

**PILIE NELSON AND LINES**

ATTORNEYS AT LAW  
708 GRAVIER BUILDING  
836 GRAVIER STREET  
NEW ORLEANS 12, LOUISIANA

August 7, 1963

TELEPHONE 820-6000  
CABLE ADDRESS LINELIN

LOUIS A. PILIE  
JOHN P. NELSON, JR.  
W. ARNOLD PILIE  
LEONARD L. LINES  
J. THOMAS NELSON  
ROBERT A. LANEY  
JACOB BEYER  
CLARENCE B. SHARROCK  
VINCENT A. BARNHILL

AIR MAIL

Mr. Burke Marshall  
Assistant Attorney General  
Attorney General's Office  
Washington 25, D. C.

Dear Burke:

Yesterday afternoon I had the pleasure of spending several minutes reading about you in Life Magazine. My sincere congratulations on what you have been doing.

It is indeed a pity that I have not had an opportunity of getting to Washington so that we could visit for a few minutes. I am doing very well under the circumstances. You may know by now that I represent the Indians from Terrebonne Parish, Louisiana, who are attempting to desegregate a tri-racial school there. The case was heard this morning by Judge Christenberry, and it looks as if the system will be ordered desegregated effective this September. The Judge will issue an order this coming week.

The situation here in New Orleans has been quiet but simmering. It is expected that we will have large scale demonstrations during the early part of next week. This will be indeed an unfortunate experience for our fair city because our Mayor and other influential persons from the political and economic power structure are fully aware of the reasonableness of the Negro demands. To date the whites have refused to entertain any suggestions about how these demonstrations might be prevented. They are still using the archaic method of holding a line and hoping that this thing will blow away.

For a little news on the lighter side. On August 24 I have been invited to Dayton University where I will receive the Annual Freedom Award given

*Dear Turk:*  
Thank you for your letter.  
It was nice to hear from you.  
Let us know how your suit  
comes out, and if any  
difficulties shall be  
anticipated.  
I'm worried and wait  
through hospitalization or  
you would  
Get it

J.P. NELSON AND LINES

Mr. Burke Marshall

August 7, 1963  
Page 2

by the National Catholic Social Action Committee. It is my understanding  
that these are "top banana" people in the Catholic community.

With kindest personal regards, I remain

Very truly yours,



John P. Nelson, Jr.

JPNjr:ch

Mice

August 8, 1963

Angie Novelle:

I promised this lady an autographed copy of one of the books. You should send her one. I guess I must have forgotten about it. Please return the letter.

BM

*Notice*

August 8, 1963

MEMORANDUM FOR

BARRETT PRETTYMAN, JR.

The following two lawyers here want to help with the District programs. Mrs. Williams is a nice woman and a Negro. I think she would be good. I don't know Miss Devine. Would you have someone ask them to do something

BM



August 6, 1963

MEMORANDUM FOR

BARRETT PRETTYMAN, JR.

The following two lawyers here want to help with the District programs. Mrs. Williams is a nice woman and a Negro. I think she would be good. I don't know Miss Devine. Would you have someone ask them to do something?

BM

*All taken  
care of -*

*Barrett*

*Also contacted Mr. Brown  
of Junior Bar and Miss  
Frohman of Women's Bar.*

Misc.

August 8, 1963

MEMORANDUM FOR

DAVE HACKETT

I think Joe Alsop makes a good deal of sense although I don't know much about Philadelphia.

BM

Mise

T. 8/9/63  
BM:SJB:ff

MS 9 15

MEMORANDUM FOR

Honorable Lee C. White  
Assistant Special Counsel  
to the President

This is in reference to your memorandum of August 8, 1963, requesting a draft of a suggested reply to the letter written to the President by Frederick C. Mathus, Jr., a member of the Maryland State Senate.

The assault upon Senator Mathus as described in his letter involves no violation of the laws of the United States. Accordingly, there is no jurisdictional basis for investigation by the Federal Bureau of Investigation.

I am attaching a suggested draft reply to Senator Mathus. I am also returning his letter to you.

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

Records

Chrono

Mr. Marshall ✓  
Mr. Barrett  
Mr. Muppy

Draft

Dear Senator Wallcut:

The President has asked that I reply to your recent letter regarding the assault committed on you in Baltimore on August 3.

I can well appreciate your sense of outrage over the attack made upon you. Certainly every effort should be made to identify, apprehend and punish the perpetrators.

I have taken up with the Attorney General the question of investigating this offense. He advises me that there is no jurisdictional basis for an investigation by the Federal Government. The assault undoubtedly is a violation of the laws of Maryland. But serious though the offense is, it does not violate any law of the United States. The criminal statutes of the United States enacted by Congress are based on one or more features of federal jurisdiction such as interstate commerce, the conduct of the postal service, the war power, and other powers specifically given the Federal Government by the Constitution. No such basis for federal jurisdiction appears in the present case.

The Attorney General assures me that the cooperative facilities of the Federal Bureau of Investigation will be available to the Baltimore City Police should they have occasion to use these facilities in the course of their investigation.

Sincerely,

Lee C. White  
Assistant Special Counsel  
to the President

Records

Chrono



Miss

August 9, 1963

John P. Nelson, Jr., Esq.  
Pille, Nelson and Limes  
702 Gravier Building  
535 Gravier Street  
New Orleans 12, La.

Dear Jack:

Thank you for your letter. It was nice to hear from you. Let me know how your suit comes out, and if any difficulties should be anticipated.

My warmest and most thorough congratulations on your award.

Best regards,

Burke Marshall

UNITED STATES GOVERNMENT

*Misc.*  
DEPARTMENT OF JUSTICE

**Memorandum**

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: August 13, 1963  
Sjs:lah  
144-16-0

FROM : ~~St.~~ John Barrett  
Second Assistant

SUBJECT: Request by Black Muslims to Rent the Washington Coliseum.

I took a telephone call this morning from a Mr. Doar (Phone - Liberty 7-5800), who represents Mr. Lynne, owner of the Washington Coliseum. Mr. Doar advised that they had received a telephone call from a Mr. Thompson, who is with the Board of Trade of D. C. (Phone Liberty 7-2634), inquiring whether the Coliseum could be rented by the Black Muslims for a convention. Thompson said they wanted the Coliseum for August 25 and September 1, 1963.

Mr. Lynne said they were not going to rent the Coliseum to the Muslims. Because of the proximity of the emancipation demonstration on August 28, they are fearful that there might be some trouble.

I have passed this information on to the F.B.I.

**EQUAL PROTECTION OF THE LAWS**

**(Articles 2 and 7)**

The number of desegregated southern school districts continued to increase, both through voluntary action and court decisions. With the desegregation of the University of Mississippi in the fall of 1962, only two states remained in which no educational institutions at any level had desegregated.<sup>1/</sup>

The events leading up to the admission of a Negro student, James Meredith, to the University of Mississippi are significant from the point of view of federal-state relations in the United States. A private action brought by Mr. Meredith resulted in federal court orders for his admission to the University.<sup>2/</sup> The Governor and other state officials, invoking the doctrine of state-rights and interposition, attempted to block these federal court orders and prevent Meredith's attendance.

The federal government, fulfilling its responsibility to enforce the laws of the United States, including orders of the federal courts, intervened, and Meredith was admitted. Federal troops and marshals remained on campus for some time to prevent further outbreak of violence which, regrettably, occurred at the time of Meredith's entrance. The Governor and Lt. Governor were found guilty of civil contempt,<sup>3/</sup> and, at the court's request, criminal contempt proceedings were then instituted against them. This action is still pending.

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<sup>1/</sup> In these two states, Alabama and South Carolina, Universities were desegregated in 1963.

<sup>2/</sup> Meredith v. Fair, 306 F. 2d 374.

<sup>3/</sup> 313 F. 2d 532.

In another school case, in Louisiana, the federal government brought a contempt action against state education officials for failing to desegregate a state trade school, as had been ordered by a federal court in a private suit. 4/ When the State Board of Education passed a formal resolution stating there would be no racial discrimination as to race, the Government agreed to dismissal of the case, but reserved the right to inspect the school records.

Significant steps in furthering school desegregation were taken by administrative action in the Office of Education and by six court actions by the Attorney General to assure that schools receiving federal funds will not discriminate on the basis of race. Various local school systems receive federal funds because they educate children of federal employees who may not be permanent residents. Several of these law suits are still pending; one of the decided cases upheld the right of the federal government to require non-discrimination in schools receiving federal aid. 5/

Through voluntary action and through legal action initiated by the Attorney General and the Interstate Commerce Commission, segregation in interstate transportation facilities was ended. 6/

In Albany, Georgia, a series of mass protests by Negroes against segregation resulted in numerous arrests and civil rights complaints. All such complaints were speedily investigated by the FBI. Although no violation of federal law was found in most cases, prosecutive steps were taken where appropriate. In August, the Government filed a friend-of-the-court brief in a suit

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4/ Ansel v. La. State Board of Education, 287 F. 2d 33, certiorari denied, 368 U.S. 830.

5/ United States of America v. Prince George County School Board, \_\_\_ F. Supp. \_\_\_ (D.D. Va.), decided June 23, 1963.

6/ Cases decided in 1962 include:  
Georgia v. United States, 201 F. Supp. 813 371 U.S. 9;  
United States v. City of Shreveport, 210 F. Supp. 708 (bus);  
United States v. City of Montgomery, 201 F. Supp. 590;  
United States v. City of Los Angeles, 210 F. Supp. 36 (airport);  
United States v. Isomator, 371 U.S. 10.

brought in Albany. The brief asked the court to ignore the city's request for an injunction against demonstrations until the city first complied with the law and abandoned segregation. Throughout the Albany difficulties, the federal government consulted with leaders on both sides in an effort to encourage an amicable resolution of the racial difficulties. All matters of dispute were brought before the federal courts, where litigation is still pending. The city has meanwhile repealed its segregation ordinances.

#### FREEDOM OF RELIGION

(Article 18)

In June 1962, the Supreme Court of the United States decided that the State of New York could not -- consistent with the First and Fourteenth Amendments of the Federal Constitution -- require a non-denominational prayer, prepared by school authorities, to be recited aloud in school classes each day.<sup>7</sup> Other similar cases were pending at year end.

A number of cases were brought by Negro prisoners who are members of a religious sect known as the Black Muslims, challenging alleged religious discrimination against them by prison officials. Courts have upheld their right to raise this issue in the federal courts, although the findings have differed as to whether or not actual discrimination existed and the extent to which prison regulations should allow the Muslims special privileges in the practice of their religion.<sup>8</sup>

#### JUST AND FAVORABLE CONDITIONS OF WORK

(Articles 23 and 24)

##### Equal Employment Opportunity

In a case brought by a Negro pilot who was denied employment with an airline in violation of a

<sup>7</sup> Engel v. Vitale, 370 U.S. 421.

<sup>8</sup> Pierce v. LaVallee, 293 F. 2d 233, 212 F. Supp. 843; Elmer v. Clark, 205 F. Supp. 370; Lowell v. Ferguson, 291 F. 2d 196, 104 F. 2d 670.

state anti-discrimination law the State Supreme Court held<sup>9/</sup> that only federal controls could apply since the airline was under federal regulations. On appeal to the United States Supreme Court the Negro's rights under the state anti-discrimination law were upheld. The Court held<sup>10/</sup> that the state law does not frustrate the purpose of federal law and is therefore not preempted by federal legislation.

The federal government has continued its policy of seeking out qualified personnel on the basis of ability, irrespective of race. Negroes are not denied employment because of their race. Neither are they hired because of their race. This policy has resulted in notable gains for Negroes in the offices of United States Attorneys and Marshals in the Nation's 92 judicial districts.

Of the approximately 350 Assistant United States Attorneys appointed since 1961, 32 are Negroes. Of these 32, 16 were appointed in 1962, in at least seven states, including Southern and border states. Approximately 35 Negro Assistant United States Attorneys are now in service. Two Negro United States Attorneys were appointed in 1961.

Of the 114 Deputy United States Marshals appointed since 1961, 14 are Negroes. Of these, 11 were appointed in 1962. Approximately 30 Negro Deputy Marshals are now in service. Improved hiring practices within federal agencies have resulted in continued gains for Negroes. For example, there were 10 Negro attorneys in the Department of Justice in 1961. Now there are more than 70, out of approximately 1,900 in the Department.

The appointment of Negroes to distinguished positions in the Government is continuing.

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9/ Green v. Colorado Anti-Discrimination Commission and Continental Airline, 368 P. 2d, 970 (1962).

10/ Colorado Anti-Discrimination Commission v. Continental Airline, 372 U.S. 714 (April, 1963).

GOVERNMENT BY THE WILL OF THE PEOPLE

(Article 21)

The 1962 Congress approved legislation which would amend the Constitution by prohibiting states to require payment of poll tax as a prerequisite to voting. The proposed Amendment has been submitted to the states for ratification.

During 1962, eight new cases were brought under the Civil Rights Acts of 1957 and 1960 to end racial discrimination in voting in southern states. In two of these cases, the constitutionality of state laws is challenged.<sup>11/</sup> The other cases involve discriminatory practices or attempts at intimidation. Decisions rendered in 1962 in earlier cases have resulted in marked improvement in Negro registration, but additional legislative tools are needed. Proposals made in 1962 were not acted upon by Congress. Similar proposals are now under consideration by the the 1963 session of Congress.

FREEDOM OF SPEECH, PRESS AND ASSOCIATION

(Articles 18, 19, and 20)

A large part of the private litigation for civil rights in the United States is initiated by a private organization, the National Association for the Advancement of Colored People, which provides legal services for Negroes whose rights have allegedly been violated. A state law of Virginia, enacted in 1956, made it illegal for a person or corporation to solicit or procure business for an attorney. Reversing the State Court, the Supreme Court of the United States held<sup>12/</sup> that the statute was unconstitutional as applied to the NAACP. The NAACP is an association for political expression through litigation, the Court stated, and such expression is protected by the First and Fourteenth Amendments. The State law thus unduly inhibited the freedom of expression and association of Virginia Negroes.

<sup>11/</sup> U. S. v. Louisiana (S.D. La.) and U.S. v. Mississippi (S.D. Miss.).

<sup>12/</sup> NAACP v. Button, 371 U.S. 415 (1/14/63).

Misc.

REC 14 103

T-8/6/63

Herbert A. Schief  
Assistant Attorney General  
Office of Legal Counsel

BM:LLS:gmm

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

Preparation of material for the 1962 United Nations  
Yearbook on Human Rights

Attached is the information on the above  
subject requested in your memorandum of July 16,  
1963.

cc: Records  
Chrono  
Greene(2)  
Blair  
✓ Marshall



**CIVIL RIGHTS DIVISION**

**NEGRO SUMMER EMPLOYEES**

2 - GS-2

Celestine Arrington  
Ruby Lee Magee

2 - GS-4

James A. Thomas  
John W. Walker

Total number of Summer Employees - 22

Total number of Negro Summer Employees - 4

**CIVIL RIGHTS DIVISION**

**NEGRO EMPLOYEES**

**Attorneys**

1 - GS-15	Maceo W. Hubbard
1 - GS-12	Gerald W. Jones
1 - GS-9	Thelton E. Henderson

**Clerical**

2 - GS-7	G. LaVerne Williams
	Shirley T. Jones
2 - GS-6	Sarah B. Hood
	Arlene S. Hudson
10 - GS-5	Regina R. Bailey
	Hattie Y. Ballard
	Sylvia A. Battle
	Marjorie R. Crutchfield
	Irma W. Davis
	Maudie E. Patrick
	Emmy K. Shackelford
	Delores Taylor
	Virginia T. Thomas
	Josephine T. Trislar
5 - GS-4	Catherine L. Day
	Barbara E. Gross
	Lydia A. Hill
	Sudie W. Hooper
	Sarah W. Jones
8 - GS-3	Charlotte E. Dudley
	Delores Dunn
	Jaronsa H. Ellis
	Veronica T. Mason
	George E. Roberts
	Martha Robinson
	Barbara A. Steward
	Vivian Toler
1 - GS-2	Douglas H. Banks
1 - GS-1	Reginald T. Hammond

Totals as of August 18, 1963	Negro Attorneys - 3
	Negro Clerical - 29
	Total Negro Employees - 32
	Total Division Employees - 103

August 15, 1963

Mr. Marshall this is a list of the topics which Congressman Diggs would like to discuss with you on the 20th of August:

1. Clarification of the power of the Federal Government to intervene when local law enforcement officers practice brutality.
2. The use of southern FBI agents for investigative purposes of civil rights cases
3. What recourse does one have in cases such as the Clarksdale fire bombing where the defendants were exonerated despite ample evidence for conviction.
4. The status of Negro staff people in the Civil Rights Div.

Mrs. Lawrence Cox  
3580 Westgate Avenue  
Memphis 11, Tennessee  
Aug. 18, 1963

*Sampled:  
...  
...  
...:0*

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

Dear Mr. Marshall;

The enclosed clipping is from yesterday's Press Scimitar. Though I am sure you are in close touch with the situation in Tennessee re the senatorial vacancy I thought you might like to have an analysis from this end of the state.

Several of us from Memphis had a long talk with Judge Wilson Tuesday night, trying to analyze the prospects of the Democrats in the future- by that I mean the national Democrats, not the Southern Democrats. As a result of this and numerous other discussions over the state going on simultaneously this is the situation as we see it:

Without Sen. Kefauver in the Senate we feel Sen. Gore will be influenced more and more into anti-administration votes- and at the same time will be more vulnerable to Republican attack in Nov. '64. Only a positive, Democratic stand on the big issues can mobilize those people who have supported Kefauver and the administration in the past and only a very strong person can do this. Edmund McGill could possibly have done this but physically he cannot stand a state wide race and his age (63) is against him. That leaves Judge Wilson as the only person who can do the job, in our opinion. Though he has been

Mrs. Lawrence Cox  
3580 Watsons Avenue  
Memphis 11, Tennessee

an excellent judge we just don't think the party can win out here without his vigorous political leadership. I am convinced that he himself realizes this - both from my conversations with him and from a telephone conversation with his ex-law partner, Gene Joyce, in Oak Ridge Friday. The practical point here is when he would have to resign the judgeship and how he could get along while campaigning. Even if we in the state could raise the additional funds for a year (which we think we could), how will this look and what effect will it have with the voters?

It is our opinion that Ross Bass would not be able to wind together the necessary support that we would have a repeat of last summer's divided governor's race. We hope he will be offered and will accept the Postmaster General's office. His position from Middle Tennessee is against him and also the general feeling that he does not have the necessary weight.

I am aware of the delicate situation with the governor. We only hope down here that you are aware of the kind of politics he plays with the West Tennessee Republicans.

Right now we are urging Ed Cogill to run for mayor this Fall - as a rallying force to help us next summer and in the Fall of 67. We think this would help us get a good man elected from the 9th District - and we have quite a good crop available here.

Sincerely yours,  
Francis Cox (Mrs. Lawrence)

(over)

Both Russell Suggs and A. W. Wells  
been in meetings here this week in talking  
about both the Orzell or Wilson candidates  
and seem to approve of this strategy.

Local Democrat  
Wish  
Jack Wilson for  
Chittenden's Fifth  
No 11 Make an Early D  
by some streets. From  
Panel District Judge can  
policy according to "Hudson  
policy according to State S

## Liberal Democrats Will Pick Wilson for Senate

Chattanooga's Friends Hope  
He'll Make an Early Decision

By JIMMY SPRUELL, Press-Scimitar Staff Writer  
Federal District Judge Frank Wilson of Chattanooga is rapidly becoming the choice candidate of many of the state's liberal Democrats—the "Kefauver Democrats"—for the party nomination for United States Senator in next year's primary.

Judge Wilson has known strong support in Memphis, in Carroll and Dyer Counties, in Nashville and Middle Tennessee as well as in both upper and lower East Tennessee.

The 43-year-old jurist practiced law and entered politics in Knoxville after World War II. He moved to Oak Ridge a year or two later.

### Led Estes Campaign

He was a leader in the late Sen. Estes Kefauver's 1946 campaign for the Senate. He made a race of his own for Congress against Republican Howard Baker in 1950. He lost, but Baker's margin was the narrowest any Republican has experienced in the Second District in this century.

Wilson managed East Tennessee campaigns for Sens. Gore and Kefauver and for Edmund Orgill in 1952, '54, '55 and '60.

Sens. Gore and Kefauver, with hearty support from the Kennedy Administration, sought and secured his appointment to the Chattanooga district judgeship in '61.

Friends of Kefauver, in widely separated meetings across the state since Tuesday, which was the day of the Senator's funeral, have arrived independently at the conclusion that Wilson is the best candidate they could back in '64. Telephone talks between members of the groups have brought the consensus to light.

Wilson's life tenure in the well-paid federal judiciary caused the Gore-Orgill-Kefauver supporters to doubt, at first, that Judge Wilson could be persuaded to run.

### May Be Persuaded

But they have talked with him, with his brother, Knoxville Atty. Bill Wilson, and his close friends and concluded it is worthwhile to try to persuade the Judge to resign the federal post early next year.

Congressman Ross Bass' announced interest in running makes an early decision by Wilson necessary. Bass, as a Middle Tennessean, would be at a disadvantage because Sen. Gore is also a Middle Tennessean, and the record shows that the voters of Tennessee have not, in this century, elected two senators from the same Grand Division of the state.



FRANK WILSON

DEPARTMENT OF JUSTICE  
ROUTING SLIP

U.S. GOVERNMENT PRINTING OFFICE: 1964 O - 354-100

NAME	BUILDING AND ROOM
Ed Guthman	
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<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

  

REMARKS

20 August

Ed:

Your friend. What shall I say?

BM

  

FROM		
NAME	BUILDING, ROOM, EXT.	DATE



Miss

21 August 1963

Mrs. Lawrence Coe  
3520 Wetouga Avenue  
Memphis II, Tennessee

Dear Mrs. Coe:

Thank you for your letter. It was nice to hear from you again, even though the Governor acted on the same day your letter arrived.

Sincerely,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

*Miss.*

**NATIONAL BROADCASTING COMPANY, INC.**

A SERVICE OF PUBLIC CORPORATION OF AMERICA

PCA Building, Radio City, New York 20, N.Y.

CIRCLE 7-8300

August 22, 1963

**Mr. Burke Marshall  
Civil Rights Division  
Department of Justice  
Constitution Ave. betw. 9th & 10th Sts.  
Washington, D. C.**

**Dear Mr. Marshall:**

I would like to call your attention to an unusual three-hour program to be presented on the NBC Television Network on Monday, September 2, from 7:30 to 10:30 p.m. EDT.

We feel that the importance of its subject, the civil rights issue, warrants a program of this unprecedented length and placement, pre-empting as it will our entire schedule of programming that night.

We hope, in fact, that the program will be a major step in the effort to keep Americans informed on what is certainly one of the most significant developments, perhaps even the overriding development, of our time.

The program is titled "The American Revolution of '63." It will examine the events of this revolution as they have occurred in all parts of the country and it will explore the varying positions and public attitudes regarding the central issue.

The scope of the program -- and the problem it will deal with -- is indicated by the fact that it will require the services of all our correspondents in this country and many of those abroad.

I hope you will be able to view this program and I hope that, from time to time in the future, I may take the liberty of calling your attention to other NBC News programs that may be of interest to you.

Sincerely,



**William R. McAndrew  
Executive Vice President  
NBC News Division**

Misc.

22 August 1963

Honorable Aas D. Kelley, Jr.  
Attorney at Law  
Smith, Gardner, Kelley & Wiggles  
Post Office Box 1025  
Albany, Georgia

Dear Mr. Mayan:

This is in reply to your letter of July 24 written in the interest of Mr. Cleo E. Lovett who is presently confined at the Federal Correctional Institution, Tallahassee, Florida. I have examined this case in detail and find that the U.S. Board of Parole has twice reviewed the circumstances of Mr. Lovett's conviction and confinement and has, on both occasions, denied parole. While the specific reasons for denial have not been given, it is a fact that Mr. Lovett has been confined on several previous occasions for similar offenses.

Even if the Parole Board does not revise its decision later, the normal release date for Mr. Lovett will be some time in April of 1964. The Tallahassee Institution has a modern, fully equipped hospital and a competent medical staff of Public Health Service officers who are available for continued observation and treatment of Mr. Lovett's heart condition. This should enable him to gain in health and strength prior to his release.

We appreciate your interest and expression of friendship for Mr. Lovett.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

Misc

23 August 1963

MEMORANDUM TO MR. KATZENBACH

Notes

Yesterday the Attorney General and I discussed with Bernie Boutin a proposal that he has to require non-discrimination as a condition for the various disposals of real and personal surplus property which he made. In this connection I raised with him the possible effect of the inclusion of religion in Title VI. At the time he did not think it a serious problem. Since then he has gone over it with his general counsel and they are of the view that it would be a very serious problem.

BM

(Dictated but not reviewed by BM)

27 August 1963

Benjamin B. Taylor, Jr., Esquire  
Taylor, Porter, Brooks, Fuller & Phillips  
Louisiana National Bank Building  
Baton Rouge 2, Louisiana

Dear Mr. Taylor:

Thanks for the letter and the clippings.

You are doing your city and all of us a great  
service.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

Tr. and clips to Frank Dunbough

DEPARTMENT OF JUSTICE  
ROUTING SLIP

NAME	BUILDING AND ROOM
Mr. Marshall	
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- |   |   |   |
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| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |   |   |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |   |

REMARKS

Burke -  
The attached letter to  
the F.C.C. will be  
delivered to them by  
messenger, today.  
Jerry

FROM

NAME

HEILBRON

BUILDING, ROOM, EXT.

1348

DATE

Aug. 30 '63

*Miss*  
Memorandum

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: August 29, 1963  
JKH:slh

*JKH*  
FROM : Jerome K. Heilbron  
Attorney

SUBJECT: derogatory broadcast - Station WBOB, Brunswick,  
Georgia.

As you requested, I phoned Mrs. Frances Pauley, Georgia Council on Human Relations, and obtained this information concerning derogatory racial broadcasts made on Station WBOB, Brunswick, Georgia.

WBOB is part of the "Johnnie Reb" chain. Mrs. Pauley states that the "Johnnie Reb" chain is owned by Mr. Allan Woodall of Columbus, Georgia. The "Johnnie Reb" stations are:

WDAX - Columbus, Ga.  
WALG - Albany, Ga.  
WBOB - Brunswick, Ga.  
WDAX - McKay, Ga.  
WAYX - Waycross, Ga.

On August 28, 1963, the Glynn Society for Democratic Action (Mrs. Pauley believes there is possibly an affiliation between this group and either the White Citizens' Councils or the KKK) ran ads in which it was stated that "The niggers are now marching in Washington"; "Keep the schools for white people"; and, there was an appeal for funds.

The foregoing information was reported to Mrs. Pauley by Mrs. J. C. Wilkes, wife of a Negro dentist. The information given by Mrs. Wilkes was verified by Mr. Edward T. Rogers, a physically handicapped, retired chemist. Mr. Rogers is white. The phone numbers of these persons are as follows:

Mrs. J. C. Wilkes - AM 5-5052  
Mr. Edward T. Rogers - ME 8-8026.

3

I phoned Mr. Richard Saul, Chief, Complaints  
branch, Federal Communications Commission, about  
the foregoing. He assured me that he would im-  
mediately write Station WJOL for a copy of the  
subject advertisement and would advise me further  
of what action could and would be taken.



103 Milton Street  
Brooklyn, N. Y. 11222  
August 29, 1963

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

Sir:

Will you please try to obtain for me, from your files, a mailing address for Dr. Martin Luther King.

Thank you.

Sincerely,

  
Robert W. J. Wysocki



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

20530

Typed 8-30-63

SM:JKH:lah

Mr. Ben F. Latie  
Secretary  
Federal Communications Commission  
Washington, D. C. 20554

Re: Derogatory Broadcast - Station WMOG,  
Brunswick, Georgia

Dear Mr. Latie:

This letter is in furtherance to telephone conversations I had with Mr. Richard Saul and Mr. Stanley Kaufman of your office.

On August 29, 1963, we received a complaint from Mrs. Frances Pauley, Georgia Council on Human Relations, Atlanta, Georgia, concerning derogatory, racial advertisements that were made on radio Station WMOG, Brunswick, Georgia.

Mrs. Pauley furnished us with this information: On August 28, 1963, the Glynn Society for Democratic Action (a segregationist group), ran ads over Station WMOG which stated in part that "The niggers are now marching in Washington"; "Keep the schools for white people"; and, also there was an appeal for funds.

Complaints were made to the station by local residents concerning the tenor of these ads and the use of the word "nigger". After complaints were phoned in to the station, they stopped using the expression "nigger", but the ads were continued.

The foregoing information was reported to Mrs. Pauley by Brunswick residents, Mrs. J. C. Wilkes (Negro), wife of a Negro dentist, and Mr. Edward T. Rogers (white), a young chemist who is retired because of a physical handicap.

Both Mrs. Wilkes and Mr. Rogers, independent of each other, gave Mrs. Pauley the same substantive account of these ads. Mrs. Pauley states that both of these complainants are responsible and reliable persons.

I took the liberty of suggesting to Mr. Saul and Mr. Kaufman of your office that, if it was possible, immediate steps should be taken to obtain the written copy from which these radio advertisements were read. This would be particularly helpful if it is material whether the word "nigger" was used or not.

I would appreciate it if you would advise the undersigned, or Mr. Burke Marshall, if I am not in town, concerning what action you take with respect to the foregoing complaint.

Sincerely yours,

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

By: JACOB E. HEILBRON  
Attorney

CC: Mr. Edwin D. Guthman  
Special Assistant  
Public Information

Mr. Burke Marshall ✓  
Assistant Attorney General

Mr. Saul Kaufman  
Federal Communications Commission

Records  
Chrono  
Heilbron

**Memorandum***Mice'*

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: Aug. 31, 1963

SJB:lh

FROM : *[Signature]* John Barrett, Second Assistant  
Civil Rights Division

SUBJECT: Plaquemines Parish, Louisiana;  
Leander Perez v. U. S. Naval Air Station

On August 30, United States Attorney LaCour in New Orleans told me that he plans to talk to Sheriff Wooten in Plaquemines Parish regarding what action, if any, the Sheriff intends to take to enforce the recently adopted resolution and ordinance of the Plaquemines Parish Commission. Mr. LaCour knows Sheriff Wooten and is inclined to think that he will not do anything drastic. Mr. LaCour assumes that the "resolution" which declares the Naval Air Station "off limits" for civilians will not be enforced.

I told Mr. LaCour we were considering what legal action might be taken if the ordinance and resolution are actually implemented.

Mr. Murphy advised me that he has not been able to find any federal statute which would apply to the action of the Plaquemines Parish Commission. He not only researched the question himself but also contacted the Air Force and Navy JAG offices. Navy JAG is obtaining copies of the resolutions for us. They go into effect on either the 5th or 6th of September. Section 244 of Title 18, which punishes discrimination against uniform service men in places of entertainment or amusement, applies only to the District of Columbia and other federal territory.

It may be that Section 241 could apply to a conspiracy to injure or oppress citizens in their federal right (and there surely must be such a right) to go freely to their places of employment on the Naval Air Station, to take supplies into the station and otherwise do business on the station. I don't

- 2 -

think it would apply, however, to the use of off-base business facilities by uniform service men, although even there it might apply as Perez is certainly intending to injure and oppress them by reason of their service with the United States. Prosecution under 241, however, requires grand jury indictment.

Misc.

31 August 1963

Mr. Robert W. J. Wysocki  
103 Milton Street  
Brooklyn, New York  
11222

Dear Mr. Wysocki:

According to our records, Dr. Martin  
Luther King can be addressed as follows

Dr. Martin Luther King  
407 Auburn Avenue, N. E.  
Atlanta, Georgia

Very truly yours,

Linda K. Stone  
Secretary to Burke Marshall  
Assistant Attorney General  
Civil Rights Division

6 September 1963

MEMORANDUM TO THE SOLICITOR GENERAL

Attached is correspondence received by me from Robert D. Childres regarding the possibility of employment here in the Department. As he evinces an interest in working with you, I attach the same for your consideration.

EM

Attachment



**Memorandum**

TO : Burke Marshall

DATE: September 7, 1963

FROM : Ed ~~Quinn~~ *W*SUBJECT: Speech by Harlan Cleveland *6329*  
*on 1/2*

When I called Harlan Cleveland, he told me that Kenny O'Donnell and Lee White recommended that he not give it. I will explain when I see you.

However, he thought that the Secretary might give a speech along this line later in the month and he was going to give it to him. He asked if we had any suggestions that we put them in writing and send them to him.

I was going to make three minor suggestions because I thought it was a very good speech.

On page 5 or somewhere in the speech, I would make mention of the fact that a great many Asians have been integrated into our society--Filipinos, Japanese and Chinese. The hyphenated Americans slipping into history are not only those with European backgrounds.

Also on page 5, fifth paragraph, last line, I suggest adding the words . . . . in some states . . . . to the last sentence.

12,

On page/ in the summary, I would include an additional point -- the majority of the American people are now committed to making progress in resolving racial problems and will not accept the status quo.

Herbert J. Miller  
Assistant Attorney General  
Criminal Division

Sept. 11, 1963

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

EM:stj

Solicitation for a Political  
Contribution

Attached is a solicitation for \$10.00 to the "Kennedy Retirement Fund" which was mailed by the Republican Action Fund at the Republican National Headquarters to Mr. A. B. Caldwell, an attorney in this Division.

You will note that the picture shows three rocking chairs -- one labeled "his", a smaller one labeled "Bobby's", and an even smaller one (containing a teddy bear) labeled "Teddy's".

This solicitation was sent to Mr. Caldwell's office. It is a solicitation for a political contribution. It is accordingly a flagrant violation of Section 603 of Title 18.

I feel I should disqualify myself from this case, and am, accordingly, referring it to you for immediate and forceful action.

cc: Attorney General

Deputy Attorney General

John E. Nolan, Jr.  
Administrative Assistant

MWH:abh  
144-80-3

Maceo W. Hubbard

typed 9-12-63

Florence B. Howell  
442 Emerson Street, N. W.  
Washington 11, D. C.

Miss Howell is an old customer, and in my opinion mentally disturbed. As I stated in my telephone conversation with you, I would suggest that no reply be made to the letters returned herewith.

Our file shows that around 1939 or 1940, Miss Howell, then a student at the West Virginia State College for Negroes, sent the President of the college a letter threatening to kill him, and as a result was arrested and sentenced to a term in the Federal Reformatory at Alderson, West Virginia. Upon her release, she sought readmission to the college. When this was refused, she claimed that she was being deprived of her civil rights. She next sought employment in the federal government. Apparently the Civil Service Commission gave her some sort of examination or test, but refused to certify her as eligible for federal employment after receiving information from the Bureau of Prisons concerning her behavior etc. at the Reformatory. Miss Howell next demanded employment in the Department of Justice, and this is apparently the demand that she is making today. Our file indicates that she has been advised, in several letters, since the early or middle 1940s that the Department cannot assist her in connection with her request for employment, and that her difficulties involve no violation of the civil rights statutes. I, as well as other Department attorneys, have interviewed her, and advised her to the same effect.

**Enclosures**

cc: Records  
Mr. Hubbard  
Chron.

Miss Howell has been making attempts to see Mr. Marshall for several months. In seeking an appointment she sent us a spurious telegram, about two months ago, purporting to be from the President of the Local Chapter of the N. A. A. C. F. and the wife of Clarence Mitchell, Head of the Washington Branch of the National N. A. A. C. F. In addition, I am informed that she cursed out one of the secretaries in Marshall's office.

If you still want to reply to her letters, I shall be glad to prepare a draft. I am almost certain however that a reply will simply generate more letters, telephone calls, and other efforts to reach the Attorney General personally.

Memo from:

EMIL HESS  
FAirfax 2-1611

Line:

Talk with  
to put the  
back back in  
the hands of  
Congress

*Jan*

SMITH, MOORE, SMITH, SCHELL & HUNTER  
ATTORNEYS AND COUNSELLORS AT LAW  
SUITE 700 JOYCE STATION BUILDING  
GREENSBORO, N.C.

September 20, 1963

TELEPHONE 575-0000  
DRAFTER 6

JAMES C. SMITH  
WILLIAM C. MOORE  
WILLIAM C. SMITH, III  
WILLIAM C. SMITH, IV  
WILLIAM C. SMITH, V  
WILLIAM C. SMITH, VI  
WILLIAM C. SMITH, VII  
WILLIAM C. SMITH, VIII  
WILLIAM C. SMITH, IX  
WILLIAM C. SMITH, X  
WILLIAM C. SMITH, XI  
WILLIAM C. SMITH, XII  
WILLIAM C. SMITH, XIII  
WILLIAM C. SMITH, XIV  
WILLIAM C. SMITH, XV  
WILLIAM C. SMITH, XVI  
WILLIAM C. SMITH, XVII  
WILLIAM C. SMITH, XVIII  
WILLIAM C. SMITH, XIX  
WILLIAM C. SMITH, XX

Honorable Burke Marshall  
Assistant Attorney General  
Office of the Attorney General  
of the United States  
Justice Department  
Washington, D. C.

*See Deane in  
Al's Smith is a  
good guy. How about  
this? When are you  
going?*

Dear Burke:

I am sorry to have missed you last Thursday night when I was passing through Washington and called your office. L. Richardson Preyer has made a very good Judge and will make a good Governor and we are doing all that we can to insure that he is elected. His retirement from the Bench in the Middle District leaves a vacancy which many are seeking to fill. Ralph Stockton of Winston-Salem is an experienced trial lawyer with whom I have had many good associations. He is a diligent worker and keeps current. His performance can reasonably be predicted to be closer to that of Preyer's than any of the candidates mentioned around here and some of them (who are also my friends) have attitudes and points of view that would be handicaps to them in discharging the responsibility of a United States Judge.

If the occasion arises when it would be of any interest, I would be glad to discuss this with you more directly.

Kindest personal regards,

Yours aye,

McNS:bmc

P.S. Perhaps you will recall that Rich Preyer, although speaking at the Law School at Chapel Hill on the same night, May 1, 1963 that you spoke at the Carolina Inn, nevertheless came by the Carolina Inn to speak to us at the start of the dinner and to express his regrets about the conflict which prevented him from staying through the whole evening with us.

McNS

DEPARTMENT OF JUSTICE  
ROUTING SLIP

*Jan*

NAME	BUILDING AND ROOM
<del>1</del>	
2 <i>Justice Dept</i>	1145 <i>Celli</i>
3	<i>letter to the</i>
4	
5	<i>Dear Mr.:</i>

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

REMARKS

*Mr. Smith is a ...*  
*How about this? Who*  
*are you appointing?*  
*1/10 ...*  
*Your ...*  
*24 Sept.*

FROM

NAME	BUILDING, ROOM, EXT.	DATE

Misc.

C. P. J. MOONEY  
LAWYER  
200 COMMERCIAL TRILE BUILDING  
MEMPHIS, TENN.

September 25, 1963

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

Dear Mr. Marshall:

I have your letter of September 9, 1963, in response to an inquiry I made of the Attorney General on June 22, 1963. I cannot find a copy of my letter of that date. If you will re-read my letter, I am satisfied you will find that someone has been proceeding on a false premise. I knew at the time I wrote the same that a number of white lawyers in Memphis had been invited to the conference. In my opinion there was not a Kennedy vote among the group invited. I think some of the lawyers that have supported Mr. Kennedy and have in the past supported all of the democratic nominees should have been invited.

At any rate it is nice to hear from you again. Please remember me to Messrs. Doar and Flanery.

Sincerely,

*C. P. J. Mooney*  
C. P. J. Mooney

CPJM/CAG

*Sept 26*



27 September 1968

McNeill Smith, Esquire  
Smith, Moore, Smith, Schell  
& Hunter  
Attorneys at Law  
Suite 700  
Jefferson Standard Building  
Greensboro, North Carolina

Dear Vac:

Thank you for your letter and thoughts on the vacancy created by Judge Preyer's resignation. They will be given consideration. He is outstanding, and a loss to the bench. I hope he makes it.

Best regards,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division