

Typed: 7/9/62

BM:JKH:jvm
144-101-19m-9
#9344

[REDACTED]
Albany, Georgia

Dear [REDACTED]

As promised, I have enclosed herein a copy of the mimeographed sheet that was passed out in front of the Department of Justice on Monday, June 25, 1962.

Thank you for your courtesies when I was in Albany recently.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By:

JEROME K. HEILBRON
Attorney

Enclosure

cc: Records
Chrono
Mr. Heilbron
Trial File (Rm 1140) -

Files

July 23, 1962

GAM:eks
144-101-19M-9
9344

Gordon A. Martin, Jr.
Attorney

Re: Albany, Georgia

In light of accusations against me in a telegram sent on July 14, 1962 to the Attorney General by Mayor Ass Kelley, Jr., of Albany, Georgia, I have considered it desirable to set forth here in memorandum form as detailed a chronology of my actions and whereabouts in Albany, Georgia as possible for the period from July 13 through July 15, 1962.

I arrived in Albany on Southern Flight 201 at approximately 8:30 a.m., EST. I then arranged for the rental of a Hertz car. The Rental Agreement No. is L-708-961. During this three-day period the car was driven a total of 181 miles. In order to pinpoint times herein, I have checked Department of Justice telephone records as to time of calls made to the Department and duration thereof. Such information as to calls made to Mr. Marshall in Hawley, Pennsylvania on July 14, 1962 is not as yet available.

David Rubin and I had spent Thursday afternoon, July 12, 1962 with Donald Hollowell, the elder of Rev. Martin Luther King, Jr.'s two attorneys, at his Atlanta office. There we had reviewed the transcript

of Rev. King's February trial and also the brief which defendants had later filed with the Recorders Court.

Mr. Rubin had returned to Washington on Thursday evening.

At 8:52 a.m. EST, I spoke with Mr. Marshall in Washington for nine minutes. During this conversation I reported that Hollowell was expected in Albany that day. Since I had dealt with Hollowell previously and did not know Dr. Anderson, the leader of the Albany movement, Mr. Marshall suggested that I remain steadily in touch with Hollowell throughout the day. Hollowell had told me the evening before that he had a reservation on the same Southern flight on which I had arrived. He, however, had also mentioned that he was wait-listed for the Thursday evening flight, 209. Since he had not been on the morning flight I assumed he was already in Albany. Upon checking various telephone numbers he had given me, however, I learned that he had missed the morning flight and would now not arrive in Albany until 2:31 p.m. I, therefore, went to Lee County just north of Albany to speak with members of the Mays family to determine whether a 1971(b) violation had occurred in connection with teacher dismissals there.

I returned to Albany at approximately 3:30 p.m. From Room 52 of the Town House Motel on Oglethorpe Street in

Albany? I made a number of calls attempting to locate Mr. Hollowell.

Finally Mrs. C. B. King, wife of Rev. Martin Luther King's other attorney, told me that Hollowell had gone directly from the airport to a meeting with the City Commission of Albany. At 4:31 p.m., I relayed this information to Mr. Marshall in a 4-minute conversation. At approximately 5:50 p.m., Mr. Hollowell called me at the Motel.

I learned from Mr. Hollowell that the meeting which he had just come from had been with Chief of Police, Laurie Pritchett and City Manager, Steve Roos. This meeting was later reported in the July 14, 1962 edition of the Albany Herald. Representing the Negroes at this meeting had been Hollowell, C. B. King, Dr. Anderson, Slater King - C. B. King's brother and the No. 2 man in the Albany Movement - and a minister whose name I believe is Rev. Gay. Things had apparently gone reasonably well from the Movement's point of view. The Chief had agreed to call the Judge of the Juvenile Court to arrange for the release of the eleven juveniles who had been arrested in Wednesday's "parade" to the custody of their parents. The Negroes had requested dismissal of charges pending against the more than 700 December demonstrators and also Wednesday's demonstrators. Chief Pritchett had stated that he had no power to dismiss

the said charges, and Hollowell had countered that there were ways of affecting the same results without employing the term dismissal.

Real progress seemed to have been made in the area of picketing. Chief Pritchett had stated that there would be no police interference with peaceful, orderly picketing, but the matter had not been left simply with this statement. Hollowell had proposed various hypotheticals as to when police could properly exercise discretion in breaking up a picket line without being accused by the Negroes of arbitrary exercise of power. He posed the situation where an orderly picket line would be in process and a white person would come up to one picketer and grab away his sign. It was agreed that in this instance police action would be directed against the white person, and the picket line would not be disturbed. In short, there would have to be a real and immediate threat of violence to justify police action against the picketers.

A definite problem remained as to the terms for the release of the adult Negro prisoners who were in custody in Camilla in Mitchell County, which is to the south of Albany, and as to the possible refunding of cash bonds posted for the December demonstrators. The cash bond which had been required for each demonstrator was \$200. The city

however, would refund that bond if a so-called solvent bond representing \$400 worth of property should be posted for the individual. ~~Generally~~ Those adults would either have to put up \$200 in cash or the \$400 bond alternative. The city officials stated that they would return the cash bonds at the rate of 20 per week to those individuals who put up the solvent bond. I asked him if the formation of a bi-racial Commission to arbitrate disputes between the races was still a major goal of the Albany Movement. Hollowell checked with Dr. Anderson and informed me that the movement had conceded the bi-racial Commission on the assurance that all normal avenues of discussion would be opened to the Negroes.

The meeting terminated with the understanding that Roos would contact Mayor Kelley requesting that he call an immediate meeting of the City Commission. The Negroes stated that they would be available to attend this meeting of the Commission should their presence be desired. At 6:07 p.m. I relayed this information to Mr. Marshall in a 9-minute conversation. I mentioned to Mr. Marshall that Hollowell's plan was to return to Atlanta on Saturday. This would leave me with only C. B. King, who is often considered unreliable, as a major contact with the Albany Movement. It thus was desirable for me to have some

alternative. Hollowell agreed to set up a meeting at which I could talk with Dr. Anderson and one or two other reliable persons in the movement. This was supposed to take place that same evening, and he left it to C. B. King to make the arrangements. King finally called me at approximately 7:20 p.m. suggesting that we meet at his home which is 830 Lincoln Street, off Slappey drive, at 8:00 p.m.

At the appointed time, I arrived at King's home. Only Hollowell and King were in evidence. At King's suggestion we sat out on his lawn under some trees. We discussed the situation in Albany generally as I tried to ascertain what the real and immediate objectives of the movement were, and just what it would take to prevent further demonstrations. Neither Hollowell nor King evidenced any faith in Chief Pritchett's keeping his word. King stated that Mayor Kelley's assurances to Mr. Marshall that the I.C.C. bus terminal ruling was being obeyed in Albany were worthless. He cited, in particular, the treatment accorded two young girls who had come to Albany to look for work. ^{was} I informed by Mr. Heilbron that that is presently under investigation by the FBI. King also stated that the mere presence of a uniformed policeman in the former white waiting room of the Albany Bus Terminal

served as a deterrent to Negroes going there.

We discussed the civil rights policies of the Department of Justice generally, and I endeavored to explain the emphasis which we placed on negotiation and the reasons therefor. Hollowell raised again the question of the proposed suit to enjoin further prosecutions under Albany Ordinances 35 and 36. It was because of the possibility of this suit, in which the Government might join as Amicus, that Mr. Rubin and I had gone to Atlanta the day previous. I explained that the release of Rev. King and Abernathy the day previous, had, we hoped, signified a move toward improved relations between the two races and that the Friday afternoon meeting had also appeared promising. In that light, federal action might disrupt a voluntary solution between the groups which would be preferable for all parties concerned.

It became apparent as time passed that I was not to have the opportunity that night of meeting any of the leaders of the Movement. Mass meetings were in process at both the Shiloh Baptist Church and the Mt. Zion Baptist Church, and the leaders were present there. Hollowell and King planned to visit the prison in Casville on Saturday morning to see the prisoners there and also evaluate their living conditions. King had spoken of their having to

sleep on uncovered surfaces, for example. It was agreed that Hollowell would call me at the Motel the following morning should any condition have arisen of which the Department should be made aware.

When he is in Albany, Hollowell stays with a Mrs. Lucille Burton, C. B. King's sister, at 700 Lincoln. I agreed to drop Hollowell off there, and he and King asked if I would also drop one fellow off at the church which they said was on my way back to the Motel. I agreed, and we set off. After leaving Hollowell at 700 Lincoln, I learned that the name of the other Negro was Bo Jackson. He stated that he was Treasurer of the Albany Movement and a former employee of the Albany Herald. He said he had been fired because of his activities with the movement.

The December marches had commenced from the Shiloh Church, and Hollowell had drawn Rubin and myself a sketch of the area. When we reached the church, I parked near the Shiloh Church and walked with Jackson toward the Mt. Zion Church at which a meeting was still in progress. Jackson offered to point out to me a number of the Negro leaders whom I had never met, and I felt this might be helpful. I did not enter the church with Jackson but rather stood outside for approximately a minute looking in with him while he pointed out Rev. King and Dr. Anderson. I then left the church, reaching the Motel at approximately 10 minutes after 10:00 p.m.

I left the Motel only once more that evening, going to Davis Brothers Suburban Restaurant at 10:45 p.m. I returned to the Motel shortly after 11:00 p.m.

Saturday, July 14.

On Saturday morning, following breakfast at Davis Brothers Cafeteria, I returned to the Motel at approximately 10:00 a.m. I was called almost immediately thereafter by Mr. Hollowell. He informed me that no word had been received from either the Chief or the City Manager as to the setting of a time for the meeting. Hollowell stated that there were "rumblings" about further demonstrations later on Saturday.

On Friday evening, he had indicated that he felt there would be no demonstrations before Sunday at the earliest. I attempted to relay this information to Mr. Marshall at the Blooming Grove Hunting and Fishing Club, Hawley, Pennsylvania (717-226-4591). When Mr. Marshall was not accessible by telephone, I called Mr. Katzenbach, as had been suggested by Mr. Marshall on Friday. This call was made at 10:34 a.m. and had a duration of 23 minutes. During it I also spoke with Mr. Flannery and Mr. Owen concerning the Lee County case.

At approximately 11:00 a.m., Mr. Hollowell again called me. He informed me that Chief Pritchett had called

Dr. Anderson and had informed him that the City Commission had met but had rejected the proposal that the adult demonstrators of Wednesday be released on their own recognizance. There was also no change from the position that there would be no dismissal as to the charges facing those of the more than 700 December paraders who had not been tried. I asked Hollowell if this altered what he had told me in our previous conversation of that morning about the possibility of demonstrations, and he said "the rumblings are getting louder."

I asked Hollowell how long he now planned to remain in Albany, and he stated that he planned to take Southern Airways Flight at 3:41 p.m. that afternoon.

I again emphasized my desire that he introduce me to some responsible people in the Albany Movement prior to his leaving and particularly mentioned Dr. Anderson. Hollowell was calling me from Dr. Anderson's house. He spoke with the doctor and then suggested that the three of us meet at Mrs. Burton's home, 700 Lincoln Street, at approximately 11:30 a.m.

At the appointed time I reached the Burton house. Hollowell and Anderson were already there. Hollowell again brought up the subject of the law suit which we had discussed in Atlanta. He mentioned also a suit which he and King were planning to file to desegregate the various municipal

facilities of the city of Albany. He had informed me of this at King's home the night before. He spoke then of filing it during the coming week and said that this was feasible since a complete set of papers were available to him because of the Atlanta case which was pending. He spoke of sending three or four Negroes to the City Park where they would be turned away. I questioned the advisability of this at a time when it was hoped there could be a mutually satisfactory resolution of the dispute concerning the paraders. Dr. Anderson indicated that he felt that the filing of this suit and the joining of the Government therein as Amicus would be sufficient cause for Dr. King and the Revs. Abernathy and Walker to leave Albany. Our conversation centered around what the doctor felt would be sufficient accommodations of the aspirations of the Movement to prevent their calling further demonstrations.

They mentioned that Chief Pritchett had indicated that the 11 juveniles who had been involved in the Wednesday demonstrations would be released to the custody of their parents at 5:00 p.m. Dr. Anderson was not certain, however, as to whether this was a firm commitment. I suggested that he confirm this so that no false hopes would be raised which might, when not fulfilled, precipitate immediate demonstrations. Dr. Anderson said that he would call Chief Pritchett to ascertain if the agreement was definite. He suggested

that I listen in on an extension phone. I declined, stating that I felt this would be most improper. The doctor talked both to the Chief and then to the Judge of the Juvenile Court, and it was confirmed that the 11 juveniles would be released to the custody of their parents at 5:00 p.m. in Albany.

The conflict between the two groups as to the time of release for the 21 adult Negroes involved in Wednesday's parade was then discussed. It appeared that Dr. Anderson would be willing, if the suit to enjoin prosecutions was filed, to personally put up the solvent bond necessary to gain the release of the 21 adults. The fact that he is already heavily encumbered from similar acts would not prevent his doing this.

Another possible temporary solution to the city's problems would be the release of the adults on their own personal recognizance. I asked Dr. Anderson if he felt that this would be sufficient grounds for the Revs. King, Abernathy and Walker to leave Albany. He felt that it would. Both Anderson and Hollowell pressed me as to what my own views were as to possible Department of Justice action. I, of course, emphasized that I could in no way commit the Department, but I indicated that I felt we should make an effort to have the 21 adults released on personal recognizance if it were practicable for us to do so. I

stated that I would pass along this recommendation.

Dr. Anderson had been indefinite as to whether or not there would be demonstrations during the afternoon. I told them that I felt it would be most unfortunate for them to undertake demonstrations during the afternoon when they would not even have waited to test the Chief's good faith as to his commitment to release the juveniles at 5:00 p.m. A mass meeting had been in process at the Shiloh Baptist Church since noon. It was by this time approaching 1:00 p.m. and Anderson stated that he would go to the church and terminate the meeting, with it to reassemble at 5:00 p.m. He stated that he would tell the meeting that the Movement was working on various approaches which he was not at liberty to disclose but that he could give them the good news that the juveniles would be released at 5:00 p.m. Anderson then left for the church.

Hollowell and I had a piece of pie and a glass of milk together and then left Mrs. Burton's home. Slater King, C. B. King's brother and the No. 2 man in the Movement whom I have mentioned previously, had called Dr. Anderson while I was there and had told him that 50 state troopers were in Albany awaiting any further parades. I felt that this was something which I should be able to report back to Washington of my own knowledge, and I thus asked Hollowell if he would show me a few of the places in Albany where he

felt troopers would be stationed, were they present. We drove around a bit but saw no troopers. I then dropped Hollowell off on South Jackson Street near C. B. King's office and proceeded directly back to the Town House Motel.

As I entered the Motel driveway, I saw two men coming across the courtyard toward my room. They introduced themselves as William Bolyard and Marion Cheek, local agents of the FBI. They handed me a message to call Ed Guthman or St. John Barrett and then quickly departed. Mr. Guthman was out but Henry Diamond accepted the call, 2:13 p.m., and I spoke with the Deputy Attorney General. It was at this point that I learned for the first time of Mayor Kelley's charges. Mr. Katzenbach had, however, gotten/ ^{them} third-hand and could not thus be explicit. I described my actions to Mr. Katzenbach and later went into additional detail with Mr. Barrett. This call lasted 30 minutes.

While talking to Mr. Katzenbach I had expressed my belief that the situation remained volatile and that, were it practicable, we should make an effort to have the 21 adult demonstrators released on their own recognizance by the Albany officials. It was my feeling that this could avert further demonstrations and be sufficient grounds for Dr. King to leave Albany. Mr. Katzenbach called back at 2:49 p.m. He had talked to Mayor Kelley and had explained

to the Mayor that I had been doing none of the things he had accused me of. Mr. Katzenbach indicated that the Mayor was not very enthusiastic about the possibility of releasing the adult Negroes on personal recognizance. The Mayor had, however, indicated to Mr. Katzenbach that something might be done if it could be arranged to get the Revs. King, Abernathy and Walked out of Albany. Mr. Katzenbach asked me to call the Mayor (HE 6-8156) and to explain to him precisely what my role had been, emphasizing that all the Department was interested in was a peaceful resolution of the dispute. Promptly on completion of this call at 3:00 p.m. I did call Mayor Kelley's office. Mayor Kelley was out at a diner, but City Manager Roos said that he would inform him of my call promptly and that the Mayor would be in touch with me. Shortly thereafter, Mayor Kelley did call me at the Motel. I explained that there seemed to be a misunderstanding as to my role in Albany and that I had hoped to clarify it for him; that I was in Albany simply as an observer and to be of assistance in the peaceful resolution of issues between the races. He seemed pleasant enough, thanked me for calling and said he would recheck his sources of information.

I believe that it was shortly after this that Donald Hollowell called me and stated that they had received a call from someone who heard a local radio broadcast in

which Mayor Kelley charged an attorney of the Department of Justice with caucassing with the Albany Movement and called for the taxpayers to manifest their indignity at this happening. I thanked Mr. Hollowell for letting me know about this and mentioned that I had passed on the substance of our conversation of the morning to Mr. Katzenbach who would be getting in touch with Mr. Marshall as soon as possible.

I placed another call to Mr. Marshall and shortly thereafter was able to speak with him. He asked me to again call Mayor Kelley and to inform him that, unless he objected, I would again be in touch with Mr. Hollowell; that I was informing both parties that Mr. Marshall did not feel that there should be federal involvement as to the specific terms of release of the Negroes; and that I would remain in Albany as a ready means of the Mayor's communicating with Mr. Marshall. I did relay this information to Mayor Kelley and he seemed quite pleased and cordial. I was unable, however, to get through to Mr. Hollowell at Dr. Anderson's house.

It was at this point that David O. Scott, local agent for United Press International, called me and asked if I anticipated holding a press conference. When I asked why he was asking such a question, Scott informed me of the telegram which Mayor Kelley had sent to the Attorney

General at 1:55 p.m. and of the press conference which he had held at 2:00 p.m. At my request, O'Scott read me the text of the telegram. I told him that any comment would have to come from Washington. I was then able to get through to Hollowell to inform him of Mr. Marshall's decision as to the terms of the adult release. I added that in light of the current situation, Mr. Marshall felt that I could not act as a conduit and that he had not made up his mind as to the suit enjoining prosecutions.

This was my last conversation with Mr. Hollowell or anyone else connected with the Albany Movement before leaving Albany at 3:45 p.m. on the following day. When I had informed Mr. Marshall of O'Scott's call and Kelley's press conference it was agreed that no use could be served by further dealings with him. Thus my remaining time in Albany was spent for the most part in Lee County to the north.

UNITED STATES GOVERNMENT

Memorandum

TO : The File

DATE: December 12, 1961

FROM : ~~St. John Barrett~~, Second Assistant,
Civil Rights Division

SJB:arg

SUBJECT: Police arrests at bus and
railroad terminals, Albany,
Georgia.

144-101-19M-7

DOCKETED

See L-100

9344

DEC 13 1961

Docket No.

At 3:40 this afternoon I received a telephone call from [redacted] of the FBI. He advised that the Washington office had just received a teletype from Atlanta containing the following advice regarding the situation in Albany, Georgia.

Approximately 175 Negroes, including 35 juveniles, were arrested by the Albany police today as a result of the demonstration at the City Hall. Those arrested were charged with violating Chapter 24, Section 36 of the Albany City Code which forbids persons from congregating in such numbers as to block the sidewalk, and Chapter 14, Section 7 of the same Code, relating to disorderly conduct. The disorderly conduct described in the charge is that of creating a disturbance for the purpose of influencing the Recorders Court in its proceedings.

The Recorders Court had recessed at the time the information in the teletype was transmitted and was due to reconvene this afternoon at 1:30 p.m.

The purpose of the demonstration at the City Hall was to express disapproval over the arrest and trial of the persons arrested at the railroad terminal on Sunday.

cc: Mr. Heilbron
Mr. Newman
Mr. Doar
Mr. Barrett

FILED
BY ESE
DEC 22 1961

NEW

144-101-19M-7

22	DEPARTMENT OF JUSTICE	RECORD
	DEC 14 1961	
	REC'D	
CIV. RIGHTS DIV.		

Gen. Lit. Sec.

INDEXED ON

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M-12-13

The first request was for sewage and paving relief in the Lincoln Heights area--nothing done. Next the stoning of Negro ministers' homes following an inflammatory editorial in the local press, caused a request to be sent by registered mail to the Mayor that a joint group try to stop the worsening conditions--no response. Again, a request that segregated polling places, which the Albany Movement felt were used to counteract the effect of our vote, was made--no response. The refusal to attempt any kind of redress necessitated a successful suit to be waged in the Federal Court by us. Finally it was the refusal of Albany officials, through its police department to comply with the ICC regulation which became effective November 1, 1961, that made the creation of this body a necessity.

A series of arrests ensued:

November 22, 1961

Five students were arrested in the Trailways Bus Station. Charge: disorderly conduct tending to create a disturbance. Bonds were set at \$100 each. The students were fined \$100 and given 15 days of probation.

November 29, 1961

Warrants were sworn out by E.J. Junior, Jr., comptroller at Albany State College, charging trespassing against three Student Non-Violent Coordinating Committee (SNCC) Field Secretaries. One of these secretaries, Charles Sherrod, spent a night in jail.

December 10, 1961

Nine people were arrested on the Georgia Central Railroad, City and State charges: disorderly conduct tending to create a disturbance, obstructing traffic, refusal to obey official. They were found guilty and bail was set from \$200-\$1,000.

December 12, 1961

200 local citizens were arrested for protesting the arrests of the 9 people imprisoned on Dec. 10th.

December 13, 1961

Slater King, official of the Albany Movement, was arrested on a contempt of court charge, while kneeling in prayer on the steps of City Hall. He was sentenced to 5 days or \$200 bond.

December 14, 1961

Several Negroes were escorted from the lunchroom of a bus terminal and placed under arrest. Telephone conversation between Attorney Gen'l Robert Kennedy and Mayor Asa Kelly and Gov. Earnest Vandiver revealed the possibility that outside agitators would be expelled.

December 15, 1961

Charles Sherrod, SNCC field secretary was beaten while in jail in Terrell County after having been arrested in Dougherty County, Albany, Ga.

December 17, 1961

550 arrested by this date.

January 13, 1962

35 Albany State students suspended indefinitely because of arrests in Mass demonstrations in December. They have not been convicted.

Several Negroes in the city lost their jobs. A woman was told by the Salvation Army that they were not giving anything to Negroes for Christmas. Fines were given to Negroes for parking a car too close or too far away from the curb. Police stopped long lines of cars coming from mass meetings, attempting to drum up charges.

January 15, 1962

Charles Jones and Charles Sherrod were arrested at the Trailways Bus Station.

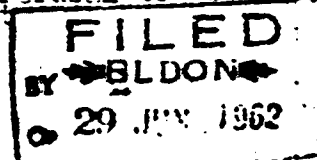
January 27, 1962

The arrest of Ola Mae Quartman, a student, for sitting on the front of a city bus. Charge: disorderly conduct. Sentence: 5 days and \$102 fine with 25 days of probation.

Two students were arrested for singing freedom songs on the sidewalk. Charge: disorderly conduct; They were sentenced \$54 or ten days in jail.

June 23, 1962

Five people were arrested as they picketed downtown stores. Charge: refusal to move on.



The mockery made of fair play and justice is disgraceful and the whole country should be aware of the unyielding and cruel repressive measures used to combat our use of the First Amendment to the United States Constitution. "Freedom of Speech" through peaceful protest. Meanwhile the Justice Department sits idly by while hundreds of citizens are beaten, falsely arrested and shot in cold blood. We cry to the

T. 7/5/62

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

BM:TRN, Jr:sab 9344

144-101-19M-9

RECORDED

Discrimination in Transportation,
Trailways Bus Terminal, Albany, Georgia.
6/19/62, Civil Rights; Racial Matter

Reference is made to your memorandum dated June 28,
1962, with the report of Special Agent [REDACTED]
dated June 26, 1962, at Atlanta attached.

Please interview Barbara Larson, Doretha Gadlin
and Dr. W. G. Anderson.

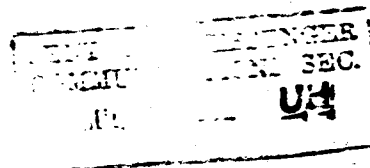
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cc: Records
Chron
Newman
Murphy
USA, Macon, Ga.



Typed: 7/9/62

BM:JKN:jvm
144-101-19m-9
#9344

JUL 9 1962

Dr. E. D. Hamilton
312 South Monroe Street
Albany, Georgia

Dear Dr. Hamilton:

As promised, I have enclosed herein a copy of the mimeographed sheet that was passed out in front of the Department of Justice on Monday, June 25, 1962.

Thank you for your courtesies when I was in Albany recently.

Sincerely,

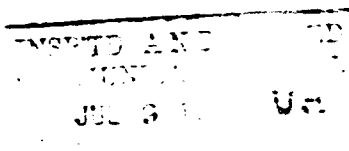
BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By:

JEROME K. HEILBRON
Attorney

Enclosure

cc: Records ✓
Chrono
Mr. Heilbron
Trial File (Rm 1140)



T. 7/11/62

EM:TRN,Jr:eg 9344
144-101-19M-9

P. W.

REC-4

JUL 16 1962

Mr. Harold D. McCoy, Secretary
Interstate Commerce Commission
Washington 25, D. C.

Dear Mr. McCoy:

Reference is made to my letter dated February 6, 1962. This Department has investigated a complaint made on June 6, 1962, that police officers are enforcing racial segregation at the restaurant in the Trailways Bus Terminal in Albany, Georgia. Our investigation indicates that three persons of the Negro race were arrested at the restaurant upon the complaint of the restaurant manager.

I am attaching for your information a copy of our investigative report.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Newman

JUL 16 1962
REC-4
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LOS ANGELES CALIF 15

JUL 25 1962

THE PRESIDENT

THE WHITE HOUSE

PLEASE SUPPORT FEDERAL INJUNCTION FOR DE-SEGREGATION ALREADY

LEGALIZED IN ALBANY GEORGIA

[REDACTED]

LOS ANGELES

FILE
T.M.

44-101-19M-9

1	DEPARTMENT OF JUSTICE
	JUL 19 1962 E. G.
	RECORDS DIV.
	CIV. RIGHTS DIV.
	San. I.R. Sec.



Interstate Commerce Commission
Washington 25, D.C.

49344

July 16, 1962

IN REPLY REFER TO: EC-2519
DOCKETED

JUL 19 1962

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Re: Report of Tamiami Trail Tours, Inc.,
concerning an incident at the Trail-
ways bus terminal at Albany, Ga., on
June 5, 1962.

Dear Sir:

Transmitted herewith are two copies of a report
filed with the Commission by Tamiami Trail Tours, Inc.,
concerning the above subject matter. This matter is
brought to your attention because of the involvement
of the local police.

It is requested that you notify us as to what
action is taken by you. A copy of any possible in-
vestigative report which might result would also be
appreciated.

Very truly yours,

J. Merrill

Asst. J. Merrill
Director

144-101-1746-1

JUL 19 1962

REC'D CIV. RIGHTS DIV.

CIV. RIGHTS DIV.

FILE
T.N.

C 11

Jack

TAMiami

TAMiami TRAIL TOURS, INC.

4263 21st AVENUE

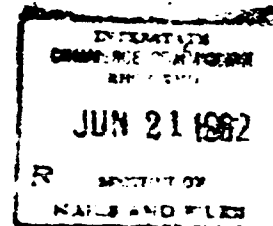
PHONE 242-4221

TAMPA, FLORIDA

TRAILWAYS • FREIGHTWAYS

June 19, 1962

Mr. Harold B. McCoy
Secretary
Interstate Commerce Commission
Washington 25, D. C.



Dear Mr. McCoy:

I am enclosing herewith a report from the manager of the Trailways bus depot in Panama City, Florida of an incident occurring at her terminal on the night of June 4, 1962 and also a report from the manager of the Trailways bus depot in Albany, Georgia of an incident which occurred in his terminal on June 5, 1962, involving three colored boys.

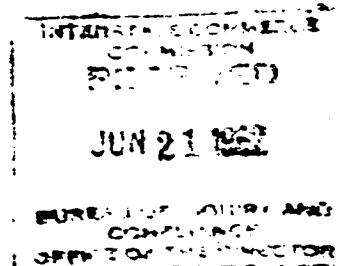
Yours very truly,

Garth W. Lynn
Garth W. Lynn
President

GWL:mc

Enclosures

CC: Mr. Jay Steadman



EAST CONVENIENT SERVICE IN FLORIDA
WITH TRAIL AND INTERCHANGING SERVICE TO ALL THE U. S. A.

RAILROADS AND AIRPORTS

ALBANY, GEORGIA

June 9, 1962

TAMMIE TRAIL TOURS, INC.
TAMPA, FLORIDA

Attention: Mr. F. A. Foster

Re: Incident involving (3) colored boys
Union News Cafe June 5, 1962.

This is to report an incident that occurred in the Union News Cafe on
June 5, 1962.

Three colored boys came into the Union News Cafe of Albany Bus Terminal. The
manager asked them if he could help them. The (3) boys told him not answer the
manager (Mr. Thompson). They were told to stand and it was a playful way. They
also went behind the counter. They refused to place an order for food.

June 6, 1962 the same (3) boys came to Union News Cafe, one sitting on a
stool at counter, one sitting on one end of a table and the other sitting in
opposite direction at table. When they came in to Cafe the manager asked them
if he could help them, they would not give him a reply. One of the boys went
behind the counter, the manager asked him to get food behind the counter.

One of the Policemen on duty came by, and the cafe manager asked the Policeman
if there was anything they could do for him about the boys coming into the cafe
and not giving him a reply for anything. The Policeman told the manager he would
check and see what he could do. A few minutes later the Assistant Chief, came
down to see if he could help in the situation. The Assistant Chief asked the
boys if they had any tickets, the boys told him no, and the ticket agent. They were
asked several more questions by Assistant Chief and they ignored him. The boys
would not give him a reply. The three (3) boys were carried away by the Assistant
Chief.

The above information was given to Mr. Thompson, manager of the Union
News Cafe, Albany Bus Terminal.

SAB/jv

Samuel A. Elgin

Albany Bus Depot of Albany, Ga.

T. 7-17-62
BM:TRN,JR:rb 9344
144-101-19M-9

JUL 19 1962

Honorable Harold D. McCoy
Secretary
Interstate Commerce Commission
Washington, D. C.

Dear Mr. McCoy:

Reference is made to my letter dated July 16, 1962.

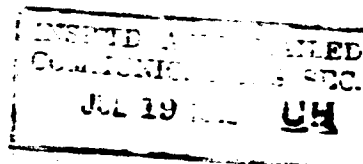
I am attaching for your information a copy of a
further investigative report concerning the restaurant
at the Trailways Bus Terminal in Albany, Georgia.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

cc: Records
Chrono
Newman



UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Files

DATE: July 23, 1962

FROM : Gordon A. Martin, Jr.
Attorney

GAM:eks
144-101-19M-9
9344

SUBJECT: Re: Albany, Georgia

In light of accusations against me in a telegram sent on July 14, 1962 to the Attorney General by Mayor Asa Kelley, Jr., of Albany, Georgia, I have considered it desirable to set forth here in memorandum form as detailed a chronology of my actions and whereabouts in Albany, Georgia as possible for the period from July 13 through July 15, 1962.

I arrived in Albany on Southern Flight 201 at approximately 8:30 a.m., EST. I then arranged for the rental of a Hertz car. The Rental Agreement No. is L-708-961. During this three-day period the car was driven a total of 181 miles. In order to pinpoint times herein, I have checked Department of Justice telephone records as to time of calls made to the Department and duration thereof. Such information as to calls made to Mr. Marshall in Hawley, Pennsylvania on July 14, 1962 is not as yet available.

David Rubin and I had spent Thursday afternoon, July 12, 1962 with Donald Hollowell, the elder of Rev. Martin Luther King, Jr.'s two attorneys, at his Atlanta office. There we had reviewed the transcript

144-101-19M-9

DEPARTMENT OF JUSTICE	RECORDS BRANCH
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of Rev. King's February trial and also the brief which defendants had later filed with the Recorders Court. Mr. Rubin had returned to Washington on Thursday evening.

At 8:52 a.m. EST, I spoke with Mr. Marshall in Washington for nine minutes. During this conversation I reported that Hollowell was expected in Albany that day. Since I had dealt with Hollowell previously and did not know Dr. Anderson, the leader of the Albany movement, Mr. Marshall suggested that I remain steadily in touch with Hollowell throughout the day. Hollowell had told me the evening before that he had a reservation on the same Southern flight on which I had arrived. He, however, had also mentioned that he was wait-listed for the Thursday evening flight, 209. Since he had not been on the morning flight I assumed he was already in Albany. Upon checking various telephone numbers he had given me, however, I learned that he had missed the morning flight and would now not arrive in Albany until 2:31 p.m. I, therefore, went to Lee County just north of Albany to speak with members of the Mays family to determine whether a 1971(b) violation had occurred in connection with teacher dismissals there.

I returned to Albany at approximately 3:30 p.m. From Room 52 of the Town House Motel on Oglethorpe Street in

Albany, I made a number of calls attempting to locate Mr. Hollowell.

Finally Mrs. C. B. King, wife of Rev. Martin Luther King's other attorney, told me that Hollowell had gone directly from the airport to a meeting with the City Commission of Albany. At 4:31 p.m., I relayed this information to Mr. Marshall in a 4-minute conversation. At approximately 5:50 p.m., Mr. Hollowell called me at the Motel.

I learned from Mr. Hollowell that the meeting which he had just come from had been with Chief of Police, Laurie Pritchett and City Manager, Steve Roos. This meeting was later reported in the July 14, 1962 edition of the Albany Herald. Representing the Negroes at this meeting had been Hollowell, C. B. King, Dr. Anderson, Slater King - C. B. King's brother and the No. 2 man in the Albany Movement - and a minister whose name I believe is Rev. Gay. Things had apparently gone reasonably well from the Movement's point of view. The Chief had agreed to call the Judge of the Juvenile Court to arrange for the release of the eleven juveniles who had been arrested in Wednesday's "parade" to the custody of their parents. The Negroes had requested dismissal of charges pending against the more than 700 December demonstrators and also Wednesday's demonstrators. Chief Pritchett had stated that he had no power to dismiss

the said charges, and Hollowell had countered that there were ways of affecting the same results without employing the term dismissal.

Real progress seemed to have been made in the area of picketing. Chief Pritchett had stated that there would be no police interference with peaceful, orderly picketing, but the matter had not been left simply with this statement. Hollowell had proposed various hypotheticals as to when police could properly exercise discretion in breaking up a picket line without being accused by the Negroes of arbitrary exercise of power. He posed the situation where an orderly picket line would be in process and a white person would come up to one picketer and grab away his sign. It was agreed that in this instance police action would be directed against the white person, and the picket line would not be disturbed. In short, there would have to be a real and immediate threat of violence to justify police action against the picketers.

A definite problem remained as to the terms for the release of the adult Negro prisoners who were in custody in Camilla in Mitchell County, which is to the south of Albany, and as to the possible refunding of cash bonds posted for the December demonstrators. The cash bond which had been required for each demonstrator was \$200. The city

- 5 -

however, would refund that bond if a so-called solvent bond representing \$400 worth of property should be posted for the individual. Generally Those adults would either have to put up \$200 in cash or the \$400 bond alternative. The city officials stated that they would return the cash bonds at the rate of 20 per week to those individuals who put up the solvent bond. I asked him if the formation of a bi-racial Commission to arbitrate disputes between the races was still a major goal of the Albany Movement. Hollowell checked with Dr. Anderson and informed me that the movement had conceded the bi-racial Commission on the assurance that all normal avenues of discussion would be opened to the Negroes.

The meeting terminated with the understanding that Roos would contact Mayor Kelley requesting that he call an immediate meeting of the City Commission. The Negroes stated that they would be available to attend this meeting of the Commission should there presence be desired. At 6:07 p.m. I relayed this information to Mr. Marshall in a 9-minute conversation. I mentioned to Mr. Marshall that Hollowell's plan was to return to Atlanta on Saturday. This would leave me with only C. B. King, who is oft considered unreliable, as a major contact with the Albany Movement. It thus was desirable for me to have some

alternative. Hollowell agreed to set up a meeting at which I could talk with Dr. Anderson and one or two other reliable persons in the movement. This was supposed to take place that same evening, and he left it to C. B. King to make the arrangements. King finally called me at approximately 7:20 p.m. suggesting that we meet at his home which is 830 Lincoln Street, off Slappey drive, at 8:00 p.m.

At the appointed time, I arrived at King's home. Only Hollowell and King were in evidence. At King's suggestion we sat out on his lawn under some trees. We discussed the situation in Albany generally as I tried to ascertain what the real and immediate objectives of the movement were, and just what it would take to prevent further demonstrations. Neither Hollowell nor King evidenced any faith in Chief Pritchett's keeping his word. King stated that Mayor Kelley's assurances to Mr. Marshall that the I.C.C. bus terminal ruling was being obeyed in Albany were worthless. He cited, in particular, the treatment accorded two young girls who had come to Albany to look for work. ^{was} I/informed by Mr. Heilbron that that is presently under investigation by the FBI. King also stated that the mere presence of a uniformed policeman in the former white waiting room of the Albany Bus Terminal

served as a deterrent to Negroes going there.

We discussed the civil rights policies of the Department of Justice generally, and I endeavored to explain the emphasis which we placed on negotiation and the reasons therefor. Hollowell raised again the question of the proposed suit to enjoin further prosecutions under Albany Ordinances 35 and 36. It was because of the possibility of this suit, in which the Government might join as Amicus, that Mr. Rubin and I had gone to Atlanta the day previous. I explained that the release of Rev. King and Abernathy the day previous, had, we hoped, signified a move toward improved relations between the two races and that the Friday afternoon meeting had also appeared promising. In that light, federal action might disrupt a voluntary solution between the groups which would be preferable for all parties concerned.

It became apparent as time passed that I was not to have the opportunity that night of meeting any of the leaders of the Movement. Mass meetings were in process at both the Shiloh Baptist Church and the Mt. Zion Baptist Church, and the leaders were present there. Hollowell and King planned to visit the prison in Camilla on Saturday morning to see the prisoners there and also evaluate their living conditions. King had spoken of their having to

sleep on uncovered surfaces, for example. It was agreed that Hollowell would call me at the Motel the following morning should any condition have arisen of which the Department should be made aware.

When he is in Albany, Hollowell stays with a Mrs. Lucille Burton, C. B. King's sister, at 700 Lincoln. I agreed to drop Hollowell off there, and he and King asked if I would also drop one fellow off at the church which they said was on my way back into the Motel. I agreed, and we set off. After leaving Hollowell at 700 Lincoln, I learned that the name of the other Negro was Bo Jackson. He stated that he was Treasurer of the Albany Movement and a former employee of the Albany Herald. He said he had been fired because of his activities with the movement.

The December marches had commenced from the Shiloh Church, and Hollowell had drawn Rubin and myself a sketch of the area. When we reached the church, I parked near the Shiloh Church and walked with Jackson toward the Mt. Zion Church at which a meeting was still in progress. Jackson offered to point out to me a number of the Negro leaders whom I had never met, and I felt this might be helpful. I did not enter the church with Jackson but rather stood outside for approximately a minute looking in with him while he pointed out Rev. King and Dr. Anderson. I then left the church, reaching the Motel at approximately 10 minutes after 10:00 p.m.

I left the Motel only once more that evening, going to Davis Brothers Suburban Restaurant at 10:45 p.m. I returned to the Motel shortly after 11:00 p.m.

Saturday, July 14.

On Saturday morning, following breakfast at Davis Brothers Cafeteria, I returned to the Motel at approximately 10:00 a.m. I was called almost immediately thereafter by Mr. Hollowell. He informed me that no word had been received from either the Chief or the City Manager as to the setting of a time for the meeting. Hollowell stated that there were "rumblings" about further demonstrations later on Saturday.

On Friday evening, he had indicated that he felt there would be no demonstrations before Sunday at the earliest. I attempted to relay this information to Mr. Marshall at the Blooming Grove Hunting and Fishing Club, Hawley, Pennsylvania (717-226-4591). When Mr. Marshall was not accessible by telephone, I called Mr. Katzenbach, as had been suggested by Mr. Marshall on Friday. This call was made at 10:34 a.m. and had a duration of 23 minutes. During it I also spoke with Mr. Flannery and Mr. Owen concerning the Lee County case.

At approximately 11:00 a.m., Mr. Hollowell again called me. He informed me that Chief Pritchett had called

Dr. Anderson and had informed him that the City Commission had met but had rejected the proposal that the adult demonstrators of Wednesday be released on their own recognizance. There was also no change from the position that there would be no dismissal as to the charges facing those of the more than 700 December paraders who had not been tried. I asked Hollowell if this altered what he had told me in our previous conversation of that morning about the possibility of demonstrations, and he said "the rumblings are getting louder."

I asked Hollowell how long he now planned to remain in Albany, and he stated that he planned to take Southern Airways Flight at 3:41 p.m. that afternoon.

I again emphasized my desire that he introduce me to some responsible people in the Albany Movement prior to his leaving and particularly mentioned Dr. Anderson. Hollowell was calling me from Dr. Anderson's house. He spoke with the doctor and then suggested that the three of us meet at Mrs. Burton's home, 700 Lincoln Street, at approximately 11:30 a.m.

At the appointed time I reached the Burton house. Hollowell and Anderson were already there. Hollowell again brought up the subject of the law suit which we had discussed in Atlanta. He mentioned also a suit which he and King were planning to file to desegregate the various municipal

facilities of the city of Albany. He had informed me of this at King's home the night before. He spoke then of filing it during the coming week and said that this was feasible since a complete set of papers were available to him because of the Atlanta case which was pending. He spoke of sending three or four Negroes to the City Park where they would be turned away. I questioned the advisability of this at a time when it was hoped there could be a mutually satisfactory resolution of the dispute concerning the paraders. Dr. Anderson indicated that he felt that the filing of this suit and the joining of the Government therein as Amicus would be sufficient cause for Dr. King and the Revs. Abernathy and Walker to leave Albany. Our conversation centered around what the doctor felt would be sufficient accommodations of the aspirations of the Movement to prevent their calling further demonstrations.

They mentioned that Chief Pritchett had indicated that the 11 juveniles who had been involved in the Wednesday demonstrations would be released to the custody of their parents at 5:00 p.m. Dr. Anderson was not certain, however, as to whether this was a firm commitment. I suggested that he confirm this so that no false hopes would be raised which might, when not fulfilled, precipitate immediate demonstrations. Dr. Anderson said that he would call Chief Pritchett to ascertain if the agreement was definite. He suggested

that I listen in on an extension phone. I declined, stating that I felt this would be most improper. The doctor talked both to the Chief and then to the Judge of the Juvenile Court, and it was confirmed that the 11 juveniles would be released to the custody of their parents at 5:00 p.m. in Albany.

The conflict between the two groups as to the time of release for the 21 adult Negroes involved in Wednesday's parade was then discussed. It appeared that Dr. Anderson would be willing, 'if the suit to enjoin prosecutions was filed, to personally put up the solvent bond necessary to gain the release of the 21 adults. The fact that he is already heavily encumbered from similar acts would not prevent his doing this.

Another possible temporary solution to the city's problems would be the release of the adults on their own personal recognizance. I asked Dr. Anderson if he felt that this would be sufficient grounds for the Revs. King, Abernathy and Walker to leave Albany. He felt that it would. Both Anderson and Hollowell pressed me as to what my own views were as to possible Department of Justice action. I, of course, emphasized that I could in no way commit the Department, but I indicated that I felt we should make an effort to have the 21 adults released on personal recognizance if it were practicable for us to do so. I

stated that I would pass along this recommendation.

Dr. Anderson had been indefinite as to whether or not there would be demonstrations during the afternoon. I told them that I felt it would be most unfortunate for them to undertake demonstrations during the afternoon when they would not even have waited to test the Chief's good faith as to his commitment to release the juveniles at 5:00 p.m. A mass meeting had been in process at the Shiloh Baptist Church since noon. It was by this time approaching 1:00 p.m. and Anderson stated that he would go to the church and terminate the meeting, with it to reassemble at 5:00 p.m. He stated that he would tell the meeting that the Movement was working on various approaches which he was not at liberty to disclose but that he could give them the good news that the juveniles would be released at 5:00 p.m. Anderson then left for the church.

Hollowell and I had a piece of pie and a glass of milk together and then left Mrs. Burton's home. Slater King, C. B. King's brother and the No. 2 man in the Movement whom I have mentioned previously, had called Dr. Anderson while I was there and had told him that 50 state troopers were in Albany awaiting any further parades. I felt that this was something which I should be able to report back to Washington of my own knowledge, and I thus asked Hollowell if he would show me a few of the places in Albany where he

felt troopers would be stationed, were they present. We drove around a bit but saw no troopers. I then dropped Hollowell off on South Jackson Street near C. B. King's office and proceeded directly back to the Town House Motel.

As I entered the Motel driveway, I saw two men coming across the courtyard toward my room. They introduced themselves as William Bolyard and Marion Cheek, local agents of the FBI. They handed me a message to call Ed Guthman or St. John Barrett and then quickly departed. Mr. Guthman was out but Henry Diamond accepted the call, 2:13 p.m., and I spoke with the Deputy Attorney General. It was at this point that I learned for the first time of Mayor Kelley's charges. Mr. Katzenbach had, however, gotten ~~them~~ third-hand and could not thus be explicit. I described my actions to Mr. Katzenbach and later went into additional detail with Mr. Barrett. This call lasted 30 minutes.

While talking to Mr. Katzenbach I had expressed my belief that the situation remained volatile and that, were it practicable, we should make an effort to have the 21 adult demonstrators released on their own recognizance by the Albany officials. It was my feeling that this could avert further demonstrations and be sufficient grounds for Dr. King to leave Albany. Mr. Katzenbach called back at 2:49 p.m. He had talked to Mayor Kelley and had explained

to the Mayor that I had been doing none of the things he had accused me of. Mr. Katzenbach indicated that the Mayor was not very enthusiastic about the possibility of releasing the adult Negroes on personal recognizance. The Mayor had, however, indicated to Mr. Katzenbach that something might be done if it could be arranged to get the Revs. King, Abernathy and Walked out of Albany. Mr. Katzenbach asked me to call the Mayor (HE 6-8156) and to explain to him precisely what my role had been, emphasizing that all the Department was interested in was a peaceful resolution of the dispute. Promptly on completion of this call at 3:00 p.m. I did call Mayor Kelley's office. Mayor Kelley was out at a diner, but City Manager Roos said that he would inform him of my call promptly and that the Mayor would be in touch with me. Shortly thereafter, Mayor Kelley did call me at the Motel. I explained that there seemed to be a misunderstanding as to my role in Albany and that I had hoped to clarify it for him; that I was in Albany simply as an observer and to be of assistance in the peaceful resolution of issues between the races. He seemed pleasant enough, thanked me for calling and said he would recheck his sources of information.

I believe that it was shortly after this that Donald Hollowell called me and stated that they had received a call from someone who heard a local radio broadcast in

which Mayor Kelley charged an attorney of the Department of Justice with caucasing with the Albany Movement and called for the taxpayers to manifest their indignity at this happening. I thanked Mr. Hollowell for letting me know about this and mentioned that I had passed on the substance of our conversation of the morning to Mr. Katzenbach who would be getting in touch with Mr. Marshall as soon as possible.

I placed another call to Mr. Marshall and shortly thereafter was able to speak with him. He asked me to again call Mayor Kelley and to inform him that, unless he objected, I would again be in touch with Mr. Hollowell; that I was informing both parties that Mr. Marshall did not feel that there should be federal involvement as to the specific terms of release of the Negroes; and that I would remain in Albany as a ready means of the Mayor's communicating with Mr. Marshall. I did relay this information to Mayor Kelley and he seemed quite pleased and cordial. I was unable, however, to get through to Mr. Hollowell at Dr. Anderson's house.

It was at this point that David O. Scott, local agent for United Press International, called me and asked if I anticipated holding a press conference. When I asked, why he was asking such a question, Scott informed me of the telegram which Mayor Kelley had sent to the Attorney

General at 1:55 p.m. and of the press conference which he had held at 2:00 p.m. At my request, O'Scott read me the text of the telegram. I told him that any comment would have to come from Washington. I was then able to get through to Hollowell to inform him of Mr. Marshall's decision as to the terms of the adult release. I added that in light of the current situation, Mr. Marshall felt that I could not act as a conduit and that he had not made up his mind as to the suit enjoining prosecutions.

This was my last conversation with Mr. Hollowell or anyone else connected with the Albany Movement before leaving Albany at 3:45 p.m. on the following day. When I had informed Mr. Marshall of O'Scott's call and Kelley's press conference it was agreed that no use could be served by further dealings with him. Thus my remaining time in Albany was spent for the most part in Lee County to the north.