

144-3-0

November 6, 1963

Honorable George Huddleston
House of Representatives
Washington 25, D. C.

Dear Congressman Huddleston:

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 ✓
Doar
Trial File (1140)

144-3-0

28 October 1963

Honorable George Huddleston, Jr.
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letters of October 18 and 22, concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama. On the 18th of October we issued the following statement. I think that it will completely answer your inquiry. Of course, any effort at all by Sheriff Clark or Governor Wallace to ascertain the true facts would have made these false reports unnecessary in the first place.

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.

Records
Chrono
Marshall

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 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 8:41 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

-3-

him. The Ford remained overnight in Selma and the following morning John Dear, 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.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

October 25, 1963

Honorable Armistead J. Selden, Jr.
Member of Congress
United States House of Representatives
Washington, D.C.

Dear Congressman:

The Attorney General has asked me to reply to your letter of October 22, concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama. On the 16th of October we issued the following statement. I think that it will completely answer your inquiry. Of course, any effort at all by Sheriff Clark or Governor Wallace to ascertain the true facts would have made these false reports unnecessary in the first place.

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.

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Burke Marshall
Assistant Attorney General
Civil Rights Division

25 October 1963

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

Dear Congressman:

The Attorney General has asked me to reply to your letter of October 21, concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama. On the 18th of October we issued the following statement.— I think that it will completely answer your inquiry. Of course, any effort at all by Sheriff Clark or Governor Wallace to ascertain the true facts would have made these false reports unnecessary in the first place.

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Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

28 1963

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:JD:lw

THELTON HUCKEE HENDERSON
DEPARTMENTAL ATTORNEY

This is with respect to your memorandum dated October 21 dealing with Thelton Eugene Henderson.

According to the memorandum the Birmingham office of the FBI has received information regarding the activities of one "Felton Henderson". The information which has been received is as follows:

(1) Henderson is involved romantically with a white woman and intends to marry her.

(2) Henderson and the white woman were in a Negro night-club in Birmingham on September 15 and Henderson was involved in a fracas with another Negro male that night over the white woman.

(3) Henderson has made remarks to the effect that the FBI has to carry out any orders given by him and that his position in Birmingham is superior to that of the FBI.

(4) On October 12 1963 Henderson attended a meeting of an integrationist group and brought up the question of the boycott to be sponsored by integrationists groups against the local newspaper, and in the course of the discussion Henderson stated that the boycott was legal and was one of his pet projects.

None of this information has any substance.

Specifically Henderson has no romantic involvement with Theresa Whatley. He has met her three times, twice at meetings of college-age students of both races at the Thirded Church. The purpose of this group of young people was to endeavor to set up communications between the races at that level. Henderson was invited to attend several meetings to discuss the responsibility of the Department of Justice in the enforcement of the Federal civil rights laws. About ten people were involved. The white persons were principally from Birmingham Southern or Alabama Southern. The Negroes were from Miles College. They have been meeting once per week for a couple of months. At these meetings they try to decide what they can do in a positive sense to promote desegregation.

The third time that Henderson met Miss Whatley was after one of the meetings of the interracial group at the restaurant in the Gaston Hotel. Henderson was in a group of people which included Miss Whatley. He was not with her. Henderson does not know whether Miss Whatley works for SCLC. For your information there was an article about her in JET Magazine several issues ago.

Henderson has only been in a night club once during the months he has spent in Birmingham. That was several months ago when he went with Norman Anaker.

September 13 was the day of the church bombing in Birmingham. On that day Henderson arrived at the Birmingham Air National Guard Airfield via military airplane at 6:15 p.m. CST. along with Burke Marshall, Joe Dolan and John Dolan. They were immediately taken to FBI headquarters where they were briefed on the situation in Birmingham by SAC Ray Falset and John Murphy of the Department of Justice.

After being briefed on the local situation, Henderson was driven to the home of a Negro insurance agent John Drew where a meeting of Negro leaders was scheduled to be held as soon as Martin Luther King and Fred Shuttlesworth arrived. Henderson was driven to the Drew residence by two FBI agents in an FBI car. He arrived at the Drew residence at approximately 8:00 p.m. Henderson remained at the Drew residence until he called Mr. Marshall and informed him that Reverend King and the other people at the Drew home wished to speak to him personally. At approximately 11:00 p.m. Mr. Marshall and Mr. Dolan arrived at the Drew residence where they talked with the people there until early the next morning. Mr. Henderson was present during this time. After the meeting was terminated, Mr. Marshall, Mr. Dolan and Mr. Henderson returned to the "2121" Building where they all stayed the remainder of the night.

Henderson does not recall ever saying to anyone anything about his relationship with the FBI. He has not said what your memorandum reported that he did say. However it is true that the Negro community in Birmingham believes that Henderson can communicate with the FBI and can make requests of the Bureau to investigate probable violations of Federal law. No specific instances have been reported to me where Henderson has exceeded his authority. We have received nothing but complimentary statements about Henderson from any government or state official including agents of the FBI.

With respect to the October 12 incident, this was one of the two bi-racial meetings that Henderson had attended. Henderson was invited to go to the meeting by a Negro named Thomas Wrenn who apparently works for SCIC. Henderson considers him to be unreliable and in the past has discussed this individual at least on two occasions with Mr. Doar of this Division. Henderson expressed the opinion to Mr. Doar that Wrenn was doing a lot of harm at these meetings. At the October 12 meeting there was a discussion about what the group could do. Henderson volunteered no suggestions. One of the persons there was a white man named Al Birch who according to Henderson

popped up in Birmingham all of a sudden. Henderson does not know anything about him except that it is reported that he had been to Cuba. When first spoke he talked of the importance of having the support of the local newspaper and suggested a boycott of the local newspaper. At the close of the meeting Henderson said that it seemed to him that the group had touched all the bases and had made some good suggestions. He said that he thought the discussion about the local newspaper was very good and said there seemed to be a lack of letters to the editors giving the Negro side of the issues. He cited two communities where a liberal newspaper has been helpful. The two communities were Greenville, Mississippi and Atlanta Georgia. He did not say anything about any boycott.

cc: Attorney General
Deputy Attorney General

21 November 1963

Honorable Mortimer Caplan
Commissioner
Internal Revenue Service
Washington, D. C.

Dear Mr. Commissioner:

We have a proceeding in the Southern District of Alabama under §1971(b) of Title 42 in which intimidation of voter registration workers is charged against, among others, the Dallas County Citizens' Council. If this organization has applied for or obtained an exemption ruling, I would appreciate having access to the file in connection with the preparation of the case.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

NOV 26 1963

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

Dear Senator:

The Attorney General has asked me to reply to your telegram regarding the proposed visit of the Dallas County grand jury to Washington. The visit has now been postponed.

I am enclosing copies of the exchange of telegrams I have had with officials of Dallas County and the grand jury on this matter. I believe they are self-explanatory. We are anxious to have access to all information in the possession of members of the grand jury relating to the very serious charges made against unnamed Department officials, and to cooperate with them as citizens. If the charges are warranted by the facts, the Department will take whatever action is appropriate.

I appreciate your interest in this matter.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosures

W. H. Weaver
To Mr. Weaver

The recent trip of M. L. King Jr. from Birg. to Selma in a car rented by Justice has attracted much publicity. There has been speculation that a violation of Fed. Statutes may have occurred with respect to the unauthorized use of the vehicle, or in connection with statements resulting in initial denials by the Dept. that the vehicle had been used for this purpose.

In view of the great pub. interest in this matter, some members of the Grand Jury have inquired whether or not a Fed. Grand Jury should investigate possible Fed. law violations.

The Dept. of Justice has assured the court that all aspects of this matter have been, or are being, investigated; that it does not presently believe there is evidence of Fed. criminal violations; and that it is happy to provide the Grand Jury with all of the facts and evidence in its possession surrounding this incident whether or not any violation of law may have occurred.

I believe it would be in the publ. interest to present these facts and all relevant testimony to the Grand Jury as the first order of bus. at its next session. This will be done. ~~sent~~

Statement for Judge Algood -- the next session of G. Jury is Feb. 10 --
If he approves, you will try it on Judge

Macon Weaver
Birgham.

WASHINGTON, D.C.

X

*See Wilson
File?*

November 14, 1963

STRAIGHT WIRE

HON. JAMES HARE
JUDGE, FOURTH JUDICIAL CIRCUIT
DALLAS COUNTY COURTHOUSE
SELMA, ALABAMA

AS YOU KNOW, THE DEPARTMENT OF JUSTICE HAS NO CHOICE
BUT TO CONTINUE TO MAINTAIN AND DEFEND LONG ESTABLISHED
LEGAL PRINCIPLES THAT STATE AND LOCAL INVESTIGATIVE
AGENCIES DO NOT HAVE AUTHORITY TO INQUIRE INTO THE
OFFICIAL CONDUCT OF THE BUSINESS OF AGENCIES OF THE
FEDERAL GOVERNMENT.

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

BURKE MARSHALL, Asst. Atty. Gen.
Civil Rights Division

2153

11/14/63

11:45

- 2 -

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 UN-AUTHORIZED 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 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

- 3 -

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.

CONFIRMATION OF DELIVERY REQUESTED.

*send to Telegraph
Office 1/20
2:15 pm*

DEPARTMENT OF JUSTICE
Washington, D. C.

STRAIGHT WIRE

STRAIGHT WIRE

MR. ROBERT D. WILKINSON
FOREMAN OF THE GRAND JURY OF THE
CIRCUIT COURT OF DALLAS COUNTY
C/O THE COURTHOUSE
SELMA, ALABAMA

I HAVE TODAY SENT THE FOLLOWING TELEGRAM TO BLANCHEARD
MCLEOD.

THIS WILL REPLY TO YOUR TELEGRAM IN RESPONSE TO MY
TELEGRAM OF NOVEMBER 14TH TO JUDGE HARE. IN MY TELEGRAM
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 HARE.

BURKE MARSHALL
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

11/20/ 63

PAGE 2

YOUR TELEGRAM AND A SIMILAR ONE FROM ROBERT 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 INSURRECTION. IT IS HARD TO BE-
LIEVE 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 INVESTIGA-
TION 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 DEPARTMENT CAN
TAKE APPROPRIATE ACTION IF THE FACTS SUPPORT THE CHARGES.

PAGE 3.

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 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

PAGE 4.

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
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FIRST PUBLIC STATEMENT ABOUT THIS INCIDENT WAS BASED IN
PART ON MISINFORMATION AND WAS, THEREFORE, ERRONEOUS.

PAGE 5.

ALTHOUGH THE DEPARTMENT OF JUSTICE HAS ALREADY MADE A
FULL PUBLIC STATEMENT CORRECTING THE ERROR, I AM WILLING
TO BE 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.

CONFIRMATION OF DELIVERY REQUESTED

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

hand delivered to Telegraph
Office 11/22/63, 11:40 a.m.

STRAIGHT WIRE _ REQUEST CONFIRMATION OF DELIVERY

MR. ROBERT D. WILKINSON
FORMER OF THE GRAND JURY OF THE
CIRCUIT COURT OF DALLAS COUNTY
C/O THE COURTHOUSE
SELMA, ALABAMA

THIS WILL REPLY TO YOUR TELEGRAMS OF THIS DATE TO
THE ATTORNEY GENERAL AND MYSELF. IN ACCORDANCE WITH MY
PREVIOUS TELEGRAMS, I WILL BE AVAILABLE MONDAY MORNING TO
MEET WITH REPRESENTATIVES OF THE GRAND JURY.

THE GRAND JURY IS, OF COURSE, WITHOUT ANY LEGITI-
MATE STANDING IN THE DISTRICT OF COLUMBIA, AND HAS NO
AUTHORITY AS A GRAND JURY TO INQUIRE INTO OFFICIAL CONDUCT
BY DEPARTMENT OF JUSTICE EMPLOYEES OF THEIR DUTIES. THIS
HAS BEEN PUT TO THE COURTS AND DECIDED. AS I HAVE PREVIOUSLY
STATED, NO COUNTY GRAND JURY IS AN APPROPRIATE FORUM
FOR SUCH AN INVESTIGATION ANY MORE THAN A FEDERAL GRAND
JURY COULD PROPERLY INQUIRE INTO THE OFFICIAL CONDUCT OF
A STATE OFFICIAL OR LOCAL GOVERNMENT WHERE NO VIOLATION
OF FEDERAL LAW WAS INVOLVED. OBVIOUSLY, THEREFORE,
NO DEPARTMENT OF JUSTICE OFFICIAL COULD APPEAR BEFORE
THE GRAND JURY QUOTE AS A WITNESS UNQUOTE.

(more)

1 of 4 pages

BURKE MARSHALL, ASS'T ATT'Y GEN'L

11/22/63 - 11:35 a.m.

OFFICIAL DUTIES REQUIRE THE PRESENCE OF DEPARTMENT OF JUSTICE LAWYERS IN DALLAS COUNTY. AS YOU KNOW, WE HAVE AN OBLIGATION TO ENFORCE STATUTES RELATING TO VOTING RIGHTS WHICH HAVE BEEN ENACTED BY THE CONGRESS OF THE UNITED STATES AND HAVE BEEN OBLIGED TO FILE THREE COMPLAINTS RELATING TO DISCRIMINATION AGAINST NEGRO APPLICANTS TO VOTE AND TO INTIMIDATION OF REGISTRATION WORKERS. THE COURTS HAVE FOUND FLAGRANT DISCRIMINATION AGAINST NEGRO APPLICANTS IN THE PAST. A FEDERAL COURT INJUNCTION IS NOW OUTSTANDING AGAINST THE PRESENT BOARD WHICH WE HAVE A RESPONSIBILITY TO ENFORCE. THE OTHER MATTERS ARE PENDING IN COURT.

IF YOU WISH, I AM CONFIDENT THAT THE ATTORNEY GENERAL WILL MAKE TIME TO DISCUSS THESE MATTERS WITH YOU ALSO IN HIS OFFICE, AND I WILL BE AVAILABLE IN MY OFFICE FOR AS MUCH OF THE DAY AS POSSIBLE.

I WOULD APPRECIATE AN EARLY RESPONSE SO THAT I CAN ARRANGE MY SCHEDULE. IN ORDER TO AVOID ANY MISUNDER-

STANDING OF THE SITUATION BY ANY MEMBER OF THE GRAND
JURY CONTEMPLATING A TRIP TO WASHINGTON, I AM SENDING
EACH OF THEM A COPY OF THIS TELEGRAM.

TELEGRAM
SPECIAL

DEPARTMENT OF JUSTICE
ADMN. RECORDS BRANCH
TELEGRAPH OFFICE

1963 NOV 15 PM 6:30

DOCKETED
NOV 18 1963 15,353

TO 207 13A370

IS BEAUCH LONG HL RD SELMA ALA 15
MORNING MARSHALL, ASST ATTORNEY GENERAL

CIVIL RIGHTS DIVISION DEPT OF JUSTICE WASH DC

IT HAS NEVER BEEN THE PURPOSE OF THE GRAND JURY OF DALLAS COUNTY
TO INQUIRE INTO THE OFFICIAL CONDUCT OF AGENTS OF THE FEDERAL
GOVERNMENT. IT IS NOT CONCERNED WHETHER THE FEDERAL GOVERNMENT
IS REIMBURSED FOR AN AUTOMOBILE TRIP OR NOT; BUT THE DALLAS
COUNTY GRAND JURY IS INTERESTED IN INQUIRING INTO THE MISCONDUCT
OF AGENTS OF THE DEPARTMENT OF JUSTICE DURING SUCH TIME AS
THEY WERE IN DALLAS COUNTY.

THE DEPARTMENT OF JUSTICE HAS SPECIFICALLY
THE SHERIFF OF DALLAS COUNTY HAS MADE NO EFFORT TO
THE TRUTH AND THAT HE HAS MADE FALSE REPORTS. A
THE INTEGRITY OF A COUNTY OFFICER OF DALLAS COUNTY
WITHIN THE LIMITS OF INVESTIGATION OF THE GRAND JURY. A RETRACTION

72-3-51

DEPARTMENT OF JUSTICE	RECORD
NOV 18 1963	RECORD
RECORDS-BRANCH	RECORD
CIV. RIGHTS DIV.	

Vol. & Elect. Sec.

Memorandum

TO : File # 72-3-51

DATE: 11/22/63

FROM : L. Stores
Secretary to Burke Marshall
Assistant Attorney General

SUBJECT: Civil Rights Division

The attached telegram was called to the local Western Union office, for sending to Honorable Blanchard McLeod, Circuit Solicitor, Fourth Judicial District of Alabama, c/o County Courthouse, Selma, Alabama, at approximately 3:50 p.m. EST 11/22/63. Confirmation of delivery of this telegram was requested of Western Union.

TEXT

AS CIRCUIT SOLICITOR FOR THE FOURTH JUDICIAL DISTRICT OF ALABAMA, I AM SENDING YOU A COPY OF THE FOLLOWING TELEGRAM, WHICH I HAVE TODAY SENT TO ROBERT D. WILKINSON, FOREMAN OF THE GRAND JURY OF THE CIRCUIT COURT OF DALLAS COUNTY, IN CARE OF THE COURTHOUSE, SELMA, ALABAMA:

[continue with attached text]

*delivered
11/22 4:25 pm EST*

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

hand delivered to Telegraph
Office 11/22/63, 11:40 a.m.

STRAIGHT WIRE _ REQUEST CONFIRMATION OF DELIVERY

MR. ROBERT D. WILKINSON
FOREMAN OF THE GRAND JURY OF THE
CIRCUIT COURT OF DALLAS COUNTY
C/O THE COURTHOUSE
SELMA, ALABAMA

THIS WILL REPLY TO YOUR TELEGRAMS OF THIS DATE TO
THE ATTORNEY GENERAL AND MYSELF. IN ACCORDANCE WITH MY
PREVIOUS TELEGRAMS, I WILL BE AVAILABLE MONDAY MORNING TO
MEET WITH REPRESENTATIVES OF THE GRAND JURY.

THE GRAND JURY IS, OF COURSE, WITHOUT ANY LEGITI-
MATE STANDING IN THE DISTRICT OF COLUMBIA, AND HAS NO
AUTHORITY AS A GRAND JURY TO INQUIRE INTO OFFICIAL CONDUCT
BY DEPARTMENT OF JUSTICE EMPLOYEES OF THEIR DUTIES. THIS
HAS BEEN PUT TO THE COURTS AND DECIDED. AS I HAVE PREVIOUSLY
STATED, NO COUNTY GRAND JURY IS AN APPROPRIATE FORUM
FOR SUCH AN INVESTIGATION ANY MORE THAN A FEDERAL GRAND
JURY COULD PROPERLY INQUIRE INTO THE OFFICIAL CONDUCT OF
A STATE OFFICIAL OR LOCAL GOVERNMENT WHERE NO VIOLATION
OF FEDERAL LAW WAS INVOLVED. OBVIOUSLY, THEREFORE,
NO DEPARTMENT OF JUSTICE OFFICIAL COULD APPEAR BEFORE
THE GRAND JURY QUOTE AS A WITNESS UNQUOTE.

(more)

1 of 4 pages

BURKE MARSHALL, ASS'T ATT'Y GEN'L

11/22/63 - 11:35 a.m.

AS I PREVIOUSLY STATED, I AM WILLING TO MAKE AVAILABLE TO A REPRESENTATIVE OR REPRESENTATIVES OF THE GRAND JURY, AT THE DEPARTMENT OF JUSTICE AND BEFORE A NOTARY PUBLIC, ANY LAWYER IN THIS DIVISION WHO HAS PERSONAL KNOWLEDGE OF THE FACTS CONCERNING THE UNAUTHORIZED USE BY DR. KING OF AN AUTOMOBILE RENTED BY A DEPARTMENT OF JUSTICE EMPLOYEE, EVEN THOUGH THEY ARE NOW ALL A MATTER OF PUBLIC KNOWLEDGE. OF THE PEOPLE MENTIONED IN YOUR TELEGRAM, TRELTON HENDERSON IS NO LONGER IN THE DEPARTMENT AND ONLY JOHN DOAR AND I HAVE DIRECT KNOWLEDGE OF WHAT HAPPENED. MR. GUTKMAN, WHO IS NOT A LAWYER IN THIS DIVISION, BUT WAS SPOKESMAN FOR THE DEPARTMENT, WILL ALSO BE GLAD TO MEET WITH ANY REPRESENTATIVES.

IN ADDITION, I WILL BE GLAD TO GIVE AN OPPORTUNITY TO YOU OR ANY OR ALL MEMBERS OF THE GRAND JURY TO COMPLAIN TO THE DEPARTMENT AS CITIZENS ABOUT ANY CONDUCT OF ANY OF ITS EMPLOYEES WHICH YOU THINK IS WRONG. I AM ALSO ANXIOUS TO EXPLAIN TO ANY OF YOU AS CITIZENS WHAT

OFFICIAL DUTIES REQUIRE THE PRESENCE OF DEPARTMENT OF JUSTICE LAWYERS IN DALLAS COUNTY. AS YOU KNOW, WE HAVE AN OBLIGATION TO ENFORCE STATUTES RELATING TO VOTING RIGHTS WHICH HAVE BEEN ENACTED BY THE CONGRESS OF THE UNITED STATES AND HAVE BEEN OBLIGED TO FILE THREE COMPLAINTS RELATING TO DISCRIMINATION AGAINST NEGRO APPLICANTS TO VOTE AND TO INTIMIDATION OF REGISTRATION WORKERS. THE COURTS HAVE FOUND FLAGRANT DISCRIMINATION AGAINST NEGRO APPLICANTS IN THE PAST. A FEDERAL COURT INJUNCTION IS NOW OUTSTANDING AGAINST THE PRESENT BOARD WHICH WE HAVE A RESPONSIBILITY TO ENFORCE. THE OTHER MATTERS ARE PENDING IN COURT.

IF YOU WISH, I AM CONFIDENT THAT THE ATTORNEY GENERAL WILL MAKE TIME TO DISCUSS THESE MATTERS WITH YOU ALSO IN HIS OFFICE, AND I WILL BE AVAILABLE IN MY OFFICE FOR AS MUCH OF THE DAY AS POSSIBLE.

I WOULD APPRECIATE AN EARLY RESPONSE SO THAT I CAN ARRANGE MY SCHEDULE. IN ORDER TO AVOID ANY MISUNDER-

STANDING OF THE SITUATION BY ANY MEMBER OF THE GRAND
JURY CONTEMPLATING A TRIP TO WASHINGTON, I AM SENDING
EACH OF THEM A COPY OF THIS TELEGRAM.

OF CHARGES AGAINST THE SHERIFF WAS MADE ONLY AFTER IT WAS KNOWN
TO THIS DEPARTMENT THAT A GRAND JURY WOULD INVESTIGATE THIS
MATTER.

I INTEND TO DIRECT THE GRAND JURY INTO AN INVESTIGATION
OF MISCONDUCT OF ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT
OF JUSTICE, IN SELMA AND DALLAS COUNTY, AND MORE SPECIFICALLY:

1. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT
OF JUSTICE CONSORTED WITH, CONCEALED AND HARBORED KNOWN CRIMINALS
AND DRUG ADDICTS IN SELMA AND DALLAS COUNTY?

2. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT
OF JUSTICE CONSORTED AND ASSOCIATED WITH ADMITTED SEX PERVERTS
WHILE SAID ATTORNEYS WERE IN SELMA AND DALLAS COUNTY?

3. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT

OF JUSTICE HAD ANY PART IN ENTICING CHILDREN AWAY FROM SCHOOL
DURING SCHOOL HOURS, TO PARTICIPATE IN STREET DEMONSTRATIONS
IN DEFIANCE OF LAW? 4. HAVE DEPARTMENT OF JUSTICE ATTORNEYS,
CIVIL RIGHTS DIVISION, ACTED IN ANY MANNER CONTRIBUTING TO
THE DELINQUENCY OF MINORS IN SELMA AND DALLAS COUNTY? 5.
HAVE DEPARTMENT OF JUSTICE ATTORNEYS, CIVIL RIGHTS DIVISION,
PARTICIPATED IN ANY MANNER IN FOMENTING RIOTS, INSURRECTION,
AND CIVIL DISOBEDIENCE IN SELMA AND DALLAS COUNTY?

I AM CERTAIN THE GRAND JURY WILL BE MOST INTERESTED
IN THE DEPARTMENT OF JUSTICE MAKING AVAILABLE ALL RECORDS,
MEMORANDUMS, NOTES, AND EVIDENCES OF PAYMENT OF FUNDS IN DALLAS
COUNTY FOR THE PAST SIX MONTHS. WE CAN ASSURE YOU THAT WE WILL
BE GLAD TO COOPERATE IN ANY POSSIBLE MANNER IN THE REESTABLISHMENT
OF SOME MEASURE OF RECTITUDE AND CLEAN HANDS AS TO THE DEPARTMENT.

REMARKS

OF JUSTICE

BLANCHARD L MCLEOD, SOLICITOR, FOURTH JUDICIAL CIRCUIT OF
ALABAMA

YQIP EST NOV 15 63

144-3-0

6 November 1963

AIR MAIL - SPECIAL DELIVERY

Honorable David W. Crossland
Solicitor
Fifteenth Judicial Circuit of Alabama
County Courthouse
Montgomery 4, Alabama

Dear Mr. Crossland:

On November 4 I wrote to Mr. Thetford enclosing a copy of a statement relating to certain charges concerning the use of automobiles rented by Department of Justice lawyers. The statement set forth what I then believed to be the facts on the matter.

Last night it was discovered that the statement was inaccurate in part. We took steps immediately to make public our error.

For your information, I enclose a copy of the statement made by the Department to clear up the matter entirely. As the statement notes, the Department regrets that its previous statement was based in part on misinformation and was accordingly in part erroneous.

I asked Mr. Hardeman to convey this information to you by telephone this afternoon so that you would be aware of it as soon as possible.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

cc: Honorable Ben Hardeman
United States Attorney

November 4, 1963

AIR MAIL-SPECIAL DELIVERY

Honorable William F. Thatford
Solicitor
Fifteenth Judicial Circuit of Alabama
County Court House
Montgomery 4, Alabama

Dear Mr. Thatford:

Mr. Hardeman has forwarded to me your letter of October 22, in which you state that you are submitting evidence to the November Grand Jury "as a matter of public interest" relating to charges concerning the use of automobiles rented by Department of Justice lawyers.

Your letter states that no violation of state law is involved.

In view of this fact, I see no point in furnishing witnesses to testify in a secret proceeding on a matter admittedly beyond the scope of the Grand Jury's legitimate inquiry. The facts on this matter have been given to the public through a statement issued by the Department on October 18, 1963.

For your information I enclose a copy of the statement.

Very truly yours,

Enclosure

cc: Hon. Ben Hardeman
U. S. Attorney
Montgomery, Ala.

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

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.

- 2 -

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.

Draft

A 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 Envelope and Number

**BM:RW:GD
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 WASSERSTROM
Attorney**

~~XXXXXX~~

BM:ls

15 November 1963

Honorable George Huddleston, Jr.
Member of Congress
United States House of Representatives
Washington, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letter of 7 November concerning 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 official denied the charges in good faith.

cc: Records
Chrono
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.

Accordingly, your request for an expression of regret seems inappropriate.

Very truly yours,

FURKE MARSHALL
Assistant Attorney General
Civil Rights Division

144-3-0

7 November 1963

Honorable Joe D. Waggoner, Jr.
Member of Congress
United States House of Representatives
Washington, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letter of 24 October 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
Civil Rights Division
Assistant Attorney General

Records
Chrono
Marshall
Doar
Trial File

144-3-0

BM:ls

13 November 1963

Jerome C. Ables, Esquire
Attorney at Law
Post Office Box 309
South Pittsburg, Tennessee

Dear Mr. Ables:

The Attorney General has asked me to reply to your letter of November 7 concerning 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

Chrono

✓ Marshall

Doar

Trial File

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.

Aside from this occasion, for which the Department is being reimbursed the total cost of approximately \$18.00, I know of no occasion on which any agent of the Department of Justice, through the use or loan of a vehicle or otherwise, went beyond his official duties in enforcing laws which the Congress has given the Department of Justice responsibility to enforce.

I regret very much that our prior letter to you was in part erroneous and based on misinformation.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

to Montgomery in the 1964 Ford which also was rented by Mr. McIntyre. Mr. McIntyre rented the Ford in Montgomery at 8:41 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 Doar, 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.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division