

*President's
file*

June 30, 1963

John N. Wrighten, Esq.
Executive Secretary
Progressive Democrats of
South Carolina
230 Coming Street
Charleston, South Carolina

Dear Mr. Wrighten:

The President has asked me to reply to your letter of June 19 about the situation in Charleston. We will look into it to see if we can be of any assistance to the community.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

A P P E A R A N C E S :

PAUL ZUBER
Attorney for Plaintiffs

MURRAY C. FUERST
Attorney for Board of Education

ROBERT M. MORGENTHAU
United States Attorney

By **EUGENE R. ANDERSON** and
DAVID R. HYDE

IRVING R. KAUFMAN, C.J. (delivered from the bench):

I have been pleased to hear from Dr. Frank P. Marino, Chairman of the Board of Education of the City of New Rochelle, and other members of the Board, as well as Dr. David C. Salten, Superintendent of Schools, who addressed the Court this morning.

This is a most gratifying day for this Court, for in two years we have come full circle from a period in which national attention was focused upon New Rochelle as a Northern Community condoning segregation to a period in which

the nation will view New Rochelle as a trailblazer in solving the problem of providing truly equal educational opportunity for all. I want publicly to thank Messrs. Fuerst and Zuber who, as counsel for the respective parties, have performed a great service not only to the community and to this Court, but to the entire nation as well.

In less than ten years, the legal and social complexion of our nation has undergone a dramatic change. The epochal decision of the United States Supreme Court in Brown v. Board of Education, 349 U.S. 294 (1954), has worked a revolution in American race relations. The tempo of that revolution is ever quickening and its reverberations have not been confined to any one part of our nation. Indeed, the President of the United States has recently noted that the problem of equal opportunity regardless of race is "not a sectional problem-- it is nationwide."

The truth of this statement is confirmed by the case history of New Rochelle's Lincoln School integration litigation, the judicial phases of which are, hopefully, drawing to a close. In order that the application now before this Court may be set in context, a brief statement of that

History will be undertaken.

New Rochelle, a suburb of New York City is, as we know, located in southeastern Westchester County. In late 1960, a class action was initiated in this court by several Negro children enrolled in the Lincoln School, a public elementary school operated by the Board of Education of the City of New Rochelle, which was named as one of the defendants. In this action, the plaintiffs charged that Lincoln School, situated in central New Rochelle, then with an enrollment of approximately 94 Negroes, had been deliberately created and maintained by the Board as a racially segregated school in violation of the Fourteenth Amendment to the federal Constitution. After a trial, this Court found, 191 F. Supp. 181 (S.D.N.Y. 1961), that the school board, in 1930, had gerrymandered the district in which the Lincoln

School was located in order that a large portion of its white students would be excluded and permitted to attend the nearby Webster and Mayflower schools; that within the four years following, the boundaries of the Lincoln district were manipulated so as to incorporate the ever-increasing Negro population; that until 1949, the Board assured the continuance of Lincoln School as a Negro school by permitting white students resident within the district to transfer to schools outside the district; and that after 1949, when further transfers were forbidden, the school board did nothing to alter the status quo or to ameliorate the serious racial imbalance in the Lincoln School which it had caused to be brought about.

It followed, therefore, that this Court was constrained to find that the deliberate efforts to maintain the Lincoln School as a segregated educational institution

worked a deprivation of the equal protection of the laws constitutionally proscribed by the Fourteenth Amendment as interpreted by the Supreme Court in Brown v. Board of Education, supra. As I noted at that time, "The conduct of responsible school officials has operated to deny to Negro children the opportunities for a full and meaningful educational experience guaranteed to them by the Fourteenth Amendment." 191 F. Supp. at 182-93.

In order to cure this social illness, this Court directed the Board to present a plan to remedy the illegality. The Board proposed such a plan which, with considerable modification, was adopted as the decree of the Court, in May 1961. 195 F. Supp. 231 (S.D.N.Y. 1961). In essence, the decree provided for a completely optional transfer of all Lincoln students to any schools having sufficient

room to receive them without the imposition of any requirements for minimal academic achievement or emotional adjustment. Further provisions were incorporated in order fully to effectuate the spirit of the optional transfer plan; but, the decree provided that the Board was under no obligation to furnish transportation to pupils transferring under the terms of the decree. The decree concluded with the provision that "The Court shall retain jurisdiction over this case to assure full compliance with this decree."

This Court, then, is still seized of jurisdiction over this case and over the administration of the terms of the decree.

I now have before me an application by the present School Board -- whose composition is substantially/ ^{different} from that of the Board at the time of the original decree-- seeking certain amendments and modifications of that decree.

It is clear that this application has been precipitated by the changing circumstances in New Rochelle which have followed upon the Board's efforts to comply with this Court's order. On the date of the commencement of this litigation, Lincoln School had an enrollment of 483 students, of whom 454, or 94%, were Negro. As a result of the transfer of Lincoln students to the city's eleven other elementary schools, the percentage of Negro students dropped immediately to approximately 89%. A year and a half later, in April 1963, the entire student population at Lincoln School was less than half what it was when this Court entered its decree; only 210 pupils had chosen to remain enrolled at this antiquated school, constructed 65 years ago.

The economic and social impact of this mass

exodus has been perceptively analyzed and extrapolated by the present forward-looking School Board. The operation of Lincoln School has become economically unfeasible due to the greatly diminished size of the student body; as of April of this year, although the average annual per capita cost of education in all the New Rochelle elementary schools was approximately \$977.00 per student, the cost of educating a student at Lincoln was somewhat more than \$1,057.00.

As the student body will continue to decrease, the cost per Lincoln School student will increase. It has become obvious to the present Board that the Lincoln School must be closed and permanently shut down.

But more at the heart of this proceeding is the School Board's fear -- grounded in a sincere desire to conform not only with the letter but with the spirit of

this Court's decree -- a fear that the continuation of the plan of free optional transfer, pursuant to the terms of the decree, will result in an unbalanced racial population in schools adjacent to the Lincoln district. The Board in effect urges that strict compliance with the original decree, now that Lincoln School is being closed down, will pose a serious threat of de facto racial segregation in those contiguous schools, if the remaining students at Lincoln are permitted to exercise a free choice of school to be attended.

The School Board and its enlightened Superintendent of Schools, Dr. David C. Salten, a nationally recognized educator -- after holding two public hearings in May of this year, at which 1300 and 900 citizens, respectively, were in attendance and 98 speakers heard; after attending many

meetings of FTA groups, and civic and neighborhood
associations; and after consulting with experts in the
field and with those representing the interests of the
Negro population of the Lincoln district -- therefore
asks this Court to amend

and modify the letter of the decree in order that its spirit may best be perpetuated.

In my original opinion in this litigation, I expressed my sincere belief in the proposition that the desegregation problem in the Lincoln district could be solved by "men of good will, wisdom and ingenuity." 191 F. Supp. at 193. It is gratifying that, among the membership of the present School Board, Few Rochelle has found such men. It is obvious that these are men of heart and of broad vision. They have taken a most commendable and farsighted step in projecting the philosophy which underlay the original decree -- and by their action will minimize or perhaps avoid the problem, plaguing so many other communities, of racial imbalance in their system of education. This reaffirmation of respect/ for man and law

is gratifying and timely, for it is an antidote to those familiar instances where federal court decrees have been flaunted by high officials sworn to uphold the law.

Obstruction, delay, and unrest have characterized much of our national struggle against educational and racial inequality. But this small Northern community -- whose population, composed of various races and religions, might represent our nation in microcosm -- has provided this nation with an example and a model of sound public leadership.

Indeed, the immediate and energetic effort of the School Board to comply with this Court's mandate might well be viewed as a precursor of the widely-acclaimed position taken only last week by James E. Allen, Jr., Commissioner of Education for the State of New York.

The President of the United States, a few short

days ago, registered a plea for an end to racial strife, mass picketing and protest meetings which almost inevitably trigger violence. He urged that the forum for solving the racial question be shifted from the streets to the courts. Certainly, that is the first step. But, as I noted in my original opinion: "Litigation is an unsatisfactory way to resolve issues such as have been presented here. It is costly, time consuming -- causing further delays in the implementation of constitutional rights -- and further inflames the emotions of the partisans." 191 F. Supp. at 197. In short, our legal system can only go so far in inculcating morality. Today, in light of the School Board's appearance before this Court, I feel even more strongly that the task of securing full equality of educational opportunity among the races is best achieved

not by a court which is ill-equipped to control the day-to-day problems of educational policy, but by private citizens, men of good will, prepared to act affirmatively in pursuance of our basic law and with a devotion to community betterment.

Thus, in the instant case, the New Rochelle School Board has taken the initiative and, after investigation and consultation, has proposed several modifications in the May 1961 decree of this Court.

With the closing of the Lincoln School and the accompanying need for enlightened placement of the students living within the Lincoln district, the Board proposes to provide bus transportation to these students on a basis identical to that provided throughout New Rochelle-- that is, transportation to any school destination within 1-1/2 and

10 miles of the student's home. As the School Board has stated in its report on its proposed plan to the citizens of New Rochelle: "Transportation will be ^a ~~an~~ key factor in our efforts to maintain an ethnic balance in our elementary schools and to prevent the emergence of segregated schools." This report further states:

Any solution for the problems at Lincoln must be resolved on the basis of what is good for the school system and the community as a whole. Closing the school and transporting its students to outlying areas fulfills this criterion because it avoids tipping contiguous schools and enables students in outlying as well as in the central schools to attend an integrated school.

I have been advised that the additional cost to each of the residents of New Rochelle once the benefits of bus transportation are extended to the students in question will be insignificant. It must also be noted that, pursuant to state law, 90% of the transportation costs incurred in the

City of New Rochelle will be borne by New York State in the 1963-64 and successive school years, and only 10% by the city. In short, the burdens resulting from the implementation of the proposed transportation plan are infinitesimal when compared to its benefits.

I am convinced that the closing of Lincoln School, conjoined with free bus transportation for former pupils there to other schools within the city will have a salutary influence in securing true equality of educational opportunity for all parties before this Court. This proposed modification, which would eliminate paragraph 7 of the original order decreeing that Lincoln transferees were to provide their own transportation, is therefore adopted by this Court.

The more fundamental modification of the decree

proposed by the School Board is the deletion of paragraphs 1 and 2 which deal with the optional transfer plan and the substitution thereof of a provision designed to permit the Board to assign students residing within the Lincoln district where necessary to secure or maintain racial balance within the elementary school system. Such a provision would repose in the Board discretion in the assignment of pupils in order best to effectuate the principles announced in the original opinion of this Court. Viewing this proposed modification in light of the School Board's demonstrated genuine support for those principles, this Court has decided to so modify its decree. Compliance therewith will be ensured, if ever necessary, by this Court's continued retention of jurisdiction over the case, in pursuance to the final

paragraph of the decree and to the general principles of equity.

The decree is modified as provided for in the amended decree entered this day.

And so, as the Board in its "Comprehensive Plan for Educational Excellence -- A Report to all Citizens of New Rochelle," dated May 14, 1963 stated: ". . . the eyes of the entire nation are fixed upon our community and its schools. Our special difficulties have received national attention . . ." The nation will now observe how men of compassion and foresight have faced up to the racial problem of their community and with courage undertaken the task of solving it.

June 24, 1963

IRVING R. KAUFMAN
United States Circuit Judge

Miss

Leitman, Williams, Bennell and Baird

200 SOUTH LA SALLE STREET - CHICAGO 4 - FINANCIAL 6-2200

MAIL ROOMS "EIGHT-ONE"

GEORGE I. LEIBMAN
D. S. WILLIAMS
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OF CHICAGO
AND CHICAGO
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DONALD A. SHANNON
LEONARD A. SHANNON
WILLIAM P. SHANNON
DAVID S. SHANNON
EDWARD J. SHANNON
SEYMOUR SHANNON

July 2, 1963

Mr. Burke Marshall
Department of Justice
Washington, D. C.

Dear Mr. Marshall:

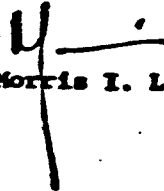
My American Bar Association's Committee on Education Against Communism has taken a major step forward and I wanted to keep you posted. Enclosed is a reprint of the preface which appears in the recent 260-page publication entitled DEMOCRACY AND COMMUNISM IN WORLD AFFAIRS.

I am particularly pleased with this first major effort, as the experts tell me this suggested syllabus and teacher's guideline fulfills a real need.

Also enclosed is an editorial which appeared recently in the Washington Post pertinent to this effort.

Kindest personal regards.

Sincerely,


Morris I. Leibman

MIL:m
Encl

Southern Field Service

National Catholic Conference for Interracial Justice

1846 Baronne Street • New Orleans 18, Louisiana • 823-2901



Miss.

July 5, 1963

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

Dear Burke:

Thanks for your prompt reply to my request for a list of subversive organizations. I am writing the House on American Activities Committee as you suggested for probably what will be a much lengthier list.

Yours sincerely,

Henry
Henry Cabot

HC/ej

EXECUTIVE COMMITTEE

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Director, Southern Field Service
Henry A. Cahlan, Jr.

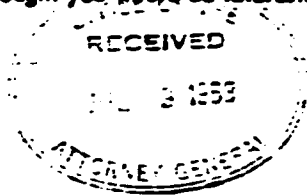
DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING, ROOM, EXT., DATE
1. The Attorney General	
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| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> COMMENT | <input type="checkbox"/> PER CONVERSATION |
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| <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

9 July
Harris Wofford sent me the attached editorial from
Addis. I thought you would be interested.



BM

FROM

NAME	BUILDING, ROOM, EXT., DATE

Misc
Alabama Council on Human Relations, Inc.

ROOM 1224 COMER BLDG. -- BIRMINGHAM 3, ALABAMA
PHONE AL 3-3723

Rev. NORMAN C. JIMERSON, Executive Director

"AN ORGANIZATION TO ATTAIN, THROUGH RESEARCH AND EDUCATION, EQUAL OPPORTUNITIES FOR ALL PEOPLE OF ALABAMA."

July 10, 1963

Attorney Burke Marshall
Assistant to the Attorney General
U. S. Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

I am following with great interest your testimony before the Senate Commerce Committee Concerning the importance of establishing legal machinery to deal with discrimination in public accommodations.

A hotel manager in Alabama has told me that he favored such legislation because it would take the burden off the hotel owners.

The politicians that are raising a great cry against governmental control of private business are predictably getting excited about private property rights only when it seems that there will be some protection for human rights.

You are to be commended for your excellent presentation, and you will be interested to know that it is being reported locally.

Sincerely,

Norman C. Jimerson
Norman C. Jimerson (Rev.)
Executive Director

ECJ/m

Enclosures

UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA



BOARD OF CHRISTIAN EDUCATION
WITHERSPHIN BUILDING, PHILADELPHIA 7, PA.
Telephone: PENNSYLVANIA 24722

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. Harnelink
Associate General Secretary

RJH/ah

enc.

① To Mr. Oberdorfer
Mr. Bantel

① 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. I say thank you.

THE NASHVILLE TENNESSEAN
AUG. CARLO EMMES, PUBLISHER
MONDAY AND SUNDAY
NASHVILLE 1, TENNESSEE

JOHN SEIBENTHALEN
EDITOR

July 17, 1953

Dear Burke:

There is a person in Birmingham circulating petitions in the mail across the country, calling for the impeachment of the President. Do you know anything about him? His address is: H & H Drug & Apothecary - 920 Pike Road - Birmingham, Alabama.

Best,

JH

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

P. S. I don't think he is going to be successful.

Mr. Burke
Do we know anything about this man?
What name?
JH

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

**THE UNITED PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA**

OFFICE OF THE GENERAL ASSEMBLY
310 WITHERSPOON BUILDING
PHILADELPHIA 2, PENNSYLVANIA

REV. EUGENE CARSON BLAKE, D.D., STATED CLERK
REV. SAMUEL W. SHANK, 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 C. 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

THE NASHVILLE TENNESSEAN

AND CAROL EMMES, PUBLISHER
WEDNESDAY AND SUNDAY
NASHVILLE 1, TENNESSEE

JOHN SEIGENTHALER
EDITOR

July 17, 1953

Dear Burke:

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Do you know anything about him? His address is: H & H Drug & Apothecary - 920 Pike Road - Birmingham, Alabama.

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JH

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Assistant Attorney General
Department of Justice
Washington 25, D. C.

P. S. I don't think he is going to be successful.

[Handwritten scribble]

*Mr. Burnett
Do we know
anything about
that man?
JH*

Loe Oberdorfer:

Do you have any
info on this? Would you
call Harry? I should
answer the letter.

ph

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TITLE SEARCH

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Misc.

TH

July 18, 1963

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

Dear Mr. Harmelink:

Thank you for sending us 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,

BERKE MARSHALL
Assistant Attorney General
Civil Rights Division

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

TH

THE NASHVILLE TENNESSEAN

ANDER CARTER EWING, PUBLISHER
MONDAY AND SUNDAY
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Misc.

Department of Justice
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Assistant Attorney General
Civil Rights Division

*Signed
& mailed
7/25*

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IN THE UNITED STATES OF AMERICA**

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

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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

THE NASHVILLE TENNESSEAN

AVON CARTER EVANS, PUBLISHER
MONDAY AND SUNDAY
NASHVILLE 1, TENNESSEE

JOHN SEIBENTHALER
EDITOR

July 17, 1963

Dear Burke:

There is a person in Birmingham circulating petitions in the mail across the country, calling for the impeachment of the President.

Do you know anything about him? His address is: H & H Drug & Apothecary - 920 Pike Road - Birmingham, Alabama.

Best,

JA

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

P. S. I don't think he is going to be successful.

[Handwritten flourish]

*Mr. Barrett
I don't know
anything about
that man.
[Signature]*

687-4000

Loe Oberdorfer:

Do you have any
info on this? Would you
call if any? ↓ should
answer the letter.
for

Misc.

TH

July 18, 1963

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

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,

BERKE MARSHALL
Assistant Attorney General
Civil Rights Division

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

Two

Miss.

July 19, 1963

Lansky Clark
Assistant Attorney General
Lands Division

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. Eaton Rouge, Louisiana. We have collected a good deal of material on Eaton 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 Eaton 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. Powhatan 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

Misc.

MEMORANDUM TO THE CHAIRMAN, MARYLAND, CIVIL RIGHTS

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 FHA, 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.

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

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