

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

Filed Nov 12, 1963

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BLANCHARD McLEOD, et al., )  
 )  
Defendants. )

CIVIL ACTION NO. 3188-63

NOTICE OF MOTION AND MOTION  
FOR PRELIMINARY INJUNCTION

TO THE DEFENDANTS, AND EACH OF THEM:

You are notified that plaintiff, United States of America, will move this Court in the Court of the United States District Court for the Southern District of Alabama, in \_\_\_\_\_ Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 1963, at \_\_\_\_, \_\_.m., or as soon thereafter as counsel can be heard for a preliminary injunction enjoining and restraining during the pendency of this action, the defendants, their agents, servants, employees and all persons in active concert or participation with them as specifically requested in the complaint.

The motion will be based on this Notice of Motion and Motion, the pleadings, affidavits and papers on file and upon oral testimony to be adduced.

FILED IN CLERK'S OFFICE  
SOUTHERN DISTRICT OF ALABAMA

NOV 12 1963

WILLIAM J. STONNOR  
CLERK

Vernol R. Jansen, Jr.  
United States Attorney

D. Robert Owen  
Attorney, Department of Justice

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

THE UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) CIVIL ACTION NO. 3188-63  
 )  
BLANCHARD McLEOD, et al., )  
 )  
Defendants, )

STATEMENT PURSUANT TO RULE 65 OF THE FEDERAL  
RULES OF CIVIL PROCEDURE AS TO WHY THE  
ATTACHED ORDER WAS GRANTED WITHOUT NOTICE

The foregoing Temporary Restraining Order has been issued without notice since it appears that immediate and irreparable injury, loss or damage will result to the United States of America if the officers or attorneys of the Civil Rights Division of the Department of Justice are commanded or compelled to appear before the Grand Jury of the Circuit Court of Dallas County on November 13, 1963, pursuant to subpoenas issued by said Court and that this date will arrive before defendants can be served with notice of a hearing and a hearing held on plaintiff's motion for a temporary restraining order. If the attached order were not granted without notice, plaintiff would be irreparably injured either by the compelled compliance with the subpoenas of the aforesaid Circuit Court, which would render moot the relief sought in the complaint, or by subjecting its attorneys to state sanctions by their failure to appear.

The foregoing circumstances warrant and require granting of the temporary restraining order until the hearing on plaintiff's application for a preliminary injunction.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Dated: \_\_\_\_\_

DISTRICT OF COLUMBIA ) SS:

AFFIDAVIT:

BURKE MARSHALL, being duly sworn according to law, deposes and says:

1. That, at all times relevant to the acts alleged in the complaint, I was and now am the Assistant Attorney General in charge of the Civil Rights Division of the United States Department of Justice.

2. That on November 4, 1963, the Circuit Court of Dallas County, Alabama, issued subpoenas commanding the appearance before the Dallas County Grand Jury on November 13, 1963, of the following individuals: Burke Marshall, John Doar, Richard Wasserstrom, David H. Marlin (named as Dave Marland on the subpoena), Arvid A. Sather (named as Arvid Saither on the subpoena), Kenneth McIntyre and Thelton Henderson. Copies of these subpoenas (reproductions of which are attached) were mailed to the Department of Justice and received on November 6, 1963. On November 8, 1963, David H. Marlin was personally handed a copy of a subpoena commanding his appearance before the Dallas County Grand Jury on November 13, 1963, by a Deputy Sheriff of Dallas County.

3. That, upon information and belief, the following is the background of the issuance of the aforesaid subpoenas:

a. On October 17, 1963, Governor George C. Wallace of Alabama made a public statement (reported in the Montgomery, Alabama, Advertiser of that date, a reproduction of which is attached), in which he charged that the Reverend Martin Luther King "has been travelling throughout the state [of Alabama] in vehicles rented by the Justice Department." He further stated, "This \* \* \* is a matter which should be called to the attention of the people of this country."

b. On October 28, 1963, William F. Thetford, the then Solicitor of the Fifteenth Judicial Circuit of Alabama, wrote a letter (a reproduction of which is attached) to Ben Hardeman, United States Attorney for the Middle District of Alabama, in which he recited the foregoing charge on the part of Governor

Wallace and stated, "While there is no violation of State law involved, I am submitting such evidence as may be available to our November Grand Jury as a matter of public interest." He invited the Department of Justice to provide witnesses for the grand jury proceedings. By letter dated November 4, 1963 (a reproduction of which is attached), I, acting for the Department of Justice, declined the invitation on the ground that there was "no point in furnishing witnesses to testify in a secret proceeding on a matter admittedly beyond the scope of the Grand Jury's legitimate inquiry."

c. On November 7, 1963, Blanchard McLeod, Solicitor of the Fourth Judicial Circuit of Alabama, made a public statement (reported in the Selma, Alabama, Times Journal of that date, a reproduction of which is attached), in which he announced the aforesaid issuance of the subpoenas on behalf of the Dallas County Grand Jury. He stated that the principal business of the grand jury when it met on November 12 would be to investigate the role of the Justice Department in the racial unrest in the area; his statement made it clear that the investigation stemmed from charges that the Department of Justice had furnished transportation to the Reverend Martin Luther King. He was quoted as having said, "We intend to let the American people know who are the leaders in fostering the activities of Martin Luther King. We intend for that to be our main business, and we intend to remain in session as long as necessary to get the facts."

4. That the Civil Rights Division is charged with the enforcement of the civil rights statutes of the United States. It and the Department of Justice of which it is a part are, and at all times relevant hereto have been, units of the federal government engaged in the performance of federal functions.

5. That, at all times relevant to the acts alleged in the complaint, John Doar was and now is First Assistant to the Assistant Attorney General

in charge of the Civil Rights Division of the United States Department of Justice. As such, he is, in addition to being my principal assistant, the operating head of the Civil Rights Division's trial staff for voting rights cases. Richard Wasserstrom, David H. Marlin, Arvid A. Sather and Kenneth McIntyre were and now are qualified attorneys at law on the Civil Rights Division's trial staff for voting rights cases. Prior to November 6, 1963, Thelton Henderson was a qualified attorney at law on the said trial staff. He resigned from that position on November 6, 1963, and his resignation was accepted, effective on that date.

6. That, at all times relevant to the acts alleged in the complaint, John Doar, Richard Wasserstrom, David H. Marlin, Arvid A. Sather, Kenneth McIntyre and I were and now are on the payroll of the United States of America, were and now are paid by checks drawn on the Treasury of the United States of America and were and now are subject, in the performance of our official functions, only to the control of our superior officers in the Department of Justice. The foregoing was true of Thelton Henderson prior to his resignation from the Department of Justice effective November 6, 1963.

7. That, during the times relevant to the acts alleged in the complaint, John Doar, Richard Wasserstrom, David H. Marlin, Arvid A. Sather, Kenneth McIntyre and I, and (prior to November 6, 1963), Thelton Henderson, were upon various occasions in the State of Alabama, pursuant to official instructions issued by the Attorney General, the Deputy Attorney General or me. Each of the above named individuals and I were there solely in the performance of our official duties as employees of the Department of Justice, for the purpose of investigating and preparing for and participating in conferences upon and litigation with respect to matters within the cognizance of the Civil Rights Division of the United States Department of Justice.

8. That compliance with the aforesaid subpoenas by John Doar, Richard Wasserstrom, David H. Marlin, Arvid A. Sather, Kenneth

McIntyre and me or any of us would impede and interfere with the Civil Rights Division's effective performance of its functions and responsibilities in the following regards, among others:

a. The Civil Rights Division's trial staff for voting rights cases consists of 21 attorneys who are responsible for extensive and complex litigation to enforce the rights of United States citizens to participate in elections free from discrimination and intimidation. As of October 1, 1963, there were 33 voting discrimination suits and 12 voting intimidation suits in litigation. Members of the trial staff also perform most of the investigatory work in connection with voting rights cases. As of October 1, 1963, there were 56 discrimination and intimidation complaints under investigation; in addition, voting records of over 100 counties in six states have been inspected and have been or are being analyzed for evidence of discrimination. As a consequence of this tremendous workload, the time of these attorneys is fully occupied by their official duties. They work not only the specified eight-hour day but are required by the volume of work to put in extraordinarily large amounts of overtime; the voting rights trial staff puts in many thousands of hours of overtime. The diversion of the time and energies of any of these staff attorneys to state grand jury appearances would necessarily interfere with and obstruct the conduct of our overall program for enforcing voting rights.

b. I am in charge of the Civil Rights Division, and John Doar is my first assistant and deputy. Our time and energies are fully consumed in supervising and directing the complex operations of the Division. The diversion of the time and energies of either of us to state grand jury appearances would interfere with and obstruct the operations

of the entire Division in enforcing the civil rights statutes of the United States.

c. The threat that would be posed, if any attorney in the Civil Rights Division who was sent into the State of Alabama might be required to appear before a state grand jury, would stand as a constant deterrent to our dispatching attorneys there, because of the time and energy that would thus be expended unproductively. This threat, moreover, would stand as a source of harassment to attorneys performing the public business of the United States in the State of Alabama, and could not help but have an adverse impact on the efficiency and effectiveness with which they perform their official functions.

For these reasons, compliance with the aforesaid subpoenas by any of the federal officials and attorneys at whom they are directed would interfere with and obstruct, and hence irreparably injure, the proper enforcement of the civil rights statutes of the United States by the Civil Rights Division of the Department of Justice.

---

BURKE MARSHALL

Sworn to and subscribed before me  
this 11th day of November, 1963.

---

Notary Public

No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

To any Sheriff of the State of Alabama, Greetings:

Term 19.63.

You are hereby commanded to summon Burke Marshall

Address United States Justice Department, Washington, D.C.

Address

Address

If to be found in your county, to be and appear before the Grand Jury, instanter, the 13th.....  
day of November..... 1963 to testify in regard to certain matters pending before them wherein  
..... is defendant and make return thereof without delay.

this 4th..... day of November..... 19.63

M. H. HOUSTON, Clerk

No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

To any Sheriff of the State of Alabama, Greetings:

Term 19.63.

You are hereby commanded to summon John Doar

Address United States Justice Department, Washington, D.C.

Address

Address

If to be found in your county, to be and appear before the Grand Jury, instanter, the 13th.....  
day of November..... 19.63 to testify in regard to certain matters pending before them wherein  
..... is defendant and make return thereof without delay.

this 4th..... day of November..... 19.63

M. H. HOUSTON, Clerk



No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

Term 1963...

To any Sheriff of the State of Alabama, Greetings:

You are hereby commanded to summon ... Richard Wasserstrom .....

Address United States Justice Department, Washington, D.C.

Address

Address

if to be found in your county, to be and appear before the Grand Jury, instanter, the ... 13th. ....  
day of November ..... 1963 to testify in regard to certain matters pending before them wherein

..... is defendant and make return thereof without delay.

this .... 4th. .... day of November ..... 19. 63

M. H. HOUSTON, Clerk

No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

Term 19.63.

To any Sheriff of the State of Alabama, Greetings:

You are hereby commanded to summon ..... Dave Marland .....

Address United States Justice Department, Washington, D.C.

Address

Address

if to be found in your county, to be and appear before the Grand Jury, instanter, the ... 13th. ....  
day of November ..... 1963 to testify in regard to certain matters pending before them wherein

..... is defendant and make return thereof without delay.

this .... 4th. .... day of November ..... 19. 63

M. H. HOUSTON, Clerk

No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

To any Sheriff of the State of Alabama, Greetings:

Term 19.63

You are hereby commanded to summon Arvid Salther Alias Bud Salther

Address United States Justice Department, Washington, D.C.

Address

Address

if to be found in your county, to be and appear before the Grand Jury, instanter, the...13th.....  
day of ..November..... 1963 to testify in regard to certain matters pending before them wherein  
..... is defendant and make return thereof without delay.  
this .....4th..... day of ..November..... 19.63

M. H. HOUSTON, Clerk

No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

To any Sheriff of the State of Alabama, Greetings:

Term 19.63..

You are hereby commanded to summon Kenneth McIntyre

Address United States Justice Department, Washington, D.C.

Address

Address

if to be found in your county, to be and appear before the Grand Jury, instanter, the...13th.....  
day of ..November..... 1963 to testify in regard to certain matters pending before them wherein  
..... is defendant and make return thereof without delay.  
this .....4th..... day of ..November..... 19.63.

M. H. HOUSTON, Clerk

No. ....

THE STATE OF ALABAMA  
DALLAS COUNTY

THE CIRCUIT COURT OF DALLAS COUNTY

To any Sheriff of the State of Alabama, Greetings:

Term 1962...

You are hereby commanded to summon Edison Henderson Alias Thelton Henderson

Address United States Justice Department, Washington, D.C.

Address

Address

If to be found in your county, to be and appear before the Grand Jury, instanter, the... 13th...  
day of November... 1963 to testify in regard to certain matters pending before them wherein  
..... is defendant and make return thereof without delay.  
this ... 4th... day of November... 1963.

M. H. HOUSTON, Clerk

I I

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

BLANCHARD MCLEOD, Circuit Solicitor  
for the Fourth Judicial Circuit,  
State of Alabama; HENRY REESE, County  
Solicitor for Dallas County, State of  
Alabama; JAMES G. CLARK, JR.,  
Sheriff of Dallas County, State of  
Alabama; JAMES HARE, Judge for the  
Fourth Judicial Circuit, State of  
Alabama; M. H. HOUSTON, Clerk of  
the Circuit Court of Dallas, County,  
State of Alabama; ROBERT D. WILKINSON,  
Jr., Foreman of the Grand Jury of  
the Circuit Court of Dallas County,  
State of Alabama, Fall Term 1963;  
DALLAS COUNTY CITIZENS COUNCIL: LEON  
JONES, Chairman, Dallas County  
Citizens Council; ROBERT RENTZ, Vice  
Chairman, West Dallas, Dallas County  
Citizens Council; G. R. BEERS, Vice  
Chairman, South Dallas, Dallas County  
Citizens Council; ARCHIE G. WAUGH,  
Vice Chairman, North Dallas, Dallas  
County Citizens Council; COMER SIMS,  
Vice Chairman, Selma, Dallas County  
Citizens Council; BILL ARRINGTON,  
Secretary, Dallas County Citizens  
Council; WILLIAM K. HICKS, Treasurer,  
Dallas County Citizens Council,  
Defendants.

*Filed Nov. 12, 1963*

CIVIL ACTION NO. 3183-63

TEMPORARY RESTRAINING ORDER (not signed)  
AND ORDER SETTING DATE FOR  
HEARING ON PRELIMINARY INJUNCTION

WHEREAS, in this cause, it has been made to appear by  
the complaint and the application of plaintiff for a temporary  
restraining order with accompanying affidavit of Burke Marshall,  
which were on this 12th day of November, 1963, presented to the  
Court that a restraining order should issue preliminary to a  
hearing on plaintiff's motion for a preliminary injunction,  
and that said restraining order should issue without notice to

defendants because of immediate and irreparable injury which will result to plaintiff before such notice can be served and a hearing held thereon as appears from the attached statement pursuant to Rule 65 of the Federal Rules of Civil Procedure and a hearing had on plaintiff's application for a Temporary Restraining Order.

Now, therefore, it is on motion of the plaintiff

ORDERED by the Court that the defendants, McLeod, Reese, Clarke, <sup>Hart,</sup> Houston, and Wilkinson, and each of them, their agents, servants, employees and attorneys, and all persons in active concert or participation with them be, and they are hereby, restrained from commanding or attempting to compel the attendance before the Grand Jury of the Circuit Court of Dallas County, Alabama, Fall Term 1963, on November 13, 1963, or any other day, of Burke Marshall, Assistant Attorney General, John Doar, First Assistant to the Assistant Attorney General, Richard Wasserstrom, Attorney, David H. Marlin, Attorney, Arvid A. Sather, Attorney and Kenneth McIntyre, Attorney, attorneys of the Civil Rights Division of the United States Department of Justice, by any means, including, but not limited to, service of or enforcement of or attempts to enforce the subpoenas bearing the return date of November 13, 1963, previously issued; and it is further

ORDERED that this Restraining Order should expire at \_\_\_\_ p.m. Central Standard Time, on November \_\_\_\_, 1963, unless before such time the Order is extended for good cause shown or unless the defendants consent to an extension of the Order for a longer period; and it is further

ORDERED that plaintiff's motion for a preliminary injunction be set down for hearing on the \_\_\_\_ day of November, 1963, at \_\_\_\_ p.m. at the United States Court House, \_\_\_\_, Alabama; and it is further

- 3 -

ORDERED that copies of this Order and of plaintiff's complaint, motion for preliminary injunction and application for temporary restraining order together with all affidavits and papers on which they are based shall be served on all respective defendants on or before \_\_\_\_\_, 1963.

UNITED STATES DISTRICT JUDGE

Issued at \_\_\_\_\_ o'clock \_\_\_\_\_ p.m.,  
Central Standard Time, this \_\_\_\_\_  
day of \_\_\_\_\_, 1963.

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

THE UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
BLANCHARD McLEOD, et al., )  
Defendants. )

*Filed Nov. 12, 1963*

CIVIL ACTION NO. 3183-63

APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff applies to the Court for a temporary restraining order as set forth in the proposed order attached hereto and made a part hereof.

The application is based on the complaint, the affidavit of Assistant Attorney General Burke Marshall and a memorandum of law which is attached hereto.

JOHN W. DOUGLAS  
Assistant Attorney General

VERMIL R. JANSEN  
United States Attorney

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
FILED IN CLERK'S OFFICE

NOV 12 1963

WILLIAM J. CONNOR  
Clerk

HARLAND P. LEATHERS  
Attorney, Department of Justice  
Attorneys for Plaintiff

Filed  
November 12

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) CIVIL ACTION NO. 3188-63.  
 )  
BLANCHARD MCLEOD, etc. et al )  
 )  
Defendants. )

WHEREAS, in this cause, complaint and application of plaintiff for a temporary restraining order with accompanying affidavit of Burke Marshall, were on this 12th day of November, 1963, presented to the Court, praying that a restraining order should issue preliminary to a hearing on plaintiff's motion for a preliminary injunction, and that said restraining order should issue without notice to defendants because of immediate and irreparable injury which would result to plaintiff before such notice could be served and a hearing held thereon; and the said complaint and application being considered by the Court, it is

ORDERED AND ADJUDGED by the Court that plaintiff's motion for a temporary restraining order be, and the same hereby is, DENIED.

DONE at Mobile, Alabama this 12th day of November, 1963 at 11:09 o'clock A.M.

/s/ Daniel H. Thomas  
UNITED STATES DISTRICT JUDGE



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

THE UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) CIVIL ACTION NO. 3188-63  
 )  
BLANCHARD MCLEOD, et al., )  
 )  
Defendants. )

ORDER DENYING PLAINTIFF'S MOTION TO  
SHORTEN TIME FOR HEARING ON PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION

Upon consideration of plaintiff's motion to  
shorten the time for hearing on its motion for a pre-  
liminary injunction, and after hearing oral argument,  
it is

ORDERED, that the motion is denied.

Motion for hearing on Preliminary Injunction  
set 12/5/63.

Dated: November 12, 1963

/s/ Daniel H. Thomas  
United States District Judge

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

THE UNITED STATES OF AMERICA, :  
Plaintiff, :  
v. : CIVIL ACTION NO. 3188-63  
BLANCHARD McLEOD, et al., :  
Defendants. :

NOTICE OF APPEAL FROM DENIAL OF  
TEMPORARY RESTRAINING ORDER

The United States of America, plaintiff above named, by its attorneys, hereby notes an appeal to the United States Court of Appeals for the Fifth Circuit from the order entered in the above captioned case by the United States District Court for the Southern District of Alabama, on November 12, 1963, denying plaintiff's application for a temporary restraining order.

51  
JOHN W. DOUGLAS  
Assistant Attorney General

VERLIE R. JENSEN, JR.  
United States Attorney

EDWARD F. LEWIS  
Attorney, Department of Justice  
Attorneys for Plaintiff

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

NO. 21,040

UNITED STATES OF AMERICA,

Appellant,

vs.

BLANCHARD McLEOD, ET AL,

Appellees.

Appeal from the United States District Court for the Southern District of Alabama.

(November 13, 1963)

O R D E R:

On motion of the United States of America, and upon consideration of the papers filed in connection therewith and the oral argument presented by counsel for the respective parties, and it appearing therefrom that good cause exists for the granting of the relief sought by the motion, it is on this 13th day of November 1963 ORDERED, ADJUDGED and DECREED:

1. The District Court shall forthwith enter an order restraining each of the above named appellees, their agents, servants, officers, employees, and attorneys and all persons acting in concert or participation with them from commanding or attempting to compel the attendance before the Grand Jury of the Circuit Court of Dallas County, Alabama, Fall Term 1963, on November 13, 1963, or any other day, of Burke Marshall, Assistant Attorney General, John Dear, First Assistant to the Assistant Attorney General, Richard Wasservest, Attorney, David H. Marlin, Attorney, Arvid A. Sather, Attorney, and Kenneth McIntyre, Attorney, attorneys of the Civil Rights Division of the Department of Justice, by serving or enforcing or attempting

to enforce the subpoenae bearing the return date of November 13, 1963, previously issued, or from arresting or holding in custody or attempting to arrest or hold in custody any of the aforesaid attorneys of the Department of Justice as a result of any action by or under the authority of any of the aforesaid appellees or as a result of any failure on the part of any said attorneys to appear before said Grand Jury, the said restraining order to remain in effect until the disposition by said court of the application now pending before it for a temporary injunction which is set for hearing on November 13, 1963.

(2) Pending the entry of such order of the District Court, the said appellees are restrained from doing each and every the acts set forth in paragraph 1 hereof.

(3) That this order shall be personally served forthwith upon each of the above-named appellees by the United States Marshal or Deputy Marshal for the Southern District of Alabama.

*Carl A. B. [Signature]*  
UNITED STATES DISTRICT COURT

*William F. [Signature]*  
UNITED STATES CIRCUIT COURT

*[Signature]*  
UNITED STATES DISTRICT COURT

DIVISION  
CLERK HIGH 12

DIVISION  
CLERK HIGH 12

10-10-63

To: EDWARD W. BARTHOLOMEW  
U. S. Court of Appeals, Fifth Circuit

RECEIVED  
DEPUTY ATTORNEY GENERAL  
RECEIVED

See Official Proceedings

NOV 13 1963

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

filed Nov 14, 1963

THE UNITED STATES OF AMERICA, :  
Plaintiff, : CIVIL ACTION NO. 3188-63  
v. :  
BLANCHARD McLEOD, et al., : ORDER  
Defendants. :

Pursuant to the Order of the Court of Appeals for the Fifth  
entered November 13, 1963,  
Circuit, it is hereby ORDERED that:

DHT The defendants Blanchard McLeod, Henry Reese, James G.  
Clark, Jr., James Hare, M. H. Houston and Robert D. Wilkinson, Jr.  
be and each of them, their agents, servants, officers, employees, and  
attorneys and all persons acting in concert or participation with them  
are hereby ~~enjoined~~ restrained from commanding or attempting to  
compel the attendance before the Grand Jury of the Circuit Court of  
Dallas County, Alabama, Fall Term 1963, on November 13, 1963, or any  
other day, of Burke Marshall, Assistant Attorney General, John Doar,  
First Assistant to the Assistant Attorney General, Richard Wasserstrom,  
Attorney, David H. Marlin, Attorney, Arvid A. Sather, Attorney, and  
Kenneth McIntyre, Attorney, attorneys of the Civil Rights Division of the  
Department of Justice, by serving or enforcing or attempting to enforce  
the subpoenas bearing the return date of November 13, 1963, previously  
issued, or from arresting or holding in custody or attempting to arrest  
or hold in custody any of the aforesaid attorneys of the Department of  
Justice as a result of any action by or under the authority of any of the  
aforesaid defendants or as a result of any failure on the part of any  
said attorneys to appear before said Grand Jury.

This order shall remain in effect until the disposition by  
this court of the application now pending before it for a temporary

injunction which is set for hearing on December 5, 1963, in Selma,  
Alabama.

DONE at Mobile, Alabama, this 14th day of November,  
1963.

DANIEL H. THOMAS  

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United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

The following case is set for TRIAL BY JURY in the United States District Court for the Southern District of Alabama on the SECOND FLOOR, OLD POST OFFICE BUILDING, SELMA, ALABAMA on TUESDAY, DECEMBER 3, 1963, at 9:30 A. M.

WILLIAM J. O'CONNOR,  
CLERK

CIVIL 2812 DANA CHARLOTTE TERRELL, a minor suing by and through her next friend and Father, DAN V. TERRELL, JR.,

VERSUS

JON WILTON McCLURE.

Suit for \$150,000.00 damages for personal injuries incurred in automobile collision.

Thomas P. Bell, Lexington, Kentucky, and  
W. McLean Pitts, Selma, Alabama, Attorneys for  
Plaintiff

William B. Moore, Jr., Montgomery, Alabama, and  
Edgar A. Stewart, Selma, Alabama, Attorneys for  
Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

MOTION DOCKET

The following motions will come on to be heard in the United States District Court for the Southern District of Alabama on the SECOND FLOOR, OLD POST OFFICE BUILDING, SELMA, ALABAMA, on WEDNESDAY, DECEMBER 4TH, 1963 at 9:30 A.M.

WILLIAM J. O'CONNOR,  
CLERK.

- CIVIL 2668 H. C. MILLER VS. MEYER KOLTUN  
Motion to dismiss complaint, as amended, filed on April 15, 1963 by defendant.  
W. Tarver Rountree Jr., Attorney for Plaintiff  
J. E. Wilkinson Jr., Attorney for Defendant.
- CIVIL 2799 GEORGE DAVID SIMMONS, a MINOR VS., O. E. LEVERT  
Motion to dismiss filed by defendant on May 4, 1962, as amended on October 12, 1962.  
Beddow, Embry and Beddow, Birmingham, Ala., and Hare, Wynn and Newell, Birmingham, Ala. Attys. for Plaintiff.  
Edgar A. Stewart, Attorney for Defendant.
- CIVIL 2806 E.W. HOLCOMBE VS. EMPIRE GAS ENGINEERING COMPANY,  
Motion to quash return of service of summons and amended complaint and to dismiss amended complaint and for a more definite statement filed on October 23, 1963 by defendants.  
Perry Hubbard, Firm of Clement, Rosen, Hubbard & Waldrop Tuscaloosa, Alabama, Attorneys for Plaintiff  
Reeves & Stewart, Selma, Alabama; and James C. Grizzard Atlanta, Georgia, Attorneys for Defendants.
- CIVIL 3027-63 SOUTHERN RAILWAY COMPANY VS. RELIANCE STEEL PRODUCTS COMPANY, ET AL.  
Motion to Dismiss filed on May 27, 1963 by defendants.  
Motion for names and addresses of persons having knowledge of the relevant facts, filed Nov. 20, 1963 by defendants: Reliance Steel Products Co. and Emmett A. Reynolds.  
Edgar A. Stewart, Attorney for Plaintiff  
W. McLean Pitts, Attorney for defendants, Reliance Steel and Emmett A. Reynolds  
James Hamrick, Attorney for Defendants.
- CIVIL 3071-63 ULTRA-LIFE LABORATORIES, INC. VS. WALTER O. GRIFFIN  
Motion to dismiss and for a more definite statement filed on July 25, 1963; and  
Motion for names and addresses of persons having knowledge of the relevant facts filed on August 26, 1963 by Defendants.  
R. F. Schuder, Gainesville, Georgia and J. E. Wilkinson, Jr., Selma, Alabama, Attorneys for Plaintiff  
W. McLean Pitts, Attorney for Defendants.
- CIVIL 3094-63 LULA MAE BLACKETER VS. CLARENCE J. FARLEY ET AL  
3095-63 DRUCILLA T. FITZGERALD VS. CLARENCE J. FARLEY ET AL  
3096-63 ETHEL MARIE FITZGERALD VS. CLARENCE J. FARLEY ET AL  
3097-63 JEANETTE MAE FITZGERALD VS. CLARENCE J. FARLEY ET AL  
Motions to dismiss filed in each case on August 5, 1963 by Defendants.

J. E. Wilkinson Jr. Attorney for Defendants



MOTION DOCKET -- PAGE TWO.

CIVIL 3049-63 TEXACO, INC., a corporation VS. RIMEL FREEMAN  
Motion for Summary Judgment filed on Sept. 24, 1963  
by Plaintiff.

Macbeth Wagnon Jr., Firm of White, Bradley, Arant, All &  
Rose, Birmingham, Alabama, Attorneys for Plaintiff  
Manley & Haynie, Demopolis, Alabama, Attorneys for  
Defendant.

CIVIL 3137-63 DONALD M. BLACKETER VS. CLARENCE J. FARLEY ET AL.  
Motion to Dismiss filed on September 11, 1963 by  
defendants.  
Motion to remand filed on September 12, 1963 by  
plaintiff.

T. G. Gayle, Attorney for Plaintiff  
Edgar A. Stewart, Attorney for Defendants.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

The following case will come on to be heard on MOTION in the United States District Court for the Southern District of Alabama on the SECOND FLOOR, OLD POST OFFICE BUILDING, SELMA, ALABAMA on THURSDAY, DECEMBER 5, 1963 at 9:30 A. M.

WILLIAM J. O'CONNOR  
CLERK

CIVIL 3188-63 UNITED STATES OF AMERICA,

VERSUS

BLANCHARD McLEOD, et al.

Motion for preliminary injunction filed by  
plaintiff on November 12, 1963

Nicholas deB. Katzenbach and D. Robert Owen,  
Department of Justice, Washington, D. C., and  
Vernol R. Jansen, Jr., United States Attorney,  
Mobile, Alabama, Attorneys for Plaintiff

Gordon Madison, Assistant Attorney General,  
Montgomery, Alabama  
Blanchard McLeod, Circuit Solicitor, Camden,  
Alabama  
Henry F. Reese, Jr., County Solicitor, Selma,  
Alabama, Attorneys for Defendants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

The following cases will come on to be heard on MOTIONS in the United States District Court for the Southern District of Alabama on the SECOND FLOOR, OLD POST OFFICE BUILDING, SELMA, ALABAMA on FRIDAY, DECEMBER 6, 1963 at 9:30 A. M.

WILLIAM J. O'CONNOR,  
CLERK

CIVIL 2584 UNITED STATES OF AMERICA

VERSUS

VICTOR B. ATKINS, et al.

Application for order to show cause filed by United States on October 29, 1963  
Motion to dismiss Application for Show Cause Order filed by defendant State of Alabama, on November 1, 1963  
Motion to Produce, filed by Plaintiff on November 19, 1963

John Doar, Department of Justice, Washington, D. C. and Vernol R. Jansen, Jr., United States Attorney, Mobile, Alabama, Attorneys for Plaintiff  
Gordon Madison, Assistant Attorney General, Montgomery, Alabama, Blanchard McLeod, Circuit Solicitor, Camden, Alabama, McLean Pitts and T. G. Gayle, Selma, Alabama, Attorneys for Defendants

CIVIL 3081-63 UNITED STATES OF AMERICA

VERSUS

ARTHUR LOGUE, et al.

Motion to Strike, and  
Motion to dismiss filed by defendants on July 30, 1963  
Motion for Names and Addresses of Persons having knowledge of the Relevant Facts, filed by defendants on July 24, 1963  
Motion for preliminary injunction and for a finding of a pattern and practice pursuant to 42 USC 1971(e) filed by plaintiff on October 29, 1963

John Doar, Department of Justice, Washington, D. C. and Vernol R. Jansen, Jr., United States Attorney, Mobile, Alabama, Attorneys for Plaintiff  
Gordon Madison, Assistant Attorney General, Leslie Hall, Assistant Attorney General, Montgomery, Alabama, Blanchard McLeod, Circuit Solicitor, Camden, Alabama, Attorneys for Defendants

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
V.	)	CIVIL ACTION NO. 3188-63
	)	
	)	AMENDMENT TO THE COMPLAINT
BLANCHARD McLEOD, et al,	)	
	)	
Defendants.	)	
<hr/>		

Now comes the Plaintiff and amends the Complaint  
in this case in the following respects:

(1) Includes as Paragraph 34 on page 14 of the  
Complaint the following paragraph which was inadver-  
tently omitted:

34. On February 10, 1963 Bernard Lafayette,  
a Negro representative of the Student Non-  
Violent Coordinating Committee, was named  
Director of the Central Alabama Voter  
Registration Project and came to Dallas  
County to live in order to assist the  
Dallas County Voters League in organizing  
and supervising voter registration drives

and clinics. From February 1963 to July 1963, Lafayette, in conjunction with the Dallas County Voters League, held registration clinics on a regular basis, usually twice per week.

2. Correct typographical errors in Paragraph 31 of the Complaint as follows:

- (a) Amend the date "October 30, 1962" on the first line of Paragraph 31 on page 11 of the Complaint to read October 30, 1961;
- (b) Amend the date "November 13, 1962" in Paragraph 31 of the Complaint in the fourth line on page 12 to read November 13, 1961.

---

D. ROBERT OWEN  
Attorney  
Department of Justice

CERTIFICATE OF SERVICE

I, D. Robert Owen, Attorney for the Plaintiff,  
heraby certify that on November 27, 1963, I mailed  
postage prepaid, copies of the foregoing Amendment  
to the following defendants addressed as follows:

Honorable Blanchard McLeod  
Circuit Solicitor for the  
Fourth Judicial Circuit  
Selma, Alabama

Henry Reese, County Solicitor  
Dallas County Courthouse  
Selma, Alabama

James G. Clarke, Jr.  
Sheriff of Dallas County  
Selma, Alabama

Honorable James Eare  
Judge, Fourth Judicial Circuit  
State of Alabama  
Selma, Alabama

M. H. Houston, Clerk  
Circuit Court of Appeals  
of Dallas County  
Selma, Alabama

Robert D. Wilkinson, Jr.  
Sky Hill Farm  
Selma, Alabama

Leon Jones, Chairman, Dallas County  
Citizens Council  
Old Griville Road  
Selma, Alabama

G. R. Brown, Vice Chairman  
Dallas County Citizens Council  
Tyler, Alabama

Archib G. Wagh, Vice Chairman  
Dallas County, Citizens Council  
RFD 2  
Selma, Alabama

William R. Eicks, Treasurer  
Dallas County Citizens Council  
7 Chestnut Road  
Selma, Alabama

Dallas County Citizens Council  
c/o Bill Arrington, Secretary  
Selma, Alabama

Bill Arrington, Secretary  
Dallas County Citizens Council  
Selma, Alabama

Robert Rantz  
Vice Chairman, West Dallas,  
Dallas County Citizens Council  
Selma, Alabama

Comer Sims, Vice Chairman  
Selma, Dallas County Citizens  
Council  
Selma, Alabama

Honorable Leslie Hall  
Assistant Attorney General  
State of Alabama  
Montgomery, Alabama

---

D. ROBERT OWEN  
Attorney  
Department of Justice

Delivered to Dm 11/3

RECEIVED

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ALABAMA

NORTHERN DIVISION

THE UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

BLANCHARD McLEOD, ET AL., )

Defendants, )

CIVIL ACTION NO. 3186-63

MOTION TO DISMISS

Comes the defendants, Dallas County Citizens Council; Leon Jones, Chairman, Dallas County Citizens Council; Robert Rents, Vice Chairman, West Dallas, Dallas County Citizens Council; G. R. Beers, Vice Chairman, South Dallas, Dallas County Citizens Council; Archie G. Waugh, Vice Chairman, North Dallas, Dallas County Citizens Council; Comer Sims, Vice Chairman, Selma, Dallas County Citizens Council; Bill Arrington, Secretary, Dallas County Citizens Council; William K. Hicks, Treasurer, Dallas County Citizens Council; and Leon Jones, Robert Rents, G. R. Beers, Archie G. Waugh, Comer Sims, Bill Arrington, and William K. Hicks, Individually, separately and severally, by their attorneys Pitts and Pitts; Wilkinson, Wilkinson, and Russell; and Keith and Keith, and move to dismiss the complaint, and each paragraph thereof, separately and severally, filed by the plaintiff, and in support thereof, assigns the following separate and several grounds, viz:

1. For that said claim does not state a claim upon which relief can be granted.
- ② For that the Dallas County Citizens Council is not an incorporated association and is not sui juris.
- ③ For that the Dallas County Citizens Council is not a legal entity.
- ④ For that said complaint seeks to enjoin the defendants from exercising their constitutional privilege of freedom of speech.



5. For that said complaint fails to allege the defendants attempted to prevent any persons from voting who were otherwise qualified to vote.

6. For that said complaint fails to allege that the defendants prevented or attempted to prevent any persons from voting at any election by the people of Alabama, Dallas County, City of Selma, or any precinct or beat thereof.

7. The allegation of the complaint does not show a violation of Section 1971 of Title 42, U.S.C.

8. For that said complaint fails to aver that the defendants prevented or attempted to prevent or interfered with any citizen of the United States who was otherwise qualified by law to vote at any election by the people of Alabama, County, city, township, school district, municipality, or other territorial subdivision.

9. For it is not alleged in the complaint which one of these defendants attempted or prevented or interfered with a citizen of the United States qualified by law to vote at any election by the people of Alabama, Dallas County, City of Selma, school districts, or other territorial subdivision.

10. For that said complaint fails to allege that anyone of the defendants prevented, attempted to prevent, or interfered with any citizen qualified by law to vote in any federal election.

11. For that Section 1971 of Title 42, U.S.C. applies solely to federal elections.

12. For no facts are alleged therein showing a violation by anyone of these defendants of Section 1971 of Title 42, U.S.C. wherefore the plaintiff is not entitled to injunctive relief.

13. For it is not alleged that any of the defendants intimidated, threatened, coerced or attempted to intimidate, threaten, or coerce any person for the purpose of interfering with the right of such person to vote, or to vote as he may choose or causing such other person to vote for or not to vote for any candidate for the office of President or Vice President in presidential elections, member of the Senate, or member of the House of Representatives at any general, special, or primary election held solely

or in part for the purpose of selecting or electing any such candidate.

14. For that said complaint fails to allege that any of said persons engaged in any act set forth in Paragraph B of Section 1971, Title 42, U.S.C. or that there was any reasonable ground to believe that any such persons were about to engage in any of said acts or practices.

15. For that there is no averment that any person intimidated or has attempted to intimidate another person in the exercise of the right to vote.

16. For that it is not averred that the defendants intimidated or attempted to intimidate any Negro citizen, otherwise qualified by law to vote at any election, not to vote at any election.

17. For that said complaint shows upon its face that the activities of the defendants were directed solely toward persons that were not then registered to vote.

18. And that the facts alleged do not constitute a violation of Section 1971, Paragraphs A, B, and C of Title 42, U.S.C.

19. For that it is not averred that any of the acts, conduct, or deeds of any of the defendants resulted in preventing any person entitled to vote from voting.

20. For that the complaint shows upon its face that the defendants merely discouraged persons not qualified to vote from voting.

21. For that there is no allegation of the violation of any federal statute that would give this court jurisdiction to exercise injunctive relief.

22. For that it is not alleged that any of these defendants interfered with or obstructed any of the agents or attorneys of the United States Department of Justice in performing their duties in Dallas County, Alabama.

23. For that there is a misjoinder of party defendants in that there is no casual connection alleged between these defendants and other defendants in this case.

24. Said complaint as to these defendants is so vague, indefinite, and uncertain that these defendants cannot plan responsive pleading thereto.

25. That as to these defendants there are no allegations that connect these defendants with any intimidation of any person to prevent said person from voting.

26. That said complaint fails to aver how these defendants frustrated any federal court orders designed to eliminate discrimination on account of race in registration to vote.

27. That said complaint fails to aver any facts that would constitute frustration of federal court orders designed to eliminate discrimination on account of race in registration for voting.

28. That said plaintiff should be required to set forth all facts, deeds, or acts done on the part of these defendants that frustrated a federal court order designed to eliminate discrimination on account of race in registration for voting.

29. That said complaint fails to set forth any act, claim, or deed done by these defendants deterring Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

30. For that the plaintiff should be required to set forth any and all acts, things, or deeds done or alleged to have been done on the part of these defendants that would deter Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

31. For said complaint fails to aver how and in what manner or any facts alleging by what means these defendants prevented or attempted to prevent wholesale Negro voter registration efforts in Selma.

32. For that the prevention of wholesale Negro voter registration efforts is not an act prohibited by any act of Congress or by any previous decrees of this court.

33. For that said complaint fails to aver the program that is alleged to constitute intimidation on the part of these defendants for the purpose of preventing voter registration in Dallas County, Alabama.

34. For that said complaint fails to aver how and in what manner the defendants, Dallas County Citizens Council, adopted or attempted to carry out a program by which the white citizens of Dallas County will resist the

efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960.

35. For that said complaint fails to aver any acts, things, or deeds done by these defendants, Dallas County Citizens Council, that would constitute resisting the efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960.

36. For there is no allegation that it is unlawful for any organization to resist the efforts of the United States Government to enforce the Civil Rights Acts of 1957 and 1960.

37. That there is no allegation that it is unlawful for a person, or persons, by lawful means through a program of education and persuasion to resist the efforts of the United States Government to enforce a statute of the United States.

38. For that the plaintiff should be required to set forth any and all facts that it has in its possession or under its control that would connect these defendants in any way with the allegation set forth in Paragraph 3 of Section E of the Bill of Complaint.

39. For that said plaintiff should be required to set forth the name and address of each and every person who has obstructed or attempted to obstruct the carrying out of any court decree in Dallas County, Alabama.

40. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 2 of Section E of the Bill of Complaint.

41. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 4 of Section E of the Bill of Complaint.

42. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 54 of the Bill of Complaint.

43. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 55 of the Bill of Complaint.

Pitts and Pitts  
P. O. Box 722  
Selma, Alabama

Pitts and Pitts

By: McLean Pitts

Wilkinson, Wilkinson, & Russell  
Peoples Bank & Trust Co. Bldg.  
Selma, Alabama

Wilkinson, Wilkinson, and Russell

By: J. E. Wilkinson

Keith and Keith  
P. O. Box C  
Selma, Alabama

Keith and Keith

By: M. Alston Keith

Attorneys for named Defendants

The named defendants desire to present the foregoing motion to dismiss by oral argument to the Honorable Daniel H. Thomas, judge of the United States District Court for the Southern District of Alabama, Northern Division.

McLean Pitts  
Of Counsel for named Defendants

TO Honorable Vernel R. Jansen  
United States Attorney  
311 Federal Building  
Mobile, Alabama

You will please take notice that the foregoing motion having this date been mailed to the Clerk of the United States District Court for the Southern District of Alabama Northern Division, Mobile, Alabama, for the filing of same and will be presented to the Honorable Daniel H. Thomas, judge of said court, at such time and place as the judge may designate.

Done this the 29th day of November, 1963.

McLean Pitts  
Of Counsel for named Defendants

CERTIFICATE

I hereby certify that a copy of the foregoing motion was this day sent by United States Mail to the Honorable Vernel R. Jansen, United States Attorney, 311 Federal Building, Mobile, Alabama, one of the attorneys of record for the United States of America.

Done this the 29th day of November, 1963.

W. C. J. J. J.  
Of Counsel for the named defendants

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

THE UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO. <u>3188-63</u>
v.	)	
	)	
BLANCHARD McLEOD, ET AL.,	)	
	)	
Defendants,	)	

MOTION FOR MORE DEFINITE STATEMENT  
OF FACTS

Now comes the defendants, Dallas County Citizens Council; Leon Jones, Chairman, Dallas County Citizens Council; Robert Rentz, Vice Chairman, West Dallas, Dallas County Citizens Council; G. R. Beers, Vice Chairman, South Dallas, Dallas County Citizens Council; Archie G. Waugh, Vice Chairman, North Dallas, Dallas County Citizens Council; Comer Sims, Vice Chairman, Selma, Dallas County Citizens Council; Bill Arrington, Secretary, Dallas County Citizens Council; William K. Hicks, Treasurer, Dallas County Citizens Council; and Leon Jones, Robert Rentz, G. R. Beers, Archie G. Waugh, Comer Sims, Bill Arrington, and William K. Hicks, Individually, separately and severally, by their attorneys Pitts and Pitts; Wilkinson, Wilkinson, and Russell; and Keith and Keith, and aver that the plaintiff's complaint is so vague and ambiguous that defendants should not reasonably be required to prepare a responsive pleading, and defendants therefore move that plaintiff be ordered to furnish a more definite statement of the nature of its claim as set forth in its complaint in the following respects:

1. Plaintiff should be required to set forth facts and allegations that connect these defendants with any intimidation of any person to prevent said person from voting.
2. That the plaintiff should be required to set forth how these defendants frustrated any federal court order designed to eliminate discrimination on account of race in registration to vote.

3. That the said complaint should aver any facts that would constitute frustration of federal court orders designed to eliminate discrimination on account of race in registration for voting.

4. That said plaintiff should be required to set forth all facts or acts done by these defendants that frustrated a federal court order designed to eliminate discrimination on account of race in registration for voting.

5. That said complaint should aver all acts done by these defendants deterring Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

6. That said complaint should aver how or by what means these defendants prevented or attempted to prevent wholesale Negro voter registration efforts in Selma.

7. That said complaint should aver the program that is alleged to constitute intimidation on the part of these defendants for the purpose of preventing voter registration in Dallas County, Alabama.

8. That said complaint should aver how and in what manner the defendants, Dallas County Citizens Council, adopted or attempted to carry out a program by which the white citizens of Dallas County will resist the efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960.

9. That said complaint should aver all acts, things, or deeds done by the defendants, Dallas County Citizens Council, that would constitute resisting the efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960.

10. That the plaintiff should be required to set forth any and all facts that it has in its possession or under its control that would connect these defendants in any way with the allegation set forth in Paragraph 3 of Section E of the bill of complaint.

11. That the plaintiff should be required to set forth the name and address of each and every person who has obstructed or attempted to obstruct the carrying out of any court decree in Dallas County, Alabama.



12. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 2 of Section E of the bill of complaint.

13. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 4 of Section E of the bill of complaint.

14. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 54 of the bill of complaint.

15. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 55 of the bill of complaint.

Pitts and Pitts  
P. O. Box 722  
Selma, Alabama

Pitts and Pitts

By: *McLean Pitts*  
McLean Pitts

Wilkinson, Wilkinson, & Russell  
Peoples Bank & Trust Co. Bldg.  
Selma, Alabama

Wilkinson, Wilkinson, & Russell

By: *J. E. Wilkinson*  
J. E. Wilkinson

Keith and Keith  
P. O. Box C  
Selma, Alabama

Keith and Keith

By: *M. Alston Keith*  
M. Alston Keith

Attorneys for named Defendants

The named defendants desire to present the foregoing motion for more definite statement of facts by oral argument to the Honorable Daniel H. Thomas, judge of the United States District Court for the Southern District of Alabama, Northern Division.

TO: Honorable Vernel R. Jansen  
United States Attorney  
311 Federal Building  
Mobile, Alabama

You will please take notice that the foregoing motion having this date been mailed to the Clerk of the United States District Court for the Southern District of Alabama Northern Division, Mobile, Alabama, for filing and will be presented to the Honorable Daniel H. Thomas, judge of said court, at such time and place as said judge may designate.

WITNESS my hand this the 3rd day of December, 1963.

W. Alston Keith  
Of Counsel for named Defendants

CERTIFICATE

I hereby certify that a copy of the foregoing motion was this day personally presented to the Honorable Vernel R. Jansen, United States Attorney, Federal Building, Selma, Alabama, one of the attorneys of record for the United States of America.

WITNESS my hand this the 3rd day of December, 1963.

W. Alston Keith  
Of Counsel for named Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF ALABAMA, NORTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

V.

BLANCHARD McLEOD, ET AL,

Defendants.

CIVIL ACTION NO. 3188-63

Come Blanchard McLeod, Solicitor of Fourth Judicial Circuit of State of Alabama; Henry Keese, County Solicitor for Dallas County, State of Alabama; James G. Clark, Jr., Sheriff of Dallas County, State of Alabama; M. H. Houston, Clerk of the Circuit Court of Dallas County, State of Alabama; Robert D. Wilkinson, Jr., Foreman of the Grand Jury of the Circuit Court of Dallas County, State of Alabama, James Hare, Judge for the Fourth Judicial Circuit of State of Alabama; and, Blanchard McLeod, Henry Keese, James G. Clark, Jr., M. H. Houston, Robert D. Wilkinson, Jr., James Hare, individually, separately and severally, by their attorneys, Pitts and Pitts; Wilkinson, Wilkinson and Russell; and T. G. Cayle, and move to dismiss the complaint in the above styled cause, and each paragraph thereof, separately and severally, filed by the plaintiff, and in support thereof, assign the following separate and several grounds, viz:

1. For that said complaint does not state a claim upon which relief can be granted.
2. For that the Courts of the State of Alabama cannot be enjoined by Federal process.
3. For that the Court Officials of Dallas County, State of Alabama, cannot be enjoined by Federal process.

These defendants file this motion to dismiss for the purpose of making an appearance herein and do not have adequate time to state all grounds of their motion to dismiss, and said

defendants reserve the right to file additional grounds for a motion to dismiss after their attorneys have had an opportunity of fully studying the bill of complaint; defendants further reserve the right to file any and all other pleadings, including a motion for a more definite statement of facts.

---

Of Counsel for the Defendants

PITTS & PITTS  
Attorneys at Law  
P. O. Box 722  
Selma, Alabama

WILKINSON, WILKINSON & RUSSELL  
Attorneys at Law  
Peoples Bank Building  
Selma, Alabama

T. C. GAYLE  
Attorney at Law  
1104 1/2 Water Avenue  
Selma, Alabama

ATTORNEYS FOR THE DEFENDANTS

The named defendants desire to present the foregoing motion to dismiss by oral argument to the Honorable Daniel H. Thomas, Judge of the United States District Court for the Southern District of Alabama, Northern Division.

---

Of Counsel for Defendants

TO: Honorable Vernal R. Jensen  
United States Attorney  
311 Federal Building  
Mobile, Alabama

You will please take notice that the foregoing motion having this date been mailed to the Clerk of the United States District Court for the Southern District of Alabama, Northern Division, Mobile, Alabama, for the filing of same, will be presented to the Honorable Daniel H. Thomas, Judge of said Court,

-3-

at such time and place as the Judge may designate.

DONE this the 30th day of November, 1963.

---

Of Counsel for Defendants

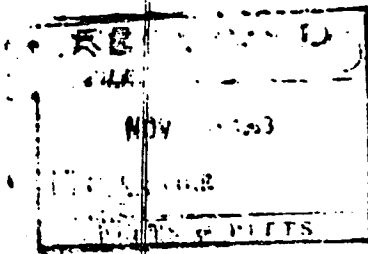
CERTIFICATE

I hereby certify that a copy of the foregoing motion was this day sent by United States Mail to the Honorable Vernol R. Jansen, United States Attorney, 311 Federal Building, Mobile, Alabama, one of the attorneys of record for the United States of America.

DONE this the 30th day of November, 1963.

---

Of Counsel for Defendants



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

THE UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) CIVIL ACTION NO. 3188-63  
 )  
BLANCHARD McLEOD, ET AL., )  
 )  
Defendants, )

MOTION TO DISMISS

Comes the defendants, Dallas County Citizens Council; Leon Jones, Chairman, Dallas County Citizens Council; Robert Rentz, Vice Chairman, West Dallas, Dallas County Citizens Council; G. R. Beers, Vice Chairman, South Dallas, Dallas County Citizens Council; Archie G. Waugh, Vice Chairman, North Dallas, Dallas County Citizens Council; Comer Sims, Vice Chairman, Jelma, Dallas County Citizens Council; Bill Arrington, Secretary, Dallas County Citizens Council; William K. Hicks, Treasurer, Dallas County Citizens Council; and Leon Jones, Robert Rentz, G. R. Beers, Archie G. Waugh, Comer Sims, Bill Arrington, and William K. Hicks, Individually, separately and severally, by their attorneys Pitts and Pitts; Wilkinson, Wilkinson, and Russell; and Keith and Keith, and move to dismiss the complaint, and each paragraph thereof, separately and severally, filed by the plaintiff, and in support thereof, assigns the following separate and several grounds, viz:

1. For that said claim does not state a claim upon which relief can be granted.
2. For that the Dallas County Citizens Council is not an incorporated association and is not sui juris.
3. For that the Dallas County Citizens Council is not a legal entity.
4. For that said complaint seeks to enjoin the defendants from exercising their constitutional privilege of freedom of speech.

5. For that said complaint fails to allege the defendants attempted to prevent any persons from voting who were otherwise qualified to vote.

6. For that said complaint fails to allege that the defendants prevented or attempted to prevent any persons from voting at any election by the people of Alabama, Dallas County, City of Selma, or any precinct or beat thereof.

7. The allegation of the complaint does not show a violation of Section 1971 of Title 42, U.S.C.

8. For that said complaint fails to aver that the defendants prevented or attempted to prevent or interfered with any citizen of the United States who was otherwise qualified by law to vote at any election by the people of Alabama, County, city, township, school district, municipality, or other territorial subdivision.

9. For it is not alleged in the complaint which one of these defendants attempted or prevented or interfered with a citizen of the United States qualified by law to vote at any election by the people of Alabama, Dallas County, City of Selma, school districts, or other territorial subdivision.

10. For that said complaint fails to allege that anyone of the defendants prevented, attempted to prevent, or interfered with any citizen qualified by law to vote in any federal election.

11. For that Section 1971 of Title 42, U.S.C. applies solely to federal elections.

12. For no facts are alleged therein showing a violation by anyone of these defendants of Section 1971 of Title 42, U.S.C. wherefore the plaintiff is not entitled to injunctive relief.

13. For it is not alleged that any of the defendants intimidated, threatened, coerced or attempted to intimidate, threaten, or coerce any person for the purpose of interfering with the right of such person to vote, or to vote as he may choose or causing such other person to vote for or not to vote for any candidate for the office of President or Vice President in presidential elections, member of the Senate, or member of the House of Representatives at any general, special, or primary election held solely

or in part for the purpose of selecting or electing any such candidate.

14. For that said complaint fails to allege that any of said persons engaged in any act set forth in Paragraph B of Section 1971, Title 42, U.S.C. or that there was any reasonable ground to believe that any such persons were about to engage in any of said acts or practices.

15. For that there is no averment that any person intimidated or has attempted to intimidate another person in the exercise of the right to vote.

16. For that it is not averred that the defendants intimidated or attempted to intimidate any Negro citizen, otherwise qualified by law to vote at any election, not to vote at any election.

17. For that said complaint shows upon its face that the activities of the defendants were directed solely toward persons that were not then registered to vote.

18. And that the facts alleged do not constitute a violation of Section 1971, Paragraphs A, B, and C of Title 42, U.S.C.

19. For that it is not averred that any of the acts, conduct, or deeds of any of the defendants resulted in preventing any person entitled to vote from voting.

20. For that the complaint shows upon its face that the defendants merely discouraged persons not qualified to vote from voting.

21. For that there is no allegation of the violation of any federal statute that would give this court jurisdiction to exercise injunctive relief.

22. For that it is not alleged that any of these defendants interfered with or obstructed any of the agents or attorneys of the United States Department of Justice in performing their duties in Dallas County, Alabama.

23. For that there is a misjoinder of party defendants in that there is no causal connection alleged between these defendants and other defendants in this case.

24. Said complaint as to these defendants is so vague, indefinite, and uncertain that these defendants cannot plan responsive pleading thereto.



25. That as to these defendants there are no allegations that connect these defendants with any intimidation of any person to prevent said person from voting.

26. That said complaint fails to aver how these defendants frustrated any federal court orders designed to eliminate discrimination on account of race in registration to vote.

27. That said complaint fails to aver any facts that would constitute frustration of federal court orders designed to eliminate discrimination on account of race in registration for voting.

28. That said plaintiff should be required to set forth all facts, deeds, or acts done on the part of these defendants that frustrated a federal court order designed to eliminate discrimination on account of race in registration for voting.

29. That said complaint fails to set forth any act, claim, or deed done by these defendants deterring Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

30. For that the plaintiff should be required to set forth any and all acts, things, or deeds done or alleged to have been done on the part of these defendants that would deter Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

31. For said complaint fails to aver how and in what manner or any facts alleging by what means these defendants prevented or attempted to prevent wholesale Negro voter registration efforts in Selma.

32. For that the prevention of wholesale Negro voter registration efforts is not an act prohibited by any act of Congress or by any previous decrees of this court.

33. For that said complaint fails to aver the program that is alleged to constitute intimidation on the part of these defendants for the purpose of preventing voter registration in Dallas County, Alabama.

34. For that said complaint fails to aver how and in what manner the defendants, Dallas County Citizens Council, adopted or attempted to carry out a program by which the white citizens of Dallas County will resist the

efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960.

35. For that said complaint fails to aver any acts, things, or deeds done by these defendants, Dallas County Citizens Council, that would constitute resisting the efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960.

36. For there is no allegation that it is unlawful for any organization to resist the efforts of the United States Government to enforce the Civil Rights Acts of 1957 and 1960.

37. That there is no allegation that it is unlawful for a person, or persons, by lawful means through a program of education and persuasion to resist the efforts of the United States Government to enforce a statute of the United States.

38. For that the plaintiff should be required to set forth any and all facts that it has in its possession or under its control that would connect these defendants in any way with the allegation set forth in Paragraph 3 of Section E of the Bill of Complaint.

39. For that said plaintiff should be required to set forth the name and address of each and every person who has obstructed or attempted to obstruct the carrying out of any court decree in Dallas County, Alabama.

40. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 2 of Section E of the Bill of Complaint.

41. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 4 of Section E of the Bill of Complaint.

42. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 5 of the Bill of Complaint.

43. That the plaintiff should be required to name every person with that person's correct street and post office address, and all facts that would connect said persons with any of the acts, things, or deeds set forth in Paragraph 35 of the Bill of Complaint.

Pitts and Pitts  
P. O. Box 722  
Selma, Alabama

Pitts and Pitts

By: \_\_\_\_\_  
McLean Pitts

Wilkinson, Wilkinson, & Russell  
Peoples Bank & Trust Co. Bldg.  
Selma, Alabama

Wilkinson, Wilkinson, and Russell

By: \_\_\_\_\_  
J. E. Wilkinson

Keith and Keith  
P. O. Box C  
Selma, Alabama

Keith and Keith

By: \_\_\_\_\_  
M. Alston Keith

Attorneys for named Defendants

The named defendants desire to present the foregoing motion to dismiss by oral argument to the Honorable Daniel H. Thomas, judge of the United States District Court for the Southern District of Alabama, Northern Division.

Of Counsel for named Defendants

TO Honorable Vernal R. Jansen  
United States Attorney  
311 Federal Building  
Mobile, Alabama

You will please take notice that the foregoing motion having this date been mailed to the Clerk of the United States District Court for the Southern District of Alabama Northern Division, Mobile, Alabama, for the filing of same and will be presented to the Honorable Daniel H. Thomas, judge of said court, at such time and place as the judge may designate.

Done this the 20th day of November, 1933.

CERTIFICATE

I hereby certify that a copy of the foregoing motion was this day sent by United States Mail to the Honorable Vernel R. Jansen, United States Attorney, 311 Federal Building, Mobile, Alabama, one of the attorneys of record for the United States of America.

Done this the 29th day of November, 1963.

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Counsel for the named defendants