

DEPARTMENT OF JUSTICE
GENERAL RECORDS BRANCH
TELEGRAPH OFFICE

1963 NOV 22 PM 2:55

WWKC074

GWB-071 WWAY GBH 26 SVC

REURMSG WWAY 3 FILING TIME 1201R WILKINSON SELMA SIGNED MARSHALL
FOLLOWING RECEIVED FROM WESTERN UNION *ATNT ATTY GENL CIVIL RIGHTS DIVN
TDBM PWS WASHINGTON DC ROUTE BM YOUR TELEGRAM ROBERT D WILKINSON FORE-
MAN OF THE CIRCUIT COURT OF DALLAS COUNTY DELIVERED 1235PM*.

GBH 11-22

AHG1335S

TELEGRAM SPECIAL

0
DEPARTMENT OF JUSTICE
ADMIN. RECORDS BRANCH
TELEGRAPH OFFICE

1955 NOV 20 PM 10:14

NOV 20 1955 •

TO ALBERT COLLECT OR SELMA ALA 20 041P CST

WYATT MARSHALL, ASST ATTY GENL

CIVIL RIGHTS DIV WASHDC

YOUR TELEGRAM TO ROBERT D WILKINSON FORMAN OF THE GRAND JURY
OF THE CIRCUIT COURT OF DALLAS COUNTY ALA WAS TELEPHONED TO
HIS RESIDENCE (12 MILEU IN COUNTRY) AND WILL BE DELIVERED TO
HIS OFFICE IN MORNING FOR HIS RECORDS WAS PHONED TO HIM AT
0830M CST

OR SELMA ALA THE WESTERN UNION TELEGRAPH CO.

(79).

107;P EST NOV 20 1955

T. J. [unclear]

0

TELEGRAM SPECIAL

0

DEPARTMENT OF JUSTICE
COMM. RECORDS BRANCH
TELEGRAM OFFICE

NOV 20 1963 9:46

NO 372 P0A052 NSA741

NO 2220 COLLECT SR SELMA ALA 20 825P CST

TURKE MARSHALL, ASST ATTY GENL

CIVIL RIGHTS DIV WASHDC

YOUR TELEGRAM TO THE HON BLANCHARD MCLEOD COMPLETED AT 747PM

CST 11-20-63 MESSAGE PHONED TO HIS HOME AT CAMDEN ALA 50 MILES

AWAY AND DEL TO HIS OFFICE AT THE DALLAS COUNTY COURT HOUSE

SELMA ALA FOR HIM TO PICK UP IN THE AM

SR AGENCY SELMA ALA THE WESTERN UNION TELEGRAPH CO.

(49).

941P EST NOV 20 63

John Doe

WASHINGTON, D.C.

*Lead to telegram
of file # 2:13fn*

CONFIRMATION REQUESTED

STRAIGHT WIRE

MR. FRANCHISE MC LEOD
CIRCUIT SOLICITOR
FOURTH JUDICIAL DISTRICT OF ALABAMA
2ND COUNTY COURTHOUSE
SELMA, ALABAMA

THIS WILL REPLY TO YOUR TELEGRAM IN RESPONSE TO MY
TELEGRAM OF NOVEMBER 14TH TO JUDGE HARRIS. IN MY TELE-
GRAM I PROPOSED A METHOD OF GIVING DIRECTLY TO A
REPRESENTATIVE OF THE GRAND JURY THE FACTS CONCERNING
THE UNAUTHORIZED USE BY MARTIN LUTHER KING, JR., OF
AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL
RIGHTS DIVISION, ALTHOUGH THESE FACTS HAVE BEEN MADE
PUBLIC BY THE DEPARTMENT. YOUR TELEGRAM NOW STATES
THAT THE GRAND JURY IS NO LONGER INTERESTED IN THAT
INCIDENT. IF THE GRAND JURY CHANGES ITS MIND ON THIS
MATTER, I AM STILL WILLING TO FOLLOW THE PROCEDURE
SET FORTH IN MY TELEGRAM TO JUDGE HARRIS.

YOUR TELEGRAM AND A SIMILAR ONE FROM PORTER

W
JULIUS ROSSIGNOL ASST. ATTY GEN.
CIVIL RIGHTS DIVISION

2153

11/20/63

- 2 -

WILKINSON MAKE EXTREMELY GRAVE CHARGES AGAINST EMPLOYEES OF THIS DIVISION, INCLUDING CONCEALING DOPE OFFICES, CONSORTING WITH SEX PERVERTS, CONTRIBUTING TO THE DELINQUENCY OF MINORS AND FOSTERING INSUBORDINATION. IT IS HARD TO BELIEVE THESE CHARGES ARE SERIOUSLY INTENDED SINCE NO NAMES, FACTS OR OTHER IDENTIFYING DATA ARE GIVEN. AS YOU KNOW, I IMMEDIATELY REQUESTED THE FEDERAL BUREAU OF INVESTIGATION TO DETERMINE WHAT FACTUAL BASIS YOU HAVE FOR MAKING THESE CHARGES. I AM INFORMED THAT YOU AND MR. WILKINSON HAVE REFUSED TO FURNISH ANY INFORMATION TO THE BUREAU ON THE MATTER.

IN VIEW OF THE EXTREMELY GRAVE NATURE OF THE CHARGES, I CONTINUE TO BELIEVE THAT WHATEVER INFORMATION YOU HAVE TO SUBSTANTIATE THEM SHOULD BE MADE AVAILABLE AS SOON AS POSSIBLE SO THAT ON THE ONE HAND, THE

D

DEPARTMENT CAN TAKE APPROPRIATE ACTION IF THE FACTS SUPPORT THE CHARGES. OR ON THE OTHER HAND, THE LAWYERS OF THIS DIVISION WILL NOT BE SUBJECTED TO PUBLIC ABUSE IF THERE ARE NO FACTS TO SUPPORT THE CHARGES.

IF IT IS STILL THE INTENTION OF THE GRAND JURY TO COME TO WASHINGTON, I WILL BE GLAD TO MEET WITH THEM IN MY OFFICE TO LEARN WHATEVER FACTS YOU OR ANY MEMBER OF THE JURY HAS CONCERNING THESE CHARGES. I DO NOT MYSELF PRESENTLY HAVE ANY FACTS THAT IN ANY WAY SUPPORT ANY OF THE CHARGES MADE IN YOUR TELEGRAM AS TO ANY LAWYER IN THIS DIVISION OR ANYONE ELSE IN THE DEPARTMENT.

MR. WILKINSON'S TELEGRAM MISSTATES THE OFFER MADE IN MY TELEGRAM TO JUDGE HARE. SO THAT THERE BE NO MISUNDERSTANDING ABOUT THAT, I AM SENDING HIM A

- 4 -

DUPLICATE OF THIS TELEGRAM AND THE FOLLOWING PARAGRAPHS FROM MY TELEGRAM TO JUDGE HARE:

NO COUNTY GRAND JURY IS AN APPROPRIATE FORUM IN WHICH TO INVESTIGATE THE CONDUCT OF BUSINESS OF ANY FEDERAL AGENCY, ANY MORE THAN A FEDERAL GRAND JURY WOULD BE APPROPRIATE TO INVESTIGATE THE OFFICIAL CONDUCT OF STATE OFFICIALS IN THEIR BUSINESS WHERE NO VIOLATION OF FEDERAL LAW WAS INVOLVED.

THIS PRINCIPLE INVOLVES MAINTAINING FEDERAL-STATE RELATIONSHIPS WHICH WILL ENDURE AND GOES BEYOND THE ISSUES IN ANY PARTICULAR EPISODE. THE MATTER OF CONSTITUTIONAL PRINCIPLE HAS NOW BEEN REAFFIRMED BY THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT.

HOWEVER, I DO NOT WISH TO CONCEAL FROM THE DALLAS COUNTY GRAND JURY OR ANYONE ELSE THE FACTS CONCERNING THE UNAUTHORIZED TRANSPORTATION OF REVEREND

- 5 -

MARTIN LUTHER KING, JR., IN AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL RIGHTS DIVISION, PARTICULARLY SINCE THE DEPARTMENT'S FIRST PUBLIC STATEMENT ABOUT THIS INCIDENT WAS BASED IN PART ON MISINFORMATION AND WAS, THEREFORE, ERRONEOUS. ALTHOUGH THE DEPARTMENT OF JUSTICE HAS ALREADY MADE A FULL PUBLIC STATEMENT CORRECTING THE ERROR, I AM WILLING TO MAKE AVAILABLE TO A REPRESENTATIVE OF THE DALLAS COUNTY GRAND JURY ALL EMPLOYEES OF THE CIVIL RIGHTS DIVISION WHO HAVE KNOWLEDGE OF THE FACTS. SUCH EMPLOYEES WOULD BE AVAILABLE IN THE DISTRICT OF COLUMBIA FOR QUESTIONING BY THE GRAND JURY'S REPRESENTATIVE BEFORE A NOTARY PUBLIC AND WOULD ANSWER QUESTIONS AS TO ANY FACTS IN THEIR POSSESSION CONCERNING THE TRANSPORTATION OF REVEREND KING IN ANY VEHICLES RENTED BY THE DEPARTMENT OF JUSTICE.

WASHINGTON, D.C.

*Send to telegram
office 11/20 2.15 for*

CONFIRMATION REQUESTED

URGENT WIFE

W. FRANKLIN MC LEOD
CIRCUIT SOLICITOR
FOURTH JUDICIAL DISTRICT OF ALABAMA
205 COUNTY COURTHOUSE
SELMA, ALABAMA

THIS WILL REPLY TO YOUR TELEGRAM IN RESPONSE TO MY
TELEGRAM OF NOVEMBER 14th TO JUDGE HARR. IN MY TELE-
GRAM I PROPOSED A METHOD OF GIVING DIRECTLY TO A
REPRESENTATIVE OF THE GRAND JURY THE FACTS CONCERNING
THE UNAUTHORIZED USE BY MARTIN LUTHER KING, JR., OF
AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL
RIGHTS DIVISION, ALTHOUGH THESE FACTS HAVE BEEN MADE
PUBLIC BY THE DEPARTMENT. YOUR TELEGRAM NOW STATES
THAT THE GRAND JURY IS NO LONGER INTERESTED IN THAT
INCIDENT. IF THE GRAND JURY CHANGES ITS MIND ON THIS
MATTER, I AM STILL WILLING TO FOLLOW THE PROCEDURE
SET FORTH IN MY TELEGRAM TO JUDGE HARR.

YOUR TELEGRAM AND A SIMILAR ONE FROM ROBERT

W
JURGEN MARSHALL, ASST. ATTY GEN.
CIVIL RIGHTS DIVISION

7151

11/20/63

5

- 2 -

WILKINSON MAKE EXTREMELY GRAVE CHARGES AGAINST EMPLOYEES OF THIS DIVISION, INCLUDING CONCEALING DOPE ADDICTS, CONSORTING WITH SEX PERVERTS, CONTRIBUTING TO THE DELINQUENCY OF MINORS, AND FOMENTING INSUBORDINATION. IT IS HARD TO BELIEVE THESE CHARGES ARE SERIOUSLY INTENDED SINCE NO NAMES, DATES OR OTHER IDENTIFYING DATA ARE GIVEN. AS YOU KNOW, I IMMEDIATELY REQUESTED THE FEDERAL BUREAU OF INVESTIGATION TO DETERMINE WHAT FACTUAL BASIS YOU HAVE FOR MAKING THESE CHARGES. I AM INFORMED THAT YOU AND MR. WILKINSON HAVE REFUSED TO FURNISH ANY INFORMATION TO THE BUREAU ON THE MATTER.

IN VIEW OF THE EXTREMELY GRAVE NATURE OF THE CHARGES, I CONTINUE TO BELIEVE THAT WHATEVER INFORMATION YOU HAVE TO SUBSTANTIATE THEM SHOULD BE MADE AVAILABLE AS SOON AS POSSIBLE SO THAT ON THE ONE HAND, THE

D

- 3 -

DEPARTMENT CAN TAKE APPROPRIATE ACTION IF THE FACTS SUPPORT THE CHARGES, OR ON THE OTHER HAND, THE LAWYERS OF THIS DIVISION WILL NOT BE SUBJECTED TO PUBLIC ABUSE IF THERE ARE NO FACTS TO SUPPORT THE CHARGES.

IF IT IS STILL THE INTENTION OF THE GRAND JURY TO COME TO WASHINGTON I WILL BE GLAD TO MEET WITH THEM IN MY OFFICE TO LEARN WHATEVER FACTS YOU OR ANY MEMBER OF THE JURY HAS CONCERNING THESE CHARGES. I DO NOT MYSELF PRESENTLY HAVE ANY FACTS THAT IN ANY WAY SUPPORT ANY OF THE CHARGES MADE IN YOUR TELEGRAM AS TO ANY LAWYER IN THIS DIVISION OR ANYONE ELSE IN THE DEPARTMENT.

MR. WILKINSON'S TELEGRAM MISSTATES THE OFFER MADE IN MY TELEGRAM TO JUDGE HARRIS. SO THAT THERE BE NO MISUNDERSTANDING ABOUT THAT, I AM SENDING HIM A

- 4 -

DUPLICATE OF THIS TELEGRAM AND THE FOLLOWING PARAGRAPHS FROM MY TELEGRAM TO JUDGE HARE:

NO COUNTY GRAND JURY IS AN APPROPRIATE FORUM IN WHICH TO INVESTIGATE THE CONDUCT OF BUSINESS OF ANY FEDERAL AGENCY, ANY MORE THAN A FEDERAL GRAND JURY WOULD BE APPROPRIATE TO INVESTIGATE THE OFFICIAL CONDUCT OF STATE OFFICIALS IN THEIR BUSINESS WHERE NO VIOLATION OF FEDERAL LAW WAS INVOLVED.

THIS PRINCIPLE INVOLVES MAINTAINING FEDERAL-STATE RELATIONSHIPS WHICH WILL ENDURE AND GOES BEYOND THE ISSUES IN ANY PARTICULAR EPISODE. THE MATTER OF CONSTITUTIONAL PRINCIPLE HAS NOW BEEN REAFFIRMED BY THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT.

HOWEVER, I DO NOT WISH TO CONCEAL FROM THE DALLAS COUNTY GRAND JURY OR ANYONE ELSE THE FACTS CONCERNING THE UNAUTHORIZED TRANSPORTATION OF REVEREND

MARTIN LUTHER KING, JR., IN AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL RIGHTS DIVISION, PARTICULARLY SINCE THE DEPARTMENT'S FIRST PUBLIC STATEMENT ABOUT THIS INCIDENT WAS BASED IN PART ON MIS- INFORMATION AND WAS, THEREFORE, ERRONEOUS. ALTHOUGH THE DEPARTMENT OF JUSTICE HAS ALREADY MADE A FULL PUBLIC STATEMENT CORRECTING THE ERROR, I AM WILLING TO MAKE AVAILABLE TO A REPRESENTATIVE OF THE DALLAS COUNTY GRAND JURY ALL EMPLOYEES OF THE CIVIL RIGHTS DIVISION WHO HAVE KNOWLEDGE OF THE FACTS. SUCH EMPLOYEES WOULD BE AVAILABLE IN THE DISTRICT OF COLUMBIA FOR QUESTIONING BY THE GRAND JURY'S REPRESENTATIVE BEFORE A NOTARY PUBLIC AND WOULD ANSWER QUESTIONS AS TO ANY FACTS IN THEIR POSSESSION CONCERNING THE TRANSPORTATION OF REVEREND KING IN ANY VEHICLES RENTED BY THE DEPARTMENT OF JUSTICE.

Memorandum

TO : Telegraph Office

DATE: 11/11/63

*telephoned
to Western
Union
6:05*

FROM : Burke Marshall
Assistant Attorney General
Civil Rights Division

SUBJECT:

Please send the attached telegram to the following persons, at the following addresses:

Honorable Gordon Madison
Assistant Attorney General for the State
of Alabama
State Capitol Building
Montgomery, Alabama *+ phone residence*

Honorable Blanchard McLeod
Circuit Solicitor
Fourth Judicial District of Alabama
Camden, Alabama *+ phone residence*
or

c/o County Courthouse
Selma, Alabama

Honorable Henry Reese
County Solicitor of Dallas County
Dallas County Courthouse
Selma, Alabama *+ phone residence*

Telegraph Office

11/11/63

Burke Marshall
Assistant Attorney General
Civil Rights Division

Please send the attached telegram to the following
persons, at the following addresses:

Honorable Gordon Madison
Assistant Attorney General for the State
of Alabama
State Capitol Building
Montgomery, Alabama

Honorable Blanchard McLeod
Circuit Solicitor
Fourth Judicial District of Alabama
Camden, Alabama

or

c/o County Courthouse
Selma, Alabama

Honorable Henry Reese
County Solicitor of Dallas County
Dallas County Courthouse
Selma, Alabama

NAME OF AGENCY
**DEPARTMENT OF JUSTICE
Civil Rights Division**

PRECEDENCE

ACTION
INFO.
TYPE OF MESSAGE
 SINGLE BOOK
 MULTI-ADDRESS

CLASSIFICATION
STANDARD FORM 14 REV. MARCH 15, 1957
GSA REGULATION 24-203.04
14-300
TELEGRAPHIC MESSAGE
OFFICIAL BUSINESS
U. S. GOVERNMENT

ACCOUNTING CLASSIFICATION

THIS BLOCK FOR USE OF COMMUNICATIONS UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

THIS COL. FOR AGENCY USE

START MESSAGE ADDRESS HERE

DO NOT TYPE MESSAGE BEYOND THIS LINE

THIS IS TO NOTIFY YOU THAT ON TUESDAY MORNING,
NOVEMBER 12, THE UNITED STATES WILL FILE A COMPLAINT
AND SEEK A TEMPORARY RESTRAINING ORDER AGAINST
BLANCHARD McLEOD, HENRY REESE, JAMES G. CLARKE, JR.,
JAMES HARE, M. H. HOUSTON, ROBERT D. WILKINSON, JR.,
IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF ALABAMA, NORTHERN DIVISION IN MOBILE.
THE UNITED STATES WILL SEEK AN APPOINTMENT WITH JUDGE
THOMAS AT 9:30 A.M. OR AS SOON THEREAFTER AS IT CAN
BE HEARD, TO PRESENT THE APPLICATION FOR A TEMPORARY
RESTRAINING ORDER TO THE HONORABLE DANIEL H. THOMAS,
UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DIS-
TRICT OF ALABAMA. YOU ARE INVITED TO BE PRESENT.
IN THE EVENT SAID APPLICATION SHOULD BE DENIED, THE
UNITED STATES INTENDS TO APPEAL PROMPTLY TO THE U.S.
COURT OF APPEALS FOR THE FIFTH CIRCUIT IN NEW ORLEANS
COPIES OF THE GOVERNMENT'S PAPERS WILL BE AVAILABLE
AT THE U.S. ATTORNEY'S OFFICE IN MOBILE AT 9 A.M.
TUESDAY MORNING.

BURKE MARSHALL
Assistant ATTORNEY GENERAL
Civil Rights Division

PAGE NO. NO. OF PAGES

NAME AND TITLE OF ORIGINATOR (Type)
BURKE MARSHALL
Assistant Attorney General

ORIGINATOR'S TEL. NO.
RE 7-8200
x 2151

DATE AND TIME PREPARED

SECURITY CLASSIFICATION

I certify that this message is official business, is not personal, and is in the interest of the Government.
Burke Marshall
BURKE MARSHALL

21 November 1963

MEMORANDUM FOR MITCHELL ROGOVIN

Thanks very much; your promptness is appreciated. This is Dallas County, Texas, however, and as such, does not quite fill the bill for Dallas County, Alabama. Can you be of any help with respect to Dallas County, Alabama?

BM

Attachment - IRS file

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 13.

The Department of Justice issued a statement on October 14, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During this time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of that occurred. He has submitted his resignation ^{to the Department} and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15,

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During this time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

Reports were published in Alabama last week that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15.

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During this time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has admitted his resignation ^{to the Department} and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 13.

The Department of Justice issued a statement on October 14, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 13.

During this time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation ^{to the Department} and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, incorrect.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15.

The Department of Justice issued a statement on October 16, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During that time, the attorney, Shelton Henderson, resided in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation to the Department and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15.

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During that time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation to the Department and it has been accepted.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15.

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During that time, the attorney, Theilton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation to the Department and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

*Dr. Tolson
press
conference
of 10/15*

October 15, 1963

The reports that automobiles rented by the Department of Justice were used to furnish transportation for Reverend Martin Luther King in Alabama are either a gross mistake or a deliberate attempt to mislead the people of Alabama.

We are setting forth all the facts so that there can be no misunderstanding although we issued a complete denial on Wednesday.

Attorneys for the Department of Justice on duty in Alabama and elsewhere in the United States frequently rent automobiles. In recent weeks, Department attorneys have rented two automobiles in Alabama — one a 1963 blue Chevrolet Impala and the other a 1964 white Ford Galaxie.

It has been reported that the 1963 Chevrolet was used to take Reverend King from Birmingham to Selma on October 15. This car had been rented by Kenneth McIntyre, a Department attorney, but was being used by Thelton Henderson, another Justice Department attorney.

At about 5:15 p.m. on October 15 Mr. Henderson went to the Gaston Motel in Birmingham to interview Reverend King at the specific direction of the Department of Justice. At that time

Dr. King was at a meeting at the Gaston Motel. When Dr. King came out of the meeting, Mr. Henderson asked to speak to him. Dr. King replied that he was late and had to go immediately to the New Pilgrim Church in Birmingham. Henderson offered to drive him there if he could interview him on the way and Dr. King agreed. Henderson left the Gaston Motel at 5:30 p.m. and let Dr. King off at the New Pilgrim Church at 5:40 p.m.

Henderson then returned to the Gaston Motel. The Chevrolet never left Birmingham that night.

It has been learned that Reverend King was driven to Selma in a Chevrolet similar to the one rented by the Department of Justice. However, it was a privately-owned vehicle and was not the one used by Mr. Henderson.

It has been reported that later on October 15 Reverend King was driven from Selma to Montgomery in the 1964 Ford which also was rented by Mr. McIntyre. Mr. McIntyre rented the Ford in Montgomery at 1:41 p.m. on October 15 and drove

to Craig Air Force Base near Selma, checking into the base at 9:35 p.m. Thereafter, neither Mr. McIntyre nor the Ford left Craig Air Force Base that night. Mr. McIntyre does not know Reverend King and has never met him. The Ford remained overnight in Selma and the following morning John Lear, First Assistant Attorney General in charge of the Civil Rights Division, drove the Ford to Tuskegee and then back to Montgomery. We have been informed that Reverend King drove from Selma to Montgomery in a privately-owned Cadillac.

It is obvious from these facts that neither the Chevrolet nor the Ford, nor any other car rented by the Department of Justice, was used to transport Reverend King. The reports to the contrary are false. Any efforts to ascertain the truth would have revealed these facts.

October 17, 1963

The reports that automobiles rented by the Department of Justice were used to furnish transportation for Reverend Martin Luther King in Alabama are either a gross mistake or a deliberate attempt to mislead the people of Alabama.

We are setting forth all the facts so that there can be no misunderstanding although we issued a complete denial on Wednesday.

Attorneys for the Department of Justice on duty in Alabama and elsewhere in the United States frequently rent automobiles. In recent weeks, Department attorneys have rented two automobiles in Alabama — one a 1963 blue Chevrolet Impala and the other a 1964 white Ford Galaxie.

It has been reported that the 1963 Chevrolet was used to take Reverend King from Birmingham to Selma on October 15. This car had been rented by Kenneth McIntyre, a Department attorney, but was being used by Shelton Henderson, another Justice Department attorney.

At about 5:15 p.m. on October 15 Mr. Henderson went to the Gaston Motel in Birmingham to interview Reverend King at the specific direction of the Department of Justice. At that time

Dr. King was at a meeting at the Gaston Motel. When Dr. King came out of the meeting, Mr. Henderson asked to speak to him. Dr. King replied that he was late and had to go immediately to the New Pilgrim Church in Birmingham. Henderson offered to drive him there if he could interview him on the way and Dr. King agreed. Henderson left the Gaston Motel at 5:30 p.m. and let Dr. King off at the New Pilgrim Church at 5:40 p.m.

Henderson then returned to the Gaston Motel. The Chevrolet never left Birmingham that night.

We have learned that Reverend King was driven to Selma in a Chevrolet similar to the one rented by the Department of Justice. However, it was a privately-owned vehicle and was not the one used by Mr. Henderson.

It has been reported that later on October 15 Reverend King was driven from Selma to Montgomery in the 1964 Ford which also was rented by Mr. McIntyre. Mr. McIntyre rented the Ford in Montgomery at 1:41 p.m. on October 15 and drove

to Craig Air Force Base near Selma, checking into the base at 9:35 p.m. Thereafter, neither Mr. McIntyre nor the Ford left Craig Air Force Base that night. Mr. McIntyre does not know Reverend King and has never met him. The Ford remained overnight in Selma and the following morning John Lear, First Assistant Attorney General in charge of the Civil Rights Division, drove the Ford to Tuskegee and then back to Montgomery. We have been informed that Reverend King drove from Selma to Montgomery in a privately-owned Cadillac.

It is obvious from these facts that neither the Chevrolet nor the Ford, nor any other car rented by the Department of Justice, was used to transport Reverend King. The reports to the contrary are false. Any efforts to ascertain the truth would have revealed these facts.

Draft

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15 and later that night from Selma to Montgomery.

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, contrary to Department of Justice regulations, a car rented by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma. This fact was learned last night when Thelton Henderson, the Department attorney who was using the rented car, came forward and repudiated his earlier statement.

Mr. Henderson previously denied to the Department that he had driven Reverend King or that the car rented by him had been used for that purpose. He has now acknowledged that he loaned the car to a private citizen who drove Reverend King to Selma while Mr. Henderson remained in Birmingham. Mr. Henderson has submitted his resignation and it has been accepted. The Department is studying whether any violation of federal law is involved.

The Department regrets that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was inaccurate.

Draft

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15 and later that night from Selma to Montgomery.

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, contrary to Department of Justice regulations, a car rented by a Department lawyer was loaned to a civilian who subsequently drove Reverend King from Birmingham to Selma. This fact was learned last night when Thelton Henderson, the Department attorney who had rented the car, came forward and repudiated his previous denial that the car he had rented had been used to drive Reverend King to Selma.

Mr. Henderson previously denied that he had driven Reverend King or that the car rented by him had been used for that purpose. He has now acknowledged that he loaned the car to a private citizen who drove Reverend King to Selma while Mr. Henderson remained in Birmingham. Mr. Henderson has submitted his resignation and it has been accepted.

The Department regrets that its earlier statement as to the use of the car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was inaccurate.

Draft

The Department of Justice statement of October 18 asserting that an automobile rented by a Department of Justice attorney had not been used to transport Reverend Martin Luther King from Birmingham to Selma, Alabama, on October 15, was incorrect.

Further investigation has disclosed that, contrary to Department of Justice regulations, the car was loaned to a civilian who subsequently drove Reverend King from Birmingham to Selma, while the Department of Justice attorney, Thelton Henderson, who had rented the car remained in Birmingham. Mr. Henderson has submitted his resignation and it has been accepted.

The statement was issued in response to published reports in Alabama that cars rented by the Department of Justice had been used to transport Reverend King from Birmingham to Selma on the evening of October 15 and later that night from Selma to Montgomery. No vehicle returned by the Department of Justice was used to drive Reverend King from Selma to Montgomery. The Department regrets that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was inaccurate.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Subject and Number

**BM;RW;sb
146-1-7747**

**Mr. Jerome C. Ables
Attorney At Law
P. O. Box 309
South Pittsburg, Tenn.**

Dear Mr. Ables:

This will acknowledge receipt of your recent communication to the Attorney General concerning reports that vehicles leased by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama.

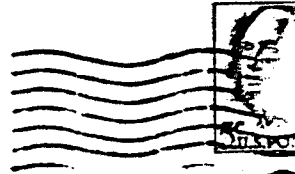
As we have said in a statement issued on the 18th of October, neither the automobiles mentioned in the report, nor any other car rented by the Department of Justice, was used to transport Reverend King as stated in the reports. Any efforts to ascertain the truth would have revealed these facts.

Sincerely,

**BURKE MARSHALL
Assistant Attorney General
Civil Rights Division**

**By: RICHARD KASPERSTROM
Attorney**

JEROME C. ABLES
ATTORNEY AT LAW
P. O. BOX 300
324 CEDAR AVE.
SOUTH PITTSBURG, TENN.



Honorable Robert F. Kennedy
Attorney General
U. S. Department of Justice
Washington, D. C.

72-3-51
#15,353
BM:ls

29 November 1963

Honorable John Sparkman
United States Senate
Washington, D. C.

Dear Senators:

The Attorney General has asked me to reply to your letter of November 18, which concerns use by Dr. Martin Luther King, jr., of an automobile rented by a lawyer employed by the Department of Justice.

It is of course contrary to the Department regulations for any automobile rented by a Department employee to be used for any purpose other than official business. Accordingly, what happened was contrary to such regulations.

Unfortunately, instead of admitting his mistake, the lawyer involved denied having lent the car to anyone. All objective checks of his story were consistent with it. You will recall, for example, that the first reports from state and local officials were to the effect that Department of Justice employees had driven Dr. King all around the State of Alabama. It could be objectively ascertained, and was, that the lawyer involved never left Birmingham, and that, contrary to charges at the time, no car rented by the Department could conceivably have been used to transport Dr. King from Selma to Montgomery.

Accordingly, the Department officially denied the charges in good faith.

Records
Crhono
✓ Marshall
Doar
Trial File

-2-

On the night of November 5, the lawyer involved voluntarily admitted that he had not given the Department the true facts. Without this admission it would not have been known. As soon as possible after the admission was made, the Department publicly acknowledged its error and expressed its regret.

We will make every effort to prevent any other such incidents. No car can be rented in the future without my personal approval.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

144-3-0

7 November 1963

Honorable Allen J. Ellender
United States Senate
Washington 25, D. C.

Dear Senator:

The Attorney General has asked me to reply to your letter of 1 November, concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama. Yesterday the Department issued an additional public statement on this matter, since a prior statement had been based, in part, on misinformation, and was, accordingly, in part, inaccurate. I hope that it will answer your inquiry.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Records
Chrono
✓ Marshall
Doar
Trial File

144-3-0

November 6, 1963

Honorable Kenneth A. Roberts
House of Representatives
Washington 25, D.C.

Dear Congressman Roberts:

I regret to inform you that the information I furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which I earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

BY HAND

Attachment

cc: Records

Chrono

Marshall ✓

Dear

Trial File (1345)

144-3-0

November 6, 1963

Honorable A. Sydney Herlong
House of Representatives
Washington 25, D. C.

Dear Congressman Herlong:

I regret to inform you that the information I furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which I earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

BY HAND

Attachment

Records
Chrono
Marshall
Dear
Trial File

144-3-0

6 November 1963

Honorable Armistead L. Selden
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman:

I regret to inform you that the information I furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which I earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Attachment
BY HAND

Records Chrono
Marshall Doar
Trial File

November 6, 1963

144-3-0

Honorable Lister Hill
United States Senate
Washington, D.C.

Dear Senator Hill:

I regret to inform you that the information furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which was earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

Attorney General

BY HAND

Attachment

cc: Records
Chrono
Marshall ✓
DOR
Trial File (1345)

144-3-0

November 6, 1963

Honorable Robert L. Jones
House of Representatives
Washington 25, D. C.

Dear Congressman Jones:

I regret to inform you that the information I furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which I earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

BY HAND

Attachment

Records
Chrono
Marshall
Dear
Trial File

144-3-0

6 November 1963

Honorable Carl Elliott
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman:

I regret to inform you that the information I furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which I earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Attachment
BY HAND

Records
Chono
Marshall
Doar
Trial File

144-3-0

November 6, 1963

Honorable George W. Andrews
House of Representatives
Washington 25, D. C.

Dear Congressman Andrews:

I regret to inform you that the information I furnished to you concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King around Alabama was in part inaccurate.

The enclosed statement corrects the inaccurate information which I earlier furnished you.

The Department is issuing a statement to this effect today. If you have any further inquiries about this matter, I would be happy to answer them for you.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

BY HAND

Attachment

cc: Records
Chrono
Marshall ✓
Dear
Trial File (1345)