

WILLIAM D. BROXON, M.D.
ANESTHESIOLOGY
808 EAST COLUMBIA STREET (1st floor)
SEATTLE 22 WASHINGTON
EAB 3-6127

10, 033

24 May, 1963

RECEIVED

U.S. Atty. Gen. Robert Kennedy
Department of Justice
Washington, D.C.

Dear Mr. Attorney General:

Sometimes the gentlemen who practice law overlook an obvious argument because they have a tendency not to question basic assumptions.

In the Ross Barnette Contempt of Court case, now appealed to the Supreme Court, I understand that Mr. Barnette is pleading immunity on the basis of his Office as Governor of Mississippi. I think it can be questioned whether he is actually, or has ever actually been the Governor of that State.

With the massive discrimination in voting rights and the systematic denial of the vote to so large a proportion of the citizenry of Mississippi, it seems to me that the men holding office there are merely pretenders to office and usurpers of the powers of state. I think it could be successfully argued that there has not been a valid election in the State of Mississippi for many decades.

Sincerely yours,



William D. Broxon, M.D.

5-40-17

MAY 27

ACE

John Doar

5/29/63

DEB: pav

~~21-40-17~~ - 12,232

51-40-17

Denis Dillon

Ross R. Barnett; Paul R. Johnson, Jr., Contempt
of Court

Nearly all the pictures sent to the Memphis and New Orleans offices of the FBI for identification have been returned. The New Orleans office has retained six for further investigation.

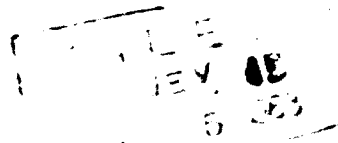
The pictures, which are all included in the United States v. Barnett Pictorial Chronology were given numbers based on the date taken. The following table is a guide to the numbering system used in the FBI request and the Chronology.

100 series	-	September 20, 1962
200 series	-	September 25, 1962
300 series	-	September 26, 1962
400 series	-	September 27, 1962
500 series	-	September 30, October 1, 1962

I have assembled two lists. List "A" contains the names of the photographers who took the pictures used in the Chronology and who can authenticate them for introduction into evidence at the trial. The name of the photographer is followed by the numbers of the pictures he took. List "B" contains all the names known to us of persons in the pictures and the numbers of the pictures in which these persons appear. List "B" is divided into six categories numbered I - VI in Roman numerals. The particular significance of each category is explained by the head note which accompanies it.

The FBI has not yet supplied the home addresses of all the persons identified. Mr. Woodcock told me this information will probably be included in a later report. Where the address is known to us, I have included it in the list.

cc: Records
Chrono
Barnett
Trial File (20. 1140)



A. List of Photographers who have Pictures in
United States v. Barnett Chronology

James Bourdier, Associated Press, Residence:

#103, #110, #303, #304.

Judith Gardner, New Hall, Room 152, University of Mississippi,
Oxford Mississippi, Residence: 5524 Concord Drive, Jackson,
Mississippi

#517, #518, #519, #524, #525, #526, #527, #528, #529,
#531, #532, #533, #534, #535, #536, #537, #538.

Fred J. Griffith, Memphis Commercial Appeal, Residence: 4720
Vann Ave., Memphis, Tennessee.

#300, #301, #302, #307, #309, #312, #313, #315, #325,
#400, #401, #404, #407, #408, #409, #410, #411, #412,
#416, #418, #420, #421, #423, #425.

Gary Haynes, U.P.I., Residence: 7541 Cravenridge Drive, N.W.,
Atlanta, Georgia

#200, #201, #203, #204, #427, #562.

Jerry Huff, U.P.I., Residence: 2339 Cabin Hill Road,
Donelson, Tennessee

#112, #305, #306, #308, #310, #311, #314, #316, #317,
#318, #422, #424, #426, #503, #504, #505, #506, #507,
#508, #554, #555.

William Leaptrott, Memphis Press Scimitar, Residence:
1058 North Highland, Memphis, Tennessee

we are expecting 47 pictures shortly which were taken
by Mr. Leaptrott.

Fred N. Lyon, U.P.I., Residence: 2904 West Hilda Circle,
Decatur, Georgia

#100, #101, #102, #104, #105, #106, #107, #108, #114,
#115, #118.

Jerry McNeill, U.P.I., Residence: 10409 Vistadale Drive,
Dallas, Texas

#506.

- 3 -
Francis Miller, Life Magazine, Residence: 1432 West
Juneway Terrace, Chicago, Illinois
#548, #550.

Charles L. Moore, Residence: 3901 Northwest 64th Avenue,
Miami Springs, Florida (Temporary)
#319, #320, #321, #322, #323, #324, #406.

Lynn Pelham, Residence: 2325 Northwest 195th Street,
Cpa Locks, Florida
#516, #553.

Richard Pipes, Amarillo Globe News, Residence: 1407 West
Alabama, Apartment 8, Houston, Texas - JA 3-7507
#555a, #558, #550.

Fred Powledge, Atlanta Journal, Residence: 99 Peachtree
Circle, N. E., Atlanta Georgia
#541, #542, #543, #545, #546.

Donald Proehl, Residence: Campus, University of Mississippi,
Building 140, Apartment 2
#521, #522.

Phelps Schulke, Free Lance, Residence: 6025 S.W. 106th
Street, Miami, Florida
#405, #412a, #413, #414, #415, #417, #418, #420a,
#500, #511, #512, #513, #514, #540, #552, #556.

Mike Smith, Free Lance, Residence: 6851 Yumuri Street,
Coral Gables, Florida
#113, #121.

Jack Thornell, Jackson Daily News, Residence: 4647 Estelle
Drive, Jackson, Mississippi
#108, #111, #116, #117, #119, #120, #205, #206, #207,
#208, #209, #210, #211, #212, #402, #403, #428, #429.

Marion Trikosko, U.S. News and World Report, Residence:
2147 "O" Street, N.W. Apt. 301, Washington, D. C. CO 5-9207
#544.

Fred Ward, Residence: Apartment 729, Dominion Towers
Building, 1201 South Court House Road, Arlington 4, Virginia
#500, #101, #102, #104, #105, #106, #107, #109, #114,
#115, #118.

Fredrick C. Waters, Residence: 510 Yeatman Avenue, Webster Groves, Missouri
#401a, #402a, #403a, #422a, #530a.

Bob Williams, Memphis Commercial Appeal, Residence: 106th Stonewall, Memphis, Tennessee
#501, #502, #551, #557.

The following list contains the names of those people identified by the FBI from the pictures we have included in the United States v. Barnett Pictorial Chronology and the numbers of the pictures in which they appear.

B. I. List of Mississippi Sheriffs and Deputy Sheriffs who have been identified in the United States v. Barnett Chronology

John Byrd, Deputy Sheriff, Hinds County
#211.

Woodley Carr, Sheriff, Sunflower County
#325.

Robert Chapman, Deputy Sheriff, Yalobusha County
#408.

Hillie Coleman (deceased), Sheriff, Alcorn County
#212.

John Ed Cochran, Sheriff, Le Flore County
#406, #407, #408.

Sol Cox, Sheriff, Marshall County
#301, #303.

S. L. Davis, Sheriff, Grenada County
#117 (tentative).

Elliott R. Logan, Sheriff, Tallahatchie County
#325.

Roy Elder, Sheriff, Prentiss County
#301, #303, #403.

Kenneth Fairley, Deputy Sheriff, Hinds County
#114, #118, #412.

W. J. (Joe) Ford, Sheriff, Lafayette County
#301.

James Garrison, Deputy Sheriff, Lafayette County
#406, #407, #420.

J. R. "Bob" Gilfoy, Sheriff, Hinds County
#119.

James Ira Grimsley, Sheriff, Jackson County
#406.

D.E. Grubbs, Sheriff, Jefferson Davis County
#118.

Frank Jones, Deputy Sheriff, (deceased), Hinds County
#113, #118, #421, #423.

Harold Koff, Deputy Sheriff, Tate County
#303.

J. S. Middleton, Sheriff, Claiborne County
#301, #303, #325, #406.

Earl Hayne Patridge, Sheriff, Montgomery County
#317.

William T. Perrell, Sheriff, Adams County
#112, #325, #406, #408, #420.

Harold Fisher Sanders, Sheriff, Carroll County
#317, #318.

Bill Suttleworth, Deputy Sheriff, Hinds County
#313, #412, #421, #423.

John Henry Spencer, Sheriff, Calhoun County
#303, #406, #407.

Robert Waller, Sheriff, Hattiesburg, Mississippi
#406.

W. T. Wasson, Sheriff, Attala County
#408.

II. List of Highway Patrolmen Identified in the
United States v. Barnett Chronology whose
Patrol District is Unknown

a. Jackson

1. Dave Gayden
#320, #317

2. B. S. Harper (Governor Barnett's Chauffeur)
#421, #422, #423, #426, #428

3. R. L. Morgan
#317

4. Charlie Snodgrass
#342

b. Batesville

1. L. Y. Griffin, Inspector and Commanding Officer
#355a

2. K. B. Magness
#300, #501

c. New Albany

1. Zeke Clark
#316

d. Starkville

1. (FNU) Nichols
#528, #529, #530.

e. Meridian

1. J. H. Stennis
#321

f. Hattiesburg

1. J. T. Bond, 1203 Cherry Street, Hattiesburg
#304

2. J. B. Dickerson, 207 Oliver Avenue, Hattiesburg
#300, #400, #412a, #413

3. W. G. "Bud" Gray, Inspector and Commanding Officer,
Residence: 307 Park Avenue, Hattiesburg
#116, #117, #300, #302, #304, #305, #306, #308, #309,
#311, #315, #400.

4. Steve L. Henderson, 716 North Hill Drive, Hattiesburg
#314, #315, #400, #545

5. H. T. Richardson, 305 Kimball, Hattiesburg
#300, #309, #311, #400

6. C. H. Tyrone, 509 South 19th Street, Hattiesburg
#304

- 1 -

g. Gulfport

1. D. D. Cvitanovich, 1143 East Hound Ave., Biloxi, Mississippi, #212
2. W. D. King, Orange Grove, Gulfport #400
3. J. A. Poi (tentative) 810 - 43rd Street, Gulfport, Mississippi #211
4. Joe Price #400

We haven't determined whether any of the Highway Patrolmen identified are stationed at the Greenwood or Brookhaven Patrol Districts.

III. List of Highway Patrolmen whose Patrol Districts are not known, or who are not assigned to a Patrol District

Webb Brunt, M.H.S.P., Ackerman, Mississippi
#543

E. C. Clark, M.H.S.P., Belmont, Mississippi
#316

Gwin Cole, Assistant Director, Bureau of Identification
#206, #217

E. B. Crockett, Bureau of Identification, Tupelo, Mississippi
#307

Jack De Poyster, M.H.S.P., Laurel, Mississippi

Julian Davis, M.H.S.P., Fulton, Mississippi
#316, #320, #528

W. E. Everett, M.H.S.P., Taylorsville
#304, #309, #312

Hulon C. Fairley, M.H.S.P., 500 Vaughn, Picayune, Mississippi
#427

S. L. Green, M.H.S.P., Pineview Drive, Laurel, Mississippi
#401

C. N. Hampton, M.H.S.P., Tupelo, Mississippi
#416

W. B. Hughes, M.H.S.P., Quitman, Mississippi
#114

Sam Ivey, Director, Bureau of Identification
#113 (tentative)

R. J. Johnson, M.H.S.P., Pontotac, Mississippi
#425

George Metz, Reporter, Birmingham News (Formerly with
M.H.S.P. as a photographer)
#301

Ford C'Neal, Identification Bureau, Niggins, Mississippi
#313

Johnny Price, M.H.S.P., Tupelo, Mississippi
#416, #425

J. S. Puckett, M.H.S.P., Prentiss, Mississippi
#300, #304

Jack Smith, Cattle Theft Bureau
#116 (tentative)

Wood Stringer, M.H.S.P., Pontotoc, Mississippi
#321, #425

Leonard Thames, Auto Theft Bureau
#114

Bob Tilman, Cattle Theft Bureau
#309

Wayne Valentine, M.H.S.P., 613 North 15th Avenue, Laurel,
Mississippi
#544

Lynwood Vinton, Auto Theft Bureau
#114, #212

Jimmy Warren, M.H.S.P., Holly Springs, Mississippi
#402, #402a

Creekmore Wright, M.H.S.P., Fulton, Mississippi
#320

IV. List of other Mississippi Peace Officers identified
in the United States v. Barnett Chronology

Lucien Davis, Hinds County Patrolman
#412

G. A. "Jiggs" Martin, Constable, Hinds County
#118, #428, #428a

Allen Moore, Constable, Hinds County
#119

J. W. Richardson, Hinds County Patrolman, Jackson, Mississippi
#317, #318, #323

W. R. Sullivan, Hinds County Constable, Jackson, Mississippi
#318, #323

Burns Tatum, Chief of Campus Police, University of Mississippi
#117, #420a

V. Mississippi State Legislators identified in the
United States v. Barnett Chronology

Representative Jesse M. Ash, Potts Camp, Mississippi
#203, #204

State Senator Hugh Bailey, Winona, Mississippi
#203

State Senator Dennis M. Baker, Batesville, Mississippi
#203, #204

Representative David Holmes Pennett, Lamar, Mississippi
#203, #204

State Senator Tony Norman Brooks, Carthage, Mississippi
#203, #205, #207

Representative George Siwons Carruth, Summit, Mississippi
#203, #204

Representative Jesse Edward Chaffin, Booneville, Mississippi
#204

Representative Bradford Johnson Dye, Jr., Grenada, Mississippi
#204

Representative Harvey Owens Hicks, Benton, Mississippi
#210-4

Representative George Ben Holmes, Brookhaven, Mississippi
#203

Representative Edward Wilbur Hooker, Sr., Holmes County,
Lexington, Mississippi
#209

Representative Edward Sidney Jolly, Collinsville, Mississippi
#203, #204

State Senator John Campbell McLaurin, Brandon, Mississippi
#302

Former Representative Paul Measell, Newton, Mississippi
#210

Representative Joseph Robert Meadows, Clarke County,
Quitman, Mississippi
#202

Representative Joseph Gibson Moss, Raymond, Mississippi
#209

Representative Clarence Benton Newnan, Valley Park, Mississippi
#205, #207

Representative Roy H. Thames, Brookhaven
#203, #204

Representative Charles Edie Trenor, Houston, Mississippi
#211

State Senator George Malone Yarbrough, Red Banks, Mississippi
#203, #207 (tentative)

VI. All others Identified in the United States v. Barnett
Chronology

James Ard Barnett, Attorney, Clinton, Mississippi (Cousin
of Governor Barnett)
#209

Ross R. Barnett, Governor of Mississippi, Jackson, Mississippi
#112, #120, #202, #204, #205, #207, #212, #412, #421,
#422, #423, #424, #426, #428, #428a, #429

St. John Barrett, Attorney, U. S. Department of Justice,
Washington, D.C.
#116, #117, #118, #119

Cliff Bingham, NIRT, Jackson, Mississippi
#306, #408, #561

T. B. Birdsong, Commissioner of Public Safety, Jackson,
Mississippi
#117, #206

Forrest Cox, Station NIRT, Jackson, Mississippi
#502

Lee Daniels, F.P.I., Atlanta, Georgia
#309

John Dear, Attorney, U. S. Department of Justice, Washington,
D. C.
#200, #201, #202, #203, #204, #207, #304, #305, #306
#307, #308, #309, #310, #311, #312, #313, #557

Carl Fleming, Newsweek Magazine
#305, #309

Donald Forsht, U. S. Marshal
#304, #306, #309, #312, #313, #315

Professor John Fox, University of Mississippi Law School
#414

Elmore Greaves, Madison, Mississippi (Active in the Citizens
Council; well-to-do landowner)
#120

Richard C. Gregerson, Special Agent Federal Bureau of
Investigation, Memphis, Tennessee
#117, #206

Lt. Governor Johnson, State Capitol, Jackson, Mississippi
#112, #304, #305, #306, #307, #308, #309, #310, #311,
#312, #313, #314, #315, #412, #421, #422, #423, #424,
#428, #429a

Rufus Jones, Director of Personnel, University of Mississippi,
Residence: Box 581, Philip Road, Oxford, Mississippi
#112

James Hester, Attorney, Laurel, Mississippi
#116 (tentative), #117 (tentative).

William Leaptrott, Memphis Press Scimitar
#107, #108, #309

Robert L. McGregor, ARBC, Jackson, Mississippi
#211

James McShane, Chief, U.S. Marshal, Washington, D. C.
#116, #117, #118, #119, #200, #201, #202, #304, #305, #306,
#307, #308, #309, #310, #311, #312, #313, #314, #315,
#557

(FNU) Neek, Photographer, University of Mississippi,
Oxford, Mississippi
#504

James Meredith, Student, University of Mississippi, Residence:
Easter Hall, University Campus
#116, #117, #118, #119, #200, #201, #202, #204, #304,
#305, #306, #307, #308, #309, #310, #311, #313, #315,
#557

Bill Miles, Tupelo Journal, Tupelo, Mississippi
#306

Clyde Miller, U.S. Marshal
#304, #306, #309, #312, #313, #315

Donald Moffett, Reporter, Wall Street Journal, Dallas, Texas
#113

Leo Moore, Photographer, Jackson, Mississippi
#425

Russell Moore, Judge, Hinds County, Jackson, Mississippi
#301, #304, #309

R. L. Moss, County Supervisor, Leake County, Leake,
Mississippi
#203

Ed Noel, Reporter, Jackson Clarion Ledger
#415

William Pearl, Reporter, Jackson Daily News, Jackson,
Mississippi
#212-2

Clark Porteous, Memphis Press Scimitar
#113, #304

Tom Prendergast, Associated Press, St. Louis
#414, #415

Bern Rotman, Reporter, WDSU-TV, New Orleans, Louisiana
#405

Phillip Scheffer, CBS News, N.Y.C.
#300, #313

Jules Sharp, Student, Millsaps College, Jackson, Mississippi
#200

William T. Sizons, Administrator, Citizens Council,
Jackson, Mississippi
#300

Claude Sitten, Reporter, New York Times
#304

Pat Smith, Director of News Bureau, University of
Mississippi, Oxford, Mississippi
#115

Jack Thornell, Jackson Daily News
#177, #100

James H. Tothurst, 1002 Canal Lane, Gretna, Louisiana,
Photographer for WDSU-TV, New Orleans, Louisiana
#405

Dr. John E. Williams, Chancellor, University of Mississippi
#300, #521

typed 7-16-63

BM:LLB:bg #12132
51-40-17

Honorable Mauns S. Muskie
Room 221, Senate Office Building,
Washington, D. C. 20510

JUL 23 1963

Dear Senator Muskie:

This is in reply to your referral of a letter from Mr. L. S. Elliott concerning the failure of the federal government to utilize Section 2 of the Fourteenth Amendment and the Department's plans in dealing with the Governor of Mississippi.

Hearin on the first question is the case of Saunders v. United States, 157 F. 2d 275 certiorari denied 28 U.S. 471. In that case the Court said:

It is well known that the elective franchise has been limited or denied to citizens in various states of the Union in past years, but no serious attempt has been made by Congress to enforce the mandate of the second section of the Fourteenth Amendment, and it is noteworthy that there are no instances in which the courts have attempted to revise the apportionment of Representatives by Congress.

Should Mr. Elliott desire to pursue this subject, he may wish to read:

1. An article entitled "The Right to Vote and Judicial Enforcement of Section 2 of the Fourteenth Amendment", by Arthur Earl Bonfield, which appears in the Cornell Law Quarterly, Vol. 46, at page 108.
2. A study of the Legislative history of Section 2 of the Fourteenth Amendment, which appears at page 6182 of the 1960 Congressional Record, Permanent Volume.

cc: Records
Chrono
Greene (2)
Blair

Deputy Attorney General

2/27
7/23

1. An article entitled "Forgotten Ready for the Voiceless Negro", by Thomas I. Emerson and Arthur S. Bonfield which appeared in the January 21, 1961 issue of the magazine Nation, and was reprinted in the May 1, 1961, issue of the Daily Congressional Record at page A2957.

At the present time bills are pending in Congress which would reduce the representation in states in which there has been a denial or abridgment of the right to vote. A short while ago, a suit was filed by NAACP attorneys for a group of citizens from various states of the Union, seeking a declaratory judgment against the Secretary of Commerce and the Director of the Census Bureau as to their duties under Section 2 of the Fourteenth Amendment. This action is pending in the United States District Court for the District of Columbia.

As to Department action against Governor Barnett, Mr. Elliott may recall that the Governor was found guilty of civil contempt but no penalty imposed. Instead, the Court directed the Government to bring criminal contempt proceedings against the Governor and Lieutenant Governor. This action is now pending before the Supreme Court on the issue of defendants' right to a jury trial.

Sincerely

PHILIP MARSHALL
Assistant Attorney General
Civil Rights Division

WILLIAM A. GRAGG, JR.
WILLIAM A. GRAGG, JR.
WILLIAM A. GRAGG, JR.
WILLIAM A. GRAGG, JR.
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WILLIAM A. GRAGG, JR.
WILLIAM A. GRAGG, JR.
WILLIAM A. GRAGG, JR.

United States Senate
COMMITTEE ON BANKING AND CURRENCY

Handwritten:
Civil Rights
packet
33

June 10, 1963

DOCKETED

JUN 17 1963

William A. Gragg, Esq.
Assistant Deputy Attorney General
United States Department of Justice
Washington 25, D. C.

Dear Mr. Gragg:

Enclosed is a copy of a letter which I have received from Mr. L. S. Elliott, Portland, Maine, in which he raises two questions concerning the present crisis over civil rights.

The first deals with the failure of the Federal government to utilize Section 2 of the 14th Amendment, and the second deals with the Department's plans in dealing with the Governor of Mississippi.

I would appreciate whatever comments you may have in this regard.

Sincerely yours,

Handwritten signature of Edmund S. Muskie
EDMUND S. MUSKIE, U.S.S.

ESM:MEY

Incl. ✓

RECEIVED
JUN 18 1963
APPEALS & RESEARCH SECTION
CIVIL RIGHTS DIVISION

JUN 18 1963
E R

C 11

85 Leighton Road
Falmouth
Portland, Maine
June 3, 1963

Honorable
Senator Edmund S. Muskie
Room 221, Senate Office Bldg.
Washington 25, D.C.

Dear Sir:

I have appreciated your news letters but I am disturbed by the lack of reference to the civil rights program which President Kennedy promised in his campaign speeches.

Now that the black man has turned to near violence to get what rightfully belongs to him, disregarding the courts and the vigorous use of Presidential power which has so been lacking, I am going to ask you what every class in government asks me. Please give me an honest answer and not a politician's reply,; why hasn't the Congress or the President used the section 2 of the 14th amendment to enforce the rights of the negro to register as a voter??

For 100 years this section has been lying in the Constitution unused. Why? It was put there as a weapon to be used for the very purpose which is now needed in such states as Mississippi and Alabama.

And one more question, why hasn't the Justice department brought the governor of Mississippi into court, as Robert Kennedy insisted he was going to do? My bet is that the governor of Alabama will defy the Justice department too.

Why go through the courts with section 2 of the 14th amendment will accomplish what has never been done before in a hundred years, - make the South move and move fast.

Yours truly,

L.S. Elliott

T-6/11/63

51-40-17 ✓

Solicitor General

JP 11 82

P. 82

Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:DR:bco

United States v. Barnett, No. 1011

Attached is the draft brief for the
United States in the above-entitled case.

Handwritten notes:
6/11/63
Ch. 62

Attachment

cc) records
Chron.
Greene-2
Rubin
Barrett

FILED
M A
JUN 25 1963

RECEIVED FOR
JUN 25 1963

T. 7-6-63

20530

BM:INT:iwd 12.232
SI-40-17

Mr. H. C. Hawkins
1301 S. 16th Street
Mt. Vernon, Illinois

JUL 9 1963

Dear Mr. Hawkins:

This will acknowledge your recent communication to the Attorney General.

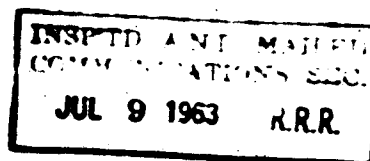
Your interest in writing to express your views is appreciated.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By: JOHN L. MURPHY, Chief
General Litigation Section

cc: Records
Chrono
Mr. Tranen



37

Mr Vernon
Ill

6-13-63

Mr Robert Kennedy, etc. etc.

I am Mr. etc.

If you could get Mr Barnett
in prison when he is going for a
defying a U.S. Court order, it would
be a learning to other that you mean
to enforce the law of our nation and
that law which man defying laws of
our land because he doesn't think he
will ever have to face justice.
Please don't try to get to see
you Mr Barnett as you will see
Hoping get what is concerning to him.

Yours Respectfully

D. C. Hoffman

1301 N 16th

Ill

Ill

51 - -

A.C.

1 10

[Stamp]

MAY 21 1963

T-8/16/63

20530

BM:LLB:bco 12232
SI-40-17

AUG 16 1963

Mr. D. Van Tassel
1145 N. 35th Street
Los Angeles, California

Dear Mr. Van Tassel:

You have inquired what action has been taken by the federal government against Governor Barnett and Governor Wallace.

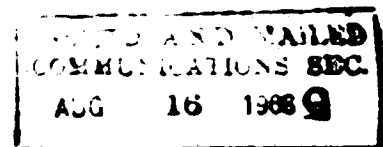
Governor Barnett has been found guilty of civil contempt. Criminal contempt proceedings are pending. Governor Wallace was enjoined from preventing the admission of the Negro students who were entering the University of Alabama under court orders. As you know, the Negroes were successfully admitted.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By:
HAROLD H. GREENE
Chief, Appeals and
Research Section

cc: Records
Chron.
Greene-2
Blair



1-8\10\02

00229

de

13, 232

What is being done in regard
to prosecuting (Gov Bennett's
Gov Wallace for their obstructing
justice?

D. Von Tassel
1145 W 35th St
L.A. 7,
Calif.

AUG 17 1954

51-4017	
SEARCHED	INDEXED
SERIALIZED	FILED
AUG 17 1954	
F.B.I.	

no - 12

Re -

377 Clinton Ave
Newark, N.J.
14 July 1967

#1222

Sol. Attorney General Robert
Kennedy U.S.A.

Dear James Burnell, Sr.
Washington D.C.

I am not a lawyer, but
I was a service man
and one of the things
that remained then has
stuck in my mind
which prompts me to
inquire to ask these
questions.

As a Negro I re-
gard the Judiciary as
the highest achievement
51-1617

51-1617

W. H. 17 1967
CIV. RIGHTS DIV.

the American people can
attain.

#1232

Has the President in
the Committee and Chief
of the War Cabinet.

I would now say that
Woodrow Wilson was sworn
to uphold the Constitution
and to lead especially
a public opinion.

I want to know from
you why an agent stands
any by in front of the
Justice Department, let
ting this rubble, pouring
~~it~~ say derogatory things
about the president.

Attack upon you, you
are a subordinate, the
same as the only of
higher status, but not
the President. Even

1/11

51-1017
MAY 17 1917
CIV. RIGHTS DIV.

of outspying before a Great
Party he should find a
better way to say what
he thinks.

How long are you
going to tolerate it? If
I had your money I
had your prominence
as well as your name
you would not laugh
at the back.

Instead of your worry
about reputation don't
worry about that. You
don't need publicity
any more. You have
been committing terrible
suicide. What I don't
believe you understand.

But I would do any
thing and do a great
deal if you really want

#1222

11/17

57 15 17

NOV 17 1917
CIV. RIGHTS DIV.

In the Negroes True Cause
to see for political action
You look hard as your
law book and I do
think you can find some
direction in the same
has made the Emperor
himself an officer.

#1222

You may not want
to make a ~~single~~ single
out of them and say that
~~the~~ Southern people
has some wrong for you
will be so busy becoming
our enemies of such good
propositions, you'll com-
pletely give shadow them
you have to get tough
on the books to beat
the nation, to make
the following.

This letter talking

57 15 17
MAY 17 1917
CIV. RIGHTS DIV.

Journal of the Public
Office in the United States

1852

of the
James M. Smith, James
Smith, and others.
started this way a day
or two before.

I understand from the
report that the King had
been the North Egyptian
conditional purchase
from the British

report of the purchase had
been and when you add
at my apartment found
a white man to stand
before Abraham Lincoln,
they have seen the best
man. Lincoln found
with his life for his
Constitution. But the
rest have had a few

11

57 15 17

17
CIV. RIGHTS DIV.

ever since, so the assen-
sion had meant. The
South was a great
victory from a Concord
John Walker Booth, for
he saved the end of
you, so that the
President had the
right to make a decision to
make such a stand as
you in the name of
the Congress.

Thomas James Bennett
Hollan told me about 10
years in jail & in prison,
from from office of the
is open, which is the
had will, and the
Germany.

Eschler should have
lived for the thought he
wasn't than Bennett

#12252

16
11

51-1017

APR 17 1951
CIV. RIGHTS DIV.

and willow.

How you or your brother
worry about retaliation
with all the money you
had from the court you
attorney General as witness
you will be and he does
care about any body but
he is happy. The law
and you.

Had a man you know
stood up right, got hit
good enough for me to
live your damn better
than I did the first
time.

You see I know about
about your brother and
on civil rights of your
people. For public office
I predicted them president
2 years before he was

#12352

16
11

51-1617
MAY 17 1967
CIVIL RIGHTS DIV.

(17)

saturation point some
where.

I thank you.

(101)

about our leadership. They
want to have to every line
full of a completely
revolution instead of
Communist.

#1222

Let us know then
in the modern day
looking success from
the union. Because the
South want to be
completely
united.

You want to appear
the Negro, and want
to appear the South
all my friends know
to be a man a free
country. And you
can enforce it.

Love
Sam Kennedy

Andy (over)

16

5-17-17

U. S. 17
CIV. RIGHTS DIV.

August 5, 1963

Honorable John R. Brown
Judge of the United States Circuit Court
Houston 2, Texas

Dear Judge Brown:

Az
Many thanks for your letter. I shall read both opinions with much interest.

I noted with much interest the caseload figure that you mentioned for the Fifth Circuit. It's my recollection that in 1937-1938 when I was Learned Hand's law clerk, the judges who wrote the most opinions--the two senior judges of the five--were writing just about a hundred opinions a year with the others doing considerably fewer. At that stage, the Second Circuit was greatly overworked. It's interesting to note how the burden has shifted.

I spent the mornings of my vacation last week going over the brief in the Barrett case. Taking it as a wholly abstract and academic question of law, I would suppose that you were plainly right in saying that the requirement of a jury trial is inapplicable because the prosecution is for contempt of an order of the Court of Appeals. Whether that simple and direct interrelation of pretty plain words will survive all the cross currents, including the distaste some of the Justices have for all contempt proceedings, may be more doubtful. I would like to send you the brief before it is printed, but fear that the risk that someone here would mention it makes that unwise. We will send you one as soon as it is finished.

It was a great pleasure to see you in Dallas. I hope that our paths will cross soon again.

Sincerely,

Archibald Cox
Solicitor General

JOHN R. BROWN
UNITED STATES CIRCUIT JUDGE
FIFTH CIRCUIT
HOUSTON 2, TEXAS

July 23, 1963

Honorable Archibald Cox
Solicitor General
Supreme Court Building
Washington 25, D.C.

My dear General Cox:

It was a great delight to see and talk with you in Dallas. Bars and Bar Associations are wonderful things to get people together.

The case your father tried which involved motorcycle parts, a patent infringement which intrigued me so much was *Ellett v. Klein*, E.D.Pa., 1927, 22 F.2d 807. I am pretty sure that the Judge (as we still do) got much of his material from counsel's briefs. Perhaps your father should have been credited with the quotable quote on the Dundreary computation. Judges are terrible plagiarists you well know. Although I suppose pedants run a close second.

Finally, while I do not suggest you comment on it since it will shortly come to you in your role of certiorari-permitter, I enclose a copy of my slip opinion just released in the secondary boycott matter which disapproves of the D.C. Circuit's conclusion that there is no threat unless the harm is actually inflicted.

I would only say about my handiwork here that all of the footnote material is mere window dressing, not a demonstration of scholarship. We are having to write so much so fast under such pressure, that opinions get longer and longer and poorer and poorer in quality. As you probably

AUG 8

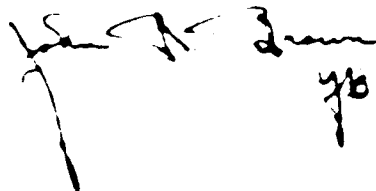
SOLUTION LINERAP

July 23, 1963
Page two

know the growth in our caseload increases constantly. Ours is now at 96, the highest in all 11 Circuits. We are falling farther and farther behind, not only from this increase, but more so from continual interruptions in emergency appeals, a good number of which are in civil rights matters. How I long at times for the disorganized bedlam of my old maritime practice.

But again, it was wonderful to meet with you. Come this way again.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John R. B.", with the initials "yb" written below it.

JRB/yb

July 24, 1963

Honorable Lorne S. Barton, Clerk
 United States District Court
 Jackson, Mississippi

Dear Miss Barton:

In connection with the argument of United States v. Barnett in the Supreme Court we propose to lodge with that Court copies of the orders entered by the United States District Court for the Southern District of Mississippi in the case of Meredith v. Fair, Civil Action No. 3130, and in the removed case of Howlers v. Meredith, Civil Action No. 1141.

We require certified copies of all opinions and orders entered by the District Court in both cases between December 12, 1961, and October 2, 1962. While there may be others, which should be included, we specifically request certified copies of the following documents:

1. Opinion of December 12, 1962, in Meredith v. Fair, denying plaintiff's motion for temporary injunction.
2. Order or judgment (date unknown) entered in accordance with foregoing opinion.
3. Opinion of February 3, 1962, in Meredith v. Fair, denying permanent injunction and dismissing complaint.
4. Order or judgment (date unknown) entered in accordance with foregoing opinion.
5. Order of September 13, 1962, in Meredith v. Fair, granting permanent injunction.
6. Order of September 20, 1962, in Howlers v. Meredith, withholding decision on motion to vacate injunction and setting hearing thereon for September 24, 1962.
7. Order of September 20, 1962, in Meredith v. Fair, temporarily restraining arrest of Meredith and deferring decision on application for an order restraining enforcement of an act of the Mississippi Legislature to a hearing set for September 24, 1962.

8. Order of September 20, 1962, in Meredith v. Fair, requiring the defendants Williams, Lewis and Ellis to show cause, on September 21, 1962, why they should not be held in civil contempt.
9. Opinion of September 21, in Meredith v. Fair, holding the above-named defendants not guilty of contempt.
10. Order or judgment (date unknown) entered in accordance with foregoing opinion.
11. Order of October 2, 1962, in Meadors v. Meredith, vacating injunction.

We shall appreciate your forwarding the documents as soon as convenient, as they must shortly be filed with the Supreme Court.

Very truly yours,

ARCHIBALD COX
Solicitor General.

RSS:dme

20530

51-40-17

August 5, 1963

BT
AZ
Melvin L. Aulf, Esq.
Legal Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Re: United States v. Barnett
No. 107, Oct. Term, 1963

Dear Mr. Aulf:

In reply to your letter of July 30, 1963, please be advised that the United States does not object to your participation as amicus curiae in the above-captioned case.

Sincerely yours,

Archibald Cox
Solicitor General

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AUG 5 1963 R.R.R.

1972 1/2

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July 30, 1963

Hon. Archibald Cox
 Solicitor General of the United States
 Department of Justice
 Washington 25, D. C.

Re: United States v. Barnett
No. 107, Oct. Term, 1963

Dear Sir:

On behalf of the American Civil Liberties Union, I request your consent to our filing an amicus brief in support of Governor Barnett in the above-entitled case.

Sincerely yours,

Melvin L. Sulf
 Legal Director

31-44-12

A.C.L.U.

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
SOUTHERN DISTRICT OF MISSISSIPPI

Jackson, Mississippi
July 31, 1963

COURT TERMS

At Jackson—First Monday in May
and November
At Vicksburg—Third Monday in
May and November
At Meridian—Third Monday in Feb-
ruary and First Monday in June
At Natchez—Third Monday in
March and September
At Gulfport—Second Monday
in April and October

FILED MAY

Mr. Archibald Cox
Solicitor General
Department of Justice
Washington, D. C.

No. 107 LS v. BARNETT

Dear Mr. Cox:

Reference is made to your letter of July 24, 1963, requesting certified copies of eleven (11) documents filed in our Civil Action No. 3130, Meredith v. Fair, and Civil Action No. 1141, Meadors v. Meredith. Copies of documents as set out in your letter are enclosed herewith.

Reference is also made to your letter of July 26, 1963, requesting certified copy of Order of October 2, 1963, in Meredith v. Fair, which we are also enclosing together with our bill in the sum of \$23.00.

Sincerely,

LORYCE E. WHARTON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

By:

B. Price

B. Price, Deputy Clerk

Encls.

51-40-17

M. B.

FOR GENERAL

CLERK

I

August 6, 1963

Leon Jaworski, Esq.
Fulbright, Crooker, Freeman,
Bates & Jaworski
Bank of the Southwest Building
Houston 2, Texas

Dear Leon:

Many thanks for your letter of August 1.

Let me say, first, that it was only the result of an oversight that I did not say in my last letter that your name would, if you were willing, go on the brief. I am sorry that I have to mention it belatedly, and we will be glad to add your partner, W. H. Vaughan, Jr.

Your suggestions are most helpful. The first fits in very well with some revisions that I had already contemplated and is an important point to make explicit. I have tried to work some comments about the impracticability of juries in appellate courts into a discussion of the legislative history of the Clayton Act. It comes better there, I think, because we hesitate to pitch much of our case upon an effort to show any serious difficulty. If any judge is sympathetic to the point, he can easily pick it up.

I shall send you a copy of the proof as soon as we receive it from the press.

With best wishes,

Sincerely,

Archibald Cox
Solicitor General

1963
JUL 10 1963

FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI

ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING
HOUSTON 2 TEXAS

August 1, 1963

WASHINGTON OFFICE
FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI
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Honorable Archibald Cox
Solicitor General of the United States
Department of Justice
Washington, D. C. 20530

Dear Archie:

I thank you very much for your letter of July 25 and for the draft of the Government's brief in the Barnett case. I regard this as an excellent brief, and I have very little to suggest by way of alteration.

In connection with the argument set forth on pages 31a and 32 relating to the designation of the United States as "amicus curiae," I am wondering if there should be a greater development of the argument that the name or designation given the United States of America is not controlling but rather that the rights as spelled out by the order permitting the United States to appear override the former. Here we have an order admitting the United States of America which expressly invests it with all of the rights and authority any party to a suit can exercise--that of filing pleadings, seeking injunctive relief, instituting contempt proceedings, etc. The designation "amicus curiae" may in fact be erroneous, still this misnomer should have no effect on the status of the so-called "amicus" in the litigation when there is an order delineating the rights and powers it is to enjoy. Without such an order the amicus curiae would be treated in the conventional manner, of course. In the final analysis, what greater rights could any intervenor or any party plaintiff have been given than was accorded the United States by the order of the Court in question?

In connection with the arguments presented on pages 52 and 53 relating to the apparent intention of Congress that jury trials not be conducted by our appellate Federal Courts, perhaps consideration should be given to pointing to the impracticabilities of a jury trial in the Circuit Court or the Supreme Court. Congress has provided no procedural guide lines for such a trial, as is pointed out in your argument. The awkward situation that follows can be demonstrated by the instant case. Is there to be a "majority" charge and a "dissenting" charge to the jury? Are

19 AUG 8 F.W.W.

SO IN THE OFFICE

Honorable Archibald Cox
August 1, 1963
Page 2

the eight judges sitting in this case to confer each time a question arises on a point of evidence? Is each judge to be permitted to question the witnesses? Judge Cameron, for instance, has outspokenly displayed a complete disagreement with this entire proceeding, and what might well follow from this attitude in the course of a trial is not difficult to imagine. To say the least, there would be such confusion as would make it very difficult for a jury properly to act. From where is this jury to be drawn--from each state in the circuit? I am not suggesting that this precise argument be made but am merely calling attention to the general nature of the argument that is available to us.

I do not know whether you want to go into this much elaboration, but it may aid in pointing to the reasons Congress had in mind in not providing for jury trials in the Circuit Courts. These arguments may also be of some aid to some of the Judges on the question of a constitutional right to a jury trial.

My recollection is that the dissenting opinions in the Green and other Supreme Court cases dealing with the constitutional right of a trial by jury in contempt cases laid some stress on the possible arbitrariness of Federal District Judges in contempt cases. This danger is minimized, of course, in Circuit Court contempt trials. Is it of any value to make this point?

On page 13 I am wondering if the word "exempt" in the fifth line is a better word than "exclude."

I noticed a few typographical errors such as "morever" instead of "moreover" in the first line of the second paragraph on page 45, but I am sure that these have been caught.

One of my partners, J. H. Vaughan, Jr., is also serving as Special Assistant Attorney General with me in this matter; and if you contemplate carrying me on the brief, I would appreciate it if you would include him as well.

With every good wish and kindest regards, I am

Sincerely yours,



Leon Jaworski

LJ:bs

20530

8-26-63

EM:ILB:dg #12232
51-40-17

SEP 10 1963

Reverend Paul T. Martin
The First Church in Wenham
Congregational
Wenham, Massachusetts

Dear Reverend Martin:

The criminal contempt case against Governor Barnett and Lieutenant Governor Johnson has been certified to the Supreme Court on the question of whether or not the defendants are entitled to a jury trial. The Court will hear the case after it convenes for the October Term, 1963.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By:

HAROLD W. GREENE
Chief, Appeals and
Research Section

cc: Records
Chase
Greene (2)
Blair

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SEP 10 1963

HM

447-62
9/10/63

The First Church in Weymouth

CHURCH
TEL NO 8-2666
PARSONAGE
TEL NO 8-2367

Congregational

WEYMOUTH MASSACHUSETTS

THE REVEREND PAUL T. MARTIN
MINISTER

August 6, 1963

Harold H. Greene, Esq.
Chief, Appeals and Research Section
Department of Justice
Washington, D.C.

Dear Mr. Greene,

In a letter to me over Burke Marshall's name, dated March 13, 1963, you indicated that Governor Ross Barnett and Lieutenant Governor Johnson of Mississippi had been found guilty of civil contempt of court, that criminal contempt proceedings had been instituted, that a hearing was held on February 9, 1963 before the Court of Appeals in New Orleans, and that the Court had the case under advisement.

Would you kindly tell me what has happened to this case? Are the two of them guilty of criminal contempt?

Sincerely yours,

Paul T. Martin
Paul T. Martin

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APPEALS & RESEARCH SECTION
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51-40-17

CIVIL RIGHTS DIV
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