

Miss

FEDERAL AVIATION AGENCY

Washington

May 6, 1963

Mr. [redacted] spoke to one of Mr. Marshall's secretaries earlier this morning to advise that the attached letter was being handcarried, and that arrangements would be made for its handling because the Agency hopes to get an answer as promptly as possible.

1145

Look to hbg.

Form No. AD-315
Rev. 5-18-61)

DEPARTMENT OF JUSTICE
Statement of Obligations and Balances

Report 1-2

Appropriation **SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES** Date Mar 6, 1963
Division **CIVIL RIGHTS** Period ending April 30, 1963.

Wm. Marshall

	PRIOR YEAR OBLIGATIONS		CURRENT YEAR OBLIGATIONS				
	Same Period	Total	Obligated to date	Annual Projection	Authorized	Estimated Balance	Projected Balance
10. of positions Aver. No. Employees		78 73	82 86		81 81		
11 Personnel compensation	\$ 489,140	\$ 583,096	\$ 569,710	\$ 682,900	\$ 652,360	\$ 82,690	\$ (-) 90,540
Permanent	3,142	6,876	8,131	9,000	10,000	2,059	1,000
Temporary	632	776	215	409	500	895	180
12 Personnel benefits	35,607	45,395	39,257	48,500	50,000	10,743	1,500
21 Travel	40,648	54,827	78,732	95,000	40,000	(-) 98,732	(-) 75,000
22 Freight, express, etc.	468	838	558	700	-0-	(-) 358	(-) 700
23 Rent, communications, and utilities	21,515	30,401	24,723	30,000	21,000	(-) 3,723	(-) 9,000
24 Printing and reproduction ...	8,773	9,697	19,413	24,000	10,000	(-) 9,413	(-) 11,000
25 Other services	6,997	20,097	15,564	21,000	25,000	10,436	5,000
26 Supplies and materials	5,954	10,622	5,740	7,000	8,000	2,260	1,000
31 Equipment	5,078	8,602	4,368	6,000	8,000	3,632	2,000
Grant				(-) 11,050	(-) 11,050	(-) 11,050	
Totals	618,034	777,999	766,411	909,646	811,000	44,509	(-) 90,640
Excludes \$14,061 Disbursement for 1 employee			Excludes \$14,061 Disbursement for 1 employee		31,915		31,915
					841,915		7(-) 68,725

Nice
Merrill

LFO:jls
5-10756

March 6, 1963

Honorable Elbert P. Tuttle
Chief Judge
United States Court of Appeals
for the Fifth Circuit
New Orleans 30, Louisiana

Re: Ferry Nichols and Inez Nichols,
et al v. Commissioner of Internal
Revenue (C.A. 5th - No. 18706)

Dear Judge Tuttle:

I understand that at the oral argument of the above-entitled case, in Atlanta, Georgia, on February 26, 1963, members of the Court asked the attorney representing the Commissioner for advice as to any criminal or civil actions which the Federal Government may have taken against [redacted] the person with whom the taxpayers in this case carried out the transaction here in question.

We are somewhat handicapped in our effort to give a full and complete reply to your request and respectfully submit this interim advice: For one thing, Mr. [redacted] is not a party to the pending proceeding. As you know, Section 7213 of the Internal Revenue Code proscribes our divulging details about tax returns which have not become public matters in litigation or pursuant to Executive Order authorizing Congressional inquiry into particular tax returns and tax affairs of individuals and corporations. And the Internal Revenue Service and this Department are reluctant to publicize the existence or nonexistence of criminal investigations which have not developed into indictments or informations.

So far as litigation is concerned, I am advised that there are proceedings pending in the Tax Court with respect to income tax deficiencies and negligence penalties assessed against Mr. [redacted] for 1951 and 1952, in the amount of \$117,952.78. The Tax Court also has proceedings pending with respect to deficiencies assessed against [redacted] brother of [redacted] in the amounts of \$24,104.64 for 1954 through 1956, and \$23,345.71 for 1957 through 1959.

We have brought your inquiry to the attention of the Internal Revenue Service, the Post Office Department and the Securities and Exchange Commission, as well as the Criminal Division of this Department. These are the agencies responsible for enforcement of the criminal sanctions which might be invoked. All of these agencies have advised us informally that, so far as they know, there are no Federal criminal proceedings pending in any court against [redacted] we are now asking them, in addition, to advise us of the extent to which we may be privileged to advise you of any investigations, past or current, relating to the matter about which you inquire. At the moment, we are uncertain as to what further reply we may be able to make to you.

In addition, as you may have noted, there have been civil suits brought by private parties against Mr. [redacted] see e.g., Swart v. Livingston, 195 F. Supp. 933 (D. Mass., 1961), affirmed per curiam (C.A. 1st, 1962), Fatina Charities, Inc., et al., 297 F. 2d 836 (C.A. 1st, 1962), certiorari denied, 367 U.S. 871 (1962), Martin v. Livingston Securities Corp., 192 F. Supp. 852 (D. Mass., 1961), and Miles v. Livingston, 301 F. 2d 99 (C.A. 1st, 1962). The latter case involved circumstances analogous to those in the Nichols case, now pending before this Court. In Miles' action to recover so-called pre-paid interest on purported loans, the plaintiff alleged a scheme to defraud under Federal securities regulations, common law deceit, and breach of contract. The District Court directed a verdict for the defendant, [redacted] and the Court of Appeals for the First Circuit affirmed. The opinion of the First Circuit discusses the problems involved in the prosecution of fraud charges against Mr. [redacted]

Copies of this letter are enclosed for Judge Bell and Judge Woodbury and for the Court's records.

Sincerely yours,

Louis F. Oberdorfer
Louis F. Oberdorfer
Assistant Attorney General

Enclosures

CC: [redacted]

Miami 32, Florida

BCC: Deputy Attorney General Katzenbach ✓
Assistant Attorney General Marshall ✓
Hon. Crane C. Hauser, Chief Counsel, IRS

Misc.

Form No. DJ-966
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE

TO

- ATTORNEY GENERAL
 - EXECUTIVE ASSISTANT
 - OFFICE OF PUBLIC INFORMATION
- DEPUTY ATTORNEY GENERAL
 - EXECUTIVE OFFICE—U. S. ATTORNEYS
 - EXECUTIVE OFFICE—U. S. MARSHALS
- SOLICITOR GENERAL
- ADMINISTRATIVE DIVISION
 - LIBRARY
- ANTITRUST DIVISION
- CIVIL DIVISION
- CIVIL RIGHTS DIVISION
- CRIMINAL DIVISION
- INTERNAL SECURITY DIVISION
- LANDS DIVISION
- TAX DIVISION
- OFFICE OF LEGAL COUNSEL
- OFFICE OF ALIEN PROPERTY
- BUREAU OF PRISONS
- FEDERAL PRISON INDUSTRIES, INC.
- FEDERAL BUREAU OF INVESTIGATION
- IMMIGRATION AND NATURALIZATION SERVICE
- PARDON ATTORNEY
- PAROLE BOARD
- BOARD OF IMMIGRATION APPEALS
- ATTENTION: _____

REMARKS:

*Mr. Marshall
Apr 11 45*

- | | |
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| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> PER CONVERSATION |
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| <input type="checkbox"/> YOUR INFORMATION | <input type="checkbox"/> CALL ME |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | |

FROM _____

Suggestions Re Racial Problems

1. Give new function to Civil Rights Commission, by statute, or government or privately sponsored Committee (latter preferable).

Purpose to seek non-violent achievement of Civil Rights, Equality before the law, and expanded employment opportunities for Negroes.

Overcome the local outlook which hampers solution of racial problems.

Overcome the local isolation which hampers solution of racial problems.

Steps should include:

- a. Organize Southern moderates and Southerners from cities which have adopted timetables to visit areas in South which haven't, in order to explain advantages which have been gained from such timetables (e.g., would someone from Atlanta tell some other city of a new plant located there, where relative absence of racial tensions played a part in the decision?).
- b. Organize religious groups nationally to provide leadership and give an organized channel for the expressions of feeling which have been manifested by visit of Rabbis and planned visit of Unitarian ministers to Birmingham. Such visits might be less dramatic but more helpful if made before rather than after violence erupts.
- c. Have responsible law enforcement officials from cities which have experienced difficulties relate the myriad problems created when the situation is exacerbated to the point where violence occurs.
- d. Get ABA to encourage lawyers to step forward and participate in efforts to find peaceful solutions.

- e. Have news men who have been in Europe and Africa relate effect of Birmingham-type news stories on American foreign policy. Have USIA displays of what foreigners hear about U. S. race riots.

Side effects: May channel some money which now goes to organize demonstrations to purposes which, if achieved, will make demonstrations unnecessary. A privately sponsored committee in this area could seek and obtain tax exemption and deductibility status. Contributions now flowing to King could be made to flow to the Committee.

Misc.

18 May 1963

[REDACTED]
Little Rock, Arkansas

Dear [REDACTED]

Thank you for your letter.

I appreciate hearing from you and
reading your article.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Little Rock Arkansas
May 11 1963

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington D.C.

Dear Mr. Marshall,

Many of us appreciate the fine job you did recently
in Birmingham Alabama. I think many more will appreciate it
as time passes.

Enclosed is a magazine article of mine you might enjoy.
Had it been widely circulated in Birmingham, your services might
not have been needed. It has been picked up by several Arkansas
papers, including the Arkansas Gazette and the Pine Bluff Commercial.

Most Sincerely,


Little Rock Ark

① Dear Mr. Leger:
Thank you for your
letter. I appreciate hearing
from you and reading your
article. My truly yours.

② Jerry Hiller

Vol. 1 No. 17

Arkansas Baptist

newsmagazine APRIL 25, 1963



See page 6

personally speaking

Spreading the remedy

THERE never is a good time to "come down with a cold." The last one I had hit me at a very inopportune time, just ahead of Easter, making it necessary for me to cancel preaching engagements for the day.

Like a lot of others, I made the mistake of trying to wear the cold out and did not go to my physician until the cold had just about worn me out. Looking at my inflamed tonsil area, inner ears, nose, flushed face, and listening to my badly chugged chest, the doctor

asked with some show of concern, "How long have you had this?"

When I told him that I had had it the better part of a week, he said: "We better get some medicine into you real quick or you'll really be sick." And he ordered the nurse to get a penicillin shot ready for me as he scribbled three different prescriptions.

Fortified by the penicillin, but still feeling like the proverbial "last rose of summer," I drove to my druggist. He cast a glance at the prescriptions and then looked at me and asked me in a jolly sort of way if I was "all set for a big Easter," whatever that is.

I told him I guessed I'd be staying in bed over the week-end—it was already Saturday noon and the next day was Easter Sunday!

"This'll fix you up," he assured me, pointing to one of the three bottles of stuff he was giving me. "This is powerful stuff—the other is just to make you comfortable. This will have you out by tomorrow!"

Well, I started swallowing that medicine and by the time I turned out the bedroom light that night I had taken four of the big, red high-powered capsules—a full day's complement. And by the next morning I was feeling like a new man. My fever was gone, I didn't even have a bad taste in my mouth, and I could think almost as good as usual.

I heard the Lakewood sunrise service from my bed, at 5:45 a.m., but 11 a.m. found me dressed, more or less in my right mind, and attending the Easter worship service at Central Church, North Little Rock.

Just think of all the suffering I did struggling along under the burden of my affliction when re-

Page Two

ief was just a dot and a few swallows away! And that's the way we are so much of the time with our spiritual afflictions, when Christ is saying to us constantly: "Come unto me . . . and I will give you rest."

Erwin L. McDonald

IN THIS ISSUE:

FOR mature readers only" might be the tag-line for Deacon Ralph Creger's frank discussion of the race issue as he sees it, in ". . . to one of the least of these . . ." beginning on page 6. A consideration of what is the proper Christian attitude in race relations is quite timely as the board of trustees of Mercer University, Georgia Baptist senior college, votes "to consider all applicants for admission based on qualifications without regard to race, color of skin, creed or origin," page 17.

IS the church too passive and neutral in the matter of the call to the ministry? Is the church partly responsible for the decline in the number of men entering the ministry, in that the church leaves all of the initiative to the one feeling God's call? Read "Role of the Church in the Call to the Ministry," by Dr. W. Morgan Patterson, page 8.

VETERAN Associational Missionary Jay W. C. Moore, of Concord Association, Ft. Smith, discusses some typical attitudes toward associational missions, in his introduction to a new feature series, "Know Your Missionaries," page 9.

Arkansas Baptist
newsmagazine

MEMBER:
Southern Baptist From Am's
Associated Church From
Evangelical From Am's

April 25, 1963 Vol. 62, Number 17
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the editorial policy of the paper.
Abbreviations used in crediting news items: BP Baptist Press; CB Church
Bulletin; DP Daily Press; EP Evangelical Press.

ARKANSAS BAPTIST

Traskwood reheard

IN a re-hearing of its ruling on the Traskwood Landmark Missionary Baptist Church last week, the Arkansas Supreme Court reaffirmed its previous decision and clinched it by turning the church property over to the minority opposing the pastor.

If the Supreme Court's basic premise be accepted—that church property can never be diverted from the faith to which it was originally dedicated, regardless of congregational action—then the latest ruling is a wise one. Certainly no problems had been solved by the previous action, merely restraining the majority-supported pastor, Elder A. Z. Dovers, from the use of the church property. Neither faction was happy with this decision and both had sought rehearing.

The vote of the court was again divided, Associate Justice Ed F. McFaddin repeating his dissent in the previous hearing. Justice McFaddin contended it is not the duty or prerogative of the Court to pass on religious questions and that it should not decide what are the fundamental doctrines of the Traskwood church.

In a statement on the latest Court action, Chief Justice Carleton Harris stated:

"... Yes—in a Baptist Church, 'the majority rule'—but with the limitation that property, dedicated to specific doctrines and tenets, cannot be appropriated by a majority from a faithful minority, and used for the promotion of alien beliefs or dogma!

"Accordingly, I am of the view that the property dedicated to the doctrine, usages, customs and practices of the Traskwood Landmark Missionary Baptist Church, as set forth in the articles of faith and abstract of faith under which the Traskwood Church was operating, cannot be diverted to the use of those whose doctrines and usages are contrary to such articles and abstract of faith, and who would thus use the property contrary to the purpose for which it came into being."

Our contention is that an autonomous body, such as a Baptist church, is completely self-governing, and, therefore, could by majority vote indicate change of its doctrinal views, or of its denominational affiliation without losing its property to a dissenting minority. But the weight of court action on such cases is decidedly against this view.

APRIL 23, 1963

As pointed out by Chief Justice Harris, 27 states have held with the basic view of the Arkansas Court in similar cases, the only exception being a case in Texas. So, in this, we say Texas is the only one that's right.

(For other editorials on this case, see our issues of March 14 and 28.)

Plans for GA Camp

GREATLY impressed last year with responses received from an advertisement they ran in the *Arkansas Baptist Newsmagazine* about Girl's Auxiliary Camp, Woman's Missionary Union is making even greater use of our paper in promoting the GA Camp this year, Aug. 5-10, at Siloam Springs.

Said Mrs. S. Ladd Davies, who is again to be Camp director, "After the tremendous response of last year, it was my recommendation that we not only repeat the same type of publicity this year but also include the registration cards for camp. In this way we will be placing in practically every Baptist home in Arkansas information about our missionary camp and the means of each family registering their daughters early for this never-to-be-forgotten experience."

Elsewhere in this issue will be found a full page of information about the Camp, along with clip-out coupons to be filled out and returned to the WMU Office for advance registration. Note that the application form is in duplicate and that the two identical coupons are to be filled out and returned for advance registration.

The Camp will again have seven simultaneous age-group camps for members of the Girl's Auxiliary and a leadership camp for counselors and directors. But this year, the registration will be held to not more than 500 girls and 60 counselors and directors, as compared with 873 last year. So, better get your registration in today!

It happened!

Down in Arkansas

Free alteration

THIS goes to prove a fellow can lose both legs without losing his sense of humor.

An employee of the Dale Ledbetter Clothing Store, Prescott, took a pair of new overalls over to Burrell Whitmarsh's Standard Cleaners the other day to be altered.

"Fix these for the Preacher," he said, and left. Thinking that he meant Preacher W. R. Woodell, pastor of First Church, Prescott, who under-

Page Three

went the amputation of both legs a few months ago, the Whitmarsh tailors acted accordingly.

Not until they had delivered the overalls, with both legs cut off, to Pastor Woodell, did they discover the order was for another preacher—

Stacy Thresh. Preacher Woodell reports them to be "a perfect fit—one leg 17 and one half inches, the other, 12 inches; and the waist—well, that's nobody's business, but they fit!

LETTERS TO THE EDITOR

the people's voice

THE spelling and sentence structure in this department are those of the writers. The only editing of letters to the editor is the cutting of headlines and, occasionally, deletion of parts that are not regarded as essential.

Accountant for Christ

I HAVE felt for some time that I should devote myself to full-time Christian service, especially in the field of accounting and management.

I have been employed in Federal Civil Service in excess of thirty years and will be eligible for a reduced retirement about the end of January, 1964, when I will be 55, and would like to enter some phase of Christian endeavor after that time. Most of my service has been in the accounting and auditing field.

I have been treasurer of Calvary Baptist Church in Anchorage since 1954 and was elected to the same position with the Chugach Baptist Association in July, 1962. In both instances it was necessary to establish and maintain complete double-entry systems of bookkeeping.

My thoughts for Christian service have been along the lines of a church administrator for a medium sized church. Perhaps one that feels the need of such a position, but further feels they can't afford it. With my retirement, a large salary would not be a requisite. However, I do not rule out the possibility of other avenues of service which might not be directly connected with a specific church, but which are so affiliated. Neither do I eliminate the larger churches from consideration, but am searching for the place where I can be of the best service in the Will of God. It has occurred to me that somewhere there might be the need for a combination Administrator-Extension Worker.

I have been contemplating a vacation in Texas and Illinois this summer, and could visit any activity interested. However, if I am to make a change within the next year, I would much prefer to forgo the summer vacation, thus avoiding the expense of the round trip for my family. Therefore, I would like, if possible, to hear from any interested activities prior to July 1st.

I am particularly interested in locating in the central part of the country, so am addressing this same letter to several of the state papers in those areas of interest.

If you could grant me a short article

in your next issue, describing my ambitions and advising interested persons where I may be contacted for further information and references, it will be sincerely appreciated.

Some persons who might be contacted for personal reference are:

Dr. John Caylor First Baptist Church
1201 Louisiana St. Little Rock, Arkansas;

Rev. John R. Canning Calvary Baptist Church 1239 North Seventh St. Anchorage, Alaska;

Dr. L. A. Watson Executive Secretary Alaska Baptist Convention Box 1862 Anchorage, Alaska;

Rev. Walter D. Turner Calvary Baptist Church 2401 General DeGaulle Ave. New Orleans, Louisiana. — James R. Fraser, 1373 Richardson Vista, No. 110, Anchorage, Alaska.

Did something to me

It was just a Wednesday night prayer meeting service in the First Baptist Church in Ft. Smith. After the announcements and the list of the sick members had been read, the pastor quietly said "We go to prayer." I could hardly believe my eyes when the seven hundred members present went to their knees. The pastor was on his knees on the platform. I believe that is the first time in a large church or small I had ever seen all the people on their knees.

Directly in front of me was a well-dressed young businessman. On his knees by his side was a ten-year-old boy, on his other side was his beautiful wife and by her a sweet little girl of about seven years on their knees.

It did something to me. I cannot tell you what welled up in my heart and spilled over in my eyes but I felt like crying out loud, "There is hope for our homes while there are parents who set such an example in prayer and there is hope for the world while we have great city churches downtown that have a great prayer group like this on its knees on Wednesday nights."—Mrs. Eunice Savage, 4609 S. 24th Street, Ft. Smith.

REPLY: Let us not place too much emphasis on prayer postures. But we cannot over-emphasize the importance of prayer.—ELM

The Cover



"THE flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land." (Song of Solomon 2:12)

Facing the issue

I HAVE been meaning to drop you a line to say how gratified I was to see two articles appearing in recent issues of the Arkansas Baptist News-magazine. I refer to Dr. Hill's article which you reprinted from the Christian Century and the address by Dr. Phelps delivered at Sedalia. You are performing a vital journalistic and theological service to the Baptists of the state by presenting such crucially important messages by these excellent men.

While I am at it, may I commend you also for the stands you have taken editorially on the Elliott case and on racial problems. I am not unaware of the courage required in providing this type of desperately needed leadership at this critical juncture in Southern Baptist life. It seems to me that unless Baptists face the questions and issues raised by such articles and editorials, then our relevance as a Christian witness in a turbulent and changing South is in serious jeopardy. May you never be pressured into the avoidance of controversial problems for the sake of a false surface harmony that may conceal an ultimately fatal malady. Again, many thanks for the fine religious journal you are providing.—N. Patrick Murray, Assistant to the Coordinator of Religious Affairs, Student Activities Building, The University of Michigan, Ann Arbor

ARKANSAS BAPTIST

Editorials.

Sin of cursing

OLD time evangelists used to say: "When the devil fishes for a curser, he fishes with an empty hook."

Surely, the habit of cursing is one of the most senseless and least satisfying of all unholy indulgences. What does it profit a man to curse, to use foul language, to take the name of the Lord in vain, making it a word of disrespect? The one who curses reveals that he has lost control of himself and his brain and tongue and he shows a lack of respect for himself and for others and open rebellion before God.

It is noteworthy that one of the Ten Commandments, given to the human race in its infancy and continuing in full effect to this day, prohibits cursing and warns of God's judgment upon those who indulge in this evil: "Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh his name in vain" (Exodus 20:7).

Nothing could be clearer than this: That God and his name are to be honored. God's name is not to be made a common by-word, certainly not a word of disrespect.

Could anything be more unbecoming of a professing Christian than the use of profanity and the taking of God's name in vain? James had some authoritative and strong words on this score: "If any man among you seem (thinketh himself) to be religious, and bridleth not his tongue, but deceiveth his own heart, this man's religion is vain" (James 1:26).

The hypocritical inconsistency of one who claims to be a Christian and who prays, but who also is addicted to cursing, is also pointed out by James: "Out of the same mouth proceedeth blessing and cursing. My brethren, these things ought not so to be" (James 3:10).

Whether one curses openly and publicly, or under one's breath, or, even deeper than that—in one's heart—the offense is all the same to God. And the scriptures warn that each one of us must give account before God not only for our words and our deeds, but for the very thoughts and intents of our hearts. Who, then, is without sin and qualified to "cast the first stone" in the punishment of the curser?

Cursing, as repulsive as it is, is not the unpardonable sin. The Apostle Peter, after he became a Christian and after three years of walking with

the Lord Jesus **O**ne of his Apostles, fell back into old habits and cursed as he lied, denying that he even knew Jesus. But Peter repented, and Christ forgave him.

When a fellow Christian commits the sin of cursing, those who are strong should do all they can to restore such a one. But there can be no restoration without repentance on the part of the sinning one.

One of the most hurtful things to the church today is that so many Christians engage publicly in sin, such as the sin of cursing, but do not ever publicly repent. While the church is doing all it can to restore an erring brother or sister, it should be very careful not to call on one who is going on in sin, for any sacred assignment. Certainly an unrepentant curser should not be called on to lead in public prayer, or to teach Sunday School classes, or to serve as deacons or preachers.

Many who have been in the clutches of the cursing habit and have seemed not to be able to express themselves without foul language, once they have repented, have had experiences similar to that of John Bunyan, who tells of suddenly leaving off the habit of cursing and adds, "Now, I could, without it, speak better and with more pleasantness than ever I could before."

From 'Him with whom we have to do'—Mt. 4:8



... "to one of the least of these..."

—By Ralph Greger—

Deacon in Calvary Church, Little Rock

Then one of them, which was a lawyer, asked him a question, tempting him, and saying,

Master which is the great commandment in the law?

Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind.

This is the first and great commandment.

And the second is like unto it. Thou shalt love thy neighbor as thyself.

On these two commandments hang all the law and the prophets (Matthew 22:35-40).

THOSE of us who admit the presence of a problem, and are concerned about it, know that when church leaders are urged to speak out against racial prejudice the most frequent excuse given for silence is that we should concentrate on "preaching the gospel."

Certainly we should never forget that the purpose of the church is to evangelize the world, but we must realize that we can work ever so diligently at saving souls and fail miserably because those we seek to reach will consider us hypocrites if they can see that we obey Christ's "Second Great Commandment" only when it is convenient or expedient to obey.

We read in First John 2:4: "He that sayeth I know him, and keepeth not his commandments, is a liar, and the truth is not in him." Those outside the church may not be familiar with this particular verse of scripture, but they certainly understand the principle involved.

Frankly, I have reasons other than religious for opposing racial discrimination. I guess the primary reason has to do with pride. This may come as a shock to the racist, who talks a great deal about pride but is really talking about vanity. Anyone with real pride and confidence in himself would not want to force those with whom he competes for grades, jobs, or status, to operate under a handicap. They would never want this, unless, that is, they have serious doubts about their ability to meet the competition of all other Americans.

What would Jesus do?

But all of this should be of secondary consideration to the Christian. The problems arising from social changes already here demand attention. The first question we, as Christians, should ask ourselves is, "What would Jesus do?"

As far as Christian behavior is concerned, Christ made it abundantly clear where he placed the em-

phasis (Matt. 22:37-39). So it is increasingly hard to understand why so many who call themselves Christians ignore "the weightier matters of the law" (Matt. 23:23), straining at doctrinal gnats while eagerly swallowing the very large camel of racial prejudice.

Silence on race issues, by church people, grows more and more difficult to explain as we search the scriptures. For acts of prejudice and unequal treatment to people because of their race is in conflict with just about everything Christ taught about human relations. They certainly are in conflict with his Second Great Commandment and his Golden Rule. And they are in conflict with the Royal Law (James 2:2-10) which warns against having "respect to persons," and instructing people, according to status: "Sit here in a good place," "Stand thou there," or "Sit here, under my footstool."

I think anyone really honest about the matter would admit that the last thing he would want would be to be treated as Negroes have been treated in America for so many years.

Here, in this Christian nation, we see Negroes jailed, spat at, cursed, legislated against, ridiculed and threatened with loss of jobs for simply making it clear they want to share equally in their country's citizenship rights, and for demonstrating that they would like to share equally in the blessings of Christ's commandments. That these things have happened is the shame of the Bible Belt.

Ross Coggins, of the Christian Life Commission of the Southern Baptist Convention, says in his booklet, "Missions and Race": "Missionaries believe they have a right to expect this note [against racial discrimination] to be sounded with courage from pulpits here in America. Needless to say, they are often bitterly disappointed. Their courage in going to the ends of the earth is often unmatched by Christian leaders at home who blandly ignore

ARKANSAS BAPTIST

the existence of a problem. In a chaotic world of today, can the blind lead the blind?"

Billy Graham counsels frequently against the "sin of racial prejudice." He states simply, "Jim Crow must go." But the vast majority of church leaders seem willing to gloss over the hypocritical perversion of an integral part of the gospel we have been told to proclaim.

I have talked to several ministers about how racial prejudice is in conflict with Christ's teaching. Nearly all of them, after seeing that they could not evade the issue, admitted that prejudice is wrong but tried to justify silence by pointing out that straight talk might offend some of their congregation. They mention dismissal of ministers who have refused to be silenced.

But what sort of Christianity is this? Would to God we had more "servants of Christ" who had the courage to say, as Paul said, "As we said before, so say I now again, If any man preach any other gospel unto you than that ye have received, let him be accursed. For do I now persuade men, or God? or do I seek to please men? for if I yet pleased men, I should not be the servant of Christ" (Gal. 1:9-10).

'Cruel hypocrisy'

I suppose the cruel hypocrisy of all these things looms larger to one personally acquainted with many of the colored young people who have been in the front lines of the Negro's struggle for entry into the main stream of American life. Because of a book on race written by my son and me, my family was asked by the Arkansas Council on Human Relations to help some of the youngsters entering predominantly white schools. I feel that we have grown spiritually and in understanding because of our experiences.

We were told that most of the Negro students were Christian and active in their churches, and that many of them were deeply hurt because of the actions of so many white people they had assumed to be Christian. We, as well as many other white families, resolved to do what we could to let these young people know that God is "still in his heaven," even though things are obviously not "right with the world."

We have considered it a great privilege to know such young people as Jacquelyne Evans, Hall High "A-plus" honor student; Frank Henderson, a minister's son whose friendly personality did much to ease tensions in Central High, in 1959; Sybil Jordan, Central High graduate who received a large scholarship grant because of her academic achievements; Myrna Davis, East Side Junior High student, who has a real talent for writing; and Gloria Nelson, Central High senior, who aspires to a career in nursing.

We have been pleasantly surprised at the number of people ready to help us in our efforts to help Gloria get some kind of a college scholarship so that she can realize her ambition to become a nurse. We have been amazed at the dedication, the quiet

determination and lack of bitterness of these and many other colored young people in Little Rock. They will do well. It could happen, as Harry Golden would say, "only in America."

While there have been many aspects of Little Rock's reaction to the appeals of demagogues in 1957 and since that make one wonder about the effectiveness of the church, we take pride in the young people of Calvary Baptist Church, Little Rock. In 1957 there was a young man in our church who was a student in Central High. He planned to, and has since, entered the ministry. He said that he did not order "de-segregation" but felt that as a Christian he could do no less than practice Christ's Golden Rule in his relationship to the frightened Negro new-comers.

For offering a friendly greeting and for sitting down to eat with the shunned Negroes, this young man was beaten, later, by four hoodlums. He and his family were awakened at night, many times, by threatening, abusive, and obscene telephone calls. But there was no word of encouragement for this boy, or for others like him, from the leadership of most of Little Rock's churches.

Christianity and prejudice

In 1959, after the schools re-opened, tensions eased considerably. One day a young man in my Sunday School department came to me and wanted to talk. He said that he could no longer reconcile Christianity which he studied on Sunday, with the racial prejudice he saw every other day of the week. As the months passed, other young people voiced similar conclusions.

In 1961 one of our most dedicated young ladies graduated from high school and went on to Ouachita College, in Arkadelphia, to prepare for work as a missionary. At college she joined with other students to help a colored church with their youth program.

This past year the young people of our church presented a play about missions. As there was no advance warning, members of the congregation may have done a "double take" on seeing a colored boy in the cast. Our young people had decided that the obvious choice for a person to portray a colored man was a colored man. The kids got along fine, both on stage and downstairs for refreshments after the play. As to the oldsters, about the only comment of note was heard in the foyer afterwards, "Well, I notice the roof didn't fall in."

Little Rock progress

We still hear occasional outbursts of racism, but I think we can be proud of the progress being made in Little Rock. During the recent awards presentations to the "Ten Outstanding Young Men of 1962," the human rights theme was strongly emphasized by the honorees. A minister, in making his acceptance speech, closed by saying, "You and I will not

be free until James Meredith "free!" The huge throng rose in a standing ovation. One of those joining in the demonstration was Arkansas' Governor Faubus.

So, with the young people leading the way, we may be much nearer to the American ideal of justice and the Christian ideal of love than most of us dared to hope, even a few short years ago. I only wish more of my own generation, in the church, had led, rather than followed, in the all-important area of human rights.

In working with young people in the church and in directing "assembly programs," I have tried to avoid placing too much emphasis on race. But I have tried to face the issue when I felt it needed to be discussed. My usual approach is to ask the young people to try to imagine how they would feel to be on the receiving end of what the Negro gets as a steady diet. I have used a plan of stressing six points.

Point 1. If colored, they could be downtown shopping, become hungry, go to a lunch counter to eat, but be denied service because of race.

Point 2. They could be doing manual labor, in the suburban area, be thirsty, go to a restaurant for a cold drink and be turned away.

Point 3. They might be traveling across America, stop at a hotel or a motel and be turned away.

Point 4. They might be out of work, unable to get a decent job because of a systematic and effective "job ceiling" used against Negroes, and, due to lack of funds, be unable to provide proper clothing for self and family.

Point 5. In certain states, they might be in an accident, be refused admission at a nearby hospital,

taken miles further to a "Negro" hospital, and die because of the unnecessary time consumed.

Point 6. They might be demonstrating for the simple right to vote, in some states, be thrown in prison, beaten, and attacked by police dogs.

I tell the young people that these things happen because Christians either do nothing or support a system where these things are encouraged, when they vote for "race-baiting" politicians. I emphasize the fact that sins of omission can be as deadly as sins of commission. Then I read from the book of Matthew, Chapter 25, verses 40 through 46:

"And the King shall answer and say unto them, Verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me. Then shall he say unto them on the left hand, Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels: For — — — — —"

1. "I was an hungred, and ye gave me no meat:
2. "I was thirsty, and ye gave me no drink:
3. "I was a stranger, and ye took me not in:
4. "Naked, and ye clothed me not:
5. "Sick,
6. "And in prison, and ye visited me not.

"Then shall they also answer him, saying, Lord, when saw we thee an hungred, or athirst, or a stranger, or naked, or sick, or in prison, and did not minister unto thee?"

"Then shall he answer them saying, Verily I say unto you, Inasmuch as ye did it not to one of the least of these, ye did it not to me."

I have found, after reading these verses aloud, that further comment has been superfluous.

Role of the Church

Call to the ministry

BY DR. W. MORGAN PATTERSON
ASSOCIATE PROFESSOR OF CHURCH HISTORY
SOUTHERN BAPTIST THEOLOGICAL SEMINARY

IN RECENT years, Southern Baptists have become increasingly concerned about the slightly declining number of volunteers for the ministry of their churches. Obviously, this new trend is disturbing and disquieting. It has many sides and many implications for the denomination. But one aspect needing attention and careful consideration is the part which the local congregation should play in a preacher's "call" to the ministry.

For a long time now, Baptists have strongly emphasized the highly individual and personal character of the preacher's call. We believe that in a direct and personal way, and yet in an unexplainable manner, the Holy Spirit injects himself into human consciousness to direct, to impress, to disclose, to call. Thus, it is the Holy Spirit who always issues the "call" and prods until it is accepted.

To the responding disciple, this inward call is understandably precious and real, and before a young man is licensed and ordained, he is expected to re-

late the experience of his call to the church.

It is usually assumed that such a call is so personal and sacred that not only is it hardly open to question, it is also not open to discussion on the initiative of any but the one called. There seems to exist the fear that a young person will too quickly and superficially respond to a "call" initiated by his pastor, his parents, or his friends.

However, this does not seem to be the case at all. There are few pressures today strong enough to induce a person to enter or remain in the ministry without the unswerving belief that God has called him to it. In fact, many preachers assert that the only thing that keeps them in the ministry, with all of its problems and frustrations, is the inextinguishable conviction that God has called them to it.

In other words, according to widespread current practice, the church is completely passive and neutral in the matter. The church must wait for the one called to take the initiative to inform the congre-

Miss.

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS:

**Paul Rand Dixon, Chairman.
Sigurd Anderson
Philip Elman
Everette MacIntyre
A. Leon Higginbotham, Jr.**

**In the Matter of
COLGATE-PALMOLIVE COMPANY,
a corporation, and
TED BATES & COMPANY, INC.,
a corporation.**

DOCKET NO. 7736

FINAL ORDER

I.

IT IS ORDERED that respondent Colgate-Palmolive Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Unfairly or deceptively advertising any such product by presenting a test, experiment or demonstration that (1) is represented to the public as actual proof of a claim made for the product which is material to inducing its sale, and (2) is not in fact a genuine test, experiment or demonstration being conducted as represented and does not in fact constitute actual proof of the claim, because of the undisclosed use and substitution of a mock-up or prop instead of the product, article, or substance represented to be used therein.

II.

IT IS FURTHER ORDERED that respondent Colgate-Palmolive Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or

other device, in connection with the offering for sale, sale or distribution of "Palmolive Rapid Shave" or any other shaving cream, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Falsely representing, in any respect material to inducing the sale of any such product, its moisturizing properties or other qualities or merits as an aid to shaving.

III.

IT IS FURTHER ORDERED that respondent Ted Bates & Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Unfairly or deceptively advertising any such product by presenting a test, experiment or demonstration that (1) is represented to the public as actual proof of a claim made for the product which is material to inducing its sale, and (2) is not in fact a genuine test, experiment or demonstration being conducted as represented and does not in fact constitute actual proof of the claim, because of the undisclosed use and substitution of a mock-up or prop instead of the product, article, or substance represented to be used therein: provided, however, that it shall be a defense hereunder that respondent neither knew nor had reason to know that the product, article or substance used in the test, experiment or demonstration was a mock-up or prop.

IV.

IT IS FURTHER ORDERED that respondent Ted Bates & Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any

D. 7736

corporate or other device, in connection with the offering for sale, sale or distribution of "Palmolive Rapid Shave" or any other shaving cream, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Falsely representing, in any respect material to inducing the sale of any such product, its moisturizing properties or other qualities or merits as an aid to shaving: provided, however, that it shall be a defense hereunder that respondent neither knew nor had reason to know of the falsity of such representation.

V.

IT IS FURTHER ORDERED that each respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

By the Commission, Commissioner Anderson concurring in the result.

S E A L


Joseph W. Shea,
Secretary.

ISSUED: May 7, 1963

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS:

Paul Rand Dixon, Chairman
Sigurd Anderson
Philip Elman
Everette MacIntyre
A. Leon Higginbotham, Jr.

In the Matter of
COLGATE-PALMOLIVE COMPANY,
a corporation, and
TED BATES & COMPANY, INC.,
a corporation.

DOCKET NO. 7736

MEMORANDUM ACCOMPANYING FINAL ORDER

By the Commission:

On February 18, 1963, the Commission issued its opinion on remand and a proposed new cease and desist order. On April 15, 1963, each of the respondents filed exceptions to the proposed order, and an alternative form of order. Respondents would limit the order so that it would apply only to the advertising of Rapid Shave or other aerosol shaving creams; it would prohibit only misrepresentation of the "moisturizing qualities" of such shaving creams, and only where the misrepresentation is made in a "visual presentation of any experiment or test with the product, * * * when the product does not have the moisturizing qualities so represented." Respondent Bates proposes further that its order should apply only when it "knew or reasonably should have known that the product did not have the moisturizing qualities so represented."

The function of a cease and desist order is to give solid assurance to the public and honest competitors that the illegal and unfair practices found will not be resumed. Respondents' proposed order would do far too little in achieving that purpose. It would, at most, prevent respondents from repeating the precise misrepresentation of fact contained in the commercials which prompted the Commission to initiate this proceeding in January 1960. But the primary concern of Section 5 of the Federal Trade Commission Act, and cease and desist orders issued thereunder, is with "unfair methods of competition" and "unfair or deceptive * * * practices in commerce."

When, as in this case, the record shows not merely a misrepresentation of fact concerning a product offered for sale, but the pursuance of an unfair and illegal form of advertising, manifested by its repetition over a substantial period of time, an effective order must also be directed at the form of advertising (i.e., the "practice" or "method of competition") found illegal. Respondents did more than misrepresent the moisturizing properties of Rapid Shave; they adopted, and pursued, a method of advertising */ which, because of the material falsehoods contained in such advertising, made it unfair to honest competitors and the public.

Respondents' proposed alternative form of order must, therefore, be rejected as ineffective and unrealistic. In the light of respondents' exceptions to the proposed final order, the Commission has modified it in minor respects to make it more clear and specific; and as thus modified, the final order will be issued.

A word must be said about respondents' vigorous assertion that the Commission, since it did not file a petition for certiorari in the Supreme Court to review the decision of the Court of Appeals, is therefore

*/ Presenting tests, demonstrations or experiments which are represented to the public to be actual proof of a material claim made for the product but which in fact are spurious and rigged, actually proving nothing.

barred from entering a new order at this time. In vacating our original order and remanding the case to the Commission for further proceedings because "we think it best that an entirely new one be prepared", 310 F.2d at 94, the Court of Appeals expressed doubt and uncertainty as to the reach and scope of the original order. It seemed to the Commission that, to a very considerable extent, these ambiguities were engendered by the extreme arguments made by counsel on both sides, in attacking as well as defending the order on appeal. In the circumstances, the most sensible, as well as the least dilatory, course for the Commission to follow was to proceed at once to remove those ambiguities, and to restate with clarity and precision the basis and breadth of our findings and order. This task, as the Supreme Court has frequently reminded the federal administrative agencies, is to be performed by the agency and not by its lawyers arguing on appeal. See, e.g., SEC v. Chenery Corp., 318 U.S. 80, 94 (1943). For only the agency can, and should, exercise the administrative judgment and discretion involved in the formulation of an order.

Respondents urge nonetheless that the Commission, as a condition precedent to the formulation of a new order, was obliged to invoke the appellate jurisdiction of the Supreme Court by the filing of a petition for certiorari. But one need not be an expert in such matters to know that, in the posture of the case after the Court of Appeals decision, the filing of a petition for certiorari would not only have been inappropriate but an unwarranted imposition on the Supreme Court, which has repeatedly admonished against the filing of improvident petitions for certiorari. In light of the ambiguities found in our original decision and order by the Court of Appeals, the case was in no posture for Supreme Court review. Had such a petition been filed, the Supreme Court undoubtedly would have considered that the Commission, not the Court, should undertake to remove those ambiguities--a task we have now performed without wasting the Court's and the public's time. Possibly the Commission has erred in its handling of this case, but it most assuredly has not failed in its duty of respect to the Supreme Court and the Court of Appeals.

Commissioner Anderson concurs in the result.

May 7, 1963

17ccc



AMERICAN FRIENDS SERVICE COMMITTEE

INCORPORATED

160 North Fifteenth Street, Philadelphia 2, Pennsylvania

LOAN# 2-9572

Harold Evans
Chairman
Henry J. Casper
Honorary Chairman
Clarence E. Peckitt
Executive Secretary Emeritus
Carl W. Bell
Executive Secretary

May 20, 1963

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

Dear Friend:

The American Friends Service Committee's current Prince Edward program has three major aspects: an Emergency Placement Program now in its third year, a search for "dissenters" in the white community and efforts to relate resources of the Federal Government to the educational problems of the Negro children.

Although we know that a modest placement program is no answer to a crisis which affects so many children, we are pleased that most of the 67 students whom we have sponsored have done well and that with eight graduating this year we will have helped eighteen complete high school.

In our work in Prince Edward County we have been trying to discover those white persons who might be prepared at the appropriate time to participate in a constructive effort in behalf of good public, desegregated schools. Since for most of them the "appropriate time" will come only with a court order, we have felt that efforts to organize them would be premature. However, we have been compiling a list of concerned persons who might play a useful role later. William Bagwell of our Southeastern Regional Office has given special attention to this part of our program.

It is the third aspect of our program that I wish to discuss with you. In our contacts with Federal agencies whose mandates might conceivably include support of remedial programs for the Prince Edward children, we discovered warm interest among staff members of the President's Committee on Juvenile Delinquency and Youth Crime. AFSC was encouraged to submit an application which would qualify as a training project. We submitted a proposal for a one year project, to begin June 1, 1963, which would include remedial work with the children, a training workshop for teachers and others interested in developing curriculum and techniques for work with deprived rural children and an in-service training program. Since this project would require competence in educational fields which we do not have in our organization, we began plans for a national consultation of educators with experience in working with deprived children to help us design a truly experimental and imaginative project.

Doris Marshall
May 20, 1963
page two

Early this month and shortly before the training panel of the President's Committee was scheduled to meet, I learned about the broad scope of the explorations into possible projects for the Prince Edward children which are being coordinated by you and Commissioner Keppel. Naturally, I was very thrilled to learn about these efforts. Knowing that you were pre-occupied with Birmingham, I sought the advice of some of the other persons involved on whether AFSC should withdraw its proposal. It was generally felt that all possibilities should be explored during this very fluid stage in planning. However, we advised the training panel that our proposal would probably have to be revised within the larger framework of planning for the County and cancelled our plans for the national consultation.

The training panel deferred action on our proposal pending discussions with other agencies to seek clarification about a possible role for the President's Committee and for AFSC. I wrote Francis Keppel suggesting a coordinating meeting which would bring together concerned Federal officials, representatives of the intergroup relations organizations most closely related to this crisis and a few persons from Prince Edward County. Sanford Kravitz, program director of the President's Committee conferred with Don Smith and David Seely, assistants to the Commissioner. Apparently, the need for such a meeting is recognized but there is some difference of opinion about the best timing for it. Certainly, no one would want to have a meeting without your approval.

AFSC staff members urge a meeting as soon as possible for the following reasons:

1. We are in the process of designing the next phase of our Prince Edward program and need to make some decisions soon, especially those that concern our summer program. There is still the possibility that a null ballot to the training panel could result in an AFSC program that would begin this summer under the auspices of the President's Committee. What that program should be would be greatly influenced by the National Institute of Mental Health's projected plans. Should AFSC plan only for a segment of the youth? Should we do essentially a community organization and not attempt any remedial projects for children?
2. Several programs of other groups ought to be planned with the long-term possibilities in mind. I understand that some students from Queens College have announced plans for a summer remedial program in the County. Is it fair to these students and to the Negro community to permit a general remedial program to go ahead when we know of the likelihood of a much more experimental project which might begin soon under NIMH? Having spent parts of two summers in the County, I know of the burden on the Negro community as it

Doris Marshall
May 23, 1963
page three

undertakes to make housing and other arrangements for outsiders who come to help. Knowing they may be involved in a larger effort later, what advice should we give local Negro leaders now as they respond to these offers by volunteers?

3. Local persons should know about the planning now going on in the Federal Government and should be participating in the design of projects. This would not only be good for morale; there is some local wisdom which should be reflected in the planning.
4. You are well aware that there are matters concerning the relation of Federal resources to a southern community in the midst of a racial crisis which ought to be faced realistically. Among these are the mood of the local Negroes and the impact on the total community of the intransigence of the segregationist leadership. The insights of the intergroup agencies could be helpful.

If you believe that such a meeting could serve a useful purpose, I believe that the following private agency representatives should be invited: John Morrell (NAACP), Leslie Dunbar (Southern Regional Council), Wesley Lee (Virginia Council on Human Relations), myself or Barbara Haffett (AFSC), and Harold Fleming. Also, from Prince Edward County: Rev. Leslie F. Griffin, (Box 118, Farmville) and Dean C.J. Jordan Moss (Longwood College, Farmville).

If you do not feel that a meeting to coordinate Federal and private agency planning should be held soon, would you have other suggestions about how the above objectives could be accomplished in another way?

I hope it will be possible for you to see me this week and look forward to hearing from your secretary about a convenient time for an appointment.

Best wishes.

Sincerely,

Jean Fairfax
Jean Fairfax
National Representative
Southern Programs

Jim

1 May 1963

Mr. Harris Wofford
Peace Corps
Post Office Box #1014
Addis Ababa, Ethiopia

Dear Harris:

It is nice to hear from you.

The Attorney General and I took a trip south last week to see Governor Wallace of Alabama, who has announced he will defy any federal court order in a school case. As it happened, Martin King was spending the week in the Birmingham jail for defying a local court order. We sorely needed further training in the tenets of civil disobedience to handle that confluence of events.

Best to your family. Hope to see you soon.

Regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Form No. DJ-96a
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. Burke Marshall	Rm. 1145
2.	
3.	
4.	
5.	

SIGNATURE COMMENT PER CONVERSATION
 APPROVAL NECESSARY ACTION AS REQUESTED
 SEE ME NOTE AND RETURN NOTE AND FILE
 RECOMMENDATION CALL ME YOUR INFORMATION
 ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
 PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS

We have one Negro deputy at Memphis now. We are investigating _____ who is not a Negro, in connection with the existing vacancy. He has the endorsement of Senator Kefauver.

FROM		BUILDING, ROOM, EXT.	DATE
NAME	Bill Geoghegan		5/27/63

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. <i>W H [unclear]</i>	
2.	
3.	
4.	
5.	

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- PREPARE REPLY FOR THE SIGNATURE OF _____
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS
*Note: They are very hard
a negro deputy in Memphis. Sen.
Kefauver has a personal interest
in training [redacted] [unclear].
[unclear]*

FROM		
NAME	BUILDING, ROOM, EXT.	DATE
<i>[unclear]</i>		

Mr. McShane

4/9/63

Re Tenn., W.

One deputy vacancy--additional position was authorized because of new Judgeship. We are investigating [REDACTED] who has Kefauver's endorsement.

Shelby County Democratic Club wishes opportunity submit names of one or more Negro applicants.

enf

Misc.

DEPARTMENT OF JUSTICE

TO

REMARKS:

- ATTORNEY GENERAL
 - EXECUTIVE ASSISTANT
 - OFFICE OF PUBLIC INFORMATION
- DEPUTY ATTORNEY GENERAL
 - EXECUTIVE OFFICE—U. S. ATTORNEYS
 - EXECUTIVE OFFICE—U. S. MARSHALS
- SOLICITOR GENERAL
- ADMINISTRATIVE DIVISION
 - LIBRARY
- ANTITRUST DIVISION
- CIVIL DIVISION
- CIVIL RIGHTS DIVISION
- CRIMINAL DIVISION
- INTERNAL SECURITY DIVISION
- LANDS DIVISION
- TAX DIVISION
- OFFICE OF LEGAL COUNSEL
- OFFICE OF ALIEN PROPERTY
- BUREAU OF PRISONS
- FEDERAL BUREAU OF INVESTIGATION
- IMMIGRATION AND NATURALIZATION SERVICE
- PARDON ATTORNEY
- PAROLE BOARD
- BOARD OF IMMIGRATION APPEALS
- ATTENTION: _____

Mr. Geoghegan:

What are the possibilities?
I would like to see this done.

EM

- | | |
|---|---|
| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> NOTE AND RETURN |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> COMMENT | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> NOTE AND FILE |

- ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- PREPARE REPLY FOR THE SIGNATURE OF _____

FROM _____

SHELBY COUNTY DEMOCRATIC CLUB

808 VANCE AVENUE

JACKSON 9-8223

MEMPHIS, TENNESSEE

April 4, 1963

Burke Marshall, Esq.
United States Department
of Justice
Washington 25, D. C.

Dear Mr. Marshall:

It has come to my attention that there may be an opening for an additional United States Deputy Marshal for the Western District of Tennessee. I believe that the appointment of a Negro to this vacancy would be quite helpful to the general community climate, both here in Shelby County, Tennessee and areas of West Tennessee, as this part of the State has a very heavy concentration of Negroes in the population.

We would like to have an opportunity to submit, on behalf of the Shelby County Democratic Club, the names of one or more persons whom we believe capable of filling such a vacancy.

I would appreciate any information, assistance and cooperation you may be able to give us on this matter.

Sincerely yours,

SHELBY COUNTY DEMOCRATIC CLUB


BY: R. B. SUGARMON, JR., CHAIRMAN

RBS/ved

*Bill Gayleson
What are the possibilities?
I would like to see this
done. For*

Misc.

The New York Times
WASHINGTON BUREAU
1701 K STREET, N.W.
WASHINGTON, D. C.

May 27

Burke:

As promised.



[REDACTED]
Cambridge, Massachusetts

Friday Night, May 24.

Dear [REDACTED]

I have seen several newspaper stories since the President's press conference that legislation was being prepared which would deal with the situations giving rise to the demonstrations in Birmingham and elsewhere. The inclosed Times clipping mentions Senate bills. The Monitor, and earlier Times stories, mention bills being drafted by the administration. Of course, I do not know who may be doing this. I presume you do. The purpose of this note is to make a suggestion which you may or may not wish to pass on.

Of course, with respect to public schools, parks, golf courses, etc., any federal legislation could and presumably would be under the authority of the enforcement section of the 14th Amendment. But if it is desired to deal with stores, restaurants, hotels, etc., it seems to me that it would be both unwise and unfortunate to invoke the 14th Amendment and the thin reed of "licensing" by the state. Among other fairly obvious reasons, that reed could be cut out from under by the repeal of any licensing laws or ordinances.

I suggest that it would be very easy, and much sounder, to invoke the Commerce power. It is late at night, and this is just a sketch, but the legislation might recite that its purpose was to deny the facilities and channels of interstate commerce to stores, restaurants, theatres, etc., which discriminated on the basis of race, color,

Mine

March 18, 1963

Mr. Warren Olney, III
Director, Administrative
Office of the United
States Courts
Supreme Court Building
Washington 25, D. C.

Dear Warren:

This is in delayed response to
your inquiry of January 14 about Judge
Thomas. The facilities referred to are
in fact desegregated.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	NAME	BUILDING AND ROOM
1.	<i>[Signature]</i>	
2.		
3.		
4.		
5.		

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- PREPARE REPLY FOR THE SIGNATURE OF _____
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

1/15

Please advise -

BM

Letter to H. - O. Long

Dear Warren:

This is a delayed response to your inquiry of January 14 and July 1961. The facilities referred to are for emergency use. I am truly yours

FROM
NAME

BUILDING, ROOM, EXT. DATE

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
SUPREME COURT BUILDING
WASHINGTON 25, D. C.

WARREN OLNEY III
DIRECTOR

WILL SHAFROTH
DEPUTY DIRECTOR

January 14, 1963

Misc.
John Doe -
Please
advise.
for

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

Dear Burke:

You will recall speaking to me some time ago about a number of Civil Rights Cases pending in the Southern District of Alabama before Judge Daniel H. Thomas and the inability of Government counsel to get the Judge to take action with respect thereto.

Recently, Mr. Orin S. Thiel of this office made an inspection of the docket of the court in the Southern District of Alabama and Mr. Thiel has now prepared a report, dated January 11, 1963, covering matters under advisement by Judge Thomas, a copy of which is enclosed for your information. Please keep the report confidential as Mr. Thiel, and I also, would be very much embarrassed if the informal comments originating with Judge Thomas and Chief Judge Tuttle were to get out.

As you will see from Mr. Thiel's report, Judge Thomas takes the position that the facilities involved in each of these suits have, in fact, been integrated and therefore he has taken no further action in these cases believing that to do so will only agitate a problem that is already solved. In fact, if discrimination is at an end in the use of these facilities involved in these cases, the reluctance of Judge Thomas to act further in the litigation is not only understandable but can probably be justified as a wise course. However, this office does not have the actual facts, although Mr. Thiel did tell me that while in Mobile he observed passengers of both races riding together at both ends on city buses, and that he also observed persons of both races using the dining room and luncheon counter facilities at the Mobile Municipal Airport.

Honorable Burke Marshall - p. 2.

It would be helpful to this office in determining whether we should carry this matter further, either with Judge Thomas or with Chief Judge Tuttle, to hear from the Department as to whether racial discrimination in the places and particulars is in fact at an end as stated by Judge Thomas.

Sincerely yours,


Warren Olney III
Director.

Enclosure

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Warren Olney III

DATE: January 11, 1963

FROM : Mr. Orin S. Thiel

SUBJECT: Matters held under advisement by Judge Thomas in
the Southern District of Alabama.

On September 30, 1962, Judge Thomas of the Southern District of Alabama reported 11 matters under advisement. At the time of my visit to Mobile during the first week in December, five of these 11 matters had been disposed of. We have just received Judge Thomas' report of matters under advisement on December 31, 1962, and it indicates an additional five matters have been disposed of, leaving only one matter pending of the 11 that were reported on September 30, 1962.

The matter that is still pending is Civil Action 2193, Norman Evans and Matthew Boney v. City of Mobile, filed April 24, 1959. This is a suit for an injunction against segregation because of race or color on city buses. On October 27, 1961, a stipulation of facts was filed. On November 2, 1961, an order of submission on the agreed facts without argument was filed. In commenting on this case, Judge Thomas said that for all practical purposes the buses are integrated and "I am just letting the case sit." He sees no good reason for filing an opinion, since it would do nothing but disturb a lot of people and create agitation concerning a problem that has already been resolved.

Another civil rights case which was on Judge Thomas' September 30, 1962 list of cases under advisement, but which was not on the December 31, 1962 list is Civil 2434, Ernest Leon Koen, et al., v. H. Clay Knight filed August 2, 1960. In this case the plaintiff sought an injunction against being denied admission to a State Vocational Technical School solely because of color or race. Judge Thomas stated that he would have to dismiss the complaint because the statute of limitations had run on the plaintiff's cause of action, and he showed me an opinion he had prepared. He said he was not ready to hand down the opinion because he did not know what reaction it would create. According to our files this case was still pending December 31, 1962 and I do not know what action has

been taken so as to remove it from the list of cases under advisement.

Another undisposed of civil rights case but one that has never been submitted is Civil No. 2634, Clarence J. Cooke, et al, v. City of Mobile, filed June 26, 1961. This is a suit to enjoin the segregation of plaintiffs in the rest room, dining room and lunch counter facilities of the Mobile Municipal Airport. Judge Thomas showed me a letter dated August 6, 1962, written by the defendant's attorney and addressed to the plaintiff's attorneys suggesting that the case be dismissed because the airport restaurant is in fact integrated. This letter, as of December 7, 1962, had not been answered by the plaintiff's attorneys. Judge Thomas said the airport restaurant has been integrated.

Judge Thomas presented very convincing arguments justifying his procedures in the civil rights cases. However, when I repeated them to Chief Judge Tuttle of the Court of Appeals for the Fifth Circuit a few days later, he summarily dismissed Judge Thomas' arguments with the statement that there are a number of district judges in the Fifth Circuit who are dragging their feet on civil rights cases, and this is just one of the methods they are using. Judge Tuttle stated his court has had to mandamus Judge Thomas to get him to act in civil rights cases. He was referring to some voters registration cases.

Attached is a copy of a newspaper article which recently appeared in a Selma, Alabama paper.

CITIZENS Urged by Wallace Appointees

By FRANK PAFF,
Advertiser Correspondent
Special to The Advertiser - Alabama's
Department of Justice

For Thursday night urged the
possible" those of you to black
list federal judges, their families
and their friends.

will, indicator for the 2nd Judi-
cial Circuit, since 1953, proved an
able campaign manager for Wall-
ace in his successful run for the
governor's chair in May.

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**YUKON MORTGAGE
BROKERAGE CO., INC.**

201 Washington Bldg
Montgomery, Ala.

Secretary of the Alabama
apparently remains in the state
because of the fact that the
Governor Wallace said. How-
ever, a state man in the South
prefers to the numerous federal
judges are conducting their
work. These federal judges
should be punished and they and
their families and their friends
ostracized by treatment such
as this.

The head of the in an address
here to more than 3,000 persons
attending the annual meeting of
the Dallas County Citizens Coun-
cil in Veterans Stadium. There
are 1,200 members in the council.
Thomson introduced a resolu-
tion to demand that the federal
judges be punished for Wallace, who
was unable to make the address
to punish the judge in a formal
address. The 4,000 men Thom-

The speaker called President
Kennedy and his public-offi-
cials "power crazy."
saying, "They are vote-counters
looking for the other vote. They
will do anything to secure this
vote which will give them the
power they want above all
other things."
WELLS AS MUST MAIN

"The white children of the
South are being held literally in
prison with the sun-urn being
forced to mix with the black.
The black and colored boys of
the federal judges, covered by
the crowd in Washington, are
sentenced to destroy the South. We
are not to be destroyed. There is
no shame when such is over-
thrown by military might."

Thomson said Alabama and
Mississippi are standing up
proudly and strongly against the
encroachments of the rights of
states. He referred to Southern
citizens as law-abiding people.

"It is when federal judges send
out orders of punishment against
citizens," Thomson said, "we
in the South will consider the black
and colored federal judges are
more dangerous than Khrush-
chev and we have no intention
of letting him be our enemy. We also
know how to deal with those so-
called federal judges who are
also our enemies."

ASKS HALT OF MONEY

The very day and hour South
men members of the Senate and
House grand that congressional
machine to a halt and refuse to
hand out any more tax money
or any more money for federal
programs, no more money for
administrative bodies, then and
only then will that Kennedy
criminal see that we have power
in the South," Thomson said.
"That we are a majority and can
present a new vote law. Then
and only then will they get off
the backs of the whites in the
South."

Earlier an old-fashioned La-
bette whetted appetites for the
political fare which followed
election of new council officers.

Dallas County Judge
R. A. Reynolds, co-chairman of
the nominating committee, read
the nominating list which was ap-
proved by unanimous vote.
Elected were chairman, Hob
Hamlett, Vice Chairman, Bob
Rennie, Archie Waugh, former of
Sims, Tom Strong, Secretary Bill
Arrington, Treasurer William K
Rich.

C. E. Thornby of Centerville,
was elected chairman of the
Alabama Association of Citizens
Councils succeeding the present
chairman Walter Givhan ap-
parently but forcefully on the im-
portance of maintaining segrega-
tion in states rights.

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FRIDAY
SATURDAY

Brass Portable TV Stand On Casters
(With This Model)

V
to
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dec
ST
T

Misc.

19 March 1963

[REDACTED]

New York, New York

Dear Mr. [REDACTED]

This is in response to your letter of last week concerning the [REDACTED] family of Robbins, Illinois.

I regret that there is no way in which I can be of any assistance on your specific request. The United States has no agency with funds which could, even if it wished, pay for the transportation of private American citizens to other countries for personal purposes.

The stated desire of this family to leave the United States is a matter of concern. I cannot believe they would really benefit in the long run. But this is a decision they are certainly free to make.

While I understand that speeches do not cure any specific problems, I thought you and possibly your clients might be interested in a speech given last night by the Attorney General in Louisville, Kentucky. It sets forth a somewhat more hopeful view of the future, although I do not think it underestimates the depth of our problem. There are a lot of people in as well as out of government in this country who are constantly working on it.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

misc.

MAR 21 1953

Mr. D. H. Crenshaw
Sheriff, Oconee County
Courthouse
Walhalla, South Carolina

Dear Sheriff Crenshaw:

Representative Dawson Addie has informed me about the work that you did in January to eliminate any possibility that residents of your County might attempt to interfere with the orderly admission of ██████████ to Clemson. I wanted to thank you on behalf of the United States for those efforts. The entire country is very proud and grateful for the manner in which the citizens of South Carolina conducted themselves in the matter.

Very truly yours,

ROBERT H. HENNING

Attorney General

3
D

Misc.

John L. Murphy

3/21/63

Burke Marshall

Petersburg, Virginia

I received the following information from Reverend [REDACTED] in Atlanta, by telephone, on March 21:

In Petersburg, Virginia, on Sunday, March 17, a crowd of white toughs collected to harrass a Negro group conducting a stand-in in connection with movie theaters. This is a part of a continuing protest in Petersburg.

Instead of dispersing the whites, the police are charged with having used dogs to intimidate the protesters.

The witnesses to this are Reverend [REDACTED] of the First Baptist Church in Petersburg; [REDACTED] of the faculty of Virginia State College in Petersburg; [REDACTED] a student at Virginia State College; and [REDACTED] a high school student in Petersburg, whose address can be furnished by Mr. [REDACTED]. Mr. [REDACTED] will also furnish the names of other witnesses.

They intend to have another protest on Saturday, so that it might be helpful to have the police informed of an investigation before then, if you agree that this is sufficient information to warrant an investigation. If not, please see me.

Miss.

22 March 1963

The Honorable Dawson Addis
100 South Ann Street
Walhalla, South Carolina

Dear Dawson:

It was very kind of you to come in to see the Attorney General and me earlier this month. We both very much appreciate your going out of your way to do so. There is certainly no other domestic event which has done this country more good this year than the manner in which the state of South Carolina accepted the ruling of the courts in the Gantt case. You contributed a good deal to that yourself.

I know that the Attorney General has written you himself about this. He showed me your letter to him of March 14th, which he was very pleased to get.

With my best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

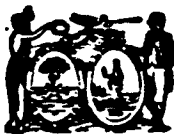
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Chairman

G. RAYMOND McLENNEN
First Vice Chairman

F. JULIAN LEAMOND
Second Vice Chairman

Mrs. NANCY CLARK
Sergeant

Ways and Means Committee



House of Representatives
Columbia, S. C.

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LUTHER C. WRIGHT, JR.
F. HALL YARBOROUGH

March 14, 1963

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

Dear Burke:

I will be eternally grateful to you for your help to me and the people of my County and the State of South Carolina. I personally feel had you not done what you did to help, we would have had some trouble locally.

Whenever I am in Washington again, I will make a special effort to visit with you because you strike me as a very conscientious, dedicated man and I am proud that you offer your service to the people of our nation.

Sincerely,

A handwritten signature in cursive script that reads "Dawson".

J. Dawson Addis

JDA:nh

From

THE ATTORNEY GENERAL

Deputy Attorney General.....	<input type="checkbox"/>
Solicitor General	<input type="checkbox"/>
Executive Assistant to the Attorney General	<input type="checkbox"/>
Assistant Attorney General, Antitrust	<input type="checkbox"/>
Assistant Attorney General, Tax	<input type="checkbox"/>
Assistant Attorney General, Civil	<input type="checkbox"/>
Assistant Attorney General, Lands	<input type="checkbox"/>
Assistant Attorney General, Criminal.....	<input type="checkbox"/>
Assistant Attorney General, Legal Counsel.....	<input type="checkbox"/>
Assistant Attorney General, Internal Security.....	<input type="checkbox"/>
Assistant Attorney General, Civil Rights	<input checked="" type="checkbox"/>
Administrative Assistant Attorney General.....	<input type="checkbox"/>
Director, FBI.....	<input type="checkbox"/>
Director, Bureau of Prisons.....	<input type="checkbox"/>
Director, Office of Alien Property.....	<input type="checkbox"/>
Commissioner, Immigration and Naturalization...	<input type="checkbox"/>
Pardon Attorney	<input type="checkbox"/>
Parole Board	<input type="checkbox"/>
Board of Immigration Appeals	<input type="checkbox"/>
Special Assistant for Public Information	<input type="checkbox"/>
Records Administration Office	<input type="checkbox"/>

For the attention of Deke Merrill

REMARKS:
*Per conversation
S. Newman*



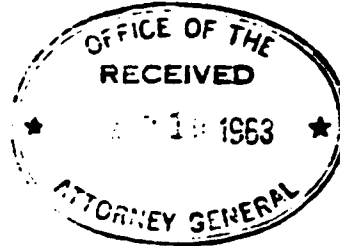
J. DAWSON ADDIS
MEMBER FROM OCONEE COUNTY

COMMITTEE
WAYS AND MEANS

HOME ADDRESS:
100 E. ANN ST.
WALHALLA, S. C.

House of Representatives
Columbia

March 14, 1963



Honorable Robert F. Kennedy
United States Attorney General
Justice Department
Washington, D.C.

Dear Mr. Kennedy:

In the last letter I wrote you in reference to our talk on February 26, I was not as personal as I would like to have been. Please accept this letter as personal.

In the past few years I have read quite a bit about you and your abilities, drive, and dedication. The most important impression I got when I visited with you personally was that you are "just one of the boys." This is a compliment to a man in your position and I honestly believe that you and your brother, the President, place your values as to our people in the right place. "The importance and the rights of the individual"—this has been my belief in serving the people of my county and, by placing the importance in this place, the outcome of my personal elections has been as follows: first time--62% of the votes in my county; second time--72%; and last year--74%. I sincerely believe that if the present administration continues to place the importance on the individual that the present administration will continue to serve our nation.

Thanks again for receiving me in the cordial way which you did and don't forget [redacted]

Sincerely yours,

J. Dawson Addis
J. Dawson Addis

JDA/B

I wish to help your efforts in '64