

OFFICE OF THE ATTORNEY GENERAL

Washington, D. C.

September 19, 1962

ORDER NO. 282 - 62

**Authority of James J. P. McShane to Designate
Officers and Employees of the Department of
Justice to Perform the Functions of Deputy
Marshals in the Northern District of Mississippi
and to Administer Oaths of Office.**

**By virtue of the authority vested in me by Section
161 of the Revised Statutes, as amended (5 U. S. C. 22),
Section 360 of the Revised Statutes (5 U. S. C. 311), Sections
1 and 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261),
Section 542 of Title 28 of the United States Code, and
Section 206 of the Act of June 26, 1943, 57 Stat. 196 (5 U. S. C.
16a), I hereby authorize James J. P. McShane, Head of the
Executive Office of United States Marshals, to perform the
function of authorizing and requiring any officer or employee
of the Department of Justice to perform the functions of a
United States Deputy Marshal for the Northern District of
Mississippi, to administer the oath of office required by**

Section 1757 of the Revised Statutes, as amended (5 U. S. C. 16), and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government, in particular the oath required by Section 543 of Title 28 of the United States Code.

The functions assigned to James J. P. McShane and to those officers and employees of the Department of Justice designated by him shall be in addition to the functions presently vested in them.

Robert F. Kennedy
Attorney General

No. 11053

EXECUTIVE ORDER

- - - -

PROVIDING ASSISTANCE FOR THE REMOVAL OF
UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE
STATE OF MISSISSIPPI

WHEREAS on September 30, 1962, I issued Proclamation No. 3497 reading in part as follows:

"WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

"WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

"WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

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"NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith;" and

WHEREAS the commands contained in that proclamation have not been obeyed and obstruction of enforcement of those court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10, particularly Sections 332, 333 and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce all orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit and to remove all obstructions of justice in the State of Mississippi.

Section 2. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit, the

Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

Section 3. I hereby authorize the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Mississippi to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to this section.

Section 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

THE WHITE HOUSE

September 30, 1962

/s/ John F. Kennedy

No. 3497

OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

Whereas such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

Whereas I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United

states, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day

of September in
the year of our Lord
nineteen hundred and
sixty-two, and of
the Independence of
the United States of
America the one hundred
and eighty-seventh.

By the President:

Secretary of State

SEPTEMBER 29, 1962 *file*

Office of the White House Press Secretary

THE WHITE HOUSE

OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

no. 3497

WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained;

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of September in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

Secretary of State



Department of Justice

STATEMENT BY DEPARTMENT OF JUSTICE
APRIL 24, 1963

The report of the General Legislative Investigating Committee of Mississippi is so far from the truth that it hardly merits an answer.

It is strange indeed that none of the so-called brutalities were reported by the several hundred newsmen, including many from Southern newspapers, radio and television stations, who witnessed the riot and its aftermath. These newsmen were in the Lyceum Building throughout the riot. They were outside observing the mob. The newsmen were free to go where they wished. And rather than criticize the marshals, the newsmen praised the marshals' courage and calmness under fire.

About 350 deputy U. S. marshals were on duty around the Lyceum Building during the riot. Of these, 180 were injured and of that number, 27 were wounded by gunfire. The discipline and training of the marshals was exemplified by the fact that they did not return this fire.

During the riot, the students and adults who joined the mob drove a bulldozer, a fire engine, and an automobile full speed toward the line of marshals in front of the Lyceum Building. The marshals captured about 30 youths and adults who were attacking them with gunfire, bricks, bottles, rocks, acid, pipes and Molotov cocktails. These prisoners were held under guard in a basement room in the Lyceum Building because there was no place else to put them. The conditions were not the best, but were not nearly so bad as those the marshals had to undergo. Many of the marshals went without food and sleep far longer than any of the prisoners.

Members of the mob attacked the soldiers of the National Guard and the Regular Army as they arrived on the scene and a number were injured, including Captain Murray Falkner of the Mississippi National Guard. Many of these rioters were taken into custody and during the following day, the marshals and soldiers apprehended other persons who were converging on the Oxford area, heavily armed.

In all, about 300 persons were taken into custody ranging in age from 14 to 57. The adults came from as far away as Los Angeles, California and Decatur, Georgia. A large number of shotguns, high-powered rifles, knives, blackjacks, clubs and other weapons were temporarily taken from these persons.

On October 1, the prisoners were removed from the Lyceum Building to the airport. Some were kept in a garage building. By the afternoon of October 2, all but a handful had been released.

Before being released, the prisoners were questioned by agents of the Federal Bureau of Investigation and complaints were filed against 13 men. Four of these subsequently were indicted by a federal grand jury of Mississippians on charges of interfering with U.S. Marshals in the performance of their duties and obstructing orders of the United States courts.

The report of this committee contains no names or facts that could be checked by anyone. The report is an untruthful document.

Worse, it is a grievous slander against a courageous group of deputy marshals, more than two-thirds of whom are Southerners. Far from deserving such distortions and falsifications of fact, they deserve the greatest credit for their courage and dedication to their orders and to the laws of the United States. Their conduct, in a time of great danger, was in the highest tradition of American law enforcement.

If right and justice are on the side of the committee as it claims, then it is shocking to us that facts would be distorted or ignored and incidents manufactured. The fact that the committee did not interview any objective observers who were there, much less the federal officials involved, is an indication of the accuracy and fairness of this report.

The marshals went to Mississippi to uphold the orders of the federal courts. There was interference with the orders of the courts, and if there had not been, the marshals would not have been there. No marshals were sent to Clemson University in South Carolina last February.

It appears to us that this committee might do some self-examination. There is going to be very little possibility for progress and understanding among all of us as a people in this difficult field if responsible local officials put their heads in the sand and manufacture rather than face the facts.



Department of Justice

STATEMENT BY THE DEPARTMENT OF JUSTICE

May 1, 1963

The committee already has made its report and announced its conclusions. It seems most strange that it now asks for testimony. If the committee had been interested in the truth and not merely in issuing a political document, it could have held full and open hearings. It could have called as witnesses to testify under oath not only the marshals, a majority of whom are Southerners, and Department of Justice officials, but members of the Mississippi Highway Patrol, members of the University of Mississippi faculty, the numerous newsmen who observed the events of September 30 and October 1 at Oxford, and the persons who participated in the mob.

The committee has heard its witnesses, made its findings, reached its conclusions, and published its report. The invitation to testify seems to us to come a little late.



Department of Justice

STATEMENT BY THE DEPARTMENT OF JUSTICE

MAY 8, 1963

Like its predecessor, this report is based on selected testimony from selected witnesses. It is characterized by bias, factual errors and misstatements.

The major criticism seems to be the charge that the Attorney General sent the Marshals to the University of Mississippi as a political move. This does not make much sense. What the report fails to point out and what the members of the committee are aware of is that the arrangement to put Mr. Meredith on the campus was made by Governor Barnett. Not only was the presence of the Marshals at the University of Mississippi arranged for by Governor Barnett, but the number of Marshals also was approved by Governor Barnett.

It was Governor Barnett also who said that he and the State of Mississippi would maintain law and order.

The Marshals went to the University to uphold final Federal court orders for Mr. Meredith's immediate admission to the University. The necessity of Federal intervention to enforce those orders is not questioned by the report.

As for what touched off the riot, the eye-witness accounts of the many newsmen who were present but not called to testify by the committee--provide an objective evaluation. Mr. Sterling Slappey wrote, in United States News and World Report:

"Gradually, as the hours passed, the crowd began to grow meaner. People spat at the Marshals. They flipped lighted cigarettes atop the canvas covers of the big convoy trucks. Somebody tossed a burning newspaper onto one of the trucks, but it was quickly snuffed out. Somebody else grabbed a fire extinguisher and squirted it in the face of a Negro truck driver....

"This was the mood when President Kennedy's voice started coming over the radio--at 8:00 p.m. Oxford time. The President was calling for order and calm. But as he spoke, the campus exploded in violence.

"A length of heavy pipe came hurtling through the air. It struck a Marshal's helmeted head. As though on signal, there erupted a rain of rocks, bricks, bottles--anything that could be thrown. The calm turned to chaos.

"The Marshals stood their ground. Somebody ordered us newsmen to get out of the line of fire, and the Marshals opened up with tear gas--the

Mrs.

31 January, 1963

Thomas J. Tubb, Esquire
Attorney and Counselor at Law
West Point, Mississippi

Dear Mr. Tubb:

I was very pleased to receive your letter concerning the remarks I made last year at the Yale Law School Association on the Meredith case.

There is no point in prolonging discussion about the merits of the case. You are more familiar with the record on the merits than I am. I do think that it makes sense that any Negro who had the determination that Meredith had to go to the University of Mississippi is bound to be (as Judge Wisdom suggested) an unusual person, and I certainly do not disagree that Meredith -- undoubtedly before as well as since his admission -- must have been aware of the implications of his going to the University of Mississippi, beyond the fact that he would get a better education there than he could at any of the Negro institutions in the State.

I cannot agree at all that a delay in Meredith's arrival at the University would have helped matters. You may have seen the Look article on this subject. As far as I know, that article is accurate on all significant points. If Meredith had not been brought to the campus on Sunday afternoon, as was arranged for by the Governor, there would have been a physical clash of force between federal officials (almost inevitably military personnel) and large numbers of state and local

law enforcement officials. I am convinced that the results would have been disastrous, and I am still grateful that that kind of a clash between the State of Mississippi and its federal government was avoided.

This is, of course, wholly apart from the fact that our information was that large numbers of persons from other parts of Mississippi and other states intended to go to Oxford on Monday, many of them armed. This information was confirmed by what in fact happened during the morning hours of October 1.

The riot that did take place was bad enough. I am afraid that it would have taken place because of the passions which had been inflamed by the Governor's matter where the marshals that were necessary congregated or what building they went to. They were in fact taken to the Lyceum Building by the State Highway Patrol. Once there, the mob started to collect, and steadily increased in size. I cannot myself think what other course of action than staying where they were was possible.

With respect to the contempt charges, the Attorney General acted at the direction of the Court. You can be absolutely assured that we will strive in every way to meet our responsibility to vindicate the dignity of the Court and its orders in a manner which involves no vindictiveness, and to the full extent possible, no martyrdom for the defendants in the action.

I want you to know that everyone here has the highest regard for your personal and professional conduct at all times, as well as that of some of the other members of the Board of Trustees. I hope that the University survives this ordeal. We will on every occasion try to conduct ourselves so that it can. I think Meredith's return to the University this week is going to help rather than hurt that objective.

With my very best wishes,

Burke Marshall

*Miss.
file*

January 25, 1963

PERSONAL

Mr. Fred Stites
Executive Vice-President
Downtown Mobile Unlimited
Suite 206
Sheraton-Battle House
Mobile, Alabama

Dear Mr. Stites:

The Attorney General has asked me to reply to your letter of January 21. He very much appreciated receiving it.

Unfortunately, other matters have made it impossible for the Attorney General to visit Mobile this month. He may well have another opportunity later this winter, or in early spring. He is anxious to do so. I can assure you he will make an effort, time permitting, to follow your suggestion concerning Mr. Arendall.

The progress made by Mobile in meeting directly the racial problems which have caused bitterness and even violence elsewhere is a tribute to the citizens of the city, and particularly your group.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

January 28, 1963

Mr. Charles F. Haywood, Provost
University of Mississippi
University, Mississippi

Dear Mr. Haywood:

The Attorney General has asked me to reply to your letter on the Robertson matter. I can assure you that he is personally aware of all of the facts concerning it.

There has never been any intended suggestion in any statements made by anyone in the Department that the University administrative officials are by their own choice avoiding effective discipline on the campus. Our efforts are to the contrary, and I regret any misunderstanding on that point.

Nevertheless, I think it is fair and accurate to state that the University as an institution, acting through its officials whatever the reasons, and accepting that the Board of Trustees make the basic policy decisions--has not taken the action in the Robertson case or in other matters which would normally be expected in any other context in the event of demonstrations such as have taken place in Oxford. I am confident that a large majority of the faculty, almost all college officials in the United States, and any impartial observer at the University of Mississippi would agree. Obviously this has made a great difference, and increased immensely the future problems facing not only Meredith and the federal government, but also the University, the state, and its people.

Your own loss to the University, which is a great one for the University, is evidence of this.

- 2 -

We are all fully aware of the depth of the difficulties confronting the Chancellor in taking effective action. But it does no good to pretend that the University's course in the matter of student discipline--as to which the Robertson case is an example--is not governed in large part by political considerations and the racial policies of the present state officials.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Mr. Barrett, Second Assistant
Civil Rights Division

August 30, 1963

RKP:ff

Richard K. Parsons, Attorney

Desegregation of Baton Rouge, La. Schools

This is a summary of the situation as it was when I left Friday morning, August 30.

1. The City Police, Sheriff and Mayor of Baton Rouge have assured everyone that they will prevent anything happening at the schools. Plain clothesmen will keep the school area clear of everyone who should not be there. In addition, police will be within a minute's call, if necessary. There is no assurance that these officials will make a public statement that law and order will be maintained. Neither have they said that they have planned security beyond the school vicinity.
2. Principals are responsible for order at their schools. The precautions they have taken have been given to Negro students as "suggestions" and have not been consistent between schools. They have told Negro students that the Negroes must provide transportation to and from school. It appears that the Superintendent and the School Board have dumped the problem on the principals' laps.
3. Negro organizations, when I left, had just become aware of what was to be done. They have no detailed plans as yet for that day. I was told these would be made by Sunday.
4. The Superintendent has told the news media that they can use his office as their central location during the day. Reporters and TV cameras will be inside each school.
5. The greatest potential sources of trouble is the over-all failure to coordinate between the group involved - there appears to have been no frank appraisal of problems nor communication of solutions. It appears to me that even the police and School Board have not been together in their plans.

Up to the time school opens the Negro students will be unpublicized so as yet they have not been harassed. This will undoubtedly change Tuesday, but there is no plan to my knowledge

Records
Chrono

to cope with this problem except for a fund the Negroes are to collect this weekend. Police protection apparently is confined to the schools.

The school that will provide the greatest security risk is Glen Oaks which is on the edge of a white subdivision outside the city. The Sheriff has jurisdiction here and seems less inclined to openly oppose segregation forces. He is up for election this year. The location of the school is a problem in that about four blocks away from the schools there are only two intersections leading to the school. Any possible route is through residential areas.

Generally, everyone is expecting that desegregation will be accomplished without incident. The only real indication of unrest is that Negro students have reported that the principals have told them that they have been harassed and insulted.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. Burke Marshall, Assistant Attorney General
Civil Rights Division

DATE: August 16, 1963

FROM : Ramsey Clark, Assistant Attorney General,
Lands Division

SUBJECT: Report on Status of School Desegregation - Albany, Georgia,
Mobile, Alabama, Baton Rouge, Louisiana.

ALBANY, GEORGIA.

Without prompt, positive action, schools will not be desegregated in Albany, Georgia this September.

Present Status

Pursuant to the order of Judge Elliott, the Albany School Board on August 12th filed its plan to desegregate public schools one grade per year commencing in September of 1964. Plaintiffs have ten days to object to the plan. They will object. Judge Elliott has indicated a tendency to approve the plan as filed unless there is strong, effective opposition. Local leadership, with the exception of the Mayor and possibly the School Superintendent, favor delay of integration until September 1964, and will argue strenuously and effectively toward this end. Their strong points will be from the standpoint of sound school administration (transfer applications were to be received by May 1, 1963, insufficient time now to arrange placement, transportation, etc., talk with teachers, students, P. T. A., parents, local leadership, - none of which has been done) greater probability of absence of violence next year.

School Opening Date: Tuesday, September 3rd, 1963.

Recommendations:

That the Department do what it can to cause school integration this September. Delay of another year seems wholly unjustified. There was no violence or demonstration at the time of attempted registration by negroes in September 1962.

The Department should also do what it can to accelerate the program beyond one grade a year.

We can talk with responsible officials and local leaders, intervene or file amicus brief, advise with plaintiffs counsel, have military confer with local officials to implement D. Q. Orders on Gesell report.

Need for federal police protection appears unlikely. Jerry Heilbron should maintain close contact as opening date approaches and keep current advice. If schools desegregate he should probably be there.

Security:

Security would seem to be good. All of the local officials, and particularly the Police Chief, seem to be determined to maintain law and order and to enforce a court order if issued. All of the schools that might be integrated are within the city limits and therefore under the jurisdiction of the Chief of Police. There is apparent local capability to control school integration. No outside interference is anticipated by local authorities.

General Conditions:

The attitude of local officials toward the federal interest is good. Mayor Kelley is exceptionally courteous and cooperative, but is, in my opinion, a segregationist who recognizes inevitable integration and wants it to be peaceful in Albany. Local negro leadership is independent of white influence, but is not alert and does not drive for the important goals.

The three military establishments in the immediate vicinity are a major element of the entire economy. 28% of the students in the public schools are children of military personnel. Only a handful of these children are negro.

Catholic schools in the community will integrate this September for the first time, and no difficulty is expected.

Persons Contacted:

The Mayor and one of his law partners, the Chief of Police, five of the seven members of the School Board, the School Superintendent, the F. B. I. SAC, the Executive Secretary of the Albany Movement and

other negro leadership, General Butcher, United States Marine Corps, the senior officer in the area, and his Legal Assistant.

Approach Taken:

School desegregation inevitable. If done this year will avoid another 4 1/2 or 12 months of pressure and agitation. Military requirements might necessitate. C. A. 5 will probably require. Court order must be obeyed and peace preserved. Suggested that several schools be chosen and negroes permitted to enter this year. Federal Government wants to stay out but will enforce Court order if local authority fails.

MOBILE, ALABAMA.

Plans for integration will not be finalized until August 19th and there is a possibility that no negro children will be found eligible or that those found eligible will not enter previously all white schools this September.

Present Status

29 negro children petitioned for transfers before the August 1st deadline. By order of August 13th, Judge Thomas had excluded all transfer petitions outside the city limits of Mobile. This probably reduces the 29 to 19 or less. School Board officials strongly indicate that a number of the remaining applicants will not meet the standards for transfer. Among the reasons that may be used are: applicant in the wrong grade (the Mobile Plan calls for one grade a year commencing with the first grade); applicant's residence is in the wrong geographic area.

There is a possibility that all of the applicants will be turned down, though the greater probability is that a handful will be granted on a controlled basis and so reduced in numbers that the parents may not send the children to the new school. Judge Thomas plans to leave town at noon on August 20th, which is the day after the final action of the School Board is submitted to him. He plans to remain absent until after Labor Day, and has instructed the Clerk of the Court to withhold any action to transfer any other motion to another judge in his absence.

School Opening Date: Wednesday, September 4th, 1963.

Recommendation:

That the Department do what it can to cause approval of as many applications as possible and secure entry of the children. Also act to accelerate program beyond one grade per year. We can talk with responsible officials and local leaders, intervene, or file amicus brief, advise with plaintiffs counsel, work through General Cassidy's Advisory Committee. Need for federal police protection appears unlikely. Bob Jansen should maintain close contact as opening date approaches and keep current advice.

Security:

All persons contacted believe that local law enforcement can control the situation. The Sheriff's Department seems determined to do this. The Police Department is without effective leadership at the present time but apparently well trained, and will probably be effective. The Sheriff's Office can and will take responsibility for law and order, if necessary. The Sheriff went to see the Governor in Montgomery about two weeks ago and took four Police Chiefs from the County with him. He told the Governor that local law enforcement could handle the situation and asked that the Governor not send the Highway Patrol. The Sheriff said the Governor told him he would not interfere and will not send the Highway Patrol. The Sheriff is aware of the trouble at Birmingham because of the use of the Highway Patrol, and said if it comes he will act independently of it, unless the patrol submits to his jurisdiction.

General Conditions:

Mobile has effective control of its race problems and has made token headway in desegregation. This has been accomplished primarily by alert white leadership, which has tended to dominate an Uncle Tom quality negro leadership. More aggressive negro leadership would confront Mobile with problems it has not had. A feeling of breach of faith generated by token school integration or complete failure of integration could increase strife.

The Air Force is a major factor in local economy though only a handful of negro military personnel attend public schools. Major General Cassidy is the Base Commander.

The attitude towards federal interest is good, and Bob Jansen's working relationship is excellent.

Persons Contacted:

United States Attorney, United States Marshal, Superintendent of Schools, two members of the School Board, Attorney for School Board, the City Commissioners, the Mayor, Chief of Police, Sheriff, Chief of Detectives, Major General Cassidy and staff, local white leaders who have been working toward peaceful resolution of racial problems, negro leadership, John LeFlore, two attorneys, a minister, and others.

Approach Taken:

School desegregation is inevitable. C. A. 5 will require desegregation this year. The more applications approved the easier the integration, less chance for friction. Military requirement might necessitate. Court order must be obeyed and peace preserved. Negro children should be encouraged to attend and all applications, unless clearly unqualified, approved. Federal Government wants to stay out, but will enforce the Court order if local authority fails.

BATON ROUGE, LOUISIANA.

The 12th grade in three to five high schools will probably be desegregated by something less than 38 negro students.

Present Status:

The Superintendent is under order to advise the parents of 38 negroes who have applied for transfers to the 12th grade in previously all white high schools of its action on the transfers by August 21st. The parents have the right to protest to the Superintendent, who is to hold hearings between the 27th and the 30th on any protest. Protests denied may then be taken to Judge West for a ruling. The 38 negroes applied

for admission to three separate high schools. The indications are that they may be transferred into five separate high schools on the basis of geographic proximity. Two high schools which may be added by the Superintendent are outside the city limits of Baton Rouge and within the jurisdiction of the Sheriff of East Baton Rouge Parish. In view of the court order it seems probable that the application of most but not all of the negroes will be denied. Basis for denial include closer proximity to another school, academic status, capacity of school to handle additional students. The number of negroes attending a single high school may be so reduced that the parents will be reluctant to send their children to the high school. The applications were in groups of 20, 10 and 8. There is an indication that two may be transferred to Baker High School, which is apparently in a very difficult neighborhood and outside the city limits. Some negro leaders doubt that the parents would send them there with only 2 admitted.

We do not have effective communications with the School Board or the school administrative officials, neither of which have the confidence of the white or negro leadership. The School Board is comprised of 15 members, predominately segregationists, and the Superintendent is reputedly a strong segregationist.

Local negro leadership has some strong, able members, though there is no strongly predominant influence.

School Opening Date: Wednesday, September 4th, 1963.

Recommendation:

The Department do what it can to secure approval of all 38 applications to the three city high schools for which they were originally made. Consideration should be given to methods of accelerating the integration program beyond one grade a year and commencing integration in the lower grade levels as soon as possible. Abolition of the two district system, one negro, one white, with integration accomplished by transfers, should be studied.

It does not appear to be legal and deters desegregation. Judge West has reportedly said that the one district system which would send all of the students within each geographic area to the schools so districted is unconstitutional because it forces integration.

It is difficult to determine the possible need for police protection at this time. Unless tension increases, local law enforcement probably can and will control the situation. Frank Dunbaugh should maintain close contact as opening day approaches and keep current advice. He should be in the City at the time of school opening.

Security:

Security appears to be adequate in the city limits. The Chief of Police says that he can and will enforce the court order and maintain peace. He does not appear to be a strong or able police officer. The Mayor-President seems determined to maintain law and order. De-segregation appears personally distasteful to both.

The Sheriff states affirmatively and unequivocally that he can and will enforce the court order. There is some local doubt as to his desire to do this, however. It is my opinion that he will probably try to do so. No interference is expected from the State Highway Patrol. The District Attorney's Office advises that under state law the Highway Patrol can only be used on the specific request of the local authorities, unless the difficulty is upon state-owned grounds within the City.

General Conditions:

The attitude of local officials toward the federal interest is bad. Resentment of any federal participation even to the extent of information gathering is manifested by Mayor-President, City Attorney, Assistant District Attorney charged with representation of the School Board, and others. Our contact with white leadership, through Douglas Manship and Attorneys Taylor and Thibault, is cordial, but their influence with City officials and the Sheriff's Department is quite limited and their influence with the School Board is practically non-existent. They have done an excellent job with a bi-racial committee and in securing 400 leading citizens to promote peaceful integration of the schools, but their influence seems limited to the business community.

Persons Contacted:

Mayor-President, City Attorney, Chief of Police, Attorney for the School Board, business leader in TV and radio, 2 leading white attorneys, negro leadership, negro attorney, Sheriff.

- 8 -

Approach Taken:

School desegregation is inevitable. Judge West will require desegregation this year. The more applications approved, the easier the integration, less chance of friction. Court order must be obeyed. Negro children should be encouraged to attend, and all applications, unless clearly unqualified, approved. Federal Government wants to stay out but will enforce the court order if local authorities fail.

CC: Attorney General
Deputy Attorney General

Miss.

12 April 1963

Charles Clark, Esquire
Attorney at Law
Jackson, Mississippi

Dear Charles:

My present intention is to
arrive in Jackson on Delta flight
#465 at 4:42 pm on Wednesday, April
17th. Unless I hear from you to the
contrary, I shall go from the airport
to your office.

Best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Air Mail

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: August 26, 196

JD:lwv

FROM : John Doar
First Assistant

SUBJECT: Placement of Lawyers for Opening of Schools

Schools open in the following places on the following dates:

Tuskegee, Alabama	September 2
Savannah, Georgia	September 3
Charleston, South Carolina	September 3
Albany, Georgia	September 3
Huntsville, Alabama	September 3
Mobile, Alabama	September 4
Birmingham, Alabama	September 4
Baton Rouge, Louisiana	September 4

Assignment of Attorneys - Field Preparation August 22-September 1

Baton Rouge, Louisiana	Frank Dunbaugh
Tuskegee, Alabama	Doar, Sather, Lucas
Birmingham, Alabama	Sather, Henderson
Huntsville, Alabama	Sather, Kirby
Mobile, Alabama	Sather, Churchill

(With respect to Alabama, my idea would be that Sather would supervise all four cities and would use Kirby, Henderson, Lucas and Churchill to run down details with respect to locations of schools, locations of the families of the children, city maps, names of school board members, names of attorneys and general intelligence.)

Albany, Georgia	Jerry Heilbron
Savannah, Georgia	Gerald Stern
Charleston, South Carolina	Nick Flannery

School Opening Schedule

September 2 - TUSKEGEE - Doar, Sather, Lucas
Huntsville - Kirby S -1

School Opening Schedule (Continued)

September 2 - Birmingham - Henderson S -2
Mobile - Churchill S -2
Baton Rouge - Dunbaugh S -2

September 3 - Tuskegee - Gathers and Lucas S /2
MONTSVILLE - Dear and Kirby
Birmingham - Henderson S -1
Mobile - Churchill S -1
Baton Rouge - Dunbaugh S -1

September 4 - Tuskegee - Lucas S /2
Montsville - Kirby S /1
BIRMINGHAM - Dear, Henderson
MOBILE - Gathers, Churchill
BATON ROUGE - Dunbaugh

D.J. ATTORNEYS IN FIELD

In each of the critical cities desegregating by court order a Department of Justice attorney, assisted, where necessary, by a non-attorney, should do the following:

- (1) Obtain a map of the city and mark upon it the location of each desegregating school and the residence of each desegregating Negro student.
- (2) Obtain detailed information regarding procedure on opening day. What time the schools open. When and where will the Negro pupils arrive at school? Where will they be in the noon recess? Etc.
- (3) Meet attorney for Negro plaintiffs. Maintain contact.
- (4) Talk with some or all of the Negro parents. Determine specifically whether there have been threats.
- (5) Establish continuing contact with the FBI.
- (6) If desirable in the particular community, establish contact with appropriate local authorities.

The background information should be obtained by the attorney immediately and forwarded to the Department as soon as obtained. On the day of school opening the attorney should keep currently informed of all developments and should be prepared to personally view one or more schools, if desirable. He should keep the Department currently advised by telephone.

Highlander

August 24, 1961

BN:jlc
146-1-70-32

Mr. Albert Mayer
Mayer Whittlesey & Glass
31 Union Square
New York 3, New York

Dear Mr. Mayer:

Thank you for your letter of August 9, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

cc: Records
Chrono

Mr. Marshall ✓

Very truly yours,

Bucke Marshall
Assistant Attorney General
Civil Rights Division

Highlander

BM:jle
146-1-70-32

August 28, 1961

Mr. Beau Jenkins, President
Charleston County Citizens Committee
41 Cannon Street
Charleston, South Carolina

Dear Mr. Jenkins:

The Attorney General has asked me to reply to your letter of July 13, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

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After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Attorney General

BN:jle
146-1-70-32

Highlander
August 28, 1961

Mr. Richard Chase
R.F.D. 3, Box 28
Beech Creek, North Carolina

Dear Mr. Chase: ✓

The Attorney General has asked me to reply to your letter of July 12, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

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After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Attorney General
Mr. Marshall ✓

Highlander

BM:jle
146-1-70-32

August 22, 1961

Professor Kermit Eby
The Division of the Social
Sciences
The University of Chicago
Chicago 37, Illinois

Dear Professor Eby:

The Attorney General has asked me to reply to your letter of July 12, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records
Chrono
Attorney General
Mr. Marshall ✓

Burke Marshall
Assistant Attorney General
Civil Rights Division

Highlander

August 28, 1961

BM:jle
146-1-70-32

Professor James L. Adams
Harvard Divinity School
45 Francis Avenue
Cambridge 38, Massachusetts

Dear Professor Adams:

The Attorney General has asked me to reply to your letter of July 14, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Attorney General
Mr. Marshall ✓

BH:jle
146-1-70-32

August 29, 1961

Highlander

Reverend Robert C. Palmer
First Unitarian Church of Nashville
1808 Woodmont Boulevard
Nashville 12, Tennessee

Dear Reverend Palmer:

The Attorney General has asked me to reply to your letter of July 13, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records
Chrono
Attorney General
Mr. Marshall ✓

Burke Marshall
Assistant Attorney General
Civil Rights Division

(Highlander)

August 29, 1961

Mr. James M. Dabbs, President
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Mr. Dabbs:

The Attorney General has asked me to reply to your letter of July 25, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records
Chrono
Attorney General
Mr. Marshall ✓

Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:jlc
146-1-70-32

September 6, 1961

Mr. Raymond S. Rubinow
55 Fifth Avenue
New York 3, New York

Dear Mr. Rubinow:

Ed Silberling has asked me to reply to your letter of August 17, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records
Chrono
Mr. Marshall ✓

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Mr. Edwin Silberling

msc
May 10, 1962

Mr. James Farmer
National Director
Congress of Racial Equality
38 Park Row
New York 38, New York

Dear Mr. Farmer:

Thank you for your letter about the hearings to be conducted by Mrs. Roosevelt into the administration of justice in the South on May 23 and 24. If these hearings develop any information or facts about suggesting violations of federal law, I am sure that it is unnecessary to say that I would be delighted to have that information.

I am very doubtful that I will be able to attend the hearings myself. If a transcript is going to be made, it would be very helpful if I could borrow or otherwise obtain a copy of it afterwards.

With my best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division