

LEE WHITE  
CIVIL RIGHTS FILES

GEORGIA  
5/18/62 - 6/27/63

1  
Albany Off Limits

5000 Mil. on Turner  
AFB

1/2 live on base.

Marine Supply Depot

UNITED STATES COMMISSION ON CIVIL RIGHTS  
WASHINGTON 25, D.C.

August 15, 1962

MEMORANDUM FOR: Honorable Lee C. White  
Assistant Special Counsel to the President  
The White House

FROM: William L. Taylor *WLT*  
Assistant Staff Director  
Liaison and Information

Attached is a proposal for Federal action in the Albany, Georgia situation. It is a product of conversations I have had with Berl Bernhard and Harold Fleming. All of us agree that some action of this sort is highly desirable. Bill Welsh has been in touch with me and apparently he and others on the Hill are thinking along the same lines.

Draft Memorandum on Albany, Ga.

This is to raise for consideration the proposal that the President name a personal representative to encourage negotiation of interracial differences in Albany, Ga. The proposal, in brief, is that President appoint either a high-ranking officer of the Administration or a distinguished private citizen to seek to create in Albany the conditions for constructive discussion between Negro and white leaders.

A peculiarly appropriate official appointee would be the Vice President, because of his knowledge of the South, his strong commitment to interracial progress, and his past interest in a federal conciliation service in the race relations field. If this is deemed impracticable, an eminently suitable private citizen would be Lucius Clay, a native Georgian who has won wide esteem for his service on other special Presidential assignments and who has an interest in improving race relations in Georgia. In either case, the President's representative would need staff support in carrying out his assignment; this could easily be managed by detailing appropriate personnel from the departments or agencies. The operation should be carefully defined as non-partisan and non-crusading in nature. It should implement the President's statement that good faith discussions are desirable. The goal is to make such discussions possible.

The arguments for such a move at this time may be summed up as follows:

(1) The situation in Albany is dangerously and apparently hopelessly stalemated. Desegregation through court order holds the only promise of ultimate solution to the impasse. Litigation is in process. It will be many months, however, before a final court order can be expected. Meanwhile, continuing demonstrations, arrests, and accompanying tensions make for an explosive situation.

(2) The present state of affairs lends itself to political exploitation by critics of the Administration. The Department of Justice is using its legal powers diligently and well. The Attorney General and Assistant Attorney General Burke Marshall have also worked persistently and quietly to influence Albany leadership positively. These activities are, necessarily, discreet and unpublicized. They do not relieve the frustrations of the Negroes involved, or of their sympathizers throughout the country. This is evidenced by the dissatisfaction with the Administration in general and the Justice Department in particular, currently heard in Negro protest and civil rights quarters. Unfair though such criticism may be, it is a political fact of life that must be reckoned with. What is needed is a meaningful public move that symbolizes the concern of the President and the Administration -- an action dramatic enough to nullify the carping of the critics and to provide tangible evidence of support for civil rights.

(3) It should be admitted forthrightly that the mission here recommended may not succeed in its primary purpose. The Albany city council is strongly resistant to good faith negotiations with Negro leadership. The excuse used is the presence of "outside agitators." But there is no assurance that bona fide local Negro leaders will receive a serious audience. What is certain is that both the Negro leadership and the city fathers need a face-saving device; neither is capable, under present circumstances, of breaking the impasse that exists. The introduction of a third force, in the person of a Presidential representative, may possibly provide the ingredient essential to a modified position on both sides. Even if the representative succeeds only in reducing tension for a few months until a court decision is forthcoming, the effort will be fully justified.

(4) The Albany situation, though currently in the forefront of civil rights concern, is by no means unique. It is bound to be duplicated in numerous deep South communities as the struggle for desegregation and civil rights continues. This is an opportunity to try out, on an ad hoc basis, a technique that may be susceptible to systematic use in the crises to come. If it can be effectively set up, it may relieve the Administration and the country of crises that can be headed off. While no one can guarantee successful results, the certainty of continuing tension and probable conflict in the deep South, as well as the urgency of the

Albany situation itself, would seem to warrant a trial effort  
of the sort proposed.



CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION  
WASHINGTON, D C

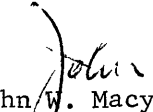
May 18, 1962

Honorable Lee C. White  
Assistant Special Counsel to the President  
The White House  
Washington, D. C.

Dear Lee:

If you will put your civil rights hat on, the attached report on the cafeteria situation in Atlanta will be of interest to you.

Sincerely yours,

  
John W. Macy, Jr.  
Chairman

enclosure



Received 5/16  
Office of the Chairman

ADDRESS  
REGIONAL DIRECTOR  
FIFTH U S CIVIL SERVICE REGION  
FEDERAL OFFICE BUILDING  
275 PEACHTREE STREET, N E  
ATLANTA 3, GA.

UNITED STATES CIVIL SERVICE COMMISSION  
  
FIFTH UNITED STATES CIVIL SERVICE REGION  
COMPRISING ALABAMA, FLORIDA, GEORGIA, MISSISSIPPI, NORTH CAROLINA,  
SOUTH CAROLINA, TENNESSEE, PUERTO RICO, AND THE VIRGIN ISLANDS  
OFFICE OF THE DIRECTOR, ATLANTA 3, GA.

IN REPLY PLEASE REFER TO

Dir:HBS:eac

May 14, 1962

Honorable John W. Macy  
Chairman  
U. S. Civil Service Commission  
Washington 25, D. C.

Dear John:

This is a further report in reply to your letter dated March 30, 1962, concerning the Sprayberry Cafeteria in the Peachtree-Seventh Street Building, Atlanta, and my reply to you dated April 16, 1962.

This morning, Mr. Frank J. O'Gara, Regional Commissioner, General Services Administration, and I called on Mayor Ivan Allen, of Atlanta.

The purpose of our visit was twofold.

First, we presented him with a small pamphlet outlining the scope, activities and membership of the Atlanta Federal Executive Board. Second, we apprised him of the situation surrounding the Sprayberry Cafeteria's policy of segregation.

I think Mayor Allen's whole philosophy can be summed up in one statement he made. As near as I can remember it was, "segregation in job opportunities and in facilities surrounding job opportunities in Atlanta is dead, - the only trouble is, some people don't recognize rigor mortis".

Prior to becoming Mayor on January 1, of this year, Mr. Allen was President of the Atlanta Chamber of Commerce. He has been active in affairs pertaining to the development of the City of Atlanta and the State of Georgia for a number of years. He can be quite easily classified as a very progressive understanding businessman.

Mr. Allen was quite familiar with the Sprayberry situation. He said he has approximately seven problems surrounding segregated facilities and steps to integrate these facilities in the Atlanta

24  
  
THE MERIT SYSTEM—A GOOD INVESTMENT IN GOOD GOVERNMENT

area. As part of one of these was the situation wherein a number of negroes were arrested and charged with trespassing at Sprayberry Cafeteria last year. These cases have been "dead docketed" through the efforts of Mr. Allen and other white and colored business leaders of the Atlanta community. An agreement was reached that these cases would be dropped if the picketing and sit-ins were stopped. This agreement, in brief, was that the eating facilities in our two largest department stores, our variety stores, and chain drug stores in the downtown area would be integrated following the integration of our public school system last September.

As you are aware, the school integration went off without incident. Within less than thirty days the eating facilities mentioned were operating on an integrated basis. However, the Atlanta Restaurant Association did not and has not offered its facilities on an integrated basis.

Mr. Allen pointed out that we have made steady progress in Atlanta. Just a few weeks ago for the first time in history the Atlanta baseball team had negro players and their opposing teams also had negro players. On opening night the grandstand, which normally holds about 8,000 people, had more than 10,000 in it on a completely integrated basis. The fact that most of the fans had brown paper sacks in their hip pocket didn't serve to ease the subdued tensions. However, the operation went off without incident and there should be no reason to suspect in the future that we will have any difficulty.

Some two weeks ago, Atlanta was host to Metropolitan Opera on an integrated basis for its audience for the first time.

Today, without any publicity, we find our movie theaters operating on an integrated basis.

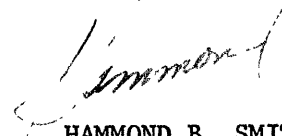
Mr. Allen stated that the question of getting the hotels to integrate was a difficult one. Approximately 70% of their guests are from the State of Georgia outside of Atlanta. They feel that serving an integrated clientele would sharply diminish their guest business. However, through continued pressure from various groups working with Mr. Allen, he expects that the hotels will be integrated sometime within the next six months, possibly as early as within the next few weeks. Their restaurants and food facilities will be integrated at the same time.

Mr. Allen volunteered to talk to Mr. Sprayberry and urge him to open his facilities as we have requested. He will give us some type of report on the results of his conversation.

We were quite happy with the warm reception and understanding given us by the Mayor. We believe that an indication to him that the Federal family of Atlanta stands united was not lost on him. We offered to serve in any way we might to help him build a better city.

We will wait the report from the Mayor before deciding on the next step in this situation. Meanwhile, we would welcome any suggestions you might have.

Sincerely,



HAMMOND B. SMITH  
Chairman

August 6, 1962

MEMORANDUM FOR William Taylor  
Civil Rights Commission

The enclosed memorandum suggests an approach to community problems presently experienced in Albany, Georgia. I do not know whether you have given any thought to a Commission of this character, but it strikes me that the idea is at least worth some consideration. If you have any thoughts or suggestions, perhaps you can give me a call.

Lee C. White  
Assistant Special Counsel  
to the President

memo to ~~max~~ andy hatcher:

the situation that has developed in ~~minn~~ albany, ga., indicates the need for some new means to try to deal with civil rights problems of this kind in the field. one possible approach is this:

appointment of a joint federal-state-municipal commission to serve as an adviser to communities when civil ~~rights~~ rights problems arise, or hopefully, before they develop. it should be tripartite because laws of all three jurisdictions are involved and because this approach would avoid the charge of federal intervention. the commission would act only on invitation from officials or citizens of a community. its function would be to explore local problems, hear views of both whites and negroes and make suggested recommendations for coping with their difficulties. its recommendations would not be binding; they would be advisory only. as is quite evident, the plan follows the pattern of ~~labor arbitrator~~ <sup>MEDIATION.</sup>

the commission would be established by the white house with the president inviting such groups as the american municipal association and council of state ~~in~~ governments or governors' conference to name representatives and to participate in its establishment. this is highly important for the following reasons: 1) a purely federal commission would be entirely ~~un~~ unacceptable; 2) participation by responsible national organizations of state and municipal governments should help to reduce ~~op~~ opposition by southern state governors and city officials to allowing the commission to enter their communities. ~~minn~~

the commission should be composed of outstanding people, including southerners and negroes. it would need a staff, but it should be kept small, designed to act in the field, dealing with specific situations, not making lengthy generalized studies.

(more)

2. memo

there are many problems and difficulties involved in this approach. one is financing. from a practical standpoint the federal government probably would have to bear most, or all of the cost, and the russell amendment could cause problems here. obtaining topnotch personnel might be another difficulty. some negroes as well as southern white city officials might be reluctant to deal with the commission; in this connection, the ~~the~~ reaction of both negroes and southern whites is being explored now.

despite difficulties, the plan seems to offer some possibilities. principally it offers what is now so frequently lacking -- an avenue of communication <sup>AND MEDIATION</sup> between negroes and local white officials and others. for local officials who refuse to deal with negroes, the commission could save face by hearing the views of the two sides ~~separately~~ separately. it also could offer advice, ~~and~~ guidance and suggested solutions based on experience elsewhere; these are completely lacking in the field now, particularly in smaller southern cities.

ottenad. - Aug 2, 1962

August 7, 1962

Dear Wyatt:

Your letter to the President, as well as your letter to me containing the July 17th position paper on the Albany situation, have been received.

I will see to it that the memorandum comes to the proper hands.

Sincerely,

Lee C. White  
Assistant Special Counsel  
to the President

Mr. Wyatt Tee Walker  
Atlanta  
Georgia

to me concerning the trip I am taking to the President's office as well as a  
copy letter to the President.

WYATT TEE WALKER

WYATT TEE WALKER

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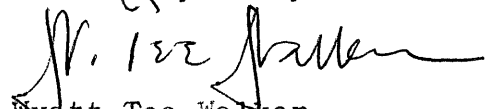
WYATT TEE WALKER  
Atlanta, Georgia

August 2, 1962

Dear Lee

Thought you ought to see this and if possible,  
be sure it gets called to the attention of the  
Big Man.

Yours very truly



Wyatt Tee Walker  
Executive Assistant to  
Dr. Martin Luther King, Jr.

Mr. Lee White  
Special Assistant to the President  
The White House  
Washington, D. C.



P O S I T I O N     P A P E R

ALBANY MOVEMENT  
ALBANY, GEORGIA

July 17, 1962

There can be no contradiction of the fact that the Negro citizens of Albany, Georgia, have been socially dejected, politically exploited, and economically depressed. These conditions have their origin in the system of racial segregation which pervades our community.

We are convinced that segregation is a moral evil pitted against the noble precepts of our Christian democratic heritage. It relegates persons to the status of things.

Segregation is contrary to the laws of the land and the universe. We believe that segregation is as injurious to the white man as it is to the Negro.

Recognizing the essential unconstitutionality and immorality of segregation, we cannot in all good conscience cooperate with the system. In the spirit of Christian love and nonviolence, we pledge ourselves to the task of eliminating totally this unjust system. With the aforementioned truths in mind, we earnestly request sincere consideration of the following:

- A. An opportunity to talk face to face with the City Commission concerning the following issues:
  1. Fair and just disposition of the cases now pending related to the activities of the Albany Movement.
  2. Establishing the right of peaceful protest under the First Amendment.
- B. Clarification of the city's position on:
  1. Compliance with ICC ruling effective November 1, 1961.
  2. Desegregation of city busses if and when they return to service.
  3. Return of cash bonds.
- C. Establishment of a Bi-racial Commission composed of members mutually acceptable to both parties concerned empowered to make recommendations for a timetable for the desegregation of:
  1. Lunch counters
  2. Library
  3. Schools
  4. Parks and swimming pools
  5. Other places of public accommodation

—  
.....

To see White

Albany  
file

Try this on your  
grand piano!

DH

COPY

ARTHUR HEYMAN (667-193)  
HERMAN HEYMAN  
MORRIS B ABRAM  
ROBERT G YOUNG  
ROBERT E HICKS  
MAURICE N MALOOF  
JOHN H HICKS  
JOSEPH LEFKOFF

LAW OFFICES OF  
HEYMAN, ABRAM, YOUNG, HICKS & MALOOF  
1504 HEALEY BUILDING  
ATLANTA 3, GA.

TELEPHONE  
JACKSON 5-3471

August 7, 1962

Honorable Robert Kennedy  
Attorney General of the United States  
Washington, D. C.

Dear Mr. Kennedy:

I have been toying with an idea which I should like to lay before you.

The Civil Rights Act of 1875, 18 Stat. 335, was ruled upon in *U. S. v. Samuel Nichols* and companion cases known as the Civil Rights Cases, 109 U.S. 3, 27 L. ed. 835. The relevant provisions of the Act are contained in Section 1 as follows:

"Sec. 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theaters and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude."

Manifestly, this legislation, if valid, would provide a legal key to the resolution of many of the most troublesome problems in the field of civil rights today. It is also true that no such legislation could presently be enacted; but it is equally the case that such legislation, if presently enforceable, could not be repealed.

The majority opinion in the Civil Rights Cases declared the section quoted as unconstitutional as applied to the states, being not authorized by the 13th or 14th Amendments. There was a vociferous dissent entered by Mr. Justice Harlan.



"I am of the opinion that such discrimination practised by corporations and individuals in the exercise of their public or quasi-public functions is a badge of servitude the imposition of which Congress may prevent under its power, by appropriate legislation, to enforce the Thirteenth Amendment; and, consequently, without reference to its enlarged power under the Fourteenth Amendment, the act of March 1, 1875, is not, in my judgment, repugnant to the Constitution.

. . .

"The citizenship thus acquired, by that race, in virtue of an affirmative grant from the nation, may be protected, not alone by the judicial branch of the government, but by congressional legislation of a primary direct character; this, because the power of Congress is not restricted to the enforcement of prohibitions upon State laws or State action. It is, in terms distinct and positive, to enforce 'the provisions of this article' of amendment; not simply those of a prohibitory character, but the provisions - all of the provisions - affirmative and prohibitive, of the amendment. It is, therefore, a grave misconception to suppose that the fifth section of the amendment has reference exclusively to express prohibitions upon State laws or State action. If any right was created by that amendment, the grant of power, through appropriate legislation, to enforce its provisions, authorizes Congress, by means of legislation, operating throughout the entire Union, to guard, secure, and protect that right. . .

. . .

"In every material sense applicable to the practical enforcement of the Fourteenth Amendment, railroad corporations, keepers of inns, and managers of places of public amusement are agents or instrumentalities of the States, because they are charged with duties to the public, and are amenable, in respect of their duties and functions, to governmental regulation. It seems to me that, within the principle settled in Ex Parte Virginia, a denial, by these instrumentalities of the State, to the citizen, because of his race, of that equality of civil rights secured to him by law, is a denial by the State, within the meaning of the Fourteenth Amendment. If it be not, then that race is left, in respect of the civil rights in question, practically at the mercy of corporations and individuals wielding power under the States . . ."

By the process of judicial accretion a formidable body of precedent has developed around the majority opinion in the Civil Rights cases. However, as an original proposition, the Harlan dissent is not unpersuasive. Moreover, a respectable historian of the period seems to believe that the Thirteenth and Fourteenth Amendments were intended to have a wider application than that received in the Civil Rights cases. I attach some excerpts from Professor C. Vann Woodward's essay found in "The Burden of Southern History" which indicates that the Supreme Court of the period, by a restricted interpretation of the Thirteenth and Fourteenth Amendments, failed to apply or to carry out the commitments of the Congress and the Constitutional amenders of the period.

I do not pretend to have researched either the law or the history in this field. But if the basic approach has any strategic merit, there is enough surface support on which to ground intensive study.

Certainly, however, the citation of such a recent case as WILLIAMS V. HOWARD JOHNSON RESTAURANT, 268 F. 2d 845 (4CCA) does not dispose of this proposal. That case, upholding the majority decision in the Civil Rights cases, was a necessary result from a lower Federal Court. The question is what would the United States Supreme Court decide today in an attempt to apply the Civil Rights Act in a suit supported by the Department of Justice and on briefs carefully developing the history of the Civil War Amendments.

The value of an intensive historical research is well illustrated by the result in ERIE V. THOMPSON, 304 U.S. 64, 82 L. ed. 1188, reversing a precedent of ninety-six years, largely based upon Charles Warren's research into the history of the Federal Judiciary Act of 1789. As the Supreme Court, speaking through Mr. Justice Brandeis, said in the ERIE case:

". . . it was the more recent research of a competent scholar, who examined the original document, which established that the construction given to it by the court was erroneous . . ."

- 5 -

Whatever chance such an approach as I am suggesting might have in the Supreme Court, it probably exceeds that available in the Congress - not necessarily because of an inability to obtain majorities but of the improbability of bringing the issue to a vote.

With kind personal regards, I am

Yours very truly,

MORRIS B. ABRAM

MBA/fhw

Enclosure

cc: Mr. Burke Marshall

SECRET  
NO FORN DISSEM  
EXCEPT BY  
AUTHORITY  
OF THE  
SECRETARY  
OF DEFENSE

Excerpts from The Burden of Southern History

by C. Vann Woodward

Vintage Books Edition  
Alfred A. Knopf, Inc.

Pages 76 - 79:

"So far as the abolitionist minority was concerned, the association of freedom and equality, as Jacobus tenBroek has demonstrated, was rooted in three decades of organized antislavery agitation. Antislavery congressmen carried this association of aims into the framing of the Thirteenth Amendment. Debates over the question in the Senate in the spring of 1864 and in the House of Representatives in January, 1865, contain evidence that the framers aimed at equality as well as emancipation. Both objectives were assumed by the opponents as well as the sponsors of the amendment during the debate. As one of the supporters, William D. Kelley of Pennsylvania, put it: 'The proposed Amendment is designed...to accomplish...the abolition of slavery in the United States, and the political and social elevation of Negroes to all the rights of white men.' His broad construction of the amendment was echoed with variations by numerous supporters. They did not include enfranchisement among the rights of Negroes, but they specifically and repeatedly mentioned equal protection of the laws, safeguard for privileges and immunities, and guarantee against deprivation of life, liberty, and property without due process of law. The main ground of opposition to the amendment was this very aim of equality. A constant complaint of opponents was that the amendment would not only free the Negroes but would 'make them our equals before the law.'

The broad construction of the Thirteenth Amendment to include equality as well as freedom was not sustained when put to test, and the radicals themselves abandoned the interpretation. But they did not abandon their aim of equality. Instead, they increased the scope of it. Responding to provocation of Southern aggression against Negro rights and to inducement of political gains as well, they proceeded to make equality as much the law of the land as freedom. In the Civil Rights Act of 1866 they gave sweeping protection to the rights of Negroes as citizens, guaranteeing them 'full and equal benefit of all laws and proceedings for security of person and property, as is enjoyed by white citizens,' regardless of any law to the contrary. When the President vetoed the bill, they passed it over his veto. When doubt was cast upon its constitutionality, they enacted most of its provisions into the Fourteenth Amendment. When the South balked at ratification, they stipulated its adoption as a condition of readmission to the Union. Later they extended Federal protection to the Negro franchise by the Fifteenth Amendment. They re-enacted the Civil Rights Act, implementing protection of voters, and followed that by another bill



Pages 76 - 79, continued:

to carry out rights established by the Fourteenth Amendment. To crown the achievement they passed still another Civil Rights Act in 1875 which provided sweepingly that 'all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, and other places of public amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.'

Thus, by every device of emphasis, repetition, re-enactment, and reiteration, the radical lawmakers and Constitution-amenders would seem to have nailed down all loose ends, banished all ambiguity, and left no doubt whatever about their intention to extend Federal protection to Negro equality. So far as it was humanly possible to do so by statute and constitutional amendment, America would seem to have been firmly committed to the principle of equality.

And yet we know that within a very short time after these imposing commitments were made they were broken. America reneged, shrugged off the obligation, and all but forgot about it for nearly a century. The commitments to the war aims of union and freedom were duly honored, but not the third commitment. In view of current concern over the default and belated effort to make amends, it might be of interest to inquire how and why it ever occurred."

Page 84:

"When such a lag develops between popular convictions and constitutional commitments, and when that lapse cannot be conveniently rationalized by statutory or amendatory procedures, it becomes the embarrassing task of the Supreme Court of the United States to square ideals with practice, to effect a rationalization. The justices in this instance examined the words of the Fourteenth Amendment and, by what Justice John M. Harlan in a famous dissenting opinion called 'subtle and ingenious verbal criticism,' discovered that they did not at all mean what they seemed to mean, nor what their authors thought they meant. By a series of opinions beginning in 1873 the court constricted the Fourteenth Amendment by a narrow interpretation which proclaimed that privileges and immunities we call civil rights were not placed under federal protection at all. In effect, they found that the commitment to equality had never really been made.

August 7, 1962

Dear Wyatt:

Your letter to the President, as well as your letter to me containing the July 17th position paper on the Albany situation, have been received.

I will see to it that the memorandum comes to the proper hands.

Sincerely,

Lee C. White  
Assistant Special Counsel  
to the President

Mr. Wyatt Tee Walker  
Atlanta  
Georgia

SECRET

WYATT TEE WALKER  
Atlanta, Georgia

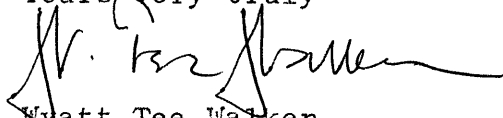
THE WHITE HOUSE  
AUG 6 12 32 PM '62  
RECEIVED

2-1  
August 2, 1962

Dear Mr. President

Dr. W. G. Anderson thought it advisable that I bring the attached memorandum to your attention.

Yours very truly



Wyatt Tee Walker  
Executive Assistant to  
Dr. Martin Luther King, Jr.

The President of the United States  
The White House  
Washington, D. C.

P O S I T I O N   P A P E R

ALBANY MOVEMENT  
ALBANY, GEORGIA

July 17, 1962

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  3. Schools
  4. Parks and swimming pools
  5. Other places of public accommodation

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

June 27, 1963

BY COURIER SERVICE

Honorable Lee C. White  
Assistant Special Counsel  
to the President  
The White House  
Washington, D. C.

Dear Mr. White:

With regard to your telephone inquiry on June 26, 1963, concerning Student Nonviolent Coordinating Committee members at the Shiloh Baptist Church, Albany, Georgia, the following is submitted for your information.

Miss Joyce Barrett has been interviewed at the Shiloh Baptist Church, Albany, Georgia, where she said she has been voluntarily residing for the past five days with four other members of the Student Nonviolent Coordinating Committee. Miss Barrett related that 21 other staff members of the Student Nonviolent Coordinating Committee have been arrested by the Albany Police Department on what she described as nebulous charges. She stated that seven of them have been arrested as a result of an antisegregation demonstration; three have been arrested for handing out leaflets; eight have been arrested on vagrancy charges; two were arrested for destroying public property and one was arrested for inciting a riot.

Miss Barrett alleged that the police constantly maintain a surveillance of the church and expressed the opinion that the police will arrest Student Nonviolent

Honorable Lee C. White

Coordinating Committee members who leave the church. However, she noted that Charles Sherrod, Field Secretary of the Student Nonviolent Coordinating Committee, is not living in the church and has not been arrested.

The number of Student Nonviolent Coordinating Committee members staying at the church has varied from five to eight, according to Miss Barrett, and they have left and re-entered the church according to their desires without being arrested. Telephone service has not been interrupted at the church and she stated that there have been no large crowds at the church other than crowds which have attended mass meetings that have been held there.

Miss Barrett received a telephone call from Congressman at Large Neil Staebler of Michigan in the early morning hours of June 26, 1963. The Congressman inquired as to the welfare of Miss Martha Prescod, who is residing at the Shiloh Baptist Church. The Congressman stated that he had received a call from an unidentified person in Indianapolis telling him that the students were surrounded by an angry mob at the church and had no telephonic communication. He furnished Miss Barrett the telephone number of the White House which he instructed her to call in the event of any disturbance at the church. Miss Barrett stated that she believed the call from Indianapolis mentioned by the Congressman was a crank call as no one at the church had reported any disturbance.

Miss Barrett complained that Miss Joan Christian had allegedly been beaten by the Albany Police. She also complained of numerous arrests of demonstrators in Albany and alleged that the police harass the Student Nonviolent Coordinating Committee members by driving around the church. Miss Barrett complained that she and another girl were arrested by the Albany Police and were searched by a female employee of the police department in an area which could be viewed by male prisoners. In addition, she complained that harassing telephone calls are received at the church and that white persons often drive around the church. She further complained that the results of FBI investigations are not furnished to her.

Honorable Lee C. White

It is noted that Miss Barrett previously complained on June 24, 1963, that Miss Christian and others were mistreated by the police when arrested on June 21, 1963. Details of this information have previously been furnished to the Civil Rights Division of the Department of Justice and preliminary investigations are being conducted.

Mrs. Alice R. Prescod called the Detroit Office of the FBI on June 26, 1963, to advise that her daughter, Martha Susan Prescod, a student at the University of Michigan, went to Albany, Georgia, with eight other students from various states to assist in the voter-registration drive. She alleged that one of the students had been arrested on June 22, 1963, and that other students had been held prisoners at the Shiloh Baptist Church since that time by an angry mob.

Miss Martha Susan Prescod was interviewed at the Shiloh Baptist Church on June 26, 1963, and stated that her parents objected to her participation in Student Nonviolent Coordinating Committee activities and that her mother has a tendency to become highly emotional. She said that her mother and Congressman Staebler had both called Mrs. C. B. King in Albany, Georgia, and that Mrs. King had reassured them of Martha Prescod's well-being. Miss Prescod left the church on June 26, 1963, to go to a beauty parlor and she advised that she has also left on other occasions. She expressed the opinion that the police may arrest her if she participates in demonstrations, voter-registration activity or other antisegregation activity.

Mr. C. B. King was out of the city and not available for interview but he was previously interviewed in connection with this same situation on June 22, 1963, at which time he alleged that Miss Christian and others have been mistreated by the police. Details of the interview with Mr. King have been previously furnished to the Civil Rights Division of the Department of Justice, and as noted above, preliminary investigations are being conducted concerning alleged mistreatment of Student Nonviolent Coordinating Committee members by the police.

Honorable Lee C. White

Chief of Police Laurie Pritchett, Albany, Georgia, advised on June 26, 1963, that five or six young Negro and white persons are living at the Shiloh Baptist Church. He said that he has discussed this with Reverend Samuel Wells, a leader of the Albany Movement, and he told Reverend Mr. Wells to advise the young people to come out of the church as no one, particularly the police department, would bother them.

Reverend Mr. Wells told Chief Pritchett that the young people were staying in the church of their own free will and that they would like to receive publicity similar to that obtained by several Negroes who were recently arrested by police in a church at Danville, Virginia. Chief Pritchett said that Reverend Mr. Wells repeated that those in the church had exiled themselves there for the purpose of obtaining publicity and that they are well aware of the fact that they will not be arrested or otherwise bothered if they leave the church.

According to Chief Pritchett, whenever a meeting is held at the church, police are on hand for the sole purpose of maintaining order.

With regard to the arrests mentioned by Miss Barrett, Chief Pritchett said that she apparently had reference to arrests which occurred on about June 21, 1963, when the police department received complaints that a number of individuals were knocking on the doors of Negroes' houses for the apparent purpose of attempting to induce Negroes to join the Albany Movement. Since the identities of many of these individuals were not known to the police, the police located a number of them in various locations of the city. They were usually in groups of two to four persons and they refused to identify themselves to the police or to state their purpose in knocking on the doors of Albany citizens. They were informed that unless they identified themselves it would be necessary to arrest them for vagrancy and they thereupon fell to the ground and were arrested for vagrancy. Approximately 20 such arrests were made. Chief Pritchett said he had no intention of arresting the Student Nonviolent Coordinating Committee members remaining at the church because they have ceased their activity of knocking on doors.



Honorable Lee C. White

This information has also been furnished to the Attorney General. No further action will be taken unless specifically requested by the Department of Justice except that we will promptly complete the preliminary investigations which are being conducted concerning the alleged mistreatment of Student Nonviolent Coordinating Committee workers by the police and the results will be furnished to the Civil Rights Division of the Department of Justice.

Sincerely yours,

J. Edgar Hoover

September 13, 1962

Dear Mr. Frisch:

This is in reply to your letter to the President of last month concerning the visit of approximately 100 ministers to the White House to discuss the situation in Albany, Georgia.

I was among those who met with the ministers and I believe it was their reaction, as indicated in statements made following our meeting, that they were warmly and sympathetically received.

It may interest you to know that those who met with the ministers included the Assistant Attorney General for Civil Rights, the Staff Director of the Civil Rights Commission and myself, the member of the White House staff who works with the President on civil rights matters.

Sincerely,

Lee C. White  
Assistant Special Counsel  
to the President

Mr. Saul Frisch  
101 West 31st Street  
New York 1, New York

Rebrouper 1

RECEIVED  
AUG 10 1962  
U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C.

SAUL FRISCH  
101 WEST 31ST. ST.  
NEW YORK 1, N.Y.

AUGUST 8, 1962

100

PRESIDENT OF THE U.S.A.  
WASHINGTON, D.C.

HONORABLE SIR,

I HAVE NOTICED THAT YOU DELIVERED A SPEECH TO THE NATIONAL MUSIC CAMP. I ALSO NOTED THAT YOU HAVE NOT FOUND THE TIME TO MEET WITH A GROUP OF 100 MINISTERS WHO WANTED TO DISCUSS THE ALBANY SITUATION WITH YOU.

I AM VERY MUCH SURPRISED OF YOUR ATTITUDE IN THIS MATTER.

I HAVE ALWAYS HAD THE GREATEST ADMIRATION FOR YOU AND THEREFORE I WANT TO EXPRESS MY FEELING IN THIS MATTER TO YOU.

RESPECTFULLY YOURS

*Saul Frisch*

S. FRISCH

## Nation Loves Music, Kennedy Tells Youth Concert on White House Lawn



United Press International Telephoto

Dancers from National Music Camp at Interlochen, Mich., in a ballet yesterday on the south lawn of the White House

By **MARJORIE HUNTER**

Special to The New York Times

WASHINGTON, Aug. 6—President Kennedy told an audience of young concertgoers today that symphony music had a great hold on the affections of the nation. The

President delivered his little lesson in music appreciation shortly before the start of a concert given on the south lawn of the White House by the 103-piece National High School Symphony Orchestra of the National Music Camp

of Interlochen, Mich. Mr. Kennedy missed the concert because he had work to do in his office near by. But he left his office door open and heard snatches of the music. Once or twice he popped his head out of the door to look at the

colorful scene. The orchestra performed in front of a new musical shell, facing a sea of youngsters. There was a candy-striped refreshment tent from which White House

Continued on Page 18, Column 4

January 26, 1963

MEMORANDUM FOR

John Macy  
Chairman  
U. S. Civil Service Commission

I have received a memorandum from Atlanta indicating that no progress has been made in the attempt to desegregate a cafeteria located in the Peachtree-Seventh Building. This appears to be the one real sore spot in our otherwise successful effort to establish a policy of nondiscrimination in restaurant facilities located in Federally leased buildings. I would appreciate your advice on whether any action can properly and profitably be taken in this matter. If you think that a personal visit from the Washington agencies concerned would do some good, I am certain it could be arranged.

Lee C. White  
Assistant Special Counsel  
to the President

cc: Jack Conway  
Bernard Boutin  
William Taylor



Federal Housing Administration  
Public Housing Administration  
Federal National Mortgage Association  
Community Facilities Administration  
Urban Renewal Administration

HOUSING AND HOME FINANCE AGENCY  
OFFICE OF THE ADMINISTRATOR • WASHINGTON 25, D. C.

December 7, 1962

MEMORANDUM FOR

Mr. Lee White  
The White House  
Washington 25, D. C.

From the attached confidential memorandum which I received from one of our Negro staff members in Atlanta, Georgia it is clear that the cafeteria problem at our office there is still unsolved.

May I suggest that you again call this matter to GSA's attention. It may be necessary for the two of us to go down there personally and integrate that cafeteria.

*Jack*  
Jack T. Conway  
Deputy Administrator

Attachment

PERSONAL AND CONFIDENTIAL NOTE TO JACK CONWAY

November 9, 1962

A four-man investigating team for the President's Committee on Equal Employment Opportunity, visited Atlanta this week. The spokesman for the group appeared to be Ward McCreedy, who asked that I brief you confidentially on our conference, particularly on the problem encountered by the Negro employees in the Peachtree-Seventh Building who are not permitted to eat in the cafeteria building (Sprayberry's) on the street floor of the building.

Numerous complaints have been filed in the past by me with A. R. Hanson, Regional Director, PHA (my superior); and by Negro and white personnel to the former HHFA Administrator and to other Regional Directors in the building, to no avail. After my last contact with Mr. Hanson, he took the matter up with Frank J. O'Gara, Regional Administrator, GSA, whose staff was at that time housed in this building. Mr. O'Gara conferred with Sprayberry and was informed that Sprayberry would not lift the ban as he feared a possible loss in business. This, of course, as you well know, is an old dodge. Furthermore, in the last two years, restaurants in all of the stores and several private ones on Peachtree Street welcome Negro patronage and there has been no loss of business.

The technicality on which this discrimination against Negroes is based is the fact that the federal government does not own this building, but leases all floors from the second through the eighth. The contention is that the federal government has no control over the cafeteria which is on the first floor.

There are approximately 2,000 federal employees in this building and on an attached sheet, I am including the federal agencies in the building. Of these 2,000 employees, HHFA and the constituent agencies have a total of approximately 400 employees on the sixth and seventh floors of which 191 are in the Atlanta Regional Office of PHA. There are approximately 20 Negro employees in the building with more coming in gradually. The number of Negro employees, in my opinion, is immaterial for I feel that the federal government has a responsibility in line with the stated policy on such matters by this administration to insure equitable treatment and services to all employees in any building in which they are housed.

About ten days ago, I raised this question again with Ed Baxter for he and the new Regional Administrator had not been officially apprised or taken any action in the matter. He promised that he would move on it and discuss it with me again soon. I am awaiting his report. However, this note is written, as I stated, at the request of Ward McCreedy who placed a call, I believe, to Washington last night during our conference in his hotel room. He will be in touch with you, I am sure, upon his return to Washington.

For your further information, within one block of this building (Peachtree and Sixth Street) the Peachtree Manor Hotel has accepted Negro guests in the dining

Jack Conway

2

room and throughout the hotel for the past six months. Further, within four blocks of this building, Franklin Simon Department Store welcomes Negro patrons in the store dining room.

This situation is deplorable and a reflection on the administration as well as the agencies in the building apparently condoning the discrimination. Local students conducted sit-ins here at this building and the Peachtree-Baker Building in May, 1960. The Peachtree-Baker Building is federally owned, and at the time of the sit-in operated a cafeteria which was then closed and has remained so. Before other attempts may be made to force this issue by local groups, to the embarrassment of the administration, I would strongly suggest that positive efforts from the Washington level through GSA on the private lessee, Sprayberry, be made to effect the desired result.

*Hubie*

Hubert M. Jackson  
Intergroup Relations Officer  
Atlanta Regional Office, PHA

cc: Dr. B. T. McGraw  
Philip G. Sadler



GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC					
1	Lee White										
2											
3											
4											
5											
<input type="checkbox"/> ALLOTMENT SYMBOL		<input type="checkbox"/> HANDLE DIRECT		<input type="checkbox"/> READ AND DESTROY		<input type="checkbox"/> APPROVAL		<input type="checkbox"/> IMMEDIATE ACTION		<input type="checkbox"/> RECOMMENDATION	
<input type="checkbox"/> AS REQUESTED		<input type="checkbox"/> INITIALS		<input type="checkbox"/> SEE ME		<input type="checkbox"/> CONCURRENCE		<input type="checkbox"/> NECESSARY ACTION		<input type="checkbox"/> SIGNATURE	
<input type="checkbox"/> CORRECTION		<input type="checkbox"/> NOTE AND RETURN		<input type="checkbox"/> YOUR COMMENT		<input type="checkbox"/> FILING		<input type="checkbox"/> PER OUR CONVERSATION		<input type="checkbox"/> YOUR INFORMATION	
<input type="checkbox"/> FULL REPORT		<input type="checkbox"/> PER TELEPHONE CONVERSATION		<input type="checkbox"/>		<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
REMARKS											
<p>I suggest that this memo be directed to John Macy rather than to GSA because Macy called me about the situation recently and is anxious to do something about it. Sending a carbon to GSA should be sufficient to put them on notice that their cooperation is desired.</p> <p style="text-align: right;"><i>Bill</i>      <i>(OK)</i></p>											
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC					
W. L. Taylor											
						TELEPHONE		DATE 1-24-63			

TO: SAC, NEW YORK  
FROM: SAC, NEW YORK  
SUBJECT: [Illegible]

1953

AGENCIES SERVED IN THE PEACHTREE-SEVENTH BUILDING

- Department of Agriculture
- Department of Commerce
- Federal Aviation Agency
- Federal Mediation and Conciliation Service
- Federal Power Commission
- Department of Health, Education and Welfare
- Housing and Home Finance Agency
- FHA Zone Multi-Family Housing
- Public Housing Administration
- Department of the Interior
- Interstate Commerce Commission
- Department of the Navy
- U. S. Marines Corps Reserve District
- Office of Civil and Defense Mobilization
- Selective Service System
- U. S. Atomic Energy Commission
- Office Special Investigations, USAF
- National Labor Relations Board

MEMORANDUM TO: John Macy  
Chairman  
U. S. Civil Service Commission

FROM: Lee C. White

SUBJECT: Cafeterias in Federal Buildings

I have received a memorandum from Atlanta indicating that no progress has been made in the attempt to desegregate a cafeteria located in the Peachtree-Seventh Building. This appears to be the one real sore spot in our otherwise successful effort to establish a policy of nondiscrimination in restaurant facilities located in Federally leased buildings. I would appreciate your advice on whether any ~~step~~ <sup>action properly and</sup> can profitably be taken in this matter.

If you think that a personal visit from the Washington agencies concerned would do some good, ~~please arrange it.~~ <sup>I am certain it could be arranged</sup>

cc: Jack Conway  
Bernard Boutin  
William L. Taylor

THE WHITE HOUSE OFFICE

**ROUTE SLIP**

(To Remain With Correspondence)

TO Mr. William Taylor  
Civil Rights Commission  
\_\_\_\_\_  
\_\_\_\_\_

**PROMPT HANDLING IS ESSENTIAL.  
WHEN DRAFT REPLY IS REQUESTED  
THE BASIC CORRESPONDENCE MUST  
BE RETURNED. IF ANY DELAY IN  
SUBMISSION OF DRAFT REPLY IS  
ENCOUNTERED, PLEASE TELEPHONE  
OFFICE OF THE SPECIAL COUNSEL.**

Date Jan. 22, 1963

**FROM THE SPECIAL COUNSEL**

**ACTION:** Comment \_\_\_\_\_  
Draft reply \_\_\_\_\_  
For direct reply \_\_\_\_\_  
For your information \_\_\_\_\_  
For necessary action \_\_\_\_\_  
For appropriate handling \_\_\_\_\_  
See below ~~xxx~~ \_\_\_\_\_

Would you please suggest a memo to GSA?

**Remarks:** Memo from Jack Conway, Deputy Administrator of Housing and Home Finance Agency re cafeteria integration problem in Atlanta, Ga. and problems contained in note from Mr. Hubert Jackson, Intergroup Relations Officer, Atlanta Regional Office, PHA. 12/7/62

By direction of the President:

*Lee C. White*

Lee C. White

Assistant Special Counsel to the  
President

THE WHITE HOUSE  
WASHINGTON

NOTE TO KENNEDY FILES

This is the letter President Kennedy from Mr. William Moore, the Baltimore, Md. postman, who started on a walk to Alabama and was killed enroute.

The letter was never answered and did not reach the President's personal attention until after Mr. Moore's death. I would assume, however, it should be retained in President Kennedy's permanent files.

Lee C. White

3/26

433 East 25 Street  
Baltimore 18, Maryland  
March 22, 1963

President John F. Kennedy  
The White House  
Washington, D.C.

Dear Mr. President:

I have just finished walking from Baltimore, Maryland to the White House. I am a mailman, and this is the farthest I have ever walked to deliver a letter. Recently I walked from Baltimore to the State Capitol at Annapolis with an appeal for more effective Civil Rights legislation.

It is not so much that I need the exercise as that I must do what I can toward achieving human brotherhood. Walking and letter delivering are my so-called "professional skills," as legislation and administration are yours - and we must do the best we can with the abilities that we have.

Two of my great-grandfathers from Mississippi fought for the South in the Civil War. I was raised for seven years in that state; relatives of mine live there and in Alabama, Georgia, Florida, Tennessee, Arkansas, and Texas. The South is like my second home. I used to think as they now think. But I have had the advantage of living most of my life in states with greater racial tolerance; I am now employed in your totally integrated Post Office Department. I can see the harm to the white man as well as to the Negro, where racial prejudice and denial of civil rights is the custom.

So within the next month or two, I will start walking from the White House here, destined for Mississippi, with these signs on my back saying END SEGREGATION IN AMERICA and EQUAL RIGHTS FOR ALL MEN. If I may deliver any letters from you to those on my line of travel, I would be most happy to do so.

At this moment I have neither sufficient accumulated vacation time nor adequate funds to complete this proposed thousand mile journey. It is my hope that if I get started and walk for a week or two, that somehow the means to finish my walk will be made available. I don't believe that any similar walk has ever been undertaken before, and I have the legs to do the job.

Sincerely,  
*William L. Moore*  
William L. Moore

*P.S. The guard at the gate said I could not go in (I wanted to meet you!) and he did not accept letters, so to drop it in the mailbox! These cross country walks are gratifying, nevertheless.*

*To adjust my budget & vacation time, instead of walking 1000 miles from here, I will probably walk only from Chattanooga, Tenn to Jackson, Miss. (over)*

(2)

Probably in May. For my part, the Deep South walks will be as peaceful as my Maryland ones, but should I have your brother's phone number just in case?

I wanted to tell you personally - if we met - that whatever you or I may do or not do, segregation is doomed - provided only that the human race survives that long. But I am not so sure that we will live out even this century. And whether we do or not - what you do or do not do may well make the difference. Keep up your fight against the Cuban war tanks. God read over your Senate speeches on Vietnam!

Best wishes,  
Bill Brown

August 29, 1962

Dear Mr. Walker:

Thanks for sending along the copy of  
the Albany Manifesto.

There is still no further word on the  
matter we discussed by telephone,  
but I will be in touch with you im-  
mediately upon my return.

Sincerely,

Lee C. White  
Assistant Special Counsel  
to the President

Mr. Wyatt Tee Walker  
Southern Christian  
Leadership Conference  
41 Exchange Place, S. E.  
Atlanta 3, Georgia



5001 15 JAN 63

41 Exchange Pl., S. E.  
Atlanta 3, Ga.  
Telephone 524-1378



## Southern Christian Leadership Conference

Martin Luther King Jr., *President*

Wyatt Tee Walker, *Executive Director*

August 24, 1962

Mr. Lee White  
White House  
Washington, D. C.

Dear Mr. White:

Enclosed are copies of the Albany Manifesto we discussed over the phone Thursday, August 23rd.

Sincerely,

Wyatt Tee Walker

WTW/dg

Enclosures

ALBANY MANIFESTO

The Albany Movement totally rejects the response of the city of Albany toward its requests as transmitted through Chief of Police Laurie Pritchett. We have discovered over the last six months that it is the intention of the city fathers to maintain the system of segregation throughout the community regardless of the constitutional rights and just demands of the Negro community.

We have learned through bitter experiences that Chief Pritchett has not the power to keep or make the decisions for which he is purportedly responsible. We submit a long history of doubletalk, unkept promises, subtle intimidation and lack of integrity as it relates to the just resolution of our grievances against the system of segregation as it exists in our city.

WHEREAS we insist it is our right under the Constitution and the Bill of Rights to peacefully protest our grievances, and whereas no Negro can exercise that right without provoking arrest and conviction, be it therefore resolved that we shall never bargain away our First Amendment privilege to so peacefully protest; and

WHEREAS there remain more than 700 cases presently pending on the docket of the Recorder's Court since December of last year which have not yet been adjudicated, we demand under the Sixth Amendment as interpreted thru the Fourteenth Amendment be granted a fair and speedy trial at once or be summarily discharged from prosecution;

WHEREAS there continues only intermittent compliance with the ICC ruling which became effective as of November 1, 1961 at the city bus terminal, we do further resolve that we petition the Attorney

M O R E

Albany Manifesto #2

General of the United States to initiate immediately a suit pursuant to Federal Court injunctive order to restrain public officials or private interests from interference with the use of all such facilities; and

WHEREAS desegregation is the order of the day and with the support of the Constitution, the Supreme Court of the U. S., the climate of world opinion, the moral order and the laws of God, we resolve to address all of our energies to the removal of every vestige of segregation from our midst; and

WHEREAS Christian nonviolence has demonstrated its power in application, technique, and discipline, we resolve that the instruments with which we work shall be those alone that are consistent with nonviolent principles; and

WHEREAS the inspiration and support afforded to the Albany Movement by Dr. Martin Luther King, Jr., Dr. Ralph D. Abernathy, the Southern Christian Leadership Conference, Student Nonviolent Coordinating Committee, National Association for the Advancement of Colored People and other individuals and organizations similarly dedicated, we do resolve to make a career, publicly and privately, that they are here by invitation and we heartily welcome their presence; and

WHEREAS in some quarters of the community, state and nation there are spurious reports of a truce, we do resolve that all may know there is no truce and we band ourselves together to do whatever must be done to deliver the death-knell once and for all to the system of segregation in the city of Albany, Georgia with earnest hope that the example we set here shall spread across the South.

#