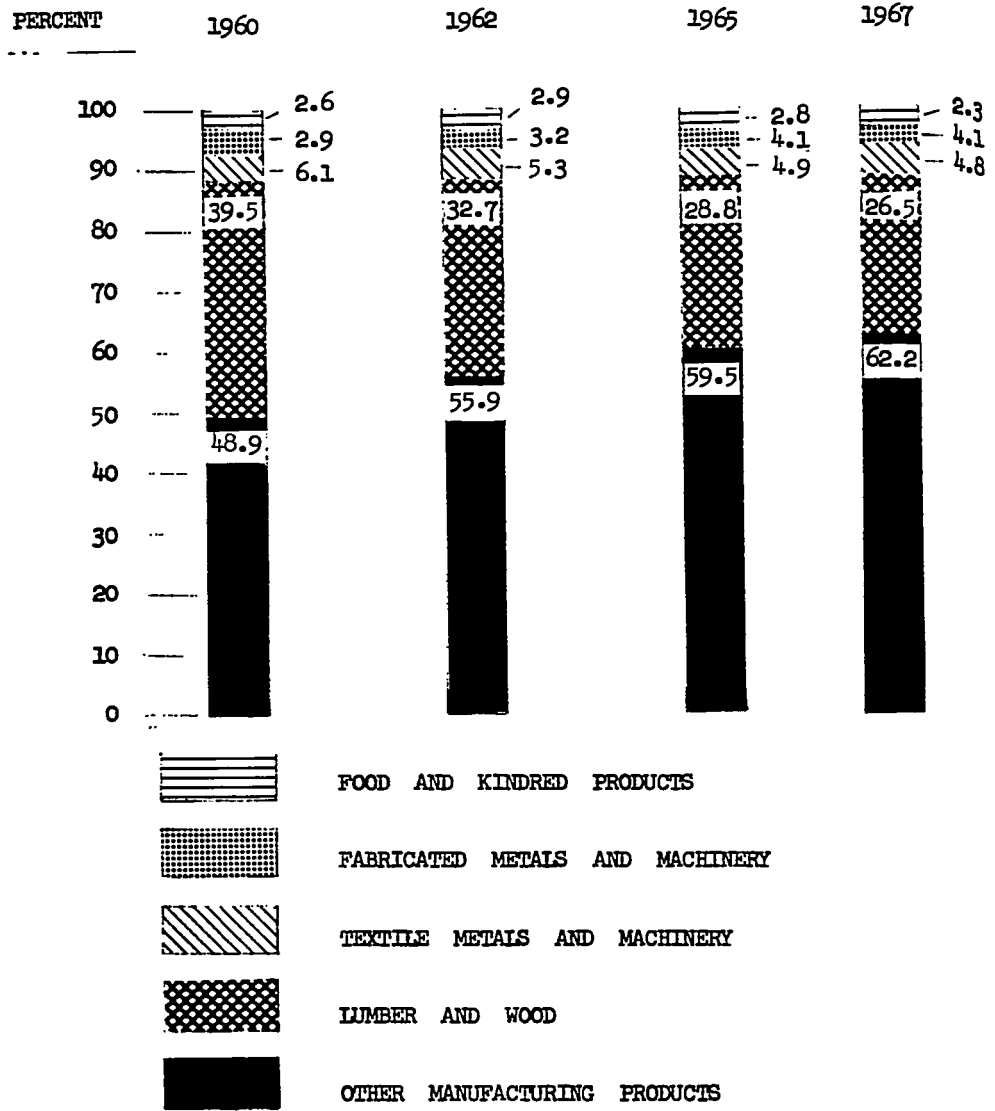
²⁸ It is worth pointing out that a current detailed description of employment by race in the manufacturing industries is not possible because this data has not been collected at any level of government.

²⁹ Includes both wages and salaries.

³⁰ Based on calculations made from statistics in *County Business Patterns*, 1966. *op. cit.* Table 2.

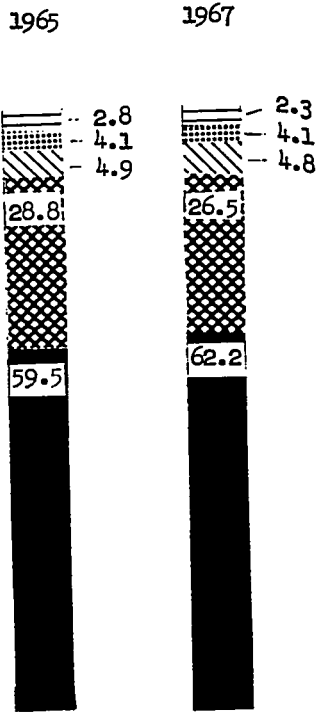
³¹ *County Business Patterns*, Part Seven, East South Central States, 1956. Table 3.

FIGURE 5.
EMPLOYMENT IN MANUFACTURING INDUSTRIES IN A SIXTEEN-COUNTY AREA
OF ALABAMA: 1960, 1962, 1965, AND 1967



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chemicals. Thus it appears that much of the Negro workforce is trapped in an industry that pays but a declining share of the total manufacturing payroll. Few have managed to get jobs in those industries that are paying an increasing proportion of all wages and salaries.

An important measure of the development of manufacturing in the State of Alabama and the 16-county area is capital investment. In general, it is a measure of the economic growth of an area as calculated by the amount of money invested in new manufacturing plant development or the expansion of existing facilities. An important concomitant of this economic growth is the number of new and expanded jobs it creates.

In the period 1960 to 1967 total capital investment in Alabama industry, approximated \$2.8 billion, \$1.0 billion of which was in new plants and \$1.8 billion in the expansion of existing establishments. A total of 147,530 additional jobs became available as a result of the investment (Table 3).

TABLE 3.—Capital Investment and Job Opportunities in Selected Alabama Counties, 1960 to 1967*

County	Population (1964)			Job opportunities new and expanded	Capital investment		Total
	White	Nonwhite Thousands	Percent nonwhite		New Industries	Expanded Industries	
Autauga	11.1	7.9	42	1,176	\$ 50,170	\$ 7,488	\$ 57,658
Barbour	11.8	12.8	52	2,573	9,745	3,890	13,635
Bullock	3.8	9.6	72	297	1,410	1,088	2,448
Butler	13.5	10.9	45	1,327	7,180	2,640	9,820
Choctaw	9.0	8.8	49	1,557	990	54,690	55,680
Clarke	13.0	12.7	49	3,294	17,685	18,400	31,085
Dallas	24.8	32.6	57	2,108	31,592	8,128	39,720
Greene	2.5	11.0	81	280	860	780	1,140
Hale	5.7	18.8	71	402	685	678	1,363
Lowndes	3.0	12.4	81	306	10,660	100	10,760
Macon	4.4	22.4	84	164	225	100	325
Marengo	10.3	16.8	62	663	1,640	3,332	4,972
Monroe	11.0	11.3	51	2,902	2,175	6,505	8,680
Perry	5.9	11.4	66	1,293	691	2,030	2,721
Sumter	4.7	15.2	76	836	4,707	1,440	6,147
Wilcox	4.1	14.5	78	873	77,420	1,235	78,655
All 16 counties	138.1	224.1	62	20,046	217,335	107,424	324,759
Entire State	2,399.2	1,006.6	30	147,580	\$1,040,517	\$1,770,481	\$2,810,948

*1966 data covered the period Jan. 1 through Dec. 12, 1966.

Sources: State Planning and Industrial Development Board. Fantus Industrial Location Appraisals for Alabama Areas 1 through 8 n.d.

The total period was 16 counties 12 percent invested in Wilcox. Of percent, th ties, Maco: County 81 capital inv 16 counties: trast to th in Wilcox paper mill The esta 1960 to 1: tunities in available Autauga, 75 percent population noted that with the opportunit Black Belt these coun

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All 16 counties	188.1	224.1	62	20,046	217,835	107,424	\$24,759
Entire State	2,399.2	1,006.6	80	147,530	\$1,040,517	\$1,770,431	\$2,810,948

*1966 data covered the period Jan. 1 through Dec. 12, 1966.

Sources: State Planning and Industrial Development Board, Fantasy Industrial Location Appraisals for Alabama Areas 1 through 8 n.d.

The total capital investment in the 16-county area during the 1960-67 period was in accord with the area's share of the State's population. The 16 counties contained approximately 11 percent of the population but received 12 percent of the capital investment. More than 80 percent of this capital was invested in five of the counties—Autauga, Choctaw, Clarke, Dallas, and Wilcox. Only one of these, Wilcox, had a higher percentage of Negroes, 78 percent, than the 16-county total of 62 percent. On the other hand, two counties, Macon County with 84 percent of its population nonwhite and Greene County 81 percent nonwhite, received less than 1 percent of the total capital investment in the study area. Most of the capital invested in the 16 counties went into new industries rather than in expanding ones, in contrast to the State where the opposite was true. Over \$77 million was invested in Wilcox County. Most of this capital was used to establish one plant, a paper mill operated by MacMillan-Bloedel.

The establishment of new industries and the expansion of old ones in the 1960 to 1967 period has resulted in approximately 20,000 new job opportunities in the 16 counties or 14 percent of job opportunities that became available in the State during this time. Industries in seven counties—Autauga, Barbour, Butler, Choctaw, Clarke, Dallas, and Monroe—supplied 75 percent of the new job opportunities. All of these counties had Negro population ratios lower than the 16-county average of 62 percent. It may be noted that the least amount of job expansion took place in those counties with the highest proportion of nonwhites. Only 7 percent of the job opportunities in the 16-county area were provided by industries in the five Black Belt Counties—Bullock, Greene, Hale, Lowndes, and Macon. In all of these counties Negroes constituted more than 70 percent of the population.

2. Nonmanufacturing employment

The 16-county area, in March 1967, contained more than 3,500 nonmanufacturing establishments that employed approximately 42,500 persons. Included among these nonmanufacturing industries were concerns engaged in building and construction, wholesale and retail trade, government, finance, transportation and utilities, and services. In addition about 21,500 persons were working at other nonmanufacturing jobs including those who were self-employed, unpaid family workers and domestic servants in private households.

Most of these establishments were rather evenly distributed throughout the 16-county area. Only Dallas County had as many as 20 percent of these concerns. Less than 5 percent were located in Lowndes and Greene Counties. As in the case of manufacturing industries current information on the employment of Negroes in nonmanufacturing industries is lacking.

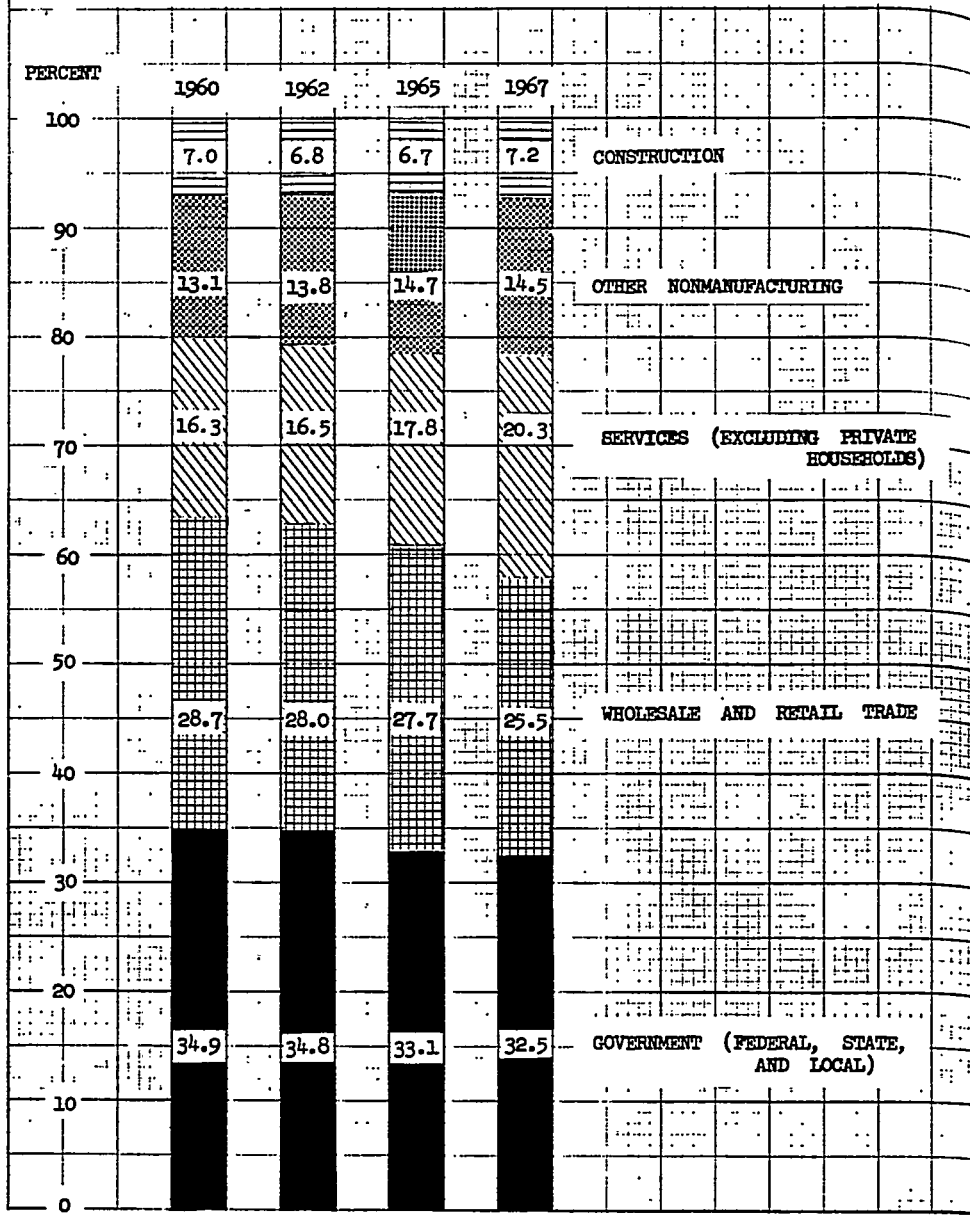
In 1960, almost two-thirds of the nonmanufacturing workforce in the 16-county area was concentrated in three types of employment: government, retail trade, and wholesale trade. (Figure 6). Government alone accounted for more than a third of the employees. Most of the remainder were engaged either in construction work or employed in one of the services such as hotels, laundries, automobile repairs, or medical services. In the period 1960 to 1967, employment in all nonagricultural industries increased by about 25 percent. Services and other nonmanufacturing industries³² showed the greatest increases, 56 percent and 38 percent respectively, and retail and wholesale trade the least, 11 percent.

Data are limited concerning government employment in the 16-county area. The 13,800 civilian government employees in the area in 1967 were divided between Federal, State, and local government and represented approximately 7 percent of total government employees in the State. State-wide, 128,000 of approximately 191,000 government employees or 67 percent, worked for the State and local governments. Slightly more than half of these worked in the State's school system. Detailed statistics concerning nonwhite employment at the State and local government level are not available.

Data concerning Federal employment of nonwhites in the 16-county area are also not available. Data are available for the State as a whole, however, and the employment pattern there is believed to be similar to that of the 16 counties. In 1966, nonwhites accounted for a disproportionately small

³² Includes transportation and other utilities, finance, insurance, and real estate and unclassified establishments.

FIGURE 6.
EMPLOYMENT IN NONMANUFACTURING INDUSTRIES IN A SIXTEEN-COUNTY AREA OF ALABAMA:
1960, 1962, 1965, AND 1967



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TABLE 4.—

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share of Federal employees in the State (Table 4). Of a reported total of 57,489 Federal employees in Alabama about 6,700 or 12 percent were Negroes, which is considerably less than the 30 percent they made up of the State's population.³³ In classified service two-thirds of all Negro employees were concentrated in jobs GS-1 thru GS-4. Less than two percent were GS-9 or above. In Wage Board (blue-collar) jobs and Postal Field Service work, Negroes fared little better. Nearly 95 percent of Negro blue-collar earned less than \$6,500 a year. Only five Negroes out of more than 3,600 in blue-collar work earned \$8,000 or more a year. In the Postal Field Service, 95

TABLE 4.—*Negro Employment in the Federal Government, in the State of Alabama, June 1966*

Pay category	Identified employment ¹ 96.0 percent of total employment)		
	Employment	Negro	
		Number	Percent
Total all pay plans.....	57,489	6,670	11.6
Total class. Act or similar.....	31,364	1,852	5.9
GS-1 through 4.....	9,675	1,240	12.8
GS-5 through 8.....	7,243	379	5.2
GS-9 through 11.....	7,173	193	2.7
GS-12 through 18.....	7,273	40	.5
Total Wage Board.....	17,849	3,674	20.6
Up through \$4,499.....	3,180	1,410	44.3
\$4,500 through 6,499.....	8,434	2,086	24.7
\$6,500 through 7,999.....	5,011	173	3.5
\$8,000 and over.....	1,224	5	.4
Total Postal Field Service.....	6,675	914	13.7
PFS-1 through 4 ²	5,624	860	15.3
PFS-5 through 8.....	873	54	6.2
PFS-9 through 11.....	157	---	---
PFS-12 through 20.....	21	---	---
Total other pay plans.....	1,601	230	14.4
Up through \$4,499.....	258	127	49.2
\$4,500 through 6,499.....	498	89	17.9
\$6,500 through 7,999.....	203	5	2.5
\$8,000 and over.....	642	9	1.4

¹ Of 59,902 employees, 2,413 (4.0 percent) are unidentified.

² Includes 4th class postmasters and rural carriers.

percent of all Negroes held PFS-1 through PFS-4 positions. There were no Negroes among the 179 employees who held PFS-9 through PFS-20 jobs.

3. Occupation and employment status

As can be seen from the previous discussion, employment in nonagricultural industries, although lagging behind that of the rest of the State and certainly the Nation, has begun to expand and diversify. Job opportunities in a number of new industries have become available. From the limited statistical information available on occupation and job status, it appears obvious that Negroes have in no way had the employment opportunities of whites.

Negroes are concentrated at the lower end of the occupational scale. This is evident from Table 5 which provides data on occupation within nonagricultural industries of the 16-county area in 1960. About one-third of the male Negro workers were unskilled laborers, mostly in the lumber industry. About 40 percent were classified as operatives or service workers, primarily truck drivers, delivery men, parking lot attendants, janitors, elevator operators and waiters. Less than 15 percent were employed as craftsmen and sales and clerical workers. These jobs which traditionally provided a major source of employment for poorly educated white males in the area have by and large been denied the nonwhite male. Employment in the crafts, sales, and clerical fields would offer Negroes the easiest means of economic advancement while at the same time requiring relatively little skill improvement. Only about

³³ U.S. Civil Service Commission, *Study of Minority Group Employment in the Federal Government*. Washington, 1966. p. 63.

5 percent of the nonwhite males had gained access to professional, technical, or managerial jobs.

White males largely monopolized the high prestige better paying jobs. In 1960 approximately one-fourth were engaged in a professional or technical career or worked as managers, officials and proprietors. Only 6 percent were laborers and less than 4 percent service workers.

More than 50 percent of the employed nonwhite women in 1960 were private household workers (mostly maids). Slightly more than 20 percent were service workers and operatives chiefly laundresses, cooks, waitresses and charwomen. A comparatively high 13 percent were professional and technical workers; most of these women were elementary or secondary school teachers. Again, access to clerical and sales jobs were largely denied them. Less than 4 percent of the nonwhite women had obtained work in clerical and sales employment as compared to approximately 40 percent of the white females employed in these jobs. An equal number of white females were either operatives or professional or technical workers.

Negroes had made little, if any, improvement in their job status during the years 1960 to 1966 according to information obtained from the Equal Employment Opportunity Commission in 1966. Table 6 provides data on 8,000 employees of six manufacturing industries that have major economic importance in the 16-county area.³⁴ As was previously pointed out, nonwhites, in 1964, accounted for about 62 percent of the population in all the study area counties. Yet with the exception of the lumber and food industries, which traditionally in the South hire large number of Negroes,³⁵ the percentage of blacks employed is lower than their proportional share of the population. Machinery had the smallest representation (10 percent) of Negro employees.

Only a small number of Negroes obtain white-collar jobs. None of the 483 white-collar workers in the paper and allied products industry were Negroes and only 4 of the 328 white-collar employees in the machinery industry.

In general, a larger proportion of Negroes have obtained employment as craftsmen than as white-collar workers. Negroes accounted for 32 percent of all craftsmen in the food industry and for 26 percent of the 232 craftsmen in the lumber and wood industry. Other industries were lagging. Only four Negroes (0.8 percent) were included among the 530 craftsmen employed by the printing and publishing industry; they accounted for only five of 171 craftsmen in nonelectrical machinery concerns.

V. SUMMARY

In this study it has been pointed out that the 16-county area of Alabama has long been characterized by its severe economic and social problems. The population has declined for decades, Negro more so than white; the inhabitants largely work as unskilled laborers in low wage industry or eke out a living as small subsistence farmers. Three-fifths of the population are Negroes, the majority of whom live in the gravest type of poverty. Large numbers of Negroes have left the area over the past two generations and are probably still leaving in substantial numbers but a high fertility rate, particularly among the black farm population, has somewhat mitigated this population loss. The median income of these people in the 16-county area is extremely low and though it has shown substantial increase in the past decade or so it probably remains at a level not more than a third of that of white income.

Attention has been directed to important economic changes which have begun to transform the area. New types of agricultural techniques and equipment are being used. Production of cotton has declined, what farms remain are larger and new types of agriculture, e.g. livestock raising and dairying have been adopted. Other industries have also penetrated the 16-

³⁴ This figure includes an estimated 90 percent of the workforce in these industries in 1967 except for the lumber and wood industry. Units reporting for this industry accounted for only about one-third of its total employment. Reporting for other nonagricultural industries was extremely low.

³⁵ Most work in small logging camps. This back-breaking type of work is the principal Negro self-employment in the area.

TABLE 5.—Major Occupational Groups in Nonagricultural Industries by Race, 16-County Area¹ of Alabama, 1960

Major occupational group	Employees			
	White		Nonwhite	
	Male	Female	Male	Female
	Percent	Percent	Percent	Percent

... to professional, technical, ...
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 ... Only 6 percent were ...
 ... white women in 1960 were ...
 ... thirty more than 20 percent ...
 ... addresses, cooks, waitresses ...
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TABLE 5.—Major Occupational Groups in Nonagricultural Industries by Race, 16-County Area¹ of Alabama, 1960

Major occupational group	Employees							
	White				Nonwhite			
	Male		Female		Male		Female	
	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total
Professional, technical and kindred workers.....	2,579	9.2	1,906	12.5	1,086	5.3	2,295	13.3
Managers, officials, and proprietors, except farm.....	4,974	17.7	1,080	7.1	351	1.7	194	1.1
Clerical and kindred workers.....	1,681	6.0	4,035	26.5	355	1.7	437	2.5
Sales workers.....	2,733	9.7	1,981	13.0	223	1.1	246	1.4
Craftsmen, Foremen, and kindred workers.....	6,710	23.9	204	1.3	2,120	10.3	58	.4
Operatives and kindred workers.....	6,296	22.5	4,150	27.2	6,763	32.8	1,301	7.5
Private household workers.....	---	---	260	1.7	197	.9	9,717	56.2
Service workers, except private household.....	945	3.4	1,157	7.6	1,975	9.6	2,415	14.0
Laborers, except farm and mine.....	1,610	5.7	21	.1	6,829	33.2	146	.9
Occupation not reported.....	521	1.9	463	3.0	692	3.4	470	2.7
Total.....	28,049	100.0	15,257	100.0	20,591	100.0	17,279	100.0

¹ Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox Counties. Source: U.S. Census of Population: 1960, vol. I, Characteristics of the Population, part 2, Alabama, tables 84 and 88.

TABLE 6.—Job Status of Negroes, by Industry, in 16 County Area¹ of Alabama, 1966

Industry	All occupations			White-collar			Craftsmen		
	Total	Negro		Total	Negro		Total	Negro	
		Number	Percent of industry total		Number	Percent of industry total		Number	Percent of industry total
Food and kindred products.....	639	467	73.1	88	6	7.2	60	19	31.7
Textiles and apparel.....	1192	176	14.8	61	1	1.6	332	10	3.0
Lumber and wood products.....	2268	1443	63.6	247	13	5.3	232	61	26.3
Paper and allied products.....	2536	294	11.6	433	---	---	530	4	.8
Machinery, except electrical.....	1318	141	10.7	323	4	1.2	171	5	2.9
Totals.....	7953	2521	31.7	1202	24	2.0	1325	99	7.4

¹ Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox Counties. Source: Equal Employment Opportunity Commission, EEO-1 Reports (1966).

county area. Apparel, paper mills, chemicals, fabricated metals, and machinery plants have opened in the area and provided new job opportunities.

Despite these overall gains this study has demonstrated that these economic changes have had little effect on the black majority. Negroes who have remained in farming are engaged in marginal production which hardly provides a livelihood. Their farms are small; they lack the necessary techniques and equipment for better performance. Federal programs designed to assist the farmer have generally failed to reach the black farmers of this area.

In addition the limited data available indicate that new job opportunities in new and expanding industries have for the most part gone to whites. Negroes who have been hired have generally been relegated to unskilled, deadend, menial tasks and for the most part are employed only in the formerly labor intensive industries such as lumber and wood and food processing, which are now showing a decline in manpower requirements.

SUPPLEMENTARY TABLE A.—Population by Residences and Color in 16-County¹ Area of Alabama, 1940, 1950, and 1960

	1940		1950		1960	
	Number	Percent of total	Number	Percent of total	Number	Percent of total
White:						
Urban.....	20,861	14.5	31,776	22.4	49,512	35.9
Rural nonfarm.....	41,360	28.8	53,901	38.1	64,158	46.6
Rural farm.....	81,518	56.7	55,913	39.5	24,102	17.5
Total.....	143,739	100.0	141,590	100.0	137,772	100.0
Nonwhite:						
Urban.....	24,162	7.9	32,750	12.5	45,723	20.3
Rural nonfarm.....	38,252	12.5	63,561	24.3	110,998	49.4
Rural farm.....	243,323	79.6	165,073	63.2	68,122	30.3
Total.....	305,737	100.0	261,384	100.0	224,843	100.0
Total population:						
Urban.....	45,023	10.0	64,526	16.0	95,235	26.3
Rural nonfarm.....	79,612	17.7	117,462	29.1	175,156	48.3
Rural farm.....	324,841	72.3	220,986	54.8	92,224	25.4
Total.....	449,476	100.0	402,974	99.9	362,615	100.0

¹ Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox Counties.

Source: U.S. Census of Population: 1940. Vol. II, Characteristics of the Population, pt. 1, United States Summary and Alabama—District of Columbia. Table 21, pages 236-239; table 26, pages 267-271; and table 27, pages 273, 276. U.S. Census of Population: 1950. Vol. II, Characteristics of the Population, pt. 2, Alabama, tables 41, 48, and 49. U.S. Census of Population: 1960. Vol. I, Characteristics of the Population, pt. 2, Alabama, tables 27 and 91.

SUPPLEMENTARY TABLE B.—Age Group by Color, 16-County¹ Area of Alabama, 1960

Age group	White		Nonwhite	
	Number	Percent	Number	Percent
Under 18.....	48,662	35.4	111,332	49.5
18 to 34.....	28,533	20.7	88,471	17.1
35 to 49.....	25,781	18.7	29,259	13.0
50 to 64.....	20,428	14.8	25,118	11.2
65 and over.....	14,368	10.4	20,663	9.2
All ages.....	137,772	100.0	224,843	100.0

¹ Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox.

Source: U.S. Census of Population: 1960. Vol. I, Characteristics of the Population, pt. 2, Alabama, table 27.

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SUPPLEMENTARY TABLE C.—Net Migration by Race in 16 Alabama Counties and State of Alabama, 1950-60

Area	Total net migration		White net migration		Nonwhite net migration	
	Number	Rate* (percent)	Number	Rate* (percent)	Number	Rate* (percent)
Alabama.....	-368,331	-12.0	-144,130	-6.9	-224,201	-22.8
Autauga.....	-2,709	-14.9	-142	-1.4	-2,567	-30.7
Barbour.....	-8,854	-30.6	-2,852	-21.2	-6,002	-38.9
Bullock.....	-5,368	-33.4	-828	-19.5	-4,540	-38.4
Butler.....	-9,484	-32.4	-4,264	-26.4	-5,220	-39.8
Choctaw.....	-4,592	-24.0	-1,208	-13.3	-3,384	-31.6
Clarke.....	-6,490	-24.4	-2,164	-16.2	-4,326	-32.8
Dallas.....	-12,646	-22.5	-697	-3.5	-11,949	-32.7
Greene.....	-6,097	-36.2	-483	-17.3	-5,614	-41.0
Hale.....	-5,321	-25.5	-1,052	-17.0	-4,269	-29.2
Lowndes.....	-6,312	-35.0	-536	-16.7	-5,776	-39.0
Macon.....	-8,212	-26.9	-714	-14.9	-7,498	-29.1
Marengo.....	-7,572	-25.6	-11	-0.1	-7,561	-36.9
Monroe.....	-8,551	-33.2	-3,092	-24.6	-5,459	-41.5
Perry.....	-6,718	-32.9	-1,311	-19.7	-5,407	-39.2
Sumter.....	-8,039	-34.0	-1,285	-22.7	-6,754	-37.6
Wilcox.....	-9,235	-39.3	-1,141	-23.2	-8,094	-43.6
Total.....	-116,178	-28.8	-21,780	-15.4	-94,420	-36.1

* Figures for rate not taken from Economic Research Service Publication (see below) but computed on the same basis as that used in Current Population Reports.

Source: U.S. Department of Agriculture Economic Research Service *Net Migration of the Population, 1950-1960 by Age Sex and Color Alabama*, tables 1 and 2a, 1965. U.S. Bureau of the Census, *Current Population Reports Series P-23*, No. 7, November 1962, table 1.

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Residences and Color in 16-County Area, 1950, and 1960

1950		1960	
Number	Percent of total	Number	Percent of total
31,776	22.4	49,512	35.9
53,901	38.1	64,158	46.6
55,913	39.5	24,102	17.5
141,590	100.0	137,772	100.0
32,750	12.5	45,723	20.3
63,561	24.3	110,998	49.4
165,073	63.2	68,122	30.3
261,384	100.0	224,843	100.0
64,526	16.0	95,235	26.3
117,462	29.1	175,156	48.3
220,986	54.8	92,224	25.4
402,974	99.9	362,615	100.0

16-County Area of Alabama, Dallas, Greene, Hale, Lowndes, Macon,

Characteristics of the Population, pt. 1, Alabama, Table 21, pages 236-239; table 26, *U.S. Census of Population: 1950*, Vol. II, Characteristics of the Population, tables 48 and 49. *U.S. Census of Population: 1960*, Vol. II, Characteristics of the Population, tables 27 and 91.

Net Migration by Color, 16-County Area of Alabama, 1950-60

Percent	Nonwhite	
	Number	Percent
5.4	111,332	49.5
10.7	38,471	17.1
8.7	29,259	13.0
4.8	25,118	11.2
0.4	20,663	9.2
10.0	224,843	100.0

16-County Area of Alabama, Dallas, Greene, Hale, Lowndes, Macon,

Characteristics of the Population, pt. 2, Alabama, Table 21, pages 236-239; table 26, *U.S. Census of Population: 1950*, Vol. II, Characteristics of the Population, tables 48 and 49. *U.S. Census of Population: 1960*, Vol. II, Characteristics of the Population, tables 27 and 91.

SUPPLEMENTARY TABLE D.—*Size of White and Nonwhite Families in Urban, Rural Nonfarm and Rural Farm Areas of Alabama, 1960*

Area and color of head	Total families	Number of family members						Average per family	Families with 1 or more own children under 6	
		2	3	4	5	6	7 or more			
WHITE										
Urban:										
All families.....	327,838	100,335	80,570	72,056	42,743	18,909	13,225	3.54	107,153	
Percent.....	100.0	30.6	24.6	22.0	13.0	5.8	4.0	-----	32.7	
Rural nonfarm:										
All families.....	195,626	55,117	42,704	40,258	26,979	14,687	15,884	3.84	65,030	
Percent.....	100.0	28.2	21.8	20.6	13.8	7.5	8.1	-----	33.2	
Rural farm:										
All families.....	71,406	20,909	15,363	13,558	9,069	5,643	6,864	3.89	15,597	
Percent.....	100.0	29.3	21.5	19.0	12.7	7.9	9.6	-----	21.8	
NONWHITE										
Urban:										
All families.....	117,546	33,154	22,337	16,657	13,227	10,608	21,563	4.37	36,747	
Percent.....	100.0	28.2	19.0	14.2	11.3	9.0	18.3	-----	31.3	
Rural nonfarm:										
All families.....	56,616	14,041	8,719	6,966	5,950	5,626	15,314	5.00	19,840	
Percent.....	100.0	24.8	15.4	12.3	10.5	9.9	27.0	-----	35.0	
Rural farm:										
All families.....	21,678	4,176	2,828	2,397	2,253	1,930	3,094	5.75	6,587	
Percent.....	100.0	19.3	13.0	11.1	10.4	8.9	37.3	-----	30.4	

Source: *U.S. Census of Population: 1960. Vol. I, Characteristics of the Population, pt. 2, Alabama, table 110.*

NONWHITE										
Urban:										
All families.....	117,546	33,154	22,337	16,657	13,227	10,608	21,563	4.37	36,747	
Percent.....	100.0	28.2	19.0	14.2	11.3	9.0	18.3	---	31.3	
Rural nonfarm:										
All families.....	56,616	14,041	8,719	6,966	5,950	5,626	15,314	5.00	19,840	
Percent.....	100.0	24.8	15.4	12.3	10.5	9.9	27.0	---	35.0	
Rural farm:										
All families.....	21,678	4,176	2,828	2,397	2,253	1,930	8,094	5.75	6,587	
Percent.....	100.0	19.3	13.0	11.1	10.4	8.9	37.3	---	30.4	

Source: U.S. Census of Population: 1960. Vol. I, Characteristics of the Population, pt. 2, Alabama, table 110.

SUPPLEMENTARY TABLE E.—Income in Households Headed by Farm Operators, 16 Counties and the State of Alabama, 1964

County	Number of households reporting income							Number of households
	Under \$500	\$500 to \$999	\$1,000 to \$1,999	\$2,000 to \$2,999	\$3,000 to \$3,999	\$4,000 to \$4,999	\$5,000 and over	
Entire State.....	10,800	10,289	13,220	8,913	8,443	6,148	19,801	77,614
Autauga.....	89	105	82	83	78	93	196	721
Barbour.....	235	132	207	121	77	61	194	1,027
Bullock.....	231	170	144	67	100	31	104	847
Butler.....	133	188	241	160	116	118	201	1,157
Choctaw.....	104	229	213	136	95	55	238	1,070
Clarke.....	120	121	210	120	108	80	254	1,013
Dallas.....	366	348	378	207	103	50	276	1,728
Greene.....	303	262	232	128	71	48	133	1,177
Hale.....	267	195	275	120	70	71	200	1,198
Lowndes.....	135	135	232	133	147	31	199	1,112
Macon.....	247	187	245	88	66	51	128	1,012
Marengo.....	294	277	255	126	114	57	272	1,395
Monroe.....	229	283	302	168	130	60	194	1,366
Perry.....	198	125	229	92	93	73	144	954
Sumter.....	245	271	238	142	98	55	201	1,250
Wilcox.....	254	293	270	189	74	46	136	1,212
All 16 counties.....	3,500	3,371	3,753	2,030	1,535	980	3,070	18,240

Source: Bureau of Business Research, School of Commerce and Business Administration *Economic Abstract of Alabama*, University of Alabama, Tuscaloosa, 1966.

SUPPLEMENTARY TABLE F.—*Employment in all Industries 16 County Area of Alabama and the State of Alabama, 1960, 1965, and 1967*

Type of Employment	1960		1965		1967	
	Number	Percent	Number	Percent	Number	Percent
A. ALABAMA						
Total employment.....	1,044,940	100.0	1,181,160	100.0	1,176,300	100.0
Nonagricultural employment.....	953,260	91.2	1,054,980	98.3	1,101,400	98.6
Manufacturing.....	233,675	22.4	268,000	28.7	298,400	25.4
Nonmanufacturing.....	719,585	68.8	786,980	69.6	803,000	68.2
Agricultural employment.....	91,680	8.8	76,180	6.7	74,900	6.4
B. 16-COUNTY AREA						
Total employment.....	97,140	100.0	101,630	100.0	109,610	100.0
Nonagricultural employment.....	74,270	76.5	82,670	81.3	90,980	88.0
Manufacturing.....	18,890	19.4	23,060	22.7	27,020	24.7
Nonmanufacturing.....	55,380	57.1	59,610	58.6	63,910	58.3
Agricultural employment.....	22,870	23.5	18,960	18.7	18,680	17.0

Source: State of Alabama, Department of Industrial Relations, unpublished statistics, 1967.

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SUPPLEMENTARY TABLE G.—*Farm Operators, by Color and Tenure, in 16 Counties and in the State of Alabama, 1930 and 1964*

County and tenure of operator	1930		1964		Percent change 1930-64	
	White	Non-white	White	Non-white	White	Non-white
Autauga:						
All farm operators.....	1,057	1,924	577	305	-45.4	-84.1
Owners and managers.....	563	364	534	238	-5.2	-34.6
Tenants.....	494	1,560	43	67	-91.3	-95.7
Percent of all farm operators.....	46.7	81.1	7.5	22.0	....	....
Barbour:						
All farm operators.....	1,593	2,262	770	514	-51.7	-77.3
Owners and managers.....	666	306	631	255	-5.3	-16.7
Tenants.....	927	1,956	139	259	-85.0	-86.8
Percent of all farm operators.....	58.2	86.5	18.1	50.4	....	....
Bullock:						
All farm operators.....	448	2,473	363	618	-19.0	-75.0
Owners and managers.....	246	214	330	248	34.1	15.9
Tenants.....	202	2,259	33	370	-83.7	-83.6
Percent of all farm operators.....	45.1	91.3	9.1	59.9	....	....
Butler:						
All farm operators.....	1,906	1,695	889	400	-53.4	-76.4
Owners and managers.....	1,014	259	815	227	-19.6	-12.4
Tenants.....	892	1,436	74	173	-91.7	-88.0
Percent of all farm operators.....	46.8	84.7	8.3	43.3	....	....
Choctaw:						
All farm operators.....	1,132	1,611	589	593	-48.0	-63.2
Owners and managers.....	764	543	551	441	-27.9	-18.8
Tenants.....	368	1,068	38	152	-89.7	-85.8
Percent of all farm operators.....	32.5	66.3	6.5	25.6	....	....
Clarke:						
All farm operators.....	1,333	1,772	624	462	-53.2	-73.9
Owners and managers.....	897	799	578	355	-35.6	-55.6
Tenants.....	436	973	46	107	-89.4	-89.0
Percent of all farm operators.....	32.7	54.9	7.4	23.2	....	....
Dallas:						
All farm operators.....	691	6,405	528	1,537	-23.6	-76.0
Owners and managers.....	382	484	475	492	24.8	1.7
Tenants.....	309	5,921	53	1,045	-82.8	-82.4
Percent of all farm operators.....	44.7	92.4	10.0	68.0	....	....
Greene:						
All farm operators.....	385	3,168	319	1,051	-17.1	-66.8
Owners and managers.....	236	326	276	361	16.9	10.7
Tenants.....	149	2,842	43	690	-71.1	-75.7
Percent of all farm operators.....	38.7	89.7	13.5	65.7	....	....
Hale:						
All farm operators.....	960	3,873	546	910	-43.1	-76.5
Owners and managers.....	449	654	482	549	7.3	-16.1
Tenants.....	511	3,219	64	361	-87.5	-88.8
Percent of all farm operators.....	53.2	83.1	11.7	39.7	....	....
Lowndes:						
All farm operators.....	466	3,527	466	886	....	-74.9
Owners and managers.....	276	334	410	373	48.6	11.7
Tenants.....	190	3,193	56	513	-70.5	-83.9
Percent of all farm operators.....	40.3	90.5	12.0	57.9	....	....
Macon:						
All farm operators.....	600	3,114	346	913	-42.3	-70.7
Owners and managers.....	304	475	818	532	4.6	12.0
Tenants.....	296	2,639	28	381	90.5	-85.6
Percent of all farm operators.....	49.3	84.7	8.1	41.7	....	....
Marengo:						
All farm operators.....	1,189	5,314	660	1,091	-44.5	-79.5
Owners and managers.....	650	652	591	586	-9.1	-10.1
Tenants.....	539	4,662	69	505	-87.2	-89.2
Percent of all farm operators.....	45.3	87.7	10.5	46.3	....	....

Source: State of Alabama, Department of Industrial Relations, unpublished statistics, 1967.

B. 16-COUNTY AREA

Total employment.....	100.0	101,630	100.0	109,610	100.0
Nonagricultural employment.....	76.5	82,670	81.3	90,930	88.0
Manufacturing.....	19.4	23,060	22.7	27,020	24.7
Nonmanufacturing.....	57.1	59,610	58.6	63,910	58.3
Agricultural employment.....	23.5	18,960	18.7	18,680	17.0

TABLE G.—Continued

County and tenure of operator	1930		1964		Percent change 1930-64	
	White	Non- white	White	Non- white	White	Non- white
Monroe:						
All farm operators.....	1,797	2,097	834	687	-53.6	-67.2
Owners and managers.....	854	586	742	456	-13.1	-22.2
Tenants.....	943	1,511	92	231	-90.2	-84.7
Percent of all farm operators.....	52.5	72.1	11.0	33.6	....	....
Perry:						
All farm operators.....	912	3,435	450	706	-50.7	-79.4
Owners and managers.....	471	480	403	362	-14.4	-24.6
Tenants.....	441	2,955	47	344	-89.3	-88.4
Percent of all farm operators.....	48.4	86.0	10.4	48.7	....	....
Sumter:						
All farm operators.....	592	3,812	391	1,132	-34.0	-70.3
Owners and managers.....	371	444	349	430	- 5.9	3.2
Tenants.....	221	3,368	42	702	-81.0	-79.2
Percent of all farm operators.....	37.3	83.4	10.7	62.0	....	....
Wilcox:						
All farm operators.....	724	3,620	419	1,053	-42.1	-70.9
Owners and managers.....	464	418	378	472	-13.5	12.9
Tenants.....	260	3,202	41	581	-84.2	-81.9
Percent of all farm operators.....	35.9	88.5	9.8	55.2	....	....
All 16 counties:						
All farm operators.....	15,785	50,102	8,771	12,858	-44.4	-74.3
Owners and managers.....	8,607	7,338	7,863	6,377	- 8.6	-13.1
Tenants.....	7,178	42,764	908	6,481	-87.4	-84.8
Percent of all farm operators.....	45.5	85.4	10.4	50.4	....	....
Entire State:						
All farm operators.....	163,566	93,829	71,579	20,951	-56.2	-77.7
Owners and managers.....	75,021	15,954	62,211	10,908	-17.1	-31.6
Tenants.....	88,545	77,875	9,368	10,043	-89.4	-87.1
Percent of all farm operators.....	54.1	83.0	13.1	47.9	....	....

- Denotes a decrease.

.... Represents a zero.

Source: *Alabama County Statistical Abstracts, 1944*. Bureau of Business Research University of Alabama, 1944 county tables. *U.S. Census of Agriculture: 1954*. Vol. I, *Counties and State Economic Areas*, pt. 21, *Alabama*, ch. B, *Statistics for Counties*, table 2a. *U.S. Census of Agriculture: 1959*. Vol. I, *Counties*, pt. 32, *Alabama*, ch. B, *Statistics for Counties*, table 3. *U.S. Census of Agriculture: 1964*. Vol. I, *State and County Statistics*, pt. 32, *Alabama County*, table 4.

1964	1964		Percent change 1930-64	
	White	Non-white	White	Non-white
834	687	-53.6	-57.2	
742	456	-13.1	-22.2	
92	231	-30.2	-84.7	
11.0	33.6	....	....
450	706	-50.7	-79.4	
403	362	-14.4	-24.6	
47	344	-89.3	-88.4	
10.4	48.7	....	....
391	1,132	-34.0	-70.3	
345	430	-5.9	-3.2	
42	702	-81.0	-79.2	
10.7	62.0	....	....
419	1,053	-42.1	-70.9	
378	472	-18.5	-12.9	
41	581	-84.2	-81.9	
9.8	55.2	....	....
8,771	12,858	-44.4	-74.3	
7,863	6,377	-8.6	-18.1	
908	6,481	-57.4	-84.8	
10.4	50.4	....	....
71,579	20,961	-56.2	-77.7	
62,211	10,908	-17.1	-31.6	
9,368	10,043	-89.4	-87.1	
13.1	47.9	....	....

Source: Bureau of Business Research, University of Alabama, Vol. I, *Counties and State Statistics*, table 2a, U.S. Census of Agriculture for Counties, table 3, U.S. Census, pt. 32, *Alabama County*, table 4.

SUPPLEMENTARY TABLE H.—Farm Acreage, by Color of Operator, in 16 Counties and in the State of Alabama, 1954, 1959, and 1964

	1954			1964			Percent change in acreage 1954-64	
	Acres operated by whites	Operated by nonwhites		Acres operated by whites	Operated by nonwhites		White	Non-white
		Acres	Percent of acreage total		Acres	Percent of acreage total		
Autauga County.....	227,438	38,609	14.5	186,338	20,880	10.1	-18.1	-45.9
Barbour County.....	385,487	181,935	25.5	283,443	47,352	14.3	-26.5	-64.1
Bullock County.....	219,763	91,503	29.4	230,855	47,255	17.0	+ 5.0	-48.4
Butler County.....	240,377	54,511	18.5	195,929	28,699	12.8	-18.5	-47.4
Choctaw County.....	256,512	55,626	17.8	186,774	29,142	13.5	-27.2	-47.6
Clarke County.....	301,929	59,639	16.5	217,903	25,845	10.6	-27.8	-56.7
Dallas County.....	471,418	127,889	21.3	379,178	65,021	14.6	-19.6	-49.2
Greene County.....	254,157	85,798	25.2	182,519	59,486	24.6	-28.2	-30.7
Hale County.....	263,533	71,876	21.4	224,218	40,278	15.2	-14.9	-44.0
Lowndes County.....	345,398	64,341	15.7	323,798	39,810	10.9	- 6.3	-38.1
Macon County.....	187,732	92,955	33.1	182,832	60,830	25.0	- 2.6	-34.6
Marengo County.....	423,114	83,628	16.5	336,571	43,538	11.5	-20.5	-47.9
Monroe County.....	348,252	62,348	15.2	254,323	37,673	12.9	-27.0	-39.6
Perry County.....	281,137	70,891	20.1	217,215	38,480	15.0	-22.7	-45.7
Sumter County.....	338,232	110,347	24.6	292,531	62,653	17.6	-13.5	-43.2
Wilcox County.....	377,717	82,803	18.0	353,246	44,084	11.1	- 6.5	-46.8
All 16 counties.....	4,922,191	1,284,694	20.7	4,047,673	691,021	14.6	-17.8	-46.2
Entire State.....	18,384,060	2,426,432	11.7	14,033,385	1,192,412	7.8	-23.7	-50.9

Source: U.S. Census of Agriculture: 1954. Vol. I, *Counties and State Economic Areas*, pt. 21, *Alabama*, ch. B, *Statistics for Counties*, tables 2 and 2a. U.S. Census of Agriculture: 1959. Vol. I, *Counties*, pt. 32, *Alabama*, ch. B, *Statistics for Counties*, tables 2 and 3. U.S. Census of Agriculture: 1964. Vol. I, *State and County Statistics*, pt. 32, *Alabama*, *Statistics for Counties*, table 4.

SUPPLEMENTARY TABLE I.—Average Size of Farm, by Color and Tenure of Operator, in 16 Counties and the State of Alabama, 1954 and 1964

County and tenure of operators	Average size of farm (in acres)				Percent change	
	1954		1964		White	Nonwhite
	White	Nonwhite	White	Nonwhite		
AUTAUGA						
All farm operators	272.1	56.5	322.9	68.5	18.7	21.2
Owners and managers	298.7	67.1	328.4	77.4	9.9	15.4
Tenants	120.5	43.2	255.5	36.9	112.0	-14.6
BARBOUR						
All farm operators	280.8	117.7	368.1	92.1	31.8	-21.8
Owners and managers	349.2	191.1	367.3	114.8	5.2	-89.9
Tenants	139.0	81.2	371.8	69.8	167.4	-14.0
BULLOCK						
All farm operators	425.1	81.9	636.0	76.5	49.6	-6.6
Owners and managers	479.9	131.9	676.1	119.1	40.9	-9.7
Tenants	178.3	64.8	234.5	47.9	31.5	-26.1
BUTLER						
All farm operators	174.4	69.6	220.4	71.7	26.4	3.0
Owners and managers	193.9	97.4	233.7	86.6	20.5	-11.1
Tenants	84.8	54.5	74.2	52.2	-12.5	-4.2
CHOCTAW						
All farm operators	224.8	46.2	317.1	49.1	41.1	6.3
Owners and managers	249.4	62.3	329.3	56.8	82.0	-9.6
Tenants	69.9	23.6	139.9	26.9	100.1	14.0
CLARKE						
All farm operators	255.9	44.3	349.2	55.9	36.5	26.2
Owners and managers	278.6	53.9	361.2	65.3	29.6	23.2
Tenants	67.3	19.6	293.5	25.0	336.1	27.6
DALLAS						
All farm operators	561.2	38.9	718.1	42.3	28.0	3.7
Owners and managers	658.2	84.2	754.9	71.0	14.7	-15.7
Tenants	198.1	26.5	389.0	28.8	96.4	3.7
GREENE						
All farm operators	566.1	49.0	572.2	56.5	1.1	15.3
Owners and managers	634.1	106.3	607.3	98.2	-11.2	-3.1
Tenants	183.8	32.0	343.2	34.8	81.3	3.8
HALE						
All farm operators	301.2	40.1	410.6	44.3	36.3	10.5
Owners and managers	370.6	56.7	441.6	56.1	19.2	-1.1
Tenants	80.1	27.8	117.8	26.3	122.0	-5.4
LOWNDES						
All farm operators	639.6	40.4	694.3	44.9	8.6	11.1
Owners and managers	699.0	75.2	723.5	67.7	8.5	-10.0
Tenants	317.1	23.2	485.3	28.4	53.0	0.7
MACON						
All farm operators	367.4	64.7	528.4	66.6	43.8	2.9
Owners and managers	399.4	87.3	551.0	81.0	33.0	-7.2
Tenants	211.3	45.4	271.8	46.6	23.6	2.6
MARENGO						
All farm operators	412.0	33.4	510.0	39.9	23.8	3.9
Owners and managers	481.1	67.7	535.6	52.4	11.3	-22.6
Tenants	155.4	22.4	290.5	25.4	86.9	13.4
MONROE						
All farm operators	250.2	42.1	304.9	54.8	21.9	30.2
Owners and managers	307.8	60.1	333.2	69.2	8.3	15.1
Tenants	61.0	25.2	77.0	26.4	26.2	4.8
PERRY						
All farm operators	380.4	50.8	482.7	54.5	26.9	7.3
Owners and managers	453.4	84.0	517.7	81.3	14.2	-3.2
Tenants	147.0	32.0	182.5	26.3	24.1	-17.3

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Alabama, 1954 and 1964

1964		Percent change	
White	Nonwhite	White	Nonwhite
2.9	68.5	18.7	21.2
8.4	77.4	9.9	15.4
5.5	36.9	112.0	-14.6
8.1	92.1	31.8	-21.8
7.3	114.8	5.2	-39.9
1.8	69.8	167.4	-14.0
6.0	76.5	49.6	-6.6
6.1	119.1	40.9	-9.7
4.5	47.9	31.5	-26.1
0.4	71.7	26.4	3.0
3.7	86.6	20.5	-11.1
4.2	52.2	-12.5	-4.2
7.1	49.1	41.1	6.3
9.3	56.8	82.0	-9.6
9.9	26.9	100.1	14.0
9.2	55.9	36.5	26.2
1.2	65.3	29.6	23.2
3.5	25.0	336.1	27.6
8.1	42.3	28.0	8.7
4.9	71.0	14.7	-15.7
9.0	28.8	96.4	8.7
2.2	56.5	1.1	15.3
7.8	98.2	-11.2	-8.1
3.2	34.8	81.8	8.8
0.6	44.3	86.3	10.5
1.6	56.1	19.2	-1.1
7.8	26.3	122.0	-5.4
4.8	44.9	8.6	11.1
3.5	67.7	8.5	-10.0
5.3	28.4	53.0	0.7
8.4	66.6	43.8	2.9
1.0	81.0	38.0	-7.2
1.8	46.6	28.6	2.6
0.0	39.9	23.8	3.9
5.6	52.4	11.3	-22.6
0.5	25.4	86.9	18.4
4.9	54.8	21.9	30.2
3.2	69.2	8.3	15.1
7.0	26.4	26.2	4.8
2.7	54.5	26.9	7.3
7.7	81.3	14.2	-3.2
2.5	26.3	24.1	-17.3

SUPPLEMENTARY TABLE I.—Continued
Average size of farm (in acres)

County and tenure of operators	1954		1964		Percent change	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
SUMTER						
All farm operators	558.1	52.6	748.2	55.3	34.1	5.1
Owners and managers	671.3	102.3	808.9	87.9	20.5	-14.5
Tenants	94.8	36.8	243.5	35.4	156.9	-3.8
WILCOX						
All farm operators	583.8	39.6	843.1	41.9	44.4	5.8
Owners and managers	664.0	75.8	901.4	68.3	35.8	-9.2
Tenants	106.3	23.4	305.5	20.0	187.4	-14.5
ALL 16 COUNTIES						
All farm operators	350.3	50.7	461.5	53.7	31.7	5.9
Owners and managers	405.8	80.3	484.9	74.7	19.5	-7.0
Tenants	126.2	34.1	258.5	33.1	104.8	-2.9
ENTIRE STATE						
All farm operators	140.4	52.7	196.1	56.9	39.7	8.0
Owners and managers	161.2	73.3	207.1	74.3	28.5	1.4
Tenants	80.3	39.4	122.9	38.0	53.1	-8.6

Source: U.S. Census of Agriculture: 1954. Vol. I, Counties and State Economic Areas, pt. 21, Alabama, county table 2a. U.S. Census of Agriculture: Vol. I, State and County Statistics, pt. 32, Alabama, county table 4.

SUPPLEMENTARY TABLE J.—*Employment in Nonmanufacturing Industries in 16-County Area, Alabama, 1960 and 1967*

Industry	1960		1967		Percent increase 1960-67
	Number	Percent of non-manufacturing industries	Number	Percent of non-manufacturing industries	
Construction.....	2,380	7.0	3,060	7.2	28.6
Wholesale and retail trade.....	9,750	28.7	10,840	25.5	11.2
Services (excluding private households).....	5,540	16.3	8,620	20.3	55.6
Government (including Federal, State & local).....	11,880	34.9	13,800	32.5	16.2
Other nonmanufacturing.....	4,460	13.1	6,170	14.5	38.3
Total.....	34,010	100.0	42,490	100.0	24.9

Source: Unpublished data Alabama State Department of Industrial Relations, 1967.

Exhibit No. 4

STAFF REPORT

SUMMARY OF HOUSING CONDITIONS

The economic security of persons is directly affected by the inadequacy as well as the absence of housing. Further, both out-migration and health problems can be traced to the lack of suitable shelter.

Housing Conditions

An examination of eleven cities for which figures are available in the 16-county area reveal [Table 3] that nonwhites¹ have significantly less sound housing, more deteriorating housing, and significantly more dilapidated housing.² For the cities indicated, white sound housing in 1960 averaged 73.7 percent while nonwhite sound housing averaged 35.8 percent. Nonwhite deteriorating housing averaged 34.6 percent for the entire area while white deteriorating housing averaged 21 percent. Nonwhite dilapidated housing averaged 29.6 percent while white dilapidated housing averaged only 5.2 percent [Table 3].

In rural nonfarm areas of Alabama between 1950 and 1960, whites recorded a 13.8 percent increase in sound housing "with all plumbing facilities,"³ while nonwhites registered an increase of 3.1 percent. In rural farm housing "with all plumbing facilities," white occupancy increased 20.2 percent while nonwhite occupancy increased only 2.2 percent [Table 1].

A comparison of Negro housing conditions in Alabama with those generally prevailing in the State shows that Negro housing is substantially more crowded, Negroes own fewer owner-occupied dwelling units, and there is a noticeable disparity between the median dollar value of white and nonwhite owner-occupied units. Only in urban areas was the median dollar value of nonwhite owner-occupied units above \$5,000 in 1960 [Table 2].

Low-Rent Public Housing

A number of rural communities and small towns have low-rent public housing.⁴ As of January 9, 1967, the latest compiled information from the

¹ Negroes constitute over 99% of the "nonwhite" population in the State of Alabama. The terms are used interchangeably.

² Definitions of types of housing are separately appended.

³ A unit with all plumbing facilities is equipped with piped hot and cold water, inside flush toilet, and a bathtub for the exclusive use of the occupant. See Table 1.

⁴ No community in Alabama participates in the recent supplement program. Telephone interview with Mr. Price, Deputy Assistant to William C. Hines, Director, Federal Housing Authority, Birmingham, Alabama, January 3, 1968.

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Manufacturing Industries in
1960 and 1967

1967		
Number	Percent of non- manu- facturing industries	Percent increase 1960-67
3,060	7.2	28.6
10,840	25.5	11.2
8,620	20.3	55.6
13,800	32.5	16.2
6,170	14.5	38.3
42,490	100.0	24.9

f Industrial Relations, 1967.

CONDITIONS

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statistics branch of the Housing Assistance Administration of the Depart-
ment of Housing and Urban Development⁵ showed 32,504 public housing
units for Alabama. Of this number, 4,518 were in preconstruction, 1,162 were
under construction and 26,824 were under management.

In the 16-county area, the total number of units was 1,736—256 in pre-con-
struction and 1,480 under management. In addition, low-rent housing for
senior citizens totaled 136 units—74 in preconstruction and 62 under man-
agement [Table 5].

Available racial data show that despite Executive Order 11063 issued
November 20, 1962, requiring nondiscrimination in federally assisted housing,
and Title VI of the Civil Rights Act of 1964, requiring nondiscrimination in
programs receiving federal financial assistance, the public projects in the 16-
county area are segregated in fact.

Of the 31 projects in the 16-county area, 10 are all nonwhite, 10 are all
white and six are segregated within the project by site. Of the remaining
five, four are under development, and there is no racial data available for
the remaining project (Eufaula, Ala. project No. 118-3). All senior citizens
housing projects are located in cities which have segregated occupancy pat-
terns in low-rent public housing. [Table 5]

The actual racial occupancy of the low-rent public housing units closely
parallels the racial proportion of the population, which is 62 percent non-
white. Of the 1,164 units under management and for which data are avail-
able, 726 are Negro occupied, and 438 or 38% are occupied by whites.

Need for Additional Public Housing

One result of declining agricultural employment is that the former tenant
or farm worker not only loses employment, but he also loses a place in which
to live. The Department of Agriculture has predicted that 2,000 farms will go
out of operation in Alabama this year.⁶ This will mean an increased need
for housing.

The 1964 Agricultural Census indicates that in the 16-county area, the
highest tenancy rates among nonwhites were in Dallas, Sumter, Bullock and
Lowndes Counties (all over 57% of the total nonwhite farm population), and
that farm tenants in these counties are losing their farms at a rapid rate.
Housing data shows Lowndes County has no public housing units.

OEO/FHA Self-Help Housing

Titles II and III-B of the Economic Opportunity Act of 1965 provide funds
for non-profit corporations to assist low-income families in building their own
homes. OEO grants are available for technical assistance and Farmers Home
Administration credit for building materials. Under Title III-B, 100% grants
for technical assistance are available where the potential participants derive
at least 50% of their income from seasonal agricultural work.⁷ Under Title
II, grants of up to 90% for "technical assistance" can be obtained to aid
low-income families, regardless of their types of employment. Where OEO
funds for technical assistance are not available, the Farmers Home Adminis-
tration may provide a Construction Supervisor to an organized self-help
housing group. "Technical Assistance" under Titles II and III-B includes:

1. recruiting families that will meet OEO's income and the Farmers
Home Administration's credit requirements;
2. conducting weekly group meetings at which the program and subjects
pertinent to home ownership, such as taxes, insurance, etc. are ex-
plained and discussed;
3. providing assistance in the preparation of Farmers Home Administra-
tion applications for land and construction material loans;
4. assisting the participants in locating suitable building sites;
5. supervising and training the participants in the construction of their
homes;
6. attempting to secure year-round employment and/or job retraining
for participating heads of households, and

⁵ Telephone interview with HUD official, Statistics Branch, Housing Assistance Administra-
tion, Department of Housing and Urban Development, January 3, 1968.

⁶ The Montgomery Advertiser, Jan. 12, 1968, p. 20.

⁷ Economic Opportunity Act of 1964; P.L. 88-452; 42 USS, 2781-2791, 2851-2854, as amended.

7. initiating a follow-up program to determine the extent to which the obtaining of a new house has influenced the families' lives and what, if any, problems have arisen due to home ownership.

Participating families who are approved by the Farmers Home Administration may obtain rural housing loans to buy materials to pay for any skilled labor and contract costs required for work on their own homes and if necessary buy a building site. Basic construction labor is performed by families mutually helping each other, after forming an unincorporated or incorporated association for this purpose. This exchange of labor, without a cash cost to the families, is the key to the mutual self-help housing program. In this way the houses can be built for less cash cost than by customary methods.⁸

The insured loans are at an interest rate of 5% for up to 33 years for families living in rural communities with a population of not more than 5,500. No down payments are required.

Farmers Home Administration credit requirements appear to be too high for most of the rural poor. There is presently only one Self-Help Housing Project in Alabama.⁹ It is an all-Negro project located in Wilcox County. Thirty-nine families are participating in this venture which was supported by a \$38,000 technical assistance grant from the Office of Economic Opportunity. Guidance and technical assistance have been furnished by the Office of International Self-Help Housing Associates of Washington, D.C.¹⁰

In the Report by the President's National Advisory Commission on Rural Poverty, issued September, 1967,¹¹ the Commission found that the rural poor are the least able of all of America's citizens to provide adequate housing for themselves, yet they have had the least help. The Commission developed several recommendations for action by local, State and Federal governments or private enterprise in the area of rural housing. The Commission made the following recommendations for improving rural housing:

1. That funds for rent supplements be greatly increased to provide rental housing for the rural poor.
2. That countywide housing authorities within area development districts be established for the purpose of administering a program of public housing in rural areas.
3. That the States create statewide, nonprofit housing corporations through which private and public interests can combine to provide housing.
4. That Federal funds for mutual self-help housing be appropriated to extend and place on a sustaining basis the experimental program such as that of the Farmers Home Administration.
5. That Congress be requested to increase greatly appropriations for grants and loans for the repair and construction of housing for low income rural families.
6. That the rural housing programs be centralized and that a substantial portion of housing appropriations be earmarked specifically for rural housing.
7. That the Commission on Equal Opportunity in Housing, created by Executive Order 11063, be fully implemented.
8. That Title VI of the Civil Rights Act of 1964 be enforced to prohibit any federally insured bank, mutual savings bank, or savings and loan institutions from discriminating, on the basis of race, in making home mortgage loans, or from making home mortgage loans to persons who do not give legally enforceable assurances that they will sell or lease on a nondiscriminatory basis.
9. That the Congress enact the Fair Housing legislation now pending before it in the Administration's Civil Rights Bill.

⁸ "Mutual Self-Help Housing Guidelines", FHA Instruction 444.1 (PN 992) (1966).

⁹ Southwest Alabama Self-Help Housing, Inc. Rev. Daniel Harrell, Project Director, 812 29th Avenue, Tuscaloosa, Alabama 35401.

¹⁰ International Self-Help Housing Associates, Clay L. Cochran, Director, 1346 Conn. Ave. N.W., Washington, D.C. 20006.

¹¹ "The People Left Behind", A Report by the President's National Advisory Commission on Rural Poverty, U.S. Government Printing Office, Washington, D.C., September, 1967.

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10. That a unit of the agency administering rural housing administer a
comprehensive housing program for Indian Americans, and that
sufficient funds be appropriated to bring the housing for them to a
par with that for other Americans as soon as possible.¹²

The pending Housing and Urban Development Act of 1968 (S. 3209) an
administration bill introduced by Senator Sparkman, would authorize the
Secretary of Agriculture to reduce the interest rates for low and moderate
income families so they can borrow under existing rural housing loan pro-
grams and broaden the eligibility for credit under the rural housing loan
program, and make low-income non-rural residents who have jobs in rural
areas eligible for housing loans. The President also has directed the Secre-
tary of Housing and Urban Development to insure that the rent supplement
program has maximum impact in rural as well as urban areas.

¹² Congress recently has enacted Fair Housing Legislation: Civil Rights Act of 1968, title VIII,
P.L. 90-284, April 11, 1968.

TABLE 1.—Occupancy of Alabama Sound Housing
With All Plumbing Facilities*
1950¹

Area	Total number of units	Percent of units with all plumbing facilities	Number of nonwhite units	Percent of nonwhite units with all plumbing facilities
State.....	843,857	30.7	230,306	6.7
Urban.....	388,723	51.0	118,342	11.6
Rural nonfarm.....	225,910	20.2	50,616	2.8
Rural farm.....	229,224	6.7	61,348	.6

1960²

Area	Total number of units	Percent of units with all plumbing facilities	Percent increase 1950-60	Number of nonwhite units	Percent of nonwhite units with all plumbing facilities	Percent increase 1950-60
State.....	967,466	53.5	22.8	228,408	21.2	14.5
Urban.....	546,244	67.6	16.6	140,518	31.3	19.7
Rural nonfarm.....	323,293	37.1	16.9	64,900	5.9	8.1
Rural farm.....	97,929	29.1	22.4	22,990	2.8	2.2

¹ Bureau of the Census, *1950 Census of Housing*, 1950 Census of Housing, vol. I, pt. 2, p. 2-7.

² Bureau of the Census, *1960 Census of Housing*, vol. I, pt. 2, pp. 2-5 and 2-12.

*Note: A unit with all plumbing facilities is equipped with piped hot and cold water, inside flush toilet, and a bathtub for the exclusive use of the occupant.

Number of nonwhite units	Percent of nonwhite units with all plumbing facilities
230,306	6.7
118,342	11.6
50,616	2.8
61,348	.8

Number of nonwhite units	Percent of nonwhite units with all plumbing facilities	Percent increase 1950-60
228,408	21.2	14.5
140,518	31.8	19.7
64,900	5.9	8.1
22,990	2.8	2.2

Census of Housing, vol. 1, pt. 2, p. 2-7, pt. 2, pp. 2-5 and 2-12, with piped hot and cold water, inside ant.

TABLE 2.—Comparison of Negro Housing Conditions in Alabama With Conditions Generally Prevailing in the State

Area	Total number of occupied units		Percentage overcrowded ¹		Percentage owner occupied		Median dollar value of owner occupied units	
	All	Nonwhite	All	Nonwhite	All	Nonwhite	All	Nonwhite
The State.....	884,116	228,408	19.4	38.0	59.7	42.3	8,600	(2)
Urban.....	509,466	140,518	15.9	33.7	58.2	43.4	9,900	5,400
Rural.....	374,650	87,890	24.1	44.9	61.8	40.7	5,600	(2)
Nonfarm.....	276,721	64,900	23.8	42.9	59.2	41.1	5,600	(2)
Occupied farm.....	97,929	22,990	25.1	50.9	69.1	39.5	(3)	(3)

¹ Units with 1.01 or more persons per room are considered overcrowded. The kitchen is counted as a room but the bathroom is not.
² Median is below \$5,000.

³ Base is less than 200.
 Source: Bureau of the Census, 1960 Census of Housing, vol. 1, pt. 2, pp. 2-5 and 2-12.

DEFINITIONS OF TERMS IN TABLE 3

Sound Housing

Housing "which has no defects, or only slight defects which normally are corrected during the course of normal maintenance. Examples of slight defects are: Lack of paint; slight damage to porch or steps; slight wearing away of mortar between bricks or other masonry; small cracks in walls, plaster or chimney; cracked windows; slight wear on floors, doorsills, door-frames, window sills, or window frames; and broken-down spouts or gutters."

Deteriorating Housing

Housing which "needs more repair than would be provided in the course of regular maintenance. Such housing has one or more defects of an intermediate nature that must be corrected if the unit is to continue to provide safe and adequate shelter. Examples of intermediate defects are: Holes, open cracks, rotted, loose, or missing material over a small area of the foundation, walls, roof, floors, or ceilings; shaky or unsafe porch, steps, or railings; several broken or missing window panes; some rotted or loose window frames or sashes that are no longer rainproof or windproof; broken or loose stair treads, or broken, loose, or missing risers, balusters, or railings of inside or outside stairs; deep wear on doorsills, door frames, outside or inside steps or floors; missing bricks or cracks in the chimney which are not serious enough to be a fire hazard; and makeshift chimney such as a stovepipe or other uninsulated pipe leading directly from the stove to the outside through a hole in the roof, wall, or window. Such defects are signs of neglect which lead to serious structural deterioration or damage if not corrected."

Dilapidated Housing

Housing that "does not provide safe and adequate shelter and in its present condition endangers the health, safety or well-being of the occupants. Such housing has one or more critical defects; or has a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding; or is of inadequate original construction. The defects are either so critical or so widespread that the structure should be extensively repaired, rebuilt, or torn down."

Critical Defects

Defects which are the result of "continued neglect or lack of repair, or indicate serious damage to the structure. Examples of critical defects are: Holes, open cracks, or rotted, loose, or missing material (clapboard siding, shingles, bricks, concrete, tile, plaster, or floorboards) over a large area of the foundation, outside walls, roof, chimney, or inside walls, floors or ceilings; substantial sagging of floors walls, or roof; and extensive damage by storm, fire, or flood." To be classified as dilapidated on the basis of intermediate defects, a housing unit must have "such defects in sufficient number or extent that it no longer provides safe and adequate shelter. No set number of intermediate defects is required."

Inadequate Original Construction

Inadequate original construction includes: "shacks, huts, or tents; structures with makeshift walls or roofs, or built of packing boxes, scrap lumber or tin; structures lacking foundations (walls rest directly on ground); structures with dirt floors; and cellars, sheds, barns, garages, or other places not originally intended for living quarters and inadequately converted to such use."

Source: 1960 *Census of Housing*. U.S. Summary, p. LXIII.

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d neglect or lack of repair, or amples of critical defects are: ng material (clapboard siding, orboards) over a large area of or inside walls, floors or ceil- roof; and extensive damage by apidated on the basis of inter- such defects in sufficient num- e and adequate shelter. No set

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TABLE 3.—Comparison of Negro and White Housing Conditions in Selected Cities Within Hearing Area

Location	City	County	Total	Number of units		Percent sound housing		Percent deteriorating housing		Percent dilapidated housing	
				White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
Prattville		Autauga	1,912	1,504	408	72.2	24.3	24.5	45.6	3.3	30.1
Eufaula		Barbour	2,607	1,657	950	73.3	26.3	18.6	35.7	8.1	38.0
Union Springs		Bullock	1,227	555	672	78.6	56.5	21.6	30.7	0	12.8
Greenville		Butler	2,134	1,433	701	62.2	29.5	35.2	33.7	2.6	36.8
Jackson		Clarke	1,447	988	459	82.9	19.2	10.3	35.2	5.8	45.7
Eutaw		Greene	898	437	466	62.2	89.0	32.7	22.8	6.0	38.2
Greensboro		Hale	898	480	418	77.5	44.0	19.4	22.7	3.1	33.3
Demopolis		Marengo	2,247	1,234	1,013	71.5	44.7	23.2	41.2	5.3	13.1
Monroeville		Monroe	1,138	870	268	85.1	52.2	10.5	33.6	4.5	14.2
Marion		Perry	1,053	562	491	75.3	29.7	16.2	39.5	8.5	30.8
York		Sumter	878	464	414	82.5	25.6	7.3	29.0	9.7	45.4
Total			16,434	10,194	6,240	73.7	35.8	21.0	34.6	5.2	29.6
Average				927	567						

Source: Bureau of the Census, 1960 Census of Housing, vol. 1, pt. 2, pp. 2-51 to 2-55. Bureau of the Census, 1960 Census of Housing—Alabama, States and Small Areas, pp. 2-102 to 2-106. (Figures may not total precisely. See *id.*, p. XVIII, vol. 1, pt. 2, for explanation.)

EXPLANATORY NOTES—TABLES 4 AND 5

Type of Contract (Column 1)

The entry "CC" after the name of the housing authority indicates that all of its projects are operated under a consolidated annual contributions contract. The entry "ACC" means that all of its projects are operated under a single annual contributions contract and not a consolidated contract.

*Assigned Number of Housing Project (Column 3)**Program (Column 4)*

HA-49—Projects initiated under the Housing Act of 1949.

Active Housing Units, Total (Column 5)

Total number of housing units currently in the project.

Preconstruction (Column 6)

Number of units under annual contributions contract, but on which construction or rehabilitation have not yet started.

Construction (Column 7)

Number of housing units for which a notice to proceed is effective, but construction or rehabilitation are not yet completed.

Under Management (Column 8)

Total number of completed units accepted for potential dwelling use, and not officially removed from the program.

Race (Column 9)

This item shows actual occupancy, not necessarily the occupancy pattern intended by the local authority. Racial occupancy patterns in the project are designated as follows:

- 0 Integrated (white and more than one nonwhite, including at least one Negro family)
- 2 Segregated within project by site
- 5 All nonwhite
- 6 All-white (with or without Latin Americans)

*End of Initial Operating Period (Column 10)**Fiscal Years Ends (Column 11)*

The fiscal year end is shown for the housing authority and applies to all of its contracts unless otherwise indicated. Designations for fiscal year end are: M—March 31, J—June 30, S—September 30, D—December 31.

Source: Department of Housing and Urban Development, Housing Assistance Administration, Statistics Branch, December 31, 1966.

Note: Data in this directory are based on documentation available to the Statistics Branch through January 9, 1967.

TABLE 4.—Housing and Urban Development Low-Rent Project Directory—Dec. 31, 1966

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TABLE 4.—Housing and Urban Development Low-Rent Project Directory—Dec. 31, 1966

Local authority or manager	Location and project name	Project No.	Program	Total	Active housing units under development			Race	End initial operating period	End of fiscal year
					Pre-construction	Construction	Under management			
Clayton—Town of-----	Downs Manor and Westfield Cts.	158-1	HA 49	40	---	---	40	2	9-64	D
Demopolis—HA City of—CC--	Whitfield Homes-----	109-1	HA 49	26	---	---	26	6	12-58	D
	Allen Gaston Lane-----	109-2	HA 49	74	---	---	74	5	3-59	
	N. C. Floyd—N. B. Fields Homes.	109-3	HA 49	20	---	---	20	6	3-64	
	Ruby G. Michael Homes-----	109-4	HA 49	60	---	---	60	5	3-64	
Eufala—HA City of CC-----	Western Hgts. Cts-----	118-1	HA 49	52	---	---	52	6	9-57	D
	Chatahoochee Cts-----	118-2	HA 49	98	---	---	98	5	3-58	
	Unnamed-----	118-3	HA 49	58	---	---	58	---	3-66	
	Unnamed-----	118-4	HA 49	66	66	---	---	---	---	
Eutaw—HA City of-----	Western Hgts. Carver Homes.	146-1	HA 49	50	---	---	50	2	9-62	S
Georgiana—HA City of—CC--	Pinehurst Apts-----	94-1	HA 49	38	---	---	38	6	9-54	M
	Springfield Apt-----	94-2	HA 49	20	---	---	20	5	9-54	
	Unnamed-----	94-3	HA 49	42	---	---	42	2	9-65	
Greensboro—HA City of-----	Hobson Street Court-----	157-1	HA 49	50	---	---	50	2	3-63	D
Grenville—HA City of—ACC--	Northridge Apts-----	155-1	HA 49	90	---	---	90	6	3-63	S
	Southside Apts-----	155-2	HA 49	50	---	---	50	5	12-62	
Linden—HA City of-----	Linden Homes-----	120-1	HA 49	50	---	---	50	2	9-58	J
Marion—HA of—CC-----	Cahaba Heights Homes-----	161-1	HA 49	22	---	---	22	6	12-65	M
	Lincoln Heights Homes-----	161-2	HA 49	38	---	---	38	5	9-65	
Monroeville—HA City of-----	Unnamed-----	173-1	HA 49	100	100	---	---	---	---	---
Prattville—HA City of—ACC--	Pratt Court-----	181-1	HA 49	42	---	---	42	6	3-61	J
	Highland Court-----	181-2	HA 49	34	---	---	34	5	3-61	

TABLE 4.—Continued

Local authority or manager	Location and project name	Project No.	Program	Total	Active housing units under develop- ment			Race	End initial oper- ating period	5nd of fiscal year
					Pre- con- struc- tion	Con- struc- tion	Under manage- ment			
Selma—HA—CC	G. Wash. Carver Homes	8-2	HA 49	216	---	---	216	5	12-52	D
	Valley Creek Homes	8-3	HA 49	84	---	---	84	6	12-52	
Tuskegee—HA City of CC	Unnamed	160-1	HA 49	50	---	---	50	6	8-65	S
	Unnamed	160-2	HA 49	100	---	---	100	5	8-65	
Union Springs—HA City of ACC.	Cherry Laurel	70-1	HA 49	14	---	---	14	6	12-53	M
	Mimosa Hill	70-2	HA 49	36	---	---	36	5	6-54	
	Unnamed	70-3	HA 49	40	40	---	---	---	---	
Uniontown—HA	Unnamed	171-1	HA 49	50	50	---	---	---	---	
York—Town of	Cochran Village	116-1	HA 49	26	---	---	26	2	---	
Total				1,786	256	---	1,480			

Union Springs—HA City of ACC.	Cherry Laurel.....	70-1	HA 49	14	---	---	14	6	12-53	M
	Mimosa Hill.....	70-2	HA 49	36	---	---	36	5	6-54	
	Unnamed.....	70-3	HA 49	40	40	---	---	---	---	
Uniontown—HA.....	Unnamed.....	171-1	HA 49	50	50	---	---	---	---	
York—Town of.....	Cochran Village.....	116-1	HA 49	26	---	---	26	2	---	
Total.....				1,736	256	---	1,480			

TABLE 5.—Low Rent Housing for Senior Citizens Provided Under the Housing Act of 1956 as of Dec. 31, 1966

Local authority or manager	Location and project name	Project No.	Program	Total	Active housing unit under development		Under management
					Pre-construction	Construction	
Demopolis—HA City of CC N. C. Floyd.	N. B. Field Homes.....	109-3	HA 49	6	---	---	6
Eufala—HA City of CC....	Unnamed.....	118-3	HA 49	14	---	---	14
	Unnamed.....	118-4	HA 49	10	10	---	---
Georgiana—HA City of—CC.	Unnamed.....	94-3	HA 49	10	---	---	10
Marion—HA City of—CC.	Cahaba Heights Homes...	161-1	HA 49	6	---	---	6
	Lincoln Heights Homes...	161-2	HA 49	6	---	---	6
Monroeville—HA City of...	Unnamed.....	173-1	HA 49	30	30	---	---
Tuskegee—HA City of....	Unnamed.....	160-1	HA 49	12	---	---	12
	Unnamed.....	160-2	HA 49	8	---	---	8
Union Springs—HA City of ACC.	Unnamed.....	70-3	HA 49	20	20	---	---
Uniontown—HA Town of.	Unnamed.....	171-1	HA 49	14	14	---	---
Totals.....				186	74	---	62

Exhibit No. 5

PROGRESS AND POVERTY: THE PEOPLE LEFT BEHIND*

by James T. Bonnen Michigan State University

Americans cannot escape the knowledge that central city ghettos and great urban poverty exist. But until fairly recently there has been little consciousness of, and even less action on, the more than 40 percent of all the poor who live in small rural communities, in open countryside, and on farms far from the megalopolis.

The President's National Advisory Commission on Rural Poverty was created, in part, because of this void. The Commission report, "The People Left Behind" was released in late 1967. It has contributed to a rising consciousness of the existence of rural poverty and its role as the seed bed of much urban poverty.

The Commission was comprised of 25 people from many walks of life. Since it was created by executive order alone, it contained no congressmen or senators nor any members of a Federal government agency. The Commission was chaired by Governor Edward T. Breathitt of Kentucky who was, with one exception, the only active professional politician on the Commission. This was an exceedingly diverse strong-minded group of lay people whose report, remarkably, was unanimous.¹

The Commission began its one year of life by holding three sets of hearings across the country, the first in Tucson, the next in Memphis, and another in Washington, D.C. Testimony was heard from the poor, those who worked most directly with the poor in various private, state, and Federal programs, the clergy, communications, labor, business, agriculture, and many individuals and organizations from local communities who had knowledge of the problems of the rural poor.

How do you explain poverty in an affluent society? Let me say it straight out. That more than 30 million Americans are poor is not massive evidence of personal failure or fault. Rather it is evidence of a failure in society, a fault of our social system, for which you and I are as much if not more responsible than are the poor. For me this has been knowledge hard earned. It probably is for most, since it cuts across the grain of our society's older agrarian values.

Leland Hazzard, former Vice President and presently a Director of the Pittsburgh Plate Glass Company, puts it succinctly in the current issue of the *Harvard Business Review*. He says, "There is a defect in our system . . . (and) we cannot ignore its consequences—the poor." He goes on to argue that, "Business must put up its leadership and skills to help the poor—or shut up while government fumbles."²

I agree. And, not just business, but the university, the church, the professions, all the institutions and individuals of this society. We all have a major stake in resolving this social affliction—this cancer of the body politic.

Let me address myself here to four matters: (1) who are the poor?, (2) the nature of poverty, (3) the changing structure of our society, and (4) I shall comment briefly on the Rural Poverty Commission's recommendations.

WHO ARE THE POOR?

Of the 34 million Americans who were classified by the Office of Economic Opportunity as poor in 1965, slightly over 40 percent or 14 million were rural residents. Of that 14 million, 10 million did not live on farms. And, due to occupational change and migration, the 4 million on farms is a rapidly declining group.³

Thus, rural poverty is not a farm problem. We have been exporting farm

*Prepared for presentation at the Minneapolis Farm Forum in Minneapolis, Minnesota on March 6, 1968.

¹ One member, a lawyer, did join a federal regulatory body during the Commission's life. There was no minority report and only a few memorandum of reservation.

² Leland Hazzard, "Business Must Put Up," *Harvard Business Review*, January-February 1968, pp. 2-6.

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PEOPLE LEFT BEHIND*

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POOR?

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poverty for decades and have reached the point that only a little over 10 percent of all poverty can be found on the farm. Obviously then, farm programs are not meaningful tools with which to combat rural poverty. In fact, they have little relevance even for the farm poor, for farm programs are designed so that most of the benefits go not to hired laborers and the smaller farmers, but to the largest producers—who can hardly be classed as poor. We must end the political hypocrisy and self-delusion of claiming otherwise.

TABLE 1.—The Poor, March 1965*

	Number of poor (millions)	Percent distribution of poor	Percent of population that is poor
Total.....	33.7	100	17.7
Rural.....	13.8	40.9	25.0
Farm.....	3.9	11.6	29.3
Nonfarm.....	9.9	29.4	23.6
Urban**.....	19.9	59.1	14.8
Metro.....	13.5	40.1	12.6
Suburbs.....	3.3	9.8	6.7
Central cities.....	10.2	30.3	17.4
Small cities***.....	6.4	19.0	23.6

*The People Left Behind, Report of the President's National Advisory Commission on Rural Poverty, p. 3.

**Places of 2,500 persons or larger.

***Places of from 2,500 to 50,000 persons.

Three fourths of all the urban poor live in the central cities of large metropolitan areas. Ten million poor, 30 percent of all the poor, live in central cities. Thus, 60 percent of all the poor in the U.S. are found in two large residence groups, the 10 million in central cities and the nearly 10 million in rural nonfarm areas.

The incidence of poverty, i.e., the percent of the population that is poor is greatest in the rural population. This is followed very closely by the incidence of poverty, not in the central cities as one might expect, but in the smaller cities of less than metropolitan size (2,500 to 50,000 people).

Among families the highest incidence of poverty, rural and urban, is found in those households headed by nonwhites, by females, and by the aged. In 1966, 70 percent of all the families headed by nonwhite females over 65 were poor. Thirty-eight percent of all nonwhite families were poor, 15 percent of all white households.

However, over 80 percent of all poor families in the U.S. in 1966 were white. Despite the intensity of the problems of poverty among Negroes, the vast majority of the poor are white. There are many ethnic and minority groups with great poverty problems, not only the Negro, but the Mexican-American, Puerto Rican, the Appalachian hillbilly, and the American Indian and many smaller groups. No more intense poverty, no greater public shame can be found than in the condition of the American Indian. Nevertheless, the largest part of the poor cannot be identified with any ethnic or minority groups—they are white Americans and like the others, they are poor.

Thus, what can we say about who the poor are? Despite popular misconceptions,

- (1) The poor are not just Negro, they are, in fact mostly, Caucasians—and are ethnically as diverse as is America itself.
- (2) The poor are to be found not only in central city ghettos. There exists a rural poverty of greater intensity and of greater numbers.
- (3) Rural poverty is not a farm problem.

THE NATURE OF POVERTY

Pat Moynihan keeps complaining that he cannot seem to get across to people that "poverty is not having enough money." But this immediately suggests the question, "enough money for what?" Already in this question

we are speaking of poverty as relative. There is some implied minimum standard of comparison.

Many of today's poor live at higher levels of material welfare than did many of our grandfathers and great grandfathers. Despite the use of this fact to becloud the issues, this is not the relevant comparison, for we no longer live in grandfather's society with its vastly lower levels of material well-being, its agrarian economic and social organization and values. The relevant comparison and standard must be found—by each generation—within its own time, social organization, and values.

The poor are not just people without money. There is more to it than that. Poverty has not only a material, but a psychic, basis. When everyone is and has been poor, there is no sense of deprivation or failure. When some prosper and develop their human capacities while others do not, a great psychic malaise sets in.

In the 19th century and earlier the poor frequently lived in great cultural and social isolation from the broader society. In the 20th century, the interpenetration and shrinkage of social space begun by radio and newer forms of transportation has been completed by TV. The television particularly presents to the deepest denizen of any ghetto, urban or rural, a window into the world. It puts on display all of the material tinsel of the American middle class way of life. It changes the poor's view of the world and of their role in that world. It whets their appetite for the artifacts of the good life while simultaneously confronting them with the deprivation of their own way of life.

When a consciousness of deprivation prevails for years in the same community, individual self-confidence and ego collapse and an expectation of failure, a self-hatred and general hopelessness become endemic. Add racial discrimination and repeat-levels of individual and community bitterness, frustration, and desperation. Violence is an irrational but logical release.

When physical and psychic deprivation both prevail for decades there often results a "culture of poverty"—the intergenerational transfer of hopelessness and expectation of failure. This is a distinct culture with self-fulfilling expectations and behavior. It was described vividly by the Reverend A. J. McKnight in testifying before the President's Rural Poverty Commission in Memphis. Father McKnight said:

"Many of these underdeveloped people have developed a culture of poverty. They have been crushed psychologically and brainwashed by the system now trying to help them. Not only are they helpless, apathetic, and listless, but their ambitions have been stifled, their spirit killed, and their whole personality suffused with despair, emptiness, and hostility, and to repeat, I guess, something that you have heard already, the hard core poor are not just middle class people without money.

There is a cultural chasm between the middle class and the lower class. The poor think differently; they have a different sense of values. Just to mention a few examples: take the concept of education. To the middle class, it stands for the road to better things for one's children, and one's self. To the poor it is an obstacle course to be surmounted until the children can go to work. The concept of 'society' to the middle class stands for the pattern one conforms to in the interest of security and being popular. To the poor it is 'the man,' an enemy to be resisted and suspected. The concept 'future' to the middle class means a rosy horizon. To the poor it is nonexistent; there is no such thing as a future. The concept 'money' to the middle class means a resource to be cautiously spent and saved for future. To the poor it is something to be used now before it disappears.

The poor tend to be fatalistic and pessimistic because for them there is no future. Everything is today. They do not postpone satisfaction. When pleasure is available, they tend to take it immediately. They do not save, because for them there is no tomorrow.

The smug theorist of the middle class would probably deplore this as showing a lack of traditional American virtues. Actually, it is the logical and natural reaction of a people living without hope, without a future."

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There is some implied minimum of material welfare than did others. Despite the use of this relevant comparison, for we no longer have the same material organization and values. The standard—by each generation—has fallen.

There is more to it than a psychic basis. When everyone is deprived or fails, when some cities while others do not, a

we have frequently lived in great cultural isolation. In the 20th century, the isolation has begun by radio and newer by TV. The television particularly ghetto, urban or rural, a window into the material tinsel of the world from the poor's view of the world has created an appetite for the artifacts of the middle class with the deprivation of

for years in the same collapse and an expectation of a cure; become endemic. Add racial isolation and community bitterness, a rational but logical release.

With the prevalence for decades there is a generational transfer of hope—a distinct culture with self-described vividly by the Reverend Martin Luther King's Rural Poverty Com-

They have developed a culture of materialism and brainwashing by which only are they helpless, apathetic, have been stifled, their spirit crushed with despair, emptiness, and nothing that you have heard of in the middle class people without

the middle class and the lower class have a different sense of values. The concept of education. To the middle class the better things for one's children, the middle class course to be surmounted is the concept of 'society' to the middle class is in the interest of the individual; it is 'the man,' an enemy to be overcome; to the middle class means a resource; there is no such thing as a free lunch; the middle class means a resource to be used. To the poor it is something

is not realistic because for them there do not postpone satisfaction. They do not make it immediately. They do not have a narrow.

They would probably deplore this as a waste of money. Actually, it is the logic of the system without hope, without a

Rural or urban, the culture of poverty is a cancer in the body politic, a drag on the economy, and a source of social disorder. It has been feeding its poisons from rural into urban life through the migration of a million people a year over the last 25 years.⁴ This is the largest voluntary migration in history and a very substantial part of these people are poor.

The reason for an immense migration of rural poor is easily seen. As bad as life in the central city ghetto is, it is still more attractive, holds more opportunities for the poor than does rural life. The poor tell you so, themselves. The more you are able to solve urban ghetto problems, the more attractive the urban environment becomes and the greater is the pull exerted on the rural poor to migrate. Thus, rural and urban poverty are not two problems but only one. They are linked indissolubly by a massive migration stream. They must be solved as one problem.

To date we have as a nation done very little about rural poverty. The time has come to face the fact that we must act on the poverty in rural life or we shall likely never even solve the problem of poverty in urban life.

We must, in fact, act as a nation, not just city by city or state by state. The experience of Detroit is instructive. After the tragic riots of last July a prestigious New Detroit Committee of influential citizens was formed to help rebuild Detroit and to create jobs for the hard core poor. These gentlemen have worked hard with local business. About 55,000 new jobs have been created since last August, half of which went to Negroes. At least 15,000 went to hard core poor. Yet unemployment has risen from 30,000 to 31,000. Their efforts have been swamped by an influx of jobless from surrounding cities and states. Detroit cannot solve the nation's unemployment problem alone. We must act as a nation, the action must be massive, not token, and we must act now.

CHANGING STRUCTURE OF RURAL COMMUNITY

Why do we have so much poverty in rural life? Partly it is racial discrimination—against Negroes, Mexican-Americans, Indians, and other ethnic groups. These destructive prejudices are endemic in rural life. Partly it lies in two other things: the changing scale and nature of community in a modern industrial society, and the massive technological change in the industries that historically have supported traditional rural culture.

Professor Karl Fox of Iowa State argues that the minimum efficient size of community has increased by a factor of 100 since the early 1900's.⁵ This is the result mostly of a revolution in the technologies of communication and transportation upon which organization depends. The supreme characteristic of industrialization and technological change is an intense specialization of organization, function, and decision making. The many functional areas of community decision making that were once well knit together in every community have now been pulled apart into highly-specialized, vertically-organized, national decision-making systems for highways, housing, education, health, welfare, and so on. Decisions about highways are made without thought for effects on educational systems or housing. Only highway problems are considered—all other problems belong to someone else. Worse yet no longer can decisions about the financing, design, and location of roads for a community be made entirely within the community. Rather many decisions are made in state organizations and indeed in the federal agency which now channels vast funds into national road building. The same is true in varying degrees of all areas of community decision. The local community has, as a result, ceased to be the center in its own house of those decisions that determine its future. The locus of decision has, in good part, moved from the local community to higher aggregates of society. As a result of specialization, communities, both urban and rural, have been pulled to pieces in this society making the process of community problem solving intensely difficult and often impossible.

Simultaneously, the economic base of rural life has been totally transformed by massive technological change in its characteristic industries. Traditional rural cultures have been supported almost exclusively by agriculture,

⁴ The annual rate is well below a million today and slowly declining.

⁵ Karl A. Fox, "Change and Interest Adjustments: A Metamorphosis of Rural America."

forestry, and mining. In all of these industries since World War I, technological change while increasing productivity has destroyed rural employment potential to the extent that there has been an absolute decline in employment in all three industries. New jobs were created but for different skills and usually in urban communities. This would have resulted in problems enough even if the rural population had remained at turn of the century levels. However, the high birth rate of the rural population has led to a continued natural increase in population, many of which must migrate or live without a real means of livelihood outside of the economy and really outside of society.

Thus, even the sleepy, technologically backward little Mexican-American towns on the southern U.S. border, the bucolic communities of the northern lake states and the near 18th century culture of Appalachia have suddenly been disrupted. Even those who desire to go on in the life styles of their traditional culture, who have no ambition for a "better life" find this is no longer feasible. Migration and intense social misery have been the consequence in these traditional cultures.

This, however, is not the end of the difficulty for rural community life. Those who have successfully adjusted to higher levels of productivity and new forms of employment now often commute to urban environments or are involved with urban institutions. This is true even of the successful commercial farmer. The materially successful of rural life now own most of the artifacts of middle class American life and have acquired an urban life style. As a consequence they desire the same goods and services as urban people. Thus, there has been a great increase in expectations among rural people who have the material well-being necessary to urban life styles. They expect a more varied and higher quality performance of the public and private institutions of rural life.

With their generally inadequate financial and organizational base, local rural communities usually fail to satisfy these needs in education, health, welfare, housing, and so on. By any reasonable standard, the institutions of rural life are inferior to those of urban life. It is directly evident in the lower quality of rural health, educational achievement, housing, and cultural attainment. Local rural government has not the resources or organization to satisfy the public needs of the economically successful who exercise the political power of rural life. It is not so surprising then that it does almost nothing for the rural poor.

The rural poor, even more clearly than the urban poor, are the castoffs of society. In the process of transforming our society, in creating our economic growth, the poor, the uneducated, the ill, the handicapped, the low skilled and unemployable of society are "cast into outer darkness"—extruded from the society and the economy as so much waste material. These are the people who have been left behind in the great progress of American life. What has happened to these human beings constitutes a major unrecognized cost of this "progress." We must change the rules of our social system so that we do not make progress at the expense of the misery of millions of Americans.

REPORT OF THE COMMISSION ON RURAL POVERTY

Whenever you suggest action to alleviate rural poverty, certain questions are invariably raised.

"Why do we have any public responsibility when the problems these people have are all their own fault, anyway?" I believe I have already met this argument, but let me add a comment. If I may quote Leland Hazzard again, "There is a lingering puritanism in America which still whispers that poverty, even disease, distress, disorientation, and maladjustment to the social norms—that all these are the fault of those who suffer the malady." The early Calvinist would argue that they were just the outward signs of a lack of inner grace. How utterly fatuous in a modern industrial society with its specialized and complex social organization! The social consequence of the Neanderthal puritan attitude used to be only individual human misery. Today, the consequence is rising protest, disorder, and a major unsolved social problem. But this unconstructive attitude is endemic and has unfortunate consequences for public policy.

A related matter is the fact that years ago poverty was scattered over the landscape. It was easy to ignore for there were few concentrations. Today,

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in urban America, the poor are concentrated and, in many cases, organized and vocal—not organized as the poor, but organized in various forms to reflect and protest their intense ghetto problems. The 14 million rural poor are still scattered, unorganized, and generally not vocal. Particularly, the low income white that constitutes the majority of the rural as well as urban poor, are unorganized and lacking a public voice. The pragmatic American political system of greasing only the squeaking wheel has unfortunate consequences today. It is putting out a message that says, "organize, protest, resort to violence if you wish to effect the public policy." This is, indeed, a tragic message.

Those who suggest that we refuse to reward violence by doing nothing about the cause are responding as foolishly as those who resort to violence. They are equally fools. We must act to solve these problems immediately, and we must do it for all who share this affliction.

One is also asked, "Do something about rural poverty? Don't we have farm programs for that?" As I have already indicated, the rural poor are not primarily farmers. Besides farm program benefits go to the affluent, not the poor. Farm programs are a relic from an older era and have absolutely no relevance for the problems of poverty.

One also hears, often from eminent people, the suggestion that we move people back to the land. But poverty and related social problems simply cannot wait for a decentralization of American industry. The other form of this suggestion is to let them live in a subsistence agriculture. What a cruel social hoax! Many of these people have just escaped from such an environment. If you will talk to the poor, you will learn that they do not want land. They want respect as individual human beings. They want justice. They want economic opportunity. They want political power—some control over their future, something they do not now have.

One is also asked, "What about our welfare programs? Aren't they taking care of this situation?" Yes, we have welfare programs, but they are in a tragic condition. They were designed to give the needy a pittance so that society might go about its business as usual. They treat not the problem, but a few superficial symptoms. We would probably be in worse shape without them, but the welfare programs are in tragic condition. For example, the ADC program—aid to dependent children—actually destroys families. A "man in the house rule" frequently prevents any public aid as long as an adult male lives in the house. So the father who cannot find employment is forced to leave his family so that they may eat. The destruction of the Negro family begun by slavery is being completed by welfare program rules. Congress, in its great wisdom a year ago, put a limit on the number of children that they would support in any case, thus adding to this program's capacity for cruelty.

The welfare system destroys all incentive to work. It taxes away from the recipient every dollar she earns as long as she is on welfare. The Commission heard case after case of heroic women trying to hold a home together on welfare who desperately wanted to work in order to retain their own self-respect and to do more for their children. We had one woman testify in Memphis who had given up the welfare program to get MDTA job training. After finishing MDTA, despite all efforts, she could not find a job. She had been trained for a job that did not exist—at least for a Negro. She was repaid for her effort to earn a living by loss of all income for months while she struggled with "red tape" to reestablish her eligibility for welfare again. This woman, like many others, is desperately trying to provide a better life for her children than she had herself. I could give you endless examples from Commission testimony of how very admirable motivations are frustrated by the design of programs, by lack of resources, by the environment, and indeed, by the natural behavior of human beings. For example, this same woman told us:

"My son right now, he is going to school and he can get free lunches, but he don't want them, because he feels that his playmates are going to say that he has to accept free lunches, and I can understand it, but I can't make him, you know. I tell him, 'You get free lunches. Eat them, or don't eat all day.' He won't go in there and get a free lunch because he is thinking about what his little buddies will say. Children are like that . . .".

What do we say to this woman?

The Rural Poverty Commission made many recommendations about the problems of the poor. Let me suggest only the four most important general areas.

(1) We must end racial discrimination. In access to opportunity in this society, in the administration of programs, we must end all discrimination by race and by residence. Racial hatred and discrimination is a malignant disease of white society which the President's Commission on Civil Disorder identifies as the major source of disorders driving this nation into two separate but unequal societies.

(2) We must embark on sound programs of income support and income maintenance, and we must modify the welfare programs. Let me indicate some important parts of this.

- a. We must set national minimum income standards for welfare, thus making aid to dependent children benefits the same in terms of real value in every state in the union. I don't believe that a child in Minnesota is worth four times one in Mississippi.
- b. We must set a tax of no more than 50 percent on the poor. We now tax them 100 percent on their earned income if they are beneficiaries of the welfare program. After all, we only tax the very richest at about a 50 percent rate, why should we tax the poor more?
- c. The earnings of children of families that are on welfare must be exempt.
- d. Though it is probably the most practical approach, this nation is not likely soon to enact any minimum income guarantee. Until this is possible, the Commission recommended a system of low income subsidies for food, health, housing, and clothing—the essentials of life.
- e. The Commission expressed itself strongly that if we are to have a minimum wage, that there must be no exemptions. Minimum wage legislation that exempts some occupations or employment causes the lowest productivity people, the so-called unemployables, to be pushed into uncovered employment areas to their detriment and that of the uncovered industry. The Commission also concluded that with the minimum wage went a public obligation for the government to stand ready to employ at the minimum wage or better all persons who cannot get a job who are willing and able to work.

(3) The third general area in which the Commission made recommendations was that of resource development where a series of recommendations were made which focused on the improvement of the capacity of rural society for resource development—particularly as it touches the poor.

(4) Finally, the Commission concerned itself with planning the use of space for economic activity and the organization of Federal, state, and local government for growth. The Commission concluded that it was an error to isolate depressed areas as development regions when these areas did not contain the resources and capacity for sustained growth. The Commission recommended very strongly that all depressed areas be linked to growth areas in defining development areas for planning national growth. It recommended the delineation of development regions for the entire United States. It suggested that these regions be formed into multi-county area development districts and, that each development district include a viable growth center. Where growth centers did not exist, the U.S. was to concentrate social investment to create such growth points. It also recommended that all state and federal agencies reorganize their regional and district office structure to coincide with the development regions and areas. As things stand now, the organizational confusion of jurisdictions is incredible. If we are ever to revitalize the complementary role of state and local governments as decision units in our federal system, something like this must be done.

These are the highlights of the Commission's recommendations.

The problem we face today in eliminating poverty is quite different from that of the 1930's. Much of the poverty of the Great Depression was due to the business cycle, a massive decline in economic activity that left vast numbers of people unemployed, but who in a healthy economy were quite employable. Today our most pressing problems are structural or hard core poor—people who lack many of the assets for productive employment and for

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a good life. They were there during the 1930's. We never did anything about them. They are here now in larger numbers, and unless we do something fundamental about the environment of the hard core poor, there will be an even larger number in the decades ahead. This problem will not go away. We must face it. And, the sooner we face it, the less it is going to cost us in money and societal scar tissue. Now don't misunderstand me. The total number of poor by practically any definition are still declining with each increase in economic activity. However, what we are faced with increasingly now is the hard core poor who have been there all along and, for whom we have done almost literally nothing. These are the castoffs of society—the people left behind. It is time to act—*now*.

Exhibit No. 6

STAFF REPORT

ALABAMA AGRICULTURE

The 1960 rural population of Alabama was slightly less than 1.5 million persons—approximately 46 percent of the State's total population. Of the State's rural population, 422,000 or approximately 29 percent were Negro and of the rural Negro population, 295,000 or 70 percent live off farms and 127,000 or 30 percent live on farms. The Negro rural farm population is proportionately larger than for whites whose farm population is only 27 percent of the total rural white population.

Poverty is disproportionate among Alabama's rural population. Although the State's population is less than 46 percent rural, nearly 54 percent of all persons living in rural areas are poor.¹ Proportionately, more Negroes than whites are poor. Although Negroes constitute less than 29 percent of the State's rural population, they account for over 45 percent of the rural poor. Nearly 360,000 of the 422,000 rural Negroes—some 85 percent—are in poverty. The proportion is approximately the same for rural farm and nonfarm Negroes.

Although industrial development has permitted a diversification of the State's economy, agriculture has been and remains today one of the keystones of that economy. Until the late 1930s Alabama's economy was considered primarily agricultural. Agriculture in Alabama today, however, is in the midst of changing from a way of life to a commercial business operation.

In 1967, the total cash farm income received by Alabama farmers was over \$692 million. Of this total, \$435 million was from livestock and livestock products, \$167 million was from crops, and \$90 million was from government payments.² The 70-30 break in farm income between livestock and livestock products and crops is a reversal in the sources of farm income from the 1930s when farmers derived over 80 percent of the total cash farm receipts from crop production. The trend away from field crops, especially cotton, is

¹ Based upon 1964 criteria of poverty established by the Social Security Administration as applied to the 1960 Census.

² Federal expenditures play an important role in the agricultural economy of Alabama. In Fiscal Year 1967, agencies of the Department of Agriculture expended over \$195 million in gross program outlays in Alabama. Over half of the amount came from the Agricultural Stabilization and Conservation Service and the majority of this was in the form of price support payments:

TABLE 1.—Gross program outlays for Federal agricultural programs in Alabama, by agency, fiscal year 1967

Agency	Amount
Agricultural Research Service.....	2,265,576
Agricultural Stabilization and Conservation Service.....	104,724,558
Consumer and Marketing Service.....	19,385,534
Cooperative State Research Service.....	1,484,389
Economic Research Service.....	2,500
Farmers Home Administration.....	37,214,011
Federal Crop Insurance Corporation.....	1,899,809
Federal Extension Service.....	2,590,752
Forest Service.....	3,173,152
Rural Community Development Service.....	18,422
Rural Electrification Administration.....	18,458,001
Soil Conservation Service.....	3,868,412
Statistical Reporting Service.....	186,900
Total.....	195,272,016

expected to continue with grains, forage crops, and pasturage to support livestock and livestock products gaining in relative importance in the future. The major farm income producers in the State in 1967, in order, were:

TABLE 2.—Source of gross farm income, State of Alabama, 1967³

[In millions of dollars]			
Broilers.....	187.3	Dairying.....	50.7
Cattle, calves.....	121.0	Corn, feed grain, hay.....	42.2
Cotton.....	87.0	Hogs.....	41.4
Eggs.....	81.0	Soybeans.....	30.0
Horticulture (vegetables).....	59.0	Peanuts.....	26.0
Forestry.....	53.0	Other.....	9.2

Cotton, which was once the heart of Alabama's agricultural economy—over 3.5 million acres were planted in cotton in 1930—has become less dominant in the intervening years although it remains the third most important source of farm income. In 1964, only 800,000 acres of cotton were planted in Alabama, a decrease in acreage of some 77 percent from 1930. Although white farmers long ago began to shift their agricultural enterprises away from cotton, Negro farmers still depend on it quite heavily. Seventy-eight percent of the Negro-operated commercial farms were considered cotton farms according to the 1964 Census of Agriculture. Only 32 percent of the white-operated farms were so considered in that year.

Poultry, produced mostly under contract, is the major source of farm income in Alabama today. Some 4,600 broiler and 2,900 commercial egg producers in the State of Alabama combined in an enterprise which in 1967 accounted for 30 percent of the State's farm income. Approximately 87 percent of the broilers and 53 percent of the eggs produced in Alabama are consumed outside the State. Poultry is predominantly a white business. Only 32 of the State's nearly 5,900 commercial poultry farms, less than one percent, are operated by Negroes.

Livestock, other than poultry and dairy, is the second most important farm income producer. While the number of farms selling cattle and/or calves has increased only slightly in the last 25 years, the number of beef cattle has almost tripled in the period, rising from 530,000 head in 1944 to over 1,600,000 head in 1967. But again, cattle and calves are predominantly white enterprises, with less than 4 percent of the Negro operated commercial

³ These are based on preliminary estimates of the Alabama Cooperative Extension Service, *Montgomery Advertiser*, February 25, 1968. Final figures may be slightly lower inasmuch as the preliminary estimates indicated a gross farm income of \$738 million whereas U.S. Department of Agriculture later reported the income as only \$692 million. *Montgomery Advertiser-Journal*, March 31, 1968.

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farms considered livestock farms while nearly 19 percent of the white
operated commercial farms so considered.⁴ Dairying, an enterprise which
contributed an estimated \$50 million to Alabama's 1967 farm income, also is
largely a white business in Alabama. Only 65—less than 5 percent—of the
State's 1,400 commercial dairy farms in 1964, were operated by Negroes.

Soybeans is a crop which has witnessed dramatic increases in production
in just the last few years. While the State had a soybean harvest of only
135,000 acres in 1960, 280,000 acres were harvested in 1966 and over 475,000
acres were harvested in 1967.⁵ This acreage produced 12.8 million bushels of
soybeans in 1967, most of which were exported, and returned approximately
\$30 million to Alabama's 5,000 soybean growers. The Alabama State Extension
Service has estimated that the State has a potential for one million
acres in soybeans in the future. Negroes are not as likely to be soybean
growers as whites because soybeans are grown on larger acreages and their
cultivation is highly mechanized.

Vegetables, especially peas, cucumbers and okra, are crops where Alabama
Negroes have been able to expand their production. This is primarily because
vegetables are high labor crops. In 1967, an estimated 15,000 growers har-
vested about 70,000 acres of vegetables. Gross sales amounted to \$20 million.
Included in this total were 560,000 bushels of cucumbers and four million
pounds of okra. According to the Alabama State Extension Service, cucum-
ber buyers will need approximately one million bushels of cucumbers in 1968
to meet their requirements. A potential gross of \$40 million from vegetable
production is predicted within the next few years, with processed vegetables
having the greatest potential. Right now, fresh vegetables account for the
biggest production of vegetable gross income.

According to the 1964 Census of Agriculture, there were 92,500 farm
operators in the State of Alabama. An official of the State Extension Serv-
ice staff informed Commission interviewers that this number dropped to an
estimated 86,000 in 1967. Of the farm operators in 1964, 21,000, or almost
23 percent, were Negro. The Negro operators are concentrated in the South
Central area of the State (see map, page 744). In all, there are 27 counties
where Negro operators comprise 20 percent or more of all operators. There
are 12 counties in which Negro operators constitute a majority of all
operators.

As in other States, the number of farm operators in Alabama has been
steadily decreasing over the years. This has been especially so for tenants
where, since 1930, there has been an 88 percent reduction. This reduction has
been uniform for both white and Negro tenants. Among owners, however,
the reduction of Negro owners since 1930 has been 32 percent—almost twice
that of white owners, whose decline since 1930 has been only 17 percent.
Negroes comprised almost 18 percent of the owners in the State in 1930 but
comprise less than 15 percent of the owners today.

Most Negroes operate smaller farms than whites. The average size of
Negro-operated farms in 1964 was 56.9 acres. The average size of white-
operated farms was 196 acres.⁶ In 1964, there were 417 white-operated
farms with 500 or more acres in crops in the State of Alabama. There
were only 4 Negro-operated farms in this category in the same year. In
1964, 94 percent of the Negro-operated farms harvesting cropland had less
than 50 acres of crops.

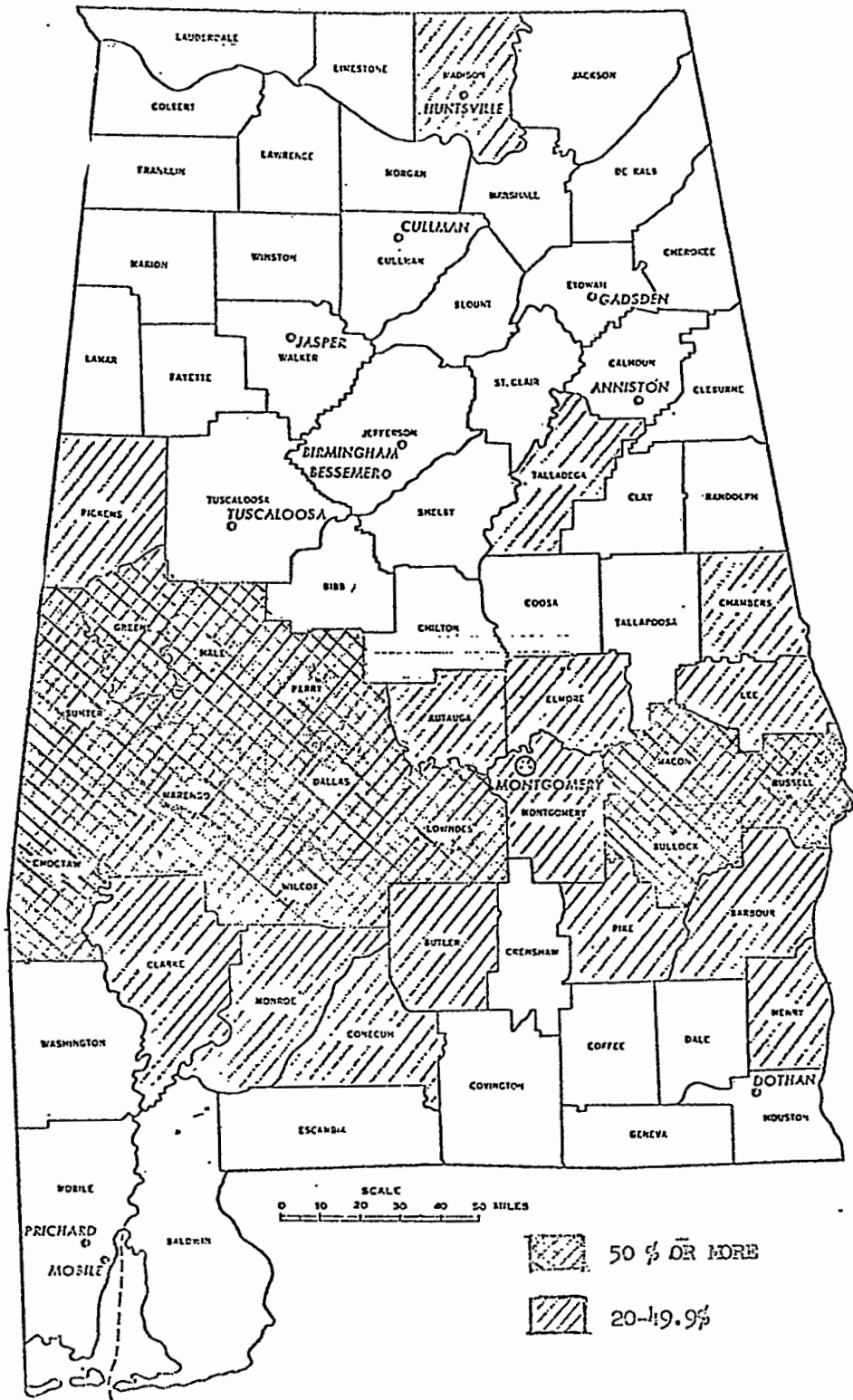
Negro farms are poorer than white farms. In 1964, 81.3 percent of the
Negro-operated farms were valued at less than \$10,000. Only 42.2 percent

⁴ In 1964, only 481 or 6.1 percent of the State's 7,900 commercial livestock farms were operated by Negroes.

⁵ As an example of the magnitude of increased soybean production experienced in some areas, Dallas County produced 5,000 acres of soybeans in 1966, and 15,500 acres in 1967 and estimates 22,000 acres in 1968. Bullock County produced only 100 acres of soybeans in 1966, and 4,300 acres in 1967 and estimates 7,300 acres in 1968.

⁶ White farms are increasing in size but Negro farms are not. In 1954, Negroes operated 11.7 percent of the farm acreage in Alabama. In 1964, they operated only 7.8 percent. In 1954, the average size of Negro-operated farms was 52.7 acres. The average size of white-operated farms was 140.4 acres. In the next ten years, Negro-operated farms grew in size only 8 percent while white-operated farms grew some 40 percent. In the 16 counties including and adjacent to the Black Belt, the average size of Negro-operated farms in 1964 was 53.7 acres but the average size of white-operated farms was 461.5 acres. Ten years before, the average size of Negro-operated farms was 50.7 acres and the average size of white-operated farms was 350.3 acres.

COUNTIES WITH 20% OR MORE NEGRO FARM OPERATORS
STATE OF ALABAMA, 1961



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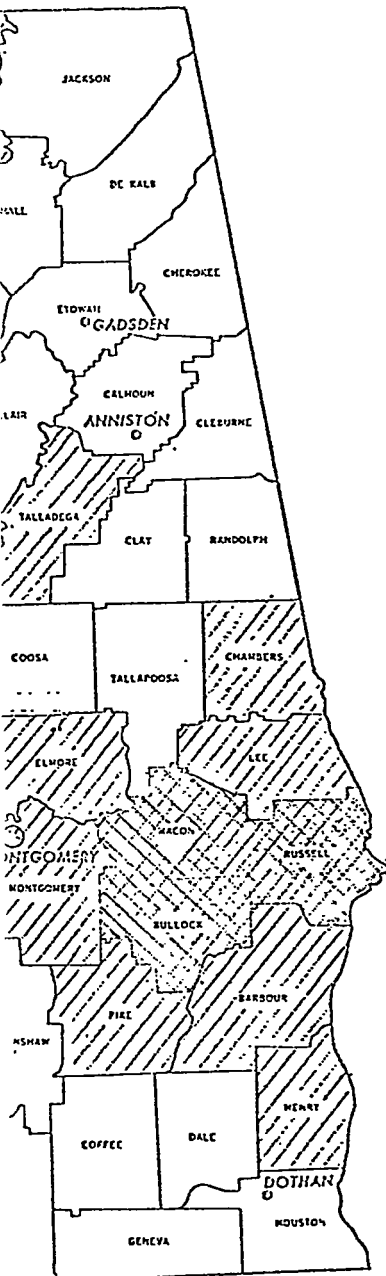
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NEGRO FARM OPERATORS
IN ALABAMA, 1964



of the white farms were in this category. Ninety-eight percent of all Negro commercial farms had farm product sales of less than \$10,000 in 1964.⁷ Seventy-one percent of white commercial farms were in the same category. Of farms with less than \$2,500 in sales of farm products, 72 percent of Negro farms but only 29 percent of white farms were in this category.

It is the small, low-income farmer, whose total is comprised of a disproportionate number of Negroes, who constitutes the major problem group in Alabama. Such farmers are faced with the prospect of having to expand and diversify their operations—an unlikely prospect; finding part time, off-farm employment—something more and more farmers are doing, or leaving the farm altogether—the most likely prospect. Fifty-five percent of the Negro farm operators that were farming in Alabama in 1954, have left the farm. In short, the prospect is that, except for the few Negro farmers who can manage to expand their operations, the Negro has no future in farming in Alabama unless a massive effort is made to assist his farming operations to become viable.

As stated in a 1962 Alabama Agricultural Experiment Station report⁸

If the job facing Alabama agriculture is to be done those who remain in farming must become even larger in size, more specialized, more highly mechanized, and more efficient. This raises important public policy issues. One of the most important is whether future policy programs will make it easier for farm people to choose between continuing in agriculture or accepting employment in other sectors of the economy.

The report goes on to say

If Alabama's commercial agriculture becomes fully adjusted to the technological and scientific possibilities that exist today . . . the total number of farms in Alabama will have to be reduced to less than half the number that exists today.

Alabama State Extension Service specialists interviewed by Commission staff were pessimistic about the future of the small farmer. They stated that, in order to survive, a portion of the small farmers can look to the encouraging experience with cooperatives.⁹ Other small farmers will have to develop new organizations on the order of present day corporate farming or turn to high labor, contract enterprises such as vegetable growing or raising feeder pigs.

Exhibit No. 7

STAFF REPORT

EMPLOYMENT IN AGRICULTURE PROGRAMS

Persons employed in agriculture programs at the State and county level are not always classed as Federal employees. Extension Service workers and ASCS office employees at the county level are not Federal employees. Their salaries are paid, wholly or in part, with funds appropriated by the Federal government, but the Federal government has no direct control over their hiring, promotion, or assignment. Employees of the Farmers Home Administration are Federal employees. They are hired by Civil Service regulations just as any other Federal employee and are answerable to their supervisors in area offices within the States and in Washington, D.C.

Agricultural Stabilization and Conservation Service

Salaries for ASCS county personnel are paid with Federal funds yet such personnel are not Federal employees. They do receive Federal retirement

⁷ The Department of Agriculture has estimated that a farmer in 1959 had to gross \$10,000 in sales of farm products in order to net \$3,000.

⁸ Ben T. Lanham, Jr., *Recent Economic and Social Changes in Alabama Agriculture and Related Data*. Alabama Experiment Station of Auburn University, Auburn, Alabama, November 1962.

⁹ Such a cooperative is the Southwest Alabama Farmers Cooperative Association (SWAFCA), a predominantly Negro cooperative of over 1,500 members, most of whom are small farmers and former tenants, from 10 Southwestern Alabama counties. SWAFCA is primarily a vegetable cooperative, specializing in peas, okra, and cucumbers, and produced over 1.2 million pounds of vegetables in its first year of operation and hopes for over 25 million pounds of vegetables to be produced this year.

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and certain other fringe benefits provided Federal employees. County ASCS office managers are employed by farmer-elected county ASCS committees. Office employees are hired by the county office manager.

The policy on minority group employment in ASCS programs was set forth in a letter from the Administrator of ASCS to the Chairmen of State ASCS committees, which stated in part:

Provide equal employment opportunities in the State and county offices. . . . Full consideration will be given to the previous imbalance of employment which has prevailed. In each State, the goal will be to achieve a minority group employment percentage equal to the percentage of nonwhite farmers in the State.¹

This policy was suspended in November 1966 before the goals could be achieved. The reason given for this action was that the policy allegedly conflicted with Civil Service merit regulations forbidding quotas.

In both 1965 and 1966, there were no Negroes among the 25 professional employees in the Alabama State office; only two of the 16 clerical employees were Negro.

In 26 Alabama counties having 20 percent or more Negro farm operators, the record has been equally as bad: none of the professional employees is Negro and the only Negro regular office employees are those in clerical positions. Some Negroes, however, have been used as temporary employees.

TABLE 1.—ASCs Employment in 26 Alabama County Offices, 1964, Peak Summer Month of 1966, end of 1966, and 1967

	Office				Field			
	Regular		Other ^a		Regular		Other ^a	
	W	N	W	N	W	N	W	N
December 1964.....	126	0	50	0	19	0	213	0
Peak month 1966.....	126	^b 6	56	34	22	0	240	58
December 1966.....	121	^b 6	57	24	22	0	178	40
December 1967.....	130	^b 7	35	24	22	0	88	10

^a "Regular" refers to full time employees with permanent appointments. "Other" refers to either part time employees, employees working more than 90 days but less than one year, or those working for a temporary period as needed. This latter classification includes compliance checkers hired during the summer months to measure crop acreages.

^b The Alabama State Advisory Committee to the U.S. Commission on Civil Rights, at an open meeting held in Selma, Alabama in May 1967, determined that these positions were all clerical and not professional. Subsequent inquiry to ASCS determined that the seventh employee in 1967 was also clerical.

Farmers Home Administration

Minority group employment in the Farmers Home Administration has never been significant and it remains low, in spite of limited gains since 1964. In 1964 only 57 of almost 2,000 FHA employees in 16 Southern States were from minority groups. By 1967 the number of minority group employees had risen to 201 out of 3,085 total employees.

In Alabama, in 1964, only 2 of 137 employees in the State were Negro. As of February 1968, there only were seven Negro professional employees; six Negro professionals were located in two counties and one in the State FHA office in Montgomery.

¹ Letter, Administrator, ACSCS to Chairman, State ASC Committees, "Policies on Equal Employment Opportunity and Civil Rights," March 22, 1965.

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TABLE 2.—*Employment in Alabama State FHA Office and in 26 Counties*
February 1968

	State office		26 counties	
	W	NW	W	NW
Administrative.....	5	0	0	0
Professional.....	18	1	33	66
Clerical.....	*12	0	38	0

* One clerical employee is Mexican American.

† Four Negro professionals in Macon County; two Negro professionals in Greene County.

Cooperative Extension Service

Although over 35 percent of the funds expended for extension work in the United States in Fiscal Year 1967—in Alabama the figure was 41 percent—came from the Federal Government and most of this went toward salaries of extension workers, such workers are not considered Federal employees. While extension workers receive Federal retirement and other personnel benefits as well as Federal franking privileges for mail, they are considered “joint representatives” of the Department of Agriculture and the State Land-Grant College.

At the State Extension Office in Auburn University, there are 112 employees, only eight of whom are Negro, and two of these eight work out of district offices located elsewhere in the State. These Negroes formerly were located in Tuskegee Institute until they were transferred to Auburn in 1965 to fulfill requirements of Title VI of the Civil Rights Act of 1964.

Integrating the formerly segregated extension service structure has not resulted in elevating Negroes to positions of authority. Neither in Alabama nor in any other State in the United States does a Negro fill the chief extension position in a county office; rather, Negroes occupy subordinate positions.

Six of the Negroes in the State extension office, are subordinate to whites in title, in assignment and in salary.

In 4-H work, the two Negroes are known as 4-H Club Specialists. Their two white counterparts are known as State 4-H Leaders. Both Negroes have Master's degrees. Only one of the whites has a Master's degree. The Negro male began extension work in 1935, the white male in 1942. The Negro female began extension work in 1945, the same year as the white female. The Negro male receives an annual salary of \$11,100. The white male receives \$12,780. The Negro female receives an annual salary of \$10,560. The white receives \$11,220.

In Home Economics work, the two Negro women workers are known as District Home Agents. Their four white counterparts are known as Associate District Extension Chairman. The whites each serve one district of 16 or 17 counties. The Negroes each serve two districts comprising 32 to 34 counties. Both Negroes have Master's degrees. Three of the four whites have Master's degrees. One of the Negroes began extension work in 1937, the other in 1958. The whites began extension work in 1936, 1941, 1947 and 1949. The Negroes receive annual salaries of \$10,740 and \$10,820. Each white receives an annual salary of \$12,000.

In work with farmers, the two Negroes are known as District Farm Agents. Their four white counterparts are known as District Extension Chairman. As in Home Economics work, each white serves one district. The Negroes must serve two districts each. One of the two Negroes has a Master's degree. Only one of the four whites has a Master's degree. Both Negroes began extension work later than their white counterparts—one in 1949 and one in 1952. The whites began extension work in 1934, 1939 and two in 1942. Both Negroes receive annual salaries of \$10,920. Each white receives an annual salary of \$15,000.

Of the remaining Negroes on the State staff, one is the former State Leader for Negro work. He now serves as an Assistant to the Director. He has a Doctor's degree and began extension work in 1935. He receives an

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Alabama County Offices, 1964,
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Office		Field			
Other ^a		Regular		Other ^a	
W	N	W	N	W	N
50	0	19	0	213	0
56	34	22	0	240	58
57	24	22	0	178	40
35	24	22	0	88	10

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annual salary of \$15,000. The only other person with the title of Assistant to the Director—a white—has only a Bachelor's degree and began extension work in 1927. He, too, receives an annual salary of \$15,000.

The other Negro on the State staff has the title of News Editor. He has a Master's degree and 39 hours toward a Doctor's degree in Journalism. He began extension work in 1955. Two white persons have titles of News Editor. One has a Master's degree. One white began extension work in 1959, the other in 1962. Both the Negro and the two whites receive annual salaries of \$11,160.

In the extension offices of Alabama's 67 counties, there are 397 professional and 139 clerical employees. Sixty-nine of the professional employees—or 17.4 percent—and 23 of the clerical employees—or 16.5 percent—are Negro. In 1960, the rural population of Alabama was 30.0 percent Negro. Sixteen counties had majority Negro rural populations.

The primary administrators of the extension program at the county level are known as County Extension Chairman (male) and Associate County Extension Chairman (female). None of these employees is Negro.

The selection of chief extension personnel is a matter of local control. Although the appointment of extension workers is ostensibly a function of the State Extension Office, in practice the controlling factor is that of the candidate's acceptability to the controlling political force in the jurisdiction—usually the probate judge or the county board of supervisors. These positions are dominated by whites. The State will not overrule the wishes of the county political authorities, regardless of a candidate's qualifications.

TABLE 3.—Number of extension workers, average years of Service and average salary, by title and by race, Alabama Cooperative Extension Service, 1967

Position	White			Negro		
	Number	Average service (years)	Average salary (dollars)	Number	Average service (years)	Average salary (dollars)
Male:						
County extension chairmen.....	67	23.2	12,089	0	-----	-----
Extension farm agents.....	124	9.6	9,190	38	11.9	8,962
Female:						
Associate county extension chairmen.....	67	15.4	8,805	0	-----	-----
Extension home agents.....	70	4.0	6,885	31	12.4	6,936
Clerical.....	116	-----	4,500	23	-----	2,520

At the secondary level of employment, male personnel are known as Extension Farm Agents and female personnel are known as Extension Home Agents. The average length of service for white Extension Farm Agents is 9.6 years and their average annual salary is \$9,190. The average length of service for Negro Extension Farm Agents is 11.9 years and their average annual salary is \$8,962. The average length of service for white Extension Home Agents is 4.0 years and their average annual salary is \$6,885. The average length of service for Negro Extension Home Agents is 12.4 years and their average annual salary is \$6,936. Among clerical personnel the average annual salary for whites is \$4,500 while the average annual salary for Negroes is only \$2,520.

Proportionately, Negroes have a higher rate of Master's degrees among extension workers than do whites. Thirty of 69 Negro workers—some 43.5 percent—have Master's degrees while only 66 of 328 white workers—some 20.1 percent—have Master's degrees.

TABLE

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Master's

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Marengo
Monroe
Montgor

Tuscalo

with the title of Assistant's degree and began extension salary of \$15,000. title of News Editor. He has r's degree in Journalism. He ms have titles of News Edi-an extension work in 1959, whites receive annual salaries

ties, there are 397 profes-f the professional employees loyees—or 16.5 percent—are ma was 30.0 percent Negro. ulations.

program at the county level (male) and Associate County employees is Negro.

s a matter of local control. s is ostensibly a function of rolling factor is that of the ical force in the jurisdiction d of supervisors. These posi- not overrule the wishes of candidate's qualifications.

verage years of Service and ama Cooperative Extension

Average salary (dollars)	Number	Negro	
		Average service (years)	Average salary (dollars)
2,089	0		
9,190	38	11.9	8,962
8,805	0		
6,885	31	12.4	6,936
4,500	23		2,520

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of Master's degrees among 9 Negro workers—some 43.5 of 328 white workers—some

TABLE 4.—Education of extension workers, by race, Alabama Cooperative Extension Service, 1967

	White	Negro
No degree	2	5
Bachelor's	260	84
Master's	66	30
Total	328	69

Negro males have longer service than the white extension chairmen in four counties and higher educational degrees in 11 counties. They have longer service than the white extension farm agents in 18 counties and higher educational degrees in 16 counties. Negro females have longer service than white associate extension chairmen in 12 counties and higher educational degrees in five counties. They have longer service than the white extension home agents in 12 counties and higher educational degrees in six counties. (See Table 5.)

In only approximately half the counties where Negro male workers have higher degrees or longer service than white extension farm agents do they receive as much salary. In almost all cases where Negro female workers have higher degrees or longer service than white extension home agents, their salaries are greater.

TABLE 5.—Alabama Counties where Negro Extension Workers Have Higher Degrees and Longer Service than White Extension Workers

COUNTIES WHERE NEGROES HAVE HIGHER DEGREES THAN WHITES

County extension chairman	Extension farm agent	Associate county extension chairmen	Extension home agent
Baldwin	Baldwin Bullock Chambers		
Colbert	Colbert	Colbert	Colbert
Conecuh	Conecuh Coosa		Coosa
Dallas	Dallas		
Greene	Greene		
Lauderdale	Lauderdale	Houston	Houston
Lowndes	Lowndes	Lawrence	Lawrence
Marengo	Marengo		
Monroe	Monroe	Monroe	Monroe
Montgomery	Sumter Talledega		
Tuscaloosa		Talledega	Talledega

COUNTIES WHERE NEGROES HAVE LONGER SERVICE THAN WHITES

Autauga	Barbour	Barbour
Butler Chambers	Choctaw Colbert	Choctaw

TABLE 5.—Continued

County extension chairman	Extension far magent	Associate county extension chairmen	Extension home agent
	Coosa Dallas Greene		Coosa
	Jefferson	Hale	Hale Jefferson Lauderdale
	Lawrence	Lauderdale Lawrence Lee	Lee Limestone
Madison	Lowndes Macon	Lowndes Macon	Macon
	Marengo		
	Monroe Montgomery	Morgan Montgomery	Monroe Montgomery
Randolph	Randolph Russell Sumter	Sumter	
Tallapoosa	Tallapoosa		Talledega
Wilcox	Wilcox		

Exhibit No. 8

STAFF REPORT

NEGRO PARTICIPATION IN DECISION-MAKING BODIES OF
AGRICULTURE-RELATED PROGRAMS

An analysis of membership in seven county level bodies related to agriculture programs in 21 Black Belt area counties and for five State and area wide bodies indicates that Negroes do not participate in the decision-making processes of agriculture-related programs in anything like their proportionate interest in such programs.

County Level

Agricultural Stabilization and Conservation Service Committees.—At the county level, there are no Negroes on the ASCS county committees, either as regular or alternate members, in the 21 counties surveyed.¹ These committees are the key points of control in programs which distributed almost \$105 million to Alabama farmers last year. In general, they are responsible for setting policy and goals in the county program operations, carrying out program responsibilities, employing the county office manager, fixing the rates of pay for all personnel, and supervising committee elections. Each county is divided into communities, usually approximating the political subdivisions in Alabama known as "beats." Each community has an ASCS committee, elected by the farmers in the community. The most significant function of the community committee is to elect the county committee. In the 21 counties surveyed, only 24 of the 438 regular community committee members are Negro. (Only regular members have votes in electing county committeemen.) Of 293 alternate committeemen, only 53 are Negro. Two of the 21 counties have "advisory" committees. All 13 of these advisory committee members are Negro. Advisory committees have no effective decision-making powers.

¹ There are no Negroes on any ASCS county committee in Alabama. Of over 4,100 regular county committeemen in the South, not one is Negro. Of over 2,700 alternates, only 8 are Negro.

Farmer with sign for FHA Director, tions for county, a than two Prior to South.² In 1965 the Negroes b constituted Alabama's Of 21 A FHA com Negro com

Extension

In each of a repre the planni programs. in prepari needs of (surveyed, : counties w the percent a percenta averages 6 The Ext. Area Deve sentatives groups and committees county and improve: Overall Ec Federal pa prove muni district an organizatio. bama coun committee r

Technical each county pose of the programs w tivities is t in developir residents ar of the chie county FHA the panels agencies or of health, w are comprise

² In 1964 the: There were als has since been : committeemen i committees. Th

³ Only 16 out who were seldom

⁴ Letter, Adm Vacancies," Ap

State county extension chairmen	Extension home agent
	Coosa
Lauderdale Lauderdale	Hale Jefferson Lauderdale
	Lee Limestone
	Macon
Montgomery	Monroe Montgomery
	Talledega

MAKING BODIES OF PROGRAMS

level bodies related to agri-
cultural and for five State and area
participate in the decision-making
anything like their proportion-

Service Committees.—At the
SCS county committees, either
counties surveyed.¹ These com-
mittees which distributed almost
in general, they are responsible
for program operations, carrying out
county office manager, fixing the
single committee elections. Each
approximating the political sub-
community has an ASCS com-
mittee. The most significant func-
tion of the county committee. In the 21
county community committee mem-
bers votes in electing county com-
mittees only 53 are Negro. Two of the
13 of these advisory commit-
tees have no effective decision-

in Alabama. Of over 4,100 regular
over 2,700 alternates, only 3 are Negro.

Farmers Home Administration County/Area Committees.—In counties
with significant numbers of farmers and rural residents potentially eligible
for FHA loans, there are three-man committees, appointed by the State FHA
Director, whose main function is to meet, consider, and pass upon applica-
tions for loans. Where the workload does not justify a committee for each
county, a committee will serve an area which normally includes no more
than two counties.

Prior to 1965, there were very few Negroes on FHA committees in the
South.² In Alabama, there were no Negro regular committeemen.³ In April
1965 the Administrator of the Farmers Home Administration directed that
Negroes be appointed in every county of 11 Southern States where Negroes
constituted 20 percent or more of the farmers.⁴ By the following year, 30 of
Alabama's 183 committeemen were Negro.

Of 21 Alabama counties surveyed in 1968, it was found that 17 of the 56
FHA committeemen were Negro, yet in no county was there more than one
Negro committeeman.

Extension Councils and Committees

In each county there is a County Extension Council, ostensibly comprised
of a representative cross section of all persons in the county, who assist in
the planning, projecting and evaluating of Cooperative Extension Service
programs. Each year the extension councils meet to assist the county agents
in preparing a Plan of Work which seeks to define the problems and the
needs of extension work in the year ahead. In the 21 Alabama counties
surveyed, 272 or 28.0 percent of the 971 extension council members in those
counties were Negro. The percent of Negro participation does not approach
the percent of Negro rural population in the counties surveyed, however—
a percentage which ranges from 36.4 percent to 86.9 percent and which
averages 63 percent.

The Extension Service also serves as the leader in organizing local Rural
Area Development Committees. These committees are composed of repre-
sentatives of agriculture, industry, business, supporting services, civic
groups and individuals throughout the county. The primary purpose of these
committees is to inventory the resources and potential for growth in the
county and to develop plans and programs designed to result in economic
improvement. The plans that are developed by these committees, known as
Overall Economic Development Plans (OEDP), ultimately serve to obtain
Federal participation in the financing of local projects to create jobs, im-
prove municipal and rural facilities, and provide for technical assistance in
district and regional economic planning. The Extension Service provides
organizational and educational leadership at the local level. In the 21 Ala-
bama counties surveyed, only 48, or less than 8 percent, of the 619 RAD
committee members were Negro.

Technical Action Panels.—Since early 1967 there has been established in
each county a group known as a Technical Action Panel. The primary pur-
pose of these panels is to coordinate the activities of Federal agencies and
programs which relate to problems of rural people. One of their main ac-
tivities is to inform rural residents about available programs and to assist
in developing projects which will upgrade the economic well-being of rural
residents and their communities. Until recently, these TAPs were comprised
of the chief officials of agricultural agencies within the county with the
county FHA supervisor serving as chairman. Subsequent to their inception,
the panels were expanded to include the chief officials of other Federal
agencies or programs in the county. Generally, this has meant the addition
of health, welfare, employment and education officials. Because these panels
are comprised of chief program officials, this has meant that minority group

² In 1964 there were 3,317 white and only 14 Negro regular FHA committeemen in the South.
There were also 13 white and 97 Negro alternate committeemen. The category of "alternate"
has since been abolished. As of June 30, 1967, there were 894 Negro and 15 Mexican American
committeemen in the South. Two hundred and four of the Negroes served as chairmen of their
committees. The number of white committee members was reduced proportionately.

³ Only 16 out of a total of 198 committee members were Negro. They were all "alternates"
who were seldom if ever called upon to participate in committee decisions.

⁴ Letter, Administrator, FHA to State FHA Directors, 11 Southern States, "County Committee
Vacancies," April 13, 1965.

members are unlikely to be represented, even where concerns are related to problems where minority groups are most involved. Thus, beginning in January 1968 the panels were expanded to include representatives from minority groups. At the time of Commission staff interviews in Alabama, Negroes were just being contacted and invited to become TAP members.⁵ Almost without exception, only two Negroes, the Negro male extension agent and a Negro vocational agriculture teacher were being invited. In the 21 counties surveyed, only 41, or 16.8 percent, of the 244 TAP members were Negroes.

Rural Electric and Telephone Cooperatives.—The Rural Electrification Administration provides long term, low interest loans to cooperatives to provide electricity and telephone service in rural areas.⁶ None of the 121 members of the boards of directors of rural electrical and telephone cooperatives providing service in the 21 Alabama counties surveyed were Negro.

Soil Conservation Boards of Supervisors.—Rural areas are often divided into soil conservation districts which are organized as governmental subdivisions of the State and which, in cooperation with local farmers, plan and manage projects designed to conserve and more effectively utilize the soil and water resources of the area. The governing bodies of these districts are comprised of five members, known as supervisors, three of whom are locally elected and two of whom are appointed by a State Soil Conservation Committee. Although exact figures regarding the members of these district boards of supervisors were not available when this report was prepared, the Alabama State Conservationist stated that he did not believe that any of the supervisors in the 21 county area were Negro.

A summary of Negro membership on decision-making bodies in agriculture-related programs at the county level shows:

TABLE 1.—White and Negro Membership on Decision-Making Bodies of Agriculture-Related Programs 21 Alabama Counties, 1968

	White	Negro
ASCS county committees.....	105	0
ASCS community committees.....	414	24
FHA county/area committees.....	39	17
County extension councils.....	699	272
Rural areas development committees.....	571	48
County technical action panels.....	203	41
Rural electric and telephone cooperatives boards of directors.....	121	0
County soil conservation boards of supervisors.....	104	0
Total.....	2,256	402

Note: Percent Negro 15.2.

State Level

There are State committees for ASCS and FHA as well as a State Technical Action Panel and an ASCS Advisory Committee. The ASCS Advisory Committee is all-Negro and has no effective decision-making powers. Membership on the decision-making bodies is as follows:

⁵ The instructions from the State FHA office listing the Negroes to be invited were dated February 29, 1968. The Farmers Home Administration provided the U.S. Commission on Civil Rights a list of TAP members in the 21 counties on March 4, 1968 which indicated the Negroes as members. However, during the week of March 11, Commission staff interviewing in three counties determined that Negroes had not yet been contacted in two of these counties. Apparently, their names had been provided without their prior knowledge.

⁶ According to the 1964 Census of Agriculture, less than 18 percent of the farms operated by Alabama Negroes had telephones. Over 68 percent of white operated farms had telephones. Sixty-three percent of the Negro operated farms and 88 percent of the white operated farms had television sets. Forty-three percent of the Negro operated farms and 74 percent of the white operated farms had home freezers.

TABLE 2.—

ASCS State
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State technical
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Note: Percent

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TABLE 2.—*White and Negro Membership on Decision-Making Bodies of Agriculture-Related Programs State of Alabama 1968*

	White	Negro
ASCS State committee.....	4	1
FHA State committee.....	6	1
State technical action panel.....	26	8
Total.....	36	5

Note: Percent Negro 12.2.

The above enumeration of members of county and State level decision-making bodies is not intended to be all-inclusive. There are other bodies for which membership by race was not obtained. These figures demonstrate, however, that Negroes do not have an effective voice in decision-making bodies of agriculture-related programs in Alabama.

ASCS Community Committee Elections

One example of the denial of an effective voice to Negroes over the decisions that affect their lives is that of the annual elections of ASCS community committees. Historically, Negroes seldom if ever participated in the elections of these committees prior to 1965. In 1964, of over 50,000 ASCS community committeemen in the South, only 80 were Negroes. Many of these were in non-voting "alternate" committeemen positions. The results since then, while showing some progress, are nevertheless disappointing. In fact, instead of continuing advances in 1967 that were made in early years, the relative position of Negroes in committeemen positions actually worsened.

TABLE 3.—*Negro Regular and Alternate ASCS Community Committeemen, the South—1965, 1966, and 1967*

	Regular	Alternate
1965.....	85	434
1966.....	113	430
1967.....	100	348

Note: Total possible: approximately 45,300.

As noted previously, alternate committeemen do not vote in electing the county committee which, in ASCS programs, is the central point of control. Thus, in the South, where Negroes comprise over 13 percent of the farm operators, they have less than 1/10 percent of the voting power in selecting county committeemen. It comes as no surprise to learn, then, that not a single one of the approximately 4,100 regular ASCS county committeemen in the South are Negroes and that of approximately 2,700 alternate county committeemen, only 3 are Negroes.

In Alabama, of a total of approximately 3,100 community committeemen in 1967, only 22 are Negro.

TABLE 4.—*Negro Regular and Alternate Community Committeemen, State of Alabama—1965, 1966, and 1967*

	Regular	Alternate
1965.....	11	85
1966.....	23	89
1967.....	22	84

Note: Total possible: approximately 3,100.

Thus, in a State where Negroes comprise almost 23 percent of the farm operators, only one percent of the voting power in selecting county committeemen is held by Negroes.

where concerns are related to involved. Thus, beginning in include representatives from n staff interviews in Alabama, ited to become TAP members. es, the Negro male extension teacher were being invited. In cent, of the 244 TAP members

ves.—The Rural Electrification terest loans to cooperatives to rural areas.⁶ None of the 121 ral electrical and telephone co- na counties surveyed were Negro. —Rural areas are often divided -ganized as governmental subdi- on with local farmers, plan and more effectively utilize the soil ing bodies of these districts are visors, three of whom are locally a State Soil Conservation Com- the members of these district when this report was prepared, hat he did not believe that any are Negro.

Decision-making bodies in agricul- shows:

on Decision-Making Bodies of Alabama Counties, 1968

	White	Negro
.....	105	0
.....	414	24
.....	39	17
.....	699	272
.....	571	48
.....	203	41
ectors.....	121	0
.....	104	0
.....	2,256	402

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than 18 percent of the farms operated by hite operated farms had telephones. Sixty- cent of the white operated farms had tele- l farms and 74 percent of the white oper-

The ASCS community committeemen elections in Alabama have had a history of alleged denials of equal opportunity for Negro farmers. The 1965 elections in Lowndes County were ordered reheld by the Department of Agriculture when investigations revealed irregularities in that election. A suit brought against the Department of Agriculture in 1966 resulted in an out-of-court agreement to postpone the elections in Alabama for 30 days in order to permit intensified efforts to educate Negro farmers concerning the elections.

The Alabama State Advisory Committee to the U.S. Commission on Civil Rights held an open meeting in Selma, Alabama in May 1967 to obtain information regarding ASCS employment and elections in the Black Belt area. A staff report, prepared for the open meeting in Selma noted that in 1965 the ASCS had directed that Negro names be placed on the election ballots. To dilute the potential Negro vote, white committees placed scores of Negro names on the ballots but limited the number of white names appearing on the ballot.⁷ The report also noted Negroes were voting in heavier numbers in 1966—53.5 percent of the eligible Negro voters in eight Black Belt counties voted compared to only 38.3 percent the year before—and that of those Negroes elected, the chances were greater that their names had been placed on the ballot by petition of their fellow Negro farmers than by the white dominated committees, thus placing in doubt whether the committees actually act in the best interests of Negro farmers.

Troubles in the Alabama ASCS committeemen elections continue. An appeal regarding the 1967 elections in Macon County alleged that the majority of ballots that were invalidated or which never reached the addressed voter were potential Negro voters. The appeal was denied, however.

⁷ This resulted in such abuses as in Greene County where the white committees placed 163 Negro names on the ballot out of 40 possible positions to be elected and in Lowndes County where 135 Negro names were placed on the ballot out of a possible 30 positions to be elected. Although the practice of flooding the ballots with Negro names was reduced by an ASCS directive limiting the number of names to be placed on the ballot, abuses apparently continue. In the 1967 elections in Macon County, where Negroes comprise 72 percent of the farm operators and prior to 1966 no Negro had ever been elected to a community committee, Negroes placed 16 names on the ballots in 4 of the county's 5 communities by petition. The incumbent committee, dominated by whites, placed 21 additional Negro names on the ballots in these communities and 6 more Negro names on the ballot in the fifth community. Only 3 white names, the maximum number of regular positions to be elected, were placed on the ballots. Although Negroes in each community outvoted whites by a total of 683 to 486, only four Negro regular committeemen, out of a possible 15 positions, were elected.

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Exhibit No. 9

**CHOCTAW COUNTY CIVIC LEAGUE
LISMAN, ALABAMA**

TO: U.S. Commission on Civil Rights

FROM: Choctaw County Civil League
Lisman, Alabama

SUBJECT: Public Hearings of the U.S. Commission on Civil Rights

Mr. CHAIRMAN: The Choctaw County Civic League, Lisman, Alabama, submits the following information in the best interest of our citizenry and to the best of our ability based on the information we had at our disposal. There is a possibility of a few errors because of the lack of cooperation in getting the desired information. Therefore, we accept any corrections made.

The local government of Choctaw County spends approximately one-half million dollars for its operation and very few Negroes are employed in any capacity. In fact, our research reveals that there is only one Negro employee that receives any portion of this half million dollars. However, all of this money is not spent on salaries but is allocated in the following manner: \$150,000.00 for operation of local government, \$350,000.00 for road construction, and \$12,000.00 for extension services, etc., and approximately \$125,000.00 of Federal funds were received for the Master Teachers Program, of which there exists a School Improvement Office in Butler, Alabama. No Negroes are employed in any phase of this project. The Choctaw County Library Board propose to construct a \$100,000.00 library of which \$60,000.00 will come from Federal funds. There are no Negroes on the Board and none employed in the Public Library in Butler, Alabama.

Without extensive deliberations, this report seeks to point out job discriminations against Negroes in Choctaw County, Alabama. We have carefully compiled the following chart in order to show that Choctaw County continues to discriminate against her Negro citizens in spite of the many acts passed by the Federal Government to insure equal job opportunities.

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on the ballots. Although Negroes in each
only four Negro regular committeemen,

People Employed in Choctaw County

County Commissioners (4)	Persons employed—20 total	Negroes (1)
Farm to Market Road	Persons employed—30	Negroes 0
Judge of Probate's Office	Persons employed—3 (Secretaries)	Negroes 0
County Solicitor's Office	Persons employed—2	Negroes 0
Inferior Court Office	Persons employed—2	Negroes 0
Health Department	Persons employed—3 (Excluding Doctor who is paid by State and county)	Negroes 0
Pension and Security	Persons employed—8 (approx.) (Paid by State and county)	Negroes 0
Veterans Administration	Persons employed—1 (Federal Government employee)	Negroes 0
Selective Service	Persons employed—1	Negroes 0
Farmers Home Administration	Persons employed—4	Negroes 0
Department of Agriculture	Persons employed—1	Negroes 0
Soil Conservation	Persons employed—1	Negroes 0
Forestry	Persons employed—4 on tower (one extra)	Negroes 0
ASCC Department of Agriculture	Persons employed—5	Negroes 1
Choctaw County School Improvement Office—Title III	Persons employed—6 Master teachers Project director—1 Secretary—1	Negroes 0 Negroes 0 Negroes 2 Negroes 0
Extension Service	Persons employed—6	Negroes 0
Game Warden	Persons employed—2	Negroes 0
Tax Collector's Office	Persons employed—2	Negroes 0
Tax Assessor's Office	Persons employed—2	Negroes 0
Sheriff's Office	Persons employed—1 Sheriff—1 Deputies—2	Negroes 0 Negroes 0 Negroes 0
Police Department	Persons employed—2	Negroes 0
City Hall	Persons employed—5	Negroes 0
Superintendent's Office	Persons employed—5	Negroes 0
County Bus Garage	Persons employed—7	Negroes 0
Public Library	Persons employed—7	Negroes (1) Subsidiary employee
Food Stamp Office	Persons employed—4	Negroes 0
Board of Registrars	Persons employed—3	Negroes 0
Postal Workers	Persons employed—35 (approx.) (Including substitutes)	Negroes 0
The largest employing agency in Choctaw County—American Can Company.	Persons employed—1600 (approx.) Population of the county Whites—Approx. 51 percent Negroes—Approx. 49 percent	Negroes—80-90 (Approx. No. less than 100)
Caravan	Persons employed—2	Negroes 0
Adult Education (All Negro students)	Persons employed—12 (Teachers—11, Director—1)	Negroes 11 (White director)

Note: There are several small plants that are not included in this report.

We express appreciation for being given the opportunity to present this report and hope that immediate steps will be taken to correct or move the barriers which deny Negroes equal opportunities to participate as Americans.

Humbly submitted by:

Choctaw County Civic League
Lisman, Alabama
April 27, 1968

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Exhibit No. 10

STAFF REPORT

COOPERATIVE EXTENSION SERVICE

Cooperative agricultural extension work is the means by which advances in agricultural science and technology are transmitted to the rural people of America.

Systematic agricultural and vocational education in the United States began with the Morrill Act of 1862,¹ the same year that the Department of Agriculture, which had formerly been a minor division of the Patent Office, was raised to the status of an independent agency. The Morrill Act authorized the donation of public land for the establishment, in every State, of at least one land-grant college. The agricultural colleges that were thereby established assumed leadership in promoting education on agricultural subjects and several colleges established departments of agricultural extension in the 1890's.

Cooperative extension work was formally authorized on a national basis by the Smith-Lever Act of 1914²

to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics and to encourage the application of the same.

The basic job of the Cooperative Extension Service is to help rural people identify and solve their farm, home, and community problems through the use of research findings and programs administered by the Department of Agriculture.³ This work is carried out by the State Extension Service in the land-grant colleges of each State through a system of over 11,000 farm and home agents in almost every county of the United States. These agents, acting as joint representatives of the Department of Agriculture and the land-grant colleges, work with local people on how to apply knowledge and information developed at the colleges to improve their farm, home, and community life. Linking the agents to the colleges are subject matter specialists who keep the agents informed of new agricultural advances and conduct demonstrations of the application of these advances. Administrative staff are located at the State and district level. At the national level, the Federal Extension Service provides leadership and technical and organizational assistance to the States in developing extension programs.

Extension work is financed from Federal, State, county and local sources. Primarily the funds are used to employ the county agents and specialists who conduct the educational programs of the Cooperative Extension Service.

Nationally, Federal funds account for more than a third of the total funds, amounting to over \$200 million annually, expended for extension work. In the South, the Federal portion averages close to 40 percent of all funds expended.

In Alabama, recent expenditures for extension work have been as follows:

Year	Total	Federal	Percent Federal
1965	\$5,312,333	\$2,425,662	45.7
1966	6,117,489	2,493,452	40.8
1967	6,239,474	2,590,752	41.4

From its inception, extension work in the South was segregated. Every Southern State established separate land-grant colleges for whites and Negroes. Separate lines for the administration of extension work were established although the white land-grant colleges invariably controlled the Federal funds allotted to each State for support of extension work and invariably the Negro colleges received less than their share. In Alabama,

¹ 7 U.S.C. 301.

² 7 U.S.C. 341.

³ See, *Department of Agriculture and Related Agencies Appropriations, 1968*. Hearings before the House Subcommittee on Agricultural Appropriations, Part 2, page 425.

Law County

20 total	Negroes (1)
30	Negroes 0
3	Negroes 0
2	Negroes 0
2	Negroes 0
3	Negroes 0
or who is paid	
nty)	
8 (approx.)	Negroes 0
nd county)	
1	Negroes 0
ment employee)	
1	Negroes 0
4	Negroes 0
1	Negroes 0
1	Negroes 0
4 on tower	Negroes 0
5	Negroes 1
6	Negroes 0
1	Negroes 0
	Negroes 0
6	Negroes 2
2	Negroes 0
2	Negroes 0
2	Negroes 0
2	Negroes 0
	Negroes 0
2	Negroes 0
	Negroes 0
5	Negroes 0
	Negroes 0
7	Negroes (1)
	Subsidiary employee
4	Negroes 0
3	Negroes 0
35 (approx.)	Negroes 0
titutes)	
1600 (approx.)	
county	Negroes—80-90
51 percent	(Approx. No. less
49 percent	than 100)
2	Negroes 0
12	Negroes 11
director—1)	(White director)

ded in this report.

the opportunity to present this
e taken to correct or move the
ies to participate as Americans.

work with Negroes was administered out of Tuskegee Institute while work with whites was administered out of Auburn. As a general rule, offices for Negro workers at the county level were separate from the offices of white workers. Facilities and clerical assistance for Negro workers were limited. Training of Negro workers was inferior to that provided white workers. Salaries of Negro workers, although performing the same work, were less than for white workers. With more white workers than Negro workers assigned to extension work, even in counties with majority Negro rural populations, and with white workers limited to working only with whites, the workloads of Negro agents were heavier than for whites. Service to Negro rural residents was segregated and inferior. Many Negroes were never served at all.

Title VI of the Civil Rights Act of 1964 forbids discrimination in programs receiving Federal financial assistance. This ostensibly precludes segregated and inferior services to rural Negroes by the Alabama Cooperative Extension Service. To be sure, in the three and a half years since the passage of Title VI, several changes have occurred. Separate and inferior offices are being eliminated although Negro agents have not in every case been functionally integrated in extension offices. Administration of Negro work from Tuskegee has been transferred to Auburn, although most of the Negro staff workers, as noted in the agriculture employment report, have separate titles and less responsibility than their education or previous experience warrants. Training opportunities for Negro workers apparently are being equalized. Separate plans of work at the county level are reported to have been discontinued. Separate awards in 4-H Club projects that existed prior to 1965 have been integrated. These changes, however, were the easiest to accomplish. In the all-important areas of services and participation, Negroes continue to receive infrequent and inferior service.

In a supplement to its Plan for Compliance with Title VI of the Civil Rights Act,⁴ the Alabama Cooperative Extension Service stated that county extension staff had been "assigned to work with all people regardless of race, color, or national origin." To assess the extent to which this policy was being complied with, Commission staff analyzed weekly activities reports of office and field visits made by county extension personnel in 12 Alabama counties in April and October of 1967. In these counties, there are 46 white extension workers and 26 Negro extension workers. The rural population of the counties is 73 percent Negro.

Segregated Services.

The analysis showed that extension services remain almost totally segregated: 89 percent of the visits of white male agents were made to other whites and that 96 percent of the visits of Negro male agents were made to other Negroes; 94 percent of the visits made by white female workers were to other whites and 554 of 556 visits made by Negro female workers—a figure of 99.6 percent—were to other Negroes. In two counties, Negro male agents had not serviced any whites in the two months surveyed and in 8 of 10 counties Negro female workers had not serviced any whites. Although every white male agent reported having serviced some Negroes, white female workers in 7 counties had serviced only whites. When combined, the figures indicated that 91 percent of the visits made by white extension personnel were to whites and 97 percent of the visits made by Negro extension personnel were to Negroes.

⁴ Report, Director of Alabama Cooperative Extension Service to Administrator of Federal Extension Service, January 14, 1965.

TABLE 1
Counties

Bullock.....
Choctaw.....
Dallas.....
Greene.....
Hale.....
Lowndes.....
Macon.....
Marengo.....
Perry.....
Russell.....
Sumter.....
Wilcox.....

Total

Bullock.....
Choctaw.....
Dallas.....
Greene.....
Hale.....
Lowndes.....
Macon.....
Marengo.....
Perry.....
Russell.....
Sumter.....
Wilcox.....

Total

Unequal

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TABLE 1.—Office and Field Visits of County Extension Workers in 12 Alabama Counties, by Race of Worker and Race of Recipient April and October 1967

County	Male					
	White agents			Negro agents		
	To Negroes	To whites	Percent	To whites	To Negroes	Percent
Bullock.....	23	341	92.7	0	124	100.0
Choctaw.....	19	272	93.4	5	126	96.2
Dallas.....	14	530	97.4	5	5	50.0
Greene.....	139	524	79.0	35	405	92.0
Hale.....	100	537	84.3	3	71	95.9
Lowndes.....	97	419	81.2	5	143	96.6
Macon.....	69	262	79.1	2	205	99.0
Marengo.....	12	350	96.7	6	124	95.4
Perry.....	23	188	89.1	2	154	98.7
Russell.....	89	543	85.9	0	110	100.0
Sumter.....	32	588	94.8	2	122	98.4
Wilcox.....	21	399	95.0	5	153	96.8
Total.....	638	4,953	88.6	70	1,742	96.1

TABLE 1.—Continued

County	Female					
	White agents			Negro agents		
	To Negroes	To whites	Percent	To whites	To Negroes	Percent
Bullock.....	0	91	100.0	—	—	—
Choctaw.....	0	88	100.0	0	34	100.0
Dallas.....	7	196	96.6	0	23	100.0
Greene.....	0	45	100.0	0	100	100.0
Hale.....	0	107	100.0	0	100	100.0
Lowndes.....	5	65	92.9	1	7	87.5
Macon.....	18	71	79.8	0	84	100.0
Marengo.....	0	88	100.0	1	50	98.0
Perry.....	15	128	89.5	—	—	—
Russell.....	2	66	97.0	0	65	100.0
Sumter.....	0	72	100.0	0	47	100.0
Wilcox.....	0	127	100.0	0	44	100.0
Total.....	47	1,144	93.7	2	554	99.6

Unequal Workloads.

Providing services on a segregated basis has resulted in unequal potential workloads of white and Negro extension workers. In the 12 counties surveyed, potential recipients of extension services include farm operators, rural youth and women of whom there were 72,280 Negro and 26,817 white rural residents in the age groups counted or an average of 2,780 Negro residents per Negro extension worker and 583 white residents per white extension worker.

Tuskegee Institute while work n. As a general rule, offices for arate from the offices of white or Negro workers were limited. o that provided white workers. ming the same work, were less e workers than Negro workers ies with majority Negro rural d to working only with whites, ier than for whites. Service to l inferior. Many Negroes were

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ices remain almost totally segre- nale agents were made to other Negro male agents were made to le by white female workers were de by Negro female workers—a es. In two counties, Negro male two months surveyed and in 8 ot serviced any whites. Although serviced some Negroes, white only whites. When combined, the its made by white extension per- e visits made by Negro extension

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TABLE 2.—Potential Workload of White and Negro Extension Workers
12 Alabama Counties

County	Male					
	Extension workers		Rural male population ^a		Potential workload per agent	
	White	Negro	White	Negro	White	Negro
Bullock.....	2	1	600	1,745	300	1,745
Choctaw.....	2	1	1,684	1,841	842	1,841
Dallas.....	3	2	1,329	4,635	443	2,318
Greene.....	2	1	435	2,459	216	2,459
Hale.....	3	1	1,076	2,789	359	2,789
Lowndes.....	2	1	679	2,652	340	2,652
Macon.....	2	2	845	3,394	423	1,697
Marengo.....	3	1	1,167	2,840	389	2,840
Perry.....	2	1	873	2,148	437	2,148
Russell.....	2	1	952	2,414	476	2,414
Sumter.....	3	1	769	3,118	256	3,118
Wilcox.....	2	1	878	3,315	439	3,315
Total.....	26	14	11,287	33,350	439	2,382

^a Number of farm operators 1964 plus number of rural males age 10-19, 1960.

TABLE 2.—Continued

County	Female					
	Extension workers		Rural female population ^b		Potential workload per agent	
	White	Negro	White	Negro	White	Negro
Bullock.....	1	1	591	1,892	591	1,892
Choctaw.....	2	1	2,848	2,364	1,424	2,364
Dallas.....	2	1	2,716	4,777	1,358	4,777
Greene.....	1	1	358	2,389	358	2,389
Hale.....	2	1	1,143	3,091	572	3,091
Lowndes.....	1	1	763	3,259	763	3,259
Macon.....	1	1	1,125	4,759	1,125	4,759
Marengo.....	2	1	1,288	3,053	644	3,053
Perry.....	2	1	1,074	2,539	537	2,539
Russell.....	2	1	1,676	3,612	838	3,612
Sumter.....	2	1	898	3,410	449	3,410
Wilcox.....	2	1	1,050	3,785	525	3,785
Total.....	20	12	15,530	38,930	777	3,244

^b Number of rural females age 10-19, 1960 plus number of rural females age 20-50, 1960.

Adjusted for the average percent of services provided across racial lines, the figures are 2,693 Negro rural residents per Negro extension worker and 551 white rural residents per white extension worker or an average potential workload for Negro workers of almost five times that of white workers. These figures indicate that Negro rural residents do not receive service from county extension personnel equal to that provided whites.

4-H and Home Economics Clubs.

Not only are office and field visits segregated, but 4-H and Home Economics clubs, activities sponsored and directed by extension agents for rural youth and homemakers, are segregated as well.

Alabama has the third largest 4-H Club enrollment in the Nation. But of 117,000 members, more than 95,000, over 80 percent, are in segregated clubs. Of the less than 22,000 members who attend clubs with white and Negro membership, less than 1,900, or only 8.7 percent, are Negro.⁵

⁵ For a county listing of 4-H Club enrollment, see Appendix A.

TABLE

All white
All Negro
Integrated

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in 1960.

and Negro Extension Workers
Activities

Total male population ^a	Potential workload per agent	
	White	Negro
Negro		
1,745	300	1,745
1,841	842	1,841
4,635	443	2,318
2,459	216	2,459
2,789	359	2,789
2,652	340	2,652
3,394	423	1,697
2,840	389	2,840
2,148	437	2,148
2,414	476	2,414
3,118	256	3,118
3,315	439	3,315
33,350	439	2,382

total males age 10-19, 1960.

enrolled

Total female population ^b	Potential workload per agent	
	White	Negro
Negro		
1,892	591	1,892
2,364	1,424	2,364
4,777	1,358	4,777
2,389	358	2,389
3,091	572	3,091
3,259	763	3,259
4,759	1,125	4,759
3,053	644	3,053
2,539	537	2,539
3,612	838	3,612
3,410	449	3,410
3,785	525	3,785
38,930	777	3,244

number of rural females age 20-50, 1960.

services provided across racial lines, per Negro extension worker and per white worker or an average potential workload 7 times that of white workers. Negro agents do not receive service from white agents.

segregated, but 4-H and Home Economics clubs are not segregated by extension agents for rural women. 99 percent of rural women are enrolled in the Nation. But of 99 percent, are in segregated clubs. 99 percent of rural women and clubs with white and Negro members, are Negro.⁵

Appendix A.

TABLE 3.—4-H Clubs and Membership, by Race, State of Alabama, 1967

	Clubs	Members	
		White	Negro
All white	892	57,812	
All Negro	998		37,527
Integrated	561	19,773	1,877
Totals ¹	2,451	77,585	39,404

Of nearly 28,000 rural homemakers in home economics clubs in Alabama, 99 percent attend segregated clubs. Less than 200 women attend clubs which have both white and Negro members.⁶

TABLE 4.—Home Economics Clubs and Membership, by Race, State of Alabama, 1967

	Clubs	Members	
		White	Negro
All white	991	22,749	
All Negro	287		4,791
Integrated	5	154	43

By comparing the enrollment in 4-H and Home Economics clubs with the number of rural youth (313,300) and homemakers (253,700) in age groups most likely to participate in the club activities sponsored by the Alabama Cooperative Extension Service,⁷ it may be seen that the 4-H Clubs enjoy fairly popular participation although there is a high degree of segregation. Less than 5 percent of the Negro youth enrolled in 4-H Clubs are in clubs with whites. In home economics clubs, on the other hand, in addition to the almost total segregation of white and Negro homemakers, only a very small percentage of rural women, white or Negro, are members.

4-H Club Projects.

In Commission staff interviews with Negro extension workers, it was learned that many of the workers believed that white youth participated in more 4-H projects than Negro youth. To test this hypothesis, the Commission obtained 1967 enrollment figures, by race, in 4-H Club projects, for 12 Alabama counties. An analysis of the figures supported the Negro agents' beliefs: white youth were enrolled in an average of 2.4 projects per person while Negro youth were enrolled in only 1.5 projects per person.

⁶ For a county listing of Home Economics Club enrollment, see Appendix B.

⁷ This category includes rural youth, male and female, age 10-19, and rural females age 20-50 in 1960.

TABLE 5.—4-H Club Projects and Average Number of Projects Per Person by Race, 12 Alabama Counties, 1967

County	4-H club enrollment		4-H project enrollment		Average number of projects	
	White	Negro	White	Negro	White	Negro
Bullock	209	858	648	891	3.1	1.3
Choctaw	893	917	1,770	741	1.9	.8
Dallas	490	793	1,050	732	2.1	.9
Greene	271	1,110	1,136	2,165	4.1	1.9
Hale	392	1,807	1,228	5,232	3.1	.28
Lowndes	144	789	332	1,382	2.3	1.7
Macon	117	550	451	957	3.8	1.7
Marengo	903	1,872	1,670	1,475	1.8	.8
Perry	610	771	1,235	26	2.0	.03
Russell	823	2,125	2,160	4,234	2.6	1.9
Sumter	420	779	1,059	1,318	2.5	1.6
Wilcox	282	604	705	788	1.8	1.3
Total	5,654	12,975	13,444	19,941	2.4	1.5

An analysis of the kinds of projects which white and Negro youth are enrolled in indicates a predominance of one race in the following projects:⁸

- White*
- Beef
 - Conservation
 - Tractor
 - Home Management
 - Personal Development
 - Career Explorations
 - Judging
 - Wildlife
 - Demonstrations

- Negro*
- Field Crops
 - Horticulture
 - Poultry
 - Swine
 - Bread-Cereal
 - Health and Physical Education

4-H Club Awards.

Under the segregated system of extension work in the South prior to the Civil Rights Act of 1964, there were separate awards systems for whites and Negroes excelling in 4-H Club projects. As noted in the U.S. Commission on Civil Rights 1965 report, *Equal Opportunity in Farm Programs*, the awards for Negro youth were inferior. White State winners went to national contests and competed for college scholarships while Negro winners received only \$25 or \$50 bonds at the State level and did not go on to national contests. Beginning in 1965, the separate awards system was abolished and Negro and white youth competed against each other for the awards. While the Commission did not obtain information on the quality of the awards 4-H in Alabama in 1967, it did obtain information on the number of youths, by race, who competed for and won awards in 8 Alabama counties. It was found that 93 percent of the white youth enrolled in 4-H Clubs in the 8 counties competed for awards whereas only 36 percent of the Negro youth competed. Very few youths, white or Negro, won awards beyond the county level.⁹ Of all awards won, 14 percent of the white youths competing won awards and 8 percent of the Negro youths competing won awards.¹⁰

⁸ For enrollment figures in selected projects in counties surveyed, see Appendix C.

⁹ In the eight counties, white youths won 7 awards at the district level and 11 awards at the State level. Only one Negro youth won an award at the district level. No Negroes won any awards at the State level.

¹⁰ For a listing of youths competing for and winning awards, see Appendix D.

- Autauga
- Baldwin
- Barbour
- Bibb
- Blount
- Bullock
- Butler
- Calhoun
- Chambers
- Cherokee
- Chilton
- Choctaw
- Clarke
- Clay
- Cleburne
- Coffee
- Colbert
- Conecuh
- Coosa
- Covington
- Crenshaw
- Cullman
- Dale
- Dallas
- DeKalb
- Elmore
- Escambia
- Etowah
- Fayette
- Franklin
- Geneva
- Greene
- Hale
- Henry
- Houston
- Jackson
- Jefferson
- Lamar
- Lauderdale
- Lawrence
- Lee
- Limestone
- Lowndes
- Macon
- Madison
- Marengo
- Marion
- Marshall
- Mobile
- Monroe
- Morgan
- Montgomery
- Perry
- Pickens
- Pike
- Randolph
- Russell
- St. Clair
- Shelby
- Sumter
- Tallapoosa
- Talledega
- Tuscaloosa
- Walker
- Washington
- Wilcox
- Winston

Total

APPENDIX A.—Enrollment in 4-H Clubs, by Race, State of Alabama, 1967

Number of Projects Per Person
Counties, 1967

4-H project enrollment	Average number of projects		
	Negro	White	Negro
8	891	3.1	1.3
0	741	1.9	.8
0	732	2.1	.9
6	2,165	4.1	1.9
8	5,232	3.1	.28
2	1,382	2.3	1.7
1	957	3.8	1.7
0	1,475	1.8	.8
5	26	2.0	.03
9	4,234	2.6	1.9
9	1,318	2.5	1.6
5	788	1.8	1.3
4	19,941	2.4	1.5

Each white and Negro youth are
in the following projects:⁸

Negro

1 Crops
1 Agriculture
1 try
1 e
1 d-Cereal
1 th and Physical Education

work in the South prior to the
awards systems for whites and
noted in the U.S. Commission on
in Farm Programs, the awards
winners went to national con-
while Negro winners received
did not go on to national con-
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n the quality of the awards 4-H
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n 8 Alabama counties. It was
enrolled in 4-H Clubs in the 8
36 percent of the Negro youth
won awards beyond the county
e white youths competing won
competing won awards.¹⁰

s surveyed, see Appendix C.

the district level and 11 awards at the
the district level. No Negroes won any

awards, see Appendix D.

Counties	All white		All Negro		Integrated		
	Clubs	Members	Clubs	Members	Clubs	White	Negro
Antauga	16	383	10	401	3	58	3
Baldwin	38	820	1	18	0	0	0
Barbour	21	351	20	567	7	163	19
Bibb	33	626	14	504	5	157	14
Blount	28	787	0	0	10	354	31
Bullock	8	133	29	855	2	76	3
Butler	34	829	18	717	22	631	28
Calhoun	44	1,603	4	137	1	144	18
Chambers	40	949	35	1,023	13	273	44
Cherokee	27	799	4	132	7	224	20
Chilton	42	1,261	10	288	0	0	0
Choctaw	38	811	28	907	6	82	10
Clarke	25	576	5	102	6	233	11
Clay	24	685	4	185	1	54	1
Cleburne	16	601	2	51	12	425	16
Coffee	36	905	6	238	2	101	3
Colbert	27	611	12	1,025	11	481	28
Conecuh	24	625	14	766	5	181	7
Coosa	14	379	14	571	8	283	21
Covington	56	1,225	8	313	11	222	33
Crenshaw	17	601	4	171	10	391	32
Cullman	76	2,135	0	0	7	344	34
Dale	15	489	6	153	22	754	86
Dallas	17	371	29	789	4	119	4
DeKalb	61	2,148	2	77	3	138	7
Elmore	12	369	18	603	16	494	76
Escambia	52	1,009	6	244	14	409	69
Etowah	51	1,939	5	226	9	373	27
Fayette	22	572	2	66	14	427	35
Franklin	34	1,200	0	0	7	384	90
Geneva	28	966	8	327	2	82	4
Greene	2	34	12	1,086	8	237	24
Hale	13	181	58	1,778	9	211	29
Henry	13	314	10	388	7	190	9
Houston	22	881	10	800	10	607	66
Jackson	42	1,207	2	32	14	631	69
Jefferson	59	2,009	66	3,332	7	256	15
Lamar	25	882	4	212	6	205	7
Lauderdale	32	880	4	92	24	817	110
Lawrence	32	1,228	14	582	4	172	13
Lee	31	1,025	37	956	6	148	7
Limestone	40	1,544	18	579	10	444	33
Lowndes	5	113	19	785	1	31	4
Macon	4	92	29	529	2	25	21
Madison	36	1,164	19	634	12	311	39
Marengo	26	751	54	1,859	6	152	13
Marion	26	955	2	36	14	751	34
Marshall	58	2,258	2	81	2	100	4
Mobile	43	1,397	2	87	7	326	19
Monroe	18	505	18	638	62	20	9
Morgan	38	1,887	16	557	10	522	36
Montgomery	30	890	27	967	0	0	0
Perry	9	249	18	741	11	361	30
Pickens	22	714	9	374	3	138	4
Pike	19	403	18	633	12	245	27
Randolph	25	708	19	666	10	296	15
Russell	21	433	63	2,064	15	390	61
St. Clair	27	777	12	426	14	596	46
Shelby	50	1,294	10	351	1	51	1
Sumter	10	273	24	771	5	147	8
Tallapoosa	8	258	21	738	21	614	84
Talledega	18	511	22	1,150	15	606	48
Tuscaloosa	46	1,506	27	1,256	14	466	29
Walker	37	1,861	0	0	18	894	123
Washington	24	547	6	251	15	403	27
Wilcox	21	382	8	604	0	0	0
Winston	22	933	0	0	2	153	5
Total	892	57,812	998	37,527	561	19,773	1,877

APPENDIX B.—Enrollment in Home Economics Clubs, by Race, State of Alabama, 1967

Counties	All white		All Negro		Integrated		
	Clubs	Members	Clubs	Members	Clubs	White	Negro
Autauga	10	196	10	201	0	0	0
Baldwin	16	434	0	0	0	0	0
Barbour	11	178	5	97	0	0	0
Bibb	12	165	1	16	0	0	0
Blount	25	806	1	23	0	0	0
Bullock	2	18	6	130	0	0	0
Butler	18	304	6	114	0	0	0
Calhoun	29	561	1	25	1	125	5
Chambers	15	394	8	196	1	20	1
Cherokee	20	507	2	40	0	0	0
Chilton	20	354	1	16	0	0	0
Choctaw	6	129	5	184	0	0	0
Clarke	10	153	2	25	0	0	0
Clay	13	364	2	15	0	0	0
Cleburne	16	750	1	24	0	0	0
Coffee	15	412	0	0	0	0	0
Colbert	7	215	7	170	0	0	0
Conecuh	11	170	11	140	0	0	0
Coosa	12	255	9	153	0	0	0
Covington	8	200	1	10	0	0	0
Crenshaw	13	170	0	0	0	0	0
Cullman	31	1,008	1	21	0	0	0
Dale	10	193	0	0	0	0	0
Dallas	9	102	7	84	0	0	0
DeKalb	23	415	1	16	0	0	0
Elmore	16	296	7	64	0	0	0
Escambia	12	133	2	28	0	0	0
Etowah	20	350	1	15	0	0	0
Fayette	16	700	2	51	0	0	0
Franklin	14	229	1	12	0	0	0
Geneva	8	180	1	19	0	0	0
Greene	9	309	6	105	0	0	0
Hale	9	95	12	142	0	0	0
Henry	21	360	4	38	0	0	0
Houston	12	211	7	86	0	0	0
Jackson	16	285	1	9	0	0	0
Jefferson	27	987	1	7	0	0	0
Lamar	10	417	1	17	0	0	0
Lauderdale	13	229	0	0	0	0	0
Lawrence	10	129	6	93	0	0	0
Lee	11	196	6	120	0	0	0
Limestone	19	310	8	108	0	0	0
Lowndes	5	59	15	218	0	0	0
Macon	6	151	7	163	0	0	0
Madison	33	710	9	150	1	6	8
Marengo	14	155	7	112	0	0	0
Marion	9	218	1	14	0	0	0
Marshall	25	480	0	0	0	0	0
Mobile	21	328	2	24	0	0	0
Monroe	8	110	9	113	0	0	0
Morgan	20	348	8	113	0	0	0
Montgomery	13	239	9	111	0	0	0
Perry	9	118	6	73	0	0	0
Pickens	31	780	3	53	0	0	0
Pike	9	150	0	0	0	0	0
Randolph	17	381	11	150	0	0	0
Russell	8	112	4	76	0	0	0
St. Clair	13	248	0	0	1	1	9
Shelby	14	737	1	30	0	0	0
Sumter	9	125	8	140	1	2	20
Tallapoosa	14	324	7	124	0	0	0
Tallega	20	620	10	200	0	0	0
Tuscaloosa	33	895	4	56	0	0	0
Walker	25	1,020	3	55	0	0	0
Washington	8	94	1	14	0	0	0
Wilcox	10	149	7	168	0	0	0
Winston	12	271	1	20	0	0	0
Total	991	22,749	287	4,791	5	154	48

Members	Integrated	
	White	Negro
201	0	0
97	0	0
16	0	0
23	0	0
130	0	0
25	0	0
114	125	0
196	20	5
40	0	1
16	0	0
184	0	0
25	0	0
15	0	0
24	0	0
2	0	0
170	0	0
140	0	0
153	0	0
10	0	0
21	0	0
0	0	0
84	0	0
16	0	0
64	0	0
28	0	0
15	0	0
51	0	0
12	0	0
19	0	0
105	0	0
142	0	0
38	0	0
86	0	0
9	0	0
7	0	0
17	0	0
93	0	0
120	0	0
108	0	0
218	0	0
163	0	0
150	0	0
112	0	0
14	0	0
0	0	0
24	0	0
113	0	0
113	0	0
111	0	0
73	0	0
53	0	0
0	0	0
150	0	0
76	0	0
0	1	9
30	0	0
140	0	0
124	1	20
200	0	0
56	0	0
55	0	0
14	0	0
168	0	0
20	0	0
4,791	5	43

APPENDIX C.—Enrollment in 4-H Club Projects, by Race, 12 Alabama Counties 1967

Projects	Bullock		Choctaw		Dallas		Greene		Hale		Lowndes		Macon	
	W	N	W	N	W	N	W	N	W	N	W	N	W	N
Automotive.....	3	0	77	25	2	10	4	41	0	39	--	--	7	14
Beef.....	45	6	48	13	26	0	34	12	100	75	16	86	22	18
Conservation program.....	25	0	--	--	81	34	189	22	52	98	10	16	18	137
Forestry.....	25	0	67	8	--	--	57	5	15	34	7	5	2	15
Wildlife.....	3	2	169	37	--	--	78	2	30	24	1	11	16	122
Dairy.....	--	--	--	--	2	0	11	10	6	56	0	14	--	--
Electric.....	15	4	55	25	30	26	35	15	14	155	39	10	41	27
Entomology.....	1	4	22	13	49	10	16	41	5	176	--	--	1	23
Field crops.....	10	0	41	85	32	27	41	820	17	76	13	172	11	22
Home grounds beautification.....	17	18	116	24	10	10	20	39	51	161	4	2	9	49
Horses and ponies.....	16	0	110	13	41	0	47	2	15	11	3	2	14	7
Horticulture.....	20	30	--	--	5	110	10	76	5	372	14	72	7	96
Poultry.....	5	21	25	31	8	75	5	10	29	175	5	26	1	52
Swine.....	--	--	--	0	9	30	0	295	49	99	7	104	2	52
Tractor.....	5	4	39	8	4	0	11	4	8	12	43	8	4	2
Clothing.....	61	106	227	144	--	--	86	200	172	489	19	294	38	144
Family life education.....	18	49	--	--	36	0	61	50	102	166	6	37	38	0
Foods and nutrition.....	80	259	214	117	202	186	86	239	92	857	21	197	44	78
Bread—cereal.....	24	70	--	--	--	--	22	35	56	589	10	100	0	11
Canning—freezing.....	71	125	13	20	--	--	16	117	17	167	9	51	44	67
Dairy foods.....	0	20	--	--	--	--	0	9	19	101	2	46	0	0
Home improvement.....	4	16	33	13	9	44	24	9	69	146	8	16	11	42
Home management.....	17	24	118	15	115	0	10	0	21	86	--	--	32	0
Personal development.....	--	--	--	--	--	--	6	0	44	70	--	--	43	5
Arts and crafts.....	--	--	57	8	--	--	0	230	0	30	0	69	--	--
Health and physical education.....	0	22	69	9	34	40	14	85	24	355	13	47	0	11
Photography.....	8	0	35	4	25	47	8	0	21	100	0	3	9	28
Public speaking.....	10	8	--	--	29	4	11	12	11	10	--	--	--	--
Recreation.....	--	--	--	--	5	0	2	84	17	52	10	0	7	31
Safety.....	54	0	40	29	186	12	18	80	31	383	10	40	0	8
Demonstrations.....	7	0	--	--	--	--	61	32	70	15	36	40	--	--
Judging.....	13	0	--	--	15	0	15	12	6	0	12	0	--	--
Career reviews.....	41	91	--	--	79	67	12	59	40	36	--	--	3	0
Career exploration.....	--	--	--	--	76	0	--	--	0	17	--	--	4	9
Leadership.....	--	--	2	4	--	--	--	--	--	--	--	--	--	--

Projects	Marengo		Perry		Russell		Sumter		Wilcox		Total Projects	
	W	N	W	N	W	N	W	N	W	N	W	N
Automotive.....	7	33	---	---	3	95	0	2	0	28	108	287
Beef.....	44	26	10	0	48	80	38	10	31	8	462	234
Conservation program.....	---	---	66	13	---	---	34	12	62	14	506	326
Forestry.....	10	15	28	13	23	8	---	---	27	14	261	142
Wildlife.....	46	44	80	0	16	50	38	8	35	0	338	268
Dairy.....	11	2	18	0	11	11	0	2	2	0	61	95
Electric.....	58	35	---	---	30	20	43	274	26	0	388	597
Entomology.....	2	4	---	---	21	0	5	5	16	10	138	286
Field crops.....	7	78	19	0	4	65	12	109	9	99	175	968
Home grounds beautification.....	24	20	76	0	196	116	23	10	20	8	566	457
Horses and ponies.....	48	0	24	0	52	40	91	44	36	0	497	119
Horticulture.....	---	---	59	0	104	198	18	45	69	31	821	1,030
Poultry.....	9	37	16	10	23	13	2	32	2	24	125	506
Swine.....	23	98	11	0	47	87	17	64	15	110	202	919
Tractor.....	11	8	21	0	12	7	37	5	8	10	203	63
Clothing.....	158	379	93	0	203	364	86	252	77	75	1,220	2,447
Family life education.....	---	---	65	0	134	376	46	73	8	15	508	766
Foods and nutrition.....	177	58	222	0	377	811	55	9	94	100	1,664	2,411
Bread—cereal.....	17	10	18	0	69	0	12	51	---	---	228	866
Canning—freezing.....	8	11	29	0	66	56	16	35	---	---	292	676
Dairy foods.....	28	8	16	0	43	0	61	45	---	---	169	229
Home improvement.....	14	13	65	0	84	146	35	8	41	85	397	588
Home management.....	147	24	116	0	37	60	40	16	5	15	658	240
Personal development.....	---	---	47	0	4	0	---	---	0	2	144	79
Arts and crafts.....	94	54	---	---	---	---	31	0	5	35	187	426
Health and physical education.....	12	128	9	0	17	374	15	7	0	45	198	1,128
Photography.....	44	14	15	0	---	---	42	0	---	---	207	196
Public speaking.....	27	29	8	0	1	8	30	93	5	5	188	164
Recreation.....	6	6	4	---	15	15	56	4	0	25	118	217
Safety.....	48	120	29	0	42	329	30	84	61	20	494	1,105
Demonstration.....	---	---	---	---	50	52	---	---	9	0	233	99
Judging.....	---	---	---	---	294	64	8	0	5	0	368	76
Dress reviews.....	---	---	48	0	89	266	57	0	57	2	421	521
Career exploration.....	0	21	---	---	12	34	36	0	---	---	128	81
Leadership.....	18	0	---	---	20	28	---	---	8	0	38	43

Home improvement	14	13	65	0	84	146	35	8	41	85	397	538
Home management	147	24	116	0	37	60	40	16	5	15	658	240
Personal development	---	---	47	0	4	0	---	---	0	2	144	79
Arts and crafts	94	54	---	---	---	---	31	0	5	35	187	426
Health and physical education	12	128	9	0	17	374	15	7	0	45	198	1,123
Photography	44	14	15	0	---	---	42	0	---	---	207	196
Public speaking	27	29	8	0	1	8	30	93	5	5	188	164
Recreation	6	6	4	---	15	15	56	4	0	25	118	217
Safety	48	120	29	0	42	329	30	84	61	20	494	1,105
Demonstration	---	---	---	---	50	52	---	---	9	0	233	99
Judging	---	---	---	---	294	64	8	0	5	0	368	76
Dress reviews	---	---	48	0	89	266	57	0	57	2	421	521
Career exploration	0	21	---	---	12	34	36	0	---	---	128	81
Leadership	13	0	---	---	20	28	---	---	8	0	38	43

APPENDIX D.—4-H Club Project Awards, by Race, 8 Alabama Counties, 1967

Counties	4-H enrollment		Number competing		Number competing as percent of enrollment		Number winning awards				Number winning as percent of number competing		Total awards			
	W	N	W	N	W	N	County		District		State		W	N	W	N
							W	N	W	N	W	N				
Choctaw	893	917	453	304	50	33	46	53	0	0	0	0	10	17	46	53
Dallas	490	793	1,197	663	244	83	155	31	1	1	0	0	13	48	156	32
Hale	392	1,807	100	16	24	08	45	8	3	0	0	0	48	50	48	8
Lowndes	144	789	158	440	109	55	24	49	0	0	0	0	15	11	24	49
Marengo	903	1,872	1,261	836	139	44	172	52	2	0	2	0	13	62	176	52
Perry	610	771	108	16	17	20	12	2	0	0	1	0	12	12	13	2
Sumter	420	779	452	621	107	79	57	31	1	0	1	0	13	49	59	31
Wilcox	382	604	192	73	50	12	23	23	0	0	7	0	15	31	30	23
Total	4,234	8,322	3,921	2,969	92.6	35.6	534	249	7	1	11	0	14.07	8.42	552	250

Exhibit No. 11
STAFF REPORT
FARMERS HOME ADMINISTRATION

The Farmers Home Administration provides financial and management assistance to farmers and rural residents to operate, develop, and purchase family farms; to buy, build, and improve homes and farm buildings, and to raise income and living standards. It also provides financial and management assistance to groups to develop community water supply systems and for the development of recreational facilities. FHA loans are made only to individuals and groups who cannot secure conventional financing.

For individuals, five categories of loans are important:

1. Operating loans.—not to exceed \$35,000 at 5 percent interest repayable over 7 years. Loans are used primarily for purchase of feed, seed, fertilizer and chemicals but also may be used for purchase of equipment and livestock, for refinancing debts, and for carrying out forestry purposes.

2. Emergency loans.—3 percent interest. Loans are made to farmers in designated areas hit by natural disasters, such as floods and droughts, to enable the financing of costs necessary to resume normal farm operations.

3. Farm ownership loans.—not to exceed \$60,000 at 5 percent interest repayable over 40 years. Loans are used to buy or enlarge and develop farms and include the construction and repair of buildings or facilities, the improvement of land and the development of resources.

4. Rural housing loans.—not to exceed 5 percent interest repayable over 33 years. Loans are made to construct and repair homes, purchase buildings or buy sites on which to build homes.

5. Economic opportunity loans.—not to exceed \$3,500 at 4½ percent interest repayable over 15 years. Loans are made to low-income farm and rural families for both agricultural and nonagricultural enterprises to improve their economic circumstances through the acquisition and development of resources. Loans repayable over 30 years also may be made to local cooperatives who will provide services and supplies to low income families where such assistance is not presently available. (The funds for this program are furnished from the appropriation of the Office of Economic Opportunity.)

Farmers Home Administration loans are approved by local three-man loan committees who meet and pass upon applications made. Loans are supervised by the county FHA supervisor who is a Federal employee.¹ A State office supervises and assists county office personnel and the Farmers Home Administration in Washington provides overall direction of the programs at the national level. In fiscal year 1966, FHA serviced approximately 280,000 individual borrowers and some 2,300 association borrowers serving approximately 330,000 families. Principal indebtedness was over \$3.2 billion.

When an application for a FHA loan is made, the FHA supervisor usually draws up a farm and home plan with the applicant. This plan analyzes the debts and assets of the applicant and sets forth a program for the allocation of money to be loaned. Following the loan approval, the supervisor will visit the borrower periodically to determine if the plan that has been prepared is working out and to provide any technical assistance the situation dictates.

The degree of supervision provided the borrower is important to the success of the farmer. It also is one of the limiting factors in the program. In its 1965 report; *Equal Opportunity in Farm Programs*, the U.S. Commission on Civil Rights noted that Negro borrowers received less supervision than white borrowers. In March of 1968, Commission staff members reviewed FHA office files in three county offices. Although no attempt was made to judge the quality of supervision provided to white and Negro borrowers, the review indicated no discrepancies in the number of the trips made to white and Negro borrowers. In fact, it was clear in several instances that Negroes were receiving extensive supervision.

¹ In cases where the workload does not warrant a full time person, the county FHA office may administer loan programs in more than one but generally no more than two counties.

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² FHA Bulletin personnel that a consider both nu the economy and ties and appraisal

³ For a list of farm operators, s

⁴ "Initial" loan They do not inc received FHA lo: are compared by subsequent, which

⁵ See note 4 sup

⁶ For a county in the Commissio

Supervision is a function of the number of persons being served and the number of FHA personnel available to do the job. On more than one occasion, FHA personnel admitted that more could be done in reaching additional farmers, but that the county staff lacked sufficient manpower. A comparison of the number of FHA personnel assigned in Alabama with workload criteria² established by the Farmers Home Administration indicated that, based on the 1967 workload, FHA in Alabama is short of personnel by some 47 supervisors and 25 clerical personnel. In 21 of the 27 counties in Alabama where Negroes comprise at least 20 percent of the farm operators, including 8 counties in which Negroes comprise a majority of the farm operators, county FHA offices were short of personnel.³

ANALYSIS OF LOAN APPLICATIONS AND LOANS MADE

Analysis of FHA loan statistics by race for Alabama and for selected counties in which Negroes comprise at least 20 percent of farm operators shows that Negro loan applicants are less likely to be approved for loans, tend to apply more frequently for current expense type loans, receive fewer dollars per loan and receive, as a class, a smaller proportion of dollars although the numbers of loans made to Negroes in certain cases is greater than the number of loans made to whites.

*Initial Loans and Initial Applications*⁴

Negro applicants for initial FHA loans in Alabama are less likely to have their applications approved than whites. The difference between white and Negro borrowers in the percentage of initial applications approved is significant.

Table 1 compares the number of applications for initial FHA loans and the number of initial loans approved in Alabama. For the three fiscal years for which loan information was obtained, Negroes have received a lower percentage of loans applied for than whites in every year in almost every category of loan. In 1967, Negroes received only 24 percent of the farm ownership loans they applied for while whites received 32 percent. The year before, Negroes received only 16 percent of such loans applied for while whites received 27 percent. In 1967, Negroes received 32 percent of the rural housing loans they applied for while whites received 48 percent. The year before, Negroes received 27 percent of such loans applied for, while whites received 39 percent.

From Table 1 it also may be seen that Negro applications for initial FHA loans are concentrated in the operating and economic opportunity loan categories. Negroes accounted for 42 percent of initial applicants for operating loans and 47 percent of initial applicants for economic opportunity loans in 1967. Negroes, however, represented only 14.8 percent of initial applicants for farm ownership loans and 23.1 percent of initial applicants for rural housing loans.

Number and Amounts of Loans Made^{5 6}

Since 1965, the number of Farmers Home Administrations loans to Negroes in Alabama for capital purposes has increased, especially in the category of rural housing. As shown in Table 2, the number of rural housing

² FHA Bulletin 2267 (040), April 27, 1966 establishes criteria to measure the number of personnel that are necessary to meet the workload requirements in a county. The criteria consider both number of loans and service provided plus allowances for such local variables as the economy and geography of the area, the literacy rate in the area, administrative complexities and appraisal responsibilities.

³ For a list of FHA personnel shortages in the 27 Alabama counties with 20 percent or more farm operators, see Appendix A.

⁴ "Initial" loans are those provided borrowers doing business with FHA for the first time. They do not include "subsequent" loans which are made to borrowers who have previously received FHA loans. In Table 1, only applications for initial loans and initial loans approved are compared by race. In Table 2, the number of loans listed includes all loans, both initial and subsequent, which were made in the fiscal year indicated.

⁵ See note 4 *supra*.

⁶ For a county listing of 1966 and 1967 FHA loans in the 16 county-area of special interest in the Commission's hearings, see Appendix B.

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TABLE 1.—Number and Percentages, by Race, of Applications for Initial FHA Loans and Initial Loans Obligated and Percent, by Race, of Applications Approved, State of Alabama, Fiscal Years 1965, 1966, and 1967

Category	Applications for initial loans				Initial loans approved ^a				Percent of applications approved ^b	
	White		Negro		White		Negro		White	Negro
	Number	Percent	Number	Percent	Number	Percent	Number	Percent		
Operating:										
1965	1,061	53.9	907	46.1	751	54.1	638	45.9	70.8	70.3
1966	813	48.2	875	51.8	537	51.2	504	48.8	66.1	57.6
1967	841	57.9	611	42.1	523	56.3	406	43.7	62.2	66.4
Emergency:										
1965	0	---	0	---	0	---	0	---	---	---
1966	0	---	0	---	0	---	0	---	---	---
1967	531	70.1	227	29.9	461	71.0	188	29.0	86.8	82.8
Farm Ownership:										
1965	982	91.3	93	8.7	254	92.7	20	7.3	25.9	21.5
1966	1,219	84.0	232	16.0	326	89.8	37	10.2	26.7	15.9
1967	1,188	85.2	206	14.8	382	88.6	49	11.4	32.2	23.8
Rural Housing:										
1965	1,269	86.6	196	13.4	695	93.8	46	6.2	54.8	23.9
1966	1,908	75.1	632	24.9	747	81.5	170	18.5	39.2	26.9
1967	2,518	76.9	758	23.1	1,210	83.3	242	16.7	48.1	31.9
Economic Opportunity:										
1965	274	54.9	225	45.1	123	58.9	86	41.1	44.9	38.2
1966	398	37.8	656	62.2	241	42.0	333	58.0	60.6	50.8
1967	360	52.7	323	47.3	185	53.2	163	46.8	51.4	50.5

^a These columns compare the total number of initial loans approved for whites with the number approved for Negroes. For example, in 1967, 56.3 percent of all operating loans went to whites; 43.7 percent to Negroes.

^b These columns compare the percentage of the Negro applications for loans that were approved with the percentage of white applications for loans that were approved.

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⁷ Since emc 1967 were cor
⁸ Housing c the 1960 Cens unsafe to live dition. In Ap live in. Of all quate, that is of these condi Census, Cens; Washington, I
⁹ Sixty-five economic sub in and a dan such housing percent of th five-tenths per of less than \$ category.

1967	1,188	85.2	206	14.8	382	88.6	49	11.4	32.2	43.0
Rural Housing:										
1965	1,269	86.6	196	13.4	695	98.8	46	6.2	54.8	23.9
1966	1,908	75.1	632	24.9	747	81.5	170	18.5	39.2	26.9
1967	2,518	76.9	758	23.1	1,210	83.3	242	16.7	46.1	31.9
Economic Opportunity:										
1965	274	54.9	225	45.1	123	58.9	86	41.1	44.9	38.2
1966	398	37.8	656	62.2	241	42.0	333	58.0	60.6	50.8
1967	360	52.7	323	47.3	185	53.2	163	46.8	51.4	50.5

^a These columns compare the total number of initial loans approved for whites with the number approved for Negroes. For example, in 1967, 56.3 percent of all operating loans went to whites; 43.7 percent to Negroes.

^b These columns compare the percentage of the Negro applications for loans that were approved with the percentage of white applications for loans that were approved.

loans to Negroes in 1967 was well over four times what it was in 1965. Farm ownership loans to Negroes more than doubled in the same period. Even in current expense loan categories, the number of loans to Negroes increased nearly 11 percent from 1965 to 1967.⁷ In 1966, the first full year of operation for economic opportunity loans, 388 or 59 percent of all such loans were made to Negroes. Although the number of economic opportunity loans to Negroes in Alabama declined in 1967, the Negro percentage of all loans made was nearly 50 percent. Similar advances were recorded in 26 counties where Negroes comprise 20 percent or more of the farm operators in the county.

As the number of loans to Negroes increased, so did the proportion of all loans made to Negroes increase. As Table 2 indicates, Negroes have received a considerable proportion of the current expense category (operating and emergency) and economic opportunity loans for the past three years. In the 26 counties, Negroes have received a majority of all such loans made. Farm ownership loans and rural housing loans also have shown an increase in the proportion of total loans made that are made to Negroes. The percentage of farm ownership loans made to Negroes has increased from 6.3 percent of the total loans made in 1965 to 10.7 percent in 1967. This figure is still less than the percentage of Negro farm owners in the State, (15 percent) and the total number of farm ownership loans to Negroes in the last three years—117—is a very small percentage of the number of Negro farm owners in the State of whom there are almost 11,000. This latter comparison computes to 1.07 percent of the Negro farm operators. Farm ownership loans to whites during the same period—1213—computes to 1.94 percent of the over 62,000 white farm owners in the State—almost twice the rate for Negroes.

Probably the most encouraging development regarding FHA loans to Negroes has been in the category of rural housing loans. The percentage of such loans made to Negroes has increased from 6.0 percent of the total loans made in 1965 to 16.5 percent in 1967. The condition of rural housing occupied by Negroes in Alabama is extremely poor.⁸ One study done in Eastern Mississippi and Western Alabama indicates that 95.6 percent of rural housing units occupied by Negroes are either dilapidated, deteriorating, lack indoor plumbing facilities, or have a combination of these conditions. Almost four out of every ten of the Negro occupied units (14,300) are technically unsafe to live in and considered a danger to health.⁹

Although the number of loans made to Negroes and the percentage of all loans made that go to Negroes has increased in Alabama, the percent of all money loaned that goes to Negroes is still not proportionate to the need that exists. This also may be seen from Table 2. Although Negroes received 35 percent of the operating loans made in 1967, they received only 16 percent of the total money loaned, less, in fact, than the 19 percent of money loaned for this category which they received the year before. Similarly, in emergency loans in 1967, Negroes received 31 percent of the loans but only 11 percent of the money loaned. For farm ownership loans: 11 percent of the loans made but only 8 percent of the money loaned. For rural housing loans: 17 percent of the loans made, but only 10 percent of the money loaned. Even in economic opportunity loans, where Negroes have received a

⁷ Since emergency loans serve much the same purpose as operating loans, their totals for 1967 were combined for sake of comparison with the 1965 operating loan totals.

⁸ Housing conditions of rural nonwhites is bad throughout the United States. According to the 1960 Census of Housing, 31 percent of all housing units occupied by rural nonwhites were unsafe to live in. Only 5 percent of the units occupied by rural whites were in a similar condition. In Appalachia, by comparison, 10.3 percent of the rural housing units were unsafe to live in. Of all rural housing in the United States occupied by nonwhites, 83 percent was inadequate, that is, either deteriorating, dilapidated, or lacking indoor plumbing or a combination of these conditions. The comparable figure for rural whites was 28 percent. U.S. Bureau of the Census, *Census of Housing, 1960, Vol. VI, Rural Housing*. U.S. Government Printing Office, Washington, D.C. 1963.

⁹ Sixty-five percent of the Negro occupied units in the 17 counties of the Alabama-Mississippi economic subregion was built over 30 years ago. In the units considered to be unsafe to live in and a danger to the occupant's health, the median number of Negro persons residing in such housing was 4.3 for owner occupied units and 5.7 for renter occupied units. Sixty-nine percent of the inadequate housing units occupied by Negroes was by renters. Forty-six and five-tenths percent of the owner occupied Negro rural housing units had median family incomes of less than \$1,000. Fifty-six and four-tenths percent of the renter occupied units were in this category.

TABLE 2.—Number of FHA Loans, Percent of Loans Made, Total Money Loaned, Percent of Money Loaned, Average Size of Loan, Difference in Average Size of Loan, and Size of Average Loan to Negroes As Percent of Size of Average Loan to Whites, by Race, State of Alabama and 26 Alabama Counties, Fiscal Years 1965, 1966, and 1967

Category of loan	1965 ^a		1966				1967			
	Alabama		26 Counties		Alabama		26 Counties		Alabama	
	White	Negro	White	Negro	White	Negro	White	Negro	White	Negro
Number of loans										
Operating.....	2,364	1,037	361	785	1,911	1,061	406	750	1,734	930
Emergency ^b	2	1	---	---	1	---	22	124	495	218
Farm ownership.....	338	23	62	27	423	41	88	40	452	54
Rural housing.....	713	46	159	87	753	172	288	141	1,252	248
Economic opportunity.....	124	86	48	290	267	388	34	175	256	249
Percent of loans made										
Operating.....	69.5	30.5	31.5	68.5	64.3	85.7	35.1	64.9	65.1	34.9
Emergency.....	(^c)	(^c)	---	---	(^c)	---	15.1	84.9	69.4	30.6
Farm ownership.....	93.7	6.3	69.7	30.3	91.2	8.8	68.7	31.3	89.3	10.7
Rural housing.....	94.0	6.0	64.6	35.4	81.8	18.2	67.7	32.3	83.5	16.5
Economic opportunity.....	95.9	4.1	14.2	85.8	40.9	59.1	16.3	83.7	50.7	49.3
Total money loaned (thousands)										
Operating.....	\$6,303	\$1,410	\$1,382	\$966	\$6,094	\$1,413	\$1,687	\$820	\$5,915	\$1,117
Emergency.....	.16	.02	---	---	.15	---	79,000	75	1,330	167
Farm ownership.....	3,458	164	727	155	4,745	272	1,119	816	5,424	465
Rural housing.....	6,554	214	1,403	317	6,817	693	2,874	741	12,322	1,375
Economic opportunity.....	204	75	69	363	455	461	67	257	452	356
Percent of money loaned										
Operating.....	82.8	17.2	58.8	41.2	81.2	18.8	67.3	82.7	84.1	15.9
Emergency.....	---	---	---	---	---	---	51.3	48.7	88.8	11.2
Farm ownership.....	95.5	4.5	82.4	17.6	94.6	5.4	88.0	22.0	92.1	7.9
Rural housing.....	96.8	3.2	81.6	18.4	90.8	9.2	79.5	20.5	90.0	10.0
Economic opportunity.....	73.0	27.0	16.0	84.0	49.7	50.3	19.9	80.1	65.9	44.1

Total money loaned (thousands)										
Operating	\$6,803	\$1,410	\$1,882	\$966	\$6,094	\$1,413	\$1,687	\$820	\$5,915	\$1,117
Emergency	.16	.02	-----	-----	.15	-----	79,000	75	1,330	167
Farm ownership	3,458	164	727	155	4,745	272	1,119	316	5,424	465
Rural housing	6,554	214	1,403	317	6,817	693	2,874	741	12,822	1,375
Economic opportunity	204	75	69	863	455	461	67	257	452	356
Percent of money loaned										
Operating	82.8	17.2	58.8	41.2	81.2	18.8	67.3	32.7	84.1	15.9
Emergency	-----	-----	-----	-----	-----	-----	51.3	48.7	88.8	11.2
Farm ownership	95.5	4.5	82.4	17.6	94.6	5.4	88.0	22.0	92.1	7.9
Rural housing	96.8	3.2	81.6	18.4	90.8	9.2	79.5	20.5	90.0	10.0
Economic opportunity	73.0	27.0	16.0	84.0	49.7	50.3	19.9	80.1	65.9	44.1

TABLE 2.—Continued

Category of loan	1965 ^a		1966				1967			
	Alabama		26 Counties		Alabama		26 Counties		Alabama	
	White	Negro	White	Negro	White	Negro	White	Negro	White	Negro
Average size of loan										
Operating	\$2,878	\$1,360	\$3,327	\$1,231	\$3,189	\$1,331	\$4,155	\$1,093	\$3,411	\$1,201
Emergency	^c 800	^c 780	-----	-----	^c 1,500	-----	3,588	604	2,688	768
Farm ownership	10,231	7,129	11,731	5,743	11,218	6,644	12,712	7,907	12,000	8,608
Rural housing	9,193	4,653	8,823	3,642	9,053	4,032	9,978	5,254	9,842	5,544
Economic opportunity	1,647	877	1,438	1,251	1,706	1,188	1,875	1,467	1,765	1,430
Difference in average size of loan										
Operating	-----	\$-1,518	-----	\$-2,596	-----	\$-1,858	-----	\$-3,062	-----	\$-2,210
Emergency	-----	^c -20	-----	-----	-----	^c -1,500	-----	-2,984	-----	-1,920
Farm ownership	-----	-3,102	-----	-5,988	-----	-4,574	-----	-4,805	-----	-3,392
Rural housing	-----	-4,540	-----	-5,181	-----	-5,021	-----	-4,724	-----	-4,298
Economic opportunity	-----	-700	-----	-187	-----	-518	-----	-408	-----	-335
Size of average Negro loan as percent of size of white loan										
Operating	-----	47.3	-----	32.2	-----	41.7	-----	26.3	-----	35.2
Emergency	-----	-----	-----	-----	-----	-----	-----	16.8	-----	28.6
Farm ownership	-----	69.7	-----	49.0	-----	59.2	-----	62.2	-----	71.7
Rural housing	-----	50.6	-----	41.3	-----	44.5	-----	52.7	-----	56.3
Economic opportunity	-----	53.2	-----	87.0	-----	69.6	-----	78.2	-----	81.0

^a 1965 loan data on 26 counties not available.

^b There were only 3 emergency loans made in Alabama in 1965 and 1 in 1966.

^c Number of loans too small to be statistically significant.

large proportion of all such loans made, they received 49 percent of the loans in 1967 but only 44 percent of the money loaned.

Differentials between the number of loans to Negroes and the percent of all money loaned that goes to Negroes also are apparent in the 26 counties where Negroes comprise a significant proportion of the farm operators. Although Negroes received 65 percent of the operating loans made in these counties in 1967, they received only 33 percent of the total money loaned, considerably less than the 41 percent of money loaned which they received for the category in 1966. Similarly, in emergency loans in 1967, Negroes in these counties received 85 percent of all such loans but only 49 percent of the money loaned. For farm ownership loans: 31 percent of the loans made but only 22 percent of the money loaned. In rural housing loans: 33 percent of the loans made but less than 21 percent of the money loaned. Only in the category of economic opportunity loans, where the size of the farming operation is not a factor, which might partially account for differentials elsewhere, does the percent of loans received by Negroes approximate the percent of money loaned to Negroes.

The average size of FHA loans received by Negroes is significantly lower than that received by whites.¹⁰ The size of a loan is closely related to the ability of the borrower to repay the loan and those borrowers with larger operations, proportionately more of whom are white, are more likely to be willing and able to repay larger loans. But the differentials in the size of loans received by Negroes as compared to whites are so great as to raise the question of whether or not differences in size of operations and repayment ability alone account for such differentials. Table 2 shows the differentials in the average amount of loans to whites and Negroes in the State of Alabama and for 26 of the 27 counties in Alabama where Negroes constitute 20 percent or more of the farm operators.

The average size of farm ownership loans received by Negroes in Alabama in 1967 was \$8,600 while the average size of loans received by whites was \$12,000. The difference in average sizes was nearly \$3,400. In the 26 counties the average size of farm ownership loans to Negroes was \$7,900 while the average size of loans received by whites was \$12,700. The difference in average sizes was over \$4,800.

The average size of rural housing loans received by Negroes in Alabama was \$5,545 while the average size of loans received by whites was \$9,840. The difference in average sizes was nearly \$4,300. In the 26 counties, the average size of rural housing loans to Negroes was \$5,255 while the average size of loans to whites was \$9,980. The difference in average sizes was over \$4,700.

Not only are the differences in average sizes of operating loans to white and Negro borrowers—\$2,210 for the State of Alabama and \$3,060 for the 26 counties—great, but the size of average operating loans to Negroes is only 35 percent of the average loan to whites in the State of Alabama and only 26 percent of the average loan to whites in the 26 counties.

A similar disparity exists in the category of emergency loans, where only the 1967 experience can be measured because such loans were not made in Alabama in the two preceding years. The difference in the average amount of such loans to whites and Negroes was \$1,920 for the State of Alabama and \$2,985 for the 26 counties. This meant that the size of average emergency loans to Negroes in the 26 counties was less than 17 percent of the average loan to whites.

Even in economic opportunity loans, the difference in the average size of such loans to Negroes was \$335 in the State of Alabama and nearly \$410 in the 26 counties.

¹⁰ Certain differentials may account, in part, for this. Although Negroes constitute almost 23 percent of the farm operators in Alabama, they account for only 15 percent of the farm owners. The average size of Negro operated farms is 56.9 acres whereas the average size of white operated farms is 196.1 acres. 81.3 percent of Negro operated farms are valued at less than \$10,000 whereas only 42.2 percent of white operated farms are in this category. Proportionately, 80 percent more Negro operated farms than white operated farms reported crop failures in 1964.

Autauga	---
Barbour	---
Bullock	---
Butler	---
Chambers	---
Choctaw	---
Cochech	---
Clarke	---
Dallas	---
Elmore	---
Greene	---
Hale	---
Henry	---
Lee	---
Lowndes	---
Macon	---
Madison	---
Marengo	---
Monroe	---
Montgomery	---
Perry	---
Pickens	---
Pike	---
Russell	---
Sumter	---
Talladega	---
Wilcox	---

Total:

- * Bullock
- b Hale Co
- c Lee Cou
- d Lowndes
- e Sumter
- *Positions
- **Every c

APPENDIX B.—Number and Total Amount of FHA Loans, 16 Alabama Black Belt Counties, Fiscal Years 1966 and 1967

County/Loan	1966				1967			
	White		Negro		White		Negro	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Autauga:								
Operating.....	7	\$26,900	19	\$40,660	11	54,490	20	\$33,760
Emergency.....	0	-----	0	-----	0	-----	0	-----
Farm ownership.....	2	20,000	1	8,400	1	11,500	0	-----
Rural housing.....	5	42,500	7	29,850	5	57,800	11	58,010
Economic opportunity.....	0	-----	1	480	0	-----	0	-----
Barbour:								
Operating.....	30	142,010	10	20,310	11	18,660	39	218,760
Emergency.....	0	-----	0	-----	0	-----	0	-----
Farm ownership.....	4	29,550	0	-----	3	35,180	0	-----
Rural housing.....	9	96,150	1	600	13	136,600	0	-----
Economic opportunity.....	2	3,500	13	20,800	1	2,500	4	4,890
Bullock:								
Operating.....	1	10,000	37	38,640	5	30,250	48	43,410
Emergency.....	0	-----	0	-----	0	-----	0	-----
Farm ownership.....	1	55,000	0	-----	2	17,000	1	8,480
Rural housing.....	1	9,720	1	4,780	1	4,980	0	-----
Economic opportunity.....	1	2,050	9	13,540	0	-----	7	7,660
Butler:								
Operating.....	23	57,610	26	65,940	32	80,300	23	53,490
Emergency.....	0	-----	0	-----	4	5,140	15	16,340
Farm ownership.....	6	66,820	2	10,800	10	80,230	4	20,200
Rural housing.....	15;	136,700	5	3,230	26	262,400	5	21,100
Economic opportunity.....	5	7,980	11	17,080	6	12,680	3	4,020
Choctaw:								
Operating.....	6	17,810	18	15,550	9	37,950	25	23,740
Emergency.....	0	-----	0	-----	0	-----	0	-----
Farm ownership.....	1	28,500	1	10,500	3	54,000	0	-----
Rural housing.....	2	17,500	14	36,090	15	32,540	20	82,580
Economic opportunity.....	0	-----	6	10,170	0	-----	4	8,950
Clarke:								
Operating.....	1	2,000	8	8,990	2	3,000	5	5,300
Emergency.....	0	-----	0	-----	0	-----	0	-----
Farm ownership.....	0	-----	0	-----	1	10,000	0	-----
Rural housing.....	0	-----	3	8,500	6	62,000	1	7,000
Economic opportunity.....	1	230	8	6,870	1	230	2	500
Dallas:								
Operating.....	6	53,100	53	41,270	9	63,220	49	38,570
Emergency.....	0	-----	0	-----	1	33,000	0	-----
Farm ownership.....	1	8,500	0	-----	0	-----	3	24,020
Rural housing.....	1	11,000	1	3,500	0	-----	7	28,500
Economic opportunity.....	0	-----	5	3,070	0	-----	7	11,650

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APPENDIX B.—Continued

County/Loan	1966				1967			
	White		Negro		White		Negro	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount

Operating.....	0	17,100	0	---	4	5,140	15	18,810
Emergency.....	6	66,820	2	10,300	10	80,230	4	20,200
Farm ownership.....	15;	136,700	5	3,230	26	262,400	5	21,100
Rural housing.....	5	7,980	11	17,080	6	12,680	3	4,020
Economic opportunity.....								
Choctaw:								
Operating.....	6	17,810	18	15,550	9	37,950	25	23,740
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	1	28,500	1	10,500	3	54,000	0	---
Rural housing.....	2	17,500	14	36,090	15	82,540	20	82,580
Economic opportunity.....	0	---	6	10,170	0	---	4	8,950
Clarke:								
Operating.....	1	2,000	8	8,990	2	3,000	5	5,300
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	0	---	0	---	1	10,000	0	---
Rural housing.....	0	---	3	8,500	6	62,000	1	7,000
Economic opportunity.....	1	230	8	6,870	1	230	2	500
Dallas:								
Operating.....	6	53,100	53	41,270	9	63,220	49	38,570
Emergency.....	0	---	0	---	1	33,000	0	---
Farm ownership.....	1	8,500	0	---	0	---	3	24,020
Rural housing.....	1	11,000	1	8,500	1	12,500	7	28,500
Economic opportunity.....	0	---	5	2,970	0	---	7	11,650

APPENDIX B.—Continued

County/Loan	1966				1967			
	White		Negro		White		Negro	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Greene:								
Operating.....	2	33,560	137	102,780	3	33,800	51	34,680
Emergency.....	0	---	0	---	1	430	72	28,410
Farm ownership.....	0	---	3	15,950	1	20,750	4	21,090
Rural housing.....	0	---	3	5,380	1	9,500	1	3,300
Economic opportunity.....	0	---	24	31,930	0	---	16	13,910
Hale:								
Operating.....	5	22,550	22	22,150	3	6,150	21	12,350
Emergency.....	0	---	0	---	3	3,090	15	7,400
Farm ownership.....	0	---	0	---	1	18,000	4	26,450
Rural housing.....	2	19,000	3	3,000	9	84,260	0	---
Economic opportunity.....	0	---	2	4,160	0	---	12	19,870
Lowndes:								
Operating.....	7	17,070	29	30,700	6	58,100	52	54,030
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	0	---	2	15,500	1	10,000	6	60,900
Rural housing.....	3	25,200	1	600	6	46,160	2	5,000
Economic opportunity.....	0	---	27	37,500	0	---	15	25,940
Macon:								
Operating.....	5	16,020	31	40,030	5	20,850	39	32,200
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	0	---	1	14,620	2	5,220	0	---
Rural housing.....	0	---	2	4,750	1	12,500	5	20,630
Economic opportunity.....	0	---	11	8,840	1	1,700	11	12,290
Marengo:								
Operating.....	10	48,280	69	102,190	14	90,120	101	126,090
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	3	46,780	0	---	7	171,550	1	11,500
Rural housing.....	3	34,000	6	17,000	13	134,820	7	43,500
Economic opportunity.....	0	---	26	40,430	1	3,460	24	48,480
Monroe:								
Operating.....	31	80,590	13	27,890	19	57,240	14	30,410
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	5	42,500	1	6,500	1	11,000	2	14,000
Rural housing.....	9	60,350	1	8,750	13	130,500	9	53,400
Economic opportunity.....	1	2,400	4	4,950	2	1,800	4	4,630
Perry:								
Operating.....	11	11,330	9	17,330	12	58,430	19	25,010
Emergency.....	0	---	0	---	0	---	0	---
Farm ownership.....	2	14,640	0	---	3	23,420	2	21,790
Rural housing.....	2	14,320	1	10,000	2	24,500	1	9,500
Economic opportunity.....	0	---	4	3,120	0	---	5	2,450

APPENDIX B.—Continued

County/Loan	1966				1967			
	White		Negro		White		Negro	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Sumter:								
Operating.....	3	6,850	38	36,820	8	27,480	80	19,850
Emergency.....	0		0		0		0	
Farm ownership.....	2	48,710	4	12,640	4	48,700	0	
Rural housing.....	3	31,960	7	57,900	1	11,500	4	30,250
Economic opportunity.....	1	2,000	8	12,990	2	3,000	4	9,450
Wilcox:								
Operating.....	4	12,110	84	72,120	5	10,940	87	58,680
Emergency.....	0		0		0		0	
Farm ownership.....	1	28,500	6	24,420	3	39,560	5	32,480
Rural housing.....	9	89,990	7	25,200	7	68,900	19	77,690
Economic opportunity.....	0		48	43,570	1	810	19	32,200
16 Counties:								
Operating.....	152	557,290	608	688,870	154	650,980	628	810,380
Emergency.....	0		0		9	41,660	102	52,150
Farm ownership.....	28	389,722	21	118,470	48	561,110	32	240,910
Rural housing.....	64	588,890	63	224,180	120	1,141,410	92	440,460
Economic opportunity.....	11	18,160	202	253,750	15	25,680	137	206,890
Total.....	255	1,554,062	889	1,284,720	341	2,420,790	986	1,750,240

In 1967, A well below the county health according to county health gomery, Etow in nine coun amount cons tion of even.

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Alabama for expectar quence, man wife's assist of a statewi

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and for recipients in nursing homes, one routine visit from a physician each calendar quarter.

For Aid to the Blind recipients over 65 years of age who are ineligible for Medicare and for Aid to the Blind, Aid to the Permanently and Totally Disabled and Aid to Dependent Children recipients under 65 years of age, care in a licensed nursing home is available under the circumstances already specified.

For general medical treatment indigent families must rely on the good will of local doctors who must provide their services free if necessary treatment is to be rendered. Local service organizations must be petitioned for funds for necessary drugs and other corrective items. Home health care services are generally unavailable—the ill must either be able to travel to the county health clinic or go untreated.

The Federal government's medical assistance program, Medicaid, provides grants to states to operate a medical program which would provide such services for all federally aided public assistance recipients; for comparable groups of medically needy people who have enough income or resources for daily living but not for medical expenses, and who, except for income, would meet their states' eligibility requirements for public assistance; and for all children under 21 whose parents cannot afford to pay their medical bills. Alabama does not have a Medicaid program. The Federal share of Alabama's medical assistance expenditures under Medicaid would be 88 per cent.

Exhibit No. 13

TICEP HEALTH SURVEY FOR LOWNDES COUNTY, ALABAMA

152 Broad Street, Guilford, Conn. 06437

April 11, 1968.

ALAN C. MERMANN, M.D.
 PETER R. CUNNINGHAM, M.D.
 E. M. WAKEMAN, M.D.

To Whom it may Concern;

I conducted the study, prepared this statement and it is true to the best of my knowledge and belief.

Sincerely,

ALAN C. MERMANN, M.D.

Personally appeared, Dr. Alan C. Mermann, Charlotte K. Lazarevich, Notary.

LOWNDES COUNTY, ALABAMA

TICEP HEALTH SURVEY—SUMMER 1966

ALAN C. MERMANN, M.D.
 6 Fair Street, Guilford, Conn. 06437

Lowndes County lies in south central Alabama, its northern edge, the Alabama River, connecting Selma and Montgomery. The population is approximately 16,000, of whom 81 percent are Negroes. The economy is rural farming, with cotton and cattle as its base. There are two physicians (white) in practice in the county: one in Benton in the northwestern corner of the county and the other in Fort Deposit, a town of 1,400 people in the southernmost part of the county. The nearest hospital facilities are in Selma and in Montgomery, an hour's drive for most of the people in the county. There is one drug store in the county.

As a MCHR physician assigned to TICEP for this survey, I attempted to examine as many children and adults as possible during my short stay in the county. I also tried to familiarize myself with as much of the demographic material available as it related to health knowledge and practices in the county. The survey involved only Negroes, and 709 children and 110 adults were examined by a team consisting of six nurses, one medical student, a social worker, several veterinary students and the physician. These people were examined at the TICEP centers, the loci for the summer education project operating in five centers in the county.

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ALAN C. MERMANN, M.D.
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Briefly, the children received a screening physical examination which included examination of the skin, eyes (including ophthalmoscopic), ENT, heart, chest, abdomen (examined erect for enlargement of liver and spleen), genitalia (boys only), and posture. The adults were examined in the standard way on a table and the examination included a bimanual and speculum examination of the women and a rectal examination of the men. Before the physical examination occurred, the other members of the team had recorded blood pressure, height and weight, dip stick test for urinary albumin and sugar, hemoglobin and Snellen vision readings. An important qualification must be anticipated in interpreting the results of this survey. The examinations were briefer than would be performed in a pediatrician's office, but it must be remembered that the purposes of this survey were (1) to get an impression of the health status of the community, (2) talk with as many people as possible, (3) to give a reasonable examination to as many children as possible (approximately 90 percent of whom gave a history of never having visited a doctor), and (4) to find defects which could be followed up, referred and treated at a later date. If a more comprehensive examination had been possible, I am confident that even more pathologic conditions would have been found.

CHILDREN

- I. General: the initial impression of the examiner, as he watched the children playing and studying, was that they were in good health—slender, active and cheerful, although ragged clothes and dirty bodies were much in evidence.
- II. Specific findings:
 - A. Skin:
 1. almost universal presence of current or healed infection secondary to insect bites or injury.
 2. alarmingly high incidence of healed burns of every part of the body ranging from 2-3 cms. to disfiguring facial and body burns.
 3. healed lacerations not surgically repaired.
 4. general lack of personal hygiene.
 - B. Eyes:
 1. Approximately 0.6 percent of children wearing glasses.
 2. fundiscopic examination routinely normal except for diopter variations caused by near or far sightedness.
 3. eye infection rare.
 - C. ENT:
 1. ear drums routinely normal with almost no evidence of past or current infection.
 2. tonsils routinely small, smooth and not infected.
 - D. Teeth:
 1. elementary grade children had minimal caries.
 2. obvious caries appearing in increasing percentage with age associated with poor dental hygiene.
 - E. Chest:
 1. rare finding of wheezes, usually associated with a history of allergy.
 2. rare evidence of poorly healed fracture of collar bone.
 - F. Heart:
 1. the incidence of functional and organic heart murmurs seemed average for private practice.
 2. two children had abnormalities of heart rhythm.
 - G. Abdomen and genitals:
 1. routine absence of organ enlargement.
 2. occasional hernias, usually umbilical or epigastric.
 3. one boy with bilateral undescended testes, one circumcision.
 4. girls not examined (genitalia).
 - H. Lymphatic system:
 1. vast majority of children have generalized adenopathy, probably due to repeated skin infections (see A).
 - a. femoral, inguinal, axillary and epitrochlear nodes routinely felt.
 - b. cervical adenopathy minimal (see C).

2. Splenomegaly absent.

I. Skeletal:

1. general incidence of congenital anomalies seemed average for age groups EXCEPT in complete lack of therapy for congenital dislocation of hip, post-polio deformity (?), traumatic amputations, etc.
2. flat feet, knock-knees, gait abnormalities, etc., seemed in normal distribution.

J. Sociopersonal aspects:

1. children generally shy and embarrassed at examination.
2. marked lack of conversational ability during examination.
 - a. lack of verbal communication between parents and children; e.g., many children aged 6-9 did not know birthday or other familiar information.
 - b. type of speech was more than "southern accent;" primitive type of non-sentenced structure.
 - c. examination done by white northern physician of children with minimal contact with M.D. except when sick or injured.

K. Laboratory:

1. hemoglobin: 18 percent of children under age 15 had values over 9.4 gms.; 30 percent of those over 15 had a hemoglobin of over 9.4 gms.
2. Protein in urine: 8.0 percent of the children (36) had 30 mgms or more of albumin in the urine, and 15.0 percent of the adults (30).
3. blood pressure: 6.0 percent of the children (28) had readings greater than 110/70 and 18.0 percent of the adults had readings greater than 140/90.
4. vision: approx. 25 percent of the children from 5-15 had visual acuity less than 20/30, and 40 percent of the adults.

Summary:

Superficially, the Negro children examined in this survey seemed to be in good health. Abnormalities found in physical examination did not seem to be in greater numbers than expected, except that they were untreated. Visual problems are almost routinely ignored. Dental caries are widespread and untreated. Skin infection and secondary lymph node enlargement are universal. Albuminuria is frequent and anemia, often profound, occurred in more than four out of five children examined. The anemia could be due to a variety of causes, all very possible in this sample: (1) inadequate maternal stores (80 percent of adult women had hemoglobins below 10 gms.), (2) chronic infection (skin), (3) iron deficient diet, (4) blood loss (parasitism) or (5) blood destruction (sickle cell anemia). The presence of protein in the urine of 30 mgm percent or more may be evidence of preceding or current urinary tract disease. See adult. The lack of specific symptomatology with diseases of the urinary tract may well account for the lack of treatment, the children being treated at home for "fever."

It would seem that no clearer examples could be shown of the effects of lack in the traditional areas of soil and land use, diet and food preparation, regulation of family size, management of perinatal care, public water, private sanitation, hygiene, health and sex education, public health measures of TB and VD control, recognition of congenital abnormalities and their referral well child and preventive pediatrics, immunizations and treatment of acute and chronic disease. The effects of only one of these problems, anemia for example, on the economic life of the Negro cannot be overestimated. The teachers report children asleep in class by midmorning, and fatigue is a common adult complaint.

ADULT

The adults were examined in the more traditional way, draped and examined both sitting and supine. The women were examined vaginally and the men had a digital rectal examination. Health questions were asked and answered, but no recommendations were made except referral to the person's physician. From these conversations, several generalizations can be made:

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1. General information about well adult care is minimal. One woman out of 70 had heard of self-examination of the breast, and none had any knowledge of the importance of vaginal bleeding or spotting unrelated to menses.
2. Most adults who had had surgery did not know the reason for the operation or what had been done, except for hernia repair.
3. Adults had little information on illnesses for which they had been treated, and referred to symptoms rather than to disease entities.
4. The medicines which they received were mysteries to them as far as expected results, duration of treatment, or what the medicine was.
5. Deaths in the first year of life were not understood as having been caused by any specific disease or abnormality. Newborns were thought to have died because they did not feed well, and older infants "took sick and died."
6. Most adults lacked the sophistication about the practice of medicine common in urban areas, and seemed to see sickness and death in terms of "The Lord giveth and the Lord taketh away."

General findings:

A. Obesity:

1. nearly without exception, women were markedly overweight.
 - a. possibility of obesity being a culturally desirable body habitus.
 - b. diet is probably an important factor along with a complete absence of traditional means of exercise and recreation.
2. role of obesity as a cause or complication of other medical problems.
 - a. hypertension.
 - b. obstetrical and surgical problems.

B. Hypertension: present in many young and middle-aged adults; differential diagnosis not possible at this time.

C. Varicose veins and hemorrhoids are very common.

D. Anemia: as with children, this was a common finding.

1. causes: would be the same as for children, plus the factors of blood loss from hemorrhoids, repeated pregnancies.
2. effects: standard, such as fatigue, loss of appetite and lowered resistance to infection.

E. Caries: the long term effects of the caries seen in children are apparent in the large number of adults with dentures and missing teeth.

F. Loss of hearing: this was a common complaint, but actual hearing loss could not be determined.

G. Vision: poor vision is reported by many, and is untreated for financial reasons.

H. Urinary tract: night-time voiding is an almost universal complaint, particularly with women, ranging from one to six voiding in an eight hour sleep period. This finding could not be pursued, but its relationship to childhood proteinuria should be defined.

I. Vaginal: although not a specialist in OB-GYN, there seemed to be many women with

1. vaginal discharge
2. vaginal tears
3. cervical inflammation and erosion
4. vaginal prolapse
5. retroversion of uterus

J. Skeletal:

1. very common complaint of pains in knees, low back and ankles.
 - a. role of obesity
 - b. early arthritis
 - c. two possible cases of acute rheumatic fever, now quiescent.
2. general muscle tone of adults is fair, ranging from poor in women to excellent in male laborers.

On review of the findings of this survey, and before the final statistical tabulations are done, I believe that certain definite conclusions can be drawn and recommendations made. An immediate approach to the health problems of Lowndes County can be made without intensive medical and paramedical assistance. There are several *outstanding* exceptions to this statement, however: (1) urinary tract symptoms and disease, (2) high in-

fant death rate (23/265 Negro births in first year), (3) complications of current obstetrical care and (4) correction of visual defects.

I would consider that the problems which can be attacked immediately are:

1. Anemia.—The first step would be documentation of the types of anemia present. This laboratory work could be done on a representable sample of adults and children without too much cost and effort. Plans could then be made for therapy and prevention.

2. Obesity.—This problem would lead naturally into the entire field of nutrition—diet and food preparation.

3. Soil use.—This topic is quite central to other nutritional difficulties, since the vegetables and animals raised on the land cannot contain nutrients which the soil does not. Information is probably obtainable from agricultural agencies.

4. Large family size.—Almost without exception, women questioned about limitation of family size were desirous of information about this. They seemed to appreciate the economic and health problems associated with multiparity.

5. Public health.—Public water supplies are very limited. Cooperative well sharing, using deep, drilled and covered wells, would be helpful. The use of the shallow out-house should be abandoned. Screening of windows is almost absent and flies abound. Farm animals live near and occasionally with the families. Because of the above problems, personal hygiene is difficult, and may be a causal factor in parasitism and gastrointestinal diseases.

6. Dental diseases.—Caries are not simply a matter of diet and brushing of teeth. These factors are important, though, and could be pursued. The use of fluoride seems unlikely on a widespread basis.

7. Recreational facilities.—These seem to be totally lacking.

8. Referral of cases.—Existing agencies and services should be utilized for the management of individual cases uncovered in any survey.

9. Use of existing health and welfare laws.—There must exist, on the statutes and directives, facilities for medical and welfare assistance which are not being used because they are not known.

Possible methods of improving health and health knowledge in Lowndes County:

1. Social situations.—There seems to be a built-in social organizational pattern well-suited to education and community action. The county is divided into many small communities composed of families, often related to each other, and having church and school in common. It is in these areas, as a matter of fact, where TICEP has organized its centers. The profusion of churches may indicate independent religious interpretation and close relationship to the community, both desirable factors in communal education.

2. Political situation.—The Negroes in Lowndes County are in the process of planning a political campaign of independent candidates under the LCFD. The possibility exists that a real change will take place in the basic political structure with all its attendant changes in taxation, education, health and welfare services and all the other crucial political needs of man. The practical political training which the Negro is receiving in this struggle will serve well in continuing the processes necessary for health and welfare.

3. Means of accomplishing the basic, short-range goals.—

a. Demonstration project.—With the TICEP Centers as a focal point, elementary, but essential projects could be begun. Obvious but uncomplicated tasks might include screening, well-drilling, out-house construction.

b. Health education.—This discipline, taken in its broadest meaning, could be started with resources currently available in nurses, teachers, interested M.D.'s from the area, and parents with some training in elementary health practices. "Throw-away sheets" with simple anatomic drawings and instructions could be the basis of a single night's instruction. Colleges and graduate schools in the area might provide resource persons trained in dealing with the uneducated, particularly for an organized, county-wide project.

c. Land use.—Farming practices in other parts of USA would suggest a future decline in importance of farming to the economy of the county. The use of the land for subsistence farming will continue, however, and a direct effort to document the nutritional values of the land and improve it, if necessary, should be started now.

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parts of USA would suggest a the economy of the county. The continue, however, and a direct he land and improve it, if neces-

d. Tabulation of existing services.—Local committees would be ideal repositories for listings of health and welfare services available to all citizens. With this knowledge, citizens could press for fulfillment of services such as TB and VD testing, mental health, water pollution, parasite control.

e. Relating health and welfare to practical politics.—Persons responsible for the political advances being made should be informed of the relationships between health and the political-economic life of man. The effects of anemia, parasitism, chronic infection, poor nutrition and vision defects on the wage earner and the mother are too great to be ignored in planning for the future.

4. Means of accomplishing the long-range goals.—

a. Planning for a health center in Lowndes County.—Construction of a diagnostic or screening center would provide the locus for the health activities of the county. With modest beginnings and careful planning, it could expand to include referral and treatment.

b. Health insurance.—A dismal reality is to be found in the fact that, while health insurance is rare, burial insurance is common. The co-op, credit union type of plan could be developed for health insurance, and particularly in reference to the health center.

c. Careers in health.—Encouragement of training in paramedical services would be most helpful to the county in bringing in practical nurses, sanitarians, etc., to work in their home county.

d. Cooperation and co-sponsorship of a medical school.—This could be the most exciting part of the project because of the long-range benefits to the county, the medical school, the physicians in the area, and the country at large. The John A. Andrew Hospital at Tuskegee Institute is in a unique position to initiate this part of the project. As a sponsor knowledgeable in the specific medical problems of rural Alabama, the hospital staff could enrich the medical training of the house staff of a medical school, and reap the rewards of the inevitable medical and social dialogue which would result. Specialty services such as psychiatry, cardiology, preventive pediatrics, rehabilitation and plastic surgery could be available. The organization of such a program would be a very difficult task. Personality conflicts, status problems and professional jealousy are not unknown in medicine and would be a stumbling block, but could hardly be allowed to be insurmountable.

August 18, 1966.

Exhibit No. 14

STAFF REPORT

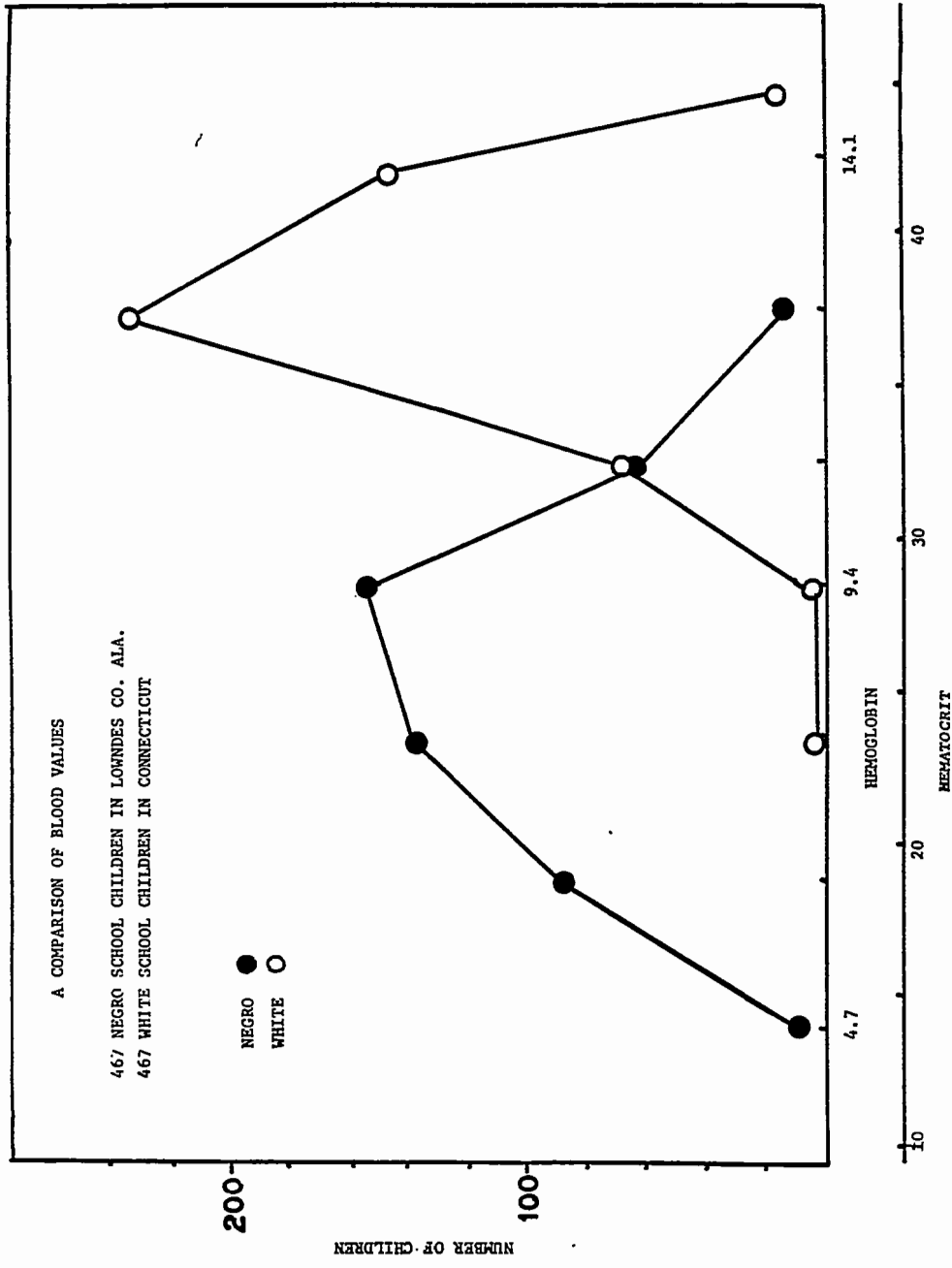
PUBLIC ASSISTANCE IN ALABAMA

THE ADMINISTRATION AND DESCRIPTION OF WELFARE PROGRAMS IN ALABAMA

Organization of Department of Pensions and Security.—In Alabama, the State public welfare agency is known as the Department of Pensions and Security. The top administrative official of the department, the Commissioner, is appointed by the State Board of Pensions and Security. The Board is appointed by the Governor, who is ex-officio chairman, and confirmed by the State Senate. There are six Board members in addition to the Governor. Two of the members must be women. The State Board of Pensions and Security is the policy making body in the area of public assistance and any change in policy must be approved by it. At the present time the State Board is comprised of white members only.

There are 67 county departments of Pensions and Security which operate under Federal and State laws and according to rules and regulations of the State Board and the State Department. Each county has its own 7 member board, including at least 2 women, whose members are appointed by the county governing body. The Commission staff was furnished, at its request, with the names of members of all county boards of pensions and security in Alabama including the 16 county hearing area. In his transmittal memorandum, the State Commissioner stated that he had no information as to the race of members of county boards.

Public assistance policies of county boards of pensions and security cannot be in conflict with the policies of the State Board. A county appropriates some funds of its own for special needs in the public assistance



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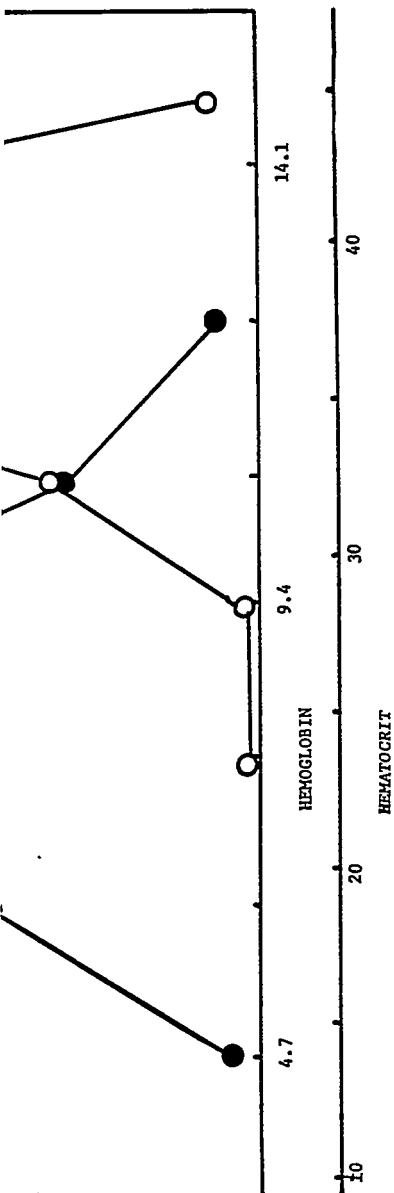
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area, but the bulk of its funds come through the State Department of Pensions and Security. Until 1951 a county board could decide on the distribution of funds between programs and the preponderance of power rested with the County Board. In that year financing was centralized in the State so that uniformity could be achieved through the State Board and the State Department as its agent.

Employees of the State Department of Pensions and Security are appointed by the Commissioner. County directors are appointed by the county boards. Other county staff members are appointed by the county director subject to the approval of the county board.¹ Both State and county staff members are under the State merit system.

When an opening exists for county director, the State Department of Pensions and Security may recommend a person from the register to the County Pensions and Security Board which makes the appointment. The County Director and the County Pensions and Security Board together decide on the other employees in the county department.

Racial Composition of the Staff of the Department of Pensions and Security.—The employment of the Alabama Department of Pensions and Security in Montgomery and in the field totals 1,804. Of this number 18 are Negroes. In the State office, out of an employment of 220, there is one Negro, a child welfare supervisor. In the field, out of an employment of 1,584, there are 17 Negroes distributed as follows: 12 caseworkers, 3 child welfare workers and 2 clerk typists, grade 1.

All employees of the Department of Pensions and Security are covered by the State merit system. Alabama, however, has refused to amend its merit system to conform with Federal requirements.

The State Department of Pensions and Security has corresponded with colleges in the State about opportunities in the Department in an effort to bring in Negroes at professional and supervisory levels. Operation Native Son was developed to publicize the recruitment of persons for the Department. County Directors send announcements to colleges alerting them to upcoming examinations for positions in the Department. Until three or four years ago, a person from the State Office was assigned to visit colleges. The lack of adequate staff made it necessary to leave the bulk of this activity to County Directors.

In the Dallas County Department of Pensions and Security there are approximately 43 employees. With the exception of the janitorial staff, with four Negro men and one Negro woman, all employees are white. Examinations are held for clerical aides for summer work in county departments. Last summer there were four such aides, all of whom were white.

No Negroes are employed in the Butler County Department of Pensions and Security at professional tasks. The Director stated that she has had no openings in the past six years. She said, however, that she has no systematic procedure for bringing Negroes into the Department. The Director stated that she has not encouraged Negroes to enter the Department. There are no qualified Negroes in Camden, she said. She added that Negro caseworkers might be harder on Negro clients than white caseworkers. She has not gone to schools of social work to encourage Negroes to take State Merit examinations for positions in social work.

There are no Negroes in the non-janitorial positions in the Monroe County Department of Pensions and Security. The Director stated that she would like to have a qualified Negro caseworker but she has not sought systematically to get Negroes in as caseworkers. Two Negro teachers came to her on their own about two years ago. Both were given applications. One was encouraged to go to a summer school. The other came to inquire about the qualifications. The Department heard nothing further from either.

Programs of the Department of Pensions and Security.—The State Department of Pensions and Security, through the county departments of pensions and security, administers the public assistance programs of Old

¹ The Director of the Dallas County Department of Pensions and Security stated that her immediate superior is the chairman of the County Board of Pensions and Security but that she is supervised by the appropriate field service person in the State Department. Her county chairman must approve new hires and he is really "on top of everything she does," she said.

Age Pensions (OAP), Aid to the Blind (AB), Aid to the Permanently and Totally Disabled (APTD), Aid to Dependent Children (ADC), and Medical Assistance, Temporary Aid, Confederate Pensions, child welfare services and food surplus and food stamp programs. In addition to the ADC program, there is a program of Aid to Children in Foster Care and Aid to Children Receiving Day Care either in day care centers or in family day care homes. For adults who receive aid under OAP, AB, APTD and ADC and who need care in a licensed nursing home, payments may be made by the State Department to institutions for nursing home care including medical services.

The payments for Aid to Children in Foster Care, Aid to Children Receiving Day Care and Temporary Aid are exclusively State funds. Other programs receive payments from both State and Federal funds. With respect to the Aid to Children in Foster Care program, however, Federal funds are available for child welfare services only. Payments from Federal funds can also be made for the day care of children whose mothers are working or are seeking employment.

Alabama has not adopted the Aid to Dependent Children with Unemployed Parents Program or a work experience and training program for ADC recipients and other low-income persons who could benefit from such a program. Federal financial assistance is available for both programs.²

Alabama does not have, as do many other States, a program of general assistance. No Federal aid presently is available for a general assistance program, although the 1967 Social Security Act Amendments provide Federal assistance for this program, which goes into effect July 1, 1968. Alabama does have a program of temporary aid created by an emergency, for short periods of need, such as an illness. To be eligible for this program a person must have been a resident of Alabama for 6 months. The most that can be paid from State funds to an eligible person is \$12.50 a month for a period of 3 months or \$37.50 a year.

The governing body in a county, the county commissioners, decides whether there shall be a surplus food or food stamp program or neither. The county must pay the administrative costs; the Alabama Department of Pensions and Security does not finance either program but does furnish technical assistance. In surplus food programs the costs must be met in full by the county without reimbursement whereas in the food stamp program the Federal government reimburses the county for part of these costs.

The State Department of Pensions and Security is seeking to obtain a home economist who will demonstrate to public assistance families good practices in purchasing and preparing food. The surplus food program does not require case workers whereas the food stamp program does. The higher skills needed in the latter results in a more expensive program.

In the surplus food program the food is brought in to the distribution point or points free of charge; the county must pay for the cost of trucking, the warehouse facilities used, the office manpower involved plus incidental expenses.

Forty-five of the 67 counties in Alabama have surplus food programs; 17 have food stamp programs. In one county, Clarke, the food stamp program has been approved but is not yet in operation. Thus, in Alabama, 63 counties have one of the food programs in effect or scheduled. In the remaining 4 counties, two have officially requested the food stamp program. One of the counties requesting food stamps is Barbour, which withdrew a prior request for the surplus food program. Two others, outside the hearing area, have not requested either program to date.

In the 16 county hearing area seven counties have a surplus food program in effect. These counties are Macon, Marengo, Monroe, Butler, Wilcox, Autauga and Lowndes. Seven counties also have a food stamp program in operation. These counties are Bullock, Dallas, Greene, Hale, Perry, Sumter and Choctaw. The situation in the remaining two counties, Clarke and Barbour, was noted previously.

The racial composition of public assistance recipients.—In December 1967, there were a total of 152,967 public assistance cases in the State of Alabama. The number of such cases in the 16 county hearing area total

² These programs are dealt with later in this report.

23,891 or public assistance families.

77.5 per cent of the total.

The Bureau of Economic Analysis reported that 80 per cent of the total were in the hearing area.

In Alabama, the hearing area is the only one in the country where the majority of public assistance cases are in the hearing area.

The hearing area in Alabama has 14.1 per cent of the total public assistance cases.

The economic details of the hearing area are in the context of the difference between the living of well-being in the States and the farm operator.

The combined index for white farm operators was 27; the index for colored farm operators was 45 points.

The difference between the two indices widened to 18 points in 1950 and narrowed to 15 points in 1967.

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It is evident that the living of public assistance recipients in 1950 and 1967 was significantly lower than in 1967.

The pre-war period was a time of economic stagnation and narrow living for the public assistance recipient.

The pre-war period was a time of economic stagnation and narrow living for the public assistance recipient.

The pre-war period was a time of economic stagnation and narrow living for the public assistance recipient.

³ The index of living conditions for the public assistance recipient in 1950 and 1967 was significantly lower than in 1967.

⁴ The average living conditions for the public assistance recipient in 1950 and 1967 was significantly lower than in 1967.

⁵ The disparity in living conditions between the public assistance recipient and the farm operator was only slightly greater in 1967 than in 1950.

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23,891 or 15.5 percent of the State total. Of all cases in Alabama receiving public assistance, 55 percent involved white and 44 percent involved Negro families. This situation was markedly different in the county hearing area; 77.5 percent were Negro and only 21.5 percent were white.

The bulk of the cases in the State receiving public assistance, 75 percent, were in the OAP program. The next largest program was ADC with 12 percent of the cases, followed closely by APTD with 10 percent of all cases. While 80 percent of all white cases were in the OAP program, the comparable figure for all Negro cases in the OAP program was 69 percent.

In Alabama 68.5 percent of the ADC cases were Negro; in the 16 county hearing area, 91.5 percent were Negro.

The program of Temporary Aid, which carries no Federal assistance, is of minor importance in Alabama. The number of such cases in December 1967 totaled 68 or 0.04 percent of the total of all cases. Ten of these 68 cases, 14.5 percent, were in the 16 counties.

The economic status of Alabama farm operators.—Any discussion of the details of Alabama's public assistance program should be viewed in the context of the economic security of farm operators in that State and the difference in this regard between white and nonwhite farm operators.

The U.S. Department of Agriculture prepares indices of the level of living of farm operators. These indices are designed to measure the relative well-being of farm operator families in the United States, in individual States and in individual counties.³

The following observations can be made about the developments in the farm operator level of living index in Alabama over the period 1950-1964: The combined index for white and nonwhite farm operators rose but the rise was much greater for white operators (76 index points) than for nonwhite farm operators (44 index points).⁴

The index for nonwhite farm operators remained substantially below the index for white operators in all three years, 1950, 1959, and 1964. In 1964, for example, the index for white operators was 103 relative to 1959 whereas the index for nonwhite farm operators was 53. In 1950 the index for whites was 27; the index for nonwhites was 9.

The differential between the races widened between 1950 and 1964, in favor of the white farm operator. In 1950 the nonwhite operator index was 18 points below the index for white operators. The differential rose in 1959 to 45 points, so that the nonwhite index was that number of points below the index for the white farm operator. In 1964 the differential had further widened to 50 points, to the disadvantage of the nonwhite farm operator.⁵

It is evident, then, that while there has been improvement in the level of living for both white and nonwhite farm operators in Alabama between 1950 and 1964, the improvement has been substantially less for nonwhite farm operators than for white operators. The difference between the economic status of these racial groups, their material well-being, were neither narrowed nor stabilized in this period.

It is clear, therefore, that while there are many white farm operators who live close to the margin of subsistence and who may need recourse to the public assistance system in Alabama, this is true to a much greater degree for nonwhite farm operators.

The preceding analysis has been in terms of racial differences. It is important also to take note of Alabama's rank in terms of the level of living index for all its farmers, both white and nonwhite, in comparison with other States.

³ The indices are derived from five variables obtained from the quinquennial Census of Agriculture; average value of products sold per farm, average value of land and buildings per farm, percentage of farms with telephones, percentage of farms with home freezers and percentage of farms with automobiles. The index for a State is an average of county indices in the State unweighted for differences in the number of farms within counties. The farm operator level of living index for the State of Alabama is available by race for 1950, 1959, and 1964, but is not available for individual counties in Alabama in those years.

⁴ The average county index for the United States in 1959 equals 100.

⁵ The disparity in the level of living indices between white and nonwhite farm operators is not explained by the differential distribution of farmers by tenure status. Racial differences occur within each tenure category in Alabama. The increase in the index was greater for white farm operators than for nonwhite farm operators among the part-owner and tenant groups and was only slightly less for white farm operators than for nonwhite farm operators in the full-owner category.

In 1964, Alabama ranked 47th among the 50 States.⁶ This rank was about the same as Alabama held in 1950, 48, and 1959, 47.

All 16 counties in the hearing area had an index in 1964, for both white and nonwhite farm operators, that was lower than the index for the entire State of Alabama. In fact, of the 10 counties in the United States with the lowest level of living index in 1964, one, Dallas, is included among the 16 counties selected for study by the Commission. Dallas County had an index of 58 which compares with 92 for all of Alabama in 1964.

INADEQUACIES OF ALABAMA WELFARE PROGRAMS

The failure of cash payments to meet budget requirements.—One measure of the adequacy of public assistance in Alabama is obtained by examining the estimated budget for a family and comparing that to the cash payment actually made to that family.

The basic requirements for an ADC family of four in January 1968, as determined by the Alabama Department of Pensions and Security, cost \$177.00 per month. The components of the basic requirements are food, clothing, medicine chest supplies, household supplies, fuel, lights, water, shelter and incidentals. The cash payment to such family in January 1968 was \$89.00, 50 percent of need.

The estimated budget of \$177 for an ADC family of four was set in January 1963.

The cash payment to an ADC family of four in Alabama has been moving up. In 1963 the cash payment represented 38 percent of the budget of \$177 and in 1966 was 41 percent of the latter. In view, however, of the rise in prices since 1963, \$177 does not today represent the cost of purchasing the items included in the estimated budget.

Some indication of the impact of meeting only 50 percent of basic budget requirements for an ADC family of four may be obtained in the following way: In the basic budget for January 1968, the amount available for items other than shelter and utilities represented 72.5 percent of the total budget. In January 1968, an ADC family of four after paying for shelter and utilities, had an amount left for food and all other items which represented 45.5 percent of the total payment rather than 72.5 percent as provided for in the budget. To put this point in a slightly different way, the amount available for food and other items, excluding shelter and utilities, was only 31.5 percent of the amount allowed for them in the budget.

The failure of cash payments to meet Federal index of poverty.—The payment to an ADC family of four in Alabama also can be viewed in the context of the widely applied Federal index of poverty. In March 1967, the most recent date for which the index is available, a farm family of four with a female head needed \$2,320 a year to afford even the minimal diet that could be expected to provide adequate nutrition and still leave enough to pay for other living essentials. By comparison, as of January 1967, an ADC family of four in Alabama received, on a 12 month basis, \$876 in cash payments. This amount represents only 37.5 percent of the Federal poverty index. Even if the average monthly value of surplus food and food stamps averaged for all families on public assistance, amounting to \$61 per year, is added to \$876, the new total, on a 12 month basis, is still only 40.5 percent of the index of poverty.⁷ In January 1968, one year later, the cash payment to a family of four, together with the average addition for all public assistance recipients resulting from the surplus food and food stamp program, represented 48.5 percent of the index of poverty for March 1967, which is still more than 50 percent below the poverty level.⁸

Failure of cash payment to support an adequate diet.—Another view of the adequacy of the ADC payment can be gained by comparing the dollar

⁶ Alabama is tied with Kentucky at 47.

⁷ The value of surplus food and the food stamp bonus averaged over only the persons on public assistance who participated in these programs amounts to \$195 per year for a family of four. This amount when added to \$876 is still only 46 percent of the index of poverty.

⁸ The cash payment for an ADC family of four in January 1968 was \$1,068 on a 12-month basis. When \$195 (as explained in the preceding footnote) is added to \$1,068, the new total represents 54.5 percent of the index of poverty for March 1967.

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WELFARE PROGRAMS

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ly 50 percent of basic budget be obtained in the following he amount available for items .5 percent of the total budget. after paying for shelter and other items which represented 72.5 percent as provided for ly different way, the amount shelter and utilities, was only in the budget.

Federal index of poverty.—The ma also can be viewed in the of poverty. In March 1967, available, a farm family of r to afford even the minimal ate nutrition and still leave y comparison, as of January ceived, on a 12 month basis, ents only 37.5 percent of the monthly value of surplus food public assistance, amounting otal, on a 12 month basis, is .⁷ In January 1968, one year r, together with the average ulting from the surplus food cent of the index of poverty 0 percent below the poverty

Adequate diet.—Another view of ined by comparing the dollar

aged over only the persons on public \$195 per year for a family of four. the index of poverty. uary 1968 was \$1,068 on a 12-month s added to \$1,068, the new total repre-

amount for food covered by the cash payment to an ADC family of four with the amount needed for an adequate but modest diet.

In the autumn of 1966, the U.S. Department of Labor estimated that the average annual cost of food in nonmetropolitan areas in the South totaled \$1,925 for a family of four.⁹ If the amount of money remaining from the cash payment in 1966 to an ADC family of four in Alabama, after deducting shelter and utilities, was in fact, available for expenditures for food, this amount equaled only 18 percent of what the Department of Labor estimated was needed by a family of four to maintain an adequate but modest level of living with regard to food. Included in the cash payment is the value of surplus food and the food stamp bonus averaged over all public assistance families, on a 12 month basis. In January 1968 the comparable figure for food expenditure was only 28 percent of the required expenditure for food in 1966.¹⁰

Inadequacy of the ADC cash payment relative to the cash payment for the other welfare programs.—The cash payment in the OAP, AB and APTD programs in January 1968 is a larger percentage of the basic budget requirements than is the case for an ADC family of four in Alabama.

In the OAP program the cash payment for a recipient, not living in a household with other recipients, is \$85 per month or 66.5 percent of the basic requirements.¹¹ The cash payment in the OAP program is larger than the payment to a single recipient in any of the other categorical programs.

The payment to a single person in the APTD program represents 58 percent of the budget. In the AB program, the payment varies between 71.5 and 74 percent of the budget depending upon whether the recipient has special needs for laundry and transportation.

In the ADC program the payment to a single person is 50 percent of the budget as was shown to be the case for the ADC family of four.

The payment of varying percentages of a State's budgetary standard in federally assisted welfare programs is not dictated by Federal law.

Participation in the food programs.—One measure of the need of the Alabama population for public assistance is experience with surplus food and food stamp programs. Eligibility in these programs, although based on need, is not limited to public assistance recipients. It is important, therefore, to take note that in Alabama the public assistance recipients who participate in these programs are a relatively small proportion of all participants.

In the period October 1, 1966–September 30, 1967 the nonpublic assistance recipients represented between 72.5 and 82.5 percent of all participants in the surplus food program in Macon, Marengo, and Monroe Counties. The data for January 1968 for Butler and Wilcox reveal a comparable situation. In Butler County, 76.5 percent of the participants were nonpublic assistance recipients; in Wilcox County the comparable figure is 86.5 percent.

The situation just described for certain counties in the 16 county area is true also for Alabama as a whole with regard to the surplus food program. In the period October 1, 1966 to September 30, 1967, 63 percent of the total number of participants in all surplus food programs in the State were not public assistance recipients.

In the food stamp program not only is participation less than in the surplus food program but an even smaller proportion of the participants are public assistance recipients. During the year October 1, 1966 to September 30, 1967, in Bullock, Dallas, Greene and Hale Counties the nonpublic assistance participants represented between 88 and 97 percent of all participants. In January 1968 in Perry County, the nonpublic assistance participants represented 72 percent of the total participants.

Similar results occur for Alabama as a whole. In the period October 1,

⁹ Nonmetropolitan areas refers to places with a population ranging between 2,500 and 50,000. ¹⁰ When the value of surplus food and the food stamp bonus is averaged over only the persons participating in these programs the amount available for food in January 1966 to an ADC family of four is 25 percent of the Department of Labor's estimate of what is needed for food for a family of four. On the same basis the amount available for food in January 1968 represents 35 percent of the Department of Labor's estimate.

¹¹ In addition to the budget requirements not being met because of the use of a percentage of under 100 percent, Alabama places a maximum limitation on the cash payment that can be made in the OAP as well as other programs. In the OAP program, the maximum amount that is payable to one person in the circumstances described is \$85 per month.

1966 to September 30, 1967, 75.5 percent of the participants in all food stamp programs in the State were nonpublic assistance recipients.

One explanation for the high proportion of nonpublic assistance participants in the food programs is that the welfare programs subsidized by the Federal government disqualify many persons who are in need because qualifications other than need are applied, such as being 65 or over, blindness, permanent and total disability, children who are in need because of the separation of the parents, etc. When the test of eligibility is income, as is the case in the surplus food and food stamp programs, many more needy persons are able to qualify.¹² This is then reflected in the ratio of nonpublic assistance participants to the total number of participants. The large proportion of nonpublic assistance participants in these programs is a revealing indication that many needy persons slip through the loose mesh of which public assistance programs in Alabama is woven.

On the other hand, not all public assistance recipients participate in food programs. The rate of participation in food stamp programs is less than that of the surplus commodity program.

For example, in Macon and Marengo Counties in the 16 county hearing area, the proportion of public assistance recipients who participated in the surplus food program in the period October 1966-September 1967 was 73.8 and 75.5 percent respectively. In Butler and Wilcox Counties, because of their recent adoption of the program, information is available for one month, January 1968. In these counties, 80 and 77 percent of the public assistance recipients participated in the programs.

Considerations such as the following help explain the less than 100 percent participation in the surplus food program: A county usually only has one distribution point for this program. The distance involved and the lack of public or private transportation may present difficulties for the aged, the blind, the disabled and others.¹³ If the cost is \$5.00 per round trip, some recipients may feel that participation is not worthwhile relative to what is obtained. The Director of the Bureau of Commodity Distribution of the State Department of Pensions and Security pointed out that the volume of food to be picked up also may present a problem. Some 21 or 22 pounds of food are provided per person per month which amounts to a sizable load where there are several persons in a family.

In the 4 counties in the 16 county hearing area where statistics are available for the fiscal year ending September 30, 1967, the proportion of public assistance recipients who participated in the food stamp program is considerably smaller, ranging from 8.5 percent in Greene County to 24.5 percent in Hale County. In Perry County, the comparable percentage for the month of January, 1968 is 35 percent.

One factor which accounts for the much smaller participation in the food stamp program is the cash outlay that is needed to purchase the stamps. For example, a family with no income at all, must somehow raise \$.50 per member to purchase the stamps each month. Furthermore, stamps can be purchased, usually at one place only in the county.

When a county shifts from a surplus food to a food stamp program, a substantial drop occurs in participation of recipients on the public assistance rolls as well as of nonpublic assistance recipients. Two counties in the 16 county hearing area, Dallas and Greene, shifted in this fashion in the 1966-1967 fiscal year. While these counties were on the surplus food program in this period, October 1966-September 1967, 57 and 78.5 percent, respectively, of the public assistance recipients participated. When these counties were on the food stamp program in the same period, the comparable proportions were 13.5 and 8.5 percent, respectively. In Dallas County the number of

¹² The Director of the Monroe County Department of Pensions and Security stated that the disproportionate number of nonpublic assistance participants in the surplus food program recently initiated in the county was because the public assistance programs were so categorical that not many could qualify. Eligibility in the surplus food program is based on need only and permits many more persons to qualify. The Director of the Wilcox County Department of Pensions and Security gave the same reasons. The Monroe County Director also added that the majority of the nonpublic assistance participants, perhaps as much as three-fourths, was made up of Negroes. The caseload of her own department, she said, was 51-52 percent Negro.

¹³ The Director of the Monroe County Department of Pensions and Security noted there is one distributing center in her county, Frisco City on Route 21. This point may be as far as 65 miles to the border of the county.

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counties in the 16 county hearing area recipients who participated in the 1966-September 1967 was 73.8 percent in Wilcox Counties, because of participation is available for one month, percent of the public assistance

explain the less than 100 percent A county usually only has one instance involved and the lack of different difficulties for the aged, the cost is \$5.00 per round trip, some not worthwhile relative to what is commodity Distribution of the State stated out that the volume of food is small. Some 21 or 22 pounds of food amounts to a sizable load where

hearing area where statistics are available. In 1960, 1967, the proportion of public assistance in the food stamp program is comparable in Greene County to 24.5 percent in a comparable percentage for the

smaller participation in the food stamp program needed to purchase the stamps. In all, must somehow raise \$.50 per stamp. Furthermore, stamps can be purchased in any county.

In addition to a food stamp program, a number of recipients on the public assistance program. Two counties in the 16 county hearing area in this fashion in the 1966-1967 on the surplus food program in 57 and 78.5 percent, respectively, are included. When these counties were compared over the period, the comparable proportions in Dallas County the number of

of Pensions and Security stated that the number of participants in the surplus food program receiving assistance programs were so categorical that the food program is based on need only and that in the Wilcox County Department of Pensions and Security Director also added that the number of stamps as much as three-fourths, was made up, he said, was 51-52 percent Negro. Pensions and Security noted there is one stamp for every 21. This point may be as far as 65 miles

recipients dropped from 2,657 to 635; in Greene County, the number dropped from 924 to 99. Participation of nonpublic assistance recipients also dropped substantially; in Dallas County from 8,836 to 4,602; in Greene County from 5,742 to 3,586. Thus, the total number of participants in the food stamp program was substantially less than in the surplus food program; in Dallas County 5,237 rather than 11,493; in Greene County 3,685 rather than 6,666.

Inadequate provisions for medical care.—There are many gaps in the health services available to public assistance recipients in the 16 county hearing area either because the Department of Pensions and Security does not provide them or because the community in which recipients reside or organizations or agencies therein do not provide them.

In a letter to the Commission, the Commissioner of the State Department of Pensions and Security stated:

In Montgomery [which is not part of the 16 county hearing area] there is a City-County Charity Clinic which provides treatment, including drugs, for indigent patients. There is no similar clinic in . . . [the 16] . . . counties . . . Plans are under way for an OEO project in Lowndes County to provide broad medical services to residents there, but the program is not yet in operation.

In general, health services are not adequate for any group of public assistance recipients. Relatively, however, the services are much closer to adequacy for OAP recipients than for ADC recipients. For example, unlike ADC recipients, OAP recipients who are covered by the Federal Hospital Insurance Program of Title XVIII,¹⁴ are eligible for a specified inpatient hospital care for each illness and outpatient hospital diagnostic services. Similarly, OAP recipients who are not carried by Title XVIII are eligible for a specified number of days of hospital care and outpatient hospital diagnostic services.

For ADC children who are in the care of a foster family, but not for other ADC children who are the largest number in this program, care for the child is available in a licensed hospital at a maximum of \$2.00 a day except in an emergency when payment may be made at a specified higher rate; the services of a physician and dentist at certain maximum rates for a physician's visit and for specified dental work; the services of a registered nurse or a licensed practical nurse for an ill or disabled child during any month, with a maximum cost fee set.

The budget for an ADC family of four provides \$1.60 per month for medicine chest supplies. Since only 50 percent of the family's budget is covered in the payment at the present time, it is likely that this money is diverted to food, rather than medicine chest supplies. There also is a \$20 item in the budget for incidentals. This, too, to the extent it appears in the payment, is likely to be used for food to replace the funds projected but not available for this purpose. There is no item for health needs as such in the ADC family budget. There is such an item in the OAP budget, \$3 per month, in addition to an item for incidentals. No program other than OAP has an item for health needs. The budget for an AB recipient includes an item for special needs which, however, is limited to laundry and transportation. There are no such items in the budget for ADC recipients.

The absence of inpatient hospital and of medical care for most ADC families (and the other programs such as AB and APTD) makes it evident that the meeting of these needs will depend upon local institutions, resources and willingness. An example of the kind of provision made for meeting such needs in one county in the 16 county hearing area is as follows: The Director of the Butler County Department of Pensions and Security stated that there

¹⁴ Medicare, health insurance for the aged, is a Federally administered program provided for by Title XVIII of the Social Security Act as amended, which affords two kinds of benefits for persons aged 65 or older: Hospital insurance (for hospitalization and related care) and supplementary medical insurance (for physicians' services and some other medical services). Eligibility for hospital insurance is a right for almost all aged persons, but medical insurance is a voluntary program. Medical assistance sometimes referred to as Medicaid, is a Federal-State program, authorized by Title XIX of the above Act, which is designed to provide medical care for needy persons under a definition of need defined by each State. Medicaid complements the hospital insurance provisions of Medicare by paying the deductible amounts for needy aged persons who are insured; it may implement the voluntary medical insurance provisions if a State wishes to pay the monthly premiums for recipients of old-age assistance. It supplements the insurance program by providing services for persons aged 65 or over in addition to those made available under the insurance provisions.

is no program which takes care of the medical needs of ADC families. The County Health Department does provide immunization shots, prenatal and postnatal clinics and the like but there is no public health clinic. The Stabler Memorial Hospital in Greenville does have an out-patient department. The Director reported that if an ADC child needs glasses, for example, the case worker will refer the child to a local charitable organization for financial assistance to get the glasses. There is no program for providing such items out of public funds.

Failure to adopt an ADC-UP program.—Alabama has not adopted a program of aid to dependent children of unemployed parents, for which the Federal government provides financial assistance. This program defines a needy child as one deprived of parental support or care by reason of the unemployment of a parent.¹⁵ State money is not available in Alabama for this program principally because nearly seventy-five percent of the public assistance funds must be used for the OAP program, because the Legislature has earmarked funds for this purpose. Funds for other public assistance programs are not similarly earmarked; they must share the remaining 25 percent. For these programs, the Commissioner prepares a suggested allocation which is submitted for review to the State Board of Pensions and Security. The addition of a new program, therefore, would result in reducing the available money for the remaining programs. The Commissioner, however, made it clear that even if funds were available he would not favor such a program because if there are two able-bodied persons in the house, one should be working.¹⁶

Failure to adopt a program to move public assistance recipients toward economic independence.—No systematized procedure has been developed in the Department of Pensions and Security to assist public assistance recipients, and more particularly ADC recipients, to attain a position of economic independence.

The Department has a formalized service plan for each ADC family,¹⁷ at least one of whose purposes it is to assist in reaching this objective. ADC recipients are referred, where feasible, to the vocational rehabilitation agency. ADC mothers are expected to work if they can. If appropriate arrangements can be made for the children while the mother is at work, the mother is referred to the State Employment Service for placement. Where a local employment office is not in the county where the mother resides, arrangements are made to have her travel to a local office on a scheduled basis. If an ADC mother is offered suitable employment and refuses, she can be taken off the ADC rolls. If there is a question with regard to employability, the mother may be sent to a physician for an examination to determine the question. The Commission investigators were told that it is not possible to say how many ADC families in Alabama were enabled to become self-supporting as a result of this procedure since relevant statistics were not maintained.

The Director of the Monroe County Department of Pensions and Security stated that to bring an ADC mother to a self-supporting status depends upon the mother. It would be difficult to find employment for a mother who only has had field work experience. Training would be considered, however, for a mother who seems trainable and whose children would be taken care of in her absence. The County Department of Pensions and Security referred two ADC mothers to a training course for Nurses' Aide. These mothers are now employed at the Monroe County Hospital and are off welfare rolls. The ADC mother is not simply told that she must work. If there is a health

¹⁵ The Social Security Act Amendments of 1967 limit the unemployment to the father.

¹⁶ Some county directors likewise said they were not in favor of an ADC-UP program. The Director of the Butler County Department of Pensions and Security said that either one or both parents could find a job in the county. Negroes, she said, just do not want to work. The Director of the Monroe County Department of Pensions and Security said she was not especially in favor of the ADC-UP program. The amount of work available in the county is limited. She is concerned that if there is an ADC-UP program, there would be "takers." She cited the situation where white and Negro males had declined to work for an oil drilling company located in the County because their wives were working. The Director emphasized that this is truer for whites than for Negroes. The oil drilling company found that it could not hire enough men and, therefore, hired high school boys instead when school closed down. The Director believes that a person who wants to work can find a job in Monroe County.

¹⁷ The Social Security Act Amendments of 1962 provided for a formalized service plan for each ADC family.

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problem, a doctor must examine her and she may be referred to the Vocational Rehabilitation Service.

The Director of the Wilcox County Department of Pensions and Security stated that the caseworker determines the employability of an ADC mother. There are extenuating circumstances laid down by the Commissioner of Pensions and Security as to which mothers are employable. If a mother could make arrangements for her children but refuses to take a job, then she is not eligible for public assistance. The Director of the County Department said that a representative from the Employment Service in Selma, Alabama travels to Camden to interview persons for jobs in Camden or elsewhere. The Department refers ADC recipients to him. There is no systematic program, however, for bringing ADC families to a self-supporting status. If an ADC person is handicapped, he is referred to the Vocational Rehabilitation Service, a representative of which comes to Camden once a week. ADC mothers are not referred for occupational training to programs carried on under the Manpower, Development and Training Act.

The Director of the Butler County Department of Pensions and Security stated that there is no systematic program for making ADC recipients employable. Those who are employable are told to report to the nearest State Employment Service. There are various extenuating circumstances, such as the presence of infant children or an invalid mother, which would alter the instruction. If these circumstances are not present and employment is offered and refused without good cause, then the recipient is dropped from the welfare rolls. The Director also indicated that all income earned is deducted from the cash payment and only the difference is paid.

REQUIREMENTS OR RESTRICTIONS RECENTLY PLACED ON ALABAMA'S WELFARE PROGRAM

Title VI of the Civil Rights Act of 1964.—Title VI of the Civil Rights Act of 1964 requires that all programs receiving Federal financial assistance must extend services to all persons without regard to race, color, or national origin.

Alabama contested the regulations enacted under Title VI, but after the Supreme Court refused to review an advance decision of the U.S. Court of Appeals, Fifth Circuit, in *Gardner v. State of Alabama* (No. 24561), the State Commissioner of Pensions and Security, under date of January 18, 1968, executed a Statement of Compliance with Title VI together with a statement of implementing plan material as required. These statements are part of Alabama's State plans for administering the federally assisted public assistance and child welfare programs. In the Statement of Compliance the Commissioner added the language,

"Provided that nothing herein shall be construed as obligating the State [of Alabama] to do more than try, persuade, negotiate, or act in good faith, in accordance with the language of the opinion in *Gardner v. State of Alabama* . . .

The Statement of Compliance was accepted by the Department of Health, Education and Welfare.

The Commissioner, in his Statement of Compliance, provides that any contractor furnishing services for which the Department is to make payment or which accepts referral from the Department will be notified of the Federal requirements under the Civil Rights Act of 1964.

"The Department . . . will request that they comply with these requirements, will negotiate with them and work towards securing their compliance and when necessary will eliminate the discrimination by substituting the use of other complying services and facilities."

In the event an applicant or recipient has a question whether he is being given proper consideration or is being discriminated against under the Civil Rights Act and investigation discloses that a contractor is not complying,

"This Department will work with such . . . contractor toward securing compliance and when necessary will eliminate the discrimination by substituting the use of other complying services and facilities."

The Department is making payments to contractors for services performed for public assistance recipients and for those who are 65 or older, who are not receiving an old age pension and are in financial need for inpatient

hospital care under Title 18 of the Social Security Act. As of September 1, 1967, out of a total of 139 licensed hospitals in the State, 114 had been certified for participation in the medical care program under Title 18. In addition, 14 hospitals had been certified to provide emergency care under the same Title.¹⁸

The Department is making payments to contractors for extended care provided public assistance recipients by nursing homes certified as eligible to participate in the provisions of Title 18. As of September 1, 1967, 82 licensed nursing homes out of 174 had been certified as extended care facilities. The State Department of Health certifies hospitals and extended care facilities.

On September 1, 1967, there were 15 child-caring institutions, 7 detention homes and 189 day care centers, licensed by the Department; there were 3 State training schools providing care for children committed to these institutions and 3 maternity homes licensed by the State Department of Public Health. The Department of Pensions and Security estimates that 70 of these facilities [31 percent] are in compliance. The Department recognizes that some licensed child-caring institutions, day care centers and training schools are not in compliance but asserts that children would experience severe hardships if the present plan is changed.

The Department plans to notify all child-caring institutions, day care centers, State training schools and maternity homes of the Civil Rights Act requirements. The plans state:

"Annual review will be made of the extent of compliance of child-caring institutions, child placing agencies, day care centers, and State training schools by the Department . . . The Department will take reasonable steps to eliminate prohibited discrimination . . . requesting that [agencies] comply with . . . requirements, negotiating and working towards compliance by them, and when necessary will eliminate the discrimination by substituting the use of other complying services and facilities."

With regard to maternity homes, the Department intends to send a letter to each requesting the administrator to sign a statement as to whether the institution is in compliance.

In February 1968 the Department sent a letter to all nursing homes not currently certified as extended care facilities. The administrator of such homes was requested to sign the form enclosed which certified that the nursing home is or is not in full compliance with Title VI.

The Department prepared a form to accompany each voucher presented by a physician requesting payment for services rendered by the Department. The notice quotes Title VI and the physician signs the following statement and checks the appropriate box:

"The attached voucher is presented for payment on the basis that the services rendered the person or persons designated have not have

been rendered in full compliance with the Civil Rights Act of 1964."

A complaint procedure is established to handle complaints of alleged discriminatory conditions or practices in the operation of the program.

Annual on-site reviews of nursing homes will be conducted by the Department; annual review will be made of the extent of compliance of child-caring institutions through the Department's licensure authority; there will be continuous reviews of operations for which the Department is fully responsible through the regular supervisory channels of the State and local departments.

The Department prepared a pamphlet entitled "Alabama Pensions and Security Programs—Compliance with Civil Rights Act of 1964." This pamphlet was mailed to each public assistance recipient with the February 1968 check.

The interviews with a number of County Directors of Pensions and Security indicated that these directors had taken no steps to determine whether nursing homes, for example, were, in fact, complying. This matter, they thought generally, was one for handling by the State Department.

The Director of the Butler County Department of Pensions and Security stated that there is a nursing home for Negroes in Andalusia, the William Christian Old Folks Home. The Greenville Nursing Home is for whites, in

¹⁸ Exclusive of TB sanatoria and mental hospitals; the Department has not yet implemented this aspect of the State plan.

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Greenville. To date, she said, nothing has been requested from either with regard to compliance.

The director of the Monroe County Department of Pensions and Security stated there were 36 OAP recipients in nursing homes; only one Negro is among them. Four APTD recipients are in nursing homes, but she has no information as to how many are Negroes. The Director provided a list of nursing homes to which clients are referred but was not sure about their racial composition. Negroes, in her opinion, are more likely to want to take care of their old persons at home, than are whites. She said that she does not check whether nursing homes are complying. This is up to the State Department, she said.¹⁹

Invalidation of substitute father policy.—The Court of Appeals, Fifth Circuit in *Smith v. King* (277 F. Supp. 31, 1967) invalidated the substitute father policy. The Supreme Court granted a stay, but vacated its stay in February 1968. Under the substitute father policy an ADC mother who cohabits with a man in or outside her home is declared ineligible for the welfare payment for herself and her children because of the presumed presence of the substitute father. County directors were instructed by the State Department of Pensions and Security to reinstate the families that had been put off as a result of this provision and who were still otherwise eligible. The directors were instructed to report to the State Department by February 23. Radio and TV facilities were used to make known to persons who had been directly affected that a change had occurred which might affect their eligibility under the changed conditions. The Social Security Act Amendments of 1967 provide that in any quarter after June 30, 1968 Federal financial participation in the ADC program would not be available for any excess over the proportion of children receiving ADC to the total number of children in the State under 18 as of the first quarter of 1968. It would be to the benefit of Alabama to get all eligibles back on the rolls so that when the "freeze" provision goes into effect the ratio for determining the number of eligibles will be as large as possible, so that if the policy is struck down, the State will not be faced with a huge increase in ADC recipients for which no Federal funds would be available. It needs also to be kept in mind in this connection that Federal law requires that a family that is eligible for, say, the ADC program, must be taken on and paid for by State funds even if the maximum number for whom Federal funds could be obtained has been reached. In Alabama, if the total funds are not increased to meet these circumstances, then the amount available per recipient would have to be reduced.

The director of the Dallas County Department of Pensions and Security said that 249 cases were closed because of the substitute father policy instituted in July 1964.²⁰ The Director was interviewed by Commission investigators on February 8, 1968. She stated that of the 249 cases, 67 had been recertified because the relation between the mother and the substitute father had been broken. Of the remaining 182 cases, 59 were ineligible because of emigration from the county, because the mother was employed or had married. Of the 123 who might still be eligible, 52 had been recertified and were back on the rolls. Thus, a total of 119, or 47.5 percent of the 249 cases, had been recertified. The remaining 71 cases were being checked into to determine whether they were eligible to be put back on the rolls.

The director of the Butler County Department of Pensions and Security stated that the reduction in ADC cases in the first six months after the policy went into effect was 30-40 terminations. Persons terminated have been contacted and about 40 applications have been taken. The Director does not know how many will be placed back on the rolls. She is not, she said, going to seek out persons who might not have filed an application for ADC assistance in the intervening period because they thought it would be rejected because of the substitute father policy.

The director of the Monroe County Department of Pensions and Security said the effect of the substitute father policy was to reduce the county ADC

¹⁹ The Director of the Wilcox County Department of Pensions and Security also stated that she does not check whether nursing homes are complying, believing that this matter is handled by the State Department.

²⁰ On the basis of the average number of ADC cases in Dallas County receiving assistance during the fiscal year ending September 30, 1963, 38 percent of the cases were affected.

rolls by about 50 families.²¹ Since the change in policy, the families declared ineligible were contacted and are being reprocessed. Perhaps 25 of these families, the director thought, would not be eligible because of a change in circumstances. The director has not asked radio and TV stations to carry or make announcements about the change in policy. It has been covered adequately in the news coverage, she said. In reprocessing families she has not gone beyond the 50 denials.

The director of the Wilcox County Department of Pensions and Security did not have figures which indicated the quantitative impact of the substitute father policy. She said that eligible cases have been put back on the rolls. In January 1968 there were 124 ADC cases in Wilcox County; 14 of these, she said, were reinstatements as the result of the change in substitute father policy. The Department has not gone beyond denials and closures. The Director said that Negroes have radios and television sets and don't have to be informed about the change in this policy or in any other rules having to do with the public assistance program.

TABLE 1.—Number of public assistance cases receiving payment in the State of Alabama and in the 16 county hearing area, by county, by race, December 1967

16 county hearing area, by county:	Total	White	Negro	Other	Race not reported
Autauga.....	1,155	440	715	0	0
Barbour.....	1,869	560	1,307	0	2
Bullock.....	1,027	154	868	0	5
Butler.....	1,572	743	829	0	0
Choctaw.....	1,419	455	962	0	2
Clarke.....	1,308	472	824	1	11
Dallas.....	3,423	492	2,881	0	50
Greene.....	1,066	91	953	0	22
Hale.....	1,386	230	1,150	0	6
Lowndes.....	1,003	79	883	0	41
Macon.....	1,480	187	1,330	1	12
Marengo.....	1,689	260	1,425	0	4
Monroe.....	1,368	500	866	1	1
Perry.....	1,410	268	1,183	0	9
Sumter.....	1,511	130	1,374	0	7
Wilcox.....	1,205	135	1,040	0	30
Total.....	23,891	5,146	18,540	3	202
Percent.....	100.0	21.5	77.6	(1)	.3
All counties in Alabama:					
Total.....	152,967	83,998	67,151	133	1,635
Percent.....	100.0	54.9	43.9	.1	1.1
All counties in Alabama (percent).....	100.0	100.0	100.0	100.0	100.0
16 county hearing area (percent).....	15.6	6.1	27.6	1.6	12.4

¹ Less than 0.1 of 1 percent.

²¹ Fifty families represents 41.5 percent of the average number of ADC cases in the county during the fiscal year ending September 30, 1963.

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White	Negro	Other	Race not reported
40	715	0	0
30	1,807	0	2
54	868	0	5
13	829	0	0
55	962	0	2
72	824	1	11
22	2,881	0	50
31	2,983	0	22
30	1,180	0	6
79	883	0	41
37	1,330	1	12
30	1,425	0	4
10	866	1	1
30	1,133	0	9
30	1,374	0	7
35	1,040	0	30
46	18,540	3	202
5	77.6	(1)	.8

e number of ADC cases in the county

TABLE 2.—Number of public assistance cases receiving payment in the State of Alabama, by program and by race, December 1967

	Total		White		Negro		Other	Not reported
	Number	Percent	Number	Percent	Number	Percent	Number	Number
Total.....	153,301	100.0	1 84,049	100.0	2 67,376	100.0	183	1,693
Old age pension.....	114,858	74.9	67,310	80.1	46,399	68.9	93	1,056
Aid to blind.....	1,867	1.2	904	1.1	940	1.4	4	19
Aid to permanently and totally disabled.....	15,671	10.2	9,300	11.1	6,235	9.3	29	107
Aid to dependent children.....	18,171	11.9	5,480	6.5	12,506	18.6	57	173
Children in foster care.....	2,058	1.3	985	1.2	812	1.2	0	261
Children receiving day care.....	599	.4	92	.1	437	.6	0	70
Temporary aid.....	68	(2)	23	(2)	44	.1	0	1
Medical assistance for the aged.....	9	(2)	5	(2)	3	(2)	0	1

¹ The totals for December 1967 in Administrative Letter Number 2395 dated Jan. 23, 1968, "Public Assistance Data," prepared by the Alabama Department of Pensions and Security, differ from those shown because in the letter recipients who received more than 1 type of public assistance

were counted only once in the total. This procedure was not followed in this table.

² Less than 0.1 of 1 percent.

TABLE 3.—Alabama Farm Operator Level of Living Index, by Race, 1950, 1959, and 1964

	1950	1959	1964	Differential in index points	
				Between 1950-64	Between 1959-64
All farm operators.....	23	65	92	+69	+27
White.....	27	76	103	+76	+27
Nonwhite.....	9	31	58	+44	+22
Number of index points nonwhite index is below white index.....	-18	-45	-50	----	----

TABLE 4.—Participation in surplus food program in selected counties in 16-county hearing area, Oct. 1, 1966–Sept. 30, 1967 or Jan. 1968, and in the State of Alabama, Oct. 1, 1966–Sept. 30, 1967

	Total		Participants				All persons in public assistance programs	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent who participated in surplus food program
Selected counties in 16 county hearing area:								
Macon.....	8,032	100.0	1,397	17.4	6,635	82.6	1,392	73.8
Marengo.....	9,860	100.0	1,718	17.4	8,142	82.6	2,279	75.5
Monroe.....	7,498	100.0	1 2,056	27.4	5,440	72.6	1,658	(3)
Butler (January 1968 only) ²	6,670	100.0	1,558	23.4	5,112	76.6	1,940	80.3
Wilcox (January 1968 only) ²	9,340	100.0	1,268	13.6	8,072	86.4	1,642	77.2
The State of Alabama.....	152,818	100.0	56,323	36.9	96,495	63.1	-----	-----

¹ This statistic, from records of the Alabama Department of Pensions and Security, appears to be in error because it is larger than the average number of public assistance recipients in the fiscal year.

² The county began to operate the surplus food program after the 1967 fiscal year had closed.
³ See footnote 1.

	Number	Percent	Number	Percent	Number	Percent	Number	Percent who participated in surplus food program
Selected counties in 16 county hearing area:								
Macon.....	8,032	100.0	1,397	17.4	6,635	82.6	1,892	73.8
Marengo.....	9,860	100.0	1,718	17.4	8,142	82.6	2,279	75.5
Monroe.....	7,498	100.0	1 2,056	27.4	5,440	72.6	1,658	(3)
Butler (January 1968 only) 2.....	6,670	100.0	1,558	23.4	5,112	76.6	1,940	80.3
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The State of Alabama.....	152,818	100.0	56,323	36.9	96,495	63.1	-----	-----

¹ This statistic, from records of the Alabama Department of Pensions and Security, appears to be in error because it is larger than the average number of public assistance recipients in the fiscal year.

² The county began to operate the surplus food program after the 1967 fiscal year had closed.
³ See footnote 1.

TABLE 5.—Participation in food stamp program in selected counties in 16-county hearing area, Oct. 1, 1966–Sept. 30, 1967, or Jan. 1968, and in the State of Alabama, Oct. 1, 1966–Sept. 30, 1967

	Total		Participants				Persons in public assistance program	
			Public Assistance		Nonpublic assistance			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent who participated in food stamp program
Selected counties in the 16 county hearing area:								
Bullock.....	2,741	100.0	161	5.9	2,580	94.1	1,265	12.7
Dallas.....	5,237	100.0	635	12.1	4,602	88.8	4,652	13.7
Greene.....	3,685	100.0	99	2.7	3,586	97.3	1,178	8.4
Hale.....	3,800	100.0	461	12.1	3,339	87.9	1,883	24.5
Perry (January 1968) 1.....	2,692	100.0	760	28.2	1,932	71.8	2,152	35.8
The State of Alabama.....	31,655	100.0	7,681	24.3	23,974	75.7	-----	-----

¹ The county began to operate the food stamp program after the 1967 fiscal year had closed.

TABLE 6.—*Monthly allowance for an ADC family of 4 in Alabama provided in family budget, compared with payment, 1963-68*

Chronology	Dollar value of budget	Payment	Payment as percent of the budget	Maximum payment
January 1963, 1964, 1965.....	\$177	\$67	38.0	\$78
January 1966 and 1967.....	177	78	41.0	81
January 1968.....	177	89	50.0	90

TABLE 7.—*Monthly budget, by component, for an ADC family of 4 in Alabama, 1963-68*

Total	\$177.00
Food	78.10
Clothing	24.20
Medicine chest supplies	1.60
Household supplies	4.40
Fuel	7.20
Lights .....	.75
Water .....	.75
Incidentals	20.00
Shelter	40.00
Amount allowable in budget for food and other nonshelter items	128.30
Amount allowable for food etc. as percent of total budget	72.5

TABLE 8.—*Monthly payment to an ADC family of 4 in Alabama as a percent of total budget amount and in relation to the amount budgeted for food, 1963-68*

	January 1963, 1964, and 1965	January 1966 and 1967	January 1968
1. Total cash payment.....	\$67.00	\$78.00	\$89.00
2. Amount allowed in budget for shelter and utilities	48.70	48.70	48.70
3. Amount allowed in budget for food and other nonshelter items	128.30	128.30	128.30
4. Amount available for food and other nonshelter items from cash payment ¹	18.30	24.30	40.80
5. Item (4) as a percent of item (1).....	27.3	33.3	45.8
6. Item (4) as a percent of item (3).....	14.3	18.9	31.4

¹ Item 1 minus item 2.

Family of 4 in Alabama provided payment, 1963-68

Year	Payment as percent of the budget	Maximum payment
1963	38.0	\$78
1964	41.0	81
1965	50.0	90

for an ADC family of 4 in 1968

	\$177.00
	78.10
	24.20
	1.60
	4.40
	7.20
	.75
	.75
	20.00
	40.00
for nonshelter items	128.30
total budget	72.5

Family of 4 in Alabama as a percent of the amount budgeted for food,

Year	January 1966 and 1967	January 1968
0	\$78.00	\$89.00
0	48.70	48.70
0	128.30	128.30
0	24.30	40.30
0	33.3	45.3
0	18.9	31.4

TABLE 9.—Cash payment to ADC family of 4 in Alabama, January 1967 and January 1968, in relation to the Federal poverty index, March 1967

	Cash payment to ADC family of 4 in Alabama, on 12-month basis, using:		Social Security Administration poverty index per year on national basis at economy level for family of 4 with female head, farm residence, March 1967	Cash payment as percent of poverty index	
	January 1967 payment	January 1968 payment		January 1967	January 1968
Excluding average yearly value of surplus food and food stamp bonus	\$876	\$1,068	\$2,320	37.8	46.0
Including average yearly value of surplus food and food stamp bonus ¹	987	1,129	2,320	240.4	248.7

¹ The average yearly value for 4 persons in the fiscal year Oct. 1, 1966-Sept. 1967 is \$61. The total value of surplus food used in this period in Alabama is \$7,123,478. The portion applicable to public assistance recipients was allocated on the basis of the proportion of such recipients to all participants in the surplus food program. A similar procedure is followed to allocate the food stamp bonus in the period. The aggregate value thus obtained is divided by the average number of public assistance recipients in the fiscal year in question. This calculation provided a value per person per year of \$15.29 or \$61 for a family of 4.

If the aggregate value discussed above is divided only by the average number of public assistance recipients who participated in the food programs, the added value per person per year is \$48.77 or \$195 for a family of 4, which raises the payment to \$1,071 or 46 percent of the poverty index. If the average value of \$195 is added to the cash payment for a family of 4 in January 1968, on the 12-month basis, the total, \$1,263, is 54.5 percent of the poverty index.
² See preceding footnote.

TABLE 10.—U.S. Department of Labor's city worker's family budget for 4 for food in nonmetropolitan areas in the South, autumn 1966, in relation to amount available for food from cash payment to ADC family of 4 in Alabama, 1966

Amount allowed for food at home in city worker's budget for family of 4, annual basis	Amount available for food from cash payments to ADC family of 4, including value of surplus food and food stamp bonus, annual basis, using:		Amount available for food as percent of the amount budgeted in city worker's budget	
	January 1966 payment	January 1968 payment	1966	1968
\$1,925	1 \$352	2 \$545	3 18.3	4 28.3

1 If the yearly value of \$195 discussed in footnote 1, table 9 is used, the amount available for food out of the January 1966 payment totals \$487 rather than \$352, for those families participating in the food programs, which is 25 percent of the amount budgeted for food in the city worker's family budget.

2 If the yearly value of \$195, see preceding footnote, is added to the amount available for food from the January 1968 payment, the total is \$679 rather than \$545 or 35 percent of the amount budgeted for food in the city worker's family budget.

3 See footnote 1.
4 See footnote 2.

TABLE 11.—Comparison between participation in surplus food and in food stamp programs in Dallas and Greene Counties, Ala., Oct. 1, 1966–Sept. 30, 1967 and December 1966 and December 1967

	Total		Participants				All persons in public assistance programs	
	Number	Percent	Public assistance		Nonpublic assistance		Number	Percent who participated in given program
			Number	Percent	Number	Percent		
Oct. 1, 1966–Sept. 30, 1966:								
Surplus food:								
Dallas.....	11,493	100.0	2,657	22.2	8,836	76.9	4,652	57.1
Greene.....	6,666	100.0	924	13.9	5,742	86.1	1,178	78.4
Food stamp:								
Dallas.....	5,287	100.0	685	12.1	4,602	87.9	4,652	18.7
Greene.....	3,685	100.0	99	2.7	3,586	97.3	1,178	8.4
December 1966 compared with December 1967:								
Dallas:								
December 1966—surplus food.....	13,560	100.0	3,086	22.8	10,474	77.2	4,546	67.9
December, 1967—food stamp.....	6,662	100.0	1,294	19.4	5,368	80.6	4,948	26.2
Greene:								
December 1966—surplus food.....	6,904	100.0	984	14.3	5,920	85.7	1,161	84.8
December 1967—food stamp.....	4,381	100.0	418	9.5	3,963	90.5	1,355	31.1

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Exhibit No. 15

STAFF REPORT

EMPLOYMENT

	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Oct. 1, 1966-Sept. 30, 1966:												
Surplus food:												
Dallas	11,493	100.0	2,657	22.2	8,836	76.9	4,652	57.1	1,178	13.9	4,652	78.4
Greene	6,666	100.0	924	13.9	5,742	86.1	1,178	18.7	1,178	2.7	1,178	8.4
Food stamp:												
Dallas	5,237	100.0	635	12.1	4,602	87.9	4,602	87.9	1,178	2.7	4,602	87.9
Greene	3,655	100.0	99	2.7	3,556	97.3	3,556	97.3	1,178	2.7	3,556	97.3
December 1966 compared with December 1967:												
Dallas:												
December 1966—surplus food	13,550	100.0	3,086	22.8	10,474	77.2	4,546	67.9	4,948	19.4	4,546	26.2
December 1967—food stamp	6,662	100.0	1,294	19.4	5,368	80.6	1,161	84.8	1,161	9.5	1,161	31.1
Greene:												
December 1966—surplus food	6,904	100.0	984	14.3	5,920	85.7	1,161	84.8	1,161	9.5	1,161	31.1
December 1967—food stamp	4,321	100.0	412	9.5	3,909	90.5	3,909	90.5	3,909	9.5	3,909	90.5

In the two decades from 1940 to 1959 a vastly greater number of Negroes than of whites were giving up farming in the 16-county area of Alabama under study.¹ In this period 24,700 Negroes ceased farming (a decline of 60 percent), while only 7,244 whites ceased farming (a decline of 42 percent).²

What happened to the thousands of Negroes when they thus became available for absorption into the nonagricultural labor market? Negro outmigration from the 16-county area during this period was enormous. During the single decade 1950 to 1960 net Negro outmigration was 94,420, while the net outmigration of whites was less than one quarter this figure, or 21,780.³

While many different factors contributed to this significantly greater exodus from the area of Negroes than of whites, a most significant factor was the racial pattern in employment, which amounted to the existence of two essentially distinct, racially separate, job economies.

For example, in the 16-county area in 1960, although the population was 62 percent Negro,⁴ the occupational group described as "sales workers" was comprised of 2,733 white males and 223 Negro males; similarly, the category "managers, officials and proprietors" was comprised of 4,974 white males and 351 Negro males. On the other hand, the occupational group "private household workers" was comprised of 260 white females (representing 1.7 percent of total white females employed) and 9,717 Negro females (representing 56 percent of total Negro females employed). Similarly the category "laborers (except for farm and mine)" was comprised of 1,610 white males and 6,829 Negro males.⁵

These essentially separate Negro and white job economies also show themselves in terms of family income. While Negro families in the 16-county area were more than 36 percent larger than white families,⁶ their median family income in 1959 was just 26 percent that of white families.⁷ On this basis, income per family unit member was more than five times greater for whites than for Negroes.

In the seven and one half years since 1960, a substantial number of new jobs have been created in the 16-county area. To what extent has this improved the employment picture for the area's Negroes?

This development has largely by-passed Negroes.

In the period 1960 to 1967, approximately 20,000 new industrial jobs were created in the 16-county area.⁸ Although no comprehensive data on the proportion of these new jobs going to Negroes and to whites are available, the position of Negroes can be seen clearly from the following:

Relatively few Negroes are employed, and are in relatively menial positions, in the units for which information is available. From data for companies in the 16-county-area reporting to the Equal Employment Opportunity Commission in 1967 (Table 1), Negroes account for only 22 percent of all reported jobs. Negroes represent just 8 percent of skilled and white-collar employees, but 63 percent of unskilled employees.⁹

Negroes are concentrated in nongrowth industries. From 1960 to 1967, while manufacturing industries, exclusive of the lumber and wood industry, were expanding by 45 percent and creating 8,430 new jobs, the lumber and

¹ Includes Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox Counties.

² Source: *Alabama County Statistical Abstracts, 1944. U.S. Census of Agriculture: 1959. Vol. I, Counties. Part 32, Alabama. Chapter B, Statistics for Counties. Table 3.*

³ Source: U.S. Department of Agriculture Economic Research Service, *Net Migration of the Population, 1950-60 by Age Sex and Color, Alabama, Tables 1 and 2a, 1965. U.S. Bureau of the Census, Current Population Reports Series P. 23, No. 7, November 1962, Table 1.*

⁴ Source: *U.S. Census of Population: 1960, Vol. II, Characteristics of the Population, Part 2, Alabama.*

⁵ Source: *Id.*

⁶ Source: *Id.*, Tables 27, 91 and 110.

⁷ Source: *U.S. Census of Population: 1960. Vol. I, Characteristics of the Population, Part 2, Alabama, Tables 86, 88.*

⁸ Source: Unpublished data, Alabama State Department of Industrial Relations, 1967.

⁹ Source: Equal Employment Opportunity Commission, EEO-1 Reports (1967).

wood industry was contracting by 4 percent, losing 300 jobs.¹⁰ Based on data for companies in the 16-county area reporting to the Equal Employment Opportunity Commission in 1966, the lumber and wood industry in that year accounted for 57 percent of reported Negro industrial employment and only 15 percent of reported white industrial employment. On the other hand, paper and allied products, a growth industry with 32 percent of the area's employment reported to the Equal Employment Opportunity Commission, accounted for 41 percent of white industrial employment reported and only 12 percent of Negro industrial employment reported.¹¹

In the past two years, three large paper mills and a manufacturing company have begun operation in the area.¹² Of the 782 new jobs they created, 112, or 14 percent, are held by Negroes. Similarly, for all companies in the area reporting increases in male employment from 1966 to 1967 (in reports to the Equal Employment Opportunity Commission), only 24 percent of the new jobs went to Negroes.¹³

The continued existence of two racially separate job economies further appears in the following facts regarding employment in the 16-county area, drawn from 1967 reports to the Equal Employment Opportunity Commission (Table 1) See page 807.

Of all employees in the area above the semi-skilled level, 92 percent are white. While 44 percent of Negro employees are in unskilled positions, only 7 percent of white employees are.

Another important difference between employment of whites and of Negroes is the relatively unfavorable position of Negro males as compared with Negro females. For example, while 56 percent of male Negro employees occupy unskilled jobs, only 19 percent of Negro females occupy unskilled jobs. Among whites, 9 percent of males and 5 percent of females are in this category. Similarly, while 45 percent of Negro female employees are above the semi-skilled level, only 6 percent of Negro male employees are. Among whites, 55 percent of white males and 74 percent of white females are above the semi-skilled level.¹⁴

¹⁰ Source: Unpublished data, Alabama State Department of Industrial Relations, 1967.

¹¹ Source: Equal Employment Opportunity Commission, EEO-1 Reports (1966).

¹² Hammermill Paper Company, Dallas County (198 total employees, 20 Negro); Union Camp Company, Autauga County (186 total employees, 10 Negro); MacMillan-Bloedel, Wilcox County (298 total employees, 63 Negro); Arvin Industries, Monroe County (manufacture automobile replacement tail pipes, 100 total employees, 19 Negro). Data gathered by staff of United States Commission on Civil Rights.

¹³ Source: Equal Employment Opportunity Commission, EEO-1 Reports (1967).

¹⁴ Source: *Id.*

losing 300 jobs.¹⁰ Based on reporting to the Equal Employment Opportunity Commission in that industry in that industry with 32 percent of the employment Opportunity Commission reported.

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parate job economies further employment in the 16-county area, ment Opportunity Commission

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employees, 20 Negro); Union Camp); MacMillan-Bloedel, Wilcox County roe County (manufacture automobile ta gathered by staff of United States

EEO-1 Reports (1967).

TABLE 1.—Employment Data for 53 Reporting Units from 16 County Area of Alabama

	All employees			White employees			Nonwhite employees		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
	All categories of employees.....	12,668	7,923	5,745	10,630	5,875	4,755	8,038	2,048	990
Skilled and white collar employees.....	7,836	3,858	3,978	6,755	3,223	3,532	581	185	446
Semiskilled employees.....	4,216	2,872	1,344	3,092	2,103	989	1,124	769	355
Unskilled employees.....	2,116	1,693	423	788	549	234	1,338	1,144	199

Source: Equal Employment Opportunity Commission, EEO-1 Reports (1967).

Exhibit 16(a)

FORM EDA-503 (1-64)	U.S. DEPT. OF COMMERCE ECONOMIC DEV.	DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION	Project Name Road and Bridge
ASSURANCES OF COMPLIANCE WITH THE DEPARTMENT OF COMMERCE REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964			City and State Wilcox County, Alabama
			Project No. 04-1-GC306

"Beneficiary"
 acMillan Bloedel United Inc. (hereinafter called the ~~Recipient~~ **Beneficiary**) hereby warrants, covenants, agrees, assures, and undertakes that as a ~~recipient~~ **Beneficiary** of Federal financial assistance from the Economic Development Administration, for the project above identified, it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), the requirements imposed by or pursuant to Regulations, issued for the Department of Commerce and designated as Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations, a copy of which is attached hereto, to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the ~~Recipient~~ **Beneficiary** receives Federal financial assistance from EDA; and hereby further gives assurance that it will immediately take any measures necessary to effectuate this agreement.

In accord with such assurances, and without limiting the above, the ~~Recipient~~ **Beneficiary** agrees:

- That it will not engage in the discrimination prohibited in subparagraph (1), (2), or (3) of Section 8.6(b) of the Department's Regulations as applicable to its program, and in any prohibited act or course of conduct with respect thereto as further described in Section 8.4 of the Department's Regulations, **except that the provisions of Section 8.4(c) shall not be applicable.**
- ~~That its employment practices will take the action specified in Section 8.5(b)(2) of the Department's Regulations.~~
- ~~That it recognizes its obligation for compliance with Title VI and the Regulations extends not only to its direct activities but also in accord with Section 8.5(b)(4) of said Regulations to assure that, where applicable, the contractors, subcontractors, suppliers, lessees, and other parties directly participating in the Recipient's project will comply with Title VI and the Regulations with respect to such project. To that end, the Recipient agrees; (a) that it will obtain as part of its contractual arrangements with such parties, as a minimum form of assurance, their agreement in writing that such parties, their assignees and successors,~~

"during and in connection with the associated agreement relating to the Federally assisted program, (i) will comply, to the extent applicable, as contractors, subcontractors, lessees, suppliers, or in any other capacity, with the applicable provisions of the Regulations of the United States Department of Commerce (Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations) issued pursuant to Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and will not thereby discriminate against any person on the ground of race, color, or national origin in their employment practices, in any of their own contractual arrangements, in all services or accommodations which they offer to the public, and in any of their other business operations, (ii) they will provide the information required by or pursuant to said Regulations to ascertain compliance with the Regulations and these assurances, and (iii) their noncompliance with the nondiscrimination requirements of said Regulations and these assurances shall constitute a breach of their contractual arrangements with the Recipient whereby said arrangements may be cancelled, terminated or suspended in whole or in part or may be subject to enforcement otherwise by appropriate legal proceedings";

(b) that it will secure the compliance, and assist and cooperate actively with EDA in obtaining and enforcing the compliance, of said contracting parties with the nondiscrimination required by the Act and Regulations and their respective contractual arrangements, and in the event the Recipient becomes involved in litigation with a non-complying party, it may request EDA to enter into such litigation to protect the interests of the United States in the enforcement of these obligations; and (c) it will obtain and furnish to the EDA Administrator such information ~~as he may require for the supervision or securing of such compliance.~~

Beneficiary

- That where the ~~Recipient~~ **Beneficiary** is an institution referred to in Section 8.5(b)(9) of the Department's Regulations, the provisions of that Section will be applicable to the ~~Recipient's~~ **Beneficiary's** program.

- That where ~~the Recipient~~ **Beneficiary** purpose for benefits; (1) possessor sions there the period
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(SEAL)

Beneficiary

5. That where EDA's financial assistance to the Beneficiary is to provide: (a) real property or structures thereon, the Beneficiary's assurances shall be in effect for the period during which the real property or structures are used for a purpose for which the assistance is extended or for another purpose involving the provision of similar services or benefits; (b) personal property, the assurances shall be in effect for so long as the Beneficiary has ownership or possession of the property, but in any event the time, shall not be less than the term of the loan and any extensions thereof, and (c) any other type or form of assistance, the assurances shall be in effect for the duration of the period during which the assistance is extended to the program.

Beneficiary

6. That any failure by the Beneficiary to comply with these assurances shall constitute a breach of the agreement under which the Beneficiary receives financial assistance from EDA, that in such case of breach the Government may refuse to make further disbursements under said agreement, may accelerate the maturity of the Beneficiary's obligations to the Department, and may take any other enforcement or remedial action or remedies provided in the Act and the Department's Regulations or otherwise by law, which action shall be severable and cumulative; and that the enforcement by the Government of one or more rights shall not be prejudicial to its right to obtain judicial relief and/or take any other action available under the Act, Regulations, and Beneficiary's agreements with the Department.

Beneficiary

7. That these assurances shall be binding upon the Beneficiary, its grantees, assignees, transferees, lessees, and successors in interest.

Beneficiary

The Beneficiary acknowledges that it has received and read the Department's Regulations.

This assurance is made and accepted this _____ day of July, 1966, in Thomasville, Ala.

MacMillan Bloedel United Inc.

Beneficiary

By Angus J. Gardner

(Type name)

Vice President

(Title)

Angus J. Gardner
(Signature)

I, _____, as Secretary of _____,

Inc., a corporation organized and existing by virtue of the laws of the State of _____;

or as _____ of the State of _____; or as *Notary Public* Authorized State Official

of the county or municipality of *Clarke* in the State of *Alabama*.

do hereby certify that the foregoing officer who executed this assurance has full authority to bind the Beneficiary.

In witness whereof I set my hand and affix the corporate, state, or municipal seal this *13* day of *July*, 19 *66*.

James Mott
(Signature or other Official)

Notary Public, State of Alabama at Large. My Commission expires August 7, 1968. Bonded by Hartford Accident & Indemnity Company.

(SEAL)

Project Approval Not Required	
Name of Project	Wilcox County Road and Bridge
City and State	Wilcox County, Alabama
Project No.	04-1-00306

Beneficiary hereby warrants, covenants, agrees, and binds itself from the Economic Development Administration under the Civil Rights Act of 1964 (P.L. 88-352), the Department of Commerce and designated as Part II which is attached hereto, to the end that no individual or entity shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, sex, or color in any program or activity for which the Beneficiary receives assurance that it will immediately take any

Beneficiary agrees:

paragraph (1), (2), or (3) of Section 8.6(b) of the Department's Regulations, except that the provisions of Section 8.6(b)(2) of the Department's Regulations shall not apply to the Beneficiary.

Regulations extend not only to its direct employees but also to its contractors, subcontractors, and other persons participating in the Recipient's project will be affected. To that end, the Recipient agrees: (a) that the Beneficiary, as a minimum form of assurance, their agreement

participating in the Federally assisted program, contractors, lessees, suppliers, or in other persons participating in the Recipient's project will be affected. To that end, the Recipient agrees: (a) that the Beneficiary, as a minimum form of assurance, their agreement

Beneficiary agrees: (a) that the Beneficiary, as a minimum form of assurance, their agreement

Beneficiary agrees: (a) that the Beneficiary, as a minimum form of assurance, their agreement

Exhibit 16(b)

FORM EDA-303 (1-64)	U.S. DEPT. ECONOMIC DE-	MENT OF COMMERCE DEPARTMENT ADMINISTRATION	Project: Wilcox County Road and Bridge
ASSURANCES OF COMPLIANCE WITH THE DEPARTMENT OF COMMERCE REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964			City and State Wilcox County, Alabama
			Project No. 04-1-00306

Harmac Alabama, Inc.

"Beneficiary"

~~XXXXXX~~ **Beneficiary** (hereinafter called the ~~XXXXXX~~) hereby warrants, covenants, agrees, assures, and undertakes that as a ~~XXXXXX~~ Federal financial assistance from the Economic Development Administration, for the project above identified, it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 89-352), the requirements imposed by or pursuant to Regulations, issued by the Department of Commerce and designated as Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations, a copy of which is attached hereto, to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the ~~XXXXXX~~ receives Federal financial assistance from EDA; and hereby further gives assurance that it will immediately take any measures necessary to effectuate this agreement.

Beneficiary

In accord with such assurances, and without limiting the above, the ~~XXXXXX~~ agrees:

1. That it will not engage in the discrimination prohibited in subparagraph (1), (2), or (3) of Section 8.6(b) of the Department's Regulations as applicable to its program, and in any prohibited act or course of conduct with respect thereto as further described in Section 8.4 of the Department's Regulations, except that the provisions of Section 8.4(c) shall not be applicable.

~~2. That it will not engage in any activity which is prohibited in Section 8.5(b)(2) of the Department's Regulations.~~

~~3. That it recognizes its obligation for compliance with Title VI and the Regulations extends not only to its direct activities but also in accord with Section 8.5(b)(4) of said Regulations to assure that, where applicable, the contractors, subcontractors, suppliers, leasees, and other parties directly participating in the Recipient's project will comply with Title VI and the Regulations with respect to such project. To that end, the Recipient agrees; (a) that it will obtain as part of its contractual arrangements with such parties, as a minimum form of assurance, their agreement in writing that such parties, their assignees and successors,~~

"during and in connection with the associated agreement relating to the Federally assisted program, (i) will comply, to the extent applicable, as contractors, subcontractors, leasees, suppliers, or in any other capacity, with the applicable provisions of the Regulations of the United States Department of Commerce (Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations) issued pursuant to Title VI of the Civil Rights Act of 1964 (P.L. 89-352), and will not thereby discriminate against any person on the ground of race, color, or national origin in their employment practices, in any of their own contractual arrangements, in all services or accommodations which they offer to the public, and in any of their other business operations, (ii) they will provide the information required by or pursuant to said Regulations to ascertain compliance with the Regulations and these assurances, and (iii) their noncompliance with the nondiscrimination requirements of said Regulations and these assurances shall constitute a breach of their contractual arrangements with the Recipient whereby said arrangements may be cancelled, terminated or suspended in whole or in part or may be subject to enforcement otherwise by appropriate legal proceedings";

(b) that it will secure the compliance, and assist and cooperate actively with EDA in obtaining and enforcing the compliance, of said contracting parties with the nondiscrimination required by the Act and Regulations and their respective contractual arrangements, and in the event the Recipient becomes involved in litigation with a non-complying party, it may request EDA to enter into such litigation to protect the interests of the United States in the enforcement of these obligations; and (c) it will obtain and furnish to the EDA Administrator such information ~~as he may require for the supervision or securing of such compliance.~~

Beneficiary

4. That where the ~~XXXXXX~~ is an institution referred to in Section 8.5(b)(9) of the Department's Regulations, the provisions of that Section will be applicable to the ~~XXXXXX~~'s program.

/Beneficiary's

313-244 -

Exhibit 16(c)

FORM EDA-303 (11-68) U.S. DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION ASSURANCES OF COMPLIANCE WITH THE DEPARTMENT OF COMMERCE REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964	Budget Bureau Approval Not Required	
	Name of Project	
	City and State	Project No. 04-1-00300

Wilcox County, Alabama (hereinafter called the "Recipient") hereby warrants, covenants, agrees, assures, and undertakes that as a recipient of Federal financial assistance from the Economic Development Administration, for the project above identified, it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), the requirements imposed by or pursuant to Regulations, issued for the Department of Commerce and designated as Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations, a copy of which is attached hereto, to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the Recipient receives Federal financial assistance from EDA; and hereby further gives assurance that it will immediately take any measures necessary to effectuate this agreement.

In accord with such assurances, and without limiting the above, the Recipient agrees:

1. That it will not engage in the discrimination prohibited in subparagraph (1), (2), or (3) of Section 8.6(b) of the Department's Regulations as applicable to its program, and in any prohibited act or course of conduct with respect thereto as further described in Section 8.4 of the Department's Regulations.
2. That as to employment practices it will take the actions specified in Section 8.5(b)(2) of the Department's Regulations.
3. That it recognizes its obligation for compliance with Title VI and the Regulations extends not only to its direct activities but also in accord with Section 8.5(b)(4) of said Regulations to assure that, where applicable, the contractors, subcontractors, suppliers, lessees, and other parties directly participating in the Recipient's project will comply with Title VI and the Regulations with respect to such project. To that end, the Recipient agrees; (a) that it will obtain as part of its contractual arrangements with such parties, as a minimum form of assurance, their agreement in writing that such parties, their assignees and successors,

"during and in connection with the associated agreement relating to the Federally assisted program, (i) will comply, to the extent applicable, as contractors, subcontractors, lessees, suppliers, or in any other capacity, with the applicable provisions of the Regulations of the United States Department of Commerce (Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations) issued pursuant to Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and will not thereby discriminate against any person on the ground of race, color, or national origin in their employment practices, in any of their own contractual arrangements, in all services or accommodations which they offer to the public, and in any of their other business operations, (ii) they will provide the information required by or pursuant to said Regulations to ascertain compliance with the Regulations and these assurances, and (iii) their noncompliance with the nondiscrimination requirements of said Regulations and these assurances shall constitute a breach of their contractual arrangements with the Recipient whereby said arrangements may be cancelled, terminated or suspended in whole or in part or may be subject to enforcement otherwise by appropriate legal proceedings";

(b) that it will secure the compliance, and assist and cooperate actively with EDA in obtaining and enforcing the compliance, of said contracting parties with the nondiscrimination required by the Act and Regulations and their respective contractual arrangements, and in the event the Recipient becomes involved in litigation with a non-complying party, it may request EDA to enter into such litigation to protect the interests of the United States in the enforcement of these obligations; and (c) it will obtain and furnish to the EDA Administrator such information as he may require for the supervision or securing of such compliance.

4. That where the Recipient is an institution referred to in Section 8.5(b)(9) of the Department's Regulations, the provisions of that Section will be applicable to the Recipient's program.

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FORM EDA-303

5. That where EDA's financial assistance to the Recipient is to provide (a) real property or structures thereon, the Recipient's assurances shall be in effect for the period during which the real property or structures are used for a purpose for which the assistance is extended or for another purpose involving the provision of similar services or benefits; (b) personal property, the assurances shall be in effect for so long as the recipient retains ownership or possession of the property, but in any event the time shall not be less than the term of the loan and any extensions thereof, and (c) any other type or form of assistance, the assurances shall be in effect for the duration of the period during which the assistance is extended to the program.
6. That any failure by the Recipient to comply with these assurances shall constitute a breach of the agreement under which the Recipient receives financial assistance from FDA, that in such case of breach the Government may refuse to make further disbursements under said agreement, may accelerate the maturity of the Recipient's financial obligations to the Department, and may take any other enforcement or remedial action or remedies provided in the Act and the Department's Regulations or otherwise by law, which action shall be severable and cumulative; and that the enforcement by the Government of one or more rights shall not be prejudicial to its right to obtain judicial relief and/or take any other action available under the Act, Regulations, and Recipient's agreements with the Department.
7. That these assurances shall be binding upon the Recipient, its grantees, assignees, transferees, lessees, and successors in interest.

The Recipient acknowledges that it has received and read the Department's Regulations.

This assurance is made and accepted this 12 day of April, 19 66, in Garden, Alabama.

Wilcox County, Alabama

(Recipient)

By BILL DANNELLY

Bill Dannelly

Judge of Probate

(Title)

Bill Dannelly
Bill (Signature) Dannelly

I, Bill Dannelly, us Secretary of _____

Inc., a corporation organized and existing by virtue of the laws of the State of _____

or as _____ of the State of _____; or as Judge of Probate
Authorized State Official Authorized Official

of the county or municipality of Wilcox County in the State of Alabama

do hereby certify that the foregoing officer who executed this assurance has full authority to bind the Recipient.

In witness whereof I set my hand and affix the corporate, state, or municipal seal this 12
day of April, 19 66.

Bill Dannelly
(Secretary or other Official)
Judge of Probate, Wilcox County,
Alabama

(SEAL)

Budget Bureau Approval Not Required	
Name of Project	
City and State	
Project No.	04-1-00300

Recipient hereby warrants, covenants, agrees, from the Economic Development Administration Civil Rights Act of 1964 (P.L. 88-352), the Department of Commerce and designated as Part B which is attached hereto, to the end that no origin be excluded from participation in, be by program or activity for which the Recipient's assurance that it will immediately take any

Recipient agrees:

Section 8.6(b) of the Department of Commerce Regulations extends not only to its direct participating in the Recipient's project will To that end, the Recipient agrees; (a) that as a minimum form of assurance, their agree-

Section 8.5(b)(2) of the Department's Regula-

Regulations extends not only to its direct participating in the Recipient's project will To that end, the Recipient agrees; (a) that as a minimum form of assurance, their agree-

g to the Federally assisted program, contractors, lessees, suppliers, or in tions of the United States Depart- of Federal Regulations) issued pub- and will not thereby discriminate in in their employment practices, in accommodations which they offer to y will provide the information re- ce with the Regulations and these ation requirements of said Regula- contractual arrangements with the Re- or suspended in whole or in part or oceedings";

y with EDA in obtaining and enforcing the ired by the Act and Regulations and their omes involved in litigation with a non- tect the interests of the United States in o the EDA Administrator such information

of the Department's Regulations, the pro-

*Exhibit No. 17*LETTER TO CHAIRMAN AND COURT OF COUNTY COMMISSIONERS
OF WILCOX COUNTY, ALABAMA

In reply refer to Project No. 04-1-00306:

July 27, 1967

CHAIRMAN AND COURT OF COUNTY
COMMISSIONERS OF WILCOX COUNTY
County Courthouse
Camden, Alabama 36726

GENTLEMEN: This is in reference to your application to the Economic Development Administration, filed under date of April 12, 1966, for financial assistance in the construction of a bridge and access road. In compliance with the requirements of the Department of Commerce Regulations, you accompanied the application with a properly executed EDA Form 503, Assurance of Compliance with the Civil Rights Act of 1964.

The two major beneficiaries of the proposed project, listed in your application as Harmac Alabama Incorporated, and MacMillan Bloedel United Incorporated, forwarded to this agency on July 12, 1966, what purported to be properly executed Forms 503. In each instance, however, pertinent language in the body of the form had been arbitrarily deleted, thereby invalidating the purpose of the document.

Unless and until the Department of Commerce Regulations have been fully complied with, both by the applicant as well as by all major beneficiaries of the project, an EDA application must be considered as incomplete and not eligible for our consideration toward a final determination.

Notwithstanding your own efforts and primary responsibility toward securing the required assurances, and after several conversations by EDA officials with representatives of the above-named concerns and their counsel, properly executed Forms 503 have not been filed, and your application remains incomplete.

In view of these facts, we have concluded that it is not possible for you to satisfactorily complete the necessary documentation of your application. We must, therefore, decline to give it further consideration.

Under separate cover we are returning those materials which were furnished in support of the application, in the event you may wish to pursue other possible sources of financial assistance.

Sincerely yours,

EDA/PW-1	Project File	Lambert S. O'Malley
O'Malley/Abbott/net	Signer	Deputy Assistant Secretary
7/24/67	McKee	for Operations
State Agency		Congressional Liaison
LDC	Chron	
Field Coordinator	Br. Chief	
Wash. Dupl	Reading File	(Abbott)

*Exhibit No. 18*BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS SITTING AT
MONTGOMERY, ALABAMA

APRIL 30, 1968

STATEMENT OF VANITY FAIR MILLS, INC. REGARDING MINORITY GROUP EMPLOYMENT IN CHOCTAW, MARENGO, CLARKE, AND MONROE COUNTIES, ALABAMA

By

Mr. Lee Du Vall, *Vice-President*

and

Mr. George M. Heard, *Director of Personnel*

In Response to the Commission's Subpoenas.

I. NATURE OF THE BUSINESS:

Vanity Fair manufactures lingerie and related apparel. We manufacture quality garments requiring detailed sewing procedures on hundreds of style

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ALABAMA

July 27, 1967

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vent you may wish to pursue

VIL RIGHTS SITTING AT
BAMA

ARDING MINORITY GROUP EM-
) MONROE COUNTIES, ALABAMA

resident

of Personnel

sed apparel. We manufacture
cedures on hundreds of style

lines which are continually changed as fashion requires. We now employ more than 4,900 persons at 8 plants in Alabama. To give precise, timely information on employment of minority groups, we have reproduced and attached pertinent excerpts from our EEO-1 Reports, highlighting 1966-67 changes, particularly in the skilled category. We also attach a list of job categories which will help explain our industry and aid the Commission in reading the EEO-1 excerpts.

Notice that minority group employment rose from December 31, 1966 to December 31, 1967 in seven (7) out of eight (8) Alabama plants. Notice further that these increases are registered heavily in our skilled categories. We have embellished the EEO-1 excerpt by calculating and inserting rough percentages for minority group employment by plant and with particular reference to the skilled category.

II. POLICY:

Vanity Fair reaffirms today its commitment to obey Title VII of the Civil Rights Act of 1964. We began in 1964 with internal directions to supervisors to obey the law. We also held a series of meetings with civic groups from all races and economic levels seeking understanding and help. Broad community cooperation has helped us to progress and is a prized ingredient in the solution to these problems. We are a growing company, with hopes of continued expansion. Whenever we consider a new town for a possible plant-site, we include the following paragraph in an open letter to local officials and community leaders:

Paragraph K, Civil Rights: Vanity Fair and its officials have adopted a policy of complete compliance with the Civil Rights Act of 1964. We conduct our employment and employee relations on a non-discriminatory basis. We consider it essential that the community at large and its citizens shall know of this policy and we look to the community to shape community policies and actions in a sensible, harmonious manner.

III. RECRUITMENT:

The growth in minority group employment in Vanity Fair comes partially from individual applicants. Going in the other direction, we have conferred often with community leaders, urging referral of possible employees. We actively participate in high school career conferences and we meet with home economics classes at all schools in the community. In addition to the usual advertising techniques, we use special handbilling where community residents congregate, even in small groups. The job requirements in the skilled categories cannot be lowered without risk; therefore, we uniformly administer 5 pre-hire tests. A battery of three tests for dexterity and two tests for limited academic qualifications, with an 86 degree correlation factor, is used. Applicants must pass any three out of the five tests.

IV. TRAINING:

We emphasize skilled training because we have a high-quality line which changes frequently to suit the fashion market. We have invested major resources in regular training procedures with written schedules and maximum personnel attention by supervisors. This enables us to employ many persons who might not seem ready for employment by a casual observer. Frankly, needle trades training in advance of employment by schools or special government programs is *not* helpful to us to any measurable degree. In some instances, such pre-hire training actually forces us to retrain in order to meet higher, commercial standards. During training and orientation we regularly include an affirmative discussion of Title VII so it is well-understood by all employees and immediate level supervision. We conducted such a briefing for all employees when the Act passed and we regularly repeat it with all trainees, supervisors and those who process personnel matters.

V. PROMOTION:

The Company's obligations under the law are obviously applicable to promotion as well as initial employment. We are faced, however, with the real necessity for high skill and lengthy experience before any employee is qualified to supervise. The continuing style changes and special techniques of manufacturing used by us requires from five to eight years of experience in skilled jobs on a variety of machines and processes before any

employee becomes a supervisor. With rare exceptions, this experience requirement had been enforced long before Title VII and we do not contemplate reducing the experience and quality standards for supervision.

VI. THE FUTURE:

Vanity Fair believes it has moved effectively to comply with the law while at the same time preserving the good will of all elements of the communities in which it is an employer. We remain committed to such progress.

The Commission inquires publicly about what other groups or government agencies might do to improve employment and productivity in this area. We have only a few suggestions, without attempting a comprehensive reply to this inquiry. For one thing, we do not think pre-employment training in needle trades is a good allocation of resources; each employer is likely to require extensive re-training in the special, sophisticated procedures it prefers. We do think, however, that pre-hire vocational training for such jobs as electrician, plumber, welder, inside machinist, carpenter, data processor, secretary and clerk would be very useful. Such preparation, generally speaking, is now lacking in the area under study. We have not received enough qualified applicants for these jobs. In particular, there is a real need for people in administrative, clerical and data processing jobs. Finally, any attempts to set up needle trades training schools which are allowed to manufacture and market garments should be avoided as being unfair to competitors in the private sector, particularly those who continually demonstrate their good faith under the law. Without expressing any self-satisfaction, we respectfully submit to the Commission that we can continue to progress without extensive government participation in our training and recruitment efforts.

ATTACHMENT

EXCERPTS FROM

STATISTICAL DATA COMPILED FOR EEOC

Officials and managers—Plant IE
Personnel managers

Professional—
Nurses (Except # 6—Tech.)
Industrial engineers
Chief payroll clerks
R&D engineers

Technician—
Jr. industrial engineers
Standards analysts
Trainers
Chief sewing machine fixers
R&D nondegree engineers
Quality control supervisors

Operatives, Semi-skilled—
Examiners
Packers
Hand operators
Lace burners
Helpers—Separators
Bushelers

ceptions, this experience re-
VII and we do not contemplate
or supervision.

to comply with the law while
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assing any self-satisfaction, we
we can continue to progress
our training and recruitment

FOR EEOC

EEO Report Comparison—Total Only—Apr. 8, 1968*

	Escambia		Monroe (Drury)		Clarke		Marengo		Choctaw		Monroe		South Baldwin		South Mobile	
	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)	
	'66	'67	'66	'67	'66	'67	'66	'67	'66	'67	'66	'67	'66	'67	'66	'67
Official managers.....	14(0)	11(0)	16(0)	15(0)	21(0)	21(0)	8(0)	6(0)	6(0)	5(0)	43(0)	44(0)	11(0)	9(0)	3(0)	6(0)
Professionals.....	4(0)	4(0)	1(0)	4(0)	4(0)	7(0)	3(0)	2(0)	3(0)	3(0)	21(0)	22(0)	3(0)	3(0)	0	2(0)
Technicians.....	1(0)	13(0)	2(0)	7(0)	8(0)	7(0)	3(0)	7(0)	3(0)	4(0)	5(0)	11(1)	2(0)	8(0)	0	6(0)
Sales.....							0(0)		0		0	0	0	0	0	0
Office and Clerical.....	21(0)	27(0)	32(0)	32(0)	18(0)	19(0)	11(0)	13(0)	9(0)	8(0)	173(2)	177(1)	16(0)	15(0)	3(0)	6(0)
Craftsman (Skilled).....	851(53)	733(74)	912(112)	766(134)	665(69)	600(127)	597(44)	496(60)	456(54)	388(53)	87(1)	107(1)	752(47)	579(59)	94(1)	205(26)
Percent.....	6.2	10.1	12.3	17.6	10.4	21.2	7.4	12.2	11.8	14.9	11.5	9.4	6.2	10.2	1.1	8.8
Operatives (Semi-skilled)	12(1)	215(8)	26(0)	178(0)	147(7)	181(8)	11(0)	113(0)	4(1)	64(1)	246(21)	261(28)	0	179(0)	2(2)	59(0)
Laborers.....	2(2)	1(1)	34(0)	0	7(7)	2(2)	3(3)	0	0(0)	0	18(18)	12(12)	0	0	0	0
Service workers.....	34(6)	39(7)	13(10)	35(13)	10(7)	21(10)	5(2)	16(4)	17(4)	15(4)	22(12)	21(11)	29(3)	23(2)	0	7(3)
Total 1966 & 1967.....	939(62)	1,043(90)	1,036(122)	1,037(147)	880(90)	858(147)	641(40)	653(64)	498(59)	487(63)	615(54)	655(54)	813(50)	816(61)	102(3)	381(29)
Percent.....	6.6	8.6	11.8	14.7	10.2	17.2	7.6	9.8	11.8	12.9	8.8	8.3	6.1	7.5	2.9	7.6

* Figures in parentheses indicate minority group employment.

Craftsmen (Skilled)—

- Sewing machine operators
- Maintenance
- Machine shop personnel
- Sewing machine fixers
- Work distributor clerks

Laborers (Unskilled)—

- Outside grounds keepers (handymen)

Service workers—

- Janitors
- Handymen
- Work handlers
- Watchmen
- Charwomen

Exhibit No. 19

A Comparison of Prices Charged by Sherer Bros. with those at the IGA Grocery Store in Livingston, Ala. Made on Mar. 14, 1968 and on Mar. 15, 1968, by Staff Attorney George Bradley.

Product	Size	Sherer	IGA	Cost difference
Ivory Liquid	Giant	\$0.75	\$0.59	+\$0.16
SaranWrap	50 ft	.45	.33	+.12
French's Mustard	6 oz	.17	2/.25 (.13)	+.04
Hunts Whole Tomatoes	28 oz	.39	.39	---
Van Camp's Pork & Beans	1 lb. 5 oz	.25	2/.49 (.25)	---
Jello	3 oz	.15	2/.23 (.12)	+.03
Campbell Veg. Beef Soup	10 3/4 oz	.20	2/.39 (.20)	---
Duncan Hines Pineapple Supreme Cake Mix.	1 lb. 2 1/4 oz	.49	.41	+.08
Del Monte Chunk Light Tuna	6 1/2 oz	.39	*.47	-.08
Morton's Iodized Salt	26 oz	.15	2/.25 (.13)	+.02
Maxwell House Fine Grind Coffee	1 lb	1.00	.79	+.21
Kelloggs Corn Flakes	8 oz	.27	.23	+.04

*IGA had special of its own brand selling for 3 cans for a dollar.

Exhibit No. 20

PAY STATEMENT

No 7192

AMERICAN CAN COMPANY
ALISON LUMBER PRODUCTS
MELBANY, ALABAMA 36901

TOTAL HOURS			DEDUCTIONS							PROOF	NET	
DATE	REG.	O. T.	GROSS EARNINGS	FED. TAX	SSA	STATE TAX	ACCT. REC.	STOCK	RENT & O.P. INC.			
APR 12 68	829	31	139.43	13.62	.35	.57	15.13	9.024	14.50	29.43	15.248	5.00
										9.024	5.000	

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Exhibit No. 21

STATEMENT BY HUGH C. SLOAN TO EMPLOYEES AT AMERICAN CAN COMPANY
BELLAMY, ALABAMA

The U.S. Commission on Civil Rights is having hearings in Montgomery, and the Company has been called to testify on Tuesday, April 30, 1968. One of the things we expect the Commission to ask us is whether the Company housing situation at Bellamy will be changed. Right now we are not sure what we will be able to do, because of costs and other problems.

The recent open housing law may force us to stop renting any houses to either white or colored employees in the near future, if it is not possible for us to make changes. All possibilities are now being considered. No final decision has been reached yet. But there is a chance that because of the law, we may have to stop all renting soon.

We hope that we will be able to find some lawful solution to this whole problem that will be satisfactory to all. We felt we owed it to you to tell you about this.

Exhibit No. 22

a.

LETTER WRITTEN BY WILLIAM L. TAYLOR, STAFF DIRECTOR, U.S. COMMISSION ON CIVIL RIGHTS TO E. T. KLASSEN, PRESIDENT, AMERICAN CAN COMPANY, REPLY FROM MR. KLASSEN AND STATEMENT OF AMERICAN CAN COMPANY.
April 12, 1968.

MR. E. T. KLASSEN, *President*
American Can Company
100 Park Avenue
New York, New York 10017

DEAR MR. KLASSEN: The United States Commission on Civil Rights will hold a public hearing in Montgomery, Alabama, beginning April 27, 1968, to collect information concerning the economic security of Negroes in predominantly rural areas of that State. One of the matters to be investigated is employment opportunities available to minorities. We expect to hear testimony about the operations of your company at its Naheola and Bellamy Plants. The Commission has authorized the issuance of subpoenas for two of your officials—Mr. Owen Hanson and Mr. Hugh C. Sloan.

I am enclosing copies of the Commission's statute and rules and a brochure describing the Commission. Under our rules, if testimony is likely to reflect unfavorably on some person, the Commission is required to hear that testimony in executive session before it is presented publicly. The Commission has determined that testimony regarding your Bellamy operation falls into this category. Accordingly, Mr. Owen Hanson will be sent a notice advising him of his opportunity to appear at an executive session of the Commission on April 27th. He will be told that the Commission anticipates testimony that will show that your company at Bellamy maintains segregated housing and community facilities and that the conditions of Negro housing in the town are substantially inferior to those prevailing in the white housing.

I understand that your company is a member of Plans for Progress and that officials of the Company have been involved actively in the Urban Coalition. Accordingly, the Commission feels that it is appropriate that you be advised in advance of the testimony we expect to hear in Alabama. Our present schedule is for testimony regarding the American Can Company to be presented at public session on April 30, 1968. On behalf of the Commission I invite you to be present on that day to hear the testimony of the officials of your company who have been subpoenaed. At such time, the Commission would be happy to hear any comments you might have.

Sincerely yours,

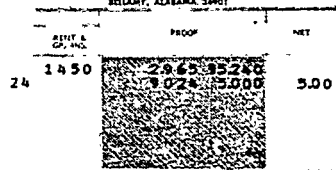
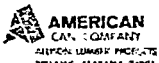
WILLIAM L. TAYLOR.

cc: Mrs. Adkins
Office
Chron
Enclosure
OGC: GBradley/HAGlickstein/WLTaylor 4-12-68

Bros. with those at the IGA
Mar. 14, 1968 and on Mar. 15,

Sherer	IGA	Cost difference
\$0.75	\$0.59	+\$0.16
.45	.33	+.12
.17	2/.25 (.13)	+.04
.39	.39	-----
.25	2/.49 (.25)	-----
.15	2/.23 (.12)	+.03
.20	2/.39 (.20)	-----
.49	.41	+.08
.39	*.47	-.08
.15	2/.25 (.13)	+.02
1.00	.79	+.21
.27	.23	+.04

or a dollar.



b.

AMERICAN CAN COMPANY

E. T. Klassen, President

100 Park Avenue, New York, N.Y. 10017

April 23, 1968.

MR. WILLIAM L. TAYLOR, Staff Director
United States Commission on Civil Rights
Washington, D.C. 20425

DEAR MR. TAYLOR: I have your letter of April 12, 1968, inviting me to be present at the Commission's public session on April 30, 1968.

I regret that I shall be unable to accept your invitation since the annual meeting of stockholders of American Can Company will be held on April 30 and I am required to be present.

Sincerely,

E. T. KLASSEN.

JOHN LORD O'BRIEN
NEWELL W. ELLISON
H. THOMAS AUSTERN
HOWARD C. WESTWOOD
CHARLES A. MORSEY
HUGH S. COX
J. HARRY COVINGTON
W. CROSBY POPER, JR.
JAMES H. MCGLOTHLIN
ERNEST W. JENNES
STANLEY L. TENKO
JAMES C. HEKAY
JOHN W. DOUGLAS
HAMILTON CAROTHERS
JEROME ACKERMAN
HENRY P. SAUER
JOHN H. SCHAFER
ALFRED H. MOSES
JOHN LEMOYNE ELLICOTT
H. EDWARD DUNKELBERGER, JR.
BRUCE MCADDO CLAGETT

DEAN G. ACHESON
JOHN G. LAYLIN
FONTAINE C. BRADLEY
EDWARD BURLING, JR.
JOEL BARLOW
DONALD HISS
JOHN T. SARDINZA
NESTOR S. FOLEY
DANIEL M. GRIBSON
HARRY L. SHMIDTSMAN
DON V. HARRIS, JR.
WILLIAM STANLEY, JR.
WEAVER W. DUNNAN
J. RANDOLPH WILSON
ROBERTS B. OWEN
EDGAR F. CZARRA, JR.
WILLIAM H. ALLEN
DAVID S. BISHOP
JOHN B. JONES, JR.
PHILIP R. STANSBURY
CHARLES A. MILLER

COVINGTON & BURLING

UNION TRUST BUILDING

WASHINGTON, D. C. 20005

REPUBLIC 7-5900

July 3, 1968

Mr. William L. Taylor
Staff Director
United States Commission
on Civil Rights
Washington, D.C. 20425

Dear Mr. Taylor:

At the hearings of the U.S. Commission on Civil Rights which were recently held in Montgomery, Alabama, testimony was received in regard to the American Can Company's operations in Bellamy and Butler, Alabama. The American Can Company believes that portions of this testimony present an inaccurate picture of the Company's Alabama operations and facilities located there. The Company officials who testified at the hearing were unable, largely due to time limitations, to more fully inform the Commission with respect to the facilities and operations in Alabama.

Accordingly, the Company has prepared the enclosed statement which describes in detail the Company's sawmill operations and the facilities in Bellamy and its pulp and paper operations in Butler. We respectfully request that this statement be included in the official and printed record of the Commission's proceedings.

Sincerely,

Jerome Ackerman
Attorney for the
American Can Company

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cc Dr. John A. Hannah
Hon. Eugene Patterson
Hon. Frankie M. Freeman
Hon. Robert S. Rankin
Howard Glickstein, Esq.

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STATEMENT OF AMERICAN CAN COMPANY

The following statement is submitted to the United States Commission on Civil Rights for inclusion in the record of the Commission's hearings on the economic situation of Negroes in a 16-county area of Alabama, said hearings being held on April 27 - May 2, 1968, in Montgomery, Alabama. This statement outlines for the Commission the American Can Company's sawmill operations at Bellamy, Alabama, and the Naheola Pulp and Paper plant operations at Butler, Alabama.

Southern Sawmills, Allison Lumber Company,
American Can Company, Bellamy, Alabama

The Allison Lumber Company was acquired by the American Can Company on May 27, 1960. Among the acquired assets were a complete sawmill plant and office facilities at Bellamy, Alabama, approximately 126,000 acres of timberland located primarily in Sumter County, Alabama, approximately 172 houses in the immediate vicinity of the sawmill, approximately 38 houses located elsewhere on Company property used by the sawmill personnel at Whitfield, several miles to the south, two church buildings, one community building, two school buildings, a theatre, a hospital, a hotel, two filling stations, a general store, a branch store, a warehouse, a post office, the three-mile Sumter & Choctaw Railway, and a swimming pool.

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The Allison sawmill, which probably is the largest Southern pine mill east of the Mississippi, currently produces approximately 60 MM board feet of lumber per year. This lumber is sold throughout the Southeastern and Mid-western United States and approximately 10% annually is sold for export overseas. Some of the timber from which this lumber is produced is purchased from independent loggers, although most of it comes from Company-owned timberlands. This mill also produces several specialty lumber items for the trade, and recently has been engaged in the manufacture of pallets for other American Can Company plants, as well as minor quantities for the general market.

The Company currently employs approximately 303 hourly and approximately 31 salaried employees at the Allison sawmill plant. This includes 3 hourly employees and 1 salaried employee of the Sumter & Choctaw Railway, the switching facility of the sawmill. Of these 334 employees, approximately 78% are Negro. Since the acquisition of the Allison sawmill by the American Can Company in 1960, local management has made continuing efforts to upgrade Negro employment opportunities in this plant. This program has included promotions in job classification as well as developmental and merit-pay increases on the same job. As a result, over the last 8 years, Negroes are now filling a

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total of 138 jobs as technicians (12), office (1), crafts-
men (7), semi-skilled (118), and currently there are three
Negro assistant foremen in the mill. In these and other
jobs, Negro employees work side-by-side with white employees
in the performance of their respective employment duties.

The hourly wages of the Allison sawmill employees
ranges from \$1.60 per hour to \$3.30 per hour, and on the
average compare favorably with wages paid by sawmills in the
Central South. Negro and white employees in the same job
classification are paid the same basic wage to which is added
any deserved developmental and merit increases in pay. Em-
ployees at the Allison sawmill are given four paid holidays
each year, and are entitled to an annual one-week paid va-
cation after the first year of employment. The Company also
provides group life, health and medical insurance for all
of its employees. These fringe benefits are believed to be
greater than or at least equivalent to the prevailing level
of fringe benefits in the Central South sawmill industry.

The Allison sawmill has no cafeteria or locker
room facilities, but the restrooms and drinking fountains
are integrated.

The housing which the American Can Company ac-
quired in the 1960 purchase of the Allison Lumber Company
included approximately 172 dwellings in the immediate

vicinity of the sawmill, in an area known as the Bellamy community. Some 38 residences are located in a small community called Whitfield, several miles south. No new dwellings have been built by the American Can Company since the acquisition of this property, but a few have either burned or been removed since that time. At the present time, approximately 50% of the sawmill employees occupy these Company-owned houses, and this constitutes 73% of the white employees and 47% of the Negro employees. The remaining employees own or rent houses in nearby towns, such as Livingston or York, live in rural areas of their choice, or live on a subdivided tract of land known as the Hudson Estate which adjoins Company property less than a mile east of the sawmill. White and Negro employees and nonemployees who live on this tract of land have, in some cases, purchased Company houses for relocation to their property or have built their own homes. Lumber purchased from the Company by employees has been sold to them at wholesale prices.^{*/} The Company has assisted employees in obtaining bank financing for the purchase of these lots and for the construction of their homes. Lots are currently available on this tract of land for any person who desires to buy land within walking distance of the sawmill.

^{*/} Employees have been permitted to pay for the lumber in installments over an extended period of time without any interest charge.

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New employees in the sawmill are frequently trained on the job under the supervision of departmental foremen or assistant foremen. At the public hearings before the Civil Rights Commission in Montgomery, Alabama, an employee of the Company testified that he had trained many white employees who were subsequently promoted to better positions. The Company is unaware of any on-the-job training that has been supervised or conducted by this employee.

The Company-owned houses in Bellamy range from two-room dwellings which normally rent for as low as \$3.50 per month to seven-room dwellings all of which rent for \$50 per month or less, except one house. The exception rents for \$100 per month. The book value of these dwellings ranges from approximately \$500 to \$13,000. The average rent on homes occupied by white tenants has been increased approximately 41% over the last 8 years. During the same period, rent increases on homes occupied by Negroes occurred generally in connection with the installation of inside plumbing at the request of the tenant, the addition of a room at the request of a tenant, or the addition of Butane gas tank and heaters at the request of the tenant. There were approximately 22 increases in rent related solely to a change in tenancy, but the increase of rent on these homes has averaged only 11.4%.

At the present time, the average home occupied by a white employee consists of 6.2 rooms, has a book value of

approximately \$6,000, and rents for \$41.00 per month. The average home occupied by a Negro employee consists of 3.4 rooms, has a book value of approximately \$1,200, and rents for \$14.85 per month. Electric power, which is purchased by tenants directly from the Alabama Power Company, is distributed to each home. Water-supply lines are located adjacent to all residences in Bellamy. All of the white residences have inside running water and sewer outlets; eight of the Negro residences have these same facilities. Water supply for the remaining residences is available from convenient outside faucets, and toilet facilities for such homes are the usual out-door type. All water is furnished by the Company at no cost to tenants of any house.

Up until April 30, 1968, Butane gas had been available from the Company for purchase by tenants for heating and cooking at a price 3 cents to 6 cents per gallon lower than if the gas were purchased directly from the supplier.*

The Company also provides for the maintenance of each of the Company owned dwellings, including painting the outside of each house periodically and making necessary repairs. Paint is also supplied by the Company at no cost to

*/ The Wage & Hour Division of the U.S. Department of Labor has recently objected to the Company's practice of buying propane gas for resale to tenants of Company-owned houses and deducting the price of this gas from the employee's paycheck. Accordingly, as of April 30, 1968, the resale of propane gas to employees by the Company was discontinued.

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any tenant who wishes to repaint the inside of his home.
 Repairs on Company-owned houses are made by the carpenters
 who work in the Allison sawmill. When a tenant requests
 that repairs be made, or whenever the Company feels that
 repairs are necessary, the work is scheduled as promptly
 as possible, depending upon the urgency of the repair and
 the workload of the carpenters. As a general rule, most
 nonemergency repairs are made within 30 days after the re-
 quest is submitted. All routine repairs are made solely
 at the Company's expense, although tenants are free to make
 additional improvements if they desire. During the last
 three years the Company's rental properties have operated
 at a loss of between \$77,000 and \$80,000 per year.

At the time of acquisition, three of the Company-
 owned houses occupied by Negroes had inside water or toilet
 facilities and 123 did not. The Company established the
 policy of installing these facilities when requested to do
 so by the tenant. The cost of such installation and the
 maintenance thereof would be reflected in a monthly rent
 increase of \$12.50. Since this policy was established five
 tenants have requested and received these indoor plumbing
 facilities. This improvement involves the installation of
 a septic tank, water lines, indoor facilities, and the con-
 struction of a separate room which is added to the existing
 structure.

Although within the Bellamy community the houses that are occupied by white employees are grouped together, these houses are in some instances immediately adjacent to homes occupied by Negro families. Negro employees are free to and frequently do walk through the area of homes occupied by white employees. No Negro employee has ever sought to rent a house previously rented to a white employee in Bellamy, and no white employee has ever sought to rent a home previously rented to a Negro employee in Bellamy during American Can Company's ownership.

The State maintains a paved road which passes through the Bellamy Community. Houses occupied by both Negroes and whites face on this road. The remainder of the houses in Bellamy, occupied by both Negroes and whites, face on dirt roads which are maintained by the Company. Gravel is periodically placed on all dirt roads in the Community.

When Company-owned housing in the Bellamy community has been available, employees who choose to live there have applied for it.^{*/} But employees are completely free to live wherever they wish. Non-Company housing is available within walking distance of the mill, and since approximately

^{*/} Some of the Company-owned houses are occupied by persons who are not employees.

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one-half of the employees have automobiles, it is also
feasible for employees to live in nearby towns, as many
have chosen to do.

In general, the dwellings in the Bellamy community
are in better condition and are cheaper to rent than houses
of comparable size in the immediate vicinity. Comparable
housing in York, Livingston and in nearby rural areas rent
for from \$12 to \$20 per month, without indoor plumbing, which
is in comparision to the \$3.50 to \$17.00 price range at Bel-
lamy. Some of these houses are wired for electricity, and
the tenant pays the electric bill in addition to his rent,
as do the tenants in Bellamy. Houses in these rural areas
with indoor plumbing rent for from \$35 to \$40 per month,
plus electricity. The highest rent at Bellamy for a Negro
house with plumbing facilities is \$32.50.

In July, 1967, the American Can Company concluded
that it should investigate the possibilities of divesting
itself of its Bellamy housing properties. Since the housing
operation was consistently unprofitable, the Company sought
to determine whether a reasonable program for the divestment
of the housing and community facilities could be developed
without creating undue hardships on the tenants in the Bellamy
community. However, union organizational efforts, an NLRB
election, and related NLRB proceedings which were not concluded

until early April, 1968, made it extremely difficult as a practical matter for the Company to go forward with its investigation during the pendency of the NLRB matters.

At the time the American Can Company acquired the Allison Lumber Company, there existed upon the property a swimming pool which had been built by and at the expense of the white tenants in Bellamy. This swimming pool was and continues to be operated by a committee of white tenants.

At the request of Negro residents of the Bellamy community, the American Can Company within the first year of ownership, at its expense, built another swimming pool, larger than the one previously built by the white tenants. This pool cost the Company approximately \$23,000 and is currently operated by a committee of Negro residents of the Bellamy community. To the Company's knowledge, no Negro has ever sought admission to the swimming pool built by the white tenants and no white has ever sought admission to the swimming pool built by the American Can Company.

Two churches are located on Company property adjacent to the sawmill. Negroes attend one church and whites attend the other. The governing bodies of both churches have indicated an interest in acquiring the property upon which their churches

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stand as well as the two swimming pools which now exist
on Company property. No decision on this matter has been
reached by the Company, and no statement was ever made by
the Company or anyone acting on its behalf to the effect
that either or both pools might be rendered unusable.

For a short time after the Allison Lumber Com-
pany was acquired by the American Can Company, the general
store which is located on Company property continued to be
operated directly by the Company. However, on March 1, 1963,
the Company terminated this operation and the building was
leased to the Sherer Brothers, who operate three other
similar stores in Alabama and one in Florida. For the
convenience of employees, the Company continued to permit
them to authorize payroll deductions and direct payment by
the Company to Sherer Brothers. No such payroll deductions
were made without specific written authorization of the em-
ployee in connection with each purchase. Long-term credit
is also available to employees who shop at the Sherer
Brothers' Store. Thus, if an employee purchases an item
such as furniture or an appliance, arrangements can be made
to have the payroll deductions spread out over an extended
period. Although the amount of merchandise which an employee
purchases at the Sherer Brothers' Store, and thus the amount
which is deducted from his pay, is solely within the respon-
sibility of the employee, The Wage and Hour Division of the

U.S. Department of Labor has, within recent months, raised a question as to the propriety of the practice. In view of this and the fact that such bookkeeping operations constitute an added expense to the Company, such payroll deductions have been terminated as of May 31, 1968.

Sherer Brothers pay a fixed monthly rental for the use of the store buildings. American Can Company has no financial interest in or control over the prices which the Sherer Brothers charge. No employee is required or even encouraged to shop at this store. At least two other small grocery stores are within walking distance of the sawmill. There are, moreover, other independent stores in the area which may easily be reached by automobile. The prices of staples in the other independent stores are generally in line with the prices charged by Sherer Brothers according to a spot-check made by American Can Company personnel. See Exhibit A attached hereto.

The gasoline stations which are located on Company property are also leased to the Sherer Brothers and gas is sold at competitive prices.

The theatre and hotel which were acquired by American Can Company were closed in previous years for economic reasons.

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At one time (1926), the property upon which the school is located was deeded in fee simple to the Sumter County Board of Education by the predecessor Company. However, for reasons unknown to American Can Company, the property was subsequently deeded back (1950) to the predecessor Company. On April 19, 1968, American Can Company agreed with the Sumter County Board of Education to return this school property to the County, and since then has delivered to the Superintendent of Education a deed to the property. During the past 8 years the American Can Company maintained the building and the county was solely responsible for the administration of the school. The county also furnished all the facilities for heating and everything inside the school building, such as desks, blackboards, and other equipment.

No improvements had been made on this building recently because of the anticipated construction of a new school facility nearby. The American Can Company had, in June 1966, tendered to the County for a consideration of \$1.00, approximately 17 acres of land adjoining Highway #80 for the County to use in constructing a new public school building. Delivery of the deed is being withheld by mutual consent until the County is ready to begin construction on this building.

The new school facility will be available for all children living in the Bellamy community. At the present time,

approximately 220 Negro and no white children who live in Bellamy attend the county school which is located on Company property. The remainder of the children living at Bellamy, both white and Negro, travel on the same school bus to the public schools in Livingston, Alabama.

The Company presently provides facilities for a first-aid station and clinic in the old "hospital" building at Bellamy and has an arrangement with a nearby doctor who visits the clinic one day each week and employs a registered nurse who is on duty each day. The clinic waiting room and toilet facilities are integrated. The medical services performed by this doctor are a private matter between the doctor and his patient and are paid for by the patient, although an employee-patient may choose to have these expenses deducted from his paycheck. Negroes and whites are charged the same fees by this doctor -- approximately \$4 per office call.

In order to facilitate communication between Negroes and the management of the Company at Bellamy, an informal group of Negro residents was asked five or six years ago to meet with the Company from time to time to discuss matters of interest to the Company and to residents of the Company-owned houses. Many Negroes who might otherwise have been hesitant about communicating with Company officials, utilized

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this informal group to make suggestions, inquiries, and/or complaints about various matters. More recently, Company employees have organized a Community Relations Committee, which has assumed the functions previously performed by the informal group. This Committee consists of 12 employees, all Negroes, who were elected from each of the 12 departments in the sawmill. The current members of this Committee are as follows:

Marshall Harris	Robert Pierce
Joe Smith	A. Spencer
Willie G. Edwards	L.C. Lard
Albert Ward	Bud Donald
Henry Robinson	Jerry Triggs
Otto Sampson	Esasau Woodard

At their first meeting, the Committee elected Jack Raleigh, a white employee, to serve as Secretary of the Committee.

At the present time, employees at the Allison sawmill are not represented by any union. In September 1960, an election was held, but the employees voted against the union. In 1967, the Carpenters and Joiners Union engaged in a unionization drive and an election was held on October 25, 1967. A majority of the employees again voted against the union, but because of challenged ballots and other objections, the results were not certified until April 8, 1968. From the beginning of the unionization drive in August 1967, until the resolution of the election case, the Company was

subject to sharp restrictions in making any changes in its facilities, benefits or plant operations, since almost any change might have been construed as an attempt to influence the Company employees (whether white or Negro) in connection with the union drive.

Naheola Mill, American Can Company,
Butler, Alabama

The Naheola Mill of the American Can Company is the largest industrial employer in Choctaw County, Alabama. It was obtained as part of the acquisition of the Marathon Corporation on December 3, 1957.

At the Naheola Mill, pulpwood logs -- some cut from Company timberlands and others purchased from independent suppliers -- are debarked, reduced to chips, chemically treated, and converted into pulp which is used to produce a variety of paper products.

The American Can Company employs approximately 1,600 workers at its Naheola Mill. Of this number, approximately 110 are Negro. At the present time Negroes occupy the following skilled positions:

1 Crane Operator

1 Carpenter

There is presently one Negro office employee at the Naheola mill. However, the Company stands ready to hire

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any Negro qualified to fill office openings and has actively solicited qualified Negroes for these positions. Contacts have been made with Negro community leaders, such as Mr. Alphonso Marsh, Principal of the East Choctaw High School. The Company has sought his cooperation in referring qualified Negro applicants with stenographic or other office skills. In the fall of 1966 a visit was made to the Tuscaloosa Trade School in search of Negro stenographic candidates.

Prospective employees at the Naheola plant are given a standard preemployment test which was developed by combining different parts of professionally developed tests. The correct completion of at least 53 out of 83 questions on this test is a prerequisite to employment at the Naheola plant. Over the last several years, approximately 71% of the white applicants have passed this test, while only 12% of the Negro applicants have passed. The Company has hired approximately 61% of the successful Negro applicants and 42% of the successful white applicants.

Because of the marked difference between the number of white and Negro applicants who pass the tests, the Company in mid-1967, in cooperation with the Equal Employment Opportunity Commission and the Department of Labor, undertook a validation study to determine whether the test was "culturally determinative" and/or job related. An overall

re-evaluation of the Company testing program at Naheola will be undertaken after the results of this validation study are known.

Employees at the Naheola plant are represented by two international unions. The electricians, instrument men, and Power House employees are represented by the International Brotherhood of Electrical Workers. At the present time, two Negro employees hold positions within this bargaining unit. The remainder of the unionized employees are represented by the International Brotherhood of Pulp, Sulphite and Paper Mill Workers. This union has four separate locals at the Naheola Mill. These locals and their jurisdictions within the plant are as follows:

- Local 950 - converting & Pulp mill
- Local 952 - maintenance, storeroom & yard switching
- Local 953 - woodyard & general mill yard
- Local 966 - papermill & shipping

At the present time, Local 953's membership is exclusively Negro. However, there are three white employees working on jobs under the jurisdiction of Local 953. Also, Local 952, 950 and 966 have Negro members, and the Company has actively sought Negroes from Local 953's membership to move into openings within the jurisdiction of the other

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locals. When a Negro moves from a job within the Local 953's jurisdiction to a job within another local's jurisdiction he is expected to transfer his union membership to the new local. Since 1966, the Company has been notified of 7 such applications for transfers. (Alabama is a "Right to Work" state, and the maintenance of union membership is a matter of individual choice).

In 1966, the Company merged certain lines of progression at the Naheola Mill. The lines of progression are now functional in nature and there are no bars to movement up through functionally related jobs by either white or Negro employees. Negroes currently hold positions in approximately 6 of the 18 progression lines within the plant.

As provided by the terms of the collective bargaining agreements, seniority at the Naheola plant is first by job, then by line of progression, and then by total service time on any job within the jurisdiction of the local union. There is no overall plant seniority.

The total integration of all facilities at the Naheola plant began in 1964. Subsequently, all "colored" and "white" signs were removed from the restrooms and drinking fountains, and these facilities are now freely used by employees of both races. Separate pay lines and time clock facilities have been abolished. Prior to 1966, the cafeteria

had two serving lines and two separate dining rooms. Traditionally, Negroes used one serving line and dining area and whites used the other. This pattern continued even after the Company announced that all facilities were being integrated. In 1966, the Company closed the smaller of the two dining rooms and enlarged the other, thus creating a single integrated dining facility.

In connection with locker and shower facilities, initially a door was opened between the previously all-white and all-black locker rooms. However, since both white and Negro employees continued to use the same lockers as before, the Company, in 1967, assigned all lockers on an alphabetical basis, thus achieving full integration of these facilities. Although this change by the Company did not result in any destruction of property (as has happened in other Southern plants taking the same action) or violence, at the present time very few white employees utilize the Company's locker or shower facilities.

In addition to the affirmative steps which the Company has taken to integrate all plant facilities, to place Negroes in previously all-white lines of progression, and to recruit qualified Negro personnel, the Company and its officials have also been involved in other community activities beneficial to the Negroes in the area. The Company, for example has made a grant of \$178,000 to Auburn University to

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study and upgrade the public education system of Choctaw
County. Likewise, beginning in 1963, the Company granted
\$4,500.00 per year for four (4) years to the school system
in Linden, Alabama. This money was used to provide annual
summer school training for 15 teachers. Each year either
7 or 8 of them were Negro.

EXHIBIT A

April, 1968

	Sherer Brothers Bellamy Ala.	Mundy Grocery Bellamy Ala.	Williams Grocery York Ala.	Vaughan Grocery Livingston Ala.
Tall Milk	\$0.20	\$0.20	\$0.20	\$0.20
25# Flour	2.75	3.35	2.98	2.95
10# Sugar	1.49	1.43	1.40	1.39
Standard Tomatoes	.23	.25	.23	.20
Treet	.69	.67	.69	.62
1# Grits	.16	.21	.15	.23 1-1/2
140 DM Catsup	.29 & .30	.32	.30	.30
10# Sunflower meal	1.00	.99	.94	.90
Reg. Tide	.43	.40	.39	.39
Giant Tide	.95	.98	.99	.93
1# M. H. Coffee	1.00	.98	.89	.95
3# Snowdrift	1.00	.98	.89	.85
Eatwell Sardines	.25	.28	.25	.25
8 Oz. K. Corn Flakes	.27	.29	.29	.25
Nor. Toilet Tissue	2/.25	4/.50	.12	4/.49
Eggs	.50	.59	.50	.50
4# Carton Lard	.69	.79	.69	.79
Pork Chops	.69	.79	.70	.75
#2-1/2 D.M. Peaches	.41	.25 (303 can)	.40	.39
Vienna Sausage	.25	.30	.25	.27
2# Rice	.39	.59 (#3)	.40	.45

Red Potat
Cigarette
P. I. Can
D. M. Gre
Tall Boy
D.H. Cake

April, 1968

Williams Grocery York Ala.	Vaughan Grocery Livingston Ala.
\$0.20	\$0.20
2.98	2.95
1.40	1.39
.23	.20
.69	.62
.15	.23 1-1/2#
.30	.30
.94	.90
.39	.39
.99	.93
.89	.95
.89	.85
.25	.25
.29	.25
.12	4/.49
.50	.50
.69	.79
.70	.75
(303 can) .40	.39
.25	.27
(#3) .40	.45

	Sherer Brothers Bellamy Ala.	Munday Grocery Bellamy Ala.	Williams Grocery York Ala.	Vaughan Grocery Livingston Ala.
Red Potatoes New	\$0.10	\$0.08	\$0.08	\$0.08
Cigarettes	.38	.38	.40	.38 - .40 - .43
P. I. Can Corn	.29	.30	.29	.29
D. M. Green Peas	.30	.29	.35	.30
Tall Boy Veg. Soup	.25	.25	.25	.0
D.H. Cake Mix	.45	.49	.43	.43

Exhibit No. 23

CONTRACTS COMPLIANCE PROGRAM

Authority: Presidential Executive Order 11246
Responsibility: Department of Labor, Office of Federal Contracts Compliance (OFCC)
Policy Direction: Department of Defense, Office of the Assistant Secretary of Defense (Manpower)
Program Administration: Defense Supply Agency, Defense Contract Administration Services

FIELD OPERATION RESPONSIBILITY
DEFENSE CONTRACT ADMINISTRATION SERVICES REGION, OFFICE OF CONTRACTS COMPLIANCE

Directives:
Presidential Executive Order
Rules and Regulations
DOD Directives
DSA OCC Manual
DCASR Directives

MISSION

Administers the Defense Contracts Compliance Program under the provisions of Executive Order 11246 and DOD Policy and Procedures. Assures that Government contractors provide equal job opportunity and equal treatment in all phases of employment without regard to race, religion, color or national origin and that contractors adopt affirmative action programs to achieve these goals.

AFFIRMATIVE ACTION

- One.—The initiative which a contractor undertakes toward successfully achieving the goals of the Executive order in providing equality of opportunity.
Two.—The undertaking of continuous actions beyond those traditionally executed by all means that management has at its disposal to achieve meaningful, measurable results in the recruitment, testing, placement, upgrading, and training of minorities in all job categories. A contractor's action cannot be considered affirmative if it does not produce these effects.

EXECUTIVE ORDER 11246
EQUAL EMPLOYMENT OPPORTUNITY

Section 202
Paragraph (1)
The contractor—

“Will not discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The contractor will take

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Contractors beyond those traditionally
has at its disposal to achieve
recruitment, testing, placement,
all job categories. A contractor's
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11246

OPPORTUNITY

Contractor or applicant for employment
origin. The contractor will take

affirmative action to ensure that applicants are employed, and that employees
are treated during employment, without regard to race, religion, color, or
national origin.

Such action shall include, but not be limited to, the following:

Employment, upgrading, demotion, or transfer; recruitment or advertis-
ing; layoff or termination; rates of pay or other forms of compensation; and
selection for training including apprenticeship clause."

ASSURANCE OF NON-SEGREGATED FACILITIES
(DPC #58 effective 1 March 1968)

BIDS ON CONTRACTS IN EXCESS OF \$10,000 WILL INCLUDE
Certification of Non-Segregated Facilities

Segregated facilities are any facilities provided for employees that are
segregated by explicit directive, or in fact segregated on the basis of race,
color or national origin because of *habit, local custom, or otherwise* (de facto
segregation).

SEGREGATED FACILITIES

- | | |
|-----------------------|---------------------------------------|
| A. Waiting Rooms | I. Other Storage or
Dressing Areas |
| B. Work Areas | J. Parking Lots |
| C. Rest Rooms | K. Drinking Fountains |
| D. Wash Rooms | L. Entertainment Areas |
| E. Restaurants | M. Transportation |
| F. Other Eating Areas | N. Housing Facilities |
| G. Time Clocks | |
| H. Locker Rooms | |

PROGRAM OBJECTIVES

To insure that contractors take affirmative action as required by section
202(1) of Executive Order 11246 which shall result in the increased utiliza-
tion of minority workers at all employment levels through *affirmative*
recruitment, selection, placement, promotion, and training.

OFFICE OF CONTRACTS COMPLIANCE
DCASR, ATLANTA, STAFF
(DCRA-V)

Professional = 11

Clerical = 4

REQUIRED WORK

- One.—Compliance Reviews
Two.—Follow-Up Reviews
Three.—Pre-Award Reviews
Four.—Complaint Investigations

COMPLIANCE REVIEW

A comprehensive examination of the personnel practices and procedures
of contractors with an indepth study of those factors and procedures re-
solved to be deficient to ensure compliance with the provisions of Executive
Order 11246.

FOLLOW-UP REVIEW

A comprehensive examination of the personnel practices and procedures
of contractors with an indepth study of those factors and procedures found
to be deficient in the compliance review, that remedied actions were re-
quired and agreements were reached to ensure equal employment opportunity
compliance.

PRE-AWARD REVIEW

An examination of the personnel practices and procedures of a contractor
prior to the award of any formally advertised (IFB) DOD contract of \$1
million or more as requested by the principal contracting officer or adminis-
trative contracting officer or other governmental procurement agencies to
insure non-discrimination in employment practices.

COMPLAINT INVESTIGATIONS

An allegation by any person by himself or an authorized representative filed in writing alleging violation of the equal employment opportunity clause.

COMPLIANCE STATUS SUMMARY

1. Posters Adequately Displayed
2. Standard Form 100 Filed
3. Equal Opportunity Employer Caption in Recruitment Ads
4. EEO Clause in Purchase Orders or Sub-Contracts
5. Assurance of Non-Discrimination in Facilities Filed
6. Facilities Integrated
7. Employment Programs and Activities Integrated
8. Sub-Contractors Notified of EEO Requirements
9. Application Forms Non-Discriminatory
10. EEO Policy and Management Procedures are Producing EEO Results
11. Recruitment Sources Producing EEO Results
12. Selection and Placement Procedures Providing EEO Results
13. Transfer and Promotion Practices Providing EEO Results
14. Training Program Results in Minority Participation
15. Union Contracts Non-Discriminatory
16. Other

CONCLUSIONS REACHED AS RESULT OF REVIEW OR INVESTIGATION

- One.—Compliance or has the Ability to Comply (Acceptable Plan)
- Two.—Non-Compliance
- Three.—Violation—No Violation

COMPLIANCE

- One.—The Contractor Demonstrated Ability to Employ and Advance Minorities in all Job Levels in His Work Force
- Two.—The Degree of Management Determination and Direction and the Quality of Intensity of Management's Affirmative Action to Recruit, Hire, and Promote Minorities into all Job Levels

NON-COMPLIANCE

The failure of a contractor or potential contractor to present material evidence that he has accomplished the actions required by paragraphs one through seven of Executive Order 11246 and the refusal on his part to *develop and implement* a satisfactory program leading to full employment.

CONCLUSIONS

- One.—The contract compliance clause of the contract must be met in the same manner as all other clauses of the contract.
- Two.—Limited assignment of manpower prohibits 100 percent coverage of government contractor facilities. 83 percent of facilities in the Atlanta Region have not been reviewed.
- Three.—Concentrate OCC manpower in areas where contractor affirmative action must be achieved.

Workload Data—All Regions

Region	Facilities assigned fiscal year 1966	Allowance professionals	Facilities assigned fiscal year 1968	Gain
Atlanta	4,414	11	5,818	1,404
Boston	3,093	10	4,317	1,224
Chicago	3,074	10	4,130	1,056
Cleveland	2,336	9	4,961	2,625
Dallas	3,923	11	4,640	517
Detroit	1,156	8	1,794	638
Los Angeles	2,696	12	5,740	3,044
New York	2,710	12	6,018	3,308
Philadelphia	4,178	10	5,166	988
St. Louis	3,676	9	3,767	91
San Francisco	3,592	8	4,036	444
Totals	34,848	110	50,387	15,389

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DOD-NASA

Standard Me
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Mobile
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Populations

State	Total population	Nonwhite population
Alabama	3,266,740	1,305,696
Florida	4,951,560	891,280
Georgia	3,943,116	1,007,742
Mississippi	2,178,141	921,354
North Carolina	4,556,155	1,156,262
South Carolina	2,382,594	953,038
Tennessee	3,567,089	588,570
Totals	24,845,395	6,823,942

DOD-NASA Facilities

State	0-50 employees		51-100 employees		Over 100 employees		Totals	
	DOD	NASA	DOD	NASA	DOD	NASA	DOD	NASA
Alabama	314	3	104	1	292	7	710	11
Florida	643	16	106	5	386	4	1,135	25
Georgia	530	4	150	1	444	3	1,124	8
Mississippi	169	0	39	2	139	0	347	2
North Carolina	410	1	147	1	504	3	1,061	1
South Carolina	183	3	61	0	279	0	523	7
Tennessee	368	1	115	1	355	6	838	8
Puerto Rico	4	0	2	0	12	0	18	0
Subtotal	2,621	28	724	11	2,411	23	5,756	62
Total	2,649		735		2,434		5,818	

Number of employees

	Number of employees			Total
	0-50	51-100	Over 100	
ALABAMA				
DOD-NASA facilities	317	105	299	721
Standard Metro Areas:				
Birmingham	143	60	80	283
936,796 Total population				
293,714 Nonwhite				
Mobile	56	9	18	83
314,301				
100,968				
Montgomery	34	14	14	62
169,210				
64,474				
Huntsville	34	4	21	59
117,348				
21,910				
Phenix City	2	1	13	16
37,823				
14,863				
Total	269	88	146	503
FLORIDA				
DOD-NASA facilities	646	111	390	1,147
Standard Metro Areas:				
Miami-Palm Beach	106	31	72	209
1,596,099 Total population				
235,153 Nonwhite (90 M Cubans)				
Jacksonville	79	25	44	148
455,411				
105,910				
Orlando/Cocoa	69	18	41	128
328,975				
55,249				
Tampa/St. Petersburg	59	21	30	110
754,453				
89,155				
Pensacola	25	7	13	45
173,829				
36,524				
Total	338	102	200	640

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Regions

ls	Facilities assigned fiscal year 1968	Gain
	5,818	1,404
	4,317	1,224
	4,130	1,056
	4,961	2,625
	4,640	517
	1,794	638
	5,740	3,044
	6,018	3,308
	5,166	988
	3,767	91
	4,036	444
50,387	15,339	

	Number of employees			Total
	0-50	51-100	Over 100	
GEORGIA				
DOD-NASA facilities.....	534	151	447	1,132
Standard Metro Areas:				
Atlanta.....	208	70	136	414
1,017,188 Total population				
231,049 Nonwhite				
Macon.....	23	2	25	50
170,403				
55,892				
Savannah.....	24	7	11	42
188,299				
63,930				
Augusta.....	18	7	16	41
135,601				
42,513				
Columbus.....	19	7	14	40
153,623				
37,929				
Albany.....	7	1	10	18
75,680				
25,922				
Total.....	299	94	212	505
MISSISSIPPI				
DOD-NASA facilities.....	169	41	139	349
Standard Metro Areas:				
Jackson.....	74	10	24	108
219,949 Total population				
98,380 Nonwhite				
Biloxi/Gulfport.....	31	3	13	47
189,050 Total population				
32,120 Nonwhite				
Total.....	105	13	37	155
NORTH CAROLINA				
DOD-NASA facilities.....	411	148	507	1,066
Standard Metro Areas:				
Winston-Salem/Greensboro.....	58	30	140	228
435,948 Total population				
96,818 Nonwhite				
Durham/Raleigh.....	60	23	57	140
212,052				
58,458				
Charlotte.....	70	24	30	124
272,111				
66,701				
Wilson/Rocky Mount.....	9	3	12	24
111,781				
71,750				
Asheville.....	10	2	11	23
130,074				
14,040				
Total.....	207	82	250	539
SOUTH CAROLINA				
DOD-NASA facilities.....	186	61	274	530
Standard Metro Areas:				
Charleston.....	95	31	63	189
137,449 Total population				
78,488 Nonwhite				
Columbia.....	42	18	45	105
301,075				
108,796				
Greenville/Spartanburg.....	95	31	63	189
274,301				
92,654				
Total.....	232	80	171	483

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of employees		Total
1-100	Over 100	
151	447	1,132
70	136	414
2	25	50
7	11	42
7	16	41
7	14	40
1	10	18
94	212	505
41	139	349
10	24	108
3	13	47
13	37	155
148	507	1,066
30	140	228
23	57	140
24	30	124
3	12	24
2	11	23
82	250	539
61	274	530
31	63	189
18	45	105
31	63	189
80	171	483

	Number of employees			Total
	0-50	51-100	Over 100	
TENNESSEE				
DOD-NASA facilities.....	369	116	361	846
Standard Metro Areas:				
Memphis.....	89	36	59	184
627,019 Total population				
227,445 Nonwhite				
Nashville.....	56	18	42	116
399,743				
76,437				
Knoxville.....	37	8	29	74
367,080				
27,433				
Chattanooga.....	29	8	12	49
237,905				
47,241				
Total.....	211	70	142	423

DOD-NASA Facilities

State	Total number	Total number reviewed* 1963 to date	Number reviewed since* Jan. 1, 1966
Alabama.....	721	212	73
Florida.....	1,160	183	60
Georgia.....	1,132	194	75
Mississippi.....	349	99	30
North Carolina.....	1,062	154	64
South Carolina.....	530	22	40
Tennessee.....	846	165	95
Puerto Rico.....	18	0	0
Totals.....	5,818	1,029	437

*Compliance Review, followup, preaward, complaint.

Contractor workload region		Contractor workload 30 metropolitan areas of region	
		Percent	
Number employees:			
0-50.....	2,649	1,558	60
51-100.....	735	510	70
101 and over.....	2,434	1,139	--
Total.....	5,818	3,207	52

Manpower Requirements

	Average compliance action (Per CRS)	Number Required
Facilities (5,818).....	84	70
Over 50 employees (3,169).....	84	39
Over 100 employees (2,434).....	84	30
30 standard metro areas over 50 employees (1,649).....	84	20

Personnel Requirements

DCRA location	Professionals	Clericals	Increase	
			Professional	Clerical
Atlanta.....	9	4	1	1
Birmingham.....	5	2	2	1
Orlando.....	4	2	4	2
Burlington.....	4	2	4	2
Total.....	22	10	11	6

Contractor Workload Per CRS

DCRA location	Personnel requirements	Facilities over 50 employees SMA (Per CRS)	Total facilities (Per CRS)
Atlanta.....	9 professional—4 clerical.....	78	270
Birmingham.....	5 professional—2 clerical.....	76	259
Orlando.....	4 professional—2 clerical.....	76	284
Burlington.....	4 professional—2 clerical.....	83	266

Number of Directed Actions Received—3rd Quarter, Fiscal Year 1968

Compliance review 101	Followup 103	Preaward 102	Complaint investigation 104	Total
*71	11	46	24	152

*Includes 63 CRs—Carolina textile industry project.

Direct Manhours Expended—Fiscal Year 1968
[As of end of 3d quarter]

1st quarter fiscal year 68	2d quarter fiscal year 68	3d quarter fiscal year 68	4th quarter fiscal year 68	Total
1,324	2,433	3,147	-----	6,904

Exhibit No. 24

STAFF REPORT

"MAIN STREET" SURVEY

During February and March 1968, staff members of the U.S. Commission on Civil Rights surveyed employment practices of retail businesses in 21 major cities and towns within the 16 county hearing area. This "main street" survey was undertaken to determine the extent of minority employment in the retail trade in those communities. It includes an average of 80 percent of the stores and businesses located within these "main street" areas but does not include barber shops, bars and pool halls. These stores were all located in the "downtown" or main shopping centers of each of the 21 cities.¹

¹ Stores were not included if they were closed at the time of the survey; if the owner or manager refused to be interviewed; or if the owner or manager was away from his business at the time of the survey and information could not be secured.

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Increase	
Professional	Clerical
1	1
2	1
4	2
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11	6

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Facilities over 50 employees SMA (Per CRS)	Total facilities (Per CRS)
78	270
76	259
76	284
83	266

Quarter, Fiscal Year 1968

Complaint investigation	Total
104	
24	152

scal Year 1968

4th quarter fiscal year 68	Total
-----	6,904

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Members of the U.S. Commission
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These stores were all located
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Managers, owners or employees in charge of retail stores or businesses were questioned with regard to their employment practices including the number of employees by race.

Negroes constitute 99 percent of the nonwhite population in Alabama and 30 percent of the state's total population.² In the 16 county area, Negroes constitute more than 60 percent of the population. The survey shows that of a total of 2,504 jobs in retail businesses, only 497 or 19.8 percent were held by Negroes. Of the total number of positions held, 14 percent were held by Negroes employed on a full-time basis. Of the 497 jobs held by Negroes, 156 (31.4 percent) were part-time. Part-time white employment constituted only 16 percent of total white employment.

The only city in which Negroes had as much as 50 percent of the employment in main street businesses was Tuskegee, located in Macon County (80 percent Negro). In Tuskegee, Negroes totaled 44 percent of the full-time employment and 72 percent of the part-time employment. The lowest rate of Negro employment was registered in Prattville, (located in Autauga County (42 percent Negro)), where 7 percent of all part-time employees and 8 percent of all full-time employees were Negroes.

Part-time employment includes casual hiring. Of the three Negro part-time positions listed for Greensboro, one of the positions includes "a boy off the street [who] is hired from time to time to help us lift things." Since this may or may not always be the same person, there may actually be no measurable economic gain by any single Negro person hired in that particular "part-time" position.³ At a business in Greenville, a Negro was hired part-time because "he's working out a debt." No other Negroes were hired in that store although 8 whites worked there.

Although there were two Negro produce managers in food stores and a few Negro clerks in other establishments and some trade school graduates employed in positions using their specific skills, most jobs held by Negroes were menial positions. The predominant position held by Negro males was porter or janitor.

Few Negroes handled cash receipts or came in direct contact with customers at the store. In Perry County, for example, in the cities of Marion and Uniontown, only one Negro handled cash receipts in a white business—a Negro lady who handled such receipts occasionally. In Greenville, one Negro was employed in a cash-receipts position in the main shopping area. In Prattville, the only Negro sales clerk was not allowed to use the cash register. In Demopolis, a Negro who worked part-time did "some selling" at a business.

At least two owners indicated present intentions of hiring Negroes in Jackson and Monroeville while many other reflected apparent willingness to hire if others did so or if their businesses were not financially threatened by white community hostility.

Some managers or owners freely expressed their opinions on the subject of Negro employment when questioned by Commission staff:

Some openly expressed racist views: "I am a member of the KKK and wouldn't hire any niggers" (Demopolis);

"They only do what niggers 'spose' to do" (Selma);

"Don't hire Negroes to clean up because I do my own nigger work" (Demopolis).

Others portrayed Negroes as lacking in ability or dependability: "Negroes can't weigh things nor figure prices, we tried" (Butler);

"Problem with Negroes is not their education but their dependability" (Union Springs).

Many expressed fear that community customer reaction to hiring Negroes would adversely affect their businesses (wouldn't hire Negroes because of the "explosive nature of this little town" (Prattville);

"Wouldn't want to break the color line . . . it would kill us (Thomasville);

² See Commission Staff Report by Francis Knorr, "Population, Employment and Income Profile in a 16 county area of South Central Alabama." Exhibit No. 10.

³ In the same city, a white resident reported that a Negro who was physically incapable of speech and was referred to a "Dummy" around the city, had recently been hired for a full day's labor and after doing the work was paid a bottle of soda pop.

"Won't hire Negroes because it would adversely affect my business" (Clayton);

"Once hired Negroes when his business depended upon them, but not now. "It would cost me 80-90 percent of my white clientele here." (Eufaula);

"I hired them, but I was criticized too much" (Linden)

One expressed willingness to hire Negroes "if other businesses would" (Butler). One employer who had hired a Negro office worker said "Best office worker I got" (Selma). Another employer who had hired a Negro in a significant position because of the Civil Rights Act of 1964 said, "Only a few whites objected" (Greene County).

Tuskegee (Macon County) excepted, Negro businesses were generally not located within the "main street" sections of the 16 county area and therefore were not included in this survey.⁴

Nonwhite businesses in the cities visited represented a small percentage of the total retail trade. The largest number of Negro businesses were funeral homes, small groceries and restaurants.

Negroes owned or operated service stations in Jackson, Uniontown, Greensboro and Tuskegee, among other places. In these and other towns Negroes also own or operate taxi services, laundromats, a small chemical plant, an income tax service, small cafes and several other businesses.

The result of this survey, therefore, is that Negroes have a disproportionately small share of employment in retail trades within the 16 county area.

"Main Street" Survey

	Number of businesses surveyed	Total employment	Total part-time employment	Total Negro employment	Total Negro part-time employment
		(a)	(b)	(c)	(d)
Butler.....	27	180	53	37	11
Camden.....	11	42	6	13	4
Clayton.....	20	61	24	12	10
Demopolis.....	33	234	69	59	13
Eufaula.....	29	221	45	44	14
Eufaula.....	16	69	23	20	8
Frisco City.....	15	227	9	4	1
Greensboro.....	29	82	8	7	3
Greenville (and shopping area) ..	34	197	20	36	7
Jackson (and shopping area)	34	207	21	25	7
Linden.....	9	48	14	13	2
Livingston.....	10	48	16	15	10
Marion.....	18	72	23	12	8
Monroeville.....	20	143	32	20	4
Oak Hill.....	12	40	9	5	0
Prattville (and Prattville Square).	35	228	48	18	4
Selma.....	30	223	27	37	6
Thomasville.....	11	91	24	19	8
Tuskegee.....	33	133	25	58	18
Union Springs.....	20	94	18	27	8
York.....	15	64	26	16	10
Total.....	461	2,504	540	497	156
Percentage of column (a).....	---	---	21.6	19.8	6.2

⁴ In Tuskegee 6 Negro businesses were operating within the "main street" area.

Commiss employed i sources of were obtai cities in th The sma suggests th are not bei

The two area are ti Although : by Negroe: despite the Federal Ci

FHA of whom are Greene Co employed category is

Of 611 Negro. Eig With th Station in than PFS-

Through Alabama Service, a of Alaban Negroes a janitorial

The Ag: in the 16- only 4 are seasonal w field, meas full-time fi County minimum Conservat from Fedc provided : quirement see Appen

¹ Autauga.
² The stati
PFS-10.
³ PFS mea

Exhibit No. 25

STAFF REPORT

PUBLIC EMPLOYMENT IN
THE 16-COUNTY HEARING AREA

Commission staff members obtained statistics on the number of Negroes employed in those Federal and State agencies which constitute the major sources of public employment in the 16-county hearing area. Similar statistics were obtained for hearing area county employees and employees of selected cities in the hearing area.

The small number of Negroes employed by any of the governmental bodies suggests that the constitutional guarantees of nondiscriminatory treatment are not being fulfilled.

I. FEDERAL EMPLOYMENT

The two major sources of Federal employment in the 16-county hearing area are the Farmers Home Administration and the Post Office Department. Although a total of 650 jobs are available in these agencies, only 42 are filled by Negroes. Agency offices in half of the hearing counties employ no Negroes despite the fact that discrimination on the basis of race is prohibited in the Federal Civil Service System.

FARMERS HOME ADMINISTRATION

FHA offices in the 16-county hearing area employ 39 persons, only six of whom are Negro. The six are members of the professional staffs in the Greene County and Macon County offices. None of the 16 clerical workers employed by FHA is Negro. A county listing of employees by race and category is contained in Appendix A.

POST OFFICE DEPARTMENT

Of 611 Post Office employees in the 16-county hearing area, only 36 are Negro. Eight of the counties have no Negro postal workers.¹

With the exception of two Negro employees at the Tuskegee Institute Station in Macon County,² none of the Negroes is employed at a higher grade than PFS-5.³ For a listing of employees by county, see Appendix B.

II. STATE EMPLOYMENT

Through the Agricultural Stabilization & Conservation Service, the Alabama Cooperative Extension Service, the Alabama State Employment Service, and the Alabama Department of Pensions and Securities the State of Alabama provides 560 jobs in the 16-county hearing area. Eighty-two Negroes are employed by these State agencies, 38 of whom hold part-time or janitorial positions.

AGRICULTURAL STABILIZATION & CONSERVATION SERVICE

The Agricultural Stabilization & Conservation Service employs 203 persons in the 16-county hearing area, 27 of whom are Negro. Of these 27 Negroes, only 4 are employed year round by the Service. Fifteen are part-time or seasonal workers in the offices and eight do part-time or seasonal work in the field, measuring land for compliance with acreage allotments. None of the full-time field workers is Negro.

County office employees are hired by the county office manager subject to minimum qualification requirements set by the Agricultural Stabilization and Conservation Office in Washington. Since county employees are paid entirely from Federal funds and receive retirement and certain other fringe benefits provided Federal employees, they are subject to the nondiscrimination requirements of the Federal Government. For a county breakdown of employees, see Appendix C.

¹ Autauga, Butler, Choctaw, Clarke, Lowndes, Perry, Sumter, and Wilcox.

² The station has one Negro employee at Grade PFS-9 and one Negro employee at Grade PFS-10.

³ PFS means Postal Field Service.

adversely affect my business"

depended upon them, but not
of my white clientele here."

ch" (Linden)
oes "if other businesses would"
Negro office worker said "Best
employer who had hired a Negro
Civil Rights Act of 1964 said,
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egro businesses were generally
tions of the 16 county area and
y.⁴

represented a small percentage
of Negro business were funeral

s in Jackson, Uniontown, Greens-
these and other towns Negroes
hats, a small chemical plant, an
her businesses.

that Negroes have a dispropor-
ail trades within the 16 county

urvey

Total part-time employ- ment	Total Negro employ- ment	Total Negro part- time employ- ment
(b)	(c)	(d)
53	37	11
6	13	4
24	12	10
69	59	13
45	44	14
23	20	8
9	4	1
8	7	3
20	36	7
21	25	7
14	13	2
16	15	10
23	12	8
32	20	4
9	5	0
48	18	4
27	37	6
24	19	8
25	58	18
18	27	8
26	16	10
540	497	156
21.6	19.8	6.2

within the "main street" area.

ALABAMA COOPERATIVE EXTENSION SERVICE

In the 16-county hearing area, none of the county extension chairmen or assistant chairmen is Negro. Of 40 Extension Farm Agents, 17 are Negro; of 25 Extension Home Agents, 14 are Negro. Only nine Negroes are employed as clerical workers in the county offices out of a total of 38 such positions.⁴ The County Chairman and his professional staff are hired by the District Supervisors, subject to the approval of the Director of the Service. County chairmen must have a grade point average of 1.5 or better on a 3.0 system, be a graduate of a land grant school of agriculture or have an equivalent B.S. degree, and have 5 years field experience. Members of the professional staffs must have the same qualifications except for field experience. In addition, their reputation, standing in the community, and integrity are taken into consideration. The Service has no regulations prohibiting racial discrimination.

ALABAMA DEPARTMENT OF PENSIONS & SECURITIES

Of the 220 persons employed by the Department in the hearing area, six are Negro. All of the six do part-time janitorial work.⁵

Employees of the county offices of the Department of Pensions & Security are hired under procedures established by the State Merit System. However, the only type of discrimination prohibited by the System is discrimination because of political or religious opinions or affiliations. Although Federal law requires welfare personnel to be employed under personnel standards substantially equivalent to the Federal Merit System Standards which prohibit racial discrimination, Alabama has not amended its Merit System to preclude such discrimination. See Appendix D for county office statistics.

ALABAMA STATE EMPLOYMENT SERVICE

The five State Employment Service offices located in the 16-county hearing area employ 35 persons, nine of whom are Negro. Four of the Negroes are Employment Service Local Representatives who work in the Service's outreach and follow-up programs and are paid on hourly rate when and as needed. The remaining five Negroes are custodial and service workers. Title VII of the Civil Rights Act of 1964 forbids racial discrimination by State employment agencies. Employees of the Employment Service are also covered by the Alabama State Merit System. See Appendix E for individual office statistics.

III. COUNTY EMPLOYMENT

Of approximately 1,337 county employees in the 16-county hearing area, 267 are Negro, but only 239 of this number are employed full-time. Only four counties, Autauga, Bullock, Dallas and Macon, have Negroes on their law-enforcement staffs. Only one county, Macon, has full-time Negro clerical workers.⁶ The largest concentration of Negro employees, 184, is found in county road departments.

None of the 16 counties has a county civil service system. Employees are hired by county officials. Statistics for individual counties may be found in Appendix F.

IV. CITY EMPLOYMENT

The 16 cities surveyed in the 16-county hearing area employ a total of 933 persons, 350 of whom are Negro. Only 330 of the Negroes are employed full-time. The largest concentrations of Negro employees are found in the Sanitation and Street Departments of the cities. Eight of the cities have full-time Negro policemen. None of the cities has a civil service system. Employees are hired by city officials. Appendix G contains statistics on individual cities.

⁴ Figures obtained from Auburn University, December 31, 1967. Until 1965, Negro workers were employed in a separate Negro Extension Service.

⁵ This number does not include food stamp program personnel. These personnel, although considered State employees and subject to the State Merit System, are paid by the county and are located in separate offices in each county. Statistics for these personnel are contained in Appendix F.

⁶ Clarke County has one part-time Negro clerical worker.

Farmers -

Unit

ALABAMA STATE
Counties:

Autauga---
Barbour---
Bullock---
Butler---
Choctaw---
Clarke---
Dallas---
Greene---
Hale---
Lowndes---
Macon---
Marengo---
Monroe---
Perry---
Sumter---
Wilcox---

Total----

1 Figures obt

Emplo

Count

Autauga---
Barbour---
Bullock---
Butler---
Choctaw---
Clark---
Dallas---
Greene---
Hale---
Lowndes---
Macon---
Marengo---
Monroe---
Perry---
Sumter---
Wilcox---

Total---

1 Figures ob
hearing area
employees each

APPENDIX A

Farmers Home Administration Employees by Race and Category in the 16-County Hearing Area—February 1968¹

Unit	Administrative/ management		Professional		Clerical	
	W	N	W	N	W	N
ALABAMA STATE OFFICE	5	0	18	1	12	(1-Sp. Am.) 0
Counties:						
Autauga	0	0	1	0	1	0
Barbour	0	0	1	0	1	0
Bullock			No employees—served by Macon County			
Butler	0	0	1	0	1	0
Choctaw	0	0	3	0	2	0
Clarke			No employees—served by Washington County			
Dallas	0	0	1	0	1	0
Greene	0	0	2	0	2	0
Hale			No employees—served by Greene County			
Lowndes			No employees—served by Montgomery County			
Macon	0	0	2	4	2	0
Marengo	0	0	2	0	2	0
Monroe	0	0	1	0	1	0
Perry	0	0	1	0	1	0
Sumter			No employees—served by Choctaw County			
Wilcox	0	0	2	0	2	0
Total	5	0	35	7	28	0

¹ Figures obtained from the Farmers Home Administration, Washington.

APPENDIX B

Employment by U.S. Post Office Department in 16 Alabama Counties as of Nov. 17, 1967¹

County	Total employees	White		Negro	
		PFS employees	Rural carriers	PFS employees	Rural carriers
Autauga	37	29	8	0	0
Barbour	42	29	12	1	0
Bullock	21	13	6	2	0
Butler	40	27	13	0	0
Choctaw	18	14	4	0	0
Clark	41	34	7	0	0
Dallas	112	84	15	13	0
Greene	20	13	6	1	0
Hale	36	25	9	2	0
Lowndes	18	14	4	0	0
Macon	37	18	6	13	0
Marengo	45	34	9	2	0
Monroe	36	25	9	2	0
Perry	26	19	7	0	0
Sumter	42	34	8	0	0
Wilcox	40	29	11	0	0
Total	611	441	134	36	0

¹ Figures obtained from the U.S. Post Office Department. 75 fourth class post offices in the hearing area did not submit statistics to the Department. These offices generally have 1 or 2 employees each.

SION SERVICE

county extension chairmen or Farm Agents, 17 are Negro; Only nine Negroes are emces out of a total of 38 such essional staff are hired by the of the Director of the Service. erage of 1.5 or better on a 3.0 ol of agriculture or have an d experience. Members of the cations except for field experi the community, and integrity as no regulations prohibiting

NS & SECURITIES

ment in the hearing area, six ial work.⁵ rtment of Pensions & Security State Merit System. However, the System is discrimination affiliations. Although Federal ed under personnel standards System Standards which pro- mended its Merit System to for county office statistics.

NT SERVICE

cated in the 16-county hearing Negro. Four of the Negroes are ho work in the Service's out- on hourly rate when and as dial and service workers. Title racial discrimination by State vment Service are also covered pendix E for individual office

MENT

r the 16-county hearing area, are employed full-time. Only Macon, have Negroes on their n, has full-time Negro clerical employees, 184, is found in

service system. Employees are ual counties may be found in

NT

aring area employ a total of of the Negroes are employed employees are found in the . Eight of the cities have full- a civil service system. Em- ntains statistics on individual

31, 1967. Until 1965, Negro workers

ersonnel. These personnel, although System, are paid by the county and for these personnel are contained in

APPENDIX C

Alabama Agricultural Stabilization and Conservation Service, County Office
Employment in the 16-County Hearing Area by Race—Dec. 31, 1967¹

County	Office ²				Field ³			
	Full time		Other ⁴		Full time		Other	
	W	N	W	N	W	N	W	N
Autauga	5	--	--	--	1	--	--	--
Barbour	8	--	1	1	--	--	5	1
Bullock	4	--	--	1	1	--	--	--
Butler	6	--	--	1	1	--	10	--
Choctaw	5	--	2	1	--	--	1	--
Clarke	4	--	2	3	1	--	1	3
Dallas	6	--	3	--	1	--	8	--
Greene	3	1	3	--	1	--	4	2
Hale	5	--	3	1	1	--	7	1
Lowndes	4	--	2	2	1	--	5	--
Macon	4	1	1	1	1	--	6	--
Marengo	6	--	--	1	1	--	1	--
Monroe	6	--	1	3	1	--	8	1
Perry	4	1	--	--	1	--	2	--
Sumter	5	1	4	--	1	--	1	--
Wilcox	5	--	--	--	1	--	1	--
Total	80	4	22	15	14	0	60	8

¹ Figures obtained from the Agricultural Stabilization and Conservation Office, Washington, D.C.
² Includes office manager and staff.
³ Field employees measure land for compliance with acreage allotments.
⁴ Includes part-time and seasonal workers.

APPENDIX D

Department of Pensions and Security, Employment by Race and Category
in the 16-County Hearing Area¹

Counties	Administrative and clerical				Janitorial			
	Full time		Part time		Full time		Part time	
	W	N	W	N	W	N	W	N
Autauga	11	--	--	--	--	--	--	--
Barbour	18	--	--	--	--	--	--	--
Bullock	9	--	--	--	--	--	--	--
Butler	13	--	--	--	--	--	--	1
Choctaw	15	--	--	--	--	--	--	1
Clarke	12	--	--	--	--	--	--	--
Dallas	35	--	--	--	--	--	--	1
Greene	8	--	--	--	--	--	--	--
Hale	12	--	--	--	--	--	--	--
Lowndes	10	--	--	--	--	--	--	--
Macon	13	--	--	--	1	--	--	--
Marengo	14	--	--	--	--	--	--	--
Monroe	10	--	--	--	--	--	--	1
Perry	12	--	--	--	--	--	--	--
Sumter	12	--	--	--	--	--	--	1
Wilcox	9	--	--	--	--	--	--	1
Total	213	--	--	--	1	--	--	6

¹ Information obtained from county offices, April 1968.
² Includes director and caseworkers.

Listing of E

Eufaula (Barbour
Managerial and
Professional a
Professional
Clerical and of
Custodial and
Greenville (Butler
Managerial an
Professional a
Professional a
Clerical and of
Custodial and
Jackson (Clarke C
Managerial an
Clerical and of
Custodial and s
Selma (Dallas Cou
Managerial an
Professional a
Professional a
Clerical and of
Custodial and s
Demopolis (Mareng
Managerial an
Professional a
Clerical and of
Custodial and s

Total.....

¹ Figures obtained
² This job category

C

County

Autauga
Barbour
Bullock
Butler
Choctaw
Clarke
Dallas
Greene
Hale
Lowndes
Macon
Marengo
Monroe
Perry
Sumter
Wilcox

Total.....

¹ Figures obtained
² Includes sheriff,

APPENDIX E

Listing of Employees in the 6 Employment Service Offices Located in the 16-County Hearing Area as of Jan. 31, 1967¹

ervation Service, County Office
ea by Race—Dec. 31, 1967¹

Field ³			
Full time		Other	
W	N	W	N
1	--	--	1
--	--	5	--
1	--	10	--
1	--	1	--
1	--	1	3
1	--	8	2
1	--	4	--
1	--	7	1
1	--	5	--
1	--	6	--
1	--	1	--
1	--	8	1
1	--	2	--
1	--	1	--
1	--	1	--
14	0	60	8

and Conservation Office. Washington,

age allotments.

oyment by Race and Category
ng Area¹

Janitorial			
Full time		Part time	
W	N	W	N
--	--	--	--
--	--	--	1
--	--	--	1
--	--	--	1
--	--	--	--
--	--	--	--
1	--	--	--
--	--	--	--
--	--	--	1
--	--	--	--
--	--	--	1
--	--	--	1
1	--	--	6

	White	Negro
Eufaula (Barbour County):		
Managerial and supervisory	1	--
Professional and technical	2	--
Professional and technical (hourly rate) ²	1	--
Clerical and office	1	--
Custodial and service	--	1
Greenville (Butler County):		
Managerial and supervisory	1	--
Professional and technical	2	--
Professional and technical (hourly rate)	--	2
Clerical and office	1	--
Custodial and service	--	1
Jackson (Clarke County):		
Managerial and supervisory	1	--
Clerical and office	2	--
Custodial and service	--	1
Selma (Dallas County):		
Managerial and supervisory	1	--
Professional and technical	7	--
Professional and technical (hourly rate)	--	2
Clerical and office	1	--
Custodial and service	--	1
Demopolis (Marengo County):		
Managerial and supervisory	1	--
Professional and technical	1	--
Professional and technical (hourly rate)	1	--
Clerical and office	2	--
Custodial and service	--	1
Total	26	9

¹ Figures obtained from the Alabama State Employment Service.
² This job category applies to Employment Service local representatives.

APPENDIX F

County Employment in 16-County Hearing Area¹

County	Law enforcement ²				Clerical			
	Full time		Part time		Full time		Part time	
	W	N	W	N	W	N	W	N
Autauga	4	--	--	3	9	--	4	--
Barbour	8	--	--	--	7	--	1	--
Bullock	3	1	--	--	3	--	--	--
Butler	3	--	--	--	6	--	1	--
Choctaw	3	--	--	--	6	--	--	--
Clarke	3	--	--	--	7	--	2	1
Dallas	11	2	2	--	18	--	--	--
Greene	2	--	--	--	3	--	1	--
Hale	3	--	--	--	5	--	1	--
Lowndes	3	--	--	--	2	--	--	--
Macon	--	5	--	--	4	3	--	--
Marengo	4	--	--	--	6	--	--	--
Monroe	3	--	--	--	11	--	--	--
Perry	4	--	--	--	6	--	2	--
Sumter	2	--	--	--	3	--	2	--
Wilcox	2	--	--	--	5	--	--	--
Total	58	8	2	3	101	3	14	1

¹ Figures obtained from county officials, April 1968.
² Includes sheriff, deputies, and jailors.

APPENDIX F—Continued

County	Maintenance ³				Road ⁴				Food commodity or food stamp program			
	Full time		Part time		Full time		Part time		Full time		Part time	
	W	N	W	N	W	N	W	N	W	N	W	N
Autauga.....	--	2	--	--	44	4	--	--	3	1	1	1
Barbour.....	1	3	--	--	72	15	--	--	(6)	--	--	--
Bullock.....	--	--	--	--	29	⁵ 24	--	--	4	--	--	--
Butler.....	--	2	--	--	95	--	--	--	6	1	--	--
Choctaw.....	1	2	--	--	57	1	--	--	4	--	--	--
Clarke.....	--	2	--	--	39	--	--	--	(7)	--	--	--
Dallas.....	--	3	--	--	(9)	--	--	--	7	--	--	--
Greene.....	4	4	1	1	40	40	--	--	3	1	--	--
Hale.....	--	1	--	--	100	--	--	--	5	--	--	--
Lowndes.....	--	2	--	--	29	--	--	--	4	1	14	10
Macon.....	--	2	--	1	29	24	--	--	--	2	--	5
Marengo.....	1	3	--	2	47	10	--	--	5	4	--	--
Monroe.....	1	4	--	--	97	4	--	--	(8)	--	--	--
Perry.....	--	--	--	--	57	--	--	--	5	--	--	--
Sumter.....	--	1	--	--	41	37	--	--	4	--	--	--
Wilcox.....	--	2	--	--	41	25	--	--	3	1	1	4
Total.....	8	33	1	4	817	184	--	--	53	11	16	20

³ Includes courthouse maintenance.

⁴ Includes road department, repair shop, and farm to market department.

⁵ Statistics cited are for 3 of 4 road districts.

⁶ Has neither program.

⁷ Food stamp program not in operation yet.

⁸ Commodity program administered by local community action program.

⁹ The Dallas County engineer and the clerk of the county revenue court refused to give Commission staff members this information.

Macon	---	2	---	1	29	24	---	---	---	2	---	5
Marengo	1	3	---	2	47	10	---	---	5	4	---	---
Monroe	1	4	---	---	97	4	---	---	(8)	---	---	---
Perry	---	---	---	---	57	---	---	---	5	---	---	---
Sumter	---	1	---	---	41	37	---	---	4	---	---	---
Wilcox	---	2	---	---	41	25	---	---	3	1	1	4
Total	8	33	1	4	817	184	---	---	53	11	16	20

3 Includes courthouse maintenance.

4 Includes road department, repair shop, and farm to market department.

5 Statistics cited are for 3 of 4 road districts.

6 Has neither program.

7 Food stamp program not in operation yet.

8 Commodity program administered by local community action program.

9 The Dallas County engineer and the clerk of the county revenue court refused to give Commission staff members this information.

APPENDIX G City Employment in 16-County Hearing Area ¹

City	Clerical				Police department				Fire department			
	Full time		Part time		Full time		Part time		Full time		Part time	
	W	N	W	N	W	N	W	N	W	N	W	N
Camden	1	---	---	---	3	---	---	---	---	---	---	---
Demopolis	3	---	---	---	15	---	---	---	3	---	---	---
Eufaula	---	---	---	---	10	2	---	---	---	---	---	---
Eufaw	---	---	---	---	3	---	1	---	---	---	---	---
Fort Deposit	---	---	1	---	4	---	2	---	(3)	---	---	---
Greensboro	---	---	---	---	5	---	---	---	(3)	---	1	---
Greenville	3	---	---	---	10	2	---	---	(3)	---	---	---
Jackson	4	---	---	---	8	2	---	---	(3)	---	---	---
Linden	2	---	---	---	4	---	---	2	1	---	26	---
Monroeville	2	---	---	---	6	2	---	---	(3)	---	---	---
Marion	1	---	---	---	7	---	---	---	3	---	---	---
Prattville	3	---	---	---	14	1	---	1	6	---	15	---
Selma	9	---	---	---	47	4	---	---	47	---	---	---
Tuskegee	5	1	---	---	4	14	---	---	6	6	---	---
Union Springs	2	---	---	---	8	---	---	---	9	---	---	---
York	---	---	2	---	2	1	---	---	---	---	---	---
Total	35	1	3	---	150	28	3	3	78	6	42	---

¹ Figures obtained from city officials, April 1968.

² Includes utilities, recreation and cemetery departments.

³ Volunteer, no Negroes.

⁴ The city has a combined sanitation and street department.

APPENDIX G—Continued

City	Services 2				Street department				Sanitation department			
	Full time		Part time		Full time		Part time		Full time		Part time	
	W	N	W	N	W	N	W	N	W	N	W	N
Camden.....	15	4	---	---	6	30	---	---	8	10	---	---
Demonolis.....	---	---	---	---	13	10	---	---	8	8	---	---
Eufaula.....	4	3	---	---	10	7	---	---	3	3	---	---
Fort Deposit.....	---	---	---	---	(4)	---	---	---	2	1	---	2
Greensboro.....	8	4	---	4	5	3	---	---	12	8	---	---
Greenville.....	4	8	---	---	6	10	---	---	---	4	---	---
Jackson.....	4	2	---	---	3	10	---	---	---	5	---	---
Linden.....	2	2	---	---	5	3	---	1	3	10	---	---
Monroeville.....	4	15	---	---	2	1	---	---	4	1	---	---
Marion.....	1	3	---	---	8	6	---	---	12	11	---	---
Prattville.....	2	1	---	---	19	3	---	---	35	21	---	---
Selma.....	21	8	---	9	2	19	---	---	1	84	---	---
Tuskegee.....	12	16	---	---	4	12	---	---	6	4	---	---
Union Springs.....	---	---	---	---	2	4	---	---	---	4	---	---
York.....	5	---	---	---	2	4	---	---	---	8	---	---
Total.....	81	56	6	13	85	108	1	2	99	181	---	2

By nation Alabama is in school ex Nation.¹ The State's r

County su accounted f public elem this substan needs of the ciation, in a

The gap Black F and und where e utilized.

Following and disparit nantly white

I. *Extent of county schoo available for The total en percent (56, ments prom and legal su 1.7 percent,*

Teaching s the 15 county Conversely, c Negro school.

During the area covered full-time desc Monroe, Seln one full-time Marion. Only

Table A p teachers in th

II. *Compari disparities in white childre shows that in systems atten times the scho*

¹ National Edu Educational Ban

² *Id.*

³ *Id.*

⁴ Enrollment fi and Welfare (DE

⁵ The fractiona are not regular cl

⁶ Letter from S sion, Department Building, Montgo

TABLE A.—Student Enrollment and Faculty Distribution by Race

County	Total enrollment	Enrollment		Total faculty	Faculty in white school	Faculty in Negro school
		White school	Negro school			
Autauga*	4,296 (W) 2,278 (N)	4,296 (W) 79 (N)	0 (W) 2,199 (N)	165 (W) 87 (N)	159 (W) 11 (N)	6 (W) 79 (N)
Barbour	906 (W) 2,246 (N)	906 (W) 61 (N)	0 (W) 2,185 (N)	62 (W) 98 (N)	58 (W) 5 (N)	4 (W) 93 (N)
Bullock**	786 (W) 2,796 (N)	786 (W) 34 (N)	0 (W) 2,762 (N)	53 (W) 115.5 (N)	41 (W) 1 (N)	12 (N) 114.5 (N)
Butler	2,962 (W) 3,020 (N)	2,962 (W) 41 (N)	0 (W) 2,979 (N)	130 (W) 131 (N)	119 (W) 10 (N)	11 (W) 121 (N)
Choctaw**	2,340 (W) 2,507 (N)	2,340 (W) 18 (N)	0 (W) 2,494 (N)	101 (W) 102 (N)	101 (W) 0 (N)	0 (W) 102 (N)
Clarke*	2,642 (W) 3,390 (N)	2,642 (W) 53 (N)	0 (W) 3,887 (N)	64 (W) 131 (N)	60 (W) 6 (N)	14 (W) 125 (N)
Dallas*	2,177 (W) 5,012 (N)	2,177 (W) 18 (N)	0 (W) 4,999 (N)	89 (W) 218 (N)	84 (W) 1 (N)	5 (W) 217 (N)
Greene*	507 (W) 3,001 (N)	507 (W) 86 (N)	0 (W) 2,965 (N)	20 (W) 119 (N)	18 (W) 3 (N)	2 (W) 116 (N)
Hale**	1,093 (W) 2,612 (N)	1,093 (W) 85 (N)	0 (W) 2,527 (N)	57 (W) 139 (N)	55 (W) 3 (N)	2 (W) 136 (N)
Lowndes**	(3)					
Macon*	429 (W) 5 4,178 (N)	428 (W) 167 (N)	1 (W) 4,011 (N)	36 (W) 178 (N)	4 31 (W) 2 (N)	7 (W) 177 (N)
Marengo*	771 (W) 3,233 (N)	771 (W) 4 (N)	0 (W) 3,229 (N)	39 (W) 144 (N)	39 (W) 3 (N)	0 (W) 131 (N)
Monroe*	2,373 (W) 3,553 (N)	2,373 (W) 30 (N)	0 (W) 3,523 (N)	109 (W) 148 (N)	1.5 (N) 5.5 (N)	4 (W) 142.5 (N)
Perry**	600 (W) 2,806 (N)	600 (W) 79 (N)	0 (W) 2,727 (N)	36 (W) 90.25 (N)	32.5 (W) 105 (W)	3.5 (W) 88.57 (N)
Sumter*	874 (W) 4,596 (N)	874 (W) 11 (N)	0 (W) 4,585 (N)	42 (W) 201 (N)	37 (W) 3 (N)	5 (W) 198 (N)
Wilcox**	1,087 (W) 3,954 (N)	1,087 (W) 68 (N)	0 (W) 3,891 (N)	58 (W) 174 (N)	58 (W) 0 (N)	0 (W) 174 (N)
Total	23,843 (W) 49,182 (N)	23,842 (W) 769 (N)	1 (W) 48,412 (N)	1,061 (W) 2,075.57 (N)	997.5 (W) 55 (N)	59 (W) 2,024.25 (N)

Source: Department of Justice and Office of Education, DHEW. Figures are for September 1967.

*School district is subject to court decree in *Lee v. Macon County Board of Education*, 267 F. Supp. 458 (M.D. Ala. 1967), affirmed 389 U.S. 215.

**School district is subject to a separate court order.

1 In addition, there is 1 part-time white teacher in a Negro school.

2 In addition, there is 1 white guidance teacher in a Negro school.

3 No statistics available. Many white students have boycotted public schools in favor of private schools.

4 No statistics are available on 1 Negro school.

5 In addition, there is 1 Negro reading instructor in a white school, 1 white reading teacher in a Negro school, and 1 white librarian in a Negro school. There also are 2 guidance counselors, 1 art teacher, and 1 music teacher serving all schools.

Source: Polla

TABLE I

Six of the had a signif Negro schoc (Table D).

Source: Polla

In seven 0 Macon there of the Negro

Source: Brief

Total Average

TABLE B.

TABLE B.—Value Per Pupil of School Buildings and Contents—1966-67

County	White	Negro
Autauga	\$454	\$355
Bullock	1,042	397
Butler	509	396
Barbour	1,174	200
Choctaw	1,143	402
Clarke	569	188
Dallas	645	377
Greene	847	249
Hale	1,176	300
Lowndes	1,306	120
Macon	2,731	354
Marengo	750	228
Monroe	807	287
Perry	1,134	214
Sumter	679	241
Wilcox	733	221
Total	15,699	4,529
Average	981.18	283.06

Source: Brief for the United States in *Lee v. Macon*, table III, app. C, p-C-13, C-23.

In seven of the school districts in the hearing area and covered by *Lee v. Macon* there was a large difference between the per pupil insurance valuation of the Negro schools and the traditionally white schools in 1967-68 (Table C).

TABLE C.—Insurance Valuation of Building Per Pupil

School system	Predominantly white schools	Predominantly Negro schools
Butler	475.55	347.77
Clarke	399.00	265.00
Dallas	511.32	319.68
Demopolis	911.00	486.00
Marengo	624.00	295.00
Selma	632.31	525.14
Thomasville	480.29	411.30

Source: Pollak letter.

Six of the school districts in the hearing area and covered by *Lee v. Macon* had a significantly lower per pupil value for furniture and fixtures at the Negro schools and had not formulated a plan to correct this disparity (Table D).

TABLE D.—Insurance Valuation of Furniture and Fixtures Per Pupil

School system	Predominantly white schools	Predominantly Negro schools
Autauga	28.05	22.53
Dallas	31.97	23.14
Demopolis	147.00	75.00
Marengo	95.00	24.00
Selma	61.55	46.57
Thomasville	76.05	59.96

Source: Pollak letter.

Monroe*	0 (W)	109 (W)	142.5 (N)	1.5 (N)	59 (W)
Perry**	3,523 (N)	36 (W)	88.57 (N)	5.5 (W)	2,024.25 (N)
Sumter*	2,727 (N)	90.25 (W)	198 (N)	105 (W)	
Wilcox**	874 (W)	42 (W)	174 (N)	87 (W)	
	4,585 (N)	201 (N)		8 (N)	
	1,087 (W)	58 (W)		58 (W)	
	3,954 (N)	174 (N)		0 (N)	
Total	23,843 (W)	1,061 (W)	997.5 (W)	59 (W)	
	49,182 (N)	2,076.57 (N)	2,024.25 (N)	55 (N)	

Source: Department of Justice and Office of Education, DHEW. Figures are for September 1967.
 *School district is subject to court decree in *Lee v. Macon County Board of Education*, 267 F. Supp. 458 (M.D. Ala. 1967), affirmed 389 U.S. 215.
 **School district is subject to a separate court order.
 1 In addition, there is 1 part-time white teacher in a Negro school.
 2 In addition, there is 1 white guidance teacher in a Negro school.

3 No statistics available. Many white students have boycotted public schools in favor of private schools.
 4 No statistics are available on 1 Negro school.
 5 In addition, there is 1 Negro reading instructor in a white school, 1 white reading teacher in a Negro school, and 1 white librarian in a Negro school. There are also 2 guidance counselors, 1 art teacher, and 1 music teacher serving all schools.

Another indication of the comparative quality of school buildings for Negro and white students is the respective number of Negro and white small schools with inadequate enrollments. State surveys revealed that in the 16 school districts within the hearing area, there were 212 sub-standard schools in the 1965-66 school year; 169 of them or 80 percent were Negro schools.⁷

Many of the systems within the hearing area and subject to the decree in *Lee v. Macon* still maintain Negro schools with subminimal enrollment (Table E).

TABLE E.—*Negro Schools Having Subminimal Enrollments*

School system	School	Grades covered	Recommended enrollment	Enrollment
Autauga Co.	New Salem	1-6	175	20
Marengo Co.	Shiloh	1-6	175	50
	Jones Chapel	1-6	175	70
	Putnam	1-6	175	63
	St. John	1-6	175	30
	Myrtlewood	1-8	300	97
	Jefferson	1-6	175	85
	Palmetto	1-8	300	189
	Faunsdale	1-9	350	152
	Coxheath	1-9	350	329
Marion	Lincoln School	K-12	525	321
	Ada Hanna	1-9	350	50
Monroe Co.	Greer Jr. High	1-9	350	319
	Vredenburgh Jr. High	1-9	350	201
	Uriah Jr. High	1-9	250	180
Clarke Co.	Monroe Jr. High	1-9	350	274
	Alberta Elementary School	1-6	175	55
	Alma Jr. High	1-9	350	175
	Clarke Co. Training School	1-12	525	426
	James Chapel Elementary	1-6	175	36
	Lilly Valley Elementary	1-8	300	44
	Little Grove Elementary	1-6	175	52
	Mackey Branch Jr. High	1-8	300	214
	Morvin Jr. High	1-9	350	96
Sumter Co.	Kinterbish II	1-6	175	58
	McGowen	1-6	175	64
	Judkins	1-8	300	77
	Arrington	1-6	175	99
	Epes	1-6	175	78
	Gainesville	1-8	300	108
	Whitfield	1-8	300	113
	Bellamy	1-8	300	180
	Sumterville	1-8	300	167
	Belmont	1-12	525	251
	Kinterbish High	1-12	525	410
	Shiloh High School	1-12	525	458
	Hazen Harrell High	1-12	525	457
Dallas Co.	Tyler Union High	1-12	525	418
	E. M. Brown High School	1-12	525	392
	Hunter Mission Elementary School	1-6	175	155

Source: Pollak letter.

III. *Instructional Quality*.—Several objective measures of instructional quality are available for the 16 county school systems.

The number of elective courses offered to high school students, for example, is generally greater at all-white or formerly all-white schools than it is at Negro schools. In the 16 county school systems during the 1966-67 school year, white high schools offered 117 elective courses that were not offered at Negro schools, but only 88 elective courses were offered at Negro schools which were not offered at white high schools.⁸ Not only is the number of courses offered at white schools generally greater than at Negro schools, but the quality of course offerings is more substantial at white schools. In a compliance review of the schools in Autauga County in January 1967, HEW

⁷ Brief for the United States in *Lee v. Macon*, Table I, Appendix B, P. B-1-B-5.

⁸ Brief for the United States in *Lee v. Macon*, Appendix D, p. D-1-D-23.

investigator speed reading offered at either of the

There are in white schools average of Negro schools

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⁹ Autauga Co. the hearing area adequately explained at the Negro and Monroe, Selma.

¹⁰ Brief for the Pollak able per pupil ing area covered

¹² Pollak letter

¹³ Summary DHEW.

¹⁴ *Id.*

¹⁵ Summary DHEW.

¹⁶ DHEW, A:

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f Negro and white small schools
revealed that in the 16 school
212 sub-standard schools in the
ent were Negro schools.⁷
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s with subminimal enrollment

Subminimal Enrollments

Grades covered	Recom- mended enroll- ment	Enroll- ment
----- 1-6	175	20
----- 1-6	175	50
----- 1-6	175	70
----- 1-6	175	63
----- 1-6	175	30
----- 1-8	300	97
----- 1-6	175	85
----- 1-8	300	189
----- 1-9	350	152
----- 1-9	350	329
----- K-12	525	321
----- 1-9	350	50
----- 1-9	350	319
----- 1-9	350	201
----- 1-9	250	180
----- 1-9	350	274
----- 1-6	175	55
----- 1-9	350	175
----- 1-12	525	426
----- 1-6	175	36
----- 1-8	300	44
----- 1-6	175	52
----- 1-8	300	214
----- 1-9	350	96
----- 1-6	175	58
----- 1-6	175	64
----- 1-8	300	77
----- 1-6	175	99
----- 1-6	175	78
----- 1-8	300	108
----- 1-8	300	113
----- 1-8	300	130
----- 1-8	300	167
----- 1-12	525	251
----- 1-12	525	410
----- 1-12	525	458
----- 1-12	525	457
----- 1-12	525	418
----- 1-12	525	392
----- 1-6	175	155

measures of instructional qual-
ems.

igh school students, for example,
v all-white schools than it is at
ems during the 1966-67 school
courses that were not offered at
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ls.⁸ Not only is the number of
ater than at Negro schools, but
stantial at white schools. In a
County in January 1967, HEW

. Appendix B, P. B-1-B-5.
ndix D, p. D-1-D-23.

investigators found that "[c]ourses such as geography, journalism, speech,
speed reading, advanced foreign languages, business math and English are
offered at one of the predominantly white schools but are not offered at
either of the two Negro schools.⁹

There are generally fewer library books per student in Negro schools than
in white schools in the 16 school districts. In the white schools there is an
average of 13.8 books per child, while there are only 5.9 books per child in
Negro schools.¹⁰

A letter from Stephen Pollak, Assistant Attorney General in charge of
the Civil Rights Division of the Department of Justice, to State Superin-
tendent of Education Ernest Stone, regarding compliance with the court's
decree in *Lee v. Macon*, noted that some Alabama school systems, including
four within the hearing area (Clarke, Monroe, Greene, and Sumter) had not
sought to correct the inequalities in instructional facilities by devoting a
larger share of resources to the Negro schools.¹¹

School system	Number of library books per pupil	
	W	N
Autauga Co.-----	12.3	7.6
Butler Co.-----	8.8	3.8
Sumter Co.-----	15.5	5.23

The State of Alabama assesses the quality of a school's instructional pro-
gram through the process of accreditation. Accreditation is particularly im-
portant for students who want to go on to college. In the 16 county school
systems, all-white high schools were accredited by the State of Alabama in
1966-67, but only 66 percent of the Negro high schools were accredited.¹²

The Pollak letter notes that in Clarke County, 66 percent of the Negro
high schools are unaccredited; in Sumter County the figure is 40 percent.

In addition to the State, the Southern Association of Colleges and Second-
ary Schools—a regional accreditation body—accredits high schools in
Alabama. In some of the 16 school districts, white high schools are accredited
by the Southern Association, but Negro schools are not. For example, in
the Butler County School System, there are three white high schools, all
of which are accredited by the State and two of which are accredited by
the Southern Association.¹³ There are two Negro high schools in Butler
County, both accredited by the state of Alabama, but neither accredited by
the Southern Association.¹⁴ Similarly in Greene County there are two Negro
high schools and one white high school. All three are accredited by the State,
but only the white high school is accredited by the Southern Association.¹⁵

In addition to disparities in the number of elective courses, the number
of library books per child and the accreditation of schools, there are other
important distinctions between Negro and white schools in counties within
the hearing area. For example, a compliance review of Autauga County
Schools by the Department of Health, Education, and Welfare in January
1967 revealed "fewer hours per week in Negro schools than in predominantly
white schools devoted to the teaching of any subject."¹⁶

The compliance review also disclosed sharp differences between Negro and
white schools in the extra funds raised from student fees, school activities
and community donations. HEW found that "the expenditures per pupil from

⁹ Autauga County, Alabama, Summary of Compliance Review at 2. The following systems in
the hearing area and covered by *Lee v. Macon* have not, according to the Justice Department,
adequately explained substantial differences between the number and variety of courses offered
at the Negro and traditionally white schools: Autauga, Clarke, Dallas, Demopolis, Linden, Marion,
Monroe, Selma.

¹⁰ Brief for the United States in *Lee v. Macon*, Table III, Appendix C, p. C-13.

¹¹ The Pollak letter notes significant disparities between the number of library books avail-
able per pupil at the Negro and white schools. Included are the following districts in the hear-
ing area covered by the decree in *Lee v. Macon*: Autauga, Butler, and Sumter:

¹² Pollak letter.

¹³ Brief for the United States in *Lee v. Macon*, Table III, Appendix C, c-13 et. seq.

¹⁴ Summary of Equalization Report on Butler County School System. Office of Civil Rights,
DHEW.

¹⁵ *Id.*

¹⁶ Summary of Equalization Report on Greene County School System. Office for Civil Rights,
DHEW.

¹⁷ DHEW, Autauga County, Alabama, Summary of Compliance Review, at 2.

these funds in the predominantly white schools range from \$1.51 to \$38.83 while in the Negro schools the range is from \$0.19 to \$5.70."¹⁷

V. *School Achievement*.—The differences in education for Negro and white students in the Alabama Black Belt also indicated by school achievement data collected in the Title IV survey of the Office of Education (known as the Coleman Report). Data available are for Negro and white students in the rural South compared to the average scores for white students in the urban North. Table F shows the marked disparities in achievement between white and Negro students at three grade levels (grades 6, 9 and 12) on three types of standardized tests.

TABLE F.—*Comparison of School Achievement of White and Negro Students in the Rural South*

	Grade levels behind*		
	6	9	12
Verbal ability:			
White students.....	0.7	1.0	1.5
Negro students.....	2.5	3.9	5.2
Reading comprehension:			
White students.....	.5	.8	1.0
Negro students.....	2.7	3.7	4.9
Math achievement:			
White students.....	.7	.9	1.4
Negro students.....	2.6	3.7	6.2

*Grade levels behind refers to the number of months behind the average white in the metropolitan Northeast, the national standard of comparison used in the title IV survey.

Source: Coleman et al., *Equality of Educational Opportunity*, tables 3.121.1, -3.121.3, 274-275 (1966).

Federal Programs. Federal education funds for Alabama in 1966-67 totaled \$49,406,139;¹⁸ State funds totaled \$183,718,520; county funds \$27,264,658; district funds \$23,226,422 and other funds \$11,203,645. The breakdown of Federal revenues is as follows:

Federal Funds

	Counties	Cities	State
Vocational Education.....	3,359,960	1,675,258	5,035,218
Public Law No. 815 ¹	8,466	98,211	106,677
Public Law No. 874 ²	4,055,143	3,483,463	7,538,606
Public Law No. 85-864, Title III program ³	1,057,428	577,629	1,635,057
Public Law No. 85-864, Title V program ⁴	277,661	141,276	418,937
Illiteracy, Adult Basic Education.....	501,288	192,191	693,479
Elementary and Secondary Education Act of 1965, P.L. 89-10, title 1 ⁵	23,170,983	7,266,954	30,437,937
Elementary and Secondary Education Act of 1965, P.L. 89-10, title 2 ⁶	1,012,176	406,618	1,418,794
Elementary and Secondary Education Act of 1965, P.L. 89-10, title 3 ⁷	945,299	380,038	1,325,337
Other.....	236,121	559,976	796,097
Total Federal funds.....	34,624,525	14,781,614	49,406,139

¹ School assistance to federally affected areas—aid for school construction.

² School assistance to federally affected areas—aid for general operating expenses.

³ National Defense Education Act—financial assistance for strengthening science mathematics and modern foreign language programs.

⁴ National Defense Education Act—financial assistance for counseling and guidance training institutes.

⁵ Title I authorizes Federal support to local public educational agencies for special educational programs for educationally deprived children in attendance area where low-income families are concentrated.

⁶ Title II authorizes Federal financial assistance for school library resources.

⁷ Title III authorizes Federal financial assistance for supplementary educational centers and services.

¹⁷ *Id.*

¹⁸ State summary from Annual Report (1961); Statistical and Financial data for 1966-67, issued by the State Board of Education, Part II, p. 18.

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Exhibit No. 27

TESTIMONY OF GEORGE W. DORSEY TO BE GIVEN BEFORE THE HEARING OF THE U.S. COMMISSION ON CIVIL RIGHTS MAY 1, 1968, MONTGOMERY, ALABAMA

My name is George W. Dorsey and I reside at 1009 Cresthaven Drive, Silver Spring, Maryland 20903. I was appointed as Acting Director, Civil Rights Program Policy Staff, Office of the Administrator January 9, 1968, and Director as of April 18, 1968.

The administration of General Services responsibilities under Parts II and III of Executive Order 11246, as amended, is a joint responsibility of the Civil Rights Program Policy Staff, Office of the Administrator; Civil Rights Division, Office of Management Investigations and Review; Deputy Contracts Compliance Officers; Civil Rights Program Coordinators; Contracting Officers; and other procurement officials and program managers.

The Civil Rights Program Policy Staff, the Director of which is designated as the Contracts Compliance Officer, is responsible for the overall administration of the total GSA Equal Employment Opportunity Program, under the policy direction of the Deputy Administrator. The Civil Rights Program Policy Staff consists of a Director, two full time staff assistants, one Area Coordinator for Construction (OFCC) and two clerical assistants.

The Civil Rights Division, under the Office of Management Investigations and Review, is responsible for the compliance review and inspection program. They conduct three types of compliance reviews: (1) Routine, (2) Special and (3) Preaward, upon request from the Civil Rights Program Policy Staff. The staff of the Division consists of 10 professionals and 4 clerical employees. The investigators or agents are located in the cities of Washington, Atlanta, Chicago, New York, San Francisco and Fort Worth. Other agents are utilized on occasions for compliance surveys.

Routine reviews are general "on-site" surveys made through the use of GSA Form 1953, Nondiscrimination Survey of Government Contractor, to ascertain the compliance of a contractor or subcontractor. The Special Agent making the survey may make recommendations to a contractor designed to correct deficiencies in equal employment policies and practices detected during the survey. Examples of such recommendations are the elimination of segregated facilities, improvement of recruitment techniques, promulgation of plans to merge functionally related but racially segregated lines of progression. He does not advise the contractor that he is in compliance or will be in compliance if he adopts recommendations of the Agent. Copies of Form 1953 and recommendations are forwarded to the Civil Rights Program Policy Staff for evaluation and a determination as to the contractor's compliance posture. Analysis of the report may reveal deficiencies and a need for correspondence with the contractor to take remedial action. Sometimes the review indicates a need to request corporate officials to confer with the Civil Rights Program Policy Staff in Washington about their equal employment opportunity posture. Failure of the contractor to remedy deficiencies in his equal opportunity policies and practices, may form the basis for the imposition of sanctions. The Civil Rights Program Policy Staff makes recommendations regarding sanctions to the contracting officer.

Special reviews are more comprehensive and include a narrative report in addition to a completed GSA Form 1953. On occasion these reviews may be made at the request of the Office of Federal Contract Compliance when they are monitoring a specific industry or there have been a large number of compliants. In such instances, a copy of the completed survey report with comments by the Civil Rights Program Policy Staff is forwarded to the Office of Federal Contract Compliance.

Contracting Officers are required to request *Preaward Compliance Reviews* of the employment practices of the apparent low bidder of any formally advertised supply contract of \$1 million or more.

If GSA is the designated compliance agency, the Civil Rights Division is requested to make a comprehensive review of the contractor's employment practices and policies unless a survey was made during the past six months. When another agency is designated as the compliance agency, they are asked to conduct the survey with a request for a report on findings and conclusions within 30 days.

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.7	.9	1.4	
2.6	3.7	6.2	

behind the average white in the metro-
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 ortunity, tables 3.121.1, -3.121.3, 274-275

s for Alabama in 1966-67 totaled
 520; county funds \$27,264,658;
 \$11,203,645. The breakdown of

Counties	Cities	State
3,359,960	1,675,258	5,035,218
8,466	98,211	106,677
4,055,143	3,483,463	7,538,606
1,057,428	577,629	1,635,057
277,661	141,276	418,937
501,288	192,191	693,479
23,170,983	7,266,954	30,437,937
1,012,176	406,618	1,418,794
945,299	380,038	1,325,337
236,121	559,976	796,097
34,624,525	14,781,614	49,406,139

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Discrimination complaints by applicants or employee against contractors for which GSA is the compliance agency are investigated by the Civil Rights Division. Reports of the investigation and recommendations as to the merit of the complaints are forwarded to the Civil Rights Program Policy Staff for evaluation and final agency determination. Reports on the findings and conclusions of all such complaints are reported to the Office of Federal Contract Compliance.

Before making a determination regarding a prospective contractor's ability to comply with the provisions of the Equal Opportunity clause, contracting officers are required to coordinate with the Contracts Compliance Officer.

In general, compliance surveys continue to reveal the traditional pattern of Negro employees occupying primarily unskilled and semiskilled jobs. Notwithstanding efforts made by contractors to desegregate facilities, there are instances of Caucasians boycotting the integrated facilities and Negroes continuing to utilize the former segregated facilities.

Exhibit No. 28

EXDO Tomato

EXDO Banana

Dixie Tomato & Produce Co., Inc.

Office of President

450 FINLEY AVENUE, W.

BIRMINGHAM, ALABAMA 35204

April 29, 1968

HERMAN S. CHEMELL
President

Commissioner
Civil Rights Commission
Maxwell Air Force Base
Montgomery, Alabama

Dear Sir:

With reference to the public hearings now in session at Maxwell Air Force Base as to "Why unemployed farm people who have migrated to urban areas in Chicago, Detroit and other northern states are causing riots, unrest and other unlawful acts", I wish to submit some ideas for solution of this migration problem for the Commissioner's consideration.

In 1965, the Honorable Vice President Hubert H. Humphrey had a plan to do something about the migration to the north problem. I worked with a field representative out of Vice President Humphrey's office in the Selma, Alabama area on the feasibility of this program. In my mind it was a workable plan. Being a farmer and from a twenty-five year association with 40% of the produce farmers in this area, I have knowledge of the change over due to the demise of King Cotton as the primary cash crop in Alabama and the changes therefrom. This caused thousands of acres of farm land to become idle and thus the migration of the small farmers and tenant farmers to the cities of the north hoping to land a job.

With the cooperation of the U. S. Department of Agriculture, Washington, D. C. and the Office of Economic Opportunity (OED), the Southwest Alabama Farmer's Co-op Association (S.W.A.F.C.A.), Selma, Alabama, was organized in 1967, for the purpose of lending a helping hand to the small family farm operation and sharecroppers in ten counties in Central Alabama.

It is my understanding from what I read in newspaper articles that this organization's function was to find a market and a sale of farm produce - peas, okra, sweet potatoes, etc. This was to be accomplished with a full staff to work with the member (article in Birmingham paper by Mr. James Free, Washington News Correspondent).

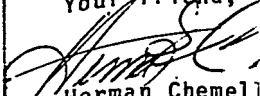
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Your friend,


Herman Chemell
President

HC/das

page: 2

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HERMAN S. CHEMELL
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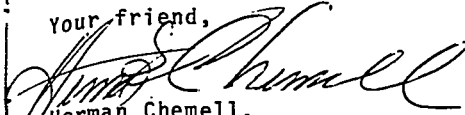
I read in newspaper articles n was to find a market and a a, sweet potatoes, etc. This ll staff to work with the member Mr. James Free, Washington News

The Co-op had sales in 1967 of \$115,099.00 for the first year of operation. Even accounting for unforeseen pitfalls, it is not unrealistic, using the 1967 sales figure, to envision a break even point within five years. Through efficient organization and administration, not only could the S.W.A.F.C.A. be the means of stopping the migration to the north of unemployed workers but could be a profit making organization.

It is my hope that co-ops patterned after the S.W.A.F.C.A., Selma, Alabama will be organized in Texas, Georgia, North and South Carolina, or any state in the union that has this change-over problem. The only self sustaining plan for the "Forgotten Small Farmer" is to stay at home and have a market for what he produces on the farm.

Just as in 1933, the small grocery stores throughout the land saved themselves from being run out of business by the large chain store operations by establishing successful co-ops, such as Associated Grocers of Alabama and other associated grocery co-ops in other states, this same method can keep the small, one man farm operation in existence.

Your friend,



Herman Chemell,
President

HC/das

Exhibit No. 29

STAFF REPORT

VOCATIONAL EDUCATION IN THE 16
COUNTY HEARING AREA AND IN ALABAMA

During the year ending June 30, 1967, 477 schools in Alabama offered vocational education. The bulk of these schools, 448 or 94 percent, were regular or comprehensive secondary schools; 27 were technical or vocational schools; one, a junior or community college; and one a college or university. The secondary schools provide vocational training for in-school youth; the technical or vocational schools provide vocational training for out-of-school youth and adults. All are under court orders to desegregate.

In the fiscal year ending June 30, 1967, a total of \$21.4 million was spent for vocational and technical education in Alabama. The Federal contribution was \$4.4 million or about 21 percent. The remainder of about \$17.1 million was divided between the State and localities. The localities contributed almost 47.5 percent and the State 32 percent of the total. In addition, \$2.7 million was spent for area vocational school construction, which was divided equally between the Federal Government and localities. Three-quarters of the work study program expenditures of \$54,000 were supplied by the Federal Government and one-quarter by localities. Work study programs provide part-time employment for youths who need the earnings to continue vocational schooling on a full-time basis.

In the current fiscal year, which ends June 30, 1968, the Alabama Division of Vocational Education estimated that a smaller sum would be spent than in fiscal 1967, namely, \$19.5 million, on vocational education in Alabama, exclusive of construction for area vocational schools and the work study program. Estimated expenditures are 8½ percent less than those in fiscal 1967. The major reduction is in expenditures of localities which will drop from \$10.1 million in fiscal 1967 to \$7.4 million in fiscal 1968. Federal expenditures will remain about the same in both fiscal years, \$4.4 million; expenditures of the State will rise from \$6.9 million to \$7.8 million. The amount estimated to be spent on area construction will rise from \$1.4 to \$1.5 million, to be shared equally by the Federal Government and localities in Alabama. Expenditures for the work study program will also rise from \$54,000 to \$250,000, shared by the Federal Government and the localities in the ratio of 75 and 25 percent, respectively.

During the 1967 fiscal year, 127,011 individuals were enrolled in vocational education courses in Alabama; 72,226 or 57 percent, were in secondary schools.

This report examines a selected number of State trade schools located in the 16 county hearing area or serving that area and the vocational education departments of a selected number of secondary schools in the same area.

STATE TRADE SCHOOLS

The 27 State trade schools in Alabama are authorized on the basis of three State acts, the first of which was passed in 1947 and the last in 1963. Federal monies were not involved in their construction. The Federal financial assistance in these schools is in such services as practical nursing, computer programming, drafting and design, and electronics technology. Otherwise, these schools are State operated and State financed. The State trade schools are subject to the State Department of Education and fall, more particularly, in the jurisdiction of the division of vocational education.

State trade schools are examined in two contexts:

- A. Where two schools are located in the same city, namely, Tuscaloosa and Montgomery.
- B. Where individual schools are located in different cities and counties, namely, Eufaula (Barbour County), North Evergreen (Conecuh County), Opelika (Lee County), Selma (Dallas County) and Thomasville (Clarke County).

A. PAIRED SCHOOLS

An examination of the two cases of schools in pairs, in terms of total enrollment and enrollment by course by race, indicated that one school in

each pair is and the other in it.

Enrollment

Two State Trade Schools opened in 1967.

The enrollment of full-time Technical I 25-30, or a total of 39 half-

The Tuscaloosa Shelton School is 3

A similar enrollment of School is 3 John M. P. is 332, of w School has teaches the structors at

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¹ The director from the school hours.

² Statement of

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each pair is essentially the Negro school with very few white students in it and the other school is essentially the white school with some Negro students in it.

Enrollment Pattern

Two State trade schools are located in Tuscaloosa, the Tuscaloosa State Trade School, and the Shelton State Technical Institute. The Shelton school opened in 1953 and the Tuscaloosa School in 1965.

The enrollment at the Tuscaloosa State Trade School is 205, all of whom are full-time day students and all of whom are Negro. At the Shelton State Technical Institute, also in Tuscaloosa, there are 332 day students of whom 25-30, or about 9 percent, are Negro; the remainder are white. There also are 39 half-time night students at Shelton, of whom between 10-15 are Negro.

The Tuscaloosa School has 13 instructors, all of whom are Negro; the Shelton School has 25 instructors, all of whom are white.

A similar comparison of the two State trade schools in Montgomery, both of which opened in 1966, also shows racially separate enrollments. The enrollment at the Harper Council Trenholm State Vocational Technical School is 334, all of whom, but one, are Negroes. The enrollment at the John M. Patterson State Vocational Technical School, also in Montgomery, is 332, of whom 15 are Negroes, about 4½ percent of the total. The Trenholm School has 19 instructors all but one of whom is Negro. The white instructor teaches the unit record curriculum for data processing. There are 29 instructors at the Patterson School, all of whom are white.

In Tuscaloosa, the predominantly white Shelton School serves all of Tuscaloosa County, except the upper one-fifth, parts of Pickens and Sumter Counties and all of Greene, Hale, and Bibb Counties. The Tuscaloosa School serves all of the counties served, in whole or in part, by the Shelton School. Thus, Negroes in these counties who desire to go to a State trade school and who have the qualifications to do so may choose a Negro school and, clearly, most of them have chosen to go to the premodinantly Negro Tuscaloosa School.¹ And, white students are provided with an opportunity to choose a white school.

The Tuscaloosa School also serves five counties not served by the Shelton School. Two of these counties are in the 16-county hearing area—Marengo, served by the predominantly white Richmond P. Hobson State Trade School at Thomasville, and Perry, served by the predominantly white William Rufus King State Trade School in Selma. Thus, the effect is to present potential white and Negro students with an opportunity to choose schools segregated by race.

A student is not necessarily restricted to the trade school serving his area. For example, if a school does not offer a desired course, a student may enroll in another State trade school. But bus service to a school is provided only in the area served by it.

Montgomery presents a similar situation. The predominantly Negro Trenholm School serves all of Montgomery County and eight other counties besides.² In fact, according to the school's catalog, the school serves an additional 20 counties. The original jurisdiction, the director said, was based on the belief that the school would be the only trade school for Negroes in that part of Alabama. However, this has changed. There exist a number of other State trade schools in the area which provide some openings for Negroes, thus making it unnecessary for the Trenholm School to handle the needs of all Negroes. The director of the Trenholm School stated that, effectively, the school serves eight counties, in addition to Montgomery. No bus service is provided to Barbour, Russell, Coffee, Covington, Coosa, and Talladega Counties and students from these counties board in Montgomery.

The predominantly white Patterson School serves Montgomery, all of two counties, and portions of four other counties all but one³ of which also are served by the Trenholm School.

The Trenholm School also serves an additional three counties—Dallas, Butler and Macon—in the 16-county hearing area which also are served by predominantly white schools. The predominantly white King School serves

¹ The director of the Tuscaloosa School said that he sought to make a distance of 70-75 miles from the school the outermost limit; a student should not need to ride the bus for more than two hours.

² Statement of school director.

³ Chelton County.

Dallas County. The predominantly white Ed E. Reid State Trade School serves portions of Butler County. The predominantly white Opelika State Vocational Technical Institute serves Macon County. Thus, the effect is to present potential Negro students in these three counties with an alternative to choosing a white school and the major response has been to choose the Negro school, namely, the Trenholm School.

The directors of both trade schools in Tuscaloosa told staff members that if a student lives outside of the district served by their school he is permitted to attend their school only if a course he desires to take is not offered in the trade school serving the area in which he lives. Nevertheless, in counties in which only one trade school is located, students are permitted to attend a school in another district regardless of availability of courses. In the hearing area these schools—which share the jurisdiction of the county in which they are located with another trade school—without exception are predominantly white and the school that they share jurisdiction with is predominantly Negro.

For example, some Negro students from Selma travel 51 miles to the Trenholm School instead of attending King School in Selma. Only seven Negro students attend the predominantly white King School.

Recruitment among one race only

Another factor that explains the enrollment results described above is that the directors of the schools recruit among the members of one race only.

The director of the Tuscaloosa School stated that, although the school is open to Negroes and whites, only Negro students apply. He stated that he has not tried to recruit white students. He has visited only Negro secondary schools for this purpose.

The director of the Shelton School in Tuscaloosa stated that he has no systematic procedure for contacting potential Negro students for his school. He talks to seniors in white secondary schools and invites groups from local white high schools to visit the school, but very few groups from Negro schools visit the Shelton School.

The director of the Trenholm School in Montgomery said that he has not sought invitations from the principals of white schools to speak before their interested seniors. He has received one invitation from a white school to speak at a career day conference, which he attended. He has sought invitations from Negro high schools.

The director of the Patterson School stated that he has not written to the principals of Negro high schools for permission to speak before the graduating seniors who do not plan to go on to college (although he does recruit from white schools.) He has not been invited to a career day in a Negro high school. The principal or guidance counselor of a Negro high school can write in and ask for a tour of the Patterson School and tours for such students have been conducted.

Identical course offerings

A second finding with regard to the paired schools is that, though within relative proximity of each other, a significant number of identical course offerings are given at both schools.

Seven identical courses are taught in both the Tuscaloosa and Shelton Schools. These courses are: autobody and fender repair, auto mechanics, electricity, radio and television repair, refrigerator and air conditioning, cosmetology, and practical nursing. The Tuscaloosa School offers a course which covers typing, bookkeeping, shorthand, and accounting. The Shelton School offers stenography as a separate course.

In Montgomery, 10 identical courses are taught in both the Trenholm and Patterson Schools, namely, cosmetology, business education, data processing (or computer programming), practical nursing, automotive mechanics, autobody and fender repair, electricity, electronics technician, radio and television repair, and refrigeration and air conditioning.

Duplicated courses such as those listed above support an inference that the schools are intended to serve racially different populations. They also suggest that an integrated institution would provide savings which could be used to support needed additional courses or needed ancillary services not presently available, for example, guidance counseling.

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Cosmetology is among the duplicate courses in the above lists. It is argued that a cosmetology course for white beauticians is a different course than one for Negro beauticians because of differences in hair and styling. There appears to be a difference of opinion on this matter: nevertheless, this practice has an effect on the racial imbalance of the schools.

Dissimilar course offerings

Differences in course offerings have the effect of limiting Negro students to traditional jobs and to lesser skilled trades. Examination of the offerings suggests that some of the skills taught at the white schools and not taught at the Negro schools are of a relatively high level which also tend to provide higher paying jobs.

The white Shelton School in Tuscaloosa offers the following courses which are not offered at the Negro Tuscaloosa School; electronics technician, data processing, mechanical drafting and design technology, cabinet making, diesel mechanics, machine shop practice, welding, barbering, and stenography (as an intensive course). Negro students could enroll in these courses at the Shelton School; however, few Negroes do so, 35-45 out of a student body of 371.

Two courses are given at the predominantly Negro Tuscaloosa School which are not given at the Shelton School, upholstering and clerical. Both are low-skill jobs in the Birmingham area.⁴

A comparable situation exists in the two Montgomery schools. The following courses are taught at the predominantly white Patterson School but not at the predominantly Negro Trenholm School: barbering, welding, automotive and furniture upholstering, machine shop, mechanical drafting and design technology, offset duplicating technology, watch repair and gasoline and diesel farm and industrial equipment repair. Three courses are given at the Trenholm School but not at the Patterson School, namely, brick masonry, carpentry and building construction, and commercial sewing. These are traditional Negro occupations in the Montgomery area.

Requirement for a high school diploma

The evidence suggests that the proportion of students who are high school graduates or the equivalent, is higher at the Tuscaloosa and Trenholm Schools than at the white schools.

The director of the Tucaloosa School stated that only a small percentage of the students, 1 percent, enrolled in this school do not have a high school diploma or its equivalent. However, high school dropouts with nine years of schooling are considered for some courses, such as auto mechanics, autobody and fender repair and radio and television repair. Dropouts with less than nine years of schooling are also considered for some courses.

The director of the predominantly white Shelton School said that about 50 percent of the students enrolled in the following courses do not have a high school diploma or its equivalent: autobody and fender repair, auto mechanics, electricity, cabinet making, and welding.

At the Trenholm School, the director stated that between 80-85 percent of the students have a high school diploma or its equivalent. In courses such as auto mechanics, autobody and fender repair, refrigeration and air conditioning, cosmetology, commercial sewing, and carpentry, students with a 10th grade education or higher can be enrolled. In a number of courses, brick masonry and autobody and fender repair, students with less than a 10th grade education can be entered but in no case with less than an 8th grade education.

The director of the predominantly white Patterson School stated that 60 percent of the enrollees do not have a high school diploma or its equivalent. A diploma or equivalent is required in the secretarial course (with which general clerical and junior accounting are combined), computer programmers, IBM operations, practical nursing and mechanical drafting and design technology. For cosmetology, completion of the 10th grade is required. An applicant who has not completed the 8th grade will be permitted to enter the upholstering and autobody and fender repair courses.

⁴ The director of the Tuscaloosa School acknowledged that in choosing courses he had, perhaps, not given much consideration to the economic opportunities offered by the various skills.

B. NON-PAIRED STATE TRADE SCHOOLS

In addition to the two sets of State trade schools in Tuscaloosa and Montgomery, five other schools were examined at individual locations in the 16-county hearing area or, if located outside that area, nonetheless serve that area, in whole or in part. The schools and their locations are the Hobson School in Thomasville, the King School in Selma, the Opelika School in Opelika, the Reid School in North Evergreen and the Sparks School in Eufaula. These schools are located in counties originally intended to be served by the Tuscaloosa and Trenholm Schools.

One finding which emerges from this examination is that two of the five, the Hobson School and the King School, are essentially white schools. The Hobson School, with an enrollment of 150, has one Negro. The King School, with an enrollment of 139, has seven Negro students.

In the remaining three schools, however, the number of enrolled Negroes represent significant proportions of the total enrollment. In the Opelika School, out of an enrollment of 400, about 60 students or 15 percent are Negroes. In the Reid School, out of an enrollment of 140 students, 25 or 17 percent are Negroes. In the Sparks School, 31 Negroes are enrolled out of 140 or 22 percent.

The instructors at all five non-paired State trade schools are white. The director of the Opelika School said that he is looking for a Negro instructor in three courses, practical nursing, data processing, and business education. At this time, there is one opening. He has contacted, he said, Tuskegee and other institutions but has not found someone to fill the vacancy.

Recruitment for students

Information is available about the recruitment activity of the directors of four of the schools (excluding the Sparks School). Although none of the directors carries on an aggressive recruitment program among potential Negro students, there is some evidence that the directors of the schools with relatively large percentages of Negroes were more active in appearances before Negro audiences than was the case for directors of schools with small percentages of Negroes.

The director of the Hobson School said he did not know why there are so few Negroes at the school for they would be processed in the same manner as white applicants. He thought that, since the school opened, between 6-10 Negroes have applied. The director stated that he does not have specific procedures to publicize the courses given in the school; the school, when built, received publicity.

The director of the King School stated that he has no systematic pattern for recruitment. In general, he will wait until invited to speak before secondary students. He has on occasion spoken to Negro Parent-Teachers Associations and to Negro Boy Scout Troops. His assistant attended two career days in Negro secondary schools. The director said he would go anywhere in the area which his school serves, if invited. He believes that the students at the local Negro school in Selma, the Hudson School, would feel invited to the King School because some Negro students are already enrolled.

The director of the Reid School (17 percent Negro enrollment) explained that in connection with recruitment a series of articles about the school and its offerings are prepared for six county newspapers and for two Montgomery papers. Local residents in the area served by the Reid School read these newspapers. The director said he does not regularly address secondary school students, but will address them if invited. He has appeared at three Negro schools. The director noted that he does not, however, actively solicit invitations. The reason for this is the limited budget on which the school is operating. He hopes to be given permission to hire a recruiter. The director stated that he makes no effort to keep in touch with white and Negro leaders in the community.

The director of the Opelika School (22 percent Negro enrollment) stated that he or his representatives will speak before school audiences on invitation only. Last year, representatives from Opelika School visited three or four predominantly Negro schools, Darden, Tallapoosa, Auburn and Drake High Schools. Assemblies and career days were attended. An assembly program about the Opelika School was presented at the Randolph County Training School in Roanoke. News media, including the radio are also used.

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Employment experience

The director of the predominantly Negro Trenholm School stated that the employment experience of the few classes that had graduated has been good. Of 51 graduates, 41 or 86 percent are employed in the trade for which they were trained and three in related, but lesser skilled positions. The remainder have left the labor force because of marriage, have gone on to college, or information about them is not available.

The director of the predominantly Negro Tuscaloosa School knew of the employment experience of the 90 students who had graduated since July 1, 1967. Seventy-five students, 83 percent of those who had graduated, are employed; seven students, 7½ percent, are unemployed. Of those who are employed, 68 or 75½ percent are in jobs for which they were trained or in allied jobs; seven students, 7½ percent of the total, are in other jobs. The status of eight graduates is not known.

Some information regarding the employment experience of graduates from the Patterson School is available, although not on the same basis as the information previously described. In the period 1963-1968 there were 580 graduates from the school. Only 318 of these responded to a request for a follow-up report. Of those who thus responded, 238 or 74.5 percent reported they are gainfully employed; the bulk of those employed, 221, are working at skills for which they are trained or in related skills; seven graduates or 7 percent are working at unrelated skills. Information is not available as to the employment status of the remaining 80 who did respond and of the 262 who did not respond.

VOCATIONAL EDUCATION IN SECONDARY SCHOOLS

This section examines vocational education programs offered by public schools in the 16-county area under study. After a brief introduction, this section reviews public school vocational education in school systems located in Butler, Monroe, Dallas, and Clarke Counties.

Public schools in Alabama variously offer: (i) intensive programs of vocational education, (ii) non-intensive programs of vocational education, or (iii) some combination of the two. Individual school systems fashion their own programs, and there is wide variation among school systems in what is offered.

Under *non-intensive* vocational education, vocational courses are taken one period each day, like regular academic subjects. Courses widely offered on this basis in the 16-county area are the following:

(1) *Vocational agriculture*. Originally designed as a course to train high school students for farming, this course has typically been broadened in recent years to include vocational skills useful around the home and farm, with an emphasis on farming practices.

(2) *Vocational home economics*. This course teaches cooking, sewing, home management, and similar skills.

(3) *Business education*. Courses widely offered are typing, shorthand, and bookkeeping.

Two different types of *intensive* vocational education programs, also, are taught in some public secondary schools in the 16-county area.

(1) *Day trades*. Under the day trades vocational program, high school students spend two years studying a specific trade; one half of each school day is devoted to academic courses and the other half to instruction in the trade, conducted in the school. Graduates of this program are qualified to enter their trade after graduation.

(2) *Cooperative education*. As in the day trades program, high school students study a specific trade, generally for two years; the distinctive feature of cooperative education is that the student spends about half each day actually practicing the trade with an employer in the community. Cooperative education programs are, in turn, of two types:

(i) *Industrial cooperative training*. Trades taught in industrial cooperative training are those pertaining to design, manufacture and servicing of goods, and furnishing of technical services.

(ii) *Cooperative distributive education*. This program teaches trades in the field of merchandising.

Prior to the opening of school in the fall, a survey is made of local business establishments to obtain commitments with regard to trainees for industrial cooperative training and cooperative distribution education programs. The matching of a particular student to a particular establishment is worked out on the basis of interviews between the employer and the potential trainee. Since private employers are the source of training, the refusal of white businessmen to hire Negro employees, together with the low number of Negro businesses, have prevented the establishment of cooperative education programs in all but a few Negro high schools in the State.

During fiscal year 1968, the only vocational education offered in the secondary schools of eight⁵ of the 16 counties under study was vocational agriculture and home economics. In the same period, among all of Alabama's 67 counties, only nine others similarly offered only vocational agriculture and home economics.

A. DALLAS COUNTY (SELMA)

In predominantly white Parrish High School,⁶ in Selma, about 1,150, or 75 percent of the students are pursuing college preparatory work. The principal of this school stated that perhaps 800 of these will stay in the program until graduation. In Hudson High, (Negro),⁷ also in Selma, about 500, or 31 percent of the students pursue the college preparatory course of study.

The remaining students in both schools are enrolled in the general course of study and in vocational and commercial courses.

Vocational courses

The vocational courses at the white and Negro schools are similar in certain respects but differ in others.

Business education courses are taught in both high schools. Both schools in Selma have a program of industrial cooperative training. The trades taught in this program at Parrish High include auto mechanic, electrician, auto body and fender repair, medical-technical assistant and X-ray technician. At Hudson High, the trades include mortician, barber, X-ray and laboratory assistant, dental assistant, tailor, auto mechanic, IBM computer training, meat cutting, and nurses' aide.

The coordinator of vocational education at Hudson High further stated that after training in such trades as laboratory assistant, dental assistant, auto mechanic, nurses' aide, cosmetology and office occupations, Negro trainees find it necessary to leave Selma to seek employment elsewhere.

Vocational agriculture is given at predominantly white Parrish High, but not at Hudson High. This program involves one period of instruction each day for four years. In their senior year, students can work for a half day in a training station in agriculture or in a related occupation.

Parrish High has a program of cooperative distributive education; Hudson High does not. The coordinator of vocational education at Hudson High said that he has tried to obtain a cooperative distributive education program but has been unsuccessful. The State authorities informed him, he said, that because there is little employment opportunity for Negro trainees in this type of work in Selma, a program would not be justified.

The students enrolled in this program at Parrish High are in retail and wholesale trade, finance, insurance, real estate, and other fields.

Hudson High has a day trade program whereas Parrish High does not. The trades offered are a preparatory course for office occupations, which includes bookkeeping, typing, shorthand, business mathematics, and English; cosmetology; auto mechanics; trowel trades (bricklaying, cement finishing, and plastering); and occupational home economics, which consists principally of commercial sewing. (The machines for this course were provided by Laura Industries at Selma.) The day trade classes at Hudson High, the coordinator of vocational education said, for the most part are not included among the trades covered in the industrial cooperative training program.

The coordinator of vocational education at Hudson High indicated that separate job surveys are conducted for the industrial cooperative education

⁵ Autauga, Bullock, Choctaw, Hale, Marengo, Perry, Sumter, and Wilcox Counties.

⁶ Enrollment: 1,575 white students; 36 Negro students.

⁷ Enrollment: 1,614 Negro students.

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programs at his school and at Parrish High. He said he contacted both
Negro and white business establishments in his own survey, but that it
was his understanding that the coordinator of vocational education at Parrish
High contacted white establishments only. He stated that the industrial co-
operative training program at Hudson is limited essentially to Negro
establishments in the town of Selma. He has found that few white business
owners were prepared to cooperate with him in accepting trainees for his
program.⁸ Furthermore, he has found that in white establishments the duties
of the Negro trainee frequently deteriorate into cleaning and dusting.

B. MONROE COUNTY (MONROEVILLE)

At predominantly white⁹ Monroe High School about 80 percent of the
graduates go to college. At Union High, (Negro)¹⁰ out of the enrollment
of 721, about 21 percent are pursuing a college preparatory course of study.
Both schools are located in Monroeville.

Vocational courses

Both schools offer vocational agriculture. The courses are more related
to shop skills than to farming. At Union High some welding is taught in
the vocational agriculture course.

Both schools offer home economics. At Union High, the course is divided
between vocational economics for the home and occupational home economics.
The latter course was introduced in 1968.

Both schools provide business education courses in typing, shorthand,
bookkeeping and office practice. The principal of Monroe High said that these
courses at his school do not prepare students for an occupation.

Union High generally offers a full curriculum in commercial courses. The
business education teacher left recently and has not been replaced as yet;
the school therefore is offering at this time only typing, shorthand, and
office practice. Students may take instructional training at the school and
be employed part of the day.

Neither Monroe High nor Union High has a cooperative distributive
education program.

There are significant differences among the vocational offerings at the
schools. Monroe High School has an industrial cooperative training program;
Union High has none. The occupations offered in this program at Monroe
High include, among others, dental assistant, doctor's assistant, home
appliance repair, auto body and fender repair, auto service specialist, and
commercial photographer. No Negro students at Monroe High have applied
for this program.

Union High has a two-year day trades course in brick masonry, whereas
there are no day trade classes at Monroe High. Brick masonry is a tradi-
tional Negro trade in the area.

C. BUTLER COUNTY (GREENVILLE)

Vocational agriculture and home economics are given at both the pre-
dominantly white Greenville High School and the Negro Southside High
School in Greenville. Vocational agriculture, however, is being phased out
at Southside High. Both schools provide business and office education, as a
preparatory course for clerk typist or file clerk. The subjects covered
include typing, shorthand, filing, basic bookkeeping and clerical record
keeping.

Both schools have an industrial cooperative training program. The trades
involved in this program at Southside High include nurses' aide, dry cleaning,

⁸ The coordinator provided the Commission staff investigator with a recapitulation of the
annual survey made in the summer of 1967 for the Hudson industrial education program. The
survey indicates the number of cooperative students needed, and the number of Negro co-
operative students the establishments visited were prepared to take. Fourteen butchers are listed
as needed, but only one Negro trainee will be taken; eight clerks needed, but no Negro trainees
will be taken; 11 telephone operators needed, but no Negro trainees will be taken; seven
cashiers needed, but only one Negro trainee will be taken; 47 nurses needed, but only three
trainees will be taken; 12 bookkeepers needed, but no trainees will be taken; nine laundrymen
needed, but no trainees will be taken. Where the establishments were not prepared to take any
trainees, the director of vocational education at Hudson High said, the reason was that no
Negro trainees were wanted.

⁹ Enrollment: 588 white students; 12 Negro students.

¹⁰ Enrollment: 721 Negro students.

barbering, commercial cooking, dietetic aide and meat cutting. The trades offered in the program at Greenville High include nurses' aide, laboratory and X-ray technician, hospital attendant, auto body and fender repair, auto mechanic, carpentry, electronics, plumbing, drafting, television repair, sheet-metal work, cosmetology, floral design and mortician's assistant.

Both schools have cooperative distributive education programs. However, the size of the programs differ substantially; 44 students are enrolled in the program at Greenville High and seven at Southside High. The trades taught at Greenville High include selling jobs. At Southside High, there are taught selling jobs, but only such as stock clerk and bag boy. The director of vocational education in Butler County stated that some of the small merchants will not accept Negro trainees. He added that the program at Greenville High has been in existence longer than the program at Southside High, and that, therefore, merchants are more familiar with it.

Day trade classes are offered at Southside High but not at Greenville High. These classes were started two years ago. The crafts offered are masonry, carpentry, cosmetology, and auto mechanics. Some students from Austin High School, a Negro school in nearby Georgiana, also attend these classes. The director of vocational education in Butler County stated that, in his judgment, there is a great need for day trade classes in the white high school. An application for a day trade class in mechanical drafting has been submitted. Another submission is to be made for day classes at Greenville High for welding, metal work and plumbing.

Greenville High has a cooperative business and office education program; none is offered at Southside High. This program has the same cooperative feature as the industrial and distributive education programs. The trainees in the business and office education program are in the following kinds of offices: insurance, law office, hospital and doctor's clinic, tractor company, auto dealer, bank, utility and credit bureau.¹¹

D. CLARKE COUNTY

Clarke County offers its students few vocational education courses. There are six secondary schools in the county: Wilson Hall, Clarke County Training School, and Harper High which are all-Negro schools, and Clarke County High School, Coffeerville High School and Jackson High School, which are predominantly white schools.

Vocational offerings

In both the white and the Negro schools in Grove Hill, vocational agriculture, home economics, and commercial courses are given.

The commercial courses taught include business education, typing, stenography, bookkeeping and business law. Unlike vocational agriculture and home economics, the county receives no reimbursement for the salaries of the teachers in the commercial courses.

At both the white and the Negro schools in Coffeerville, the vocational offerings are the same: vocational agriculture, home economics and business education.

In Jackson a significant difference exists between the vocational course offerings. The white school, Jackson High, has industrial cooperative and distributive education programs; the Negro school, Harper High, has neither.

There are no cooperative training programs at any of the other schools in the county.

The trades covered in the industrial cooperative training program at Jackson High include auto mechanics, machine shop practice, radio and television repair, cosmetology, nurse's aide, appliance repair and dry cleaning. The establishments covered in cooperative distributive education include supermarkets, appliance stores, dry goods and apparel, food service and others.

Jackson High has, in addition to the above programs, vocational agriculture, home economics and commercial courses. Harper High, the Negro

¹¹ Apart from the in-school training described in the text, a one year post-graduate course is being given for Licensed Practical Nurse. The first class consisted of 12 students, 10 white and two Negroes. Of the 12, all of whom completed the course, nine passed the State examination; seven white and two Negro. Six whites and two Negroes are enrolled in the course at present.

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and meat cutting. The trades include nurses' aide, laboratory body and fender repair, auto drafting, television repair, sheet-metal technician's assistant.

education programs. However, 44 students are enrolled in the night school. The trades taught at the night school, there are taught at the night school. The director of the program at the night school added that the program at the night school is more familiar with it.

at the night school but not at Greenville High. The crafts offered are masonry, carpentry, and some students from Austin, Texas, also attend these classes. The director of the program at the night school stated that, in his opinion, the trade classes in the white high schools in mechanical drafting has been made for day classes at Greenville.

and office education program; the program has the same cooperative education programs. The trainees who are in the following kinds of programs: doctor's clinic, tractor company,

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in Grove Hill, vocational agriculture courses are given. The courses are business education, typing, stenography, like vocational agriculture and reimbursement for the salaries of

in Coffeetown, the vocational agriculture, home economics and business

between the vocational course and the industrial cooperative and night school, Harper High, has

at any of the other schools

cooperative training program at the night school, machine shop practice, radio and television repair and dry cleaning. The distributive education include the night school and apparel, food service and

ove programs, vocational agriculture courses. Harper High, the Negro

text, a one year post-graduate course was consisted of 12 students, 10 white and 2 Negroes. In the course, nine passed the State examination. Two Negroes are enrolled in the course at

school, has home arts and commercial courses but no vocational agriculture. The superintendent of education in Clarke County said that a request has been made for a unit of vocational agriculture at Harper High.

TABLE I.—*Shelton State Technical Institute, Tuscaloosa, Ala., February 1968*
[Tuscaloosa County]

Date school opened	October 1953
Total enrollment	371
Day students	332
Full-time day students	305
Half-time high school day	27
Half-time night students	39
Number of Negro students	35-45
Day	25-30
Night	10-15
Total number of instructors	25-26
Number of Negro instructors	0
Counties served: Greene, Hale, Bibb, Tuscaloosa (Except northern one-fifth), Pickens (one-half), Sumter (upper half)	

Courses	Enrollment	Number of Negroes
Autobody and fender repair	12	Some
Automotive mechanics	33	Some
Barbering	10	Some
Cabinet making	27	Some
Clerical	No course	No course
Cosmetology	31	Some
Data processing	23	1 or 2
Diesel mechanics	10	Some
Electronics technician	42	None
Machine shop practice	20	None
Mechanical drafting and design technology	16	Some
Practical electricity	36	Some
Practical nursing	20	Some
Radio and TV repair (night only)	12	None
Refrigeration repair and air conditioning	14	None
Stenography	45	Some
Upholstering	No course	No course
Welding	19	None

TABLE Ia.—*Tuscaloosa State Trade School, Tuscaloosa, Ala., February 1968*
[Tuscaloosa County]

Date school opened	October 1965
Total enrollment	205
Day students	1 205
Full-time day students	205
Half-time high school day	None
Half-time night students	None
Number of Negro students	205
Day	205
Night	None
Total number of instructors	13
Number of Negro instructors	13
Counties served: Tuscaloosa, Pickens, Sumter, Greene, Hale, Bibb, Fayette, Thomas, Marengo, Perry, Walter	

Courses	Enrollment
Autobody and fender repair	17
Automotive mechanics	35
Barbering	No course
Cabinet making	No course
Clerical	9
Cosmetology	17
Data processing	No course
Diesel mechanics	No course
Electronics technician	No course
Machine shop practice	No course
Mechanical drafting and designing technology	No course
Practical electricity	21
Practical nursing	15
Radio and TV repair	16
Refrigeration repair and air conditioning	10
Stenography (Business education) ²	43
Upholstering	22
Welding	No course

¹ Six part-time day students are included who are veterans and who are enrolled in the automotive mechanics course. These students have part-time jobs and wish to take part of the training at a time.

² Business education at the Tuscaloosa School includes typing, bookkeeping, shorthand, accounting, business English, business mathematics and office procedures and practices.

TABLE II.—*John M. Patterson Vocational-Technical School, Montgomery, Ala., February 1968*
[Montgomery County]

School began to operate.....	September 1962
Total enrollment.....	332
Full time day students.....	332
Number of night students.....	0
Number of Negro students.....	15
Total number of instructors.....	29
Number of Negro instructors.....	0
Counties served: Montgomery, Elmore, Pike, portions of Autauga, Chilton, Lowndes and Crenshaw	

Courses	Enrollment	Number of Negroes
Acetylene and electric welding.....	12	2
Autobody and fender repair.....	13	None
Automotive mechanics.....	18	1
Automotive and furniture upholstery.....	11	3 or 4
Barbering.....	15	None 2
Brick masonry.....	No course	No course
Carpentry and building construction.....	No course	No course
Commercial sewing.....	No course	No course
Cosmetology.....	40	None
Data processing: 1		
Computer programmer.....	13	None
IBM.....	12	None
Electricity.....	15	None
Electronics technician.....	22	None 3
Gasoline and diesel farm and industrial equipment.....	12	None
Machine shop.....	14	2
Mechanical drafting and design technology.....	15	None
Offset duplicating technology.....	14	4
Practical nursing.....	30	3
Radio and TV repair.....	17	None
Refrigeration and air conditioning.....	19	None
Secretarial (includes general clerical and junior accounting).....	23	None 5
Watch repair.....	12	None 6

1 The course for computer programmer is said to be a more sophisticated course than the IBM operations course.
 2 One Negro applied for the course, was accepted, was placed on the waiting list to be called in as soon as a vacancy is created by a graduate from the course.
 3 The course started with two Negroes in it but they were dropped because they could not keep up with the work. An entrance examination is given to applicants. Ten Negro applicants took the test and two passed. These two, as indicated, were subsequently dropped.
 4 A Negro applicant was accepted for the course and was asked to come in but he has not shown up as yet.
 5 Three or four Negroes applied, were accepted and called in but have not shown up as yet.
 6 The papers for a Negro applicant are being cleared. As soon as this is accomplished, he will be able to enter the course by Monday, Mar. 25, 1968.

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TABLE II-a.—Harper Council Trenholm State Technical School,
Montgomery, Ala., February 1968

[Montgomery County]

	September 1962	August 1966
School began to operate	332	334
Total enrollment	332	334
Full time day students	0	334
Number of night students	15	0
Number of Negro students	28	1 333
Total number of instructors	0	19
Number of Negro instructors	0	18

Counties served: The effective service area radius in addition to Montgomery, includes Dallas, Autauga, Lowndes, Butler, Crenshaw, Pike and Macon and Elmore ²

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Enrollment	Number of Negroes
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13	None
18	1
11	3 or 4
15	None 2
No course	No course
No course	No course
No course	No course
40	None
13	None
12	None
15	None
22	None 3
12	None
14	2
15	None
14	4
30	3
17	None
19	None
23	None 5
12	None 6

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As soon as this is accomplished, he will

Courses	Enrollment
Acetylene and electric welding	No course
Autobody and fender repair	32
Automotive mechanics	32
Automotive and furniture upholstery	No course
Barbering	No course
Brick masonry	20
Carpentry and building construction	14
Commercial sewing	21
Cosmetology	30
Data processing: 3	
Computer programmer (Unit record)	15
IBM operations (Computer training)	22
Electricity (Industrial electricity)	20
Electronics technician	20
Gasoline and diesel farm and industrial equipment	No course
Machine shop	No course
Mechanical drafting and design technology	No course
Offset duplicating technology	No course
Practical nursing	16
Radio and TV repair	20
Refrigeration and air conditioning	21
Secretarial (includes general clerical and junior accounting) (Business education)	24
Watch repair	No course

¹ The single white student was referred from the Patterson School. He wanted to train in masonry. The Trenholm School is the only school in the area offering such course.

² The service area listed in the School's catalog includes these additional counties: Coosa, Tallapoosa, Chambers, Lee, Russell, Bullock, Barbour, Covington, Coffee, Dale, Henry, Geneva and Houston.

³ The course for computer programmer is said to be a more sophisticated course than the IBM operations course.

TABLE IV.—Hobson State Technical Institute, Thomasville, Ala.,
January-February 1968

[Clarke County]

Date school opened.....	December 1966
Total enrollment.....	142
Full time day students.....	114 ¹
Number of evening students.....	0
Number of Negro students.....	1
Total number of instructors.....	13
Number of Negro instructors.....	0
Counties served: Clarke, Marengo, Choctaw, Washington, ¼ of Monroe, ½ of Wilcox and ½ of Sumter	0

Courses	Enrollment	Number of Negroes
Autobody and fender repair.....	9	None
Automotive mechanics.....	10	None
Business education.....	27	None
Cabinet making.....	No course	No course
Cosmetology.....	32	None
Data processing.....	11	None
Diesel heavy equipment repair.....	No course	No course
Electronics.....	No course	No course
Electricity.....	4	None
Machine shop technology.....	No course	No course
Mechanical drafting.....	No course	No course
Practical nursing.....	10	None
Radio and TV repair.....	10	None
Refrigeration and air conditioning.....	13	None
Textile technology.....	No course	No course
Welding.....	16	1

¹ The Director of the School stated that a number of students are brought to the School for vocational work in the morning and are returned to their school for academic work in the afternoon. The number of such students is not known.

TABLE IVa.—William Rufus King State Vocational Technical School,
Selma, Ala., January-February 1968

[Dallas County]

Date school opened.....	March 1966
Total enrollment.....	139
Full time day students.....	139
Number of evening students.....	0
Number of Negro students.....	7
Total number of instructors.....	14
Number of Negro instructors.....	0
Counties served: Dallas, Perry, west ¼ Chilton, northeast ¼ Wilcox, West ½ Lowndes, west ½ Autauga	0

Courses	Enrollment	Number of Negroes
Autobody and fender repair.....	11 or 12	0
Automotive mechanics.....	11 ¹	0
Business education.....	30	0
Cabinet making.....	No course	No course
Cosmetology.....	22	0
Data processing.....	No course	No course
Diesel heavy equipment repair.....	18	0
Electronics.....	No course	No course
Electricity.....	10	0
Machine shop technology.....	No course	No course
Mechanical drafting (technical).....	18	0
Practical nursing.....	7	4
Radio and TV repair.....	11	0
Refrigeration and air conditioning.....	12	1
Textile technology.....	No course	No course
Welding.....	13	0

¹ Up to a few weeks ago one Negro was enrolled in the course but he was dropped because of an excessive number of absences. The Director of the School said that had the Negro been a white boy, he would have been dropped sooner.

Date school
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Total numbe
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Textile techn
Upholstery
Welding

¹ Includes
² Students
with accoun
³ One Ne
automatic c
investigator
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signed requ

Institute, Thomasville, Ala.,
1968

TABLE V.—Opelika State Vocational Technical Institute,
Opelika, Ala., February–March 1968

[Lee County]

Date school opened.....	January 1966
Total enrollment.....	400
Full time day students.....	400
Number of evening students.....	Not known
Number of Negro students.....	About 60
Total number of instructors.....	32
Number of Negro instructors.....	0

Counties served: Lee, Chambers, Tallapoosa, Macon and portions of Russell, Randolph and Clay.

December 1966	
142	
1 142	
0	
1	
13	
0	

1/4 of Monroe, 1/2 of Wilcox and 1/2 of

Enrollment	Number of Negroes
9	None
10	None
27	None
No course	No course
32	None
11	None
No course	No course
No course	No course
4	None
No course	No course
No course	No course
10	None
10	None
13	None
No course	No course
16	1

students are brought to the School for their school for academic work in the

Vocational Technical School,
February 1968

March 1966	
139	
139	
7	
14	
0	

at least 1/4 Wilcox, West 1/2 Lowndes, west

Enrollment	Number of Negroes
11 or 12	0
11 1	0
30	0
No course	No course
22	0
No course	No course
18	0
No course	No course
10	0
No course	No course
18	0
7	4
11	0
12	1
No course	No course
13	0

the course but he was dropped because the School said that had the Negro been a

Courses	Enrollment	Number of Negroes
Autobody and fender repair.....	16	5
Automotive mechanics (technician).....	35	4 or 5
Business education.....	85-100	25-30
Cabinet making.....	18	4-6
Cosmetology.....	40	0
Data processing.....	55	About 5
Diesel heavy equipment repair.....	No course	No course
Electronics (technology).....	22	Maybe 1
Electricity (industrial).....	17	About 3
Machine shop technology.....	22	1 or 2
Mechanical drafting (and design).....	22	2
Practical nursing.....	20	14 or 15
Radio and TV repair.....	16	About 3 or 4
Refrigeration and air conditioning.....	38	About 3-5
Textile technology.....	32	Don't know
Upholstery.....	16	4
Welding.....	About 20	8

TABLE Va.—Ed. E. Reid State Trade School, Evergreen, Ala.,
February–March 1968

[Conecuh County]

Date school opened.....	October 1966
Total enrollment.....	1 150
Full time day students.....	150
Number of evening students.....	0
Number of Negro students.....	25
Total number of instructors.....	12
Number of Negro instructors.....	0

Counties served: Conecuh, Monroe, Escambia and south and west Butler County

Courses	Enrollment	Number of Negroes
Autobody and fender repair.....	6	4
Automotive mechanics.....	10	6
Business education.....	17	0 3
Cabinet making.....	No course	No course
Cosmetology.....	21	0
Data processing (automatic).....	19 2	0
Diesel heavy equipment repair.....	No course	No course
Electronics.....	28	4
Electricity.....	8	0
Machine shop technology.....	No course	No course
Mechanical drafting.....	No course	No course
Practical nursing.....	12	2
Radio and TV repair.....	8	1
Refrigeration and air conditioning.....	9	0
Textile technology.....	No course	No course
Upholstery.....	No course	No course
Welding.....	21	5

¹ Includes one part-time day student.

² Students in automatic data processing also take those parts of business education dealing with accounting, business mathematics and business law but not typing and stenography.

³ One Negro was enrolled in the business education course (preparatory to going into the automatic data processing course) until the morning of the day on which the Commission's investigator conducted the interview with the Director of the School. The Negro student transferred to autobody and fender repair. The Commission investigator was shown the student's signed request for the transfer.

TABLE Vb.—*Chauncey Sparks State Trade School, Eufaula, Ala., February–March 1968*

[Barbour County]

Date school opened.....	Not known
Total enrollment.....	140
Full time day students.....	Not known
Number of evening students.....	Not known
Number of Negro students.....	31
Total number of instructors.....	12
Number of Negro instructors.....	0
Counties served: Barbour, eastern half of Bullock, southern half of Russell, upper 1/3 of Henry	

Courses	Enrollment	Number of Negroes
Autobody and fender repair.....	8	2
Automotive mechanics.....	10	3
Business education.....	34	12
Cabinet making.....	No course	No course
Cosmetology.....	16	0
Data processing.....	No course	No course
Diesel heavy equipment repair.....	No course	No course
Electronics.....	7	2
Electricity.....	13	0
Machine shop technology.....	No course	No course
Mechanical drafting.....	8	0
Practical nursing.....	21	10
Radio and TV repair.....	6	2
Refrigeration and air conditioning.....	5	0
Textile technology.....	No course	No course
Upholstery.....	No course	No course
Welding.....	10	0

TABLE VI.—*Vocational Offerings in Secondary Schools in Monroeville, Ala., February 1968*

[Monroe County]

	Monroe County High School	Union High School
Total enrollment in school.....	600	721
Number of Negroes.....	12	721
Vocational courses:		
Is vocational agriculture taught?.....	Yes	Yes
Number enrolled.....	About 90	100
Is home economics taught?.....	Yes	Yes
Number enrolled.....	About 90	81 (Vocational home) 46 (Occupational home)
Are commercial courses taught?..... (typing, shorthand, bookkeeping?)	Yes	Yes
Number enrolled.....	100	107
Is there an industrial cooperative education program?.....	Yes	No
Number enrolled.....	About 30	None
Trades involved.....	Dental assistant Doctor's assistant Home appliance repair Autobody repair Auto mechanics Auto service specialist Carpentry and residential construction	Commercial photography Printing and book binding Shoe repair Meat cutting Tractor and farm machinery mechanics Others
Is there a cooperative distributive program?.....	No	No
Number enrolled.....	None	None
Trades involved.....	None	None
Are there day trade classes?.....	No	Yes
Number enrolled.....	None	38
Trades involved.....	None	Brick masonry
Is there a cooperative business and office education program?.....	No	No
Number enrolled.....	None	None
Trades involved.....	None	None

TABL

Total enr
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3 See d

TABLE VIa.—Vocational Offerings in Secondary Schools in Selma, Ala., February 1968

[Dallas County]

-----	Not known
-----	140
-----	Not known
-----	Not known
-----	31
-----	13
-----	0
ern half of Russell, upper 1/3 of Henry	

Enrollment	Number of Negroes
8	2
10	3
34	12
No course	No course
16	0
No course	No course
No course	No course
7	2
13	0
No course	No course
8	0
21	10
6	2
5	0
No course	No course
No course	No course
10	0

ry Schools in Monroeville, Ala.,

County School	Union High School
	721
	721
	Yes
	100
	Yes
	81 (Vocational home)
	46 (Occupational home)
	Yes
	107
	No
	None
	Commercial photography
	Printing and book binding
	Shoe repair
	Meat cutting
	Tractor and farm machinery mechanics
	Others
	No
	None
	None
	Yes
	38
	Brick masonry
	No
	None
	None

	A. G. Parrish High School	R. B. Hudson High School
Total enrollment in school	1,611	1,614
Number of Negroes	36	1,614
Vocational courses:		
Is vocational agriculture taught?	Yes	No
Number of enrolled	About 50 ¹	None
Is home economics taught?	No	Yes
Number enrolled	None	41 ³ (Occupational home)
Are commercial courses taught? (typing, shorthand, bookkeeping?)	Yes	Yes
Number enrolled	48 ²	35
Is there an industrial cooperative education program?	Yes	Yes
Number enrolled	21	24
Trades involved	Auto mechanics Electrician Autobody and fender Medical technical assistant X-ray technician	Mortician Barber X-ray assistant Laboratory assistant Dental assistant Auto mechanic IBM computer training Meat cutting Nurses' aide No
Is there a cooperative distributive program?	Yes	No
Number enrolled	29	None
Trades involved	Selling goods in wholesale and retail stores, service and service trades	None
Are there day trade classes?	No	Yes
Number enrolled	None	186
Trades involved	None	Office occupations Cosmetology Auto mechanics Trowel trades (bricklaying, cement finishing, plastering) Occupational home economics
Is there a cooperative business and office education program?	Yes	No
Number enrolled	12	None
Trades involved	Not available	None

¹ Eighteen girls are also taking floral cutting. A student in the vocational agriculture course in his senior year may work in a training station for half a day in an agriculturally related occupation. Two students are involved in this cooperative training aspect.

² See the cooperative business and office education program. There are 36 students in their junior year. In the senior year students are given institutional training but may also work on the job.

³ See day trades.

TABLE VII.—Vocational Offerings in Secondary Schools in Greenville, Ala., February 1968

[Butler County]

	Greenville High School	Southside High School
Total enrollment in school.....	About 580	580
Number of Negroes.....	0	530
Vocational courses:		
Is vocational agriculture taught?	Yes	Yes
Number enrolled	82	117
Is home economics taught?.....	Yes	Yes
Number enrolled	193	245
Are commercial courses taught?	Yes ¹	Yes ¹
Number enrolled	51	45-48
Is there an industrial cooperative education program?	Yes	Yes
Number enrolled	37	23
Trades involved	Nurses' aide Laboratory technician X-ray technician Hospital attendant aide Autobody and fender Auto mechanic Aircraft operation Carpentry Electrician Plumbing Draftsman TV repair Sheet metal Cosmetology Floral design Mortician's assistant	Nurses' aide Dry cleaning Barbering Commercial cooking Dietetic aide Meat cutting
Is there a cooperative distributive education program?	Yes	Yes
Number enrolled	44	7
Trades involved	Sales people in men's clothing, shoes, ladies clothing stores, cosmetic department, etc. Service station attendant, parts department, grocery and general merchandise stores, etc.	Stock clerk and bag boy in department stores, grocery stores, parts department
Are there day trade classes?.....	No	Yes
Number enrolled	None	97
Trade involved	None	Masonry Carpentry Cosmetology Auto mechanics
Is there a cooperative business and office education program?	Yes	No
Number enrolled	15	None
Trades involved	Business and office work in insurance establishments, attorney's office, hospital and doctor's clinic, tractor company, bank and others	None

¹ Called business and office education, a preparatory course.

TABLE VIII.—

Total enrollment	Number of
Vocational courses	Is vocational
	Number
	Is home econ
	Number
	Are commerc
	Number
	Is there an
	education
	Number
	Trades i
	Is there a
	education prog
	Number
	Trades i
	Are there da
	Number
	Trades i

¹ Home arts is is not reimbursed by Department of Education

TABLE VIIIa.—

Total enrollment	Number of N
Vocational course	Is vocational
	Number
	Is home econ
	Number
	Are commerc
	Number
	Is there an i
	education p
	Number
	Trades i
	Is there a co
	education p
	Number
	Trades i
	Are there da
	Number
	Trades i

Schools in Greenville, Ala.,

School	Southside High School
	580
	580
	Yes
	117
	Yes
	245
	Yes ¹
	45-48
	Yes
	23
	Nurses' aide
	Dry cleaning
	Barbering
	Commercial cooking
	Dietetic aide
	Meat cutting

	Yes
	7
	Stock clerk and bag boy in department stores, grocery stores, parts department
	Yes
	97
	Masonry
	Carpentry
	Cosmetology
	Auto mechanics
	No
	None
	None
	work in ments, ospital, trac- k and

TABLE VIII.—Vocational Offerings in Secondary Schools in Grove Hill, Ala., March 1968

[Clarke County]

	Clarke County High School	Wilson Hall High School
Total enrollment in school.....	801	1,041
Number of Negroes.....	6	1,041
Vocational courses:		
Is vocational agriculture taught?..	Yes	Yes
Number enrolled.....	Not available	Not available
Is home economics taught?.....	Yes	Yes ¹
Number enrolled.....	Not available	Not available
Are commercial courses taught?.....	Yes	Yes
Number enrolled.....	Not available	Not available
Is there an industrial cooperative education program?	No	No
Number enrolled.....	None	None
Trades involved.....	None	None
Is there a cooperative distributive education program?	No	No
Number enrolled.....	None	None
Trades involved.....	None	None
Are there day trade classes?.....	No	No
Number enrolled.....	None	None
Trades involved.....	None	None

¹ Home arts is taught rather than home economics. This means that the cost of the teacher is not reimbursed by the State because the teaching unit is not approved by the State Department of Education.

TABLE VIIIa.—Vocational Offerings in Secondary Schools in Coffeeville, Ala., March 1968

[Clarke County]

	Coffeeville High School	Clarke County Training School
Total enrollment in school.....	228	429
Number of Negroes.....	0	429
Vocational courses:		
Is vocational agriculture taught?..	Yes	Yes
Number enrolled.....	Not available	Not available
Is home economics taught?.....	Yes	Yes
Number enrolled.....	Not available	Not available
Are commercial courses taught?.....	Yes	Yes
Number enrolled.....	Not available	Not available
Is there an industrial cooperative education program?	No	No
Number enrolled.....	None	None
Trades involved.....	None	None
Is there a cooperative distributive education program?	No	No
Number enrolled.....	None	None
Trades involved.....	None	None
Are there day trade classes?.....	No	No
Number enrolled.....	None	None
Trades involved.....	None	None

TABLE VIIIb.—*Vocational Offerings in Secondary Schools in Jackson, Ala.,
March 1968*

[Clarke County]

	Jackson High School	Harper High School
Total enrollment in school.....	639	1,124
Number of Negroes.....	27	1,124
Vocational courses:		
Is vocational agriculture taught?..	Yes	No
Number enrolled	Not available	None
Is home economics taught?.....	Yes	Yes ¹
Number enrolled	Not available	Not available
Are commercial courses taught?....	Yes	Yes
Number enrolled	Not available	Not available
Is there an industrial cooperative education program?	Yes	No
Number enrolled	About 14	None
Trades involved	Auto mechanics Radio & TV repair Nurses' aide Dry cleaning Machine shop practice Cosmetology Appliance repair	None
Is there a cooperative distributive education program?	Yes	No
Number enrolled	32	None
Trades involved	In supermarkets: stock, price and pack and bag merchandise; in dry goods and apparel—sell; in restaurants and cafes —serve food, clean up	None
Are there day trade classes?.....	No	No
Number enrolled	None	None
Trades involved	None	None

¹ Home arts is taught rather than home economics. This means that the cost of the teacher is not reimbursed by the State because the teaching unit is not approved by the State Department of Education.

STATE



Authori

ary Schools in Jackson, Ala.,

HARPER COUNCILL TRENHOLM STATE VOCATIONAL TECHNICAL SCHOOL Montgomery, Alabama

gh School	Harper High School
	1,124
	1,124
	No
	None
	Yes 1
	Not available
	Yes
	Not available
	No
	None
s pair	None
practice	
ir	No
	None
	None
ets: stock, ack and bag ; in dry pparel—sell; ts and cafes clean up	No None None

is means that the cost of the teacher
is not approved by the State Depart.



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GENERAL CATALOG

1967-68

Harper Council Trenholm State Vocational
Technical School is a state-supported institution.

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Harper Council Trenholm State Vocational Technical School
reserves the right to make changes in the offerings and
regulations announced in this publication as
circumstances may require.

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ADMINISTRATIVE STAFF



MR. L. W. SMILEY, DIRECTOR

- Mr. M. D. Smiley.....Assistant Director
- Mr. F. D. Burks.....Business Manager
- Mrs. Edrice C. Thomas.....Clerk-Stenographer
- Mrs. Mamie Flowers.....Clerk-Typist
- Mrs. Ann R. Smith.....Clerk-Typist
- Mr. Ernest Sharpe.....Buildings and Grounds Superintendent

INSTRUCTIONAL STAFF

Mr. James Bates.....	Automobile Body and Fender Repair	August
Mr. Sherman McMillan.....	Automobile Mechanics	September
Mr. Herbert Sharpe.....	Automobile Mechanics	October
Mr. Issac Bracey.....	Brick Masonry	October
Mrs. Bennye B. Reasor.....	Business Education	November
Mrs. Arcadia C. Tate.....	Business Education	November
Mr. Julius J. Alexander.....	Carpentry and Building Construction	November
Mrs. Margaret B. Beverly.....	Commercial Sewing	December
Mrs. Clarissa Chambliss.....	Cosmetology	January
Mrs. Gladys Laster.....	Cosmetology	January
Mr. Horace Coursey.....	Data Processing	February
Mr. James Howard.....	Data Processing	February
Mr. Melvin Flowers.....	Electronic Technology	March
Mr. James Pierce.....	Industrial Electricity	March
Mrs. Virginia Bell.....	Practical Nursing	April
Mrs. Yvonne L. Caple.....	Practical Nursing	May
Mr. William Singleton.....	Radio and Television Repair	May
Mr. Thomas J. Henry.....	Refrigeration and Air-Conditioning	June
		June
		July
		July
		August
		August
		August

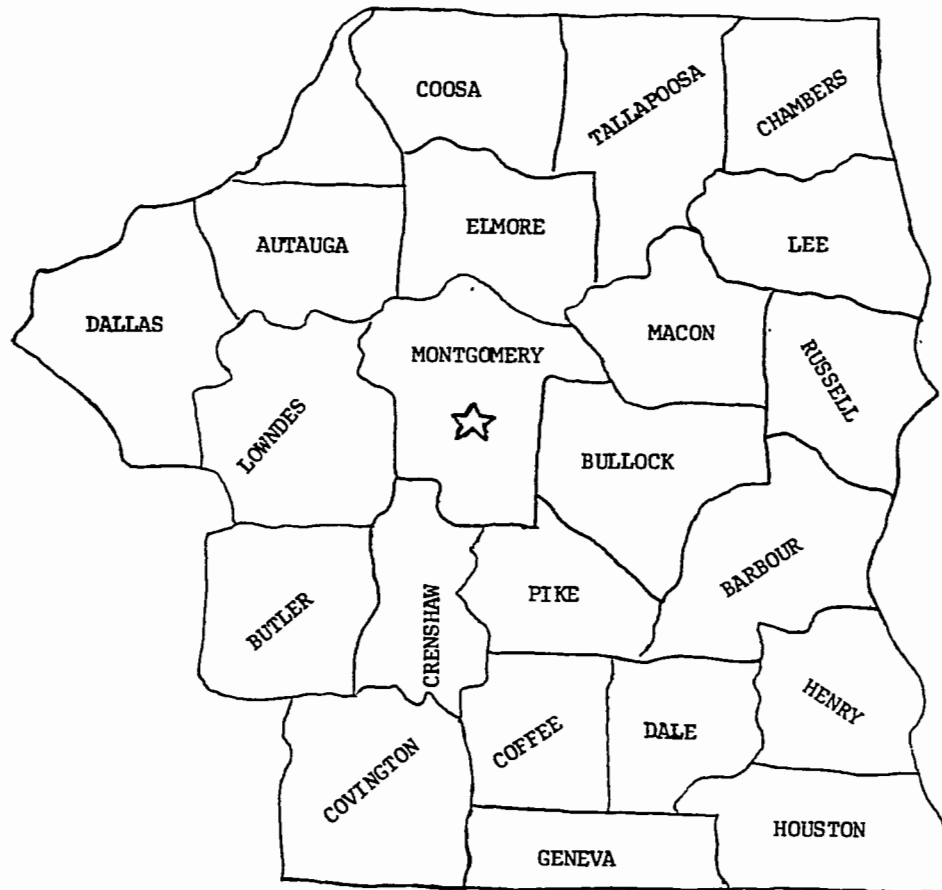
STAFF

Body and Fender Repair
 Automobile Mechanics
 Automobile Mechanics
 Brick Masonry
 Business Education
 Business Education
 and Building Construction
 Commercial Sewing
 Cosmetology
 Cosmetology
 Data Processing
 Data Processing
 Electronic Technology
 Industrial Electricity
 Practical Nursing
 Practical Nursing
 Radio and Television Repair
 tion and Air-Conditioning

CALENDAR FOR 1967-1968

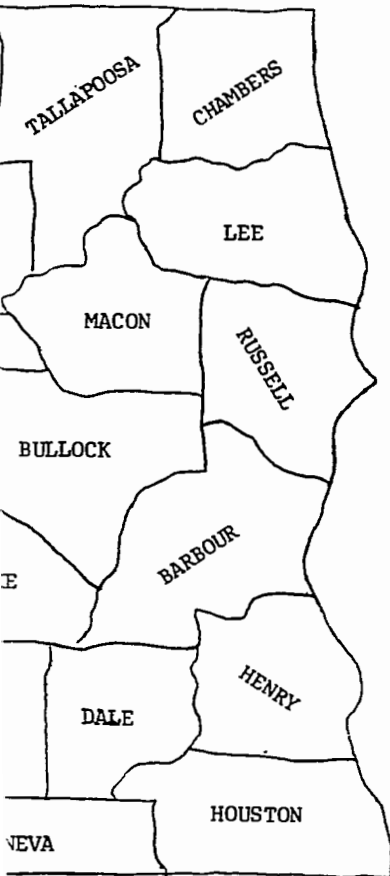
August 28, 1967.....First Period Begins
 September 4, 1967.....Labor Day
 October 6, 1967.....First Period Ends
 October 9, 1967.....Second Period Begins
 November 17, 1967.....Second Period Ends
 November 20, 1967.....Third Period Begins
 November 23, 24, 1967.....Thanksgiving Holidays
 December 16, 1967 through January 1, 1968...Christmas Holidays
 January 12, 1968.....Third Period Ends
 January 15, 1968.....Fourth Period Begins
 February 23, 1968.....Fourth Period Ends
 February 26, 1968.....Fifth Period Begins
 March 14, 15, 1968.....ASTA Meeting
 March 29, 1968.....Fifth Period Ends
 April 1, 1968.....Sixth Period Begins
 May 10, 1968.....Sixth Period Ends
 May 13, 1968.....Seventh Period Begins
 June 21, 1968.....Seventh Period Ends
 June 24, 1968.....Eighth Period Begins
 July 4, 1968.....Independence Day
 July 15-26, 1968.....Summer Vacation
 August 16, 1968.....Graduation
 August 19-23, 1968.....Workshop and Conference
 August 26, 1968.....First Period Begins

MAP SHOWING AREA SERVED BY THE SCHOOL

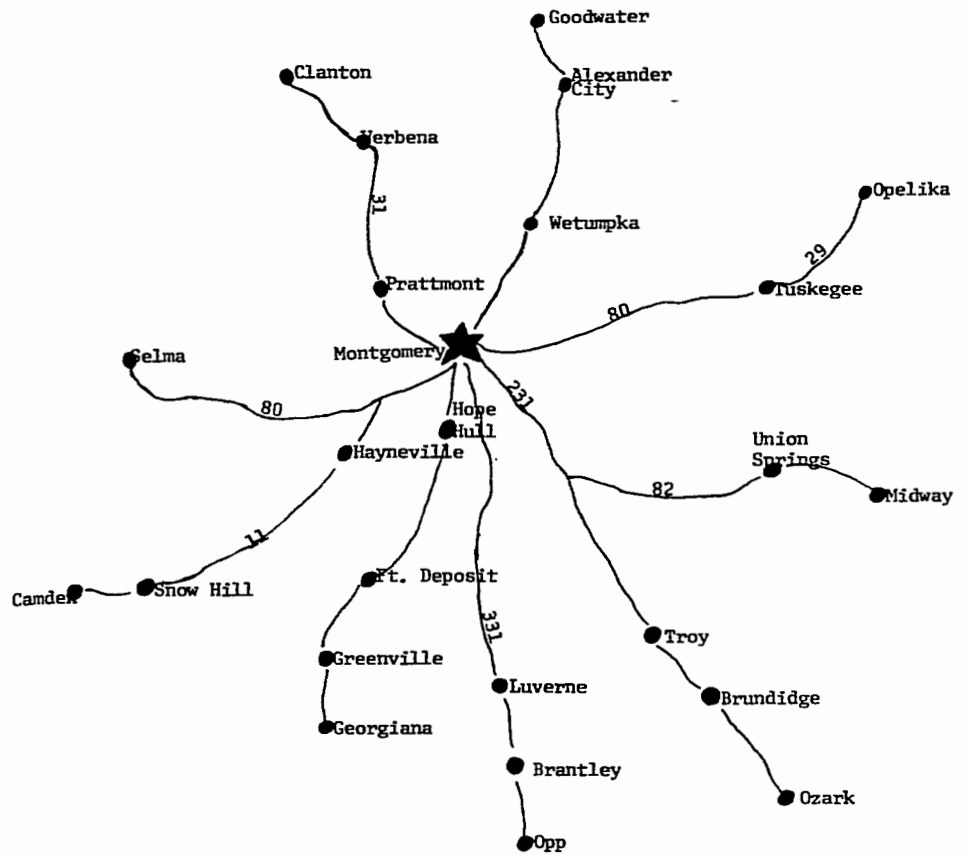


Camden

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MAP SHOWING SCHOOL BUS ROUTES



The map shows the number of bus routes, starting points, and towns on the route.

HISTORY

The Harper Council Trenholm State Vocational and Technical School in Montgomery, one of the many trade schools erected during Governor George C. Wallace's administration, is located on one of the most attractive sites in Central Alabama. The thirty-five acres of beautiful terrain at 1225 Air Base Boulevard is an ideal spot for a growing campus. Situated on the East side of U.S. 31 By-Pass, the school is easily accessible to all freeways entering Montgomery.

The establishment of the school was authorized by the Alabama Legislature under Act No. 93 during the administration of Dr. A. R. Meadows, State Superintendent of Education and Mr. J. F. Ingram, Director, Division of Vocational Education. Construction was begun on this plant layout, comprising six buildings, August 19, 1965 and completed August 8, 1966 at a cost of approximately one and a quarter million dollars. The City of Montgomery and the Montgomery County Board of Revenue made a contribution of \$40,000 each toward the construction of the cafeteria. As a result of these contributions, the cafeteria was approved and included in the State's plan.

The air-conditioned facilities include an administration building, cafeteria-auditorium, and four shop buildings. The well-equipped classrooms and shops are designed to accommodate approximately 300 students. Classes began August 15, 1966.

The school is named for the late Dr. Harper Council Trenholm, a past president of Alabama State College. It serves twenty-three surrounding counties in Central and Southeast Alabama. Students are transported at public expense by a fleet of ten school buses.

Mr. Lucious W. Smiley, who was Assistant Supervisor of Vocational Education for the State of Alabama, was appointed Director of the new school February 1, 1965. Mr. Smiley is ably assisted by a staff of thirty-three, including eighteen instructors. All instructors have received special training and vocational experience in the areas in which they teach.

OBJECTIVES

The Trenholm State Vocational and Technical School aims to provide a program of instruction for out-of-school youth and adults which will combine and coordinate related instruction with field, shop laboratory, cooperative work, or other experiences to fit individuals for gainful employment in the vocational and technical areas included in the curriculum.

It places primary emphasis upon assisting people in choosing a suitable trade, industrial, or technical occupation; pre-

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paring themselves for it; gaining advantageous entry into it; and making satisfactory progress in it. It is intended to serve those who want it, need it, can profit by it, and will use it in useful and productive work.

In recognition of society's responsibility to its citizens and the individual's responsibility to society, the school aims to develop abilities and skills essential for constructive functioning in a democratic society.

COURSE OFFERINGS

Automobile Body and Fender Repair
Automobile Mechanics
Brick Masonry
Business Education
Carpentry and Building Construction
Commercial Sewing
Cosmetology
Data Processing
Electronic Technology
Industrial Electricity
Practical Nursing
Radio and Television Repair
Refrigeration and Air-Conditioning

ENTRANCE REQUIREMENTS

The school is a co-educational institution. Requirements will vary, however, according to the particular course chosen. An applicant should be in good health and possess aptitudes, interests, and education that indicate his ability to profit from the instruction given by the school.

ELIGIBILITY

1. Enrolling students must be 16 years of age or over.
2. High school graduates (or persons having high school equivalency ratings) are preferred. Non-graduates may be enrolled if they are at least 16 years of age and have not attended school for a period of nine months.

PROCEDURES

1. Applicants should visit the school in person to secure application forms. When this is impossible, application forms will be mailed upon request.
2. An application form should be submitted to the Office of the Director. All items on the form should be filled in completely and the form notarized as requested.

3. A recent photograph should be attached to the form as requested.
4. A transcript of the applicant's school record must be furnished by the school last attended.
5. After the applicant is notified of his acceptance and given instructions by the school, he must visit the Business Office to make financial arrangements and complete registration forms.

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VETERANS, EDUCATIONAL ACTS DEPENDENTS, STATE REHABILITATION

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Persons qualifying for training under special federal and/or vocational programs may attend this institution. Further information may be obtained from the Office of the Director.

LIBRARY

An adequate and up-to-date library is maintained in each department.

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CAFETERIA

Wholesome and appetizing lunches will be served daily at a minimum cost to students. All meals are served on a non-profit basis.

Refreshments are available in the cafeteria before school and during "breaktime," and various vending machines are located on the campus for the convenience of students.

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STUDENT EXPENSE

The Trenholm State Trade School receives a substantial amount of its operating funds from the state. Therefore, the cost to the student is nominal.

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TUITION

The tuition fee, required of each student, is \$180 per year payable in twelve (12) monthly installments.

\$15.00 per month.....	Full-time students
7.50 per month.....	Half-time students
5.00 per month.....	Less than half-time

Payments are due on or before the first of each month. A fee of \$5.00 is charged for payments made after the fifth of the month.

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A student withdrawing from school may be refunded for
a part of the tuition paid as follows:

\$10.00.....	Withdrawal before classes begin
7.00.....	Withdrawal during the first week
5.00.....	Withdrawal during the second week
No refund.....	After the close of the second week

STUDENT INSURANCE

(Premiums subject to change)

\$ 3.00	Covers accidents in school and while on buses. This insurance is required of all students.
12.00	Twenty-four hour protection available to any student desiring such coverage.

GRADUATION FEE

(To be announced)

BOOKS, SUPPLIES, AND TOOLS

Each student will furnish his own books, supplies, uni-
forms, and tools. Books and supplies will be kept at school for
students to purchase at their convenience. Students are not
obligated, however, to purchase supplies at the school. The
school will give assistance in obtaining tools by posting a list
of various vendors handling tools required.

TRANSPORTATION

Free express bus service is provided in the area served
by the school. Students should contact the school office for
information about transportation routes.

SCHOLASTIC REQUIREMENTS

A student must maintain satisfactory progress as deter-
mined by the instructor to remain in school. The criteria for
determining grades are neatness, quality, and quantity of daily
work and periodic examinations. Letter grades are used in re-
porting progress as follows:

A	— Excellent (90-100)
B	— Good (80-89)
C	— Average (70-79)
D	— Poor (60-69)
F	— Failure (Below 60)
W	— Withdrawal
I	— Incomplete

Satisfactory grades are A, B, and C. Although D is a pass-
ing grade, it is not considered as satisfactory. Students must

maintain a C average to graduate. An F denotes failure and unsatisfactory work. Withdrawal is shown by the letter W, and I indicates incomplete.

EXAMINATIONS

Examinations consist of regular examinations, special examinations, and unit examinations. To complete the requirements for graduation, students must take all examinations required.

ACADEMIC REGULATIONS

CLASS ATTENDANCE

A full-time schedule consists of six hours per day totaling 30 hours of instruction per week, Monday through Friday. Classes are scheduled from 8:00 a.m. to 2:40 p.m. One-half hour is scheduled for lunch. Students are not permitted to forfeit the lunch period in order to leave early.

Students are required to attend all scheduled classes. The student is either present or absent and his attendance will be so recorded. Excessive absences will not be permitted. Students must not be absent any three (3) consecutive days without proper administrative permission or approval. Any accumulation of three (3) unexcused absences in any six-week period will be grounds for dismissal. In case of emergency, the school must be contacted.

Students are expected to be in class prior to the sounding of the last bell for beginning of class. Only in extreme cases will tardiness be excusable. Each case of absence or tardiness will be handled on an individual basis in light of the circumstances.

WITHDRAWALS

Students who drop out for health reasons, or reasons beyond their control, may be considered for re-enrollment upon presentation of proper justification for enrollment. Such justification may be presented in writing by a medical doctor, or by reliable persons designated by the Director.

LEAVING THE CAMPUS DURING SCHOOL HOURS

Under no conditions are students allowed to leave classes or campus, other than at lunch time, without an excuse. Failure to report on time for class after lunch or break will result in disciplinary action.

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PROBATIONARY PERIOD

All students are enrolled on a six-week probationary pe-
riod. An evaluation of the student's progress will be made at
the end of this period. If any student's progress is found un-
satisfactory, he will be called in for counseling. After con-
sultation with the Director, another six-week "period of im-
provement" may be granted, or the student may be advised to
change to a course more suitable to his aptitude. If at the end
of the second six-week period progress is not evident, the stu-
dent's training will be interrupted.

REMEDIAL CLASSES

The school will offer an opportunity for remedial instruc-
tion in any area where there is a need. These classes will be
held from 2:40 p.m. to 3:40 p.m. daily. Students are to confer
with their instructors relative to their needs.

WORK AND OUTSIDE INTERESTS

Outside jobs and interests will not be accepted as excuses
for poor attendance and low scholastic achievement.

GRADUATION

Students successfully completing their course requirements
will be presented a certificate of graduation signed by the Direc-
tor of the School, the Governor of the State of Alabama, and the
Superintendent of Education.

PLACEMENT AND FOLLOW-UP

The school will assist its graduates in finding suitable and
profitable employment. The administration and faculty main-
tain up-to-date records and contact on job opportunities for the
benefit of students and graduates seeking employment. The
school will keep a five-year follow-up record on each student
in order to determine the effectiveness of its program and im-
prove the instruction to meet the ever-changing needs of society.

CONDUCT

It is assumed that students enrolling are mature and have
a desire for constructive learning, and are coming to this school
with that purpose in mind. The purpose of the school is to help
people develop their talents in a trade that will enable them
to earn a living. Students dismissed from school for discipli-
nary actions will find it difficult to re-enroll at a later date.

GENERAL REGULATIONS

1. All fees should be paid on time.
2. Students are expected to exhibit high moral and scholastic standards, to be courteous, cooperative, reliable, loyal, and law-abiding
3. Students are expected to observe class rules and give due respect to teachers and the administration.
4. Students are expected to make satisfactory progress in their training. Unsatisfactory grades will be cause for dismissal.
5. Students are required to dress properly for the departments in which they are enrolled.
6. Cleanliness and neatness are important phases of training and should be practiced by students at all times.
7. Students are required to purchase supplies and tools which will be used in their areas of training.
8. Students are held responsible for notices on bulletin boards and for information given at assemblies. Students are not to mar, alter, or remove bulletin board notices.
9. Students who negligently lose, damage, destroy, sell, or otherwise dispose of school property placed in their possession, or entrusted to them, will be charged for the full extent of the damage or loss and will be subject to disciplinary action.
10. Under no condition will alcoholic beverages or liquors be permitted in or on the school property. No one under the influence of alcohol or narcotics will be allowed on the campus. Violators will be liable to expulsion.
11. Students who engage in such acts as stealing, gambling, profanity, personal combat, and possession of firearms and dangerous weapons make themselves liable to disciplinary action.
12. Smoking will be permitted in the designated areas only.
13. Students must secure permission to leave the campus during school hours from the Director or his Assistant.

RELATIONS

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COURSES OF INSTRUCTION

AUTOMOBILE BODY AND FENDER REPAIR

24 Months



The repair and maintenance of automobile bodies form a very profitable branch of the automobile business. The volume of repair business is increasing rapidly because the number of vehicles on the highways has been growing every year. As a result of this rapid growth there are more collisions, more wrecked bodies, and more damaged fenders. This means more work and higher paying jobs for the skilled repairman who is well trained in new repair techniques.

The two-year course in auto-body and fender work consists of planned and supervised work including experiences similar to those to be performed on the actual job. The course covers collision work, in all aspects; building from the basic concepts of body and frame construction; and working step by step through tools, welding, repair of doors, hoods, fenders, deck lids, frame alignment, refinishing, and painting.

Surveys made by independent organizations show that in one year over seven million fenders were straightened; five million pieces of glass were installed; over five million body repair jobs were done; six million touch-up paint jobs were done; and nearly two million complete paint jobs were completed.

Not only is the volume of body repair work large, but the profits to be made are probably greater than for other types of automotive maintenance. Working conditions are good, and they are improving. A high degree of skill can be obtained after a period of intensive study and practice. For the properly trained technicians, lucrative pay and steady employment are almost assured.

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FENDER REPAIR

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and fender work conducted including experiences on the actual job. The course is building from the basic to the advanced; and working step by step on doors, hoods, fenders, and painting.

Statistics show that in 1966, over five million body and touch-up paint jobs were completed. Fender repair work is large, but the demand is greater than for other types of work. Conditions are good, and steady employment can be obtained after training. For the properly trained, steady employment is

AUTOMOBILE MECHANICS

24 Months



The demand for trained mechanics grows as steadily as the manufacture of automobiles and trucks each year. The trained mechanic who applies himself sincerely to his work will find employers waiting with open arms offering good salaries, good working conditions, paid vacations and holidays, and many other company benefits including an opportunity to advance in the company.

The curricular offerings in Automotive Mechanics are geared to meet the demands of the automotive service industry by developing trained mechanics.

Special and intensive training is given in all of the areas of automotive service for a period of two years. Each area of study begins with the simple or fundamental principles of Automotive Mechanics and progresses to the more technical areas, and gives each student the opportunity to learn the theory and to perform the actual work in the prescribed manner for today's modern automobiles and other "over-the-road" vehicles.

Students enrolling in Automobile Mechanics will receive their training through two hours of related study and four hours of shop practice in the areas of Automotive Tools, Automotive Chassis, Automotive Electricity, and Automotive Service and Trouble Shooting.

BRICK MASONRY

24 Months



Brick masonry was one of the first crafts to be organized. The organization was formed during the construction of King Solomon's temple about three thousand years ago. Of the different classifications of the organization, bricklayers constitute approximately 73% of the membership.

The building activity in this country has been responsible for large numbers of new workers finding employment in the building trades, and a substantial share of these have entered the field of masonry. Since the building boom is continuing on the up-swing and the trend is toward brick structures in all areas, opportunities for success in this field are unlimited.

The course includes a practical and theoretical study of Tools and Equipment, Mortar, Blueprint Reading, Bricklaying, Jointing and Pointing, Foundations and Footings, Bonding, Plans and Bonding, Chimneys and Fireplaces, Ornamental Brickwork, Concrete Masonry Construction, Laying Other Clay Products, Miscellaneous Brick Construction, and Mixing Concrete.

One of the most important units of brick masonry is blueprint reading. The ability to read blueprints quickly, accurately, and easily is the first skill one must learn.



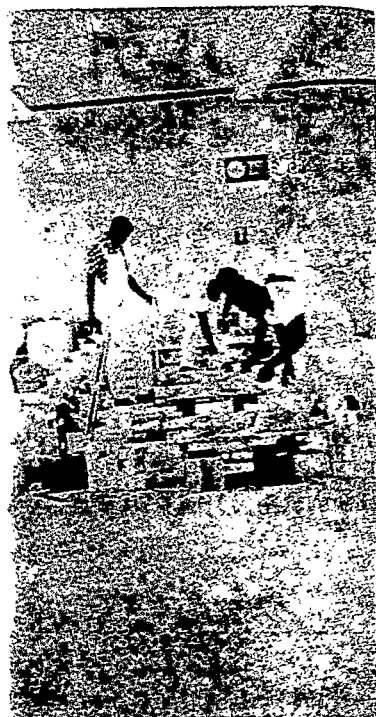
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BUSINESS EDUCATION

24 Months



The Business Education program is designed to prepare youth for entrance into and progress in the business occupational areas such as clerical, stenographic-secretarial, and bookkeeping. The curriculum encompasses not only specialized business subjects; but also integrates related subjects especially in the fundamentals of grammar, punctuation, and spelling and the basic arithmetic processes involved in solving ordinary business problems. Courses include typewriting, shorthand and machine stenography, filing, bookkeeping, business law, office machines, secretarial office practice, business English, and business mathematics.

Instructional emphasis is placed on good grooming and the development of positive social traits; improvement of the student's oral and written communication skills; developing student awareness of the importance of organizing job assignments, work simplification techniques, following oral and written instructions, and problem-solving abilities; and the development of student attitudes toward the importance of understanding desirable employer-employee relationships.

The instruction further aims to correlate the content and nature of job assignments with local business needs and practice; provide students with a minimum understanding of and a working relationship with those office machines commonly used in the business community; and provide students with practice in locating, applying for, and being interviewed for employment.

The curriculum is so planned and operated that a well-integrated person becomes the final product.

CARPENTRY AND BUILDING CONSTRUCTION

24 Months



This area, while placing major emphasis on the carpentry trade, is intended to train the student not only to be a master carpenter, proficient in all phases of the trade, but to also have a comprehensive knowledge of the related trades of building construction. Since the carpenter is the key tradesman in building construction and usually moves up to the positions of construction foreman or construction superintendent or even enters the contracting business, it is very important that his training extend beyond the confines or limits of the carpentry trade. It is the purpose of this course to give to each student the training and information necessary to accomplish this end.

The two-year course is planned to train the student to use and care for tools, know the materials of the industry, read and understand blueprints, take measurements, locate building lines on building sites, lay out buildings and set up batter boards, determine elevations, build forms for concrete foundations and other standard concrete parts, frame and enclose superstructure, do exterior and interior finish carpentry, and install finish hardware.

Further instruction will be given in the use of the several types of wall, ceiling, and floor coverings; interior millwork and cabinet work; and the various types of fastening devices including adhesives.

Related information will be given to correlate and coordinate the several trade activities which are involved in building construction.

There is an ever-present demand for the skilled carpenter.



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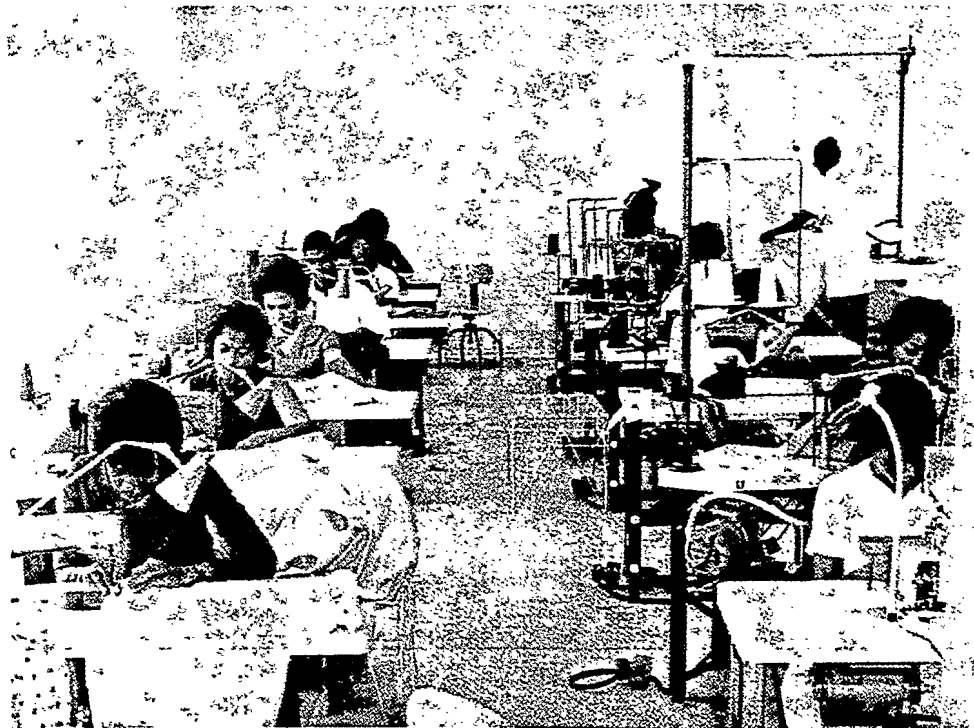
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COMMERCIAL SEWING

24 Months



Commercial sewing is a two-year course designed to train young men and women who possess the interest, ability, and aptitude for success in the needle trade; and to develop skills and extend their knowledge of simple and complicated sewing for the family, home, factory, and the commercially self-owned dress or tailor shop.

The course begins with the fundamentals of sewing including basic stitches, seams, machine operation, pattern layout, and garment construction. It acquaints the student with power machine operation and line production techniques. Training is given in custom tailoring and all types of alterations.

The student is trained to determine if there is something wrong with a garment the moment he sees it on the customer, to fit the garment to the individual, and to achieve a finished and well-dressed look. The techniques of selecting fabrics, harmonizing colors, building wardrobes, and designing are stressed.

Persons interested in a career in commercial sewing will find that the field is wide open, and there is an increasing number and a variety of job opportunities available.

COSMETOLOGY

12 Months



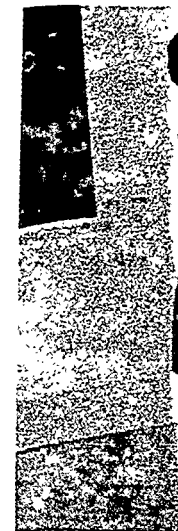
The field of cosmetology is a high paying profession for those who enter it with the determination to acquire the knowledge, understanding, technical skills, and appreciation of the theory and practice of cosmetology. This profession offers innumerable opportunities to serve others, as well as to gain personal monetary satisfaction. It is a stimulating and challenging field, for it can provide an outlet for a host of diversified talents, allowing full expression of artistic ability and creative imagination, as well as mechanical dexterity.

General objectives are to prepare the student for gainful employment and to assist the student in preparing for the State Board of Cosmetology examination in order to obtain a license to practice cosmetology.

The course is designed for the mastery of the basic skills for treating the skin, scalp, hair and nails. The importance of clean, orderly and systematic habits of workmanship is stressed.

Units of training include Orientation, Hygiene and Personality, Sterilization and Sanitation, Anatomy and Physiology, Diseases of the Skin, Scalp, and Hair, Facial Treatments, Manicuring, Shampoos and Rinses, Hair Tinting and Bleaching, Haircutting, Hair Shaping, Hairstyling, Thermal and Chemical Hair Relaxing, Wigs and Hairpieces, Trade Ethics, and Beauty Salon Management.

Health requirements for entrance and information concerning items needed for the course may be obtained from instructors in the Cosmetology Department.

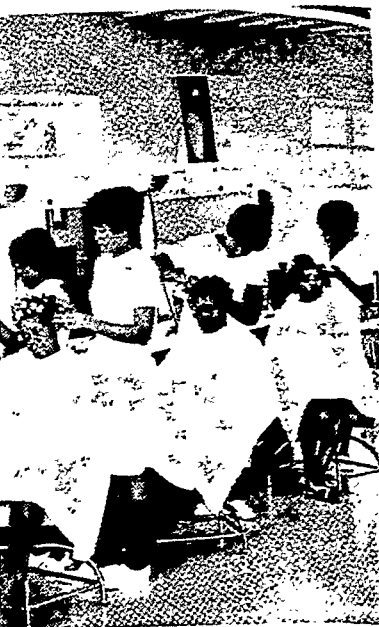


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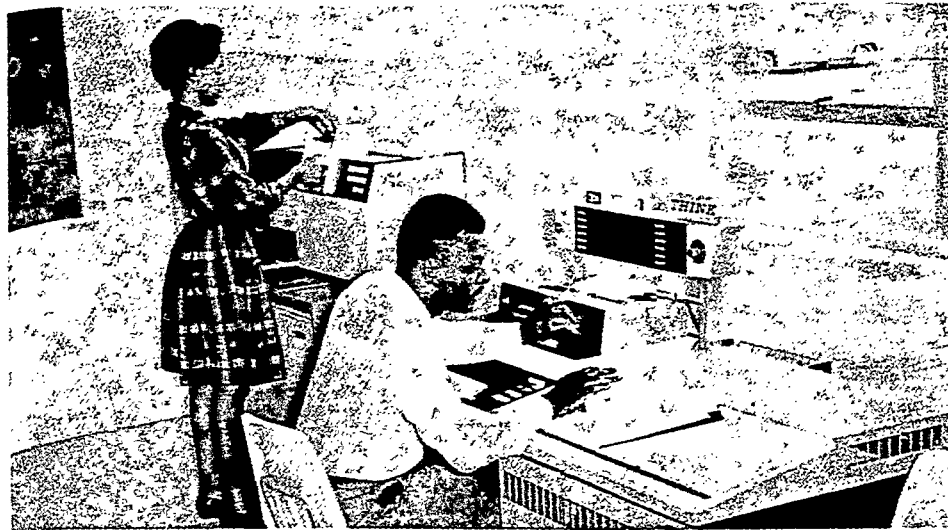
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DATA PROCESSING

12 Months or 24 Months



Technological and economic developments mean changing manpower needs in the United States in the coming years. Expanded training efforts are required to assure that the rapidly growing work force will be trained to meet shifting needs. One of these expanding areas is the field of electronic data processing. In data processing we deal with data, which is just another word for facts. However, facts by themselves mean nothing until they have been refined into something which we call information. Data becomes information by the things we do to it—that is by manipulating it, summarizing it, evaluating it, analyzing it, and reporting it. The name that is given to this operation is processing. Data processing is, therefore, the handling of facts for the purpose of presenting information in an accurate, concise manner in order that management can make decisions.

The basic goals are the development of skills used in specific business data processing occupations such as keypunch equipment operations, tabulating machine operation, tabulating machine wiring, console operation, and computer programming.

Any student who would like to enter this program should have demonstrated competence in high school mathematics, especially algebra. In addition, he should have shown an aptitude for logical reasoning. The latter may be considered more significant in the student's progress than credit in advanced mathematics courses. The student should find Data Processing an interesting area of study. This interest should be deep enough to enable him to study Data Processing Theory and its related courses of study without any feeling of boredom because this knowledge is necessary for success.

ELECTRONICS

24 Months



The Electronics program consists of 2796 hours of instruction. Graduates of this program will receive certificates as Electronic Technicians. They will be prepared to work as Microwave Technicians, Industrial Electronic Technicians, Radio and Closed Circuit TV Repairmen, Assistant Engineers in Radio or TV Stations (those who can successfully pass the FCC exam), and Computer Repair Technicians. The technician who successfully completes this program will find many opportunities for well-paying jobs.

The Micro-wave Technician is a relatively new occupation specialty, and opportunities are great in this area. A large amount of communication that passes through the telephone company is transmitted from city to city through micro-wave relay stations. Hundreds of electronic technicians are needed to maintain and repair this equipment.

"Electronics in industry represents a tremendous new field, the surface of which has just been scratched." There are electronic door openers, equipment used to count finished components coming off assembly lines, electronic devices are used to inspect manufactured parts, electronic controls for street lights, and many other devices. There is hardly an industrial process in which electronics cannot be put to use advantageously.

Technicians who are successful in getting an FCC license could work in radio stations as assistant engineers. They would be responsible for maintaining the electronic equipment in the station such as the transmitters.

For those technicians who would like to work as computer repairmen, opportunities are great with companies such as IBM and RCA.

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Industrial Electricity combines theoretical and practical knowledge of many areas of electrical work.

Industries, quite often, demand an electrician who has obtained knowledge and skill in installations, maintenance, and repair of electrical equipment of many types.

One of the primary objectives of this course is to meet the demands of industries for highly trained and efficient technicians.

During this two-year period, the students will be taught fundamentals of electricity, estimating, basic wiring techniques, Ohm's law, and the latest wiring methods and materials.

Blueprint reading and sketching for residential, commercial and industrial wiring along with the National Electric Code are vital parts of the course. Motor repairs, maintenance, and rewinding are also included.

PRACTICAL NURSING

12 Months



There is always a place for one to assist in the care of the sick and the prevention of diseases. The Licensed Practical Nurse serves under the direction of a Licensed Physician or Registered Nurse.

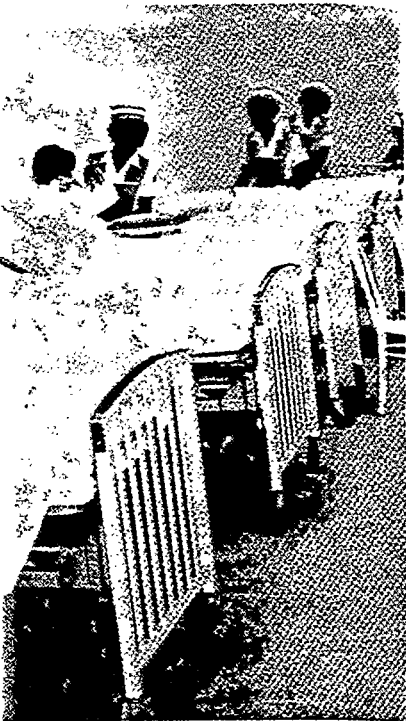
Graduates of this course are eligible for admission to the licensing examination administered by the State Board of Nurses' Examiners. After successfully passing this examination, a graduate becomes a Licensed Practical Nurse.

The course is divided into the "pre-clinical" and "clinical" phases. It is presented as an integrated course in basic practical nursing, stressing the normal and abnormal states of the human body and special practice in methods of observation, procedure and application for the alleviation of suffering and the prevention of the spread of infection. The Practical Nursing student is expected to be prepared to recognize the importance of her role as an integral part of the health team. Guidance is given in practicing good interpersonal relationships, stimulating curiosity and developing integrity in caring for the sick.

Persons between the ages of 18 and 50, who have completed high school training or its equivalent, may apply. They must also meet specific health requirements.

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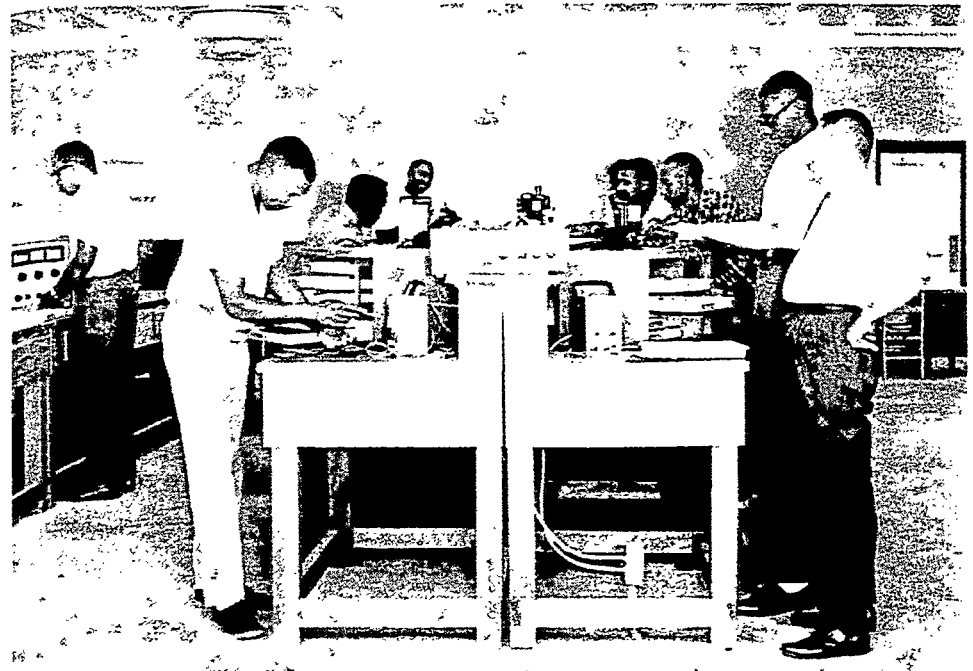
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RADIO AND TELEVISION REPAIR
24 Months



The ever-increasing number of television sets, radios, and stereophonic record players in homes has caused a greater and greater demand for technical personnel and skilled technicians in the areas of manufacture, installation, and maintenance of this complex equipment than ever before. This field of work is constantly changing and expanding.

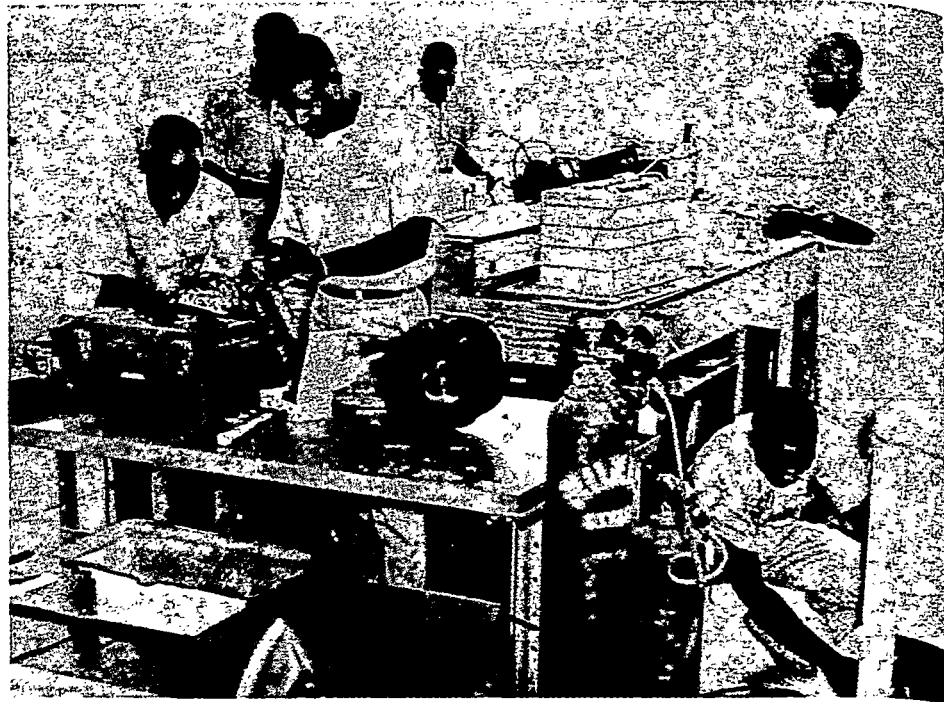
The increasing demand for radio and television technicians has created many employment opportunities. One may even decide to own and operate his own business after completion of this course.

The Radio and Television Repair course is divided into the following six major phases: Basic Electricity, Basic Electronics, Basic Radio and Radio Servicing, Television Antennas and Installation, Black and White Television, and Color Television.

The six major phases and their related units of work embodied in this course of study are designed to equip the student with a thorough knowledge of the mechanics and theory of radio and television. Learning experiences include actual test, repairs, and adjustments under the guidance and supervision of a competent instructor. This gives the student technical knowledge, skills, confidence, and experience necessary to prepare him for employment in industry.

REFRIGERATION AND AIR-CONDITIONING

24 Months



The goals of the Refrigeration and Air-conditioning course are to develop essential skills, knowledge, and understanding necessary for its trainees to participate profitably in all phases of the refrigeration and air-conditioning industry. There is a definite need for trained persons in this field as refrigeration and air-conditioning uses are steadily increasing.

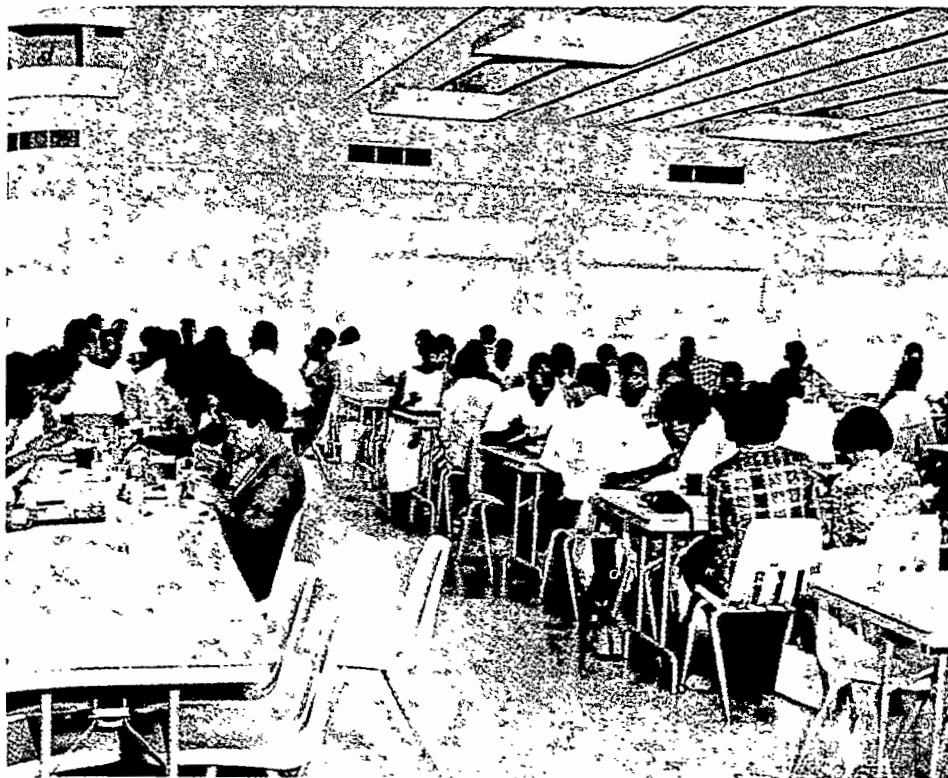
The course provides intensive study in the basic mathematical sciences in which the refrigeration process is founded. A thorough understanding of this phase is essential for achievement in the course. The course is so arranged that the trainees progress from the initial stage and simple information and skills to the more complex. The related information, theory, and practical applications are co-ordinated to achieve the maximum from the instruction given. Careful observation is made in an effort to evaluate the individual student's understanding of the related information. The proper use and care of tools and equipment and the development of the essential skills are stressed.

AIR-CONDITIONING



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“TYPICAL LUNCH HOUR”

TRENHOLM STATE TRADE SCHOOL BULLETIN

TRENHOLM STATE TRADE SCHOOL
1225 Air Base Boulevard
Montgomery, Alabama 36108

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BEFORE THE COMMISSION ON CIVIL RIGHTS
MONTGOMERY, ALABAMA

STATEMENT BY H. P. MARTIN, VICE PRESIDENT
MCGREGOR PRINTING CORPORATION

Mr. Chairman: I have with me here today, Mr. Louis Quedeweit, who is under subpoena of your commission. Mr. Quedeweit is manager of our plant in York, Alabama. I am appearing voluntarily to assist with presenting pertinent information concerning our company.

First of all, I should explain the nature of our business. We manufacture and sell business forms. We sell commercially throughout the eastern part of the United States, with emphasis on the southeastern states. We also sell to the Federal Government, and are a "Complying" company. Our ability to succeed in this highly competitive market is measured in direct proportion to the quality of our products, competitive pricing, and the service we render to customers. These products are custom manufactured to strict specifications and if rejected by customers are a total loss to our company if they are printed wrong or constructed wrong. The productive efficiency of our York plant is vital to our continued success.

Your staff representatives, in a visit with us at our plant on April 18, were good enough to outline the anticipated scope of our company's participation in your deliberations. We appreciate the opportunity thus afforded us to be prepared. We paraphrase the questions posed by your staff representatives and give the information sought by these questions.

1. What reasons prompted McGregor Printing Corporation to locate its plant in York, Alabama?

The answer to this question is two-fold.

First, we believe the economic and industrial growth of the South suggests increasing market potential in the years ahead. Secondly, and as to the site selection, the city of York and the county of Sumter appealed to us because of the physical facilities offered, an adequate labor supply, public transportation, and the local interest in bringing an industry such as ours to the community.

2. How did McGregor Printing Corporation get and process job applications at the beginning of its Alabama operation?

The immanence of job opportunities at our plant was publicized in the local newspapers and by word of mouth, when it was announced that we would locate a plant in York. While the physical facilities were under construction, all persons interested in employment by our company were invited to make application at the York Chamber of Commerce. Volunteer local citizens, working at the Chamber of Commerce Building, accepted applications and did the initial interviewing of applicants. From this group of applications, our company selected the names of applicants appearing, from the record, to possess the qualifications needed for the jobs available.

(I might add parenthetically, that these applications contained no reference to race, creed, or color; therefore, when they were reviewed, we had no insight into this consideration.) Each applicant, so selected, was then interviewed by our company officials to more accurately judge his or her qualifications for specific job requirements. From these several hundred initial applications, we began employment as rapidly as we could assimilate new workers into our operations.

This continued for the first 12 months or so, until our manpower needs began to level off. By this time, we also found that this first group of applications was "stale" because of address changes, employment elsewhere, and the like. So, we began taking new applications at our plant, and continue to process them in much the same way, as new job openings occur.

Before actual employment, we obtain, through local voluntary sources, an advisory evaluation of the applicants' moral integrity, trustworthiness, and work record. This is done without distinction as to race, creed or color.

3. What are the educational and other qualification requirements for unskilled jobs, for semi-skilled jobs, and for skilled jobs?

Unskilled Jobs.—We have no minimum educational requirement. These jobs require only reasonable intelligence, indications of probable moral integrity and trustworthiness, responsible attendance record, good physical condition and diligent work.

Semi-Skilled Jobs.—We have no fixed minimum educational requirement, but seek, insofar as possible, applicants with a 10th grade education or its equivalent. Employees in these jobs must possess indications of probable moral integrity and trustworthiness, responsible attendance record, mental alertness, dexterity of the hands, the ability to count accurately, read and add figures, read and understand written matter, and the capacity to learn from on-the-job training.

Skilled Jobs.—We have no fixed minimum educational requirement for these jobs, but seek, within practical limitations, employees with a high school education or equivalent. Employees in these jobs must possess indications of probable moral integrity and trustworthiness, responsible attendance record, the ability to read, interpret and understand written matter, the ability to write legibly, and reasonable competency with figures, weights, and dimensions, including fractions. They must be mentally alert, have mechanical aptitude and dexterity of the hands, and be capable of learning from on-the-job training.

4. How are employees promoted?

We have two types of promotions.

The first is the promotion of an employee from one job category to another. These promotions are based upon demonstrated aptitude and ability of the employee to perform a different type of job.

The second type of promotion is a straight pay increase, without change in job classifications. These are merit raises based upon the progress of the individual employee in his job category.

Both types of promotions are granted periodically, based upon a review and evaluation of all employees in comparable job categories. These judgments are formed collectively by the department heads, the plant superintendent, the plant manager, and at least one officer of our company. Performance records, attendance records, application to duties, and ability to progress are all factors considered in these judgments.

5. What is the ratio of colored to white employees in your York plant?

Although we have no personnel records that would reflect this information, we have conducted a head count which discloses the following:

	<i>Percent</i>
Plantwide -----	23
By job category:	
Unskilled -----	83
Semi-skilled -----	33.3
Skilled -----	16.32

6. What is the ratio of colored to white employees in management positions?

We have no colored employees in management positions, nor have we received applications from colored people with the experience to qualify for these positions.

We have attempted, in this statement, Mr. Chairman, to answer the questions for which we were alerted to prepare.

Exhibit No. 32

STAFF REPORT

VOTING AND POLITICAL PARTICIPATION BY BLACKS
IN THE 16 ALABAMA HEARING COUNTIES

A. ENFORCEMENT OF THE VOTING ACT

Eight counties within the hearing area—Autauga, Dallas, Greene, Hale, Lowndes, Marengo, Perry, and Wilcox Counties—were among the first in the South to be designated for Federal examiners to list persons as qualified

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observers on the eve of the May 31, 1966 primary run-off election after complaints of irregularities in the conduct of the May 3, 1966 primary election in that county.

In Dallas County, when the county Democratic executive committee in the May 3, 1966, primary attempted to disqualify six ballot boxes containing mostly the votes of Negroes listed by the Federal examiner, the Department filed a suit which resulted in the inclusion of those votes in the final results of the election.⁶

Because of the Department's action, Wilson Baker, the moderate white candidate for sheriff, was declared the winner over James Clark, a well-known segregationist opposed by the Negro community. Federal observers had been present for that election.

B. VOTER REGISTRATION

The suspension of voter registration tests and administrative implementation through the appointment of Federal examiners of the Voting Rights Act had a tremendous impact upon Negro voter registration in the 16 hearing counties. As Table I indicates, prior to the passage of the Act only 8.2 percent of the nonwhite voting age population⁷ of these counties was registered to vote. In two counties—Lowndes and Wilcox—no Negroes at all were registered. Since the passage of the Act and as of October 31, 1967, 53,503 Negroes have qualified to vote in the 16 county area, and more than half of these have been listed by Federal examiners. Although nonwhite registration remains less than 50 percent of the nonwhite voting age population in three counties, registration is 60.5 percent of the total nonwhite voting age population for the entire area.

White registration, however, also has increased during this period so that in many counties it exceeds the white voting age population according to the 1960 census. Thus, despite the tremendous increase in Negro registration, Negroes, who constituted a substantial majority of the voting age population of the hearing counties in 1960, comprise only 37.9 percent of the registered voters. In only four counties—Greene, Lowndes, Macon, and Wilcox—do Negroes constitute a majority of the registered voters carried on the county registration books. However, in some counties white registration figures are so overinflated as a result of the failure to purge voters who have died or moved away that the figures exceed the 1960 white voting age population. If the 1960 white voting age population is substituted as a basis for calculations, Negroes would constitute a majority of voters in four other counties—Bullock, Hale, Perry, and Sumter—as well.

C. NEGRO CANDIDATES FOR OFFICE

The last major election year in Alabama was 1966 when elections were held for all countywide public and party offices. In that year 74 of the 107 Negro candidates running for public and party office in the State in the May 3 Democratic primary election ran for positions in the 16 hearing counties. (See Table II) Negroes ran for the Democratic nomination for member of the State legislature in Dallas, Macon, Perry, Sumter, and Wilcox Counties, for county sheriff in Barbour, Bullock, Greene, Hale, Macon, Perry, and Wilcox Counties, and for member of the county governing board in Barbour, Choctaw, Dallas, Macon, Perry, and Wilcox Counties. For most areas these were the first Negro candidates to run for any position in recent times. No Negroes ran for public or party office in the Democratic primaries in Butler, Clarke, Lowndes, or Monroe Counties, although Negroes did run as independent candidates for county office in the November general election in Lowndes County.

Although in eight of the 12 counties in which Negroes ran for office, Negroes constituted a majority of the 1960 voting age population and in all but one of these Negroes may fairly be considered to have constituted a

⁶ *United States v. Executive Committee of Democratic Party of Dallas County, Ala.*, 254 F. Supp. 537 (S.D. Ala. 1966). The facts of this case are described more fully in Section D of this report.

⁷ Comparison of actual and potential voter registration usually is based upon the voting age population as determined by the 1960 census, the last census from which county figures are available.

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majority of the registered voters, Negroes won the nomination to county office only in Greene and Macon Counties. No Negro candidate won the nomination for member of the State legislature, but single Negro candidates for the first time since before the turn of the century won nomination for sheriff,⁸ member of the county governing body,⁹ member of the county board of education,¹⁰ and tax collector.¹¹ Negroes were elected to the county Democratic executive committees in Greene, Choctaw, and Macon Counties, and in Macon County obtained a majority of the committee seats.

Federal lawsuits charging discrimination and fraud in the conduct of the elections in Dallas, Barbour, Bullock, Macon, and Greene Counties, are discussed in Section D. During a field investigation, complaints were received by Commission staff charging discrimination and fraud in the conduct of the Democratic primary election in Choctaw County (also discussed in Section D).

All four Negro candidates who won Democratic nominations were successful in the general election. Negroes running as independent candidates in the November general election in Dallas and Lowndes Counties were all unsuccessful, as were write-in candidates in Perry and Wilcox Counties in the general election. The only successful write-in effort was in Sumter County, where James Weatherly, a Negro, was elected county coroner.¹² During a field investigation Commission staff received complaints of discrimination in the conduct of the general election in Dallas County (see Section D).

To sum up, in the hearing counties 63 Negro candidates ran for county office and 26 Negro candidates ran for party office in primary and general elections in 1966. There were no Negro candidates in three of the 16 counties. Only five Negro candidates were successful in gaining county office. These were concentrated in three counties, in all of which Negroes constituted a majority of the registered voters. Twelve Negro candidates in two counties were elected to county Democratic executive committees.

D. COMMISSION FIELD INVESTIGATIONS

During 1966 and 1967 Commission staff members visited four of the counties within the hearing area—Choctaw, Dallas, Lowndes, and Macon Counties—as part of a field investigation of political participation by blacks in the South. Commission staff also examined court decisions and pleadings relating to political participation in the counties visited and in additional counties within the hearing area. While the following accounts do not portray obstacles to Negro political participation in the Alabama Black Belt exhaustively, in general they reflect typical problems experienced by Negroes in this area.

1. Racial gerrymandering

Macon and Bullock Counties—In 1962, a three-judge Federal district court, in a decision affirmed by the Supreme Court, held that malapportionment in the Alabama Legislature violated the equal protection clause of the 14th amendment. The court rejected two measures passed by the Alabama Legislature because they failed to correct the inequities, but ordered into effect a combination of the two plans as a provisional measure until the legislature passed a constitutional scheme.¹³

The Alabama Legislature did not pass further reapportionment legislation until its Second Special Session in the fall of 1965,¹⁴—six weeks after passage of the Voting Rights Act of 1965—when a new apportionment plan consisting of two acts was signed into law. The three-judge court held the

⁸ Lucius Amerson of Macon County.

⁹ Harold Webb to the Macon County Board of Revenue.

¹⁰ Rev. Peter Kirksey of Greene County.

¹¹ L. A. Locklair of Macon County. The gains in Macon County cannot be attributed exclusively to the effects of the Voting Rights Act. Negroes in the county have been politically active for some time and since 1964 have held positions on the county board of education, the city council of Tuskegee, and the county seat, and as justice of the peace.

¹² Weatherly was unopposed in the general election, as were the other Negro candidates with the exception of Amerson.

¹³ *Sims v. Frink*, 208 F. Supp. 431 (M.D. Ala. 1962), *aff'd*, *Reynolds v. Sims*, 337 U.S. 533 (1964).

¹⁴ Ala. Acts 1965, 2d Sp. Sess., No. 47, p. 69 (senate) and No. 48, p. 70 (house of representatives).

act providing for reapportionment of the State senate constitutional, but ruled the act reapportioning the house invalid.¹⁵

The main objection to the senate plan was that it provided for one district which comprised a population 25.7 percent greater than the average.¹⁶ This deviation, the court ruled, was justified because it maintained the integrity of the county unit and minimized the number of multi-member districts. Noting that strong inferences of a legislative purpose to prevent the election of Negroes to the State senate could be drawn, the court nevertheless concluded that inferences indicating a legitimate purpose were equally justifiable.

The court found, however, that 21 districts in the house deviated irrationally by more than 10 percent from the population norm, and that the house scheme violated the State constitutional prohibition against multi-member districts. In addition, the court held "that the legislature intentionally aggregated predominantly Negro counties with predominantly white counties for the sole purpose of preventing the election of Negroes to House membership."¹⁷

The plan grouped predominantly Negro Macon County and predominantly white Elmore and Tallapoosa counties into a single house district allotted three representatives, with the stipulation that the district delegation must include residents of each county but be elected by a majority vote of the entire district. Analyzing the purpose of the plan, the court concluded:

The conclusion is inescapable that Elmore, Tallapoosa and Macon were combined needlessly into a single House district for the sole purpose of preventing the election of a Negro House member. In the Bullock-Pike-Coffee-Geneva House district to which the Legislature proposes to allot three members, the inference is also clear that there is no purpose other than racial considerations. The obvious effect of this grouping, from a racial standpoint is to equalize the 71.9 percent of nonwhite citizens in Bullock county.¹⁸

Holding that the house plan contravened both the 14th and 15th amendments to the U.S. Constitution, the court declared it invalid and enjoined its enforcement.¹⁹

2. Switching to at-large elections

Barbour County—As a result of voter registration following passage of the Voting Rights Act of 1965, Negro registrants became a majority in four beats (districts) in Barbour County.²⁰ In March 1966 the county Democratic executive committee altered the method of selecting its members by converting from election by beats or districts to countywide election. Conversion to the new method was made 16 days after six Negroes had qualified as candidates for committee membership.

When the six Negro candidates were defeated in the May 1966 primary election—held countywide under the new rule—they brought suit in Federal district court attacking the action of the committee. Answering the complaint, the committee argued that the change had been made to comply with the constitutional principle that elected public officials must represent, equal, or nearly equal population areas. Looking at the context of the change the court termed this justification "nothing more than a sham."²¹ It held that

¹⁵ *Sims v. Baggett*, 247 F. Supp. 96 (M.D. Ala. 1965).

¹⁶ The population mean, or norm, is reached by dividing the total State population by the number of seats in the legislative house to be apportioned.

¹⁷ 247 F. Supp. at 109.

¹⁸ *Id.* (footnote omitted). Referring to the recent passage of the Voting Rights Act, the assignment of Federal examiners to the State, the history of racial discrimination in Alabama, and that State's denial to Negroes of constitutionally protected voting rights, the court observed:

The House plan adopted by the all-white Alabama Legislature was not conceived in a vacuum. If this court ignores the long history of racial discrimination in Alabama, it will provide that justice is both blind and deaf.

In the present case, we have a situation where nonwhites have been long denied the right to vote and historically have not been represented by nonwhites in the councils of state.

¹⁹ On Oct. 4, 1965, the district court decreed a plan of apportionment for house of representatives districts in the Nov. 8, 1966 general election.

²⁰ Information on Barbour County taken from the findings of fact in *Smith v. Paris*, 257 F. Supp. 901 (M.D. Ala. 1966).

²¹ *Id.* 905.

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the change was racially motivated and "born of an effort to frustrate and discriminate against Negroes in the exercise of their right to vote" in violation of the 15th amendment and enjoined the Committee from holding future elections under the new scheme.²²

3. *Extending the terms of incumbent white officials*

Bullock County.—In Bullock County, the county commissioners are elected to staggered terms. Primary elections to nominate candidates for two county commission seats were scheduled to be held on May 3, 1966. In July 1965, shortly before enactment of the Voting Rights Act of 1965, legislators representing Bullock County, where the Negro voting age population is almost twice as large as the white voting age population, introduced local legislation to extend for two years the terms of office of the Bullock County commissioners. The bill was passed by both houses and approved by the Governor on August 20, 1965, two weeks after passage of the Voting Rights Act.²³ The effect of the new law was to cancel the previously scheduled primary election.²⁴

An action was brought in Federal district court to void the new law as unconstitutional, and the court, one judge dissenting, issued an injunction against its enforcement.²⁵ Circuit Judge Rives, in his opinion, concluded that the statute had a racially discriminatory effect:

Act No. 536 freezes into office for an additional two years persons who were elected when Negroes were being illegally deprived of the right to vote. Under such circumstances, to freeze elective officials into office is, in effect, to freeze Negroes out of the electorate. That is forbidden by the Fifteenth Amendment.²⁶

Judge Rives also believed that Section 5 of the Voting Rights Act encompassed any kind of practice with respect to voting, and therefore enforcement of the change embodied in the new legislation, without approval of the U.S. District Court for the District of Columbia or the U.S. Attorney General, contravened that section.

District Judge Johnson, concurring in the decision believed that the history of voting discrimination against Negroes in the county, taken with the absence of any reasonable explanation for the statute, justified a conclusion that the introduction and passage of the statute were racially motivated.²⁷

4. *Withholding Information from Negro Candidates*

Dallas County.—Organizers of the Dallas County Independent Free Voters Organization—an independent Negro political organization—reported difficulty in obtaining the necessary information to run independent Negro candidates for county and State offices in the November, 1966, general election.

Stuart House, Negro field secretary for the Student Nonviolent Coordinating Committee and one of the organizers of the Free Voters Organization, reported that he visited the office of Bernard Reynolds, probate judge of Dallas County, in late April, 1966, seeking information on how independent candidates could qualify.²⁸ According to his account, the judge's secretary

²² Id. at 904.

²³ Ala. Acts 1965, No. 536. The text of the statute may also be found at 11 Race Rel. L. Rep. 980 (1966). The factual description relating to the passage of the Bullock County statute is taken from the opinion of the Federal district court, cited Note 79, *infra*.

²⁴ According to a press report, when would-be Negro candidates visited the county courthouse in late February 1966 to qualify to run for the office of county commissioner, they were told that no elections for the office were to be held in 1966. Until then they had been unaware of the change. N.Y. Times, March 12, 1966, at 16.

²⁵ *Sellers v. Trussell*, 253 F. Supp. 915 (M.D. Ala. 1966).

²⁶ Id. at 917 (citations omitted).

²⁷ 253 F. Supp. 918-19.

²⁸ Interview with Stuart House, April 25, 1967. Under Alabama law, the probate judge of the county has numerous responsibilities with regard to primary and general elections. He has the duty of having printed on the official ballots the names of all candidates who have been nominated or have otherwise qualified to run for office in primary and general elections. Ala. Code, tit. 17, § 145 (1960). He also is custodian of the official list of registered voters, Ala. Code, tit. 17, §§ 38, 90, and serves as a member of the three-man appointing board which selects election officials, Ala. Code, tit. 17 § 120, custodian of the sealed election returns, and member of the board which canvasses the results of general elections. Ala. Code, tit. 17, §§ 139, 199.

told him that Judge Reynolds was "not there right now" and added: "You can wait for him the hallway." House reported that Judge Reynolds was in another room but came out when he heard the discussion whereupon House questioned him about the method by which independent candidates could qualify. Judge Reynolds allegedly responded that he was not a lawyer and that the Alabama Code was just as ambiguous to him as it was to House. House reported that Judge Reynolds chastised him for not obeying the secretary's order to wait in the hallway and that he eventually was told not to return to the office again. House indicated that other visits to obtain information from Judge Reynolds also were unsatisfactory and that the judge had failed to answer most of the questions posed by representatives of the Free Voters Organization.

Questioned about these requests for such information, Judge Reynolds said that he did not remember specific visits but acknowledged that during this period he had received frequent requests for information from civil rights workers.²⁹ When asked by a Commission attorney about his responses to such requests, Judge Reynolds replied: "I gave damn few answers and said the answer to most questions could be found in the Alabama Code." He conceded that many of the Code's election provisions were ambiguous. The judge admitted that he might have given some rude answers to civil rights workers seeking election information, but maintained that he had been very busy during the period in question. He said he was not a lawyer and thus not in any position to give legal opinions on matters involving interpretation of the Alabama Code. Further, he claimed he was not under any legal obligation, as probate judge, to respond to every question about candidates qualifying to run for office.

5. *Disqualification of Negro Ballots on Technical Grounds*

Dallas County.—In the 1966 Democratic primary election in Dallas County, five Negro candidates sought nomination for county offices. In addition, Wilson Baker, a moderate white candidate supported by the Negro community, sought the Democratic nomination for the office of sheriff against white incumbent James Clark, who had the reputation of being hostile toward civil rights and Negro progress.

When the ballot boxes were canvassed by the county Democratic executive committee to tabulate the official returns, the committee voted to exclude the votes in six ballot boxes.³⁰ The vast majority of the votes in these boxes had been cast by Negroes registered by Federal examiners under the provisions of the Voting Rights Act of 1965.

The county executive committee said the votes were excluded from the canvass because no certificates of results had been prepared by election officials and placed in or attached to the outside of the boxes, as required by Alabama law.³¹ The votes in these boxes were rejected despite the absence of evidence of vote fraud, and even though members of the county Democratic executive committee had been able to conduct unofficial tabulations of the vote in the disqualified boxes with little apparent difficulty, and some of the persons conducting such tabulations had urged inclusion of some of the boxes. In a suit brought by the U.S. Department of Justice challenging the exclusion, the Federal district court held that failure to count the votes in the excluded boxes violated rights secured by the Voting Rights Act of 1965 and was inconsistent with State law, and ordered that the votes be counted. Although the court-ordered inclusion of the six boxes did not affect the results of the election as far as the Negro candidates were concerned, it did obtain the nomination of the moderate white candidate for sheriff, who was elected to the office in November.³²

Choctaw County.—In the May 1966 Democratic primary and run-off elections in Choctaw County Rev. Linton I. Spears, a Negro, was defeated

²⁹ Interview with Bernard A. Reynolds, probate judge of Dallas County, April 26, 1967.

³⁰ Unless otherwise noted, the facts concerning this incident are taken from the findings of fact and opinion of the court in *United States v. Executive Committee of Democratic Party of Dallas County, Alabama*, 254 F. Supp. 537 (S.D. Ala. 1966).

³¹ There was evidence that the election officials who had failed to resolve all tally discrepancies and fill out the certificates of results had been inadequately trained and instructed by those responsible for the conduct of the election.

³² N.Y. Times, May 5, 1966, at 1.

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in his bid to obtain the Democratic nomination for the District Two seat on the Board of County Commissioners³³ although Negroes constituted a majority of the registered voters in the district.³⁴ Rev. Spears and civil rights leaders charged that he did not get a majority vote in the first primary election because of racially motivated irregularities, including disqualification of ballots by election officials in violation of State law.³⁵

Negro poll watchers reported that nine ballots at the Halsell polling place were disqualified because the voters' "X" marks were placed on the wrong side of Rev. Spears' name.³⁶ Since in the first primary the Negro candidate had been only six votes short of a majority, the nine disqualified ballots, if counted, might have made him the winner. Asked about this complaint, the chairman of the county Democratic executive committee acknowledged that under Alabama law if the election official can determine from the ballot precisely how the voter intended to vote, the ballot should be counted even though the voter may not have followed the directions on the ballot exactly.³⁷ Thus, according to the chairman, if an "X" is made beside the name of a candidate but not in the box specified, the ballot nevertheless should be tallied.

Rev. Spears complained about the disqualified ballots to the chairman of the county committee.³⁸ The chairman advised him to ask for a recount, and that he would need a lawyer for this purpose.³⁹ Rev. Spears contacted a Negro lawyer in Mobile but later decided that he could not afford to contest the election and dropped his challenge. He believes the failure to count the nine disqualified ballots was racially motivated.⁴⁰

6. *Failure to Provide or Allow Adequate Assistance to Illiterates*

Bullock and Barbour Counties.—Under Alabama law governing primary elections, if a qualified elector is unable to read or is physically incapacitated from marking his ballot, he may request assistance from two polling place inspectors who must assist him in the presence of each other.⁴¹ Alabama illiterates also are entitled to assistance at the polls by virtue of the Voting Rights Act.

In a suit to void the results of the 1966 run-off primary election, Fred Gray, an unsuccessful Negro candidate for the State house of representatives, alleged that at several polling places in Bullock and Barbour Counties election officials refused to adequately assist Negro voters, including illiterates, as required by State and Federal law. The complaint stated:

At several polling places in Bullock and Barbour Counties election officials refused to assist Negro voters requiring help because of unfamiliarity with voting machines and procedures; refused to assist Negroes who could sign their names but were otherwise functionally illiterate; refused to permit Negroes to use persons of their choice to assist them in voting at voting machines as required by the law of

³³ According to the official returns, the vote in the first primary was:

Spears	910
Ezell	539
Reynolds	377
Total Votes of Opponents.....	916
The Vote in the primary run-off election was:	
Ezell	1,051
Spears	872

³⁴ Interview with William H. Harrison, president of the Choctaw County Civic League, a civil rights organization, Jan. 4, 1967, and Anthony S. Butler, chairman of the Civic League's Franchise Committee, Jan. 4, 1967.

³⁵ Id. and interview with Rev. Linton I. Spears, Jan. 4, 1967. Other complaints were that the Civic League was not permitted to obtain lists of the registered voters for each box to determine whether voters were casting their ballots in the proper boxes; the white employers of local Negroes intentionally were placed as election officials at District Two boxes to intimidate their Negro employees; that the election officials, all of whom were white, harassed and intimidated Negro voters; and that there was discrimination in the selection of election officials.

³⁶ Harrison and Spears interviews.

³⁷ Interview with Albert H. Evans, Jr., chairman of the Choctaw County Democratic Executive Committee, Jan. 4, 1966. See Ala. Code, tit. 17, § 193 (1959).

³⁸ Spears interview.

³⁹ Evans interview.

⁴⁰ Spears interview.

⁴¹ Ala. Code, tit. 17, § 359 (1958).

the State of Alabama; refused to supply the proper number of voting officials to assist Negro illiterates and attempted to humiliate and mortify Negroes requesting assistance. White electors requesting assistance at all times received polite and courteous treatment from poll officials.⁴²

The court found that no voter was refused assistance, but that there was a dispute as to who were the proper parties to render assistance. The court held that the evidence was insufficient to establish a "burdensome discriminatory practice."⁴³

Dallas County.—Under Alabama law governing *general* elections, a voter who needs assistance in filling out his ballot because of illiteracy or physical handicaps "may have the assistance of any person he may select."⁴⁴ In two reported instances in Dallas County, Negro poll watchers allegedly were denied the opportunity to assist illiterate Negro voters requesting their help.⁴⁵ In describing one of these instances, Mrs. Clara Walker, a Dallas County Free Voter Organization poll watcher at a polling place in precinct four, complained to a Commission staff member that the election officials managing the polling place refused to allow her to assist a Negro voter who requested help.⁴⁶

Greene County.—In Greene County, Negro voters in the 1966 Democratic primary election reportedly were denied on account of their race the use of sample ballots to assist them in voting. It also was reported that voting officials, in purporting to assist Negro illiterates in casting their votes, marked the ballots contrary to the wishes of the voters they assisted.

Four Negro candidates and four functionally illiterate Negro voters sued to void the primary election. Their complaint stated that sample ballots were used by voter organizations in instructing illiterate Negroes on voting procedures so they could cast their ballots within the 5-minute limit imposed by Alabama law⁴⁷ without having to seek assistance from voting officials who were almost exclusively white. The plaintiffs alleged that prior to the election the county probate judge instructed election officials not allow illiterate Negro voters to enter the voting booths with sample ballots or cards bearing the names of candidates. Voting officials, however, were instructed to allow *literate* voters and *white illiterate* voters to take sample ballots or cards into the voting booths, the complainants alleged.⁴⁸

On election day, the complaint says, illiterate Negro voters uniformly and consistently were not allowed to use sample ballots and thus were forced to request the assistance of white voting officials. The plaintiffs alleged that out of sight of Negro poll watchers and Federal observers "[t]he great majority of Negro illiterate voters instructed the voting officials assisting them to mark their ballots for the various candidate plaintiffs. In numerous instances the white voting officials failed and refused to mark the ballots as instructed. Rather they designated a vote for the various white candidates."⁴⁹

7. Discriminatory Purging of Voter Lists

Bullock, Barbour, and Macon Counties.—As previously indicated, Fred Gray, a Negro who sought the Democratic nomination for a seat in the Alabama house of representatives in the May 1966 Democratic primary election, was defeated in the primary run-off according to the official returns. Four other Negro candidates running for local offices in Bullock County were defeated as well. All three of the counties in the house district in which

⁴² Complaint in *Gray v. Main*, Civ. No. 2430-N. M.D. Ala., filed July 5, 1966, at 14, 15. Racial discrimination in the assistance of voters and the denials of adequate assistance allegedly "had the purpose, intent, and effect of discouraging and excluding from the elective process other Negro electors who needed assistance in casting their ballots." Gray complaint at 18.

⁴³ *Gray v. Main*, *supra*, March 29, 1966, slip opinion at A-6 to A-7.

⁴⁴ Ala. Code, tit. 17, § 176 (1958).

⁴⁵ Interview with Clarence Williams, chairman of the Dallas County Independent Free Voters Organization, Nov. 9, 1966.

⁴⁶ Interview with Mrs. Clara Walker, Nov. 9, 1966.

⁴⁷ Under Alabama law, when voters are waiting to vote and the other voting booths are filled, the voter is not permitted to take longer than five minutes to mark his ballot. Ala. Code, tit. 17, § 177 (1958).

⁴⁸ *Gilmore v. Greene County Democratic Party Executive Committee*, Civ. No. 66-341, N.D. Ala., complaint filed May 27, 1966, at 3-8, hereafter cited as the "Gilmore complaint."

⁴⁹ Gilmore complaint at 8.

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Dallas County Independent Free Voters

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Gray ran were predominantly Negro. At the time of the election, the number of Negroes registered to vote exceeded the total white voting age population as set forth in the 1960 census.⁵⁰

After the election, the Negro candidates and Negro voters in the May 31 primary run-off election sued in Federal district court to set aside the election, charging, among other things, that many white persons had been permitted to cast illegal ballots to prevent the election of the Negro candidates.⁵¹ The complaint alleged that at the time of the election, in each county in the district, the number of white persons on the registration rolls exceeded the white voting age population. It was further alleged that

because of the failure of defendant Boards of Registrars and their chairmen to purge the registration lists as required by law,⁵² at least approximately 5,547 names of white persons are listed as eligible to vote in Alabama House District 31 in excess of the number of white persons eligible to vote in the said District. Votes may be entered in the names of these persons without any discrepancy, imbalance, fraud, or error being evident upon the face of the officials records . . .⁵³

The plaintiffs charged that in violation of the 14th and 15th amendments to the U.S. Constitution, "[n]umerous white persons in Barbour, Bullock and Macon Counties were permitted to cast illegal absentee or regular ballots by the various election officials of those counties . . ."⁵⁴

In its opinion, the Federal district court concluded that despite extensive investigation and use of discovery by the plaintiffs and the Department of Justice, no specific evidence had been uncovered of illegal voting by whites. The court found that census data were not an accurate standard by which to judge excessive registration because many persons not physically present in the county, and thus not counted by the census, might be qualified under Alabama law to vote in the county.⁵⁵ However, in Bullock County there was evidence that when voter registration officials purged the voter lists different standards had been applied to white and Negro voters which appeared to discriminate against Negro voters. The court found that the manner of purging those who had died or moved away from the county gave rise to suspicion, and the court established a procedure for fair and nondiscriminatory purging of voter lists.⁵⁶

Further, in a stipulation attached to the opinion, the plaintiffs and Macon County voter registration officials agreed that the official voter list for the 1966 primaries contained a number of names of persons who were not legally qualified voters in the county and that these names should be removed. They also stipulated that a purge list submitted to the probate judge in January 1966 had not been acted upon and that the names on that list should have been purged from the registration rolls. The parties agreed to a consent decree, made part of the court's decree, which established a fair procedure for purging disqualified voters.⁵⁷

8. Exclusion of and Interference with Negro Poll Watchers

Dallas County.—Under Alabama law each candidate in a primary election is entitled to appoint for each polling place a poll watcher who is entitled to watch the conduct of the election and, after the polls have closed, to observe the counting of the ballots.⁵⁸ In general elections each qualified party is entitled to watchers—appointed by the chairman of the county executive committee, the beat committeeman, or the party nominees—having the same privileges.⁵⁹

In the 1966 Democratic primary election in Dallas County, five Negro candidates associated with the Dallas County Voters League ran for State

⁵⁰ Voter Education Project, Voter Registration in the South, Summer 1966.

⁵¹ Gray v. Main, Civ. No. 2430-N, M.D. Also filed July 5, 1966.

⁵² Ala. Code, tit. 17, § 44 (1958) requires that the board of registrars of each county must purge the voter registration rolls every two years.

⁵³ Gray complaint at 8, 9.

⁵⁴ Id., at 17.

⁵⁵ Gray v. Main, Civil No. 2430-N, M.D. Ala., Mar. 29, 1968, slip opinion at 18-29.

⁵⁶ Id. at 38-40, 45.

⁵⁷ Id. at A-9 to A-13.

⁵⁸ Ala. Code, tit. 17, § 357 (1958).

⁵⁹ Ala. Code, tit. 17, § 126 (1958).

and county offices. Negro poll watchers named by these candidates to observe the conduct of the election experienced no difficulties or mistreatment, according to one of the candidates.⁶⁰

On November 8, Negro candidates affiliated with the Dallas County Independent Free Voters Organization—reportedly the more militant of the two Negro organizations—ran for county office as independents and appointed watchers for each polling place in the county.⁶¹ In contrast to the treatment accorded poll watchers of the Voters League candidates, and to the practice in Lowndes County (where independent Negro candidates associated with the Lowndes County Freedom Organization were allowed to assign poll watchers to observe the November election), the chairman of the Free Voters Organization reported that its Negro poll watchers were excluded and in some cases chased away from five polling places.⁶² In one polling place, Negro watchers reportedly were threatened with a shotgun.⁶³ Additional complaints were voiced that in violation of State law, some Negro poll watchers were denied an opportunity to challenge ballots cast by persons whom the poll watchers knew or suspected were not qualified to vote.⁶⁴ The probate judge said he was satisfied with the conduct of the election.⁶⁵

Bullock County.—In the May 1966 Democratic primary election in Bullock County, Negro candidates qualified and ran for office for the first time in recent history. Three Negro candidates ran for the offices of member of the State house of representatives, tax assessor, and sheriff, respectively. Two Negro candidates ran in a special election the same day for seats on the Bullock County Court of County Commissioners. All five candidates received large numbers of votes but each failed to receive a majority, necessitating a run-off primary election on May 31, 1966, in which they were defeated.

Before the election the attorneys for the Negro candidates reportedly explained to the Bullock County probate judge and his legal adviser that their clients planned to assign poll watchers to every voting machine or ballot box, and asked the probate judge to inform the election officials of the rights of the Negro watchers.⁶⁶ In the suit brought by Fred Gray, candidate for the State house of representatives, to void the run-off, however, it was alleged that the Bullock County election officials were not instructed to allow the Negro watchers freedom of movement and inquiry, and that at a meeting of election officials severe restrictions were placed upon the freedom of the Negro watchers to communicate with others, and to enter, remain, leave, and record events at the polling places.⁶⁷

The complaint stated:

On the morning of May 31, 1966, poll watchers in Bullock, Barbour, and Macon counties reported to their assigned polling places and presented letters from Negro candidates authorizing them to act as poll watchers. They brought with them paper, pencils and lists of registered voters assigned to ballot boxes for machines for which they were to act as poll watchers.

In Bullock County attempts of poll watchers to perform their lawful tasks were uniformly resisted. They were informed of the meeting of voting officials held the night before and told that as a result of the said meeting they had no right to use paper, pencil or registration lists; that their presence was in violation of law; that they must leave the polling place immediately or face arrest, conviction, fine and/or imprisonment. In some polling places poll watchers were completely excluded. In other instances at other polling places poll watchers were made to conform to rules which were so rigorous and unreasonable that it was impossible for them to perform their assigned tasks. Where poll

⁶⁰ Interview with Rev. F. D. Reese, president of the Dallas County Voters League, Nov. 9, 1966.

⁶¹ Interview with Clarence Williams, Chairman of the Dallas County Independent Free Voters Organization, Nov. 9, 1966.

⁶² Id.

⁶³ Id.

⁶⁴ Id.

⁶⁵ Interview with Bernard Reynolds, probate judge of Dallas County, April 26, 1967.

⁶⁶ Interview with Solomon S. Seay, attorney for Fred D. Gray, candidate for State house of representatives, Nov. 11, 1966.

⁶⁷ Complaint in *Gray v. Main*, Civ. No. 2430-N, M.D. Ala., filed.

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⁶⁸ Id. at 13

⁶⁹ Gray v.

⁷⁰ Id. at 35

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watchers insisted that they had a lawful right to remain at the polling
places and did so, they were not permitted to use public bathroom
facilities or drinking fountains. They were not permitted freedom of
movement or lawful inquiry at the polling places.⁶⁸

In its opinion the Federal district court found that there was a conflict of
legal authority on the number of poll watchers allowed by Alabama law for
each polling place and on the rights of poll watchers to check off the names
of the voters who cast their ballots on election day.⁶⁹ The court also deter-
mined that there was sufficient provocation on the part of some Negro poll
watchers to justify disciplinary efforts by polling place officials.⁷⁰ On these
issues the court held that the actions of the polling place officials were not
arbitrary or wrongful. However, the court found that the closing of the
restroom facilities at one polling place was an "instance of discrimination"
and condemned the restrictions placed upon the poll watchers' use of pens,
pencils, and paper.⁷¹ In its decree, the court enjoined further such inter-
ference.

9. Discrimination in the Selection of Election Officials

Bullock, Barbour, and Macon Counties.—Alabama law provides that each
candidate in a primary election may submit to the county executive com-
mittee of the party in whose primary he is running a list of nominations of
persons to serve as election officials⁷² at each election precinct and forward
this list to the county appointing board, composed of the probate judge, the
sheriff, and the clerk of the county circuit court. If the list submitted to the
board contains a sufficient number of names of persons who are qualified
to serve, the county appointing board appoints those whose names appear
on the list to conduct the primary election.

Solomon Seay, attorney for the Negro candidate seeking the Democratic
nomination for a seat representing Bullock, Barbour, and Macon counties in
the State house of representatives indicated that Negro election officials were
appointed in each county for the May 1966 Democratic primary and run-off.⁷³
Negro election officials, he reported, generally were selected from lists of
names submitted by the Negro candidates for office. He believes, however,
that the respective probate judges selected some Negroes whose names did
not appear on these lists because they had opinions acceptable to the white
community.

Choctaw County.—In 1966, the Democratic primary election in Choctaw
County was held on May 3; hence, the deadline for the submission of can-
didates' lists of election officials (25 days earlier) was April 8. On April 7,
Rev. Linton I. Spears, a Negro candidate who sought the Democratic nomina-
tion for Choctaw County Commissioner, submitted to Albert H. Evans, Jr.,
chairman of the county Democratic Executive Committee, a list of 22
persons, all Negroes, to serve as election officials at eight boxes in the primary
election.⁷⁴ On April 9, Rev. Spears received a letter dated April 8 from the
chairman of a subcommittee of the county executive committee charged with
managing the primary election, stating that prior to receipt of the Spears
list "the subcommittee had already met and named the election officials for
the May primary."⁷⁵

Upon receiving this letter the Negro candidate, according to his account,
arranged to meet immediately with Evans in an effort to have Negro election
officials appointed.⁷⁶ Approximately four meetings took place, but the chair-
man refused to commit himself to the appointment of Negro officials.⁷⁷

In the May 3 primary, Rev. Spears was six votes shy of a majority and
the election was forced into a runoff on May 31.⁷⁸ The Choctaw County Civil

⁶⁸ Id. at 13-14.

⁶⁹ Gray v. Main, Civil No. 2430-N, M.D. Ala., March 29, 1968. slip opinion at 29-34.

⁷⁰ Id. at 35.

⁷¹ Id. at 36.

⁷² Ala. Code, tit. 17, § 349 (1958).

⁷³ Interview with Solomon Seay, attorney for candidate Fred D. Gray, Nov. 11, 1966.

⁷⁴ Interviews with Rev. Linton I. Spears and with Albert H. Evans, Jr., chairman of the
Choctaw County Democratic Executive Committee, Jan. 4, 1967.

⁷⁵ Id., copy of letter supplied by Evans.

⁷⁶ Spears interview.

⁷⁷ Id.

⁷⁸ See infra, pp. 928-29.

League sought on behalf of the candidate the appointment of Negro election officials to serve at the May 31 election, at which he was defeated. A petition containing 169 signatures of local Negroes was sent to the county Democratic executive committee requesting, among other things, the appointment of two Negro election officials for every ballot box in the county from a list of nominees submitted by the Civic League.⁷⁹ On May 16, according to the president of the Civic League, a committee of five Civic League members met with Evans to complain of irregularities and to request the appointment of Negro officials.⁸⁰ The request was denied and only white persons served as election officials in the runoff.⁸¹

The question of the appointment of Negro election officials was critical to Choctaw County Negroes. Both the Negro candidate for county commissioner and the president of the Civic League had received many reports from Negro voters and poll watchers in the May 3 primary that Negro voters had been abused, intimidated, illegally disqualified, and instructed by white election officials to place their ballots in the wrong box, nullifying votes for Rev. Spears.⁸² In a complaint to the Attorney General of the United States, the Civic League president attributed many of these irregularities to the fact that the election officials were white and the refusal of the county executive committee to appoint Negroes as election officials.⁸³

The chairman of the Choctaw County Democratic Executive Committee acknowledged that Rev. Spears had asked him on April 7 to appoint Negro election officials.⁸⁴ He indicated that he had forwarded the request to the chairman of the subcommittee which had been delegated the power to conduct the party primary election. The county committee did not submit the names of any Negroes to the appointing board, Evans related, because on April 6, one day prior to receiving Rev. Spears' request, the subcommittee already had met and drawn up a list of nominees to serve as election officials.

Evans stated that he did make an effort to permit Negroes to serve as election officials by encouraging white persons appointed to such posts not to appear at their assigned polling places on the morning of the election. Alabama law provides that when no election officials report for duty by eight a.m., the voters at the polling place may select from among themselves officials to conduct the election.⁸⁵ This effort to obtain Negro election officials failed, the chairman said, because the white appointees refused to cooperate.⁸⁶

Greene County.—In a suit to void the results of the primary election in Greene County Negro candidates complained, among other things, of discrimination in the selection of election officials.⁸⁷ According to their complaint, 81 percent of the county population and a majority of the registered voters are Negro. Pursuant to Alabama law, they claimed, the Negro candidates submitted the names of 75 persons to serve as election officials. Of the approximately 100 officials chosen, however, only four were from the list submitted by the Negro candidates. As of Feb. 28, 1968, the Federal district court had not ruled on this portion of the complaint.⁸⁸

Dallas County.—Negro candidates sought nomination for county office in the May 1966 primary election in Dallas County. According to the probate judge of the county, without any request from the Negro community for the appointment of Negro election officials, the appointing board met and decided on its own to ask Negro candidates and leading members of the Negro community, selected by the appointing board, to submit names of Negroes to serve.⁸⁹ Leaders of the Dallas County Voters League, a Negro political and civil rights organization with which the five Negro candidates in the

⁷⁹ Interview with William H. Harrison, president of the Choctaw County Civic League, Jan. 4, 1967; U.S. Commission on Civil Rights Complaint No. 6257 from William H. Harrison.

⁸⁰ Harrison complaint.

⁸¹ Id.

⁸² Harrison and Spears interview.

⁸³ A copy of this complaint was sent to the U.S. Commission on Civil Rights. Harrison complaint.

⁸⁴ Evans interview.

⁸⁵ Ala. Code, tit. § 349 (1958).

⁸⁶ Evans interview.

⁸⁷ *Gilmore v. Greene County Democratic Party Executive Committee*, Civil No. 66-341, N.D. Ala., filed May 27, 1966, item VI.

⁸⁸ Information supplied by clerk's office, Feb. 28, 1968.

⁸⁹ Interview with Judge Bernard A. Reynolds, April 26, 1967.

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the Choctaw County Civic League, Jan. 4, 1967, from William H. Harrison.

5. Commission on Civil Rights. Harrison

Executive Committee, Civil No. 66-341, N.D.

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primary election were associated, were among those who submitted names.⁹⁰ The appointing board selected persons whose names were submitted by the Voters League leaders.⁹¹

According to Voters League officials, however, Negroes served as poll officials only in the Negro areas of the county.⁹²

10. Harassment and Intimidation of Negroes Employed in Political Activity

Choctaw County.—Rev. Linton I. Spears, a Negro candidate for county commissioner of Choctaw County, reported numerous instances of harassment and intimidation of Negro voters in the May 3, 1966, Democratic primary election. Negro poll watchers at one ballot box allegedly overheard an election official ask Negro voters: "Why do all you niggers went to vote for Spears?"⁹³

The candidate's wife, who served as a poll watcher at the Lisman polling place in a predominantly Negro area, reported instances of harassment there.⁹⁴ All election officials at the polling place were white.⁹⁵ Mrs. Spears stated that Negroes waiting to vote were not permitted to talk to each other and that she heard one election official use abusive language when addressing Negro voters.

Dallas County.—In Alabama the chairman of the Dallas County Independent Free Voters Organization—the Negro political organization which ran eight Negro candidates as independents for county offices in the November 1966 general election—complained that arrests and prosecutions three days before the election of three workers of the Student Nonviolent Coordinating Committee who were campaigning for the Negro candidates were designed to harass the candidates and interfere with their campaign.⁹⁶

The petition of one of the SNCC workers for removal of the prosecutions from the State court to the Federal district court provides this version of the incident:⁹⁷

From May to November the SNCC workers campaigned for the election of Free Voters Organization candidates. On the afternoon of November 5, one of the workers, Thomas Lorenzo Taylor, was operating a sound truck in Selma from which he broadcast voting information and encouraged Selma residents to vote for the Negro candidates. Other campaign workers were distributing leaflets urging voters to vote for the same candidates. When he double-parked the truck in front of the building housing the offices of SNCC and the Free Voters Organization, Taylor said, he left two lanes free for moving traffic but was ordered by a city policeman to move the vehicle. While he was preparing to comply with the order, Taylor alleged, the policeman struck him through the open truck window and when Taylor rolled up the window to defend himself, the police officer allegedly got a shotgun with which he struck the closed window of the truck. Meanwhile, 10 other police officers had converged on the scene, and when Taylor stepped from the cab of the truck, he allegedly was struck with the muzzle of the shotgun and forced at gun point to the nearby city jail. On the way to the

⁹⁰ Interview with Reverend F. D. Reese, president of the Dallas County Voters League, Nov. 9, 1966.

⁹¹ Id.

⁹² Id., and interview with the Reverend P. H. Lewis, first vice-president of the Dallas County Voters League, and candidate for the State house of representatives in the 1966 Democratic primary election, Nov. 9, 1966.

⁹³ Interview with Rev. Linton I. Spears, Jan. 4, 1967.

⁹⁴ Interview with Mrs. Linton I. Spears, Jan. 4, 1967.

⁹⁵ A timely request for the appointment of Negro election officials nominated by the Negro candidate was turned down. See pages 596 ff. infra.

⁹⁶ Interview with Clarence Williams, Nov. 9, 1966.

⁹⁷ Petition for Removal in *City of Selma v. Carmichael*, Crim. No. 15,015, S.D. Ala., filed Nov. 6, 1966. The removal statute, 28 U.S.C. § 1443, provides in part: "Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States or of all persons with the jurisdiction thereof; . . ." Removal in civil rights cases is discussed in U.S. Commission on Civil Rights, Law Enforcement: A Report on Equal Protection in the South 130-35 (1965). See Amsterdam, Criminal Prosecutions Affecting Federally Guaranteed Civil Rights: Federal Removal and Habeas Corpus Jurisdiction to Abort State Court Trial, 113 U. Pa. L. Rev. 793 (1965); *Georgia v. Rachel*, 384 U.S. 780 (1966); and *City of Greenwood v. Peacock*, 384 U.S. 808 (1966).

jail, he allegedly was further assaulted by city policemen and firemen. He was charged with "Blocking Traffic-Resisting Arrest."

After Taylor was arrested and while he was being taken to jail, another SNCC worker, William Stuart House, began addressing a crowd which had gathered. According to the petition, House urged Selma residents to vote and elect Free Voters Organization candidates to end police brutality in Selma. Within a few moments, an official of the Selma police department demanded that House stop speaking to the crowd because it might cause a riot. House allegedly responded that the people were orderly and "it was only the city police which continuously rioted." He was then arrested for "Inciting to Riot." It was alleged that the Negroes who made up the crowd had remained on the sidewalk in an orderly and peaceable manner.

Also after Taylor was arrested, but before House was taken into custody, the third worker, Stokely Carmichael, who then was chairman of SNCC, drove the sound truck from the scene and broadcast over the loudspeaker that Selma police used brutality and harassment to interfere with the campaign of the Negro candidates. Subsequent to House's arrest, as Carmichael picketed the city jail to protest the interference by police officers, he was approached by the mayor of Selma and police officers who ordered him to stop picketing. When he refused, he was arrested for "Inciting to Riot." The official report of Carmichael's arrest attached to the petition for removal read:

Made remark in front of city building about Black Power & made provocative [sic] move toward police—also was on loud speaker urging a large group of Negroes to go to the jail and see about their brother. Also yelling Black Power.

In his petition, Carmichael charged that he

was arrested by Police Officials of the City of Selma while peaceably engaged in activities which were designed to encourage voting in the November 8, 1966 elections and which are protected from prosecution by the Voting Rights Act of 1965. The arrests, on the other hand, were effectuated for reasons of race and color for the sole purpose of discouraging activities on behalf of the Negro electorate of Selma which might result in Negro participation in local affairs and the government of Dallas County.⁹⁸

The three SNCC workers failed in their attempt to have their case removed to a Federal court.⁹⁹ On November 29, according to a newspaper report, they were tried and convicted in Selma Recorder's Court.¹⁰⁰ Taylor was sentenced to pay a \$60 fine or serve 74 days in jail, House was sentenced to 30 days at hard labor and fined \$100, and Carmichael was sentenced to 60 days hard labor and fined \$100.

Members of a Negro family in Dallas County believe their landlord refused to renew their lease partly because of their voter registration and other civil rights activities.

Until September 1965 Will and Pearl Moorers had been tenants farming 90 to 100 acres of land on the Minter Plantation for about 31 years.¹⁰¹ In September 1965 Will Moorers was the first Negro to be registered in the county under the Voting Rights Act of 1965. According to the Moorers, the owner of the plantation, James Minter, formerly had been willing to take his rent in kind, but in April 1966, Minter told the Negro family that he wanted the rent paid in cash only. In May 1966, Mrs. Pearl Moorers became the candidate of the Dallas County Independent Free Voters Organization for a seat in the State house of representatives.¹⁰²

In November 1966, the Moorers reported, Minter gave notice that he would not renew the lease on their farmland for 1967. Without this land to farm, the Moorers were unable to remain on the plantation.

⁹⁸ Petition for Removal, supra note 443, at 4.

⁹⁹ *City of Selma v. Carmichael*, 12 Race Rel. L. Rep. 349 (S.D. Ala. 1966).

¹⁰⁰ N.Y. Times, Nov. 30, 1966, at 23.

¹⁰¹ Interviews with Will and Pearl Moorers, April 26, 1967.

¹⁰² Mrs. Moorers did not get on the ballot in November because she failed to file a timely statement of financial responsibility with the probate judge of the county as required by the Alabama Corrupt Practices Act.

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The Moorers believe that their political activity was one of the reasons why Minter failed to renew their lease. According to their account, at one point Minter said to them: "If it weren't for you two. I could have handled the rest of the Negroes." The Moorers believe this was a reference to the fact that as a result of their efforts the Negroes on the Minter plantation overcame their fears and registered to vote.¹⁰³

E. ECONOMIC DEPENDENCE AS A DETERRENT TO FREE POLITICAL PARTICIPATION BY BLACKS

In *Miles v. Dickson*,¹⁰⁴ 20 Negro residents of Lowndes County filed a complaint in Federal district court against 10 white Lowndes County landowners charging that the landowners had conspired together and had evicted Negroes or had terminated tenancy or sharecropping arrangements with Negroes for the purpose of interfering with the rights of Negro citizens in the county to register and vote. The court, however, found no evidence of a conspiracy among the defendants to exert economic sanctions and no threats of coercion and intimidation on the part of the defendants, as individuals, directed toward Lowndes County Negroes for the purpose of interfering with voting rights. A similar suit in Louisiana filed by the Department of Justice also failed for lack of sufficient evidence of acts of economic coercion.¹⁰⁵

In its field investigation the Commission staff found that in many parts of the South whites are able to maintain their positions of political and economic dominance without resort to specific acts of physical violence or economic reprisal or to electoral irregularities.¹⁰⁶ Throughout most of the South, the land and industry are owned exclusively by whites, and this economic domination of the region, together with a history of racial violence, infects the entire political process in many areas. Although Negroes in theory may have the right to a secret ballot, in many cases a Negro will not go to the polls or cast his ballot according to his choice if he thinks in so doing he might offend the white persons who own the land and the industry and upon whom he is absolutely dependent for his livelihood.

In these circumstances, there is no need for the white landowner or the white employer to direct the Negro sharecropper or worker not to run for office, not to vote, or to vote only for the white candidates favored by the landowner (although this sort of direction often does occur). In many cases the Negro worker *knows* what his white landlord or boss wants him to do and naturally conforms. As a Negro brickmason in a rural North Carolina county told a Commission staff member, "You just know what you are supposed to do and what you are not supposed to do."¹⁰⁷

Economic factors reportedly played an important role in the November 1966 general election in Lowndes County, Alabama. In that election seven Negro candidates of the Lowndes County Freedom Organization were overwhelmingly defeated even though Negroes constituted a majority of the county's registered voters.¹⁰⁸ Substantial efforts had been made to conduct

¹⁰³ The Moorers also believe Minter was motivated partially by the desire to gain control over more land to increase his farm subsidy payments under the Food and Agriculture Act of 1965.

In Lowndes County, Alabama, the chairman of the Lowndes County Freedom Organization, which ran seven independent Negro candidates in the November 1966 general election, reported that a Negro organizer for the Freedom Organization in the Fort Deposit area was beaten by unidentified white men after the polls had closed and hospitalized. Interview with John Hulett, Nov. 9, 1966.

According to press reports, approximately two hours after the polls had closed 52-year-old Andrew Jones was standing beside his automobile, which was parked in front of the Fort Deposit City Hall, the area polling place, waiting for a Negro election official who was counting the votes inside. A white man allegedly approached him and asked him what he was doing there. He responded, according to his account, that he was waiting for one of the clerks at the polling place, and that he was going to leave when she finished counting the ballots. The white man reportedly told him to get out of there and swung at him, and thereupon another man ran up behind him and knocked him out. After he came to, he reportedly was taken to a local hospital where he was treated for a severe blow to the head. (Montgomery) Alabama Journal, Nov. 10, 1966, at 37; Birmingham News, Nov. 11, 1966, at 6.

¹⁰⁴ 11 Race Rel. L. Rep. 1357 (M.D. Ala. 1966).

¹⁰⁵ *United States v. Harvey*, 220 F. Supp. 219 (E.D. La. 1966).

¹⁰⁶ *United States v. Harvey*, 220 F. Supp. 219 (E.D. La. 1966).

¹⁰⁷ Interview with Richard Butler, July 29, 1967.

¹⁰⁸ As of the summer of 1966, Negro registration in the county was 2,758. The white voting age population was only 1,900 (1960 Census). However, in the closest race, the one for sheriff, the white incumbent Frank Ryals received 2,320 votes to 1,643 votes for Negro candidate Sydney Logan.

the election fairly. The probate judge had appointed Negroes nominated by the Freedom Organization to serve as polling officials at every polling place, and poll watchers of the Freedom Organization, as well as Federal observers, were placed at every polling place. There were almost no instances of discrimination or election irregularities which could have affected the outcome of the election.¹⁰⁹ The chairman of the Freedom Organization, asked by a Commission attorney to explain the defeat of his candidates, gave economic dependence as his first reason and complained that Negro voters were controlled by white plantation owners in at least three of the county's eight voting precincts.¹¹⁰ A Commission attorney who was in the county on election day observed that the voting was heaviest in the area of Benton, where many of the Negro landowners of the county live.

F. CONCLUSION

Prior to the passage of the Voting Rights Act, discrimination in voter registration effectively denied to the vast majority of the Negro residents of the hearing area any voice in the political process. After the passage of the Voting Rights Act, however, nine of the 16 hearing counties were designated for Federal examiners and voter registration tests were suspended in all the counties with the result that 60.5 percent of the voting age Negroes in the hearing area are now registered to vote, although registration remains relatively low in three of the counties. More than one-fifth of the registered Negroes in the State are registered in the counties within the hearing area.

The tremendous increase in Negro registration has been accompanied by unprecedented political activity by Negroes in the area. Almost two-thirds of the Negro candidates seeking State and county office in Alabama in 1966 ran for positions in counties encompassed within the hearing area. Despite heavy Negro registration, however, few Negro candidates have been elected. Of the 89 Negro candidates to run for office in the primary and general elections in 1966, only five were successful; three of the five were elected in Macon County, where Negroes have been active politically for several years. No Negroes have been elected to the State legislature, and only one Negro candidate for sheriff won office.

Whites residing in these counties have attempted to frustrate the achievement of the goals of the Voting Rights Act through racial discrimination in the electoral process and through election contrivances designed to prevent Negro candidates from winning and to weaken the voting power of Negro voters. Such discrimination and contrivances have included: racial gerrymandering of State legislative districts, extending the term of office of incumbent white officials, exclusion of and interference with Negro poll watchers, refusing to provide or allow adequate assistance to illiterate Negro voters, discriminatory purging of voter lists, discrimination in the selection of election officials, withholding information about elective office, disqualification to ballots cast by Negro voters on technical grounds, and harassment of Negro voters, poll watchers and campaign workers.

An additional, and perhaps more significant barrier to free and equal political participation by blacks in the Alabama Black Belt has been the pattern of economic dependence upon whites for land, credit, and jobs. Even if the Voting Rights Act were enforced to the letter in these counties, there is evidence that this dependence would still keep many Negro voters from registering to vote, from voting for the candidates of their choice, and from running for elective office.

¹⁰⁹ The most significant incident of discrimination involved segregated parking facilities maintained at the polling place in Lowndesboro. A Commission staff member at the scene, however, did not believe that this segregation affected Negro voting patterns substantially.

¹¹⁰ Interview with John Hulett, Nov. 9, 1966. Hulett also gave the following additional explanations for the defeat of the Negro candidates: (1) white people were more experienced in voting and thus more willing to come out and vote; (2) the election officials who were in charge of the voting machines were white; and (3) the Freedom Organization could have done more to organize and educate Negro voters in some areas. "A lot of people were even afraid to go out to the polls," he reported.

pointed Negroes nominated by officials at every polling place, as well as Federal observers, are almost no instances of disapproval should have affected the outcome of the Freedom Organization, asked by a candidate, gave economic aid that Negro voters were constant three of the county's eight who was in the county on election day in the area of Benton, where he was five.

the Voting Rights Act, discrimination in voter registration is the primary responsibility of the Negro residents of the counties. After the passage of the Voting Rights Act, the counties were designated as "pre-act" counties and their registration tests were suspended in all counties where the voting age Negroes in the county are less than one-fifth of the registered voters, although registration remains in effect in those counties. In the counties where more than one-fifth of the registered voters are Negroes, registration has been accompanied by the use of the hearing area. Almost two-thirds of the counties in Alabama in 1966 were within the hearing area. Despite the fact that candidates have been elected in the hearing area, the primary and general elections of the five were elected in the hearing area for several years. In the legislature, and only one Negro

attempted to frustrate the achievement through racial discrimination in the hearing area. The hearing area is designed to prevent the voting power of Negroes from being diluted by the inclusion of white voters. The hearing area has included: racial gerrymandering the term of office of the hearing area; interference with Negro polling places; assistance to illiterate Negroes; discrimination in the selection of hearing area officials; disqualification about elective office, disqualification on legal grounds, and harassment of Negro workers.

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involved segregated parking facilities, the hearing area staff member at the scene, how the hearing area patterns substantially. The hearing area also gave the following additional explanation: "The hearing area people were more experienced in the hearing area than the hearing area officials who were in the hearing area. The hearing area Freedom Organization could have done more in the hearing area. A lot of people were even afraid

TABLE I.—Voter Registration in the 16-County Hearing Area

County	1960 voting age population*				Pre-act registration**				Post-act registration***				Listing by Federal examiner			
	Number		Percentage		Number		Percentage		Number		Percentage		Number		Percentage	
	W	N	W	N	W	N	W	N	W	N	W	N	W	N	W	N
Autauga	6,358	3,651	4,991	50	78.6	1.4	7,508	2,891	100.0	65.5	275	1,017				
Barbour	7,388	5,787	7,107	450	96.9	7.8	9,931	3,684	100.0	63.7						
Bullock	2,387	4,450	2,300	1,200	96.4	27.0	3,431	2,854	100.0	64.1						
Butler	8,363	4,820	7,239	248	86.6	5.1	8,036	1,835	96.1	88.1						
Choctaw	5,192	2,932	5,163	252	99.4	6.3	5,953	3,044	100.0	75.4						
Clarke	7,899	5,833	8,350	650	100.0	11.1	10,579	2,614	100.0	44.8						
Dallas	14,400	15,115	9,468	320	65.7	2.1	13,134	10,644	91.2	70.4						
Greene	1,649	5,001	2,305	275	100.0	5.5	2,057	3,953	100.0	79.0						
Hale	3,594	5,999	4,324	236	100.0	3.9	4,517	4,104	100.0	68.4						
Lowndes	1,900	5,122	2,314	0	100.0	0.0	5,066	5,379	100.0	45.3						
Macon	2,818	11,886	3,733	3,479	100.0	29.3	7,408	4,821	100.0	74.7						
Marengo	6,104	7,791	6,230	295	100.0	3.8	7,408	4,821	100.0	51.4						
Montroe	6,631	4,894	7,017	325	100.0	6.6	7,647	2,515	100.0	74.2						
Perry	3,441	5,202	3,006	289	87.4	5.6	5,568	3,861	100.0	50.5						
Sumter	3,061	6,314	3,275	375	100.0	5.5	3,848	3,443	100.0	62.1						
Wilcox	2,524	6,085	2,974	0	100.0	0.0	3,679	3,780	100.0	60.5						
Total	83,799	102,432	80,341	8,444	95.9	8.2	101,206	61,947	100.0	60.5	756	29,641				

Source: U.S. Department of Justice. All figures are as of Oct. 31, 1967.

*The source of all population data in this appendix is the 1960 census.

**The source of all data on registration before the passage of the Voting Rights Act of 1965 is Information Center, U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1966. The introduction to that report states: "The figures reproduced here are those currently available in Commission files from official and unofficial sources. . . . Registration figures themselves vary widely in their accuracy. Even where official figures are

available, registrars frequently fail to remove the names of dead or emigrated voters and thus, report figures which exceed the actual registration. Unofficial figures which come from a variety of sources are subject to even greater inaccuracies."

***In this report the term "Post-Act Registration" is intended to refer to the total number of persons registered before and after the passage of the Voting Rights Act, and not only to persons registered since the passage of the Act.

TABLE II.—*Negro Candidates for Office in the 16-County Hearing Area in the 1966 Democratic Primary Election*

Autauga County:	Macon County:
County coroner—1	State house of representatives—3
Barbour County:	Sheriff—1
Sheriff—1	County board of revenue—2
County board of education—3	County board of education—1
Tax assessor—1	Tax collector—2
County Democratic executive committee—9	County Democratic executive committee—6
Bullock County:	Marengo County:
Sheriff—1	Tax assessor—1
Court of county commissioners—2	Perry County:
Tax assessor—1	State house of representatives—1
Choctaw County:	Sheriff—1
County commission—1	County commission—2
County Democratic executive committee—6	County board of education—2
Dallas County:	Tax collector—1
State house of representatives—1	County Democratic executive committee—2
County board of revenue—2	Sumter County:
Tax collector—1	State house of representatives—1
County coroner—1	County board of education—1
Greene County:	Tax collector—1
Sheriff—1	Tax assessor—1
County board of education—2	Wilcox County:
Tax collector—1	State senate—1
Tax assessor—1	Sheriff—1
County Democratic executive committee—1	County commission—2
Hale County:	County board of education—2
Sheriff—1	Tax assessor—1

Exhibit No. 33

STAFF REPORT

ECONOMIC DEVELOPMENT
IN 16 BLACK BELT COUNTIES

Introduction

The area of Alabama studied by the Commission is comprised of 16 counties in the southern central part of the State.¹ All 16 counties are similar in that 1) each has a predominantly Negro population, 2) each is predominantly nonmetropolitan, and 3) each has a large proportion of poor inhabitants.

The population of the 16-county area in 1964 was 362,000.² More than three-fifths of the population was Negro, one of the highest percentages for any area of equivalent size in the United States. The population was once over 80 percent; however, it has declined as diversified agricultural activities displaced persons engaged in cotton farming.

Severe economic and social problems characterize the 16-county area. Poverty is prevalent, particularly among Negroes. Median nonwhite family income in 1959 was only \$1,279 compared to \$4,259 median family income for whites. Educational achievement also is low. In 1960, nonwhites 25 years and older in the area had a median level of education of 5.5 years. The median for whites was 10.8 years.

Though the economy of the study area has lagged badly behind the rest of the State, important economic changes are beginning to transform it. In agriculture, cotton no longer dominates as the single cash crop and has been supplemented by livestock, poultry, dairying, vegetable growing, and other activities. New manufacturing and service industries such as those that manufacture paper, machinery, fabricated metals, and chemicals have moved into the area and provided new job opportunities.

The purpose of this paper is to examine the effectiveness of the economic development taking place in the area and of those Federal and State programs which are aimed specifically at economic development. A detailed exposition of the population, employment and income in the area is presented in the Staff report which is reproduced as Exhibit No. 3 in the transcript of the Commission's hearing in Montgomery, Alabama, April 27–May 2, 1968.

¹ The counties are Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Sumter, and Wilcox.

² Fantos Corporation Industrial Location appraisals, Areas 1–8, prepared for the State of Alabama Planning and Industrial Development Board, New York (n.d.).

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⁵ See Table 3.

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16-County Hearing Area
Primary Election

County:
State house of representatives—3
Clerk—1
County board of revenue—2
County board of education—1
Tax collector—2
County Democratic executive committee—

County:
Tax assessor—1
County:
State house of representatives—1
Clerk—1
County commission—2
County board of education—2
Tax collector—1
County Democratic executive committee—

County:
State house of representatives—1
County board of education—1
Tax collector—1
Tax assessor—1
County:
State senate—1
Clerk—1
County commission—2
County board of education—2
Tax assessor—1

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COUNTIES

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All 16 counties are similar in
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Exhibit No. 3 in the transcript
Alabama, April 27–May 2, 1968.

Choctaw, Clarke, Dallas, Greene, Hale,
Wilcox.
Areas 1–8, prepared for the State of
New York (n.d.).

Factors Limiting Economic Development

A significant result of outmigration of nonwhites and whites from the area has been the sharp decline in numbers of persons of prime working age. In addition, the continued dependence upon agricultural employment by many—17.1 percent of those working are in agriculture—represents large numbers of untrained workers for whom the transition from farm work to industrial employment is very difficult. These problems, coupled with the low educational attainment of the population in the 16-county area, indicate serious manpower problems for any incoming industry and have made the area less attractive to potential business and industrial investment.

Economic Underdevelopment

Table 1 shows the investment per job for new and expanding industries in each of the 16 counties from 1960 through 1967. The average investment per job is low compared to the Alabama average.³ Such low investment per job means that labor intensive industries are being established. It is likely that these industries can pay only low wages, while capital intensive industries can afford to pay higher wages because they gain their competitive advantage in the market primarily from their sophisticated technology. For example, the new and highly automated papermills in Wilcox, Clarke, Dallas, and Autauga Counties can afford to pay, and do pay, the highest industrial wage rates in the area, even to unskilled workers. Thus, a probable consequence of low investment per job will be low wages paid.

Nevertheless, the economy of the 16-county area seems to be developing at a rate somewhat faster than that of the State as a whole.⁴ But this rate is not fast enough to overcome the extensive underdevelopment which is reflected in median income and by other indices such as the underemployment rate.⁵ Table 2 shows the 1960 male median income and the underemployment rate for each of the 16 counties. Of the 16 counties, only Macon County has an underemployment rate of less than 20 percent; two counties have rates between 30 and 40 percent, and nine counties have underemployment rates between 40 and 50 percent.

Table 3 shows the rate of economic development in the 16 county area in terms of county per capita income relative to State per capita income and in terms of a "coefficient of development".⁶ The table shows that the area is developing at a rate of somewhat faster than that of the State. Yet, in spite of a faster development rate (almost 7 points) the 16-county area was able to gain only two-tenths of 1 percent in per capita income relative to the per capita income for the State.

In summary, economic development is occurring in the 16-county area. It is not taking place, however, at a rate rapid enough to have substantial effects upon the poverty of the predominantly Negro population.

FEDERAL AND STATE GOVERNMENT ECONOMIC DEVELOPMENT ASSISTANCE

The Federal Government has developed a number of programs aimed at countering economic underdevelopment. Although many other Federal programs have a development result, this analysis concerns only those specifically devised to accelerate economic and social improvement and examines their impact, particularly upon Negroes.

³ See Table 2.

⁴ The method of calculating the underemployment rate used here was devised by the Economic Research Service of the Department of Agriculture. In this method the male median income for the 16-county area is compared, with certain adjustments, to the male median income for the Nation. The comparison is expressed as a percentage, which is the underemployment rate for the area.

⁵ See Table 3.

⁶ "Coefficient of development" is a statistical expression of the rate of economic development in an area. It is obtained by a method devised by the Economic Research Service of the Department of Agriculture using 21 economic indicators which generally are accepted as valid measures of economic growth, such as increases in total bank deposits, sales tax receipts, total payroll, and so on. The percent of increase or decrease for each indicator from 1960 to 1966, adjusted by a system of weights, is totaled to obtain the coefficient figure. Table 3 reproduces the coefficients for each county.

TABLE 1.—Average Investment per job, Alabama (16 counties)
1960-67 in 1966 Constant Dollars
[In new and expanded industries]

County	1960	1961	1962	1963-65	1966		1967	
					New 1	Expanded 2	New	Expanded
Autauga.....	\$4,511	\$12,745	(3)	\$102,242	(3)	\$10,000	667	18,000
Barbour.....	3,911	42,211	\$3,923	2,292	\$5,357	1,646	25,923	(3)
Bullock.....	(3)	1,090	(3)	3,352	(3)	(3)	(3)	(3)
Butler.....	5,643	3,204	9,441	593	14,636	10,714	(3)	50,000
Choctaw.....	1,581	836	74,900	64,070	10,000	(3)	(3)	(3)
Clarke.....	10,384	(3)	4,708	11,338	20,000	382	(3)	(3)
Dallas.....	18,291	5,339	8,789	100,489	896	70,000	6,636	10,500
Greene.....	6,443	(3)	(3)	2,600	600	(3)	5,625	80,000
Hale.....	(3)	(3)	4,458	9,273	688	(3)	1,724	5,000
Lowndes.....	(3)	(3)	7,579	37,408	(3)	(3)	(3)	(3)
Macon.....	1,100	10,900	(3)	591	833	(3)	(3)	(3)
Marengo.....	2,861	5,450	3,454	16,361	62,500	9,773	(3)	(3)
Monroe.....	1,800	1,001	4,211	4,093	(3)	2,275	5,556	(3)
Perry.....	2,514	1,635	(3)	1,602	(3)	10,000	(3)	5,973
Sumter.....	2,071	5,450	(3)	10,361	1,632	7,500	9,109	(3)
Wilcox.....	1,161	(3)	(3)	185,581	(3)	(3)	(3)	50,000
Total—16 county....	5,836	6,043	15,774	20,666	4,596	2,677	9,645	19,312
State.....	15,888	10,561	12,511	18,494	7,879	17,912	22,950	58,823

Source: Alabama State Planning and Industrial Development Board.
1 Investment per job in new industrial enterprises.

2 Investment per job in expanding existing industrial enterprises.
3 None available.

*Based on
Source: University
of Business
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Research S
Areas, Apr

State.....

Average.....

Wilcox.....

Monroe.....

Sumter.....

Perry.....

Marengo.....

Macon.....

Lowndes.....

Hale.....

Greene.....

Dallas.....

Clarke.....

Choctaw.....

Butler.....

Bullock.....

Barbour.....

Autauga.....

TABLE 3.-

Source: *Alabama*
1960
Census, U
Report, PC

Sumter.....

Perry.....

Monroe.....

Marengo.....

Macon.....

Lowndes.....

Hale.....

Greene.....

Dallas.....

Clarke.....

Choctaw.....

Butler.....

Bullock.....

Barbour.....

Autauga.....

TABLE 2.—Underemployment Rate 1960, 16 Counties in Alabama

County	1960 Median income for males	1960 underemployment rate
Autauga	\$2,105	23.6
Barbour	1,384	43.5
Bullock	1,066	44.0
Butler	1,431	44.0
Choctaw	1,642	25.7
Clarke	1,816	25.4
Dallas	1,890	22.3
Greene	918	47.6
Hale	998	48.9
Lowndes	865	46.5
Macon	1,358	18.8
Marengo	1,434	37.4
Monroe	1,626	32.4
Perry	1,007	49.7
Sumter	971	46.6
Wilcox	930	43.9

Source: U.S. Bureau of the Census, U.S. Census of Population: 1960, General Social and Economic Characteristics, U.S., Final Report, PC(1)1D, Table 222 and 223. U.S. Bureau of the Census, U.S. Census of Population: 1960, Social and Economic Characteristics, Alabama, Final Report, PC(1)C, Table 83; PC(2)5B, Table 6; PC(1)B, Table 27.

TABLE 3.—Coefficient of Development, 16 Counties of Alabama and the State, 1960-66

County	1960 county per capita income relative to State per capita income (percent)	1966* county per capita income relative to State per capita income (percent)	Coefficient of development 1960-66
Autauga	69.1	77.0	69.8
Barbour	63.7	61.6	61.1
Bullock	56.8	57.4	44.7
Butler	63.8	64.3	45.8
Choctaw	81.9	77.8	68.5
Clarke	74.4	76.7	56.4
Dallas	79.4	81.0	53.2
Greene	48.2	43.3	47.0
Hale	54.2	47.4	40.5
Lowndes	43.3	45.5	83.3
Macon	56.8	59.8	40.2
Marengo	64.7	67.0	45.6
Monroe	68.5	67.7	41.8
Perry	54.0	48.4	40.9
Sumter	55.0	55.1	40.8
Wilcox	49.7	54.7	57.4
Average	61.4	61.6	52.3
State			45.4

*Based on preliminary figures.

Source: Table 29, p. 42, 1966 Alabama Economic Abstract, Bureau of Business Research, University of Alabama; table III, p. 11, "Alabama Business," 2/15/68; vol. 38, No. 6, Bureau of Business Research, University of Alabama, and the coefficient of level was developed by the Commission from 21 time series of the type in "U.S. Department of Agriculture Economic Research Service," An Economic Indicator System for Measuring Progress in Rural Renewal Areas, April 1967.

2,804	5,886	15,774	20,666	4,596	2,677	9,645	19,312
1,800	15,888	15,774	18,494	7,879	17,912	22,950	58,823
2,614		12,511					
2,071							
1,161							
5,450							
1,001							
4,211							
3,464							
16,361							
62,600							
(3)							
5,566							
(3)							
5,973							
(3)							
50,000							
(3)							

Source: Alabama State Planning and Industrial Development Board.
 2 Investment per job in expanding existing industrial enterprises.
 3 None available.

PUBLIC WORKS AND BUSINESS AID

Public works grants and loans and incentives to increase business investment are some of the most important existing tools for economic development. There are many and varied efforts operating to direct business investment into particular geographic areas.

Economic Development Administration

The Economic Development Administration (EDA) of the Department of Commerce has a number of tools with which to encourage economic development specifically in underdeveloped areas. The largest aid program of EDA has been public works grants and loans in designated redevelopment areas. Since August 1965, when legislation creating EDA was passed,⁷ \$448 million has been allocated for public works grants and loans. The second most important tool has been business loans for which more than \$98 million has been obligated.⁸ The latest information available, however, suggests that Alabama has benefited more from business loans than from public works projects. Table 4 indicates that \$8 million has been obligated in business loans while just a little more than \$7 million has been granted or loaned for public works projects. Only Georgia, Maine, and South Carolina also use more business loan funds than public work grants. Moreover, \$6,875,000 of the \$8 million in business loans in Alabama was for one lumber processing plant in Cordova, Alabama, the largest single business loan ever made by EDA.⁹

EDA can make business loans only in "designated redevelopment areas"¹⁰ having Overall Economic Development Plans. The projects for which the loan is granted must fulfill the goals of the area's Overall Economic Development Plan¹¹ (OEDP) and "result in long-term employment opportunities."¹²

⁷ Public Law 89-137, August 26, 1965.

⁸ Economic Development Administration, U.S. Department of Commerce, *Directory of Approved Projects, as of December 31, 1967*, Office of Planning Support, p. iv.

⁹ *Supra*, note 8 at iv, 2.

¹⁰ An area can be designated as a redevelopment area when it meets any of the following criteria:

- a. The current rate of unemployment for the most current year is in excess of 6 percent.
- b. The annual average rate of unemployment is at least 50 percent above the national average for three of the preceding four calendar years, 75 percent above the national average for two of the preceding three calendar years, or 100 percent above the national average for one of the preceding two calendar years.
- c. The area suffered a 25 percent or more loss of population between 1950 and 1960, and has an annual median family income of not more than \$2,830 as determined by the 1960 census.
- d. An area has an annual median family income of less than \$2,264.
- e. Other criteria for designation are related to Indian Reservations or special cases as determined by the Administrator.

Designated redevelopment areas also are eligible for planning assistance, which is described in this report under Federal Planning Assistance programs.

¹¹ This plan is produced by officials of the designated area outlining the area's economic and social problems and prospects, and a plan of action to overcome them. The OEDP is required after designation of the area as a redevelopment area.

¹² The Public Works and Economic Development Act of 1965 403(a) (3) (B), 42 U.S.C. of 3171 (a) (3) (B) (1964).

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TABLE 4.—*Economic Development Administration: Total Approved Project Assistance as of Dec. 31, 1967*

(Four Counties and Rest of State)

[Thousands of dollars]

County	Public works		Business loans	Other*
	Grants and Supl.	Loan		
Bullock.....	249	-----	151	185
Macon.....	268	-----	-----	---
Monroe.....	669	-----	-----	2
Sumter.....	700	204	-----	-----
Rest of State.....	3,617	1,355	7,850	268
Total.....	5,503	1,559	8,001	455

Source: Economic Development Administration, *Directory of Approved Projects, as of Dec. 31, 1967*, pp. 1-2.

*Working capital guarantee, planning grant, technical assistance.

Table 4 shows the limited impact of EDA on the 16 study counties. Only four of the 16 counties have ever received any type of aid and only in Bullock County has a business loan been made. In addition, none of the \$8 million in EDA business loans made in the State was made to a Negro businessman or Negro-owned business.¹³

Small Business Administration

In contrast to EDA, the Small Business Administration (SBA) does not limit its loans and financial assistance solely to areas in need of economic development. SBA makes loans to businesses and prospective businessmen throughout the Nation. By far the largest number of loans are made as regular business loans under Section 7(a) of the Small Business Administration Act. To be eligible for a regular business loan, the applicant must be unable to obtain financing on reasonable terms elsewhere. In addition, six other criteria apply to the loan:

(1) A local bank must participate in the loan.

(2) SBA will not lend nor guarantee more than 90 percent of the face value of the business loan; the remainder must be furnished by the local participating bank or by some other means available to the borrower.

(3) The maximum amount of the SBA share is \$350,000.

(4) Maximum interest allowable is 5½ percent.

(5) Maximum term for any loan—including extensions—is 10 years except that loans made for construction of facilities may be extended up to 15 years.

(6) Collateral for the loan is required.

Other loan programs of SBA include disaster loans, loans to local development companies, loans to small business investment companies, loans to businesses displaced by urban renewal and public construction projects, and economic opportunity loans.

Loan funds are obligated according to a set of lending objectives established by SBA which favors "those small firms which did the most to help meet national goals and community needs."¹⁴ The priorities favor plants manufacturing defense materials, plants engaged in control or abatement of air and water pollution, companies which create job opportunities, businesses which assist in the development of depressed areas and firms offering new products or processes.¹⁵

¹³ Information furnished by Economic Development Administration, February 27, 1968.

¹⁴ 1966 Annual Report, Small Business Administration, p. 10.

¹⁵ *Supra*, note 14 at p. 10.

The total amount of Small Business Administration loan activity in Alabama is shown in Table 5. From January 1964 to March 31, 1968 over \$37 million has been loaned; more than one-third of the money—over \$14 million—has been loaned since April 1, 1967. Nevertheless, the increased pace of loan activity in Alabama has not benefited Negro businesses—only \$72,500 or less than one-half of 1 percent of the total since April 1, 1967, has been loaned to Negroes. (Information on the race of loan recipients has been kept by SBA only since April 1, 1967.)

TABLE 5.—Alabama Small Business Administration Loans
January 1964—March 1968—State Totals

Total business loans (dollars) 1964 to March 1968	\$37,229,489
Total business loans (dollars) April 1, 1967 to March 1968	14,341,464
Dollars identified to Negroes from April 1, 1967 to March 1968*	72,500
Percent to Negroes	0.51
EOL II loans 1964 to March 1968 (dollars)	407,500
EOL II loans April 1, 1967 to March 1968 (dollars)	237,500
EOL II loans to Negroes April 1, 1967 to March 1968 (dollars)*	53,500
Percent EOL II loans to Negroes*	22.50
EOL I loans 1964 to March 1968 (dollars)	31,600
EOL I loans April 1, 1967 to March 1968 (dollars)	24,200
EOL I loans to Negroes April 1, 1967 to March 1968 (dollars)*	—
Percent EOL I loans to Negroes*	0.00

Source: Small Business Administration, March 1968.

*Information identifying the race of loan recipients has been maintained only since April 1, 1967.

EOL = Equal Opportunity Loan.

Another important loan activity is the Economic Opportunity Loan (EOL) program which was established by Title IV of the Economic Opportunity Act of 1964.¹⁶ Until 1966, when Congress amended the legislation, Economic Opportunity Loans could be granted only in larger cities which had Small Business Development Centers. Now EOL loans are available in all jurisdictions through the SBA regional offices.

There are two types of economic opportunity loans, known as EOL-I and EOL-II. EOL-I is designed primarily to help people already in business whose income provides them and their families with only a marginal existence. EOL-II is designed to help people whose incomes provide more than a marginal existence, but who, because of lack of opportunity, have been handicapped in establishing or expanding small businesses.¹⁷ Only \$31,600 has been loaned in the EOL-I program in Alabama since 1964. None of this money has been loaned to Negroes. EOL-II loan activity since 1964, as indicated by Table 5, has amounted to \$407,500 and most of this money, \$237,500, has been approved since April 1, 1967. Of the latter amount, 22.5 percent has been loaned to Negroes.

In Table 6 total business and EOL loan activity for each of the 16 counties is reported for 1964 through March 1968 and for the period beginning April 1, 1967 when SBA began keeping racial data. Minority group members have participated far below their potential suggested by population. With the exception of Macon County, where a \$50,000 loan has been approved, there have been practically no business loans made to Negroes in the 16 counties. The picture is not brighter in the EOL-II loan category. In only five of the 16 counties have any EOL loans been made, and only in three counties have loans been made to Negroes. No EOL-I loan has been granted to a borrower in any of the 16 counties.

¹⁶ The EOL program makes loans from \$3,500 to \$25,000 to applicants seeking to establish or expand businesses. There is no collateral requirement and the loan may be repaid in 15 years. The Regional Director of SBA may defer payments on the principal for a grace period and may require the applicant to take steps to improve management skills in order to qualify for the loan. The interest rate is related to current Treasury obligations of comparable maturity plus a program charge, except that the interest rate shall not exceed 6 percent in designated redevelopment areas.

¹⁷ Small Business Administration, "The Chance to Go . . .", p. 2 (1967).

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ministration loan activity in 1964 to March 31, 1968 over third of the money—over \$14 million. Nevertheless, the increased benefited Negro businesses—only the total since April 1, 1967, the race of loan recipients has

*Administration Loans
State Totals*

1968	\$37,229,489
March 1968	14,341,464
April 1 to March 1968*	72,500
	0.51
	407,500
(dollars)	237,500
March 1968 (dollars)*	53,500
	22.50
	31,600
(dollars)	24,200
March 1968 (dollars)*	0.00

has been maintained only since April 1,

Economic Opportunity Loan (EOL) of the Economic Opportunity Act ended the legislation, Economic Opportunity Act, which had Small Business Loans available in all jurisdic-

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tion. Loans, known as EOL-I and EOL-II, help people already in business who are in larger cities which had Small Business Loans available in all jurisdic-

The administration of the SBA program in Alabama is carried out by a staff of 36 people based in Birmingham.¹⁸ The Director, Paul Brunson, does "not believe that SBA is in the business of creating Negro small businessmen."¹⁹

Mr. Brunson has established an extensive information program which consists in part of day-long informational meetings and other activities in each county throughout the State to encourage participation in SBA loan programs. As part of this program, he has visited all of Alabama's 67 counties. In the first 56 meetings this program has drawn a cumulative audience of "thousands" of people of which 385 have been minority group members.²⁰ While this would be an average of seven minority group members per meeting, several of the meetings were attended predominantly by Negroes.

The ability of SBA to reach the minority group population can be gauged from an analysis of inquiries by race and the number of applications handed out by race. Since 1966 records of minority group contacts have been kept. Table 7 shows a summary of these contacts by year and by calendar quarter for 1966 through the first month of 1968.

In 1966, of 5,985 inquiries, 97 were from minority group members, and eight out of 498 applications given out were to minority group members. The record improved slightly in 1967—of 7,088 inquiries, 145 were from minority group members, and 52 out of 420 applications were given to Negroes. Apparently, SBA has not been satisfied with this record. On January 15, 1968, SBA announced a "minority group outreach program." The effectiveness of this program has yet to be established.

Firms receiving SBA loans must implement a nondiscrimination policy in hiring and promotions. Civil rights compliance activity has involved inspections of 29 Alabama firms.²¹ Table 8 shows the employment by occupation of minority groups involved.²² There were 1,439 persons employed, of whom 307 were minority group members (including six American Indians). This is 21 percent of all employment. Of the 219 white-collar workers, however, only five are Negro; only one of 77 is managerial.

Farmers Home Administration

The farming "business" cannot qualify for loans from the Small Business Administration. The Farmers Home Administration (FHA) of the Department of Agriculture, however, provides loans to farmers for a number of purposes similar to the Small Business Administration. While the SBA approves loans for the expansion or the establishment of a business, as well as working capital loans, the FHA provides operating loans and farm ownership loans, among others. The impact of FHA programs is discussed in full in the staff report on agricultural programs.

FEDERAL ASSISTANCE FOR MANPOWER TRAINING

Funds are available from the Office of Education, the Vocational Education and Vocational Rehabilitation sections of the Department of Health, Education, and Welfare, and particularly from the Bureau of Work Programs and the Office of Manpower Development and Training of the Department of Labor for manpower training purposes. Additional training funds for demonstration purposes are available from the Office of Economic Opportunity.

These funds in fiscal year 1967 amounted to more than \$36 million for Alabama.²³ Very few of these opportunities have reached the 16 counties under study here. These programs are discussed, in part, in the staff report on Vocational Education.

¹⁸ Interview with Paul Brunson, SBA Regional Director in Alabama, February 6, 1968.

¹⁹ *Ibid.*

²⁰ Letter and materials from Paul Brunson SBA to Commission, February 28, 1968.

²¹ Letter from W. P. Turpin, Assistant Administrator for Administration, SBA, to Commission, March 15, 1968.

²² Of the 29 Alabama business firms eight employed less than 10 people, seven employed 10 to 25, six employed 25 to 50, five employed 50 to 100 and three employed more than 100; the largest employed 327 persons.

²³ Summary of Federal Programs, A Report of Federal Program Impact on the Local Community, Fiscal Year 1967, Office of Economic Opportunity, p. 1-10.

TABLE 6.—Business and Economic Opportunity Loans for 16 Alabama Counties, 1964 Through March 1968

County	Business loans			Economic opportunity loans (EOL-II)		
	Total loans (dollars) (1964-March 1968)	Loans—April 1967- March 1968 (dollars) 1	Percentage of dollars to Negroes (April 1967- March 1968)	Total loans (dollars) (1964-March 1968)	Loans—April 1967- March 1968 (dollars) 1	Percentage of dollars to Negroes (April 1967- March 1968)
Autauga	114,000	100,000	0	-----	-----	-----
Barbour	315,000	315,000	0	-----	-----	-----
Bullock	250,000	250,000	0	13,000	13,000	100.00
Butler	221,000	221,000	0	12,000	12,000	0
Choctaw	28,500	8,500	0	-----	-----	-----
Clarke	-----	-----	-----	-----	-----	-----
Dallas	933,500	125,000	-----	15,000	15,000	100.00
Greene	100,000	-----	-----	-----	-----	-----
Hale	277,000	27,000	0	-----	-----	-----
Lowndes	184,000	84,000	0	-----	-----	-----
Macon	186,000	70,000	71.42	65,000	32,000	62.50
Marengo	277,000	7,000	100.00	-----	-----	-----
Monroe	493,700	160,000	3.12	-----	-----	-----
Perry	133,500	85,000	0	-----	-----	-----
Sumter	355,500	322,500	0	-----	-----	-----
Wilcox	520,000	12,000	0	87,000	15,000	0
Total	4,245,700	1,787,000	3.43	142,000	87,000	55.16

1 SBA began collecting information on race of borrowers beginning Apr. 1, 1967.
Source: Small Business Administration, special printout.

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TABLE 7.—Minority Group Contact SBA in Alabama; Inquiries and Applications Handed Out (1966), (1967), and (1968)

	1st quarter	2d quarter	3d quarter	4th quarter	Total
1966:					
Inquiry:					
Majority group----	529	1,883	1,672	1,804	5,888
Minority group----	13	42	26	16	97
Applications out:					
Majority group----	13	186	147	144	490
Minority group----	0	1	4	3	8
1967:					
Inquiry:					
Majority group----	1,996	1,726	1,834	1,387	6,943
Minority group----	27	49	37	32	145
Applications out:					
Majority group----	108	77	88	95	368
Minority group----	4	15	16	17	52
1968 (January only):					
Inquiry:					
Majority group----	656	----	----	----	656
Minority group----	18	----	----	----	18
Applications out:					
Majority group----	43	----	----	----	43
Minority group----	1	----	----	----	1

Source: Small Business Administration.

TABLE 8.—Employment Composition of 29 Alabama Business Loan Recipients, 1967

Occupations	Male employees			Female employees			Total all employees
	Total males	Minority groups		Total females	Minority groups		
		Negro	American Indian		Negro	American Indian	
Officials and managers-----	77	1	--	3	--	--	80
Professionals-----	5	1	--	2	--	--	7
Technicians-----	6	--	--	1	--	--	7
Sales workers-----	39	2	--	8	1	--	47
Office and clerical-----	13	--	--	65	--	--	78
Craftsmen (skilled)-----	199	60	2	--	--	--	199
Operatives (semiskilled)-----	398	98	2	381	--	--	779
Laborers (unskilled)-----	194	114	2	17	12	--	211
Service workers-----	12	8	--	19	4	--	31
Total-----	943	284	6	496	17	--	1,439

Source: Small Business Administration.

11.72	100.00	3.12	0	0	0	0	0	55.16
7,000	160,000	85,000	822,500	12,000	37,000	142,000	87,000	87,000
277,000	493,700	133,500	355,500	520,000	4,245,700	1,787,000	3.43	3.43
Marengo	Monroe	Perry	Sumter	Wilcox	Total			

1 SBA began collecting information on race of borrowers beginning Apr. 1, 1967.
Source: Small Business Administration, special printout.

FEDERAL PLANNING ASSISTANCE

In many respects, the most significant aid from the Federal Government is financial and technical assistance to encourage and assist State and local planning efforts. Not only do Federal planning grants provide more than 50 percent of funds, but often other Federal financial assistance becomes possible. Eligible planning units range from a Neighborhood Action Committee to a huge Multi-State Region.

Small Areas

One of the largest planning assistance programs is known as the "Section 701 Comprehensive Planning Grant" program for small areas administered by the Department of Housing and Urban Development. This type of planning has had relatively little impact in the State of Alabama. In fiscal year 1967 the Department of Housing and Urban Development committed only \$520,000 to the "701" planning program in Alabama.²⁴

County and Multi-County Areas

The most viable planning structure thus far developed by the Federal Government is administered by the Economic Development Administration (EDA) of the Department of Commerce. EDA uses the county as the basic planning unit. Eligibility requirements for Federal assistance are based upon the economic condition of the county which is referred to as the Redevelopment Area. Current Redevelopment Areas include many of those units taken over from the Area Redevelopment Administration. Each county designated as a Redevelopment Area to receive Federal grants for public purposes must develop an Overall Economic Development Plan (OEDP).²⁵

These OEDP plans do several things: (1) they survey economic and social conditions of the area; (2) they pinpoint basic problems which underly the unsatisfactory economic situation; (3) they establish a priority list of public responses necessary to change the situation. The OEDP's often are prepared by committees of local lay persons and representatives of existing Federal and State agencies active in the area.

EDA, although using the county as a basic planning unit, believes that in multi-county planning units more significant programs may be undertaken and more resources marshaled. More than 100 multi-county "Development Districts" in the United States have been designated by EDA. No Development District has been designated in the State of Alabama.

Proposed EDA Districts in Alabama.—Attempts have been made to establish EDA Development Districts in Alabama. The establishment of a District in six Southeastern Alabama counties is under active consideration. Because this effort does not include any of the 16 counties and because discussions are still preliminary, it will not be discussed in the report.

Recently, however, a 10-county group, the West Alabama Regional Development Council (WARDC), was denied planning funds by the Economic Development Administration because of a failure to comply with civil rights policies of EDA.

The West Alabama Regional Development Council was initiated by a number of businessmen, primarily in Tuscaloosa County, with significant assistance by the Tuscaloosa Chamber of Commerce.²⁶ The organizing membership comprised "recognized Chamber of Commerce, civic or trade associations" in the 10 counties. Each county was to have one vote in a 10-member council.²⁷ Its major purpose is the promotion of general and economic welfare of the people living in the 10-county area.

WARDC's board subsequently became interested in becoming the board for a proposed EDA Development District covering the 10 counties. In order to be designated, WARDC had to change its membership to include, not only other sectors of the community, but to provide specifically for minority group representation and involvement.

EDA required WARDC to include a significant number of Negroes on

²⁴ *Supra* note 23, p. 4.

²⁵ Public Works and Economic Development Act of 1965 § 202 (b) (10).

²⁶ Commission interview with the Tuscaloosa Chamber of Commerce, February 20, 1968.

²⁷ Constitution of West Alabama Regional Development Council, June 1966.

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its board of directors. This the board refused to do, arguing that member-
ship in county committees was open to qualified Negroes and that they would
have to be elected to the board as any other director. EDA concluded that
this proposal, in light of previous experience, did not meet its minority group
participation requirements. Thus, it denied planning funds to WARDC.

State and Regional Areas

Some States, including some in the South, have organized statewide plan-
ning efforts; for example, Georgia. In addition, there are five multi-State
planning regions, of which two operate in the South—the Appalachian
Economic Development Region and the Coastal Plains Economic Develop-
ment Region in Georgia, South Carolina, and North Carolina. Currently
35 counties in Northern Alabama are included in the Appalachian Region.
This region contains most of the industry in Alabama; it is the TVA Service
Area; and it has established the North Alabama Development Group, a
private planning group, which last year received two-thirds of all private
investment in new and expanding industries.

STATE DEVELOPMENT AIDS

Economic development efforts are encouraged by the State government
with technical assistance provided by the State Planning and Industrial
Development Board and financial assistance provided through Industrial
Bonds issued under the authority of the Wallace Act and Cater Act
programs.

The State Planning and Industrial Development Board is charged by law
to "develop programs designed to accelerate the State's orderly and diversified
economic growth" and "to aid communities to prepare for well balanced
industrial, commercial, and social development through workable compre-
hensive plans, which point the way to the best possible utilization of natural,
human and economic resources."²⁸ The Board carries out this mission in
cooperation with the Chamber of Commerce, local development groups and
local governments. It has provided planning services in over 60 communities
during the last four years and given technical advice to another 110 com-
munities.²⁹ Few communities in the hearing area, however, have requested
or received planning assistance during this period.

The principal force behind economic development in Alabama has been the
capital available to new and expanding industries through Industrial De-
velopment bonds authorized by the Cater and Wallace Acts.

The Wallace Act³⁰ authorizes municipalities to finance the acquisition,
construction, and equipping of industrial facilities through revenue bonds
payable solely out of the revenues obtained from leasing such properties. In
addition, the Act specifically exempts the bonds from State taxation and
the property, which is vested in the municipality, is not subject to local or
State property taxes.

The Cater Act³¹ authorizes the formation of municipal industrial develop-
ment boards, which function as an agency of the municipality. These boards
have the power to finance industrial properties through revenue bonds pay-
able in the same manner as bonds authorized by the Wallace Act. The same
tax advantages accrue to both bondholder and tenant.

Income from Industrial Revenue bonds, until June 28, 1968, has been
exempt from Federal Income taxation, because the bonds have been treated
as coming within the municipal bond exemption of the Internal Revenue
Code. For this reason they can be sold at lower interest rates than are
obtainable for private bond issues.

A prospectus of the Alabama State Planning and Industrial Development
Board explains "Alabama's financing plan" as follows:

THIS COULD BE YOU! A 52 per cent bracket corporation negotiates
a new plant contract with a municipality to cost \$400,000. The municipal
government or its corporate agent floats a \$400,000, 5¼ percent, 30-
year bond issue, constructs and equips the plant. You sign a lease

²⁸ State of Alabama, *Alabama's Economic Progress*, 1963-1966, p. 21, (1967).

²⁹ *Supra*, Note 28 at p. 4.

³⁰ Ala. Code § 511(20)-(32) (1959).

³¹ Ala. Code § 37-815-30(1) (1959).

§ 202(b) (10).
of Commerce, February 20, 1968.
Council, June 1966.

renting the plant for 30 years at an annual rental of approximately \$28,000 with a renewal option for another 30 years at \$1 per year. NOW YOU HAVE ACQUIRED the right to occupy and use a new plant and machinery for at least 60 years without one cent of capital outlay.

THE ANNUAL RENTAL of \$28,000 is deductible as operating expense and is worth \$14,560 tax dollars.

WITH THE TITLE STILL VESTED in the municipality or its corporate agent, you will pay no real property taxes.

Industrial investments financed by industrial development bonds are substantial. A \$70 million bond issue floated by the Camden Industrial Development Board in Wilcox County to build a new papermill and other facilities for the MacMillan Bloedel Company was the largest industrial development bond issue up to 1966.³² It subsequently has been surpassed by a \$97 million issue floated to finance a plant expansion for Revere Copper & Brass in Scottsboro, Alabama, in addition to several issues in other States of more than \$100 million. The Alabama State Planning and Industrial Development Board estimates that industrial development bonds provided financing for 90 percent of the \$655,000,000 invested in the State in new and expanded industries in 1967.³³ The Investment Bankers Association of America reports that 18 percent of all industrial development bonds issued in 1967 were floated by Alabama municipalities and local industrial development boards.³⁴

Recent action by the Congress has ended the tax exempt status of industrial development bonds.³⁵ The Act amends the Internal Revenue Code to end the tax exempt status of industrial development bonds issued after April 30, 1968, except where a commitment has been made by local voters before that time. The legislation, however, includes an exemption for industrial development issues of \$1 million or less.

Officials in Alabama have expressed concern over the loss of tax exempt status for industrial development bonds.³⁶ But the competitive advantage obtained by offering industrial development financing through tax exempt bonds is being offset by the increasing use of industrial development bonds throughout the Nation. Presently, 40 States offer industrial revenue bond financing. Information collected by the Investment Bankers Association suggests that already the competitive advantage accruing to a State by offering industrial development bond financing may have disappeared. In one case listed by the Association, Pascagoula, Mississippi and Quincy, Massachusetts both have authorized \$100,000 industrial development bond issues to finance the same proposed shipyard; the company has yet to select the site.³⁷

APPENDIX

ECONOMIC AND SOCIAL PROJECTIONS FOR SEVEN COUNTIES IN ALABAMA

Projections may be made concerning the composition of economy and population in the 16-county area in the future. An extensive economic base study recently has been completed for the Department of Interior's Mobile-Alabama-Coosa River Basin project. The area of that study was quite large and seven of the counties included in that area are in the 16-county group. In table 9 population projections are shown for 1980 and the year 2015. These projections are refined to include estimates of urban, rural non-farm, and rural farm populations.

³² Investment Bankers Association of America, *Largest Municipal Industrial Bond Issues* (1968).

³³ *Montgomery Advertiser*, March 9, 1968, p. 1.

³⁴ Investment Bankers Association of America, *Municipal Industrial Bonds, January through December 1967* (1968).

³⁵ Revenue and Expenditure Control Act of 1968, P.L. 90-364, June 23, 1968.

³⁶ *Supra*, Note 33 at p. 1.

³⁷ *Supra*, Note 32 at p. 2.

Lowndes County and Wilcox County are projected to have the smallest growth and to develop the smallest urban population. The population of Dallas County, is expected to double, while the population of Monroe County is expected to triple.

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Industrial development bonds are authorized by the Camden Industrial Building a new papermill and other company was the largest industrial project. It has been surpassed by the expansion for Revere Copper and Iron. Similar issues in other Alabama State Planning and Industrial Development Bonds. At least \$655,000,000 invested in the State. The Investment Bankers Association has all industrial development bonds in municipalities and local industrial

the tax exempt status of industrial development bonds issued after 1960. It has been made by local voters, includes an exemption for interest less.

concern over the loss of tax exempt status. But the competitive advantage of financing through tax exempt industrial development bonds does offer industrial revenue bond financing. Investment Bankers Association advantage accruing to a State by financing may have disappeared. In Montgomery, Mississippi and Quincy, \$1,000 industrial development bond issued; the company has yet to select

SEVEN COUNTIES IN ALABAMA

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Largest Municipal Industrial Bond Issues

Municipal Industrial Bonds, January through June 1968.

are projected to have the smallest population. The population of the population of Monroe County

Table 10 shows the projected white and nonwhite population of the seven counties. In each county the absolute population of both races is expected to grow. The white population in the seven counties is projected to increase from 63,288 in 1960 to 135,780 in the year 2015, while the nonwhite population is expected to increase from 112,721 in 1960 to 220,934 in the year 2015, slower than the white. Thus the proportion of nonwhite will have decreased only 2.1 percent in 55 years.

Labor Force projections in Table 11 for the year 2015 describe a substantial employment force available. The total employment available for the seven counties is projected to be 109,365 in 2015; this is 94 percent greater than the labor force in 1960. In Table 12 employment projections for the seven counties by nine industry groups have been made. The table indicates that significant growth will take place in manufacturing, wholesale and retail trade, and services.

TABLE 9.—Population Projections for Seven Counties in Alabama: Urban, Rural Nonfarm, and Rural Farm

County	Population group	1960	1965	1980	2015
Autauga	Urban	6,616	7,850	8,912	15,677
	R(NF)	8,374	11,204	14,229	21,596
	R(F)	3,749	3,180	2,400	1,920
	Total	18,739	22,234	25,541	39,193
Dallas	Urban	28,385	28,992	30,946	68,502
	R(NF)	18,348	19,617	25,034	40,968
	R(F)	9,934	9,270	5,800	4,700
	Total	56,667	57,879	61,780	114,170
Lowndes	Urban	-----	-----	2,600	5,500
	R(NF)	9,460	9,143	10,028	17,028
	R(F)	5,957	5,680	4,400	3,600
	Total	15,417	14,823	17,028	26,128
Macon	Urban	7,009	7,200	8,100	12,910
	R(NF)	14,222	13,840	18,278	30,095
	R(F)	5,486	4,900	3,420	2,720
	Total	26,717	25,940	29,798	45,725
Monroe	Urban	3,632	3,900	7,000	16,000
	R(NF)	13,174	15,376	26,259	47,780
	R(F)	5,566	5,200	3,600	2,920
	Total	22,372	24,476	36,859	66,700
Perry	Urban	3,807	4,000	4,811	8,501
	R(NF)	8,093	9,528	10,833	22,603
	R(F)	5,458	4,500	3,600	2,900
	Total	17,358	18,028	19,244	34,004
Wilcox	Urban	-----	-----	-----	3,500
	R(NF)	11,749	12,807	15,456	23,294
	R(F)	6,990	6,170	4,800	4,000
	Total	18,739	18,977	20,256	30,794

Symbol: R(NF) is Rural Non-farm Population projection.

R(F) is Rural Farm Population projection.

Source: *Economic Base Study of the Mobile-Alabama-Coosa River Basin*, "Statistical Summary of County Projections (app. C)," Bureau of Business Research, University of Alabama, June 1967, Tables C-2, C-3, C-4, pp. 117-121.

TABLE 10.—*Projections of White and Nonwhite Population in Seven Counties in Alabama*

County	1960		1965		1980		2015	
	White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
Autauga.....	10,839	7,900	12,851	9,383	14,763	10,778	22,654	16,539
Dallas.....	23,952	32,715	24,433	33,396	26,133	35,647	48,294	65,876
Lowndes.....	2,978	12,439	2,861	11,962	3,286	13,742	5,043	21,085
Macon.....	4,405	22,312	4,280	21,660	4,917	24,881	7,545	38,180
Monroe.....	11,030	11,342	12,067	12,409	13,172	13,687	32,883	33,817
Perry.....	5,943	11,415	6,184	11,844	6,601	12,643	11,663	22,341
Wilcox.....	4,141	14,598	4,194	14,783	4,477	15,779	7,698	23,096
Total.....	63,288	112,721	66,920	115,437	78,349	132,157	135,780	220,934

Source: *Economic Base Study of the Mobile-Alabama-Coosa River Basin*, "Statistical Summary of County Projections (app. C)", Bureau of Business Research, University of Alabama, June 1967, table C-5, pp. 123 and 125.

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TABLE 11.—Labor Force, Employment, and Unemployment Projections for Seven Alabama Counties—1960, 1965, 1980, 2015

County	Year	Labor force	Total employment	Total unemployment
Autauga-----	(1960)	6,160	5,818	342
	(1965)	8,404	8,109	295
	(1980)	9,322	8,949	373
	(2015)	14,109	13,516	593
Dallas-----	(1960)	19,544	16,829	2,715
	(1965)	19,829	19,135	694
	(1980)	20,200	19,432	768
	(2015)	34,251	32,813	1,438
Lowndes-----	(1960)	4,601	4,359	242
	(1965)	4,743	4,511	232
	(1980)	5,415	5,145	270
	(2015)	7,838	7,446	392
Macon-----	(1960)	8,212	7,820	392
	(1965)	8,301	7,836	465
	(1980)	9,476	8,964	512
	(2015)	13,718	13,032	686
Monroe-----	(1960)	7,277	6,957	320
	(1965)	7,832	7,495	337
	(1980)	11,721	11,194	527
	(2015)	20,010	19,090	920
Perry-----	(1960)	5,525	5,138	387
	(1965)	5,769	5,314	455
	(1980)	6,120	5,722	398
	(2015)	10,201	9,640	561
Wilcox-----	(1960)	5,412	5,159	253
	(1965)	6,072	5,829	243
	(1980)	6,441	6,170	271
	(2015)	9,238	8,813	425

Source: *Economic Base Study of the Mobile-Alabama-Coosa River Basin*, "Statistical Summary of County Projections (app. C), Bureau of Business Research, University of Alabama, June 1967, table C-5, pp. 123 and 125.

220,984

135,730

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115,437

66,920

112,721

63,288

Total

Source: *Economic Base Study of the Mobile-Alabama-Coosa River Basin*, "Statistical Summary of County Projections (app. C), Bureau of Business Research, University of Alabama, June 1967, table C-5, pp. 123 and 125.

TABLE 12.—*Employment Projections by Major Industry for Seven Counties in Alabama*

County	Year	Agriculture	Mining	Construction	Manufacturing	Transportation	Wholesale and retail trade	Finance and insurance	Services	Government	Non-classifiable
Autauga	(1960)	1,271	8	388	1,425	291	820	126	1,049	355	85
	(1965)	1,078	12	560	2,188	446	1,260	203	1,584	576	202
	(1980)	792	12	618	2,805	492	1,280	224	1,927	635	164
	(2015)	634	14	946	3,514	743	3,008	465	2,926	1,160	111
Dallas	(1960)	2,918	13	724	3,025	863	2,783	422	4,827	978	281
	(1965)	2,722	13	853	3,575	1,017	3,296	492	5,691	1,148	328
	(1980)	1,704	20	921	3,860	1,098	3,559	531	6,145	1,240	354
	(2015)	1,380	25	1,602	6,817	1,910	6,390	924	10,692	2,457	616
Lowndes	(1960)	2,032	--	321	426	128	427	59	808	118	40
	(1965)	1,940	--	355	468	141	473	64	892	134	44
	(1980)	1,503	--	503	663	200	670	91	1,264	189	62
	(2015)	1,230	--	858	1,131	342	1,144	155	2,157	323	106
Macon	(1960)	1,690	--	283	508	253	857	115	3,753	232	184
	(1965)	1,509	--	291	519	259	886	120	3,872	240	140
	(1980)	1,053	--	364	649	324	1,107	150	4,841	301	175
	(2015)	838	--	549	1,012	500	1,829	354	7,072	610	268
Monroe	(1960)	1,451	--	383	2,464	200	837	91	1,267	129	135
	(1965)	1,355	--	430	2,745	221	939	104	1,412	141	148
	(1980)	938	--	713	4,432	369	1,569	174	2,359	380	205
	(2015)	761	--	1,283	7,643	660	2,804	495	4,216	861	367
Perry	(1960)	1,722	4	217	801	173	661	75	1,267	161	57
	(1965)	1,420	4	249	910	198	755	86	1,451	183	58
	(1980)	1,136	6	293	1,072	234	888	101	1,708	215	69
	(2015)	915	10	558	2,039	444	1,691	192	3,164	497	130
Wilcox	(1960)	1,929	--	157	1,140	113	510	64	1,062	127	57
	(1965)	1,703	--	202	1,456	144	652	82	1,357	161	72
	(1980)	1,325	--	237	1,759	170	766	97	1,594	190	32
	(2015)	1,103	--	378	2,799	270	1,218	154	2,537	301	53

Source: *Economic Base Study of the Mobile-Alabama-Coosa River Basin*, "Statistical Summary of County Projections (app. C)," Bureau of Business Research, University of Alabama, June 1967, table C-11, pp. 137, 142, 143 and 144.

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State-wide, the total number of all inquiries and applicants for the same periods was:

1966.....	5,915	488
1967.....	7,088	420
1968.....	4,627	344

I am advised that the percentage of total inquiries as to SBA assistance, nationally, coming from the minority groups rose from 6 percent in 1966 to almost 9 percent in calendar year 1967. From the foregoing you will notice that in my own office during the calendar year 1967, we recorded 145 inquiries from Negroes (only 2 percent of our total inquiries) but we handed out 52 loan applications (of 420 total) to Negro prospects. The 1966 monthly averages of inquiries from Negroes was 9.7; in 1967 this average rose to 12 per month.

For the fiscal year 1967-68 the number of minority applications accepted and the total number of all applications accepted, as well as the number of minority loans approved and the total number of all loans approved, through the early part of April, 1968 are:

	<i>Minority applications accepted</i>	<i>Minority approved loans</i>	<i>Total applications accepted</i>	<i>Total loans approved</i>
7(a)	6	5	267	234
EOL(1)	1	0	5	0
EOL(2)	8	6	21	14
DBL	1	0	8	0

II. During this period from July 1964 to April 1968, SBA has made 772 loans in Alabama, of which 168, or 21 percent of the total number, were made in the eighteen (18) counties in which you are concentrating this study. Nineteen (19) of the 164 loans made in these counties can be identified as having been made to Negroes or to Negro-owned small businesses, on the basis of records kept since July 1964. This represents slightly more than 11 percent of the loans made in these eighteen (18) counties, and is believed to be better than the national average.

During the period covering the fiscal year 1965, to date, the following minority loans were made in the counties in question. (Although the Notice of this public meeting appearing in the Federal Register named only sixteen (16) counties in Alabama into which inquiry would be made, nevertheless to assist you in your fact-finding, I am including in this Statement information applicable to the eighteen (18) counties about which inquiry was made by your Director, Office of Federal Programs, U.S. Commission on Civil Rights by letter dated February 29, 1968, directed to our Washington Office):

According to the 1960 U.S. Census (Table 58, Self-Employed Managers, Officers, Proprietors), Alabama had 32,663 self-employed whites and 1,856 (6 percent) self-employed non-whites. Thus, our loan activity among Negroes in the eighteen (18) county area appears to parallel the Census figures on the relative number of prospective Negro borrowers in that area.

You will be interested in knowing that, of the 164 loans made in the eighteen (18) counties since July 1964, 97 were made after the effective date of our Equal Opportunity Program, March 7, 1966, therefore, these 97 are subject to compliance with our Equal Opportunity Regulations. (*Title 13 CFR. Part 113; 31 Fed. Reg. 2374 published February 4, 1966, effective March 7, 1966.*)

III. The impact of SBA assistance on the economic development of the state of Alabama, including minority loans, is reflected in the "Success Stories" attached hereto, which serve to illustrate marked increases in em-

inquiries and applicants for the same

5,915	488
7,088	420
1,627	344

total inquiries as to SBA assistance, inquiries rose from 6 percent in 1966 to 17 percent in 1967. From the foregoing you will notice that in 1967, we recorded 145 inquiries (our total inquiries) but we handed out 177 (our total loans) to Negro prospects. The 1966 monthly average was 1.7; in 1967 this average rose to 2.2.

Number of minority applications accepted, as well as the number of applications accepted, as well as the number of all loans approved, through

Minority approved loans	Total applications accepted	Total loans approved
5	267	234
0	5	0
6	21	14
0	8	0

to April 1968, SBA has made 772 loans, 100 percent of the total number, were made in the counties which you are concentrating this study. These counties can be identified as predominantly minority-owned small businesses, on the basis of the data which represents slightly more than 11 percent (18) counties, and is believed to be representative of the entire State.

In the year 1965, to date, the following information is in question. (Although the Notice of Intent to Register named only sixteen counties, nevertheless including in this Statement information about which inquiry was made by the U.S. Commission on Civil Rights, U.S. Commission on Civil Rights, 1968, directed to our Washington office.)

Table 58, Self-Employed Managers, shows 1,663 self-employed whites and 1,856 self-employed Negroes, our loan activity among Negroes is similar to the Census figures on self-employed borrowers in that area.

That, of the 164 loans made in the year 1967 were made after the effective date of the Equal Opportunity Regulations, March 7, 1966, therefore, these regulations apply. 2374 published February 4, 1966,

the economic development of the State, is reflected in the "Success Stories" which illustrate marked increases in em-

County	City	Loan No.	Kind	Amount	Type of business	Total loans by counties
Antauga						8
Barbour						4
Butler						5
Bullock						4
Choctaw						2
Clarke						0
Dallas	Union Springs	707,017	Direct	\$13,000	Picture studio	17
Dallas	Selma	480,253	Direct	75,000	Supermarket	4
Dallas	Do	484,512	do	32,500	Drug store	2
Dallas	Do	707,016	do	15,000	Beauty supplies	4
Elmore						2
Greene						2
Hale						2
Lowndes						2
Macon	Tuskegee	480,222	Direct	9,500	Service station	11
Do	Do	198,027	do	7,500	do	11
Do	Do	707,028	do	20,000	Mop and Broom Mfg	11
Do	Do	484,570	do	18,000	Grocery	11
Do	Do	484,571	do	10,000	Theatre	11
Do	Do	706,910	do	5,000	Shoe store	11
Do	Do	707,106	do	50,000	Grocery	11
Marengo	Demopolis	707,095	Part	7,000	do	4
Monroe	Prichard	727,905	do	5,000	School supplies	12
(business in Mobile)						
Montgomery	Montgomery	728,074	do	25,000	Dry cleaning	12
Do	Do	196,441	Direct	15,000	do	12
Do	Do	199,559	do	8,500	do	64
Do	Do	709,977	do	5,500	Coin operated laundry	64
Do	Do	484,503	do	25,000	Laundry & dry cleaning	64
Do	Do	197,459	do	4,500	Cafe & undertaker	4
Perry	Union Town					4
Sumter						10
Wilcox						8
Total				315,000		8

Other minority loans made within the State for the same period were:

County	City	Loan No.	Kind	Amount	Type of business	Total loans by counties
Jefferson	Birmingham	199,518	Direct	\$4,000	Cafe	---
Do	do	480,276	do	7,575	do	---
Do	do	481,567	do	6,000	Service station	---
Do	do	196,412	do	9,000	Music store	91
Do	do	199,509	do	15,000	Grocery	---
Do	Bessemer	193,017	do	5,000	Garage	---
Do	Birmingham	199,599	do	32,750	Dry cleaners	---
Do	do	706,940	do	7,500	Barber shop	---
Mobile	Mobile	727,927	Part	5,000	Barber and beauty college	---
Do	do	198,025	do	15,000	Insurance agency	---
Do	do	707,127	Direct	37,500	Cafeteria	76
Do	do	481,578	do	55,000	Funeral home	---
Do	Prichard	484,581	Part	15,000	School supplies	---
Randolph	Roanoke	706,637	Direct	218,500	D/C & garment mfg. Co.	2
Pickens	Gordo	195,745	do	5,000	Barbecue	18
Colbert	Florence	199,521	do	4,000	DL—Home	5
Total				442,025		

The total minority loans within the State for the above period are: \$315,000
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ployment and payrolls noticeably augmenting the flow of funds in these areas:

Gaston's Supermarket	Selma, Ala.
Thompson Dry Cleaning & 1 Hour Modernizing	Montgomery, Ala.
Robbins Machinery Co.	Birmingham, Ala.
Vick Lumber Co.	Hamilton, Ala.
Dixie Electrical Manufacturing Co.	Birmingham, Ala.
Resource Management Service, Inc.	Birmingham, Ala.
Burgreen Contracting Co., Inc.	Athens, Ala.
Swalley Printing Co.	Birmingham, Ala.
Quality Foods, Inc.	Bayou La Batre, Ala.
C. F. Clegg, Inc.	Heflin, Ala.
Jaffey Whol Iron & Metal Co.	Birmingham, Ala.
Southeastern Products Corp.	Birmingham, Ala.

IV. I began my duties as Regional Director of the Birmingham Regional Office of SBA in January, 1965. During my first year in this position two large public information seminars were presented by SBA; the first was in Birmingham on May 7, 1965, at which over 812 persons attended; the second was in Mobile on September 24, 1965, at which over 1,000 persons attended. Minority members were present at both meetings, attending both by specific notification and public announcement. These seminars began our concentrated program of taking information regarding the available services of SBA to small businessmen throughout the state of Alabama.

Immediately following the September 24, 1965 seminar in Mobile, this Agency was out of loan funds. This condition persisted until July 1966 and had a marked effect on the economic development of the state of Alabama; having completely curtailed our lending activities in all areas other than through guaranty loans.

This office has made the most extensive efforts possible to place information as to available services of the Small Business Administration before the general public, on a broad, thorough and impartial basis, as is evidenced by the data herein submitted. Of the sixty-seven (67) counties in the state of Alabama, sixty-five (65) have now received public information seminars conducted by me and my staff in an effort to make certain that no area of this state is not fully informed of the available services of the SBA. During the month of May we will complete coverage of all sixty-seven (67) counties by public information meetings which have generated a noticeable response in loan applications. Almost all such meetings were attended by Negroes. We recorded 385 Negroes as having attended these information meetings.

We have during this fiscal year alone, put out over 1,700 Press Releases and have utilized more than 76 hours of TV time presenting functions of SBA.

During the fiscal year 1964, only 125 loans were made by the Birmingham SBA Office; whereas during the fiscal year 1966 and fiscal year 1967 and 1968 to date, 154, 220, and 261 loans respectively have been made. This increase is noteworthy.

V. Another of our programs involves what we call our OUTREACH Project. We have furnished to the Commission a copy of our current directive on this project. Essentially, OUTREACH is a special effort to broaden and expand the awareness of minority groups as to the availability of SBA assistance. The scope of the Birmingham SBA Regional Office OUTREACH Project is indicated in the attached resume covering "grass-roots" seminars; workshops; panels; radio; television and news coverage; special group meetings; Program and Management Assistance activities and Circuit Rides made by this office throughout the state of Alabama from March of 1966 through March of 1968. This resume identifies seventy-three (73) specific meetings held, with an aggregate recorded minority attendance of one thousand fifty-seven (1,057) persons. You will further notice that an additional number of the listed meetings no record was made of attendance; however, minority attendance is cited in all instances wherein it was observed. Thus, the recorded number is indeed a conservative estimate. Participation of U.S. Congressmen; other Government Agencies; Colleges

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Prichard 484,581
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 Florence 199,921

Total

The total minority loans within the State for the above period are: \$315,000
 442,025
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and Universities is also shown. Attention is especially directed to the fact that public information meetings have been in ALL of the eighteen (18) counties under consideration.

You will be interested to know that in order to make the Agency more accessible to the small businessmen throughout the state, my office has five (5) regular "Circuit Rides" with Agency Loan Officers using a "sub-office" at least one day a month in Montgomery, Mobile, Huntsville, Florence and Dothan, Alabama. The schedule for these "Circuit Rides" is as follows:

- Mobile ----- First and third Thursday each month
- Montgomery - Second Thursday each month
- Dothan ----- Fourth Thursday each month
- Florence ---- Second Thursday each month
- Huntsville --- The Wednesday prior to the second Thursday of each month

VI. Turning now to the Agency's activities in the field of equal opportunity, I would note that we are applying the provisions of The Civil Rights Act of 1964, Executive Order 11246, and the Attorney General's Guidelines for Enforcement of Title (12-27-65). Soon after the passage of the 1964 Civil Rights Act, SBA issued Regulations prohibiting discrimination by businesses receiving financial assistance under the Economic Opportunity Act, under the Development Company loan program, and under the business loan program which permitted a four (4 percent) percent interest rate to borrowers in certain economically distressed areas. (Part 112, SBA Regulations, 30 Fed. Reg. 298 published January 9, 1965, effective February 8, 1965.) A year later, the Regulations were broadened to cover all of our programs of assistance other than disaster loans to owner-occupied homes. (Part 113, SBA Regulations, 31 Fed. Reg. 2374, published February 4, 1966, effective March 7, 1966.)

Every applicant for financial assistance from SBA is required to execute an "Assurance of Compliance" (SBA Form 652), by which he agrees that his business will be operated without discrimination on the basis of race, color, or national origin, and that he will comply with Title VI and the Regulations. (Copies of SBA Form 652, and its variations for particular types of loans, are attached.) Our Loan Officers must have this executed agreement in hand before the loan can be made.

Further, if construction exceeding \$10,000.00 is involved in the loan purposes, the applicant must execute an "Agreement of Compliance" (SBA Form 601), binding him to abide by the provisions of Title VI and the Regulations in entering into the construction contract and sub-contracts. If he already has a construction contract, he must agree (by SBA Form 601-A) to amend the contract to comply with Title VI and the Regulations. Our Loan Officers must have these executed agreements in hand before the loan can be made. (Copies of SBA Form 601 and 601-A are attached for your information.)

Under our Loan Guaranty Program, in these loans in which no Federal funds are injected until the Guaranty is purchased by the Agency, the Borrower is required to complete Compliance Form 652-C, (a copy of which is attached for your information).

These agreements acknowledges that the Federal assistance is predicated on the fulfillment of the agreements and that we have the right to enforce the agreement, by judicial action if necessary.

At the time the loan is closed, or disbursed, we deliver to the Borrower a "Notice to New SBA Borrowers" (SBA Form 793; a copy attached), which outlines six basic requirements to be met by the Borrower as minimum compliance with SBA equal opportunity objectives.

After the financial assistance has been given and the recipient has agreed to comply with the provisions of the Act and our Regulations, there is the matter of assurance of compliance: As I mentioned earlier, the Birmingham Regional Office has the responsibility for executing the Agency's programs of financial and management assistance, with certain exceptions—the Investment Company Program (handled by Washington), the Development Company Program, the Loan Liquidation Program, and the Procure-

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ment Assistance Program (handled by the Southeast Area Office in Atlanta),
 and the Equal Opportunity Compliance Program.

The centralized operation of these particular programs is the result
 of a judicious management determination of the best use of the resources
 available to the Agency, both in manpower and operating funds.

The Compliance Program is coordinated by a specialist at the Area Office
 devoting his FULL time to this program. In our case, Mr. Bill Scott is the
 Area Economic Opportunity Coordinator and Mr. Scott is present today and
 is available to answer your questions as to his activity.

Each Regional Office, including my own, has designated one staff member
 to render assistance to Mr. Scott upon request. My designee is Mr. Waid J.
 Edmondson, in the Birmingham Regional Office.

Again, with the desire to put our maximum effort into the area where it
 will produce maximum results. Mr. Scott concentrates on those borrowers
 having ten (10) or more employees. To these he sends our "Compliance
 Report" (SBA Form 707, copy attached), which is in effect a self-evaluation
 report by the Borrower. He is required to make an on-site compliance review
 of borrowers having fifty (50) or more employees, or in the event of a com-
 plaint. He advises me that no complaints have been received from the
 eighteen (18) counties in question.

Mr. Scott has advised me that in this eighteen (18) county area of
 Alabama, he has reviewed fifty-eight (58) loans made subsequent to March
 7, 1966; eight (8) have ten (10) or more employees and have been
 furnished a Compliance Report for completion. Four (4) of these, including
 the largest employer, have returned their Compliance Reports. The reports
 received show the following:

	Total Employees	Negroes	Percent Negroes
(1) -----	14	5	36
(2) -----	9	6	67
(3) -----	29	18	62
(4) -----	25	8	32
Totals -----	77	37	48

Additional favorable evidence of compliance is reflected in further informa-
 tion furnished me by Mr. Scott on his review of the area neighboring the
 sixteen county area in question; specifically, in Montgomery, Opelika, Bay
 Minette and Mobile, Alabama, the following is shown:

	Total Employees	Negroes	Percent Negroes
(1) -----	47	5	11
(2) -----	67	45	67
(3) -----	278	88	32
(4) -----	74	60	81
Totals -----	466	198	43

In the course of the latter compliance reviews, Mr. Scott reported hearing
 from the Alabama Field Director of NAACP enthusiastic praise for the
 progress being made in this area and for the Agency's information and
 counselling programs.

Mr. Scott further advises me of an October, 1967 resurvey of borrowers
 who had been reviewed for compliance at least six months previously. This
 small sampling, involving nine (9) or ten (10) firms in the area, reflected
 that their percentage of minority employees increased from approximately
 twenty (20 percent) percent in 1966 to twenty-five (25 percent) percent in
 1967.

As I have said, Mr. Scott is here today from our Area Office in Atlanta
 and we have Mr. Edward S. Dulcan, who is Director of our Equal Op-
 portunity Office in Washington, with us also, to answer your questions and
 to assist you in your fact-finding and appraisal efforts in this important area.

This Statement is made from the official records of the Small Business
 Administration and is true and correct to the best of my knowledge and
 belief.

THIS, the 26th day of April, 1968.

PAUL R. BRUNSON, *Regional Director*
 SMALL BUSINESS ADMINISTRATION
 908 South 20th Street, Birmingham, Ala. 35205

STATE OF ALABAMA
COUNTY OF JEFFERSON

Before me, the undersigned Notary Public, in and for the said county in said state, personally appeared PAUL R. BRUNSON, with whom I am acquainted and who, upon oath, acknowledged himself to be Regional Director, Birmingham Regional Office, SMALL BUSINESS ADMINISTRATION, and that he, as such Regional Director, being authorized so to do, executed and delivered the foregoing Statement for the purposes therein expressed, by signing the name of said SMALL BUSINESS ADMINISTRATION by himself as said Regional Director.

WITNESS MY HAND and official Seal in Birmingham, Alabama, this the 26th day of April, 1968.

ROSE C. MILLER,
Notary Public.

My Commission expires:
February 5, 1971

November 9, 1966

SC9/ND 510-1
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*21. *ECONOMIC OPPORTUNITY LOAN PROGRAM—EOL* (1) and EOL(2)

a. *Statutory Authority.* Title IV of the Economic Opportunity Act of 1964 authorizes the making, participation in or guaranteeing of loans to assist in the establishment, preservation and strengthening of small businesses. The SBA share of such loans, participations or guarantees, shall not exceed \$25,000 for a term not to exceed 15 years. Participation in the program by banks and other lending institutions shall be sought and encouraged. The EOA authorizes the use of the SBA revolving fund for the operation of Title IV. The EOA provides that borrowers may be required to improve their management skills as a condition of obtaining financial assistance. A borrower may be required to participate in an approved management training program.

No loan shall be made unless the following conditions are satisfied:

- (1) There is reasonable assurance of repayment of the loan;
- (2) The financial assistance is not otherwise available on reasonable terms from private sources or other Federal, State or local programs.
- (3) The amount of the loan, together with other available funds, is adequate to assure completion of the project or achievement of the purposes for which the loan is made;
- (4) The loan will not be used to relocate establishments from one community or local area to another;
- (5) The loan will not be used to finance subcontractors to enable them to undertake the work theretofore performed in another community or local area by subcontractors or contractors.
- (6) The borrower agrees not to discriminate on grounds of race, color, creed or national origin.

b. *Purpose and Scope of EOL(1) and EOL(2)*

- (1) EOL(1).—The purpose of the EOL(1) program is to make funds available on reasonable terms to persons engaged in the operation of small business where the efforts of such persons to date have afforded them only a marginal economic existence. Primary emphasis will be placed on existing businesses. Where there is a promising projection and management appears capable, a loan may be made to establish a new business. Every EOL(1) loan will be expected to assist in raising the applicant's family's standard of living to above marginal levels. Special consideration shall be given to loans which will afford disadvantaged persons, specifically including minority group members, business opportunities traditionally not available to them.

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c, in and for the said county in BRUNSON, with whom I am pledged himself to be Regional ALL BUSINESS ADMINISTRATOR, being authorized so to do, ement for the purposes therein ALL BUSINESS ADMINISTRA-

in Birmingham, Alabama, this

ROSE C. MILLER,
Notary Public.

SC9/ND 510-1
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PROGRAM—EOL (1) and

the Economic Opportunity Act of 1964 in or guaranteeing of loans preservation and strengthening of such loans, participations or EOL for a term not to exceed 15 years by banks and other lending institutions encouraged. The EOA authorizes the operation of Title IV. The applicant may be required to improve their financial standing by obtaining financial assistance. A plan must be submitted in an approved management

Following conditions are satisfied:
1. Timely repayment of the loan;
2. Funds otherwise available on reasonable terms from other Federal, State or local sources;

3. The applicant, in cooperation with other available funds, is committed to the project or achievement of the EOL; and
4. The applicant will not relocate establishments from one location to another; and
5. The applicant will encourage subcontractors to enable them to perform work previously performed in another community by subcontractors or contractors.
6. The applicant will not discriminate on grounds of race,

EOL(2)

The EOL(1) program is to make funds available on reasonable terms to persons engaged in the operation of existing businesses. Where the applicant and management appears capable, the EOL(1) program is to assist in raising the applicant's family's economic level above marginal levels. Special consideration will be given to minority group members, business women, and persons with special skills available to them.

- (2) EOL(2).—The purpose of the EOL(2) program is to make funds available on reasonable terms to persons engaged (or planning to engage) in the operation of small businesses which do not qualify for financial assistance from any other source including EOL(1) or 7(a) lending programs of SBA. This program is intended to assist those persons who have suffered from lack of opportunity and thereby have been denied the chance to compete in business on equal terms. As in the case of EOL(1), emphasis shall be placed on assisting disadvantaged persons, specifically including minority group members.

c. Eligibility

- (1) General.—Section 7(a) eligibility restrictions shall generally apply to both types of EOL loans. Exceptions are:

- (a) Restrictions shall not be strictly applied with respect to the payoff of unsecured creditors;
(b) A loan will not be made if the purpose of the applicant in applying for such assistance is to effect a change in ownership of a business, unless such change will promote the sound development or preserve the existence of a small business or, *in connection with the making of a loan under the EOL program, will provide for the acquisition of all or part of such concern by a person or persons the EOA of 1964 was intended to benefit.*
(c) Change of location of a business under provisions of the EOA as is otherwise covered herein.

(2) Specific

- (a) EOL(1).—To be eligible, each applicant must be a person or persons whose income from all sources other than income derived from payment in the nature of welfare is below that required to meet the basic needs of themselves and those of their immediate families who are dependent upon them. Where there are two or more principals involved in an EOL application, the application may be considered eligible if 50% or more of the business equity is owned by persons who qualify under the criteria. Since no dollar amounts will be used to establish income eligibility, each case must be evaluated on its own merits. This evaluation will be based on, but not necessarily limited to, a careful analysis of:

- (1) Total family income and expenses;
(2) Family size;
(3) Personal net worth including type of assets;
(4) Location and type of residence.

- (b) EOL(2).—Applicant is a person or persons whose income is above that required to meet the basic needs of themselves or their immediate families, but have lacked the opportunity to accumulate or acquire capital necessary to establish, expand or strengthen a small business. The applicant's business to be financed by EOL(2) must be the primary source of income for the applicant and his dependents. Applicant must have the education, training, technical background, management or business experience, or other qualities which indicate a strong managerial capability. Emphasis will be given to those loans which will:

- (i) Establish, strengthen or expand businesses engaged in manufacturing, research and development, wholesaling or distribution; offer the owners future opportunities for substantial business expansion, and those retail and service fields which are not traditionally operated by disadvantaged persons; or

- (ii) Strengthen the economy of low-income areas by providing services or products not otherwise available in adequate supply in those areas; or

- (iii) Provide employment for unemployed, unskilled and/or underemployed persons, especially when the business

will enable unskilled persons to upgrade their capabilities.

- (3) *Form of Business Organization.*—Applicants may be a sole proprietorship, partnership, or corporation. A cooperative association is also eligible provided its members are eligible small business concerns. Consumer cooperatives are not eligible.
- (4) *Availability of Funds.*—A determination should be made that funds are not otherwise available on reasonable terms from private sources, or local, State or other Federal programs. Letters of decline from banks are not required. However, the applicant's bank of account, if any, should be contacted to determine its willingness to finance the applicant independently, in participation with SBA, or with an SBA guaranty. The applicant's financial statement and any other relevant information will be the basis for determining his ability to supply funds from his own resources. The loan processor shall comment in his report on the availability of funds from these sources.
- (5) *Relocation.*—The EOA provides that financial assistance shall not be extended when it is determined that the loan funds will be used in relocating establishments from one area to another. (Relocation within a community or local area shall not be considered relocation from one area to another).

d. *Criteria*

- (1) *Character.*—Good character is a basic necessity for the EOL applicant. A character evaluation is of prime importance even though the documentation may be more difficult since the applicants have usually been in a deprived, economically depressed status. An investigation of character will be made from the best sources that are available: past sources of credit, employers, and any others who may have knowledge of his general honesty, personal habits, sense of family responsibility, and determination to succeed in business. The SBA must also be able to reasonably conclude that the applicant's character is of a type which indicates that he accepts his financial obligations as morally binding and that he will make every reasonable effort to meet his obligation to the Government.

In cases where there is evidence that applicant in the past has failed to meet his obligations due to circumstances beyond his control, such as major illness in the family or prolonged unemployment, SBA should carefully evaluate such factors in arriving at its conclusion, and explain the circumstances in their reports.

SBA teams have the responsibility of becoming aware of the socio-economic problems in the areas they serve, and these teams should have a sensitive understanding of those problems prevalent among those individuals whom the EOL program is intended to assist.

It is expected that applicants will not necessarily be declined because of a criminal record. When it is determined that a criminal record exists, applicant's age at the time of the offense or offenses and his ensuing rehabilitation efforts should be given major consideration in overall character analysis. A felony of any kind naturally calls for a more extensive investigation than is necessary with a misdemeanor. An application will not be accepted from a person who is currently on probation or parole, nor will an application be accepted where probation or parole is lifted solely because it is an impediment to obtaining an EOL. Also, applicants who have pending criminal cases against them will not be considered until the matter has been resolved satisfactorily.

If the Loan Specialist has any information that might assist the Washington Office in evaluating applicant's character, he should forward this information with Form 281. If the information is developed after the Form 281 has been forwarded, the information should be sent to the Office of Audits and Investigation, Security and Investigations in Washington.

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grade their capabilities. Applicants may be a sole proprietor. A cooperative association members are eligible small businesses are not eligible. Attention should be made that on reasonable terms from other Federal programs. Not required. However, the could be contacted to determine applicant independently, in SBA guaranty. The appropriate relevant information ability to supply funds from source shall comment in his name these sources. financial assistance shall be provided that the loan funds will be drawn from one area to another. (local area shall not be contained in another).

Specific necessity for the EOL of prime importance even more difficult since the approved, economically depressed will be made from the best sources of credit, employers, and character of his general honesty, responsibility, and determination. He should also be able to reasonably determine character is of a type which imposes obligations as morally binding. Reasonable effort to meet his

applicant in the past has been in circumstances beyond his family or prolonged unemployment such factors in arriving at the circumstances in their favor of becoming aware of the problems they serve, and these teams working on those problems present in the EOL program is intended

not necessarily be declined if it is determined that a conviction at the time of the offense. Efforts should be given character analysis. A felony of extensive investigation than an application will not be granted if on probation or parole, where probation or parole is pending to obtaining an EOL. Criminal cases against them where a conviction has been resolved satisfactorily

information that might assist the applicant's character, he should be provided. 281. If the information is forwarded, the information should be sent to the Office of Audits and Investigation, Washington.

(2) *Credit*.—The credit criteria for making loans under EOL(1) and EOL(2) are broader than 7(a) business loans and will involve the taking of calculated risks. In each case, however, there must be a basis for the determination that there is a reasonable assurance of repayment. Every effort should be made to find a basis for approval when the granting of such assistance is consistent with the Economic Opportunity Act of 1964, as amended.

In making a loan to establish a new venture, it is not necessary that the borrower provide an equity investment equal to the loan request. In some cases a considerably lower investment will be sufficient. Where there is an especially promising projection and the applicant has demonstrated capability, little or no equity investment need be required.

e. *Amount and Terms of Loans*

(1) *General*.—Section 402 of the EOA provides that no loans shall be made, participated in, or guaranteed if the total amount of such assistance under the EOA of 1964 to a single borrowing entity outstanding at any one time exceeds \$25,000 as the SBA share.

Where two more individuals are associated in a business entity, the limit applies collectively to all such loans made to such individuals and such entity. (Although loans may be made to individuals to start businesses, the total amount of such loans outstanding to any partnership or corporation so started or to members of such partnership, or officers of such corporation collectively shall not exceed \$25,000, SBA share, at any one time.)

The maximum maturity of loans, including extensions, shall not exceed 15 years.

Note.—Until further notice, the \$25,000 limitation stated herein is reduced to \$15,000 for EOL(1) loans the limit is \$25,000 for EOL(2) loans.

(2) *Loan Conditions*.—Repayment should be provided for at the earliest feasible date giving consideration to the use to be made of the funds and indicated ability to repay. Generally, working capital loans should be limited to 10 years. Longer terms may be extended up to the legal limit of 15 years where the proceeds are for acquisition of realty or other fixed assets. Where a combination of purposes is involved, the period for repayment may be adjusted accordingly. Loans generally shall be repayable in regular monthly installments including principal and interest.

(3) *Grace Periods or Special Conditions*.—If necessary, grace periods for payments of principal may be established for not to exceed 13 months from date of note. Interest payments must be made during such grace period. Other methods may be used in setting repayment terms, such as smaller payments for the early years of the loan and increasing in later years, as appropriate, to assure successful establishment and operation. A fluctuating repayment schedule may be established for seasonal businesses. Prepayments on the loan can be made at any time and in any amount without penalty.

f. *Interest and Fees*

<i>Type of loan</i>	<i>Interest rate</i>
Direct _____	5½%
Immediate participation _____	5½% on SBA's share; legal and reasonable but not in excess of 8% on participant's share.
Guaranteed loans _____	Legal and reasonable but not in excess of 8%, including SBA guarantee fee of ½ of 1%
Designated loans in EDA areas.	4¾%. This rate applies to direct loans and to SBA and the bank's share of participation loans, either immediate or guaranteed.

g. *Participation Amount and Fees*

<i>Type of loan</i>	<i>Fee</i>
Guaranteed loans -----	Guaranty may be up to 100% of an EOL. Same guaranty fee will be charged banks as is applicable to regular business loans.
Immediate participation ----	SBA participation not to exceed \$25,000* or 90% of loan, whichever is lesser. Service fees charged by bank may equal but not exceed those which it charges on regular business loans.

*\$15,000 for EOL(1) loans until further notice.

h. *Use of Proceeds*

- (1) *General*.—Proceeds of Economic Opportunity Loans may be used for any purpose which will carry out the intent of the Act as set forth herein. The Economic Opportunity Act prohibits loan proceeds to be used for financing subcontractors to enable them to undertake work heretofore performed in another area by other subcontractors or contractors; however, loan proceeds may be used to enable subcontractors to compete for contracts or subcontracts in their area.
- (2) *Management Training*.—Where participation in a management training program is a condition of the loan, the cost of such training may be paid from the loan proceeds.

i. *Collateral*

- (1) *General*.—There are no statutory requirements with respect to collateral for loans. Inadequate collateral shall not be used as a reason to decline unless the applicant refuses to pledge whatever worthwhile collateral is available.
- (2) *Collateral Not to be Required*.—The following items of collateral will not be taken:
 - (a) Mortgages on residences occupied by the principals.
 - (b) Liens on the furniture, fixtures or equipment used in principals' homes.
 - (c) Assignments of life insurance.
 - (d) Automotive equipment except where purchased with loan proceeds or where it is an important part of the collateral available and has substantial value.
- (3) *Collateral to be Taken or Items Checked*
 - (a) Fixed assets purchased with loan proceeds should be taken as collateral. No title or lien searches will be made, except in cases where business real estate is taken as collateral and there is reason to believe that a title search is necessary to protect the Government's interest.
 - (b) Accounts receivable or inventory may be taken when needed but only in those States where a good lien can be perfected under the Uniform Commercial Code or applicable factors' lien laws; no cash collateral accounts will be required. Loan processor should comment in his report on his decision to take or not to take a lien under the code.
 - (c) In the interest of the borrower, hazard insurance should be required whenever deemed advisable.
 - (d) Where applicant is renting, check should be made to determine that a satisfactory lease or other arrangement is in effect.
 - (e) Guarantees of principal stockholders will be required in appropriate cases.

- j. *Filing and Numbering of Applications*.—Applications shall be filed on SBA Application Form 6B. The prefix "EOL(1)" or "EOL(2)" shall be used and the regular loan number sequence will be followed.

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k. *Interview Procedure.*—Experience indicates potential EOL applicants need special attention and assistance. The interviewer will make certain that prospective EOL applicants fully understand what is required to complete the application and the reason for those requirements. The interviewer will assist the applicant in filling out the application to the extent necessary.

1. *Loan Processing*

- (1) Loan Specialist shall determine that the applicant has complied with paragraph 28, b and c, of this directive.
- (2) With emphasis placed on future prospects, the loan specialist and/or the applicant will work out a realistic earnings projection. For existing ventures explanation should be provided covering anticipated improvements in operations.
- (3) Due regard will be given to projected cash flow to service debts.
- (4) There must be reasonable assurance that the loan will be repaid. Calculated risks will be assumed with respect to earnings provided the potential appears reasonably favorable. Consideration should be given to the good character and past record of the applicant in meeting obligations.
- (5) There is no specific rule as to what constitutes an acceptable debt-to-net worth ratio. Emphasis will be placed on applicant's ability to repay the loan from earnings of the business.
- (6) There must be reasonable evidence that the loan, together with other funds available, will be adequate to assure the completion of the project or achievement of the purposes for which the loan is made.
- (7) *The loan processor's report will include a detailed discussion of applicant's eligibility per 21 c (2) (a) or 21 c (2) (b).*
- (8) The basis for determining that funds are not otherwise available shall be included in the loan specialist's report.
- * (9) The basis for determining that the application does not meet 7(a) requirements shall be included in the loan specialist's report.*
- (10) The loan processor's report will include an analysis of applicant's management capabilities and deficiencies and recommendations for strengthening these deficiencies.
- (11) The loan specialist's report shall be prepared on SBA Form 531. The authorization if loan is approved, should be prepared on SBA Forms 408C, 408D or 408E, as applicable. One copy of the loan specialist's report and authorization shall be sent to the area administrator and one copy sent to the Director, Office of Business Loans, Washington.

m. *Procedures for Implementation.*—It will be the responsibility of each regional office to (1) bring these programs to the attention of those intended to be assisted by EOL(1) or EOL(2); (2) encourage individuals to apply for assistance; (3) interview, evaluate and assist persons interested in obtaining this assistance; (4) process the applications of eligible persons; (5) service loan recipients; and (6) provide management training and counseling to loan recipients and others who are eligible for such assistance.

- (1) *Community Involvement.*—In order to insure maximum community involvement in the implementation of this program, regional offices will establish and maintain working relationships with community action agencies and local business, civic, governmental, religious and other organizations representative of individuals these programs are intended to assist.
- (2) *Outreach.*—Experience has shown that unless a *special effort* is made to bring word of the EOL programs to the attention of individuals they are intended to assist, many potential applicants remain unaware of the availability of the programs. Community action agencies which serve the low-income community should be asked to disseminate information of the EOL programs through these agencies' regular programs of neighborhood field

workers, circulars and newsletters, community meetings, etc. Leaders of other local organizations should be asked to assist by disseminating information to members. SBA technical personnel should be made available to actively participate in community meetings or meetings of appropriate local organizations. The role of community organizations will be to disseminate information about this program, guide and counsel prospective applicants and refer prospective applicants to SBA.

- (3) *Interviewing.*—SBA personnel will interview those seeking assistance, eliminating as tactfully as possible those who are ineligible and giving in-depth evaluation to those who appear to merit serious consideration. The SBA loan processor will complete page 1 of Form 680 for each EOL applicant whose application is accepted.

Interviews will be conducted by SBA personnel at SBA offices or, when appropriate, at locations most accessible to prospective applicants. Regional offices will assume responsibility for arranging for SBA personnel to be available on a regularly scheduled basis at community action agencies, neighborhood centers and other organizations with offices in low-income neighborhoods.

In most places the EOL (1) program will be making funds available to many individuals who have never before qualified for any type of business financing, who have never before dealt with government or private financial institutions, and who may not understand the need for documentation required for an SBA loan. Experience has shown that a number of these individuals may feel apprehensive, overwhelmed or discouraged during the early or middle stages of the application-taking period. While no loan should be made to an individual who is not fully qualified, seriously interested in a business career, and prepared to furnish information to complete an application, it is SBA's responsibility to encourage potential loan recipients to complete their applications. This should be accomplished by making certain that those inquiring about the program or applying for loans understand why certain requirements have been imposed. SBA personnel, with the help of volunteers, should assist them in the completion of their applications.

- * (4) *Management Analysis and Assistance.*—The PM officer will be notified in writing by the Chief, ACT Division, whenever an EOL application has been accepted. Within 10 days of such notification the PM officer will submit, to the loan officers handling the case, a management evaluation guide which will become a permanent part of the loan file. The Guide will contain one of the following statements:

- (a) Based on my evaluation of this applicant, it is my opinion that there is reasonable likelihood that the applicant can manage this business successfully.
- (b) Based on my evaluation of this applicant it is my opinion that there is *not* reasonable likelihood the applicant can manage this business successfully.
- (c) It is my opinion that if this applicant satisfactorily completes the following management assistance program(s), there is reasonable assurance that he could successfully manage this business.

When the Guide contains the third statement above, the loan applicant will be encouraged (to follow the specified management assistance programs). The PM officer shall be responsible for arranging any recommended program and will report in writing to the loan officer whether or not the applicant has participated in and completed the program and with what results.

The loan officer will take into consideration the PM officer's written guide before recommending final action on the case and will comment briefly on the PM officer's evaluation in a separate

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paragraph on "Management" in the narrative portion of SBA Form 531, "Loan Officer's Report". In those exceptional cases when the loan officer recommends approval over the negative recommendation of the PM officer, the loan officer should include a detailed justification of his recommendation in the SBA Form 531.

When appropriate, disbursement of a loan may be withheld until loan applicant has satisfactorily completed a specified management program. When a loan is declined because applicant lacks management ability, the formal reason for decline will be coded "Reason 02-Lack of reasonable assurance of ability to repay the loan (and other obligations) from earnings".*

- (5) Whenever the Officer of Economic Opportunity authorizes Small Business Development Centers, SBA will cooperate with such Centers in providing counseling, guidance, and management training. SBDCs shall refer applicants for financial assistance, coming to their attention, to SBA.
- n. *Servicing.*—EOL loans will require constant and careful servicing. As the need is indicated, Financial Assistance will arrange, through PMA, for personnel, including SCORE, to provide services such as counseling in marketing, production and management.
- o. *Default.*—Within 30 days after default, a loan specialist will visit the borrower and guarantors. Once a decision has been made that nothing more can be done to keep the borrower in business and collect the loan, liquidation must be rapid.
- p. *Loan Closing*
 - (1) Loan specialists are responsible for closing loans. Counsel will render a closing opinion only on loans where title or lien searches are made. In all other EOL loans, counsel will review and initial the file copy of all closing documents before execution by borrower or participating bank. The team member who processed the loan will sign SBA Forms 191 "Request for Check" and 192 "Notification of Disbursement or Purchase", as the "Recommending Official" and the team leader will sign as the "Approving Official". If the team leader processed the loan, he will sign as the "Recommending Official" and the Chief, or Assistant Chief, FAD, will sign as the "Approving Official".
 - (2) In guaranteed loans, SBA Form 597 provides for a written opinion by bank's counsel. However, where bank requests review by SBA counsel in lieu of opinion by bank's counsel, counsel shall review the bank's closing documents and render a written opinion or initial the documents pursuant to subparagraph (1) hereof.
- q. *Applicability of other instructions.*—Except as specifically set forth herein, the processing, closing and disbursing of loans under the EOL programs shall be the same as regular business loans.
- r. *Information required on SBA Forms 149 and 680*
 - (1) SBA Form 149 for each EOL inquirer who does not receive an application form must contain the specific reason he was found to be ineligible. For all EOL inquirers, the minority group coding will be placed in the upper right-hand corner of SBA Form 149.
 - (2) Team members responsible for processing applications accepted by SBA will fill out page 1 of SBA Form 680 "EOL Interview Form." The loan case number will be placed in item 2 of SBA Form 680 in lieu of the "client number" formerly used by SBDCs. A copy of page 1 of SBA Form 680 will be forwarded to the Office of Business Loans along with loan processor's report at the time that final action is taken.

Re: GASTON,S SUPERMARKET
Selma, Alabama
SBLP-481,577-BHAM

AN ALABAMA SUCCESS STORY

In central Alabama, which is enjoying prosperous farming and industrial growth, Mr. J. M. Gaston established a grocery store operation in 1945. It started as a typical small neighborhood grocery store. Through the capable management of Mr. Gaston, it has shown steady growth with ever-increasing earnings and sales. It is the largest supermarket in Selma, Alabama by 20 percent. Mr. Gaston is not affiliated with any national supermarket chain; however, the supermarket chains are represented in the trade area.

In 1964, Mr. Gaston sustained a very costly fire which destroyed his building, equipment, and inventory. Shortly after the fire, Mr. Gaston, through his local bank, approached this Administration and, as a result, filed an application for a \$350,000 loan with a local bank taking 25 percent of that amount. The loan was approved in December, 1965 and shortly thereafter, we received a balance sheet and profit and loss statement as of December, 1965 showing sales of \$1.6 million and a substantial net profit.

We are advised that this business continues to grow and prosper with a substantial reduction already being made in the outstanding balance. We are further advised that this loan resulted in making available to the local population free competitive food prices, which has been of material benefit to the entire trade area.

Re: Solomon Thompson, d/b/a
THOMPSON DRY CLEANING
AND ONE HOUR MODERNIZING
Montgomery, Alabama
RSL-196,441-BHAM

AN ALABAMA SUCCESS STORY

Solomon Thompson, born 1922, native of Macon County, Alabama, started working in the laundry and dry cleaning business at the age of seventeen. In 1942, he became employed in Montgomery, Alabama, with Airway Cleaners and was diligent in learning the laundry and cleaning business. In 1953, he had accumulated a small amount of capital which he was willing to risk in a business for himself, believing in his ability and having the desire to own a business of his own, though realizing it would not be an "easy road to travel". Later, the second outlet was opened and additional equipment purchased.

On September 29, 1964, Solomon Thompson applied to SBA for a direct loan in the amount of \$15,000.00; the proceeds of which were applied toward liquidating short-term equipment indebtedness, thereby providing a cash flow sufficient to operate the business. At the time of the first loan, he had eight employees and Applicant's combined business and personal net worth were indicated to be \$16,604.00.

Thompson's business has found need for additional expansion and we are now considering a bank participation application to refund the balance due on his present loan, to make leasehold improvements, and purchase additional equipment. His present financial information is indicative of hard work and good management, since his combined business and personal net worth is now shown as \$44,620.00.

The original loan enabled him to build his business so that at this time a conservative bank believes that it should cooperate with us in additional sound development. He now employs ten and volume and profits have increased through industrious, frugal, and capable management. Thompson is a minority member, whose trade is from a mixed lower income group. He is situated in Montgomery, Alabama. Participating Bank has confidence in Thompson and his ability, and unhesitatingly recommends additional assistance.

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Re: ROBBINS MACHINERY COMPANY
500 North 28th Street
Birmingham, Alabama
L-192,645-BHAM

AN ALABAMA SUCCESS STORY

Business was started as a machine shop in 1950, its primary purpose at that time was to repair machinery and equipment for Robbins Coal Company, Inc. Their strip-mining operations became more and more difficult as the overburden became thicker and heavier, and cost had to be reduced to profitably mine a seam of coal 30 to 40 inches thick. This overburden running to a depth of 138 feet had to be moved cheaper. This led to the development of the Robbins Rotary Drill that will cut a hole up to 15 inches in diameter, and will do it quickly and cheaply. It is said that this diamond bit drill will cut 9 feet in solid rock in less than a minute.

As competitors and others saw what this machine would do, they urged Davis Robbins to manufacture the drills commercially. Therefore, a new corporation was formed for this purpose.

The financial condition of the corporation in October 1961 reflected total assets of \$1,307,028 to debt of \$816,377.

An SBA-Bank Participation Loan of \$500,000 was made to this company in the latter part of 1961 for debt payment and working capital. The corporation reported gross sales for Fiscal Year ending August 31, 1961 of \$1,769,500 with a net profit of \$35,984, and paid income taxes of \$6,900. Employment at this period was approximately 54 personnel.

Today, this corporation has assets in excess of \$2,300,000. Net worth has increased from \$490,000 to \$776,000. Annual sales are in excess of \$4,500,000 with net profits for Fiscal Year ending August 31, 1966 of \$245,148. This firm paid Federal and State income taxes of \$118,957. Borrower is now employing 115 people.

Re: William Theron Vick and Alfred Vick, a partnership
d/b/a VICK LUMBER COMPANY
Hamilton, Alabama
U-EMP-194,423-BHAM

AN ALABAMA SUCCESS STORY

This company was started as a new business in December, 1945 as Coalson-Vick Lumber Company, operating as a partnership. Starting capital consisted of \$10,000 obtained on property owned by Vick and \$25,000 advanced by Coalson and Pinion Lumber Company, Inc. Mr. Vick purchased Coalson's interest for \$32,500 in February, 1948 and operated as a proprietorship until January 1, 1952 when Alfred Vick, a brother, was admitted as a partner to the extent of 25% of the profits.

Mr. W. T. Vick started expanding the company by acquiring truck and trailer units to deliver lumber to areas in the northern part of the county. This increased sales volume, which continued to increase each year thereafter. In December, 1958 a debarker, chipper, and "gang" saw were added to the operations. Later another saw mill and planer mill were added. Mr. Vick operates two mills—one for pine timber and one for hardwood timber.

In December, 1962 Mr. Vick realized he must install a dry kiln to meet competition. He did not have the necessary capital to make the additional installation. The First National Bank of Birmingham has furnished the business financing over a period of years; however, they were unable to provide long term loans needed to finance a dry kiln.

In February, 1963 a Small Business Administration loan was approved in the amount of \$180,000 to assist in the upgrading of this business. At the time the loan was made, this business had assets in excess of \$516,000, liabilities of \$238,000, and a net worth of \$278,000. Gross receipts were in excess of \$1,354,000; however, they operated at a loss of \$11,600 after depreciation of \$37,750. They were employing approximately 78 people. Assets now total \$654,800 and capital \$313,700. In 1966 the company made \$15,700 after depreciation of \$37,800. In addition to providing profits for the owners, this

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business furnishes approximately 80 families in the area with income in excess of \$230,000, and state and county taxes in the approximate amount of \$20,000 are paid annually.

Under capable management and long term financing which was provided by the Small Business Administration, Vick Lumber Company has grown and is now a prime factor in the economy of the area in which it is located.

Re: DIXIE ELECTRICAL MANUFACTURING COMPANY
A corporation, located: Pinson Highway, Greens Station
PO Box 6298, BIRMINGHAM, ALABAMA
L-194,094-BHAM
L-186,370-BHAM

AN ALABAMA SUCCESS STORY

SBA-ASSISTED BUSINESS SUPPORTS UTILITY POLES.—Ever wonder what keeps utility poles up? "Support" from pole line hardware supplied by an SBA-assisted company in Birmingham. Nuts and bolts, one of the chief products manufactured by Dixie Electrical Manufacturing Company, "swings a lot of weight" in the economical stand of fulfilling utility demands. Galvanizing and Forging are two important processes which reap financial benefits for Dixie.

In addition to supplying the Southeastern area of the United States, these specialized products are EXPORTED by this manufacturer to South America and the Caribbeans.

Formed in 1955, Dixie Electrical Manufacturing Company utilized local materials and labor skills, providing an additional payroll source with all the resulting benefits for the community. Experiencing a "Set-Back" in 1958, approximately 50% of the original capital was lost. Thus, financial assistance was imperative in order for the company to continue operations.

The stockholders, realizing the company had a bright future, decided the SBA program most nearly suited the company's needs and abilities and, in 1958, obtained a \$250,000 loan. Much of the proceeds were used for the installation of a galvanizing section.

During the following four (4) years after the loan was made, the company showed steady improvement. Sales for 1962 were \$655,000 while the company operated at a loss of \$33,000. In November 1963, an additional loan of \$75,000 was made to the firm to support the need for additional inventory, working capital and the purchase of equipment for its proposed forging section.

The company, enjoying its first profitable year in 1963, reported sales of \$1,020,858 and a PROFIT of \$10,485. In only five years after the original loan was approved, the firm had achieved steady profit growth every year since that time. December 1966, the firm had sales of \$1,723,000 and enjoyed a net profit of \$54,000.

Employment has increased from 30 in 1958 to 70 in 1966, with a present payroll in excess of \$250,000—a marked indication of progress—obviously their most important product!

Financial assistance from the Small Business Administration has enabled Dixie Electrical Manufacturing Company to supply products—not only for the Southeastern Area of the United States—but also for South America and the Caribbeans. Since most of export trade of the United States is carried on by a small number of firms, such as this one, SBA has and is making a valuable contribution to counteract Communist distortions about the United States as a country of "monopolistic capitalism."

Re: RESOURCE MANAGEMENT SERVICE, INC.
Birmingham, Alabama
X-EMP-195,160-BHAM

AN ALABAMA SUCCESS STORY

In 1950, Mr. John B. Bradley, Jr. established the Southern Timber Management Service. The purpose of the company was to give service to land owners, small and large, in developing timber lands. The business began as a

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SS STORY

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proprietorship. Mr. Bradley was well qualified in his field as he holds a Bachelor of Science Degree from the University of California and a Masters Degree in Scientific Forestry from Yale University. He realized the potential in developing a scientific timber service in expanding this valuable natural resource.

In 1956, the business was incorporated and the name changed. Some 12 people were now employed in management, and at the peak of their servicing periods some 25 or 30 people were used in their timber crews. By this time, the company was offering a re-forestry service, advice on sales and purchase of timber and timber lands, landscaping of forestry, feasibility studies on marketing, and feasibility studies for companies wishing to establish plants using forestry products.

In 1960, financial assistance was obtained from the Small Business Administration in the form of a \$61,000 loan. The company now had a total of 25 regular employees and sales had reached \$161,000. In 1962, sales rose to \$220,000 with a net profit of \$3,000. The company continued to grow and add additional services. The new services included the processing of pine tree seeds and a re-planting service. The business had to have additional financing for the added services, and in November, 1963, a new Small Business Administration participation loan was approved in the amount of \$100,000.

By 1965, sales had reached approximately \$300,000 and net profits were \$20,000. The company was now employing some 30 people, and their timber crews during the peak seasons were running close to 100 people. Services were also being offered to foreign countries in Central and South America; and pine tree seeds were being shipped all over the entire world. In 1966, sales totaled \$302,000 with net profits amounting to \$17,500. The company's over-all business and financial condition improved to the extent that the SBA loan was fully repaid in March, 1967.

At the present, the company has 33 permanent employees and is providing employment for 125 people in their timber crews. This is another instance where financial assistance from SBA has helped to expand a business that is vital to our country in providing a much needed service and is also giving employment to well over one hundred people.

Re: BURGREEN CONTRACTING COMPANY, INC.
Athens, Alabama
L-185,810-BHAM

AN ALABAMA SUCCESS STORY

Burgreen Contracting Company, Inc. is a direct result of a proprietorship started by Edward Burgreen in 1935 at which time the business was primarily small—grading and terracing contract jobs. Through the years, although profits were small, Mr. Burgreen expanded his business by re-investing small profits into used equipment, which he rebuilt and assembled into a small group of construction equipment and established an experienced work force.

A corporation was formed in 1947 and named The Burgreen Contracting Company, Inc. with an authorized and paid in capital of \$25,000. Charter was amended in 1951 and authorized capital was increased to \$75,000.

The corporation was in a constant state of expansion and adequate capital was not available for additional equipment and working capital on reasonable terms. Contracts had increased in size from a few thousand dollars to a backlog of three million six hundred thousand dollars. By March, 1959, the corporation had a base force of 60 employees 12 months of the year and 180 employees for 9 months of the year. The payroll was running between \$15,000 to \$25,000 per week. The company was engaged primarily in highway contracts for the State of Alabama.

The corporation needed long term financing for its equipment purchases and working capital. Efforts had been made to solicit long term financing from the local banks; but due to their legal limit, they were unable to assist this company. Mr. Burgreen turned to the Small Business Administration for financing. An SBA direct loan of \$350,000 was approved in June, 1959. The following excerpt shows the condition of the company at the time of the loan and today:

	1959	1966
Total Assets	\$896,483	\$1,013,666
Total Liabilities	433,299	624,016
Net Worth	463,184	389,650
Gross Sales (1958)	1,298,656	3,957,277
Net Profit	10,232	27,082
Income Taxes	2,204	8,010

Salary and wage expense in 1959 was \$393,906. This expense in 1966 was \$1,010,235. In addition to income taxes, the company paid \$119,492 in ad valorem taxes in 1966.

The above figures clearly demonstrate the growth that this company has realized through financial assistance provided by the Small Business Administration. In addition to providing economic success to the owners, the company has provided a livelihood for 200 or more employees in the Athens area.

SWALLEY PRINTING CO. IS EXPANDING

By Leonard Chamblee

A \$1.3 million expansion of the Swalley Printing Co. was revealed here Tuesday.

Edwin E. Swalley, president, said the firm has acquired the property bounded by Airport-hwy. 47th-st and the railroad tracks.

Swalley said the property has been acquired in the past three months except for the present building occupied about a year ago.

Swalley said his firm, founded in 1957, now is working almost entirely now on government contracts including armed forces manuals and books for other agencies.

He recently added a 15,000 square foot building—behind his present location.

When all new equipment is installed, he said, the firm will begin printing school textbooks and paper back books. "We have had all kinds of inquiries as to when we can start."

He said the firm expects to use 800,000 pounds of paper a month.

Swalley recently purchased the Southern Household Products building which covers one square block on 36th-st, and 10th-av, n. The structure has 46,000 square feet of floor space.

A paper-converting operation will be installed. The firm will keep a large paper tonnage on hand.

The firm employs 130 and expects to add about 40 more. Annual sales are about \$1.5 million.

This is expected to increase about \$2 million annually.

Swalley predicted the firm would expand sales of \$20 million in five to 10 years.

Swalley has also acquired the M&M terminal, which is the old A&P warehouse on 12th-st and 1st-av, n for investment purposes.

Re: EDWIN EUGENE SWALLEY
Birmingham, Alabama
L-186,365-BHAM

AN ALABAMA SUCCESS STORY

This business was established in the late 1950's as a small contract printing operation. He was successful in obtaining a \$750,000 Government Contract to do printing work. Mr. Swalley approached Small Business Administration with an extremely urgent loan request and no other lending institution would assist him. It was necessary that he have an immediate answer or lose the above contract. This \$20,000 loan not only enabled Mr. Swalley to complete the contract, but it also enabled him to bid on additional Government contracts.

Immediately after completing the above mentioned contract, he was denied another contract, and filed a COC. In conducting an investigation in connec-

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tion with a COC, it was verified that Mr. Swalley had \$100,000 in deposit in a Birmingham bank representing a profit from said contract.

Since that time, Mr. Swalley has not been a seeker of credit and a recent press release states that Mr. Swalley is currently making a \$1.3 million expansion of the Swalley Printing Company. The press release further states that the firm expects to use 800,000 pounds of paper a month. The firm currently employs 130 people and expects to add about 40 more. The press release predicts that the firm will expand sales to a total of \$20 million in 5 to ten years.

The \$20,000 from Small Business Administration was the breaking point with Swalley Printing Company, and got him started in a successful business that is helping the community with a nice pay roll.

AN ALABAMA SUCCESS STORY

On January 9, 1962, down in the quaint fishing town of Bayou La Batre, Alabama, Quality Foods, Inc. was formed. Among the objects and powers of this corporation are the buying, selling, importing and exporting all kinds of fresh and salt water seafoods, meat of any animal, or food of any kind, or any vegetable or mineral derivative thereof.

Business was started with paid in capital of \$25,000.00. As of December 31, 1963, Assets were \$574,324.71 (including fixed assets of \$393,723.11), Liabilities, \$413,952.45, and Net Worth \$160,372.26. As of December 12, 1964, Assets were \$855,756.88 (including fixed assets \$557,955.20), Liabilities \$642,613.27. During the period January 1, 1965, through March 31, 1965, this corporation realized a profit of \$23,691.23. By this time, the young operation was suffering from severe "growing pains" and turned to its Bank for a remedy.

The First National Bank of Mobile, having had considerable experience in participating with SBA, felt that this Agency would possibly be the answer in obtaining longer term financing than Bank could afford this good client.

In June, 1965, Bank submitted the proposition of a ninety per cent SBA Guaranty Loan, and on August 18, 1965, a \$300,000.00 loan was disbursed. As of June 30, 1967, the unpaid principal balance on loan was \$245,487.51.

Quality Foods, Inc. has continued to move forward under the able management of Messrs. Oliver Clarke and D. J. Ficarino.

As of September 30, 1967, balance sheet reflected the following:

Assets -----	\$1,271,800
(Including fixed assets of \$555,600.00)	
Liabilities -----	868,100
Net worth -----	403,700
Earnings -----	123,100
(Period 1-1-67/9-30-67)	

Mr. Clarke, born in 1916, Mississippi, has lived in Alabama the major portion of his life, and was previously a partner with his father in Clarke Seafood Company. He was later active in Seven Seas Packing Company, since succeeded by Balley Fisheries, Inc., Port Isahel, Texas, of which he is President.

Mr. Ficarino, born 1931, native of Pennsylvania, is Office Manager and a minority stockholder. He had several years experience in seafood industry and resigned from Graham Seafood Company, Inc. to join this company.

This business now operates a large seafood production, processing, packaging and shipping business, dealing in shrimp, snapper and other Gulf seafood. It operates six large fishing vessels, and, in addition, contracts to purchase from a large number of other boats, operating in the Gulf of Mexico. The business operates a large processing and blast freeze plant, sells to brokers and commercial concerns in eastern, midwestern, and southwestern states.

This company is providing employment for approximately 130 people in an economically depressed area that has, until recently, offered little opportunity for employment other than in the seafood industry.

SBA can certainly feel proud of the part it has played in making financial

assistance available to this company which is contributing to improvement in the economy of the small fishing village of Bayou La Batre, Alabama.

Re: C. F. CLEGG, INC.
Heflin, Alabama
L-191,808-BHAM

AN ALABAMA SUCCESS STORY

C. F. Clegg, Inc. and subsidiaries are principally involved in processing and distributing poultry, mostly broilers which are produced commercially in Alabama and Georgia. This corporation markets its products in a wide area of the United States, including the states of Alabama, Georgia, Florida, Mississippi, California, Michigan, Ohio, New York, etc.

C. F. Clegg was born in 1915 in Heflin, Alabama. Business experience began very humbly with a house to house store at the age of sixteen. In 1937, C. F. Clegg married Willie Belle Parrish whose father operated the firm of Parrish Poultry Co. in Columbus, Georgia. assisted by his daughter Willie Belle. Clegg became active in this business in 1939 and in 1941 Mr. Parrish retired. By 1943, Mr. and Mrs. Clegg acquired complete control of Parrish Poultry Company.

The following events have taken place in this business over the past 20 years.

1945—The business purchased a breeder farm, hatchery, growth operation and processing plant from the United States Government for approximately \$22,000.00.

1949—They incorporated under the laws of the State of Georgia.

1955—Qualified as a foreign corporation to do business in Alabama and increased stock issue to 5,000 shares. Acquired 88.78 percent of stock in Chattahoochee Valley Eggs, Inc. in Columbus, Georgia and built a new and modern processing plant in Heflin, Alabama, Clegg's home town.

1956—Gained 71 percent of stock in Valley Industries, Inc. Also purchased $\frac{1}{3}$ interest in Aluga Renderers, Inc.; another $\frac{1}{3}$ interest was purchased by Edwin Hargett, director and officer of C. E. Clegg, Inc.

1958—Secured first loan from SBA for \$150,000.00 to finance expansion in Heflin. Amended charter for \$100,000.00 preferred stock issue. This issue was callable at the discretion of the Board of Directors any time after 5 years.

1961—Acquired refunding loan in amount of \$250,000.00 refunding \$93,000.00.

1965—Began effort to consolidate operation at Heflin, Alabama.

Subject had always exhibited the ability to generate profits, but profits amassed too slowly for subject's growth and ambition. It was, therefore, necessary to seek other financing to meet these demands. Such was the case in 1958 when Mr. Clegg came to the Small Business Administration for financial assistance. The demand for C. F. Clegg products was overtaking his present facilities and he also had some health standards to meet. The First National Bank of Anniston and the Small Business Administration made a bank participation loan to this business in 1958 in the amount of \$150,000.00, and a refunding loan of \$250,000.00 in 1961. In 1965, the First National Bank expressed great confidence in C. F. Clegg, Inc. by reducing SBA's exposure from a 66% deferred participation to 10% Guaranty. The original maturity was 1971, but as of 7/5/67 this account is marked "Paid in Full". This loan enabled the subject to eliminate excessive cost in over-time pay and expand facilities to increase production. Failure to obtain these loans could have jeopardized the subject's profits and overall financial position.

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Progress After the Loan

	1957	1960	1966
Sales -----	\$4,001,623	\$4,233,193	\$7,007,986
Profits -----	28,550	43,900	77,603
Income taxes -----	19,156	19,676	30,573
Net worth -----	265,304	467,205	687,493

Growth of C. F. Clegg has not been phenomenal but steady, which is indicative of the stability and soundness in progress of these enterprises.

The contribution of C. F. Clegg, Inc. since 1961 has provided gainful employment of 136 to 247 people. Its payroll is the largest in Cleburne County. This contribution is further magnified by the small population of Heflin (population 2,400). Beyond a doubt, this corporation and the residents of Heflin are interdependent upon one another for economic survival, which symbolizes the American economy. Mr. Clegg's decision to move and consolidate operations at Heflin suggest that perhaps a boyhood dream has been fulfilled. We at SBA are happy to have been of any assistance in promoting this dream to reality.

Re: JAFFEY WHOL IRON & METAL COMPANY
Birmingham, Alabama
SBLP-707,019-BHAM

AN ALABAMA SUCCESS STORY

This company in its present form was chartered under the Alabama law in 1930. The corporation is engaged in the purchase and processing of scrap metal for sale to various steel companies throughout the nation. Actually, the business began many years prior to 1930. Its founder was Mr. Phillip Jaffey, a Russian immigrant. Mr. Jaffey came to America in 1893. He worked at various jobs throughout the North and South and operated businesses in several locations. In 1902 he came to Birmingham. At this time, his assets consisted of a small amount of cash, and a horse and wagon. During those days he drove about the city in his wagon buying small amounts of scrap metal. Back then, people in this endeavor were commonly referred to as "junk men", and they had small storage yards known as "junk yards". This man, with limited education, a small amount of assets, and a great deal of hard work, strove to carve out for himself and his family a place in the land of promise. Making full use of his primary assets, hard work, and thriftiness, Mr. Jaffey built his business into a thriving operation and by World War I, he was one of the largest dealers in scrap metal in the city. He now had two sons, Abraham and Harry who were helping him. In addition, he had several dozen employees. The business continued to grow through the twenties and managed to survive the depression of the 1930's. At the time World War II started sales had soared to approximately a million dollars. Continued growth was experienced on through the 1940's and 1950's.

By then, Mr. Phillip Jaffey, was taking only a limited part in the business, and his two sons were the principal management. In the mid-fifties, sales volume was exceeding two million dollars, and like most small businesses, the corporation had not accumulated sufficient surpluses to provide all of its needs. In 1958 the principals of the business, along with their banker, approached the Small Business Administration for a term loan. An application in the amount of \$120,000 was approved shortly thereafter. Sales were then approaching the three million dollar mark and the company had in excess of 50 employees. As the results of growing pains, SBA was approached again in 1967 for additional assistance. On June 21, 1967 a loan in the amount of \$150,000 was approved. By this time sales were approaching four million dollars and the company had 89 employees. Income tax in excess of \$25,000 is being paid annually and salaries to employees is approaching \$300,000.

This is another instance where SBA has assisted a small business in becoming a vital part of the local economy by providing a much needed service and giving employment to a substantial number of people. The

is contributing to improvement of Bayou La Batre, Alabama.

SUCCESS STORY

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future for the business looks very bright, and continued success is anticipated.

Re: SOUTHEASTERN PRODUCTS CORPORATION
 PO Box 2310
 Birmingham, Alabama
 SBLP-196,117-BHAM

AN ALABAMA SUCCESS STORY

Southeastern Products Corporation was organized in 1924 as the Foster Alexander Corporation. The company had a very modest beginning opening as a small shop in Downtown Birmingham. They engaged in the sale of industrial braided packing; solvents; boiler compounds and other related items.

The company enjoyed some success in its early years and moved from the downtown area to a more suitable industrial location in West Birmingham. It managed to weather the depression of the 1930's; organizational changes in management and a change in ownership. It continued to show progress and under the guidance of Mr. Vernon W. Gibson, Sr., additional products were added and the name of the corporation changed to Southeastern Products.

The corporation was plagued with the usual problems of a small business; however, its primary malady was the lack of funds. In the 1940's the old Reconstruction Finance Corporation (RFC) came to their aid in granting two small loans: one for \$6,000 and one for \$25,000. Under strong leadership in management, progress was continued. In addition to the items offered for sale, the company began to engage in the manufacturing of some industrial packings.

By 1954 annual sales were \$250,000 and 35 people were employed. At this time it was determined that if additional growth was going to be enjoyed, new facilities would have to be added. Southeastern did not have the funds with which to accomplish this. They applied for an SBA loan in the amount of \$115,000 which was approved. This corporation had reached prominence in its field, particularly in the Southeast.

From 1955-1961 sales volume doubled to one-half million dollars and employment rose to 50 employees. In the year 1961, sales totaled \$1,119,000 with a net profit amounting to \$14,600 and approximately \$10,000 was paid in Federal and State taxes.

As growth continued, Southeastern reached its contacts out to cover many parts of the Nation. In 1964 additional expansion had to be made in order to meet demands. Their sales amounted to \$1,180,000 with a net profit of \$33,500 and taxes were paid in the amount of \$35,000. In order to accomplish their expansion program, another SBA loan in the amount of \$250,000 was granted. Growth has continued to roll along and sales are approaching the two million dollar figure and taxes will be paid in excess of \$50,000 for Fiscal Year 1966. This corporation is now providing employment for approximately 80 people. Like many small businesses, this corporation never had sufficient equity capital to make the expansions necessary to growth. It lacked the prestige to attract the investors to provide these funds.

Financial assistance from the Small Business Administration has provided this vital ingredient and helped the Southeastern Products Corporation to take its place among the leaders in its field. Even though the management of this corporation possessed strong determination and resourcefulness, the company would not have succeeded, had it not been for the Small Business Administration.

Since records have been kept in this office, meetings have been held utilizing radio, television, and newspaper coverage. In each of the following cases, the programs and policies of the Agency have been explained by members of the Regional Office Staff. In each of the meetings, the Circuit Ride to that vicinity was announced and, of course, the entire attendance were invited to visit or write the Regional Office.

Activity

Minority
attendance

Participants

Place

Date

t, and continued success is an-

FORATION

ESS STORY

organized in 1924 as the Foster a very modest beginning opening m. They engaged in the sale of er compounds and other related its early years and moved from astrial location in West Birming- on of the 1930's; organizational ownership. It continued to show ernon W. Gibson, Sr.; additional e corporation changed to South-

ual problems of a small business; of funds. In the 1940's the old) came to their aid in granting \$25,000. Under strong leadership addition to the items offered for the manufacturing of some in-

35 people were employed. At this growth was going to be enjoyed, the eastern did not have the funds i for an SBA loan in the amount oration had reached prominence

one-half million dollars and ein- 961, sales totaled \$1,119,000 with roximately \$10,000 was paid in

ed its contacts out to cover many nson had to be made in order to 80,000 with a net profit of \$38,500. In order to accomplish their i the amount of \$250,000 was g and sales are approaching the e paid in excess of \$50,000 for oviding employment for approxi- sses, this corporation never had ns necessary to growth. It lacked e these funds.

ess Administration has provided astern Products Corporation to !. Even though the management ination and resourcefulness, the not been for the Small Business

meetings have been held utilizing In each of the following cases, e been explained by members of etings, the Circuit Ride to that ntre attendance were invited to

Date	Place	Participants	Minority attendance	Activity
3-28-66	Birmingham	Jesse J. Lewis, SCORE SBA personnel	25	Management course
4-6-68	Birmingham	Greater Birmingham Businessmen's League and SBA personnel	12	Management course
4-20-66	Birmingham	Greater Birmingham Businessmen's League and SBA personnel	12	Management course
7-20-66	Birmingham	M. F. Barno, Instructor Technical School; SBA personnel	35	Lectures Series, 1 night per week for 9 weeks—management course
9-21-66	Birmingham	Metropolitan Business Association and SBA personnel	7	Management assistance sponsored by SBA
12-6-66	Birmingham	Marion Starkes, President, Independent Barber Association of Jefferson County and SBA personnel	Unknown	Management assistance
12-6-66	Birmingham	C. J. Murray, President, Metropolitan Business Association and SBA personnel	Unknown	Management assistance
12-5/6-66	Birmingham	Professional Agriculture Workers' Conference and SBA personnel	100	Economic Opportunity Loan program and other functions of the agency
12-12-66	Birmingham	Mayor's Conference and SBA personnel	Unknown	Various SBA programs
1-9-67	Birmingham	Independent Barber's Association of Jefferson County and SBA personnel	Unknown	Management assistance
2-21-67	Dothan	SBA personnel	5	SBA programs
2-21-67	Headland	SBA personnel	Unknown	All SBA programs—carried on local radio stations
2-21-67	Abbeyville	SBA personnel	Unknown	All SBA programs—carried on local radio stations
3-22-67	Opelika	SBA personnel	Unknown	All SBA programs—carried on local radio stations
3-22-67	Phenix City	SBA personnel	Unknown	All SBA programs
3-27-67	Tuscaloosa	SBA personnel	Unknown	All SBA programs
3-27-67	Columbiana	SBA personnel	Unknown	All SBA programs

Date	Place	Participants	Minority attendance	Activity
3-27-67	Centreville.....	SBA personnel	Some minority in attendance	All SBA programs
3-28-67	Tuscaloosa.....	SBA personnel	Some minority in attendance	All SBA programs
3-28-67	Carrollton.....	SBA personnel	Some minority in attendance	All SBA programs
3-28-67	Livingston.....	SBA personnel	Some minority in attendance	All SBA programs
3-28-67	Demopolis.....	SBA personnel	Some minority in attendance	All SBA programs
3-30-67	Ft. Payne.....	SBA personnel	Some minority in attendance	All SBA programs
3-31-67	Gadsden.....	SBA personnel	Some minority in attendance	All SBA programs
3-31-67	Oneonta.....	SBA personnel	Some minority in attendance	All SBA programs
5-18-67	Anniston.....	J. C. McClendon, W. W. Anderson, A. S. Mathews, Henry DeBardelben, Herbert Payne, and a Mr. Taylor and SBA personnel	Unknown.....	TAP Program with emphasis on outreach
6-28-67	Tuscaloosa.....	Secretary of Agriculture, Honorable Orville L. Freeman, Mr. Robert C. Bamber, Mr. Orville L. O'Shields with FHA, Mr. Otis Fincher, Assistant Conservationist, SCS, George B. Strong, Agriculture Statistician, SBS, M. A. Jenkins, Operations Field Representative, RFA, Dale Thorsen, Forest Supervisor, Forest Service, John McCullough, Chief, Forest Management, State Forest Service, Dr. Alvin G. Pass, Veterinarian in Charge, ARS, T. L. Faulkner, State Supervisor, Vocational Agriculture, Extension Service, Bob Bartlett, Chief, FAD, SBA, General R. P. Swofford, Jr., Coordinator, Alabama Advisory Committee, Office of Economic Opportunity, John Bagwell, Economic Development Administration, Honorable Richard Beard, Commissioner, Department of Agriculture and Industries, Dr. J. H. Yeager, Head, Department of Agriculture, Economics and Rural Sociology, Alabama Experiment Stations,	Unknown.....	This was the initial State Tap Committee Meeting. Many of this same group toured many rural communities to hear about and see some of the problems encountered by rural people

Date	Place	Participants	Minority attendance	Activity
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6-28-67 Tuscaloosa.....

Secretary of Agriculture, Honorable Orville L. Freeman, Mr. Robert C. Bamber, Mr. Orville L. O'Shields with FHA, Mr. Otis Fincher, Assistant Conservationist, SCS, George B. Strong, Agriculture Statistician, SBS, M. A. Jenkins, Operations Field Representative, RFA, Dale Thorsen, Forest Supervisor, Forest Service, John McCullough, Chief, Forest Management, State Forest Service, Dr. Alvin G. Pass, Veterinarian in Charge, ARS, T. L. Faulkner, State Supervisor, Vocational Agriculture, Extension Service, Bob Bartlett, Chief, FAD, SBA, General R. P. Swofford, Jr., Coordinator, Alabama Advisory Committee, Office of Economic Opportunity, John Bagwell, Economic Development Administration, Honorable Richard Beard, Commissioner, Department of Agriculture and Industries, Dr. J. H. Yeager, Head, Department of Agriculture, Economics and Rural Sociology, Alabama Experiment Stations,

Unknown.....

This was the initial State Tap Committee Meeting. Many of this same group toured many rural communities to hear about and see some of the problems encountered by rural people

Date	Place	Participants	Minority attendance	Activity
		L. B. Dickson, State Planning and Industrial Development Board, Miss Erlene Lide, Assistant Director, Bureau of Field Services, Pensions and Securities, John W. Hunt, Assistant Director, Bureau of Commodities Distribution, and Mr. S. Douglas Smith, Assistant Director Federal Program Coordinating Committee		
8-18-67	Andalusia.....	U.S. Congressman Bill Dickinson and SBA personnel	Several, exact count unknown	SBA programs and activities
8-18-67	Atmore.....	U.S. Congressman Bill Dickinson and SBA personnel	Several, exact count unknown	SBA programs
8-22-67	Montgomery.....	State TAP and County Coordinators and SBA personnel	Several, exact count unknown	SBA programs
9-6-67	Vernon.....	U.S. Congressman Tom Bevill and SBA personnel	Several, exact count unknown	SBA programs
9-6-67	Hamilton.....	U.S. Congressman Tom Bevill and SBA personnel	Several, exact count unknown	SBA programs
9-7-67	Halleyville.....	U.S. Congressman Tom Bevill and SBA personnel	Several, exact count unknown	SBA programs
9-7-67	Fayette.....	U.S. Congressman Tom Bevill and SBA personnel	Several, exact count unknown	SBA programs
9-8-67	Guntersville.....	U.S. Congressman Tom Bevill and SBA personnel	Several, exact count unknown	SBA programs
9-23-67	Birmingham.....	Approximately 50 stockholders X-Cel Stores of Birmingham, Alabama. Held in minority church	50.....	SBA programs were discussed at length, with emphasis on our financial assistance program
10-2-67	Pell City.....	U.S. Congressman Tom Bevill and SBA personnel	8.....	SBA programs
10-2-67	Anniston.....	U.S. Congressman Tom Bevill and SBA personnel	33.....	SBA programs
10-2-67	Talladega.....	U.S. Congressman Tom Bevill and SBA personnel	20.....	SBA programs
10-20-67	Bay Minette.....	U.S. Congressman and SBA personnel.....	18.....	SBA programs
10-26-67	Evergreen.....	U.S. Congressman and SBA personnel.....	7.....	SBA programs

Date	Place	Participants	Minority attendance	Activity
10-26-67	Greenville	U.S. Congressman and SBA personnel	5	SBA programs
10-27-67	Luverne	U.S. Congressman and SBA personnel	5	SBA programs
10-27-67	Montgomery	U.S. Congressman and SBA personnel	30	SBA programs
11-14-67	Alex City	U.S. Congressman and SBA personnel	17	SBA programs
11-14-67	Lanette	U.S. Congressman and SBA personnel	8	SBA programs
11-14-67	Union Springs	U.S. Congressman and SBA personnel	50	SBA programs
11-15-67	Gadsden	Alabama State Conference of NAACP, various other Government agencies and SBA personnel	Unknown	SBA programs
11-15-67	Enterprise	U.S. Congressman and SBA personnel	4	SBA programs and objectives
11-15-67	Ozark	U.S. Congressman and SBA personnel	8	SBA programs and objectives
11-15-67	Geneva	U.S. Congressman and SBA personnel	90	SBA programs
1-3-68	Eutaw	U.S. Congressman and regional office staff	16	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-3-68	Greensboro	U.S. Congressman and regional office staff	6	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-3-68	Chatom	Regional office staff and U.S. Congressman	6	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-3-68	Marion	Regional office staff and U.S. Congressman	15	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-4-68	Butler	Regional office staff and U.S. Congressman	18	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience

Date	Place	Participants	Minority attendance	Activity
1-4-68	Greenville			

1-3-68	Greensboro.....	U.S. Congressman and regional office staff.....	6.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-3-68	Chatom.....	Regional office staff and U.S. Congressman.....	6.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-3-68	Marion.....	Regional office staff and U.S. Congressman.....	15.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-4-68	Butler.....	Regional office staff and U.S. Congressman.....	18.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience

Date	Place	Participants	Minority attendance	Activity
1-4-68	Grove Hill.....	Regional office staff and U.S. Congressman.....	7.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-5-68	Camden.....	Regional office staff and U.S. Congressman.....	2.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-5-68	Monroeville.....	Regional office staff and U.S. Congressman.....	3.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
1-10-68	Tuskegee Institute.....	College officials, interested local business leaders, and a representative of the regional office	37.....	Improvement possibilities for the small business association, a philosophy for success for self-employed businessmen, and successful means of financing the business enterprise. Meeting appeared to be well received by a receptive audience
1-17-68	Leighton.....	Two members of the regional office staff, plus officials of a lending institution	9.....	The agency's lending programs, with emphasis on LDC program
1-21-68	Birmingham.....	SBA officials and officials of Office of Economic Opportunity	50.....	Functions of OEO and SBA were explained
2-12-68	Heflin.....	Regional office staff and U.S. Congressman.....	7.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
2-12-68	Ashland.....	Regional office staff and U.S. Congressman.....	12.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
2-12-68	Roanoke.....	Regional office staff and U.S. Congressman.....	18.....	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience

2-13-68	Wetumpka	Regional office staff and U.S. Congressman	13	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
2-13-68	Selma	Regional office staff and U.S. Congressman	20	Duties, responsibilities, and policies of the agency were discussed and well presented to an attentive audience
2-26-68	Pell City	Officials of Auburn University and SBA personnel	2	Management assistance and tax implication of business decisions
2-27-68	Tuscaloosa	Auburn University staff and SBA personnel	8	Management assistance and tax implication of business decisions
2-23/24-68	Tuscaloosa	Alabama Farmers and Rural Development Counsel, Inc., Dr. Harold N. Stinson, President of Stinson College; Attorney Orzell Billingsley, Jr., General Counsel for AF&RDCI; Wilton Hogan, Jr. and Jim Raley, Economic Development Administration, U.S. Department of Commerce; W. J. Clemons, AF&RDCI; Theford Forrest and Herman M. Green, Federal Housing Administration, U.S. Department of Housing and Urban Development; Herman Franklin, Alabama Technical Assistance Corporation; S. J. Bennett, AF&RDCI; Arthur Chopin, Special Assistant to Secretary of Labor, U.S. Department of Labor; Charles Wilson, Deputy Director, Alabama Tennessee Regional Office, Office of Equal Employment Opportunity; Jesse Terry, Coordinator for Randolph County, AF&RDIC; William Seaborn, Assistant to the Secretary, U.S. Department of Agriculture; Dean L. A. Potts, Consultant to U.S. Department of Agriculture; John Dean, Regional Administrator, Community Action Division; Roy Jones, Alabama Coordinator; and Larkin Bell, Project Officer for Alabama, Regional Office, U.S. Office of Economic Opportunity	10	Functions of the Small Business Administration in Alabama; Developing Industry and Building Community Jobs; Urban Renewal in Your Community; Federal Housing Administration; Aims and Purposes of the Alabama Technical Assistance Corporation and Services It can Render; Jobs Training Program Administered by the Federal Government and Equal Employment Opportunity Information on Some Programs of the United States Department of Agriculture Designed to Combat Rural Poverty; and the Economic Opportunity Act of 1964, its Amendments and Related Sources
2-14-68	Birmingham	Officials of Miles College and SBA personnel	239	Career Development in the Federal Government
3-14-68	Florence	Officials of Farmers Home Administration and SBA personnel	5	Federal programs available to the public
3-16-68	Auburn	Officials of Auburn University and SBA personnel	10	Management assistance and other programs of the agency

In accordance with 112.91(b) of the regulations, the recipient is being notified of the failure of the recipient to comply with the provisions of the Civil Rights Act of 1964. If the recipient fails to comply with the provisions of the Civil Rights Act of 1964, the recipient may be subject to the provisions of the Civil Rights Act of 1964. The recipient is being notified of the failure of the recipient to comply with the provisions of the Civil Rights Act of 1964. If the recipient fails to comply with the provisions of the Civil Rights Act of 1964, the recipient may be subject to the provisions of the Civil Rights Act of 1964.

**SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT**

INSTRUCTIONS

In accordance with Small Business Administration Regulations, sections 112.9(b) and 113.9(b), recipients of financial assistance shall on request, submit compliance reports in such form and containing such information to enable SBA to ascertain whether the recipient is complying with the nondiscriminatory requirements of Title VI of the Civil Rights Act of 1964 and SBA regulations.

FAILURE TO COMPLETE AND RETURN THIS REPORT IS CONTRARY TO THE REGULATIONS AND IS A BASIS FOR THE INITIATION OF PROCEEDINGS FOR NONCOMPLIANCE.

It should be emphasized that the purpose of the SBA Regulations can only be realized by the achievement of equal treatment without distinction by reason of race, color, or national origin for the public and employees or applicants for employment. While SBA under the law, regulations, and conditions of the loan agreement may impose sanctions on borrowers or applicants for discriminatory practices, SBA's purpose is to provide the financial assistance to the small businessman embodied in the laws establishing its programs. But Federal financial assistance cannot now be used to aid and abet practices contrary to the basic principles of our national life. All borrowers are reminded of the conditions under which financial assistance was tendered by SBA and to cooperate in achieving those goals of equal treatment that the Congress strove for in enacting the Civil Rights Act of 1964.

1. Who Must File Compliance Report

All recipients and subrecipients of SBA financial assistance provided on March 7, 1966, and subsequent thereto must complete and file Parts A and B of the Compliance Report on request.

For those recipients who received the total amount of the loan proceeds from SBA prior to March 7, 1966, and subsequent to February 8, 1965, only those which obtained loans under the following programs are required to submit employment information, Part A, as well as information about their business practices, Part B:

1. Loans to small business concerns under Title IV of the Economic Opportunity Act of 1964.
2. Loans to State development companies and local development companies, under Title V of the Small Business Investment Act of 1958, for the benefit of identifiable small business concerns.
3. Loans to small business concerns under section 7(a) of the Small Business Act, which qualify for the 4 percent interest rate prescribed in Part 120.2(b) (2) of SBA Regulations.

Recipients of SBA financial assistance during the period February 8, 1965, to March 7, 1966, under the following programs only are required to supply information about their business practices, Part B.

1. Loans to, and purchases of debentures from small business investment companies under section 302(a) and section 303(b) of the Small Business Investment Act of 1958.
2. Loans under section 7(b) (1) of the Small Business Act to individuals or organizations, whether or not operated for profit, which provide medical care or education or which conduct other activities of special significance to health, safety, or welfare.

If a recipient has more than one establishment or place of business a separate report must be submitted for each establishment. Identify each report of a separate establishment by completing 2 for each location.

2. Definitions of General Application

a. "Recipient" refers to the corporation, partnership, or individual receiving financial assistance from the Small Business Administration.

b. "Subrecipient" refers to the corporation, partnership, or individual receiving financial assistance from an SBA financially assisted recipient.

c. "Employee" means any individual on the payroll of a recipient who is an employee for purposes of the recipient's withholding of Social Security taxes.

d. "Labor organization" generally means an organization in which employees participate and which exists for the purpose of dealing with recipients concerning grievances, labor disputes, wages, rates of pay, hours, or other terms and conditions of employment.

e. "Employer identification number" is the 9-digit number which each legal entity (corporation, partnership, or sole proprietorship) has been assigned as its employer identification number on the basis of its appli-

cation (Form SS-4) to Internal Revenue Service for an identification number, and is used on all the company's reports to the Social Security Administration and to the Internal Revenue Service.

f. "SBA loan number" is that number assigned to each SBA loan. This number should also be used on all communications concerning these reports.

g. "Reporting unit" means a single establishment (location) of a recipient with more than one location or place of business as indicated in Section 1 of these instructions.

h. "Major activity" means the major product or group of products produced or handled, or services rendered by the recipient (e.g. manufacturing airplane parts, retail sales of office furniture) in terms of the activity at which the greatest number of all employees work.

3. Guidelines for Employment Data—Part A

If the recipient is filing Standard Form 100 in connection with the requirements of Title VII, Civil Rights Act of 1964, or Executive Order 11246, he may provide a copy of the last submission of that form in lieu of completing Item 4.

Item 4 of the report must include ALL employees of the recipient, full- or part-time, or who received any pay for any part of a weekly payroll period including the 12th of the month, preceding the submission of the report. Item 4 should show, for each of the nine occupational groups specified (as described in Section 4 of these instructions), total employment for all employees and for four minority groups: Negro, Oriental, American Indian, and Spanish American. All employees, including apprentices and on-the-job trainees should be included in those statistics. Item 4B need only be completed by those recipients conducting formal apprenticeship or on-the-job training programs in connection with their business.

As to minority group identification, the term Spanish American means those of Latin American, Mexican, Puerto Rican, or Spanish origin. Applicants may acquire information for completing Item 4 either by visual surveys of the work force or from postemployment records as to the identity of employees. Eliciting information as to the racial or ethnic identity of an employee by direct inquiry is not encouraged. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

Antidiscrimination laws of a number of States and localities prohibit an employer from gathering preemployment information regarding the race, creed, color, or national origin of an applicant. However, enforcement authorities in all such States and localities have advised that their laws do not preclude employers from gathering such information subsequent to employment for the purpose of Government surveys.

With regard to Items 5 through 9, the information requested relates to the recipient's actions taken to comply with the regulations on equal employment opportunity. For example Item 5A calls for an X in the boxes opposite those employee facilities provided by the recipient. Item 5B calls for an X in the boxes opposite the employee facilities which are available without regard to race, color, or national origin. Item 6 calls for an X in the box or boxes opposite the method or methods used by the recipient to inform his employees of the equal opportunity requirements under SBA regulations.

4. Description of Job Categories

Officials and managers.—Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes officials, executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

Professional.—Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.

United States Department of Agriculture Designed to Combat Rural Poverty; and the Economic Opportunity Act of 1964, its Amendments and Related Sources

Career Development in the Federal Government
Federal programs available to the public
Management assistance and other programs of the agency

239
6
10

U.S. Department of Labor; Churches without, U.S. Department of Labor, Alabama Tennessee Regional Office, Office of Equal Employment Opportunity; Jesse Terry, Coordinator for Randolph County, AF&RDIC; William Seaborn, Assistant to the Secretary, U.S. Department of Agriculture; Dean L. A. Fotts, Consultant to U.S. Department of Agriculture; John Dean, Regional Administrator, Community Action Division; Roy Jones, Alabama Coordinator; and Larkin Bell, Project Officer for Alabama, Regional Office, U.S. Office of Economic Opportunity

Officials of Miles College and SBA personnel
Officials of Farmers Home Administration and SBA personnel
Officials of Auburn University and SBA personnel

Birmingham
Florence
Auburn

2-14-68
3-14-68
3-16-68

Technicians.—Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: draftsmen, engineering aides, junior engineers, mathematical aids, nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical sciences), and kindred workers.

Sales.—Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen, demonstrators, salesmen and sales clerks, and kindred workers.

Office and clerical.—Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bill and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

Craftsmen (skilled).—Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid foremen and leadmen who are not members of management, mechanics and repairmen, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, and kindred workers.

Operatives (semiskilled).—Workers who operate machines or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, bricklayers, carpenters, electricians, machinists, mechanics, plumbers, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, deliverymen and routemen, dressmakers and seamstresses (except factory), dyers, furnacemen, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motormen, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, stationary firemen, truck and tractor drivers, weavers (textile), welders, and flame cutters, and kindred workers.

Laborers (unskilled).—Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, longshoremen and stevedores, lumbermen, raftsmen and wood choppers, laborers performing lifting, digging, mixing, loading, and pulling operations, and kindred workers.

Service workers.—Workers in both protective and nonprotective service occupations. Includes: attendants (hospitals and other institutions, professional and personal service), barbers, charwomen and cleaners, cooks (except households), counter and fountain workers, elevator operators, firemen and fire protection, guards, watchmen and doorknockers, stewards, janitors, policemen and detectives, porters, waiters and waitresses, and kindred workers.

Apprentices.—Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

On-the-job trainees:

Production (includes persons engaged in formal training for craftsmen—when not trained under apprentice programs—operative, laborer, and service occupations).

White collar (includes persons engaged in formal training for official, managerial, professional, technical, sales, office, and clerical occupations).

B. Guidelines for Business Practices Information—Part B

Items 1 and 2 refer to the recipient's present customer practices with reference to minority groups. Customer is used to describe those whom the recipient sells or serves, regardless of the more customary trade description.

Item 3 refers to the recipient's recent history of compliance with applicable antidiscrimination legislation at the local, county, State, or Federal level.

Item 4 refers to the recipient's participation in other Federal financial assistance programs.

Each item is to be completed.

IMPORTANT: Place SBA offices by which

1A. Recipient's or

1C. Employer Id:

2. Reporting Unit: State, ZIP Co

3A. Major Activity

4A. Employment a connection completing

OCCUPA

OFFICIALS AND M

PROFESSIONALS

TECHNICIANS

SALES WORKERS

OFFICE AND CLER

CRAFTSMEN (Skilled)

OPERATIVES (Semi)

LABORERS (Unskilled)

SERVICE WORKERS

TOTAL

TOTAL EMPLOYMENT PREVIOUS REPORT

4B. (Figures for the

APPRENT

ON-THE-JOB TRAINEES¹

¹ See paragraph

SBA Form 707 (5-

**SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT**

IMPORTANT. Read the attached instructions carefully before preparing this report. Submit all reports in triplicate within thirty (30) days of receipt to the SBA offices by which your loan application was approved.

1A. Recipient's or Subrecipient's Name and Address		1B. SBA Loan No.
1C. Employer Identification Number		1D. Date of Report
2. Reporting Unit: Name or Identification and Location (Street Address, City, State, ZIP Code) of Unit for which this report is prepared:		For SBA Use Only
3A. Major Activity Performed at this Reporting Unit. (Designate One Only.)	For SBA Use Only	3B. Date of Last Report (if any)

EQUAL EMPLOYMENT OPPORTUNITY—PART A

4A. Employment at this Reporting Unit. (Complete all spaces. If no employees in a category, write "0".) If the recipient is filing Standard Form 100 in connection with the requirements of Title VII, Civil Rights Act of 1964, or Executive Order 11246, a copy of that Form may be provided in lieu of completing item 4 A, B, C and D.

OCCUPATIONS	MALE EMPLOYEES					FEMALE EMPLOYEES					TOTAL ALL EMPLOYEES
	Total Males	Minority Groups				Total Females	Minority Groups				
		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹	SPANISH AMERICAN ¹		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹	SPANISH AMERICAN ¹	
OFFICIALS AND MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE AND CLERICAL											
CRAFTSMEN (Skilled)											
OPERATIVES (Semiskilled)											
LABORERS (Unskilled)											
SERVICE WORKERS											
TOTAL											
TOTAL EMPLOYMENT FROM PREVIOUS REPORT (if any)											
4B. (Figures for the following classifications shall also be included in the appropriate category above the "Total" line.)											
APPRENTICES											
ON-THE-JOB TRAINEES ²	White Collar										
	Production										

¹ See paragraph 3 of the instructions. ² Report only employees enrolled in formal on-the-the-job training programs.

(unskilled)—Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no judgment. Includes: garage laborers, car washers and greasers, except farm) and groundskeepers, longshoremen and stevedores, raftsmen and wood choppers, laborers performing digging, mixing, loading, and pulling operations, and kindred

Workers.—Workers in both protective and nonprotective service occupations. Includes: attendants (hospitals and other institutions, personal service), barbers, charwomen and cleaners, cooks (households), counter and fountain workers, elevator operators, fire protection, guards, watchmen and doorknockers, stewards, policemen and detectives, porters, waiters and waitresses, and others.

Persons.—Persons employed in a program including work training instruction to learn a trade or craft which is traditionally an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

Persons.—Persons engaged in formal training for crafts occupations (includes persons engaged in formal training for crafts occupations not trained under apprentice programs—operative, laborer, occupations).

Persons.—Persons engaged in formal training for official, professional, technical, sales, office, and clerical occupations).

Customer Practices Information—Part B

Items 1 and 2 refer to the recipient's present customer practices with minority groups. Customer is used to describe those whom the recipient sells or serves, regardless of the more customary trade

Item 3 refers to the recipient's recent history of compliance with antidiscrimination legislation at the local, county, State, or Federal level.

Item 4 refers to the recipient's participation in other Federal financial programs. This section is to be completed.

4C. How was information as to race or ethnic group in 4A and 4B obtained?

- Visual survey
- Employment record
- Other (Specify) _____

4D. Date of Payroll Period used (Report employment data from the reporting unit during the payroll period including the 12th of the month preceding the submission of the report): _____

5A. Indicate by X in the appropriate boxes the employee facilities provided at this reporting unit.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

5B. Indicate by X in the appropriate boxes the employee facilities available without regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

6. Indicate by X in the appropriate box or boxes the method used to advise all employees of the equal opportunity requirements under SBA regulations.

- a. No formal notice given employees.
- b. Posting SBA Equal Opportunity Poster.
- c. Written notice to all employees. If used, please supply copy.
- d. Oral notice to all employees.

7A. Indicate by X in the appropriate box or boxes your normal sources of new employees.

- 1. Newspaper advertisements.
- 2. Employment agencies.
- 3. State Employment Service.
- 4. Employee referrals.
- 5. Labor organizations.
- 6. High school recruiting.
- 7. College recruiting.
- 8. Unsolicited applicants.

7B. Indicate by X in the appropriate boxes the employee sources you have advised orally or in writing of your equal employment opportunity policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

7C. Indicate by X in the appropriate box how you indicate your equal employment opportunity policy in newspaper employment advertising.

- 1. An Equal Opportunity Employer or Merit Employer.
- 2. Other (Print out) _____
- 3. Do not use newspaper advertising.
- 4. Do not indicate.

IMPORTANT: SBA offices by

1A. Recipient

1C. Employer

2. Reporting State, Z

3A. Major Ac

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SBA Form 7

**SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT**

ing the payroll period including the 12th of the month preceding the
ate by X in the appropriate boxes the employee facilities available
thout regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

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ate by X in the appropriate boxes the employee sources you have
vised orally or in writing of your equal employment opportunity
policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

ortunity policy in newspaper employment advertising.

- 3. Do not use newspaper advertising.
- 4. Do not indicate.

IMPORTANT. Read the attached instructions carefully before preparing this report. Submit all reports in triplicate within thirty (30) days of receipt to the SBA offices by which your loan application was approved.

1A. Recipient's or Subrecipient's Name and Address		1B. SBA Loan No.
1C. Employer Identification Number		1D. Date of Report
2. Reporting Unit: Name or Identification and Location (Street Address, City, State, ZIP Code) of Unit for which this report is prepared:		For SBA Use Only
3A. Major Activity Performed at this Reporting Unit. (Designate One Only.)		For SBA Use Only
		3B. Date of Last Report (if any)

EQUAL EMPLOYMENT OPPORTUNITY—PART A

4A. Employment at this Reporting Unit. (Complete all spaces. If no employees in a category, write "0".) If the recipient is filing Standard Form 100 in connection with the requirements of Title VII, Civil Rights Act of 1964, or Executive Order 11246, a copy of that Form may be provided in lieu of completing Item 4 A, B, C and D.

OCCUPATIONS	MALE EMPLOYEES					FEMALE EMPLOYEES					TOTAL ALL EMPLOYEES
	Total Males	Minority Groups				Total Females	Minority Groups				
		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹	SPANISH AMERICAN ¹		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹	SPANISH AMERICAN ¹	
OFFICIALS AND MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE AND CLERICAL											
CRAFTSMEN (Skilled)											
OPERATIVES (Semiskilled)											
LABORERS (Unskilled)											
SERVICE WORKERS											
TOTAL											
TOTAL EMPLOYMENT FROM PREVIOUS REPORT (if any)											
4B. (Figures for the following classifications shall also be included in the appropriate category above the "Total" line.)											
APPRENTICES											
ON-THE-JOB TRAINEES ²											
White Collar											
Production											

¹ See paragraph 3 of the instructions. ² Report only employees enrolled in formal on-the-job training programs.

4C. How was information as to race or ethnic group in 4A and 4B obtained?

- Visual survey
- Employment record
- Other (Specify) _____

4D. Date of Payroll Period used (Report employment data from the reporting unit during the payroll period including the 12th of the month preceding the submission of the report): _____

5A. Indicate by X in the appropriate boxes the employee facilities provided at this reporting unit.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

5B. Indicate by X in the appropriate boxes the employee facilities available without regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

6. Indicate by X in the appropriate box or boxes the method used to advise all employees of the equal opportunity requirements under SBA regulations.

- a. No formal notice given employees.
- b. Posting SBA Equal Opportunity Poster.
- c. Written notice to all employees. If used, please supply copy.
- d. Oral notice to all employees.

7A. Indicate by X in the appropriate box or boxes your normal sources of new employees.

- 1. Newspaper advertisements.
- 2. Employment agencies.
- 3. State Employment Service.
- 4. Employee referrals.
- 5. Labor organizations.
- 6. High school recruiting.
- 7. College recruiting.
- 8. Unsolicited applicants.

7B. Indicate by X in the appropriate boxes the employee sources you have advised orally or in writing of your equal employment opportunity policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

7C. Indicate by X in the appropriate box how you indicate your equal employment opportunity policy in newspaper employment advertising.

- 1. An Equal Opportunity Employer or Merit Employer.
- 2. Other (Print out) _____
- 3. Do not use newspaper advertising.
- 4. Do not indicate.

IMPORTANT: SBA offices by

1A. Recipient

1C. Employer
2. Reporting U
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**SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT**

IMPORTANT. Read the attached instructions carefully before preparing this report. Submit all reports in triplicate within thirty (30) days of receipt to the SBA offices by which your loan application was approved.

1A. Recipient's or Subrecipient's Name and Address		1B. SBA Loan No.
1C. Employer Identification Number		1D. Date of Report
2. Reporting Unit's Name or Identification and Location (Street Address, City, State, ZIP Code) of Unit for which this report is prepared:		For SBA Use Only
3A. Major Activity Performed at this Reporting Unit. (Designate One Only.)		3B. Date of Last Report (if any)

EQUAL EMPLOYMENT OPPORTUNITY—PART A

1A. Employment at this Reporting Unit. (Complete all spaces. If no employees in a category, write "0".) If the recipient is filing Standard Form 100 in connection with the requirements of Title VII, Civil Rights Act of 1964, or Executive Order 11246, a copy of that Form may be provided in lieu of completing Item 4 A, B, C and D.

OCCUPATIONS	MALE EMPLOYEES					FEMALE EMPLOYEES				TOTAL ALL EMPLOYEES
	Total Males	Minority Groups				Total Females	Minority Groups			
		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹	SPANISH AMERICAN ¹		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹		SPANISH AMERICAN^{1}
OFFICIALS AND MANAGERS										
PROFESSIONALS										
TECHNICIANS										
SALES WORKERS										
OFFICE AND CLERICAL										
CRAFTSMEN (Skilled)										
OPERATIVES (Semiskilled)										
LABORERS (Unskilled)										
SERVICE WORKERS										
TOTAL										
TOTAL EMPLOYMENT FROM PREVIOUS REPORT (if any)										

1B. (Figures for the following classifications shall also be included in the appropriate category above the "Total" line.)

APPRENTICES										
ON-THE-JOB TRAINEES ²	White Collar									
	Production									

¹ See paragraph 3 of the instructions. ² Report only employees enrolled in formal on-the-job training programs.

the payroll period including the 12th of the month preceding the

by X in the appropriate boxes the employee facilities available out regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

of the equal opportunity requirements under SBA regulations.

by X in the appropriate boxes the employee sources you have used orally or in writing of your equal employment opportunity policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

ortunity policy in newspaper employment advertising.

- 3. Do not use newspaper advertising.
- 4. Do not indicate.

4C. How was information as to race or ethnic group in 4A and 4B obtained?

- Visual survey
- Employment record
- Other (Specify).....

4D. Date of Payroll Period used (Report employment data from the reporting unit during the payroll period including the 12th of the month preceding the submission of the report):

5A. Indicate by X in the appropriate boxes the employee facilities provided at this reporting unit.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

5B. Indicate by X in the appropriate boxes the employee facilities available without regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

6. Indicate by X in the appropriate box or boxes the method used to advise all employees of the equal opportunity requirements under SBA regulations.

- a. No formal notice given employees.
- b. Posting SBA Equal Opportunity Poster.
- c. Written notice to all employees. If used, please supply copy.
- d. Oral notice to all employees.

7A. Indicate by X in the appropriate box or boxes your normal sources of new employees.

- 1. Newspaper advertisements.
- 2. Employment agencies.
- 3. State Employment Service.
- 4. Employee referrals.
- 5. Labor organizations.
- 6. High school recruiting.
- 7. College recruiting.
- 8. Unsolicited applicants.

7B. Indicate by X in the appropriate boxes the employee sources you have advised orally or in writing of your equal employment opportunity policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

7C. Indicate by X in the appropriate box how you indicate your equal employment opportunity policy in newspaper employment advertising.

- 1. An Equal Opportunity Employer or Merit Employer.
- 2. Other (Print out)
- 3. Do not use newspaper advertising.
- 4. Do not indicate.

IMPORTANT: SBA offices by

1A. Recipient

1C. Employer

2. Reporting State, Zi

3A. Major Act

4A. Employ-connec-comple

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PROFESSION

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SBA Form 70

**SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT**

IMPORTANT. Read the attached instructions carefully before preparing this report. Submit all reports in triplicate within thirty (30) days of receipt to the SBA offices by which your loan application was approved.

1A. Recipient's or Subrecipient's Name and Address		1B. SBA Loan No.
1C. Employer Identification Number		1D. Date of Report
2. Reporting Unit: Name or Identification and Location (Street Address, City, State, ZIP Code) of Unit for which this report is prepared:		For SBA Use Only
3A. Major Activity Performed at this Reporting Unit. (Designate One Only)		For SBA Use Only
		3B. Date of Last Report (if any)

EQUAL EMPLOYMENT OPPORTUNITY—PART A

4A. Employment at this Reporting Unit. (Complete all spaces. If no employees in a category, write "0".) If the recipient is filing Standard Form 100 in connection with the requirements of Title VII, Civil Rights Act of 1964, or Executive Order 11246, a copy of that Form may be provided in lieu of completing item 4 A, B, C and D.

OCCUPATIONS	MALE EMPLOYEES					FEMALE EMPLOYEES				TOTAL ALL EMPLOYEES
	Total Males	Minority Groups				Total Females	Minority Groups			
		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹	SPANISH AMERICAN ¹		NEGRO	ORIENTAL ¹	AMERICAN INDIAN ¹		SPANISH AMERICAN^{1}
OFFICIALS AND MANAGERS										
PROFESSIONALS										
TECHNICIANS										
SALES WORKERS										
OFFICE AND CLERICAL										
CRAFTSMEN (Skilled)										
OPERATIVES (Semiskilled)										
LABORERS (Unskilled)										
SERVICE WORKERS										
TOTAL										
TOTAL EMPLOYMENT FROM PREVIOUS REPORT (if any)										

4B. (Figures for the following classifications shall also be included in the appropriate category above the "Total" line.)

APPRENTICES										
ON-THE-JOB TRAINEES ²	White Collar									
	Production									

¹ See paragraph 3 of the instructions. ² Report only employees enrolled in formal on-the-the-job training programs.

ing the payroll period including the 12th of the month preceding the
 ate by X in the appropriate boxes the employee facilities available
 without regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

s of the equal opportunity requirements under SBA regulations.

ate by X in the appropriate boxes the employee sources you have
 advised orally or in writing of your equal employment opportunity
 policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

ortunity policy in newspaper employment advertising.

- 3. Do not use newspaper advertising.
- 4. Do not indicate.

4C. How was information as to race or ethnic group in 4A and 4B obtained?

- Visual survey Employment record Other (Specify).....

4D. Date of Payroll Period used (Report employment data from the reporting unit during the payroll period including the 12th of the month preceding the submission of the report):

5A. Indicate by X in the appropriate boxes the employee facilities provided at this reporting unit.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

5B. Indicate by X in the appropriate boxes the employee facilities available without regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

6. Indicate by X in the appropriate box or boxes the method used to advise all employees of the equal opportunity requirements under SBA regulations.

- a. No formal notice given employees.
- b. Posting SBA Equal Opportunity Poster.
- c. Written notice to all employees. If used, please supply copy.
- d. Oral notice to all employees.

7A. Indicate by X in the appropriate box or boxes your normal sources of new employees.

- 1. Newspaper advertisements.
- 2. Employment agencies.
- 3. State Employment Service.
- 4. Employee referrals.
- 5. Labor organizations.
- 6. High school recruiting.
- 7. College recruiting.
- 8. Unsolicited applicants.

7B. Indicate by X in the appropriate boxes the employee sources you have advised orally or in writing of your equal employment opportunity policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

7C. Indicate by X in the appropriate box how you indicate your equal employment opportunity policy in newspaper employment advertising.

- 1. An Equal Opportunity Employer or Merit Employer.
- 2. Other (Print out)
- 3. Do not use newspaper advertising.
- 4. Do not indicate.

8. Indicate by X

- a. t
- b. f
- c. f
- d. t

9. Indicate by policy.

- a. t
- b. c
- c. f
- d. f
- e. t

g. Indicate by X in the appropriate box how you have implemented your equal employment opportunity policy with relation to labor organization.

- a. Labor organization contracts include equal employment opportunity clause.
- b. Have advised labor organization orally of equal employment policy requirements under SBA regulations.
- c. Have advised labor organizations in writing of equal employment policy requirements under SBA regulations.
- d. Do not have labor organization contracts.

g. Indicate by X in the appropriate box or boxes the organizations with whom you have cooperated locally to implement your equal employment opportunity policy.

- a. Human Relations Committee.
- b. Chamber of Commerce, Trade, or Business Association.
- c. Fair Employment Practices Commission.
- d. Minority Group Organizations.
- e. Other (Identify) _____

During the payroll period including the 12th of the month preceding the

Indicate by X in the appropriate boxes the employee facilities available without regard to race, color, or national origin.

- 1. Restrooms.
- 2. Drinking fountains.
- 3. Eating facilities.
- 4. Recreational facilities.
- 5. Waiting rooms.
- 6. Locker rooms.

Indicate by X in the appropriate boxes the organizations with whom you have cooperated locally to implement your equal opportunity requirements under SBA regulations.

Indicate by X in the appropriate boxes the employee sources you have advised orally or in writing of your equal employment opportunity policy.

- 1. Employment agencies.
- 2. Labor organizations.
- 3. High school recruiting.
- 4. College recruiting.

Indicate by X in the appropriate box how you have implemented your equal employment opportunity policy in newspaper employment advertising.

- 3. Do not use newspaper advertising.
- 4. Do not indicate.

SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT

BUSINESS PRACTICES—PART B

1. Indicate by X in the appropriate boxes the statements which reflect your policies and usages in serving the public.

- a. Merchandise or service is offered for sale to all persons without regard to race, color, or national origin.
- b. Different prices or terms to customers are not based on their race, color, or national origin.
- c. The public is served in turn without preference on the basis of race, color, or national origin.
- d. Service to the public does not differ in manner on the basis of race, color, or national origin.
- e. Minority group employees are not confined to serving the public on the basis of the latter's race, color, or national origin.

2A. Indicate by X in the appropriate box the facilities you provide for public usage.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

2B. Indicate by X in the appropriate box the facilities available to and used by the public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

3. Indicate by X in either box whether the following statements are applicable to your business.

- a. Your company is, or has been within the past 12 months, a party to litigation involving allegations of discriminatory practices on the ground of race, color, or national origin.
- b. A department or agency of a local, State or the Federal Government has alleged that your company has discriminated against an individual on the basis of race, color, or national origin.

If either of the above is applicable to your business, briefly explain:

4. Indicate by X in the appropriate box whether:

- a. Your company is a Government contractor. Identify the contracting agency.
- b. Your company receives Federal financial assistance from a Federal agency other than SBA. Identify the agency.

5. Name, Title, and Address of Authorized Representative

Signature of Authorized Representative

Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Sec. 1001

8. Indicate by X in the

- a. Labor c
- b. Have ac
- c. Have ac
- d. Do not

9. Indicate by X in the policy.

- a. Human
- b. Chambe
- c. Fair Em.
- d. Minority
- e. Other (ic

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public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

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involving allegations of discriminatory practices on the ground

ed that your company has discriminated against an individual on

ther than SBA. Identify the agency

Signature of Authorized Representative

, U.S. Code, Title 18, Sec. 1001

8. Indicate by X in the appropriate box how you have implemented your equal employment opportunity policy with relation to labor organization.

- a. Labor organization contracts include equal employment opportunity clause.
- b. Have advised labor organization orally of equal employment policy requirements under SBA regulations.
- c. Have advised labor organizations in writing of equal employment policy requirements under SBA regulations.
- d. Do not have labor organization contracts.

9. Indicate by X in the appropriate box or boxes the organizations with whom you have cooperated locally to implement your equal employment opportunity policy.

- a. Human Relations Committee.
- b. Chamber of Commerce, Trade, or Business Association.
- c. Fair Employment Practices Commission.
- d. Minority Group Organizations.
- e. Other (Identify)

SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT

BUSINESS PRACTICES—PART B

1. Indicate by X in the appropriate boxes the statements which reflect your policies and usages in serving the public.

- a. Merchandise or service is offered for sale to all persons without regard to race, color, or national origin.
- b. Different prices or terms to customers are not based on their race, color, or national origin.
- c. The public is served in turn without preference on the basis of race, color, or national origin.
- d. Service to the public does not differ in manner on the basis of race, color, or national origin.
- e. Minority group employees are not confined to serving the public on the basis of the latter's race, color, or national origin.

2A. Indicate by X in the appropriate box the facilities you provide for public usage.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

2B. Indicate by X in the appropriate box the facilities available to and used by the public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

3. Indicate by X in either box whether the following statements are applicable to your business.

- a. Your company is, or has been within the past 12 months, a party to litigation involving allegations of discriminatory practices on the ground of race, color, or national origin.
- b. A department or agency of a local, State or the Federal Government has alleged that your company has discriminated against an individual on the basis of race, color, or national origin.

If either of the above is applicable to your business, briefly explain:

4. Indicate by X in the appropriate box whether:

- a. Your company is a Government contractor. Identify the contracting agency. _____
- b. Your company receives Federal financial assistance from a Federal agency other than SBA. Identify the agency. _____

5. Name, Title, and Address of Authorized Representative

Signature of Authorized Representative

Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Sec. 1001

8. Indicate by X in

- a. Labor
- b. Have
- c. Have
- d. Do not

9. Indicate by X in policy.

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- d. Minor
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by X in the appropriate box the facilities available to and used public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

ess.

Involving allegations of discriminatory practices on the ground

ed that your company has discriminated against an individual on

.....

other than SBA. Identify the agency

Signature of Authorized Representative

U.S. Code, Title 18, Sec. 1001

8. Indicate by X in the appropriate box how you have implemented your equal employment opportunity policy with relation to labor organization.

- a. Labor organization contracts include equal employment opportunity clause.
- b. Have advised labor organization orally of equal employment policy requirements under SBA regulations.
- c. Have advised labor organizations in writing of equal employment policy requirements under SBA regulations.
- d. Do not have labor organization contracts.

9. Indicate by X in the appropriate box or boxes the organizations with whom you have cooperated locally to implement your equal employment opportunity policy.

- a. Human Relations Committee.
- b. Chamber of Commerce, Trade, or Business Association.
- c. Fair Employment Practices Commission.
- d. Minority Group Organizations.
- e. Other (Identify)

SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT

BUSINESS PRACTICES—PART B

1. Indicate by X in the appropriate boxes the statements which reflect your policies and usages in serving the public.

- a. Merchandise or service is offered for sale to all persons without regard to race, color, or national origin.
- b. Different prices or terms to customers are not based on their race, color, or national origin.
- c. The public is served in turn without preference on the basis of race, color, or national origin.
- d. Service to the public does not differ in manner on the basis of race, color, or national origin.
- e. Minority group employees are not confined to serving the public on the basis of the latter's race, color, or national origin.

2A. Indicate by X in the appropriate box the facilities you provide for public usage.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

2B. Indicate by X in the appropriate box the facilities available to and used by the public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

3. Indicate by X in either box whether the following statements are applicable to your business.

- a. Your company is, or has been within the past 12 months, a party to litigation involving allegations of discriminatory practices on the ground of race, color, or national origin.
- b. A department or agency of a local, State or the Federal Government has alleged that your company has discriminated against an individual on the basis of race, color, or national origin.

If either of the above is applicable to your business, briefly explain:

4. Indicate by X in the appropriate box whether:

- a. Your company is a Government contractor. Identify the contracting agency. _____
- b. Your company receives Federal financial assistance from a Federal agency other than SBA. Identify the agency. _____

5. Name, Title, and Address of Authorized Representative

Signature of Authorized Representative

Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Sec. 1001

8. Indicate by X in

- a. Labor
- b. Have
- c. Have
- d. Do not

9. Indicate by X in policy.

- a. Humane
- b. Charitable
- c. Fair
- d. Minor
- e. Other

REGISTRATION
REPORT

PART B

_____ usages in serving the public.

_____ rd to race, color, or national origin.

_____ color, or national origin.

_____ color, or national origin.

_____ color, or national origin.

_____ e basis of the latter's race, color, or national origin.

_____ indicate by X in the appropriate box the facilities available to and used by the public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

_____ business.

_____ litigation involving allegations of discriminatory practices on the ground

_____ as alleged that your company has discriminated against an individual on

_____ agency.

_____ agency other than SBA. Identify the agency _____

_____ Signature of Authorized Representative

_____ e by law, U.S. Code, Title 18, Sec. 1001

8. Indicate by X in the appropriate box how you have implemented your equal employment opportunity policy with relation to labor organization.

- a. Labor organization contracts include equal employment opportunity clause.
- b. Have advised labor organization orally of equal employment policy requirements under SBA regulations.
- c. Have advised labor organizations in writing of equal employment policy requirements under SBA regulations.
- d. Do not have labor organization contracts.

9. Indicate by X in the appropriate box or boxes the organizations with whom you have cooperated locally to implement your equal employment opportunity policy.

- a. Human Relations Committee.
- b. Chamber of Commerce, Trade, or Business Association.
- c. Fair Employment Practices Commission.
- d. Minority Group Organizations.
- e. Other (Identify) _____

SMALL BUSINESS ADMINISTRATION
COMPLIANCE REPORT

SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C.
OFFICIAL BUSINESS

BUSINESS PRACTICES—PART B

1. Indicate by X in the appropriate boxes the statements which reflect your policies and usages in serving the public.

- a. Merchandise or service is offered for sale to all persons without regard to race, color, or national origin.
- b. Different prices or terms to customers are not based on their race, color, or national origin.
- c. The public is served in turn without preference on the basis of race, color, or national origin.
- d. Service to the public does not differ in manner on the basis of race, color, or national origin.
- e. Minority group employees are not confined to serving the public on the basis of the latter's race, color, or national origin.

2A. Indicate by X in the appropriate box the facilities you provide for public usage.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

2B. Indicate by X in the appropriate box the facilities available to and used by the public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

3. Indicate by X in either box whether the following statements are applicable to your business.

- a. Your company is, or has been within the past 12 months, a party to litigation involving allegations of discriminatory practices on the ground of race, color, or national origin.
- b. A department or agency of a local, State or the Federal Government has alleged that your company has discriminated against an individual on the basis of race, color, or national origin.

If either of the above is applicable to your business, briefly explain:

4. Indicate by X in the appropriate box whether:

- a. Your company is a Government contractor. Identify the contracting agency,
- b. Your company receives Federal financial assistance from a Federal agency other than SBA. Identify the agency

5. Name, Title, and Address of Authorized Representative

Signature of Authorized Representative

Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Sec. 1001

SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416
OFFICIAL BUSINESS

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y X in the appropriate box the facilities available to and used
public without regard to race, color, or national origin.

- 1. Two or more entrances and exits.
- 2. Restrooms.
- 3. Water fountain.
- 4. Food service.
- 5. Fitting rooms.
- 6. Waiting rooms.

ss.

Involving allegations of discriminatory practices on the ground
ed that your company has discriminated against an individual on

ther than SBA. Identify the agency

Signature of Authorized Representative

, U.S. Code, Title 18, Sec. 1001

Small Business Administration
APPLICANT'S ASSURANCE OF COMPLIANCE

_____, Applicant, in consideration of financial assistance from the Small Business Administration, herewith covenants, promises, agrees and gives assurance that it will comply with the nondiscrimination requirements of Part 112 of the Regulations issued by the Small Business Administration (30 F. R. 298) pursuant to Section 602 of Title VI of the Civil Rights Act of 1964 (78 Stat. 252); and of Part 113 of the Regulations issued by the Small Business Administration (31 F. R. 2374) pursuant to Sections 4 and 5 of the Small Business Act (72 Stat. 384, 385), and Sections 201 and 308 of the Small Business Investment Act (72 Stat. 690, 694); to the extent that said Parts 112 and 113 are applicable to such financial assistance.

Parts 112 and 113 prohibit discrimination on the grounds of race, color or national origin in the hiring and employment of workers and in providing goods, services and accommodations to the general public by recipients of financial assistance from the Small Business Administration.

Applicant agrees that it will obtain or require similar ASSURANCE OF COMPLIANCE from contractors, sub-contractors, transferees, successors in interest, and other participants in the financial assistance from SBA to the extent that the same shall be required by SBA at any time, and from time to time. The Applicant will keep such records and submit such compliance reports as may be required by SBA, and will permit access by SBA to its books, records, accounts and its facilities and other sources of information as may be required by SBA.

Applicant further agrees that in the event it fails to comply with its undertakings hereunder SBA may call, cancel, terminate, accelerate repayment or suspend in whole or in part the financial assistance provided, or to be provided by SBA, and that SBA or the United States Government may take any other action that may be deemed necessary or appropriate to effectuate the nondiscrimination requirements in said Parts 112 and 113, including the right to seek judicial enforcement of the terms of this ASSURANCE OF COMPLIANCE.

The Applicant acknowledges that it has read and had made known to it the provisions of said Parts 112 and 113.

Executed the _____ day of _____, 19____.

(Individual, general partner, trade name or corporation)

By _____

Corporate Seal

Title _____

Attest _____

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APPLICANT LICENSEE'S ASSURANCE OF COMPLIANCE

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COMPLIANCE

licant, in consideration of financial assistance
promises, agrees and gives assurance that it
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2 of Title VI of the Civil Rights Act of 1964
e Small Business Administration (31 F. R.
72 Stat. 384, 385), and Sections 201 and 308
e extent that said Parts 112 and 113 are

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NCE OF COMPLIANCE from contractors, sub-
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ne, and from time to time. The Applicant will
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mination requirements in said Parts 112 and
ms of this ASSURANCE OF COMPLIANCE.

wn to it the provisions of said Parts 112 and

_____, 19____.

(General partner, trade name or corporation)

UNTIL STOCK IS EXHAUSTED

GPO : 1967 O-281-022

_____, Applicant Licensee, in
consideration of financial assistance from the Small Business
Administration, herewith covenants, promises, agrees and gives
assurance that it will comply with the nondiscrimination require-
ments of Part 112 of the Regulations issued by the Small Business
Administration (30 F.R. 298) pursuant to Section 602 of Title VI
of the Civil Rights Act of 1964 (78 Stat. 252); and of Part 113
of the Regulations issued by the Small Business Administration
(31 F.R. 2374) pursuant to Sections 4 and 5 of the Small Business
Act (72 Stat. 384, 385), and Sections 201 and 308 of the Small
Business Investment Act (72 Stat. 690, 694); to the extent that
said Parts 112 and 113 are applicable to such financial assistance.

Parts 112 and 113 prohibit discrimination on the grounds
of race, color or national origin in the hiring and employment of
workers and in providing goods, services and accommodations to the
general public by recipients of financial assistance from the Small
Business Administration.

Applicant Licensee further agrees that in the event it
fails to comply with its undertakings hereunder SBA may invoke the
acceleration and judicial enforcement provisions of Section 112.8
of said Part 112 or of Section 113.4 of said Part 113 regarding the
financial assistance provided or to be provided by SBA.

Applicant Licensee hereby acknowledges that it has read
parts 112 and 113 and is familiar with the provisions thereof.

Executed the _____ day of _____, 19____.

(Licensee name)

By _____

Title _____

Corporate Seal

Attest _____

SBA Form 652A (2-66)

ASSURANCE OF COMPLIANCE

an identifiable Small Business Concern (hereinafter called "SBC"),
hereby acknowledges a benefit from the financial assistance that
SMALL BUSINESS ADMINISTRATION, an agency of the United States of America
(hereinafter called "SBA") has provided, or may hereafter provide to

(name of local development company)

(address)

In consideration of the benefit derived from such financial assistance, SBC does hereby covenant, promise and agree, to comply with all applicable nondiscrimination provisions of Part 112 of the Regulations issued by SBA (30 F.R. 298) pursuant to Section 602 of Title VI of the Civil Rights Act of 1964 (78 Stat. 252); and of Part 113 of the Regulations issued by the Small Business Administration (31 F. R. 2374) pursuant to Sections 4 and 5 of the Small Business Act (72 Stat. 384,385), and Sections 201 and 308 of the Small Business Investment Act (72 Stat. 690, 694); and does hereby give assurance of such compliance.

Parts 112 and 113 prohibit discrimination on the grounds of race, color or national origin in the hiring and employment of workers and in providing goods, services and accommodations to the general public by recipients of financial assistance from the Small Business Administration.

SBC does hereby further agree that in the event of its failure to comply with said nondiscrimination provisions, SBA may at its election invoke such judicial enforcement provisions of said Parts 112 or 113 as may be applicable in connection with the financial assistance provided or to be provided by SBA.

SBC hereby acknowledges that it has read Parts 112 and 113 and takes cognizance of all provisions thereof.

Executed this _____ day of _____, 19____.

By _____

Title _____

Corporate Seal

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Small Business Administration

APPLICANT'S CONTINGENT ASSURANCE OF COMPLIANCE

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hereinafter called "SBC"),
financial assistance that
of the United States of America
may hereafter provide to
(company)

derived from such financial
and agree, to comply with
of Part 112 of the Regulations
Section 602 of Title VI of the
252); and of Part 113 of the
Administration (31 F. R., 2374)
Business Act (72 Stat. 384,385),
Investment Act (72 Stat.690,
such compliance.

discrimination on the grounds of
hiring and employment of workers and
to the general public by
Small Business Administration.
that in the event of its failure
provisions, SBA may at its election
of said Parts 112 or 113 as
financial assistance provided or
has read Parts 112 and 113 and
19

_____, Applicant for financial assistance from
_____(financial institution), in participation with Small Business Admin-
istration under a guaranty purchase agreement, herewith covenants, promises, agrees and gives assurance
that, in the event the Small Business Administration purchases its agreed upon portion of said guaranteed
loan, it will comply with the nondiscrimination requirements of Part 112 of the Regulations issued by the
Small Business Administration (30 F. R. 298) pursuant to Section 602 of Title VI of the Civil Rights Act of
1964 (78 Stat. 252); and of Part 113 of the Regulations issued by the Small Business Administration (31 F.
R. 2374) pursuant to Sections 4 and 5 of the Small Business Act (72 Stat. 384, 385), and Sections 201 and
308 of the Small Business Act (72 Stat. 690, 694); to the extent that said Parts 112 and 113 are applicable
to such financial assistance.

Parts 112 and 113 prohibit discrimination on the grounds of race, color or national origin in the
hiring and employment of workers and in providing goods, services and accommodations to the general pub-
lic by recipients of financial assistance from the Small Business Administration.

In the event that the guaranteed portion is purchased by the Small Business Administration, Appli-
cant agrees it will obtain or require similar ASSURANCE OF COMPLIANCE from contractors, subcontract-
ors, transferees, successors in interest, and other participants in the financial assistance from SBA to the
extent that the same shall be required by SBA at any time, and from time to time. The Applicant will keep
such records and submit such compliance reports as may be required by SBA, and will permit access by
SBA to its books, records, accounts and its facilities and other sources of information as may be required
by SBA.

Applicant further agrees that in the event it fails to comply with its undertakings hereunder SBA may
call, cancel, terminate, accelerate repayment or suspend in whole or in part the financial assistance provid-
ed by SBA, and that SBA or the United States Government may take any other action that may be deemed
necessary or appropriate to effectuate the nondiscrimination requirements in said Parts 112 and 113, includ-
ing the right to seek judicial enforcement of the terms of this ASSURANCE OF COMPLIANCE.

The Applicant acknowledges that it has read and had made known to it the provisions of said Parts
112 and 113.

Executed the _____ day of _____, 19____.

(Individual, general partner, trade name or corporation)

By _____

Corporate Seal

Title _____

Attest _____



SMALL BUSINESS ADMINISTRATION

APPLICANT'S AGREEMENT OF COMPLIANCE

, Applicant, in compliance with Executive Order 11246 and as a condition of the disbursement of all or any part of a loan by the Small Business Administration ("SBA") under Section 7 of the Small Business Act or under Section 502 of the Small Business Investment Act of 1958, as amended, or under Section 202 of the Public Works and Economic Development Act of 1965 or under Section 312 of the Housing Act of 1964, as amended; that it will:

Incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor created thereby.
- (5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by SBA and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- (6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- (7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as SBA may direct as a means of enforcing such provisions, including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by SBA, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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SBA FORM

MINISTRATION

T OF COMPLIANCE

Applicant, in compliance with Executive Order 11246 the approval (by the issuance of a loan authorization) an by the Small Business Administration ("SBA") un- the Small Business Investment Act of 1958, as amend- velopment Act of 1965 or under Section 312 of the

or construction work, or modification thereof, as defined paid for in whole or in part with funds obtained from l Government pursuant to a grant, contract, loan, in- gram involving such grant, contract, loan, insurance

ees as follows:

oyee or applicant for employment because of race, creed, mative action to ensure that applicants are employed, hout regard to their race, creed, color or national origin. llowing: employment, upgrading, demotion or transfer; of pay or other forms of compensation; and selection agrees to post in conspicuous places, available to em- provided setting forth the provisions of this nondiscrim-

ents for employees placed by or on behalf of the con- sideration for employment without regard to race,

entative of workers with which he has a collective ng, a notice to be provided advising the said labor commitments under Section 202 of Executive Order No. f the notice in conspicuous places available to em-

utive Order No. 11246 of September 24, 1965, and of tary of Labor created thereby.

required by Executive Order No. 11246 of September the Secretary of Labor, or pursuant thereto, and will SBA and the Secretary of Labor for purposes of investi- tions and orders.

re nondiscrimination clauses of this contract or with ract may be cancelled, terminated or suspended in eligibile for further Government contracts or federally ocedures authorized in Executive Order No. 11246 of imposed and remedies invoked as provided in the said Secretary of Labor, or as otherwise provided by law.

hs (1) through (7) in every subcontract or purchase of the Secretary of Labor issued pursuant to section 65, so that such provisions will be binding upon each h action with respect to any subcontract or purchase provisions, including sanctions for non-compliance: omes involved in or is threatened with, litigation with a oy SBA, the contractor may request the United States the United States.

The Applicant further agrees that it will be bound by the above equal opportunity clause in any federally assisted construction work which it performs itself other than through the permanent work force directly employed by SBA.

The Applicant agrees that it will cooperate actively with SBA and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor, that it will furnish SBA and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist SBA in the discharge of the Agency's primary responsibility for securing compliance. The Applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to Subpart D of Executive Order 11246 and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by SBA or the Secretary of Labor pursuant to Subpart D of Executive Order 11246, or such other sanctions and penalties for violation thereof as may, in the opinion of the Administrator, be necessary and appropriate.

The Applicant agrees further that in the event it fails to comply with its undertakings hereunder, SBA may call, cancel, terminate or suspend in whole or in part the loan, may refrain from extending any further assistance under any of its programs subject to Executive Order 11246 until satisfactory assurance of future compliance has been received from Applicant or may refer the case to the Department of Justice for appropriate legal proceedings.

Executed the _____ day of _____, 19 ____ .

(Individual, general partner, trade name or corporation)

By _____

Title _____

Corporate Seal

Attest _____

ARE OBSOLETE

(OVER)

SMALL BUSINESS ADMINISTRATION
AGREEMENT OF AMENDMENT OF CONTRACT TO CONFORM
WITH REQUIREMENTS OF SBA FORM 601

In consideration of the approval by the Small Business Administration of a loan to _____ Applicant, said Applicant and _____ the general contractor, mutually promise and agree that the construction contract(s) heretofore entered into by them is hereby amended to include Paragraphs 1 through 7 of the Applicant's Agreement of Compliance, attached hereto, as if said paragraphs were repeated verbatim in the said construction contract(s).

CORPORATE SEAL

Applicant

By: _____
(Title)

ATTEST: _____

CORPORATE SEAL

General Contractor

By: _____
(Title)

ATTEST: _____

SBA FORM 601A (9-67) REF: ND 1500-2 - EDITION OF 3-64 WILL BE USED
UNTIL STOCK IS EXHAUSTED

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NOTICE TO NEW SBA BORROWERS

This notice informs recipients of SBA financing of the minimum actions required to show evidence that they are complying with the requirements of Parts 112 and 113, SBA Rules and Regulations. Actual compliance with SBA nondiscriminatory regulations can be determined only after a review and examination of all facts, practices and records relating to nondiscriminatory operation of the business. During the life of the loan a compliance inquiry will be conducted at various intervals, the first of which may occur within approximately six months.

At the time of the initial compliance inquiry, SBA will require that minimum implementation of the employer equal opportunity program specifically include the following actions.

Note: Where appropriate models of the required actions are provided, they may be used as written, or they may be amended to the needs of the particular borrower, provided the essential aim of the model is not lost.

1. Preparation and dissemination, to all employees and applicants for employment, of a written statement outlining the employer's policy of extending equal opportunity to all persons without regard to race, color or national origin in such matters as customer service, recruitment, promotions and advancements, training programs, wages and salaries, work schedules, transfers, layoff, demotion, seniority rights, fringe benefits, utilization of restrooms, lunch rooms, drinking fountains, recreation and parking areas. (See pages 3 and 4)
2. Specific designation of responsible officials to coordinate and implement the equal employment opportunity program.
3. Development of procedures for the dissemination and feedback of equal opportunity information to supervisory personnel and their subordinates, i. e.

SBA Form 793 (9-67) REF: ND 1500-10

MINISTRATION
CONTRACT TO CONFORM
SBA FORM 601

Small Business Administration

the general contractor,
action contract(s) heretofore
include Paragraphs 1 through 7
, attached hereto, as if said
said construction contract(s).

Applicant

(Title)

General Contractor

(Title)

DITION OF 3-64 WILL BE USED

- a. Forward to all supervisory personnel (initialed signature) written notice that employee meetings will be held during which management's equal opportunity policy and program will be discussed.
 - b. Request that each supervisor advise management of the date such meetings were held and how the equal opportunity subject matter was interpreted to all employees in attendance at such meetings.
4. Where applicable, notifications to unions in writing of your equal opportunity policy; seek incorporation of such policies in union agreements. (See Page 5) Request written acknowledgment of receipt of your notice to the unions.
 5. Posting of SBA posters in conspicuous places, visible to the public, employees and applicants for employment, indicating that your company is an equal opportunity firm.
 6. Utilize "An Equal Opportunity Employer" in all help-wanted advertisements and job orders.

In addition to the minimum actions, SBA policy requires that all borrowers and subrecipients of SBA financing take affirmative action to assure the public, and employees or applicants for employment, an equal opportunity. With due regard for the size of your business, select the appropriate items from the enclosed checklist (Pages 7 and 8) which provides the varied components of an affirmative action plan. The larger your business, particularly in terms of number of employees, the greater the opportunity to employ a wider range of checklist items. Continue to keep these measures alive by setting up appropriate follow-up procedures. Your program should be planned to achieve continual minority group improvement and inclusion in apprentice and training programs, entry-level, white collar and supervisory occupations.

Should you have any further questions, desire additional information or assistance in connection with the development and implementation of your equal opportunity policies as required by our regulations, please contact the area equal opportunity coordinator through the office by which your loan was approved.

TO:

SUBJECT

OBJECT

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SBA Form

MODEL POLICY STATEMENT

TO: Department Managers
Supervisory Personnel
Employees
Applicants for Employment

SUBJECT: Equal Employment Opportunity

OBJECTIVE: To obtain qualified employees consistent with position requirements; to seek, employ, promote, and treat all employees and applicants for employment without discrimination as to race, color, or national origin.

It is the policy of the _____ Company, Corporation to give equal opportunity to all qualified persons without regard to race, color or national origin.

All employment practices are to provide that all individuals be recruited, hired, assigned, advanced, compensated and retained on the basis of their qualifications, and treated equally in these and all other respects without regard to race, color or national origin.

It shall be considered the responsibility of every supervisory employee to further the implementation of this policy and insure conformance by their subordinates.

Supervisory personnel as well as those responsible for hiring new employees must take affirmative action in the elimination of any possible discrimination towards employees and applicants for employment with _____ Company, Corporation in all categories and levels of employment and employee relations.

Responsibility for seeing that this policy is continuously followed has been assigned to (designated official). He shall work with each department manager and plant supervisor in furthering its implementation and monitoring the progress being made.

Signature _____

MODEL REAFFIRMATION OF POLICY STATEMENT

MO:

TO: All _____ Company, Corpora-
tion Employees

SUBJECT: Equal Employment Opportunity

Periodically it becomes desirable and necessary to restate the (Company's, Corporation's) policy on matters of significance to employees. One policy which it is timely to re-emphasize is that of equal opportunity.

It is the policy of _____ to provide equality of opportunity for any employee or applicant for employment irrespective of race, color, or national origin. I am sure that you are all aware of this policy which has been given added emphasis by legislation enacted by the Federal government to insure compliance with this principle throughout the country.

The (Company, Corporate) policy, which management is pledged to support, thus implements the enacted legislation to assure all employees of equal treatment. Through a positive expression of adherence to the principle of equal opportunity, we can ourselves achieve success for both the Company and its employees.

Signature _____

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During the performance of this contract, both parties agree that they will not discriminate against any qualified applicant for employment, apprentice trainee, or employee because of race, color or national origin. Both parties to this agreement will take affirmative action to insure that qualified applicants, apprentice trainees, and employees are employed and that they are treated during employment without regard to their race, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertisement; and selection for training including apprenticeship. The employer agrees to post in conspicuous places, available to employees and applicants for employment, including applicants for apprentice training, notices setting forth the provisions of this nondiscrimination clause. *

Both parties to this agreement will select apprentices from among qualified applicants on the basis of qualifications alone and without regard to race, color or national origin, or occupationally irrelevant physical requirements in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminatory basis.

In order to insure full and continuous employment for all employees to establish equal opportunity in all phases of the work situation, both parties to this agreement will abide by the requirements of the equal employment opportunity affirmative action regulations of the city, state or Federal government agency which are contained in the contract; which the employer has legally executed with a city, a state, or a Federal government agency, and under which he has promised performance.

*This condition may be met by posting
SBA Form 722, "Equal Opportunity Poster."

EQUAL OPPORTUNITY PROGRAMCHECKLIST

1. Although work areas, cafeterias, washrooms and locker areas are not segregated, is there segregation which exists by tradition and practice? If so, what action is in order?
2. Do "black islands" or "grey areas" exist--that is minority groups to one side of or grouped within the majority group of employees?
3. Do you maintain regular contacts with local groups concerned with racial problems?
4. Are you a member, or do you have a personal representative on local community biracial committees?
5. When you advertise job openings, do you utilize minority group newspapers?
6. Are you utilizing the following suggested organizations as recruitment sources for obtaining qualified minority group applicants: e. g. ,
 - a. Urban League
 - b. NAACP
 - c. Local minority group clergymen
 - d. United States Employment Service
 - e. State and local racially oriented service organizations
7. Are you recruiting applicants at high schools with predominantly minority group enrollments?
8. Are you scrutinizing the qualifications of minority group employees to insure their talent is being utilized effectively?
9. Do you regularly remind your supervisors of their individual responsibilities in implementing the company's equal opportunity program?
10. Have you critically examined local employment procedures to insure unbiased consideration of all employment applicants?
11. Are selection procedures for promotion devised to assure consideration of both majority and minority group employees?

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12. Do on-the-job-training programs include both majority and minority employees?
13. Does your facility cooperate with and support community vocational training programs?
14. Do you have a training program on the premises to improve skills of both majority and minority group employees?
15. Does your survey of employees with high potential include minority groups?
16. Do you have written evidence of your request for applicants from minority group organizations?
17. Do you maintain a record of your contacts with minority group organizations?
18. Does your "house organ" publicity covering business and social events of general interest regularly include minority participants?
19. Do you post announcements of new job openings, indicating the fact that such positions are available to all qualified personnel?
20. Do you have written job descriptions for different job classifications?
21. Does your pay scale apply equally to all new hires having like qualifications regardless of race, color or national origin?
22. Have all contractors and subcontractors been advised in writing of the company's equal opportunity policy?
23. Have all employees dealing with the public been advised of your policy to provide service without regard to race, color or national origin?

**This Statement of Policy is Posted
In Accordance with Regulations of the
Small Business Administration**

This Firm Practices

Equal Employment Opportunity

We do not discriminate on the ground of race, color, or national origin in the hiring, retention, or promotion of employees; nor in determining their rank, or the compensation or fringe benefits paid them.

This Firm Practices

Equal Treatment of Customers

We do not discriminate by reason of race, color, or national origin in services or accommodations offered or provided to our customers or guests.

All facilities, including entrances, seating, fountains, and restrooms, are available to all without regard to race, color, or national origin.

These policies and this notice comply with regulations
of the United States Government.

Please report violations of this policy to:



Bernard L. Boutin
Administrator
Small Business Administration
Washington, D.C. 20416

Borrower's No

Date of Report

Loan

Date

No. Install

COMMENTS:

SMALL BUSINESS ADMINISTRATION

LOAN SERVICING
FIELD VISIT REPORT

SBA LOAN NO.

Borrower's Name and Address (Include ZIP Code)				Participant's Name and Address (Include ZIP Code)			
Date of Report		Date of Visit		Loan Serviced By <input type="checkbox"/> Bank <input type="checkbox"/> SBA			
Loan Authorized			Loan Disbursed		Maturity	Balance	
Date	Amount	Date(s)	Amount	Date			
\$			\$		\$		
COMPLETE IF LOAN DELINQUENT							
No. Installments Delinquent	Amount of Each Installment	"From" Date	"To" Date	Total Delinquency			
\$				\$			
COMMENTS:							

SBA FORM 712 (8-87)

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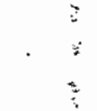
Bernard L. Boutin
Administrator
Small Business Administration
Washington, D.C. 20416

Date SBA Form 652 (Applicant's Assurance of Compliance) executed _____
If the borrower has executed Form 652, the following questions should be answered by the loan officer.

1. Is SBA Form 722 (Equal Opportunity Poster) displayed prominently where it is visible
 - a. to the public? Yes No
 - b. to employees? Yes No
 - c. to applicants for employment? Yes No

2. Please check the appropriate boxes for these questions through simple observation only. Do not make inquiry of the borrower.
 - a. Are facilities such as rest rooms and food service, etc., available to all customers and employees without regard to race, color, or national origin? Yes No N/A
 - b. Do employees serve all customers without regard to race, color, or national origin? Yes No N/A
 - c. Do personnel appear to be assigned to duties without regard to race, color, or national origin? Yes No N/A

If any of the above are checked "No", forward one (1) copy of this report to the appropriate area equal opportunity coordinator promptly.



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To enforce the constitutional right to vote, in confer jurisdiction upon the 79 STAT.

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PAGE 2



SMALL BUSINESS ADMINISTRATION
ROBERT C. MOOT, Administrator



An Act

78 STAT.

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Sec. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the requirements which must be complied with in order to receive the assistance and until such person or persons have been given a reasonable opportunity to present all the facts which they claim to bear upon the question of compliance with the requirements in question and until such time as the department or agency concerned has advised the appropriate person or persons of the results of its investigation and the reasons for its action. In the case of any action terminating, or refusing to grant or continue assistance because of failure to comply with a requirement imposed pursuant to this section, the Federal department or agency shall file with the committee on the part of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the reasons for its action. Such report shall become effective until such time as the committee filing such report has approved the action.

EQUAL OPPORTUNITY
RESPONSIBILITIES
OF
SECTORS
APPROVERS

Sec. 603. Any department or agency which is authorized pursuant to section 602 shall be subject to judicial review, unless otherwise provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any

1023



"... as far as the writ of the law will run, we must abolish not some but all racial discrimination . . . all members of the public should be equally eligible for Federal benefits financed by the public."

President Lyndon B. Johnson

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination."

President John F. Kennedy



The principle of equal opportunity under Federal programs was reflected first in 1941, when President Franklin D. Roosevelt ordered non-discrimination clauses inserted in government contracts.

Since then, every President of the United States has directed the elimination of discrimination in a number of Federal programs and activities.

These included the areas covering equality of treatment in the Armed Forces; employment by the Federal Government, by Government contractors and on construction projects financed with Federal funds; and equality of opportunity in federally-aided housing. Departmental regulations have prohibited discrimination in numerous other programs.

Current civil rights legislation began with the Civil Rights Act of 1957, establishing the Civil Rights Division of the Department of Justice and the Commission on Civil Rights. This was followed by the Civil Rights Act of 1960, on voting rights and culminated in the broad Civil Rights Act of 1964. This comprehensive legislation dealt with discrimination in public accommodation, education, employment, voting and, in Title VI, the use of Federal funds.

In Title VI of the Civil Rights Act of 1964 Congress has written into law the right of all persons to participate in and receive the benefits of any federally-aided program or activity without discrimination because of race, color, or national origin.

Title VI application to federally-assisted programs covers the activities of any person, organization, agency or institution—



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public or private—receiving Federal funds, and in effect, says that with the acceptance of public funds goes the responsibility of serving the needs of all the public.

The Small Business Administration has issued rules and regulations which establish administrative procedures to implement the Civil Rights Act. Title VI of the Act and SBA's rules and regulations apply to:

Economic opportunity loans, business loans (direct and immediate participation), displaced business loans, loans to State and local development companies, disaster business loans, and loans to and purchases of debentures from small business investment companies. (Programs of insurance or guaranty are not included.)

All such applications for financial assistance shall, as a condition to approval and continuation, be accompanied by written assurances that borrowers (direct and indirect) will serve the public on a non-discriminatory basis, and will actively follow the same policies in their employment practices.

The signed assurance is required for loan applications of any size, and without regard to the type or size of business. It remains in effect for the duration of the loan.

Title VI and SBA's implementing rules and regulations cover two distinct areas of operations of direct and indirect borrowers:

Business practices pertaining to relationships with the general public, and employment practices relating to present and potential employee policies and procedures.





Individuals, businesses, organizations, or institutions that receive an SBA loan will be considered in violation of their assurances to comply with SBA rules and regulations if, because of race, color, or national origin, they:

1. Deny an individual any service, financial aid or other benefits;
2. Provide an individual with a service, financial aid or other benefit which is different, or is provided in a different manner from that which is provided to others;
3. Subject an individual to segregation or separate treatment in any matter related to service, financial help, or other benefit;
4. Restrict an individual in any way in the enjoyment of services, facilities, or other advantage, privilege, or benefit provided to others;
5. Treat an individual differently in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which is a prerequisite to the service, financial aid or other benefit;
6. Use any criteria or methods of administration which would defeat or substantially impair accomplishment of the program's objectives for individuals of a particular race, color, or national origin, or which would subject such individuals to discrimination;
7. Discriminate against an individual in any program or activity which is conducted in a facility constructed in whole or in part with Federal funds;
8. Subject an individual to discriminatory employment practices.

The SBA borrower must not only serve the public on a non-discriminatory basis, but he also must observe the same equal opportunity policies with his employees and in hiring procedures.



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7. Discriminate against an individual in any program or activity which is conducted in a facility constructed in whole or in part with Federal funds;
8. Subject an individual to discriminatory employment practices.

The SBA borrower must not only serve the public on a non-discriminatory basis, but he also must observe the same equal opportunity policies with his employees and in hiring procedures.

While Title VI and SBA regulations require this stated assurance, equal opportunity as a voluntary business practice is of increasing benefit to those concerns that have taken affirmative action in this area. From a purely practical point of view, it is in the interest of businessmen to help bring minority groups into the economic mainstream as workers and consumers. As such, they become more effective producers and contributors, thus increasing national income and their own share of the national product.

SBA FINANCIALLY-AIDED BUSINESSMEN MUST AGREE TO:

1. Recruit, hire and retain qualified people without bias;
2. Compensate equitably with regard to wages, terms, conditions or privileges of employment;
3. Classify, assign or promote employees, or extend or assign use of facilities without discrimination;
4. Conduct any training, retraining and apprenticeship courses, and operate such facilities on a non-discriminatory basis;
5. Maintain their welfare and benefit programs for all employees;
6. Use no advertisements, statements or announcements relating to employment which specify limitations or preferences based on race, color or national origin;
7. Not discriminate against any person who has opposed any unlawful employment practices or who has made charges, testified or participated in any action under the Civil Rights Act.
8. Clearly explain to all company employees the firm's obligations under Title VI and SBA regulations, the employees' rights under these rules, and the need for an affirmative action program to effect the non-discrimination and equal opportunity objectives of the law.





Under Title VI and the Agency's own regulations, SBA applies four basic procedures to eliminate discrimination by users of its financial assistance programs. These procedures, applicable to all direct and indirect borrowers, include the initial securing of formal compliance assurances, periodic reviews of borrower operations, investigation and resolution of complaints of discrimination, and finally, application of the ultimate enforcement sanction—suspension or termination of Federal financial assistance when compliance cannot be voluntarily achieved.

In all cases SBA will seek an affirmative and voluntary compliance with the required procedures by providing guidance and assistance to the borrower. If all efforts at voluntary compliance fail, SBA must then initiate proceedings required under the law to discontinue assistance to the recipient.

An organization or an individual may challenge any unlawful discriminatory practice in a federally-assisted program or activity. A written complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by SBA. When a field review, complaint, or other information indicates a possible violation of Title VI or SBA rules, a thorough investigation will be conducted. If violations are found, voluntary compliance will first be sought to eliminate the prohibited discriminatory practices.

Applicants or borrowers under SBA's financial assistance programs who want advice or guidance on complying with Title VI and the Agency's rules and regulations, are invited to consult with SBA officials assigned to each of the following eight area offices:

*Boston, Mass., John Fitzgerald Kennedy Federal Building
(02203)*

New York, N.Y., 81 Broadway, Room 2101 (10006)

Bala Cynwyd, Pa., 1 Decker Square (19004)

Atlanta, Ga., 1401 Peachtree Street, N.E. (30309)

Chicago, Ill., 219 S. Dearborn Street (60604)

Dallas, Tex., 1309 Main Street (75202)

Denver, Colo., 909 Seventeenth Street (80202)

San Francisco, Calif., 450 Golden Gate Ave. (94102)



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RESPONSIBILITIES

ISSUED BY: THE OFFICE OF PUBLIC INFORMATION
PUBLICATION REFERENCE NO: OPI 37
AUGUST 1967



Small Business Administration

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Exhibit No. 35

COPY OF LETTER FROM PAUL R. BRUNSON TO CONGRESSMAN GEORGE ANDREWS

October 24, 1967

Honorable GEORGE ANDREWS
 Member of Congress
 House of Representatives
 Washington, D.C. 20515

DEAR CONGRESSMAN ANDREWS: Our itinerary for November 14 and 15 in the Third Congressional District is as follows:

November 14

- 7:30 a.m.—Breakfast in Dadeville with elected officials, bankers, industrial development board and civic leaders. Woodrow Barnes, Judge of Probate, in charge of arrangements.
- 10:00 a.m.—SBA meeting Alexander City State Junior College, Student Activities' Building. Mayor W. L. Radney, Jr., in charge of arrangements.
- 12:30 p.m.—Luncheon, Holiday Inn, Lanett, with elected officials, bankers, industrial development board, civic leaders. DeWitt Alsobrook, Judge of Probate, and Floyd Mann in charge of arrangements.
- 2:00 p.m.—SBA meeting, Holiday Inn, Lanett.
- 6:00 p.m.—Dinner, Union Springs Country Club with elected officials, bankers, industrial development board and civic leaders, from Macon and Bullock Counties. Howard Morgan, American National Bank, in charge of arrangements.
- 7:30 p.m.—SBA meeting for Bullock and Macon Counties, Union Springs High School.

Spend night in Dothan or Union Springs?

November 15

- 7:15 a.m.—WTVY-TV, Dothan, Morning Show, F. E. Busby or Bob Peterman, program with you, Wallace Malone, Jr. and me.
- 10:00 a.m.—SBA meeting at Enterprise Junior College, Science Lecture Room. O. I. Cunningham, Manager, Chamber of Commerce, in charge of arrangements.
- 2:00 p.m.—SBA meeting, Ozark Library.
- 5:30 p.m.—Fish Fry, Hartford Lake in Geneva. Ralph Paul and J. P. Faulk, Judge of Probate, in charge of arrangements.
- 7:30 p.m.—SBA meeting, Courthouse in Geneva.

Spend night in Geneva. Depart for Mobile November 16—State Chamber of Commerce meeting.

Sincerely,

PAUL R. BRUNSON,
 Regional Director.

Exhibit No. 36

TESTIMONY OF JOHN F. KAIN
 BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS
 MONTGOMERY, ALABAMA, MAY 2, 1968.

Mr. Chairman, Commissioners, and members of the staff of the U.S. Commission on Civil Rights, I would like to take this opportunity to express my appreciation for the opportunity to attend these Hearings.

RESPONSIBILITIES

ISSUED BY: THE OFFICE OF PUBLIC INFORMATION
 PUBLICATION REFERENCE NO: OPI 37
 AUGUST 1967

s Administration

My assignment has been to digest these five days of Hearings and to give an opinion about what they suggest for national policy. I was selected for this task, not because I have great knowledge or expertise about the rural South, but because of my research on urban problems. This research has indicated a close relationship between Southern rural poverty and the problems of our cities.

There is no need for me to dwell on these interrelationships today. Census statistics on the levels and "selective" character of migration from the rural South to the metropolitan North have been strongly substantiated by testimony presented at these Hearings. Every black witness before this Commission has relatives or friends in Northern cities and most have either lived or visited there. Both the historical record and the testimony presented here leave no doubt that there are strong ties linking the Negro populations of the rural South to those of the Northern ghettos. The levels of migration in both directions are, and will continue to be, highly responsive to the availability of jobs and income levels in both regions.

Programs designed to improve the very real and serious problems of Northern ghettos will profoundly influence the levels of Southern Negro migration. Ironically, well intended efforts to increase Negro incomes and employment in Northern ghettos may result in an even larger number of unemployed there. Similarly, efforts to increase the opportunities and incomes of the Negro in the South can influence the levels of migration to the Northern ghettos and thereby affect the incomes and unemployment rates of ghetto Negroes. Programs of Southern economic development that widen the opportunities available to the Negro in the South can be an extremely effective weapon for dealing with the problems of the Nation's cities.

These factors alone give the Nation a large stake in the economic development of the South and the condition of the Southern Negro. If the Negro is discriminated against in employment, welfare, education, and other public services in the South, he will journey in large numbers to the already overcrowded and segregated ghettos of the North. If he is poorly educated by inadequate Southern schools and ill-equipped for life in a complex urban society, the resultant problems will accrue, not to the South, but to the metropolitan North and the Nation. Clearly the Nation, and especially the metropolitan North, have a strong stake in Southern rural poverty and the system that created and perpetuates it. There is no justification for national policy that sanctions, and even encourages, this dangerous and potentially destructive pattern of "selective" migration.

These patterns of "selective" migration are the result of marked differentials in economic opportunity available to the Nation's Negroes in the metropolitan North and the rural South. The reasons underlying this differential pattern of opportunity are many. However, the following are among the most important:

(1) The South's historic employment specialization in agriculture combined with a relatively slow growth in demand for the output of and rapid technological change in that sector.

(2) A set of social-political-economic institutions in the rural South economy which have effectively barred the Negro from meaningful participation in the economic system. In all fairness, it must be admitted that the North has nothing to brag about in this respect. Nevertheless, it would appear that the restrictions, on economic opportunity at least, have been somewhat less constricting than those of the rural South.

(3) Low incomes of the South as a whole, which derive in part from the above and which further are a legacy of the period of Civil War and reconstruction.

(4) High wage rates and the rapid growth of employment in the metropolitan centers of the North. Despite pervasive discrimination in employment, these forces have provided large numbers of opportunities for the Southern Negro in Northern industry.

Despite the massive Negro migration of recent decades and the many deprivations and indignities experienced by Southern Negroes, black witnesses at these Hearings have indicated a strong preference to remain in the South, if they could obtain jobs. This is true even though, or perhaps because, most have first hand knowledge of the cities of the North.

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five days of Hearings and to give national policy. I was selected for edge or expertise about the rural urban problems. This research has shown rural poverty and the prob-

se interrelationships today. Census character of migration from the rural to the urban is strongly substantiated by testimony of black witnesses before this Commission and most have either lived or worked in the areas and the testimony presented here is linking the Negro populations of the ghettos. The levels of migration in the past are, highly responsive to the available opportunities.

ry real and serious problems of the South are the levels of Southern Negro income and the need to increase Negro incomes and to result in an even larger number of jobs to ease the opportunities and incomes of the levels of migration to the South and the unemployment rates of economic development that widen the gap between the South can be an extremely effective means of the Nation's cities.

large stake in the economic development of the Southern Negro. If the Negro is to have a fair share of the benefits of economic development, education, and other public services, large numbers to the already over-crowded urban centers. If he is poorly educated by the time he reaches the urban centers, he is not to the South, but to the metropolitan areas. The system of Southern rural poverty and the system of urban poverty is a justification for national policy that is dangerous and potentially destruc-

are the result of marked differences between the Nation's Negroes in the South and the rest of the Nation. The reasons underlying this are many. However, the following are the most important:

Specialization in agriculture command for the output of and rapid

institutions in the rural South. The Negro from meaningful participation in the economic development, it must be admitted that the system of rural poverty, in all respects. Nevertheless, it would be a mistake to say that equal opportunity at least, have been denied to the Negro in the rural South.

le, which derive in part from the system of rural poverty and the system of urban poverty during the period of Civil War and recon-

struction of employment in the metropolitan areas. The system of massive discrimination in employment and the lack of opportunities for the Negro in the South.

of recent decades and the many reasons why Southern Negroes, black witnesses, have a strong preference to remain in the South, even though, or perhaps because, of the conditions of the North.

All of the above reasons suggest that it is strongly in the *self interest* of the North and the Nation to be concerned with the development of the Southern economy and the economic opportunities available to both poor whites and Negroes. These reasons provide sufficient justification for a major program to improve conditions and increase opportunities in the rural South. However, these Hearings have brought home forcibly another and more important reason for concern about Southern rural poverty of both Negroes and whites—*simple humanity*. The conditions we have seen in these past few days are intolerable.

SOLUTIONS

Up to this point I have emphasized the nature and consequences of Southern rural poverty. Let me now turn to the question of the choice of public policies for dealing with these evident and pressing problems. We must not tolerate any further delay in obtaining relief for the impoverished whites and Negroes of the rural South. Still any solution to this problem must be lasting and consistent with the fundamental economic forces at work in the national and, more specifically, the Southern economy.

Consideration of these forces strongly suggests an emphasis on three kinds of programs:

(1) Accelerated industrialization and urbanization of the Southern economy;

(2) Strenuous efforts to insure equal opportunity in employment in the present and to undo the consequences of decades of labor market discrimination;

(3) An immediate and significant national income maintenance program.

Accelerated industrialization of the Southern economy must be regarded as a necessary long run program needed to insure eventual parity between the South and the rest of the Nation. Despite the long run potential of a program of accelerated Southern economic development, stronger and faster acting medicine is needed to deal with the *immediate* and *pressing* conditions of Southern rural poverty. Effective progress toward solving these problems in any reasonable time period can only be made by means of a major national income maintenance program. Successful enforcement of existing equal employment opportunity legislation will produce huge benefits in the immediate short run and at the same time will enhance the possibilities of economic development in the long run.

The Employment Incentive Tax

These Hearings have shown the urgent need for a large scale national income maintenance program. However, it is important to choose, from the large number of possible income maintenance programs, one that does not hamper the essential long run solution of Southern economic development. What is needed is a program that does not stifle initiative or discourage workers from seeking employment, or better employment, to further enhance their economic condition. These requirements would appear to be most closely approximated by a program similar to the so-called Negative Income Tax. I strongly urge that the Commission use its full influence and every means at its disposal to obtain enactment of a national income maintenance program similar to the Negative Income Tax at the earliest possible date. No other program is capable of dealing as effectively and quickly with the conditions brought to light in these Hearings.

The Negative Income Tax has acquired widespread support in the past two or three years, but much confusion remains about its purposes and structure. Thus, it seems appropriate to spend a few minutes discussing the proposal. I believe that much of the popular confusion about the proposal is traceable to the name, Negative Income Tax. A term such as Employment Incentive Tax would come closer to capturing the essential features of the proposal, which are to provide a minimum income for every household and to encourage economically active households to provide for themselves to the greatest extent possible. At the risk of creating some confusion, I will use the terms Negative Income Tax and Employment Incentive Tax interchangeably in the following discussion.

What is attractive about the Employment Incentive Tax is that unlike most

existing welfare and income maintenance programs, such as Aid for Dependent Children (AFDC) and public assistance, it does not penalize households that attempt to improve their economic status and reduce their welfare dependency. This aspect of most existing welfare programs is a root cause of the cycle of poverty. Most existing income maintenance programs have what amounts to a 100 percent tax on the earnings of the recipients. It would take considerable skill and imagination to develop schemes which more effectively would stifle initiative and reduce the will to work.

The Employment Incentive Tax would provide a floor for the incomes of every individual and family in the Nation. Each would receive a certain minimum cash income from the Internal Revenue Service as a matter of right. This minimum cash income would vary according to the family's size and composition. In this respect it is similar to many existing income maintenance programs. It differs from most of these programs in the use of a uniform national schedule of benefits and in allowing households to keep some percentage of any additional earned income. The former has important consequences for migration behavior by insuring that individuals can exercise a free choice of where they will reside. As is noted previously, the latter is essential in terms of providing the incentives for households to do everything possible to become economically self-sufficient.

I will not attempt to make any specific proposals about appropriate levels for the income floor or surcharges on earned income. A good deal of study is needed to devise appropriate schedules and to mesh the proposed program with existing programs. Moreover, almost an infinite number of alternative specific programs would provide equivalent results. Therefore, at this time I will simply give an illustration of the Employment Incentive Tax and suggest some of its consequences.

Assume a schedule of minimum incomes of \$1,000 for an unrelated individual and \$500 for each dependent up to five. This basic income maintenance schedule would provide a basic income of \$1,000 for an unrelated individual, \$1,500 for a family of 2, \$2,000 for a family of 3, \$2,500 for a family of 4, and \$3,000 for a family of five or more.

Further assume that the marginal tax rate is 30 percent for each dollar of income above the minimum income. This means that households would keep 70 out of every 100 dollars of earned income. Under these assumptions a family of four with \$1,000 of additional earnings would have a yearly family income of:

$\$2,500 \text{ plus } 0.7 (\$1,000) = \$3,200.$

If they increased their yearly earnings to \$2,000, they would have a yearly income of:

$\$2,500 \text{ plus } 0.7 (\$2,000) = \$3,900.$

If they increased their earnings to \$5,000, they would have a yearly income of:

$\$2,500 \text{ plus } 0.7 (\$5,000) = \$6,000.$

In addition to the obvious value of a proposal of this kind in terms of breaking the cycle of poverty in the rural South, there is still another, and possibly even more important, benefit that was brought home powerfully to me by these Hearings. This would be its effect in undermining and eventually destroying the system of economic bondage that continues to enslave and emasculate the poor white and poor Negro in the rural South. During the past five days of Hearings, we have heard much testimony describing the instruments of this system and their skillful use. These include, to name but a few: the furnishing merchant, the system of dispensing welfare, the company store, the tenant-landlord relationship in agriculture, the methods of approval and supervision of FHA loans, and the pattern of public employment. All of these represent the use of economic power to prevent the poor Southern Negro and white from effectively exercising their rights and privileges as citizens. A fundamental change in the structure of these institutions is required to free the poor population of the rural South from real, and imagined, economic threats and to restore their constitutional liberties. In particular, it is essential that the economic dependence of the poor Negro and white be reduced. No fundamental social change will be possible, as long as they remain dependent on the white power structure. Only a measure such as the Negative Income Tax, which provides a minimum

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income as a matter of right, will accomplish this end. No amount of
 Federal dollars will lead to the independence necessary for full participa-
 tion in society, if they are channeled through these existing institutions.
 The Negative Income Tax would bypass these traditional arrangements
 entirely.

Would any benefit accrue to high income whites from such a proposal?
 The answer is clearly yes. Much of the oppression of the poor Negro and
 white is traceable to the poverty and narrowness of opportunity of the
 Southern economy as a whole. It is true that the well-to-do white is at the
 top of the heap, but the heap is a very small one. The carefully husbanded
 economic advantage of the Southern white is in truth a very limited one.
 Because the South has more poverty than any other region of the country,
 as a region it would be the principal beneficiary of the Negative Income
 Tax. Though the economic hegemony of the well-to-do white furnishing
 merchant, the land owner, and the commissioner of welfare would be
 sharply reduced, all would be compensated handsomely. The net result
 would be greater economic, political, and social independence for all citizens
 and an eventual banishment of the fear which has been so characteristic
 of the Hearings in recent days. The result would be a richer and broader
 society in which all citizens would be better off.

The Employment Incentive Tax and Regional Growth

I envisage that the regional redistribution of income from the rest of
 the Nation to the South, which would be a major consequence of the
 Employment Incentive Tax, would be temporary. (It should be understood
 that temporary in this respect might be several decades.) The long run
 solution should be a redistribution of the Nation's productive resources
 and the development of the South's human resources.

As is noted above, an important feature of a proposal such as the
 Negative Income Tax is that it permits a rapid solution to the problems of
 poverty and dependence without interfering with the longer run solu-
 tions of Southern economic development. To repeat, the Employment In-
 centive Tax will not discourage work on the part of the able-bodied, since
 it allows recipients to retain a significant fraction of anything they can
 earn.

In addition, a much enriched Southern economy would be able to provide
 for the investments in human resources needed to achieve eventual produc-
 tive and economic parity with the rest of the Nation. Dr. Mermann vividly
 reported to us the disastrous effects of inadequate and insufficient diets on
 the school performance of impoverished children. The Negative Income
 Tax should insure that no child, white or black, would be unable to benefit
 from educational opportunities because he had too little food to eat.

Nor would the indirect benefits of an Employment Incentive Tax stop
 at this point. A much wealthier Southern economy would be able to tax
 itself to increase the educational opportunity provided to every child. It is
 well to remember that many of the inadequacies of Southern education
 are traceable to the South's poverty. As a percentage of per capita income,
 the South does about as well as the Nation as a whole in the provision of
 public education. The difficulty is that this fraction of Southern income
 buys far fewer educational resources than those in wealthier regions.

The Negative Income Tax, if set at reasonably high levels, should by
 itself permit the South to radically improve the quality of its public
 education, health, and other investments in human resources. These in-
 vestments are so critical to the Nation as to suggest the desirability of
 additional positive efforts to further increase the level of investment in
 human resources in the South. Even if migration to the ghettos of the
 North declines as a result of an accelerated pace of Southern economic
 development, the Nation will remain highly interdependent. Problems
 resulting from underinvestment in human resources in the South will con-
 tinue to accrue to the metropolitan North.

A number of staff reports have documented the rapid industrialization
 of the Southern economy. The fact that this rapid industrial growth has
 not been sufficient to offset the more rapid displacement of jobs from the
 agricultural sector should not be allowed to obscure the importance of this

growth to the Southern economy. It is strongly in the national interest that this process of Southern industrial growth be accelerated further. The huge increase in purchasing power in the South that would result from enactment of the Employment Incentive Tax would by itself greatly accelerate this process by causing a massive expansion of its consumer markets. Market oriented producers of consumer goods would have a strong incentive to locate near these much expanded markets. This process would be further accelerated by the still low wage rates of the rural South. As the slower acting improvement in education and health begin to be felt in terms of higher productivity labor force, there would be additional incentives for the prospective employer to locate or expand his production in the South.

The task is a large one. The objective should be the permanent elimination of the large disparities in income and productive resources that have separated the South from the rest of the Nation since the Civil War. This requires further positive efforts to encourage private investment in the consistent with a national policy of regional development. Development of the Southern economy as a whole. Capital subsidies in the form of business loans, tax exempt securities, and the public facility loans to develop the public infrastructure needed to support a modern industrialized and urbanized economy would appear to be the appropriate instruments for encouraging this private investment. As indicated by testimony presented earlier in this Hearing, these tools are hardly new to the South. Tax exempt municipal bonds have been used widely by communities throughout the South to attract new industry. However, much of the advantages of these instruments have been lost as other more prosperous parts of the country have imitated the South.

I strongly recommend that the Commission urge Congress to enact legislation prohibiting the use of tax exempt municipal securities for industrial development, except in those instances where such subsidies are consistent with a national policy of regional development. Development of the rural South, and particularly the blackbelt, should be the number one priority of such a national policy of regional development. Such legislation would restore the previously competitive edge of the South in attracting industry. These legislative changes should be accompanied by a much enlarged program of business loans, community facilities loans, and other initiatives designed to further accelerate Southern economic development.

The final pressing need is to make every effort to insure that the Southern Negro obtains a fair share of the expanding employment opportunities. These Hearings have added to the already very large body of evidence on the exclusionary and discriminatory hiring practices rampant in Southern industry. The *quid pro quo* for a national program of Southern economic development must be a change in these traditional labor market practices which have kept Negroes in the lowest paying and least desirable jobs.

Federal compliance activity relating to contractors is potentially the most potent weapon to insure that Negroes are afforded equal opportunity in employment. It is essential that these legislative requirements be enforced vigorously. Testimony by Federal compliance officers during these Hearings indicated both the promise and the limited progress that has been made in this area. There is no area of public policy that promises more rapid or longer lasting results. It is critical that the enforcement staffs of the contract compliance offices be expanded and that this effort be given the highest possible priority within the South. A crash program to insure compliance with the federal anti-discrimination requirements will have both immediate and long-lasting benefits. Testimony presented at the Hearings support the view that these enforcement activities must demand immediate results and that they go beyond dealing with current practices of discrimination in employment and promotion and require that the consequences of decades of discriminatory practices be undone. Again these activities will be greatly assisted by a much accelerated pace of Southern economic development. Economic development and equal opportunity are highly complementary.

Statement of Joseph C. Doherty, Special Assistant to Administrator, FIA,
April 29, 1968

My statement will be short, and I am afraid not very original.

In summary, my argument is that poor rural people, be they white or colored, need two things to become unpoor:

They need resources, and

They need the capacity to use resources productively.

This prescription, unoriginal as it may be, too often gets lost in the confusions we create when we over complicate the issue and attack symptoms instead of causes.

First, a brief comment about resources as these are available to the poor in rural America.

In rural communities, of course, the primary resource is land and the capital that makes land productive.

Getting enough land to farm efficiently is an option the poor, and even the not so poor, simply no longer have available.

I do not subscribe to the theory that to be successful a farmer today must invest \$100,000 or more in his operation. Yet the fact remains commercial farming is a business, a business now requiring sizeable amounts of capital. Under present market conditions, poor people don't have and can't get this capital.

The small producer or operator working in a rural area who wants to get enough capital to start or expand a business of some kind is in an even worse bind than is the small farmer.

Private lenders will lend to farmers if the latter have something to mortgage or to commit. The small producer or businessman, however,

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has serious difficulties getting additional capital unless he sweats it out of his often meager earnings.

Only the Farmers Home Administration, I believe, is trying to bridge this credit or capital gap to the small rural producer--farmer or other-- and to be frank about it our resources can't begin to stretch across the problem. In addition, the very programs we have that are aimed at this need, such as farm operating loans and small economic opportunity loans, seem always to be the prime targets for budget cutting. Let me give you an example. The individual Economic Opportunity loans made by FHA are just about the only source of capital a very small producer can get through any government program to develop his operation. In 1967 we made 16,453 of these loans. In 1968 we will make 12,000; in 1969 7,500, at best. This fall off is not my agency's desire or intention. It is a result of a continuing reduction in the funds available to us.

Groups of poor rural people wanting to form an association of one kind or another to sell their products, buy the supplies they need, put in a water system, drain their fields, pave the dirt road in front of their house or do on a cooperative basis any one of the hundred and one things that might make their lives better suffer again from a lack of access to capital. They have little or no equity to furnish a lender and nonexistent public borrowing potential. Here again the Farmers Home Administration is trying to bridge the gap. It is a huge gap. Our resources are plainly inadequate.

Capital for housing is another resource the poor lack. Everyone agrees housing in many parts of rural America is disgraceful, unfit for human beings to live in.

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Yet we seem unable to fashion the combination of capital inputs and
 administrative arrangements necessary to crack this problem, although
 some government agencies, including my own, are making a serious try.

Capital resources that might generate jobs in rural areas for poor
 breadwinners also are an important part of the picture.

For many reasons, this is the most practical path out of poverty
 for large numbers. Yet jobs in the private sector are dependent on the
 necessarily volatile private market. While jobs in the public sector,
 meaning for this group employment on public works, are hard to come by
 because poor people generally live in poor areas. And poor areas lack
 both tax base and borrowing authority to pay for very many public works.

Finally, a simple transfer of resources to poor people not in the
 form of capital for investment but in the form of dollars to live on is
 certainly a more direct way of getting income to them.

Some rural families can be helped in no other way. Yet present
 delivery systems, as we all know, are faulty and in some rural areas
 don't exist at all.

Or to put it another way, a lot of families in rural areas who might
 be eligible for public assistance if they lived in New York or Chicago
 either get nothing at all or too little for even a poverty level existence
 where they are.

That the rural poor can't get their hands on resources to work with
 is certainly not a very startling observation.

However, let me say that too many observers stop right here in their
 analysis of the problem. And they don't crank in what I consider the

all-important second factor, capacity to manage resources. This is a disservice to poor people.

I am sure I won't startle anyone here when I say:

Poor people in rural areas need help in developing the skills to manage capital as much as they need the capital.

The amount of education a person receives is a rough guide to his capacity to manage resources of various kinds. Not a perfect guide, by any means, but an indication. After all, that's a main purpose of education in our society: to give the individual capacity to manipulate resources.

Yet in all rural areas, as you know, average years of schooling--such as it may be--lags well behind the average for urban population of the U. S..

Nearly one-third of the rural nonfarm youth and more than one-fourth of the farm youth aged 14 to 24 in 1969 dropped out of school before graduating.

These figures apply to the whole country. You can be sure they are even more appalling for poor rural counties.

In a simpler era, this problem was of little consequence. There wasn't much figuring or reading to do on the part of any one, except the lawyers round the court house and their friends.

But this era in rural America has passed into history. Now we are asking poor rural people to develop an instant capacity to manage successfully the increasing resources and responsibilities we hope to channel their way.

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We are asking them to do it, and they are eager to do it. This is probably the most hopeful element in the whole picture. Yet I suspect-- it is one person's opinion--we are not paying enough attention to the very real difficulties involved.

Several methods are being tried to generate capacity. In brief they might be summarized as follows:

--Make capital resources available to individuals and groups certain they will succeed because they have the desire to succeed.

--Do it all for them. Here we simply take the place of the boss man, more benign perhaps but just as demoralizing.

--Third, provide the kind and amount of technical assistance we think is needed and discontinue it when we think it is no longer needed.

--Finally, train poor people, especially the younger ones, so they acquire early this capacity of the successful modern man--ability to manipulate resources in an efficient way.

Needless to say, I favor the last two--technical assistance and education.

Many of the programs developed in the past few years to cope with and help the poor cope with poverty problems make use of one or more of the four methods. In one or another measure they attempt to combine resources and capacity.

The War on Poverty is to some extent based on this principle.

I can fairly say the work of my own agency, which has more than quadrupled in size since 1961, centers on the delivery of both resources and technical assistance to rural families and rural communities that need them.

The sizeable education act of a few years ago, the program of loans and grants for distressed areas, the Appalachia Commission public works investments, the generally effective training programs of the U. S. Labor Department are all doing some of the things I have advocated. They certainly have helped cut into the massiveness of poverty conditions in rural areas.

Why then have we still the rural poor with us?

I go back to my original point.

In spite of all, not enough is being done by any of us to get resources into the hands of poor rural people, in the form of capital and jobs, and to help them in a practical way to manipulate the resources successfully and obtain and hold the better jobs.

There are a lot of initiatives I would like to see. But I believe the following should have absolute priority.

1. A massive housing program in the small towns and open country communities of rural poverty areas, using many delivery systems--self-help where practical; low-cost rental units constructed and operated by cooperatives, public housing agencies or associations. (Preferably the latter.) Along with this would be a program of public works to upgrade infrastructure in these communities. The dual program would have two purposes: to give poor rural people better housing and better communities and to create jobs. A requirement should be that poor breadwinners and their sons be employed in the building and where possible come out of the program with a trade.

2. An overhaul of education for poor rural youngsters, particularly the boys, with lots of preschool and early grade enrichment and lots of

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lease time and on-the-job training later on for the majority not going
 to college, indeed not even wanting to stay in high school. For some
 poor youngsters growing up in the most depressed environments I believe
 we must face the necessity of boarding schools. They need to be out
 of their environment. A costly solution but we are talking here about
 costly solutions.

3. A joint public-private sector program aimed at decentralizing
 some of our business and industry to rural growth centers to which poor
 people could commute to jobs at decent wages.

4. A network of training centers where indigenous leaders can go
 for 6 months or a year to learn particular, practical trades required
 to manage resources successfully.

5. The expansion of activities in which capital for farming,
 business, associations, etc., and technical assistance are combined
 into one package and the administering agency enters into what amounts
 to a temporary partnership with the borrower or grantee. The Farmers
 Home Administration is probably the best example of this type of delivery
 system. It is not simply agency pride to say too little recognition has
 been given the technique we use.

6. Of great importance, I believe, is a new profession of what
 might be called "resource person to the poor." These individuals would
 be trained specifically to provide technical services in various manage-
 ment fields and to work as partners with indigenous local leaders. This
 would be their career, not a part-time or short service kind of activity.
 The poor desperately need people sympathetic to their problems yet practical
 enough to analyze a contract, set up a bookkeeping system, supervise the

construction of a house or the repair of machinery and do the thousand and one other things necessary to the maintenance of a successful society. They also need people who will stick with them. Obviously some means must be found to pay such resource persons a wage adequate to the ambitions and family responsibilities of mature people.

7. Finally, I would also put new systems of income transfer to the totally indigent on the priority list. There are families in rural areas for whom the delivery of capital and capacity, no matter how efficient, is irrelevant. If the environment of the children is to be improved--and that's the important thing--money for food, clothing and medical care will need to be made available directly. Even in these cases, however, incentives should be used to encourage some initiative and permit a little self respect.

Other things are needed, but these will do for a start.

To summarize, I do believe if we go on telling poor people how much they deserve from an affluent America without at the same time giving them real resources to work with in climbing out of poverty, we are asking for disaster.

On the other hand, if we simply transfer resources without also helping build the capacity of poor people to manage those resources for their permanent advantage we simply will worsen their frustration and alienation.

Capital and capacity are what poor people need. I believe we now need to zero in on this target.

June 12, 1968

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Mr. Howard A. Glickstein
 General Counsel
 United States Commission on Civil Rights
 Washington, D.C. 20425

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Dear Mr. Glickstein:

1. As counsel for MacMillan Bloedel United Inc. (MBU) and MacMillan Bloedel Products Inc. (MBP), I recently attended the United States Civil Rights Commission hearing at Montgomery, Alabama, on Tuesday, April 30, 1968. On that occasion MB Industrial Relations Manager, Mr. Horace Hamby, appeared in response to a Commission subpoena and testified.

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2. It was our understanding from prior publicity that the Commission investigation was concerned with whether economic and social conditions in Wilcox County, Alabama (and certain neighboring counties) reflected a demonstrable need for implementing existing social and Civil Rights legislation. From your discussions with Mr. Hamby prior to the hearing, you are certainly aware of the fact that MacMillan, as a substantial new industry in an area which has almost no industry at all, would be expected to contribute significantly to the overall economic betterment of that area. Under the circumstances our clients appropriately believed that your inquiry at the hearing itself would be concerned with these matters of obvious relevance to the Commission investigation. However, it became apparent early in the proceedings from the questions put by you and other Staff Representatives to Mr. Hamby that you had decided not

need. I believe we now

Mr. Howard A. Glickstein
 June 12, 1968
 Page Two

Mr. Howard
 June 12, 1968
 Page Three

to develop the economic significance of MacMillan's decision to locate in the South Alabama area under investigation. To the contrary, it would appear from the interrogation of Mr. Hamby that the real objective of your Staff was simply to suggest to the Commission by innuendoes and implications that MacMillan falls somewhat short of your conception of a model employer viewed from a Civil Rights standpoint. The erroneous picture of MacMillan presented by your interrogation of Mr. Hamby was the subject of at least one newspaper article which created an entirely misleading impression of MacMillan. For your information, a copy of this article is enclosed.

3. In fairness to you, I shall now articulate in more detail the various reasons which, in our clients' view, support the conception that you and other Staff Representatives failed to develop the record in an objective fashion for the Commission's benefit:

(i) MacMillan was visited on two separate occasions by you or other representatives from your Staff. In connection with these visits, the economic and social significance of MacMillan's new operations was discussed. In such discussions no particular emphasis was laid upon the decision of MacMillan not to sign an EDA Commitment for federal funds in connection with a bridge to be built by Wilcox County Authorities and no effort was made to develop facts concerning the problems faced by MacMillan in connection with the hiring of qualified personnel in starting-up its new operations.

(ii) Your efforts at the hearing were devoted almost entirely to developing the thesis that the people of Wilcox County had been deprived of a bridge because of

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Mr. Howard A. Glickstein
 June 12, 1968
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a supposedly wrongful "refusal of MBU and MBP to sign a
 commitment under Title VI with the EDA. (See Transcript
 pp 198-205) Mr. Hamby was not apprised by you in advance
 that this would be the subject of your inquiry.

(iii) As a matter of fact, Mr. Hamby was
 not fully familiar with problems involved in the EDA Com-
 mitment proposal and accordingly could not respond ade-
 quately to your questions about that. You could have de-
 veloped Mr. Hamby's lack of knowledge on this issue in the
 course of your initial investigation of the matter. Had
 you done this and thereafter requested a MacMillan repre-
 sentative with such knowledge to appear, I feel sure that
 our clients would have cooperated with you to the utmost -
 as they did in fact anyhow.

(iv) The statement that the people of Wil-
 cox County (including a high percentage of Negroes) had
 been deprived of their bridge because of MacMillan Bloedel
 (Tr. 204) was false. The State of Alabama had made a com-
 mitment to build the bridge and the bridge was under con-
 struction at the time of the hearing. You could easily
 have developed these facts in the course of your investi-
 gation.

(v) The decision of MacMillan not to sign
 the EDA Commitment was due in part to (i) the opinion of
 its counsel that under a commitment made pursuant to Title
 VI and the Regulations of the Department of Commerce there-
 under, the government had greater rights over the hiring
 procedures of an employer than is the case under Title VII;
 and (ii) the fact that EDA officials with whom counsel con-
 sulted were unwilling to give substantive assurances that
 the government would not, in fact, play an active role in
 the hiring of MacMillan Bloedel employees. Mr. Hamby was
 not familiar with all aspects of these facts, but they are

Mr. Howard A. Glickstein
 June 12, 1968
 Page Four

Mr. How.
 June 12
 Page Fi

pertinent and due to be considered in connection with the implications of your apparent claim (Tr. 197-199) that MacMillan is not living up to its Civil Rights obligations. (Please see paragraph 4 below)

(vi) Our clients also take exception to the suggestions of Mr. Taylor (Tr. 215) that MacMillan should be censured in some fashion or other because facilities constructed for its benefit were financed by Industrial Revenue Bonds, the interest on which is not subject to federal income tax. These bonds were issued by the Industrial Development Board of Camden, Alabama, under an Alabama statute designed to bring new industry to Alabama communities needing industrial development. You are aware, I believe, that but for such inducements industries such as MacMillan Bloedel might never come to disadvantaged areas in the first place, and in the last analysis it is the people in the area who are the direct and substantive beneficiaries of the tax exemption.

(vii) Our clients take exception also to your efforts to infer dereliction on the part of MacMillan because Industrial Relations Manager Hamby had not requested a legal opinion as to whether MBU was subject to Title VI solely because United Fruit Company owns a minority interest in that Company. (Tr. 204-205) The fact is that MBU at the time of these inquiries had not even commenced production operations, and in any event Mr. Hamby would not necessarily be the person to request such an opinion. Furthermore had you, in the course of your investigation, undertaken to determine the true facts, I believe that you would not have asked the question at all. You did not do so. The whole matter was totally irrelevant to the Commission's inquiry anyhow and we think your questions and statements under the circumstances were highly improper.

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Mr. Howard A. Glickstein
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4. The statements made by me, ex officio, in explanation of the Company's stand with reference to our legal opinion on the EDA matter, were the subject of some comment by a Commission Staff Representative. (Tr. 212-213) For that reason, I will discuss the legal predicate Briefly. Unlike Title VII of the Civil Rights Act, Title VI is extremely short and is written in vague and pervasive language with the conception apparently being that the government agencies involved would issue comprehensive regulations in explanation of the provisions of Title VI as they construe them. The Department of Commerce has issued such regulations. (See Title XV, Subtitle A, Part 8.30 F.R. 305, 616.) Section 8.4(c) of the Regulations requires the "recipient" to "take affirmative action to insure that applicants are employed, and employees are treated during employment without regard to their race, color or national origin." The meaning of "affirmative action" in this context is not clear but it may involve substantially greater obligations than MacMillan has under Title VII. Under Title VI the Department of Commerce has the power to review "from time to time * * * the practices of recipients to determine whether they are [in general compliance with Title VI]." See Section 8.10. Under Section 7.7(e), the Department "shall from time to time review the practices of recipients * * *." Under all the circumstances it was our view that Title VI contemplates the exercise by the Department of Commerce of greater powers over the employment practices of an employer than is the case under Title VII. Despite our efforts to obtain clarification on this point, and to modify the proposed Commitment to make clear that MacMillan could do its own hiring, we were unable to obtain such clarifications. The EDA refused to so modify the printed language of the Commitment and to give us any other substantive assurances as to this matter. If we had been accorded the opportunity at the hearing, appropriate representatives of our clients could have demonstrated that their concern here was not with civil rights at all but rather with possible federal encroachment upon their business decisions to an extent not required by law. Further, that MacMillan's established policy is to comply with Federal Civil Rights

Mr. Howard A. Glickstein
 June 12, 1968
 Page Six

Mr. How
 June 12
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legislation; that MacMillan is perfectly willing to hire qualified Negroes (and does) for vacant positions, but simply wanted to do the hiring itself. Furthermore, it seems fair to point out that if, as was suggested at the hearing by Mr. Taylor (Tr. 212-213), there is no difference in MacMillan's obligations under Title VI and under Title VII, there would have been no need for MacMillan to enter into a Commitment under Title VI at all.

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5. To conclude, I should like to state that the Commission was entrusted by Congress with the making of investigations to point up the need for improved Civil Rights legislation. In this sense it is a fact finding body. Obviously, it cannot find facts and hence reach proper conclusions if the record is itself non-factual or incomplete. It is our sincere and firm belief that the record with reference to MacMillan is both erroneous and incomplete. We have also concluded from our experience at the hearing that essential requisites to a complete and accurate record include (i) a full and fair investigation, (ii) the appraisal of prospective witnesses of what they are to testify about, (iii) that prospective witnesses be asked only about subjects of which they have knowledge, and (iv) that sufficient information be adduced on issues of relevance to the Commission by you and your associates, to enable it to make a fair appraisal of the overall facts. In this connection it might be remembered that Commission witnesses are not called in adversary proceedings to defend themselves against wrongs specifically made the subject of a complaint. Certainly they should not be subjected to the veiled implications and innuendoes of Commission Staff Representatives that they are in effect not in compliance with the law.

JJC, Jr

Enclos

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These comments and criticisms, if you will, are presented in a constructive spirit in the belief that the Commission can more adequately carry out its commitments to Congress in an objective atmosphere.

Mr. Howard A. Glickstein
 June 12, 1968
 Page Seven

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I am submitting a copy of these comments to the
 Chairman of the Commission with the request that they be
 made a part of the record at the conclusion of Mr. Hamby's
 testimony so that his remarks can be considered in per-
 spective. A copy is also being sent to the other members
 of the Commission at the request of my clients.

Very truly yours,



JJC,Jr/dj

Enclosure

cc: Honorable John A. Hannah
 Chairman
 U. S. Commission on Civil Rights

Mr. Eugene C. Patterson
 Vice-Chairman
 U. S. Commission on Civil Rights

Mrs. Frankie M. Freeman
 Member
 U. S. Commission on Civil Rights

Mr. Robert S. Rankin
 Member
 U. S. Commission on Civil Rights

Mr. Erwin N. Griswold
 Member
 U. S. Commission on Civil Rights

Reverend Theodore M. Hesburgh
 Member
 U. S. Commission on Civil Rights

Mr. William L. Taylor
 Staff Director
 U. S. Commission on Civil Rights

Wednesday, May 1, 1968

Rights group member questions new bridge

BY DAN DOWE
News staff writer

MONTGOMERY

A member of the U. S. Commission on Civil Rights has questioned whether a huge pulp mill "handed the taxpayers of Wilcox County and Alabama a bill for \$5 million" to construct a bridge to provide access to the plant.

The issue involves the firm's refusal to comply with non-discrimination requirements required for a federal grant to finance the bridge.

And, in an entirely separate case, the commission staff director raised the possibility of criminal action against an executive of a West Alabama sawmill who prepared a statement warning employees they might have to move out of company-owned houses the night before members of the firm were to appear at the civil rights hearing here.

Both developments took place late Tuesday during the commission's investigation into employment practices of industries operating in 16 Black Belt counties being studied for possible denial of economic opportunity to Negroes. Questioning of more industry spokesmen was scheduled today.

COMMISSION MEMBER
Eugene Patterson, editor of The Atlanta Constitution, raised the question of the bridge during interrogation of Horace Hamby, industrial relations manager of McMillan-Blodet Products and McMillan-Blodet United, which operates a new \$79 million pulp mill and wood mill complex in Wilcox County.

Hamby said the bridge is now being constructed by the State Highway Department. It provides access to the mill across the Alabama River.

Howard A. Glickstein, general counsel for the commis-

sion, pointed out that Wilcox County officials had signed an application to the Economic Development Administration for \$5 million in federal funds to construct the bridge.

But Glickstein said the grant was turned down "due to the company's failure to comply" with non-discrimination provisions in the application. Turn to Page 8, Column 6.

Rights

WILCOX COUNTY

tion. He said the firm "edited out" the non-discrimination provisions" in the form it sent to the federal agency.

Hamby explained that the firm was "unable to determine the amount of supervision of one or more federal agencies" over its hiring practices if the original form was signed.

THE PLANT executive told the commission that the non-discrimination requirement "was unclear, and on the advice of legal counsel we declined."

He said EDA was asked to give assurance there would be no direct federal supervision over hiring practices in staffing the plant. But the federal agency refused.

Hamby said McMillan-Blodet is an equal employment opportunities firm, and has about 60 Negroes among its 300 employees at the Wilcox County facility.

When asked by Patterson: "In effect, your company handed the taxpayers of Wilcox County and the State of Alabama a bill for \$5 million," Hamby replied, "That is your conclusion."

In the other case, Staff Director William L. Taylor told the Commission a statement testimony by a Negro employed by a sawmill owned by American Can Co. at Reebany "might involve a potential violation of criminal law — the intimidation of a witness."

THE WITNESS, John Barnes, told the Commission that employees were told by general manager Hugh Sloan, Monday night the company "might not be able to rent houses either to colored or white."

Following Barnes' testimony, the commission went into executive session to confer with Sloane, who was scheduled as the next witness.

When the opening hearing was resumed, Sloane told the commission he had not prepared the statement read to employees and had no intention of intimidating them. He said the statement pointed out that company officials had been called to testify before the Civil Rights Commission and "one of the things we expect

them to ask us is about housing."

The sawmill manager said the statement also mentioned "the recent open housing law which may force us to stop renting. In the near future unless changes can be made."

In closing the interrogation of American Can executive, staff director Taylor pointed out that "Mr. Sloane did not personally prepare the statement."

John J. Bradley, 1500 Broadway, Birmingham

Dear Mr.

As you record will appear from Assembly. Copies enclosed.

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UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

July 2, 1968

John J. Coleman, Jr., Esq.
Bradley, Arant, Rose & White
1500 Brown-Marx Building
Birmingham, Alabama 35203

Dear Mr. Coleman:

As you requested, your letter of June 12 to me will be printed in the record of the Commission's recent hearing in Montgomery, Alabama. It will appear in the appendix to the transcript, together with a letter from Assistant Secretary of Commerce Ross D. Davis to Mr. Taylor commenting on the testimony of Mr. Hamby and a copy of this letter. Copies of Secretary Davis' letter and materials submitted by him are enclosed.

I would like to comment further on your letter of June 12 to which I take strong exception.

1. On page one, paragraph 2, you complain that it was apparent to you that the Commission's inquiry was not "to develop the economic significance of MacMillan's decision to locate in the South Alabama area under investigation" but rather "to suggest to the Commission by innuendoes and implications that MacMillan falls somewhat short of your conception of a model employer from a Civil Rights standpoint." I think it is quite the contrary.

The extent to which an industry can contribute to overall economic betterment of an area such as Wilcox County, which as you state includes "a high percentage of Negroes" (it is 78 percent), obviously must be related to civil rights questions. Respected Southern economists, such as Dr. James G. Maddox of North Carolina University, have long known that the South's economic development was tied closely with the economic betterment of the Negro population. The first witness who appeared before the Commission in Montgomery testified:

The South's status as the most undeveloped region can be attributed in large measure to past forms of social and economic organization that have stifled development of its manpower resources . . .
(Transcript, April 27, 1968, at 60)

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of American Can executives,
staff director Taylor pointed
out that "Mr. Sloan did not
personally prepare the state-
ment."

It is very clear that with 78 percent of the population in Wilcox County being Negro, the economic impact of MacMillan's decision to locate there is related most intimately with the company's hiring practices. The issue of whether or not a company is "a model employer from a Civil Rights standpoint" is highly relevant to any inquiry concerning the economic significance of the company in Wilcox County.

2. On page three of your letter you state in item (iv):

The statement that the people of Wilcox County (including a high percentage of Negroes) had been deprived of their bridge because of MacMillan-Bloedel (Tr. 204) was false.

The actual statement made by me during examination of Mr. Hamby, as reported in the transcript at page 204, makes it clear that I was referring to the loss of Federal funds occasioned by the failure to execute the Title VI assurance. In addition, at the time I made the statement in questioning Mr. Hamby it had already been established that construction on the bridge was going ahead. The statement was:

--but you felt it was worth avoiding Federal supervision at the expense of depriving the county and the community of this bridge, of the \$5 million of Federal funds? (emphasis added)

3. On page four of your letter in item (vi) you write:

Our clients also take exception to the suggestions of Mr. Taylor (Tr. 215) that MacMillan should be censured in some fashion or other because facilities constructed for its benefit were financed by Industrial Revenue Bonds, the interest on which is not subject to Federal income tax.

I have re-read the entire testimony relating to MacMillan-Bloedel and nowhere do I find that Mr. Taylor suggested on page 215 or anywhere else that MacMillan be censured because facilities constructed for its benefit were financed by Industrial Revenue Bonds. Mr. Taylor did raise a legal question of whether the tax-exempt status of municipal bonds for Industrial construction purposes constituted "Federal financial assistance" within the meaning of Title VI of the Civil Rights Act of 1964, or came within the scope of the 14th Amendment. This in no way implied a "censure" of MacMillan solely because the company benefitted from Industrial Revenue Bonds issued by the Industrial Development Board of Camden, Alabama.

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I am enclosing a copy of a memorandum prepared by my office on the question of industrial bond issues and the 14th Amendment. The memorandum points out that the 14th Amendment forbids States from supporting private racial discrimination. Tax exemptions have been viewed by courts as an element of State support which may give rise to a duty of nondiscrimination on the part of the recipient. The existence of tax exemption for revenue bonds has been cited as one of the "activities, obligations, and responsibilities" of the State involving it in ostensibly private discrimination. I also am enclosing a copy of a Commission Report, "Southern School Desegregation 1966-67" in which the question of whether tax exemptions constitute "Federal financial assistance" within the meaning of Title VI is discussed in Appendix VIII at page 142. Generally, the memorandum reproduced in the appendix concludes that tax benefits are a form of financial assistance.

4. On page four, item (vii), you object to questions to Mr. Hamby concerning his knowledge or lack of knowledge as to whether MacMillan-Bloedel United (MBU) was "subject to Title VI solely because United Fruit Company owns a minority interest in that Company." The questions related to MBU's responsibilities under Executive Order 11246 as a facility of a Government contractor, in this case, the United Fruit Company--not to the reach of Title VI. The obligations of MBU under Executive Order 11246, which we discussed, flow not from any supply contract with United Fruit but from the fact that United Fruit is a partner in MBU.

The issue of whether the Executive Order is being enforced with respect to facilities of a Government contractor other than those in which contract work is actually performed was a major subject of inquiry at the hearing. These questions are not, as you suggest, "totally irrelevant" and "highly improper."

5. The letter of Secretary Davis contains a version of the facts which is sharply at variance with the facts as you state them concerning the alleged unwillingness of EDA officials to explain to your client that the Federal Government would not play an active role in the hiring of MacMillan-Bloedel employees. In his letter Secretary Davis states most explicitly that the "signing of Form EDA-503 does not involve the direct Federal supervision of a company's hiring practices." Secretary Davis also indicates that the same statement was made to the legal counsel for MacMillan-Bloedel. I fail to understand what else EDA could be expected to do in the way of "substantive assurances that the government would not, in fact, play an active role in the hiring of MacMillan-Bloedel employees."



6. With respect to your repeated assertions that Mr. Hamby was unqualified to answer certain questions, I believe the record indicates that Mr. Hamby considered himself capable of answering, and that when he felt he could not answer he so indicated. In addition, you accompanied him as counsel and were present throughout his testimony. Our rules provide extensive protections for witnesses. If a witness believes further evidence will clarify the record, he may submit additional material, as is being done in this case.

7. I might add that I agree with your statement in paragraph 5 of your letter of the Commission's responsibilities. I believe we carried out those responsibilities fully at our recent hearing. I can find nothing in the record about MacMillan which is nonfactual or erroneous. We believe there was a full and fair investigation of the issues concerning MacMillan-Bloedel. Mr. Hamby was apprised of what he would be asked. Twice he was visited by our investigators and the question of the bridge was raised at those meetings. Every opportunity was provided before, during and after the hearing to insure that the record was a complete and fair representation of the facts.

Sincerely yours,

Howard A. Glickstein
General Counsel

Enclosures



THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

JUN 14 1968

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ward A. Glickstein
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Mr. William L. Taylor
Staff Director
United States Commission on
Civil Rights
801 19th Street, N. W.
Washington, D. C. 20425

Dear Mr. Taylor:

This is in response to your letter of May 28, 1968, concerning the recent testimony of Mr. Horace Hamby, Jr., Industrial Relations Manager of MacMillan-Bloedel Products, and MacMillan-Bloedel United, Inc., located in Pine Hill, Alabama, relating to the Civil Rights obligations of business concerns required to sign the Economic Development Administration Form 503, "Assurances of Compliance with the Department of Commerce Regulations under Title VI of the Civil Rights Act of 1964," as primary beneficiary of a public works project for which EDA funds have been requested by the applicant. For your reference we are enclosing a reprint of the FEDERAL REGISTER of Saturday, January 9, 1965, corrected as of Tuesday, January 19, 1965, which amends Subtitle A of Title 15 CFR by adding a new Part 8 - Nondiscrimination in Federally-Assisted Programs of the Department of Commerce - Effectuation of Title VI of the Civil Rights Act of 1964.

The signing of Form EDA-503 does not involve the direct Federal supervision of a company's hiring practices. Under the Department of Commerce Regulations, and prior to the approval of a project, the primary beneficiary or beneficiaries must execute Form EDA-503 as an assurance that there will not be discrimination in their hiring practices, as set forth in Section 8.4(c) of the Department's regulations.

It was permissible for the officials of MacMillan-Bloedel United, Inc., to delete paragraph 3 of the EDA Form 503 since that paragraph includes obligations which are not applicable to beneficiaries of EDA

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projects. Similarly, it was permissible for the company to delete the term "recipient" and insert in lieu thereof the term "beneficiary" in the form. As a matter of fact, we subsequently devised a new form, EDA Form 503A which incorporates these same changes. However, by adding to numbered paragraph 1 of the Form EDA-503 the words "except that provisions of Section 8.4(c) shall not be applicable" and by completely deleting numbered paragraph 2, the officials of MacMillan-Bloedel United, Inc., invalidated the purpose of the document, a xerox copy of which is enclosed for your information together with a blank copy of the form.

Enclosure

Since the receipt of your letter, we can find no evidence either written or oral to support Mr. Hamby's assertions that his company refused to sign the Form EDA-503, with reference to Section 8.4(c) included, because the Economic Development Administration refused to give its assurance that there would be no Federal supervision of the company's hiring practices. If Mr. Hamby had given this as his reason for refusing to comply with Section 8.4(c) of the Regulations, he would have been told that this was not so. Our records do indicate that the officials of the company refused to submit a properly executed document notwithstanding several conversations between EDA representatives and representatives of the company and its counsel in which we explained what the company's obligations under Title VI would be and that, of course, would not include Federal supervision of the company's hiring practices.

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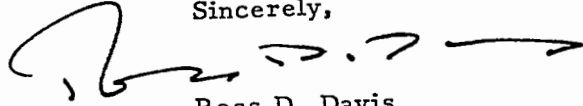
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As a result of the company's failure to submit an EDA Form 503 without deletion of the employment provisos, the Economic Development Administration had no alternative but to advise the Chairman and Court of County Commissioners of Wilcox County, Alabama, in a letter dated July 27, 1967, that since it was not possible for them to satisfactorily complete the necessary documentation in support of their application, we were declining to give it further consideration. A typed copy of our letter is enclosed for your information and file.

2

If we can be of further assistance to your office in clarifying EDA's position in the matter of the Wilcox County application, we shall be glad to furnish you with whatever other information may be made available from our records.

Sincerely,



Ross D. Davis
Assistant Secretary
for Economic Development

Enclosures

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[EDA Form 503, as changed by MacMillan Bloedel United, Inc., was introduced in evidence as Exhibit No. 16.]

[The typed copy of EDA letter dated July 27, 1967, to officials of Wilcox County, Alabama, was introduced in evidence as Exhibit No. 17.]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Howard A. Glickstein
General Counsel

DATE: May 24, 1968

FROM : Edward Beis *EBB*
Staff Attorney

SUBJECT: Industrial bond issues and the Fourteenth Amendment

At the Commission's recent hearing in Montgomery, Alabama, inquiring into matters affecting the equal economic opportunities of nonwhite persons, the testimony of Mr. Horace Hamby, Jr., Industrial Relations Manager for MacMillian-Bloedel Products and MacMillian-Bloedel United has raised the question of whether a company which has been the beneficiary of an industrial bond issue floated by a city agency is sufficiently involved with governmental action to be bound by the Fourteenth Amendment's prohibition against racial discrimination.

MacMillian-Bloedel Products and MacMillian-Bloedel United are in the process of constructing a large plant on the Alabama River near Pine Hill, Alabama. MacMillian-Bloedel Products, owned by MacMillian-Bloedel of Canada, will run a plywood and sawmill operation and be responsible for wood procurement, land acquisition and management. MacMillian-Bloedel United, a partnership between MacMillian-Bloedel of Canada and United Fruit Company of Boston, will operate pulp and liner board mills. The Industrial Board of the City of Camden floated a 70 million dollar bond issue in 1967 to provide funds for the construction of the plant. At that time it was the largest industrial bond issue ever floated by a city.

There are many companies benefitting from industrial bond issues, and their numbers are growing. Racially discriminatory employment practices by such companies -- in addition to violating Title VII and Executive Order 11246 -- may also violate the Constitution.

The Fourteenth Amendment not only forbids racial discrimination by a State, but also forbids States to support or participate in ostensibly private racial discrimination "through any agreement, management, funds or property," Cooper v. Aaron, 358 U.S. 1, 19, (1958). Federal administrative agencies have taken the position that the Fifth Amendment prohibits them not only from discriminating on the basis of race but also from sanctioning discrimination. The National Labor Relations Board has rescinded the certification as bargaining representative under the National Labor Relations Act of labor unions which have engaged

in racial discrimination to take this

There are several benefits from interest rate as part of a level, those bonds. It is State and Federal by an agency

Tax exemption which may give recipient. Court cited managed character government in the Fourteenth Authority, weighing civil revenue bond obligations. ostensibly managed housing of State attendant State Cir. 1964). (1963), in due process denying state exemption, form of tax company is receive with

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in racial discrimination. Holding that it was constitutionally required to take this action, the Board stated:

DATE: May 24, 1968

Specifically we hold that the Board cannot validly render aid under Section 9 of the Act to a labor organization which discriminates racially when acting as a statutory bargaining representative. Cf. Shelley v. Kraemer, 334 U.S. 1; Hurd v. Hodge, 334 U.S. 24; Bolling v. Sharpe, 347 U.S. 497.

Amendment

Montgomery, Alabama, inquiring of opportunities of nonwhite employees, Jr., Industrial Relations and MacMillian-Bloedel United Company which has been the company floated by a city agency is action to be bound by the most racial discrimination.

MacMillian-Bloedel United are in the Alabama River near Pine Hill, owned by MacMillian-Bloedel of operation and be responsible for management. MacMillian-Bloedel of Canada and United pulp and liner board mills. The floated a 70 million dollar the construction of the plant. bond issue ever floated by

industrial bond issues, and discriminatory employment practices violating Title VII and Executive Order.

racial discrimination by a company or participate in ostensibly any agreement, management, funds, 19, (1958). Federal position that the Fifth Amendment on the basis of race but the National Labor Relations bargaining representative under unions which have engaged

There are several factors which must be taken into account. The company benefits from a government floated bond issue in that it pays lower interest rates on the money received from the bonds. Often the company, as part of a package deal, is exempt from local taxes. On the Federal level, those who purchase the bonds receive tax free interest from the bonds. It is clear then that there is significant involvement of both State and Federal governments in the floating of an industrial bond by an agency of the State.

Tax exemptions have been viewed by courts as an element of State support which may give rise to a duty of nondiscrimination on the part of the recipient. In Evans v. Newton, 382 U.S. 296, 301 (1966), the Supreme Court cited the State property-tax exemption allowed a privately managed charitable trust which administered a park as one element of government involvement making the park "subject to the restraints of the Fourteenth Amendment." The Court in Burton v. Wilmington Parking Authority, 365 U.S. 715, 722, 724 (1961), while "sifting facts and weighing circumstances," noted the existence of a tax exemption for the revenue bonds and property of the Authority as one of the "activities, obligations, and responsibilities" of the State involving it in ostensibly private discrimination. A tax exemption granted to a privately managed hospital facility was held to "attain significance" as an element of State action and involvement "when viewed in combination with other attendant State involvement," Easton v. Grubbs, 329 F.2d 710, 713 (4th Cir. 1964). Cf. Greisman v. Newcomb Hospital, 40 N.J. 389, 192 A.2d 817 (1963), in which tax-exempt status was held to be the basis for applying due process limitations to a private hospital accused of arbitrarily denying staff membership. Whether the company is receiving a tax exemption, lower interest rate or aid in the sale of such bonds in the form of tax free interest to the bond purchaser, it is clear that the company is receiving substantial financial benefits which it would not receive without the aid of the city agency.

Independent Metal Workers Union, Local No. 1, 147 N.L.R.B. 1573 (1964); See also Govern, Legal Restraints on Racial Discrimination in Employment 155-60 (1966). Cf. Local Union No. 12, United Rubber, Cork, Linoleum and Plastic Workers of America, AFL-CIO v. N.L.R.B., 368 F.2d 12 (5th Cir. 1966).

SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF THE ADMINISTRATOR

JUN 20 1968

Mr. Howard A. Glickstein
General Counsel
United States Commission on
Civil Rights
Washington, D.C. 20425

Dear Mr. Glickstein:

The attached statement is to supplement and clarify
Mr. Paul R. Brunson's testimony before the Commission on Civil
Rights Hearing at Montgomery, Alabama, on May 2, 1968. We
would appreciate it being made part of the record.

Sincerely yours,

R.C. Moot
Robert C. Moot
Administrator

Enclosure

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SUPPLEMENT TO THE TESTIMONY OF
MR. PAUL R. BRUNSON, REGIONAL DIRECTOR,
BIRMINGHAM REGIONAL OFFICE
SMALL BUSINESS ADMINISTRATION

JUN 20 1968

With reference to the testimony concerning SBA's compliance program beginning on page 90, line 16, the following describes the manner in which it is carried out. After the assurance of compliance is obtained at the time the application is submitted, the approved borrower is provided at loan closing adequate numbers of Equal Opportunity Posters and a "Notice of New SBA Borrowers" which spells out the minimum actions he must take to achieve compliance with appropriate SBA nondiscriminatory regulations as well as a number of suggestions for appropriate affirmative action steps depending upon the size and type of business. After the loan is disbursed, all borrowers employing 10 or more people are required to complete and return a compliance report biennially. This report is designed to determine whether the borrower is in compliance by his responses to a series of questions. The compliance report is evaluated by the area equal opportunity coordinator, the compliance officer for the Southeastern area, and such steps as the evaluation warrants, including if necessary, an on site review, are then taken. All borrowers employing 70 or more are subject to an on site compliance review by the area equal opportunity coordinator to determine their compliance with the nondiscriminatory regulations. In addition, each loan service officer is required in the course of his visits to borrowers to observe and report on evidence of compliance. This is the SBA Form 712 referred to in the testimony. Due to the large number of loans outstanding, the loan service officers largely devote their time to delinquent borrowers as the testimony reflects, but this aspect of the compliance program is relatively minor when viewed against the other compliance activities.

Basically, the compliance program was developed with the view that the numbers of borrowers would be in excess of any prospective compliance staff's capacity, and therefore, it would be directed primarily to those borrowers whose size in terms of number of employees offered a prospect of affording job opportunities at a relatively frequent rate. This takes into account that the job turnover rate is related to size of the business, very small businesses having infrequent personnel changes with these changes increasing as the business employee numbers increase.

Information provided the Commission prior to the hearings showed 29 Alabama borrowers had had their compliance posture evaluated in accordance with SBA Rules and Regulations.

to supplement and clarify
before the Commission on Civil
Rights, Alabama, on May 2, 1968. We
are attaching a copy of the record.

Sincerely yours,

P. Moot
Robert C. Moot
Administrator

Mr. Brunson testified that the compliance program was administered by the area office, and his lack of familiarity with the program operations is understandable, if not condoned.

With reference to Mr. Brunson's testimony relative to the number of loans made to Negroes in the 16 county area, the figures submitted to the Commission by the Washington Office in response to their request for information were obtained by computer printout due to their number and the time factor allowed by the Commission. The transmittal letter noted that racial designations of borrowers had only been provided for computerization since March 1, 1967, and that where the ethnic background was unknown in loans prior to that date the numeral six for "unidentified" was supplied for computerization. Therefore, the racial loan data supplied by Mr. Brunson from the regional office files in his prepared statement is the more accurate.

It can be reasonably inferred from analyzing inquiries, applications handed out and loan approvals by ethnic background for 7/1/67 to 5/1/68, that while Negroes in Alabama only represent 2.5 percent of the inquiries to our Birmingham Office, once they inquire their racial background is no deterrent to Agency assistance. For example, the percent of applications handed out to Negroes is 31.5 of Negro inquiries compared to 6.3 percent of total applications handed out to total inquiries. Negro loans approved represent 10.5 of Negro inquiries while white loans approved represent 5.5 percent of white inquiries. Agency efforts to broaden Negro awareness of SBA programs were cited in the material submitted to the Commission prior to the hearings on the minority group outreach program reflecting that SBA programs had been described to 385 Negroes at 56 meetings. A subsequent report added 508 Negroes to that figure through 22 additional meetings.

JOHN LORD GERRI
HOWELL W. ELLIOTT
H. THOMAS AJUSTE
HOWARD C. WEST
CHARLES A. MORRIS
HUGH B. COX
J. HARRY COVING
W. CROSBY ROPEL
JAMES P. HOLST
ERNEST W. JENNIE
BRANLEY L. THACK
JAMES C. REAY
JOHN W. DOUGLAS
HAMILTON CARTER
JEROME ACHERMA
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COVINGTON & BURLING

UNION TRUST BUILDING
WASHINGTON, D.C. 20005

REPUBLIC 7-5500

July 3, 1968

JOHN LORD OBRIAN
NEWELL W. ELLISON
H. THOMAS AUSTERN
HOWARD C. WESTWOOD
CHARLES A. HORSBY
HUGH B. COX
J. HARRY COVINGTON
W. CROSBY ROPER, JR.
JAMES H. MCGLATHLIN
ERNEST W. JONES
STANLEY L. TEMKO
JAMES C. HOSAY
JOHN W. DOUGLAS
HAMILTON CARDINERS
JEROME ACKERMAN
HENRY P. SAUER
JOHN H. SCHAFER
ALFRED H. MOSES
JOHN LEMOYNE ELLICOTT
H. EDWARD DUNKELBERGER, JR.
BRUCE MEADOD CLAOGETT

DEAN D. ACHESON
JOHN G. LAYLON
FONTAINE C. BRADLEY
EDWARD BURLING, JR.
JOEL EARLOW
DONALD HISS
JOHN T. SARIENZA
NESTOR S. FOLEY
DANIEL M. RIBBON
HARRY L. BRINDCRAN
DON V. HARRIS, JR.
WILLIAM STANLEY, JR.
WEAVER W. DUNNAN
J. RANDOLPH WILSON
ROBERTS B. OWEN
EDGAR F. CARRA, JR.
WILLIAM M. ALLEN
DAVID B. ISBELL
JOHN B. JONES, JR.
PHILIP R. STANSBURY
CHARLES A. MILLER

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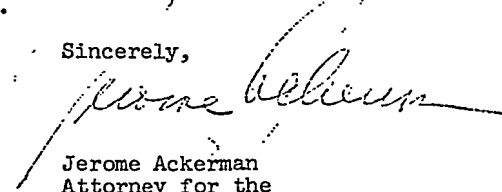
Mr. William L. Taylor
Staff Director
United States Commission
on Civil Rights
Washington, D.C. 20425

Dear Mr. Taylor:

At the hearings of the U.S. Commission on Civil Rights which were recently held in Montgomery, Alabama, testimony was received in regard to the American Can Company's operations in Bellamy and Butler, Alabama. The American Can Company believes that portions of this testimony present an inaccurate picture of the Company's Alabama operations and facilities located there. The Company officials who testified at the hearing were unable, largely due to time limitations, to more fully inform the Commission with respect to the facilities and operations in Alabama.

Accordingly, the Company has prepared the enclosed statement which describes in detail the Company's sawmill operations and the facilities in Bellamy and its pulp and paper operations in Butler. We respectfully request that this statement be included in the official and printed record of the Commission's proceedings.

Sincerely,


Jerome Ackerman
Attorney for the
American Can Company

at
encl
cc Dr. John A. Hannah
Hon. Eugene Patterson
Hon. Frankie M. Freeman
Hon. Robert S. Rankin
Howard Glickstein, Esq.

STATEMENT OF AMERICAN CAN COMPANY

The following statement is submitted to the United States Commission on Civil Rights for inclusion in the record of the Commission's hearings on the economic situation of Negroes in a 16-county area of Alabama, said hearings being held on April 27 - May 2, 1968, in Montgomery, Alabama. This statement outlines for the Commission the American Can Company's sawmill operations at Bellamy, Alabama, and the Naheola Pulp and Paper plant operations at Butler, Alabama.

Southern Sawmills, Allison Lumber Company,
American Can Company, Bellamy, Alabama

The Allison Lumber Company was acquired by the American Can Company on May 27, 1960. Among the acquired assets were a complete sawmill plant and office facilities at Bellamy, Alabama, approximately 126,000 acres of timberland located primarily in Sumter County, Alabama, approximately 172 houses in the immediate vicinity of the sawmill, approximately 38 houses located elsewhere on Company property used by the sawmill personnel at Whitfield, several miles to the south, two church buildings, one community building, two school buildings, a theatre, a hospital, a hotel, two filling stations, a general store, a branch store, a warehouse, a post office, the three-mile Sumter & Choctaw Railway, and a swimming pool.

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The Allison sawmill, which probably is the
largest Southern pine mill east of the Mississippi, cur-
rently produces approximately 60 MM board feet of lumber
per year. This lumber is sold throughout the Southeastern
and Mid-western United States and approximately 10% annually
is sold for export overseas. Some of the timber from which
this lumber is produced is purchased from independent log-
gers, although most of it comes from Company-owned timber-
lands. This mill also produces several specialty lumber
items for the trade, and recently has been engaged in the
manufacture of pallets for other American Can Company plants,
as well as minor quantities for the general market.

The Company currently employs approximately 303
hourly and approximately 31 salaried employees at the Allison
sawmill plant. This includes 3 hourly employees and 1 sala-
ried employee of the Sumter & Choctaw Railway, the switch-
ing facility of the sawmill. Of these 334 employees, ap-
proximately 78% are Negro. Since the acquisition of the
Allison sawmill by the American Can Company in 1960, local
management has made continuing efforts to upgrade Negro em-
ployment opportunities in this plant. This program has
included promotions in job classification as well as de-
velopmental and merit-pay increases on the same job. As a
result, over the last 8 years, Negroes are now filling a

total of 138 jobs as technicians (12), office (1), craftsmen (7), semi-skilled (118), and currently there are three Negro assistant foremen in the mill. In these and other jobs, Negro employees work side-by-side with white employees in the performance of their respective employment duties.

The hourly wages of the Allison sawmill employees ranges from \$1.60 per hour to \$3.30 per hour, and on the average compare favorably with wages paid by sawmills in the Central South. Negro and white employees in the same job classification are paid the same basic wage to which is added any deserved developmental and merit increases in pay. Employees at the Allison sawmill are given four paid holidays each year, and are entitled to an annual one-week paid vacation after the first year of employment. The Company also provides group life, health and medical insurance for all of its employees. These fringe benefits are believed to be greater than or at least equivalent to the prevailing level of fringe benefits in the Central South sawmill industry.

The Allison sawmill has no cafeteria or locker room facilities, but the restrooms and drinking fountains are integrated.

The housing which the American Can Company acquired in the 1960 purchase of the Allison Lumber Company included approximately 172 dwellings in the immediate

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vicinity of the sawmill, in an area known as the Bellamy
 community. Some 38 residences are located in a small com-
 munity called Whitfield, several miles south. No new dwell-
 ings have been built by the American Can Company since the
 acquisition of this property, but a few have either burned
 or been removed since that time. At the present time, ap-
 proximately 50% of the sawmill employees occupy these
 Company-owned houses, and this constitutes 73% of the white
 employees and 47% of the Negro employees. The remaining
 employees own or rent houses in nearby towns, such as
 Livingston or York, live in rural areas of their choice, or
 live on a subdivided tract of land known as the Hudson Es-
 tate which adjoins Company property less than a mile east
 of the sawmill. White and Negro employees and nonemployees
 who live on this tract of land have, in some cases, purchased
 Company houses for relocation to their property or have built
 their own homes. Lumber purchased from the Company by em-
 ployees has been sold to them at wholesale prices.* The
 Company has assisted employees in obtaining bank financing
 for the purchase of these lots and for the construction of
 their homes. Lots are currently available on this tract of
 land for any person who desires to buy land within walking
 distance of the sawmill.

*/ Employees have been permitted to pay for the lumber in
 installments over an extended period of time without any
 interest charge.

New employees in the sawmill are frequently trained on the job under the supervision of departmental foremen or assistant foremen. At the public hearings before the Civil Rights Commission in Montgomery, Alabama, an employee of the Company testified that he had trained many white employees who were subsequently promoted to better positions. The Company is unaware of any on-the-job training that has been supervised or conducted by this employee.

The Company-owned houses in Bellamy range from two-room dwellings which normally rent for as low as \$3.50 per month to seven-room dwellings all of which rent for \$50 per month or less, except one house. The exception rents for \$100 per month. The book value of these dwellings ranges from approximately \$500 to \$13,000. The average rent on homes occupied by white tenants has been increased approximately 41% over the last 8 years. During the same period, rent increases on homes occupied by Negroes occurred generally in connection with the installation of inside plumbing at the request of the tenant, the addition of a room at the request of a tenant, or the addition of Butane gas tank and heaters at the request of the tenant. There were approximately 22 increases in rent related solely to a change in tenancy, but the increase of rent on these homes has averaged only 11.4%.

At the present time, the average home occupied by a white employee consists of 6.2 rooms, has a book value of

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approximately \$6,000, and rents for \$41.00 per month. The average home occupied by a Negro employee consists of 3.4 rooms, has a book value of approximately \$1,200, and rents for \$14.85 per month. Electric power, which is purchased by tenants directly from the Alabama Power Company, is distributed to each home. Water-supply lines are located adjacent to all residences in Bellamy. All of the white residences have inside running water and sewer outlets; eight of the Negro residences have these same facilities. Water supply for the remaining residences is available from convenient outside faucets, and toilet facilities for such homes are the usual out-door type. All water is furnished by the Company at no cost to tenants of any house.

Up until April 30, 1968, Butane gas had been available from the Company for purchase by tenants for heating and cooking at a price 3 cents to 6 cents per gallon lower than if the gas were purchased directly from the supplier.*/

The Company also provides for the maintenance of each of the Company owned dwellings, including painting the outside of each house periodically and making necessary repairs. Paint is also supplied by the Company at no cost to

*/ The Wage & Hour Division of the U.S. Department of Labor has recently objected to the Company's practice of buying propane gas for resale to tenants of Company-owned houses and deducting the price of this gas from the employee's paycheck. Accordingly, as of April 30, 1968, the resale of propane gas to employees by the Company was discontinued.

any tenant who wishes to repaint the inside of his home. Repairs on Company-owned houses are made by the carpenters who work in the Allison sawmill. When a tenant requests that repairs be made, or whenever the Company feels that repairs are necessary, the work is scheduled as promptly as possible, depending upon the urgency of the repair and the workload of the carpenters. As a general rule, most nonemergency repairs are made within 30 days after the request is submitted. All routine repairs are made solely at the Company's expense, although tenants are free to make additional improvements if they desire. During the last three years the Company's rental properties have operated at a loss of between \$77,000 and \$80,000 per year.

At the time of acquisition, three of the Company-owned houses occupied by Negroes had inside water or toilet facilities and 123 did not. The Company established the policy of installing these facilities when requested to do so by the tenant. The cost of such installation and the maintenance thereof would be reflected in a monthly rent increase of \$12.50. Since this policy was established five tenants have requested and received these indoor plumbing facilities. This improvement involves the installation of a septic tank, water lines, indoor facilities, and the construction of a separate room which is added to the existing structure.

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inside of his home. made by the carpenters when a tenant requests the Company feels that scheduled as promptly as possible. The urgency of the repair and as a general rule, most repairs are made within 30 days after the request. Repairs are made solely by the Company. Tenants are free to make repairs. During the last year, the properties have operated at a cost of \$100,000 per year. The Company has installed three of the Company-owned houses with inside water or toilet facilities. Any established the Company when requested to do the installation and the cost is included in a monthly rent. A policy was established five years ago for these indoor plumbing facilities, and the cost has been added to the existing

Although within the Bellamy community the houses that are occupied by white employees are grouped together, these houses are in some instances immediately adjacent to homes occupied by Negro families. Negro employees are free to and frequently do walk through the area of homes occupied by white employees. No Negro employee has ever sought to rent a house previously rented to a white employee in Bellamy, and no white employee has ever sought to rent a home previously rented to a Negro employee in Bellamy during American Can Company's ownership.

The State maintains a paved road which passes through the Bellamy Community. Houses occupied by both Negroes and whites face on this road. The remainder of the houses in Bellamy, occupied by both Negroes and whites, face on dirt roads which are maintained by the Company. Gravel is periodically placed on all dirt roads in the Community.

When Company-owned housing in the Bellamy community has been available, employees who choose to live there have applied for it.^{*/} But employees are completely free to live wherever they wish. Non-Company housing is available within walking distance of the mill, and since approximately

^{*/} Some of the Company-owned houses are occupied by persons who are not employees.

one-half of the employees have automobiles, it is also feasible for employees to live in nearby towns, as many have chosen to do.

In general, the dwellings in the Bellamy community are in better condition and are cheaper to rent than houses of comparable size in the immediate vicinity. Comparable housing in York, Livingston and in nearby rural areas rent for from \$12 to \$20 per month, without indoor plumbing, which is in comparision to the \$3.50 to \$17.00 price range at Bellamy. Some of these houses are wired for electricity, and the tenant pays the electric bill in addition to his rent, as do the tenants in Bellamy. Houses in these rural areas with indoor plumbing rent for from \$35 to \$40 per month, plus electricity. The highest rent at Bellamy for a Negro house with plumbing facilities is \$32.50.

In July, 1967, the American Can Company concluded that it should investigate the possibilities of divesting itself of its Bellamy housing properties. Since the housing operation was consistently unprofitable, the Company sought to determine whether a reasonable program for the divestment of the housing and community facilities could be developed without creating undue hardships on the tenants in the Bellamy community. However, union organizational efforts, an NLRB election, and related NLRB proceedings which were not concluded

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until early April, 1968, made it extremely difficult as a practical matter for the Company to go forward with its investigation during the pendency of the NLRB matters.

At the time the American Can Company acquired the Allison Lumber Company, there existed upon the property a swimming pool which had been built by and at the expense of the white tenants in Bellamy. This swimming pool was and continues to be operated by a committee of white tenants.

At the request of Negro residents of the Bellamy community, the American Can Company within the first year of ownership, at its expense, built another swimming pool, larger than the one previously built by the white tenants. This pool cost the Company approximately \$23,000 and is currently operated by a committee of Negro residents of the Bellamy community. To the Company's knowledge, no Negro has ever sought admission to the swimming pool built by the white tenants and no white has ever sought admission to the swimming pool built by the American Can Company.

Two churches are located on Company property adjacent to the sawmill. Negroes attend one church and whites attend the other. The governing bodies of both churches have indicated an interest in acquiring the property upon which their churches

stand as well as the two swimming pools which now exist on Company property. No decision on this matter has been reached by the Company, and no statement was ever made by the Company or anyone acting on its behalf to the effect that either or both pools might be rendered unusable.

For a short time after the Allison Lumber Company was acquired by the American Can Company, the general store which is located on Company property continued to be operated directly by the Company. However, on March 1, 1963, the Company terminated this operation and the building was leased to the Sherer Brothers, who operate three other similar stores in Alabama and one in Florida. For the convenience of employees, the Company continued to permit them to authorize payroll deductions and direct payment by the Company to Sherer Brothers. No such payroll deductions were made without specific written authorization of the employee in connection with each purchase. Long-term credit is also available to employees who shop at the Sherer Brothers' Store. Thus, if an employee purchases an item such as furniture or an appliance, arrangements can be made to have the payroll deductions spread out over an extended period. Although the amount of merchandise which an employee purchases at the Sherer Brothers' Store, and thus the amount which is deducted from his pay, is solely within the responsibility of the employee, The Wage and Hour Division of the

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U.S. Department of Labor has, within recent months, raised a question as to the propriety of the practice. In view of this and the fact that such bookkeeping operations constitute an added expense to the Company, such payroll deductions have been terminated as of May 31, 1968.

Sherer Brothers pay a fixed monthly rental for the use of the store buildings. American Can Company has no financial interest in or control over the prices which the Sherer Brothers charge. No employee is required or even encouraged to shop at this store. At least two other small grocery stores are within walking distance of the sawmill. There are, moreover, other independent stores in the area which may easily be reached by automobile. The prices of staples in the other independent stores are generally in line with the prices charged by Sherer Brothers according to a spot-check made by American Can Company personnel. See Exhibit A attached hereto.

The gasoline stations which are located on Company property are also leased to the Sherer Brothers and gas is sold at competitive prices.

The theatre and hotel which were acquired by American Can Company were closed in previous years for economic reasons.

At one time (1926), the property upon which the school is located was deeded in fee simple to the Sumter County Board of Education by the predecessor Company. However, for reasons unknown to American Can Company, the property was subsequently deeded back (1950) to the predecessor Company. On April 19, 1968, American Can Company agreed with the Sumter County Board of Education to return this school property to the County, and since then has delivered to the Superintendent of Education a deed to the property. During the past 8 years the American Can Company maintained the building and the county was solely responsible for the administration of the school. The county also furnished all the facilities for heating and everything inside the school building, such as desks, blackboards, and other equipment.

No improvements had been made on this building recently because of the anticipated construction of a new school facility nearby. The American Can Company had, in June 1966, tendered to the County for a consideration of \$1.00, approximately 17 acres of land adjoining Highway #80 for the County to use in constructing a new public school building. Delivery of the deed is being withheld by mutual consent until the County is ready to begin construction on this building.

The new school facility will be available for all children living in the Bellamy community. At the present time,

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approximately 220 Negro and no white children who live in Bellamy attend the county school which is located on Company property. The remainder of the children living at Bellamy, both white and Negro, travel on the same school bus to the public schools in Livingston, Alabama.

The Company presently provides facilities for a first-aid station and clinic in the old "hospital" building at Bellamy and has an arrangement with a nearby doctor who visits the clinic one day each week and employs a registered nurse who is on duty each day. The clinic waiting room and toilet facilities are integrated. The medical services performed by this doctor are a private matter between the doctor and his patient and are paid for by the patient, although an employee-patient may choose to have these expenses deducted from his paycheck. Negroes and whites are charged the same fees by this doctor -- approximately \$4 per office call.

In order to facilitate communication between Negroes and the management of the Company at Bellamy, an informal group of Negro residents was asked five or six years ago to meet with the Company from time to time to discuss matters of interest to the Company and to residents of the Company-owned houses. Many Negroes who might otherwise have been hesitant about communicating with Company officials, utilized

this informal group to make suggestions, inquiries, and/or complaints about various matters. More recently, Company employees have organized a Community Relations Committee, which has assumed the functions previously performed by the informal group. This Committee consists of 12 employees, all Negroes, who were elected from each of the 12 departments in the sawmill. The current members of this Committee are as follows:

Marshall Harris	Robert Pierce
Joe Smith	A. Spencer
Willie G. Edwards	L.C. Lard
Albert Ward	Bud Donald
Henry Robinson	Jerry Triggs
Otto Sampson	Esasau Woodard

At their first meeting, the Committee elected Jack Raleigh, a white employee, to serve as Secretary of the Committee.

At the present time, employees at the Allison sawmill are not represented by any union. In September 1960, an election was held, but the employees voted against the union. In 1967, the Carpenters and Joiners Union engaged in a unionization drive and an election was held on October 25, 1967. A majority of the employees again voted against the union, but because of challenged ballots and other objections, the results were not certified until April 8, 1968. From the beginning of the unionization drive in August 1967, until the resolution of the election case, the Company was

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subject to sharp restrictions in making any changes in
its facilities, benefits or plant operations, since almost
any change might have been construed as an attempt to in-
fluence the Company employees (whether white or Negro) in
connection with the union drive.

Naheola Mill, American Can Company,
Butler, Alabama

The Naheola Mill of the American Can Company is
the largest industrial employer in Choctaw County, Alabama.
It was obtained as part of the acquisition of the Marathon
Corporation on December 3, 1957.

At the Naheola Mill, pulpwood logs -- some cut
from Company timberlands and others purchased from independent
suppliers -- are debarked, reduced to chips, chemically
treated, and converted into pulp which is used to produce
a variety of paper products.

The American Can Company employs approximately
1,600 workers at its Naheola Mill. Of this number, approx-
imately 110 are Negro. At the present time Negroes occupy
the following skilled positions:

1 Crane Operator

1 Carpenter

There is presently one Negro office employee at
the Naheola mill. However, the Company stands ready to hire

any Negro qualified to fill office openings and has actively solicited qualified Negroes for these positions. Contacts have been made with Negro community leaders, such as Mr. Alphonso Marsh, Principal of the East Choctaw High School. The Company has sought his cooperation in referring qualified Negro applicants with stenographic or other office skills. In the fall of 1966 a visit was made to the Tuscaloosa Trade School in search of Negro stenographic candidates.

Prospective employees at the Naheola plant are given a standard preemployment test which was developed by combining different parts of professionally developed tests. The correct completion of at least 53 out of 83 questions on this test is a prerequisite to employment at the Naheola plant. Over the last several years, approximately 71% of the white applicants have passed this test, while only 12% of the Negro applicants have passed. The Company has hired approximately 61% of the successful Negro applicants and 42% of the successful white applicants.

Because of the marked difference between the number of white and Negro applicants who pass the tests, the Company in mid-1967, in cooperation with the Equal Employment Opportunity Commission and the Department of Labor, undertook a validation study to determine whether the test was "culturally determinative" and/or job related. An overall

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will be undertaken after the results of this validation
study are known.

Employees at the Naheola plant are represented by
two international unions. The electricians, instrument men,
and Power House employees are represented by the International
Brotherhood of Electrical Workers. At the present time, two
Negro employees hold positions within this bargaining unit.
The remainder of the unionized employees are represented by
the International Brotherhood of Pulp, Sulphite and Paper
Mill Workers. This union has four separate locals at the
Naheola Mill. These locals and their jurisdictions within
the plant are as follows:

Local 950 - converting & Pulp mill

Local 952 - maintenance, storeroom &
yard switching

Local 953 - woodyard & general mill yard

Local 966 - papermill & shipping

At the present time, Local 953's membership is ex-
clusively Negro. However, there are three white employees
working on jobs under the jurisdiction of Local 953. Also,
Local 952, 950 and 966 have Negro members, and the Company
has actively sought Negroes from Local 953's membership to
move into openings within the jurisdiction of the other

locals. When a Negro moves from a job within the Local 953's jurisdiction to a job within another local's jurisdiction he is expected to transfer his union membership to the new local. Since 1966, the Company has been notified of 7 such applications for transfers. (Alabama is a "Right to Work" state, and the maintenance of union membership is a matter of individual choice).

In 1966, the Company merged certain lines of progression at the Naheola Mill. The lines of progression are now functional in nature and there are no bars to movement up through functionally related jobs by either white or Negro employees. Negroes currently hold positions in approximately 6 of the 18 progression lines within the plant.

As provided by the terms of the collective bargaining agreements, seniority at the Naheola plant is first by job, then by line of progression, and then by total service time on any job within the jurisdiction of the local union. There is no overall plant seniority.

The total integration of all facilities at the Naheola plant began in 1964. Subsequently, all "colored" and "white" signs were removed from the restrooms and drinking fountains, and these facilities are now freely used by employees of both races. Separate pay lines and time clock facilities have been abolished. Prior to 1966, the cafeteria

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had two serving lines and two separate dining rooms. Traditionally, Negroes used one serving line and dining area and whites used the other. This pattern continued even after the Company announced that all facilities were being integrated. In 1966, the Company closed the smaller of the two dining rooms and enlarged the other, thus creating a single integrated dining facility.

In connection with locker and shower facilities, initially a door was opened between the previously all-white and all-black locker rooms. However, since both white and Negro employees continued to use the same lockers as before, the Company, in 1967, assigned all lockers on an alphabetical basis, thus achieving full integration of these facilities. Although this change by the Company did not result in any destruction of property (as has happened in other Southern plants taking the same action) or violence, at the present time very few white employees utilize the Company's locker or shower facilities.

In addition to the affirmative steps which the Company has taken to integrate all plant facilities, to place Negroes in previously all-white lines of progression, and to recruit qualified Negro personnel, the Company and its officials have also been involved in other community activities beneficial to the Negroes in the area. The Company, for example has made a grant of \$178,000 to Auburn University to

study and upgrade the public education system of Choctaw County. Likewise, beginning in 1963, the Company granted \$4,500.00 per year for four (4) years to the school system in Linden, Alabama. This money was used to provide annual summer school training for 15 teachers. Each year either 7 or 8 of them were Negro.

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EXHIBIT A

April, 1968

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	<u>Sherer Brothers Bellamy Ala.</u>	<u>Mundy Grocery Bellamy Ala.</u>	<u>Williams Grocery York Ala.</u>	<u>Vaughan Grocery Livingston Ala.</u>
Tall Milk	\$0.20	\$0.20	\$0.20	\$0.20
25# Flour	2.75	3.35	2.98	2.95
10# Sugar	1.49	1.43	1.40	1.39
Standard Tomatoes	.23	.25	.23	.20
Treet	.69	.67	.69	.62
1# Grits	.16	.21	.15	.23 1-1/2#
140 DM Catsup	.29 & .30	.32	.30	.30
10# Sunflower meal	1.00	.99	.94	.90
Reg. Tide	.43	.40	.39	.39
Giant Tide	.95	.98	.99	.93
1# M. H. Coffee	1.00	.98	.89	.95
3# Snowdrift	1.00	.98	.89	.85
Eatwell Sardines	.25	.28	.25	.25
8 Oz. K. Corn Flakes	.27	.29	.29	.25
Nor. Toilet Tissue	2/.25	4/.50	.12	4/.49
Eggs	.50	.59	.50	.50
4# Carton Lard	.69	.79	.69	.79
Pork Chops	.69	.79	.70	.75
#2-1/2 D.M. Peaches	.41	.25 (303 can)	.40	.39
Vienna Sausage	.25	.30	.25	.27
2# Rice	.39	.59 (#3)	.40	.45

	Sherer Brothers Bellamy Ala.	Munday Grocery Bellamy Ala.	Williams Grocery York Ala.	Vaughan Grocery Livingston Ala.
Red Potatoes New	\$0.10	\$0.08	\$0.08	\$0.08
Cigarettes	.38	.38	.40	.38 - .40 - .43
P. I. Can Corn	.29	.30	.29	.29
D. M. Green Peas	.30	.29	.35	.30
Tall Boy Veg. Soup	.25	.25	.25	.0
D.H. Cake Mix	.45	.49	.43	.43

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