

Misc

Louis F. Oberdorfer
Assistant Attorney General
Tax Division

July 26, 1963

St. John Barrett -
Second Assistant
Civil Rights Division

SJB:arg

Information regarding John
Satterfield and the Bar of
Mississippi.

The attached folder contains material we have been able to locate touching on the statements and legal conduct of John Satterfield and other members of the Mississippi Bar. It includes the following:

1. News clips of public statements by Satterfield and by Sidney C. Carlton, President of the Mississippi Bar Association
2. The report of the General Legislative Investigating Committee of the Mississippi Legislature, together with a press release of the Committee.
3. A summary of counsel's conduct in the Heredith case.
4. Synopsis of the action of certain local prosecuting officials in a number of voting right cases, as well as in a bus terminal desegregation case.
5. A tabulation of state and federal cases relating to exclusion of Negroes from juries in Mississippi.

In my view this material is disappointing.

Best examples of unethical practices come from the Heredith case. The principal points are as follows:

- (1) In both the district court and the Court of Appeals the special counsel for the Board of Trustees (Dugas Shands, Assistant Attorney General, and Charles Clark) repeatedly

cc: Records
Chron.

✓ Mr. Marshall Mr. Oberdorfer (extra copy) Mr. Barrett

urged that the University did not exclude Negroes; that Mississippi had no policy of maintaining institutions of higher learning on a segregated basis. The Court of Appeals, however, took judicial notice that the exact opposite was fact and commented that the "case was tried below and argued here in the eerie atmosphere of never-never land." *Meredith v. Fair*, 298 F. 2d 696-701 (CA 5, 1962). [It should be noted, however, that District Judge Mize found in favor of the defendants on this incredible assertion of fact. 199 F. Supp. 754.]

(2) On September 20, 1962, the day on which Meredith was scheduled to enroll in the University, attorneys Tom H. Watkins and H. B. Montgomery filed an injunction suit on behalf of the Governor in the Chancery Court of Lafayette County to restrain Meredith from entering the University. In this complaint, which was verified by Governor Barnett, a factual position exactly opposite to that urged in federal court was taken. The complaint alleged that "the University of Mississippi is an educational institution ... for members of the white race." It further alleged that "it is against the public policy of the State of Mississippi, as well as its laws, for any colored person to be admitted as a student to said institution and his [Meredith's] enrollment and entry therein would be in direct violation of the laws of the State of Mississippi." On the basis of this allegation an ex parte order was issued by the state court enjoining Meredith from enrolling. A similar complaint was filed with, and an ex parte order obtained from, the Chancery Court of Hinds County on the same day. The Hinds County complaint was signed by Watkins, Montgomery, Barnett and State Attorney General John F. Patterson. A third complaint was filed and ex parte order obtained by Barnett and his attorneys on September 20 from the Hinds County Chancery Court enjoining the Board of Trustees from admitting Meredith. All of these orders went not only directly into the teeth of the federal court orders but were obtained without notice or hearing and were based upon sworn statements of fact diametrically opposed to statements urged upon the federal courts by counsel for the state.

(3) Private counsel indulged in the same tactics as did counsel for the state. On September 19, 1962, Harvey N. Hutchins, an attorney practicing in Long Beach, Mississippi and acting on behalf of a number of parents of University students, applied for and obtained an *ex parte* order from the Chancery Court of Jones County, Mississippi, restraining the Board of Trustees from enrolling Meredith, restraining Meredith from enrolling and restraining various officials of the Executive Branch of the Federal Government (including the Attorney General) from doing anything to facilitate Meredith's enrollment. This suit was removed to federal court by the United States and dismissed.

(4) Prosecuting officials of both Hinds County and Lafayette County sought to use state criminal process to prevent Meredith's enrollment. On May 28, 1962, Hinds County Attorney Paul G. Alexander instituted a prosecution of Meredith for falsely registering to vote in Hinds County. The Court of Appeals for the Fifth Circuit, in protecting Meredith in his right to enroll at the University, enjoined this state prosecution, terming it "frivolous." *Meredith v. Paig*, 305 F. 2d 343, 355-56 (1962). As the time for Meredith's enrollment drew closer, Alexander instituted another prosecution of Meredith on September 14, 1962. This prosecution was for "perjury" but was based upon exactly the same facts as the earlier prosecution. On the morning of September 20, 1962, after giving hurried telephone notice to Meredith's attorney, Mr. Alexander brought on for trial the charge against Meredith of false registration. Meredith was convicted in absentia and sentenced to one year in jail and to a fine of \$300. The Fifth Circuit Court of Appeals thereupon restrained execution of the sentence. The same day the Mississippi Legislature passed, and the Governor signed, a bill making it a criminal offense for anyone charged with a felony (such as the "perjury" charge filed by Alexander on September 14) to attend an institution of higher learning. Later the same day a prosecution was instituted in Lafayette County and a warrant of arrest was issued against Meredith for violating the newly-enacted statute. The prosecution was enjoined by the federal court.

(5) In the contempt proceedings in the Court of Appeals against Governor Barnett Mr. Satterfield sought to represent the Governor's interest on the merits without entering an appearance on behalf of the Governor and thus conceding jurisdiction over the Governor's person. In an apparent effort to determine whether the Governor had actual notice of the outstanding court orders, members of the court asked Satterfield whether he had discussed the case with the Governor. After some evasion Satterfield denied that he had had such discussions with the Governor. Chief Judge Tuttle emphatically expressed his disbelief of Mr. Satterfield. Mr. Satterfield insisted on his right to appear for the State of Mississippi as amicus for the Governor. The court denied him the right to speak for the Governor without stating to the court that he was authorized to represent him.

In some of the above statements I am drawing upon my own memory and they should be verified before actually being used. The exchange between Judge Tuttle and Mr. Satterfield is in a volume of the transcript not presently available to us and hence has not been checked.

If you think it worthwhile we can set forth the Meredith case story as above outlined in more details and better form.

For your information I am also attaching a recent news article regarding Barnett's designation of Satterfield as chairman of a "nationwide effort to kill the Kennedy administration civil rights bill."

Atto,

July 22nd, '63.

Dear Mr. Marshall:-

Please allow me to use our occasional meetings in Alabama in an effort to get the ear of the President.

Southerners who hold unorthodox views on the race question are afflicted with chronic despair. Some have martyr-complexes, others are genuine ~~_____~~ martyrs. It is one of the latter that I am writing you about -- Mr. Clifford J. Durr, an attorney here in Montgomery.

First a little background. Mr. Durr is a native Alabamian who learned traditional Southern attitudes during his ~~childhood~~ childhood. He was a bright student and was chosen a Rhodes scholar in 1918. Upon return he practiced law in Birmingham for a time before going to Washington as a New Deal government official in the Thirties. He eventually became general counsel of the Reconstruction Finance ~~Corp~~ Corporation and did work for the Defense Plant Corporation before his appointment to the Federal Communications Commission in 1941. His work on the FCC is a matter of record, his chief accomplishment being the establishment of the principle of educational television and radio.

In 1948 President Truman offered him reappointment, which he turned down on the grounds that he could not conscientiously administer the President's newly-imposed Loyalty Oath. In a personal conversation with Mr. Durr, the President admitted that he regarded the loyalty oath as an odious device, but "I had to do something to take the ball away from that son-of-a-bitch Parnell Thomas."

After leaving the Government, Mr. Durr was ill for several years with a chronic back condition, but he eventually returned to Montgomery to set up law practice.

In 1954 Senator Eastland called Mrs. Durr before ~~_____~~ a subcommittee of the Senate ~~_____~~ internal security committee at New Orleans. It is significant that every other senator on the subcommittee found a convenient reason not to attend. It is also significant that Mrs. Durr was the sister-in-law of Justice Hugo Black, who was delivering opinions which very much troubled Senator Eastland.

The ~~_____~~ chief witness at this hearing was one Paul Crouch, who testified essentially that Mrs. Roosevelt would smuggle the cabinet secrets to Mrs. Durr, who would pass them on to the Russian embassy. The Durrs did not have the resources to carry on the kind of investigation ~~_____~~ which eventually completely discredited Crouch as a ~~_____~~ credible witness. However, Mr. Durr did take the witness stand, categorically denied every statement made by Crouch, and then suggested that since one of the other was obviously lying, a perjury prosecution ~~_____~~ would be in order. None was forthcoming.

*Jim at a. Section.
Thank you for your
letter about Clifford Durr,
I have not had a chance
to read it yet. I will
try to get it done in a
few days. I will
write you again.
I am sure you
will be interested
in what I have to
say. I will
write you again.
I am sure you
will be interested
in what I have to
say. I will
write you again.*

Crouch subsequently died in Hawaii and it is a real irony that one of ~~the~~ the men whom he had "exposed" kept him in food and medicine during his last tormented days. This part of the story is unknown in Montgomery, where the Durrs are subjected to such petty campaigns of villification that their 13-year-old daughter cannot attend the public schools.

I have known Mr. Durr only for the past four years, but I can say this about him:

-- He is the only white lawyer in Montgomery that will take any civil liberties case involving racial overtones. For instance, he defended a white college professor and a group of students charged with "conduct calculated to provoke a breach of the peace," the conduct being having lunch with a group of Negroes in the private dining room of a cafe. More recently, he defended a young white student who has been a leader in racial equality movements who had been arrested for vagrancy on the orders of no less than Gov. Wallace. Although he was arrested without warrant, one was later supplied by a police officer. The ~~complaint~~ complaint charged him ~~with~~ with "strolling about in an idle manner" on the campus of the college from which he had recently graduated. College authorities did not make the complaint.

-- Mr. Durr is the only white lawyer in Montgomery who will accept the case of a Negro involved in an ~~offense~~ offense against a white man. He has brought a number of civil rights cases involving police brutality and, while he has never ~~won~~ won one, the very fact that a suit might be brought has significantly reduced the incidence of police high-handedness in Montgomery.

-- While he is not provocative or ostentatious -- he's actually quite the opposite -- he is probably the only white lawyer in Montgomery who would ~~be~~ shake hands with a Negro in a public place.

In short, his plain and simple decency has robbed him of his rightful respect and has made it very near impossible to make a living.

The question is now, will the Administration, by inaction, join the mob which has set upon him.

You cannot imagine how maddening it is to see Mr. Durr's talents going to waste while a man like Walter P. Gevin sits upon the ~~U. S. Court of Appeals~~ U. S. Court of Appeals -- put there by the President. There now exists a serious danger that the fine work of the Fifth Circuit is about to be sabotaged and you must admit that the last two appointments have done much to bring this situation about.

It is my understanding that the judges of the Fifth Circuit have voted to ask the Judicial Conference which meets in September to recommend to Congress the creation of four additional judgeships in the circuit. Surely it is not asking too much that Mr. Durr at least be considered for one of these appointments. Perhaps the strongest argument that could be made in his behalf is the absolute certainty that you would not be getting another Cameron or Gevin or even a "moderate" like Bell.

I am fully aware of the political exigencies involved in such appointments. But if the President expects to set an example of courageous leadership for Southerners in the racial conflict, then he must act ~~being~~ courageously himself. Appointment of Mr. Durr to the Federal bench would be just ~~such~~ such a courageous act.

This failing, would it be possible to consider him for ~~the~~ membership when a vacancy arises on the Civil Rights Commission?

If this letter sounds bitter, I readily concede that it is. But you have to admit that this is a ~~dis~~ disillusioning situation. Recently Mr. Durr was defending a young fellow who had gotten into trouble for his Student Non-Violent Coordinating Committee work. SNCC scratched up \$2,500 and hired a ~~high-priced~~ high-priced lawyer from Birmingham who took the case away from Mr. Durr. When the money ran out, so did the high-priced lawyer from Birmingham. At this point, Mr. ~~Durr~~ Durr took the case again and, without ~~complaint~~ complaint, got the kid out of trouble for virtually no fee at all.

I think Judge Rives of the Fifth Circuit Court of Appeals would ~~would~~ join in this recommendation if you ~~would~~ wished to talk with him about it. This, however, is ~~is~~ strictly a guess.

Best wishes,

Ray Jenkins

Ray Jenkins,
2026 Commodore St.,
Montgomery, Ala.

PS: I'll be in Washington on Vacation toward the end of August if you would be interested in talking further about this matter.

Misc.

July 23, 1963

Richard T. Marshall, Esq.
611 First National Building
Post Office Box 888
El Paso, Texas

Rec,
mly.
in

Dear Dick:

Thank you for your letter. You might consider writing to Senator Magnuson's Committee, not about Governor Connally, but about the experience in El Paso.

8,
1

Best regards,

Burke Marshall

LAW OFFICES
RICHARD T. MARSHALL

611 FIRST NATIONAL BUILDING
POST OFFICE BOX 888
EL PASO, TEXAS

79946
July 23, 1963

AREA CODE 846
TELEPHONE 533-8846

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

Dear Burke:

I would like to make one comment to you following Governor Connally's blast at the President's program for Civil Rights, especially the proposed Senate Bill 1732.

Governor Connally's position is self-defeating. He bases his entire argument upon the voluntary nature of desegregation now being "accomplished" in such cities as Fort Worth and San Antonio, where Bi-racial Commissions are working in the restaurant and hotel fields. The important thing to note, Burke, is that although efforts have been made for many years in these other cities of Texas, as well as in El Paso, for such voluntary adjustment to change, nobody was getting anywhere until El Paso passed a City Ordinance last year very much along the lines of Senate Bill 1732. Now with agitation for City Ordinances in Fort Worth, San Antonio, Waco and other cities, suddenly everybody is making "progress" on a voluntary plane.

I ought to know. I have been corresponding with groups in other Texas cities who are following in the footsteps of the El Paso group which worked for the Ordinance last year. A very complete article regarding what is going on in other Texas cities appeared in a recent number of "The Texas Observer", a weekly published in Austin.

Dear Dick:
Thank you for
your letter. You
might consider
writing to Senate
Connally's Committee,
not about to occur locally,
but about the experience in
E. S. Pas.
Sincerely,

Hon. Burke Marshall
Page -2-

July 23, 1963

Perhaps, however, the major contradiction in Governor Connally's statement is his refusal to appoint a statewide Bi-racial Commission after lauding the progress being made by such commissions in local communities.

Best of luck in your wonderful work. Again Dorothy joins with me in thanking you for your recent hospitality.

Sincerely,



RICHARD T. MARSHALL

RTM:ng

DEPARTMENT OF JUSTICE
ROUTING SLIP

M...

TO	
NAME	BUILDING AND ROOM
1. <u>Courtney Evans</u>	
2. <u>Burt Marshall</u>	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

7/25

This has been delayed because of pressures here and there. Do you have any thoughts on what answer we should give.

Per call 7/26
E **BAA**

FROM		
NAME	BUILDING, ROOM, EXT.	DATE

CE

RE

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York
July 29, 1955

In Reply, Please Refer to
File No.
100-3245

Re: BISHOP EDGAR A. LOVE
National Life Membership Committee
National Association for the
Advancement of Colored People

Bishop EDGAR A. LOVE, a male, was born at Harrisonburg, Virginia, on September 16, 1891. He was ordained a minister of the Methodist Church in 1915 and elected a Bishop in 1951. He resides at 2416 Montebello Terrace, Baltimore, Maryland.

A source, who has furnished reliable information in the past, advised that Bishop EDGAR A. LOVE presided at the "South-wide Conference For Compliance With Supreme Court on Integration" under the sponsorship of the Southern Conference Educational Fund, Incorporated (SCEF) held at Richmond, Virginia, on January 25, 1955.

A second source, who has furnished reliable information in the past, advised that Bishop EDGAR A. LOVE, as of April, 1955, was a member of the Board of Directors of the SCEF.

A third source, who has furnished reliable information in the past, advised that Bishop EDGAR A. LOVE was chairman on the Conference on Voting Instructions sponsored by SCEF held April 27, 1955, at Washington, D.C.

The mast head of the June, 1955, issue of "The Southern Patriot", a publication of the SCEF, carried the name of Bishop EDGAR A. LOVE, Vice President of the SCEF.

Re: Bishop EDGAR A. LOVE

A Church source, who has furnished reliable information in the past, advised that at a meeting of the SCLC on 11/24/58, 1958, at Philadelphia, Pennsylvania, Bishop EDGAR A. LOVE spoke and said he was proud to have served his country in World War I and fought 17 months in Europe. He stated that after the war, discriminations and violations of civil rights began and that at first he hated the white man. He went on to say that he later came to his senses, knowing that it was wrong and that hate could not cure anything. He related that a preacher has no fears if he confines his activities to preaching and to the pulpit but when he actively helps people or openly speaks out for them on matters of equality and civil rights, his activities are curtailed and people hate him. Bishop LOVE stated that he has consistently instructed ministers under his control not to preach the use of violence, specifically in regard to the current demonstrations in the South. Bishop LOVE stated that these rights will eventually be won under the Constitution. Bishop LOVE stated that the time had come for the Negro people to live in peace and to enjoy what is rightfully theirs under our democracy.

The SCLC is characterized in the appendix section of this memorandum.

APPENDIX

SOUTHERN CONFERENCE EDUCATIONAL FUND, INC.

The Southern Patriot, a monthly publication, shows that it is published by the Southern Conference Educational Fund, Inc. (SCEF).

The Southern Patriot was cited as an "organ" of the Southern Conference for Human Welfare (SCHW) by the Committee on Un-American Activities, House Report 592, on the SCHW, June 12, 1947.

The SCHW was cited as a Communist front by the Committee on Un-American Activities, House Report 592, June 16, 1947.

An amendment to the charter of the SCHW changed the name of that organization to the SCEF, and listed its purpose as being to improve the educational and cultural standards of the Southern people in accordance with the highest American democratic institutions, traditions, and ideals. The amendment was dated April 26, 1946.

A source advised on March 2, 1961, that Claude Lightfoot, a Communist Party functionary, stated at a meeting of the Communist Party in Baltimore, Maryland, on February 25, 1961, that the Communist Party is not connected with any progressive movement but indirectly they do have some influence in the SCEF.

A second source who was familiar with some phases of Communist Party activity in the New Orleans area advised on May 27, 1963, that during the time the SCHW was in existence, Communist Party (CP) members were members of and worked actively in the SCHW. However, since the formation of the SCEF, rank and file CP members have not been encouraged to work in the SCEF. The source stated that the SCEF is a progressive liberal organization which he considers a CP front organization because it has gone along with the CP on certain issues, particularly on the racial question.

APPENDIX

SOUTHERN CONFERENCE EDUCATIONAL FUND, INC. (CONTINUED)

On May 27, 1963, the second source advised that in the past he has considered James A. Dombrowski, the Executive Director of the SCEF, to be a communist, if not an active CP member because he followed communist principles.

The second source also advised on May 27, 1963, that many people who are officials and members of the SCEF, while liberal in their views are by no means communist.

DATE

Misc.

Form No. CVR-17
(Rev. 6-7-63) Civil Rights Division

FROM: MAIL AND DOCKET ROOM

- Assistant Attorney General
- First Assistant
- Second Assistant
- Trial Staff
- _____
- Chief, General Litigation Sec.
- Head, Const. Rts. Unit
- _____
- Chief, Appeals & Research Sec.
- Federal Custody Unit
- _____
- Chief, Voting & Election Sec.
- _____
- _____

REMARKS: **NO DOCKET CARD**

UNITED STATES GOVERNMENT

Memorandum

J. L. - Miss
DEPARTMENT OF JUSTICE

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: July 22, 1963

FROM : Harold H. Greene
Chief, Appeals and
Research Section

SUBJECT: Reapportionment cases

Mr. Alfred Scanlan, counsel in the Maryland reapportionment case, called me to apprise me of the results of a meeting which counsel in the Maryland, Virginia, New York and Alabama cases held today. Plaintiffs in these four cases will argue for the strict population principle in both houses of their respective legislatures.

Mr. Scanlan thin , that as far as the Maryland case is concerned, he may leave some room for maneuver. Counsel in the Virginia case particularly, but apparently also some of the others, were concerned about the Government's position. They expressed the strong feeling that they hoped any brief to be filed by the Government would not undercut their "one man, one vote" position.

I told Mr. Scanlan that I would pass this information along.

Misc.

117 E. Church Street
Tuskegee, Alabama
July 26, 1963

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

Dear Mr. Marshall:

The following article appears on page 1, column 7 of the July 16, 1963 issue of The Tuskegee Times:

Modification of an injunction issued by the U. S. District Court at Montgomery requiring the Macon County Board of Registrars to report to the court is asked in motion filed on behalf of Board members. U. S. Judge Frank H. Johnson, Jr., will hear the motion Aug. 1.

Atty. Gen. Richmond Flowers urged that "the reasons for the issuance of the prior orders no longer exist."

His motion argued that there is now a functioning board which is complying "in good faith" with Johnson's instructions and that there is no longer a backlog of applicants for registration.

Making reports to the judge, as ordered, is "an intolerable burden" on the registrars, the motion stated. Spending night hours reporting to FBI agents is the same, it was claimed.

The motion also asked that the registrars be relieved of notifying each rejected applicant by mail, because of lack of funds to pay for the postage cost. Instead it was suggested that names be posted where applicants could go to learn if they were turned down.

I feel very strongly that no modifications should be made in the injunction issued by the U. S. District Court at Montgomery which requires the Macon County Board of Registrars to report to the Court. This feeling is based on my attempts to register along with some 50 other Negroes and no whites on July 15, 1963. In order to register, I had to stay at the court house in Tuskegee, Alabama from 10 A.M. to 12 noon and from 1 P.M. to 3 P.M. There were many other people who

Mr. Burke Marshall
Page 2
July 26, 1963

had to stay much longer periods of time than I. My experience in registering in North Carolina, Illinois, and Virginia strongly support my contention that I, with training beyond a University of Chicago M. A. degree, can complete registration in a shorter period of time. I can state, without reservations, that I could have completed the process in Tuskegee in less time had I been afforded this opportunity. As I sat in Tuskegee, I observed that all persons who were attempting to register verbally stated their disgruntlements over the time required to do so. Although I cannot substantiate my belief, I nonetheless feel that deliberate efforts are made to make people wait so that they will become discouraged and leave before completing registration procedures. Upon completing my registration, I felt as if I had been a performer and an observer in a cheering circus.

A second point of concern to me is the means of notifying rejected applicants. The use of the mail to notify one of his passing or failing seems important. Not only does it give the applicant a legal notification, but it also is in keeping with the best psychological principles. To print names of rejected persons is tantamount to public publication of the name of children who fail a grade in school.

Thank you very much for your consideration of my views on this matter. I do hope that the aforementioned injunction can be continued since Negroes might have to take several days instead of many hours to register if the federal government does not continue to use its powers in Macon County. If I can be of further assistance, please feel free to contact me.

Sincerely yours,

(Mrs.) Ada P. Puryear



OFFICE OF
COMMISSIONER LEE LOEVINGER

Assistant Attorney General Burke Marshall

Burke - Called you but was unable to catch you in a free moment. Attached for your info is a copy of the public statement the FCC has issued to all broadcasting licensees on the fairness doctrine and its application to the discrimination issue. If you have any comments - on this or any other communications matter - would be happy to talk to you.

F.C.C. - WASHINGTON, D. C.

Muse

FEDERAL COMMUNICATIONS COMMISSION



WASHINGTON, D. C., 20554

FCC 63-734
38372

PUBLIC NOTICE - B

July 26, 1963

BROADCAST LICENSEES ADVISED CONCERNING STATIONS' RESPONSIBILITIES UNDER THE FAIRNESS DOCTRINE AS TO CONTROVERSIAL ISSUE PROGRAMMING

Several recent incidents suggest the desirability of calling the attention of broadcast licensees to the necessity for observance of the fairness doctrine stated by the Commission in its opinion of June 1, 1949 in Docket No. 8516. The Commission adheres to the views expressed in that opinion and continues to apply that policy, namely, that the licensee has an affirmative obligation to afford reasonable opportunity for the presentation of contrasting viewpoints on any controversial issue which he chooses to cover.

The Commission has undertaken a study to consider what actions, perhaps in the form of a primer or rules, might be appropriate, better to define certain of the licensee's responsibilities in this area. Without undertaking at the present time to specify all, or the most important, applications of the policy, it is appropriate to call attention to the Commission's view of its application in three currently important situations:

(a) When a controversial program involves a personal attack upon an individual or organization, the licensee must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response (Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586, 591; Billings Broadcasting Company, 23 Pike & Fischer, R.R. 951, 953).

(b) When a licensee permits the use of his facilities by a commentator or any person other than a candidate to take a partisan position on the issues involved in a contest for political office or to attack one candidate or support another by direct or indirect identification, he must immediately send a transcript of the

pertinent continuity in each such program to each candidate concerned and offer a comparable opportunity for an appropriate spokesman to answer the broadcast (Times-Mirror Broadcasting Co., 24 Pike & Fischer, R.R. 404, 405).

(c) When a licensee permits the use of his facilities for the presentation of views regarding an issue of current importance such as racial segregation, integration, or discrimination, or any other issue of public importance, he must offer spokesmen for all responsible groups within the community similar opportunities for the expression of the viewpoints of their respective groups. In particular, the views of the leaders of the Negro and other community groups as to the issue of racial segregation, integration, or discrimination, and of the leaders of appropriate groups in the community as to other issues of public importance, must obviously be considered and reflected, in order to insure that fairness is achieved with respect to programming dealing with such controversial issues (Editorializing Report, 1 (Part three) Pike & Fischer, R.R. 201, 204-206; cf. WBNX Bctg. Co., Inc., 4 Pike & Fischer, R.R. 242, 248).

In determining compliance with the fairness doctrine the Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of "Americanism," "anti-communism" or "states' rights," or whether it is a paid announcement, official speech, editorial or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

The Commission does not seek to prevent the expression of any viewpoint by any licensee on any issue. It does seek to prevent the suppression of other contrasting viewpoints by any licensee on any issue when licensed broadcast facilities have been used for the presentation of one view of the issue. This is required by the public interest standard of the law.

-FCC-

Adopted: July 25, 1963

SMITH, GARDNER, KELLEY & WIGGINS
ATTORNEYS AT LAW
POST OFFICE BOX 1088
ALBANY, GEORGIA

JAMES W. SMITH
S. C. GARDNER, JR.
ASA D. KELLEY, JR.
M. M. WIGGINS, JR.

302 FLINT AVENUE
TELEPHONE 436-0827

July 24, 1963

Honorable Bert Marshall
Department of Justice
Washington, D. C.

Dear Bert:

We represent a man by the name of Cleo E. Lovett, Reg. No. 68-EF, who is serving time at the Federal Penitentiary at Tallahassee, Florida for the offense of making whiskey. Mr. Lovett has suffered a severe heart attack and has been eligible for parole for several months. I have tried to get him out through the Pardon and Parole Board.

I would appreciate it very much if there is any way that you could help us in securing the release of this man. His wife feels he is not receiving the right medical treatment. According to the doctors, his condition is being controlled by digitalis and he must be kept under close supervision by a physician. He is not to do any labor whatsoever.

The Pardon and Parole Board passed on this case sometime in May. If you could help us we certainly would appreciate it.

Yours very truly,


ASA D. KELLEY, JR.

ADKJR:nrv

*John D. ...
could you have this
looked into and let us know?
Asa Kelley is the lawyer
of Albany.*

*for
sent to
JN 7/29*

Miss.

Ranscy Clark
Assistant Attorney General
Lands Division

July 19, 1963

Burke Marshall
Assistant Attorney General
Civil Rights Division

School Desegregation

In accordance with our discussion on Wednesday, the following are places which will have school desegregation for the first time in September and which may involve problems:

1. Mobile, Alabama. I have visited this city about the schools some months ago. You will find a great deal of support for an orderly compliance with the order of the court. The newspaper is weak and very conservative, but will support this effort. The Superintendent of Schools is a good man. The major problem will be possible interference by Governor Wallace. A visit to the city should be planned with Bob Jansen, the United States Attorney there, who will take you to the appropriate local officials and citizens.

2. Birmingham, Alabama. On the whole, I think that I had better deal with this one myself in view of the personal background with a number of the people in Birmingham.

3. Baton Rouge, Louisiana. We have collected a good deal of material on Baton Rouge which is attached. You should look at the material before going down there. Frank Dunbaugh of my Division should go with you. I do not have any firm feeling at the moment of how things will go in Baton Rouge, but there will be a good deal of support, including the newspapers, for orderly compliance. The problem will be the attitude of the state government.

4. Savannah, Georgia. - The United States Attorney here, Don Fraser, is a good man. The Mayor, Malcolm MacLean, is first rate, is a friend of mine, and will make every effort. The Governor is also outstanding. I would think

there would be no problem in Savannah except for the tensions and emotions created by the current demonstrations. The first person to see in Savannah would be the Mayor. Before you go there I should call him and tell him you are coming.

5. Albany, Georgia. The Mayor, Asa D. Kelley, is friendly to us. The Chief of Police, Laurie Fritchett, is quite a remarkable law enforcement official. Those two men will want an orderly compliance. The Mayor is not strong, but Fritchett is. The United States Attorney is not good. The first people to see are the Mayor and the Chief. Before you go there I should call them. Albany has been the scene of a great deal of racial turmoil since the summer of 1962.

6. Charleston, S.C. I am least informed on this city. There have been demonstrations during the past two weeks. Terrell Glenn has been active at my request in attempting to get some action by the Mayor and businessmen in Charleston to deal with them. This should provide a basis on which they will deal with their school problem as well. The Governor will want orderly compliance.

7. Howhatan County, Va. This is like Prince Edward County, and the problem is the possible closing of the schools. I have no entry into the county at the moment, so we will have to figure out one.

cc: The Attorney General
The Deputy Attorney General

Miss.
**National
Labor Service**

Institute of Human Relations • 165 East 56 Street, New York 22, N. Y. • Plaza 1-4000

Harry Fleischman, Director

July 16, 1963

Dear Mr. Marshall:

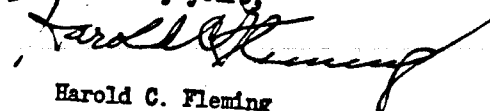
An off-the-record conference of union civil rights specialists, Negro trade unionists, and intergroup relations leaders was held in Washington, D. C., June 10th, to consider new proposals to speed moves towards equal opportunity in employment.

There were, of course, no votes at the conference, but a great many suggestions were advanced. In some cases certain participants disagreed with particular proposals, but we are including all of them so that you may be able to judge for yourself their usefulness and validity. We are encouraged that several actions similar to some of these proposals have been initiated since the conference took place.

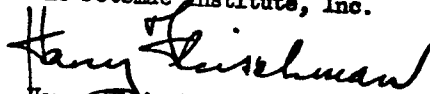
We hope you will find these proposals useful to your planning and activities in this field.

With all best wishes.

Sincerely yours,



Harold C. Fleming
Executive Vice President
The Potomac Institute, Inc.



Harry Fleischman, Director
National Labor Service
American Jewish Committee

Mr. Burke Marshall
Civil Rights Division
Justice Department
9th & Constitution Ave., N.W.
Washington, D. C.

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encl.

The Potomac Institute, Inc.
1501 18th Street, N. W.
Washington 36, D. C.

National Labor Service
American Jewish Committee
165 East 56th Street
New York 22, New York

PROPOSALS FOR CIVIL RIGHTS ACTION BY ORGANIZED LABOR

1. The AFL-CIO should immediately establish a special task force of ranking officers and staff representatives, whose purpose should be to establish a broad crash program to deal with all aspects of civil rights.
2. Similar AFL-CIO task forces should be established at the state and local level.
3. International unions should be requested to make similar high-level assignment of those responsible for action on civil rights.
4. Special action needs to be taken by the Building Trades Department of the AFL-CIO, as well as by the key international unions involved. AFL-CIO task forces should encourage these unions to meet with state and city human relations commissions, with the leaders of the Negro protest organizations and with interracial groups of clergymen to work out specific action programs to end restrictive practices. Prompt action is needed to accomplish this before protest picket lines and demonstrations create increasing friction between Negro and labor groups.
5. There is need for an immediate allocation of additional financial and staff resources for the AFL-CIO civil rights department. The number of cities, such as Baltimore, Los Angeles, and Detroit, where protest organizations have already served ultimatum notices of pending demonstrations is merely symptomatic of the growing need for adequate staff with proper background and direction to undertake the type of negotiation that will resolve these situations. In addition, the major international unions should be urged to augment or create civil rights staffs to work in coordination with the

AFL-CIO civil rights department.

6. With regard specifically to minority group access to apprenticeships, every effort must be made to expand the type of coordinate community program initiated by organized labor in California and now beginning in New York City, the District of Columbia, and Chicago. These programs should include widely disseminated information on available apprenticeships and means of entering them, aimed specifically at the involvement of increasing numbers of minority apprentices. Where appropriate, apprenticeship standards should be reviewed, the number of apprentices should be enlarged, and assistance from the appropriate governmental agencies should be obtained. The need for follow-up procedures to insure fair and proper consideration of minority apprenticeship candidates is basic to this program.

A Conference of National Association of State Apprenticeship Directors in Washington, D. C., early this year, insisted that the United States needs one million apprentices. President C. J. Haggerty of the AFL-CIO Building and Construction Trades Department told the conference that the figure was "probably an understatement, rather than an exaggeration, of the need," and urged the Government to require successful bidders on public works projects to employ a specified ratio of apprentices to journeymen, with apprentices chosen on a non-discriminatory basis. This could be accomplished if President Kennedy would insert a new clause in all Federal contracts calling for the mandatory hiring of at least one apprentice or trainee for every five journeymen, and that these apprentices be chosen without discrimination. This could be done under Executive Order 10925 which already provides that "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include but shall not be limited to ... selection for training, including apprenticeship."

7. A national conference of ranking union officers and civil rights organization leaders should be convened at once under the initiative of President George Meany of the AFL-CIO. The primary purpose of this conference is to evaluate civil rights issues and problems and to review progress being made.
8. Because of the many minority workers engaged in marginal and low-paying occupations, a major review of the Fair Labor Standards Act and the Walsh-Healey Act assumes major importance. Here, the need for extended coverage and improved standards is seen in its most important light.
9. The objectives of the National Manpower Development and Training Act and the Vocational Education Program must be supported with adequate financial and technical resources. Labor support for this type of training as part of a national manpower policy should make clear the importance of these programs for minority groups and should urge broad programming, free from the technical restriction of so-called "available jobs", which has often been used to limit the number of Negro trainees.
10. At the state and local level, fair employment practices laws in many cases need strengthening. Organized labor, which was an important champion of these laws when they were first passed, should now exert its leadership in achieving the necessary improvements. Foremost among these is authority for the state or city commission to initiate action on its own without awaiting individual complaints.
11. Union leadership must be sensitive to the increasing use that may be made of NLRB procedures in the area of union practice. Efforts at consultation among international union representatives and civil rights organizations should be encouraged in order to avoid unnecessary NLRB actions.
12. Organized labor at every level should take the initiative in insisting that

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Federal funds not be used to maintain discriminatory or segregated services, such as now exist in some state employment service activities and other governmental activities.

13. The labor movement should invite the cooperation of the Negro protest organizations, as well as Puerto Rican and Mexican-American groups, in a drive to organize the unorganized, particularly in the most exploited trades in which a very large proportion of Negro and other minority group workers are employed. (This was done successfully in relation to hospital workers in New York.) This should be done in recognition of the fact that many of the present minority group protest activities are offering the only available outlet and organization for the deprivations of unorganized workers. This is as true for workers in large industrial cities of the North as it is for those in the South. No one is in a better position to give recognition to the needs of such protest groups than organized labor.
14. The AFL-CIO, its constituent bodies, and the major international unions have a great opportunity - and responsibility as well - to assist in the Negro voter registration drive now going forward in the South. The Voter Education Project should have both major financial support and staff and organizational assistance from every segment of the labor movement. The responsibility of COPE is particularly great.
15. A major concern of each international union should be to insure the inclusion of capable minority trade union leaders in high policy-making positions. There is no greater challenge nor greater opportunity confronting this country's international unions.
16. Finally, the AFL-CIO, its constituent bodies, and the major international

unions must identify their organizations and resources in joint action with civic and church groups in the broad struggle not only to enlarge employment opportunities, but also to create democratic patterns in housing, school practices, public accommodations, and in the health, welfare, and recreational facilities of every community.

June 1963

Misc

MEMORANDUM RE CAMBRIDGE, MARYLAND, SITUATION

I. Accomplishments

The following has been done to meet the original grievances:

A. A bi-racial committee has been appointed to deal with employment, among other things. It has four Negro members, all of whom were chosen by Mrs. Richardson and her group.

B. A Negro interviewer is being placed in the local state employment office.

C. Steps are being taken so that desegregation of the local schools will be complete when the schools open this Fall.

D. A charter amendment has been enacted which will require desegregation of all places of public accommodation in the town. This was objectionable to the Negro leaders because it is subject to a petition for referendum by twenty per cent of the registered voters within 40 days of its enactment (around August 10), and it is subject to being overturned by a referendum within 40 days after any petition. The Negro leaders wanted instead a city ordinance, which is not subject to review by popular vote, or voluntary action. The city ordinance was turned down because the city attorney gave an opinion that the City Council could not constitutionally enact one. The feelings are running too high for voluntary action. The fact is that the resumption of demonstrations as soon as the Guard was pulled out following the enactment of the charter amendment, and each threat of renewed demonstrations, greatly increases the chances of a successful petition and of the amendment being overturned.

E. Although not a part of the original demands, an issue has arisen over a housing project. This has been approved by PHA, and the city appears ready to proceed with it. It will be of primary benefit to Negro residents of Cambridge.

II. Lack of Accomplishment

The point on which no progress has been made is that two demonstrators are in reform school because of their participation. Legal proceedings are under way on this. The matter is in the hands of the courts, and not under the control of either the city or the executive branch of the state government.

III. Reasons For and Against Demonstrations Now

The reasons for demonstrations now are that the city charter amendment was objected to originally as a method of dealing with the public accommodations issue; and that the two persons are in the reform school. These reasons are generalized into statements about lack of good faith and lack of tangible gains.

The reasons against demonstrations at this time are the following:

A. The demonstrations are necessarily against the National Guard under present circumstances, not against the city officials.

B. There is very serious danger of violence, as everyone must admit. If it breaks out, the violence could be very severe, since everyone also agrees that there are a good many firearms in the possession of both Negroes and whites in the area. This can be suppressed over a period of time by the Guard but a good many people, including Guardsmen, could be hurt or killed in the process.

The consequences of an outbreak of violence of this sort nationally, and in Congress, are not foreseeable.

C. The demonstrations are not directed to any end that can be accomplished. As a practical matter, the charter amendment is the only present way in which the public accommodations

issue will be dealt with. Also as a practical matter, this cannot have any effect on the penal sentences given to the two persons in reform school.

8. The demonstrations not only have no chance of accomplishing any particular goal at this time, but there is no question -- and it should be recognized -- that each demonstration and each threat of a demonstration increases the chance that the charter amendment will be over-turned.

IV. Future Problems

1. The chances are high now that there will be a petition and a referendum and that the charter amendment will be over-turned any way. No one can give any guarantee that this will not happen. Mrs. Richardson and other leaders are going to have to recognize this in any statements made.

2. There is not in sight any specifically tangible event to which the Negro leadership can point in calling off demonstrations. Accordingly, there is a chance that an effort to call them off will be unsuccessful and that the Negro leadership will be further fragmented.

3. The experience over the weekend shows, as has been true in the past, that the Negro community does not follow the leadership in terms of non-violence or in demonstrations. Accordingly, the chances of incidents are high any way, wholly apart from the fact that there is no control at all over the whites who are apt to resort to violence.

Misc.

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July 18, 1963

Mr. Ray J. Harnelink
Associate General Secretary
Board of Christian Education
The United Presbyterian Church
Philadelphia 7, Pennsylvania

Dear Mr. Harnelink:

Thank you for sending me the copy of
the letter sent to members of Congress.
I think it will be most helpful and hope
that others will follow this lead.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

[Incoming letter sent to Lou Oberdorfer,
Slim Barrett and return]

THS

UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA



BOARD OF CHRISTIAN EDUCATION
WITHERSPOON BUILDING, PHILADELPHIA 7, PA.
Telephone: PENNSYLVANIA 5-6722

July 15, 1963

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

Dear Mr. Marshall:

Enclosed for your information is a letter which has just been sent to every member of the United States Congress signed by responsible officers of The United Presbyterian Church in the United States of America.

We feel very strongly that we are in a national crisis which is so urgent that both the executive and legislative branches of our government ought to lay aside considerations of party advantage in adopting civil rights legislation which will remove the scandal of racial discrimination.

The President has rightly described the issue as a moral issue. Its importance is such that there should be no watering-down of the proposed civil rights legislation and no delaying tactics in bringing the matter to a vote.

Sincerely yours,

Ray J. Harmelink
Associate General Secretary

RJH/ah

enc.

① Dear Mr. Harmelink:
Thank you for sending
me the copy of the letter sent
to members of Congress. I think
it will be most helpful and
hope that others will follow
this lead. Very truly yours.

② To Mr. Oberlin
Mr. Barnett

THE UNITED PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA

OFFICE OF THE GENERAL ASSEMBLY
510 WITHERSPOON BUILDING
PHILADELPHIA 7, PENNSYLVANIA

REV. EUGENE CARSON BLAKE, D.D., STATED CLERK
REV. SAMUEL W. SHANE, D.D., ASSOCIATE STATED CLERK

The deepening moral crisis in all dimensions of our common life due to the exclusion of Negroes and other minority persons from full participation has erupted into a full-scale social revolution. This is a crucial hour for the United States Congress, as for all other institutions in our land.

The time for deploring, for placing blame, for temporizing, for seeking credit, has passed. If every segment of our national life does not now assume its full responsibility for ending the discrimination and segregation affecting American citizens of color, we may find that history has left us in its dust.

Recently, the major religious bodies have gone beyond pronouncements. They have allocated proportionately large sums of money and appointed special commissions with staff and budget to bring their own institutional practices in line with their public utterances. They have recognized that only a massive assault on segregation and discrimination within their own inner structure is equal to the urgent demands of God and the events of the times.

As we seek to correct our own failures, we appeal to the legislative branch of our government in these extraordinary circumstances to accept its crucial role in rectifying the injustices of three centuries.

We do not claim to be political statesmen. But we do believe the American people are politically sophisticated enough to recognize the temptation of both political parties to try to derive political advantage from the civil rights struggle. While this temptation is understandable as normal to the noble art of politics, it is obvious that our situation is not normal. It has changed drastically. There is no time for "politics as usual."

Neither party can pass effective civil rights legislation by itself. Therefore neither should attempt to claim credit if the effort is successful. But elements in either party can effectually block a major step in the solution of our nation's most vital domestic problem. If

meaningful and effective civil rights legislation is not enacted by this session of Congress in time to permit it to go on and deal with other vital issues, or if systematic efforts to make one party look "good" and the other "bad" are indulged in, irreparable damage will be done.

In times of overriding national crisis in the past both our legislative and executive branches of government have been able to put country above party. The moral dimensions of our present crisis are sharp and clear and the consequences of failure are unmistakable. We have confidence that the vast majority of our legislators can rise to the demands of the present occasion.

The hour for greatness is upon the Congress of the United States, as it is upon all of us. We pray that you will do everything in your power to enable the Congress to be equal to that hour, and to enact promptly a program of civil rights that is both effectual and enforceable.

Yours sincerely,

Eugene Carson Blake
Eugene Carson Blake
Stated Clerk of the General Assembly

Theophilus M. Taylor
Theophilus M. Taylor
Secretary of the General Council

John Coventry Smith
John Coventry Smith
General Secretary
Commission on Ecumenical Mission and Relations

Kenneth G. Neigh
Kenneth G. Neigh
General Secretary
Board of National Missions

William A. Morrison
William A. Morrison
General Secretary
Board of Christian Education

Copies to: The Honorable John F. Kennedy
The Honorable Lyndon B. Johnson
The Honorable Robert F. Kennedy
The Honorable Burke Marshall
The Honorable David Lawrence
The Honorable John A. Hannah

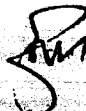
Misc.

Department of Justice
Washington

JUL 17 1963

MEMORANDUM TO THE ATTORNEY GENERAL

Attached is a draft of a response to Stanley Mosk, Attorney General of California, regarding possible revision of criminal identification records to remove the stigma of arrest and conviction from persons arrested in civil rights demonstrations. We have taken the matter up with the FBI and have been told that it is not feasible to make changes in their identification records to reflect the background circumstances of particular arrests. While this is undoubtedly true, I think it possible for the Department to systematize such information as we have of the identities of persons arrested in peaceful civil rights demonstrations and make it available to state and local authorities who wish to undertake their own program of revising their criminal identification records. The attached letter suggests this possibility to Mr. Mosk and inquires regarding the specific plans of the State of California.



Burke Marshall
Assistant Attorney General
Civil Rights Division

*signed
& mailed
7/25*

EM:SJB:arg

144-C12
44-3-11

20530

JUL 25 1963

Mr. Stanley Mosk
State Attorney General
Library and Courts Building
Sacramento 14, California

Dear Mr. Mosk:

I am writing in reply to your letter of May 27, 1963, concerning measures that might be taken to protect those persons charged with crimes in connection with racial demonstrations from incurring the stigma attached to a criminal record.

I have delayed responding to explore the possibility of developing some method of alerting the recipient of information concerning an arrest or conviction that it resulted from peaceful participation in a civil rights demonstration, if such is the case. However, I have concluded that this Department cannot undertake to so classify entries on criminal records maintained by the Federal Bureau of Investigation. The records of the Bureau merely reflect arrest information as that information is transmitted to it from the various police departments throughout the country. To adopt a general practice of going behind the face of this information would involve an impossible task and would be, I fear, subject to error.

If the various reporting police agencies indicated in the arrest information supplied to the FBI that certain arrests were in connection with civil rights demonstrations, I understand that the FBI would make a corresponding entry on its records. Accordingly, you may wish to consider taking up with various state and local law enforcement agencies, through their various associations, the desirability of submitting such information along with the original arrest information supplied the FBI.

cc: Records (2)
Chron.
Attorney General
✓ Mr. Marshall
Mr. Barrett
Mr. Murphy

Apart from the regular criminal records maintained by the Federal Bureau of Investigation, this Department does have some information regarding the identities of the persons arrested in various racial demonstrations throughout the country. This information, however, does not include a fingerprint record of the arrested person and there would be some uncertainty in identifying the demonstration arrest as corresponding to any particular arrest entry on the criminal identification records maintained by the Bureau. Nonetheless, this Department is willing to furnish you such information as it can in particular cases, as you may request.

I would be interested in knowing what particular program, if any, is being considered in your State to revise or supplement arrest records along the lines suggested in your letter.

Sincerely,

Attorney General

615 BELL BUILDING • MONTGOMERY 4, ALABAMA • TELEPHONE 269-2252

Misc.
THE *Munger*
COMPANY

March 15, 1963

Mr. Robert Kennedy,
Department of Justice,
Washington, D. C.

Dear Mr. Kennedy:

On March 13, 1963 the writer heard Mr. John C. Cromelin
state on a radio address that you were a "senile juvenile
delinquent".

Mr. Cromelin is a candidate for mayor of Montgomery.

In the event you might want to challenge him in some
manner in the courts I will be willing to swear that I heard
this and name the station, date and time.

Very sincerely,

Eugene Munger, Jr.
Eugene Munger, Jr.

EM:ms



INSURANCE

REAL



ESTATE

BONDS