August 22, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: School desegregation this fall

There are 33 school districts which are desegregating for the first time this fall. There are an additional 24 which are going to have expanded desegregation in some significant degree.

I have been going over all these school districts with a view to deciding whether any law enforcement problem may arise.

None of the new desegregation is in hard-core states where the state government will interfere with compliance. There will be additional desegregation in Atlanta and Little Rock, but there is no reason to believe that the cities cannot continue to handle the situation. The new desegregation is all in Florida, Kentucky, North Carolina, Tennessee, Texas and Virginia.

With respect to Virginia, I have asked John Battle to go through the list of new counties and make an informed judgment on whether any problem may arise. He is perfectly agreeable to doing this.

There is obviously going to be a problem of compliance, if not of law enforcement, in Prince Edward County.

I have made arrangements to discuss this with John Battle. The school board is required to submit a plan by September 7. I have made arrangements to see the plan as soon as it is drawn. It is probable that the school board will claim a lack of funds. We are examining the legal aspects of this to determine whether any federal or other action could be taken to release funds for the school board.

CIVIL RIGHTS

Dear Mr. President:

For the headline writer, rioting and violence at the University of Mississippi overshadowed the civil rights field and painted 1962 as one of resistance by the South to law and the orders of our courts. The historian, however, will find, on the contrary, that 1962 was a year of great progress in civil rights, in large measure because of the responsibility and respect for law displayed by the great majority of the citizens of the South. In 1962, the United States took major steps toward equal opportunity and equal rights for all our citizens and in every area of civil rights -- whether voting, transportation, education, employment, or housing.

There were outstanding efforts throughout the Administration on behalf of the full and free exercise of civil rights. Let me take particular note of the successes of the Vice-President and your Committee on Equal Employment Opportunity; the work of the Commission on Civil Rights; the impetus provided by the Executive Order against segregation in housing; the "impact area" school efforts of the Department of Health, Education and [illegible]; and improved hiring practices and other activity by all parts of the Executive Branch.

This report, however, is limited to the work of the Department

of Justice and here is a summary of our efforts in this field during the past year.

VOTING

The most significant civil rights problem is voting. Each citizen's right to vote is fundamental to all the other rights of citizenship and the Civil Rights Acts of 1957 and 1960 make it the responsibility of the Department of Justice to protect that right.

It has been the sustained policy of this Administration -- in all areas of civil rights -- to consult with local officials and seek voluntary, peaceful compliance with the commands of our courts and our laws. Under this policy, legal action is brought only after such efforts fail. While we have secured cooperation and compliance in all Civil Rights areas, this policy has met with particular success in the voting field.

During this Administration, officials in 29 counties in Georgia, Alabama, Mississippi, and Louisiana have voluntarily made voting records available to the Department in our investigations of voting complaints -- without the need for court action.

In four Southern counties we have been able to avoid bringing law suits because officials abandoned discriminatory registration or voting practices, and a number of other counties and cities, notably in Georgia, have abandoned segregated balloting at our request, in voluntary conformance with a court decision in one county.

There have, however, been a number of areas where voluntary

local compliance was not forthcoming and where we were required to bring legal action. Between the passage of the 1957 Civil Rights Act and the change of administration, 10 voting suits affecting eight Southern counties were filed. Voting records were inspected in 20 counties.

In the two years of this Administration, 22 more voting suits have been filed, affecting 20 counties, and records inspections have been undertaken in 62 more.

Between May, 1960 and January, 1961 voter records were photographed, as authorized by the Civil Rights Act of 1960, in 12 counties. In 1961, records of 25 counties were photographed. In 1962, the total was 28.

In short, the total number of counties in which the Department has taken action, ranging from records inspections to law suits has increased from 30 at the beginning of this Administration to 114 at the end of 1962.

Each of the law suits filed has required extremely detailed preparation. In the suit brought against Montgomery County, Alabama, for example, it was necessary to analyze 36,000 pages of voter applications and to subpoena 185 witnesses at the trial. Such suits require the total attention of from four to six of the 40 attorneys in Assistant Attorney General Burke Marshall's Civil Rights Division for several months.

Of the 10 cases filed at the change of Administration, five had been tried or successfully concluded. Since then, we have secured favorable results in trials of 17 cases, including the five pending January 20, 1961.

-4-

In some instances, we have had to take action even after obtaining court orders forbidding further discrimination against Negro registration applicants. In one of our suits, the registrar of Forrest County, Mississippi was ordered by the Court of Appeals for the Fifth Circuit to register all qualified Negroes. He nevertheless rejected as unqualified 94 of the first 103 Negroes to apply after the judgment, including a National Science Foundation graduate student and a high school science teacher with a master's degree. The Department prosecuted him in the first contempt case stemming from a court voter registration order. The case is awaiting decision.

In East Carroll Parish, Louisiana, the voting referee provisions of the 1960 Act were used for the first time in 1962, with the federal judge himself hearing registration applications. Although he approved the application of 26 Negroes, the State of Louisiana attempted to block their registration through a state court injunction. We acted to set aside the state injunction and obtained an order forbidding further interference. On July 28, five days later, Negroes voted in East Carroll Parish for the first time since Reconstruction.

The Department's total voting rights effort, from records inspections to law suits to follow-up activity, has produced significant results. In a number of counties such as East Carroll Parish or Clark and Tallahatchie Counties, Mississippi where no Negroes had been registered, increasing numbers of Negroes are now being registered.

In Macon County, Alabama, Negro registration has risen from 1,100 to more than 3,000 since an end to discriminatory registration practices was ordered by the court in March 1961. Negro registration in Bullock County, Alabama, has risen from 5 in September, 1961 to a present total of more than a thousand. In Montgomery, Alabama, the Department's suit was decided November 20, 1962 and 1,100 previously rejected Negroes were ordered registered immediately. All have now been registered.

Two particularly significant voting suits were filed in the past year. Where our voting suits generally challenge discriminatory application of voter qualification laws in specific counties, we filed suits in both Louisiana and Mississippi challenging the constitutionality of the state voter qualification laws, themselves. Both cases are in pre-trial stages.

In addition to suits challenging general discrimination against Negro registration applicants, we also have sought to guard against specific attempts to frighten or intimidate Negroes who might attempt to register or vote. Of the 32 voting suits filed so far, seven have been directed against such attempts at intimidation, verbal, economic and physical.

The importance of these cases exceeds their specific circumstances. Negroes' fear of attempting to register is, perhaps, as great a problem as their being prevented from registering. These suits, like our followup actions in such cases as Forrest County and East Carroll Parish, have helped eliminate the fear by making it clear that the Government will

meet its responsibility to guarantee not only the right to register and vote, but also the right to do so without intimidation or coercion.

A vivid example is provided by Haywood and Fayette counties, Tennessee, where intimidation actions were filed in the previous administration and successfully concluded in this administration. Last summer, we secured assurances, by consent decrees, against economic intimidation. Between late 1960, when the cases were filed, and the present, the number of Negroes registered has increased from none to more than 2,000 in Haywood County and from 58 to more than 3,000 in Fayette County.

Last summer, six Georgia churches used as centers for Negro registration efforts were burned. The FBI investigated immediately under the Civil Rights Acts and turned over its findings to local authorities, who arrested four men in connection with one of the burnings. They were later convicted and sentenced to prison in state court. Our investigations of the other burnings are continuing.

In the field of voting, then, we have been able to make progress through both negotiation and litigation. The fact remains, however, that the heavy burden of effort lies ahead. Substantial numbers of American citizens are being deprived of their right to vote because of race. We continue to believe that additional legislation in this field is necessary.

In 1962, Congress adopted the anti-poll tax Constitutional amendment, but did not enact legislation forbidding the discriminatory use of voting qualification tests. Even where we have brought suit, we often have been confronted with considerable delays between the time of filing

and the time of trial.

We believe that legislation is necessary to provide immediate relief in such instances where the facts indicate that Negroes are being deprived of the right to register and vote because of race.

TRANSPORTATION

As the result of action taken by the Department and the Interstate Commerce Commission last year, I can report to you that in the past year, segregation in interstate transportation has ceased to exist.

The majority of segregated bus and rail stations were desegregated in 1961 in accordance with new ICC regulations. Others followed in 1962. During 1962, we surveyed 165 airports in 14 states and found 15 airports in six of those states which were still segregated. All of these desegregated during the year, 13 voluntarily and two after the Department brought legal action.

At present, then, there are no segregated airport facilities in the nation. There is only one city in the nation -- Jackson, Mississippi -- in which segregation at interstate rail and bus facilities is still attempted and even in this case we have taken legal action, now on appeal.

There have been isolated instances of discrimination against Negroes in this field and there will no doubt be other such instances in the future. But systematic segregation of Negroes in interstate transportation -- as exemplified by signs directing the use of separate facilities -- has disappeared.

Again, I would like to emphasize that in the great majority of cases, this is the result of voluntary compliance with law and regulations by citizens and officials.

SCHOOLS

In the past year, more Southern school districts were desegregated. In a number of these the Department continued its policy of consulting informally with school officials to help assure peaceful and orderly desegregation. As in 1961, public schools in each of these districts were desegregated without incident.

Efforts also were made to secure peaceful compliance with a series of court orders requiring the admission of James Meredith to the University of Mississippi, before his scheduled enrollment. We appeared as a friend of the court in the case before the Supreme Court and the Court of Appeals for the Fifth Circuit and the Department sought continuously to induce Mississippi officials to fulfill their responsibilities to law and to order.

These efforts were unsuccessful, but the Federal Government's responsibility to enforce the laws and the orders of the courts remained. The responsibility was met.

In another area, the Department in the past year initiated action concerning "impact area" school funds. Various local school systems receive federal funds because they educate children of federal employees who may not be permanent residents. In the 12 years of this program, nearly

$2.5 billion has been paid to school districts across the county.

Again, we have sought abandonment of segregation through negotiation first. The Department of Justice and the Department of Health, Education and Welfare have succeeded in obtaining voluntary desegregation, without going to court, in several districts and other negotiations or field surveys are underway in approximately 120 districts. Additional inquiries are scheduled for the coming months.

Negotiating efforts failed, however, in Prince George County, Virginia, which educated children of defense personnel stationed at nearby Fort Lee, and we filed suit. (Four similar suits were filed last week regarding segregation in Huntsville and Mobile, Alabama, Gulfport and Biloxi, Mississippi, and Bossier Parish, Louisiana.)

In a different kind of school case, also in Louisiana, the Department brought a contempt action against state education officials for failing to desegregate a state trade school, as had been ordered by a federal court in a private suit. When the State Board of Education passed a formal resolution stating there would be no racial discrimination as to race, the Department agreed to dismissal of the case, but withheld the right to inspect the school records.

The Department also took action in Prince Edward County, Virginia -- the only county in the nation where there are no public schools. They have been closed since fall, 1959, in order to avoid court desegregation orders. That nearly 1,500 of the 1,800 school-age Negro children in the county

should have had no education in more than three years is a disgrace to our country. Last month, we asked the Court of Appeals for the Fourth Circuit, as a friend of the court, to order the schools opened promptly without racial segregation.

EMPLOYMENT

The Department has continued its policy of seeking out qualified personnel on the basis of ability and irrespective of race. This policy has resulted in notable gains for Negroes in the offices of United States Attorneys and Marshals in the nation's 92 judicial districts.

Of the approximately 350 Assistant United States Attorneys appointed in this Administration, 32, or nearly ten percent, are Negroes. Of these 32, 16 were appointed in 1962. Approximately 35 Negro Assistant United States Attorneys are now in service. Two Negro United States Attorneys were appointed last year. This year, Charles T. Duncan was appointed Chief Assistant United States Attorney in Washington, D. C. and the first Negro Assistant United States Attorneys were appointed in at least seven states, including Southern and border states.

Of the 114 Deputy United States Marshals appointed in this Administration, 14, or more than ten percent were Negroes. Of these, 11 were appointed in 1962. Approximately 30 Negro Deputy Marshals are now in service. Luke C. Moore was appointed United States Marshal for the District of Columbia in the past year, the first Negro to hold that position in a century. As with Assistant U. S. Attorneys, appointments of Negro

Deputy Marshals were made in several Southern and border states, where no one of their race had ever before served.

The effort to assure that qualified Negroes are properly considered for these positions is continuing and Negroes are among the candidates for vacancies in several districts.

Improved hiring practices within the Department as a whole have resulted in continued gains for Negro attorneys. There were 10 Negro attorneys in the Department at the beginning of this Administration. Now there are more than 70, out of approximately 1,900 in the Department.

There have, as well, continued to be a number of Negroes appointed to distinguished positions in the Government, such as Homer L. Benson, appointed to the Board of Parole.

In summary, 1962 was a year of progress for the United States in the field of civil rights. This is not to say the problems are disappearing. They remain, and they remain difficult -- not only in the South, with open discrimination, but throughout the country where Negroes are the victims of school "resegregation", bias in housing, or employment, or other facets of society. Ugly incidents like the Mississippi riot may occur again. The phrase "civil rights" in many ways represents an ideal more than a fact.

But we are accelerating our progress toward the ideal. Again, let me say this acceleration occurs in large measure because of the emerging spirit of the South. In 1962 this spirit was not the brutal one of rioting and violence at the University of Mississippi. The spirit was that exemplified in Georgia this month (last week) by Georgia's new Governor, Carl E. Sanders, in his inaugural address.

"We revere the past," he said. "We adhere to the values of respectability and responsibility which constitute our tradition." Then he added, "We believe in law and order and in the principle that all laws apply equally to all citizens."

Sincerely,

Attorney General

The President
The White House
Washington, D. C.

Memo to the A.G.
1143

Form No. G-1C
(Rev. 12-10-57)

FROM
DIRECTOR OF PUBLIC INFORMATION

OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

Attorney General	
Deputy Attorney General	
First Assistant Deputy Attorney General	
Executive Office For U. S. Attorneys	
Executive Office For U. S. Marshals	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Office of Legal Counsel	
Assistant Attorney General, Internal Security	
Assistant Attorney General, Civil Rights	
Administrative Assistant Attorney General	
Budget and Accounts Office	
Records Administration Office	
Personnel Office	
Administrative Services Office	
Supplies and Printing Section	
Transcription Section	
Director, FBI	
Assistant to the Director - Room 5640	
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	

MEMORANDUM

[redacted]

John Doar: I would be grateful for any observations, but I would need them tonight.

Jack R.

I called Jack Rosenthal when I received this a.m. & let him know you would not be back this p.m. He would like you to call him either at the Department tonite or at home, Federal 3-5121. If you do not contact him tonite, first thing in morning will do.

Verne

T-10/6/61

OCT 11 1961

Mr. Byerly

OCT 23 1961

Harold H. Greene, Chief
Appeals and Research Section

HHG:bcc

Richard Allen Posey

I received a call today from Mr. Lloyd Buford, United States Attorney in Macon, Georgia. Mr. Buford is very much opposed to dismissing the indictment in the above case because of the seriousness of the case and general feeling in the community concerning it and similar occurrences. Mr. Buford stated that he was unable to understand why we wanted the indictment dismissed in-as-much as it was his understanding that the Georgia State Hospital might accept Posey (as they have done in other cases) even though the federal indictment is outstanding. I indicated to him that it was my understanding that it is the general policy of state hospitals not to accept persons charged with federal crime, and that this primarily dictated our request for dismissal. I indicated that I would check this point and call him back within the next two days. If Posey is to be transfered to the Georgia State Hospital, Mr. Buford would prefer that it be done with the federal charges remaining on the books because the prisoner would then be subject to more stringent security requirements.

Mr. Buford also said that if a transfer to a state institution could not be worked out he would then prefer to bring the matter to Judge Bootle's attention with the view to seeking a finding of dangerousness under section 4247. Incidentally, according to Mr. Buford's records, there is nothing to indicate that psychiatrists ever found Posey to be dangerous.

cc: Records
Chron.
Greene(3)
Atty. Gen.

It appears that state capital charges are outstanding against Peacy and it may well be that the state may want to place these charges when possible.

Let's discuss this at your earliest convenience.

Form No. CVR-1
(Ed. 12-17-57)

From

ASSISTANT ATTORNEY GENERAL

CIVIL RIGHTS DIVISION

to

Official indicated below by check mark

The Attorney General	✓
The Deputy Attorney General	
The Solicitor General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Legal Counsel	
Assistant Attorney General, Alien Property	
Assistant Attorney General, Internal Security	
Administrative Assistant Attorney General	
Director, F.B.I.	
Director, Bureau of Prisons	
Commissioner, Immig. and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Executive Assistant to the Attorney General	
Director, Public Information	
Records Administration Branch	

MEMORANDUM

Burke
What did wilson end up doing
in Berry case
RFK

Form No. G-1A
(Ed. 1-30-58)

From

THE ATTORNEY GENERAL

Deputy Attorney General .....
Solicitor General .....
Executive Assistant to the Attorney General ...
Assistant Attorney General, Antitrust .....
Assistant Attorney General, Tax .....
Assistant Attorney General, Civil .....
Assistant Attorney General, Lands .....
Assistant Attorney General, Criminal .....
Assistant Attorney General, Legal Counsel ....
Assistant Attorney General, Alien Property ...
Assistant Attorney General, Internal Security .
Assistant Attorney General, Civil Rights .....
Administrative Assistant Attorney General ....
Director, F.B.I. .....
Director, Bureau of Prisons .....
Commissioner, Immigration and Naturalization
Pardon Attorney .....
Parole Board .....
Board of Immigration Appeals .....
Director, Public Information .....
Records Administration Office .....

MEMORANDUM

October 16, 1961

Burke:

What did we end up doing in Pusey case?

RFK

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Richard Allen Posey

This is in reply to your inquiry as to the action taken in the above case.

Posey was charged with bank robbery but found to be incompetent to stand trial and was committed to the Medical Center, Springfield, Missouri, where he has been for some eighteen months now. Under the law, we cannot continue to hold him there for an indefinite period unless it is found that, if released, he will probably endanger the safety of the officers, the property, or other interests of the United States. Since Springfield psychiatrists determined that Posey is not dangerous, the Criminal Division agreed to a dismissal of the indictment to pave the way for his transfer to a state mental institution.

Mr. Lloyd Buford, United States Attorney in Macon, Georgia, objected to dismissing the indictment because of strong local feeling concerning the case. After several conversations, it was agreed that Mr. Buford would discuss with Judge Bootle, the advisability of returning Posey to the sentencing court for a judicial determination of dangerousness. As of now, Judge Bootle has not yet expressed himself on that point. If the judge will make a finding that Posey is dangerous to the interests of the United States -- which he may do notwithstanding the findings of the psychiatrists -- Posey may be held indefinitely at Springfield and the indictment can remain outstanding. If not, Posey should be transferred out of federal custody by dismissal of the outstanding indictment and transferred to a suitable state institution for further care and treatment.

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

ASSISTANT ATTORNEY GENERAL

Department of Justice
Washington

OCT 23 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Richard Allen Posey

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BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Form No. G-1A
(Ed. 1-30-58)

From

THE ATTORNEY GENERAL

Deputy Attorney General	
Solicitor General	
Executive Assistant to the Attorney General ...	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Legal Counsel....	
Assistant Attorney General, Alien Property...	
Assistant Attorney General, Internal Security .	
Assistant Attorney General, Civil Rights	✓
Administrative Assistant Attorney General....	
Director, F.B.I.	
Director, Bureau of Prisons	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Director, Public Information	
Records Administration Office	
_____	
_____	
_____	

MEMORANDUM

October 30, 1961

Burke:

I sympathize with Buford's position. However, I take it this is all we can do.

RFK

Kennedy file

20 February, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

State Representative Dawson Addis of Oconee County, South Carolina, is coming up here to see me next Tuesday. At the time of the Clemson integration, Mr. Addis got in touch with me because of indications that he had that some of the farmers in his county intended to go to Clemson and possibly start trouble. I provided information, including statements by you, for his use with the local weekly newspapers which are read in that area. In addition, he and some others went and visited a number of the farmers. As a result of this, there were no incidents from that source.

Mr. Addis appears to be an Administration Democrat. He would very much like to meet you. Would you like to see him? If so, I will make arrangements with Angie.

RK

Kennedy file

25 February, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

Re: Dr. Ross Pet Food - Political Contributions

John Reilly has informed me of the discussion in Los Angeles concerning the case against this corporation under 18 U.S.C. §610 for the making of political contributions.

Attached is a full memorandum prepared at my request summarizing enforcement activity under this statute since 1950. There have been a number of prosecutions of both corporations and labor unions. It is not correct that the statute is not regularly enforced.

You may wish to have someone read through the memorandum.

It is to be noted that the President's Commission on Campaign Costs recommended last year continued vigorous enforcement of the statute. The language of the report appears on page 6 of the memorandum.

Dr. Ross Pet Food violated the statute. There does not appear to be any basis for treating that company differently from others. I have recommended against a personal indictment of the President of the company, contrary to the recommendation of my staff.

Last August I discussed with you the probable claim which would be made that prosecution was based upon the character of the political contributions, which favored extreme conservative candidates. Of course, the opposite would be true; if we prosecute, we do so despite that factor. At the time, it was decided that there was no basis for failing to proceed.

I still think we should go ahead.

Attachment

Burke Marshall
Assistant Attorney General
Civil Rights Division

February 20, 1963

Henry Putzel, jr., Chief
Voting & Elections Section
Civil Rights Division

HP:bab 10,838

D. B. Lewis; Lewis Food Company,
dba Dr. Ross Pet Food; Election Laws.

72-11-39

This memorandum is submitted pursuant to the request which you made to me on February 19, 1962. At that time we discussed what Assistant United States Attorney John Van de Kamp in Los Angeles had indicated to me was a decision or tentative decision not to seek an indictment of the Lewis Food Company for a violation of 18 U.S.C. 610. 1/ I had telephoned Mr. Van de Kamp on February 15 to ascertain the status of the case. He advised me that prosecutive action was being withheld following a discussion of the case which the United States Attorney had with the Attorney General on the occasion of his recent visit to Los Angeles. Apart from the anticipated contention on behalf of the defendant that the prosecution is directed against the extreme rightist views of the Lewis Food Company's President, D. B. Lewis, 2/ Mr. Van de Kamp said that it was felt that 18 U.S.C.610 had rarely been invoked and that a clamor would go up that Section 610 was being used against corporations but not against labor unions. I pointed out that precisely the opposite point had been urged when we prosecuted two St. Louis Teamsters Union locals, their officers, and others in 1960. The defendants then contended that the Department had never prosecuted corporations and implied that we were singling out labor unions under the statute. I advised Mr. Van de Kamp that both contentions are not so: there have

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1/ The facts of the case are summarized in the enclosed copy of the attachment to my memorandum to you of August 21, 1962. The expenditures which we knew about at the time amounted to about $11,000.00, a larger sum than I can recall has previously been involved in any recent 18 U.S.C. 610 case. Mr. Van de Kamp referred in our conversation to additional expenditures of about $4,000.00 which just recently came to light. I believe that he said that these were corporate outlays for political TV broadcasts.

Records
Chrono
Marshall
V&E

2/ This aspect of the case was mentioned in your memorandum to the Attorney General of August 22, 1962, a copy of which is attached. You were thereafter authorized to proceed with the prosecution.

been several prosecutions under 18 U.S.C. 610, and, despite more than routine prosecutive difficulties there have been occasional convictions of both corporations and labor unions. A brief survey of the background and application of the statute follows.

Legislative background. Corporate contributions for the purpose of influencing the outcome of federal elections were first proscribed by the Act of January 26, 1907, c. 420, 34 Stat. 864. Section 313 of the Federal Corrupt Practices Act, enacted in 1925, 43 Stat. 1070, continued the prohibition and on a somewhat expanded basis, the term "money contribution" being changed to "contribution", which was broadly defined in Sec. 302(d). A temporary banning of labor union contributions in connection with federal elections was effected by the War Labor Disputes Act in 1943, 57 Stat. 167-168. After consideration by various Congressional committees of the avoidance of the prohibition against "contributions" by "expenditures" 3/ the Labor Management Relations Act of 1947 4/ was passed, which outlawed expenditures 5/ as well as contributions by both corporations and

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3/ Special Senate Committee to Investigate Presidential, etc., Campaign Expenditures, Senate Report No. 101, 79th Cong., 1st Sess.; House Special Committee to Investigate Campaign Expenditures, 78th Cong., 2d Sess., House Report No. 2093; House Special Committee on Campaign Expenditures, 1946, House Report No. 2739, 79th Cong., 2d Sess.; Special Committee to Investigate Senatorial Campaign Expenditures, 1946, Senate Report No. 1, Part 2, 80th Cong., 1st Sess.

4/ Act of June 23, 1947, c. 120, Title III, Section 304, 61 Stat. 159.

5/ The prohibition against expenditures as applied to labor unions has raised a substantial constitutional issue of Free Speech. Two cases under the statute against labor unions, the CIO case (United States v. CIO, 335 U.S. 106 (1948)) and the UAW-CIO case (United States v. International Union United Automobile Workers, CIO, 352 U.S. 567 (1957)) have gone to the Supreme Court, but the Court avoided deciding the constitutional issue, which still remains unresolved.

A spate of law review and other articles has concerned this and other problems under 18 U.S.C. 610. Some of the earlier discussions of the statute are referred to in 1 Emerson and Haber, Political and Civil Rights in the United States, 2d ed., 1958, pp. 248-251. Subsequently, there have been many other articles about the statute.

(Continued on page 3.)

labor unions and made the prohibition applicable to primary elections as well as general elections. The application of the section to labor unions was made permanent.

Prosecutive policy. It has been the Department's policy to investigate all substantial complaints of violations of 18 U.S.C. 610 and to prosecute where the facts warrant. While relatively few investigations have led to prosecutive success, there have nevertheless been diligent efforts on the part of the Department to enforce the law despite the uncertainty on the constitutional issue involving labor union expenditures, 6/ a narrow reading which some courts have given to the statute, 7/ and its awkward language. 8/

Prosecutions against several Michigan corporations resulted from illegal contributions in connection with the 1946 General Election. The results are summarized as follows in the Attorney General's Report: 9/

> U.S. v. Northwest Chevrolet, Inc., et al., Western and Eastern Districts of Michigan, grew out of an investigation into alleged illegal contributions by a large number of automobile sales companies and their officers in connection with the 1946 General Election in Michigan. Four automobile sales corporations and 5 of their officers were indicted in Bay City, Michigan, and 16 additional automobile sales corporations and 11 officers thereof were indicted in Detroit, Michigan, for

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Continued from page 2.

5/ Section 610 has attracted considerable attention by both business and labor. Two years ago, the National Industrial Conference Board held a symposium, during which extensive consideration was given to the statute. See "Company Participation in the Political Process," N.I.C.B., 1961.

6/ See CIO and UAW cases, supra, footnote 5.

7/ United States v. Painters' Local 481, 172 F.2d 854 (C.A. 2, 1949); United States v. Construction and General Laborers' Union, 101 F. Supp. 869 (D.C., W.D. Mo., 1951); United States v. Warehouse, etc., Workers' Union, Local 688 (D.C., E.D. Mo., 1960) (unreported).

8/ See Justice Rutledge's concurring opinion in the CIO case, supra, footnote 5, at p. 151; former Assistant Attorney General Warren Olney's testimony before the Senate Subcommittee on Rules and Administration, Hearings, 84th Cong., 1st Sess., 1955, pp. 202-203.

9/ Annual Report of the Attorney General for the Fiscal Year Ended June 30, 1949, pp. 407-408.

violation of the Federal Corrupt Practices Act. Two corporations and 2 officers were acquitted. Seven corporations pleaded nolo contendere during the fiscal year 5/ and paid fines varying in amount from $200 to $1,650. Indictments against 7 of the corporate directors were dismissed.

5/ Eleven other corporate defendants pleaded nolo contendere in July 1949.

Activity under the statute for the years 1950-1956 was summarized by former Assistant Attorney General Warren Olney, as follows. 10/

10/ Hearings before the Senate Subcommittee on Privileges and Elections, 1956, Pt. 2, pp. 562-563.

Since that time, our records show that there have been 130 complaints, 36 limited investigations, 24 extensive investigations, and 7 prosecutions. The prosecutions resulted in two convictions and five acquittals. 11/

11/ Excerpts from the Annual Reports of the Attorney General for the Fiscal Years ending June 30, 1960 (pp. 195-196) and 1961 (pp. 194-196) summarize the most recent prosecutions. A summary, prepared for the 1962 Report, of the outcome of the Local 543 prosecution is quoted below:

> United States v. Local 543, International Hod Carriers, Builders and Common Laborers, AFL, et al. This case was prosecuted under 18 U.S.C. 610, which prohibits political contributions and expenditures by corporations and labor organizations and consenting officers of either. References to the case will be found in the Reports for 1959 (pp. 195-196), 1960 (p. 196) and 1961 (p. 196). The case involved a political contribution by a labor union to a Congressional candidate in the general election of 1956, consent by certain officers of the union to the use of union funds for that purpose, and a conspiracy to make such contribution. A companion case charged a representative of the International Union with counselling and advising the destruction and deletion of written records of the contribution. At the trial on September 25, 1961, in the Southern District of West Virginia, the defendants, Local 543 and its business agent, Ray George Fuller, the originator of the scheme, each entered pleas of guilty to two charges. Charges against the other defendants were dismissed. Local 543 was fined the sum of $200, and Fuller was put on probation for one year.

Report of the President's Commission on Campaign Costs. In 1961 the President appointed his Commission on Campaign Costs, asking that group to make recommendations with respect to improved ways of financing expenditures required of Presidential and Vice Presidential nominees. The Commission issued its report in April 1962, making twelve recommendations. Recommendation No. 4 dealing with 18 U.S.C. 610, is entitled "Prohibition of Partisan Campaign Contributions and Expenditures by Corporations and Labor Unions." It reads as follows:

> Section 610 of Title 18, United States Code, is the principal controlling statutory provision relating to political contributions and expenditures by corporations and labor unions. The prohibitions of this section make it unlawful for corporations or labor unions to make ---
>
> > a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.
>
> A general misconception appears to exist about the effect and intent of this provision. From our study of the section, its legislative history, and the applicable court decisions, it is clear to us that no distinction is intended between corporations and unions with respect to political contributions and expenditures.
>
> Section 610 reflects a proper congressional policy to restrain equally without exception or discrimination the activities of corporations and labor unions with respect to political contributions and expenditures. We recommend that section 610 be vigorously enforced and that the present equal legislative treatment of these organizations with respect to political contributions and expenditures be maintained.

2 March 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Committee on Equal Employment Opportunity

The following is some information I have gathered about the Plans for Progress program and other work of the Committee.

There is no follow-up program in effect at all at the moment on the Plans for Progress as such.

Under the Plans, a section of the Committee's staff receives progress reports for six-month periods. We have summaries of the reports of 40 employers for the six-month period ending December 1962, and also from 22 employers for the twelve-month period ending at that time. The percentage gains are in some cases good. The numerical gains are slight. The gains by region cannot be ascertained from what we have been given. Nor can the breakthrough gains.

The Plans are supervised by two staff members on the Committee. The statistical information from the Plans is not collated with other statistical information collected by the Committee on contractors.

It is apparent that even if there were a follow-up program, it could not be done effectively by two people who spend most of their time on statistical studies.

Following the Southern Regional Council report on the Plans for Progress in the Atlanta area, a survey of 17 of the 24 facilities in that area was

made. The survey showed substantial efforts by Lockheed and Western Electric. It showed partial efforts by other companies. It confirmed the Southern Regional Council report that no efforts have been made by still others.

The Plans for Progress companies are not, however, excluded from the regular compliance program. This is administered by some 14 staff members of the Committee, plus about 50 specialists in the contracting agencies (particularly Defense, AEC, GSA, and NASA).

None of the contracting agency personnel consider it their function to follow-up on Plans for Progress as such. In fact, they are specifically instructed not to do so.

Among the complaints filed during the past year under the compliance program are 461 complaints concerning 121 facilities of 52 of the 104 companies signing Plans for Progress. (This should be compared with the fact that one of the signers, General Electric, alone has 252 facilities.) The complaints occurred in 29 states and 100 cities.

Under the compliance program, these complaints involving Plans for Progress companies are processed exactly the same as if they involved any other government contractor. In other words, there is no advantage from a company's point of view from the standpoint of the complaint-handling portion of the compliance program arising from the fact that the company has signed a Plan for Progress.

All government contractors have to make yearly reports, as against the six-month reports made by Plans for Progress companies. The regular reports have broader job classifications than do the reports filed by the Plans for Progress companies. On the other hand, government contractors which have not signed Plans for Progress report by facility, whereas the Plans for Progress companies report on a regional basis.

Plans for Progress companies do not make the reports made by other government contractors. The reports

made by Plans for Progress companies are not available to the Committee staff (except the two working on Plans) or, as I understand it, to Committee members other than you, the Vice-President, and the Secretary of Labor.

Although there is no follow-up at all on Plans for Progress companies as such, the Committee is instituting this month a systematic review program, involving both statistical review and plant visits, on a spot-check basis, on all government contractors. The Plans for Progress companies will not be excluded from this review. 102 of the 104 Plans for Progress companies are government contractors anyway.

DEPARTMENT OF JUSTICE

PRESS CONFERENCE

of

HON. ROBERT F. KENNEDY

THE ATTORNEY GENERAL

- - -

April 2, 1963

4:07 p.m.

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Room 5115, Department of Justice

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THE ATTORNEY GENERAL: We are sending to Congress today the Administration's proposed Voting Rights Act of 1963. I thought you might like an opportunity to ask some questions about that.

As the President said in his Civil Rights Message to Congress, this bill would do essentially four things:

Number 1 - It would provide for the temporary referees to pass on the qualifications of Negro applicants in a county in which a suit charging discrimination in registration and in which fewer than 15 percent of the Negro residents of the county who are eligible by age to vote are, in fact, registered.

These cases often take many months to conclude. One has been pending for 22 months now and not even a trial

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date has been set. In the meantime, however, elections come and go and citizens still are deprived of their right to vote. We need not only to correct the situation, but to do it now.

Number 2, the bill would greatly expedite our voting-right lawsuits by requiring that judges be assigned to handle them in the most expeditious way possible.

Number 3 - the bill would require election officials to use the same standards and practices for all applicants seeking to vote in a Federal election. Under present law, we have found that whites get easier tests, or are coached, while Negroes are rejected for technical omissions or minor errors.

Number 4 - the measure would establish the presumption that anyone who had passed the sixth grade is sufficiently literate to vote in a Federal election.

Under the Civil Rights Acts of 1957 and 1960, the Department of Justice has brought 36 voting-right cases. Our experience in enforcing the existing acts has shown that this bill, and the other proposals which the President discussed in his Civil Rights Message, will be effective and a great help to us.

Thank you, and I will be glad to answer any questions.

QUESTION: Mr. Kennedy, I ask if the American involved in the Cuban raid will be subject to penalties when

he gets home?

THE ATTORNEY GENERAL: The question was whether the American -- that was Mr. Buchanan -- who has been identified as having been involved in one of theCuban raids will be subject to prosecution. We haven't obtained sufficient facts about that matter, and Mr. Buchanan has not been interviewed, so I think it would be premature to make any statement about it.

QUESTION: Mr. Kennedy, the statistical abstract showed that a great percentage of the Negroes in some States are not eligible, that is, their education or achievement is not at that level, which would automatically eliminate 50 percent, assuming they are at the sixth grade level, and then you have one other problem with schools in the South, which is how you are going to prove it.

There would be no way, as many of the schools at the elementary level have no record of the completion of the sixth grade by anybody, so how would you establish the fact that they have achieved the sixth grade level?

THE ATTORNEY GENERAL: I think we can establish if they have attended sixth grade. That would be it.

QUESTION: No records are being kept in so many of the schools. I would say half of them.

THE ATTORNEY GENERAL: Well, we haven't found that to be a problem as yet. If that proves to be a problem, then we will have to meet it at that time, but I think in a number

of these areas we can obtain records.

What we are trying to do in this is make it possible -- there are some 200 counties in the United States where less than 15 percent of the Negroes are registered to vote, and we have found again and again that an individual who was a white person, in many of these counties, who has finished maybe the second or third grade can come in and register and participate in an election, and an individual who happens to be a Negro and might have finished sixth or tenth grade, or perhaps even college, is not permitted to register, is not permitted to exercise his franchise.

We are attempting to do all that we can do under the laws that exist on the books at the present time, but the laws are not adequate, and we feel that if we can obtain the passage of this bill, it is not going to end the problem, but it will be an extremely important step forward.

We are going to need to work on this problem -- and I don't mean just the Department of Justice; I mean the American people -- for a long time to come. There are many sins that we have to make up for, but I think that we can, with the passage of this legislation, and the enforcement of the legislation that is on the books at the present time, it can be an important step forward.

QUESTION: Can it be used by many Negroes who haven't achieved the sixth grade level?

THE ATTORNEY GENERAL: No, it could not. You apply the same test to Negroes as to white people. That's what we are trying to do.

QUESTION: Mr. Attorney General, here at the bottom of the page of the prepared statement there is reference to "other proposals which the President discussed in his Civil Rights Message, will be effective and a great help to us."

Does that indicate that there are more bills in addition to that?

THE ATTORNEY GENERAL: Well, thatbill, and then the other bill will be for the extension of the Civil Rights Commission for four years. I believe it has already been sent up, and then just finishing the bill to give technical aid and assistance to schools which need it. Desegregating schools.

QUESTION: Mr. Kennedy, did you see the Brinkley show last night?

THE ATTORNEY GENERAL: I did.

QUESTION: Are you conducting a vendetta against Hoffa?

THE ATTORNEY GENERAL: No.

QUESTION: Have you got any other comments on Hoffa's remarks about you and the way you are --

THE ATTORNEY GENERAL: No, I don't think so. He has made a good number of statements on that program and statements around the country about me and the operation of

the Department of Justice. He is under indictment at the present time, and we are going to continue the work that we have been doing the last two years.

QUESTION: Mr. Attorney General, sir, both as Attorney General and as a member of the National Security Council, you have and you have accepted a good deal of responsibility on this restraint of the Cuban Freedom Fighters, and I don't think people know much about it. I wonder if you could give us a kind of a depth discussion of it, the motives, and what you expect to achieve.

THE ATTORNEY GENERAL: Well, I think that would be better coming from the President, and/or the Secretary of State. I think as the President has said already -- and he is having a press conference tomorrow and I am sure will go into it in greater detail -- but as he has said already, these are steps that are being taken at the present time which do not assist in the fight against communism in the Caribbean or in Cuba, and greatly imperil the security of the United States.

If the goods, the assistance, the backing of the United States is going to be involved in any of these matters, they should be conducted in an entirely different fashion than they are being conducted at the present time. If we make a decision that we are going to be involved in these kinds of situations --

QUESTION: You think such is possible?

THE ATTORNEY GENERAL: -- then I think that decision should be made by the Government iself, and we should not be brought into it as we are at the present time.

QUESTION: Are you saying that we might have a decision to aid some certain group of Freedom Fighters or raiders, or whatever you want to call them, rather than the whole --

THE ATTORNEY GENERAL: I think as the President has said, the raids, the kinds of raids that have taken place so far, have not been of assistance in the fight against communism in the Caribbean.

QUESTION: Well, I don't want to pursue it, but do you think a better and more successful raid would be acceptable? That's what I am trying to get at.

THE ATTORNEY GENERAL: I think that is whereyou can talk to the President and the Secretary of State.

QUESTION: Mr. Attorney General, in this Civil Rights Bill on the voting and the literacy test, the voting legislation said sixth grade in a school taught in English predominantly. Isn't this a change from the previous legislation?

THE ATTORNEY GENERAL: Yes, it is.

QUESTION: Why the change?

THE ATTORNEY GENERAL: Well, because -- and the bill

is changed from last year. There was the constitutional issues that were raised about the legislation that we sent up last year. I felt strongly, and we felt strongly here in the Department of Justice, that there wasn't a problem about the constitutionality, but there were those in Congress who felt that this was a question, and so we have tried to write this legislation which will meet their objections.

One of the areas where this problem was raised was in the question of Spanish-speaking schools. We tried to get to help the Puerto Ricans, particularlly in New York, as there was a question raised about that. We have eliminated it at this time, because we hope to obtain the passage of this bill, and we think that to eliminate those kinds of objections makes it more possible that we will obtain its passage.

The Governor of the State of New York and the Legislature of the State of New York can themselves take action, and I hope they will, to eliminate this practice.

QUESTION: Mr. Attorney General, would you relate this legislation to the Greenwood situation, whether it would have prevented it, or anything?

THE ATTORNEY GENERAL: I don't think so. I don't think that this would have prevented it. I think that you could have had in Greenwood the appointment of some referees by the court, because a small percentage of the Negro population there is registered to vote, but I would not say that

the passage of this legislation or the other legislation that has been suggested or recommended by the President is going to eliminate all the problems in this field. We are still going to -- in my judgment -- we are going to have some violence, and we are going to have some discord, and we are going to have problems, and not just in the Southern part of the United States, but all across the country.

QUESTION: Well, do you think further legislation is needed?

THE ATTORNEY GENERAL: I don't think legislation per se is going to eliminate this problem for the United States. I think there are certain things that legislation can do. It can help elimiaate discrimination, and it can help eliminate injustice, and can help eliminate unfairness, but as far as ending this problem in this country, it is going to take more than legislation.

People, themselves, in all parts of the country, are going to have to make a determination, a decision that we are going to live by the Constitution and the Declaration of Independence. I don't think we are at that stage as yet. I think we are much further along now than we were a decade ago or 20 years ago or 30 years ago, but I still think we have a long way to go, considering that the Civil War was fought 100 years ago.

QUESTION: Mr. Attorney General, I wonder if you

could say why you felt it was necessary for you to go in person to visit with Senator McClellan with Secretary McNamara to discuss the TFX fighter plane.

THE ATTORNEY GENERAL: I have worked for Senator McClellan and have been counsel of that committee for a good number of years. I am also a close friend and associate of Secretary McNamara. I had a feeling that during that period of time it was getting into the area of personalities rather than on the issues, and I just went to accompany Secretary McNamara in that meeting with Senator McClellan.

QUESTION: Do you feel that your visit will have been helpful? Have you any indications along that line?

THE ATTORNEY GENERAL: Well, I think we are more back on the issues, and I think that is important.

QUESTION: Mr. Attorney General, how long do you plan to stay in your present position?

THE ATTORNEY GENERAL: Until the President indicates he wants another Attorney General.

QUESTION: Does the Justice Department intend to continue its civil case against General Motors on the West Coast, including the (inaudible) lawsuit?

THE ATTORNEY GENERAL: Yes, we do.

QUESTION: Mr. Attorney General, what do you plan to do next in that Greenwood case? Are you going to the Court of Appeals on it?

THE ATTORNEY GENERAL: No, we have a hearing on Thursday, and we are going to argue that hearing, and --

QUESTION: We couldn't hear the question.

THE ATTORNEY GENERAL: The question was what we intend to do on the Greenwood case, and whether we intend to go to the Court of Appeals, and I said that we have no plans to do that at the present time. We are going in on Thursday morning, when the argument before the District Court Judge will be heard, and we will decide after that decision what we will do.

QUESTION: Senators Stennis and Eastland today on the Floor said there was no allegation in the Federal suit that anybody had been denied the opportunity to register, and they are claiming that your suit is more because Negroes walked through red lights along the streets of Greenwood. They say this is not really a voter registration suit, but simply designed to undermine local law enforcement.

THE ATTORNEY GENERAL: Well, our investigation of the facts indicates that there was something more than a Negro walking through a red light on the streets of Greenwood, and our preliminary investigation has indicated that there were actions taken against individuals who were Negroes because they were attempting to register, and we are taking steps in Greenwood, as we have in other counties in Mississippi and elsewhere in some of the Southern States, to try to eliminate

those practices.

QUESTION: Mr. Attorney General, you point out you have brought 36 voting cases. Could you tell us what the disposition of those cases has been?

THE ATTORNEY GENERAL: Well, they vary. Some of them have been successfully concluded. Marion County, Alabama, for instance, there were a half-dozen Negroes registered at the time that we brought the case. Now there are several thousand. Other cases are still being heard, so I think it varies. I can get the exact statistics of which ones have been finished and which ones are still being heard.

QUESTION: Mr. Attorney General, Senator Morse says he wrote you a letter of March 20th proposing enforcment of the Neutrality Act against Cuban exiles and American citizens who participate in raids against the Castro government, and he implies that he would like to see you deny them re-entry to this country, particularly in the case of exiles.

Would you care to comment on that?

THE ATTORNEY GENERAL: Well, those matters are being studied. I would say that like all American citizens, we have a great deal of sympathy for the efforts of those who are carrying the fight against Castro to return Cuba to its people, and so we are examining all of these matters most carefully. The fact that an individual or a group of individuals wants to take the step of risking their lives to carry

on this fight must evoke sympathy from us, which it does, and so whatever action we take -- because it involves the United States and our security -- whatever action we take to try to protect that, we also take with well in mind the bravery of the particular individuals who are participating in these activities.

QUESTION: Mr. Attorney General, until the legislation was passed as far as voting is concerned, I think it is rather obvious that certain groups in the South who are assisting these people to vote and to register are going to continue their operations.

Now I understand that they have asked you, that they have informed you each time they intend to conduct a campaign, that they have asked you for protection, for Federal Marshals, or FBI personnel.

Do you feel that these people do need protection from the Justice Department in the form of Federal Marshals and FBI personnel?

THE ATTORNEY GENERAL: Well, as a general rule, I do not. There might be a particular situation where they need protection, and I would say in the vast majority of counties in the South that the law enforcement can well take care of the situation themselves, that they don't need help or assistance from the Federal Government. I think it is only in isolated cases that the Federal Government needs to be

involved in these matters, and we go into them only with great reluctance.

It is only when law enforcement breaks down and there is a Federal question that we become involved. But I would say, although there is a good deal of attention focused on these areas where you have these difficult problems, that the vast majority of people in the South and the vast majority of law enforcement officials in the South want to preserve law and order and live up to their oath of office. It is only in a small minority that you have these unfortunate breakdowns.

QUESTION: How many new voters do you think this legislation might add to the rolls in the South?

THE ATTORNEY GENERAL: If we obtain the passage of the legislation, I would think it would be several hundreds of thousands, quite likely, and over an extended period of time, over the next few years, I should think it would get well up over a half million voters.

QUESTION: Half a million?

THE ATTORNEY GENERAL: Yes, within a relatively short period of time, but I would think that very quickly it would mean a couple of hundred thousand, several hundreds of thousands.

QUESTION: Mr. Attorney General, it has almost been a year now since former Governor Almond of Virginia was nominated to the Court of Customs and Patent Appeals, and nothing

whatever has happened on that case, no hearings scheduled, no committee appointed. I wonder if you could tell us what is holding up this matter? Does Senator Eastland oppose this nominee, or does Senator Byrd, or just what is it?

THE ATTORNEY GENERAL: The question was that Governor Almond had been nominated for a judgeship over a year ago, and no action had been taken as yet. What was holding up his nomination?

I am confident that the nomination of former Governor Almond will go through in this Session of Congress. There has been a delay, but I feel certain that by the end of this Session of Congress that he will be confirmed.

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