

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

CIVIL ACTION

vs

NO. 1976-N

GEORGE C. WALLACE
ALBERT J. LINGO
C. W. RUSSELL
JOE SHELLEY
WALTER L. ALLEN
CLAUDE SUTTON PRIER
T. L. PAYNE

Defendants

DEPOSITION

OF

MR. JOHN DOAR

Montgomery, Alabama

September 20, 1963

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

vs

CIVIL ACTION

NO. 1976-N

GEORGE C. WALLACE
ALBERT J. LINGO
C. W. RUSSELL
JOE SMELLEY
WALTER L. ALLEN
CLAUDE SUTTON PRIER
T. L. PAYNE

Defendants

DEPOSITION OF MR. JOHN DOAR, taken pursuant to Notice, and stipulation and agreement between Counsel, on behalf of the Defendants in the Law Library of the United States Attorney, Federal Building, Montgomery, Alabama, before Mrs. Dorothy Jackson, Reporter and Notary Public for the State of Alabama at Large on Friday, September 20, 1963, at 2:35 p.m.

APPEARANCES

Mr. Ben Hardeman, United States Attorney, Federal Building,
Montgomery, Alabama, and Mr. Kenneth G. McIntyre,
Department of Justice, Washington 25, D. C., Attorneys

MRS. DOROTHY JACKSON
STENOTYPE REPORTER
Notary Public - State at Large
PRATTVILLE, ALABAMA

for the Plaintiff.

Mr. John P. Kohn, Bell Building, Montgomery, Alabama,
Attorney for the Defendants.

STIPULATION

It is stipulated and agreed by and between Counsel representing the parties that the deposition of MR. JOHN DOAR may be taken before Mrs. Dorothy Jackson, Reporter and Notary Public for the State of Alabama at Large, without the formality of a commission; and all formality with respect to other procedural requirements is waived; and that objections to questions, other than objections as to the form of the questions need not be made at this time but may be reserved for a ruling at such time as the deposition may be offered in evidence or used for any other purpose by either party as provided by the Federal Rules of Civil Procedure.

It is further stipulated and agreed that the signature of the witness to this deposition is hereby waived by all parties and the witness.

MR. JOHN DOAR, of lawful age,
having been first duly sworn, testified as follows:

MRS. DOROTHY JACKSON
STENOTYPE REPORTER
Notary Public - State at Large
PRATTVILLE, ALABAMA

DIRECT EXAMINATION

BY MR. KOHN:

Q Mr. Doar, what is your full name?

A My full name is John Michael Doar.

Q And your age?

A Forty-one.

Q Residence?

A Chevy Chase, Maryland.

Q You were born and reared in Wisconsin?

A I was born in Minnesota, but I was reared in Wisconsin.

Q Who directed you to come to the State of Alabama on this specific case we are now having this hearing on?

A I was directed by Assistant Attorney General Burke Marshall.

Q Mr. Doar, since you have been in Alabama on this specific case, which I believe is Civil Action No. 1976-N, will you say for the record with whom you talked and conferred?

MR. HARDEMAN: Right there --

MR. KOHN: (Interrupting) The reason for that, this is discovery; if there is any evidence or people we want to subpoena on the main case, we think it is pertinent. It is not for the purpose to divulge

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STENOTYPE REPORTER
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PRATTVILLE, ALABAMA

anything in his file as Counsel, I will say that. Suppose he has ten witnesses in Birmingham, Tuskegee and Mobile he talked to about the facts in the case; don't we have a right to find it out?

MR. HARDEMAN: I think the question should be limited to that region specifically, rather than the people all over the State.

MR. KOHN: I rephrase it.

Q Since you have come into Alabama on this particular case, Civil Action No. 1976-N, give me the names and residences of the persons with whom you conferred or talked or who have talked to you concerning the factual basis of this action. I think that does it.

A Well, I have talked to Mr. Raymon, who is the Chairman of the School Board of Macon County, and Mr. Pruitt, who is the Superintendent of Schools. And I have talked to Mr. Rutherford, the Mayor of Tuskegee, and to the Sheriff who I believe his name is Hornsby of Macon County. And I have talked to FBI Agents who were at Tuskegee, and I have talked to several lawyers who were with me in Tuskegee, who work for me, and I have talked to the Attorneys for the School Board and the United States Attorneys in the Northern and Southern Districts of Alabama, and with Mr. Hardeman, and I have talked

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STENOGRAPHIC REPORTER
Notary Public - State of Large
PRATTVILLE, ALABAMA

by phone with Attorneys or employees of the Department of Justice who are located at Huntsville and Birmingham and Mobile.

Q Have you talked with any official of the State of Alabama since or immediately before filing this action, by telephone, person-to-person, face-to-face?

A Well, I have talked to Mr. Flowers and Mr. Gordon Madison.

Q Who is Mr. Flowers, for identification?

A He is the Attorney General of the State of Alabama.

Q Do you recall the date of that, Mr. Dear?

A Yes, I do, I talked to him when -- I say I attended a conference in which he was with Judge Johnson on Saturday, the 30th, that was not in connection with this case, that was in connection with the case in which we were amicus.

Q Which case?

A That is the case of Lee vs Macon County School Board. I talked to Mr. Flowers and Mr. Madison at the office or the Macon County School Board on Monday morning, September 2nd.

Q Did you talk with him after the case was filed but before service was perfected on the Governor of Alabama?

A I called him to advise him we had a paper to serve upon him, and asked him whether or not he would be home,

because I had marshals to go out there, that was the extent of the conversation.

Q Of that particular conversation?

A Of that particular conversation.

Q But that was different from the conversation you just referred to?

A The one on Monday, yes, sir, yes, sir, it was.

Q Did you talk to any professors or students at Tuskegee Institute in Macon County?

A I talked to the, on two occasions I talked in a group to the Negro students that were being transferred.

Q I didn't understand you; did you say the group of thirteen students?

A Yes, sir, I did.

Q That were going to the high school?

A Yes, sir, yes, I did.

Q That was after the case was filed, or before?

A No, that was before the case was filed; again, that was not in connection with the filing of this case. It was in connection with seeing that their rights under the Court Order of August 26th in the other case were protected.

Q Maybe I can make my question much clearer. I hope I can. Immediately before, or prior to filing this Civil

Action No. 1976-N, did you talk with or confer with, or did any of the people I am getting ready to name talk to you and confer with you, on the faculty of Tuskegee Institute, Macon County, Alabama?

A I don't believe so.

Q Did you talk to any members of the NAACP?

A I talked to, I met Attorney Gray in the building here in the afternoon that the case was filed, and I talked to Mrs. Motley by phone just shortly before or just shortly after the case was filed, for the purpose to find out exactly what papers she had filed in the Northern District of Alabama, and to advise her of what papers had been filed here or to tell her -- in the course of the conversation I told her what we had filed here.

Q Now, Mr. Doar --

A (Interrupting) Now, those are, I don't know whether that is what you want.

Q Mrs. Motley, I just want a -- what I am sure you are going to give us -- a correct answer?

A Well, that is --

Q (Interrupting) Mr. Doar, is that Mrs. Motley?

A I believe it is.

Q Has Mrs. Motley got any official connection with

this case?

A No, no, she does not, none whatsoever.

Q What was the purpose of talking with her, in what capacity was the conversation -- who was she purporting to represent in this case?

A She didn't represent any -- she represented the minor plaintiffs in the case, in the case pending in the Northern District of Alabama with respect to the desegregation of the Birmingham schools.

Q You don't usually keep Mrs. Motley informed of cases like this you filed for the United States; that isn't a habit of yours?

A No.

Q What was the basis of your conversation with Mrs. Motley?

A My basis was to advise her I had a report that she had made some application to the Court to -- to the United States District Court of the Northern District of Alabama and I wanted to find out what that application was, and to advise her of what we had done down here.

Q Wouldn't the best record be the Clerk's record in the office of the Clerk?

A It would be, but I think it was six or six-fifteen

when I called her that evening.

Q Yes, sir.

A It was Tuesday evening, I recall it specifically because it was just after Mr. Hardeman had come back to the office and we read the complaint and verified it.

Q Did you consult with any --

A (Continuing) And I know that that was after five o'clock.

Q Did you confer with any official, any other official of the Federal Government before filing this complaint in Montgomery?

A Mr. Hardeman.

Q Anybody else?

A Well, I was assisted here by a lawyer named John Martin who works for me, and -- but I don't know of any other official in Montgomery.

Q Now, if you know who actually drew this bill of complaint --

A (Interrupting) Well, I drew it.

Q With the assistance of whom?

A Well, the, Mr. St. John Barrett, who is the Second Assistant to the Civil Rights Division in Washington assisted and did some checking for me with respect to the allegations.

MRS. DOROTHY JACKSON
STENOTYPE REPORTER
Notary Public - State at Large
PRATTVILLE, ALABAMA

and in regard to Birmingham and Mobile, as to the title of the cases and the dates of the Court Orders.

Q The substance of the case, I have reference to, Mr. Doar, of the complaint.

A Well, I drew it.

Q To whom did you dictate it?

A I dictated it to Mrs. Staggars, I believe, and Mrs. --

Q (Interrupting) Mrs. Staggars?

A And some of it -- yes, Mrs. Staggars and Mrs. Spivey.

Q Connected with the United States Attorney's office?

A Yes, sir, that is right.

Q In Montgomery?

A Yes.

Q Now, as to the facts or basis of this complaint, are there any facts to your knowledge, documentary, written or verbal, within the knowledge of any human being, other than the facts that you had as exhibits to your verified complaint?

MR. HARDEMAN: Now, John, just so we understand each other, is that within Mr. Doar's knowledge?

MR. KOHN: Well, every question I have asked you is, of course, on the assumption I wouldn't have

Mr. Dear, and I am sure he wouldn't because I acknowledge he is an excellent lawyer, answer anything he is not familiar with; with that understanding I redirect my question.

A Well, I will say, I mean that is a hard question to answer because --

Q (Interrupting) I will rephrase it --

A (Interrupting) All right.

Q (Continuing) -- As an assistance maybe to you and maybe make us all understand it better, is the sole basis of your request for a temporary injunction and preliminary injunction the facts set out in your verified complaint?

A Yes.

Q Do you have any other facts substantiating the matters complained of in your complaint?

A Well, there may be other facts that would be evidentiary facts, but I just couldn't possibly give you every evidentiary fact. I am just unable to answer that question.

Q I appreciate that. I will rephrase it. Maybe we will both understand each other better.

A Let me say this, that with respect to the desegregation of the schools at Birmingham and Tuskegee and Mobile.

at Mr. Marshall's direction, the Federal Bureau of Investigation observed what took place during the week of school opening in Alabama at these various schools, and some pictures were taken. Now, I haven't examined those reports as yet.

Q Well, could you tell me to the best of your knowledge and recollection who took the pictures and what members of the FBI were present that you just referred to?

A No, I cannot.

Q Do you know who would have that information?

A Well, I think the agents in charge of the Mobile office and the Birmingham office.

Q Was it done by the FBI agents in that particular area or district, or were they from Washington?

A No, no, to my knowledge, and I cannot represent this as a fact, but to my knowledge it was done by agents in the area. Now, I know of no agents that came from Washington, but this is just to my knowledge.

Q Now, Mr. Dear, do I construe your statement correctly in saying you have reference to the facts prior to the institution of this complaint, 1976-N?

A Yes, I do.

Q Now, since the filing of 1976-N, have you any additional information that you could use or expect to use as

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a supplement to your petition or on the trial, any facts that are not confidential between attorneys and client, any documentary evidence or any persons you expect to use as witnesses?

MR. HARDEMAN: Now, just a minute; I think that is just a little bit broad in the line of the fact that the Court has squashed that subpoena as to the duces tecum part of it.

MR. KOHN: I am getting ready to identify it so I can comply with the Court's criticism --

MR. HARDEMAN: (Interrupting) Go right ahead, and we will see.

MR. KOHN: I will rephrase it; maybe this will make more sense.

Q Does there exist to your knowledge any specific documents, written instruments, written statements, photographs, recordings, that you know will be used or could be used as evidence in this case for the facts set out in your petition or facts since the petition was filed?

A I have told you about the FBI agents observing at the schools during --

Q (Interrupting) Yes, sir.

A (Continuing) -- during, say, from September 2nd on

through September 10th, through the filing of the complaint; I have told you about that.

Q Yes, sir.

A The only other thing, or one other thing that comes to mind is that I did observe a television program on Sunday night in which you were one of the members of the panel, and I believe that that has been taped or that we could get ourselves a tape of that if we elected to use it. I know of no documents or tapes or pictures that have been taken or obtained since the filing of the complaint.

Q Well, was there anything on that program that gave you any information or belief that the peace of any of these three schools was going to be violated?

A No, no, there wasn't, but that isn't the question.

Q I am asking you another question now. I think you have answered it -- he has answered it.

MR. DOAR: Well, I have answered it.

Q I will go along to another one, if you are ready.

A That answer I gave is an opinion and --

Q (Interrupting) I understand, somebody else might call you in and overrule you; I understand, or you might change your mind. I am not trying to embarrass you. I hope you understand that.

A Yes, I do, in fact there was no disturbance at the school.

Q I would like to rephrase it and ask a new question. Since the temporary injunction was issued, and I still refer to Civil Action No. 1976-N, and since the colored -- excuse me, I guess you would be happier if I said the Negro students, and I will, as a matter of fact became students in these respective schools, Tuskegee, Alabama, Birmingham, Alabama and Mobile, Alabama, do you know of any disturbance of the peace or failure on the part of any State official to keep the peace?

A With respect to Tuskegee I have none. I don't know if there have been any State officials at Tuskegee since that time. There has not been to my knowledge any disturbance. We have had a report that somebody had a shot fired at them, but we haven't been able to verify that at all.

Q Of course, you don't --

A (Interrupting) And we don't suggest there was any failure by any law enforcement officer --

Q (Interrupting) That is what I meant.

A (Continuing) -- either, in connection with that whatsoever --

Q (Interrupting) Mr. Dear --

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A (Continuing) -- but it might be considered a disturbance of the peace.

Q Would your answer be the same, having specific reference to Birmingham and Mobile?

A Well, my knowledge of the specifics of what has happened since the filing of the complaint in Birmingham and Mobile are not such that I feel that I can properly answer the question.

Q Could you give me the name of any official of the Government within your knowledge that was on the ground, either in Birmingham or Mobile, since the filing of this suit, that might have some firsthand information concerning the question whether there was peace or not?

A Yes, I think I could. I think the United States Attorney for the Northern District of Alabama has been on duty continuously since that time. His name is Mr. Mason Weaver. I have an attorney in Birmingham named Thelton Henderson who has been there since the filing of the claim. Mr. Oberdorfer, and Mr. Dolan of the Department of Justice have been in Birmingham since that time. Mr. Marshall was in Birmingham. Now, they were there for other reasons, unrelated to the schools. They may have more knowledge of that than I do. I am trying to give you everybody who might have

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PRATTVILLE, ALABAMA

some information. I think that covers it, everybody, I think John Martin was in Birmingham one --

Q (Interrupting) Do you mind identifying him?

A He is the lawyer that was here helping me to prepare the complaint. And down in Mobile Mr. Jansen would be the only one.

Q Are you the Chief Counsel who is going to try this case for the Government; will it be under your control?

A Yes.

Q Do you have any other evidence to your knowledge that would prove that any State official or any defendant that is a party defendant in this action, Civil Action 1976-K, had been derelict in his duty since these students have come into these schools as to keeping the peace, preserving law and order?

A Well, I don't have any evidence, but it is such a difficult question to answer because I don't want to convey to you that by saying that I don't have the evidence, that either that there is evidence, the Government either has evidence or doesn't have evidence because I feel I am not qualified to answer.

Q I said within your knowledge, I believe.

A Within my knowledge I don't have any evidence.

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

ALABAMA SECONDARY SCHOOLS - FALL 1963

Selected Papers

UNITED STATES v. WALLACE

Files of St. John Barret

Correspondence

Draft

C I V I L R I G H T S D I V I S I O N

Assistant Attorney General Burke Marshall

Obstruction to court orders; injunctive relief
granted upon application of United States. United States v.
George C. Wallace (M.D. Ala.) - 1976-N. The Attorney General
filed a civil action on behalf of the United States in the
Middle District of Alabama on September 10th 1963, alleging
that the Governor of Alabama was preventing the implementa-
tion of orders entered by the federal district courts in
Alabama requiring racial desegregation of public schools in
Birmingham, Tuskegee and Mobile. The schools in each of
these cities had been scheduled to open during the week of
September 2 with a small number of Negroes in attendance in
formerly all white schools. After some preliminary maneuvers
which had succeeded in keeping the affected schools closed
to both white and Negro pupils up to that time, the Governor
on the early morning of September 9 issued three executive
orders forbidding the Negroes from attending the affected
schools but permitting attendance by white children. On the
afternoon of the same day the Government filed its complaint
together with a motion for preliminary injunction and an
application for a temporary restraining order. A restraining
order as applied for was signed by the District Judge for the

- 2 -

Middle District of Alabama and was also subscribed to by the three District Judges for the Northern District of Alabama and by the District Judge for the Southern District, thus all judges in all of the districts in which the Governor was obstructing the carrying out of the schools' desegregation decrees subscribed to the restraining order. On the following morning the members of the Alabama Safety Patrol who had been enforcing the terms of the Governor's executive orders by excluding the Negro students were withdrawn and the schools commenced operation in compliance with the orders of the federal courts.

Staff: United States Attorney Ben Hardaman (M.D. Ala.)
John Doar (Civil Rights Division)

Officials of the State of Alabama

SJB:arg
9/6/63

GEORGE C. WALLACE
Governor of the State of Alabama

ALBERT J. LINGO
Director of the Department of Public Safety of Alabama

C. W. RUSSELL
Assistant Director, Department of Public Safety of Alabama

JOE SMELLEY
Chief of the Highway Patrol Division of the
Department of Public Safety of Alabama

WALTER L. ALLEN
Chief of the Service Division of the
Department of Public Safety of Alabama

CLAUDE SUTTON PRIER
Captain of the Opelika District of the Highway Patrol Division
of the Department of Public Safety of Alabama

T. L. PAYNE
Captain of the Highway Patrol Division of the
Department of Public Safety of Alabama

AUG 21 1963

T. 8/20/63

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:SJB:11h
144-100-1-324 9

101,433

Possible Obstruction of Court Order,
Birmingham, Alabama

Please refer to my memorandum of August 16, 1963, requesting coverage of the public statements of former Mayor Arthur Haynes on the subject of desegregation of the Birmingham schools.

For your further information I am enclosing two copies of a clipping from the Birmingham News of August 3, 1963, regarding public statements made by Mr. Haynes on August 2, 1963.

Records
Chrono
Mr. Barrett
Ind. file

✓

OC
1/50
T. 8/16/63

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

BN:SJB:11h
144-100-1-New

Possible Obstruction of Court Order
Birmingham, Alabama

FILED

BY ESB

AUG 22 1963

This will confirm a request by this Division telephoned by Mr. Barrett to Mr. McGowan of your Bureau on August 13.

The United States Attorney in Birmingham, Alabama, has advised this Division that former Mayor of Birmingham Arthur Haynes has been urging obstruction to the carrying out of an order entered by the United States District Court for the Northern District of Alabama requiring that the pupil placement law of Alabama be applied to Negro students in the Birmingham public schools without discrimination on account of their race. In public appearances Mr. Haynes has been urging persons to appear at the schools on the day they open for the fall semester and form a "human wall" to block the entry of Negroes into the schools. The United States Attorney further reports that Mr. Haynes is distributing pledge cards on which persons are asked to pledge their support for this program and to contribute \$2.00.

If the threats voiced by Mayor Haynes as recounted by the United States Attorney are carried out, a violation of Section 18 U.S.C. 1509 would result. Although no investigation is desired at this time, it is requested that the Bureau obtain and furnish to this Division the substance of any public statements made by Mr. Haynes regarding the desegregation of the Birmingham schools. The statements by Mr. Haynes should be covered, up until the actual opening of the schools in September.

We would also like to receive copies of any literature which might be distributed in the area urging obstruction to the desegregation of Birmingham schools.

Records ✓
Chrono
Mr. Barrett
USA, Birmingham

INDEXED CH

Cir Rb-Ala

NEW
NOTICE—
SEND TO FILES
PROMPTLY AFTER
ACTION. THIS ITEM AUTHORIZES
JACKETING OF FILE MATERIAL. DO
NOT FILE IN OFFICE FILES. — RECORDS
OFFICE.

144-100-1-9	
DEPARTMENT OF JUSTICE	RECORD
AUG 21 1963	
RECORDS BRANCH	
CIV. RIGHTS DIV.	
Gen. Inv. Sec.	

8/16/63

Burke Marshall
Assistant Attorney General
Civil Rights Division

August 13, 1963
SJB:lah

St. John Barrett
Second Assistant

Possible Obstruction to Court Order, Birmingham,
Alabama.

At Mr. Oberdorfer's suggestion, I telephoned
U. S. Attorney Weaver in Birmingham this afternoon
to inquire about the school situation.

Mr. Weaver said that former Mayor Arthur
Haynes has been promoting obstruction to the carrying
out of Judge Lynne's school desegregation order.
A public meeting was held last Friday at which
Haynes spoke. "Bull" Connor also attended the
meeting.

Haynes is asking people to show up at the
schools on opening day and form a human wall to
block the admission of Negroes. He is passing out
pledge cards for people to sign and promise that
they will participate in the human wall. Each
person signing a pledge is suppose to contribute
\$2.00 toward the movement.

At 5:05 P. M., I telephoned Mr. McGowan in
the Bureau and relayed to him the information re-
ceived from Mr. Weaver. I asked that the Bureau
"cover" meetings and public activities such as
those described by Mr. Weaver. I also asked that
a copy of the "pledge cards" be obtained, if pos-
sible. Mr. McGowan said he would check on what
they had on the Birmingham situation, and if they
were not already covering it, he would get a wire
off to the Birmingham office tonight.

CC: Records
Chrono
Barrett
Doar
Murphy

Mr. M. J. J.

*Noted
1.7.0-
VN*

August 2, 1963

Mr. Oberdorfer:

The attached teletype sets forth the results of the FBI interview yesterday of Mervin H. Sterne, in Birmingham. The Bureau also interviewed Mr. Vernon Patrick, an attorney in Birmingham.

It appears from the interviews, (1) that the telephone calls are more of a "nuisance" than they are threatening, and (a) that the telephone calls have died down, if not stopped, during the last few days.

The FBI would have investigative jurisdiction only if (1) the threats were of bodily injury, and (2) the telephone calls originated from outside Alabama (see 18 U.S.C. 875). An alternate jurisdictional basis would be that the telephone calls were an attempt by threat of force to interfere with the carrying out of the federal courts' desegregation decree.

In my view there is insufficient basis for pursuing this matter further at this time.

St. John Barrett
Chief of Staff, Dir.

Att. ✓

*File
John*

144-100-1-9
144-100-1-
DEPARTMENT OF JUSTICE
AUG 8 1963
RECORDS BRANCH
1- Mr. Oberdorfer - J.A.
2- CIV. RIGHTS DIV.
Gen. Lit. Sec.

URGENT 8-1-63 4-10 PM CST JSB

TO DIRECTOR, FBI

FROM SAC, BIRMINGHAM 44-984/ 6 P

UNKNOWN SUBJECTS, MERVIN STERN BATH COMPLAINANT, CR.
RE BUREAU TELETYPE AUGUST ONE INSTANT.

MR. MERVIN M. STERNE, OF STERNE, AGEE AND LEACH, DEALERS
IN STOCKS, ADVISED THAT THE DISCUSSIONS HE HAS HAD WITH AAC
OBERDORFER WERE GENERAL DISCUSSIONS AND HE DID NOT CONSIDER
HE WAS LODGING ANY COMPLAINT. HE STATED HE HAD DISCUSSED
WITH AAC OBERDORFER THE FACT THAT INTEGRATION IN THE PUBLIC
SCHOOLS OF BIRMINGHAM APPEARS IMMINENT FOR THIS FALL AND THAT
A SMALL GROUP OF PEOPLE HAVE TAKEN IT UPON THEMSELVES TO
ATTEMPT TO KEEP THE SCHOOLS OPEN DESPITE INTEGRATION. HE
STATED HE DOES NOT KNOW THE NAME OF SUCH GROUP, ASSUMING IT HAS
A NAME, BUT THAT HE AGREES WITH ITS PURPOSES AND REALIZES
THAT SOME SORT OF INTEGRATION IS PROBABLY INEVITABLE.

HE STATED THAT HE AND DR. LOUISE BRANSCOMBE AS WELL AS
VERNON PATRICK, A YOUNG LAWYER IN BIRMINGHAM, HAVE BEEN
WORKING TOGETHER TRYING TO DECIDE WHAT STEPS TO TAKE IN EVENT
INTEGRATION OF PUBLIC SCHOOLS IS ORDERED. HE SAID HE HIMSELF
END PAGE ONE

144-100-1-9
DEPARTMENT OF JUSTICE

AUG 8 1963

RECORDS OFFICE

1- Mr. Oberdorfer TAX DIV.
2- CIV. RIGHTS DIV.
Gen. Lit. Sec.

PAGE TWO

HAS NOT BEEN THE RECIPIENT OF ANY TELEPHONE CALLS BUT UNDERSTANDS SUCH CALLS HAVE BEEN ANONYMOUS, VILE AND ABUSIVE AND HAVE BEEN DIRECTED AGAINST PERSONS WHO SEEM TO FAVOR KEEPING THE SCHOOLS OPEN REGARDLESS OF INTEGRATION.

IT IS NOTED THAT MR. STERNE INTERRUPTED AN IMPORTANT CONFERENCE TO SPEAK WITH SA BYRON E. MC FALL AND AGENT SPENT ONLY ENOUGH TIME WITH HIM TO OBTAIN THE FEW FACTS SET OUT ABOVE. HE STATED DR. LOUISE PRANS^ACOMBE, DAUGHTER OF A PROMINENT METHODIST MINISTER, NOW DECEASED, WAS BEEN RATHER OUTSPOKEN IN HER DESIRE TO SEE THE SCHOOLS KEPT OPEN AND HE BELIEVES SHE HAS RECEIVED SOME ABUSIVE, IF NOT THREATENING CALLS. HE SEEMED RELUCTANT TO DISCUSS THE OCCUPATION OF EDWARD NORTON BUT INSISTED IT WOULD BE UNWISE TO CONTACT MR. NORTON AT THIS TIME. HE COULD GIVE NO SPECIFIC REASON FOR WITHHOLDING INTERVIEW OF NORTON EXCEPT THAT HE BELIEVED IT WOULD UPSET NORTON MORE THAN IT WOULD VERNON PATRICK AND DR. PRANS^ACOMBE.

BIRMINGHAM INDICES REFLECT ONLY ONE REFERENCE TO M. H. STERNE SHOWING HE REFERRED A MATTER TO THIS OFFICE IN NINETEEN FIFTYONE WHICH WAS MORE CORRECTLY A POSTAL V
END PAGE TWO

PAGE THREE

AND WAS APPROPRIATELY REFERRED TO POSTAL INSPECTORS.

AS MR. STERNE HAD RECEIVED NO SUCH CALLS AS COMPLAINED OF, MR. VERNON PATRICK, LAWYER, WAS CONTACTED INASMUCH AS MR. STERNE STATED HE WOULD BE MORE READILY AVAILABLE THAN DR. BRANSCOMBE AND, TOO, THAT PATRICK HAD SERVED AS CHAIRMAN OF THE GROUP WHICH WAS TRYING TO KEEP THE PUBLIC SCHOOLS OPEN.

MR. PATRICK STATED THAT ON THE NIGHT OF JULY SIXTEEN THERE WAS AN ORGANIZATIONAL MEETING OF MAYOR BOUTWELLS NEWLY APPOINTED COMMITTEE FOR COMMUNITY AFFAIRS CONSISTING OF ABOUT TWO HUNDRED OR MORE MEMBERS. HE STATED HE AND DR. BRANSCOMBE AS WELL AS MR. STERNE ATTENDED SUCH MEETING AS MEMBERS OF SUCH COMMITTEE, AND THAT A SMALL GROUP OF PEOPLE PICKETED THIS MEETING FOR A TIME IN CITY HALL AT BIRMINGHAM.

HE SAID THE SMALL GROUP OF PEOPLE KNOWN AS QUOTE PEP MEANING PUBLIC EDUCATION PEACEFULLY UNQUOTE, HAD PREVIOUSLY PLANNED A MEETING AT THE JEFFERSON COUNTY COURTHOUSE FOR THAT NIGHT AND THAT HE ACTED AS CHAIRMAN OF SUCH MEETING WHICH WAS HELD IMMEDIATELY AFTER THE CITY HALL MEETING ADJOURNED. HE SAID A GROUP OF PEOPLE WHO APPARENTLY DID NOT AGREE WITH THEIR
END PAGE THREE

PAGE FOUR

AIMS AND PURPOSES SIMPLY BROKE UP THE COURTHOUSE MEETING AND WOULD NOT ALLOW ANYONE TO SPEAK. HE SAID HE DID NOT KNOW WHO THESE PEOPLE WERE BUT HAS LEARNED FROM UNKNOWN REPORTERS THAT THEY WERE PERSONS CONNECTED WITH THE KLAN, THE WHITE CITIZENS COUNCIL AND GROUPS OF THAT NATURE. MR. STERNE HAD STATED DURING HIS INTERVIEW THAT HE HAS EXPECTED THE KLAN, THE WHITE CITIZENS COUNCILS AND THE NSRP WOULD FORM A GROUP TO OPENLY OPPOSE INTEGRATION IN THE PUBLIC SCHOOLS THIS FALL, AND SO TOLD MR. OBERDORFER.

MR. PATRICK CONTINUED THAT FOLLOWING SUCH MEETINGS AT THE CITY HALL AND COURTHOUSE HE RECEIVED SEVERAL CALLS AT HIS HOME MOST OF WHICH WERE RECEIVED BY HIS MOTHER WITH WHOM HE LIVES. HE RECALLED THAT WHEN HE RETURNED HOME ON THE NIGHT OF JULY SIXTEEN LAST HIS MOTHER WAS QUITE DISTRAUGHT BECAUSE SOMEONE HAD CALLED AND IN HIS ABSENCE HAD STATED THAT SHE SHOULD NOT BE TOO PROUD TO HAVE MOTHERED A CHILD LIKE VERNON PATRICK AND IN OTHER WAYS INDICATED HE WAS AN SOB. PATRICK STATED THE CALLS TO HIM AND OTHERS IN THE PEP ORGANIZATION CONTINUED FOR A FEW DAYS AND THEN DIED DOWN AND HE HAS HEARD OF NONE RECENTLY.

END PAGE FOUR

PAGE FIVE

HE STATED HE HAS PERSONALLY RECEIVED ONE OR TWO OF ^{SUCH} ~~THESE~~ CALLS AND ALTHOUGH HE WOULD NOT CONSIDER THEM THREATENING CALLS OR OBSCENE IN NATURE HE IS CONVINCED THAT THE ANONYMOUS CALLER WAS NOT IN AGREEMENT WITH HIS VIEWS TOWARD KEEPING THE SCHOOLS OPEN EVEN IN THE FACE OF INTEGRATION. HE STATED HE WAS NOT UPSET BY SUCH CALLS BUT WAS QUITE UPSET BY THE FACT THAT MOST OF THE CALLS WERE RECEIVED BY HIS MOTHER.

HE STATED HE IS NOT CERTAIN ABOUT THE TYPE OF CALLS RECEIVED BY DR. LOUISE BRANSCOME BUT BELIEVES THEY ARE OF THE SAME TYPE. HE SAID THE CALLS HE RECEIVED WOULD BE CLASSIFIED MORE AS NUISANCE CALLS THAN THREATENING CALLS, AND HE DOES NOT KNOW WHAT, IF ANY, ACTION COULD BE TAKEN BY THE FEDERAL GOVERNMENT. HE SAID THAT IT WOULD BE DIFFICULT TO IDENTIFY ANY OF THE CALLERS ESPECIALLY SINCE HE UNDERSTANDS THAT IN MANY INSTANCES THE ANONYMOUS CALLERS SIMULATED THE VOICE OF NEGROES AND SEEMED TO BE IMPRESSING THE RECIPIENTS OF THEIR MESSAGE TO BE ON FRIENDLY TERMS WITH ANYONE WHO WOULD FAVOR INTEGRATION OF SCHOOLS. MR. PATRICK STATED HE WOULD BE GLAD TO DISCUSS THE MATTER FURTHER IF THE GOVERNMENT CONSIDERED IT NECESSARY.

END PAGE FIVE

PAGE SIX

MR. PATRICK STATED HE BELIEVED MR. EDWARD NORTON WAS
MANAGER OF ROYAL CROWN BOTTLING COMPANY BUT THAT NORTON HAS
HAD NO CLOSE CONNECTION WITH THE PEP ORGANIZATION. HE STATED
NORTON MAY HAVE ATTENDED SOME OF THE MEETINGS BUT NOT TO HIS
KNOWLEDGE. THE CITY DIRECTORY REFLECTS THAT ROYAL CROWN BOTTLING
COMPANY IS OWNED BY JAMES C. AND CLARK PEARCE OF MERIDIAN, MISS.
IT ALSO REFLECTS THAT ONE H. EDWARD NORTON IS ASSISTANT VICE/
PRESIDENT OF THE BIRMINGHAM TRUST NATIONAL BANK IN BIRMINGHAM.

NO FURTHER INVESTIGATION ANTICIPATED UACB.

END AND ACK PLS

~~CORR PAGE FIVE LAST THREE LNS SH BE "OF SUCH CALLS"~~

~~PAGE TWO LINE EIGHT SH SEVEN SH BE "EMERSONS"~~

WA PLS HOLD

6-30 PM OK FBI WA EN

T. 8/20/63

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

BH:SJB:11h
144-100-1-Sub

144-100-1-9 AUG 21 1963

Possible Obstruction of Court Order,
Birmingham, Alabama

W. RECORDED
J.

Please refer to my memorandum of August 16, 1963, requesting coverage of the public statements of former Mayor Arthur Haynes on the subject of desegregation of the Birmingham schools.

For your further information I am enclosing two copies of a clipping from the Birmingham News of August 3, 1963, regarding public statements made by Mr. Haynes on August 2, 1963.

Records
Chrono
Mr. Barrett

[Handwritten initials]
8/20
9

BM

SENT BY MESSENGER
COMMUNICATIONS SEC.
AUG 21 1963 UH

Birmingham, Alabama

Members of the Board:

Robert C. Arthur, Chairman
Herbert Stockham, Jr.
L. A. Cochran
Dr. William L. Neville
Vacancy

Attorney for Plaintiff:

W. L. Williams, Jr.
1630 Fourth Ave., North
Birmingham, Alabama

Ernest D. Jackson, Sr.
410 Broad Street
Suite 208
Jacksonville, Florida

George White
1630 Fourth Ave., North
Suite 623-4
Birmingham, Alabama

Attorney for Defendant:

J. M. Breckenridge
City Attorney
600 City Hall
Birmingham, Alabama

Joseph F. Johnston
Cabaniss & Johnston
First National Bank Bldg.
Birmingham, Ala.

Source: United States Attorney
in Birmingham - 8/27/63

records

AUG 29 1963

FILE

Orzell Billingsley, Jr.
1630 Fourth Ave., North
Suite 623-4
Birmingham, Alabama

Peter A. Hall
1630 Fourth Ave., North
Suite 623-4
Birmingham, Alabama

Reid B. Barnes
Lange, Simpson, Robinson &
Somerville
Exchange Security Bank Bldg.
Birmingham, Ala.

Ormond Somerville
Lange, Simpson, Robinson &
Somerville
Exchange Security Bank Bldg.
Birmingham, Ala.

144-100-1-9

22	DEPARTMENT OF JUSTICE	RECORDED
	AUG 29 1963	
	RECORDS BRANCH	

File

Mr. Marshall

August 28, 1963

PAW:wha

Mr. Wassenaarstrom

144-100-1-9

P. W.

School Integration in Birmingham, Alabama

Mr. Sather reported that there is an article in the Birmingham newspaper today reporting a conference held a few days ago between the Birmingham School Board and Governor Wallace. The article reports that the school desegregation of Birmingham was discussed only informally, that the governor was reported as having said that he is continuing to be completely aware of the situation in Birmingham. The article also reports that state police will be ready to move on instant dispatch to many of the cities in Alabama which are going desegregated should trouble arise.

Sather also reported the Birmingham newspaper carried an article today to the effect that suit was filed yesterday by Harold A. Franklin, a Negro of Talladega and Montgomery, asking to be admitted by court order to the graduate school of Auburn University. He was not accepted as a graduate student there because he is a graduate of a non-accredited school, Alabama State Teachers College.

cc; Records ✓
Chrono
Barrett
Doar

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SONNIE WELLINGTON HEREFORD, IV.

A Minor, Etc., Et Al.,

Plaintiffs,

v.

HUNTSVILLE BOARD OF EDUCATION,

Et Al.,

Defendants.

CIVIL ACTION NO. 63-109

FILED IN CLERK'S OFFICE
Northern District of Alabama

Sep 6- 1963

WILLIAM E. DAVIS
Clerk, U.S. District Court

By _____
Deputy Clerk

MOTION FOR ISSUANCE FOR ORDER TO SHOW CAUSE

Plaintiff shows to the court:

1. On August 12, 1963 this Court entered a preliminary injunction requiring the defendant, Board of Education of Huntsville, Alabama to admit the minor children of the named Negro plaintiffs to public schools formerly restricted to white students with the opening of school on September 3, 1963.

2. Said injunction has been in full force and effect since its entry and George C. Wallace as Governor of Alabama, although not a named defendant, has at all times had full knowledge of its terms.

3. Notwithstanding the order of this Court, the said George C. Wallace, has obstructed and prevented compliance with the order of this Court in the manner shown by the affidavit of attorney for the plaintiffs, Constance Baker Motley, attached hereto as Exhibit "A".

WHEREFORE, plaintiff moves this Court for an order in the form annexed, requiring the said George C. Wallace to answer and show cause why he should not be added as a party defendant and enjoined from instigating delay and non-compliance or interfering in any manner with the order of this Court requiring racial depegregation to commence in the public schools of Huntsville, Alabama on September 3, 1963.

This is to certify that
I have served a copy of
the Motion for Temporary
Restraining Order and Motion
for Issuance for Order to
Show Cause on this the 6th
day of September, 1963,
on the Honorable Reid Barnes,
Attorney for Defendants
ORZELL BILLINGSLEY, JR.
Attorney for Plaintiff

/s/ ORZELL BILLINGSLEY, JR.
ORZELL BILLINGSLEY, JR.
PETER A. HALL
1630 Fourth Avenue North
Birmingham, Alabama

/s/ CONSTANCE BAKER MOTLEY
JACK GREENBERG
CONSTANCE BAKER MOTLEY
LEROY D. CLARK
10 Columbus Circle
New York 19, New York

Attorneys for Plaintiffs

Sept 6, 1963. Presented to me at 2:45 PM this
date, and continued for consideration
as to a setting until 11 AM Sept
9, 1963.

/s/ H. H. GROOMS

U. S. Judge

EXHIBIT A

A F F I D A V I T

STATE OF ALABAMA }
JEFFERSON COUNTY } SS

Constance Baker Motley, being first duly sworn according to law deposes and says:

1. That she is one of the attorneys for the plaintiffs herein.
2. That she has read the attached motion for issuance of an order to show cause and motion for temporary restraining order and knows the contents thereof and that the same are true.
3. That pursuant to the order of this Court of August 12, 1963 the minor children of the Negro plaintiffs were to be admitted to public schools in Huntsville, Alabama formerly restricted to white students.
4. On information and belief, the opening of the public schools on September 3, 1963, was postponed to September 6, 1963, by the defendant Board of Education of Huntsville, Alabama.
5. That on September 6, 1963 at approximately 11:00 o'clock a.m., I was informed by two of the adult plaintiffs by telegram that they had taken their children to the public school they were scheduled to attend and were barred from entering by state troopers. The troopers claimed they had closed the schools

pursuant to order from the Governor of Alabama, George C. Wallace. (See attached copy of telegrams from plaintiffs Sonnie W. Hereford, III and Sidney A. Brewton.)

/s/ CONSTANCE BAKER MOTLEY
CONSTANCE BAKER MOTLEY

Sworn to and subscribed before
me this 6th day of September, 1963.

/s/ PETER A. HALL

NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SONNIE WELLINGTON HEREFORD, IV. :
A Minor, Etc., Et Al., : CIVIL ACTION NO. 63-109
Plaintiffs, : FILED IN CLERK'S OFFICE
v. : Northern District of Alabama
HUNTSVILLE BOARD OF EDUCATION, : Sep 6- 1963
Et Al., : WILLIAM E. DAVIS
Defendants. : Clerk, U.S.District Court
By _____
Deputy Clerk

ORDER TO SHOW CAUSE

Upon the annexed motion and affidavit of Constance Baker Motley, attorney for the plaintiffs, it is ORDERED that George C. Wallace as Governor of Alabama, show cause at the United States Court House, Birmingham, Alabama, in Room , on the day of September, 1963 at o'clock in the forenoon of that day or as soon thereafter as counsel can be heard why an order should not be made herein, adding the said George C. Wallace as a party defendant, and enjoining him from obstructing or preventing compliance with the order of this Court requiring racial desegregation of the public schools of Huntsville, Alabama to commence on September 3, 1963.

IT IS FURTHER ORDERED that service of a copy of this order, and of the papers upon which the same is granted on the said George C. Wallace on or before September 1963, shall be sufficient service of this order.

DATED: _____

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SONNIE WELLINGTON HERFORD, IV.
A MINOR, ETC., ET AL.,

PLAINTIFFS,

CIVIL ACTION NO. 63-

v.

HUNTSVILLE BOARD OF EDUCATION,
ET AL.,

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

SEP 11 1963

DEFENDANTS.

WILLIAM E. DAVIS
CLERK U.S. DISTRICT COURT

MOTION FOR TEMPORARY RESTRAINING ORDER

PLAINTIFFS, BY THEIR UNDERSIGNED ATTORNEYS, MOVE THIS COURT FOR AN ORDER IMMEDIATELY RESTRAINING GEORGE C. WALLACE, GOVERNOR OF ALABAMA, FROM FURTHER OBSTRUCTING OR PREVENTING COMPLIANCE WITH THE ORDER OF THIS COURT OF AUGUST 12, 1963 REQUIRING RACIAL DESEGREGATION OF THE PUBLIC SCHOOLS OF HUNTSVILLE, ALABAMA TO COMMENCE WITH THE SEPTEMBER 1963-64 SCHOOL YEAR. AS GROUNDS FOR THIS MOTION, PLAINTIFFS SHOW THE FOLLOWING:

1. THE MINOR CHILDREN OF THE NEGRO PLAINTIFFS WERE ORDERED BY THIS COURT TO ENTER PUBLIC SCHOOLS IN HUNTSVILLE, ALABAMA, FORMERLY RESTRICTED TO WHITE STUDENTS WITH THE COMMENCEMENT OF THE SCHOOL YEAR ON TUESDAY, SEPTEMBER 3, 1963.

2. THE DEFENDANT BOARD OF EDUCATION POSTPONED THE OPENING OF ALL SCHOOLS UNTIL FRIDAY, SEPTEMBER 6, 1963.

3. ON SEPTEMBER 6, 1963, STATE TROOPERS OF THE HIGHWAY PATROL UNDER THE COMMAND OF GEORGE C. WALLACE, GOVERNOR OF ALABAMA STATIONED THEMSELVES OUTSIDE THE FORMERLY ALL-WHITE PUBLIC SCHOOL WHICH MINOR PLAINTIFF SONNIE WELLINGTON

HEREFORD IV WAS SCHEDULED TO ATTEND AND BARRED HIS ENTRANCE. THE STATE TROOPERS CLAIMED THE SCHOOLS WERE CLOSED PURSUANT TO ORDER FROM GEORGE C. WALLACE, GOVERNOR OF ALABAMA.

4. ADULT PLAINTIFF, SONNIE W. HEREFORD III, WAS INFORMED THROUGH PUBLIC NOTICE THAT THE DEFENDANT BOARD OF EDUCATION WAS PROCEEDING WITH THEIR PLAN TO OPEN THE PUBLIC SCHOOLS ON SEPTEMBER 6, 1963. AS OF THE MORNING OF SEPTEMBER 6, 1963, HE HAD NOT BEEN INFORMED, BY PUBLIC OR PRIVATE NOTICE, THAT THE DEFENDANT BOARD OF EDUCATION HAD RESCINDED OR REVOKED THEIR PLAN TO OPEN SCHOOLS ON SEPTEMBER 6, 1963.

5. PLAINTIFFS HAVE NO OTHER SPEEDY OR ADEQUATE REMEDY WHICH THEY MAY PURSUE AT THIS TIME OTHER THAN THIS MOTION FOR A TEMPORARY RESTRAINING ORDER AS PRAYED SINCE TIME IS OF THE ESSENCE OF THE RELIEF SOUGHT. EVERYDAY LOST FROM SCHOOL IS AN IRRETRIEVABLE LOSS, NOT ONLY TO THE MINOR PLAINTIFFS, BUT TO ALL WHITE STUDENTS WHO MAY BE SIMILARLY DEPRIVED OF THE RIGHT TO ATTEND SCHOOLS.

6. NO INJURY CORRESPONDING TO THAT SUFFERED BY THE PLAINTIFFS WILL RESULT TO THE PUBLIC OR GEORGE C. WALLACE IN HIS CAPACITY AS GOVERNOR OF ALABAMA SHOULD THE TEMPORARY RESTRAINING ORDER BE ISSUED. INDEED, THE INTEREST OF THE PUBLIC WILL BE FURTHERED BY RESTRAINING UNAUTHORIZED INTERFERENCE BY THE GOVERNOR OF ALABAMA IN THE OPERATION OF HUNTSVILLE PUBLIC SCHOOLS. THE GOVERNOR OF ALABAMA, WILL MERELY, BY SUCH RESTRAINING ORDER, BE REQUIRED TO COMPLY WITH THE OATH OF HIS OFFICE TO UPHOLD THE LAWS OF THE UNITED STATES AND TO CEASE ILLEGAL INTERFERENCE WITH THE ORDER OF THIS COURT.

7. THERE IS INSUFFICIENT TIME TO GIVE THE REQUIRED NOTICE OF THIS MOTION. PLAINTIFFS HAVE FILED SIMULTANEOUSLY WITH THE MOTION FOR TEMPORARY RESTRAINING ORDER, A MOTION FOR ORDER TO SHOW CAUSE, WHICH SHOULD IT ISSUE, GIVE GEORGE C. WALLACE NOTICE AND OPPORTUNITY FOR HEARING.

WHEREFORE, PLAINTIFFS PRAY THAT THIS COURT ENTER AN IMMEDIATE ORDER RESTRAINING GEORGE C. WALLACE, GOVERNOR OF ALABAMA, HIS AGENTS, EMPLOYEES AND ALL THOSE IN ACTIVE CONCERT WITH HIM FROM INTERFERING AND PREVENTING COMPLIANCE WITH THE ORDER OF THIS COURT OF AUGUST 12, 1963 REQUIRING DESEGREGATION TO COMMENCE IN THE 1963-64 SCHOOL YEAR IN THE PUBLIC SCHOOLS OF HUNTSVILLE, ALABAMA, PENDING HEARING AND DISPOSITION OF THE MOTION FOR ORDER TO SHOW CAUSE WHY GEORGE C. WALLACE SHOULD NOT BE SO ENJOINED PERMANENTLY.

RESPECTFULLY SUBMITTED,

William Billingsley, Jr.
WILLIAM BILLINGSLEY, JR.
PETER A. HALL
1630 FOURTH AVENUE NORTH
BIRMINGHAM, ALABAMA

Constance Baker Motley
JACK GREENBERG
CONSTANCE BAKER MOTLEY
LEROY D. CLARK
10 COLUMBUS CIRCLE
NEW YORK 19, NEW YORK

ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SONNIE WELLINGTON HEREFORD, IV.
A MINOR, ETC., ET AL.,

PLAINTIFFS,

v.

HUNTSVILLE BOARD OF EDUCATION,
ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 63-109

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

SEP 6 - 1963

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

By _____
Deputy Clerk

MOTION FOR ISSUANCE FOR ORDER TO SHOW CAUSE

PLAINTIFF SHOWS TO THE COURT:

1. ON AUGUST 12, 1963 THIS COURT ENTERED A PRELIMINARY INJUNCTION REQUIRING THE DEFENDANT, BOARD OF EDUCATION OF HUNTSVILLE, ALABAMA TO ADMIT THE MINOR CHILDREN OF THE NAMED NEGRO PLAINTIFFS TO PUBLIC SCHOOLS FORMERLY RESTRICTED TO WHITE STUDENTS WITH THE OPENING OF SCHOOL ON SEPTEMBER 3, 1963.

2. SAID INJUNCTION HAS BEEN IN FULL FORCE AND EFFECT SINCE ITS ENTRY AND GEORGE C. WALLACE AS GOVERNOR OF ALABAMA, ALTHOUGH NOT A NAMED DEFENDANT, HAS AT ALL TIMES HAD FULL KNOWLEDGE OF ITS TERMS.

3. NOTWITHSTANDING THE ORDER OF THIS COURT, THE SAID GEORGE C. WALLACE, HAS OBSTRUCTED AND PREVENTED COMPLIANCE WITH THE ORDER OF THIS COURT IN THE MANNER SHOWN BY THE AFFIDAVIT OF ATTORNEY FOR THE PLAINTIFFS, CONSTANCE BAKER MOTLEY, ATTACHED HERETO AS EXHIBIT "A".

WHEREFORE, PLAINTIFF MOVES THIS COURT FOR AN ORDER IN THE FORM ANNEXED, REQUIRING THE SAID GEORGE C. WALLACE TO ANSWER AND SHOW CAUSE WHY HE SHOULD NOT BE ADDED AS A PARTY DEFENDANT AND ENJOINED FROM INSTIGATING DELAY AND NON-COMPLIANCE OR INTERFERING IN ANY MANNER WITH THE ORDER OF THIS COURT REQUIRING RACIAL DESEGREGATION TO COMMENCE IN THE PUBLIC SCHOOLS OF HUNTSVILLE, ALABAMA ON SEPTEMBER 3, 1963.

This is to certify that I have served a copy of the Motion for Temporary Restraining Order and Motion for Dissolution For Order To Show Cause on the 6th day of September, 1963, on the Honorable Reid Bornee, Attorney for Defendants.
Orzell Billingsley, Jr.
Attorney for Plaintiff

Orzell Billingsley, Jr.
ORZELL BILLINGSLEY, JR.
PETER A. HALL
1630 FOURTH AVENUE NORTH
BIRMINGHAM, ALABAMA

Constance Baker Motley
JACK GREENBERG
CONSTANCE BAKER MOTLEY
LEROY D. CLARK
10 COLUMBUS CIRCLE
NEW YORK 19, NEW YORK

ATTORNEYS FOR PLAINTIFFS

Sept 6, 1963. Presented to me at 2:45 pm this date, and continued for consideration as to a sitting until 11 AM Sept 9, 1963.

H. H. Groome
U.S. Judge.