

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BLANCHARD RELEED, et al.,

Defendants.

CIVIL ACTION NO. 3100-63.

The above-styled cause having been recessed on December 5, 1963, to this date, now come the parties into open court by their respective counsel and the hearing on Plaintiff's Motion for a Preliminary Injunction, filed on November 12, 1963, is begun.

Witnesses are examined and it is now

ORDERED by the Court that the hearing on Plaintiff's Motion for Preliminary Injunction be, and it hereby is, RECESSED until December 10, 1963 at 10:00 o'clock in the morning.

Done at Selma, Alabama, this 6th day of December, 1963.

DANIEL E. THOMAS

UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT  
SOU. DIST. ALA.

FILED AND ENTERED THIS THE  
6TH DAY OF DECEMBER, 1963.

MINUTES ENTRY NO. 15735-A

WILLIAM J. O'CONNOR, CLERK.

EX- Deputy Clerk.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF ALABAMA, NORTHERN DIVISION

THE UNITED STATES OF AMERICA,	I	
	.	
Plaintiff,	I	
	.	
V.	I	CIVIL ACTION NO. 3183-53
	.	
BLANCHARD McLEOD, ET AL.	I	
	.	
Defendants.	I	

Come Blanchard McLeod, Solicitor of Fourth Judicial Circuit of State of Alabama; Henry Reese, County Solicitor for Dallas County, State of Alabama; James G. Clark, Jr., Sheriff of Dallas County, State of Alabama; M. H. Houston, Clerk of the Circuit Court of Dallas County, State of Alabama; Robert D. Wilkinson, Jr., Foreman of the Grand Jury of the Circuit Court of Dallas County, State of Alabama; James Hare, Judge for the Fourth Judicial Circuit of State of Alabama; and, Blanchard McLeod, Henry Reese, James G. Clark, Jr., M. H. Houston, Robert D. Wilkinson, Jr., James Hare, individually, separately and severally, by their attorneys, Pitts and Pitts; Wilkinson, Wilkinson and Russell; and T. G. Gayle, and amend their motion to dismiss heretofore filed herein by adding thereto the following additional grounds therefor, separately and severally:

4. For it affirmatively appears that the District Court is without jurisdiction to hear and determine this cause.

5. For no facts are alleged therein, other than by the mere unwarranted conclusion of the pleader, showing that the Plaintiff is entitled to injunctive relief against these Defendants.

6. For the complaint showed on its face that it is an attempt by the Plaintiff to obstruct the administration of justice in the Courts of the State of Alabama.

7. For it appears from the complaint that the United States is attempting to take over, direct and obstruct the administration of justice in the Courts of the State of Alabama, without authority of law, and contrary to the Tenth Amendment to the Constitution of the United States.

8. For it is an attempt by the Plaintiff to keep these Defendants from performing their duties as required by the Constitution and Laws of the State of Alabama.

9. For the Plaintiff is attempting to restrain the Dallas County Grand Jury from inquiring into all indictable offenses committed or triable within the County, as required by Section 77 of Title 30 of the 1910 Code of Alabama.

10. For the proceedings before a Grand Jury before arrest are secret, and the Plaintiff is attempting to say what evidence can be presented to a Grand Jury.

11. For the Plaintiff is attempting to restrain the Dallas County Grand Jury from investigating indictable offenses on an alleged statement made by Blanchard McLeod, the Circuit solicitor of the Fourth Judicial Circuit, who is neither a member of the Dallas County Grand Jury, nor is he clothed by law with the duty to direct the Grand Jury as to what it can investigate.

12. For that the Defendant Hare, as Judge of the Fourth Judicial Circuit, is not clothed by law with participating in the investigation and deliberations of the Dallas County Grand Jury.

13. For that the Defendant Houston takes no part in the investigation, deliberation and findings of the Grand Jury of Dallas County.

14. For it affirmatively appears from the complaint that the Plaintiff is attempting to obstruct the administration of

justice in the State of Alabama, wholly on hear-say, and without alleging any facts for which it would be entitled to injunctive relief.

15. For it appears from the complaint that the Grand Jury of Dallas County was investigating the activities of Burke Marshall, John Doar, Arvid A. Cather, David H. Marlin, Richard Messerstrom and Kenneth McIntyre, who were then acting beyond the duties of their employment and not within the scope of their employment as attorneys in the Civil Rights Division of the Department of Justice.

16. For it appears from the complaint that the said Burke Marshall, John Doar, Arvid A. Cather, David H. Marlin, Richard Messerstrom and Kenneth McIntyre, by their activities in Dallas County, Alabama, were not seeking to enforce any federal law, but are attempting to obstruct the administration of justice in the State Courts of Alabama.

17. For it appears from the complaint that the Grand Jury of Dallas County, Alabama, is concerned with the violation of the State Laws of Alabama, and not Federal Law, and it is immaterial to the Grand Jury of Dallas County whether such violation be done by a United States Government employee or by a private citizen.

18. For it appears that if an employee of the Civil Rights Division of the Department of Justice has violated the laws of the State of Alabama, he is subject to indictment by the Grand Jury of Dallas County, Alabama, the same as any other citizen.

19. For that said complaint seeks to enjoin the defendants from exercising their constitutional privilege of freedom of speech.

20. For that said complaint fails to allege the defendants attempted to prevent any persons from voting who were otherwise qualified to vote.

21. For that said complaint fails to allege that the defendants prevented or attempted to prevent any persons from voting at any election by the people of Alabama, Dallas County, City of Selma, or any precinct or beat thereof.

22. The allegation of the complaint does not show a violation of Section 1971 of Title 42, U. S. C.

23. For that said complaint fails to aver that the defendants prevented or attempted to prevent or interfered with any citizen of the United States who was otherwise qualified by law to vote at any election by the people of Alabama, County, City, Township, School District, Municipality, or other territorial subdivision.

24. For it is not alleged in the complaint which one of these defendants attempted or prevented or interfered with a citizen of the United States qualified by law to vote at any election by the people of Alabama, Dallas County, City of Selma, School Districts, or other territorial subdivision.

25. For that said complaint fails to allege that anyone of the defendants prevented, attempted to prevent, or interfered with any citizen qualified by law to vote in any federal election.

26. For that Section 1971 of Title 42, U. S. C. applies solely to federal elections.

27. For no facts are alleged therein showing a violation by anyone of these defendants of Section 1971 of Title 42, U. S. C. wherefore the plaintiff is not entitled to injunctive relief.

28. For it is not alleged that any of these defendants intimidated, threatened, coerced or attempted to intimidate, threaten, or coerce any person for the purpose of interfering with the right of such person to vote, or to vote as he may choose or

causing such other person to vote for or not to vote for any candidate for the office of President or Vice President in presidential elections, member of the Senate, or member of the House of Representatives at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

29. For that said complaint fails to allege that any of said persons engaged in any act set forth in Paragraph B of Section 1971, Title 42, U. S. C. or that there was any reasonable ground to believe that any such persons were about to engage in any of said acts or practices.

30. For that there is no averment that any person intimidated or has attempted to intimidate another person in the exercise of the right to vote.

31. For that it is not averred that the Defendants intimidated or attempted to intimidate any Negro citizen, otherwise qualified by law to vote at any election, not to vote at any election.

32. For that said complaint shows upon its face that the activities of the defendants were directed solely toward persons that were not then registered to vote.

33. And that the facts alleged do not constitute a violation of Section 1971, Paragraphs A, B, and C of Title 42, U. S. C.

34. For that it is not averred that any of the acts, conduct, or deeds of any of the Defendants resulted in preventing any person entitled to vote from voting.

35. For that the complaint shows upon its face that the defendants merely discouraged persons not qualified to vote from voting.

36. For that there is no allegation of the violation of any federal statute that would give this court jurisdiction to exercise injunctive relief.

37. For that it is not alleged that any of these defendants interfered with or obstructed any of the agents or attorneys of the United States Department of Justice in performing their duties in Dallas County, Alabama.

38. For that there is a misjoinder of party defendants in that there is no casual connection alleged between these defendants and other defendants in this case.

39. Said complaint as to these defendants is so vague, indefinite, and uncertain that these defendants cannot plan responsive pleading thereto.

40. That as to these defendants there are no allegations that connect these defendants with any intimidation of any person to prevent said person from voting.

41. That said complaint fails to aver how these defendants frustrated any federal court orders designed to eliminate discrimination on account of race in registration to vote.

42. That said complaint fails to aver any facts that would constitute frustration of federal court orders designed to eliminate discrimination on account of race in registration for voting.

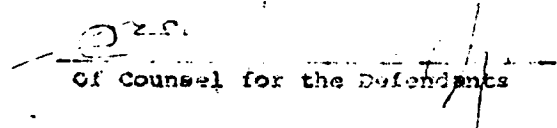
43. That said plaintiff should be required to set forth all facts, deeds, or acts done on the part of these defendants that frustrated a federal court order designed to eliminate discrimination on account of race in registration for voting.

44. That said complaint fails to set forth any act, claim, or deed done by these defendants deterring Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

45. For that the plaintiff should be required to set forth any and all acts, things, or deeds done or alleged to have been done on the part of these defendants that would deter Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

46. For said complaint fails to aver how and in what manner or any facts alleging by what means these defendants prevented or attempted to prevent wholesale Negro voter registration efforts in Selma.

47. For that the prevention of wholesale Negro voter registration efforts is not an act prohibited by any act of Congress or by any previous decrees of this Court.

  
Of Counsel for the Defendants

PITTS & PITTS  
Attorneys at Law  
P. O. Box 722  
Selma, Alabama

WILKINSON, WILKINSON & RUSSELL  
Attorneys at Law  
Peoples Bank Building  
Selma, Alabama

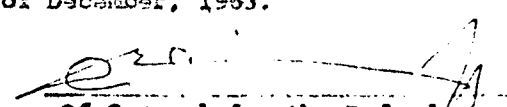
T. G. GAYLE  
Attorney at Law  
1104 1/2 Water Avenue  
Selma, Alabama

ATTORNEYS FOR THE DEFENDANTS

#### C E R T I F I C A T E

I hereby certify that a copy of the foregoing amendment was this day given to the Honorable Vernel R. Jansen, United States Attorney, one of the attorneys of record for the United States of America

DONE this the 5<sup>TH</sup> day of December, 1963.

  
Of Counsel for the Defendants



IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF ALABAMA, NORTHERN DIVISION

THE UNITED STATES OF AMERICA, |

Plaintiff, |

V. |

CIVIL ACTION NO. 3128-63

BLANCHARD McLEOD, ET AL, |

Defendants. |

MOTION FOR MORE DEFINITE STATEMENT  
OF FACTS

Come Blanchard McLeod, Solicitor of Fourth Judicial Circuit of State of Alabama; Henry Reese, County Solicitor for Dallas County, State of Alabama; James G. Clark, Jr., Sheriff of Dallas County, State of Alabama; M. H. Houston, Clerk of the Circuit Court of Dallas County, State of Alabama; Robert D. Wilkinson, Jr., Foreman of the Grand Jury of the Circuit Court of Dallas County, State of Alabama; James Hare, Judge for the Fourth Judicial Circuit of State of Alabama; and, Blanchard McLeod, Henry Reese, James G. Clark, Jr., M. H. Houston, Robert D. Wilkinson, Jr., James Hare, individually, separately and severally, by their attorneys, Pitts and Pitts; Wilkinson, Wilkinson, and Russell; and T. G. Gayle, and aver that the plaintiff's complaint is so vague and ambiguous that defendants should not reasonably be required to prepare a responsive pleading, and defendants therefore move that plaintiff be ordered to furnish a more definite statement of the nature of its claim as set forth in its complaint in the following respects:

1. Plaintiff should be required to set forth facts and allegations that connect these defendants with any intimidation of any person to prevent said person from voting.

2. That the plaintiff should be required to set forth how these defendants frustrated any federal court order designed to eliminate discrimination on account of race in registration to vote.

3. That the said complaint should aver any facts that would constitute frustration of federal court orders designed to eliminate discrimination

4. That said plaintiff should be required to set forth all facts or acts done by these defendants that frustrated a federal court order designed to eliminate discrimination on account of race in registration for voting.

5. That said complaint should aver all acts done by these defendants deterring Negro citizens of Dallas County, Alabama, from attending voter registration meetings.

6. That said complaint should aver how or by what means these defendants prevented or attempted to prevent wholesale Negro voter registration efforts in Selma.

7. That said complaint should aver the program that is alleged to constitute intimidation on the part of these defendants for the purpose of preventing voter registration in Dallas County, Alabama.

8. Said plaintiff should be required to state how and in what manner the proposed investigation by the Dallas County Grand Jury obstructed, impeded, or frustrated the Government of the United States in the proper enforcement of the laws of the United States.

9. Said plaintiff should be required to state how and in what manner the proposed investigation by the Dallas County Grand Jury on the basis stated in the complaint and the issuance of subpoenas usurped the power of the United States in the enforcement of its laws.

10. Said plaintiff should be required to state how and in what manner the proposed investigation by the Dallas County Grand Jury on the basis stated in the complaint and the issuance of subpoenas harassed the agents of the United States in the performance of their duties in the enforcement of the laws of the United States.

11. Said plaintiff should be required to state all of the facts that support the allegations of Paragraph 11 of the plaintiff's complaint.

12. Said plaintiff should be required to state how and in what manner and to what extent the mere issuance of subpoenas to persons who happened to be employed by the United States Department of Justice would coerce, harass, or intimidate white or Negro persons that were attempting to register to vote.

13. Said plaintiff should be required to state how and in what manner a Grand Jury investigation of an illegal use of a government automobile would coerce, harass, or intimidate a person attempting to register to vote in Dallas County, Alabama.

14. The plaintiff should be required to state the names and addresses of each and every Negro who has received a subpoena from the Dallas County Grand Jury and who had previously registered to vote, attempted to register to vote, or who took part in any program in an effort to produce or cause Negroes to register to vote.

15. Said plaintiff should be required to state any and all persons who they claim had notice or knowledge that the defendants Hare, Wilkinson, and Houston were using the Dallas County Grand Jury to harass Negro voter registration leaders of Dallas County, other Negroes, and Attorneys in the Civil Rights Division on the purported basis of investigating the role of the Justice Department in "fomenting racial unrest" in Dallas County, and other incidents connected with "the Negro voter registration drive" in Dallas County.

16. Said plaintiff should be required to state all facts that would support the allegations of Paragraph 53 of the plaintiff's complaint.

17. Said plaintiff should be required to state all facts that would support the allegations of Paragraph 54 of the plaintiff's complaint.

18. Said plaintiff should be required to state all facts that would support the allegations of Section A, Subparagraphs 1 through 5 of the plaintiff's complaint.

19. Said plaintiff should be required to state all facts that would support the allegations of Section C, Subparagraphs 1 through 2, of the complaint.

20. Said plaintiff should be required to state all facts that would support the allegations of Section D, Paragraph 1 of the plaintiff's complaint.

21. Said plaintiff should be required to state on what authority the United States Government has the right to interfere with the investigation conducted by the Dallas County Grand Jury.

22. Said plaintiff should be required to state why and under what authority they contend that the Dallas County Grand Jury would not have the right to conduct an investigation to uncover the cause of recent racial disturbance in Dallas County, Alabama.

23. Said plaintiff should be required to state on what authority the plaintiff contends that the Dallas County Grand Jury would not have the jurisdiction and authority to investigate participation in recent racial disturbances by sex perverts, narcotic addicts, and other persons that have been previously charged or convicted of crimes involving moral turpitude; and the extent of said persons in racial disturbances, the extent of their activity in encouraging juveniles to engage in demonstrations and remain away from school.

24. Said plaintiff should be required to state how and in what manner the defendants James G. Clark, Jr. and M. H. Houston participated in any work or investigation by the Grand Jury of Dallas County, Alabama.

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Of Counsel for the Defendants

PITTS AND PITTS  
Attorneys at Law  
P. O. Box 722  
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Attorneys at Law  
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Selma, Alabama

T. G. GAYLE  
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11041/2 Water Avenue  
Selma, Alabama

ATTORNEYS FOR THE DEFENDANTS

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF ALABAMA, NORTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

V

BLANCHARD McLEOD, ET AL.,

Defendants.

CIVIL ACTION NO. 3153-62

Comes the movent, James G. Clark, Jr., Sheriff of Dallas County, Alabama, one of the defendants in the above entitled cause, and respectfully shows unto the Court the following:

That movent is one of the defendants in the above entitled cause, and he was served with two civil subpoenas duces tecum in said cause to bring with him certain documents and records described in the list attached to the subpoena served upon him.

Movement alleges that said documents are immaterial evidence in the trial of said cause and that it is nothing more than an attempt on the part of the Department of Justice to gain access to the confidential records of the Office of the Sheriff of Dallas County, Alabama. Some of which records contain confidential information; that the production of the jail records of Dallas County, Alabama, by this defendant would be improper in that these records are records that are maintained by the Chief Jailer in Dallas County, Alabama, and they show nothing more than the admission of a prisoner to jail and his discharge; that the best evidence of an arrest is the warrant and this defendant avers that all of the criminal records of the Dallas County Court and the Circuit Court of Alabama are of public record and that the United States of America, through its agents of the Department of Justice, have already been given permission to photostat all of the criminal docket sheets named in the list attached to one of the civil subpoenas served upon the defendant, James G. Clark, Jr.

That it would require several days for this defendant to get together all of the records and these subpoenas were not served upon said defendant

until December 2nd and December 4th; that a production of all the records requested in said subpoenas would amount to a removal of all of the Dallas County Sheriff's records to the Federal Court.

That the issuance of said subpoenas duces tecum is for the purpose of harassing the Sheriff of Dallas County, hindering and delaying him in carrying out his duties as a constitutional officer of the State of Alabama.

WHEREFORE this defendants moves the Court that he be not required to produce on the trail of this cause the documents called for in the said subpoena.

---

Of Counsel for Movant Defendant

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Attorneys at Law  
P. O. Box 722  
Selma, Alabama

WILKINSON, WILKINSON & RUSSELL  
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Peoples Bank & Trust Company Bldg.  
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T. G. GAYLE  
Attorney at Law  
1164 1/2 Water Avenue  
Selma, Alabama

ATTORNEYS FOR THE DEFENDANT

THE UNITED STATES OF AMERICA,  
Plaintiff,  
  
V.  
  
BLANCHARD McLEOD, ET AL,  
Defendants.

CIVIL ACTION NO. 3188-63

Now comes the defendants, Blanchard McLeod, Solicitor of Fourth Judicial Circuit of State of Alabama; James Hare, Judge for the Fourth Judicial Circuit Court of Alabama; James G. Clark, Jr., Sheriff of Dallas County, Alabama; Robert D. Wilkinson, Jr., Foreman of the Grand Jury of the Circuit Court of Dallas County, Alabama; Henry Reese, County Solicitor for Dallas County, Alabama; M. H. Houston, Clerk of the Circuit Court of Dallas County, Alabama; separately and severally, by their attorneys, McLean Pitts, T. G. Gayle, and J. E. Wilkinson, Jr., and moves the court to compel by order, the plaintiff to produce at or before the trial, the following papers or documents in its possession or power, which are necessary and material to the trial of said cause and containing evidence pertinent to the issues of said trial, to-wit:

1. All correspondence, handbills, circulars, notes, memoranda, printed material, and reports in the files of the Civil Rights Division of the U. S. Department of Justice from January 1, 1961, to date pertaining to the Civil Rights Division of the U. S. Department of Justice's activity in Dallas County, Alabama in voter registration.
2. All of the Civil Rights Division of the U. S. Department of Justice's files pertaining to voter registration in Dallas County, Alabama since January 1, 1961.
3. All correspondence to and from the Civil Rights Division of the U. S. Department of Justice with the Student Non Violent Coordinating Committee, and any officers and employees thereof.
4. All correspondence to and from the Civil Rights Division of the U. S. Department of Justice with the Student Non Violent Coordinating Committee, and any officers and employees thereof, in Dallas County since January 1, 1961.

5. All reports, briefs, memoranda, reports by agents, investigative reports and all other documents, papers and memoranda of every Kind and description pertaining to Dallas County, Alabama, and the Civil Rights Division of the U. S. Department of Justice in Dallas County, Alabama since January 1, 1961.

6. A list of all of the employees of the Civil Rights Division of the U. S. Department of Justice that have been in Dallas County, Alabama, since January 1, 1961, giving their complete name, street and post office address and the capacity in which they are employed by the Civil Rights Division of the U. S. Department of Justice.

7. All memoranda, reports, data of every nature, kind and description in the files of the Civil Rights Division of the U. S. Department of Justice pertaining to the unlawful use of a government automobile by Martin Luther King.

8. A list giving the names of all persons who have made complaints to the Civil Rights Division of the U. S. Department of Justice pertaining to Voter Registration in Dallas County, Alabama, or pertaining to any other Civil Rights cases in Dallas County, Alabama, since January 1, 1961.

9. A complete list of all federal officials who participated in the Fourth Annual Conference of the Student Non Violent Coordinating Committee.

10. A complete list of all of the employees of the Civil Rights Division of the U. S. Department of Justice who participated in the Fourth Annual Conference of the Student Non Violent Coordinating Committee.

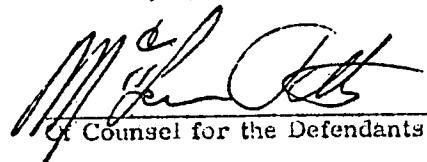
11. A copy of any and all briefs, memoranda, speeches, notes, and minutes that were submitted, given, or taken by the employees of the Civil Rights Division of the U. S. Department of Justice to the Fourth Annual Conference of the Student Non Violent Coordinating Committee.

12. All notes, papers, records, and other documents in your custody, control or possession relating to Dallas County, Alabama, and all files in your custody, Control, or possession.



13. All correspondence from the Civil Rights Division of the U. S. Department of Justice and all reports addressed to the Department of Defense, or any branch thereof pertaining to military branches and particularly Craig Air Force Base in Dallas County, Alabama; and the original of any and all correspondence received from the Department of Defense, or any branch thereof, relating to military establishments, and particularly Craig Air Force Base in Dallas County, Alabama.

14. All files of the Civil Rights Division of the U. S. Department of Justice pertaining to Dallas County, Alabama, or any investigations conducted in Dallas County, Alabama, since January 1, 1961.

  
Counsel for the Defendants

PITTS AND PITTS  
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Selma, Alabama

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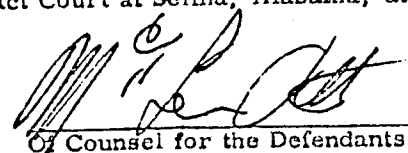
ATTORNEYS FOR THE DEFENDANTS

NOTICE OF MOTION

TO: Honorable John Doar  
Assistant Attorney General  
Civil Rights Division--U. S. Department of Justice  
Washington, D. C.


Honorable Vernel R. Jansen  
U. S. District Attorney  
311 Federal Building  
Mobile, Alabama

Take notice that the above motion has this day been filed with the Clerk of the United States Court at Mobile, Alabama, and will be presented to the Judge of the United States District Court at Selma, Alabama, at 9:00 a.m. ON December 16, 1963.

  
Counsel for the Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this the 12th day of December, 1963, served a copy of the foregoing pleading on Honorable John Doar, Assistant Attorney General, Civil Rights Division--U. S. Department of Justice, Washington, D. C.; and Honorable Vernol R. Jansen, U. S. District Attorney, 311 Federal Building, Mobile, Alabama; by mailing a copy of the same by United States Mail, properly addressed, and first-class postage prepaid.



of Counsel for the Defendants

Served

-12/11/63

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF ALABAMA, NORTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

V.

BLANCHARD MCLEOD, ET AL,

Defendants.

CIVIL ACTION NO. 3188-63

Come Blanchard McLeod, Solicitor of Fourth Judicial Circuit  
of State of Alabama; Henry Reese, County Solicitor for Dallas  
County, State of Alabama; James G. Clark, Jr., Sheriff of Dallas  
County, State of Alabama; M. H. Houston, Clerk of the Circuit  
Court of Dallas County, State of Alabama; Robert D. Wilkinson,  
Jr., Foreman of the Grand Jury of the Circuit Court of Dallas  
County, State of Alabama; James Hare, Judge for the Fourth  
Judicial Circuit of State of Alabama; and, Blanchard McLeod,  
Henry Reese, James G. Clark, Jr., M. H. Houston, Robert D.  
Wilkinson, Jr., James Hare, individually, separately and severally,  
by their attorneys, Pitts and Pitts, Wilkinson, Wilkinson and  
Russell; and T. G. Gayle, and for further answer to the complaint,  
these Defendants say that they are entitled to affirmative relief  
against the Plaintiff, and to that end would have the following  
taken and considered as a cross action, and in support thereof  
alleges:

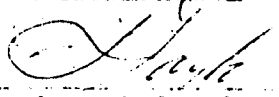
CROSS ACTION

That the Plaintiff in this cause, through its agents, ser-  
vants or employees, is attempting in this law suit to prevent the  
investigation by the Grand Jury of Dallas County, Alabama, of

certain indictable offenses committed or triable within the County, and by reason thereof are obstructing the administration of justice in Dallas County, Alabama, and Defendants further allege that the Plaintiff through its said agents, servants or employees are attempting to intimidate and harass these Defendants from the performance of their duties in maintaining law and order in Dallas County, Alabama, and from investigating whether the agents, servants and employees of the Plaintiff have committed criminal offenses against the laws of the State of Alabama.

Therefore these Defendants respectfully pray that the Court enter a restraining order, preliminary injunction or permanent injunction restraining the Plaintiff and each one of its agents, servants or employees from committing the following acts:

1. Preventing or attempting to prevent these Defendants and the Grand Jury of Dallas County, Alabama, from investigating whether the agents, servants and employees of the Plaintiff have committed criminal offenses against the State of Alabama;
2. Intimidating or attempting to intimidate these Defendants and the Grand Jury of Dallas County, Alabama, from investigating whether such offenses have been committed by the agents, servants or employees of the Plaintiff;
3. From harassing or obstructing these Defendants in the administration of justice in Dallas County, Alabama.

  
Counsel for the Defendants

PITTS & PITTS  
Attorneys at Law  
P. O. Box 722  
Selma, Alabama

WILKINSON, WILKINSON & FULBELL  
Attorneys at Law  
Peoples Bank Building,  
Selma, Alabama

T. G. GAYLE  
Attorney at Law  
110-1/2 Water Avenue  
Selma, Alabama

ATTORNEYS FOR THE DEFENDANTS

C E R T I F I C A T E

I hereby certify that a copy of the foregoing writ of habeas corpus was this day given to the Honorable Vernon M. Janney, United States Attorney, one of the attorneys of record for the Plaintiff.

DONE this 10th day of December, 1968.

\_\_\_\_\_  
of counsel for the defendant

## United States District Court

FOR THE

SOUTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION

United States of America,  
Plaintiff

vs.

Blanchard McLeod, et al.,  
Defendants

CIVIL ACTION FILE NO.

No. 3188--63

To John Doar  
Attorney, U. S. Depart- NOTE:  
ment of Justice--Civil Rights  
Division  
Washington, D. C.The party who requested your at-  
tendance as a witness is respon-  
sible for the payment of your fees,  
mileage and expenses. After you are  
discharged as a witness, you may, if  
you desire, call at the Clerk's Office  
for your attendance certificate.

YOU ARE HEREBY COMMANDED to appear in the United States District Court for the  
Southern District of Alabama  
at the Old Post Office Bldg. in the city of Selma on  
the 16th day of December 1963 at 9:00 o'clock a. M. to  
testify on behalf of the defendants

in the above entitled action and bring with you the documents and records described in  
the list attached to this subpoena

December 12, 1963

T. G. Gayle, J. E. Wilkinson, Jr. &  
McLean Pitts  
Attorney for Defendants  
Selma, Alabama  
Address

By Minnie L. Davis Clerk  
Deputy Clerk

## RETURN ON SERVICE

Received this subpoena at Selma, Alabama on December 12, 1963  
and on at Selma, Alabama  
served it on the within named John Doar  
by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage  
allowed by law.

Dated:

December 12, 1963.

By \_\_\_\_\_

## Service Fees

Travel \$  
Services 4.00

Total \$4.00

Subscribed and sworn to before me, at Selma, Alabama this  
day of December, 1963.

Notary Public, Dallas County, Alabama

\* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or  
agency thereof. 28 USC 1825.

NOTE—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

1. All correspondence, handbills, circulars, notes, memoranda, printed material, and reports in the files of the Civil Rights Division of the Department of Justice from January 1, 1961, to date pertaining to the Civil Rights Division of the U. S. Department of Justice's activity in Dallas County, Alabama in voter registration.
2. All of the Civil Rights Division of the U. S. Department of Justice's files pertaining to voter registration in Dallas County, Alabama since January 1, 1961.
3. All correspondence to and from the Civil Rights Division of the U. S. Department of Justice with the Student Non Violent Coordinating Committee, and any officers and employees thereof.
4. All correspondence to and from the Civil Rights Division of the U. S. Department of Justice with the Student Non Violent Coordinating Committee pertaining to Dallas County since January 1, 1961.
5. All reports, briefs, memoranda, reports by agents, investigative reports and all other documents, papers and memoranda of every kind and description pertaining to Dallas County, Alabama, and the Civil Rights Division of the U. S. Department of Justice in Dallas County, Alabama since January 1, 1961.
6. A list of all of the employees of the Civil Rights Division of the U. S. Department of Justice that have been in Dallas County, Alabama, since January 1, 1961, giving their complete name, street and post office address and the capacity in which they are employed by the Civil Rights Division of the U. S. Department of Justice.
7. All personal correspondence between you and the Student Non Violent Coordinating Committee, Congress of Racial Equality and/or Southern Christian Leadership Conference.
8. All memoranda, reports, data of every nature, kind and description in the files of the Civil Rights Division of the U. S. Department of Justice pertaining to the unlawful use of a government automobile by Martin Luther King.
9. A list giving the names of all persons who have made complaints to the Civil Rights Division of the U. S. Department of Justice pertaining to Voter Registration in Dallas County, Alabama, or pertaining to any other Civil Rights cases in Dallas County, Alabama, since January 1, 1961.
10. A complete list of all federal officials who participated in the Fourth Annual Conference of the Student Non Violent Coordinating Committee.
11. A complete list of all of the employees of the Civil Rights Division of the U. S. Department of Justice who participated in the Fourth Annual Conference of the Student Non Violent Coordinating Committee.
12. A copy of any and all briefs, memoranda, speeches, notes, and minutes that were submitted, given, or taken by the employees of the Civil Rights Division of the U. S. Department of Justice to the Fourth Annual Conference of the Student Non Violent Coordinating Committee.
13. All notes, papers, records, and other documents in your custody, control, or possession relating to Dallas County, Alabama, and all files in your custody, control, or possession.
14. All Correspondence from the Civil Rights Division of the U. S. Department of Justice and all reports addressed to the Department of Defense, or any branch thereof pertaining to military branches and particularly Craig Air Force Base in Dallas County, Alabama, and the original of any and all correspondence received from the Department of Defense, or any branch thereof, relating to military establishments, and particularly Craig Air Force Base in Dallas County, Alabama.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ALABAMA.

UNITED STATES OF AMERICA	)	
Plaintiff,	)	CIVIL ACTION
vs.	)	No. 3188-63.
BLANCHARD McLEOD, Circuit Solicitor	)	
for the Fourth Judicial Circuit,	)	
State of Alabama, et al.,	)	
Defendants.	)	

The above-styled cause having been recessed on December 6, 1963, to this date, now comes the parties into open court by their respective counsel and the hearing on Plaintiff's Motion for a Preliminary Injunction, filed on November 12, 1963, is resumed.

Witnesses are examined and it is now ORDERED by the Court that the hearing on Plaintiff's Motion for Preliminary Injunction be, and it hereby is, RECESSED until, TUESDAY, DECEMBER 17, 1963 at 9:30 o'clock in the morning.

DONE at Selma, Alabama, this 16th day of December, 1963.

RECEIVED

DEC 27 1963

UNITED STATES ATTORNEY  
Southern District of Alabama  
Mobile, Alabama

DANIEL H. THOMAS

UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT  
SOU. DIST ALA.  
FILED AND ENTERED THIS THE  
16 DAY OF DECEMBER, 1963.  
MINUTE ENTRY NO. 15973  
WILLIAM S. O'CONNOR, CLERK  
BY - *[Signature]*  
DEPUTY CLERK.



IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ALABAMA.

UNITED STATES OF AMERICA	)	
Plaintiff,	)	
vs.	)	CIVIL ACTION
	)	No. 3188-63.
BLANCHARD McLEOD, Circuit Solicitor	)	
for the Fourth Judicial Circuit,	)	
State of Alabama, et al.,	)	
Defendants.	)	

The above-styled cause having been recessed on December 6, 1963, to this date, now comes the parties into open court by their respective counsel and the hearing on Plaintiff's Motion for a Preliminary Injunction, filed on November 12, 1963, is resumed.

Witnesses are examined and it is now

ORDERED by the Court that the hearing on Plaintiff's Motion for Preliminary Injunction be, and it hereby is, RECESSED until, TUESDAY, DECEMBER 17, 1963 at 9:30 o'clock in the morning.

DONE at Selma, Alabama, this 16th day of December, 1963.

RECEIVED

DEC 27 1963

UNITED STATES ATTORNEY  
Southern District of Alabama  
Mobile, Alabama

DANIEL H. THOMAS

UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT  
SOU. DIST. ALA.  
FILED AND ENTERED THIS THE  
16 DAY OF DECEMBER, 1963.  
MINUTE ENTRY NO. 15973  
WILLIAM S. O'CONNOR, CLERK  
BY - *Wm. S. O'Connor*  
DEPUTY CLERK.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ALABAMA.

UNITED STATES OF AMERICA,                     )  
  Plaintiff,                     )  
vs.   )           CIVIL ACTION NO. 3188-63.  
BLANCHARD McLEOD, et al.,                     )  
  Defendants.                     )

The above-styled cause having been recessed on  
December 17, 1963, to this date, now come the parties  
into open court by their respective counsel and the hear-  
ing on Plaintiff's Motion for a Preliminary Injunction,  
is resumed.

Witnesses are examined, exhibits offered, and  
now the Plaintiff, United States of America, rests.

Now comes the defendants separately and severally  
and files a motion for a directed verdict as to each count  
or claim set forth in the plaintiff's complaint.

THEREUPON, IT IS ORDERED by the Court that the  
Defendant's motion for directed verdict is hereby TAKEN  
UNDER SUBMISSION.

DONE at Selma, Alabama, this the 18 day of December,  
1963.

DANIEL H. THOMAS

UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT  
SOU. DIST. ALA.  
FILED AND ENTERED THIS THE  
18 DAY OF DECEMBER, 1963.  
MINUTE ENTRY NO. 15927  
WILLIAM J. S. SCOTT, CLERK,  
BY - *W. J. Scott*  
DEPUTY CLERK.

DEC 30 3 03 PM '63

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ALABAMA, SOUTHERN DIVISION.

UNITED STATES OF AMERICA                    )  
  Plaintiff,                    )  
vs.    )       CIVIL ACTION NO. 3188-63.  
BLANCHARD McLEOD, ET AL.,                )  
  Defendants.                    )

The above-styled cause came on to be heard on motions  
filed by Witnesses, LEWIS L. ANDERSON, WORTH LONG, C. C. HUNTER,  
WILSON BROWN, HENRY WILL SHANNON, AMELIA BOYNTON, BENNY L. TUCKER,  
W. T. MENEFEE and EDWIN L. MOSS, to quash the subpoena for pro-  
duction of documents served on each of them in this case.

Arguments of attorneys of record were heard, and now  
it is

ORDERED by the Court that the motions to quash as filed  
by the above listed witnesses be, and the same are hereby  
GRANTED.

DONE at Selma, Alabama, this the 17 day of December, 1963.

DANIEL H. THOMAS

UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT  
SOU. DIST. ALA.  
FILED AND ENTERED THIS THE  
17 DAY OF DECEMBER, 1963  
MINUTE ENTRY NO. 15971  
WILLIAM J. O'CONNOR, CLERK  
BY - *W. J. O'Connor*  
DEPUTY CLERK.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,                     )  
  Plaintiff,                     )  
vs.   )       CIVIL ACTION NO. 3188-63.  
BLANCHARD McLEOD, ET AL.                     )  
  Defendants.                     )

FOR GOOD CAUSE SHOWN,

IT IS ORDERED by the Court that the hearing on  
Plaintiff's motion for preliminary injunction which was  
recessed until this date, December 17, 1963, is now fur-  
ther recessed and re-set for WEDNESDAY, DECEMBER 18, 1963  
at 9:00 o'clock a.m.

DONE at Selma, Alabama, this the 17 day of December,  
1963.

DANIEL H. THOMAS

UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT  
SOU. DIST. ALA.  
FILED AND ENTERED THIS THE  
17 DAY OF DECEMBER, 1963,  
MINUTE ENTRY NO. 15975  
WILLIAM J. O'CONNOR, CLERK  
BY *[Signature]*  
DEPUTY CLERK.

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

THE UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 3188-63
vs.	)	
	)	
BLANCHARD McLEOD, ET AL.,	)	
	)	
Defendants.	)	

MOTION

Now come defendants, separately and severally, and show unto the Court that on December 18, 1963, the plaintiff completed the presentation of its evidence; that thereafter, and after plaintiff rested its case, defendants moved for a directed verdict under Rule 50, Federal Rules of Civil Procedure; that some doubt exists as to the applicability of this rule and also Rule 41(b) to a proceeding for a temporary injunction; that each defendant herein desires at this stage to test the sufficiency of plaintiff's evidence to warrant this Court in granting the relief prayed for in the complaint, or petition.

Wherefore, defendants, separately and severally, move the Court that it deny plaintiff's application or petition for a temporary injunction as to each count or claim on the following grounds, separately and severally, to wit:

1. Plaintiff has failed to produce sufficient evidence to warrant relief.
2. The reasonable exercise of the Court's discretion warrants denial of relief to plaintiff.

3. No irreparable damage is shown.
4. No sufficient reason is shown why the Justice Department's attorneys should not testify before the Dallas County Grand Jury.
5. No sufficient evidence of intimidation of Negro registration applicants or prospective applicants has been presented.
6. Under the plaintiff's evidence, relief should be denied as a matter of law.
7. The evidence shows that the Grand Jury of Dallas County was acting in good faith and within its authority in requiring the Justice Department's attorneys to appear before it.

Defendants also move, separately and severally, that the temporary injunction now in effect be dissolved.

PITTS & PITTS  
WILKINSON, WILKINSON & RUSSELL  
T. G. GAYLE  
Attorney for Defendants

By, Gordon Madison  
GORDON MADISON  
Assistant Attorney General  
of Alabama

Richmond M. Flowers  
RICHMOND M. FLOWERS  
Attorney General of Alabama

Gordon Madison  
GORDON MADISON  
Assistant Attorney General  
of Alabama

FOR THE STATE

I hereby certify that a copy of the foregoing motion has this day been mailed with proper postage to Honorable Vernal R. Jansen, United States Attorney, Mobile, Alabama, one of the attorneys of record for plaintiff.

Done this 19th day of December, 1963.

Gordon Madison  
GORDON MADISON  
Assistant Attorney General of  
Alabama