

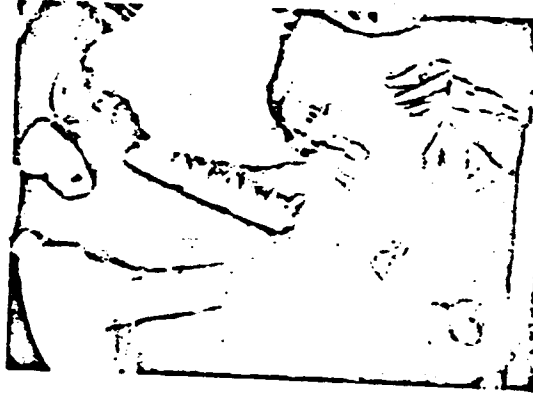
BIRMINGHAM

THE COST OF LEGAL DEFENSE

IN ALABAMA, THE N. A. A. C. P. LEGAL DEFENSE FUND IS...

- defending every one of 2,497 Negro citizens jailed in Birmingham for peaceful protest against segregation;
- appealing the convictions of Rev. Martin Luther King, Jr. and ten Negro ministers sentenced to jail for criminal contempt;
- filing suit in federal courts to protect from interference by force and violence the right of citizens to picket, to speak, and to assemble peacefully in protest against segregation;
- defending the Freedom Walkers arrested when they sought to complete slain postman William Moore's walk to Mississippi;
- representing parents of Negro schoolchildren seeking desegregation of Alabama schools;
- handling suits in behalf of Negro students seeking admission to the all-white University of Alabama.

OUR DEFENSE OF THESE AMERICANS CONSTITUTES THE MOST MASSIVE LEGAL OPERATION ever attempted in a single American com-



IN BIRMINGHAM policemen under Negro woman who demands treated to obtain equal rights in her own city.

For Full Equality for Negro Americans

The N. A. A. C. P. Legal Defense and Educational Fund has fought in the courts since 1916 to secure for Negro Americans the rights guaranteed them by the Constitution and laws of the United States but denied in practice.

N. A. A. C. P. Legal Defense Fund lawyers have been responsible for scores of law suits carried by the U. S. Supreme Court, which have resulted in historic decisions guaranteeing basic rights in education, housing, voting, free participation, recreation and employment.

NEW YORK TIMES
5/17/63

SHOWDOWN NEAR AT U. OF ALABAMA

U.S. Judge Upholds Ruling on Admission of Negroes

By HEDRICK SMITH

Special to The New York Times
BIRMINGHAM, Ala., May 16

Alabama moved a step closer today to a showdown next month over renewed desegregation of the University of Alabama.

A Federal district judge ruled that the university's new director of admissions was bound by the desegregation order he issued nearly eight years ago in the Autherine Lucy case. Miss Lucy, a Negro, won admission to the university at that time.

Judge H. Hobart Grooms also directed the dean of admissions, Hubert H. Mate, to show cause why three Negro applicants should not be admitted to the university and why he should not be held in contempt of the previous court injunction.

Judge Grooms set a hearing in the case for next Tuesday. His action today in consolidating the new cases with the Lucy case not only speeded up legal proceedings, but also put the burden of proof on the university.

Dean Has Resigned

Judge Grooms issued the original injunction desegregating the University of Alabama on July 1, 1955. His injunction was directed against Williams F. Adams, the former dean of admissions, who has resigned.

Under that court order Mrs. Lucy, now Mrs. Autherine Lucy Foster, attended the University of Alabama for three years, Feb. 26-29, 1956.

She was expelled for "false, defamatory, impudent and scandalous charges against school officials" for comments made to the press. Her expulsion was later upheld by Judge Grooms.

Alabama is now the only state in the South with no desegregation in any of its public educational institutions. Gov. George C. Wallace has vowed to "stand in the school house door" and go to jail, if necessary, to preserve segregated schools.

Two separate suits were filed recently on behalf of Negroes seeking to attend the universat

U.S. Employees Apply

One was filed last week on behalf of two Negroes, both employees of the Federal Government at the Redstone Arsenal missile complex in Huntsville. They have applied to enter the university's Huntsville Center as graduate students during the summer semester, starting June 10.

The second suit was filed April 15 on behalf of the three students who want to transfer to the university's main campus in Tuscaloosa from the Negro colleges they are now attending.

Two of them, Vivian J. Malone, 20 years old, of Mobile, Ala., and Sandy English, 21, of Birmingham seek to enter the university as undergraduates next September.

The third, Jimmy A. Hood, 20, of East Gadsden, has applied to enter the university during the summer semester beginning June 10. He is now a sophomore at Clarke College in Atlanta.

The university, represented by three Birmingham lawyers, Andrew J. Thomas, Francis H. Moore and Samuel H. Burr, contended that the court order in the Lucy case did not apply to the new dean of admissions.

Attorneys for the Negro students took the position that the court order had been issued against the office of the dean of admissions rather than against the dean as an individual.

Negroes Ask Scope Of Birmingham Pact

By CLAUDE SITTON
Special to The New York Times

BIRMINGHAM, Ala., May 16 — Negro leaders said today they would seek clarification of published differences with whites over the contents of a desegregation agreement.

In other expressions of dissatisfaction, they complained of "apparent laxity" by Federal, state and local officials in failing to solve bombings of a Negro home and motel last Saturday night. And they accused state highway patrolmen of continued acts of brutality.

The settlement, which won the implied endorsement of some prominent business and industrial executives yesterday, brought a suspension of mass

Continued on Page 14, Column 4

NEGROES QUESTION BIRMINGHAM PACT

Continued From Page 1, Col. 4

demonstrations. It provides for ending racial barriers in seven department and variety stores, promotion of Negroes to sales positions and appointment of a biracial committee.

Differ on Extent

Since announcement of the pact last Friday, whites and Negroes have given sharply differing versions of the extent of the advances included.

"I think that there are some things in the settlement that we will have to clear up with the [negotiating] committee," said the Rev. Dr. Martin Luther King Jr.

Dr. King, president of the Southern Christian Leadership Conference, held a news conference at the A. G. Gaston Motel, site of one of the bombings. He was accompanied by the Rev. Ralph D. Abernathy, the conference treasurer, and the Rev. Fred L. Shuttlesworth, its secretary. The conference and the Alabama Christian Movement for Human Rights, of which Mr. Shuttlesworth is president, led the five-week desegregation drive here.

The agreement, according to Dr. King, provides for desegregation of lunch counters in the five stores that have them within 60 days from the agreement and not 90 days after a State Supreme Court ruling on the city's governmental controversy.

The court held a hearing today in Montgomery on the vote issue. The city's three Commissioners are challenging the right of a newly elected mayor-council system of government to take office until the Commissioners' terms expire in 1965. Voters approved the change from the commissioner system in a referendum last March.

Dr. King also contended that the accord calls for hiring or promotion of at least one Negro in all seven stores to a sales position. Further, Mr. Abernathy asserted that the proposed upgrading of Negroes extended to industry.

Chairman Differs

Sidney W. Smyer Sr., head of one of the city's largest real estate concerns and chairman of the white negotiators, gave newsmen another view of the points included.

Mr. Smyer said only one store

would promote a Negro to salesman and that "if there is any trouble from either side" this would nullify the experiment. He made no mention of upgrading in the city's industries, although this already has taken place in a few of those with Government contracts.

"The very word clerks and salesmen" in the agreement, asserted Mr. Shuttlesworth, "precludes the idea of one clerk to be hired and fired at will."

"These things, you recall, were made in the presence of a representative of the President of the United States," he added.

The latter was a reference to Burke Marshall, Assistant Attorney General and head of the Justice Department's Civil Rights Division. Mr. Marshall brought the two sides together and encouraged them to continue their talks until the settlement was made.

Good Faith Stressed

Dr. King emphasized that he and the others were not accusing the white negotiators of bad faith.

"We want to reiterate that we have faith in the persons with whom we negotiated and we still feel that the agreement will be not and along the lines stated," he said.

Sixty members of Birmingham's Senior Citizens' Committee, which appointed the white negotiators, voted yesterday to release the names of all 77 prominent business and industrial executives connected with the group. They did not identify the negotiators, nor did they give a specific endorsement to the agreement reached with Negroes.

The Birmingham Post-Herald, a Scripps-Howard newspaper, said today in reporting the committee action that the group had "called on citizens of Birmingham to support the action." James E. Mills, the newspaper's editor, is a member of the Citizens' Committee.

Key Sentence Quoted

However, the Birmingham News, a Newhouse newspaper, made no reference to support of endorsement this afternoon in reporting release of the names. Clarence B. Hanson Jr., publisher of The News, is also a member of the Citizens' Committee.

The News commented editorially that the key sentence in the statement was the one that said, "We urge all citizens to join with us in making this a city where we all can live in peace and prosperity."

Tension Eases in Birmingham; Business Turns Toward Normal

By Ross M. Hagen

BIRMINGHAM, May 16 (AP)—Tension eased in this racially disturbed steel city today. Business life in the downtown district appeared to be returning to normal, although there were reports of a white boycott.

A spot check of downtown department stores showed business running from good to subnormal.

Police Chief Jamie Moore said there were no unusual incidents overnight. Scattered reports of window-smashing and minor scuffles between Negroes and whites had plagued the city since Sunday, when thousands of angry Negroes rioted.

Moore said his 450-man force is still on a seven-day-week basis. But officers were not being held overtime as had been the practice since the riot.

Case Under Advisement

In Montgomery, the State Supreme Court heard an hour and a half of arguments over which is the legal government of Birmingham — the segregationist City Commission or the newly elected, more moderate Mayor and Council. The Commissioners said they are entitled to serve out their terms, which expire in October, 1963.

The Court took the case under advisement. Chief Justice J. Ed Livingston said an opinion would be handed down "as soon as possible." He would not specify when.

Meanwhile, approximately 2,000 soldiers were poised at two military bases within 100 miles of Birmingham. They were ready to enter the city if President Kennedy decides they are needed to keep order.

Mr. Kennedy rushed the troops to Alabama after bombs wrecked the home of a Negro desegregation leader and damaged the motel headquarters of the Rev. Dr. Martin Luther King Jr., setting off the Sunday riots.

**"Ask The Un-American Activities Committee To
Investigate What This Strange Flag
Is Doing Down Here"**



DAVID LAWRENCE

Legality of U. S. Troops Action

Sending of Force to Birmingham Area Held Not Justified by Constitution

Have the American people just been given an example of how each of the 50 States of the Union can be deprived of their sovereignty despite the explicit guarantees written into the Constitution?

Has a precedent been established whereby the Chief Executive of the Federal Government may at any time in his discretion transfer governmental force or threaten to do so in order to coerce any State, county or city government to obey his desires?

The sending of such contingents is occasioned by the mobilization of Federal military forces around Birmingham, Ala., following a series of tragic events in that city in the last few days. For when restrictions in the Constitution can be ignored or a President of the United States in order to carry out his personal concepts of what the behavior of State or city officials should be, the force on which the people can have a judgment should be made available.

On May 8, President Kennedy was asked at his news conference about the use of the powers of the Presidency in the Alabama situation. The stereographic transcript shows his reply as follows:

"There isn't any Federal statute that was invoked in the case for Birmingham, Ala. I ordered the areas where the Federal Government had intervened in Birmingham, the matter of voting, the matter of getting with education, other matters. On the specific question of the parades that did not involve a Federal statute."

The questioner started to ask about Negro students, and the President interrupted with the following comment:

"As I indicated in my answer, that is the reason. Mr. Marshall of the United States Department of Justice is proceeding the way he is, and we have not had, for example, a legal suit as we have had in some other cases where there was a Federal statute involved."

handling the situation. The President in his reply to the Governor said:

"In response to the question raised in your telegram of last night, Federal troops would be sent into Birmingham, if necessary, under the authority of Title 10, Section 333, Paragraph 1 of the United States Code relating to the suppression of domestic violence. Under this section, which has been invoked by my immediate predecessor and other Presidents as well as myself on previous occasions, the Congress intrusts to the President all determinations as to (1) the necessity for action; (2) the means to be employed; and (3) the adequacy or inadequacy of the protection afforded by State authorities to the citizens of that State."

This is a historic statement. If accepted as valid, it permits a military dictatorship in the United States at any time any President chooses to invoke this same concept of executive power. For it claims there has been an unlimited delegation to the President of the power to use military force instead of court procedure and to threaten to use troops or send them to a troubled area—even before a Federal law is actually violated.

The statute quoted by the President, however, gives no such power. It reads as follows:

"Section 333. Interference with State and Federal law."

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if—

"(1) So far as the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection granted in the Constitution and secured by law, and the

constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) Opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws."

Since the President in this case did not invoke paragraph No. 2 and conceded instead that no court orders were involved—as they were in Little Rock, Ark., and Oxford, Miss.—the question is what Federal statutes were invoked? There were none. The States alone have the power to deal with local disorders.

The Constitution says in Section 4 of Article IV:

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive, when the legislature cannot be convened—against domestic violence."

The words "The United States shall guarantee" mean that the Federal Government guarantees and the President is charged with the duty of carrying out the provisions of the Constitution.

The Government of Alabama did not apply for aid and formally notified the President that the "unwarranted presence" of the Federal troops is an open invitation to a resumption of street rioting by lawless Negro mobs, and the assumption that they are protected by Federal military forces. He has announced that he will ask a Federal court to order the troops removed.

Clearly a precedent of far-reaching significance is being established in a Nation which has long boasted of the benefits of a written Constitution and the separation of powers.

DAVID LAWRENCE
New York Herald Tribune Staff

DORIS FLEESON

Legislative Drift on Civil Rights

Both Parties' Goals Believed Depending On Avoidance of a Real Partisan Fight

In political terms, the Alabama issue have pointed up the civil rights issue which has been relatively quiescent. By a kind of tacit consent, both parties have been consenting to a legislative drift on civil rights because both have goals which they feel would be frustrated by a genuine partisan struggle.

The President has chosen to substitute executive action because he wants the help of Southern Democrats to enact other parts of his program. Republicans are confident of a Southern breakthrough if they can continue to key their appeal to conservative policies while blaming the Democrats — but not too hard — for the present drift.

Birmingham shows the determination of Negroes to press for change in all ways open to them. Perhaps they really do not expect to break up the gentlemen's agreement in Congress, but they are keeping the issue alive in a manner which will compel national attention to the issue.

Democrats can be expected to censure the President with elaborate praise for what he has done, and it is a great deal. They may vote "no" on the usual "no" plank and hope for the best.

Republicans can attempt to a real agreement, especially

since Senator Barry Goldwater has come to the fore as the candidate of a South and West coalition. As a person he has worked for integration as a politician, he believes it is a State, not a Federal issue.

In 1960 he used a rather tame civil rights plank on the G. O. P. platform drafters which would avoid details and specifics. It would, he argued, carry the South for Richard Nixon. But Mr. Nixon yielded to Gov. Nelson Rockefeller's insistence on a strong declaration.

Gov. Rockefeller will take the same stand next year, and the battle will then be waged between him and Senator Goldwater. From such an argument a dark-horse presidential candidate often emerges.

All the indications are that Republicans must cope at their convention with another controversy. It involves the John Birch Society and its appeal to the Democrats who have no appeal for the Birchers.

How will Senator Goldwater seem headed for the mantle of the faith by his own party?

Last week Sen. Thomas H. Kuchel of California backed the "limit pending" specifically concerning the Bay Area. A few days later,

the Kuchel campaign manager in Northern California, Thomas Mellon, and nine colleagues demanded that the Republican State organization cease compromising with the Birchers and all other extreme right-wingers.

That week the Los Angeles Times stated that Senator Goldwater would make "a major pitch" for support of California Republicans at a rally sponsored by the State's Young Republicans. This is the group which earlier this year elected a strongly conservative president backed by the John Birch Society.

His decision to choose a Birch showcase is painful to many of the Senator's admirers and a blow to those California Republicans who are struggling to direct the party toward the center.

THE EVENING STAR BY DORIS FLEESON

Alabama High Court Hears Suit on Birmingham Rule

By PAUL HOPE

MONTOONERY, Ala., May 18—The Alabama Supreme Court focused on Birmingham today for a hearing that may determine the course of race relations in the strife-ridden city.

At issue is a suit to determine whether militant segregationist Mayor Arthur J. Hanes will run Birmingham for the next two years or whether the mantle of city government will fall on Albert Boutwell, regarded as more moderate on the racial issue.

Authority at Issue

The court argument today is over which government is in legal authority—the commission headed by Mr. Hanes or the new mayor-council setup headed by Mr. Boutwell.

Birmingham voters decided last November although the Hanes regime's terms were not to expire until 1965, to substitute the mayor-council form of government for their old city commission form.

The Boutwell forces claim they were entitled to take office in April by virtue of that vote.

The attention moved here from a Birmingham still relatively quiet. The city was in the hands of exhorting Shriners on a convention and hundreds of grim-faced police who continue to patrol the streets.

Alabama Gov. George Wallace was still carrying on his feud with President Kennedy over the presence of Federal troops sent to the area for possible use to maintain law and order after a week end of bombings and rioting.

The Governor said President Kennedy has set up a "military dictatorship" in Alabama and said he definitely has decided to try to get a Federal court order to have the troops removed.

In another development, the white Birmingham citizens who negotiated last week's shaky settlement designed to end racial discord revealed their names. The negotiations had been carried on in strict secrecy and the whites had declined to identify themselves for fear of reprisals by segregationists.

More Than 70 Listed

More than 70 names were listed for the white organization which calls itself the Senior Citizens Committee. A statement issued with the list said that not all the members agreed with the settlement but that a majority did.

Among those listed are Milton Andrews, a banker and chairman of the Alabama Alcoholic Beverage Control Board; Walter Bouldin, Alabama Power Co. president; Donald Comer, Jr., president of Avondale Mills; Arthur V. Wiebel, president of U. S. Steel's Tennessee Coal and Iron Division; C. Pratt Rafter, president of Southern Natural Gas Co.; Frank W. Hulse, president of Southern Airways; L. P. Jeffers, president of Hayes Corp.; Frank Dixon, former Alabama Governor; W. Cooper

Green, former Birmingham mayor and a vice president of Alabama Power Co.; Clarence B. Hanson, publisher of the Birmingham News; James E. Mills, editor of the Birmingham Post-Herald; and Crawford Johnson III, an executive of the Coca-Cola Co.

Moderates in the community had been urging members of the committee to identify themselves on the supposition that such disclosure would show that most of business leaders of Birmingham favor a peaceful accommodation to the Negro demands. The committee says its members represent the employers of about 80 per cent of the white and Negro working force of the Birmingham area.

Hanes Addresses Rally

At a rally in Birmingham last night Mayor Hanes indicated to about 500 segregationists how he will handle the racial issue if he stays in City Hall.

Referring to the city's swimming pools, closed after a Federal court order said they had to be desegregated, the Mayor shouted: "What decent white person is going to send their kids down to swim with a bunch of niggers?"

He called the newspapers of the country, particularly of Birmingham, "the left-wing liberal, distorted, lying press."

"Bayonet Brotherhood"

"The rabble rousers with headquarters in Washington, D. C., apparently are jealous of our way of life," he said. "They are trying to run down our city so we will wind up like the dirty cesspools of the Eastern cities and the Nation's Capital in Washington . . . where the

people are afraid to get out on the street at night."

He said President Kennedy and the Rev. Martin Luther King, leader of the Negroes who have demonstrated in Birmingham for six weeks, are trying to enforce "bayonet brotherhood."

"The violence has been perpetuated from beginning to end by Negroes," he said, claiming that Attorney General Robert Kennedy "pushed C. condoned and encouraged" bloodshed in Birmingham.

A possible new crisis was averted when the State Supreme Court yesterday granted a stay of five-day jail sentences that Mr. King and a fellow integrationist leader, the Rev. Ralph J. Abernathy, were supposed to start today.

Both were convicted of contempt of court April 26 for violating an injunction against racial demonstrations in Birmingham. Jailing of the two last week on another charge almost upset the truce which Negro leaders and white business leaders had negotiated. Only freezing the pair on bond saved the truce which had been announced a few hours before by President Kennedy.

The Washington Merry-Go-Round

THE WASHINGTON POST Thursday, May 16, 1963 119

Yorty Swats at State Democrats

By Drew Pearson

It looks as if Dick Nixon were moving away from California at the wrong time.

Two weeks after his announced decision to move, Mayor Sam Yorty of Los Angeles, nominally a Democrat, has started pulling the props from under California Democrats. It could swing that key state over to the Republicans in 1964 and endanger Mr. Kennedy's re-election.

Last week Yorty aimed a healthy political swat at Eugene Wyman, State Democratic Chairman and attorney for Endo Laboratories in Los Angeles, makers of a drug called Percodan, which contains a certain amount of narcotics.

The California Senate recently passed a narcotics control bill aimed at regulating Percodan, but containing an amendment that after two years it would go off the regulation list.

Yorty insinuated that Wyman was responsible for the amendment.

Gov. Pat Brown and Attorney General Stanley Mosk immediately issued statements that they knew of no improper action by Wyman. Mosk's office had appeared in opposi-

tion to the Percodan amendment, but he said Wyman's conduct was exemplary.

Wyman himself states that at the time he became State Democratic Chairman last August he went to Mosk and told him he had been attorney for Endo since before he got into politics and asked Mosk's advice whether he should continue. Since Wyman was not a legislative advocate, Mosk advised that he saw no conflict.

However, Wyman's father-in-law was recently appointed by the Governor to the Pharmacy Control Board, and Wyman's wife is on the Los Angeles City Council. Wyman's law firm is one of the most prosperous in Southern California and Mayor Yorty indicated that some of Wyman's clients have business before the City Council, of which his wife is a member.

Wyman states, however, that none of his clients have business before the city of Los Angeles, and that his law firm was just the same size as before he entered politics—namely, 13 men.

Nevertheless, Sam Yorty, who supported Nixon against Kennedy for President, has succeeded in really muddying the political waters of California.

Another Power

Jesse Unruh, the Democrat powerhouse in Sacramento, is now considered as powerful as Gov. Brown and sometimes

shows himself to be more so. Unruh can just about decide what bills pass the Legislature. This is accomplished partly through campaign contributions Unruh being the chief funnel through which contributions are distributed to Democratic legislators. Brown is trying to pass a bill requiring the names of individual campaign contributors to be published, in line with the Federal law. But Unruh is opposed and that's that.

Unruh is also opposed to the Governor on another point—night harness racing, not now permitted in California. Brown believes that racetrack gambling is the cause of anguish, poverty and embezzlement, and is flatly opposed to additional tracks in California.

Unruh came to Sacramento more or less with patches on his pants, now owns a big house in Los Angeles. He operates an industrial research firm.

These are some of the factors that are switching California over to the Republicans and could make Nixon sorry he is leaving his native state.

Alabama Warning

Some of the best friends of Gov. George Wallace of Alabama feared Alabama was heading for race riots and three months ago warned Wallace to climb down from his

fiery segregationist stand. Among them were the Montgomery Advertiser and the Anniston Star, both Wallace supporters.

"The State of Alabama and its Governor are going to row unless the Governor makes it clear there isn't going to be any violence or mob rule," wrote the Montgomery Advertiser.

"The Advertiser is distressed to have to say that the Governor has evaded any opportunities to make himself plain on violence. He has evaded his duty."

"The consensus of the Governor's friends very definitely is that he should stay within the law and he will have to help in that regard," said Col. Harry Ayers editorially in the Anniston Star. "It is entirely foolhardy to embark on a course that can lead only to grief and defeat."

Though Wallace told this writer, well in advance of the trouble in Birmingham, that he did not want to turn Alabama into another Mississippi, he persistently stated that he would "draw a line in the dust" beyond which desegregationists could not pass and would "stand in the door to block the entry of Federal troops or Federal marshals or anything else. They will have to arrest me."

Many interpreted this as meaning that if the Governor resisted, riots would follow. It is a simple wish for unity.



Yorty

NEW 1000 PHILCO NOISELESS

MAY 14, 1963

Talk of White Boycott Frightens Montgomery

By Don McKee

Montgomery, Ala. (AP) — Fear of the bank for Saturday's white boycott. Some of Alabama's most prominent businessmen took part in a meeting here today to discuss the possibility of a white boycott of downtown Montgomery. The meeting was held at the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation. The meeting was held in the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation. The meeting was held in the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation.

Others among the group for a white boycott were Walter White, president of the NAACP, and other leaders of the civil rights movement. The meeting was held in the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation. The meeting was held in the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation.

The meeting was held in the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation. The meeting was held in the home of Mrs. J. Edgar Hoover, who is the wife of the director of the Federal Bureau of Investigation.



"Things stirrin' up trouble... You know that ain't news." — Present from the New York Times

...of downtown Montgomery... The racial battle in Birmingham... The boycott... The meeting...

...of downtown Montgomery... The racial battle in Birmingham... The boycott... The meeting...

Inside Report • By Rowland Evans and Robert Novak

Taught of the Moderates

DEEP CURRENTS of emotion are running strong out of Birmingham, threatening to engulf the racial moderation of the South—and the North as well.

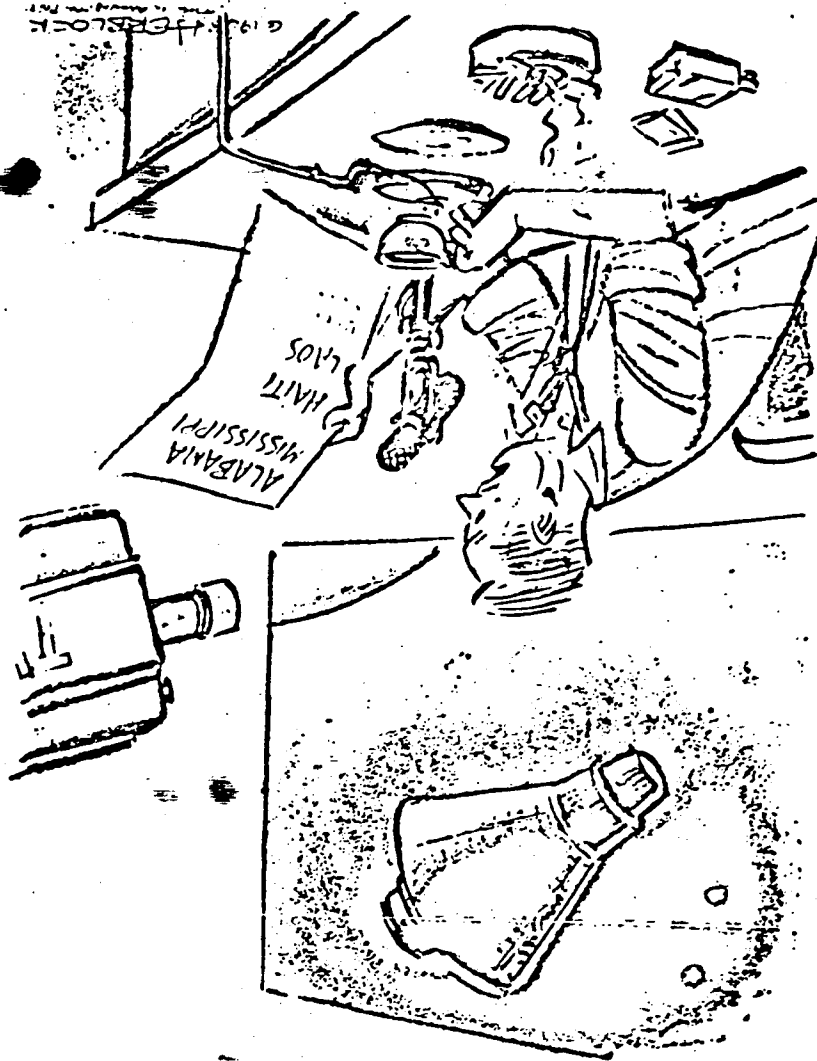
Here in the Capital, the realists do not hide their concern. Dr. Martin Luther King's spectacular success in Birmingham will surely lead to similar struggles elsewhere. There will not be contented to the white supremacy of the South. The cities of Nashville, Tenn., and Raleigh, N.C., which already have started down the long road of integration, seem to be the next targets. And top federal officials here fully expect some kind of fallout from Birmingham in the North—Chicago, Detroit, Philadelphia, Los Angeles and here in Washington.

THE LINDY target in Birmingham was an end of segregated lunch counters in a big department store in Birmingham. The result could be spread in both North and South. The federal government, there is superior human pattern, the result of Negroes, better jobs, better equal status in the United States. The objective is more advanced equal housing opportunities. The objective is more advanced equal housing opportunities. The objective is more advanced equal housing opportunities.

THE LINDY target in Birmingham was an end of segregated lunch counters in a big department store in Birmingham. The result could be spread in both North and South. The federal government, there is superior human pattern, the result of Negroes, better jobs, better equal status in the United States. The objective is more advanced equal housing opportunities. The objective is more advanced equal housing opportunities.

THE LINDY target in Birmingham was an end of segregated lunch counters in a big department store in Birmingham. The result could be spread in both North and South. The federal government, there is superior human pattern, the result of Negroes, better jobs, better equal status in the United States. The objective is more advanced equal housing opportunities. The objective is more advanced equal housing opportunities.

THE LINDY target in Birmingham was an end of segregated lunch counters in a big department store in Birmingham. The result could be spread in both North and South. The federal government, there is superior human pattern, the result of Negroes, better jobs, better equal status in the United States. The objective is more advanced equal housing opportunities. The objective is more advanced equal housing opportunities.



"Meanwhile, Back At The Earth —"

MAY 18 1963

WASHINGTON POST-TRIBUNE REPROD

MAY 10 1963

WALLACE DECIDES TO SUE ON TROOPS

Will Test Kennedy Action in 'Appropriate' U.S. Court

MONTGOMERY, Ala., May 10 (AP) — Gov. George C. Wallace said today he would institute a suit to determine if Federal troops could be used in Birmingham. He accused President Kennedy of setting up a military dictatorship.

The Governor told newsmen the suit would be filed "in the appropriate Federal court." But he declined to say where or when.

There was speculation that the Governor might try to originate the suit in the United States Supreme Court to speed the ultimate decision. He said, however, that many possibilities were being considered.

"Must Preserve Liberty"

Mr. Wallace, referring to Army troops mobilized at two Alabama bases for possible riot duty in racially troubled Birmingham, declared in a prepared statement issued at a news conference:

"We must preserve liberty and freedom in Alabama and in the nation. This military dictatorship must be nipped in the bud. These Federal military troops must be removed from Alabama at once if free government is to continue."

President Kennedy ordered 5,000 combat-trained troops moved into Maxwell Air Force Base at Montgomery and Fort McClellan at Anniston Sunday

night. His order followed the bombings of the home of the Rev. A. D. King, a Negro integration leader, and a Negro motel and the rioting of Negro mobs in Birmingham Saturday night and early Sunday.

The White House said the troops would not be used unless there was further violence in Birmingham and unless state and local authorities failed to suppress it.

Calls Action Illegal

Three times in three days, Governor Wallace telegraphed protests to Mr. Kennedy, insisting that the Federal Government had no right to send troops into Birmingham. The Governor made these contentions:

"The Federal law cited by the President as the authority for his mobilization order violates the United States Constitution. Mr. Wallace said Federal troops could be used to quell domestic violence only upon request of a State Legislature or a Governor.

"Even if the Federal law is valid, it cannot be used in Birmingham because the Governor said state and local authorities have suppressed violence and will continue to do so.

Mr. Wallace alerted National Guard troops for possible duty in Birmingham almost immediately after the rioting broke out. He said he would call the Guard to active duty "for a moment's notice" if needed. President Kennedy also alerted the Guard for possible mobilization.

BIRMINGHAM PACT PICKS UP SUPPORT

NEW YORK TIMES

MAY 11 1963

Group That Appointed White Negotiators Decides to Identify Its Members

By CLAUDE SITTON

BIRMINGHAM, Ala., May 10 — A handful of business and industrial leaders won a measure of public support today for a limited desegregation plan worked out by a biracial negotiating committee.

Sixty members of the Senior Citizens' Committee, the group of prominent executives who appointed the white negotiators, voted to publicize the names of all persons connected with the committee.

However, the statement accompanying the names carried no endorsement of the desegregation pact. James Mills, editor of The Birmingham Post-Herald, a Scripps-Howard newspaper, a spokesman for the group said the endorsement was implied.

Note Official Pressure

Sources within the committee said earlier that the reason underlying the committee's failure to speak out publicly in support of the actions of its subcommittee was the pressure that had been exerted on the business community from state and local segregationists in official positions.

This failure, coupled with continuing Negro complaints of brutality at the hands of state highway patrolmen, raised questions about the permanency of the racial truce here, which followed two bombings and a riot last weekend.

Col. Albert J. Lingo, State Public Safety Commissioner, told newsmen he had increased the number of law enforcement men stationed here under his command from 375 to 700.

They include 400 troopers, 200 state game wardens, revenue agents and other state employees. Col. Lingo said the complaints of brutality were to be expected.

The Rev. Fred L. Shuttlesworth, head of the Alabama Christian Movement for Human Rights, accused the troopers of seeking to sabotage the agreement by provoking trouble with Negroes. He and the Rev.

BIRMINGHAM PACT GROWING SHAKIER

Mother's Burden

Please don't go to work. The touching plea adds today, Mommy.



Continued From Page 1, Col. 1

Dr. Martin Luther King Jr., president of the Southern Christian Leadership Conference, led the five-week integration drive that preceded the accord.

Mr. Shuttlesworth was found guilty in City Court this afternoon of parading without a permit. He was sentenced to 150 days in jail and a fine of \$100. His lawyers said they would appeal the conviction on the charge, which stemmed from the minister's participation in demonstrations here.

Edwin O. Guthman, information assistant to Attorney General Robert F. Kennedy, indicated in a news conference here that the Justice Department also believed the troopers should be withdrawn.

Mr. Guthman stressed re-promotion of a few Negro employees to sales positions and told that the Birmingham police establishment of a biracial committee and Jefferson County sheriff's office deputies could handle any trouble that might arise.

Birmingham Marshal, Assistant Attorney General and chief of the Civil Rights Division, flew here from Washington after conferring with Attorney General Kennedy. He is returning back here to the department and variety stores negotiations and if it was tak-

ing measures to protect them. The matter of protection would be a local police problem. Mr. Guthman replied "We have been told of such threats."

Federal Bureau of Investigation agents, according to him, are continuing their investigations of the bombings of a Negro motel and the home of the Rev. A. D. King, a Negro integration leader, last Saturday night. They are also looking into the allegations of brutality against the state troopers. Mr. Guthman declined to say how many complaints had been received.

Mr. Shuttlesworth told newsmen at the Gaston Hotel, headquarters of the integration drive, that he was still confident that all provisions of the agreement would be fulfilled. However, he said if white businessmen "don't have backbone enough to carry them out, then demonstrations will be carried on."

The Greater New York Fund has a solution for this problem: the Winifred Wheeler Day Nursery - an affiliate of E.A. Sule House - one of the 59 day-care centers. Give generously where you work, and help to make New York the best cared for city in the world.

Mr. Guthman contended that the department should be attached to the return of Mr. Marshall. However, he considered it unlikely that the department would come back had not the Administration considered his presence necessary to shore up the agreement.

The department spokesman in creating an atmosphere in which the Birmingham agreement can be implemented. "I think there has been some evidence, certainly, since Mr. Marshall brought white and Negro negotiators together those people who did not want to see this agreement carried out and the suspension of it," he said.

He was asked if the department knew that threats had been made against some of the other facilities in a few large whites who were active in the department and variety stores negotiations and if it was tak-

Continued on Page 22, Column 1

May 13

25-Man Command Post Watches in Birmingham

BIRMINGHAM, Ala., May 13 (AP)—In a corridor on the 14th floor of a Federal building, a woman civil service employe sits at a table and checks the passes of persons entering the officers behind her.

This is Birmingham's occupied zone.

In the officers are the headquarters of Maj. Gen. Charles Billingslea, who will command about 3,000 Federal troops if they are ordered into the city because of racial troubles.

Strategy Mapped

Gen. Billingslea, 48, a combat veteran who commands the 2d Infantry Division at Fort Benning, Ga., has mapped his strategy.

His assistant division commander is Brig. Gen. John T. Corley.

Liaison between the Army Chief of Staff is the job of Maj. Gen. Creighton Abrams, a Pentagon officer.

The staff here is composed of about 25 men.

Held ready are soldiers at Fort McClellan in Anniston, about 60 miles to the east, and

A spokesman indicated the troops probably would move in motor convoys. That would mean several hours might be required for moving in a substantial number of men.

Support Units on Hand

Billeted at Fort McClellan are about 2,250 men. There are two infantry battalions—about 1,500 soldiers. Paratroopers are included, and there are supporting aviation, signal and engineer units.

The brigade commander is Col. Maurice Holden of Cherryvale, Kans.

At Maxwell, the troops consist mostly of the 503rd Military Police Battalion with 600 to 700 men, commanded by Lt. Col. Raymond E. Levan of Delawanna, N. J.

The MPs are the experts in riot control.

The spokesman said the procedure in quelling a riot of proportions requiring martial law would call for fixed bayonets.

Birmingham Moderates Hesitate to Speak Out

By a Star Staff Writer

BIRMINGHAM, Ala., May 16—It isn't easy to be a moderate on the racial issue in Birmingham. Although there are a lot of moderates, not many will admit it.

A committee of white citizens that has been negotiating with Negroes to end racial demonstrations has carried on its work in strict secrecy, declining even to reveal its membership.

Sidney W. Smyer, a former president of the city Chamber of Commerce, finally disclosed that he was chairman. He had to have his home phone disconnected and move to a summer home on a nearby lake to get some peace.

Two Tell Their Side

But two prominent businessmen, a financially well-off father and son, told the moderates' side of the Birmingham story in an interview at their downtown real estate office.

"This is a situation I never thought I would see in my lifetime," said William P. Engel, a 67-year-old native Alabamian.

"We are the last remaining large city in the country that has made no real concerted effort as a community to solve these racial problems.

"There has been no contact between the Negroes and the whites for the last seven or eight years. We used to have a biracial committee financed by the Community Chest but the citizens were so angered by the 1954 Supreme Court school desegregation decision that they withdrew support.

Tells of Meeting

"A year ago I was called to a meeting where the Negro leaders begged us for a crumb. They told us they were going to lose control over their young people unless we gave them a few crumbs.

"Most whites felt something should be done, but nothing ever was."

He laid a large share of the blame for nothing being done to the militantly segregationist governmental leadership of the city and State.

He said the April 2 election of a new city leadership regarded as more moderate was a "miracle." The new mayor and council haven't been able to take over yet because of a court fight by the old regime to hold control.

"Without a change of government we wouldn't have a chance in Birmingham," he said.

Part of the impetus for the change came from an organiza-

tion of young businessmen. Mr. Engel's son, Marvin, was one of that group.

City Seen Hurt

"Anyone who says this trouble hasn't hurt Birmingham is telling a lie," said the younger Mr. Engel, displaying letters from national firms expressing concern over the situation. He said Birmingham is "standing still" while other Southern cities such as Atlanta and Memphis are growing rapidly and attracting new industry.

A representative of one firm, a personal friend, wrote a cryptic note when the younger Mr. Engel wrote to inquire why his organization never sent a representative to Birmingham any more. It said: "We are avoiding Birmingham, particularly at this time. I think the reasons are obvious."

Unemployment is a serious problem in the city, Marvin Engel said. Business in the downtown area is off so much—both because of Negro boycotts and the hesitancy of the whites to go into the racially troubled area—that many businessmen are facing hard times, he said.

"One merchant told me this was the worst Easter he has had since 1931," Marvin Engel said.

While the downtown merchants are not represented on the white negotiating committee, some of them have agreed to go along with an agreement to desegregate lunch counters and other store facilities and to begin a token hiring of Negro sales clerks.

Announcement of the agreement has brought cancellation of large numbers of store charge accounts, said Marvin Engel, whose firm handles many business properties.

He said it is time the moderates reveal themselves. He said those on the negotiating committee are prominent people who have been community leaders for years.

"Disclosure of the names would take the wind out of the sails of those who won't back the committee on the ground they don't know who they are," said the younger Mr. Engel.

APR 15 1968

QUESTIONS ARE HEATED

President and Brother Face Alabama Press

By MARY McGRORY

The Kennedy brothers are doing everything they can to keep the lines open in Birmingham's still-smoldering race crisis.

Yesterday, they had a little bit of luck in that 26 Alabama editors were scheduled for a White House lunch, and they took full advantage of it to further the dialogue they insist is the key to the trouble.

The President showed the editors Yankee hospitality and Yankee firmness. He concluded a two-hour-and-20-minute question-and-answer session with an invitation to his guests to go over and see his brother, the Attorney General.

For once, it would appear the President does more for than his brother in the civil rights situation.

Gets Hot Questions

"Why don't you send troops to Chicago?" asked one of his more militant visitors. The President answered calmly that he felt it his duty to dispatch Federal troops only to localities where the local police cannot control the situation.

"Martin Luther King is a puppet of this administration," fired another.

The President demurred. He had met the Negro leader, who has been caricatured in Birmingham as a Communist agitator, only twice. He went on to speak of his concern that more extremist elements might take over the Negro leadership.

of his hope that native whites and native Negroes would settle their differences among themselves.

Neil Davis, editor of the Auburn (Ala.) Bulletin, summed up the confrontation this way:

"The President was very friendly, very conciliatory, without hiding an inch on what his obligations are," he said.

Called Well Informed

One of the editors told the President to his face that his "information wasn't very good." But most of them agreed afterwards that he had been very well informed about the situation down home. Two of the editors even endorsed his dispatch of Federal troops into Birmingham.

By the time the editors had traveled from the White House to the Justice Department, they had cooled down considerably.

Their half-hour conversation with the Attorney General was of a philosophical nature.

The Attorney General played his ace, Burke Marshall, the now-celebrated trouble-shooter.

Mr. Marshall not only hammered out an agreement between whites and Negroes last Tuesday in Birmingham, but

also went back and, in the wake of the week-end riots, reconciled it. The anonymous business leaders who worked out the accord have received threats, are still nervous, but held to their word.

Grateful for Work

Mr. Marshall flew back from Birmingham in time to brief the Attorney General and participate in the seminar with the editors. Several allowed as how they were grateful for what he had done.

He was able to report the fact that the presence nearby of the troops had calmed the situation and reassured the Negroes that their newly-won rights would not go up in smoke.

The Attorney General spoke to them of Martin Luther King, of his yeoman service in quelling the Saturday night riots, and asked them to consider that Martin Luther King, who is luckily an apostle of non-violence, was merely "one individual symbol of the wrongs being done to a group of people."

At both the White House and the Justice Department, the prospect of still another dialogue was opened up.

Might Meet Governor

Several of the editors suggested that on his week-end trip to Muscle Shoals, Ala., the President might have a meeting with adamant Gov. Wallace.

The President told the editors he would be glad to see the Governor, and that the Governor had been invited by the TVA, his hosts for the occasion. The editors said they thought the Governor would require a personal invitation from the President.

The Attorney General assured the editors, who put the same suggestion to him, that if all that was wanting was word from the White House that the Governor was welcome, that word would be forthcoming.

Both the President and the Attorney General felt that the exchanges were "most helpful."

...of military...
 ...over a d...
 U. Attorney General
 ...it would appear that
 ...more for than
 his matter in the civil rights
 situation.

Get Hot Questions

"Why don't you send troops to Chicago?" asked one of his more brilliant visitors. The President answered calmly that he felt it his duty to dispatch Federal troops only to locations where the local police cannot control the situation.

"Martin Luther King is a part of this administration," said another.

The President demurred. He had met the Negro leader who has been exonerated in Birmingham as a Communist agitator only twice. He went on to speak of his concern that more extremist elements might take over the Negro leadership.

...the situation about the situa-
 ...two of the
 ...ordered his
 ...Federal troops into
 Birmingham

By the time the editors had traveled from the White House to the Justice Department, they had cooled down considerably.

Their half-hour conversation with the Attorney General was of a philosophical nature.

The Attorney General played his ace, Burke Marshall, the now celebrated trouble-shooter. Mr Marshall not only hammered out an agreement between whites and Negroes last Tuesday in Birmingham, but also went back and, in the wake of the week-end riots, reconciled it. The anonymous business leaders who worked out the accord have received threats, are still nervous, but held to their word.

Grateful for Work

Mr Marshall flew back from Birmingham in time to brief the Attorney General and participate in the seminar with the editors. Several allowed as how they were grateful for what he had done.

He was able to report the fact that the presence nearby of the troops had calmed the situation and reassured the Negroes that their newly-won rights would not go up in smoke.

The Attorney General spoke to them of Martin Luther King, of his seaman service in quieting the Saturday night riots, and asked them to consider that Martin Luther King, who is luckily an apostle of non-violence, was merely "one individual symbol of the wrongs being done to a group of people."

At both the White House and the Justice Department, the prospect of still another dialogue was opened up.

Might Meet Governor

Several of the editors speculated that on his weekend trip to Muscle Shoals, Ala., the President might have a meeting with adamant Gov. Wallace.

The President told the editors he would be glad to see the Governor, and that the Governor had been invited by the TVA. He hosts for the occasion. The editors said they thought the Governor would require a personal invitation from the President.

The Attorney General assured the editors, who put the same question to him, that if all that was wanting was word from the White House that the Governor was welcome, that word would be forthcoming.

Both the President and the Attorney General felt that the exchanges here must be helpful.

Kennedy OK Due on Arms Authorization

President Kennedy is expected to give prompt approval to a \$1.3 billion bill authorizing purchases of military weapons, missiles, ships and aircraft, including the B-52 bomber project he and the Defense Department oppose.

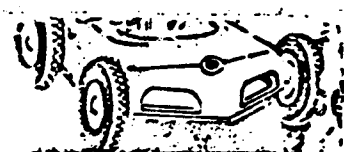
The House completed congressional action on the measure late yesterday with little discussion and no vocal opposition. The actual funds will be provided later in the defense appropriation bill. The authorization bill set ceilings and Congress could trim some of the amounts.

There was question as to how soon, if at all, the Pentagon would spend the \$207 million which House and Senate added for construction of two additional reconnaissance satellites. Defense Secretary McNamara and House Armed Services Chairman Vincent P. Johnson of Georgia are especially at odds on the issue.

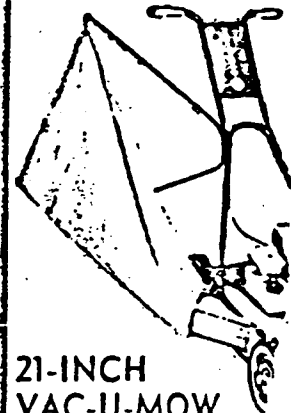
A bill adopted by the Senate last Monday and by the House yesterday in final conference form, the bill was about \$496 million under the administration's request.

The bill's total was \$342 million, less than the House request of \$475 million and \$426 million more than the Senate voted April 11.

The House accepted a conference committee agreement to appropriate funds for six months of fiscal attack operations. This resulted in a total of \$1.4 billion.



NOW IS THE TIME TO TOMATO PLANTS, PEP BAGE, ETC. WE HAVE SELECTION IN ALL ST



21-INCH VAC-U-MOW ROTARY POWER

- 3-H.P. Briggs and Stratton 4-cycle engine
- Impulse starter
- Oil and gas gauges
- Grass catcher
- Easy wheel height adjustments
- Engine chassis/crankshaft are fully guaranteed for one year



24-INCH RIDING MOW

- 4 hp. Briggs and Stratton 4-cycle engine
- Forward, neutral and reverse transmission
- Automatic safety brake
- Blade disengager
- Easy crank adjustment for 1 1/2" to 3 1/2" cutting height

STURDY STEEL WHEEL

The ideal barrow wheel.

Magruder's

UNDER THE SAME FAMILY OWNERSHIP SINCE 1875
 DOWNTOWN STORE 1138 COMM. AVE. District 7-8250
 GEORGETOWN STORE 1357 WISC. AVE. Federal 3-4600

Free Parking at any Garage or Lot Displaying this Sign.

Center Cut Pork Chops lb. 79c

Fresh Cooked Deviled Crabs Each 79c

New Red Beets

Juicy California

Parsons

MAY 15, 1968

RACIAL

**Protests Are Staged
In 2 Alabama Cities**

Continued From Page A-1
with other troubles caused by agitators from without and within the State. It is necessary that our Highway Patrol be increased," Gov. Wallace said. The White House announced no reply to Gov. Wallace's latest telegram protesting the Federal troops, but the President has shown no inclination to recall the soldiers in previous

exchanges with the Alabama Governor. Gov. Wallace demanded that what he termed an "advance echelon of a military striking force" be withdrawn from Birmingham. This was a reference to about 25 officers of a headquarters planning unit in the city. Gov. Wallace said their presence invited new rioting by Negroes.

State Probe Set

A newly created State Legislative Investigative Committee, meanwhile, was ready to begin probing the Birmingham demonstrations and riots. State Attorney General Richmond Flowers issued a statement saying there isn't much use trying to get a Federal court injunction to keep the Federal troops out of Alabama. Gov. Wallace said earlier that he might try such a legal maneuver.

Edwin O. Gouthman, chief Justice Department public relations officer, said yesterday the racial atmosphere in Birmingham is "improving" but the rioting and bombings last week end showed the situation could change rapidly. He said he had no word on how long Federal troops will stay in the area.

A member of the National States Rights Party yesterday picketed the Federal building where Justice Department and military representatives have set up headquarters.

Picket Seized

The picket carried a sign which read "Invade Cuba, not Alabama." He was arrested and charged with parading without a permit, the same charge on which hundreds of Negroes have been arrested in the last six weeks.

A Black Muslim created a stir yesterday when he announced that Malcolm X, a top leader in the Muslim movement, would come to the city this week. But Malcolm X denied the statement by Jeremiah X, an Atlanta Muslim who has been observing Birmingham's racial troubles for several weeks.

Jeremiah X called the "non-violent" desegregation movement headed by the Rev. Martin Luther King, Jr., "foolish and worthless."

"We don't believe in violence either," said Jeremiah X "but if some Negroes must die, some must die. Negroes have been dying all along for nothing. It's time they died for something."

Marchers Moved

The 10 Freedom Marchers moved from Fort Payne to Gadsden, about 50 miles east of Birmingham, were arrested May 1 when they crossed the Alabama line on a trek along the route followed by slain Rev. Dr. Martin Luther King. Postman William L. Moore.

They were taken to Gadsden on the request of DeKalb County Sheriff Harold Richardson after an integrated group said it would begin a vigil today at the jail. Members of the group, among them Broadway Actress Madeline Sherwood, said they would take up the vigil at the Gadsden jail.

Miss Sherwood said a daily dawn-to-dusk vigil was planned as a protest "so that the world will not forget why these men were jailed."

Miss Sherwood told the Associated Press she joined the 12 demonstrators, including five other white persons and six Negroes, "because I feel compelled to do something for this great movement to gain equality and freedom for my fellow man."

Miss Sherwood has appeared in such Broadway plays as "Cat on a Hot Tin Roof," "Sweet Bird of Youth," "Night of the Iguana," "Invitation to a Murderer," and "The Crucible."

**Racial Trouble Spots
Pop Out Over Alabama**

By PAUL HOPE
Star Staff Writer

BIRMINGHAM, Ala., May 15.—Racial trouble spots keep popping out over Alabama like the hives.

Heavily policed Birmingham was in another day of relative quiet today, but Negroes held a protest meeting last night at Selma, and 10 "freedom marchers" were moved from the jail at Fort Payne to Gadsden after a threatened demonstration there by integrationists.

In Birmingham, a Negro week's rioting and lawlessness and when constituted local officials concur in this. George C. Wallace remove State troopers from the city, Negroes have accused the troopers of brutality.

The Rev. Fred I. Shuttlesworth, a leader in the demonstrations here, said law enforcement in the city should be left to city police "whom we respect." Mr. Shuttlesworth said Gov. Wallace "wants to upset the peace" arrived at last week between the Negroes and a committee of local business men.

In Montgomery, Gov. Wallace said in reply, "I am going to jury with so-called freedom withdraw the State policemen walkers causing dangerous situations on our highways, and be no repetition of this last

See RACIAL, Page A-6

By Robert E. Baker
Staff Reporter

BIRMINGHAM, May 14
Justice Department spokesman Edwin Guthman characterized the situation in Birmingham today as a "difficult period of transition." He told a news conference that there were no plans to withdraw the Federal troops that have moved into two nearby military bases.

Guthman said Burke Marshall, the Department's top legal expert on civil rights who helped business and Negro leaders reach a desegregation agreement, had flown back to Washington to report to Attorney General Robert F. Kennedy.

Marshall left with the feeling that the "atmosphere is improving for carrying out the agreement," Guthman said.

His words were understandably cautious. The truce in Birmingham is uneasy.

Negroes Resentful

Negroes remain resentful about the continued presence of large numbers of State troopers, armed with carbines, who arrived en masse Saturday night when Negroes rioted after a Negro motel and residence were dynamited.

The Rev. Fred L. Shuttlesworth, head of the Alabama Movement for Human Rights, which co-sponsored the demonstrations here, told reporters today that he had sent a telegram to President Kennedy charging that State troopers are still "harassing and molesting our people."

Mr. Shuttlesworth said he asked the President to have the troopers called off or to send in Federal troops.

The minister was released from a hospital here today after treatment of an injury suffered last Tuesday when he was struck by water from a high-pressure hose.

Police in Control

To the Negro, the State troopers represent defiant segregationist Gov. George C. Wallace. The city police, the Negroes feel, did a creditable job and had the situation under control Saturday night until the State troopers took over.

It is probable that the Federal Government would withdraw its troops from Alabama if Wallace removed his troopers from Birmingham.

Meanwhile, the Senior Citizens Committee, whose subcommittee negotiated the desegregation agreement on the part of the whites, has come under increasing pressure to make public the names of its members.

The Senior Citizens, a group of big business and industrial leaders, have asked support of the agreement by civic clubs. But today the Junior Chamber of Commerce refused, mainly on the grounds that the Senior Citizens remained anonymous.

Downtown merchants, whose store facilities would be desegregated on a trial basis under the agreement, also want the Senior Citizens' names published. They feel this would diffuse white resentment.

Some merchants have been threatened. But most of them appear willing to support the agreement, feeling that failure to carry it out would lead to renewed demonstrations and possible violence.

All of Birmingham awaits the State Supreme Court ruling on which of two rival governments, one headed by Mayor-elect Albert Boutwell and the other by hard-line segregationist Mayor Art Hanes, is legally in office.

Both governments have implied that they are not bound by the desegregation agreement. Both both Negroes and white moderates feel Boutwell would support it. The State Supreme Court will hear arguments on Thursday.

Meanwhile, the FBI's top

bomb experts arrived in Birmingham to aid in the investigation of the Saturday night dynamiting.

Knots of Negroes gathered at the Gaston Motel, target of one bombing, where former baseball star Jackie Robinson and boxer Floyd Patterson stayed last night after addressing a Negro rally here.

Robinson said Birmingham must be given credit for making a small start toward desegregation.

"But if they expect this to be the answer," he said, "they're badly mistaken."

The Rev. James Bevel, staff member of the Southern Christian Leadership Conference, which launched the demonstrations, outlined a voter registration drive to begin Wednesday. He was asked how many Negroes in Birmingham are "nonviolent" and he replied:

"About 1 per cent, like all Americans."

Also talking to a group of Negroes was Jeremiah X, minister of the Black Muslim Temple in Atlanta. He said Malcolm X, Black Muslim leader in Washington, would come to Birmingham in the next day or two to hold mass meetings.

"We don't want to sit down and eat a hot dog with a white man," said Jeremiah X. "We want to own the whole counter. We want to own the whole store. We black man is tired of handouts."

MAY 15 1963

Bombs in Alabama Aid Black Muslims

By Marquis Childs

WHETHER a reconciliation of Negroes and whites can come within the framework of the American system is the unanswered question in Birmingham, and not only there but in the North as well as the South.

If Birmingham proves that it cannot, then extremism and violence will spread. There is a time bomb that ticks steadily away as the moderates lose in the struggle to make a beginning at proving to the Negro minority that equal opportunity can be a reality. That is the Black Muslim movement.

In actual membership its present strength is not large. With its fanaticism and its focus-porus of serenity most Negroes are repelled. But its influence—its attraction—is believed to be growing. The peril is, above all, in that if only as a symbol the Muslim doctrine of complete separation from and hostility to white America will seem to offer an alternative.

The attitude on both sides of the color line has been: Don't look raw and maybe it will go away. With reasonable progress toward a racial solution it would go away. But, as Birmingham has proved, a few bomb throwers can set off a corresponding reaction of violence from the other side.

IS THE Black Muslim movement subversive? That is a question security officers in the Government are not prepared to answer. One reason is a curious development that in a sense puts the Black Muslims beyond surveillance.

Black Muslims have been jailed for various offenses. No matter what the prison routine or what duties they are supposed to be engaged in they take the privilege of observing at certain stated times the religious custom of bowing to the East. Four or five court decisions have already held they have this right since the Black Muslims are a religious movement. If it is, in fact, a religious movement, the power of government is severely limited.

In this is a wry commentary on the racial tragedy as it has unfolded in recent months in the South. The Negro leaders and most of the rank and file have had a deep religious motivation. Their Christianity has made itself manifest in many ways. In the most searing and dreadful of the photographs showing police dogs leaping at prone or kneeling figures the image of the Christian martyr in the arena was vividly recalled.

The tradition of faith is deeply rooted, being part of the long, painful climb up from slavery. How long it can survive is another unanswered question. Part of the Black Muslim doctrine is that Christianity is a white religion used for centuries by the colonial oppressors and enslavers. In contrast, the Muslim faith, as expounded by the leaders of the movement in this country, is antiwhite and as such allied to the tide of color rising in Africa and Asia.

The truce in Birmingham was fragile enough. It represented hundreds of hours of painstaking effort. In retrospect, it can be argued that the Government in Washington should have done far more. That was said of President Eisenhower over Little Rock when finally, after the highly publicized negotiation with Gov. Orville Faubus, it became evident that law and order could not be maintained without Federal troops.

THOSE IN THE Administration, notably Assistant Attorney General Burke Marshall, who had worked so hard and so patiently for a reconciliation short of violence and imposed force, were both proud and immensely relieved when it seemed to have been ratified. Over Saturday and into the early hours of Sunday, until word of the riots came, the United States Information Agency and the Voice of America had put in many hours preparing to tell the world how the conflict had been resolved by peaceful means.

Surveys show that the effect of Birmingham is worse, and particularly in Africa, than the violence at Oxford, Miss., last year over the admission of a Negro student, James Meredith. The pictures of the police dogs widely printed have been highly damaging. In the Oxford episode what might have even hostile critics was that the Government of the United States sent in 20,000 troops to insure the integration of a single Negro student.

This was massive proof of concern for equality of opportunity. The limits on the power of the Federal Government in the Birmingham situation are hard to explain to people whose only concept of police power is that which resides in the central government. State rights is a singularly American doctrine. Little Rock, Oxford, Birmingham—these have been precious gifts to America's enemies everywhere.

**"You Don't Understand, Boy — You're Supposed To
Just Shuffle Along"**



MAY 15 1963

WASHINGTON POST-TIMES HERALD

No Plans to Withdraw Troops From Alabama

By Robert E. Baker
Staff Reporter

BIRMINGHAM, May 14 (AP)—Justice Department spokesman Edwin Guthman characterized the situation in Birmingham today as a "difficult period of transition." He told a news conference that there were no plans to withdraw the Federal troops that have moved into two nearby military bases.

Guthman said Burke Marshall, the Department's top legal expert on civil rights who helped business and Negro leaders reach a desegregation agreement, had flown back to Washington to report to Attorney General Robert F. Kennedy.

Marshall left with the feeling that the "atmosphere is improving for carrying out the agreement," Guthman said.

His words were understandably cautious. The truce in Birmingham is uneasy.

Negroes Resentful

Negroes remain resentful about the continued presence of large numbers of State troopers, armed with carbines, who arrived en masse Saturday night when Negroes rioted after a Negro motel and residence were dynamited.

The Rev. Fred L. Shuttlesworth, head of the Alabama Movement for Human Rights, which co-sponsored the demonstrations here, told reporters today that he had sent a telegram to President Kennedy charging that State troopers are still "harassing and molesting our people."

Mr. Shuttlesworth said he asked the President to have the troopers called off or to send in Federal troops.

The minister was released from a hospital here today after treatment of an injury suffered last Tuesday when he was struck by water from a high-pressure hose.

Police in Control

To the Negro, the State troopers represent defiant segregationist Gov. George C. Wallace. The city police, the

zens Committee, whose subcommittee negotiated the desegregation agreement on the part of the whites, has come under increasing pressure to make public the names of its members.

The Senior Citizens, a group of big business and industrial leaders, have asked support of the agreement by civic clubs. But today the Junior Chamber of Commerce refused, mainly on the grounds that the Senior Citizens remained anonymous.

Downtown merchants, whose store facilities would be desegregated on a trial basis under the agreement, also want the Senior Citizens' names published. They feel this would diffuse white resentment.

Some merchants have been threatened. But most of them appear willing to support the

bomb experts arrived in Birmingham to aid in the investigation of the Saturday night dynamiting.

Knots of Negroes gathered at the Gaston Motel, target of one bombing, where former baseball star Jackie Robinson and boxer Floyd Patterson stayed last night after addressing a Negro rally here.

Robinson said Birmingham must be given credit for making a small start toward desegregation.

"But if they expect this to be the answer," he said, "they're badly mistaken."

The Rev. James Bevel, staff member of the Southern Christian Leadership Conference, which launched the demonstrations, outlined a voter registration drive to begin Wednesday. He was joined by many Negroes in

Negroes feel, did a creditable job and had the situation under control Saturday night until the State troopers took over.

It is probable that the Federal Government would withdraw its troops from Alabama if Wallace removed his troopers from Birmingham.

Meanwhile, the Senior Cit-

agreement, feeling that failure to carry it out would lead to renewed demonstrations and possible violence.

All of Birmingham awaits the State Supreme Court ruling on which of two rival governments, one headed by Mayor-elect Albert Boutwell and the other by hard-line segregationist Mayor Art Hanes, is legally in office.

Both governments have implied that they are not bound by the desegregation agreement. Both both Negroes and white moderates feel Boutwell would support it. The State Supreme Court will hear arguments on Thursday.

Meanwhile, the FBI's top

Birmingham are "nonviolent" and he replied:

"About 1 per cent, like all Americans."

Also talking to a group of Negroes was Jeremiah X. minister of the Black Muslim Temple in Atlanta. He said Malcolm X, Black Muslim leader in Washington, would come to Birmingham in the next day or two to hold mass meetings.

"We don't want to sit down and eat a hot dog with a white man," said Jeremiah X. "We want to own the whole counter. We want to own the whole store. We black man is tired of handouts."

Bombs in Alabama Aid Black Muslims

By Marquis Childs

WHETHER a reconciliation of Negroes and whites can come within the framework of the American system is the unanswered question in Birmingham, and not only there but in the North as well as the South.

If Birmingham proves that it cannot, then extremism and violence will spread. There is a time bomb that ticks steadily away as the moderates lose in the struggle to make a beginning at proving to the Negro minority that equal opportunity can be a reality. That is the Black Muslim movement.

In actual membership its present strength is not large. With its fanaticism and its locus-pocus of secrecy most Negroes are repelled. But its influence—its attraction—is believed to be growing. The peril is, above all, in that if only as a symbol the Muslim doctrine of complete separation from and hostility to white America will seem to offer an alternative.

The attitude on both sides of the color line has been: Don't look now and maybe it will go away. With reasonable progress toward a racial solution it would go away. But, as Birmingham has proved, a few bomb throwers can set off a corresponding reaction of violence from the other side.

IS THE Black Muslim movement subversive? That is a question security officers in the Government are not prepared to answer. One reason is a curious development that in a sense puts the Black Muslims beyond surveillance.

Black Muslims have been jailed for various offenses. No matter what the prison routine or what duties they are supposed to be engaged in they take the privilege of observing at certain stated times the religious custom of bowing to the East. Four or five court decisions have already held they have this right since the Black Muslims are a religious movement. If it is, in fact, a religious movement, the power of government is severely limited.

In this is a wry commentary on the racial tragedy as it has unfolded in recent months in the South. The Negro leaders and most of the rank and file have had a deep religious motivation. Their Christianity has made itself manifest in many ways. In the most searing and dreadful of the photographs showing police dogs leaping at prone or kneeling figures the image of the Christian martyr in the arena was vividly recalled.

The tradition of faith is deeply rooted, being part of the long, painful climb up from slavery. How long it can sur-

MAY 1 1963

Part of the Black Muslim doctrine is that Christianity is a white religion used for centuries by the colonial oppressors and enslavers. In contrast, the Muslim faith, as expounded by the leaders of the movement in this country, is antiwhite and as such allied to the tide of color rising in Africa and Asia.

The truce in Birmingham was fragile enough. It represented hundreds of hours of painstaking effort. In retrospect, it can be argued that the Government in Washington should have done far more. That was said of President Eisenhower over Little Rock when finally, after the highly publicized negotiation with Gov. Orville Faubus, it became evident that law and order could not be maintained without Federal troops.

THOSE IN THE Administration, notably Assistant Attorney General Burke Marshall, who had worked so hard and so patiently for a reconciliation short of violence and imposed force, were both proud and immensely relieved when it seemed to have been ratified. Over Saturday and into the early hours of Sunday, until word of the riots came, the United States Information Agency and the Voice of America had put in many hours preparing to tell the world how the conflict had been resolved by peaceful means.

Surveys show that the effect of Birmingham is worse, and particularly in Africa, than the violence at Oxford, Miss., last year over the admission of a Negro student, James Meredith. The pictures of the police dogs widely printed have been highly damaging. In the Oxford episode what impressed even hostile critics was that the Government of the United States sent in 2000 troops to insure the integration of a single Negro student.

This was massive proof of concern for equality of opportunity. The limits on the power of the Federal Government in the Birmingham situation are hard to explain to peoples whose only concept of police power is that which resides in the central government. States rights is a singularly American doctrine. Little Rock, Oxford, Birmingham—these have been priceless gifts to America's enemies everywhere.

WHITES CAUTIOUS ON ALABAMA PACT

Birmingham Leaders Balk
at Giving Public Support
to Accord With Negroes

By CLAUDE SITTON

Special to The New York Times

BIRMINGHAM, Ala., May 11 — White business and civil leaders declared today to endorse publicly a limited desegregation plan that ended mass Negro demonstrations.

Many persons feel that without such an endorsement there can be little hope for implementation of the plan or for preservation of the current truce in this city's racial crisis.

[In Washington, President Kennedy told visiting Alabama editors that failure of the Negro "nonviolent" movement for civil rights might open the door to Negro extremist groups, such as the Black Muslims.]

The effort to obtain a signed public statement from the leaders was carried out privately by those who negotiated the agreement and by their supporters. One source said a further attempt would be made.

Desegregation in Stores

The plan calls for desegregation within 90 days of lunch counters and other facilities in the large downtown department and variety stores, for promotion of Negroes into sales positions not previously held and for appointment of a biracial committee.

The agreement was announced last Friday, after five weeks of demonstrations by Negroes under the leadership of the Rev. Dr. Martin Luther King Jr., president of the Southern Christian Leadership Conference. The Rev. Fred L. Shuttlesworth, president of the Alabama Christian Movement for Human Rights, also played a leading role in the desegregation campaign.

Aside from the refusal of the business community to take a public stand in support of the plan, marked differences over its provisions have been apparent in the statements of the whites and Negroes involved.

Also, officials from Gov. George C. Wallace on down have directed a flood of criticism against the negotiators and their backers.

These attacks, according to reliable sources, have been reinforced by attempts to bring pressure on the business community to renounce the agreement.

One of the chief white negotiators expressed hope that businessmen might be willing to issue a public statement if the city's newly elected government establishes its claim to office.

The Alabama Supreme Court

Continued on Page 26, Column 2

Continued From Page 1, Col. 2

will hold a hearing Thursday on a suit by Birmingham's three City Commissioners that disputes the right of Mayor-elect Albert Boutwell and nine newly elected Councilmen to assume control.

The Commissioners include Arthur J. Hanes, who holds the title of Mayor, Eugene Connor, head of the police, fire and education departments, and J. T. Waggoner, head of streets and waterworks. They are outspoken white Supremacists.

Moderates said they believed the Supreme Court was divided in the case 5 to 3, with one judge undecided. If the court rules in favor of the Commissioners, a businessman commented, "this agreement isn't worth a tinny's damn."

'Political Vacuum'

"We're operating in a political vacuum," said a leading member of the faction that hoped bring about the accord. "The white people don't know when to follow."

The man, an executive, put the blame for the violence here last weekend on the pro-segregation faction, which is known as the Senior Citizens' Committee. He contended that if the committee had endorsed the agreement and had made it plain to the public that the economic power of Birmingham stood behind it, the violence might well have not taken place.

Scattered racial incidents have been reported throughout the city since the bombings of a motel and the home of the Rev. A. D. King touched off riots by Negroes early last Sunday. Mr. King is a leader in the desegregation drive and a younger brother of Dr. King.

State highway patrolmen sent here by Governor Wallace remained, although there appeared to be no immediate threat of a repetition of the rioting.

Army troops sent to military installations within striking distance of Birmingham by President Kennedy Sunday night remained at their bases. A temporary command post was being maintained in the Federal Building by 25 to 30 officers and men.

Major Gen. Charles Billingslea, commander of the Second Infantry Division at Fort Benning, Ga., took over as ranking officer of the detachment here. He commanded the military police units and airborne troops that quelled the desegregation riots at the University of Mississippi last fall.

Marshall Returns to Capital

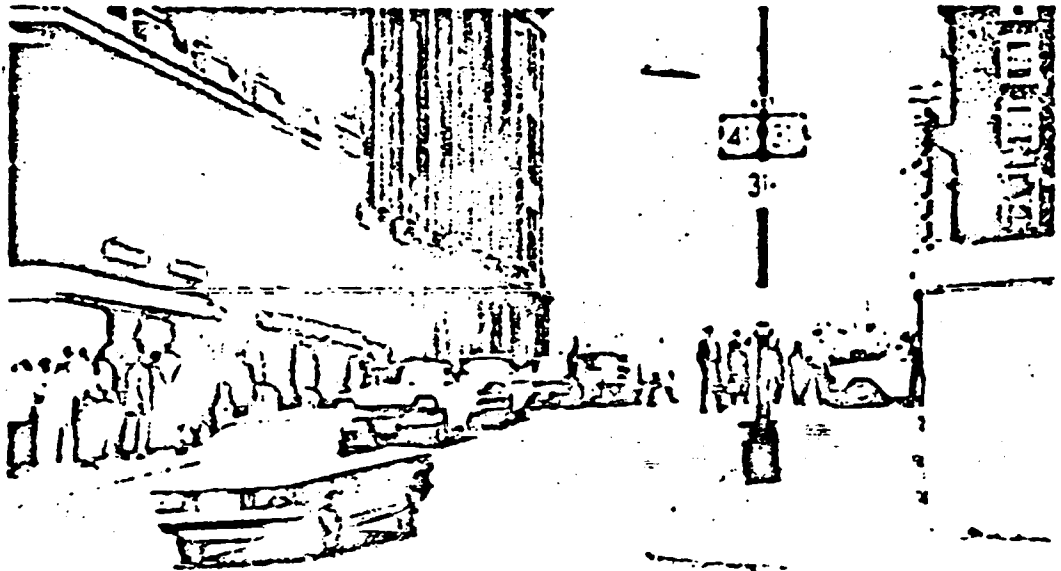
Burke Marshall, an Assistant Attorney General and chief of the Justice Department's Civil Rights Division, returned to Washington for conference with Attorney General Robert F. Kennedy. Mr. Marshall brought the pact negotiators together and kept them talking until the accord was reached.

Edwin O. Guthman, information assistant to Mr. Kennedy, told a news conference here today that Mr. Marshall had been reassured by his private talks with persons involved in the negotiations.

"He has confidence and is optimistic, but the situation is still one in which trouble can develop rather swiftly," Mr. Guthman said. "This is a difficult period here, one of tension and transition."

Mr. Guthman was asked to comment on the Kennedy Administration's public opinion in view of the agreement's very limited nature and the refusal of the white businessmen to back it publicly.

"I've reflected to you Mr. Marshall's views based on what he found yesterday and his talks with people and that stands," he replied.



NASHVILLE BATTLEFIELD White youth hurls piece of two-by-four at Negro demonstrators marching past the Y.M.C.A. building during Monday's outbreak of violence. Marchers were protesting segregation by two restaurants.

Foreign Affairs

Alabama and the Outer World

By C. L. SILZBERGER

PARIS, May 14—The Alabama racial clash strikes not only at a vital internal and constitutional problem but at an equally vital aspect of U.S. foreign policy.

The world today is not that of a century ago when American Negroes were supposedly accorded the equality they should have been granted by the Bill of Rights. A century ago this painful issue remained one of purely U.S. concern. This is no longer true.

The great revolution of decolonialization that leapt forward after the Second World War has altered the earth's political balance. So-called "colored" lands have moved into their place in the sun. They speak with increasing authority in the U.N. and they are the subject of open contention for influence between the two power blocs. The future of both the Western and Communist alliances may depend on which wins this competition.

While other countries have gone through convulsive difficulties in decolonizing overseas empires, our own decolonizing problem is at home. And, quite apart from the primordial issue involved in settling this problem, it is necessary in the interests of our self-preservation.

We aspire to lead along democracy's path peoples whose skins are differently pigmented from that of the U.S. majority even if their philosophies, we hope, are not. But we cannot do this until we apply at home the guarantees we wish them to endorse. This inexorable logic, so clear to Afro-Asian lands, must somehow be made plain to our most ardent die-hard segregationists. Their prejudices cannot be allowed to weaken the chances of the nation and the Western World.

All Africa today follows the tragedy that bounds from Arkansas to Mississippi and now festers in Alabama. There has been sympathy for the vigorous resolve of the U.S. Federal Government in seeking to erase the stain that mars our pronounced ideals. But understanding is not enough. The fledgling countries demand success in these difficult efforts if they are to trust us in the future.

Memories Faded

Recently the United States took grim pleasure in advertising to the outer world racial disputes between Bulgarians and Russians with visiting Negro students, thus showing that atavistic ugliness was not limited to the democratic West. But memories of such Communist embarrassment have faded before the image of American Negroes being hounded by policemen and savage dogs against a background of bombs.

Within five years all Africa will be under African rule and an inevitable storm of violence will descend on the blindly segregationist South African Union. To its north there are many differences among the other continental states, but they all agree on the cardinal issue of racial equality. The U.S.A. cannot allow a segment of our own country to espouse the equivalent of South African views to the detriment of the nation as a whole.

This American battle must firmly be pressed to its necessary end, founded on justice and human decency. Until that end is achieved our aspirations to world leadership will be continually questioned. For, on the pernicious issue of color, both our friends and enemies insist that we practice at home the denigracy we preach abroad.

The few American Negroes still blatantly refusing to honor the totality of the American dream must not only be brought to heel but also made to see they cannot escape membership in the latter 20th century any more than could imperialists in Africa and Asia.

This is a time when unity and idealism are more than ever needed by the United States to face the explosive pressures of an erupting world. American Negroes have been, on the whole, patient and nonviolent in seeking their rights. But ugly manifestations of extremism lurk in the shadows. Too many people have seen in anticolonialist struggles elsewhere that force sometimes obtains success where passive protestation fails.

We can neither hope to assert international leadership nor to satisfy our own national conscience until this tragic and perplexing question has been solved. This truism has nothing to do with states' rights, liberalism or the invasion of anyone's privacy, but with our inner health and outer prestige. Civil rights is a touchstone of our foreign policy. To succeed abroad we must first succeed at home.

5/1-16

BIRMINGHAM FIGHT WON, LEADER SAYS

Here for Rally, He Predicts
Agreement 'Will Endure'

By ALFRED E. CLARK

The Rev. A. D. King, a leader of the Birmingham campaign against segregation, who flew here last night for a Harlem street rally, declared that "the backbone of segregation in Birmingham is broken."

He said in a press interview that the pact to ease the racial crisis in the Southern city "will endure." Negro leaders and business representatives worked out an agreement last week for limiting segregation and providing for fairer employment practices.

Mr. King, younger brother of Rev. Dr. Martin Luther King Jr., who leads the drive against segregation, said he was confident that city officials would not interfere with the pact. He based this view on the economic implications of the agreement.

He referred to the rioting early Sunday during which his home was badly damaged by an explosion. He said Negroes had had to protect themselves and their property because no protection had come from local authorities.

Mr. King said he thought Federal troops should replace state troopers and local law-enforcement officers in Birmingham. He added:

"The removal of these persons would help to create a less tense situation. The Negroes still suffer from the brutality of these people, and many have been injured."

There is no dissatisfaction among Birmingham Negroes over the "moderate approach" adopted by Dr. King on desegregation, his brother said. Asked if any Black Muslim adherents were taking part in the recent demonstrations, Mr. King said:

"There is supposed to be a Black Muslim temple in Birmingham, but it has only a very small following. The philosophy they hold would not strengthen our position."

The Black Muslims advocate separation of whites and Negroes.

Accompanied by Youth

Mr. King was accompanied by William Douthard, 15 years old, who said he had been jailed seven times since April 3 for having participated in demonstrations. He said he had served sentences ranging up to six days.

The interview was held at the headquarters of District 65, Retail, Wholesale and Department Store Union, 17 Astor Place. David Livingston, union president, gave Mr. King a check for \$5,000 to help pay legal expenses of those arrested during the Birmingham demonstrations.

Mr. King was a principal speaker last night at a rally at 125th Street and Seventh Avenue. The meeting, sponsored by a newly formed group, the Emergency Committee to Support Birmingham, was described as "the Harlem community's expression on the situation" in the Alabama city.

Senator Jacob K. Javits called on Congress last night to head off "more Birmingham, Alabama," by passing a stronger civil rights program.

The New York Republican speaking at a dinner of the American Jewish Committee Appeal for Human Relations, in the Savoy Hilton Hotel, said:

"Until now, Congress has failed tragically to meet its responsibilities to the nation in civil rights. The moment of truth is now, and the national interest requires us to face it without delay."

Dr. King in Cleveland

CLEVELAND, May 14 (UPI)

The Rev. Dr. Martin Luther King Jr. came here for two appearances today and charged that state troopers were sent into Birmingham to intimidate the Negroes and to protect them.

Dr. King, chairman of the Southern Christian Leadership Conference, said:

"Birmingham is still tense. Governor [George C.] Wallace's ordering of the state troopers into the city only made the situation worse. The troopers have been terrorizing the Negro people there."

The Negro leader said he came here to help raise funds for the drive against segregation.

5/14/63

President Fears Negro Racists Will Get Power If Moderates Fail

Groups Like Black Muslims Could Gain Foothold, He Tells Alabama Editors In Exchange of Views in Capital

By TOM WICKER

Special to The New York Times

WASHINGTON, May 14 — President Kennedy and Attorney General Robert F. Kennedy suggested to Alabama editors today that failure of the "non-violent" movement for Negro rights might open the door for Negro extremist groups, such as the Black Muslims.

Several of the visiting editors reported later that Mr. Kennedy had expressed concern about Negro extremism. He emphasized, they said, that violence might easily follow the failure of moderate efforts, such as the "non-violent" movement led by the Rev. Dr. Martin Luther King Jr.

In separate meetings the President and the Attorney General explained to the editors why they had found it necessary to send Federal troops into Alabama, ready to quell further violence in Birmingham's desegregation troubles.

Amicable Atmosphere

The atmosphere of the meetings was amicable and the reaction to Mr. Kennedy's view surprisingly sympathetic. All agreed that the meetings had been "helpful."

Some editors said the President had acted rightly in making the troops available in Alabama. All those interviewed conceded his sincerity in seeking to avoid further clashes.

The editors were almost unanimous, however, in telling the President that Alabama could handle the situation with its own forces. They said the President had assured them that the troops would not be used except as a last resort to "prevent a disaster."

There were other developments in the still-tense Alabama situation.

It was learned that Negro and white negotiators had met in Birmingham since the Saturday night riots and that, despite telephoned threats to some white leaders, the desegregation agreement had been reaffirmed. A primary aim of the Administration is to keep it in force.

The Government was reported ready to remove its troops from Alabama when law enforcement in Birmingham was returned to the control of the city police and the sheriff, and state troopers have been removed from the city.

Agents of the Federal Bureau of Investigation were reported pressing an investigation of the bombings that set off the weekend rioting and burning.

Schedule Changed

The White House announced a modification of the schedule for the President's trip Saturday to Tennessee and Alabama, both involved in racial unrest.

Pierre Salinger, the President's press secretary, said Mr. Kennedy would not drive through Florence, Sheffield and Tuscumbia, in northern Alabama, as announced. He will make a speech at Muscle Shoals on the 15th anniversary of the Tennessee Valley Authority, then fly by helicopter to Huntsville, Ala.

From Huntsville, he will return directly to Washington.

Mr. Salinger said the original announcement had been "tentative." The changes were not influenced by the Alabama situation, he insisted. He added that no unusual security precautions would be taken on the trip.

The White House luncheon was among a series Mr. Kennedy had held with editors from various states. Invitations were sent May 7 before the situation in Birmingham became critical.

The President and the 26 editors concentrated on racial relations in Alabama and elsewhere, although one editor elicited from Mr. Kennedy a brief comment on tax reduction.

Charles Grainger, editor of The Valley Voice of Tuscumbia, said the editors had emphasized two general themes: a desire for law and order in Alabama, and a hope that these could be established locally, without Federal force.

Frank Exchanges

Mr. Kennedy said he would regard the use of troops as a "defeat" for efforts to solve civil-rights problems peacefully. Troops, he said, would be used only when no other alternative was available to prevent a disaster.

The editors agreed later that there had been frank exchanges, but with "no friction."

Herve Charest Jr., of Tallapoosa, head of the Alabama Press Association, for instance, told Mr. Kennedy that Birmingham could handle its racial problems without Jackie Robinson, the former baseball star; Floyd Patterson, former heavy-weight boxing champion, or "St. Martin Luther King."

Mr. Robinson and Mr. Patterson have gone to Birmingham to take part in demonstrations.

Grover Hall Jr., editor of the Montgomery Advertiser, asked Mr. Kennedy why troops had not been sent to Chicago during a recent racial disturbance there.

Mr. Kennedy replied that Chicago law-enforcement officials had maintained control.

H. M. Avers, publisher of The Anniston Star, said the luncheon had changed his mind about things "not a bit." He told Mr. Kennedy:

"I feel that the salvation of this country will depend on the continued growth of the Anglo-Saxon society, and that is more pertinent in this part of the country [Washington] than anywhere else."

The President, an other editor said, conceded that there were racial problems in the District of Columbia, where more than half the population is Negro.

Robert Bryan, publisher of the Cullman County Times-Democrat, described Mr. Kennedy as "a very charming host."

"He's a salesman, as evidenced by the fact he won the election," he added. "From a practical political standpoint, he made us more aware of his problems."

He said the President had told the group that the "people of the North felt that he was doing too little and the people of the South felt he was doing too much" in the civil rights field.

Russell Shelton, editor and publisher of The Decatur Daily, said that he approved of the President's action in sending troops to Alabama, and that was "the majority sentiment" in his part of the state. Louis Eckl, executive editor of The Florence Times, concurred.

After the luncheon, which lasted more than two hours, most of the editors met with Attorney General Kennedy and Burke Marshall, head of the Justice Department's Civil Rights Division, who negotiated the Birmingham desegregation agreement.

At that meeting the Attorney General stressed the importance of Dr. King's nonviolent movement as a moderate alternative to extremist groups.

MAY 11 1963

Washington, D. C., Tuesday, May 14, 1963

ERIC SEVAREID

The Era of the Negro Movement

Racial Issue Believed Giving the Times Their Identifying Mark in History

By its dominant voices, its most unforgettable faces and its chief acts of bravery does a generation recognize itself and history mark it.

For America, this post-war period is surely the era of the Negro Passion. The most moving voices are now those of Negroes; the most scathing, lasting words are put on paper by Negro writers; their music is the American music most penetrating and persuasive to other parts of the world; no cause is now so fundamental to the health and integrity of this society as the Negro cause; of no other leaders are so much stamina and courage demanded as are now required of Negro leaders.

They are bound to win, somehow, not only because their present aims are so limited and unambiguous, but because they have succeeded in involving us all, whether we are wherever we live within the Nation's frontiers. They have caught the attention of the whole American people and more than that, they have caught up the attention of the whole people, however many of us may like to deny this to ourselves. A newspaper or television picture of a snatching police dog set upon a human being is recorded in the permanent photo-electric file of every human brain.

This generation is not likely to find surcease from the Negro Passion, its aims, its springs and the resistance to it are too deeply grounded for easy resolution, and its present opponents too long delayed. Its more violent manifestations are not going to be confined to the deep South. The head of black steam building up in places like New York, Washington and Chicago are finding outlets too few and too small at the present rate, for the per-

manent avoidance of combustion.

Because this unfolding drama involves the automatic reflexes of the instinctive sense of justice, because it involves lamable, heartable, countable individual persons of flesh and blood, it is going to dwarf the general and social parents of this domestic era, whether they be the stimulus to rationalize the mythical metropolis, to preserve the open spaces, to eradicate a disease, to conquer a race, or what-ever.

This time is coming, soon, when the Negro Passion will truly dominate American politics. It is going to change the prism through which we consider the problems of far-off nations; romanticism will have to give way to realism. Liberalism of the academic or safe society brand, the motivations of those who thapodize over the Peace Corporation in Ethiopia or journey 6,000 miles to sit at the feet of Dr. Schweitzer, but who would never dream of visiting the night police court in their own city and observing the tragedy of the American Negro — such impulses are going to lose their present status in the hierarchy of the values. There will be a noticeable dearth of hiding places for those professing belief either in their religion or the American Constitution.

An education in the facts of life and history is in store for those pained by the messy contradictions built into the Negro Passion. Those bewildered at the Negro uprising ("after all, they had made a lot of progress") may learn that this is one of the eternal lessons from past rebellions against oppression. It is not when the oppression is most complete that these revolutions begin to revolve, but when concessions are given, hope are born, light is glimpsed at the end of the dark tunnel. It is when an oppressed people feels close to its goal, not far off from it, that their action becomes fanatic.

Those who are cynical or upset by the moral quality in the Negro phenomenon, by the spectacle of lofty courage and self-sacrifice among the Negro leaders, side by side with the spectacle of spreading crime and moral squalor in the slum-bound masses of the Negro poor, may learn that the first is a direct reflection of the second, its natural, not its unnatural partner. Desperation, like war, enables some among the victims and debases others. No true people's revolution was ever neat, clean or devoid of sad anomalies.

If the Negro Passion of today is not a true people's revolution, it is as close to one as we have ever known in our land.

DAVID LAWRENCE

Sending U. S. Troops to Alabama

President's Action Criticized in Absence
Of Federal Court Order or State Request

When Senator John F. Kennedy was campaigning for the presidency in 1960, critics said he was youthful and impulsive. They will say the same thing as they read that Mr. Kennedy issued a statement Sunday night ordering Federal troops to mobilize in Alabama to deal with future rioting or local disturbances.

The President didn't think this one through. In the case of the disputes with Gov. Faubus at Little Rock, Ark., in 1957 and Gov. Barnett at Oxford, Miss., in 1962, there was at least an alleged basis for the use of Federal troops—a supposed unwillingness on the part of the local authorities to obey a Federal court order. But Mr. Kennedy himself told his news conference only last week that no Federal statute was involved in the controversy at Birmingham, Ala. Nor have there been any Federal court orders whatsoever issued in this case.

Now the President is in the position of having nevertheless threatened the use of Federal military power to deal with local disorders that may arise. There is not the slightest local basis for the use of such power under the Constitution unless requested by the State government. No statute grants such authority to the Chief Executive under the circumstances which have been reported from Alabama. For anyone in the Government to order the use of Federal troops or any part of the Air Force for any purpose not sanctioned by the statutes is in itself a penal offense. A Federal law says:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

The "United States Code Annotated" for 1963 contains

a footnote referring to an opinion of the Attorney General dated November 7, 1957, which says: "The President's authority to use Federal troops under Sections 332 and 333 of Title 10 is not impaired by this section."

But this was an opinion rendered in connection with the use of troops where a Federal court order had been issued. There is a dispute among informed lawyers as to whether troops can ever be used to enforce even a court order and they contend that it is really the responsibility of United States marshals. At least in that case a controversial legal point was involved.

So the whole action of President Kennedy rests on the foundation that he described in his public statement—namely, "rioting, personal injuries, property damage and various reports of violence and brutality."

But it is not the function of the Federal government to maintain order inside a State unless there is an "insurrection" against the United States. To preserve order is the responsibility of a State. Indeed, in the same morning newspapers in which the American people read of the President's orders to dispatch Federal troops to the Birmingham area, there was published a message to President Kennedy from the Governor of Alabama, George Wallace. It was sent an hour after the President's announcement was made and read in part as follows:

"The Constitution of the United States states that the Federal Government may send troops to quell domestic violence upon application of the State legislature or the Governor of a State."

"The legislature of this State has made no request, nor have I. May I ask by what authority you would send Federal troops into this State?"

"The situation is well in hand and law and order prevail. Your complete bypassing of State officials and

me as Governor are affronts not only to me as Governor but to the people of Alabama."

An examination of the Federal statute cited later by the President—Section 333 of Title 10—shows no justification for the use by the President of Federal troops just to quell a local disturbance or to prevent one from arising. It applies only if a State government refuses or fails to grant protection. This hasn't happened.

The President in his reply to Gov. Wallace says, "in effect, that he didn't really intend to use Federal troops in Birmingham, but only wants to warn the State authorities that they had better maintain order and prevent violence. If any threat to use such power is vested in the President, he can at any time intimidate a Governor or Mayor or local official, or he can mobilize troops to threaten reprisals and punishment if anyone in a local government doesn't do his bidding. This is an autocratic power, the exercise of which the framers of the Constitution specifically sought to prevent so that no dictatorship could arise in America through the threat to use military force."

If Mr. Kennedy feels that he has the power to prevent violence anywhere in the country, then it will be asked why no Federal troops were mobilized or why the same threat of military force was not uttered before Dr. Martin Luther King Jr. and his associates organized the demonstrations. Such, in turn, aroused the antagonism of other citizens and thus produced the conditions under which local disorder arose.

If the President actually has the power of prevention, the time to start is before the local police and the paraders clash or threaten to become involved in riot. There is a right, of course, to a peaceful demonstration, but anything which produces a disturbance is subject to police action by the local and not the Federal authorities.

Continued from See Page
Read Today's Star

DORIS FLEESON

Communication Between Races

Big Effort by Kennedys in Alabama Held Set Back by Violence There

Violence in Birmingham is a setback for Operation Communications, a race-relations technique developed with exemplary patience and infinite care by the Kennedy administration.

The technique will be renewed with even greater urgency because those involved in it have everything to gain by the establishment of orderly change in race relations all over the United States. Without it, the losses could extend to undetermined dimensions for all Americans.

The President and his brother, the Attorney General, reached months ago that racial peace was a construction job as well as a legal and political matter. When they looked for ways to build the necessary foundations, they were forced to recognize certain realities.

Almost daily they were being scalded by the steam built up by racial tensions. They knew that would have to take responsibility for what happened, whether they altogether deserved it or not, and they could be reasonably sure something would happen.

They knew they could depend on the Federal courts, with some temporary stalls in a few quarters. They expected church support. But they have learned from the experience of other Presidents and some of their politicians for the most part were by plant weapons in the struggle.

Their first dish-antenna discovery was that while they could talk to the opposing factions in any given situation, the factions would not talk to each other, had never

had any real system of communications and did not want one.

Efforts to overcome that situation were made, but generally with indifferent success. Fear of losing status among the whites involved seemed to gross in proportion to the determination of the younger Negroes to improve theirs. What this means in human terms has been shown in dispatches from Little Rock, from Oxford and now from Birmingham.

Faced with this roadblock, the administration turned to leaders of public opinion in troubled areas. They did better there, but it is one of the sadder aspects of this age of bland conformity that they found so few towering figures who could and would appeal to the public conscience.

The next hard look had to be at the real money and power and social structure underlying such rich communities as Birmingham. Obviously, it was not all local. Obviously, too, the men who

really pulled the strings had so far chosen to stand aside.

The lines were opened up to such people in various ways. Some were possible only to the Federal government, with its superior access to the story of just who runs this country anyway. Like doctors, administration conciliators probed that anatomy of power.

Probably nobody but the telephone company knows how many calls were made in the extraordinary people-to-people operation which has long gone on. They ran across a sizeable field of businessmen, professional men, white-collar and blue-collar executives, labor leaders and intellectuals and just plain old school-tie associates. The administration profited heavily from the many kinds of people it has brought to Washington.

Birmingham may be a gain if it convinces this moderate opinion which wants peace, stability and profit that the Kennedys are Cassandra who are happy to know the facts.

Copyright, 1963
Published by the Evening Star, Inc.

New Violence Flares Briefly In Birmingham

Scattered Incidents
Are Reported as
Troops Stand By

By PAUL HOPE
Staff Writer

BIRMINGHAM, May 14—New violence flared at scattered spots in this troubled city as heavily armed police and Negro and white civic leaders sought to maintain peace.

Within striking distance were 3,000 riot-trained troops for use in the event of new outbreaks of major violence.

Police reported a gang of Negroes attacked two white youths last night as they were making a telephone call in the south section of the city.

One of the white youths, J. W. Burgess, 18, had a piece of a knife blade removed from his elbow at a hospital.

A 56-year-old Negro, Percy Green, was injured with a steel ball propelled by a slingshot. He said the ball was shot at him from a passing car containing three boys as he was on his way to a grocery. The ball was embedded in his cheek.

Windows Smashed

About two dozen reports were received of windows smashed in auto stores and residences.

There was no rioting, however, like that which occurred Sunday morning after a Negro home and a motel were bombed.

Except for the scattered reports of violence, the armed might of hundreds of police and a shaky agreement which a white citizens' committee is trying to hold together continued today in a state of relative quiet.

Last night, about 2,000 Negroes gathered at a church to hear two national speakers lecture them to maintain enthusiasm for their "non-violent" movement.

Jackie Robinson, former star National League baseball player, warned that if any harm comes to the Rev. Martin Luther King, Jr., leader of the movement, "the incidents the other night would seem small."

Police Seek Clues

Alabama police and the Federal Bureau of Investigation were seeking clues in the Saturday midnight bombings of the Negro residence and a motel, but apparently were having little success.

Alabama Gov. George Wallace, incensed at President Kennedy for sending Federal troops to the State, hinted yesterday that he might seek a

See RACIAL, Page A-6

WASHINGTON EVENING STAR

MAY 14 1968

RACIAL

Troops Standing By As Violence Flares

Continued From Page A-1 county sheriff "have been Federal court injunction to backing down" in resisting keep the troops from being used in Birmingham.

The State troopers who poured into the city after Sunday's bombings and rioting are ready at two nearby military bases, but Mr. Kennedy said under the supervision of State safety director Al Lipno. Mr. Hanes said Col. Lipno is working with Commissioner Connor rather than the city police chief.

Sidney Smyer, chairman of the group of white business leaders which negotiated the truce with Negroes last week, said he believes the people of Birmingham will go along with the agreement if there are no more demonstrations by Negroes and the extremists on both sides quit stirring up trouble.

Reveals Details

For the first time, he spelled out the white negotiators' version of the agreement. He said it provides for the opening of lunch room counters and other facilities to Negroes at some downtown department stores within 60 days and the hiring of one Negro at one store as a sales clerk within 60 days.

He said this was to be on a trial basis to see how it works. He said downtown merchants were not actually members of the white negotiating team, but agreed reluctantly to go along with this concession toward Negro demands.

"We are sincere in wanting to work out the problems of this community," said Mr. Smyer, who at a press conference declined to identify any of the other members of the white negotiators. "If we get rid of the hate in this town we will see considerable improvement." Immediately after Mr. Smyer's press conference, segregationist Mayor Arthur J. Hanes, fresh from a conference with Gov. Wallace, called reporters in to denounce the agreement.

"I can assure you right now the city will not buy the agreement," Mr. Hanes said. He said he would urge a boycott of any store integrating its facilities.

Disputes Election

Mr. Hanes declared that he and Police Commissioner Eugene "Bull" Connor are running the city government despite the election last month of a new Mayor and a new form of government that abolished Mr. Connor's job.

There have been reports of disputes between city and State police over who is in charge of law enforcement.

Mr. Hanes claimed that Commissioner Connor is in charge of city police and that the city police chief and the

Negroes have accused State police of brutality. Edwin O. Butman, public relations and cab drivers injured. "We must not allow any one to provoke violence," said Dr. King, urging Negroes to give up any knives, guns or other weapons they might have. Later he toured some pool rooms where a woman follower collected knives in a cardboard box.

An "Inspiration"

Last night, Jackie Robinson told the Birmingham Negroes that they have been an "inspiration" to Negroes over the Nation.

"It is amazing to me that while Americans are allowing a Bull Connor to speak for them," he said.

Floyd Patterson, former world heavyweight boxing champion, also offered encouragement to the Negroes.

Connor called a Symbol

Mayor Hanes said Commissioner Connor, who also is Democratic National Committeeman for Alabama, has been the symbol of the swimming of the black tide of socialism.

At a news conference yesterday, Gov. Wallace declared that State and local officers can maintain control. He said he believes the Federal troops "are here unlawfully and that the matter may be adjudicated by the courts."

Dr. King told Negroes yesterday to remain non-violent. He spoke at the motel where bombers had blasted a wall down Sunday morning, precipitating a riot among Negroes and against police which resulted in six buildings being burned and more than 20 Negroes po-

MAY 14 1963

Sparkman Gets Troops Pledge

BIRMINGHAM, Ala., May 14 (AP). — Senator Sparkman, Democrat of Alabama, says President Kennedy has assured him Federal troops would not be sent to racially troubled Birmingham, "as long as the local forces could preserve order."

Senator Sparkman said he had urged the President not to send to Birmingham the riot-trained Army troops being massed in Fort McClellan and Maxwell Air Force Base.

Senator Sparkman revealed his talk with Mr. Kennedy in a telegram yesterday to State Public Safety Director Al Lingo, Birmingham Police Commissioner Eugene Connor, Police Chief James Moore and Sheriff Mel Bailey of Jefferson County.

Senator Hill, Democrat of Alabama, said in a statement there was no need to send Federal troops to Alabama and added, "I have called on the President and have insisted that he withdraw them."

"I sorely deplore, as I am sure do all Alabamians who believe in law and order, the bombings and acts of violence in Birmingham over this past week end," Senator Hill said.

But he said the Governor and State and local law enforcement officials have pledged that peace and order will be maintained and that they will co-operate with the FBI and others in bringing those responsible for the bombings to justice.

Other members of the Alabama delegation, all Democrats, have communicated with the President, demanding the withdrawal of the troops.

WHO MINDS STORE?

Birmingham Mired In Leadership Tangle

By Staff Writer
BIRMINGHAM, Ala., May 14 — Birmingham, where tension is rapidly becoming a way of life, is beginning to wonder who is minding the store—or whether anyone really is.

The lack of effective leadership appears to be one of the main reasons the city can't pull itself out of the racial morass in which it has been stuck for a month and a half. There are two rival city governments, one headed by a Mayor who keeps preaching

segregation and charging a Communist conspiracy, and the other headed by a Mayor whose chief contribution seems to be to wash his hands. There are at least three separate law enforcement agencies—State, local and county—none of which is quite sure who is in charge of keeping the peace.

Promises by Business
There's a businessman's group which has been negotiating independently with the Negro leadership, promising things they aren't sure they can deliver. There are Justice Department officials on the scene trying to bring the whites and Negroes together.

The generals are in town with a command post and there are 3,000 Federal troops standing by at nearby military bases. There are propaganda deals being struck from the State capital

in Montgomery and from the Nation's Capital in Washington. The Klu Klux Klan met Saturday night. The Negroes meet every night. And last night, after a day when business was moving at a snail's pace because not many persons wanted to venture downtown unless they worked there or were curious, and when police were guarding nearly every corner in a two-block area, the local newspaper headline said "city returns to near normal."

Taxis Warned Away
A cab driver refuses to take a fare into the Negro district, another does so reluctantly. When asked how things are, he replies, "We're about back to normal." Ten seconds later the taxi dispatcher radios all drivers to stay out of "danger areas" and not to risk anyone.

Normal seems to be defined here now as the time when no blood is flowing, when no dynamite bombs are being tossed about, when no fires are being set and when police and Negroes are not engaged in physical combat.

Some white residents think it best to give in a little to Negro demands. At least an equal number, perhaps more, don't want to budge an inch. When citizens find out who's on first at city hall—a possibility within a few days when a court suit over the city gov-

ernment is to be disposed of, things might really turn to normal, also over the

Kennedy Calls on Governor To Keep Birmingham Peace

By the Associated Press
President Kennedy has called on Alabama Gov. George Wallace to make certain that "an atmosphere of law and order" prevails in racially torn Birmingham. Gov. Wallace, in turn, has questioned the President's right to send Federal troops into Alabama and hinted he might go into Federal court in an effort to get them out.

The President told Gov. Wallace yesterday that he would not order troops into the city unless uncontrolled violence erupts.

Gov. Wallace, though, insisted Mr. Kennedy is using an unconstitutional law as his grounds for dispatching soldiers to two military bases in Alabama, each within about an hour's drive of Birmingham.

The Governor said State courts can handle matters that neither he nor the Alabama Legislature has requested Federal troops.

Governor Has Plans

Asked if he is considering further steps to get the troops withdrawn, Gov. Wallace said:

"We have plans in that regard. We believe they are here unlawfully, and that matter may be adjudicated in the courts."

The President met last night with Democratic Senators Sparkman and Hill of Alabama, but President Press Secretary Press Salinger would not say whether Mr. Kennedy had assured them that no troops would be used unless local authorities were unable to put down any new violence. Later, however, Senator Hill said he had received such assurances from Mr. Kennedy.

In a double action Sunday night, Mr. Kennedy dispatched 2,000 Federal troops, including paratroopers and riot-control instruments, to Alabama and prepared a proclamation Federalizing the Alabama National Guard. The proclamation, however, was not signed.

Trip Still Planned

Mr. Kennedy sent a telegram to Gov. Wallace yesterday after the White House announced the way for a meeting between the two men in Alabama Saturday.

The White House announced that Mr. Kennedy will go through with long-held plans to visit northeastern Alabama Saturday to attend ceremonies marking the 20th anniversary of the Tennessee Valley Authority.

Gov. Wallace has not decided

whether he plans to greet the troops to Birmingham if he considers that necessary violates the Federal Constitution.

"I will cross that bridge later in the week," he said yesterday in Montgomery.

Gov. Wallace previously had urged Alabama Congressmen to use the "influence and power" of their offices to get the President to pull out the troops he ordered garrisoned on alert status at Maxwell Air Force Base at Montgomery and Fort McClellan at Anniston.

Gov. Wallace told reporters that if he feels it necessary, he will call the National Guard to duty in Birmingham "regardless of what the President said."

Repeats Position

In his telegram to the White House, Gov. Wallace said the Federal law cited by Mr. Kennedy as grounds for sending

troops to Birmingham if he considers that necessary violates the Federal Constitution. The Governor insisted, as he did in his first telegram Sunday night, that troops can be used to put down domestic violence only on request of the Legislature or the Governor.

Further, he told Mr. Kennedy, "the constitutional authorities of the State of Alabama, city and county are able and have not failed to suppress any violence which has occurred in the city of Birmingham."

The Constitution expressly limits the powers of the Federal Government in handling violence, the Governor continued, adding:

"Neither the Congress of the United States nor you as the Chief Executive of the United States can violate this most basic constitutional guaranty."

TEXT OF TELEGRAM

Kennedy Tells Wallace Of U. S. 'Obligations'

Following is the text of a telegram sent by President Kennedy late yesterday to Gov. George C. Wallace of Alabama, who Sunday night issued an appeal to Mr. Kennedy that the situation in Birmingham be left entirely to State and local handling.

In response to the question raised in your telegram of last night, Federal troops would be sent into Birmingham, if necessary under the authority of Title 18 Section 333 Paragraph 1 of the United States Code relating to the suppression of domestic violence.

Under this section, which has been invoked by my immediate predecessor and other Presidents as well as myself on previous occasions, the Congress entrusts to the President all determinations as to: (1) the necessity for action; (2) the means to be employed; and (3) the adequacy or inadequacy of the protection afforded by State authorities to the citizens of that State.

As yet no final action has been taken under this section with respect to Birmingham, inasmuch as it continues to be my hope, as stated last night, that the citizens of Birmingham themselves will maintain standards of responsible con-

duct that will make outside intervention unnecessary.

Also, as I said last Thursday, in the absence of any violation of Federal statutes or court orders or other grounds for Federal intervention, our efforts will continue to be focused on helping local citizens to settle and maintain peaceful, reasonable settlements.

The community leaders who worked out this agreement with a good sense of justice and foresight deserve to see it implemented in an atmosphere of law and order.

I trust that we can count on your constructive cooperation in maintaining such an atmosphere, but I would be derelict in my duty if I did not take the preliminary steps announced last night that will enable this Government, if required, to meet its obligation without delay.

Troopers Prevented Use Of Negro Police in Riot

BIRMINGHAM, Ala., May 14 (AP)—A Negro reserve police captain says that State troopers prevented him from using 62 uniformed Negro reserves to help quell week-end rioting.

"The appearance of white policemen was what set off the rioting," said the captain, James Lay, 35-year-old postal worker who heads a Negro civil defense police unit.

City police said the Negro civil defense reserve policemen were called when it became evident that the appearance of white policemen in the area was incensing the crowd of Negroes.

"The city policemen were pulling back and they were to let us stand between them and the crowd of Negroes, but the highway patrol and other State officers pulled up about that time and interfered," Mr. Lay said.

No Comment

Alabama Safety Director Al Lingo was unavailable for comment.

City Police Lt. Frank W. Lloyd, who heads civil defense reserve units, said the Negro officers were called to the scene by Police Inspector W. J. Haley.

The city has no Negro policemen on its regular force and this is one of the demands Negroes have made in their desegregation drive.

Mr. Haley was struck on the head by a rock and the cash required six stitches. Mr. Lay also was struck on the face with a rock, but he remained at the scene after Mr. Haley was taken to a hospital.

Mr. Lay said his men, wearing blue police uniforms, were held in reserve "until we realized that the appearance of white policemen wasn't going to help the situation."

Doing Their Best

"Inspector Haley was attempting to move the white

troopers out of the area when he was hurt," Mr. Lay said. "The policemen were doing the best they could. But they were white. We wanted to get them completely out of sight."

"About that time the State troopers arrived. We could have stopped the violence if they had let us bring our own men up," Mr. Lay said.

"It was generally understood between the white city policemen and us that we were in charge at that time, and we would have had the riot under control if the white reinforcements hadn't been moved in."

"The patrolmen told me to get back out of the way or I would get what some of the rest of them were come to get."

"I asked them to move the rifles and guns out of sight, that is to make the Negroes mad. But one of the patrolmen told me he didn't intend to because he intended to use them."

2 White Youths Slashed, Negro Shot

Uneasy Night in Birmingham

BIRMINGHAM, May 11 (UPI)—Two white youths were slashed with knives and a Negro was wounded by a pellet gun last night on Birmingham streets despite patrols of state troopers, while a small detachment of Federal troops maintained an observation post in the Federal Building here.

The two racial incidents last night were isolated attacks and there was no recurrence of the weekend rioting which caused President Kennedy to order 300 troops to military bases in Alabama on a standby alert.

At a mass meeting Negro leader Luther King Jr. appealed to Birmingham Negroes to be calm and reiterate their commitment to non-violence.

BLOOD IS SPILLED

"We can't win, protesting isn't it," he said. "If there is any blood spilled in the streets, let it be our blood."

Two white youths, J. W. Burgess, 18, and R. Lee Hill, 17, were treated at a hospital for deep gashes in their arms.

Burgess told police he and Hill were in a telephone booth at his home when a group of Negroes drove by and slashed them. He returned and found them with sticks and slashed them with a knife.

Police said Hill was shot last night in the left arm and leg.

inches of the knife blade broke off in his flesh.

Prince Gason, 33, a Negro, was hospitalized in fair condition with a pellet wound in his face. He said he was coming out of a store in a Negro neighborhood when a car containing three white youths drove by.

"I felt a terrible smack on the jaw and I just felt numb all over," he said. Hospital attendants removed a 1.4 inch metal slug from his left jaw.

KENNEDY FIRM

Meanwhile, President Kennedy today held firmly to his insistence that he had legal power to send Federal troops to Alabama despite a new protest by Gov. George C. Wallace.

The President was to present his views at a White House luncheon scheduled for 25 Alabama newspaper publishers and editors.

Invitations to the event, 21st of a series for news executives from all parts of the country, were sent May 2, before his latest Birmingham flareups.

Replying yesterday to Gov. Wallace's challenge of his authority to send in standby troops, Mr. Kennedy appealed to the governor for "constructive cooperation" to make their use unnecessary.

Mr. Kennedy's telegram replied to one Gov. Wallace sent him Sunday night, after

the President announced riot control units were being sent to bases near Birmingham and took preliminary action to Federalize the Alabama National Guard if necessary.

SECOND APPEAL

The governor sent a second message to Mr. Kennedy yesterday, disputing the President's reply to the initial wire. But White House Press Secretary Pierre Salinger said Mr. Kennedy would stand on his earlier response.

The President said he still hoped for local settlement of Birmingham's violence-scattered racial troubles but that he would have been derelict in his duty if he had not so sent his troops in.

Gov. Wallace conferred with legal aides yesterday and planned further meetings with them today. "We have plans to get the troops out," he told newsmen. "They are here if legally."

A 12-man riot patrol detachment was set up in the Federal Building here under the command of Brig. Gen. John T. Conley, assistant commander of the 21st Infantry Division at Ft. Benning, Ga.

Justice Department officials appeared optimistic, however, that the troops would have to be called into this southern city only. Assistant Attorney General Burke Marshall, the Department's chief trouble shooter here, was quoted as feeling local authorities have control of the situation.

ATHLETES ON HAND

Two famed Negro athletes, Jim Brown and Jackie Robinson, arrived last night for whatever they could support to anti-riot efforts.

Jim Robinson said police action against Negroes here was "doing so much damage to the U.S. abroad, it will be hard to repair."

But he noted that Negroes, while in regulations were a "sign of progress."

MAY 1 1968

UNSUNG HEROES

Negro Group Hailed for Help in Riot

By JACK STEELE

Special Report Staff Writer

BIRMINGHAM, May 11

The unsung heroes of this city's riots are a group of about 20 Negro civil defense workers who faced angry mobs of their own people early Sunday to help outnumbered white policemen and firemen.

White policemen who were near the bombed A. G. Gaston Motel when the rioting started told me today they owed their lives to the Negro volunteers.

And top officials of Birmingham's all-white police and fire departments had high praise for the "invaluable" help of these members of the city's first and only Negro "auxiliary police" unit.

HEARTENING

Their courage provided a heartening example of racial cooperation in tense and strife-torn Birmingham.

Their leader, Capt. James Edward Lay, 33-year-old Negro postal worker, disarmed and overpowered a knife-wielding Negro who was trying to slash a white policeman during the riot.

Later, while Capt. Lay was using a portable loudspeaker to stop a mob from stoning firemen, a brick smashed the speaker into his face and knocked him unconscious.

Revived, he went back to face the mob.

Another Negro civil defense worker, Sylvester Norris, drove a fire truck thru the rioters after a barrage of stones blocked white firemen from one of the blazes set by Negro arsonists.

Among the white police officials who hailed the work of this so-called Smithfield civil defense unit were James Moore, Inspector Bill Haley, and Capt. Ben Walker, chief of city detectives.

"LAST RESORT"

It was Capt. Walker who first spotted Capt. Lay near the motel and asked him to summon members of his unit to duty as "a last resort."

"They did a good job and should be commended for it," he said.

Capt. Walker, one of the first police officials to reach the motel after the blast, said:

"The situation there was the worst I have ever seen."

He recalled that Capt. Lay had cleared a path for him thru the Negro rioters to the motel office, adding: "I would never have made it otherwise."

"I gave Capt. Lay a hand full of change and told him to call out other members of his unit to help."

It was the first time the Negro unit had been called to

duty to quell a riot, although members have helped during floods and tornadoes. When ordered to duty in a disaster they are automatically deputized as regular policemen.

Capt. Lay said he had rushed to the motel, clad in his Seabee helmet and "battle jacket," as soon as he heard the blast and went to work trying to quiet the angry Negro crowd.

WALKIE-TALKIE

He was still on duty at Gaston's last night, carrying a walkie-talkie and with his battered loudspeaker at his side. He said he and three other Seabee workers were guarding the damaged motel from curiosity seekers, most of them Negroes.

No white police were visible at the motel.

Police earlier in the day called off their tight black tails around the eight-block riot area enclosing the motel.

Inspector Haley, who was severely injured when hit on the head by a flying brick, credited Capt. Lay with organizing a "human chain" of Negroes to push back rioters so firemen could reach blazes raging in the area.

His head wrapped in a turban-like bandage, Inspector Haley said members of the Negro unit had helped save firemen and policemen from more serious injuries and possible death.

MAY 11 1963

WALLACE WARNS OF LEGAL BATTLE

Brands Troop Move Illegal
—Confers With Experts

MONTGOMERY, Ala., May 11 (UPI) Gov. George C. Wallace indicated today that he might go to court in a last-ditch fight to keep Federal troops out of Birmingham.

"We have plans to get them out," the segregationist Governor said. "They are here illegally."

Governor Wallace referred to 1,000 combat-equipped soldiers, trained for riot duty, who moved during the night into Maxwell Air Force Base in Montgomery and to Fort McClellan, near Anniston.

The Governor accused President Kennedy of threatening to send the soldiers to Birmingham to "enforce a worthless agreement made by a so-called biracial committee" that he said had no legal status.

The agreement to desegregate department stores in downtown Birmingham, gradually, was announced Friday by Dr. Martin Luther King Jr., integration leader.

Mr. Wallace distributed copies of a telegram he sent to the President this afternoon disputing the legal authority cited by the White House in an earlier wire explaining the reasons behind the troop movements.

Meets Legal Experts

The Governor, showing the strain of long talks into the night, said "we are thinking about and discussing legal methods" of keeping the troops out of the city.

The Governor met for hours today with several members of a group of top constitutional lawyers—members of the State Bar Association's Committee on Constitutional Government and State Sovereignty.

1st and last add. Gov.

"There is no proceeding for use of Federal national military troops to enforce an alleged agreement by unauthorized, anonymous individuals working in secrecy without authority of any duly constituted officials," Wallace's telegram to the President said.

"We have heard and read much about the agreements entered into by this group, but their activities have been cloaked in secrecy. Apparently from the actions you have taken, you know the identity of the members of this committee.

"I urge you to make public the names of the members, whom they represent and by what constitutional authority they have presumed to act."

All but one of the white members of the committee have declined to reveal their identity.

MAY 11 1968

ALABAMIANS ASK TROOP REMOVAL

Congress Bloc Is Generally
Restrained in Its Appeal

By MARJORIE HUNTER
Special to The New York Times

WASHINGTON, May 11 — Alabama's Congressional delegation moved quickly today to head off use of Federal troops in Birmingham.

There were no outbursts, no cries of outrage, such as have marked the ordering of troops into other Southern states involved in racial conflict.

Politely, but firmly, members of the Alabama delegation petitioned President Kennedy to withdraw the troops that he sent yesterday to bases near Birmingham.

They assured the President that state and local forces had the situation under control and that ordering in Federal troops would merely heighten tension.

Two members of the delegation protested what they termed "outside interference" by agitators in the riot-torn city.

Representative George Had-
dleston Jr., who represents the
Birmingham area, called for
Congressional investigations to
determine "whether these in-
flammatory and lawless actions
brought on by professional agi-
tators are linked in any way to
Communist activities or objec-
tives."

Representative George An-
drews called upon the President
to "remove Martin Luther King
from Alabama."

"If he is removed, there will
be no need for troops," Mr.
Andrews said.

The Rev. Dr. Martin Luther
King Jr. is head of the South-
ern Christian Leadership Con-
ference, which is leading the
integration drive in Birming-
ham.

Other appeals of the Alabama
Representatives reflected the
moderate views of the majority
of the delegation, generally re-
garded as one of the most
pro-Administration Southern
groups in Congress.

Several apologized for the
bombings and noted that led
to the ordering of troops into
the state.

The state's senators, Lister
Hill and John J. Sparkman, two
of the most liberal Southerners
in the Senate, set the tone for
a calm approach.

Senator Sparkman conferred
with the President by telephone
from his home in Huntsville. He
said later that Mr. Kennedy had
assured him troops would not
be moved into Birmingham so
long as local law-enforcement
officials had the situation under
control.

Hill Deplores Violence

Senator Hill, asking that the
troops be withdrawn, said he
deplored the bombings and acts
of violence over the weekend.

Both Senators praised the ef-
forts of local and state law-
enforcement officers to keep
order and pledged that the job
would be handled without
troops.

Representative Carl Elliott,
also rated as a Southern liberal,
said he "deeply resents" the
"disgraceful bombings and riot-
ings." In a telegram to the
President, he said "this was the
work of extremists and hot-
heads on both sides, white and
Negro and did not to any
degree at all reflect the senti-
ments of the industrious, law-
abiding citizens who have made
Birmingham one of the great
cities of the South."

A bipartisan bloc of liberal
Senators from outside the South
was considering tonight an em-
ergency move on the Senate
floor to help meet the Birming-
ham crisis. The group met with
Attorney General Robert F.
Kennedy today for a briefing
on the Alabama situation.

Leaders of the group include
Hubert H. Humphrey, Democrat
of Minnesota, and Jacob K. Ja-
vits, Republican of New York.

Senator Javits indicated that
an attempt may be made to
attach a civil rights amend-
ment to the feed grain bill cur-
rently before the Senate.

TROOPS INCLUDE A SPECIAL FORCE

M.P.'s, Veterans of Oxford,
Team With Airborne Men

WASHINGTON, May 13 (AP) — The Army has moved about 3,000 infantrymen, paratroopers, military policemen and other troops into Alabama.

The Pentagon said today that on President Kennedy's orders, a brigade of the Second Infantry Division had been moved by truck from Fort Benning, Ga., to Fort McClellan, Ala., about 50 miles east of riot-torn Birmingham.

A special battalion-size task force, composed of elements of the 500th Military Police Battalion and one company of the First Battle Group, 525th Infantry, 42d Airborne Division, was flown from Fort Bragg, N. C., to Maxwell Air Force Base, about 60 miles southeast of Birmingham.

It was the second such expedition in seven and a half months for the M.P. battalion. Elements of it were among the first Federal troops sent into Mississippi last fall, when rioting erupted on the campus of the University of Mississippi at Oxford after the admission of James H. Meredith, a Negro.

The Second Infantry brigade is commanded by Col. Maurice Holden of Cherryvale, Kan., and the Fort Bragg task force by Lieut. Col. Raymond E. Levan of Delavan, N. J. Colonel Levan saw duty during the Oxford riots.

The brigade was made up of two infantry battalions, and aviation, signal and engineer units of company or platoon size, the Army said.

Earlier it was announced that two senior Army officers were in Birmingham preparing for any military action that might be needed. They were Maj. Gen. Creighton Abrams and Brig. Gen. John T. Corley, assistant commander of the Second Infantry Division.

The Second, like other infantry outfits, is trained in controlling riots.

General Abrams was in Birmingham as personal representative of Gen. Earle Wheeler, Army Chief of Staff. Seven months ago, General Abrams played a major role in planning the movement of Federal forces, which ultimately totaled 25,000 men, into the Oxford area. He is presently Assistant Chief of Staff for force development.

NEW YORK TIMES

MAY 11 1963

RALLY HERE ASKS HELP FOR NEGROES

Washington Heights Group
Scores Alabama Officials

By EMANUEL PERLMUTTER

Treatment of Negroes in Birmingham was denounced last night by religious leaders at a rally in Washington Heights.

Financial support of the Birmingham civil rights movement was urged by ministers and rabbis who addressed the street meeting at 181st Street and St. Nicholas Avenue.

The clergymen also accused local and state officials in Alabama of failing to restrain segregationist extremists who they said were responsible for violence in Birmingham.

The speakers included the Rev. C. Kinner Meyers of the Protestant Episcopal Chapel of the Intercession, the Rev. Ernest Laves of the Holy Road Church, Rabbi Israel Mink of both Am Temple and Abraham Yagor of the Holy Hebrew Congregation and Rabbi Meyer Mink of the Temple of the Covenant.

Hundreds There

Several hundred persons took part in the rally, which was held under the auspices of the Washington Heights Committee for Civil Rights. Menel Gerson and Mrs. Susan Gerson were chairmen of the meeting.

Holies are scheduled to meet in Harlem and Brooklyn in the Bronx, with Rev. A. J. King, whose home was bombed in Birmingham Saturday night, as the principal speaker at both meetings.

The Harlem meeting will be held at 125th Street and Seventh Morris High School, 169th Street, movement of the Colored People, veterans and civic groups.

The meeting tomorrow night in the Bronx will be held in Morris High School, 169th Street and Boston Road. Speakers include the Bronx chapter of the National Association for the Advancement of the Colored People, veterans and civic groups.

Robinson Charges Plot

Jackie Robinson, the former baseball star, charged last night that plans were being formulated in Birmingham to assassinate the Rev. Dr. Luther Martin King Jr. and the Rev. Dr. Ralph D. Abernathy, integration leaders.

In a filmed interview over WAFB's "The Big News" television program, Mr. Robinson said that if an attempt was made on the lives of the two ministers "you are not going to be able to control the Negro reaction, not only in Birmingham but throughout this country."

He said he had called Washington yesterday to tell Justice Department authorities about the plot. He left last night for Birmingham. Floyd Patterson, former heavyweight boxing champion, also left for the Southern city.

At a news conference yesterday at 211 West 125th Street, Mrs. Vera Pidge of Clarkdale, Miss., said there was "a desperate need for money to pay fines in the South." She said that she had been struck by a white gasoline attendant in Clarkdale when she asked for the key to a white washroom.

Mrs. Pidge was here as guest of the Mississippi and Alabama Relief Committee, which is gathering food, clothing and medicine for civil rights victims there.

Eartha Kitt said yesterday that she would contribute \$5,000, a week's salary for a singing engagement, to the campaign of Dr. Martin Luther King.

"In addition to this," Miss Kitt said, "I am also collecting money from various persons."

1,200 March in Chicago

CHICAGO, May 13 (UPI)—More than 1,200 integration demonstrators chanted, sang and danced across downtown Chicago tonight in a rally in support of Birmingham Negroes.

The rally started with a two-abreast picket line four blocks long around the Federal Building, then marched a half mile to the Congress Street Plaza off Michigan Boulevard.

The demonstrators, most of them college and high school students, about half of them Negroes, chanted "Jim Crow Must Go" and sang in spiritual tempo "The Truth Will Set Us Free."