

JOE D. WAGGONER, JR.
5th DISTRICT, LOUISIANA

COMMITTEE ON
SCIENCE AND ASTRONAUTICS
COMMITTEE ON
HOUSE ADMINISTRATION

PARHMER:
SHREVEPORT DE CIVIL
BOSSIERE RED CROSS
CAJON WESTERN
CLARKSON

Congress of the United States
House of Representatives
Washington, D. C.

24 October 1963

Honorable Robert Kennedy
The Attorney General
Department of Justice
Washington 25, D. C.

Dear Mr. Attorney General:

My attention has been directed to a recent accusation by Governor George Wallace of Alabama to the effect that the Department of Justice furnished Martin Luther King, Jr., at taxpayer's expense, an automobile for his use while in Alabama earlier this month.

It is my understanding that you have denied this allegation. In the Congressional Record of October 22 on pages A6568 and A6569, the attached insertion appeared. It sets forth in detail the make of automobile, the license number, the number of a charge card issued to the Civil Rights Division of the Justice Department and other data purporting to show that, indeed, the Department did so furnish this transportation at taxpayer's expense.

In view of this additional and specific information, I would like to know if your denial still stands or if there is some mitigating explanation the Department has not stated. This information is requested so I may reply to a number of inquiries I have had on this subject and your earliest attention to a response is respectfully urged.

Sincerely yours,


Joe D. Waggoner, Jr.

JDW/gad
Attachment

XXXXXX

EM:ls

15 November 1963

Honorable George Huddleston, Jr.
Member of Congress
United States House of Representatives
Washington, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letter of 7 November concerning use by Dr. Martin Luther King, Jr., of an automobile rented by a lawyer employed by the Department of Justice.

It is of course contrary to the Department regulations for any automobile rented by a Department employee to be used for any purpose other than official business. Accordingly, what happened was contrary to such regulations.

Unfortunately, instead of admitting his mistake, the lawyer involved denied having lent the car to anyone. All objective checks of his story were consistent with it. You will recall, for example, that the first reports from state and local officials were to the effect that Department of Justice employees had driven Dr. King all around the State of Alabama. It could be objectively ascertained, and was, that the lawyer involved never left Birmingham, and that, contrary to charges at the time, no car rented by the Department could conceivably have been used to transport Dr. King from Selma to Montgomery.

Accordingly, the Department official denied the charges in good faith.

cc: Records
Chrono
Marshall
Doar
Trial File

On the night of November 5, the lawyer involved voluntarily admitted that he had not given the Department the true facts. Without this admission it would not have been known. As soon as possible after the admission was made, the Department publicly acknowledged its error and expressed its regret.

Aside from this occasion, for which the Department is being reimbursed the total cost of approximately \$18.00, I know of no occasion on which any agent of the Department of Justice, through the use or loan of a vehicle or otherwise, went beyond his official duties in enforcing laws which the Congress has given the Department of Justice responsibility to enforce.

I regret very much that our prior letter to you was in part erroneous and based on misinformation.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

144-3-0

7 November 1963

Honorable Joe D. Waggoner, Jr.
Member of Congress
United States House of Representatives
Washington, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letter of 24 October concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama. Yesterday the Department issued an additional public statement on this matter, since a prior statement had been based, in part, on misinformation, and was, accordingly, in part, inaccurate. I hope that it will answer your inquiry.

Very truly yours,

Burke Marshall
Civil Rights Division
Assistant Attorney General

Records
Chrono
Marshall
Doar
Trial File

72-3-51
#15,353
BM:ls

29 November 1963

Honorable John Sparkman
United States Senate
Washington, D. C.

Dear Senator:

The Attorney General has asked me to reply to your letter of November 18, which concerns use by Dr. Martin Luther King, jr., of an automobile rented by a lawyer employed by the Department of Justice.

It is of course contrary to the Department regulations for any automobile rented by a Department employee to be used for any purpose other than official business. Accordingly, what happened was contrary to such regulations.

Unfortunately, instead of admitting his mistake, the lawyer involved denied having lent the car to anyone. All objective checks of his story were consistent with it. You will recall, for example, that the first reports from state and local officials were to the effect that Department of Justice employees had driven Dr. King all around the State of Alabama. It could be objectively ascertained, and was, that the lawyer involved never left Birmingham, and that, contrary to charges at the time, no car rented by the Department could conceivably have been used to transport Dr. King from Selma to Montgomery.

Accordingly, the Department officially denied the charges in good faith.

Records
Crhono
✓ Marshall
Doar
Trial File

-2-

On the night of November 5, the lawyer involved voluntarily admitted that he had not given the Department the true facts. Without this admission it would not have been known. As soon as possible after the admission was made, the Department publicly acknowledged its error and expressed its regret.

Accordingly, your request for an expression of regret seems inappropriate.

Very truly yours,

EURKE MARSHALL
Assistant Attorney General
Civil Rights Division

144-3-0

BM:ls

13 November 1963

Jerome C. Ables, Esquire
Attorney at Law
Post Office Box 309
South Pittsburg, Tennessee

Dear Mr. Ables:

The Attorney General has asked me to reply to your letter of November 7 concerning use by Dr. Martin Luther King, Jr., of an automobile rented by a lawyer employed by the Department of Justice.

It is of course contrary to the Department regulations for any automobile rented by a Department employee to be used for any purpose other than official business. Accordingly, what happened was contrary to such regulations.

Unfortunately, instead of admitting his mistake, the lawyer involved denied having lent the car to anyone. All objective checks of his story were consistent with it. You will recall, for example, that the first reports from state and local officials were to the effect that Department of Justice employees had driven Dr. King all around the State of Alabama. It could be objectively ascertained, and was, that the lawyer involved never left Birmingham, and that, contrary to charges at the time, no car rented by the Department could conceivably have been used to transport Dr. King from Selma to Montgomery.

Accordingly, the Department officially denied the charges in good faith.

Records

Chrono

✓ Marshall

Doar

Trial File

On the night of November 5, the lawyer involved voluntarily admitted that he had not given the Department the true facts. Without this admission it would not have been known. As soon as possible after the admission was made, the Department publicly acknowledged its error and expressed its regret.

We will make every effort to prevent any other such incidents. No car can be rented in the future without my personal approval.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

U.S. CAR RIDE FOR REV. KING ROW REVIVED

ATTANOOGA NEWS-PRE

KING CAR RIDE ROW REVIVED

(Continued From Page 1)

Justice Department Admits Charge True, Resignation Results

WASHINGTON (UPI) — The casual loan of a U.S. government-leased automobile last month to Negro leader Dr. Martin Luther King stirred a political tempest today in Alabama and Washington.

The Justice Department conceded Wednesday that King motored from Birmingham to an integration rally at Selma, Ala., Oct. 15 in a car that had been rented by a Justice employe.

The department said it had denied earlier that King had used the government car because one of its attorneys, Negro TheHon Henderson, had lied in a report to Washington. Henderson's resignation has been accepted because of the incident, a spokesman said.

THREATS CLAIMED

But King contends that a "strong case" could be made for the department's supplying him with transportation because of the numerous threats made on his life while in Alabama.

At Selma, Dallas County Sheriff James G. Clark Jr., who first noticed King's use of the automobile, charged that Henderson was being made "the official scapegoat."

Clark said the department's admission confirmed his suspicion that it "had been behind these racial agitators for some time." He said Henderson's resignation was used to cloak the department's "over-all activity . . . in fomenting civil disobedience in Alabama."

Henderson admitted that he had loaned the government-leased automobile to a Negro minister, the Rev. Nelson H. Smith, who made it available to take King to Selma. Henderson admitted he knew the automobile would be used for that purpose, a department source said.

Other racial developments:

New Orleans — Civil rights organizations vowed to continue their efforts today to desegregate facilities at city hall.

Five persons including the local president of the Congress of Racial Equality, were arrested during a sit-in attempt yesterday. Forty-three persons have been arrested at the city hall

(Continued on Page 2, Column 2)

cafeteria since the campaign began a week ago.

Savannah, Ga. — The South Carolina Association of Citizens Councils yesterday proposed a referendum to determine if state-owned parks, closed to avoid desegregation, should be reopened.

New Haven, Conn. — Edward E. Krickhaus, an assistant professor of psychology at Yale, was arrested yesterday and charged with helping organize a weekend racial protest here which resulted in a scuffle between pickets and police.

Nashville, Tenn. — A group of Vanderbilt students demanded that the operator of a small campus restaurant desegregate his facilities.

Mobile, Ala. — Commissioner Charles S. Trammier said he will challenge an executive order issued by Police Commissioner George McNally requiring civil rights pickets to be fingerprinted and photographed.

Tallahassee — The NAACP filed a petition with the Florida Supreme Court seeking release of four youngsters held in a St. Augustine jail since their arrest at a sit-in July 23.

JEROME C. ABLES
ATTORNEY AT LAW
P. O. BOX 588
SOUTH PITTSBURG, TENN.

November 7, 1963

Honorable Robert F. Kennedy

Page II

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

Honorable Richard Wasserstrom
Attorney
Civil Rights Division
United States Department of Justice
Washington, D. C.

Honorable George C. Wallace
Governor of Alabama
Montgomery, Alabama

Honorable Bill Brock
Member of Congress
Washington, D. C.

Honorable Barry Goldwater
Member of Congress
Washington, D. C.

Honorable John F. Kennedy
President of the United States
Washington, D. C.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

**BM;RW: sb
146-1-7747**

**Mr. Jerome C. Ables
Attorney At Law
P. O. Box 309
South Pittsburg, Tenn.**

Dear Mr. Ables:

This will acknowledge receipt of your recent communication to the Attorney General concerning reports that vehicles leased by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama.

As we have said in a statement issued on the 18th of October, neither the automobiles mentioned in the report, nor any other car rented by the Department of Justice, was used to transport Reverend King as stated in the reports. Any efforts to ascertain the truth would have revealed these facts.

Sincerely,

**BURKE MARSHALL
Assistant Attorney General
Civil Rights Division**

**By:
RICHARD WASSERSTROM
Attorney**

110959
JEROME C. ABLES
ATTORNEY AT LAW
P. O. BOX 300
SOUTH PITTSBURG, TENN.

November 7, 1963

Honorable Robert F. Kennedy
Attorney General
U. S. Department of Justice
Washington, D. C.

Dear Attorney General:

I wrote to you sometime in the past about the loaning of cars donated by the Justice Department to the Rev. Martin Luther King, Jr. On this date I received a reply from a Richard Wasserstrom an attorney there in the Justice Department who wrote on behalf of Mr. Burke Marshall. This was a very sharp and nasty letter. Also it came out in the Chattanooga Times this morning and the Chattanooga Free-Press this afternoon that the Justice Department admits the loaning of a car for the Rev. Martin Luther King, Jr, and as a result of this, one of your colored attorneys, Thelton Henderson is now resigning because he lied.

I am herewith enclosing for your information a thermofax copy of the letter from your Mr. Wasserstrom, as well as a thermofax copy of the newspaper clipping published on this date, November 7, 1963. By these reports the Justice Department is putting in jeopardy the reputation of the FBI and the reputation of the Justice Department. I am very strongly protesting this and I certainly would appreciate some reply on this.

Very truly yours,


JEROME C. ABLES

JCA:hmr
Enclosures 2

Answered

JEROME C. ABLES
ATTORNEY AT LAW
P. O. BOX 288
SOUTH PITTSBURGH, TENN.

PHONE 837-8382

November 7, 1963

Honorable Robert F. Kennedy

Page II

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

Honorable Richard Wasserstrom
Attorney
Civil Rights Division
United States Department of Justice
Washington, D. C.

Honorable George C. Wallace
Governor of Alabama
Montgomery, Alabama

Honorable Bill Brock
Member of Congress
Washington, D. C.

Honorable Barry Goldwater
Member of Congress
Washington, D. C.

Honorable John F. Kennedy
President of the United States
Washington, D. C.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15.

The Department of Justice issued a statement on October 16, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During that time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation to the Department and it has been accepted.

- 2 -

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 13.

The Department of Justice issued a statement on October 15, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During this time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson was forced last night and voluntarily gave a correct account of what occurred. He has submitted his resignation ^{to the Department} and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION
ASSISTANT ATTORNEY GENERAL
MISCELLANEOUS
Henderson - Car Rental

DALLAS COUNTY - Grand Jury
Material

BH:HVS

36101

October 29, 1963

Honorable William F. Thetford
Circuit Solicitor
Fifteenth Judicial Circuit of Alabama
County Court House
Montgomery, Alabama 36104

Dear Mr. Thetford:

This will acknowledge receipt of your letter of yesterday, in which you state, in effect, that you will present to the Montgomery County Grand Jury which meets in November, the claim made by Governor Wallace that certain unspecified persons were furnished transportation by one or more unnamed persons allegedly connected with the Department of Justice of the United States.

Your letter also states that "there is no violation of State law involved."

I also wish to thank you for your offer to present to that Grand Jury any witnesses that the Department of Justice might have who are available to testify.

Sincerely,

Ben Hardeman
United States Attorney



OFFICE OF THE SOLICITOR
FIFTEENTH JUDICIAL CIRCUIT OF ALABAMA
COUNTY COURT HOUSE
MONTGOMERY 4, ALABAMA

WILLIAM F. THETFORD, SOLICITOR

October 28, 1963

MAURY D. SMITH, DEPUTY SOLICITOR

FRANK W. RIGGS, III, DEPUTY SOLICITOR

RECEIVED

OCT 29 1963

UNITED STATES ATTORNEY
MIDDLE DISTRICT
OF ALABAMA

Honorable Ben Hardeman
U. S. District Attorney
Post Office Building
Montgomery, Alabama

Dear Mr. Hardeman:

The Governor of Alabama has charged that the Civil Rights Division of the United States Department of Justice has been furnishing transportation for racial agitators in Alabama. This charge has been denied by the Department of Justice.

While there is no violation of State law involved, I am submitting such evidence as may be available to our November Grand Jury as a matter of public interest. It is our desire to conduct a completely fair and impartial investigation in this matter. Should the Justice Department have witnesses available to testify, I will be glad to bring them before the Grand Jury.

Yours very truly,


WILLIAM F. THETFORD

WFT/bbj

United States Department of Justice

IN REPLY REFER TO
STYLE OF CASE AND

UNITED STATES ATTORNEY
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALA. 36101

BH:HVS

October 29, 1963

AIR MAIL

PERSONAL - OFFICIAL BUSINESS
NOT TO BE OPENED IN MAIL ROOM

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division Room 1145
Department of Justice
Washington, D. C. 20530

Dear Mr. Marshall:

In accordance with our long distance telephone conversation of today, I am enclosing two copies of a letter dated October 28, 1963, from Mr. William F. Thetford, Circuit Solicitor, Fifteenth Judicial Circuit of Alabama, and two copies of my reply to him dated today.

I send you my personal regards.

Sincerely,



Ben Hardeman
United States Attorney

Enclosures

Ed Galtman:
This is the correspondence
we were discussing this morning.
R

November 4, 1963

AIR MAIL-SPECIAL DELIVERY

Honorable William F. Thetford
Solicitor
Fifteenth Judicial Circuit of Alabama
County Court House
Montgomery 4, Alabama

Dear Mr. Thetford:

Mr. Hardeman has forwarded to me your letter of October 28, in which you state that you are submitting evidence to the November Grand Jury "as a matter of public interest" relating to charges concerning the use of automobiles rented by Department of Justice lawyers.

Your letter states that no violation of state law is involved.

In view of this fact, I see no point in furnishing witnesses to testify in a secret proceeding on a matter admittedly beyond the scope of the Grand Jury's legitimate inquiry. The facts on this matter have been given to the public through a statement issued by the Department on October 18, 1963.

For your information I enclose a copy of the statement.

Very truly yours,

Enclosure

cc: Hon. Ben Hardeman
U. S. Attorney
Montgomery, Ala.

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

144-3-0

6 November 1963

AIR MAIL - SPECIAL DELIVERY

Honorable David W. Crossland
Solicitor
Fifteenth Judicial Circuit of Alabama
County Courthouse
Montgomery 4, Alabama

Dear Mr. Crossland:

On November 4 I wrote to Mr. Thetford enclosing a copy of a statement relating to certain charges concerning the use of automobiles rented by Department of Justice lawyers. The statement set forth what I then believed to be the facts on the matter.

Last night it was discovered that the statement was inaccurate in part. We took steps immediately to make public our error.

For your information, I enclose a copy of the statement made by the Department to clear up the matter entirely. As the statement notes, the Department regrets that its previous statement was based in part on misinformation and was accordingly in part erroneous.

I asked Mr. Hardeman to convey this information to you by telephone this afternoon so that you would be aware of it as soon as possible.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

cc: Honorable Ben Hardeman
United States Attorney

21 November 1963

Honorable Mortimer Caplan
Commissioner
Internal Revenue Service
Washington, D. C.

Dear Mr. Commissioner:

We have a proceeding in the Southern District of Alabama under §1971(b) of Title 42 in which intimidation of voter registration workers is charged against, among others, the Dallas County Citizens' Council. If this organization has applied for or obtained an exemption ruling, I would appreciate having access to the file in connection with the preparation of the case.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

21 November 1963

MEMORANDUM FOR MITCHELL ROGOVIN

Thanks very much; your promptness is appreciated. This is Dallas County, Texas, however, and as such, does not quite fill the bill for Dallas County, Alabama. Can you be of any help with respect to Dallas County, Alabama?

BM

Attachment - IRS file

Handwritten:
i = 2
To Mr. Weaver

The recent trip of M. L. King Jr. from Birg. to Selma in a car rented by Justice has attracted much publicity. There has been speculation that a violation of Fed. Statutes may have occurred with respect to the unauthorized use of the vehicle, or in connection with statements resulting in initial denials by the Dept. that the vehicle had been used for this purpose.

In view of the great pub. interest in this matter, some members of the Grand Jury have inquired whether or not a Fed. Grand Jury should investigate possible Fed. law violations.

The Dept. of Justice has assured the court that all aspects of this matter have been, or are being, investigated; that it does not presently believe there is evidence of Fed. criminal violations; and that it is happy to provide the Grand Jury with all of the facts and evidence in its possession surrounding this incident whether or not any violation of law may have occurred.

I believe it would be in the publ. interest to present these facts and all relevant testimony to the Grand Jury as the first order of bus. at its next session. This will be done. ~~But~~

Statement for Judge Algood -- the next session of G. Jury is Feb. 10 --
If he approves, you will try it on Judge

Macon Weaver
Birgham.

NOV 26 1963

Honorable John Sparkman
United States Senate
Washington, D. C.

Dear Senator:

The Attorney General has asked me to reply to your telegram regarding the proposed visit of the Dallas County grand jury to Washington. The visit has now been postponed.

I am enclosing copies of the exchange of telegrams I have had with officials of Dallas County and the grand jury on this matter. I believe they are self-explanatory. We are anxious to have access to all information in the possession of members of the grand jury relating to the very serious charges made against unnamed Department officials, and to cooperate with them as citizens. If the charges are warranted by the facts, the Department will take whatever action is appropriate.

I appreciate your interest in this matter.

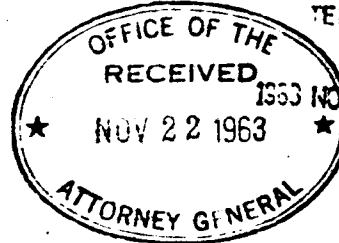
Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosures

0 1 0
**TELEGRAM
SPECIAL**

DEPARTMENT OF JUSTICE
MIN. RECORDS BRANCH
TELEGRAPH OFFICE



1963 NOV 21 PM 8:39

WCA099 RA420

WCA099 WVA193 GOVT NL PD WF WASHINGTON DC 21

THE HONORABLE ROBERT F. KENNEDY, ATTORNEY GENERAL DEPT OF JUSTICE
WASHDC

AS YOU KNOW, THE GRAND JURY OF DALLAS COUNTY, ALABAMA, ALONG WITH THE SHERIFF AND CIRCUIT SOLICITOR OF THAT COUNTY WILL BE IN WASHINGTON ON MONDAY, NOVEMBER 25. THIS VISIT WAS PROMPTED BY A TELEGRAM FROM YOUR OFFICE AND IS FOR THE PURPOSE OF OBTAINING INFORMATION REGARDING CHARGE CHARGES AGAINST EMPLOYEES OF THE JUSTICE DEPARTMENT WHILE IN ALABAMA. THE DEPARTMENT MUST BE AS ANXIOUS AS WE ARE IN ALABAMA AND, I AM SURE, AS ARE THE PEOPLE OF THE COUNTRY TO KNOW THAT THESE CHARGES BE THOROUGHLY INVESTIGATED THOROUGHLY. IT IS FOR THIS REASON THAT THE GRAND JURY IS GOING TO WASHINGTON, AND I STRONGLY URGE THE DEPARTMENT TO COOPERATE FULLY AND TO FURNISH SUCH

AS IT CAN THAT WILL BE HELPFUL. THE RECENT EXPERIENCE OF THE

144-3-0

DEPARTMENT OF JUSTICE	R
NOV 22 1963	E
RECORDS BRANCH	C
ATTORNEY GENERAL	D
CIV. RIGHTS DIV.	
Gen. Lit. Sec.	

14
2-

JUSTICE DEPARTMENT IN DISMISSING OUT OF HAND SERIOUS ALLEGATIONS
REGARDING THE CONDUCT OF A DEPARTMENT EMPLOYEE SHOULD SERVE
TO DISCOURAGE ANY ATTITUDE OTHER THAN THAT OF FULL COOPERATION

JOHN SPARKMAN USS

(11).

837P EST NOV 21 63

NAME OF AGENCY
DEPARTMENT OF JUSTICE
Civil Rights Division

PRECEDENCE
ACTION:
INFO:
TYPE OF MESSAGE
 SINGLE BOOK
 MULTI-ADDRESSES

CLASSIFICATION
STANDARD FORM 14 REV. MARCH 15, 1957
GSA REGULATION 24R 203 04
14-380
TELEGRAPHIC MESSAGE
OFFICIAL BUSINESS
U. S. GOVERNMENT

ACCOUNTING CLASSIFICATION

THIS BLOCK FOR USE OF COMMUNICATIONS UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

THIS COL. FOR AGENCY USE

START MESSAGE ADDRESS HERE

THIS IS TO NOTIFY YOU THAT ON TUESDAY MORNING, NOVEMBER 12, THE UNITED STATES WILL FILE A COMPLAINT AND SEEK A TEMPORARY RESTRAINING ORDER AGAINST BLANCHARD McLEOD, HENRY REESE, JAMES G. CLARKE, JR., JAMES HARE, M. H. HOUSTON, ROBERT D. WILKINSON, JR., IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION IN MOBILE. THE UNITED STATES WILL SEEK AN APPOINTMENT WITH JUDGE THOMAS AT 9:30 A.M. OR AS SOON THEREAFTER AS IT CAN BE HEARD, TO PRESENT THE APPLICATION FOR A TEMPORARY RESTRAINING ORDER TO THE HONORABLE DANIEL H. THOMAS, UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA. YOU ARE INVITED TO BE PRESENT. IN THE EVENT SAID APPLICATION SHOULD BE DENIED, THE UNITED STATES INTENDS TO APPEAL PROMPTLY TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT IN NEW ORLEANS. COPIES OF THE GOVERNMENT'S PAPERS WILL BE AVAILABLE AT THE U.S. ATTORNEY'S OFFICE IN MOBILE AT 9 A.M. TUESDAY MORNING.

DO NOT TYPE MESSAGE BEYOND THIS LINE

BURKE MARSHALL
Assistant ATTORNEY GENERAL
Civil Rights Division

PAGE NO. NO. OF PAGES

NAME AND TITLE OF ORIGINATOR (Type)
BURKE MARSHALL
Assistant Attorney General

ORIGINATOR'S TEL. NO.
RE 7-8200
x 2151

DATE AND TIME PREPARED

SECURITY CLASSIFICATION

I certify that this message is official business, is not personal, and is in the interest of the Government.

Burke Marshall
BURKE MARSHALL

Telegraph Office

11/11/63

Burke Marshall
Assistant Attorney General
Civil Rights Division

Please send the attached telegram to the following
persons, at the following addresses:

Honorable Gordon Madison
Assistant Attorney General for the State
of Alabama
State Capitol Building
Montgomery, Alabama

Honorable Blanchard McLeod
Circuit Solicitor
Fourth Judicial District of Alabama
Camden, Alabama

or
c/o County Courthouse
Selma, Alabama

Honorable Henry Reese
County Solicitor of Dallas County
Dallas County Courthouse
Selma, Alabama

Memorandum

TO : Telegraph Office

DATE: 11/11/63

FROM : Burke Marshall
Assistant Attorney General
Civil Rights Division

*telephoned
to Western
Union
6:05*

SUBJECT:

Please send the attached telegram to the following persons, at the following addresses:

Honorable Gordon Madison
Assistant Attorney General for the State
of Alabama
State Capitol Building
Montgomery, Alabama

+ phone residence

Honorable Blanchard McLeod
Circuit Solicitor
Fourth Judicial District of Alabama
Camden, Alabama

+ phone residence

or

c/o County Courthouse
Selma, Alabama

Honorable Henry Reese
County Solicitor of Dallas County
Dallas County Courthouse
Selma, Alabama

+ phone residence

WASHINGTON, D.C.

X

November 14, 1963

STRAIGHT WIRE

HON. JAMES HARE
JUDGE, FOURTH JUDICIAL CIRCUIT
DALLAS COUNTY COURTHOUSE
SELMA, ALABAMA

AS YOU KNOW, THE DEPARTMENT OF JUSTICE HAS NO CHOICE
BUT TO CONTINUE TO MAINTAIN AND DEFEND LONG ESTABLISHED
LEGAL PRINCIPLES THAT STATE AND LOCAL INVESTIGATIVE
AGENCIES DO NOT HAVE AUTHORITY TO INQUIRE INTO THE
OFFICIAL CONDUCT OF THE BUSINESS OF AGENCIES OF THE
FEDERAL GOVERNMENT.

NO COUNTY GRAND JURY IS AN APPROPRIATE FORUM IN WHICH
TO INVESTIGATE THE CONDUCT OF BUSINESS OF ANY FEDERAL
AGENCY, ANY MORE THAN A FEDERAL GRAND JURY WOULD BE
APPROPRIATE TO INVESTIGATE THE OFFICIAL CONDUCT OF
STATE OFFICIALS IN THEIR BUSINESS WHERE NO VIOLATION OF
FEDERAL LAW WAS INVOLVED.

THIS PRINCIPLE INVOLVES MAINTAINING FEDERAL-STATE

BURKE MARSHALL, Asst. Atty. Gen.
Civil Rights Division

2153

11/14/63

11:45

- 2 -

RELATIONSHIPS WHICH WILL ENDURE AND GOES BEYOND THE ISSUES IN ANY PARTICULAR EPISODE. THE MATTER OF CONSTITUTIONAL PRINCIPLE HAS NOW BEEN REAFFIRMED BY THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT.

HOWEVER, I DO NOT WISH TO CONCEAL FROM THE DALLAS COUNTY GRAND JURY OR ANYONE ELSE THE FACTS CONCERNING THE UNAUTHORIZED TRANSPORTATION OF REVEREND MARTIN LUTHER KING, JR., IN AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL RIGHTS DIVISION, PARTICULARLY SINCE THE DEPARTMENT'S FIRST PUBLIC STATEMENT ABOUT THIS INCIDENT WAS BASED IN PART ON MISINFORMATION AND WAS, THEREFORE, ERRONEOUS.

ALTHOUGH THE DEPARTMENT OF JUSTICE HAS ALREADY MADE A FULL PUBLIC STATEMENT CORRECTING THE ERROR, I AM WILLING TO MAKE AVAILABLE TO A REPRESENTATIVE OF THE DALLAS COUNTY GRAND JURY ALL EMPLOYEES OF THE CIVIL RIGHTS DIVISION WHO HAVE KNOWLEDGE OF THE FACTS. SUCH EMPLOYEES

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WOULD BE AVAILABLE IN THE DISTRICT OF COLUMBIA FOR
QUESTIONING BY THE GRAND JURY'S REPRESENTATIVE BEFORE A
NOTARY PUBLIC AND WOULD ANSWER QUESTIONS AS TO ANY FACTS
IN THEIR POSSESSION CONCERNING THE TRANSPORTATION OF
REVEREND KING IN ANY VEHICLES RENTED BY THE DEPARTMENT
OF JUSTICE.

CONFIRMATION OF DELIVERY REQUESTED.

TELEGRAM
SPECIAL

DEPARTMENT OF JUSTICE
ADMIN. RECORDS BRANCH
TELEGRAPH OFFICE

1963 NOV 15 PM 6:30

DOCKETED
NOV 18 1963 151,353

TO 207 USA370

IS SEACOT LONG HL PD SELMA ALA 15

FROM THURKE MARSHALL, ASST ATTORNEY GENERAL

CIVIL RIGHTS DIVISION DEPT OF JUSTICE WASH DC

IT HAS NEVER BEEN THE PURPOSE OF THE GRAND JURY OF DALLAS COUNTY TO INQUIRE INTO THE OFFICIAL CONDUCT OF AGENTS OF THE FEDERAL GOVERNMENT. IT IS NOT CONCERNED WHETHER THE FEDERAL GOVERNMENT IS REIMBURSED FOR AN AUTOMOBILE TRIP OR NOT; BUT THE DALLAS COUNTY GRAND JURY IS INTERESTED IN INQUIRING INTO THE MISCONDUCT OF AGENTS OF THE DEPARTMENT OF JUSTICE DURING SUCH TIME AS THEY WERE IN DALLAS COUNTY.

THE DEPARTMENT OF JUSTICE HAS SPECIFICALLY ADVISED THE SHERIFF OF DALLAS COUNTY HAS MADE NO EFFORT TO OBTAIN THE TRUTH AND THAT HE HAS MADE FALSE REPORTS. A CHECK OF THE INTEGRITY OF A COUNTY OFFICER OF DALLAS COUNTY IS WITHIN THE LIMITS OF INVESTIGATION OF THE GRAND JURY. A RETRACTION

72-3-51

DEPARTMENT OF JUSTICE	REC'D
NOV 18 1963	REC'D
RECORDS-BRANCH	REC'D
CIV. RIGHTS DIV.	
Vol. & Elect. Sec.	

OF CHARGES AGAINST THE SHERIFF WAS MADE ONLY AFTER IT WAS KNOWN
TO THIS DEPARTMENT THAT A GRAND JURY WOULD INVESTIGATE THIS
MATTER.

I INTEND TO DIRECT THE GRAND JURY INTO AN INVESTIGATION
OF MISCONDUCT OF ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT
OF JUSTICE, IN SELMA AND DALLAS COUNTY, AND MORE SPECIFICALLY:

1. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT
OF JUSTICE CONSORTED WITH, CONCEALED AND HARBORED KNOWN CRIMINALS
AND DOPE ADDICTS IN SELMA AND DALLAS COUNTY?

2. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT
OF JUSTICE CONSORTED AND ASSOCIATED WITH ADMITTED SEX PERVERTS
WHILE SAID ATTORNEYS WERE IN SELMA AND DALLAS COUNTY?

3. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT

OF JUSTICE HAD ANY PART IN ENTICING CHILDREN AWAY FROM SCHOOL
DURING SCHOOL HOURS, TO PARTICIPATE IN STREET DEMONSTRATIONS
IN DEFIANCE OF LAW? 4. HAVE DEPARTMENT OF JUSTICE ATTORNEYS,
CIVIL RIGHTS DIVISION, ACTED IN ANY MANNER CONTRIBUTING TO
THE DELINQUENCY OF MINORS IN SELMA AND DALLAS COUNTY? 5.
HAVE DEPARTMENT OF JUSTICE ATTORNEYS, CIVIL RIGHTS DIVISION,
PARTICIPATED IN ANY MANNER IN FOMENTING RIOTS, INSURRECTION,
AND CIVIL DISOBEDIENCE IN SELMA AND DALLAS COUNTY?

I AM CERTAIN THE GRAND JURY WILL BE MOST INTERESTED
IN THE DEPARTMENT OF JUSTICE MAKING AVAILABLE ALL RECORDS,
MEMORANDUMS, NOTES, AND EVIDENCES OF PAYMENT OF FUNDS IN DALLAS
COUNTY FOR THE PAST SIX MONTHS. WE CAN ASSURE YOU THAT WE WILL
BE GLAD TO COOPERATE IN ANY POSSIBLE MANNER IN THE REESTABLISHMENT
OF SOME MEASURE OF RECTITUDE AND CLEAN HANDS AS TO THE DEPARTMENT

OF JUSTICE

LANCHARD L MCLEOD, SOLICITOR, FOURTH JUDICIAL CIRCUIT OF
ALABAMA

YQIP EST NOV 15 63

TELEGRAM SPECIAL

DEPARTMENT OF JUSTICE
ADMIN. RECORDS BRANCH
TELEGRAPH OFFICE

1963 NOV 18 PM 12:01

EEWUB099 NSA071

NS SEAQ19 PD SELMA ALA 18 1009A CST

HON. ROBERT KENNEDY

ATTORNEY GENERAL DEPARTMENT OF JUSTICE WASHINGTON DC

YOU HAVE PUBLICLY OFFERED TO COOPERATE BY MAKING AVAILABLE TO THE DALLAS COUNTY GRAND JURY IN WASHINGTON, D.C., WITHOUT RESTRICTION, TESTIMONY OF ATTORNEYS, DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, WITH REGARD TO THEIR ACTIVITIES IN SELMA, ALABAMA, AND MORE PARTICULARLY:

1. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT OF JUSTICE CONSORTED WITH, CONCEALED AND HARBORED KNOWN CRIMINALS AND DOPE ADICTS IN SELMA AND DALLAS COUNTY?
2. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT OF JUSTICE CONSORTED AND ASSOCIATED WITH ADMITTED SEX PERVERTS WHILE SAID ATTORNEYS WERE IN SELMA AND DALLAS COUNTY?
3. HAVE ATTORNEYS, CIVIL RIGHTS DIVISION, OF THE DEPARTMENT

OF JUSTICE HAD ANY PART IN ENTICING CHILDREN AWAY FROM SCHOOL DURING SCHOOL HOURS TO PARTICIPATE IN STREET DEMONSTRATIONS IN DEFIANCE OF LAW?

4. HAVE DEPARTMENT OF JUSTICE ATTORNEYS, CIVIL RIGHTS DIVISION, ACTED IN ANY MANNER CONTRIBUTING TO THE DELINQUENCY OF MINORS IN SELMA AND DALLAS COUNTY?

5. HAVE DEPARTMENT OF JUSTICE ATTORNEYS, CIVIL RIGHTS DIVISION, AIDED, ENCOURAGED OR ABETTED IN PROVOKING RIOTS, INSURRECTION, OR CIVIL DISOBEDIENCE IN SELMA AND DALLAS COUNTY?

WE HAVE ARRANGED TRANSPORTATION FOR THE DALLAS COUNTY GRAND JURY TO WASHINGTON MONDAY 25 NOVEMBER 1963, AND WE SHALL APPRECIATE YOUR HAVING AVAILABLE A NOTARY PUBLIC TO SWEAR IN ALL WITNESSES. WE REALIZE THIS IS A MATTER OF UTMOST IMPORTANCE TO THE STATE AND TO THE FEDERAL GOVERNMENT, AND WE WILL ADVISE AS TO TIME

AND PLACE

ROBERT D. WILKINSON, JR

FOREMAN OF THE DALLAS COUNTY GRAND JURY

(20).

1145A EST NOV 18 63 L

0
WASHINGTON, D.C.

*Sent to telegram
office 11/20 2.15 pm*

CONFIRMATION REQUESTED

SUBJECT: WIFE

HON. BLANCHARD MC LEOD
CIRCUIT SOLICITOR
FOURTH JUDICIAL DISTRICT OF ALABAMA
2ND COUNTY COURTHOUSE
SELMA, ALABAMA

THIS WILL REPLY TO YOUR TELEGRAM IN RESPONSE TO MY
TELEGRAM OF NOVEMBER 14TH TO JUDGE HARE. IN MY TELE-
GRAM I PROPOSED A METHOD OF GIVING DIRECTLY TO A
REPRESENTATIVE OF THE GRAND JURY THE FACTS CONCERNING
THE UNAUTHORIZED USE BY MARTIN LUTHER KING, JR., OF
AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL
RIGHTS DIVISION, ALTHOUGH THESE FACTS HAVE BEEN MADE
PUBLIC BY THE DEPARTMENT. YOUR TELEGRAM NOW STATES
THAT THE GRAND JURY IS NO LONGER INTERESTED IN THAT
INCIDENT. IF THE GRAND JURY CHANGES ITS MIND ON THIS
MATTER, I AM STILL WILLING TO FOLLOW THE PROCEDURE
SET FORTH IN MY TELEGRAM TO JUDGE HARE.

YOUR TELEGRAM AND A SIMILAR ONE FROM ROBERT

W
JURKE MARSHALL, ASST. ATTY GEN.
CIVIL RIGHTS DIVISION

7151

11/20/62

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WILKINSON MAKE EXTREMELY GRAVE CHARGES AGAINST EMPLOYEES OF THIS DIVISION, INCLUDING CONCEALING DOPE ABUSES, CONSORTING WITH SEX PERVERTS, CONTRIBUTING TO THE DELINQUENCY OF MINORS AND FOMENTING INSUBORDINATION. IT IS HARD TO BELIEVE THESE CHARGES ARE SERIOUSLY INTENDED SINCE NO NAMES, DATES OR OTHER IDENTIFYING DATA ARE GIVEN. AS YOU KNOW, I IMMEDIATELY REQUESTED THE FEDERAL BUREAU OF INVESTIGATION TO DETERMINE WHAT FACTUAL BASIS YOU HAVE FOR MAKING THESE CHARGES. I AM INFORMED THAT YOU AND MR. WILKINSON HAVE REFUSED TO FURNISH ANY INFORMATION TO THE BUREAU ON THE MATTER.

IN VIEW OF THE EXTREMELY GRAVE NATURE OF THE CHARGES, I CONTINUE TO BELIEVE THAT WHATEVER INFORMATION YOU HAVE TO SUBSTANTIATE THEM SHOULD BE MADE AVAILABLE AS SOON AS POSSIBLE SO THAT ON THE ONE HAND, THE

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DEPARTMENT CAN TAKE APPROPRIATE ACTION IF THE FACTS SUPPORT THE CHARGES. OR ON THE OTHER HAND, THE LAWYERS OF THIS DIVISION WILL NOT BE SUBJECTED TO PUBLIC ABUSE IF THERE ARE NO FACTS TO SUPPORT THE CHARGES.

IF IT IS STILL THE INTENTION OF THE GRAND JURY TO COME TO WASHINGTON I WILL BE GLAD TO MEET WITH THEM IN MY OFFICE TO LEARN WHATEVER FACTS YOU OR ANY MEMBER OF THE JURY HAS CONCERNING THESE CHARGES. I DO NOT MYSELF PRESENTLY HAVE ANY FACTS THAT IN ANY WAY SUPPORT ANY OF THE CHARGES MADE IN YOUR TELEGRAM AS TO ANY LAWYER IN THIS DIVISION OR ANYONE ELSE IN THE DEPARTMENT.

MR. WILKINSON'S TELEGRAM MISSTATES THE OFFER MADE IN MY TELEGRAM TO JUDGE HARRIS. SO THAT THERE BE NO MISUNDERSTANDING ABOUT THAT, I AM SENDING HIM A

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DUPPLICATE OF THIS TELEGRAM AND THE FOLLOWING PARAGRAPHS FROM MY TELEGRAM TO JUDGE HARE:

NO COUNTY GRAND JURY IS AN APPROPRIATE FORUM IN WHICH TO INVESTIGATE THE CONDUCT OF BUSINESS OF ANY FEDERAL AGENCY, ANY MORE THAN A FEDERAL GRAND JURY WOULD BE APPROPRIATE TO INVESTIGATE THE OFFICIAL CONDUCT OF STATE OFFICIALS IN THEIR BUSINESS WHERE NO VIOLATION OF FEDERAL LAW WAS INVOLVED.

THIS PRINCIPLE INVOLVES MAINTAINING FEDERAL-STATE RELATIONSHIPS WHICH WILL ENDURE AND GOES BEYOND THE ISSUES IN ANY PARTICULAR EPISODE. THE MATTER OF CONSTITUTIONAL PRINCIPLE HAS NOW BEEN REAFFIRMED BY THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT.

HOWEVER, I DO NOT WISH TO CONCEAL FROM THE DALLAS COUNTY GRAND JURY OR ANYONE ELSE THE FACTS CONCERNING THE UNAUTHORIZED TRANSPORTATION OF REVEREND

- 5 -

MARTIN LUTHER KING, JR., IN AN AUTOMOBILE RENTED BY AN EMPLOYEE OF THE CIVIL RIGHTS DIVISION, PARTICULARLY SINCE THE DEPARTMENT'S FIRST PUBLIC STATEMENT ABOUT THIS INCIDENT WAS BASED IN PART ON MIS- INFORMATION AND WAS, THEREFORE, ERRONEOUS. ALTHOUGH THE DEPARTMENT OF JUSTICE HAS ALREADY MADE A FULL PUBLIC STATEMENT CORRECTING THE ERROR, I AM WILLING TO MAKE AVAILABLE TO A REPRESENTATIVE OF THE DALLAS COUNTY GRAND JURY ALL EMPLOYEES OF THE CIVIL RIGHTS DIVISION WHO HAVE KNOWLEDGE OF THE FACTS. SUCH EMPLOYEES WOULD BE AVAILABLE IN THE DISTRICT OF COLUMBIA FOR QUESTIONING BY THE GRAND JURY'S REPRESENTATIVE BEFORE A NOTARY PUBLIC AND WOULD ANSWER QUESTIONS AS TO ANY FACTS IN THEIR POSSESSION CONCERNING THE TRANSPORTATION OF REVEREND KING IN ANY VEHICLES RENTED BY THE DEPARTMENT OF JUSTICE.