

LAW OFFICES
 SCHNADER, HARRISON, SEGAL & LEWIS
 1719 PACKARD BUILDING
 PHILADELPHIA 2

WILLIAM A. SCHNADER
 FRED L. HARRISON
 W. BRADLEY
 ROBERT H. SEGAL
 IRVING R. SEGAL
 J. PERKINSON STRAUS
 JAMES J. LEVDEH
 SAMUEL D. BLADE
 BERNARD J. SHOLENS
 EDWARD W. MULLINIX
 JEROME J. SHUSTACK
 ARTHUR J. SULLIVAN
 EUGENE VOUGHT
 BARNETT D. HAVILAND
 JOHN E. LITTLETON
 HERBERT S. MELNIK
 PHILIP M. HAMMETT
 J. GORDON COONEY
 STUART M. NELL
 BENJAMIN M. ROSENLOOM
 WILLIAM M. DAVIS
 THOMAS E. EICHMAN
 JOHN W. PELIND
 ROBERT P. OLSEN
 JAMES A. DODDLE
 THOMAS P. BUTTER

BERNARD C. SEGAL
 GILBERT W. OSWALD
 FRANK B. MURDOCH
 HAROLD S. BORNEHANN
 LOUIS F. FLOGE
 CARLIN M. ADAMS
 ROBERT J. CALLAGHAN
 THOMAS P. GLASSMAYER
 GEORGE P. WILLIAMS, III
 J. D. MILLARD TYSON
 THOMAS G. MELKER
 FRANK M. ABBOTT
 MILTON A. DAUBER
 CHARLES C. HILEMAN, III
 GEORGE M. NOFER, II
 TOM P. MONTEVERDI
 S. JAY COOKE
 RALPH S. SNYDER
 JAMES M. RICHARDSON
 ROBERT L. KENDALL, JR.
 SHIRLEY S. BITTERMAN
 HARVEY LEVIN
 VINCENT P. HALEY
 IRAP TIGER
 WILLIAM ANDREW KEHR

FRANCIS A. LEWIS
 1928 - 1948
 EARL C. HARRISON
 1948 - 1958
 LOCUST 3-2850
 CABLE ADDRESS
 WALEW

Best -
Shores says the
City Council and some other
officials of Birmingham are
really intent on trying to
change the Birmingham image --
and the reward of \$100,000
real shot in the arm.
Best regards - Bessie
 August 21, 1963

Arthur D. Shores, Esquire,
 1527 Fifth Avenue, N.,
 Birmingham, Alabama.

C
O
P
Y

Dear Mr. Shores:

In common I am sure with many millions of Americans, I was greatly distressed to read of the bombing of your home. I suppose that if the culprit or culprits are caught, they will be found to be fanatics, but it is nevertheless shocking to find that such things can happen in an assertedly civilized society.

You are certainly doing a dedicated job for your people, and thereby for all of us who hope for a better day, insofar as the achievement of equality of opportunity for all our people and the elimination of bigotry and prejudice. It is too bad that you had to be subjected to this indignity. I thank God that you and your family were unharmed.

On the lighter side, you may be amused by the query of my son who, when I told him that you are a Director of the

CIV. RIGHTS DIV.
 Gen. Lit. Div.

Arthur D. Shores, Esquire:

-2-

Lawyers Committee on Civil Rights Under Law, promptly replied:

"If that is how they treat a Director,
what do you think they are going to do to a
Co-Chairman?"

C
O
P
Y
I was sorry that you were unable to attend the meeting
of the Board of Directors of the Committee in Chicago. The Ses-
sion was very well attended and the discussion was interesting
and challenging. Shortly, you will be receiving a summary of
the things we talked about and the decisions we reached.

With kind regards and best wishes,

Sincerely yours,

Bernard G. Segal

P. S. After dictating this letter I was able to reach you by
telephone. As a result of our talk, I am sending a
letter of commendation to the Mayor and City Councilman
of Birmingham.

TELEGRAM SPECIAL

DOCKETED

AUG 22 1963

10 AUG 22 AM 9:47

#14,398
Feb 9/10/63

WUT052 AWUB024 SYA023

SY NB029 NL PD WUX NEW YORK NY 21

ATTORNEY GENERAL ROBERT KENNEDY

JUSTICE DEPT WASHDC

THE NATIONAL ALLIANCE OF POST EMPLOYEES ASSEMBLE ON THE OCCASION
OF ITS 50TH ANNIVERSARY AND ITS 26TH BIENNIAL CONVENTION
IN NEW YORK CITY AUTHORIZES WE TO EXPRESS ITS SHOCK AT THE
BOMBING OF THE HOME OF ATTORNEY ARTHUR D. SHORES OF BIRMINGHAM,
ALABAMA. YOU ARE ADVISED THAT WE EXPECT A FULL IMPLEMENTATION
OF THE POWERS OF THE FEDERAL GOVERNMENT IN
BRINGING TO SPEEDY JUSTICE THE PURTRITORS OF THIS
AND OTHER BOMBING CRIMES WHICH ARE
YET UNRESOLVED, THIS CONVENTION INSISTS THAT THE RIGHTS
OF ALL CITIZENS BE ACCORDED THE SAME DILIGENCE AND PROTECTION
GIVEN THE MORE QUESTIONABLE INFRINGEMENTS ALLEGED IN ALBANY,
GEORGIA

ASHBY G SMITH PRESIDENT.

910A EDT AUG 22 63

AUG 22 1963

744-1-885

22	DEPARTMENT OF JUSTICE	RECORD
	AUG 22 1963	
	RECORDS BRANCH	
	CIV. RIGHTS DIV.	
	Gen. Lit. Sec.	

TNX

TELEGRAM SPECIAL

BUCKETED

APR 12 1963

~~#11111~~
#13,267
Feb 9/10

WUB247 RB121

NSA094 NS JZB042 PD JACKSON MISS 12 1049A CST

ATTORNEY GENERAL ROBERT F KENNEDY

WASHDC

CONTINUOUS VIOLENT ATTACKS ON LAW ABIDING NEGRO CITIZENS
ENGAGED IN CIVIL RIGHTS ACTIVITIES IN THE STATE OF MISSISSIPPI
BY WHITE SEGREGATIONIST DEMAND THAT WE CALL UPON THE GOVERNMENT
OF THE UNITED STATES OF AMERICA AND THE DEPARTMENT OF
JUSTICE IN PARTICULAR TO MORE SUBSTANTIALLY GUARANTEE AND
PROTECT THE RIGHTS OF THESE CITIZENS. THE MOST RECENT ATTACK
OCCURED FRIDAY MORNING APRIL 12TH AT CLARKSDALE MISS WHEN
A MOLOTOVI COCKTAIL WAS THROWN INTO THE HOME OF MR AARON
HENRY PRESIDENT OF THE STATE NAACP. CONGRESSMAN CHARLES
JR DEMOCRAT OF MICHIGAN WAS VISITING IN THE HOME
TIME MR HENRYS FAMILY WAS ALSO PRESENT. SUCH WANTON

FILED
JUN 24 1963

144-40-285

72-40-43	
DEPARTMENT OF JUSTICE	
APR 12 1963	REC'D
ATTACKS RECORDS BRANCH	

OFF. RIGHTS DIV.
Gen. Lit. Sec.

SHOULD BE BROUGHT UNDER A MORE CLOSE SCRUTINY OF THE FEDERAL
GOVERNMENT

AARON E HENRY PRES MEDGAR W EVERS FILED SECY NAACP 1072
WEST LYNCH ST
(55).

119P EST APR 12 63

213 Fourth Street
Clarksdale, Miss.
April 14, 1963

Mr. Robert F. Kennedy
Attorney General
United States of America
Washington, D. C.

DOCKETED

MAY 27 1963

#13,267

Dear Mr. Kennedy:

Certainly the news of a fire bomb being thrown into the home of my family on Good Friday, April 12, 1963 has reached you. You probably already know that Congressman Diggs, from the state of Michigan was a guest in our home at the time, and what became an attack upon me and my family became an attempt on his life also.

There was an immediate arrest of two men and they have been charged with the crime. There are some suspicions surrounding this "unprecedented quick arrest". With the life of a member of the United States Congress involved it was felt that certainly a thorough, depth, investigation from the Justice Department was forthcoming. In many of our minds this arrest is nothing more than a sham to make it appear to you and the Department of Justice that now that an arrest has been made, no investigation from the Department of Justice is needed.

I want you to know that I disagree completely, and that an investigation by the Justice Department is not only the thing to do, but is past due. The two men arrested for this crime are community thugs. This arrest will not hurt their reputation in anyway. No jury will convict them when and if they come to trial, and the community saves face and reputation. I do not feel that the men arrested are the real guilty parties even if they actually threw the bomb, the man or men that commissioned them to do it, will not be brought out, if the United States Department of Justice does not enter the case.

Besides being president of the NAACP for the state of Mississippi, I also serve as chairman of the Miss. Council of Federated Organizations, the organization responsible for the Voter Education Drive in Greenwood, Miss. under the Voter Education Project. Plans for the drive were mapped in our house and constant touch by telephone has been maintained and also by physical presence. You see the implications of this attack are many.

Until the Department of Justice moves in and guarantee the right to life and freedom from Police intimidation, and hoodlum involvement, Miss. is not a safe place to live and I can understand your avoiding it despite several invitations to you from us to come down here. This is your obligation and opportunity to conduct the investigation we are requesting, which can result in a new Mississippi that in the near future will relieve you and the Department of Justice of your biggest headache.

Yours Truly,
Aaron E. Henry

cc: Mr. Charles Diggs
Mr. Robert Johnson

Mr. Clarence Mitchell
Mr. George Harris
Look Magazine.

APR 25 1963

144-40-286

9/5/63

SEP 5 1963

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:JLM:llh

144-1-885

RECORD

Unknown Subjects;
Bombing of residence of
Attorney Arthur Shores,
Birmingham, Alabama, on
night of September 4-5, 1963

This is in confirmation of telephoned request
made by Mr. John Murphy of this Division to Special
Agent Howard Trent on September 5, 1963.

Please conduct a full investigation to deter-
mine whether any violation of 18 U.S.C. 837 was
involved in the bombing of the residence of Attorney
Arthur Shores at Birmingham, Alabama, on the night
of September 4-5, 1963, and, if so, the identity of
the violators.

John
9/5/63

Q.1.18
9/5/63

BM
9/5/63

Records ✓
Chrono
Mr. Murphy
USA, Birmingham

SENT DIRECT FROM
CIVIL RIGHTS DIVISION MAIL ROOM
DATE 9/5/63
BY 2nd Lt. H. H. H.

JAN 14 1963

Typed: 1/8/63

Director,
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

SEARCHED

BM: JKH: JVN

See DJFile 72-198-91 #10,856

72-198-104 #11,191

104-198-409 #11,309

Docket No.

Shootings and Burnings in Lee and Terrell Counties, Georgia

There are several points we would like to have cleared up with respect to the church burnings and shootings in Lee and Terrell Counties, Georgia, and the case of U.S. v. Denver Edgar Short, Sr.

1) Please refer to the report of SA Charles T. Haynes, dated September 25, 1962, File No. 56-175, at page 119. Mr. David R. O'Scott related that a male driving a vehicle with 1962 Georgia license 77 A 66 several times passed a voter registration meeting at the site of the Mount Mary Church, shouting obscenities at the persons attending the meeting. The license plate was determined to be issued to W. B. Edwards, Route 3, Dawson, Georgia, (page 120).

Please interview Mr. Edwards to see if he was in fact driving his vehicle by the church that day. Determine if he has any knowledge of, or was in any way involved in, any of the shootings and burnings. If he was not driving his vehicle at the time, determine who it was, interview that person also, and get any pertinent information relating to him that Mr. Edwards might have.

2) Reference: Report of SA Charles T. Haynes, dated October 3, 1962, File No. 56-175, at page 5. Mr. Johnson relates that when he went to the home of Mrs. Haynes, who was present besides Miss Haynes' sister and several teenagers, an unknown man. This man, when he heard the report of the fire, left and drove his pickup truck in the direction of the fire.

Please interview Miss Haynes to determine the identity of this man. Then interview him to determine if he went to the scene of the fire. If he did, he probably was one of the first ones there and should be questioned in detail as to any activities he noticed, i.e. how long did he remain who was present; did he see Denver Edgar Short, Jr.; if he did not go to the scene of the church, where he went and why.

cc: Records
Chrono
Mr. Dear
Mr. Putzel

Mr. Neilbron
Mr. Rosenberg
Trial File
Mr. Barrett

U.S.A., Macon, Georgia

NEW

3) Reference: Report of SA Charles T. Haynes, dated October 9, 1962, File No. 44-1129, at page 130. Mrs. Carolyn Daniels stated that "she heard another rumor from an unrecalled source that a Negro, whose name is believed to be 'Jap Lovett' who lives in the Sardin Community of Dawson, had heard some white men several weeks ago would pay \$300 to get rid of her (Mrs. Daniels)". Please determine if there is a Jap Lovett and if so, if he heard of such an offer. Please question him further as to any other information he may have with respect to the shootings and burnings.

4) Re: U.S. v. Denver Edgar Short, Sr. Mr. Berrien, whose affidavit we took and used in filing the information against Short, advised us that:

On Thursday, August 30, when he and his fellow SNCC workers were arrested by Deputy Marshal Short and before they were put in the Sasser jail, Short and Marshal Adams first stopped to confer with a man who drove a blue 1962 Galaxie. This man who drove the Galaxie said, "Lock them up." Berrien recognized this man as one who had passed them earlier in the day when they were repairing a flat tire. This person, after passing them, then turned his car around and went back to town.

Please identify this person. Since it is contemplated that he will be called before the grand jury, we ask that he not be interviewed.

BY W.V.
O: JAN 11 1963

William J. Holleran
Executive Assistant
Civil Rights Division
John M. Rosenberg
Civil Rights Division

DOCKETED

Jan. 16, 1963

FEB 14 1963

JMR:mhs

72-104-91 10856

Church Burnings and Shootings in Terrell County,
Grand Jury Investigation

Please arrange to have the following serviceman
appear to testify before the grand jury in the United
States District Court for the Middle District of Georgia
in Americus, Georgia, on January 23, 1963 at 9:30 A.M.
He is to report to the United States Attorney,
Mr. Floyd Buford.

Airman Roy P. Hall, Jr., Ser. No. AF-14-823-789-AD
Box 1507, Flt. 45, Lackland Air Force Base,
San Antonio, Texas.

cc: Records ✓
Chrono
Mr. Rosenberg
Mr. Heilbron
Trial File (Rm. 1140)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : File

DATE: February 4, 1963

JKL
FROM : Jerome K. Neilbron, Attorney
Civil Rights Division

JKH:jvm

73-100-01

210,000

H 12,578

SUBJECT: Discharged from employment witness who appeared before grand jury meeting at Americus, Georgia.

On February 1, 1963, at about 10:00 a.m., I received a telephone call from Miss Ellen McNair, who is secretary to Mr. Floyd Buford, United States Attorney for the Middle District of Georgia. Miss McNair advised that a Negro witness who had been subpoenaed to appear before a grand jury meeting at Americus during the latter part of February, 1963, had contacted her. This witness, who had answered his subpoena and who was present for several days while the grand jury was in session, is named Issac Sherman.

While I was in Americus presenting matters to the grand jury, Issac Sherman told me that his superior was a Mr. Bob Oaks, employee of the Farmers' Service Company, Albany, Georgia. Mr. Oaks told him that he wanted Sherman to get through with this grand jury business and get back on the job. This brief conversation I had with Issac Sherman occurred several days ago. On the day that I had this conversation with Issac Sherman, I instructed Miss McNair to contact Mr. Bob Oaks by phone and explain to him that it was essential that Issac Sherman honor his subpoena and that we would attempt to cooperate as much as possible to get him back on the job as soon as we could. In her phone call to me this morning, Miss McNair said that Issac Sherman (who can be contacted by phone at HE. 6-4918 in Albany, Georgia) told her that he had been fired from his job because of his being called off the job to honor his subpoena for the grand jury. I told Miss McNair that I would contact Issac Sherman's employer immediately and see if I couldn't work the matter out.

I contacted a Mr. Paul Madders, Assistant Manager of the Farmers' Service Company, phone number 436-2487, Albany, Georgia. I explained in detail to Mr. Madders the necessity of protecting witnesses who appear before a grand jury.

73-100-01-123
FEB 8 1963
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jury and the need to maintain the integrity of the grand jury system. I explained to him that if he threatened a witness who had been subpoenaed before a grand jury with discharge from his employment if he honored the subpoena, that such conduct could be construed as a form of intimidating the witness. I told him that I realized the inconvenience and even perhaps the loss of money that would result in any witness being called before a court but that this was the price we must all pay as good citizens; that the members of the grand jury themselves had to stay away from their jobs to conduct their business. I went to great lengths to explain the manner in which the grand jury system worked. Mr. Medders appeared to understand what I had told him. I told him then that I would call Miss McNair back and find out exactly when Issac Sherman was discharged from the grand jury. I explained to Mr. Medders that if Mr. Sherman had failed to come back on the job after he had served as a witness, it would be a matter outside our interest and would be one which covered normal employee relations between Issac Sherman and his boss.

I phoned Miss McNair back and she advised me that Issac Sherman was discharged as a witness on Wednesday afternoon, January 30, 1963, sometime around 3:00; that at that time he was given a check in the amount of approximately \$30. (The distance between Albany and Americus, Georgia is approximately 40 miles.) I told Miss McNair to check her records and confirm in writing what she had told me by phone. She told me that she would. I then phoned back Mr. Medders and gave him the information I had obtained from Miss McNair. Mr. Medders told me Issac Sherman did not appear for work on Thursday, January 31, 1963. Mr. Medders asked me if his company would be "liable" in this situation. I again explained to Mr. Medders the need of maintaining the integrity of the grand jury system and protecting witnesses from any form of intimidation. I told him whether he or anyone in his company was guilty of intimidating Sherman as a witness would depend upon the facts; that only he knew the conversations that existed between him and Sherman and that I could make no judgment since I was not aware of the facts. I told him, however, that if Issac Sherman had been discharged, had been told to come back to work, and had failed to come back in compliance with his responsibilities growing out of his job and that was the sole reason for his being discharged, then this would be a matter they would have within the

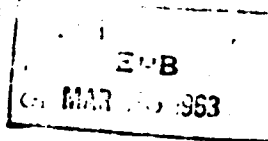
- 3 -

employer-employee relationship that existed between Sherman and the company for which he works and would not be of any concern to the Government.

I'm of the opinion that Mr. Madders seemed to understand all of the foregoing matters which I spelled out to him by phone in detail.

Mr. Jerome L. Wellborn
Attorney
Civil Rights Division

John A. Rosenberg
Attorney



March 20, 1963
Jeh:vi

72-1974-123

Declassification of SJ files Pertaining to Voting
Intimidation in Georgia.

D. A. K.

We have reclassified the Georgia files by locations
as follows:

Carlyle Daniels 72-1974-123
#12,617

Mr. Gary and Mr. Olive 72-1974-123
Baptist Churches #12,372 ✓

Shocking Last Days Wens 72-1974-123
#12,379

1 Days Baptist Church 72-1974-123
#12,377

Shady Grove Baptist Church 72-1974-123
Lee County - General #11,171

Robert Edgar Robert, Sr. 72-1974-123
#11,369

Watkins (1171(5)), Tallah 72-1974-123
County, General #12,636

Mr. Rosenberg
Mr. Felt
Mr. John Martin
Mrs. Shackelford
Trial file (No. 1140)
Chrono
Records

BRANCH, DONALD WILLIAM			
44-18-1216	Justice	5/7/62	WCH
Hoover, J. Edgar MEMO TO ASSIST AG, CIVIL RIGHTS			
Pending Matters for DONALD WILLIAM BRANCH, aka DONALD M. BRANCH; Branch (3); Proposed Building of Five synagogues, Dade County, Fla.			
		FILED MAY 28 1962	
Enc.			
Copy re-gm 211		5/11/62	5/11/62 S.Fin.
22/nd			

Form No. CVR-3
(Ed. 1-15-58)

#10,394

JLM:11h

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-18-1216

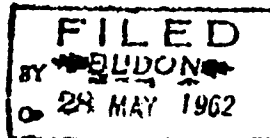
Date May 18, 1962

Deputy
To: Chief, General Litigation Section

Re: Donald William Branch, aka;
Unknown Subjects (3);
Proposed Bombing of Five Synagogues,
Dade County, Florida;
Bombing Matters

It is recommended that the above case be closed for the following reasons:

Subjects in this case have been arrested by the Miami Police Department, and will be prosecuted. No further action by this Department necessary.



144-18-1216

MAY 22 1962

John L. Murphy
Attorney

To: RECORDS ADMINISTRATION OFFICE

The above numbered file has been closed as of this date:

5/18/62
Date

John L. Murphy
Chief, Gen. Lit. Section

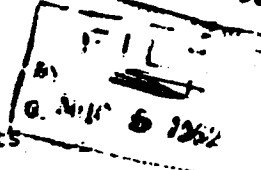
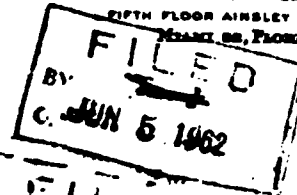
LAW OFFICES

WICKER, SMITH, BLONQVIST, HINCKLEY & DAVANT

IRVING G. WICKER
JAMES A. SMITH
ERIK J. BLONQVIST, JR.
HARRY S. HINCKLEY, JR.
FRED C. DAVANT
ANTHONY REINERT
M. W. BENZING
LELAND E. STANBELL, JR.
RONALD L. HAMER
NED M. LETTS

TELEPHONE
FRANKLIN 7-2341
FIFTH FLOOR AINSLEY BUILDING
MIAMI 22, FLORIDA

May 7, 1962



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

RECEIVED

MAY 14 1962

Dear Sir:

GEN. LIT. SECTION

As a duly accredited and licensed practicing attorney of the State of Florida, on Thursday, May 3, 1962, at a time between 6:30 and 7:00 P.M., I was contacted by persons acting on behalf of one Donald Branch to make inquiry into and to represent Donald Branch concerning an arrest which was then taking place at his home in Hialeah, Florida. Knowing nothing of the charges being placed against Donald Branch, I talked briefly to one of the arresting officers, Sergeant Sapp of the City of Miami Police Department, by telephone, who advised me that they were departing very shortly for the station. I contacted a bonding agency and requested that they secure the amount of the bond and attempt to write the same. I was called back within approximately thirty to forty minutes and received information that Donald Branch had not been booked at the City of Miami Jail, nor had he been booked in the Metropolitan-Dade County Jail. I began making inquiries as to his whereabouts and ascertained that he was being detained at the City of Miami Jail for interrogation by or with the full knowledge of the Chief of Police, Walter Headley, and by the States Attorney for the Eleventh Judicial Circuit, Richard Gerstein. I proceeded to the City of Miami Jail and demanded my right under Florida Statute 901.24, which reads as follows:

FILE - GWA

144-18-1216	
DEPARTMENT OF JUSTICE	RECORDED
22 MAY 11 1962	INDEXED
RECORDS SECTION	
CIV. RIGHTS DIV.	
Gen. Lit. Sec.	

The Hon. Burke Marshall
Page two
May 7, 1962

"Any attorney at law entitled to practice in the courts of this state shall, at the request of the person arrested or of some one acting in his behalf, be permitted, forthwith upon his request, to visit the person arrested and to interview him privately."

The right to see and interview Donald Branch was denied to me by Assistant Police Chief J. A. Youell and representatives of the States Attorney's Office for the Eleventh Judicial Circuit, including investigators and various members of the City of Miami Police Department. I was given a fast run-around by various members of the City of Miami Police Department, who shuffled me from one man to another, and who either denied that Donald Branch was in the custody of the City of Miami Police or stated that they had no knowledge regarding his whereabouts. As subsequently developed, however, Donald Branch had been under extensive interrogation for some time by, and/or under the direction, of States Attorney Richard Gerstein, First Assistant States Attorney Arthur Hutloe, Police Chief Walter Headley, and other members of the States Attorney's Office and the City of Miami Police Department.

After being detained for three to four hours, and after I had departed from the City of Miami Police Station to secure a writ of habeas corpus, Donald Branch was booked in the Metropolitan-Dade County Jail.

The acts of the States Attorney for the Eleventh Judicial Circuit, his officers and agents, and the Chief of Police for the City of Miami Police Department, his officers and agents, constitute a gross violation of the civil rights of Donald Branch under the laws and statutes of the State of Florida, and the Constitution of the United States of America.

I make no reference to the guilt or innocence of the accused, nor is the guilt or innocence of the accused a subject for inquiry in this communication, but, rather, question whether the prosecutor of this county and the highest law enforcement officer of the City of Miami are to be condoned for their direct denial of the constitutional rights of an accused.

Request is made that your office make inquiry into the facts, matters and things alleged herein, and that, after due consideration, appropriate steps be taken against the parties responsible.

Respectfully submitted,


Fred C. Davant

FCD/jkr

The File

April 2, 1963

John L. Murphy, Chief
General Litigation Section
Civil Rights Division

JLM:11h 10,394 D. A. K.
144-18-1216

~~44-3886-2-1~~

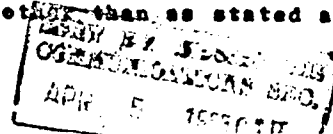
APR 5 1963

Donald William Branch, et al.;
Bombing of Residence of
Donald C. Shoemaker, Miami,
Florida, February 18, 1962

On receipt of the letter from Richard E. Gerstein, State Attorney, Miami, Florida, which Senator Smathers transmitted for comment, I called the FBI to determine whether any request had been made by Miami authorities that the FBI assume primary responsibility for conducting the investigation of the Shoemaker bombing. This contact was made out of an abundance of caution since the Bureau had kept this Division currently advised of developments in the Shoemaker case and it was my distinct recollection that the Miami Police Department at least had no desire at any time during the investigation that the Bureau assume primary responsibility.

SA Freund advised me that from a review of his file and from personal contact with SA Smith, who had supervised this matter during its development, he felt confident that it was accurate to say that no request had ever been made by the Miami Police Department that the Bureau take over the investigation. Freund noted, however, that technical assistance had been offered and laboratory facilities of the Bureau made available to the Miami Police Department. He also advised me that his file reflected that Richard Gerstein had conferred with Attorney General Kennedy on or about May 31, 1962, on which occasion Gerstein had requested that the Bureau assist in the investigation. At that time the Attorney General had assured Mr. Gerstein that assistance would be rendered under the Unlawful Flight Statute to locate a missing witness Gerstein desired to have testify at the trial. Freund stated that a check with the Fugitive desk had disclosed today that a Fugitive complaint had been filed but that the witness had never been located. Mr. Freund did not have details of the conference between Gerstein and the Attorney General other than as stated above.

Records
Chrono
Mr. Murphy



United States Senate

COMMITTEE ON FINANCE

March 21, 1963

RECEIVED

404 2 1969

CRIMINAL DIVISION

Honorable Robert F. Kennedy
The Attorney General
Department of Justice
Washington 25, D. C.

Dear Bob:

The attached letter received from Edward J. Bernstein, State Attorney, from Tallahassee, Florida, is self-explanatory.

It will be appreciated if you will let me have your comments.

With kind personal regards, I am

Sincerely yours,

George A. Smathers
United States Senator

CAS : nno
Enclosure,

D. A. 2

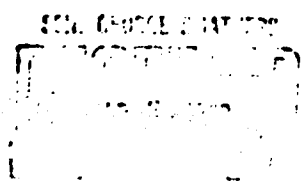
1944 30 M. B.

14-12-1216



OFFICE OF
STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
TWELFTH FLOOR DADE COUNTY COURTHOUSE
MIAMI 32, FLORIDA



RICHARD E. ORNSTEIN
STATE ATTORNEY

March 20, 1963

TEL. FRANKLIN 1-1871

Honorable George A. Smathers
United States Senator
U. S. Senate Building
Washington 25, D. C.

Dear Senator Smathers:

One of the more serious problems facing local law enforcement agencies is the need for specialized assistance in certain criminal cases.

In many instances the technical knowledge and facilities of federal agencies, such as the FBI, would be of immeasurable aid in solving serious crimes. However there are jurisdictional limitations which restrict the involvement of the FBI in local police matters.

This office in conjunction with the Miami Police Department recently concluded an investigation that culminated in the arrest and conviction of Donald Branch who was charged with detonating an explosion upon the home of Miami Herald Editor Don Shoemaker. While the FBI participated, on a very limited basis, they contended that there was no legal basis upon which they could establish jurisdiction and enter into a full investigation of the matter.

In order to make available to local law enforcement agencies the specialized knowledge and facilities that exist in the FBI, I would recommend for your consideration, the following legislation:

The Justice Department be granted jurisdiction in the following enumerated crimes: Placing or Detonating of an Explosive upon a Building and Homicide, including the threat or attempt to commit these crimes. This jurisdiction would be contingent upon a request made to the Justice Department by the local prosecuting agency. The Justice Department would then have the final decision as to exercising jurisdiction.

D. A. O.

174-18-1210

Honorable George A. Smathers
March 20, 1963
Page Two

This type of legislation would overcome any question as to impingement by federal officials on the authority of local agencies inasmuch as it requires a request by local officials before the Justice Department could intervene. The Justice Department would make the decision as to assuming jurisdiction. The law would be permissive as to their involvement yet the action of a state agency would be required to invoke the operation of the law.

I would be pleased to make myself available to you or any member of your staff for further exploration of this proposal.

Very truly yours,


RICHARD E. GERSTEIN
State Attorney

REC/mgl

Originals to:

Hon. Spessard L. Holland
Hon. Dante B. Fascell
Hon. Claude Pepper

J

DC, RED
APR 26 1963

#10,394

April 18, 1963

Honorable George A. Smathers
United States Senate
Washington, D.C.

Dear Senator Smathers:

In the absence of the State Attorney, I am responding to your letter of April 10, 1963, which included a copy of a letter written by Burke Marshall, Assistant Attorney General, Civil Rights Division.

The federal law cited by Mr. Marshall (Section 837, Title 18 U.S. Code) relates specifically to the unlawful use of explosives whereas Mr. Gerstein's proposed legislation referred to certain enumerated crimes, of which unlawful use of explosives was but one. In addition, Paragraph (c) of Section 837 clearly indicates it to be the intent of Congress for the State to maintain jurisdiction where such State laws exist.

In regard the bombing of the home of Donald Shoemaker several requests were made to have direct participation by the F.B.I. in this investigation. One of these requests, in fact, was made through your office to the Justice Department. In a conference with Attorney General Robert Kennedy we were advised that under the present law the Justice Department could not assume jurisdiction.

I might note that the local F.B.I. provided aid to the Miami Police Department in this investigation. We have no quarrel with the cooperation provided by the Justice Department in the Shoemaker case. It is my opinion, however, that the F.B.I. is particularly equipped to handle certain type cases. The legislation proposed by Mr. Gerstein would enable greater participation by that agency in such matters.

Your interest in Mr. Gerstein's proposed legislation is most appreciated.

Very truly yours,

RICHARD E. GERSTEIN, CIVIL RIGHTS
State Attorney

By S/S [Signature]
Seymour [Signature]
Administrative Assistant

SG/z

APR 24 1963

146-1214
APR 22 1963
B. V. M.

HEH:pag
144-18-1216

P. W.

July 17, 1963

Honorable Dante B. Fascell
House of Representatives
Washington 25, D. C.

Dear Congressman Fascell:

This is in further response to your letter of June 12, forwarding legislative recommendations of the Honorable Richard E. Gerstein, State Attorney.

I find that a copy of Mr. Gerstein's letter was referred to this Department last March by Senator Smathers and that Assistant Attorney General Burke Marshall replied to Senator Smathers on April 5.

In view of the above, I take the liberty of forwarding to you a copy of Mr. Marshall's letter to the Senator and trust this will suffice for your purposes.

If we can do anything further, please let me know.

Sincerely,

Signed & dated 7-19-63
Herbert E. Hoffman

Chief, Legislative and Legal Section

NOT INSPECTED FOR
MAILING BY R.A.O.

Enclosure

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Nicholas deB. Katzenbach
Deputy Attorney General

DATE: JUN 24 1963

FROM : *gmk* Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:JLM:llh

~~44-38861-21~~

SUBJECT: Desirability of legislation to extend the jurisdiction of the Justice Department in order to permit investigation of certain state crimes.

This is in reply to your memorandum of June 18, 1963, to the Criminal Division forwarding copies of letters received from Congressman Dante B. Fascell and Richard B. Gerstein, Florida State Attorney, concerning the desirability of legislation to extend this Department's jurisdiction in order to permit investigation of crimes involving the placing or detonating of an explosive or the threat or attempt to commit such a crime.

This Division had previously received a copy of Mr. Gerstein's letter of March 20, 1963, from Senator George A. Smathers. A copy of my reply to Senator Smathers, dated April 5, 1963, commenting upon Mr. Gerstein's proposal is attached for your information.

144-18-1216

22	DEPARTMENT OF JUSTICE	RECEIVED
	JUL 22 1963	
	RECORDS BRANCH	
	DEPUTY ATTORNEY GENERAL	

JUN 24 1963

144-18-1216

cc-Criminal Division
Gen. Crimes Sec.

4/3/63

BM:JLM:11h #10,394
144-18-1216

~~44-3112-1~~ (No docket)

April 5, 1963

144-18-1216

Honorable George A. Smathers
United States Senate
Washington, D. C.

Dear Senator Smathers:

This is in reply to your letter dated March 28, 1963, to the Attorney General, with which you forwarded a letter to you dated March 20, 1963, from Richard B. Gerstein, State Attorney, Miami, Florida, suggesting the enactment of legislation which would grant jurisdiction to the Department of Justice as to crimes involving the placing or detonating of explosives upon a building, and homicide, or the threat or attempt to commit these crimes. Mr. Gerstein suggests that such federal jurisdiction be made contingent upon the receipt of a request from the local prosecuting agency.

Under Section 203 of the Civil Rights Act of 1960 (Section 837, Title 18, United States Code) it is provided in part as follows:

"(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years or a fine of not more than \$10,000, or both; and if death results shall be subject to imprisonment

Records
Chrono
Mr. Murphy
Deputy AG

for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: Provided, however, That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

*Amendment being put
to be transported in
interstate or foreign commerce*

• • • • •

"(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

It will be observed that under the foregoing provisions it is presently a Federal offense to transport in commerce any explosive with knowledge it will be used to damage or destroy property used for various purposes. Where personal injury or death results from the offense, the punishment is increased to include a possible death sentence. I believe these provisions of the Civil Rights Act of 1960 fulfill the same purpose as the proposal offered by Mr. Bernstein.

In administering these provisions, this Department has endeavored to carry out the will of Congress, expressed in subparagraph (e) above, by affording local authorities the opportunity of first investigating such crimes. Where local law enforcement authorities make appropriate request, the Federal Bureau of Investigation conducts investigation of bombing matters. The Bureau stands ready at all times, of course, to provide the assistance of its technical and laboratory facilities to local police departments in the solution of any crime.

In the Shoemaker case, to which Mr. Gerstein refers, close liaison was maintained with Miami law enforcement authorities. Laboratory and technical facilities of the FBI were made available to the Miami Police Department and other assistance was provided. The Miami Police Department at no time requested the FBI to take over the investigation; indeed, it did not appear advisable at any time during the investigation that such a course of action be followed in view of the effective efforts then being made by the Miami Police Department.

I appreciate your having brought Mr. Gerstein's letter to the attention of the Department.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure (Mr. Gerstein's letter returned)

June 18, 1963

144-18-1216 P. W.

Honorable Dante B. Fascell
House of Representatives
Washington 25, D. C.

Dear Congressman Fascell:

This will acknowledge your letter forwarding the letter received from the Honorable Richard E. Gerstein, Florida State Attorney, suggesting legislation to confer upon the Department of Justice jurisdiction to investigate certain violations of State law.

We are having interested units study Mr. Gerstein's suggestion, and shall forward the Department's recommendations to you as soon as the study has been completed.

Thank you for calling this matter to our attention.

Sincerely,

Herbert E. Hoffman
Chief, Legislative and Legal Section

DANTE B. FASCELL
9th District, Florida

COMMITTEES:
GOVERNMENT OPERATIONS
CHAIRMAN: LEGAL AND MONETARY
AFFAIRS SUBCOMMITTEE
FOREIGN AFFAIRS
CHAIRMAN: INTERNATIONAL ORGANIZATIONS
AND MOVEMENTS SUBCOMMITTEE

JOHN R. BUCKLEY
CONGRESSIONAL ASSISTANT

Congress of the United States
House of Representatives
Washington, D. C.

June 12, 1963

DVP

Mr. Herbert E. Hoffman
Legislative Liaison
Department of Justice
Washington 25, D. C.

Dear Mr. Hoffman:

I am enclosing a letter from the Honorable Richard
E. Gerstein, State Attorney.

I would be extremely interested in your comments
on the legislation he proposes in regard to any legislation
introduced in past Congresses, the Constitutional problems
involved, etc.

May I hear from the Department in the near future.

Sincerely,

Dante B. Fascell
DANTE B. FASCELL
Member of Congress

DBF:H

INDEXED ON

Con 150 - Legislation R. S. M

JUN 14 1963

Rec'd N. A. T.

R. S. M

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JUL 22 1963	
RECORDS BRANCH	
DEPUTY ATTORNEY GENERAL	



Office of
STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
TWELFTH FLOOR DADE COUNTY COURTHOUSE
MIAMI 32, FLORIDA

RICHARD E. GERSTEIN
STATE ATTORNEY

March 20, 1963

TEL. FRANKLIN 1-7071

RECEIVED

Honorable Dante B. Fascell
Congressman, Fourth District
House of Representatives
Washington, D. C.

DANTE B. FASCELL

Dear Congressman Fascell:

One of the more serious problems facing local law enforcement agencies is the need for specialized assistance in certain criminal cases.

In many instances the technical knowledge and facilities of federal agencies, such as the FBI, would be of immeasurable aid in solving serious crimes. However there are jurisdictional limitations which restrict the involvement of the FBI in local police matters.

This office in conjunction with the Miami Police Department recently concluded an investigation that culminated in the arrest and conviction of Donald Branch who was charged with detonating an explosion upon the home of Miami Herald Editor Don Shoemaker. While the FBI participated, on a very limited basis, they contended that there was no legal basis upon which they could establish jurisdiction and enter into a full investigation of the matter.

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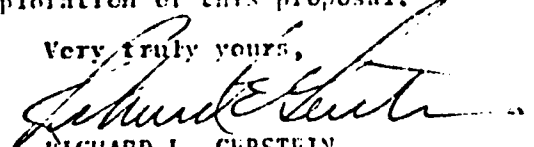
144-18-1216 P.W.

Honorable Dante B. Fascell
March 20, 1965
Page Two

This type of legislation would overcome any question as to impingement by federal officials on the authority of local agencies inasmuch as it requires a request by local officials before the Justice Department could intervene. The Justice Department would make the decision as to assuming jurisdiction. The law would be permissive as to their involvement yet the action of a state agency would be required to invoke the operation of the law.

I would be pleased to make myself available to you or any member of your staff for further exploration of this proposal.

Very truly yours,



RICHARD L. CERSTEIN
State Attorney

REG/mgl

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