

Form No. 100
(Rev. 1-1-50)

DEPARTMENT OF JUSTICE

BUILDING 11

TO	
NAME	BUILDING AND ROOM
1. <i>Mr. Marshall</i>	
2.	
3.	
4.	
5.	

☐ SIGNATURE	☐ COMMENT	☐ PER CONVERSATION
☐ APPROVAL	☐ NECESSARY ACTION	☐ AS REQUESTED
☐ SEE ME	☐ NOTE AND RETURN	☐ NOTE AND FILE
☐ RECOMMENDATION	☐ CALL ME	☐ YOUR INFORMATION
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
☐ PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Burke,
I imagine Paul Wolfe
doesn't want to loose by de-
fault.
Attached is a suggested
reply to his letter to you.
Jerry

FROM	
NAME	BUILDING, ROOM, EXT. DATE

EXECUTIVE DIRECTOR
Miss E. Geraldine Mundy
Miss H. Patricia Burkett
Finance & Public Relations
Miss Shirley E. Force
Social Worker

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Mr. Harold S. Irwin, Jr., Attorney



RESIDENCE:
ART HALL,
HOLLIDAYSBURG, PA.
MAILING ADDRESS:
P. O. Box 330
HOLLIDAYSBURG, PA.

TELEPHONE:
OWEN 5-3641, HOLLIDAYSBURG

"Girlhaven", Inc.

August 23, 1962

Mr. Burke Marshall, Asst. Attorney General
Civil Rights Division
U. S. Department of Justice
Washington, D. C.

Dear Mr. Marshall:

Shortly after the President, Hon. John F. Kennedy, had taken office in 1961, I started a project concerning his Administration.

I am now contacting various officials in the U. S. Department of Justice and would be most grateful for your consideration. The Attorney General, Hon. Robert Kennedy granted me his response last year.

I would appreciate very much if you would grant me a personally autographed photo, autographed card and a complimentary letter to the Civil Rights Division of the United States Department of Justice.

There is no monetary gain or any special publicity involved in the project; however, every effort has been made to make the project an educationally constructive one. Therefore, would appreciate any material on your division that would enhance the attractiveness and interest of the project.

Thank you most kindly for this response and I assure you that I am most grateful for this kindness.

Very truly yours,

H. Patricia Burkett
H. Patricia Burkett
P. O. Box 330
Hollidaysburg, Penna.

Misc. file
CATHOLIC COUNCIL ON HUMAN RELATIONS
OF THE ARCHDIOCESE OF NEW ORLEANS

3048 BARRONE ST. SUITE 201 NEW ORLEANS 18, LA

PHONE 523-2901

August 29, 1962

Airmail Special Delivery

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

Archbishop Cody said to tell you that he was extremely grateful to you for your offer, and would not rule out the possibility of calling upon you if it appears that it is necessary, but at this point feels that it isn't. Let's pray that he is right.

Whenever I speak with the southern bishops I assure them that the Justice Department is eager and willing to aid in whatever capacity they might consider beneficial and I am certain that this gives them a feeling of confidence. This assurance in itself has probably motivated some to move and will affect others similarly in the future.

You may be assured that we will call upon you immediately if there is any change. Thanks again.

Yours sincerely,

Henry Cabirac, Jr.
Henry Cabirac, Jr.
Executive Director

HC:114

August 30, 1962

M. Patricia Burkett
P. O. Box 350
Hollidaysburg, Pa.

Dear Miss Burkett:

Mr. Marshall has asked that I forward you the enclosed copies of a press release and an article which appeared in the New York Times.

We regret that we have no formal biographical material or a photograph to send you, but hope that these will be of some assistance to you.

Very truly yours,

Linda E. Stores
Secretary to Mr.
Marshall

CONFIDENTIAL: Please do not use
original material from this report
without permission of the Division
of Civil Rights and Liberties

To: Attorney General and Civil Rights-
Liberties Advisory Committee

From: Assistant Attorney General Gerald A. Berlin

Subject: Report of Activities from April 16, 1962 to
July 16, 1962

I. DISCRIMINATION IN REAL ESTATE AND OTHER AREAS

A. The Supreme Judicial Court finally handed down the Colangelo opinion upholding the constitutionality of the Massachusetts Fair Housing Practices law. As anyone must know who saw the two days of black streamers in the local press after the opinion came down, the result generated considerable excitement here. It also generated much national interest, and demand from all over the country for copies of the brief and of the opinion has been heavy. The legend seems already generally established that the Fair Housing Practices Law per se is constitutionally valid. The legend, however, is a little ahead of the reality. What Chief Justice Wilkins said is that under the facts of this case, which involve the owner and agent of a large commercial real estate agency, the law as applied is constitutional. He said:

"Section 4, subsection 6, is really aimed at preventing discrimination in the business of housing. In its application to privately financed multiple dwelling and contiguously located housing accommodations, the statute seeks to reach leasing and selling when conducted as a business." (Emphasis supplied.)

Whether a three or four-unit apartment occupied by the owner would be held to be within the coverage of the law remains to be seen. We may never find out: the strength and growth of the legend being what they are, there might not be another challenge to its constitutionality.

Largely overlooked in the tumult has been the tentativeness and narrowness of the opinion in respect to the propriety and enforceability of the Commission's order to cease and desist and for affirmative relief. Explicitly ignoring both statutory language and judicial precedent that a respondent waives his rights in not advancing objections to an agency's order until after commencement of judicial enforcement, the Court recommitted to the Commissioner for further proceedings virtually all of the order except that part ordering Colangelo to lease the Negro complainant an apartment. It gave as its reason:

"This being the first case of its kind to reach this court, it would be unfortunate if certain features of the order, which may be a new standard, should be established by precedent." (emphasis supplied.)

Most of the order under reconsideration is purely adjunctive: posting copies of the law, furnishing the Commission with data, advertising compliance, and the like. Even the award of damages in the order could be considered adjunctive in a housing discrimination case. But not so the affirmative order to cease discriminating generally in the future. Such affirmative orders for relief are standard practice among regulatory agencies, and their validity has long been upheld. The Court's hesitancy here, there-

ere, is surprising, especially in light of the respondent's bad faith and waviness.

Of course, the Court's point--it virtually said so in that many words--is that the Colangelo case was purely a constitutional test case; hence it should not have been obliged to pass upon a complicated enforcement order. But Colangelo and Mahigian did not behave with the candor to be expected of persons making a pure and simple constitutional test; see for instance the unconvincible business about the bachelors. As Justice Spiegel said in his concurring opinion:

"The record also reveals the flimsy pretexts resorted to by the respondents to conceal their practice of discrimination. The pretenses used by them to cloak their real intentions are hardly conducive to the belief that other prospective tenants would not be subjected to similar tactics."

It is the respondents, not the Commission, who choose to make a constitutional test on these facts. It seems to me that any order it issued had to cope with these facts, and that the order in question did so.

The hearing on the recommitment is scheduled for September. There remains the possibility of U.S. Supreme Court Review. Colangelo announced over the radio that he might appeal, but it is extremely unlikely that the Supreme Court on this record would accept review. Incidentally, Colangelo in a radio interview said:

"It's not just because he's a Negro I feel that they take away my individual rights and they definitely are doing something which is against the Constitution of the United States which gives me the right as an individual to run my business as I see fit."

B. SEGREGATION IN PUBLIC HOUSING.

Page 7 of the preceding report dealt with the problems of apparent segregation in public housing in Massachusetts. I said there, among other things, that:

"... it seems clear that all public housing projects are not completely open. In some integrated projects, for instance, certain buildings within those projects are themselves segregated. It hardly seems likely that this checkerboarding, as it is known, is done voluntarily by the inhabitants. The Commission has indicated that it is going to deal with the Public Housing Authority on the matter."

In the interim period several developments of major significance have occurred.

In the first place, the NAACP has brought a complaint against the Public Housing Authority. This proceeding seems likely to test out two main issues, one of fact and one of law. The factual one is the assumption that the segregation in some of the housing projects is self-imposed by the Negro tenants. The legal one is whether the law imposes an obligation on the Authority to take affirmative measures to desegregate. Some recent northern school segregation cases lend support to the notion that it does. The MCAD has found probable cause against the Authority, and a final hearing is pending.

Secondly, the Authority, following some street gang fights between White and Negro teen agers in and around the Columbia Point project, commenced eviction proceedings against two Negro families whose children were actually or supposedly involved in the fracas. These families contained 10 and 2 children respectively. Such gang fights have had a long and depressing history.

the authority has the understandable policy of evicting families with trouble makers without more ado.

The Negro community maintains the Boston police in attempting to cope with the gang fights treat the Negro children unfairly. The police indignantly assert that they enforce the laws with strict impartiality, so much so that for every Negro trouble maker apprehended, they make it a point to pick up a white one. Behind all this are such factors as the dehumanizing quality of these projects, their isolation from the rest of the city, the pathos in the statistic that over 40% of the project families are fatherless. In any event so far I have been able to ascertain, it can not fairly be said that the particular eviction cases in question are directly attributable to racial discrimination.

Thirdly, the plan close on Dunker Hill Day to move a Negro family into the previously all-white Mission Hill project. The "family" consisted of a 75-year old Negro woman named Mrs. Dixon. Last night she was the victim of a barrage of stones which broke all the windows of her apartment. She stood her ground, and all Boston police, after reading about the matter in the morning newspaper the following day, posted a guard and commenced an investigation. This ugly incident precipitated a hot reaction among the Negro community, Fair Housing groups and numerous other agencies and individuals. At the request of a number of them an emergency meeting was held at this office. Present were relatives of Mrs. Dixon, a member of the Fair, an official of the Fair Housing Federation, representatives of the Urban League,

NAACP, the Civil Liberties Union of Massachusetts, the City of Boston, Human Relations Committee, CORE, the Boston Labor Committee to Combat Intolerance, Fr. O'Brien of the Mission Hill Church, and several other citizens. I had been in touch with the police in respect to the matter and had invited a representative of the Department to attend the meeting. He declined but did request that the Department be kept advised of developments.

After prolonged ventilation of the immediate incident and its implications in the light of longer range considerations, I formulated an approach along these lines: Indications are that what with the NAACP complaint public housing is now going to be desegregated. Desegregation of public housing in Massachusetts in large part means desegregation in Boston. The process is going to be painful as the Dixon incident has demonstrated. The problem must be dealt with in its overall context, which presupposes a unified program of action by:

1. The Boston Police, by whom a specially indoctrinated detail to cope with Housing Projects should be established.
2. The Public Housing Authority, which must recognize and cope with the circumstances of de facto if not de jure segregation. It must use care in the future, for instance, not to move Negro families in on holidays, when police protection is at a minimum and hoodlumism at a maximum.
3. The Boston Park Commission, which must provide adequate equipment and lighting playgrounds and other necessary facilities

to syphen off and provide outlets for trouble-making teenagers in and around the projects.

4. The Mayor's Human Relations Committee which must be radically reorganized and expanded into a large, professionally staffed agency capable of providing a cadre of detached social workers, and which will be capable of serving as the over-all coordinator and information center.

5. The NAACP, Urban League, and Fair Housing groups, which are well qualified to screen complaints, sound out opinion, and otherwise aid the other agencies in this picture.

6. The neighborhood religious institutions, which have day-to-day contact with many of the individuals involved in the street fights and incidents and who may be able to help create the proper moral climate in which the foregoing may operate.

If this approach is valid, then the Dixon incident could prove to be the catalytic agent bringing these desperate elements into a unified and positive force.

I set up an ad hoc steering to this end, ^{the} committee consisting of Herbert Tucker of this office, Mr. Travers of the Mayor's Human Relations Committee, Commissioner Kelly, of the PHA, Mary Berger of the Fair Housing Federation, Ed Cooper, Secretary of the local NAACP chapter, and Fr. O'Brien. They are to set up a more permanent body charged with oversight for the implementation of this general plan. The immediate task of the ad hoc Committee are to meet separately with the police, the PHA, Mayor Collins, and a representative of the Archdiocese.

C. State FEPC Laws and the Commerce Clause.

An interesting case has arisen out of Colorado whose outcome could vitally affect the operation of the fair employment practices law in every other jurisdiction having such a statute. The matter arises out of complaint of a Negro pilot against Continental Airlines alleging refusal to hire on account of color. The Colorado Anti-Discrimination Commission made a finding of discrimination and ordered the airline to give the Negro Pilot the first opportunity to enroll in its next training course. Continental appealed the decision to the Colorado trial court, which held that because the chief question involved a matter of interstate commerce the Commission's order was not enforceable. The Colorado Supreme Court upheld the trial court on the grounds that "with reference to interstate carriers the regulation of racial discrimination is a matter in which there is a need for national uniformity, and that the states are without jurisdiction to act in that area." The Commission has petitioned the U.S. Supreme Court for certiorari, and the U.S. Department of Justice has filed an amicus curiae brief in the certiorari petition. If certiorari is accepted by the High Court, we in other states with FEP laws will be requested to file an amicus brief.

The identical issue, with some further ramifications over jurisdiction and the place of contracting, was nearly joined seven or eight years ago here against American Airlines but was left unsolved. If the Colorado Commission prevails in the Supreme Court, employment not only of pilots but the rest of airline crews, most notably stewardesses, would be opened up to Negroes.

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D. Clarification of Present Anti-discrimination Laws.

The proliferating mass of litigation and legislation over the past few years about this complex of statutes suggests that the following matters, among others, might now be dealt with legislatively:

1. Unimproved real estate:

The present statute defines "having accumulation" as "any building, structure, portion thereof" which is used or intended to be used as a residence. This language hardly can be said to cover unimproved real estate which may some day be developed into housing. Some complaints have been received involving discrimination of open lots which consequently, we have been helpless to deal with.

2. Reduction of the number of houses within developments subject to the law:

The present law in effect defines a development as "a parcel of 10 or more housing accommodations located on land which is contiguous". Some builders are now said to be setting up developments in multiples of 9 contiguous lots in order to avoid the law. Some other jurisdictions define a development in terms of 5 contiguous lots. Perhaps the time has come for Massachusetts to do likewise.

3. Pesting provisions:

The present law originally dealt solely with employment discrimination and as it has expanded has included many anachronisms. One such is the pesting requirement, which requires

every employer, employment agency, and labor union" subject to the act to set forth notices containing excerpts of the statute and other relevant information approved by the Commission. This kind of information is urgently needed in real estate brokers offices in reference to the Fair Real Estate Practices law. I filed an order with the Legislature this spring to deal with this question, but the fate of the order is uncertain. If necessary, a more definitive approach should be made for the next Legislative session.

4. Clarification of the scope of compensatory damage awards:

The present statutory language dealing with compensatory damages is also an anachronism. It impowers the Commission to make back pay awards in employment cases. The scope of the statute has grown to include education, public accommodations, and housing. Other situations have arisen in which the damages might be incurred. Thus a person excluded from a resort might be out-of-pocket his transportation expenses; a person denied an apartment may have to pay more for accommodations. The ultimate resolution of the Colangelo appeal may or may not settle this point.

5. Removing ambiguous definition of apartment house:

Apartment houses are now covered by the definition of "multiple dwelling", which is a dwelling "occupied as the residence or home of three or more families living independently of each other." Query, whether this covers an owner-occupied three unit apartment? The Commission does not so construe the language. The respondents in the Colangelo case, however, did.

Clarifying jurisdiction over boarding houses:

Boarding houses under the present law are covered by the provisions dealing with public accommodations but are also mentioned in the provisions dealing with housing units. A place of public accommodation includes

"any place, where the licensed or unlicensed which is open to excerpts or solicitation the of the general public . . . whether or not it be (1) an inn, tavern, hotel, shelter, road house, motel, trailer camp or resort for transient or permanent guests or patrons seeking housing or lodging, food, drink, entertainment, health, recreation, or rest"

The real estate section of the law defines the term "family," for purposes of determining whether a dwelling is a "multiple dwelling," as a "person occupying a dwelling and maintaining a household either alone or with not more than four boarders, roomers or lodgers." The Attorney General has has recently furnished an advisory opinion to the Commission holding that the Fair Housing Practices law does not abrogate the clear intendment of the public accommodations language quoted above but only sets up a criterion for the determination of a family within the meaning of multiply dwellings under the law. Most knowledgeable persons who have thought about the matter agree with the Attorney General's opinion, but there are some who do not.

7. Expanding definition of the class covered by the public accommodations law.

The present public accommodations statute is also an anachronism, this one stemming from as far back as post-Civil

War Days. It applies only discrimination on account of "religion, color or race." The rest of the anti-discrimination laws--covering employment, educational and housing--include as an addition discrimination on account of national origin. There are reports of discrimination against Puerto Ricans by public accommodations in the Western part of the States, with some doubt expressed as to whether Puerto Ricans, as possibly a purely nationality group, are covered as the laws presently stand. As you may recall, I have also filed an order to rectify this inconsistency, but was with uncertain results to date.

8. Expanded definition of real estate broker:

The present law covers only licensed brokers. There may be brokers who are unlicensed, and we know that in fact there have been attorneys practicing discrimination who are in fact de facto brokers. The law should cover anyone acting in a brokerage capacity.

9. Bringing anti-discrimination laws within certain of the general licensing powers.

A Blanket provision allowing for the suspension, revocation or denial of license should apply not only to real estate brokers but to such other licensed entrepreneurs as victualers, alcoholic beverage dispensers, and innkeepers, where a finding of discrimination by the MCAD has been made and confirmed. This kind of statute has already been adopted by the state of New York.

11. Resolution of Tie Vote.

The Massachusetts Commission consists of three members. In the processing of complaints, one is assigned as the investigating commissioner and the other two act as hearing commissioners. The investigating commissioner cannot participate in the hearing. What if the two hearing commissioners disagree? This is more than an academic question, for the issue came up on a subordinate ruling in the Campanelli case two years ago, when there was a 1-1 split. Some device, such as adding to the number of commissioners, seems warranted in order to cope with this eventuality.

12. Clarification of waiver provision.

Under Section 9 of the law, any individual who institutes "any action" based on a discrimination without resorting to the procedures provided within the anti-discrimination law is barred subsequently from invoking these laws. Does this include municipal commissions with investigating but not adjudicative powers, such as the Cambridge Civic Unity Committee, the Boston Human Relations Committee, and such? Does it include out-of-state agencies, such as the New York Commission? A resourceful attorney for a respondent might make considerable hay out of the present ambiguity some day against a complainant.

13. Strengthening probable case.

The present statute provides that after the filing of the complaint one of the commissioners makes a prompt

investigation, after which he may determine whether /the probable cause exists for crediting the allegations of the complaint. It seems almost endemic with officials of agencies with adjudicative powers to confuse the concept of probable cause with the merits of the matter under complaint. As a matter of fact, probable cause simply means the presence of sufficient evidence to warrant a finding against the respondent in the absence of any evidence to contradict the complaint. It does not involve the fine balancing that is the essence of the function of finding ultimate facts. The practice of the investigating commissioners over the years has been to hold conferences with the respondents, in which their defense is set out and on the basis of which defense there is often a finding of no probable cause. Perhaps some explanatory words should be inserted in the procedural portion of the statute to act as guidelines in the future for the investigating commissioners.

Civilian Complaints against Police.

Shortly after Commissioner McNamara took over as head of the Boston Police, a conference was held to see if something could be done about the sorry record in Boston in respect to the finding of probable cause and the holding of public hearing on civilian complaints. It would be pleasant to report the advent of a new era in community-police relationships in Boston. Alas, such seems destined not to be. The new Boston Commissioner if anything is even more defensive about public

and press attitudes toward policemen than his predecessor. He is quite satisfied that no good can come of public hearings. In the first of two selected complaints which we sent him, we got a finding of no probable cause without supporting reasons. The second matter, an even stronger case, is pending.

Currently, we are looking into complaints against the Cambridge, Newton and Quincy police. The Cambridge complaint concerns a distinguished visiting Italian physicist who received a complaint by summons (i.e. by registered mail) for minor traffic violation, was away when the notice from post office came to him, found the registered envelope had been returned to the police by the post office when he attempted to pick it up a week later, was advised by the post office to wait for a second complaint, then found himself arrested at 5:00 A.M. and dragged off to jail for trial the next day, at which he was fined \$10. The Newton complaint concerns an ex-con who alleges that the Newton police broke into his house in the small hours of the morning looking for some Concord escapees, then laid waste and ransacked the place without explanation, apology or recompense. The Quincy matter is based on charges of police harassment, in concert with some neighbors, on account of their color, against two Negroes who recently moved into a white neighborhood in that town.

Finally, the Hughes-for-Senator people complained that the Boston police rejected their nomination-paper solicitors from the Boston Arts Festival but allowed the McCormack-for-Senator solicitors to operate at will.

Southern Conference Educational Fund, Inc.

PUBLISHERS OF The Southern PATRIOT

822 PERDIDO STREET, NEW ORLEANS 12, LOUISIANA • JACKSON 2-7736

August 30, 1962

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Marshall:

I enclose a copy of my letter to Governor Davis concerning the attempted murder of the Rev. [REDACTED] of Lake Providence, Louisiana.

As you know, Mr. [REDACTED] is the leader of the voter registration drive in East Carroll Parish and he was one of the witnesses before the U.S. Commission on Civil Rights in New Orleans in September, 1960.

I urge you to make a special effort to see that those responsible for this attempted murder are brought to justice and also to take steps to end the reign of terror in Northern Louisiana.

Sincerely,

James A. Dombrowski
James A. Dombrowski
Executive Director

*For Mr. Dombrowski
Thank you for
copy of your letter to
Governor Davis. We will
make sure it is
filed in the proper
place. We will
also make sure it is
sent to the proper
authorities.*

August 31, 1963

Honorable Clifford P. Case
United States Senate
Washington 25, D. C.

Dear Senator Case:

This is a list of the names
and home addresses of the 22 religious
leaders still remaining in jail in
Albany and its vicinity.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

August 31, 1962

Honorable Philip A. Hart
United States Senate
Washington 25, D. C.

Dear Senator Hart:

This is a list of the names
and home addresses of the 23 religious
leaders still remaining in jail in
Albany and its vicinity.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

August 31, 1962

Honorable Joseph S. Clark
United States Senate
Washington 25, D. C.

Dear Senator Clark:

This is a list of the names
and home addresses of the 22 religious
leaders still remaining in jail in
Albany and its vicinity.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

August 31, 1962

Religious Leaders Still Remaining in Jail

Jews

Rabbi Israel S. Dresner, Springfield, New Jersey
Rabbi Kurt Plascher, Brooklyn, New York
Rabbi Richard Israel, New Haven, Connecticut

Catholic

Michael Cocoran

Protestants

Rev. John R. Porter, Chicago, Illinois
Rev. Robert Lord Roy, New York
James Shiflett, Chicago, Illinois
William D. Watkins, Chicago, Illinois
Robert Holloway, Chicago, Illinois
Julio Garcia, New York
Bob Backer, Chicago, Illinois
Leonard Klippen, Chicago, Illinois
Albert Steiner, Layman, Chicago, Illinois
Rev. Hugo Leaning, Chicago, Illinois
Rev. Andrew Schultze, Valparaiso, Indiana
Rev. Robert Forsberg, New Haven, Connecticut
Stanley Terry, New York
Hugh Wise, Springfield, Massachusetts
Alan B. Anderson, Chicago, Illinois
Miss Miriam Brattin, New York
Miss Emily McLees, New York
Annie T. Avery, negro female
Clifton Philips, negro male

()
August 31, 1962

Honorable Paul H. Douglas
United States Senate
Washington 25, D. C.

Dear Senator Douglas:

This is a list of the names
and home addresses of the 22 religious
leaders still remaining in jail in
Albany and its vicinity.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

1
Enclosure

August 31, 1962

**Honorable Kenneth E. Keating
United States Senate
Washington 25, D. C.**

Dear Senator Keating:

**This is a list of the names and
home addresses of the 22 religious
leaders still remaining in jail in
Albany and its vicinity.**

Very truly yours,

**BURKE MARSHALL
Assistant Attorney General
Civil Rights Division**

Enclosure

August 31, 1962

Honorable Jacob K. Javits
United States Senate
Washington 25, D. C.

Dear Senator Javits:

This is a list of the names
and home addresses of the 22 religious
leaders still remaining in jail in
Albany and its vicinity.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

FROM:

Following are names of people still in jail according to religion.

Jews

Catholic

Protestants

Rev. John R. Porter, Cjicago
Rev. Robert Louis Roy, New York
James Shiflett, Chicago
William D. Watkins, Chicago
Robert Holloway, Chicago
Julio Garcia, New York
Bob Backer, Chicago
Leonard Klippen, Chicago
Albert Steiner, Layman, Chicago
Rev. Hugo Leanning, Chicago
Rev. Andrew Schulse, Val pariso, Ind.
Rev. Robert Forsberg, New Haven
Stanley Gas Terry, New York
Hugh Wire, Springfield, Mass
Alan B. Anderson, Chicago
Miss Miriam Brattin, New York
Miss Emily McLees, New York
Annie T. Averis, negro female
Clifton Phillips, negro male

Handwritten notes on lined paper, including the word "K" and various symbols and scribbles.

August 31, 1962

Honorable Hugh Scott
United States Senate
Washington 25, D. C.

Dear Senator Scott:

This is a list of the names
and home addresses of the 22 religious
leaders still remaining in jail in
Albany and its vicinity.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

new Co

miss

September 4, 1962

Mr. James A. Dombrowski
Executive Director
Southern Conference Educational
Fund, Inc.
822 Perdido Street
New Orleans 12, Louisiana

Dear Mr. Dombrowski:

Thank you for the copy of your
letter to Governor Davis. Both state
and federal investigative officers
have been and are making thorough
efforts to discover those responsible
for the attack on Reverend Scott.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

September 5, 1962

Honorable Hubert H. Humphrey
United States Senate
Washington 25, D. C.

Dear Senator Humphrey:

Thank you for sending me the letter from Mr. [REDACTED] reporting a rumor that a number of Negro reverse freedom riders would be traveling to the town of Sleepy Eye.

I have kept as close watch as possible over the reverse freedom rider trips which have generally been sponsored by citizens' councils and other rigidly segregationist groups. I think it beyond question that these efforts to gain publicity by persuading ignorant, untrained, penniless, and jobless Negro families, in most cases including children, to Northern cities is deplorable and reflects discredit on the communities involved in the South. I am sure that most of the citizens of those communities would agree.

The only situation in which there would be any conceivable Federal power would be if it could be shown that officials of a city or state had put pressure on the Negro families in order to force them to leave their homes. An example would be the threat of a withdrawal of relief funds. We have looked into every suggestion of this sort, and have thus far found no factual basis for believing that this kind of an official threat is being used.

I have not seen any letter such as that addressed to the Mayor of Sleepy Eye. Judging from the appearance of the letter, and the lack of any facts in it, I think that there is a good chance that it may be a hoax.

You may be interested in the circumstances under which Negro citizens of Louisiana moved to Redwood Falls this summer. There is a very fine lawyer in this Division, Richard Parsons, who is from Redwood Falls. In the course of his official duties it was necessary for him to be in Lake Providence, Louisiana. This is in East Carroll Parish in Northeastern Louisiana. While there he was asked by a lawyer representing the parish where he came from, whether there were many Negro citizens there, and whether there were job opportunities. He answered these questions in a normal, courteous fashion. As a result the Citizens' Council in Lake Providence made arrangements for the Negro families who would move to Redwood Falls to be able to travel there. In return, the Citizens' Council received publicity and the satisfaction of having the Governor of Minnesota being forced to take some notice of them.

East Carroll Parish is a rural parish in which we have been required to bring two voting cases -- one to prevent intimidation of Negroes attempting to register to vote, and one to prohibit the registrar from discriminating against Negroes. Both suits have brought results. In the latter suit, the provisions of the 1960 Act were invoked for the first time. Last July 28, 25 Negro citizens of the parish voted in the primary, that being the first time in at least four years that any Negroes have been permitted to vote in the area.

In accordance with your request I am returning Mr. [REDACTED]'s letter.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Enclosure

144-101-41-36 29676
144-101-41-37 29677
144-101-41-38 29613
144-101-40-8 296299

John Barrett, Second Assistant
Civil Rights Division

September 4, 1962

JHM:jm

Jerome K. Heilbron, Attorney

Summary of trip to Meridian, Laurel, Natchez and
Clarksdale, Mississippi, relative to possible
segregation in bus terminals.

Wednesday, August 29, 1962, Meridian, Mississippi:

At Meridian, Mississippi, I had a conference with the
following named persons:

Tom Goldman, City Attorney, P. O. Box 1928,
phone: 483-3453; Mayor Henry Burns, P. O.
Box 1363, phone: 483-3387; Joel W. Forrester,
City Manager.

This conference was held in the City Manager's office
and lasted from about 4:45 to 6:00 p.m.

During the course of our conference, I told them we had
had a complaint indicating that on April 26, 1962, six Negroes
who were served in the former "white" section of the Grey-
hound bus terminal were asked by local police to leave and
get on the bus. We discussed the general nature of the com-
plaint. I assured them that we wanted to try and work out any
misunderstanding but that there would have to be compliance
with Federal law and that police officers could not segregate
the bus terminal. They assured me that it was not their
policy to segregate in the bus terminal and that they were
going to comply with the law. The Mayor stated quite openly
that he wasn't pleased with the law, that he did believe in
segregation but that he would do whatever the law demanded.
All persons present told me they would comply with the law.

After the conference, the City Attorney took me aside
and told me that he was more liberal than the Mayor and City
Manager about these matters, but he also told me that he
still had to keep his job.

cc: Records
Chromo

Mr. Marshall
Mr. [unclear]

I suggested to the parties present that it would probably be a good idea for them to go ahead and inform their police force that it would be a bad thing for the community for them to violate Federal law by trying to segregate the bus terminals, that this would only bring on additional complaints and possibly a law suit, and I knew that they did not want to have this happen. They were very pleasant to me in our conference and told me that I was welcome at any time and to be sure to let them know if I had any complaints.

I gave them my telephone number and name and told them that if anything did come up in the future that I would be glad to talk to them about any problems they might have dealing with the racial situation.

Later that evening I had occasion to walk by the Trailways Bus Terminal, and I did not notice any segregation signs. The general layout of the terminal is in a "V"-shape. On one side of the "V" is a "white" food service counter and on the other side of the "V" is a "negro" food service counter. There are no partitions separating the races, but from the general layout of the building, it is apparent to those from the South that one side is to be used by white persons and the other side by negroes. Waitresses on the "white" side are white and those on the "negro" side are negro. I did not go by the Grayhound bus terminal.

Thursday, August 30, 1962, Laurel, Mississippi:

Between 10:30 a.m. and 12:00 noon, I had a conference in the private law office of the City Attorney, W. M. Leavours, with the following persons:

W. M. Leavours, City Attorney, Wallace Building;
Commissioner Curtis A. Massey, phone: 428-3228;
Commissioner W. P. Smyly; Assistant Police Chief
Herbert Grady Rine.

I related to those present the complaint of Lester Gene McInnis, a Negro who said that he was arrested at the bus terminal in Laurel on May 19, 1962. Assistant Chief Rine related the facts concerning the incident as he knew them. They were substantially the same as the statement he gave to the FBI. I discussed the matter at great length and explained

to everyone that it was illegal to arrest a Negro in a bus terminal who wasn't doing anything wrong if his mere presence stirred up hatred and possible violence of white persons in the bus terminal against him. I went to great lengths to explain the basic idea that you can't arrest a person for exercising a constitutional right in a lawful manner if his exercising of that right prompts others to act illegally and engage in violence against him.

They told me the "practical problems" they were faced with in a situation like the one McKinnis was involved in. They also asked for suggestions from me. I told them that I felt that they could solve their own problems on a local level within the framework of the law and that I wasn't there to dictate to them but to help them try to avoid any friction or difficulty.

They told me that McKinnis had been active in passing out voting literature as a member of SNCC and that they did not take any action against him or try to prevent him from doing this.

They were very strong in their feeling that McKinnis was an outsider trying to stir up trouble and agitate and was not one of their local colored citizens.

They were very friendly in their attitude toward me. I gave them my name and telephone number and told them to be certain to call me if they had any difficulties in the future.

They told me that Laurel had a very strong and, at times, violent body of whites who had to be taken into consideration when racial situations arose.

I left a copy of the IJC rules and a copy of the opinion of the Supreme Court of the United States in the case of Taylor, et al. v. Louisiana, No. 773, decided June 4, 1963. (The Taylor case was one where the mere presence of Negroes prompted their arrest.)

with reference to the Melvin incident. I told the parties present that I would go in to talk to Melvin if he was in town and see what he had to say about the matter. They asked me if I would believe Melvin or believe them. I told them that I would try to approach the problem as a lawyer and see which version was most consistent with other facts and most believable. I told them that in any event, I would be glad to come back and tell them what Melvin had told me and see if we could work out any problem that they might have. I told them that I was there not to necessarily file a law suit but merely to see that there was compliance with Federal law and that I was there to help them, not to hurt them.

I told them that whatever action we might take would be predicated on what Melvin had to say about this and other factors, and I would certainly be glad to confer with them again. I also told them that since the Mayor was out of town and not available for our conference, that I should show him the courtesy of discussing these matters with him. (The Mayor has the primary responsibility of police control.)

After our conference, I went out to see if I could locate Lester Gene Melvin. Assistant Chief Ditz had given me the directions to the SMC Headquarters in Laurel. I went there at 320 1/2 South Cook Street. SMC Headquarters is a criminal-block building. The door was locked. I waited across the street and talked to Mrs. Janet T. McVee at 335 South Cook Street. She is the wife of Reverend James T. McVee, who is the pastor of the Wesley Methodist Church, a nice looking church which is adjacent to the Lister house. Mrs. McVee told me that her husband had been working with Lester Melvin and that Lester Melvin the previous Friday had left town. (In September 3, 1962, I contacted Melvin by phone. He plans on attending Tennessee State A & M at Nashville this fall and promised to forward me his address at school as soon as he gets established.)

Thursday, August 23, Hatches, Mississippi:

I had a conference with Mayor John J. Hester at his office in City Hall, phone: 445-4411, from about 4:30 to 5:30 p.m.

Mayor Monroe was just elected to office--he took office July 1, 1962. He is a business man and says that he ran for office of Mayor because he had always complained of political failures and felt that this was his opportunity to do what he could. He told me he owned a couple of super markets and a five and dime store. He is a man about 35 or 40 years old and is very mild and courteous. I explained that we had had a complaint concerning segregation by Natchez police in the bus terminal on July 11, 1962. I told him about the complaint. He told me this was the first time he had ever heard of that, and, to his knowledge, there was no organized segregation of passengers in the bus terminal.

I explained to the Mayor that I had discussed the segregation in the bus terminal at Natchez with his predecessor, Troy Nathan, that originally in Natchez there were signs erected by the police department to segregate persons but that these signs were later voluntarily taken down and that a law suit was avoided.

The Mayor told me that they were anxious to get new industry into Natchez, and I explained to him how important it was to prevent racial situations such as these as these matters certainly didn't encourage industry. He told me that he was a little late in making his appointment with me because he had to attend a very important meeting at the Chamber of Commerce. He didn't want to tell me about this when I originally made my appointment to see him, since he thought I might feel that he was not anxious to see me.

The Mayor told me that he would discuss the problem of the bus terminal with the Chief of Police and that he certainly didn't want any trouble. Prior to my seeing the Mayor I had told him by phone that I would be glad to confer with the City Attorney if the City Attorney would like to meet me. The Mayor said that he would be glad to call the City Attorney and walk over to his office with me, but he felt that there was no problem that couldn't be solved by the two of us. I told the Mayor that I would be glad to send the City Attorney some legal material so that it might assist him in looking up the law and would advise him of the position we took in the matter.

The Mayor told me that they have the Mayor-aldermanic form of government in Natchez. They operate under an old charter. There is a Mayor and 12 aldermen. The Chief of Police is elected as well as the City Clerk. The Mayor said this causes some difficulty in that the Chief of Police is not under the direct supervision of the Mayor and can adopt the attitude of "I'm elected just like you are," and this makes for an independent Chief of Police who won't necessarily listen to the Mayor.

The Mayor also introduced me to an Alderman who came into the office just about the time I was ready to leave. His name was Mr. Ferguson and he too seemed to be very friendly and said that many of these racial matters could be worked out if people use a little bit of common sense on both sides. Both Mr. Ferguson and the Mayor impress me as "moderates" on the racial issue, and both seem to be interested primarily in trying to develop Natchez commercially. I gave the Mayor my name and phone number and told him to be certain to call me if he had any questions or any misunderstandings in the future.

Friday, August 31, 1962, Clarksdale, Mississippi:

My purpose in visiting Clarksdale was to determine whether we should file suit based on an incident wherein three Negro women were asked to leave the former "white" waiting room of the Greyhound bus depot on April 24, 1962. While at Clarksdale, I talked to two of the Negroes involved in the aforesaid incident; namely, Miss Mary Jane Figg and her mother, Vera Mae Figg.

Mary Jane Figg is about 20 years of age and is a junior at a college in Ohio. She was very pleasant and intelligent to talk to. She told me that she has practically a straight "A" average in college. Her mother has been very active in the voter-registration program in Clarksdale. Her mother owns a beauty shop and is secretary to the local NAACP chapter.

Miss Mary Jane Figg told me that subsequent to the incident of April 24, 1962, she had been into the former "white" waiting room of the Greyhound bus terminal without undue incident. She stated that she felt that it was the ticket agent

she called the police on April 24. She said that subsequent to that time, she, as well as many other Negroes, has gone into the "white" waiting room without incident. She further stated that one of the times she went into the bus terminal subsequent to the incident of April 24, she heard the ticket agent call the police, but the police did not come.

She related that either on July 8, or July 13, 1962,-- a Sunday--three boys ranging in age from about 14 to 16 years named Johnson, Roy Wright and Todd and three girls from about 13 to 15 years of age, named Frances Wilmore, Clara Harris and Carolyn said went to purchase round trip tickets from Clarkdale to Jackson and return and the ticket agent at that time told them to "go to the other side" (meaning the "colored" waiting room) to purchase tickets. She said she saw the ticket agent on duty at that time was a man by the name of Solomon Alexander and that she thought this person is now a member of the Clarkdale police force.

I explained the purpose of our filing suits to secure Negroes their rights in so far as unsegregated bus terminals were concerned. I explained to Miss Pige that if the incident involving herself, her mother and Miss Wilmore on April 24, was merely an isolated incident and that Negroes were now allowed to go into any part of the bus terminal without having police or anyone else tell them to use a particular waiting room, that perhaps the investigation of the incident itself, as well as the other steps we had taken in Clarkdale, might have already corrected the situation and it wouldn't be necessary for us to file any court action. I explained to her that we were trying to effect compliance with the law. He appeared to understand and thanked me for the interest we had taken in the matter.

Later in the afternoon, from about 4:00 to 5:00 p.m., I conferred with Miss Pige's mother, Mrs. Yorn Mae Pige. I talked to her in the FBI office at Clarkdale. Mrs. Pige discussed the problems of local Negroes and I explained to her the position of the Federal Government; namely, that we were limited in what we could do, that we could only enforce the Federal law and try to correct violations of Federal law. Mrs. Pige made the complaint that at the bus terminal, there was always a white taxi cab waiting, but there was never a

Negro taxi cab waiting, that you had to phone for a Negro taxi cab. I told her that, although this was probably not fair in her eyes, this did not in itself constitute any violation of Federal law and that I did not know anything that we could do about this. I suggested to her that she try to keep as close contact as she could with local officials. She explained to me that she and others did occasionally meet with white officials and that they, the white officials, listened to grievances of the Negroes.

I also explained to Mrs. Figer that it was not necessary for her to get affidavits of Negroes in those cases where she felt that there was a violation of Federal law, that she would receive the same treatment if she merely made her complaint known to the FBI, or she could write me directly if she wished. I gave her my name and telephone number. She seemed to be pleased with the conversation we had and was very profuse in her thanks to me for talking to her.

While at Clarksdale, I also talked to the local FBI agent whom I had formerly met.

Suggested Action:

It is my suggestion that in connection with the Grayhound bus terminal at Clarksdale, Mississippi, we write a letter to the carrier telling of the complaints we have received regarding their ticket agent. It is my feeling that one of the ticket agents in the bus terminal has been the primary cause of any difficulties and that the police have not schemed to segregate there.

I believe that someone from the Division should personally talk to Lester Gene McInnis and perhaps his attorney and the Mayor of Laurel before any definite decision is made with respect to any action that we might take in Laurel.

I am of the opinion that we should take no further action at the present time regarding the bus terminals at Meridian and Natchez.

September 5, 1962

Judge John Minor Wisdom
Fifth Circuit Court of Appeals
P. O. Box 23
New Orleans, Louisiana

Dear Judge Wisdom:

Enclosed is a copy of our
memorandum to Justice Black on the
Meredith case issues. I thought
that you would be interested in it.

Very truly yours,

Durke Marshall
Assistant Attorney General
Civil Rights Division

Enclosure

September 3, 1962

**Mr. Wiley A. Branton
Voter Education Project
5 Forsyth Street, N.W.
Atlanta 3, Georgia**

Dear Wiley:

**Here is the Terrell County
complaint. You will note that your
friend, Mr. Short, is a defendant.**

Very truly yours,

**Burke Marshall
Assistant Attorney General
Civil Rights Division**

Enclosure

miss.

September 6, 1962

Mr. John Prince
Deputy Assistant Secretary
for Administration
Department of Commerce
14th and Constitution Avenue
Washington 25, D. C.

Dear Mr. Prince:

Here is an historical document
that you may be interested in.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Enclosure

BN:MP:20

72-20-

72-20-38 6753

September 6, 1962

DR. P. E. WANN
CHAIRMAN, TELFAIR COUNTY CITIZENS FOR
BETTER GOVERNMENT
McRAE, TELFAIR COUNTY, GEORGIA

THIS REFERS TO YOUR TELEGRAM TO THE ATTORNEY GENERAL OF
SEPTEMBER 6 RE REPORTED REFUSAL TELFAIR COUNTY DEMOCRATIC
EXECUTIVE COMMITTEEMEN TO HAVE CANDIDATES REPRESENTED AT POLLS.
REPORTED REFUSAL OF COUNTY OFFICIALS TO ASSURE HONEST ELECTION,
AND REQUESTING ATTORNEY GENERAL'S AID IN SECURING HONEST
ELECTION. MATTERS REFERRED TO NOT WITHIN JURISDICTION OF
FEDERAL GOVERNMENT. HOWEVER, IF THERE IS ANY INFORMATION NOW
OR DURING COURSE OF SEPTEMBER 12 PRIMARY ELECTION SHOWING
CONSPIRACY OR OFFICIAL ACTION THE PURPOSE OR EFFECT OF WHICH
WOULD BE TO DISTORT HONEST VOTE COUNT FOR FEDERAL CANDIDATE,
PLEASE FURNISH DETAILS TO FEDERAL BUREAU OF INVESTIGATION
AND APPROPRIATE ACTION WILL BE TAKEN BY THIS DEPARTMENT AS
IN PREVIOUS TELFAIR COUNTY VOTE FRAUD CASE.

BURKE MARSHALL
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

Records
Chrono
U.S. Attorney Donald M. Fraser,
Savannah
✓ V & E Sec.
Mr. Marshall

U
A
H
C

Emily R. and Kivie Kaplan
UANG RELIGIOUS ACTION CENTER

Commission on Social Action of Reform Judaism

2027 MASSACHUSETTS AVENUE, N.W., WASHINGTON 6, D.C., TEL: (CODE 202) 387 2800

Director: RABBI RICHARD G. HIRSCH

September 6, 1962

Mr. Burke Marshall, Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C.

Dear Mr. Marshall:

This is to confirm the meeting which you so graciously
arranged for Thursday, September 13 at 2 pm. in your office.

The tentative list of those who will be in attendance is as
follows:

Newark, New Jersey
Springfield, New Jersey
New York
New Haven, Connecticut
Washington, D.C.
New Haven, Connecticut
New York
Washington, D.C.
New York
Chicago, Illinois

I trust that the meeting will be a constructive one and will
further the cause to which we are all dedicated.

Warmest personal greetings.

Sincerely,

Richard G. Hirsch

Rabbi Richard G. Hirsch

rgH/ack

Linda -
Give this to me when
they come in. PH

September 7, 1962

Mr. Leslie W. Dunbar
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

I am having the matter set forth
in your letter of August 30 looked
into as well as we can. The only
possibility seems to be the white
customer of Mr. [REDACTED]. The cross
burning does not appear to involve
any federal violation.

Best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

*letter from Dunbar w/
material returned to JLM.*

CLIFFORD P. CASE
SENATOR
COMMITTEE
ADMINISTRATIVE
ARMED SERVICES
ADMINISTRATIVE AND SPECIAL SERVICES

SEN. EUGENE
ADMINISTRATIVE ASSISTANT
FRANCIS HENNINGSON
EXECUTIVE SECRETARY
ALBERT E. ABRAMSON
EXECUTIVE SECRETARY
GREGORY S. LEE
EXECUTIVE SECRETARY

United States Senate
WASHINGTON, D.C.

September 7, 1962

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

Thank you for the list of leaders still remaining
in jail in Albany.

I noted that, according to statements made by
some of those released, there was some harrassment and
apparent mistreatment of some of the prisoners, at least
those held in jails outside Albany. I would appreciate any
information you may have about this and, assuming the
accuracy of the reports, what steps the Department is
taking to assure the safety and proper treatment of those
remaining in jail.

Sincerely,

Clifford P. Case

Clifford P. Case
U. S. Senator

CPC/hbw

all are comfortable, and
all are visited. The
officers assure me from the
city into the safety of all
prisoners in jail, however, and I
have received no information
suggesting that the prisoners were
not kept safe.

Dear Senator:
Since you wrote your letter of September 7,
all of the ministers still remaining in
jail in Albany have decided to remain in
jail for the purpose of bond. I have seen of
release for the purpose of bond. I have seen of
them had for 10 or 12 days, affecting
their physical condition. Some of the jails