

# American GI Forum of the U. S.

Veterans Family Organization

921 17th Street, N. W., Suite 301, Washington, D. C.

## 1964-1965 National Officers

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Washington, D. C.



Washington D. C. Office

November 30, 1965

Humberto Aguirre, Chairman  
Department of Texas  
American G.I. Forum  
Austin, Texas

Dear Humberto,

Enclosed is a recommended third party suit which this office has prepared for the Department of Texas of the American G.I. Forum.

I strongly recommend that you bring this matter to the attention of the Texas Board of Directors for their immediate action. I believe that irreparable harm will follow if our interest is not protected in this poll tax suit.

Our Texas attorney should file a motion to have our complaint heard at the same time that the Justice Department's case is heard. Their complaint was filed August 10, 1965 in the U.S. District Court for the Western District of Texas, Austin, Division, Civil Action No. 1570. Since the defendants and legal issues are the same in both cases with the exception of a slight factual variation, this motion may be granted..

In the event that I can be of further service in this matter, let me know.

Attached also is a 25 page statistical survey completed by this office which will conclusively establish the educational results and income for Mexican-American referred in our complaint.

Sincerely yours,

Rudy L. Ramos, Director  
Washington, D.C. Office  
American G.I. Forum

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IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

AMERICAN G.I. FORUM  
Department of TEXAS

THIRD PARTY PLAINTIFF

v.

THE STATE OF TEXAS: CECIL A. MYERS,  
Presiding Judge, and JACK ROCHE,  
Associate Judge of Election for  
Precinct Number 239 of Travis County,  
Texas; LESTER PALMER, Mayor of  
DEMOCRATIC EXECUTIVE COMMITTEE:  
TRUEMAN O'QUINN, Chairman of the  
Travis County Democratic Executive  
Committee; the TRAVIS COUNTY  
REPUBLICAN EXECUTIVE COMMITTEE:  
ROBERT G. FARRIS, Chairman of  
the Travis County Republican  
Executive Committee; and FRITZ  
ROBINSON, Tax Assessor-Collector  
for Travis County, Texas,  
Defendants.

CIVIL ACTION NO. \_\_\_\_\_  
COMPLAINT

The American G. I. Forum, Dept. of Texas, third party, plaintiff,  
alleges that:

1. The Third Party Plaintiff, the American G. I. Forum, Department  
of Texas, incorporated under the laws of Texas, has been involved in Civil  
Rights matters and cases since 1948. This complaint is filed to amend  
civil action number 1570, filed August 10, 1965, in the United States  
District Court for the Western District of Texas, Austin Division in which  
complaint the U.S. Department of Justice fails to indicate that the poll  
tax requirement has restricted the American Citizens of Mexican Ancestry in  
their exercise of this franchise. The facts and legal principles in both  
complaints are similar--Irreparable harm would result to the interest of  
the Mexican American if this case does not serve as a legal precedent for  
future litigation.

1 May 11, 1965, U.S. Congressional Record--Senate, page 9731, reads  
2 as follows:

3 Mr. Yarborough.

4 "In my own State, the million and one half Texan  
5 Americans with Spanish names have the lowest in-  
6 comes of any ethnic group in Texas. The poli  
7 tax, for them, is a crown of thorns and a cross  
8 on the road to the voting place."

9 2. This Court has jurisdiction of this action under Section 10 (c)  
10 of the Voting Rights Act of 1965, 42 U.S.C. 1971(d), 28 U.S.C. 1345, and  
11 28 U.S.C. 2281.

12 3. The defendant State of Texas through its officials and agents  
13 administers and collects poll taxes as precondition to voting in general,  
14 special and primary elections in Texas. The principal State offices  
15 are in Austin, Texas.

16 4. The defendant Cecil A. Myers is the Presiding Judge and defendant  
17 Jack Roche is the Associate Judge for Precinct Number 239 of Travis County,  
18 Texas and, in their official capacities, they are agents of the State of  
19 Texas. Each of these defendants resides in Austin, Texas.

20 5. Under Texas law, judges of election supervise polling places in  
21 general and special elections of county, state, and federal officials and,  
22 in particular, assure that no person votes in such elections unless he has  
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1 paid his poll taxes or has obtained a certificate of exemption.

2 6. The defendant Lester Palmer is Mayor of Austin, Texas, and he  
3 resides in Austin, Texas.

4 7. Under Texas law, mayors of municipalities appoint presiding  
5 judges and alternate presiding judges of election for each polling place  
6 in each general and special municipal election. Such judges supervise  
7 polling places and, in particular, assure that no person votes in such  
8 elections unless he had paid his poll taxes or has obtained a certificate  
9 of exemption.

10 8. The defendant Travis County Democratic Executive Committee and  
11 the defendant Travis County Republican Executive Committee are unincorporated  
12 associations and, in conducting primary elections, these Committees are  
13 agents of the State of Texas. The offices of the defendant Committees are  
14 located in Travis County, Texas. The defendant Truman O'Quinn is Chairman  
15 of the Travis County Democratic Executive Committee and he resides in  
16 Travis County, Texas. The defendant Robert G. Farris is Chairman of the  
17 Travis County Republican Executive Committee and he resides in Travis County,  
18 Texas.

19 9. Under Texas law, the chairman of the county executive committee  
20 of the political party, with the assistance and approval of such committee,  
21 appoints judges of election who conduct primary elections for municipal,  
22 county, state and federal offices. Such judges have general supervision  
23 over polling places and, in particular, they assure that no person votes in  
24 such elections unless he has paid his poll taxes or obtained a certificate  
25 of exemption.

26 10. The defendant Fritz Robinson is the County Tax Assessor-Collector  
27 for Travis County, Texas, and he resides in Travis County, Texas.

28 11. Under Texas law, county tax assessor-collectors collect poll  
29 taxes and compile and certify lists of qualified voters, by election  
30 precincts, for use in general, special and primary elections. Only persons  
31 whose names appear on such lists are eligible to vote in general, special  
32 and primary elections in Texas.

12. Article VIII, Section 1, of the Texas Constitution authorizes  
the legislature to impose a poll tax.

1           13. Article VI, Sections 2 and 3, of the Texas Consitution and  
2 Article 5.10 of the Texas Election Code require a prospective voter, as  
3 a precondition to voting in general and special elections in Texas, to  
4 pay his poll taxes, or, if he is exempt from poll taxes, to obtain a  
5 certificate of exemption.

6           14. Article 13.21 of the Texas Election Code provides that no  
7 primary election shall be legal unless lists of qualified voters are used  
8 for reference in such elections.

9           15. Article 5.09 of the Texas Election Code provides that the poll  
10 tax must be paid during the four-month period between October 1 of the  
11 assessment year and January 31 of the year of the election.

12           16. Article 2.01 of the Texas General Taxation Code provides in  
13 substance that:

- 14           (a) the tax is imposed on every resident of the state between  
15               the ages of twenty-one and sixty;
- 16           (b) the amount of the annual poll tax is one dollar and fifty  
17               cents, except that the tax is one dollar for insane or  
18               blind persons, persons suffering from certain permanent  
19               physical disabilities, and members of the active state militia;
- 20           (c) one dollar of the tax is allocated to public education and  
21               the remainder to general revenue purposes; and
- 22           (d) counties are authorized to levy a fee not in excess of twenty-  
23               five cents for collecting the poll tax.

24           17. Since 1902 the effect of the Texas poll tax requirement also  
25 has been to impose a greater burden upon American Citizens of Mexican Ancestry  
26 as a precondition to voting than upon other white persons because, as  
27 alleged in paragraph (20) of this complaint, the median income of American  
28 Citizens of Mexican Ancestry in Texas is substantially lower than the  
29 median income of other white persons.

30           18. The Texas poll tax requirement is not a precondition to the  
31 exercise or enjoyment of any right or privilege other than the exercise  
32 of the right to vote, and it serves and is intended to serve no purpose  
other than to restrict the exercise of the franchise. It is neither  
designed nor intended nor is it presently used for the purpose of raising

1 revenue for the State of Texas. Texas poll tax revenues for the year 1964  
2 comprised less than one quarter of one percent of the total revenues for  
3 public schools for that year in Texas.

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

9 20. The result of the State of Texas's effort to afford American  
10 Citizens of Mexican Ancestry an Equal Educational Opportunity has in fact  
11 NOT afforded American Citizens of Mexican Ancestry an Equal Educational  
12 Opportunity and therefore the State of Texas denies and for many years  
13 has denied American Citizens of Mexican Ancestry educational opportunities  
14 equal to those afforded other white persons with the result that the  
15 median school years completed by American Citizens of Mexican Ancestry in  
16 Texas is substantially lower than that of other white persons.

17 21. As a result of the American Citizen of Mexican Ancestry's  
18 lower median income and lower median school years completed, payment of  
19 poll taxes in Texas imposes a heavier burden upon American Citizens of  
20 Mexican Ancestry than it imposes upon other white persons.

21 22. The Congress has found, and has expressed this finding in  
22 Section 10(a) of the Voting Rights Act of 1965, that the requirement of  
23 the payment of a poll tax as a precondition to voting (a) precludes persons  
24 of limited means from voting or imposes unreasonable financial hardship  
25 upon such persons as a precondition to their exercise of the franchise,  
26 (b) does not bear a reasonable relationship to any legitimate state interest  
27 in the conduct of elections, and (c) in some areas has the purpose or  
28 effect of denying persons the right to vote because of race or color. On  
29 the basis of these findings, the Congress has declared, in Section 10(a)  
30 of the Voting Rights Act of 1965, that the constitutional right of citizens  
31 to vote is denied or abridges in some areas by the requirement of the pay-  
32 ment of a poll tax as a precondition to voting.

1           23. The defendants, by enforcing the Texas poll tax requirement,  
2 deny qualified persons the right to vote and unreasonably restrict and  
3 deter qualified persons in the exercise of the right to vote in Texas in  
4 violation of the Constitution of the United States, including the due  
5 process and equal protection clauses of the Fourteenth Amendment, and the  
6 Fifteenth Amendment thereof, and in violation of U.S.C. 1971(a).


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

- 10           1. Adjudge, declare and decree that the provisions of Article VIII,  
11           Section 1, and Article VI, Sections 2 and 3, of the Texas  
12           Constitution, Article 2.01 of the Texas General Taxation Code,  
13           Article 13.21 of the Texas Election Code, and all other Texas  
14           statutes implementing the poll tax, insofar as they require  
15           the payment of a poll tax or any other tax as a precondition  
16           to voting in general, special and primary elections in Texas,  
17           are invalid under the Constitution of the United States, includ-  
18           ing the due process and equal protection clauses of the Fourteenth  
19           Amendment, and the Fifteenth Amendment thereof, and under 42  
20           U.S.C. 1971(a).
- 21           2. Issue a preliminary and permanent injunction enjoining the de-  
22           fendants, their agents, employees and successors and all persons  
23           in active concert and participation with them from:
  - 24           a. enforcing and giving any further effect to Article VIII,  
25           Section 1, and Article VI, Sections 2 and 3 of the Texas  
26           Constitution, Article 2.01 of the Texas General Taxation  
27           Code, Article 13.21 of the Texas Election Code and all other  
28           Texas statutes implementing the poll tax, insofar as they  
29           require the payment of a poll tax or any other tax as a  
30           precondition to voting in general, special and primary  
31           elections in Texas;

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- b. requiring, as a precondition to voting in general, special and primary elections in Texas, the payment of a poll tax or any other tax;
  - c. conducting any election in Texas in which voting is conditioned on the payment of a poll tax or any other tax.
3. Order the defendant Fritz Robinson, as Tax Assessor-Collector of Travis County, Texas, his agents, employees, and successors, henceforth to compile and certify all lists of qualified voters in Travis County, Texas, without regard to payment of the poll tax or any other tax.
4. Grant such additional relief as justice may require together with the costs and disbursements of this action.

  
Rodolfo L. Ramos  
Attorney for Third Party Plaintiff

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